

Whose Life Is It Anyway? Euthanasia, Assisted Suicide, Suicide

Chapter 8

Learning Objectives

- After reading this chapter, you will be able to:
 - 8.1 Discuss the morality of mercy killing and assisted suicide.
 - 8.2 Critically analyze the relation between what is legal and what is moral in end-of-life care.
 - 8.3 Articulate the utilitarian and Kantian arguments about suicide, assisted suicide, and euthanasia.

Legalization

- The laws regulating what doctors may or may not do to end a life vary from state to state in the United States as well as from country to country.
- In 2001, the Netherlands became the first country to legalize euthanasia, allowing doctors to end the life of adult patients at the patient's request.
- In 2008, the law was amended to allow parents to give consent for doctors to kill infants who are terminally ill and in severe pain. This new measure, known as the **Groningen Protocol**, is the first to allow euthanasia for newborn babies.

5 Different Types

Active Euthanasia	Voluntary Euthanasia Active	Non-voluntary Active	X
Passive Euthanasia	Voluntary Euthanasia Passive	Non-voluntary Passive	Involuntary Euthanasia Passive

Active Euthanasia

- Something is done to the patient to hasten Death
- Not legal in the United States
- Legal in Netherlands and Australia
- Examples: drugs are administered at lethal levels.

Passive Euthanasia

- Patient is allowed to die. Only medication help ease patient's pain is administered.
- Examples:
Turning off respirator, refusing chemotherapy.

Voluntary Euthanasia

- Patient request treatment to be stopped.
- Examples: chemotherapy, dialysis & living will.

Non-Voluntary

- Patient cannot decide for themselves.
- Someone makes the decision for them.
 - Examples: children, comatose patients, or individuals not mentally competent

Health Care Surrogate

- You can appoint someone, to act as your representative in the event you are mentally incapacitated.
- Terri Schiavo did not have a Health Care Surrogate.
- If you do not have one, by default it is your spouse. If you are unmarried, it is your parents or next of kin.

Involuntary

- Patient is refused a life sustaining treatment.
- Examples: Drugs are too costly, limited supply of organs.
- About 13,000 patients are on waiting list in the US.

Assisted Suicide

- Someone helps you to take your own life.
- In 1994 Oregon passed "Death with Dignity law" becoming the first state to legalize Assisted Suicide.

History

- **400 B. C.** - The earliest recorded reference to Euthanasia comes from Hippocrates, the father of medicine. He is quoted as saying "I will give no deadly medicine to any one if asked, nor suggest any such counsel"
- **673** - England prohibits suicide.
- **1647** - the Providence Plantations (Rhode Island) declared that if an individual committed suicide his/her possessions would become the property of the King of England.
- **1800s** - Laws of Connecticut essentially states that any person who aids another individual in committing suicide is guilty of murder if the advisee actually goes through with suicide.

History (continued)

- **1828** – "The earliest American statute explicitly to outlaw assisted suicide was enacted in New York... Between 1857 and 1865, a New York commission drafted a criminal code that prohibited 'aiding' suicide and, specifically, 'furnishing another person with any deadly weapon or poisonous drug, knowing that such person tends to use such weapon or drug in taking his own life.'"
- **1850** – "The California legislature adopted the English common law, under which assisting suicide was... a crime."

History (continued)

- **1920** – "The book 'Permitting the Destruction of Life not Worthy of Life' was published.
 - In this book, authors Alfred Hoche, M.D., a professor of psychiatry at the University of Freiburg, and Karl Binding, a professor of law from the University of Leipzig, argued that patients who ask for "death assistance" should, under very carefully controlled conditions, be able to obtain it from a physician.
 - This book helped support involuntary euthanasia by Nazi Germany."

Nazi Germany

- **1939** – In "Nazi Germany... Hitler ordered widespread 'mercy killing' of the sick and disabled."
- **1935** – "The Euthanasia Society of England was formed to promote euthanasia."

History (continued)

- **1995** – Australia's Northern Territory approved the "Rights of the Terminally Ill Act". "It went into effect in 1996 and was overturned by the Australian Parliament in 1997."

Oregon Law

- In 1994 voter in Oregon passed an Assisted Suicide law.
- The law was held up in litigation until 1998 when Attorney General Janet Reno decided to permit the law to go into effect.
- In 2001 Attorney General John Ashcroft said "assisting suicide is not a "legitimate medical purpose" under federal drug-control law and that the Drug Enforcement Administration could strip the prescribing rights of any physician who authorized drugs to help someone die."
- On January 17, 2006, the United States Supreme Court ruled 6-3 in favor of Oregon, upholding the law.

Oregon's Death with Dignity

- In 1994 voter in Oregon passed an Assisted Suicide law. According to the Oregon Death With Dignity Act, "An adult who is capable, is a resident of Oregon, and has been determined by the attending physician and consulting physician to be suffering from a terminal disease, and who has voluntarily expressed his or her wish to die, may make a written request for medication for the purpose of ending his or her life in a humane and dignified manner "

Supreme Court Said Up to States

- In 1997 Ballot Measure 51 was introduced to overturn the Death With Dignity Act. The people of Oregon turned down the measure by a vote of 60% to 40%
- Ballot Measure 51 came about due to two court cases in which the U.S. Supreme Court ruled in assisted suicide was not a Constitutional right.
- However, the Court instructed that the issue would be best addressed in the "laboratory of the states."

Ashcroft Directive

- In 2001 Attorney General John Ashcroft said "assisting suicide is not a "legitimate medical purpose" under federal drug-control law and that the Drug Enforcement Administration could strip the prescribing rights of any physician who authorized drugs to help someone die."

