Moral arguments for physician assisted suicide (PAS) are compelling. How can we allow someone to suffer when they can terminate their suffering? How can the government control someone’s right to decide between, literally, life or death? What gives society the right to decide the personal values of an individual? However, as philosopher Ameile Rorty says, “The commitment to morality—to whatever it commands—does not by itself tell us what we must do.”¹ The societal implications of the United States’ legalization of PAS in the international community render it an action best avoided.² With a consequentialist view, this paper will examine how legalizing PAS destabilizes the perception of death and life that perpetuates the free society of the United States as well as abroad, while addressing the objection that the United States may already make a statement regarding death in its legalization of terminal sedation or refusal of life support.

Death in America has been taboo. The emphasis has long been on youth, prosperity, vivacity, and the potential for life in the future.³ Events in western history, such as the Black Death, inform our contemporary view of death and collective desire to prolong life. This obsession with life—despite its drawbacks in superficiality—has created an unparalleled environment for freedom, liberty, and the pursuit of happiness within the United States. As

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² I write this with the understanding that this objection in itself goes against the liberal presumption that individuals should be able to determine their fate unencumbered by the government.
compared to other nations’ traditions, some of which consider suicide killings honorable and the sacrificing life for religion is accepted or even encouraged\(^4\), the United States and other liberal democracies abhor killing, and its religious traditions advocate for the preservation of life and emphasize eternal living. Though there are clear religious origins in this perspective, the preservation of life is as much instinctual as it is doctrinal\(^5\). The normalization of death has profound effects on what kinds of negative things can happen in a society, as well as the extent to which good can happen in society. In regards to the first part of that claim, some have argued that an increase in shootings has normalized violence and death as they become less staggering and more commonplace\(^6\). Legalizing PAS may not cause more people to want to utilize PAS per say, but it would affect the narrative we have regarding death—a protectionist narrative that most of our citizens have benefitted from. In regards to the second part of that claim, though the unrest and calamity that is occurring in the Middle East, for example, is the result of political power play and foreign interests, the notion that it is “acceptable” for war to be waging for such a long time in the Middle East is perhaps legitimized by the practice of suicide killings and voluntary deaths for a “higher” cause, both in the Middle East as well as abroad through terrorist groups. Similarly, it is curious that the United States has not fought a domestic war since its birth pains during the Civil War, but has engaged in many foreign wars since then. It could be that the United States, that it is plausible for war (death) to occur in other nations, but not in a place “like the United States.” The hyper protection of life in the United States, in a sense, plays a crucial

\(^4\) Consider Japan and the samurai tradition or Muslim nations and the jihad tradition.


role in our social climate, as well as creates a mindset that the U.S. is a place for “good things” to happen rather than bad.

Legalizing PAS in the United States, the first and only other conscious legal action allowing death besides the death penalty, would cause a change in the United States’ role as a champion of life domestically, but internationally as well. What the U.S. decides can largely affect human rights and the perception of killing in other nations. Since law is considered by many as a “normative social practice” that “purports to guide human behavior, giving rise to reasons for action,” and the United States plays such a large role in the international community, the laws go beyond our borders. This is why former Associate Justice of the Supreme Court Blackmun said “U.S. courts must look beyond narrow U.S. interests to the ‘mutual interests of all nations in a smoothly functioning international legal regime’ and, whenever possible, should ‘consider if there is a course that furthers, rather than impedes, the development of an ordered international system.’” In a similar vein, even if the United States’ laws may not provide a strict legal example for every nation in every case, it does give it some sense of a “moral higher ground” that allows it to do good in the world, such as intervening in genocides or condemning the acts of corrupt governments against its people. Any law that actively allows death can detract from its current image and policy towards life. If the United States wants to contribute to

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7 I acknowledge that this point is debatable and that PAS does may not necessarily mean that death is “legal” in a new way that it wasn’t “legal” to die before—what I mean is that this will be the first time that there is a law that allows for and accepts unnatural death aside from the death penalty. All other laws regarding death are either for preventative and prohibitive measures.


10 The extent to which the U.S. should be involved in other nations’ affairs is highly debatable and surely not always justified, but there is no denying that the United States has produced much good with its status as the world’s superpower and bearer of liberty, justice, and life.
the greater good of the rest of the world as well, it is best to remain an entity that sees death in black and white.

