

**DEATH, DISABILITY AND BIOPOWER: A FOUCAULDIAN ANALYSIS OF
EUTHANASIA OR MERCY KILLING IN THE FILM *GUZAARISH***

Ms. Aparna

Ph. D. Scholar

Dept. of English and Cultural Studies

Panjab University, Chandigarh

aparna25malik@gmail.com

Abstract

*Disability has always been tended to be theoretically conceptualized with marked fluidity because of the myriad explanations of the phenomenon. Curiously, Foucault's genealogical investigation into the concepts of disability and death not only enlightened such debate but also brought into focus the concept of biopower. Biopower, a debatable instrument in the hands of the modern day governments, intervenes in order to administer the life of its citizens e.g lowering or modifying the mortality rate, stimulating the birth rate, etc., so that some sort of equilibrium in the society can be achieved. In this respect, the issue of death, much less the debate over mercy killing or euthanasia vis a vis the extent of biopower becomes pertinent, especially when Foucault suggested that within society, the power relationships manifest themselves over the physical body. The Indian cinema, first raked up the controversy over euthanasia through the film *Guzaarish*. The film reflects the suffocating situation and pain which the quadriplegic Ethan Mascarenhas, 'the disabled' protagonist goes through and generates debate on the issue of right to decide on one's life. This paper, thus, shall discuss the sensitive and controversial issue of euthanasia or mercy killing with reference to the film *Guzaarish* in the light of Foucault's concepts of biopower, death and disability.*

Keywords: Biopower, Biopolitics, Euthanasia, Mercykilling, Power, Death, Foucault.

The term "euthanasia", coined by Sir Francis Bacon is also generally known as 'mercy killing'. It has been derived from the Greek words 'eu' and 'thanotos', which literally

stands for 'good death'. It is further categorized into two types- Active Euthanasia and Passive Euthanasia. In Active Euthanasia, a person intervenes to end someone's life using lethal substances or forces. e.g. administering a lethal injection to end life. Whereas in case of **Passive Euthanasia**, a person causes death by withdrawing treatment that is essential to maintain life. e.g. stoppage of life saving drugs, removal of life support system, etc.

In ancient times, euthanasia was defined as a form of suicide in which a physician allowed his patient to die due to their suffering from an incurable, painful disease or medical condition. In this respect, it can also be considered as a 'relation of abandonment' (Agamben 4) or 'letting die' (*Society* 31). Therefore, the history of euthanasia is also a part of the history of the attitudes towards suicide/death. Logically, it can be said that the relationship between political power and suicide/death had always been very problematic since ancient times (Gillon 174).

The present film *Guzaarish* incited debate on mercy killing in India much before the law on euthanasia in India came into force. Sanjay Leela Bhansali, the film director gave reason for such a controversial subject by stating that "My research showed that mercy killing was prohibited by law in many countries including India. Almost a year of studying the super-sensitive subject, I concluded that every human being should have the right to die with dignity. The pain and suffering and the dignity with which I bore them prompted me to make a film on mercy killing". He further added, "I remember when I had made *Guzaarish*, there was plenty of hue and cry over my plea to allow the irreversibly ailing to end their lives." The selected film revolves around a former magician named Ethan Mascarenhas who has been shown to be a quadriplegic due to an accident for more than a decade. During this period of pain and suffering, he has successfully written books, becomes the Radio Jockey of an FM Station called *Radio Zindagi*. His caretaker Sophia D'Souza has taken care of him for the past twelve years. On the fourteenth anniversary of his accident, Ethan with the help of his best friend and lawyer, Devyani Dutta, decides to file an appeal to the court for mercy killing. Devyani agrees with Ethan's reasoning and showing sympathy to his cause fully backs him in the court. Not only this, Ethan's physician Dr. Nayak who earlier vehemently opposed his case finally relents to Ethan's appeal when he realizes that the friend in him precedes over the medic. The case is duly filed by devyani but on the fateful day of verdict Ethan's plea is

rejected by the court citing the legal implications involved. The 'legal implications' was understood to be a grey area which incited debate among various stakeholders including governmental nod.

The film raises the fundamental question: whether the debates concerning euthanasia or mercy killing break the system of biopower or are they simply add to the existing debate? The aim of this article thus is to establish a debate over mercy killing in a biopolitical context with the juridico-medical form of biopower influencing issues of life and death.

