

## Euthanasia

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# JURISPRUDENCE

## EUTHANASIA

Recently the Euthanasia Society of American petitioned the New York legislature to legalize voluntary euthanasia. The supporters of this proposed legislation put forth the following arguments: 1.) Because man has an inalienable right to live, therefore he has the same right to choose to die; 2.) For those unfortunates who are suffering from painful incurable diseases it is only humane to put them out of their misery; 3.) Since many doctors practice mercy killing, they should be protected from legal suit.

It is well to examine these arguments and see if they warrant the adoption of the proposed legislation. First, the problem of human rights. If it is assumed, as the Declaration of Independence did assume, that all human rights come from God, then if man assumes to take human life, even his own, he assumes a prerogative which belongs to God alone. It has always been recognized in our common law that the state has no right over human life except as a deterrant and punishment for crime. In times of war where the state is justified in sending a man into hazardous conditions it exercises only an indirect right over his life. The individual likewise has no right over human life except in self defense of his own life.

It should be clearly recognized that euthanasia has no justification but in atheism, and has no parallel in barbarism under the common law which in the eighteenth century directed men to be hung for forgery and petty thievery. The legalization of euthanasia recognizes the right of the state to exercise the power of life and death over all its citizens, without regard to any relation between their voluntary conduct and the public interest. Voluntary euthanasia is only one step removed from involuntary mercy killing by the state, and perhaps two steps from killing for any reason considered by the state to be in the public interest. Because man has no natural right to take his own life or the lives of others and the state cannot possess that right, legalization of voluntary euthanasia is immoral and contrary to the natural law.

Second, so called humanitarian motives never justify the taking of human life. This was the theory behind Hitler's eugenic laws which we have recognized as contrary to the natural law. To accept the principle that human life can depend upon what the state deems merciful, is to abolish man's right to life and place it in the hands of a few who, through emotion or distorted ideas of mercy, may determine who shall be killed and who shall live.

Thirdly, the fact that some practice illegal and immoral acts can never be said to justify them.

This type of legislation assumes that human legislation may take precedence over natural law in matters of fundamental human rights, and that inalienable rights of human beings or immutable standards of morality do not exist. This should be completely recognized by those considering the advisability of such legislation. The results of this assumption are plainly evident elsewhere in the world today, and it is a thesis which runs counter to the main current of the common law and undermines the foundations of our constitutional government.

EARL A. CHARLTON