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**The Right to Die Debate:
The Demonization of Dr. Kevorkian and the Creation of a Moral Panic
Surrounding Physician-Assisted Suicide in the United States**

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Abstract

The Right to Die Debate is a recent but highly controversial moral matter. In particular, physician-assisted suicide (PAS) is an issue that has been evaded by the medical community for years. As of 1990, most states had never encountered the issue before and therefore did not have any laws in place to prohibit PAS (Strate et. al, 2005). Dr. Jack Kevorkian, a retired pathologist from Royal Oak Michigan was the first to publicly address PAS. He brought the issue into the limelight through a bizarre and crude series of assisted deaths that had a lasting impact on not only the Right to Die Debate as whole, but on public policy and both federal and state governmental agendas. This study focuses on the way in which the media, in particular the New York Times (NYT) has portrayed Dr. Jack Kevorkian as incompetent, morally culpable and in an overall negative light in the past twenty years. Applying Stanley Cohen's 1972 theory of moral panic, a content analysis of NYT media publications between 1990 and 1999 supports Cohen's theory and reveals that the media has created a moral panic surrounding Kevorkian. This has in turn led to public policy that prevents both terminally ill individuals and their doctors from having a desirable choice; that of voluntary euthanasia and PAS.

Chapter 1: Moral Panic Theory

Stanley Cohen was the first to introduce the theory of Moral Panic in a classic sociological study of the Mods and Rockers phenomenon in Britain in the 1960s. *Folk Devils and Moral Panics* (1972) has been cited by sociologists and criminologists as a means to define deviance and the societal reaction to deviant behaviors. Cohen suggests:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folklore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes in those in legal and social policy or even in the way the society conceives itself (Cohen, 1972).

Cohen argues that moral panic is something that can occur in every society. It happens when something or someone threatens the moral fibers that hold it together. He suggests the mass media exaggerates and sensationalizes particular facts in order to highlight deviant behaviors and then project them onto the public as “news,” which is then internalized by those listening. Thus, it is important to first look at the sociology of deviance before embarking on an analysis of moral panic.

Deviance and Moral Panic Theory

Deviance varies according to social norms, but a behavior is considered deviant when it violates both formal and informal cultural rules. Deviant behaviors can be as serious as violent

crime, or as innocent as cutting a line. Although there have been dozens of theories of deviance developed and modified over time including but not limited to; structural functionalism like Merton's Strain theory, symbolic interactionism as in Sutherland's Differential Association, and conflict theories which are heavily based in Marxism, Howard Becker's Labeling Theory is most helpful when discussing moral panic. In his Labeling Theory, Becker argues for a transactional approach to deviance, suggesting "social groups create deviance by making the rules whose infraction constitutes deviance and by applying those rules to particular persons and labeling them as outsiders" (Becker, 1963). In other words, a person is not intrinsically deviant, nor does he necessarily choose to be deviant. He is deviant as a consequence of the label he is given by those deciding what is morally acceptable and unacceptable. Once tagged as "deviant," the individual internalizes the label and then acts according to the label, much like a self-fulfilling prophecy. Becker sums this up in quite simple terms; "The deviant is one to whom the label has been successfully applied; deviant behavior is behavior that people so label" (Becker, 1963).

Although strongly a symbolic-interactionism theory, in terms of deviance and eventually moral panic, Becker's Labeling Theory has elements of Marxism and Conflict Theory. Conflict Theory posits that majority groups have the ability to exercise control over other more vulnerable minority groups (Collins, 1971). The groups who exercise control hold the power and therefore define the norms. Thus, the powerful define which behaviors are deviant. In doing so, the powerful have the ability to elicit mechanisms of social control over the rest of society, regulating compliance to both formal and informal rules and encouraging conformity. It is under this system that the deviant label becomes significant. Cohen argues however that the individual does not always internalize the deviant label. The 'deviant' may have the ability to disregard the label, pretend to comply, or in some cases, fail to comply all together. Cohen goes on to say that

“deviance in a sense emerges and is stabilized as an artifact of social control” (Cohen, 1972). He suggests that it is “a symbolic and unintended consequence of social control as a whole” (Cohen, 1972), and supports the ideas of Lemert, who suggests that although it has traditionally been the belief that deviance leads to social control, it is equally plausible that social control leads to deviance (Cohen, 1972, Lemert, 1951).

The Media and Moral Panic

The mass media plays an extensive role in the societal application of, and reaction to deviance. Cohen focuses heavily on the media’s influence in conceptualizing deviance and declares it is “one especially important carrier and producer of moral panics” (Cohen, 1972). Based on Cohen’s definition, it can be argued that the mass media is an agent of social control. Those who are in power, including interest groups, often have a heavy hand in the media and what information is being transmitted to the public. Cohen implies that all societies have a set of ideas and images about who is the typical deviant and what causes him to be that way. These conceptions play a critical role in how a story is both presented by the media and interpreted by the rest of society. The information received by the public is generally second hand, already regulated and managed by those working behind the scenes to deliver so-called “news.” Society is not receiving raw information; it has been processed and structured so that what is being presented reflects the normative societal conceptions about deviance. What results is the reporting of particular facts or pieces of information that may generate concern and anxiety.

Cohen theorizes that the mass media processes and interprets facts to create “newsworthy” stories. He suggests that the media selectively attends to deviant, sensationalistic and bizarre behaviors to achieve this goal. For example, more attention is paid to crimes like

murder or rape than to prosocial behaviors such as a corporation going green or the number of students admitted into college in a given year. The media does this for a number of reasons. Firstly and simply put, sensational and bizarre stories sell more papers and keep viewers tuned in. The general public is automatically drawn to the stories that catch their attention. Secondly, it is possible that the media is responding to interest groups trying to advance their cause.

