

California law allows aid in dying for terminally ill

by [Gloria Goodale](#), [Cathy Lynn Grossman](#) and [Trevor Grundy](#)

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*(The Christian Science Monitor)* After California approved a law allowing the terminally ill to end their lives, joining several other states authorizing that decision, the choice is now available to nearly one in six Americans.

When signing the California law, Gov. Jerry Brown, a former Catholic seminarian, said that he carefully considered arguments on both sides.

“I do not know what I would do if I were dying in prolonged and excruciating pain,” Brown said. “I am certain, however, that it would be a comfort to be able to consider the options afforded by this bill. And I wouldn’t deny that right to others.”

The new law, which takes effect January 1, makes it a felony to pressure anyone to request or take a lethal prescription.

While states such as New York, New Jersey, and Massachusetts are expected to take up similar proposals in upcoming sessions, the issue remains divisive. (A Montana court decision protects doctors who write lethal prescriptions, and a New Mexico case is under appeal.)

In fact, California’s new law could mobilize the opposition, especially faith groups and disability rights organizations who say that such measures disproportionately disadvantage the most vulnerable and marginalized in society.

The states that have laws on assisted dying—including Washington, Oregon, and Vermont—tend to be seen as “out of step with mainstream America,” said James Hoefler, a political scientist at Dickinson College in Carlisle, Pennsylvania, who specializes in end-of-life issues. California is “just not what people look to as the tipping point in this discussion.”

The California law is modeled closely after Oregon’s 1997 law. By giving patients the opportunity to make choices about their care that minimize suffering, the new law

“begins to approximate legislation in more progressive jurisdictions around the globe,” said Christopher Riddle, director of the Applied Ethics Institute at Utica College in Utica, New York.

But critics say that several powerful factors make such laws problematic.

Eugene Rivers, president of the Seymour Institute for Black Church and Policy Studies in Boston, said physician-assisted dying has a disproportionate impact on poor black and brown communities.

“The passage of the assisted-suicide bill can serve to be a wake-up call to people of faith who are committed to protecting the sanctity of human life,” he wrote in an e-mail.

There are long-standing concerns that assistance in dying would be offered in lieu of care, especially for vulnerable populations.

Still, there has been no evidence of abuses in any of the states with aid-in-dying laws in place, Hoefler said.

In fact, he says, the opposite has occurred. “Those taking advantage of assisted suicide tend to be white, well insured, well educated, and well cared for,” he said. (Some 93 percent of those asking for aid in dying in Oregon last year were enrolled in hospice.)

In its 2014 annual report, Oregon’s Public Health Division finds that “pain and suffering” is not the main reason patients in that state turn to ending their lives. The top-ranked reasons were loss of autonomy, decreasing ability to participate in activities, and loss of dignity. Pain and suffering ranked sixth.

“These are social and cultural reasons that, in our youth-worshiping culture, I want to challenge,” said Fordham University bioethicist Charles Camosy, citing the Oregon report.

It is telling that the California law passed during a special legislative session called to debate the costs of the state’s health-care program, Camosy said.

The classic progressive view is that “society should protect the poor and vulnerable,” he said, and any decision to support right-to-die legislation represents movement in the wrong direction.

In September, British parliamentarians rejected a bill, 330-118, that would have allowed people with less than six months to live to end their life legally.

A letter written by Archbishop of Canterbury Justin Welby and signed by representatives of the Roman Catholic, Muslim, Jewish, Hindu, and Sikh faiths said that the bill crossed “a legal and ethical Rubicon.”

During the debate on the legislation in 2014, Desmond Tutu, Anglican archbishop emeritus of Cape Town, South Africa, spoke in favor of assisted dying. He distinguished suicide—“a premature death often accompanied by mental instability”—from the choice to die because of low quality of life even with good palliative care options. “I revere the sanctity of life—but not at any cost,” he wrote in an essay published by the *Guardian*.

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