

Australia's Culture of Death: Rejecting the 'Sanctity of Life' Principle

Gabriël Moens*

INTRODUCTION

The eminent bioethicist John Fleming has noted that 'much of the contemporary push for legalised voluntary euthanasia is predicated on the idea that there are lives not worthy of being lived and that individuals should have the right to end their lives with the assistance of the medical profession when those individuals judge that their lives are no longer of benefit to them or to others but are, rather, a burden'.¹ The challenging nature of this statement invites people to soberly and objectively reflect on the confronting issue of euthanasia, also known as Voluntary Assisted Dying ('VAD'). In this paper, I will argue that VAD, in seeking to control how people die, constitutes a repudiation of the 'sanctity of life' principle, which is the *sine qua non* of all human rights, including freedom of religion.

AUSTRALIAN VAD LEGISLATION

The legislative journey of euthanasia in Australia is almost complete. VAD has been available in Victoria since 19 June 2019, Western Australia since 1 July 2021, Tasmania since 23 October 2022, Queensland since 1 January 2023, South Australia since 31 January 2023, and New South Wales since 28 November 2023. The Australian Capital Territory ('ACT') scheme comes into effect on 3 November 2025.²

The only jurisdiction in Australia without euthanasia legislation is the Northern Territory ('NT'). This is ironic because the NT was the first jurisdiction to adopt, in 1995, a pioneering VAD law.³ However, two years later, the federal government revoked this legislation, relying on s 122 of the *Australian Constitution*, according to which '[t]he Parliament may make laws for the government of any territory'. But in 2024, following community consultations, a *Report into Voluntary Assisted Dying in the Northern Territory* recommended the adoption of VAD legislation 'that is consistent with VAD legislation in other Australian States and Territories'.⁴

* Emeritus Professor of Law, University of Queensland. This Comment is a revised and expanded version of Gabriël A Moens, 'Euthanasia's Societal Death Knell' *Quadrant* (11 March 2025) <<https://quadrant.org.au/news-opinions/society/euthanasias-societal-death-knell/>> (reprinted with permission).

¹ John I Fleming, 'The Right to Life and the Persistence of Eugenics' (Speech, Campion College, 20 October 2004) later published as John I Fleming, 'The Right to Life and the Persistence of Eugenics', *Academia* (online, 2017). Cf John Fleming, *To Kill or Not to Kill: Euthanasia in a Society with a Cultural Death Wish* (Austin Macauley Publishers, 2021) 406–40.

² *Voluntary Assisted Dying Act 2024* (ACT); *Voluntary Assisted Dying Act 2022* (NSW); *Voluntary Assisted Dying Act 2021* (Qld); *Voluntary Assisted Dying Act 2021* (SA); *Voluntary Assisted Dying Act 2021* (Tas); *Voluntary Assisted Dying Act 2017* (Vic); *Voluntary Assisted Dying Act 2019* (WA). For a history of VAD in Australia, see Kerstin Braun, 'Looking Back to Look Forward: The History of VAD Laws in Australia and Future Law Reform in the Australian Territories' (2024) 32(1) *Medical Law Review* 42, 42–60.

³ *Rights of the Terminally Ill Act 1995* (NT).

⁴ *Report into Voluntary Assisted Dying in the Northern Territory* (Final Report, July 2024) 8 <https://cmc.nt.gov.au/_data/assets/pdf_file/0018/1420722/vad-report-2024.pdf>.

It is thus apposite to describe the situation of euthanasia in the NT as an example of that well-known phrase from the Bible, 'the first shall be the last'.⁵

According to Vote Compass data — an Australian Broadcasting Corporation ('ABC') sponsored poll — almost 90 per cent of voters now support VAD for terminally ill patients. Andrea Carson, commenting on the poll results, opines that, '[w]e've had more conversations about it, the sky hasn't fallen in, a lot of concerns about the pendulum tipping too far the other way have not been realised at this time.'⁶ Nonetheless, Carson's reference to the 'tipping' pendulum contains an ominous warning about the unexpected ways in which VAD legislation could erode the 'sanctity of life' principle.