In this context, Foucault's work concerning disability studies which theorizes body as a completely and unquestionably politicized space holds importance. According to Rosemarie Garland Thomson : "the disabled body represents the incomplete, unbounded, compromised, and subjected body susceptible to external forces: property badly managed, a fortress inadequately defended, a self helplessly violated" (45). Foucault too believes that the reality of disability is socially constructed and that's why he undertook upon himself the task of identifying the forces that produce them. His work thus attempts to "expose a body totally imprinted by history and by the process of history's destruction of the body" ("Nietzsche" 357). It is true that disability is often characterized by discrimination, emotional and social, resulting in the fact that the affected individual is frequently not able to achieve certain psycho-social needs in the usual manner. Which results into adjusting to life with disability a difficult proposition for the disabled. In this environment, clamour for death in case of extreme pain and suffering becomes a natural corollary for the person with disability. Just as society holds strings to the treatment of a disabled person , its sway on the death of individual especially with disability assumes paramount significance in today's world. Historically society has exercised its power over individuals through various instruments 'sovereign power', 'disciplinary power' or 'biopower'. In this respect Foucault's genealogical investigation into disability throws some light on the issue.

Foucault first raked the debate on the concept of Sovereign power, which according to him was joined essentially to the body of the King. His body had dual images of the tangible physical body of the sovereign as well as and an intangible rigid body indicative of the kingdom itself (*Discipline* 29). Hence laws in pre-modern society mirrored the immutable will of the sovereign and any incident involving the infringement of these laws thus not only

violated the immediate victim but also launched an attack on the sovereign himself. Foucault claimed that this sovereign power consisted in the King's power to acquire or even confiscate by authority anything including the lives of his citizens especially when they constituted an explicit threat to his authority. But this exercise of authority was accompanied sometimes with use of force i.e. even persecution and execution. Punishment was thus the most obvious manifestation of the sovereign's power, an unambiguous tool by which the authority exacted retribution so as to draw his subjects attention to the imbalance created due to the subject's infringement of laws and the challenge to all-powerful sovereign (49). In other words, the sovereign did not stand for the welfare of its people. Rather, he acted to defend only his ownership of his land and whenever the clash existed between the two, the former took precedence.

According to Foucault, in the seventeenth and eighteenth centuries the sovereign power underwent major transformation and reemerged as a new mechanism of power which contained very specific procedures. Foucault labeled this new type of power as disciplinary and while he acknowledged its earlier presence in isolated examples, he highlighted the fact that, in modernity, this type of disciplinary power extended its influence from cantonments to nearly every social institution. The crux of disciplinary power, according to Foucault, thus lies in its exact manipulation of the body so as to leave them both useful and docile. (*Society* 249). In essence, disciplinary power separates power from the body. In fact, according to Foucault, the disciplinary power is inseparably linked to the human knowledge especially the fields of sciences that make the individual the object of study e.g. sociology, psychology, psychiatry, and medicine. This human knowledge together creates a regime of power which he believes describes and regulates human behavior in terms of norms. But by creating the idea of 'normal', the human sciences thus also intentionally pave the way for the concept of abnormality or deviation. Logically, the more abnormal and excluded one is rendered, the more individual one becomes. The terminal patients, the comatose, convicts, etc. fall into this category. So, it has nothing to do with taking control over one's own life and everything to do with being controlled.

In the second half of the eighteenth century, Foucault identified the emergence of a new phenomenon which he described as a new technology of modern power. According to him,

this new technology could be distinguished from its predecessors i.e. sovereign power and disciplinary power by the way it controls individuals. Whereas Sovereign power can only account for individuals as part of a social body, Disciplinary power influences the individual just as a machine with distinct capabilities and uses. About biopower, he elaborates:

What we are dealing with in this new technology of power is not exactly society (or at least not the social body, as defined by the jurists), nor is it the individual body. It is a new body, a multiple body, a body with so many heads that, while they might not be infinite in number, cannot necessarily be counted. Biopolitics deals with the population, with the population as a political problem, as a problem that is at once scientific and political, as a biological problem and as power's problem I would in fact like to trace the transformation not at the level of political theory, but rather at the level of the mechanisms, techniques, and technologies of power. We saw the emergence of techniques of power that were essentially centered on the body, on the individual body. They included all devices that were used to ensure the spatial distribution of individuals bodies (their separation, their alignment, their serialization, and their surveillance) and the organization, around those individuals, of a whole field of visibility. They were also techniques that could be used to take control over bodies. Attempts were made to increase their productive force through exercise, drill, and so on. They were also techniques for rationalizing and strictly economizing on a power that had to be used in the least costly way possible, thanks to whole system of surveillance, hierarchies, inspections, book-keeping, and reports-all the technology of labor. It was established at the end of the seventeenth century, and in the course of the eighteenth century. (*Society* 241-44)

