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In Britain, ongoing struggles over laws regulating euthanasia

by Simon Caldwell by Catholic News Service

MANCHESTER, England -- Tony Nicklinson, a man paralyzed from the neck down following a stroke seven years ago, wept before television cameras after he was told that he had lost a two-year legal battle to change the law on euthanasia.

Three High Court judges rejected the claim brought by Nicklinson, 58, and another stroke victim named only as Martin, 47, that doctors should be able to end the men's lives at a time of their choosing under Article 8 of the European Convention on Human Rights, which guarantees a right to private and family life.

But the judges said in their Aug. 16 ruling that Nicklinson wanted "to be able to choose to end his life by voluntary euthanasia," and such a change would have consequences far beyond the two cases.

"It is not for the court to decide whether the law about assisted suicide dying should be changed," the judges said. "Under our system of government these are matters for Parliament to decide, representing society as a whole, after parliamentary scrutiny, and not for the court on the facts of an individual case or cases."

The case represents the latest in a string of attempts to use the courts to reverse Britain's ban on euthanasia and assisted suicide.

The most successful of these came three years ago when multiple sclerosis sufferer Debbie Purdy forced Keir Starmer, the country's most senior public prosecutor, to clarify the circumstances under which her husband might be breaking the law if he helped her to travel abroad to commit suicide.

Pressure on Parliament -- which has also robustly resisted repeated attempts to change the law -- is also relentless, with four bills introduced between 2003 and 2006 all rejected by politicians.

Dignity in Dying, a group once called the Voluntary Euthanasia Society, confirmed in an Aug. 17 email to Catholic News Service that yet another attempt will be made to change the law.

"We are currently consulting on a new assisted dying bill, which will be tabled in the House of Lords next year," said spokesman James Harris.

"We have examined the evidence from those jurisdictions that have legalized and regulated some form of assistance to die," he added. "The evidence from 15 years of practice in Oregon shows that assisted dying can be legalized safely."

The battle to change the law is also being fought in the media, with numerous opinion polls conducted with the aim of demonstrating widespread support, especially among the young, for euthanasia and assisted suicide.

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Euthanasia campaigners are also using celebrity endorsements to curry support, with actors, singers, novelists, comedians, philosophers and even war veterans agreeing to serve as Dignity in Dying patrons. They include Sir Patrick Stewart, the Star Trek actor, and Sir Terry Pratchett, the science fiction writer.

The Catholic Church, not wishing to see the debate presented as a struggle between faith and "progress," is generally taking a back seat, but is listed as one among dozens of medical, disabled rights and religious charities that form the broad coalition of the Care Not Killing alliance.

Catholic doctors are more outspoken than church leaders, however, and in recent months some have taken huge risks with their careers to warn the public that a system designed to care for people in their final hours is operating effectively as a euthanasia pathway.

Known as the Liverpool Care Pathway, following its development in a hospice in the city over a decade ago, it allows medical staff to decide if a patient is dying, then to sedate the patient with opiates and to remove artificial food and fluids, which under British law are classed as "treatment."

Audits have revealed that patients take an average of 29 hours to die. Patients are seldom removed from the pathway.

But Dr. Patrick Pullicino, a Catholic neurologist in southeast England and also the adjunct professor of neurology and neuroscience at the New Jersey Medical School in the United States, told a medical conference in London in June that the lack of an effective evidence base for patient prognoses made the Liverpool Care Pathway an "assisted death pathway."

He said sick and elderly people who were not dying were being killed by their doctors -- sometimes solely because they were "difficult to manage" or because health service staff faced pressure to free up hospital beds.

He told the conference that if Britain accept the Liverpool Care Pathway then it must accept "that euthanasia is part of the standard way of dying as it is now associated with 29 percent of NHS deaths" -- a

figure representing about 130,000 people a year.

Pullicino back up his case by telling his audience that he had personally intervened to remove one patient from the pathway and the 71-year-old man, who would have died within hours, lived another 14 months.

Dr. Philip Howard, a Catholic who works in a health service hospital in Surrey, near London, said he believed the practice of "terminal sedation" would supersede arguments over whether euthanasia should be legalized.

He said it was extremely difficult to predict when a patient would die, especially if the disease is noncancerous. The short life expectancy on the Liverpool Care Pathway "suggests that in some cases, (or perhaps many), the pathway is either causing or significantly contributing to death," he said in an Aug. 15 email to CNS.

The government insists, however, that the pathway "is not euthanasia." In an Aug. 20 statement given to CNS, the Department of Health described the pathway as an "established and respected tool" that enjoyed "overwhelming support from clinicians at home and abroad."

"If, as sometimes happens, a patient improves, they are taken off the LCP and given whatever treatments best suit their new needs," the statement said.

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