



Table of Contents

Table of Cases	xi
Tables of Statutes and Conventions and Similar Instruments.....	xiii
Foreword	xv
Acknowledgments.....	xvii

CHAPTER 1: INTRODUCTION

Overview	1
Ethical Issues and Aim of Book	2
Law and Morality	2

CHAPTER 2: TERMINOLOGY AND THE CURRENT LEGAL POSITION

Definitions	9
Definition of Euthanasia	9
Different Types of Euthanasia	10
Assisted Suicide	11
Current Legal Position.....	12
Active Euthanasia.....	12
<i>Common law countries and the United States</i>	12
<i>The Northern Territory</i>	13
<i>The Netherlands</i>	14
<i>Belgium</i>	17
Passive Euthanasia	18
Suicide and Assisted Suicide	19
<i>Canada</i>	19
<i>United States</i>	20
<i>Other jurisdictions</i>	23

CHAPTER 3: ARGUMENTS IN FAVOUR OF EUTHANASIA

The Argument from Autonomy.....	29
The Nature of Autonomy	30
The Threshold Issue: Whether Euthanasia Secures Individual Autonomy?	31
<i>Whether the desire to die itself evidences irrationality</i>	31
<i>Whether the desire to die must be irrational owing to the circumstances in which it is made</i>	33
<i>Whether euthanasia should be limited to those lacking capacity to take their own lives.....</i>	35
Euthanasia Is Voluntary; Therefore, Those Who Do Not Want It Need Not Take It Up	36
The Argument from Compassion	37
Preventable Suffering.....	38
Unavoidable Suffering	38
Economic Considerations.....	39
The Interests of the Doctor and the Right to Die	41
Do Doctors Have Moral Standing in the Euthanasia Debate?	42
<i>Participation as a basis for standing.....</i>	42
<i>The duty to relieve suffering—The opt-out clause for doctors—No duty to kill and the right to die</i>	43
The Attitudes of Doctors: Are They Relevant?.....	46
Doctor-centered Arguments Against Euthanasia	47
Conclusion Regarding Interests of Doctor and Right to Die Claim	48
Overview of Arguments for Euthanasia.....	49

CHAPTER 4: THE ARGUMENTS AGAINST EUTHANASIA

The Right to Life	55
Arguments Against a Pervasive Right to Life.....	58
<i>Tooley—not all humans have a right to life.....</i>	58
<i>Being human does not in itself entail a right to life—speciesism.....</i>	58
Arguments for a Right to Life	59
<i>Rights-based theories—dignity as the basis for the right to life</i>	59
<i>Waiver of rights.....</i>	60
<i>Ramifications of right to life for euthanasia debate</i>	62
The Slippery Slope Argument.....	63
The Practice and Evidence from Holland	65

Relevance of the Dutch Surveys	66
High Rates of Abuse in Jurisdictions Where Euthanasia Prohibited: Kuhse-Singer Survey.....	67
<i>The findings of the survey—high rate of non-voluntary euthanasia in Australia.....</i>	67
Problems with Conclusion Reached from Kuhse-Singer: Comparing Apples and Apples	68
<i>Merely making conduct unlawful is not an effective deterrent.....</i>	69
<i>Mere formal legal prohibition is not an effective deterrent.....</i>	70
<i>Summary of relevance of Kuhse-Singer survey and slippery slope argument.....</i>	71
More General Slippery Slope Consequences—Loss of Respect for Life.....	71
Risk of Abuse and Manipulation of the Patient	73
Euthanasia and Discrimination.....	74
The Argument from Compassion and Equality	75
<i>Similarity of the competent and incompetent—pain is non-discriminatory.....</i>	75
<i>The need for equality</i>	76
The Nature of Discrimination and Equality	76
The Legal Drive Towards Extending Euthanasia to the Incompetent.....	77
Critique of Discrimination Argument—Possible Counters to Discrimination Argument.....	78
<i>Other advantages denied to the incompetent.....</i>	78
<i>There are relevant differences between competent and non-competent patients</i>	79
The Plausibility of Imposed Judgment for the Incompetent	80
<i>Discontinuance of treatment as best interests</i>	80
<i>No discontinuance of treatment as best interests.....</i>	83
Critique.....	84
Overview of Arguments Against Euthanasia	87

**CHAPTER 5: THE MORAL STATUS OF EUTHANASIA
FROM THE PERSPECTIVE OF RIGHTS-BASED
AND CONSEQUENTIALIST THEORIES**

Euthanasia and Rights-based Moral Theories	95
Overview—There Is No Ready Answer	95
The Vacuousness of Rights Claims.....	96
Clashing Rights	97

The Foundation of Rights.....	99
Summary of Moral Status from Perspective of Rights-based Theories.....	102
Utilitarianism.....	105
Is “Happiness Too Indeterminate?”	105
Utilitarian Rights.....	106
The Weighing Exercise	107

CHAPTER 6: PASSIVE EUTHANASIA AND ASSISTED SUICIDE

Passive Euthanasia	115
The Moral Significance of the Acts and Omissions Doctrine.....	115
<i>The acts and omissions doctrine and the law</i>	115
<i>Whether the acts and omissions doctrine circumscribes the scope of moral duty.....</i>	117
<i>Other reasons supporting the acts and omissions doctrine...</i>	118
Direct Comparison of Active and Passive Euthanasia.....	119
Assisted Suicide	121

CHAPTER 7: SHOULD EUTHANASIA BE A SEPARATE OFFENCE?

Arguments Against a Separate Offence	125
Arguments for a Separate Offence	126
Fundamental Principles Regarding Criminal Offences.....	127

CHAPTER 8: CHRISTIAN OPPOSITION TO EUTHANASIA

Overview of Church Opposition	129
The Words of Christ and Scripture.....	131
Christ’s Conduct.....	131
Christ’s Death.....	132
Papal Pronouncements	132
The Belief in Eternal Life.....	134
Attitude to Death and Suffering	135
Natural Law	136
The Church and Specific Aspects of Euthanasia.....	137
Mercy Killing.....	137
Suicide.....	137
Assisted Suicide	137
Double Effect	137
Refusal to Give Medical Treatment	138
Loving One’s Neighbour.....	139

CHAPTER 9: CONCLUSION

Euthanasia and the Illusory Nature of Rights Theories.....	143
Euthanasia and the Common Good.....	143
The Appropriate Response—Better Care.....	145
Bibliography	147
Index	155