Thus it is clear that this new mechanism for managing individuals works at the level of a totalizing plane not at the level of individuality. This new technology of power, according to Foucault, operates politically in order to minimize a population's vulnerability to such problems like health, sanitation, birthrate, longevity, and race etc (*The History* 139). As this new technology can no longer merely be described merely as an anatomo-politics of the human body, that's why he labeled it bio-politics of the human race.

Bio-politics hence aims to improve life through regulating, managing, and isolating those elements that threaten our existence. Its purpose is not to modify any given phenomenon as such, [nor] to modify a given individual insofar as he is an individual (*Society* 247). Essentially, it mediates in order to stimulate what ought to be; it seeks to control mortality rate, increase life expectancy, improve the birth rate, etc. Above all things, according to Foucault, bio-politics must establish regulatory mechanisms in order to achieve some sort of equilibrium for each biological process (*Society* 247).

During the classical period, according to Foucault, there was not only a virtual explosion of disciplinary institutions schools, workshops, and hospitals; but also an upsurge in political interest for the specific problems that populations face (*The History* 141). But during the eighteenth century as civilizations began to make a concerted effort to manage these problems, certain totalizing techniques were developed along side of the individuating techniques of discipline. For Foucault, this marked the beginning of the era of bio-power. Biopower is literally having power over bodies; it is “an explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations” (*The History* 140). Foucault elaborates further in his lectures on biopower entitled Security, Territory, Population delivered at the Collège de France in April 1978:

By this I mean a number of phenomena that seem to me to be quite significant, namely, the set of mechanisms through which the basic biological features of the human species became the object of a political strategy, of a general strategy of power, or, in other words, how, starting from the 18th century, modern Western societies took on board the fundamental biological fact that human beings are a species. This is what I have called biopower. (*Security, Territory, Population* 1)

Foucault believes death, in modernity, sounds the end of life, the end of power too., [for] power has a grip on it only in general, overall, or statistical terms (*Society* 24). In a society based upon sovereign power, death was the most public, the most obvious, and the most spectacular manifestation of sovereign authority. Even if one did not die by execution, death still had everything to do with power, as it was ultimately the manner in which one sovereign (the king) was relieved by another (god) (*The History of Sexuality*, 138). But in modern

times, Foucault claims, death becomes the moment when the individual escapes power, the most secret and private aspect of existence (*Society* 35).

Agamben's ideas on sovereignty throws light on how the power in modernity might promote life as well as leave us exposed to death. For Agamben, in every modern state there is threshold at which the decision on life becomes one on death, and hence bio-politics can turn into thanatopolitics (Agamben, 224). He believes power can also abandon bodies, not just invested in it. Noys sums up Agamben's argument that death is not power's limit but the plain on which it ultimately operates (35). According to Agamben, this threshold where any decision on life becomes a decision on death is not static but gradually expanding to areas other than that of political life, e.g. the areas in which the sovereign is seen entering into an ever more symbiotic relationship not only with the jurist but also with the doctor, the scientist, and the priest (228). In modernity, he contends, it is the sovereign who decides on the value or non value of life (Agamben, 231). Logically in the case of the terminally ill or comatose patient that decision has seemingly become medicalized and legalized as it gives a decisive say to both doctors and lawyers.

The concept of death in the form of mercy killing vs. State's authority dealt with in the film kicks up much heat. The film can be considered an exception in the history of Indian filmmaking, as it addresses the issue of euthanasia or mercy killing, that is, in one aspect, new to the Indian spectators and from another, a challenge to the norms of Indian society. Ethan is a quadriplegic locked to a wheel chair for 14 years and is totally agonized remembering the dreams and memories of his glorious past life. Even his successful radio show *Radio Zindagi* where he inspires lakhs of listeners to live despite its share of sufferings, fails to sustain his interest in life anymore. Even the chance of hope that Omar, his student, brings with him who comes to learn the art of magic fails miserably because hope itself has limits as Omar can't replace Ethan and ultimately, it is Ethan's life that is at stake. This is the reason that Ethan finds himself psychologically in the last phase of depression that normally leads to suicide. His state reveals a troubled personality struggling between sadness, doubt in abilities, apportioning blame, and final liberation from life. As a result of swirl of these emotions, he even severs off the last links of his religious devotion to God and he desires for mercy killing to end it once for all. But like suicide, euthanasia or mercy killing is an act that

