The Politics of Euthanasia

Robert G. Richardson

Thesis submitted for the degree of

Doctor of Philosophy

in the

Discipline of Politics

School of History and Politics

The University of Adelaide

May 2008
Dedicated to my Mother

&

In memory of Rex Richardson

# TABLE OF CONTENTS

ABSTRACT............................................................................................................................................. VII

DECLARATION ..................................................................................................................................... VIII

ACKNOWLEDGEMENTS ........................................................................................................................ IX

1 INTRODUCTION............................................................................................................................... 1

2 WESTERN RESPONSES TO END OF LIFE CHOICE...................................................................... 12

   INTRODUCTION ............................................................................................................................... 12
   DEFINITIONS ............................................................................................................................... 12
   SUICIDE AND EUTHANASIA IN THE ANCIENT GREEK PERIOD ............................................. 13
   SUICIDE AND EUTHANASIA IN ANCIENT ROME ................................................................. 18
   THE INFLUX OF CHRISTIANITY ................................................................................................. 20
   THE REFORMATION AND BEYOND ......................................................................................... 24
   THE ENLIGHTENMENT PERIOD ................................................................................................. 28
   EUTHANASIA IN THE 20TH CENTURY .................................................................................... 30
   NAZI GERMANY’S ‘EUTHANASIA’ PROGRAMME ..................................................................... 32
   THE US END OF LIFE DEBATE 1940s–2007 ........................................................................... 34
   THE AUSTRALIAN END OF LIFE DEBATE: 1950s–2007 ......................................................... 45
   END OF LIFE CHOICE IN THE NETHERLANDS, BELGIUM, AND SWITZERLAND .......... 52
   CONCLUSION ............................................................................................................................... 55

3 CONTEMPORARY EUTHANASIA ISSUES......................................................................................... 58

   INTRODUCTION ............................................................................................................................... 58
   THE SANCTITY OF LIFE AND QUALITY OF LIFE DEBATE .................................................. 59
   THE DIGNITY ARGUMENT ............................................................................................................. 61
   THE EXTRAORDINARY MEASURES ISSUE .................................................................................. 62
   PAIN MANAGEMENT DILEMMAS ............................................................................................... 64
   THE DOCTRINE OF DOUBLE EFFECT ....................................................................................... 68
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>THE ISSUE OF DEPRESSION</td>
<td>70</td>
</tr>
<tr>
<td></td>
<td>THE DOCTOR–PATIENT RELATIONSHIP</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>THE SLIPPERY SLOPE DEBATE</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>THE NAZI CONNECTION</td>
<td>81</td>
</tr>
<tr>
<td></td>
<td>CONCLUSION</td>
<td>84</td>
</tr>
<tr>
<td>4</td>
<td>EUTHANASIA AND MILLIAN LIBERALISM</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td>INTRODUCTION</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td>LIBERTY AND HUMAN FLOURISHING</td>
<td>87</td>
</tr>
<tr>
<td></td>
<td>THE PURSUIT OF PROGRESS</td>
<td>89</td>
</tr>
<tr>
<td></td>
<td>LIBERTY AND THE SLIPPERY SLOPE</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>THE LIMITS OF LIBERTY – INTERESTS AND HARM</td>
<td>93</td>
</tr>
<tr>
<td></td>
<td>THE SOVEREIGNTY OF THE INDIVIDUAL</td>
<td>95</td>
</tr>
<tr>
<td></td>
<td>LIBERTY AND TOLERANCE</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td>LIBERTY AND VIRTUE</td>
<td>100</td>
</tr>
<tr>
<td></td>
<td>LIBERTY AND HUMAN NATURE</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>THE PROBLEM OF MORAL AMBIGUITY</td>
<td>103</td>
</tr>
<tr>
<td></td>
<td>THE ISSUE OF ABORTION</td>
<td>106</td>
</tr>
<tr>
<td></td>
<td>VULNERABLE PATIENTS</td>
<td>109</td>
</tr>
<tr>
<td></td>
<td>A KANTIAN ALTERNATIVE?</td>
<td>111</td>
</tr>
<tr>
<td></td>
<td>CONCLUSION</td>
<td>113</td>
</tr>
<tr>
<td>5</td>
<td>A UTILITARIAN AND COMMUNITARIAN ANALYSIS OF AVE REFORM</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>INTRODUCTION</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>UTILITARIANISM</td>
<td>116</td>
</tr>
<tr>
<td></td>
<td>A UTILITARIAN RESPONSE TO END OF LIFE SUFFERING</td>
<td>118</td>
</tr>
<tr>
<td></td>
<td>UTILITY AND MORALITY</td>
<td>124</td>
</tr>
<tr>
<td></td>
<td>A LOOMING MEDICAL RESOURCE SHORTFALl</td>
<td>129</td>
</tr>
<tr>
<td></td>
<td>UTILITARIANISM AND EXPENDABLE INTERESTS</td>
<td>131</td>
</tr>
<tr>
<td></td>
<td>A COMPASSIONATE ALTERNATIVE</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>A COMMUNITARIAN REBUTTAL OF LIBERAL INDIVIDUALISM</td>
<td>133</td>
</tr>
<tr>
<td></td>
<td>A COMMUNITARIAN RESPONSE TO ACTIVE VOLUNTARY EUTHANASIA</td>
<td>138</td>
</tr>
</tbody>
</table>
ERRATA