THE SLIPPERY SLOPE ARGUMENT

The 'sanctity of life' principle is eroded if, over time, voluntary assisted dying is made available to groups that, initially, were not its intended beneficiaries. These groups may include the mentally ill, people living with dementia, those who are tired of life, and even children. For example, in Belgium and the Netherlands, the law now allows children, even as young as nine years of age, to avail themselves of VAD to end their lives, and to make decisions about how and when to die. Moreover, the Dutch Parliament recently allowed the provision of euthanasia for children between the ages of one and twelve⁷ who suffer from a serious illness or disorder that inevitably results in their death in the foreseeable future.⁸ In this context, Madeleine Teahan, a perceptive commentator, asks: "How have liberal democracies become so enticed by the sinister notion that children should be eligible for euthanasia?"⁹ The uncontrollable expansion of VAD is an example of the validity of the slippery slope argument.

Politicians around the world promote VAD unrelentingly. This promotion is based on various forms of utilitarianism that advocate the granting of benefits to the greatest number of people. For example, in Canada, VAD was only available to individuals with a terminal illness whose death was foreseeable. But the program now allows patients who are chronically ill or in severe pain to apply, even if they do not have a fatal or terminal condition. In 2023, 15,343 Canadians were euthanised as part of the government's medical assistance in dying (MAID) program.¹⁰ And euthanasia is even supported by private organisations, as is seen in the refusal of some American insurance companies to cover expensive life-saving treatments for patients while they are simultaneously willing to assist them with euthanasia.¹¹

⁵ Matthew 19:30 and 20:16 (King James Version).

⁶ Catherine Hanrahan, 'Euthanasia Support Strengthens to Nearly 90pc, Vote Compass Data Shows', *ABC News* (online, 8 May 2019) <<https://www.abc.net.au/news/2019-05-08/vote-compass-social-issues-euthanasia-transgender-republic-drugs/11087008>>.

⁷ Dominic Wilkinson, 'Cross Post: Dutch Government to Expand Euthanasia Law to Include Children Aged One to 12: An Ethicist's View', *Practical Ethics* (Blog Post, 20 April 2023) <<https://blog.practicaethics.ox.ac.uk/2023/04/cross-post-dutch-government-to-expand-euthanasia-law-to-include-children-aged-one-to-12-an-ethicists-view/>>.

⁸ Madeleine Teahan, 'The Alarming Spread of Child Euthanasia' (4 May 2023) *The Spectator Australia* <<https://www.spectator.com.au/2023/05/the-alarming-spread-of-child-euthanasia/>>.

⁹ Ibid.

¹⁰ Government of Canada, *Medical Assistance in Dying in Canada 2023* (Report No 5, 2023) <<https://www.canada.ca/en/health-canada/services/publications/health-system-services/annual-report-medical-assistance-dying-2023.html>>.

¹¹ Matthew Ogilvie, 'Are We a Culture That Celebrates Life or Death?', *The Epoch Times* (Opinion Post, 26 May 2024) <<https://www.theepochtimes.com/opinion/are-we-a-culture-that-celebrates-life-or-death-5657070>>.

Returning to Australia, the Western Australian Government Response to the report *My Life, My Choice*, which recommended the adoption of a VAD law in that State, is telling: all twelve recommendations regarding palliative care, while supported in principle, were subject to '[f]urther work ... to confirm dependencies and implementation (eg resources)' whereas its six recommendations on VAD were unconditionally supported.¹²

Australian academic and writer Matthew Ogilvie notes that, '[n]ormally one would caution against 'slippery slope' arguments because they rely on predictions that may or may not come true. But in the case of euthanasia, the slippery slope is a reality.'¹³ In this context, Wesley J. Smith, who has been following the rise of medically assisted suicide in Western countries since the 1990s, argued that, 'when you turn ... from a value system of equal intrinsic dignity to ... values based on quality [of life], it becomes subjective and it becomes a real slippery slope leading to people being abandoned and exploited.' And 'once you say that killing is an acceptable and indeed a splendid answer to human suffering, how do you limit the ... suffering that would qualify for killing?'¹⁴ Smith argues that medically assisted suicide is a symptom of a deep nihilism that is infecting society.