is forbidden by all religions; God has provided us life and only He can take it back. By law also, such an act is considered a crime against humanity; taking one's life is the responsibility of no one but the Almighty Creator. But Ethan suffering silently in his paralyzed condition for the last 12 years sticks to the thought of euthanasia. To that end, he files an appeal to the court with the help of his lawyer Devyani to be allowed to undergo euthanasia. He asks Devyani, "I have to file petition in court.....my death petition" (*Guzaaarish* 08: 39-43). He also seeks the support of his mother, his doctor and his young friend Omar Siddiqui, to whom he teaches the secrets of wizardry. When his doctor vehemently opposes the idea, a distraught Ethan asks him, "Do you think doctor that science will make such progress.... for me to walk again?" (*Guzaaarish* 11: 07-13). Doctor emphatically says, "No". Doctor insists he has invested 14 years into him so he can't let him go. During the day of hearing on Ethan's petition, Devyani argues for him before Judge saying, "... if a citizen has fundamental right to live then he has right to choose not to live" (*Guzaaarish* 13: 26-31). The court summarily rejects the petition of Euthanasia, thereby affirming the fact that the State still reserves the power to regulate not only life but also the death of its citizens. This showed that the modern State does sit over the cases involving euthanasia which clearly manifests the use of biopower at the behest of the govt. to regulate the affairs of its citizens. And when the court declines to review such an appeal, Ethan is advised by Devyani to gain public support through his daily radio show *Radio Zindagi*. "I want you all to call me and tell what I am demanding is right or not" (*Guzaaarish* 48: 07-14). Maximum no of people say no to his "project euthanasia" launched to drum up support for mercy killing but Estella, Ethan's former assistant agrees to do so. She reasons, "I know a lot of people will misunderstand me, hate me, but I have loved you so much....I do understand your suffering (*Guzaaarish* 53: 55-54:06). His mother initially against her son's decision finally nods and during a cross examination on petition, says that it is Ethan's life, ".....give my son the dignity guaranteed under article 21....I want his suffering to stop (*Guzaaarish* 01: 24:16-25:04).

The scheme meets a success when Ethan's case achieves public notoriety which gives it a chance to be reconsidered by the court. Meanwhile, the hero loses both his mother out of grief for her son's physical and psychological suffering and his nurse Sofia D'Souza who is dragged away by her alcoholic husband. But the court, after listening to the pleas of Ethan,

his close family and friends' opinions, refuses to grant him its legal approval. The court declares, "The demand of euthanasia by Mr. Ethan Mascarenhas is unconstitutional. On the level of humanity, this judiciary appreciates deteriorating health of Mr. Ethan Mascarenhas and reasons for such appeal.....but this court cannot allow anyone to take one's life as per one's will. Therefore relief is denied and this petition is dismissed" (*Guzaarish* 01:47:45-01:48:06).

What is apparent is that the court does not look into such special cases for fear that legalizing it may allow it to be adopted later as a total personal right. Moreover the use of govt.'s discretion in the film *Guzaarish* to allow euthanasia into a law only proved the point that biopolitics or thanatoplitics is a lived reality even in the twenty first century. In 2002, Netherlands earned the distinction of becoming the first country to legalise euthanasia. In India, on 9 March 2018, the Supreme Court of India passed a landmark judgment allowing Passive Euthanasia in the country under strict guidelines. It is a historic law which places the power of decision in the hands of the individual, over government, medical or religious control which sees all suffering as "destiny". But patients are bound to declare through a living will, and must be either terminally ill or in a vegetative state. The verdict was announced in the wake of a case pertaining to Aruna Shanbaug who had been in a persistent vegetative state till her death in 2015 when the Supreme Court of India permitted passive euthanasia by means of the withdrawal of life support to her. This landmark judgment of the Supreme Court of India in March 2018 thus provided legal recognition to passive euthanasia and a new, refreshing interpretation of article-21 of constitution of India. From now on the 'Right to life' included in its fold the 'Right to die' also. What is significant is that though the film *Guzaarish* did win its purported mission with India finally bringing the law in favour of passive euthanasia approximately eight years after its production, it also made the authors of premature obituaries of biopower, bioplitics rethink a great deal.

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