

## ***RS Resources: A Right to Die***

### Resource 1: Diane Pretty case

#### Question/Answer

Can you briefly describe Diane Pretty's condition?

Diane Pretty, a British woman from Luton, developed motor neurone disease, a progressive neuro-degenerative disease of the nervous system where the muscles weaken and collapse causing the person to lose the ability to move, talk, swallow and finally even to breath.

Why did Diane Pretty go to Court? What did she want the Court to do?

As the law in Britain (and most countries) stands, while it is not illegal to try to kill yourself, assisted suicide (helping someone else to end their life) is illegal. Diane Pretty was frightened of choking to death and, as she was physically unable to end her own life, she wanted an assurance from the Court that her husband would not be to be prosecuted if he helped her to die.

What did the British courts decide in her case and why?

The High Court turned her request down. They said that as helping another to die is against the law of the land (Suicide Act 1961: Section 2) they were not in a position to give her the assurance she wanted. This decision was upheld by the House of Lords that also expressed concern that there would be a clear risk of abuse if the prohibition on assisted suicide was relaxed.

Why is the Human Rights Act relevant here?

Diane Pretty's legal team argued that not allowing Diane Pretty to die meant she was being subjected to inhuman and degrading treatment which is a violation of her human rights. Further, she was suffering discrimination, because her physical condition denied her the right to end her own life.

What did the European Court of Human Rights decide?

The European Court upheld the decision of the British courts on the grounds that a law prohibiting assisted suicide was necessary to protect others and that this did not amount to degrading and inhumane treatment.

## Resource 2: Debate on Assisted Suicide

Divide students into three groups.

Focusing on the ethical arguments and drawing on the video clip, the first group is asked to prepare a short case in favour of allowing assisted suicide.

The second group is asked to make an ethical case against allowing assisted suicide.

Those in the third group are asked which case they found more convincing and say why.

The case for assisted suicide: There are a number of arguments which have been used to support this case.

Autonomy: people have a right to control the end of their own life

As suicide is not illegal, helping someone with a terminal illness to die should not be illegal either.

Keeping someone alive who wants to die, but is unable to kill themselves, is a violation of their human rights.

As some doctors secretly end the lives of people who want die, this should be out in the open so it can be properly regulated as it is in Holland, for example.

The case against assisted suicide:

Again, there are a number of arguments here, most of which are aimed at rebutting the ethical principles underlying the case for assisted suicide.

Assisted suicide is not just about the autonomy of the patient. As it necessarily involves someone else, it also involves the autonomy of the other which may be compromised. For example, doctors or relatives may feel pressurised into helping someone to die.

Therefore, suicide and assisted suicide are not the same ethically. The latter is not just about the individual.

Assisted suicide compromises the notion of the sanctity of life.

Laws against assisted suicide are necessary to protect others. For example, some people could be pressurised into requesting to die because they are using up limited health resources or using up money that could be left to relatives.

There is an alternative to assisted suicide in many cases. As Dr Knight explains in the video clip, once a Dr has explained the kind of treatment available, many patients withdraw their request to die.