

Submission to Joint Select Committee on End of Life Choices

Inquiry into the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices

This submission expresses in broad terms a questioning of the need for laws to facilitate personal choice for assisting dying in Western Australia. It argues that our Western Australian community needs to safeguard and promote the human solidarity and mutual respect that exists between the individual and society. This paper communicates some of the experience of the Disciples of Jesus Covenant Community (DoJ Community) in the matter of dying. The submission makes use of other experiences and philosophical approaches to support the urgent need for more palliative care options to help each dying person achieve a meaningful and peaceful *natural* death.

The DoJ Community is a Catholic organisation predicated on relationships; relationship with God and relationship between people. Here in Perth, the DoJ Community is only one branch of a community that is in Indonesia, the Philippines and in Papua New Guinea, as well as in other parts of Australia. The individual person who chooses to be a member is prized as a gift from God to the other members, with gifts to share and needs to be served by the members so that no one will “be in want.”¹ It is from this principle in our Community doctrine that we wish to argue for a society that sees the need for individual freedom and common liberty as mutually interdependent, especially in matters of life and death.

As Western Australians, the Perth branch of the DoJ Community is very concerned about the issue of euthanasia and the potential for its legalisation in this State. The idea that laws facilitating an individual person’s decision to die should be enacted is too fundamental a shift in the social contract that exists between an individual and the society that ensures that individual’s freedom, within reason, to make choices. It would seriously damage Western Australian society to allow any individual to create a precedent which leads them or others to question the value of their own life on earth at any time, leading up to the moment of their natural death. No one is a truly autonomous individual whose personal actions, however well intended, cannot have its effect on those around them. It is a far more valuable thing for our society to increase funding and awareness of palliative care than it is to assist people to take their own lives.

A Philosophical Approach

Jean Vanier, the founder of L’Arche, an international community of disabled and non-disabled members, clearly articulates the incredible significance of the human person as a social being.

L’Arche is based on body and on suffering bodies. And so, they are seen as useless, and so we welcome those who apparently are useless. And it’s a suffering body which brings us together. And it’s attention to the body. You see, when somebody comes to our community and is quite severely handicapped, what is important is to see that the body is well. Bathing, helping people dress, to eat. It’s to communicate to them through the body. And then, as the body can become comfortable, then the spirit can rise up. There’s a recognition. There’s a contact. There’s a relationship.

¹ The Covenant of the Disciples of Jesus Community (available on request)

We see this with some of our people, like Françoise. Françoise came to our community in 1978, very severely handicapped. She couldn't speak, she could walk a bit, she couldn't dress herself, she was incontinent, and she couldn't eat by herself. And today, she is nearly 30 years older. She has become blind and a beautiful person.

There was somebody who came to our community not too long ago who was, saw Françoise and the reaction was, "Oh, what is the point of keeping Françoise alive?" And the leader of the little house said, "But madam, I love her." I mean, it's as if you come in to a home and grandma is in the home and she has Alzheimer's and you say, "What is — but she's my grandmother." I mean, so it's based on the body, and then from the body, relationship grows.²

The great concern of the DoJ Community is that, under and any scheme of voluntary assisted death, chronically disabled and terminally ill persons will start to see themselves as a burden to others and close themselves off from the self-giving of their presence. The so called voluntary nature of assisted death would then become tainted by a sort of objectification of their situation as an evil or a tragedy, when dying is in fact the most natural process in the world and one to be shared in sorrow and in compassion with significant others.

Martin Buber³, the Jewish philosopher, speaks of the "I-Thou" relationship, where the individual sees others subjectively as beloved or valuable. He goes on to talk of how this can sometimes be turned to "I-It" when something intervenes to reduce the Thou to an It; an objectification which is sterile and self-immolating. We can apply this reasoning to a situation where a person who expected to slowly pass away in palliative care under the caring support of health professionals and family and friends, suddenly discovers that there is a legal technology available to intervene and shorten death. A precipitate decision for this path reduces the very human experience of dying to a *fait accompli*. Any subsequent cultural acceptance of this as normal will change the human attitude to death into something to be facilitated and hurried as soon as practicable just as many other medical procedures in society have become.