THE CASE AGAINST VOLUNTARY ASSISTED DYING

The *first* point is that the journey of VAD legislation in Australia is an eye-opening account of the slipping medical standards of Western civilisation. Regardless of how one feels about VAD legislation, the erosion of these standards has contributed to the belief that our Western civilisation celebrates a 'culture of death', not a 'culture of life'. In addition to end-of-life legislation, the existence of this culture of death is evidenced by the widespread availability of abortion services, unwillingness to adopt legislation to provide medical assistance to babies who survive after a failed abortion, promotion of transgender ideology and its associated high level of suicide attempts, and the ubiquitous use of the Acute Resuscitation Plan ('ARP') which encourages patients to refuse resuscitation in the event of an acute deterioration or critical medical episode. As a result, the Hippocratic Oath, according to which medical practitioners shall not 'administer a poison to anybody when asked to do so,' and shall not 'suggest such a course,' has become an obsolete moral rule. Of course, the use of poison does not always constitute a violation of the Hippocratic Oath. Indeed, medical practitioners routinely administer poison to prolong life, not extinguish it. For example, poisons, such as chemotherapy, scorpion venom, and spider venom are used to treat cancer. This well-established practice does not violate the Hippocratic Oath because these poisons are used to lengthen life, whereas VAD involves the use of poison *to kill* people.

Second, Pope John Paul II, in his 1995 encyclical *Evangelium Vitae* (The Gospel of Life), described the VAD reality as the difference between a 'culture of life' and a 'culture of death'.

¹² WA Government, *Government Response to the Joint Select Committee on End-of-Life Choices Report, My Life, My Choice* (Report, 23 August 2018) 5 <<https://www.health.wa.gov.au/~media/Files/Corporate/Reports-and-publications/End-of-life/End-of-Life-My-Life.pdf>>.

¹³ Matthew Ogilvie, 'Are We a Culture that Celebrates Life or Death?', *The Epoch Times* (Opinion Post, 26 May 2024) <<https://www.theepochtimes.com/opinion/are-we-a-culture-that-celebrates-life-or-death-5657070>>.

¹⁴ 'Death on Demand? Wesley J Smith Explains the Assisted Suicide Movement', *American Thought Leaders* (The Epoch TV, 12 November 2024) <<https://www.theepochtimes.com/epochtv/death-on-demand-wesley-j-smith-explains-the-assisted-suicide-movement-5745848>>.

He lamented that a 'culture of death' has created a hostile environment for freedom of religion and has infected the traditionally high moral standards of our Western civilisation.¹⁵

Noting the discernible deterioration of these standards, Brendan O'Neill, in a revealing article, characterises this deterioration as a 'moral disarmament' of the West, a process in which people are 'stripping away the values and virtues that once defined who we are as a society.'¹⁶ Supporting his claim, O'Neill painstakingly and carefully pieces together the developments that resulted in this moral disarmament. He excoriates the role of government and private institutions, the decisions, and policies of which have accelerated the process of moral decay and disintegration. For him, there is no doubt that we are engaged in a culture war, in which opponents of euthanasia are accused of seeking moral absolutes, including, of course, the 'sanctity of life' principle.

But ironically, the relativists are equally seeking to entrench moral absolutes, including the allegedly undisputed validity and application of the principle of relativism and self-indulgent gratification. Could VAD be an example of this development?

Third, proponents of VAD characterise it as a 'human right' that should be granted to the greatest number of potential beneficiaries. The legislative creation of this 'right' is an example of human hubris, an attempt by people to arrogate to themselves the powers that only God possesses. In this era, there is a belief, among progressivists, that humans can control the uncontrollable. Hartmut Rosa, a German sociologist, recently published a book entitled *The Uncontrollability of the World* in which he argues that life is an unending and endless search for control.¹⁷ He notes that, '[m]odernity is culturally geared and structurally driven towards making the world calculable, manageable, predictable, and controllable in every possible respect'.¹⁸ For example, governments and the ruling elites seek to control the Earth's temperature, as evidenced by the pressure to achieve Net Zero emissions by 2050, by capturing and storing carbon dioxide, by increasing levels of digital censorship and dictating what we can see and say, by how people are born, marry, and die.

But such attempts to control the uncontrollable make life uninteresting. What makes life exciting is people's encounters with uncontrollability. We can see this in sporting competitions: as the outcome of a soccer or tennis match is unpredictable and uncontrollable, people enjoy it. People also relish a captivating and thrilling piece of music when, unexpectedly, they listen to it. Similarly, VAD, in effectively controlling the end of a person's life, deprives patients of the opportunity to know how long life can be extended and lived gracefully.

Hence, the 'right to die,' to the extent that it seeks to control how people end their life, is incompatible with the 'sanctity of life' principle — a pillar of Western civilisation — which holds that people may neither be deprived of their 'right to life' nor relinquish it. Both the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political*

¹⁵ Pope John Paul II, *Evangelium Vitae* (Encyclical Letter, Dicastery of Communication Vatican, 25 March 1995) <https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html>.

