



End-of-life decisions

To the Editor: In 1998 the South African Law Commission submitted to the Minister of Justice its Report 86 entitled *Euthanasia and the Artificial Preservation of Life*.¹ It included a Draft Bill with the short title *End of Life Decisions Act 1999*. This important measure was intended to advance the care and promote the dignity of those with terminal or intractable and unbearable illness.

An outstanding feature of this Report is its survey of worldwide debate and legislation that has made so much progress in many countries, and its excellent overview and discussion of end-of-life decision-making.

Nine years later I am wondering why, as far as I can tell, there has been no progress with such legislation. I believe that the Department of Health had advised dividing the Bill so that thorough clarification of the present position regarding advance directives (Living Wills) could proceed without being prejudiced by the contentious issue of doctor-assistance-in-dying.

Perhaps the Ministers are deterred by the strength of views that on the one hand insist that life is sacred and may not be ended by human choice, and on the other that there is a personal right to choose to die without indignity, even with the best provisions of modern palliative care.

The Commission argued in its Report that it was inappropriate for the legislature to seek to balance religious views in a pluralist society. It seems to me that this question is the final test of the already accepted and acknowledged principle of patient autonomy, with its right to be fully informed about treatment, and to consent to or refuse it.

The draft legislation that I have seen is replete with important safety provisos of several kinds, deriving from the pioneering legislative experiences of other countries. It seems to me that this is about the right to choose. Those who believe it is morally wrong to end their life in any way would remain free to accept whatever their last days will be like. Those who do not so believe should be free in terms of their respective beliefs to choose to end a life that is already or will foreseeably be devoid of human quality. My plea is for this liberty to be advanced. Where has the legislative process got to?

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1. South African Law Commission. *Euthanasia and the artificial preservation of life*. Report 86: Nov 1998. Obtainable from the Secretary of the Law Commission, Private Bag X668, Pretoria, 0001.