The Catholic philosopher, Gabriel Marcel⁴, uses the concepts of 'primary and secondary reflection' to analyse the situation where an individual tends to first objectify a challenging situation as threatening and then moves to action to eliminate the problem. By doing this, the individual closes themselves off from other possibilities and becomes 'unavailable.' Then by a second reflection, that same person notes the opportunities these threats and challenges can have and then decides to find a way forward that is less aggressive and more accepting of the 'mystery' of life, as it were, in the situation. Any person then, who considers the opportunity for voluntary assisted death as the only possible way to achieve a cessation of suffering and to find peace, could yet find another way to see their natural passing as a prospect for building strength and resilience in others they love. They then have become "available" to the

² On Being, Interview -Krista Tippet with Jean Vanier, May 28, 2015 <https://onbeing.org/programs/jean-vanier-the-wisdom-of-tenderness/> (accessed 20/10/2017)

³ Stanford Encyclopedia of Philosophy "Martin Buber" Dec 4, 2014 <https://plato.stanford.edu/entries/buber/> (accessed 23/10/2017)

⁴ Stanford Encyclopedia of Philosophy "Gabriel Marcel" Mar 3, 2016 <https://plato.stanford.edu/entries/marcel/> (accessed 23/10/2017)

world and to others. In many ways this takes more courage than seeking a quick and easy death.

The Witness of our Dying Members

The DoJ Community has had several members die since it started in Perth in the late 1980's. One young man who passed away from terminal brain cancer was greatly cherished by our members. He was present at one of our men's small group meetings right up to a few weeks before his death. Though he soon lost the power of speech, he was attentive to all the brothers who were talking around him. He would often indicate to us by squeezing our hands as to whether he wanted a drink, a urine bottle or a back scratch. It was far from a macabre or strange situation. He was an integral part of our community even in his reduced capacity to communicate or to participate physically in our activities. It was a bond of mutual love and it made us stronger as a community to have him share his weakness with us.

Another precious member of the DoJ Community was an older lady, who had suffered disability for many years with hips and joints removed. Wheelchair bound she was often served by other members. Yet she repaid much more by being a powerhouse of prayer and encouragement to others. At last, when she retired to a nursing home, she still exercised her membership by making herself available to others for prayer requests. She was an image of the patient Christ among us. As she was dying, she was surrounded around the clock by family, friends and the DoJ Community; a circle of solidarity and love.

There are other members and ex members whose patient and dedicated dying process gave hope and inspiration for many. They would not rob us of valuable time with them or the witness of courage in the face of death, by requesting an early end to their lives. The DoJ Community believes that these members perfectly illustrated the significance of their calling to make their lives into a gift to others. With Liz Carr, actress, and disability advocate and atheist, we believe that "the value of a life is not just in its physicality but in our relationships with those around us."⁵ We certainly fear that any attempt to legalise assisted death will radically change society's supportive attitude to chronically disabled and terminally ill people by encouraging it to see assisted death as a significant option.

Conclusion

Death comes to us all. Those who die today walk a path we all will tread one day. What is needed most of all in human society is for people to see their passing as a participation in the mystery of human existence which is far from individual but a deeply societal act. To this end, a massive increase in palliative care, which takes a wholistic approach to the assistance of the dying is far more necessary than any current consideration of voluntary assisted death. **We urge this Joint Select Committee to turn their mind to the question of how to help the dying to die well and not to die early or out of fear of dying in pain.**

⁵ Liz Carr 'Legalising assisted dying is dangerous for disabled people. Not compassionate.' September 9 2016 <https://www.theguardian.com/commentisfree/2016/sep/09/legalising-assisted-dying-dangerous-for-disabled-not-compassionate> accessed 22/102017

We will leave Gerard Manly Hopkins, Jesuit priest and poet, with our final thoughts. He expresses the power of human solidarity with the dying in his poem, *Felix Randal*⁶ and his words express the impact of a truly good death on a caring person. He is saying that the dying person is blessed when they accept their mortal destiny and we that live are ennobled when we attend the sick, disabled and dying and this is precious to the very end.

*Felix Randal the farrier, O is he dead then? my duty all ended,
Who have watched his mould of man, big-boned and hardy-handsome
Pining, pining, till time when reason rambled in it, and some
Fatal four disorders, fleshed there, all contended?*

*Sickness broke him. Impatient, he cursed at first, but mended
Being anointed and all; though a heavenlier heart began some
Months earlier, since I had our sweet reprieve and ransom
Tendered to him. Ah well, God rest him all road ever he offended!*

*This seeing the sick endears them to us, us too it endears.
My tongue had taught thee comfort, touch had quenched thy tears,
Thy tears that touched my heart, child, Felix, poor Felix Randal;*

*How far from then forethought of, all thy more boisterous years,
When thou at the random grim forge, powerful amidst peers,
Didst fettle for the great grey dray horse his bright and battering sandal!*

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Mr Daniel O'Connor BA Hons. Grad Dip Ed. JD

For Disciples of Jesus Covenant Community (Perth)

⁶ Gerard Manly Hopkins SJ *Felix Randal* Poetry Foundation
<https://www.poetryfoundation.org/poems/44394/felix-randal> (accessed 22/10/2017)