p. vi 1. 24: replace Ascension with Ratification
p. 7 1. 8 (footnote): replace author's with authors
p. 32 1. 1: replace trial with trial
p. 32 1. 12: replace Professors' with Professors
p. 41 1. 2: replace discernable with discernible
p. 52 1. 3: replace Sutton's with Suttons'
p. 70 1. 1: replace who's with whose
p. 121 1. 11: replace citizen's with citizens
p. 126 1. 10: replace emphasise with emphasise
p. 145 1. 7: replace accommodating with accommodating
p. 157 1. 7: replace want with want
p. 164 1. 5: replace venerate with vindicate
p. 165 1. 8: replace Representative's with Representative's
p. 166 1. 5: replace discrete with discreet
p. 174 1. 2: replace citizen's with citizens
p. 177 1. 12: replace author's with authors
p. 182 1. 14: replace lobbyist's with lobbyists
p. 191 1. 8: replace 'Ashcroft directive' with Ashcroft directive
p. 198 1. 10: delete and
p. 201 1. 5: replace authorities with authority's
p. 207 1. 18: replace exited with excited
p. 212 1. 3: replace venerated with validated
p. 244 1. 12: replace relevant with relevant
p. 247 1. 5: replace want with want
p. 270 1. 7: replace discrete with discreet
p. 270 1. 12: replace discrete with discreet
p. 278 1. 6: replace Nazi's with Nazis'
p. 287 1. 3: replace Ascension with Ratification
p. 288 1. 15: replace lay with lie
p. 289 1. 2: replace Collin's with Collins
p. 289 1. 4: replace Green's with Greens
p. 294 1. 12: replace forebear with forbear
ABSTRACT

This thesis argues that the topic of active voluntary euthanasia (AVE) has been significantly neglected in existing political studies research, despite the fact that AVE reform raises fundamental questions about the scope and application of political authority.

While this is predominantly a politics thesis in its focus, the thesis also draws when necessary on the broader scholarly literature on AVE, including literature fields such as ethics, as well as on broader public debate and the views of politicians. The thesis also examines, and engages with, the views of relevant traditional and contemporary political theorists including John Stuart Mill, Jeremy Bentham, and Amitai Etzioni. Whilst it will be acknowledged that liberal and utilitarian principles have helped shape and inform the AVE reform debate, and have useful contributions to offer, it is maintained that neither of these approaches provide a suitably comprehensive guide to policy. The thesis argues that communitarianism’s emphasis upon the communal good provides an indispensable counterbalance to potential problems that can arise with some other approaches, including excessive individualism and the uncertainties of moral subjectivism.

More particularly, it is suggested that without an ongoing commitment to the principles of self restraint and ‘other regarding’ beneficence, legalised euthanasia could pose a serious threat to the welfare of vulnerable citizens. This is a point of view that is also expressed by many religious critics of AVE and it is argued that pro-choice advocates have relied unduly upon the separation of Church and State principle to deflect a legitimate criticism. Although it is conceded that a commitment to secular liberal–democratic principles is at odds with a legislative prohibition against the popularly endorsed option of last resort (beneficent) AVE it is, nevertheless, maintained that the concerns of these and other critics should not be ignored. Indeed, an examination of various case studies highlights the importance of ensuring a balance between individual autonomy and adequate legislative safeguards. Case studies examined include John Ashcroft’s controlled substances intervention in Oregon, US Congressional action to preserve the life of persistent vegetative state patient Terri Schiavo and Australian anti-suicide / active euthanasia legislation, particularly the Northern Territory’s Rights of the Terminally Ill Act.

The conclusion of the thesis not only pulls together the key arguments regarding AVE but also highlights the insights which the AVE debate can provide for understanding broader issues in political theory and practice, particularly in regard to the rights of the individual and the responsibility of the state to legislate for the collective good.
DECLARATION

This work contains no material which has been accepted for the award of any other degree or diploma in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text.

I give consent to this copy of my thesis, when deposited in the University Library, being made available for loan and photocopying, subject to the provisions of the Copyright Act 1968.

Robert G. Richardson

16 May 2008
ACKNOWLEDGEMENTS

I wish to express my sincere thanks to Professor Carol Johnson for her insightful advice and support in the creation of this thesis. My appreciation is also extended to Dr. Greg McCarthy for his constructive comments on aspects of this work, and to Chris McElhinney for her administrative support.

Special thanks are also extended to my mother for her indispensable encouragement throughout this project.