Goode and Ben-Yehuda (1994) advance the interest group theory and suggest that this model is highly applicable and most widely used when discussing moral panics. In the interest group approach, societal institutions have a stake in defining and shaping ideologies and asserting social control. Organizations ranging from the religious to the political to educational institutions all want their interests addressed, independent of the interests of the elite. These interest groups may attempt to create newsworthy stories that attract media attention. By inducing fear and revulsion through selected sensational facts, the media then enables interest groups to both advance their moral beliefs as well as their status and material interests. Such groups often have ulterior agendas and benefit considerably from the outbreak of moral panics.

According to Cohen's moral panic model, the public reacts to the media and interest groups by internalizing the fear or revulsion towards a particular individual or situation. Behaviorally, two things can happen. The media allows for the public to see right and wrong and visibly define normative versus deviant behavior. Thus, highly sensationalized stories reported by the media about deviant behavior actually encourage compliance and conformity to the norms, reifying the media as an active and powerful agent of social control. More importantly, this fear and revulsion can have a significant impact on voting behavior. It is common for society to learn their political and often moral beliefs through the media, and if an event has occurred that has made members of society wary, they are likely to vote against any policy initiative put

forth on the subject. This is where the interest groups are successful. The pressure from interest groups and their ability to control both the nature and the diffusion of information situates the mass media in a position to create and promulgate moral panics and influence public policy (Cohen, 1972).

The Outbreak of Moral Panics

Aside from the interest group model, several theories have been proposed that account for the outbreak of moral panics. As stated earlier, the media, acting as an agent of social control, has significant influence on what is presented to the public through the news. In all theories, the media plays a key role. The media defines deviance and helps to create a reaction that enables society to label and stigmatize what Cohen calls the “folk devil” through its selective interpretation of particular facts. Goode and Ben-Yehuda (1994) argue that it is possible to theorize around social problems using two distinct methods. The first is the objectivist perspective, in which sociologists argue that a social problem is defined by a concrete, wholly real and serious threat. A social problem is troublesome because it endangers human life. A serial killer on the loose or an epidemic killing thousands of people would be consistent with an objectivist model of a social problem. The objectivist perspective is thus an understandable explanation for the development of moral panic because it posits that there is a real and serious threat to society. Variants of the objectivist perspective include functionalism, which defines social problems as a result of conflict and social disorganization, and Marxism which also defines social problems objectively (Goode & Ben-Yehuda, 1994).

The second and more questionable perspective is the constructionist perspective. This view posits that a social problem is characterized not by a concrete and real threat, but by a

collective concern felt by society over a particular issue. Goode and Ben-Yehuda argue that this concern is expressed and measured in a number of ways including; organized activism and campaigning or social movements, the proposal and subsequent execution of legislation to criminalize the behavior creating the social problem, the degree of seriousness of which a country considers the social problem, and the extent of media coverage the social problem receives (Goode & Ben-Yehuda, 1994). Moral panic is explained by the constructionist perspective because it is more often that a threat is a subjective sentiment, or a feeling or concern rather than an objective reality. When society lacks a concrete threat but maintains a significant concern, this necessitates an explanation. Goode and Ben-Yehuda suggest, “Constructionism forces us to see the social dynamics behind the creation of conditions as social problems” (Goode & Ben-Yehuda, 1994). Goode and Ben-Yehuda suggest that the aforementioned interest group theory serves as an explanation as to why the media, politicians and further agents of social control participate in the creation of moral panics despite mounting empirical evidence that suggests, as the old adage says, they “make a mountain out of a molehill.”

Folk Devils and the Development of Moral Panic

The creation of a moral panic is systematic in nature. An initial event occurs, often an act of deviance by either an individual or group. Immediately following the event is a period of disorganization in which members of society attempt to interpret what has happened. It is at this point Cohen argues that “rumors and ambiguous perceptions become the basis for interpreting the situation” (Cohen, 1972). The way in which the mass media reports the story determines the reaction elicited from society. It is in this period of ambiguity and speculation that the media shapes and processes the facts. Exaggeration and distortion in terms of the specifics of the

deviant event primarily take place in the tone and style of the report, evident in misleading headlines, theatrical word choice and the utilization of “expert” quotations. It is from these distortions that society formulates a reaction and labels those involved as deviant. This initial labeling results in the prediction or expectation of recurring deviance by the original perpetrators by society, as well as an overall negative and unfavorable symbolization of the so-labeled deviant(s). It is the combination of all these factors that, in Cohen’s words, “allow[s] for full-scale demonology and hagiology to develop” which results in the most central constituent of moral panic, the folk devil (Cohen, 1972).

Arnold Hunt (1997) defines the folk devil as the scapegoat of a moral panic. It is the object of the moral panic whom society fears and onto whom society projects ambiguous and adverse beliefs and fantasies (Hunt, 1997). A folk devil can be an individual or a class of people who is considered the “personification of evil” (Goode & Ben-Yehuda, 1994). He is considered harmful to the social order and threatening to members of society. Donson, Chesters, Welsh and Tickle (2004) argue that folk devils are “selfish and dangerous, engaging in actions that do not require any deeper understanding, merely the application of appropriate sanctions.” The authors go on to argue, “as a result, society becomes interested merely in preventing them from engaging in their dangerous behavior. The forces of the state can be mobilized to stop them- through institutional responses such as enacting legislation, strong arm policing tactics and prosecution” (Donson et. al, 2004: 3). Folk devils are essentially the enemy in the eyes of society. They embody immorality, deviance and criminality. It is often the mass media that establishes an individual or group as a folk devil and both initiates and reinforces the strong negative societal reaction and symbolization (Cohen, 1972).

