

## **Don't encourage the Grim Reaper**

**Mirko Bagaric From: The Australian September 21, 2010  
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LEGAL euthanasia in the territories could lead to dire consequences for our society, says Mirko Bagaric.

KILLING terminally ill people is an appealing concept until you look at the empirical data on where it takes society. That's why the community should be alarmed by Julia Gillard's support for a conscience vote on a Greens bill enabling the territories to pass laws permitting active euthanasia, a move that would inevitably lead to death tourism to the territories.

We rightly are moved by the requests of some terminally ill people to hasten their death. The minimisation of pain and suffering ought to be one of the main priorities of a civilised society. Moreover, we strongly value the notion of personal liberty and, from the perspective of the parties directly involved in euthanasia (the patient and health worker), the practice is not inherently objectionable. In the case of clear-minded, rational people it will advance their autonomy and sometimes relieve them of considerable pain.

These reasons underpin the euthanasia catchcry of the "right to die". On the surface this sentiment is powerful. This stems largely from the fact we are drawn to rights claims. They are individualising notions and promise to provide us with a sphere of protection from the unwarranted demands of others.

Rights appeal to those of us who have a "me, me, me" approach to moral issues. But buried only slightly beneath such an approach is the inescapable reality that people live in communities; communities are the sum of a number of individuals and the actions of one person (exercising their rights) can have an (often negative) effect on the interests of others.

Thus, in assessing the moral status of any act, it is necessary to look beyond the rights of those immediately affected. There is no moral theory that allows people to exercise their rights in complete disregard of their potential effects on others. It is at this point that the arguments in favour of euthanasia lose their lustre.

The risks of legalising euthanasia do not outweigh the potential benefits. There are two principal adverse side effects of legalising euthanasia.

First, legalising voluntary euthanasia carries the risk that health professionals will commit acts of non-voluntary euthanasia. This perhaps can be addressed by stringent safeguards. The empirical evidence, however, suggests otherwise. One of the few nations where

euthanasia is legal in The Netherlands. This is also the nation where the practice is most widespread. Two wide-ranging studies in the 1990s revealed alarming levels of abuse in relation to end-of-life decisions. Each of the studies showed that in a climate where voluntary euthanasia is condoned, abuse is prevalent. There were about 1000 instances of non-voluntary euthanasia (that is, where death was caused without the patient's consent) in each study, and in the first study 27 per cent of doctors admitted to terminating a patient's life without their request.

Why did this happen? This involves some speculation. However, what is clear is that it is not because of a general insensitivity or callousness among the Dutch towards issues of life and death. On any measure, the Dutch are compassionate, inclusive and caring; in fact, they donate more than twice as much as Australians to the developing world.

Perhaps Britain's House of Lords select committee on medical ethics, in its report examining the issue of euthanasia, identified the reason for the widespread abuse: "Issues of life and death do not lend themselves to clear definition, and without that it would be impossible to ensure that all acts of voluntary euthanasia were truly voluntary, and that liberalisation of the law was not abused."

The final, related, argument against euthanasia is that legalisation carries the risk that it will foster or instil the notion that some lives (namely, those of the terminally or gravely ill) are less valuable than others. This sets an undesirable precedent.

Followed to its logical conclusion, it would leave the door ajar for similar arguments to be made in relation to all people whose capacity to flourish is for some reason (physical, mental or social) gravely impaired.

There is no principled basis for distinguishing between qualitative and quantitative impairments. If reduced life expectancy is seen as a basis for less value being attached to life, then why should the same not apply to other handicaps or disadvantages?

Society does not regard deliberate killing as a solution to any (other) personal problems. We do not kill the miserable, depressed or evil.

This is because of the supreme value placed on all human life. Problems are not cured by killing people. So it should be in the case of euthanasia.

Perhaps adequate safeguards could be implemented to prevent voluntary euthanasia leading to non-voluntary euthanasia, and perhaps we could be adequately conditioned into accepting that deliberate killing in one context does not implicitly cheapen the value of all (or some other) human life. However, we should tread carefully in condoning practices that suggest some lives are not as valuable as others.

This approach will seem insensitive to those desperately seeking a quiet and peaceful exit. It is an unfortunate aspect of morality that there are times when each of us will have

their interest set back to promote or maintain the common good. This is, however, an indispensable part of living of in a community.

We need to entrench a culture of life, not erode it. This will enhance all our lives, as indeed it enhances the existence of those whose lives are tragically cut short.

Yet we cannot ignore the pleas of those in pain.

The compassionate way to address calls for euthanasia is through an increased commitment to the dying. In many cases this means better pain and depression management.

People contemplating euthanasia should not be encouraged to do so. They should be told that their life continues to have immense meaning and it would be a tragedy if it were to be deliberately cut short.

***Mirko Bagaric, a professor at Deakin University, is the author of Euthanasia, Morality and the Law (Peter Lang Publishing).***