¹⁶ Quoted in Nina Nguyen, "The Undoing of Civilisation": What's Driving the West's Decline, British Pundit Discusses' *The Epoch Times* (Web Page, 27 April 2024) <<https://www.theepochtimes.com/world/the-undoing-of-civilisation-whats-driving-the-west-s-decline-british-pundit-discusses-5638102>>.

¹⁷ Hartmut Rosa, *The Uncontrollability of the World*, tr James Wagner (Polity Press, 2020).

¹⁸ Ibid, quoted in Graham Tomlin, 'Why Religion Matters in the Assisted Dying Debate' (27 September 2024) *The Spectator Australia* <<https://www.spectator.com.au/author/graham-tomlinexample-com/>>.

Rights describe the 'right to life' as inalienable in art 3 and art 6 respectively. But the 'sanctity of life' principle and the 'right to life' provision of these international documents do not completely overlap: the 'sanctity of life' moniker intimates that the 'right to life' is a right of which we cannot be deprived *and* which we may not relinquish.

Once it is determined that people are 'killable,' they become an exploited commodity that facilitates personal gratification and serves the interests of society. As Pope John Paul II notes: 'Within this ... cultural climate, the body is no longer perceived as a properly personal reality, a sign and place of relations with others, with God and with the world. It is reduced to pure materiality: it is simply a complex of organs, functions and energies to be used according to the sole criteria of pleasure and efficiency.'¹⁹ That is why in some countries, regulations pertaining to organ harvesting are embedded in 'right to die' legislation.²⁰

The author of a recently published article speculates about the world entering a period of regressive evolution. He argued that a common symptom of regressive evolution 'is supporting grand schemes without investigating any downstream consequences.'²¹ VAD is such a grand scheme which also constitutes a symptom of a dying civilisation and results in the demise of religious faith and practice.

CONSCIENTIOUS OBJECTION TO PARTICIPATING IN VAD

All Australian VAD laws describe, in detail, the procedure that medical practitioners need to follow when participating in a VAD procedure. Involvement with this procedure requires the completion of compulsory training in VAD. And medical practitioners who have not undertaken such training must decline involvement in this end-of-life procedure.

The relevant VAD statutes typically allow medical practitioners to object conscientiously to the procedure and, hence, they are allowed to refuse to participate, for whatever reason, in VAD procedures, but mostly based on incompatibility with their religion. Specifically, doctors can typically refuse to accept a VAD request, participate in any assessments, and be present during VAD procedures. Depending on the state legislation applicable in each case, a medical practitioner, even if they decline involvement, may still have to inform the person who made the request of their refusal, or even refer the patient to practitioners able and willing to assist in the procedure. In this context, the Australian Health Practitioner Regulation Agency (AHPRA), working with the Medical Board of Australia, states in art 3.4.6 of its code of conduct for health practitioners the responsibility of: '[b]eing aware of your right to not provide or directly participate in treatments to which you conscientiously object, informing your patients and, if relevant, colleagues of your objection, and not using your objection to impede access to treatments that are legal'. At all times, in accordance with art 4.13.7, medical

¹⁹ Pope John Paul II, *Evangelium Vitae* (Encyclical Letter, Dicastery of Communication Vatican, 25 March 1995) 23 <https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html>.

²⁰ Charles Camosy, 'Right to Die, or Duty to Die? The Slippery Slope Argument Against Euthanasia Revisited', *Religion and Ethics* (ABC online, 1 September 2014) <<https://www.abc.net.au/religion/right-to-die-or-duty-to-die-the-slippery-slope-argument-against-/10099044>>.

²¹ Peter Smith, 'To Whom Much is Gibbon, Much is Undesired' (16 June 2024) *Quadrant Online* <<https://quadrant.org.au/opinion/society/2024/06/to-whom-much-is-gibbon-much-is-undesired/>>.

practitioners are obliged to strive 'to communicate effectively with patients and their families so they are able to understand the outcomes that can and cannot be achieved'.²²

The right of medical practitioners to refuse to be involved in this procedure (and other procedures) because of their religious beliefs is precarious in a secular society. Hence, the right to conscientious objection is a critical issue because Pope John Paul II's encyclical mandates that medical practitioners respect the human dignity of their patients and undertake positive action to object to their involvement in procedures that are incompatible with it. In this regard, members of the medical profession could rely on art 18(3) of the *International Covenant on Civil and Political Rights*, according to which '[f]reedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'

Freedom of religion is dependent on the maintenance of the 'sanctity of life' principle. Once the State considers that it has the power to abandon this principle, then it follows that it can also impose on citizens, including medical practitioners and nurses, the obligation to assist either directly or indirectly in the VAD practice. If so, a legal obligation placed on medical professionals, who conscientiously object to euthanasia, to refer patients to doctors who are prepared to perform VAD procedures strikes against the right to liberty, of which freedom of religion is a particular case. Hence, freedom of religion is undermined when the legislature encourages people, even critically ill patients, to erode the 'sanctity of life' principle by allowing them to subjectively evaluate their quality of life, and to opt for VAD.