Once a folk devil is created, moral panic then ensues. Goode and Ben-Yehuda (1994) suggest that moral panic is characterized by five criteria. The first element is that of concern. There must be a heightened level of concern over the behavior of the group of individual whose behavior is considered harmful or deviant (later labeled the folk devil). This is often measurable through media attention, public opinion polls or proposed legislation. Secondly, there must be an increased level of hostility toward the deviant group or individual as a result of their engagement in threatening behavior. At this time members of society collectively label the deviant as a folk devil. The third criterion is consensus. A moral panic is characterized by a measure of agreement of the members of society that the threat, or the folk devil, is real. This does not require a majority, as moral panics vary by size, but there must be a minimal level of public concern. Fourthly, although this criterion has its critics, a moral panic must have an element of disproportionality. This would mean that the concern is out of proportion to the nature of the threat. In a moral panic, the deviance committed by the folk devil is often wildly exaggerated, and empirical evidence does not support the societal reaction. And finally, the fifth criterion characterizing moral panics is volatility. Moral panics are volatile in that they explode suddenly, and although some may linger and become institutionalized, others vanish as quickly as they evolved. Society gets used to the idea of the folk devil, the new stories become routinized, and the threat diminishes over time. Although moral panics can be short lived, they are known to leave their mark (Goode & Ben-Yehuda, 1994).

Chapter 2: Dr. Jack Kevorkian; A Brief Biography

Dr. Jack Kevorkian, a retired Michigan pathologist known to many as “Dr. Death” exploded into the limelight in June, 1990 (Strate, Zalman & Hunter, 2005). An advocate of euthanasia and physician-assisted suicide (PAS), Kevorkian set out on a one man crusade to legalize PAS using a homemade machine and his 1968 Volkswagen van. Kevorkian had received some publicity as a result of advertisements he had placed in a number of Detroit newspapers as a consultant for “death counseling” and the creation of a suicide machine. His first client, 54 year old Janet Adkins, suffered from Alzheimer’s disease and sought out Kevorkian to aid her in committing suicide, a choice she willingly made as her health deteriorated. Using a device he had constructed out of household tools and an IV, Kevorkian instructed Adkins that once she activated it, the machine would deliver a lethal drug that would stop her suffering. Janet Adkins’ life ended on June 4, 1990 (Belkin, 1990, p. 1A).

In the months following the death of Janet Adkins, the mass media covered Kevorkian heavily, eliciting an overall negative sentiment towards PAS from the medical community, state legislators and also the general public (Glick & Hutchinson, 1999). His actions were not considered favorable or compassionate, and the state of Michigan acted based on this perspective. Kevorkian was charged with first-degree murder in the death of Janet Adkins in 1990 (Wikerson, 1990, p. A1). Almost a year later, after assisting two more women in committing suicide, the Michigan Board of Medicine unanimously voted to suspend Kevorkian’s medical license indefinitely (“Michigan Board Suspends License of Doctor Who Aided in Suicides,” 1991, p. D22). He was accused of murder for a second time (2 Doctor-Assisted Suicides Ruled Homicides, 1991, p. A29); but charges could not be pursued because, like many other states at the time, Michigan had no law prohibiting PAS. Hence legal action against him

proved difficult. The lack of PAS legislation enabled Kevorkian to continue his crusade and by the end of 1992, Kevorkian had assisted in at least 15 deaths. This prompted lawmakers to enact a 15 month ban on PAS and assembled the Michigan Commission on Death and Dying to study PAS and make recommendations for legislation (Strate et. al, 2005). The ban on PAS proved to be controversial in terms of its constitutionality and was only a small obstacle for Kevorkian. By 1996, he had assisted 46 people to end their lives (“New Admission Puts Kevorkian Suicide List at 46,” 1996, p. A16) and by 1998, it was estimated that Kevorkian assisted in over 130 suicides (Belluck, 1998, p. A12).

In the course of eight years, Dr. Kevorkian was twice accused of murder and dismissed, acquitted on three charges of assisted suicide, and withstood one instance of mistrial (Belluck, 1998, p. A12). Kevorkian was able to avoid conviction and continue assisting terminally ill patients in their deaths to much chagrin of state officials and the medical community until a CBS broadcasting of “60 Minutes” in November of 1998. The broadcast showed a videotape of him injecting 52 year old Thomas Youk with a lethal substance. Days later, Kevorkian was charged with second degree murder, and in April of 1999, he was convicted and sentenced to 10-25 years in prison (Belluck, 1999, p. A1). Dr. Kevorkian’s crusade terminated with his incarceration and media coverage on him dwindled soon thereafter.

A Related Sociological Study

Although there are countless archived media communications about the Kevorkian crusade, little has been found in the peer-reviewed literature discussing Dr. Kevorkian in terms of deviance, sociological theories of moral panic, and the impact the media has had on the

characterization of Dr. Kevorkian. However, there is one study conducted in 1999 by Glick and Hutchinson that is of some relevance to this study.

Glick and Hutchinson (1999) focus on Dr. Kevorkian and PAS from an analytical agenda-setting perspective. In applying agenda-setting theory, Glick and Hutchinson's analysis of media coverage surrounding Kevorkian does not employ Cohen's theory of moral panic and the authors do not posit that a moral panic about PAS occurred. However, Glick and Hutchinson argue that media coverage beginning with Kevorkian's first assisted suicide caused a rapid rise of PAS on the national political agenda. They go on to argue that the media created a negative image of Kevorkian's crusade to legalize PAS and consequently, stalled pro-PAS policy in the United States.