A natural response to this claim is that the United States may already be an “acceptor” of death as opposed to a “proponent” of life because of the legal status of terminal sedation or the refusal of life support. Why should people be allowed to perform these acts (which are arguably much worse than PAS for the patient\textsuperscript{11}) and not PAS? The distinct difference between PAS and terminal sedation or the refusal of life support, however, is that there is an intent for death that is carried out by the doctor. In terminal sedation, it can be argued that the patient has more to do with the act of continuing to starve herself in order to bring out eventual death; each and every day she continues to do this act, she is furthering her fate of eventual bodily failure. Furthermore, the doctor’s role in this case is passive; she is not actively seeking to end the patient’s life, though it is understood that that is what will eventually happen, as is dictated by the “principle of double effect.”\textsuperscript{12} In fact, in terminal sedation, the patient has the chance to change her mind on multiple occasions because it takes a longer time than PAS. Though some may find this an “inhumane” form of death,\textsuperscript{13} there is something to be said of the time and space the procedure gives to patients to change their minds about death—something that PAS deprives them of. The same is to be said about refusing life support; though it is understood that it is unlikely for some patients to be able to survive without life support, the intent in a doctor’s compliance\textsuperscript{14} with the

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\textsuperscript{11} I would also point out that terminal sedation (not necessarily the refusal of life support) is a questionable law in the first place and has allowed PAS to be viewed as favorable in comparison, but this lends itself to clouding the perception of what is right and wrong.


\textsuperscript{14} It is also worth noting that “As long as the physician is in charge of assisting the patient—either by his or her physical presence or by supplying the medical means to perform the act—physician assisted suicide entails the
removal of life support is not death.\textsuperscript{15} Intent is, in ethics, a crucial determinant of whether or not an action is permissible and desirable. Given the intent of death that is present in PAS that is not present in terminal sedation or removing life support, they cannot be equated as the same,\textsuperscript{16} and the idea that the U.S. facilitates dying in this way is not totally true. Given this explanation and given the U.S.’s sway on the rest of the world, I agree that the U.S. should avoid legalizing PAS, at least at the Supreme Court level, and allow decisions to be made at the state level.

Sociologist Emile Durkheim, who systematically studied suicide, came to the conclusion that society must provide some constraints for people to flourish, and that a society provides regulation for moral matters in the same way that “the organism plays for physical needs.”\textsuperscript{17} Even though there is an element that is encroaching and wrong about the paternalistic role government plays in the lives of people, in regards to death, there are positive outcomes from such paternalism and a pivotal role the U.S. plays in perceptions of death.\textsuperscript{18} As a people, we have no laws that dictate that death is acceptable, aside from the death penalty that is used as a punitive measure for the highest of crimes. This may attest to why many are in favor of the idea of PAS, but draw the line at legalizing it, which has far greater implications than understanding on an individual level that people should have a right to it. There is much to be said about the medicalization of the act of suicide.” From Salem, Tania. "Physician-Assisted Suicide: Promoting Autonomy or Medicalizing Suicide?" The Hastings Center Report 29, no. 3 (1999): 30-36. doi:10.2307/3528193.

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There are some scholars who argue that Durkheim committed an ecological fallacy in his study of suicide and the causes of suicides in certain groups of people, while others deny this. Nevertheless, his point about society and its effects on the ways people act in regards to suicide are relevant here, and it is worth noting that Durkheim was not a religious proponent (see Moral Education, in which he argues for the de-religiousification of schools in France) The larger question, therefore, is not just about this one type of action that is PAS, but about the delicate commentary on death.
inconsistency of being able to monitor and maintain acceptable procedures for PAS\textsuperscript{19}—more importantly, however, it goes against the instinct of human beings to maintain life. When we look at whether or not we should legalize PAS as a nation, we must separate ourselves to an extent from the emotional turmoil that certain cases elicit. If we seek to be a nation that has a moral obligation to its people and present an example to the rest of the world, keeping with the tradition of opposing death is preferable. There are times when morality and legality coincide, and others where it is necessary to consider them separately\textsuperscript{20}—this is such a case.

\textsuperscript{19} Take, for example, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3070710/
\textsuperscript{20} Ann Bumpus, Dartmouth College, Philosophy Department