

South Australian Voluntary Euthanasia Society Inc. (SAVES)

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To all Members of the South Australian Parliament

Dear Member,

A government's task of balancing potential social benefit against potential social harm in legislation requires an assessment of probabilities, not a judgement of "conscience".

The question facing lawmakers is NOT:

- "Do you personally consider euthanasia right for yourself?" or "Is the proposal repugnant to you?"

BUT such questions as:

- "Should those who consider it right be allowed to choose?"
- "Can we ensure that the law will apply to them alone?"
- "Will the legislation reduce human suffering without unacceptable complications?"
- "Will the legislation confer greater social benefits than the present prohibitive legislation?"

THESE ARE NOT ISSUES OF "CONSCIENCE".

The following article further explores this issue. I hope you can make time to read it.

Yours sincerely,

Frances Coombe
President

Does Democracy allow a “Conscience” Vote or a

Personal Non-party-aligned Vote

The role of the “conscience vote” in a parliamentary democracy has come into

sharp focus in the debate over voluntary euthanasia legislation. A “conscience”

vote allows an MP to vote, or refrain from voting, according to what seems personally “right” or “wrong” -perhaps an inner conviction of truth – regardless

of party affiliation or policy. It is obviously not a measure of universal truth,

since individual “consciences” turn out to be diametrically opposed on moral issues - not least voluntary euthanasia. A “conscience” vote is a misnomer, and potentially misleading. It would be more to the point to call it a “personal” vote

or, as is used in the United Kingdom, a “free” vote.

Are MPs answerable only to themselves for what they decide? Suppose that what they deem “harmful” is deemed “beneficial” by a majority of the electorate? As elected representatives in a liberal democracy do their “consciences” or judgements, no longer have to respect the views - indeed, the “consciences” or judgements - of their constituents? After all, we know that the great majority of Australians - around 75% -respond positively to the opinion poll question that ends” *should the doctor be allowed to give a lethal dose or not?”.*

No one can sensibly argue that opinion polls alone should determine a government’s reaction to a complex issue, but can anyone sensibly argue that settling the issue by means of a “conscience” vote is better? A personal vote has its proper place in allowing a Member to vote as an independent, without considering party policy, without having to cross the floor, or defy a Whip. But is it ethical in a secular liberal democratic democracy for an elected member knowingly to vote against the wishes of the electorate, merely on personal grounds?

Lobbying members of parliament over voluntary euthanasia legislation reveals that the dilemma has been resolved for some by the fortunate discovery in themselves of an “informed conscience”. This is a combination of moral and intellectual wisdom possessed by MPs but lacking in most voters. It is confirmed in the words of Edmund Burke, who said to the Electors of Bristol on the 3rd November 1774: “Your representative owes you, not his industry only, but his judgement; and he betrays instead of serving you if he sacrifices it to your opinion.”

This depicts a world where members of parliament have been elected for their superior judgement, by people with inferior opinions who are best served by their betters. It is alarming to find that Burke’s opinions, expressed in Britain over 200 years ago in quite different circumstances, are considered relevant to Australia today.

Possibly in Burke’s day, with an illiterate, ill-informed public, there was some justification for the way he saw his role; but there is none today. Burke’s views are a denial of representative democracy and a recipe for political arrogance: a treacherous downward path in the exercise of political power. Autocrats make the same claim.

Burke also held that political office is “a trust from Providence”, which is an appalling denigration of the universal adult franchise. The democratic system is essentially secular. The notion that voters choose as their representatives people who are to be guided in what they do by what they think a deity requires of them, rather than by those who elected them, substitutes a version of theocracy for democracy.

While the exercise of a “conscience” vote enables individual representatives to dissociate themselves from what is repugnant to them it cannot easily be reconciled with representative democracy. I suggest therefore that those whose personal or religious conviction puts them at odds with their constituents should abstain from voting. To do otherwise is knowingly to thwart the will of the electorate and it is hard to see how the responsible judgement of an elected representative can condone that.