Glick and Hutchinson (1999) assert that in order to examine the development (or lack thereof) of a moral policy such as PAS, three key factors must be identified. Focusing events, professional and mass media coverage, and governmental activity all play a role in the success of a particular policy issue. The result of a focusing event on society is comparable to the development of a "folk devil" in Cohen's moral panic theory. PAS focusing events began in the late 1980s, including both The Hemlock Society and the California Bar Association's endorsement and campaign for the legalization of PAS. These events received little media attention and were relatively insignificant. The focusing event that received major media coverage Glick and Hutchinson argue however was Kevorkian's first assisted suicide, that of Janet Adkins in June 1990. As of this date, Glick and Hutchinson report a significant increase in PAS media coverage from the late 1980s. The frequency of assisted suicide articles and the results of the Glick and Hutchinson study are presented in Figure 2 (Glick & Hutchinson, 1999). Glick and Hutchinson speculate, "most media publications experienced peaks in 1993 and 1996,

years that coincide with the greatest number of assisted suicides performed by Dr. Jack Kevorkian- 12 in 1993 and 19 in 1996. It is unlikely that PAS would have received so much attention without Dr. Kevorkian's continuous and highly publicized acts" (Glick & Hutchinson, 1999:752).

Similar to this study, Glick and Hutchinson also briefly discuss the impact the tone of media reporting can have on a particular policy issue. A very small portion of their study (Figure 3) shows the percentage of *Reader's Guide* articles that were considered positive, negative and neutral about PAS between 1990 and 1996. They argue that although PAS has a long way to go before it is depicted in an overall positive way; the trend seems to be moving in the positive direction. This pattern is reflective of the findings of the content analysis conducted in this study as shown in Figure 1.

Glick and Hutchinson's (1999) study supports the argument that Dr. Jack Kevorkian's personal crusade to legalize PAS had substantial impact on moral politics and public policy. The question of what role, if any, a physician should play in end of life care for terminally ill patients was one that had been evaded by the medical community for decades. Kevorkian brought the Right to Die Debate out of the shadows, and through his actions forced PAS onto the national political agenda. However, the image of PAS has been a primarily negative one and it can be argued that this is a result of two interconnected issues. The first is Dr. Kevorkian's very public and controversial crusade to legalize PAS. The second, this study suggests, is the way the mass media covered Kevorkian which led to his demonization and eventual characterization as a "folk devil." The media has portrayed Dr. Jack Kevorkian as incompetent, morally culpable and in an overall negative light in the past twenty years. As a result of this, the media created a moral panic surrounding Kevorkian, which has in turn led to public policy that prevents both terminally ill

individuals and their doctors from having a desirable choice; that of voluntary euthanasia, or PAS.

Chapter 3: *The New York Times* Content Analysis

Purpose of Study

This study is designed to determine whether or not Dr. Jack Kevorkian was established as a “folk devil” in the New York Times (NYT) media communications between 1990 and 1999. The hypothesis for this study posits that the media exaggerated and distorted the facts of Kevorkian’s PAS crusade to characterize him as a “folk devil” thereby contributing to a moral panic to discourage the passage of pro-PAS legislation not only in Michigan, but across the United States. The reason for the media to create a moral panic around PAS is a result of the influence of interest groups that are trying to make sure their policies and rules are established and enforced. (Becker, 1963). Organizations including the Catholic Church, the medical community and lawmakers stood in strong opposition to PAS (Glick and Hutchinson, 1999) and were likely to use the media to advance their agendas (Goode and Ben-Yehuda, 1994). The expectation is that a content analysis of NYT articles would support the hypothesis that Kevorkian was demonized in the media as a means to prevent pro-PAS legislation.

Glick and Hutchinson’s work in 1999 focuses on the frequency of PAS in New York Times media publications but their results are reflective of the content analysis conducted in this study. They report that over half of media coverage between 1990 and 1996 surrounding the Right to Die Debate focused on assisted suicide, and consequently PAS in particular has made up between 60% and 75% of all media coverage on the issue. They show that the mass media heavily covered PAS in the 1990s as a result of Kevorkian’s behavior but the analysis does not focus on the content of the coverage. This study goes beyond the frequency of PAS in media

communications. It examines the actual content of those articles to explore whether Kevorkian was characterized as a “folk devil” in the media, and whether the representation changed over time.

Methodology

According to constructionist theory, to analyze the creation of a “folk devil” and subsequent outbreak of moral panic, the mass media is a critical resource. For the purposes of this study, a content analysis was conducted of the New York Times, (NYT) a credible American newspaper that is read nationally. A search of archived NYT media communications using the term “Kevorkian” yielded over 800 results dating from 1989 to 2009. Among the 800 news articles, approximately 200 were written between 1990 and 1999 and could be considered substantial and relevant to the Kevorkian crusade. Relevancy was determined by selecting any headlines that pertain to Kevorkian’s involvement in assisted suicides, as well as any legal action taken against him or by the state towards PAS. His name, “Kevorkian” or the characterization of him as a “doctor” can be seen in the majority of the headlines selected. Articles were deemed irrelevant also based primarily on the title. If the headline did not include the name “Kevorkian” or the terms “doctor,” “assisted” or “suicide” it was not coded in this study. Many of the articles were not written between 1990 and 1999, and these were omitted as well. The content analysis excluded articles written before and after the 1990s in the interest of time and as a result of the lack of research tools available to fully analyze every article put out by the NYT about Dr. Kevorkian and PAS. The goal was to code approximately 15-20 NYT articles for each year. This number was also chosen due to time and efficiency constraints.

