The Hanger and the Plastic Bag: A Review of the Documentary

Live and Let Go, An American Death

Paul van der Bijl, Cultural Commentator
The Center for Bioethics and Human Dignity

The year was 1920. Karl Binding, Chief Justice of the German Reich, and well-respected psychiatrist Alfred Hoche posited the question "Are there lives that have forfeited their individual legal protection because their continued existence has permanently lost all value for the person himself, and for society as well?" This was the question behind Binding's and Hoche's famous treatise *Allowing the Destruction of Life Unworthy of Existence.* They argued that one of the groups to be "considered for killing" are "...incurables dying from disease or injury, who, fully understanding their situation, urgently wish to be released and have given some sign of this...." Unwittingly, this work, among others, became a philosophical foundation for Germany's euthanasia program implemented when Hitler took power 13 years later.

Before Hitler started the euthanasia program, he supposedly commissioned his infamous Minister of Propaganda Joseph Goebbels to make a film that would promote euthanasia to the general public. Goebbels appointed 39-year-old Wolfgang Liebeneiner to make the film, and in 1941 *Ich Klage an* ("I Accuse") hit German cinema. Considered by some to be one of the best films of the Third Reich, it was subtle and powerfully acted—so much so that as of October 2001 the film was still banned in Germany because of its relevant and dangerous content. The film depicts the story of a brilliant doctor's young wife who falls ill to multiple sclerosis and insists that her husband kill her before she succumbs to her agony. After viewing the film, Robert Jay Lifton, author of *The Nazi Doctors* (1986), understood "why doctors [he] interviewed still felt [the film's] impact and remembered the extensive discussion it stimulated among their colleagues and fellow students about the morality of a doctor's aiding incurable patients to achieve the death they long for."

I recently learned of a documentary made in 1998 which was screened at the Tiburon International Film Festival in Tiburon, California on March 14-20, 2003. It premiered successfully in 2002, has already been screened at 3 major film festivals, and seems to have gained quite a following. The video is now available through the Hemlock Society.

After viewing *Live and Let Go: An American Death,* I was struck at how simple and even charming—if not disturbingly macabre—the film is. Film makers Jay Niver and Jay Spain make no substantive statement about or defense of physician-assisted suicide. They largely appeal to the exemplary life of the hero, Sam Niver, and his decision and right to take his own life. Most of Sam's family are very supportive of his decision and in many ways articulate his desires much better than even Sam himself. Through a series of vignettes about his life as a war veteran and family man, we are exposed to the epitome of the good American. He is a self-assured, no-nonsense, take-the-bull-by-the-horns sort of guy. He loves his family and his community and is depicted as being deeply involved with both.

On the day of his suicide, Sam has to take a regimen of pills and drugs purchased from the Hemlock Society that are designed to slowly and methodically shut down his system. Sam is further instructed to place a plastic bag over his head near the end of the dying process in order to insure his death by suffocation should the pills and drugs fail. Sam must do this himself so as not to incriminate his family, who support and encourage him throughout the day.

Besides being shocked by the film, many viewers may think that Sam's method of ending his life is not the best defense for the right-to-die move-

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News from the Field

Daniel McConchie
Director of Public Relations & Public Policy
The Center for Bioethics and Human Dignity

U.S. House Votes to Ban All Human Cloning

By a margin of 241-155, the U.S. House of Representatives has passed a comprehensive ban on human cloning. Passage came after several hours of debate and the offering of a substitute amendment that would have changed the bill from a comprehensive ban to a "reproductive only" ban. Concerning the vote, Center President John Kilner said, "The passage of the cloning ban by the House is a wonderful statement of our country's determination not to let the lure of scientific achievement or financial gain run roughshod over ethics. If news events of the last year have shown us anything, it is that cutting ethical corners in the pursuit of prosperity is not a wise long-term approach. May the Senate have the courage to chart a similar course."

A similar bill (S. 245) has been introduced in the Senate, where it awaits consideration. The bill's fate in the Senate is far from certain. Sixty votes are necessary in order to end debate and bring the bill to a final vote, even though only a majority vote is required for passage. President Bush has promised to sign legislation enacting a comprehensive ban.

UK: Court Rules for Genetic Father in IVF Mix-Up

Last year in Leeds, UK, a black man's sperm was mistakenly used to fertilize a white woman's eggs in an IVF procedure. A family court was asked to rule on whether the twins' biological father or the husband of the white woman was the legal parent. The court ruled that under the Human Fertilization and Embryology Act of 1990, the genetic father was the legal father. However, the court stressed that the twins should not be uprooted from their "happy and loving environment" provided by the white couple with whom they have lived since birth.

After the decision, the white couple decided to adopt the children so that their "social and psychological father" would also be their legal father. The black couple remains childless. The biological father may decide to petition the court for visitation rights. The gaffe has caused the country's Human Fertilization and Embryology Authority to require increased oversight of fertility treatments in the nation's clinics.

