

abortion, euthanasia and, 68-9	against PAS, 68-71
Abortion Act, GB, 69	unbearable suffering in, 263-4
activism. See judicial activism	artificial nutrition and hydration
Adams, John Bodkin, 28-9	(ANH), 189
Admiraal, Pieter, 120	Asperger's syndrome, 309
advance directives	assisted suicide. See also elderly;
under Code of Practice, 172-5	physician or nurse practitioner
due care criteria, 172, 174, 241	assisted suicide; physician-
under Euthanasia Act, Belgium, 286,	assisted suicide
295–6, 317	public opinion on, in UK and US, 1
validity limitations of, 295	Australia. See also Rights of the
under Euthanasia Act, Netherlands,	Terminally Ill Act
158-9	Euthanasia Laws Act, 341
NVVE and, 225	NT, 329
Andrews, Kevin, 341	recent legal developments on
ANH. See artificial nutrition and	euthanasia, 481–6
hydration	Voluntary Assisted Dying Act, 481-6
anxiety, 309	autonomy
arguments against euthanasia	defined, 51, 78
empirical, 71–82	inviolability of human life and, 53
capacity in, 74	law and, 58-9
depression in, 75-6	levels of, 54–5
guideline assessment, 79-82	morality and, 52
safeguards in, 79–82	through restriction of autonomy,
vulnerability in, 76–9	53
logical, 82–8	NVAE and, 87–8
autonomy in, 87–8	purpose of, 51–4
for incompetent patients,	restrictions against, to enforce
84	morality, 53
suffering in, 87–8	right to choose and, 50–1
voluntariness in, 83–7	right to refuse treatment, 54
slippery slope	VAE and, 50, 53
in Belgium, 322	requests for, 54–5
in Canadian Supreme Court, 412–14, 423	value of, 51–4
Griffiths on, 208-9	Battin, Margaret, 150-1
Kimsma on, 227	Baxter, Robert, 366-9



> 515 INDEX

Baxter v. Montana, 366-9 Canadian Charter of Rights and Belgium, euthanasia in. See also Fundamental Freedoms, 16, Euthanasia Act; Federal Review 394, 397-8 Commission equal rights under, 399 definitions of, 303-5 capacity, 74 FCECE and, 283, 287, 291, 296-7, capital punishment, in Canada, 409 300-1, 306-7, 324-5 Carter, Kay, 414 composition of, 301–2 Carter, Lee, 414 incurable disorders category, Carter v. Canada, 397-431, 452-6, multiple disorders category, 307-8 Centers for Disease Control (CDC), unbearable suffering criteria, 363 - 4Chabot (Dr.), 237-41 308 - 9NVAE, 318-19 on euthanasia, in patients with organ donations after, 289, 320-1 dementia, 237-41 criteria for, 239-40 PAS, 301-2 slippery slope argument against, 322 due care for, 240-1 VAE, 301-2 EOLC and, 238-9 beneficence, 83-6, 235-6, 279, 371, 456, Chabot case, 117, 122, 141, 149, 154, 214 467 - 8unbearable suffering in, 261 Bland, Tony, 11-14 Christianity. See Judeo-Christian Blanke, Charles, 364 tradition Bodkin, Henry, 69 CID. See Compassion in Dying Boer, Theo, 215, 227-37 Clough, A. H., 41 Borst, Els, 95 Code of Practice (2015), Netherlands, British Medical Association, 28, 69 165 - 79British Medical Journal, 276 advance directives under, 172-5 Brongersma case, 162, 201 due care criteria, 172, 174, 241 PAS in, limitations of, 261–3 for coma, 178 dementia under, 176-7 unbearable suffering in, 261–3 VAE in, limitations of, 261–3 independent physicians under, 174 intellectual disability under, 178 Brown, Jerry, 370-1 Burial and Cremation Act, minors under, 175 Netherlands, 159-60 psychiatric disorders under, 175-6 for reduced consciousness, 178 California, End of Life Option Act in, requirements under, 166-71 fear of imminent decline, 168-9 370 - 1Callahan, Daniel, 20, 80, 130 for informing patients, 170 Campbell, Jane, 86-7 lack of reasonable alternatives, Canada. See also Medical assistance in 170 - 1dying Act; Supreme Court of Canada capital punishment in, prohibition against, 409 medical practitioners in, definitions of, 432 suicide in, decriminalisation of, 411