To test the hypothesis that the NYT created a negative image of Dr. Kevorkian to generate a moral panic about PAS, this study looked for a number of things. Similar to the work done by Glick and Hutchinson (1999), it was important to first evaluate the frequency of articles devoted to Dr. Kevorkian and PAS. This study would not have taken shape had there been insignificant media coverage on Dr. Kevorkian and his crusade. The abundance of newspaper articles not only made it possible to conduct the content analysis, but revealed that there is a substantial issue at hand. Subsequently, this study looked for an overall negative tone and sentiment about Kevorkian and PAS present in the articles. Cohen suggests that the media distorts information in a way that can bring about a negative societal reaction; one of fear or disgust that eventually evolves into a moral panic (Cohen, 1972). As such, the content analysis of this study looked for media communications that maintained this characteristic. The articles were sorted and grouped by year and then coded for three separate categories of terms that denote the tone of the article and the attitude emitted by the author when discussing Dr. Kevorkian and his actions.

The categories coded for in the content analysis are nominal measurements and are binary with the exception of the positive/negative/neutral category. The articles were coded based on whether it depicted Kevorkian as “irresponsible” or “not irresponsible,” “evil” or “not evil,” and if the tone was positive, negative or neutral. These categories were chosen because they are representative of the sentiments necessary to cause a moral panic. A doctor’s irresponsibility highlighted by the media could induce revulsion in members of society, as could a doctor’s characterization as evil stimulate fear. The positive/negative/neutral category is more general and provides insight into how Kevorkian and PAS were depicted overall.

The first term coded for is the word “irresponsible.” Although many of the articles do not actually use the word “irresponsible,” this term should be considered a category heading, and words such as “audacious,” “flamboyant,” “renegade,” and “reckless” fall within this category. Also, sentences and phrases that make Kevorkian out to be unintelligent, strange and strip him of the dignity and respect most physicians possess and often deserve were coded under this heading. The second category coded for is words and phrases that denounce Kevorkian as morally culpable, or more simply put, “evil.” Terms including “murderer,” “killer” “villain” and “ghoulish,” are examples that fall in the “evil” category. Lastly, the overall tone of the article was coded for. The articles were deemed positive, negative or neutral based on the content, usage of quotations, and overall style of the author. An example of a negatively toned article would be one with a headline that reads “The Kevorkian Cure: Death” (1990, p. D4), or “More Assisted-Suicide Laws, More Kevorkians; ‘Choosing’ Death?” (1996, p. A20). A positive article on the other hand could have a title such as this 1991 story, “Judge Says Suicide Doctor Does a ‘Service’” (1991, p. A21). Within these articles it is common practice for a journalist to use quotations from individuals that either devalue or degrade Kevorkian (usually a state representative or physician), or praise him for his compassion (a terminally ill individual or family member). Based on the results of the content analysis, yearly percentages were determined for each coding category. Since the categories were primarily binary, the percentages were calculated using the number of articles that depicted Kevorkian as “irresponsible,” “evil” and “negative” out of the total number of articles coded for that particular year. The articles that depicted him as “not irresponsible,” “not evil,” and “positive” or “neutral” were not calculated as percentages for the categories. The data were graphed, using the percentage as the Y variable and year as the X variable. The results can be found in Figure 1. (See Appendix)

Figure 1 depicts the percentage of articles that negatively portrayed Dr. Kevorkian in the NYT between 1990 and 1999. Each line on the graph represents a category coded for; Kevorkian portrayed as irresponsible/not irresponsible, evil/not evil, and positive/negative/neutral. The Y-axis represents the percentage of articles that portrayed Kevorkian as irresponsible, evil and negative out of the total number of articles coded for each year. Each point on the X-axis represents one year, measuring the portrayal of Kevorkian over time.

Results

Figure 1 shows both increases and decreases in negativity between 1990 and 1999. The graph begins in 1990 with the media coverage on Kevorkian's first assisted suicide. Approximately half of the media coverage in 1990 was negative, but 30% of the articles depicted Kevorkian as evil and even fewer depicted him as irresponsible. In terms of Cohen's theory of the development of moral panic, the articles in 1990 covered the initial event, or as Glick and Hutchinson (1999) would describe as the "focusing event." It is this first act of deviance that catches society's attention. Glick and Hutchinson (1999) demonstrated that media attention given to PAS began to accelerate in June 1990 after Kevorkian's first assisted death. This initial event created a frenzy of media attention, and although headlines in 1990 were primarily factual and included titles like "Doctor Tells of First Death Using His Suicide Device" (Belkin, 1990, p. A1) and "Inventor of Suicide Machine Arrested on Murder Charge" (Wilkerson, 1990, p. A1) the focus was a negative one. With Kevorkian being new to the scene, journalists highlighted the negativity of the event and labeled Kevorkian as deviant, but were somewhat more hesitant to include descriptions that would categorize Kevorkian as "irresponsible" or "evil." In the first article mentioned, "Doctor Tells of First Death Using His Suicide Device" (Belkin, 1990, p. A1)

the author includes insight from both sides of the debate. She includes quotes from Dr. Kevorkian himself that show his compassion, yet at the same time, there is a seemingly negative and almost eerie tone at the end of the article when she quotes him saying, "You could have sliced her liver in half and saved two babies and her bone marrow could have been taken, her heart, two kidneys, two lungs, a pancreas. Think of the people that could have been saved" (Belkin, 1990, p. A1). This is a relatively disturbing quote, and it could be argued that the author placed it strategically at the end of the article leaving a lasting impression on the reader; one that says Kevorkian is a strange and dark man.

