

Euthanasia

Ben Burrows



© Joel Pett.



Introduction

- Philosophy
 - English Legal Background
 - Current Position
 - Future
- 



Doctrine of Double Effect

St Thomas Aquinas

- 1) The Act MUST be morally good
- 2) The negative outcome is not intended, but is simply known as a natural consequence of the intended good
- 3) The good effect must flow from the action – causal link
 - Emmanuel Kant
- 4) The good must outweigh the bad
- This has been accepted into English Law
 - Self defence
 - End of life medications




Legal Background

- Suicide
 - 1961 decriminalized suicide
 - Prosecution individual / family
- Assisted Suicide
 - Part of the process of decriminalizing suicide introduced crime of aiding/abetting
 - Basis for most euthanasia discussion
 - Few acts whereby a second party may be guilty, perpetrator committed no crime



Case Law: Self determination

- ▶ Bland
 - ▶ Hillsborough
 - ▶ PVS
- ▶ Re T
 - ▶ Sectioned
 - ▶ Gangrenous leg
 - ▶ Believed Professor Vascular surgery, refused amputation



Case Law 2: Self Harm

- R v Brown
 - Personal consent to injury
- Re B
 - Switching off the ventilator



Case Law 3: Clarity

- Pretty
 - MND
 - DPP none prosecution agreement
- Purdy
 - MS
 - Clarification from DPP



Director Public Prosecutions

- ▶ Head of the Crown Prosecution Service
- ▶ Decides whether a prosecution is in the public interest
 - ▶ Investigation
 - ▶ Evidential Stage
 - ▶ Public Interest Test
- ▶ Assessment of whether there is a 'real prospect of conviction'
- ▶ Case then goes to CRIMINAL court
- ▶ Number of factors

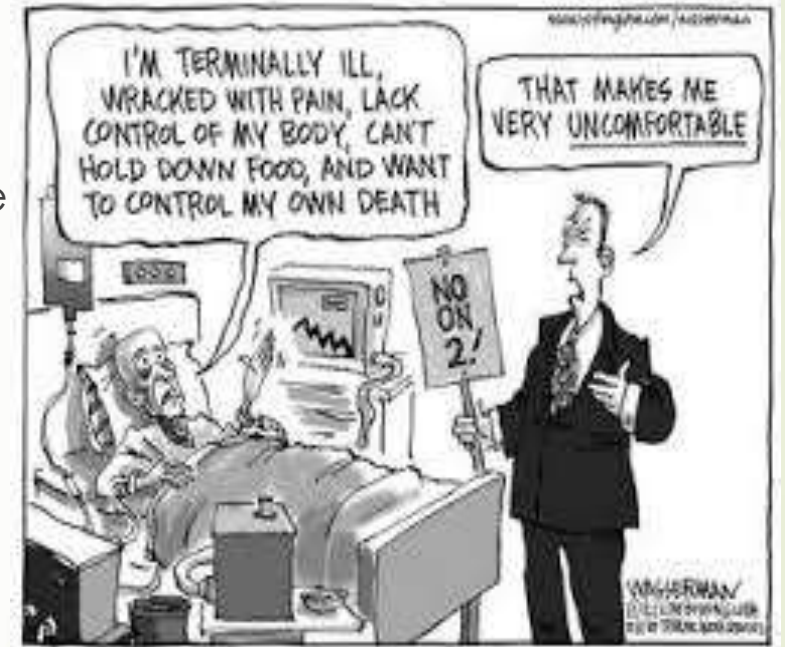


Euthanasia

For Prosecution	Against Prosecution
Under 18	Motivated by compassion
Lacked Capacity	Reached clear, settled and informed decision
Gain made by assistant	Assistant had tried to dissuade them
Assistant was a doctor, AHP	Assistant reported the death and fully assisted any investigation
Encouragement	Assistant did no more than aid
History of violence between parties	
Assistant received payment	
Assistant belonged to a pro euthansia group	

Proposed Legislation

- ▶ Assisted Dying Bill 2014
 - ▶ Terminally ill, mentally competent adults
 - ▶ Approval by two Doctors +/- High Court Judge
 - ▶ Basis Oregon Death with Dignity Act 1997
 - ▶ Ran out of time due to 2015 election
- ▶ Assisted Dying Bill 2015
 - ▶ Private members' Bill
 - ▶ Defeated at second reading





Topics for group discussion

- ▶ What do you do with a patient who
 - ▶ Wants advice on methods / means or modes of dying
 - ▶ Wants assistance with euthanasia
 - ▶ Asks for a 'Fit to Fly' letter for one last trip to Switzerland
 - ▶ Asks for a letter of capacity etc for Dignitas