Medical practitioners, when practicing their faith, may conclude that a government that forces them, directly or indirectly, to participate in procedures which violate their religion is a government that abuses its power delegated to it by God.²³ As Greg L Bahnsen points out,

The fact that the civil magistrate makes a law does not mean it receives God's sanction. When civil magistrates (God's servants, Rom 13:4) exceed the limits of delegated power, enforcing laws not authorised by God, they come under his wrath and curse: 'Woe to those who make unjust laws' (Isa 10:1).²⁴

Hence, if an irreconcilable conflict were to occur between medical practitioners and governmental authorities, the practitioners may well rely on civil disobedience to repel any government attempt at compelling them to participate in VAD procedures. In this context, it is useful to refer to the Athenian tragedy *Antigone* by Sophocles (496–406 BC): the protagonist, Antigone, makes a direct appeal to the natural or higher law to justify her refusal not to bury her dead brother. When asked by King Creon why she had disobeyed his legal command prohibiting the burial of her brother, who had died attacking Thebes, Antigone replied to the king:

²² Medical Board Ahpra, 'Good Medical Practice: A Code of Conduct for Doctors in Australia' (20 November 2024) <<https://www.medicalboard.gov.au/Codes-Guidelines-Policies/Code-of-conduct.aspx>>.

²³ Romans 13:1 (English Standard Version); John 19:11 (English Standard Version).

²⁴ Greg L Bahnsen, 'The Theonomic Reformed Approach to Law and Gospel' in Stanley N Gundry (ed), *Five Views on Law and Gospel* (Zondervan, 1999) 127–28.

Yea, for these laws were not ordained of Zeus,
 And she who sits enthroned with gods below,
 Juste, enacted not these human laws.
 Nor did I deem that thou, a mortal man,
 Could'st by a breath annul and override
 The immutable unwritten laws of Heaven.
 They were not born today nor yesterday;
 They die not; and none knoweth whence they sprang.²⁵

CONCLUDING COMMENTS

In summary, although all VAD laws feature 'safeguards that ensure well-informed consent and protection of vulnerable individuals,'²⁶ it is useful to be reminded of St Paul's aphorism: 'Satan himself masquerades as an angel of light.'²⁷

In this context, Pope John Paul II noted that a culture of death 'betrays a completely individualistic concept of freedom, which ends up by becoming the freedom of "the strong" against the weak who have no choice but to submit.'²⁸ For him, it is no surprise that legally tolerated euthanasia has facilitated the non-voluntary killings of the weak, the seriously ill, and the disabled. This culture involves a 'dramatic clash between good and evil, death and life, the 'culture of death' and the 'culture of life'. We find ourselves not only 'faced with' but necessarily 'in the midst of this conflict: we are all involved and we all share in it, with the inescapable responsibility of choosing to be unconditionally pro-life'.²⁹ The Pope's encyclical constitutes an urgent call for 'a general mobilization of consciences and a united ethical effort to activate a great campaign in support of life'.³⁰ It is a call for the nurturing of the 'sanctity of life' principle and religious freedom.

The message is clear: there is a need to enthusiastically support a 'culture of life' to defeat the 'culture of death' that is fatally infecting Australian society and adversely affects freedom of religion.

²⁵ Sophocles, *Antigone*, tr F. Storr (Harvard University Press and Heinemann Ltd, 1912).

²⁶ Celene Ignacio, 'ACT Legalises Euthanasia, to Come Into Effect in 2025', *The Epoch Times* (Web Page, 9 June 2024) <<https://www.theepochtimes.com/world/act-to-legalise-voluntary-assisted-dying-in-2025-post-5663774>>.

²⁷ 2 Corinthians 11:14 (New International Version).

²⁸ Pope John Paul II, *Evangelium Vitae* (Encyclical Letter, Dicastery of Communication Vatican, 25 March 1995) 19 <https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html>.

²⁹ Ibid 28.

³⁰ Ibid 95.