Between 1991 and 1992 there was a decrease in the number of negative articles. Cohen would argue that the decrease in negative articles is a result of a period of disorganization after the initial event. He would suggest that society as a whole was attempting to interpret and understand Kevorkian's first acts of deviance. During this time of ambiguity and confusion, the media is able to shape the facts and elicit a reaction from society. In 1992, Glick and Hutchinson (1999) also note a decrease in the frequency of New York Times PAS articles, and this is reflected in Figure 1 in terms of the levels of negativity reported about Dr. Kevorkian.

In 1993, Figure 1 shows a significant change in the percentage of articles in all three categories. The graph depicts a sharp increase in terms of negative word usage and overall tone of the articles. Cohen's theory would argue at this point in time society had formulated a negative reaction based on the image the media successfully transmitted to the public about Dr. Kevorkian and PAS. Glick and Hutchinson (1999) also report an increase in the frequency of PAS articles and as quoted earlier, they relate this to the increase in assisted suicides committed by Kevorkian. Based on NYT reports, in the months before the ban on PAS took effect in March, Kevorkian increased the number of suicides he assisted, totaling eight in the month of February

alone (“Kevorkian Aids in 2 More Suicides; Total Is at 15, 1993, p. A10). Throughout the remainder of the year, Kevorkian ignored the ban and continued to assist people in ending their lives (“Kevorkian Assists Patient, 3d in Week, Commit Suicide” 1993, p. A9). One article entitled “Doctor Who Assists Suicides Makes the Macabre Mundane” (Margolick, 1993, p. A1) is particularly negative, referring to those Kevorkian has assisted as the “death toll” and calling his crusade “bizarre” and “banal.” When discussing other states that have passed anti-PAS laws, he goes on to say that “only Michigan has Dr. Jack Kevorkian” and that he is turning Michigan into “the country’s suicide capital.” He goes on to quote a state representative calling Kevorkian “a real serious embarrassment to the state of Michigan,” and another opponent of PAS was quoted saying “this has just gone crazy... I can imagine him killing people as quickly as he can line them up” (Margolick, 1993, p. A1). This, as well as many other news reports during this time depict Kevorkian as irresponsible, evil and overall very negatively. He is essentially made out to be the villain. Approximately half of the articles surveyed yielded this result. It can be concluded that as Kevorkian began disobeying the law to continue his crusade, the media began to exaggerate and distort him as an individual, labeling him as a threat and developing his characterization as a folk devil.

Between 1994 and 1996, there is another decrease in the percentage of articles that depicted Kevorkian as irresponsible and evil, yet the overall negativity maintains at approximately 50%. Based on Cohen’s theory, the period between 1994 and 1996 is where society developed an expectation that the deviance committed by Dr. Kevorkian is likely to recur. By 1996, Kevorkian had assisted in 46 assisted suicides (“New Admission Puts Kevorkian Suicide List at 46,” 1996, p. A16). It is possible that the decrease in articles depicting Kevorkian as irresponsible, evil and overall negatively was a result of this expectation. The media were less

prone to word usages that denounced Kevorkian as irresponsible or evil because Kevorkian had already been established a deviant and a folk devil. By 1996, legislative action had been taken to abolish PAS in Michigan, and further highlighting his deviance was no longer necessary. The public had become used to the negative symbolization of Kevorkian and the media reflects that.

The decrease could also be a result of the actual content of what was being covered. In 1996, much of the news surrounding Kevorkian was regarding a trial he stood for two deaths he was accused of assisting, which he was later acquitted, and another trial, his fourth altogether, in which he was also acquitted (Lessenberry, 1996, p. A14). The news focused primarily on the facts of the trial, not Kevorkian himself. Headlines included “Kevorkian Going On Trial For 4th Time in Suicides” (1996, p. A29), and “Jury Acquits Kevorkian in Common-Law Case” (1996, p. A14). The articles were primarily factual and did not generally reflect a particularly negative sentiment.

Beginning in 1997, much occurred that allowed the media to cement Kevorkian as a folk devil and reify a moral panic. Between 1997 and 1998 the number of negative articles increases again, with 40% of the articles depicting him as irresponsible, 45% as evil and 50% as negative. In 1997, the United States Supreme Court ruled that the right to die is not a constitutional right and therefore PAS could not be legalized on the federal level (*Washington v. Glucksberg*, No. 96-110). This was no obstacle for Kevorkian however, and by 1998 the NYT reports that Kevorkian had assisted in 100 suicides (“Kevorkian Deaths Total 100” 1998, p. A18). Headlines such as “Assisted Suicide is Not the Answer” (1998, p. A24) can be seen throughout the NYT archives.