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Girl Dies After Organ Transplant Mix-Up

Jésica Santillán, 17, was a Mexican immigrant who came to the U.S. three years ago because of a heart condition. After physicians at Duke University Hospital performed a heart-lung transplant on the girl, they realized that the organs were obtained from a donor who had a different blood type. Consequently, Jésica's body immediately began rejecting the organs. New organs were obtained and transplanted into her, but she had already suffered irreversible brain damage. Two weeks after her initial transplant, Jésica died.

This situation has raised anew questions about the ethics of transplantation and the fairness with which organs are distributed. With regard to this case, some are arguing that Jésica did not receive a fair chance at survival the first time and was therefore entitled to receive the second organ transplant ahead of other waiting candidates. Others are arguing that even though the situation was a tragic one, the botched transplant left Jésica in such a poor state of health that she no longer should have been considered a possible transplant candidate. Because of the decision, not only did Jésica die, but someone else may likely die also as the result of not receiving a heart and/or lung transplant. This tragic outcome will likely prompt a serious examination of the problems plaguing organ distribution, especially in problem cases such as this.

Dolly, the First Cloned Mammal, Euthanized

The first "successful" clone, Dolly the sheep, has been euthanized. She died at the age of 6, about half the life-span of a normal sheep. She was suffering from a progressive lung infection, one that is common in older sheep. In the past year, it was made public that she suffered from problems such as arthritis that sheep typically face only in old age. Scientists familiar with Dolly indicated that she was quite young by sheep standards to be euthanized and questioned whether her condition could be linked to premature aging due to the cloning process.

A full autopsy will be performed to see if any light can be shed on her demise. Afterward, Dolly will be put on display at the National Museum of Scotland. ■

A Review of the Book
Life, Liberty and the Defense of Dignity: The Challenge for Bioethics

(by Leon Kass, San Francisco: Encounter Books, 2002)

Donal P. O'Mathuna, Professor of Bioethics and Chemistry, Mount Carmel College of Nursing (Columbus, Ohio)

Leon R. Kass, M.D. again reveals how he thinks through bioethical issues in *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics*. He also reveals why we can be thankful President Bush appointed him as Chair of the President's Council on Bioethics. Written in the tradition of C. S. Lewis, Hans Jonas, and Paul Ramsey, Kass delves deep in his exploration of the values, beliefs, and visions that underlie bioethical issues. Kass does not limit himself to balancing principles, juggling values, and weighing consequences. Rather, he takes on the challenging task of exploring the meaning of such difficult topics as technology, liberal democracy, and human dignity. Kass forces us to reflect at a level beyond the surface, his literal style drawing us deeper and deeper into the center of the issues. Beginning with stem cell research and cloning and continuing on to the sale of human organs, assisted suicide, and life-extension therapies, he astutely addresses various topics and themes within bioethics. Each time, Kass provides us with a different angle on what is meant by human dignity. Each time, he shows us how a specific dilemma presents us with a choice.

On the one hand, we can choose the new technology, or the new liberty (understood as "self-indulgence," not "self-rule"), taking us ever closer to Huxley's *Brave New World*. Not content merely to refer to such a scenario, Kass seeks to unveil what disturbs us about Huxley's world and shows how we have already accepted many of its beliefs, values, and goals. "What is most repulsive about the Brave New World is not inequality or lack of freedom, but dehumanization and degradation—and, worst of all, that their posthuman estate is neither regretted nor recognized by anyone, and that they aspire to nothing humanly richer or higher."

But we can instead choose against the technological "superhighway" and take a stand in defense of human dignity. Human cloning, for example, affords a unique and vitally important opportunity to do just that. "In a truly unprecedented way, we can strike a blow for the human control of the technological project, for wisdom, for prudence, for human dignity." Today, we must choose whether we shall be "slaves of unregulated innovation . . . or whether we shall remain free human beings who guide our powers toward the enhancement of human dignity."

Kass's style is refreshing, offering an approach that is deeply insightful and challenging. He critiques bioethics as it has developed over the last thirty years, being largely focused on the theoretical and philosophical. He asks whether patients are better treated and whether hospital staffs are more civil as a result of bioethical engagement. According to Kass, the problem is that bioethics neglects people's deeper motivations and concerns. The challenge is clear: "Will it be said of us that we ethicists fine-tuned our theoretical fiddles while modern Rome rocked and rolled its way back to barbarism?" Christians, especially, should be well equipped to take up this challenge, as our goal is not just to answer difficult bioethical questions but to help shape people into those who better reflect the image of God.

Having read this book once, I feel compelled to go back and re-read it, giving each argument the careful meditation it deserves. That's what makes this book essential reading—and Kass one of the most important thinkers of our day. ■