Oregon v. Ashcroft

- On November 6, 2001, Attorney General John Ashcroft issued a Directive stating that a doctor could lose his or her federal registration to prescribe controlled substances if the registration is used to prescribe federally controlled substances for assisted suicide.

Dr. Jack Kevorkian "Doctor Death"!

- **May 28, 1928**
Kevorkian is born in Pontiac, Michigan, the son of Armenian immigrants.
- **1952**
Graduates from University of Michigan medical school with a specialty in pathology.
- **1956**
Publishes journal article, "The Fundus Oculi and the Determination of Death," discussing his efforts to photograph the eyes of dying patients, a practice that earned him the nickname "Doctor Death."

Kevorkian's Definition of Death with Dignity

- "Well, let's take what people think is a dignified death. Christ was that a dignified death? Do you think it's dignified to hang from wood with nails through your hands and feet bleeding, hang for three or four days slowly dying, with people jabbing spears into your side, and people jeering you? Do you think that's dignified? Not by a long shot. Had Christ died in my van with people around Him who loved Him, the way it was, it would be far more dignified. In my rusty van."
- Jack Kevorkian; National Press Club - July 29, 1996

First 5 Assisted Suicides

1. Janet Adkins 1990 F 54 Alzheimer's Disease
2. Sherry Miller 1991 F 43 MS
3. Marjorie Wantz 1991 F 58 Abdominal and Pelvic Pain
4. Susan William 1992 F 52 MS
5. Lois F. Hawes 1992 F 52 Lung cancer

93 Known Deaths...

- Kevorkian assisted in 93 reported deaths, but his lawyers says there are many more where the person wished to remain anonymous.
- **November 22, 1998**
CBS's "60 Minutes" airs a videotape showing Kevorkian giving a lethal injection to Thomas Youk, 52, who suffered from Lou Gehrig's disease. The broadcast triggers an intense debate within medical, legal and media circles.
- Less than 1/3 of all of Dr. Kevorkian's Assisted Suicides were of patients that were terminally ill.

Convicted in 1999

- **April 13, 1999**
Convicted of second-degree murder and delivery of a controlled substance in the death of Youk, a Michigan judge sentences Kevorkian to 10-25 years in prison. He was eventually paroled and passed away in 2011.

Legalizing Death with Dignity: Karen Ann Quinlan

- In 1975 a 21-year-old woman named Karen Ann Quinlan suffered a respiratory arrest that resulted in severe and irreversible brain damage and left her in a coma.
- Several months later, after doctors informed them that their daughter's recovery was extremely unlikely, Quinlan's parents requested that artificial means of life support be removed. The hospital refused this request.

Court Sided with Family

- After a lengthy legal battle, in 1976 the Quinlans obtained a court order allowing them to remove the artificial respirator that was thought to be keeping their daughter alive.
- The New Jersey Supreme Court ruled that the Quinlans could disconnect the device so that the patient could "die with dignity."

Turned off respirator

- This decision spawned increased discussion of the scope of patients' rights to control their death.
- Although the respirator was removed in 1976, Quinlan began to breathe on her own. She lived until 1985 without ever regaining consciousness.

Terri Schiavo

- In the early 1990s Schiavo had a heart attack and collapsed incurring massive brain damage and slipping into a coma.
- She remained in this coma and after 3 years was in a persistent vegetative state. (PVS)

Terri's Husband

- Beginning in 1998, Schiavo's husband began petitioning the courts to remove the feeding tube that kept her alive claiming that she would not want to be kept on a machine with no hope for recovery.
- Her parents claimed that Schiavo was a devout Roman Catholic who would not wish to violate the Church's teachings on euthanasia by refusing nutrition and hydration.

Terri's Never Had Treatment

- Michael Schiavo had a girl friend and children, but he was still the legal guardian of Terri.
- He restricted access by her parents - they had to go to court to get visitation.
- He refused to give her any medical treatment or to ask for a second opinion.

Terri's Law

- On October 15, 2003 Schiavo's feeding tube was removed. Six days later Terri's Law was passed and Gov. Bush sent armed men to take Schiavo to a hospital to have her feeding tube reinserted.
- A guardian ad litem was also appointed that was to report to Gov. Bush
- On May 5, 2004 Terri's Law was found to be unconstitutional
- The Supreme Court Refused to hear the case and March 18, 2005 it was ordered that the feeding tube be removed again...

Dust in the Wind

- Terri was read her last rites on March 26, 2005 and died on March 31, 2005.
- Her "loving" husband refused to let her parents attend the funeral!
- He had the body cremated and spread the ashes in a secret location!

Baby "MB"

- MB is a 19 month old baby boy.
- MB has a condition called spinal muscular atrophy which leaves him almost totally paralysed.
- He requires a ventilator to breathe and cannot cry, chew or swallow.

Doctors - His life is not worth living!

- All his doctors and the guardian appointed to represent the child's interest in court argued that the burdens of his existence outweighed the benefits.

His Parents want to let him live

- The parents love their child and want to keep him alive.
- MB's mother told the High Court in London that the child was conscious.
- He responded to cartoon films ,such as Shrek and Finding Nemo, but did not appear to like the news or the TV soap Eastenders.

Justice Holman said...

- "It must be assumed that he processes all of those sights and sounds like any child of his age and gains pleasure from them," said Justice Holman. "No court has yet been asked to approve, against the will of parents, the withdrawal of life support with the inevitable and immediate death of a conscious child with sensory awareness and cognition, and no significant evidence of brain damage."

Do not resuscitate or medicate

- The judge also said that if the child's heart stops, the hospital would not be required to resuscitate him or to give antibiotics if he develops serious infections.
As reported by the BBC, Mar 15 2006