In November 1998 the NYT covered a story that set Kevorkian’s crusade into a tailspin. A CBS broadcast of “60 Minutes” showed a video clip of Kevorkian administering a lethal

substance to then 52 year old Thomas Youk, who was terminally ill and could not conduct the procedure to himself. The numbers in Figure 1 increase slightly in 1998 to reflect this event. In 1999, Kevorkian was charged with murder and stood trial for his most controversial act yet (Johnson, 1998, p. A1). The media covered the trial extensively, and almost mockingly. Figure 1 shows that just over 30% of articles suggest Kevorkian is evil, while 50% depict him as irresponsible. Kevorkian defended himself and journalists took advantage of this when discussing events of the trial (“Kevorkian Legal Plan Faulted, 1998, p. A31). One article entitled “Kevorkian Stumbles in His Self-Defense” (Belluck, 1999, p. A20) describes Kevorkian as “asking witnesses legally inappropriate questions” and “raising impermissible legal arguments” in his attempts to defend himself, and suggesting that he should have legal counsel. An editorial describes him as “blundering” and “pathetic” (“Dr. Kevorkian’s Client,” 1999, p. A30) and another NYT journalist suggests Kevorkian’s self defense was “theatrical” (Belluck, 1999, p. A14). Kevorkian was found guilty, and headlines such as “Dr. Kevorkian is a Murderer, The Jury Finds” (Belluck, 1999, p. A1) can be seen in the NYT during that time period. Although most articles did not quote the trial itself, several news stories quoted Judge Jessica Cooper during sentencing. She addressed Kevorkian directly, saying, “You had the audacity to go on national television, show the world what you did and dare the legal system to stop you. Well sir, consider yourself stopped” (Johnson, 1999, p. A1). Her condemnation is poignant and is a clear reflection of the media’s attitude towards Kevorkian.

Kevorkian was sentenced to 10-25 years in prison in 1999 (Belluck, 1999, p. A1). Media coverage after Kevorkian’s incarceration is beyond the scope of this study, but it can be speculated that the graph’s trajectory would continue in a downward trend as Dr. Kevorkian no longer posed a threat to society.

Discussion

In terms of classical sociological theory about deviance and Cohen's moral panic theory, the story of Dr. Jack Kevorkian fits the mold perfectly. Cohen's moral panic theory suggests that societies are subject to periods of time where a condition, group or individual becomes viewed as a threat to the moral and social values of its members (Cohen, 1972). He argues that the mass media, combined with what Goode and Ben-Yehuda define as interest groups (Goode and Ben-Yehuda, 1994), play a very influential role in processing the information that is transmitted to the public. Cohen goes on to theorize that the mass media exaggerates and distorts the facts which can create a folk devil, or the object of concern that underpins the moral panic. He posits that the anxiety, fear and revulsion that the folk devil elicits can evolve suddenly into a moral panic and vanish as quickly as it came. Cohen also predicts however that a moral panic can leave its mark on a society, producing changes in both legal and social policy (Cohen, 1972). Goode and Ben-Yehuda expand upon Cohen's theory and argue that moral panics serve as a means for particular organizations and interest groups to advance their agenda and consequently their material goals (Goode and Ben-Yehuda, 1994).

The results from the content analysis of NYT media publications conducted in this study support both Cohen and Goode and Ben-Yehuda's theories about moral panic. It is evident from the research that the NYT recognized that legislators on the federal and state levels, as well as the medical community and religious organizations stand in opposition to PAS, and that the actions of Dr. Kevorkian directly conflict with this sentiment. As a result of his much publicized behavior, Dr. Kevorkian was situated in a position to be labeled as deviant by the media and interest groups. Continuous media coverage in the 1990s painted him as the villain, ignoring his passion for the right to die cause. It could be argued that the distortion and negative

symbolization of Kevorkian in the media define him as the folk devil. Cohen would also say that a moral panic developed because of the concern of those who oppose PAS that it is threatening to society, and that Kevorkian is the embodiment of such a threat (“More Assisted Suicide Laws, More Kevorkians; ‘Choosing Death?’ 1996, p. A20). The content analysis conducted here supports Cohen’s argument that moral panics can have long-lasting repercussions in the form of public policy developments and alterations, as is evident in the anti-PAS legislation passed during and after Kevorkian’s crusade.

Implications of Media Coverage of Dr. Kevorkian on Public Policy

Between 1990 and 1999, many of Dr. Kevorkian’s actions conflicted with the morals and norms of American culture. The United States and its Constitution value life above all things (Washington v. Glucksberg, No. 96-110 and Vacco v. Quill, No. 95-1858), and when an individual takes it upon himself to aid in the termination of another’s life, it threatens this value and becomes highly controversial and problematic in the eyes of many. However, a NYT article in 1991 briefly mentions that some doctors have privately advised their patients that they could end their lives if they took extra amounts of the prescribed pills, and some have even admitted that they have injected a terminally ill patient with an extra dose of morphine to the same effect. PAS is something that occurs across hospitals and facilities with end of life care, yet the medical community as a whole has swept it under the rug (Altman, 1991, p. C3). Although the NYT article suggests PAS happens, it is a hushed and taboo practice, categorized as immoral because it undermines the notion of doctors as healers, as well as religious beliefs and implications of the United States Constitution (Washington v. Glucksberg, No. 96-110 and Vacco v. Quill, No. 95-1858). Dr. Kevorkian publicized PAS to shed light on the practice and its benefits in attempt to

officially legalize it, yet he was made an outcast of the medical community. Society labeled him as a deviant and thus all of his actions were deemed deviant as well. This is evidenced by what the results of the content analysis reveal as an overall negative tone in the majority of media communications put out about Kevorkian and PAS in the 1990s. It is likely that the moral panic around PAS fits Goode and Ben-Yehuda's interest-group model. Many different institutions have a stake in PAS; from religious organizations, to political actors, and those in the mass media trying to cover the most sensational stories. All have an argument against PAS, and negatively characterizing Kevorkian has only advanced their agendas.

