

Should We Permit Voluntary Assisted Dying?

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Fundamental Legal Position

‘If the acts done are intended to kill and do, in fact kill, it does not matter if a life is cut short by weeks or months, it is just as much murder as if it were cut short by years’

[*Adams*, Devlin J]

‘it is not lawful for a doctor to administer a drug to his patient to bring about his death, even if that course is prompted by the humanitarian desire to end his suffering, however great that suffering may be’

[*Airedale NHNS Trust v Bland* [1993] AC 789, 865, Lord Goff]



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Why Do Some People Want the Law to Change?

‘My life can be summed up as dull, miserable, demeaning, undignified and intolerable’

Tony Nicklinson

‘the conclusion I have reached will appear to some to be almost irrational. How can it be lawful to allow a patient to die slowly, though painlessly, over a period of weeks from lack of food, but unlawful to produce his immediate death by a lethal injection, thereby saving his family from yet another ordeal to add to the tragedy that has already struck them? I find it difficult to find a moral answer to that question. But it is undoubtedly the law’

[*Bland*, Lord Browne-Wilkinson]



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Voluntary Euthanasia: The Law

“think long and hard before deciding that doctors of the eminence we have heard ... have evolved standards which amount to committing crime”

[*R v Arthur* per Farquharson J (to the jury)]

“You may consider it a great irony that a doctor who goes out of his way to care for [a patient] ends up facing the charge he does.”

[*R v Moor* per Hooper J]



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Assisted Suicide: The Law

Suicide Act 1961 (as amended by the Coroners and Justice Act 2009)

1 Suicide to cease to be a crime

The rule of law whereby it is a crime for a person to commit suicide is hereby abrogated.

2 Criminal liability for complicity in another's suicide

(1) A person ("D") commits an offence if—

- (a) D does an act capable of **encouraging or assisting** the suicide or attempted suicide of another person, and
- (b) D's act was intended to encourage or assist suicide or an attempt at suicide.

(1A) The person referred to in subsection (1)(a) need not be a specific person (or class of persons) known to, or identified by, D.

(1B) D may commit an offence under this section whether or not a suicide, or an attempt at suicide, occurs.

(1C) An offence under this section is triable on indictment and a person convicted of such an offence is liable to imprisonment for a term not exceeding 14 years.

If on the trial of an indictment for murder or manslaughter it is proved that the accused **aided, abetted, counselled or procured** the suicide of the person in question, the jury may find him guilty of that offence.



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Suicide Act 1961 (as amended by the Coroners and Justice Act 2009)

2A Acts capable of encouraging or assisting suicide

(1) If D arranges for a person (“D2”) to do an act that is capable of encouraging or assisting the suicide or attempted suicide of another person and D2 does that act, D is also to be treated for the purposes of this Act as having done it.

...

(3) A reference in this Act to a person (“P”) doing an act that is capable of encouraging the suicide or attempted suicide of another person includes a reference to P doing so by threatening another person or otherwise putting pressure on another person to commit or attempt suicide



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Suicide Act 1961 (as amended by the Coroners and Justice Act 2009)

2(4)

no proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.



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Autonomy

‘Making someone die in a way that others approve, but he believes a horrifying contradiction of his life, is a devastating, odious form of tyranny’

[Dworkin]



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