There were a couple of typographical errors in the submission. Could they be replaced with the following?

Thank you in advance,

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Lev Lafayette, BA (Hons), GradCertTerAdEd (Murdoch), GradCertPM, MBA (Tech Mngmnt) (Chifley)
mobile:  

RFC 1855 Netiquette Guidelines  
http://www.ietf.org/rfc/rfc1855.txt  
For liberty and commonwealth http://isocracy.org

End of Life Choices

Submission of the Isocracy, Inc., to the Legal and Social Issues Committee of the Victorian Parliament Concerning End of Life Choices

1. Status of the Submission

The Legislative Council has ordered the Legal and Social Issues Committee to conduct in an inquiry in the need for laws in Victoria to allow citizens to make informed decisions concerning end of life choices.

This submission was prepared by Lev Lafayette on behalf of the Isocracy Network, Inc. ("The Association"). The Isocracy Network is incorporated in the State of Victoria, Number A0054881M.

2. General Position of the Association

The Isocracy Network is a body dedicated to evidence-based social and political theory, deriving from liberal, socialist, and anarchist thought.

At the Annual General Meeting of the Association on Saturday, 24 November 2012 the Association adopted the following as the first item of its general platform [1].

1. Personal Liberty. Self-ownership, full and exclusive right and responsibility over oneself for adults of adult-reasoning, and by extension, consensus in participation. As John Locke famously wrote, "every man has a Property in his own Person." We are advocates of free speech, within the limits of defamation etc, following Rosa Luxemburg's "Freiheit ist immer Freiheit der Andersdenkenden", ("Freedom is always the freedom for dissenters"), and even includes "destructive" rights (e.g., voluntary euthanasia), as long as third party expert assessment declares the individual as being compos mentis.

This general position is elaborated further in this submission.

3. Bodily Autonomy

People, even to the extent that personhood is a process which includes high levels of socialisation through language, culture, and norms of behaviour, still exist as independent bodies. Individual consciousness
expresses its will throughout active control of this body, as much as the will can do so.

The existence of the self, the combination of the mind and body as an individual whole, also means recognition that other people are in the same situation. The recognition of individual liberty in the self also must mean the recognition of the same liberties in others. Through this reciprocity, personal liberty extends into a social right which is applied equally to all.

Moral and social philosophy is very much in agreement with this principle. It is certainly something that had been embodied, albeit with difficulty at times, in liberal political theory. Rather famously, John Locke remarked:

"... every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, are properly his." [2]

As a whole, this comes down to a matter of body politics, the issue of who controls whose body and what are the justifications for doing so. At this initial point, it is considered a matter of indisputable fact that adults of adult reasoning are capable of making informed decisions in regards to their own bodies. If this is denied the absurdity of contrary position should be self-evident; an individual would be unable to act at all and, lacking a superhuman mind to seek constant advice, would be unable to take directives.

4. Rational Choice

The phenomenological fact of bodily autonomy does, however, have some interesting elaborations and caveats. It recognises the position of unjustly constrained choices, such as a person being forced to make choices in circumstances under duress or coercion, and the possibility of a lack of legitimacy of expressed choices made under those situations [3]. Coercion, duress, and various forms of manipulation, or undue influence represent social limits to rational choice, which is a precondition for an adequate expression of legitimate bodily autonomy.

In addition to these social influences, the matter of cognitive competence also needs to be addressed a priori. In part this is addressed in cognitive and moral developmental psychology in children [4], along with intellectual disability or intellectual developmental disorder in adults. The actual scope of individual ability to competently make a decision is both staged (e.g., preoperational, concrete operations, formal operations) in terms of potential capacity, but exists as a continuum in terms of content.

Finally, in addition to being free from external coercion and having the mental competence to make a decision, a person must be have available as much disclosure on their choices as possible, representing a continuum of knowledge (as no individual has perfect knowledge), where the use of decision aids [5] are particularly appropriate in making end-of-life choices.

5. Current Practises

It is noted that voluntary euthanasia may lead to a prosecution murder or manslaughter under current Victorian legislation [6]. However voluntary passive euthanasia is allowed under the Victorian Medical Treatment Act (1988) which establishes the procedure for patients to refuse medical treatment. Whilst this, and the ability of doctors to provide pain relief which may have the secondary effect of shortening life, do provide options for a number of patients in as form of palliative care, it is noted that for some conditions no palliative care is appropriate.
In recognition of this situation, voluntary euthanasia is allowed in several countries (Belgium, Luxembourg, the Netherlands, Switzerland, Canada, and the U.S. states of Oregan and Washington).

Arguments that voluntary active euthanasia can lead to non-voluntary and involuntary euthanasia ("slippery slope") under the guise of voluntary active euthanasia do not have strong empirical support as a result of such legislation [7].

Arguments for the unforeseen future cures are contraindicated by the lack of such discoveries and by the period of time that suffering continues.

Arguments from religious grounds that hold the sanctity of life above all other considerations are not phrased in a secular manner and thus, even if they have widespread adoption, cannot be imposed as legislation for all Victorians.

5. Recommendations

"And I should like to know Whether I may say the same of another proposition- that not life, but a good life, is to be chiefly valued? - Socrates in Crito, 360 B.C.E

The Association recommends that the Crimes Act be ammended to allow for voluntary active euthanasia as end of life choice where there is hopeless and unbearable suffering for the patient. The Association recommends that this choice be conducted according to the principles of a free and rational choice, as described in this submission.

The Association also recommends consideration of the Groningen Protocol [8], which allows for the active euthanasia on a child under very strict circumstances and where the parents act as a medical proxy for the decision.

6. References

2] John Locke, "Two Treatises of Government, Second Treatise", Section 27, 1689
6] Victorian Crimes Act (1958) (s3., s5., s6B, s22)