Arguments against PAS are seemingly endless. The main argument legislators and policy makers have against PAS reflects the attitude and language of the United States Supreme Court. Many feel that assisted suicide is not a fundamental right based on the history and practices of our nation. It is not guaranteed under the Fourteenth Amendment and therefore a "right to die" does not exist (*Washington v. Glucksberg*, No. 96-110 and *Vacco v. Quill*, No. 95-1858). Others take a different approach, using the "sanctity of life" argument. The idea that human life is sacred and inviolable underpins much of the anti-assisted suicide discourse. Religious advocates view suicide as a tragedy, not a matter of self determination. It is from this notion that the slippery slope argument is invoked. Opponents strongly believe that by legalizing and permitting PAS, it will lead to other forms of medically assisted killing because it will be available to anyone who wants it. Soon enough, PAS will become an involuntary act, carried out as a guise to remove those who pose a strain to the system. This would pose a serious threat to the elderly, handicapped and disabled. This devaluation of human life sends the message that some lives are worth less than others. Furthermore, opponents argue that the legalization of PAS

would undermine the patient's ability to trust their doctor as a healer (Sanders & Chaloner, 2007).

Many of these arguments are strongly contested by PAS advocates such as the Hemlock Society and Dr. Kevorkian. Those who support assisted suicide tend to rely heavily on the issue of personal autonomy and respect. They believe that a person is entitled to exercise control over the time and manner of their death. As seen in *Vacco v. Quill* (1997), many feel that if it is a fundamental human right to refuse life sustaining treatment. Thus, to have a physician prescribe a drug that would have the same end of life effect is also a fundamental right. Supporters also claim that doctors have a duty to patients to relieve their pain and for some patients; PAS is their only option (Sanders & Chaloner, 2007). This kind of thinking stems mainly from concerns about the loss of autonomy and control among terminally or critically ill patients. Many terminally ill patients contemplating assisted suicide feel humiliation and loss of dignity. According to the executive director of the assisted suicide advocacy group, Compassion in Dying, "The number one reason given [for assisted suicide] is; "I don't want to have anyone wipe my rear end" (Amundson & Taira, 2005). Many feel that permitting assisted suicide would show compassion and sympathy for those living under intolerable or painful conditions.

As mentioned several times throughout this study, according to Cohen's theory Dr. Kevorkian was characterized by the media as a folk devil for his crusade to legalize PAS. As was shown in the content analysis of media coverage of the Kevorkian story, the NYT distorted and exaggerated his behaviors and ignored the compassion he showed for the Death with Dignity cause. Sufficient evidence as discussed in the results section supports the argument that he was constructed as malicious, strange and macabre for pursuing his belief in the Right to Die debate. Cohen's theory implies that this wrongful characterization can develop into the categorization of

a folk devil, which can be detrimental to both the individual and his cause, as it results in a moral panic surrounding the issue. It can be deduced from this study that in terms of Cohen's theory, Dr Kevorkian was made the folk devil of the moral panic around PAS because of the way in which he was depicted in the media. Dr. Kevorkian became known as "Dr. Death" and his face is now the symbol of PAS, which Glick and Hutchinson argue has had a significantly negative impact on the success of pro-PAS policy (Glick and Hutchinson, 1999).

The content analysis conducted in this study shows that not only did the media negatively depict Dr. Kevorkian, but few NYT articles addressed the benefits of PAS which supporters use as the basis for many of their aforementioned arguments. This was not a category that was coded for, but future research should include it as a class of analysis. Many left out the fact that public opinion is largely in support of PAS; roughly 50% of Americans polled were in favor of the practice (Glick and Hutchinson, 1999). The NYT also failed to recognize the voices of those supporters who actually were terminally ill, and their calls for compassion and dignity, as well as personal choice at the time of their death. This kind of biased coverage in combination with the demonization of Dr. Kevorkian not only created a moral panic, but blocked PAS from being successful on the governmental agenda.

Since Kevorkian's first assisted suicide in 1990, a temporary ban on PAS was enacted in Michigan. The ban was intended solely to stop Kevorkian until Michigan passed an anti-PAS law shortly after. Eleven other states were quickly prompted to enact their own anti-PAS laws, totaling 36 states that have outlawed the practice. Furthermore, PAS has been rejected by the United States Supreme Court, and no state appellate court has tried to overturn this ruling. Ballot initiatives in several of the more liberal states, including California, Vermont and Maine have been attempted but failed in the voting booths (Glick and Hutchinson, 1999). Oregon however

was the first, and until very recently the only, state to legalize PAS (Schwartz and Estrin, 2004, p. F1). Washington recently passed an initiative to legalize PAS also, but only after several failed attempts (“Washington: Obama, 2008, p P12). Currently, Oregon and Washington are the only two states where PAS is a legal practice. Glick and Hutchinson suggest that religious organizations, primarily the Catholic Church as well as state medical associations have had a heavy hand in preventing PAS policy. According to interest group theory, it is likely that they also played a role in what the mass media transmitted to the public, using Kevorkian as a scapegoat.

Conclusion

Based on classic sociological theories of deviance and Stanley Cohen’s original model of moral panics, sufficient evidence has been presented through a content analysis of NYT articles that Dr. Jack Kevorkian was demonized by the media to create a moral panic surrounding PAS in the United States. The mass media and the NYT in particular highlighted the negativity in Kevorkian’s acts, overlooking not only the benefits of PAS for terminally ill individuals, but his compassion for those in such a position. The media depicted him time and time again as irresponsible, strange, malicious and evil. As a result of the publicity he received, Kevorkian became the symbol of PAS. Consequently, the negative portrayal of him in the media damaged the image of PAS which has been characterized as a threat to the moral fibers of society. This has had a severe impact on the progression of PAS policy and has led to its continued blockage on the national political agenda.

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