516 INDEX

coma, under Code of Practice, 178 assisted suicide of psychiatric 'Compassion and Choices' law (US), patients, 139 1 - 2consultation in, 139-40 Compassion in Dying (CID), 359-60 intensification of pain, 136-7 complicated grief, 309 neonates, 138-9 conscientious objections, under NVAE incidence rates, 141 Euthanasia Act, Belgium, 315-16 PAS incidence rates, 135-6, 141 consciousness. See reduced reporting of, 140 consciousness symptom treatment, 136-7 Constitution, US, 394 VAE incidence rates, 135-6, 141 for withholding/withdrawal of consultations under Euthanasia Act, Belgium, 320 treatment, 137-8 strictness requirements, 294-5 De Moor, Simona, 311, 461 under Euthanasia Act, Netherlands, death certificate study, 101 Death on Request, 145-7 193 for NVAE, 121 criticism of, 146-7 for PAS, 121 Death with Dignity Act (1994), Oregon, for VAE, 121 345-65, 375 in Van der Maas Survey (Second), abuse of, 363-4 139 - 40analysis of, 357-62 Conway, Noel, 476-81 application of, 357-65 Cook, Michael, 223-4 CID and, 359-60 counseling requirements under, 349 counseling requirements, under Death with Dignity Act, 349 documentation requirements under, Cox, Nigel, 10-11 349 - 50Criminal Code, amendments to, 159 immunity under, 350-1 criminal law injunctions against implementation autonomy and, 58-9 of, 345 double effect principle in, 26-33 liability issues and, 350-1 euthanasia under, 10-11 MAID Act compared to, 449 inviolability of life and, 58 medical model approach, 360 VAE under, 56-65 OHA and inconsistent approach to, 65 annual reports on, 362-5 quality of life approach and, 56-7 documentation requirements, vitalism and, 56-7 349 - 50limited function of, 355-6, 360-1 data analysis, of Van der Maas Survey patient requirements, 347 (Second), 141–2 as Oregon model, 360 alternatives to palliative care, 141-2 PAS under, 353, 356–60, 363–5 failure to report, 142 patient requirements under, 346-7 VAE/NVAE incidence rates, 141 OHA qualifications, 347 data collection residence requirements, 346 physician requirements under, 347-9 on PASSED, 247-8 in Van der Maas Survey (First), 108-9 for consulting physicians, 347-9 in Van der Maas Survey (Second), definitions of physicians, 347 135 - 40reporting procedures, 356-7 active termination of life without precision of, 351-4 terminal illness definitions, 351 explicit request, 136



reporting requirements under,	due care, criteria for
349–50, 354–5	advance directives and, 172, 174, 241
for physicians, 356–7	under Code of Practice, 172, 174, 241
scope of, 346	under Euthanasia Act, Netherlands,
strictness of, 352–7	158
weaknesses of, 375–6	for existential suffering, 269
Death with Dignity Act (2008),	in patients with dementia, 240-1
Washington, 365-6	duress defence, 56-7
Death with Dignity Act (2016), District	Dutch Association for Paediatrics, 205-6
of Columbia, 371	Dutch Association for the Voluntary
decriminalisation	End of Life (NVVE), 168, 173,
of euthanasia, 9	217
of PAS, 80	advance directives, 225
of suicide, in Canada, 411	EOLC and, 232
of VAE, 60-1	KNMG and, 225
dementia	LAS and, 243
under Code of Practice, 176-7	Dutch Association for Voluntary
euthanasia and, 219-20, 223-5	Euthanasia, 145
Chabot on, 237-41	EOLC, 168
criteria for, 239-40	Dutch Nurses' Association, 276, 461
due care for, 240-1	PASSED and, 246, 260
EOLC and, 238-9	Dworkin, Ronald, 50-1, 88, 472
under MAID Act, 444	
mercy killing for, 224	eating disorders, 309
depression	effective control mechanisms
PAS and, 75–6	feasibility of, 4
under ROTTI Act, criteria for,	over PAS, 2–4
335-6	over VEA, 2-4
self-worth of elderly and, 276	elder abuse, 277
VAE and, 75–6	elderly, assisted suicide for, in the
Devine, Andrew, 12	Netherlands
dignified death, 203-4	Meaning of Life problems and, 265,
palliative treatment and, 204	267
dignity, definitions of, 405	public opinion on, 262-3
Dignity in Dying, 1–2	qualifying age for, 278
Distelmans, Wim, 301, 311	self-worth of, 275–7
District of Columbia, Death with	tiredness of life and, 261-2, 267, 279
Dignity Act in, 371	Emanuel, Ezekiel, 470
doctor-patient relationships, 194-5	empirical argument, 71–82
Doerflinger, Richard, 355	capacity in, 74
double effect principle	depression in, 75-6
in criminal law, 26–33	guideline assessment, 79-82
foresight and, 24-5	safeguards in, 79-82
intention and, 24–5	vulnerability in, 76–9
rejection of, 26	End of Life Option Act (2016),
sanctity/inviolability of life and, 38,	California, 370–1
40, 58	End of Life Options Act (2016),
in traditional medical ethics, 25–6	Colorado, 371
· · · · · · · · · · · · · · · · · · ·	,



End-of-Life Clinic (EOLC), 168	lack of, 114–17
Kimsma on, 216–17	life-terminating acts without,
NVVE and, 232	112–14
end-of-life decisions	foresight and
MDELs, 99-100	double effect principle and, 24-5
in Van der Maas Survey (Second),	intention as distinct from, 22
134	morality and, 22-3, 26
enforcement, 59-61, 82, 196-202, 359	sanctity/inviolability of life and, 40
EOLC. See End-of-Life Clinic	IVAE, 15
Epstein, Richard, 383-5	judicial activism and, 465-8
equal rights, under Canadian Charter	legal inconsistency towards, 65
of Rights and Fundamental	NVAE, 33-4
Freedoms, 399	PE, 11-14, 57, 424
ethics. See also medical ethics	legal inconsistency towards, 65
of PASSED, 248–52, 260	physicians' suggestion of, 166-7
utilitarian, 26	PVS and, 11–14
European Convention for the Protection	recent legal developments on
of Human Rights and	in Australia, 481–6
Fundamental Freedoms, 129	in UK, 476–81
European Convention on Human	in US, 473–5
Rights, 402, 476-7	UAE, 15
intentional killing under, 39	Euthanasia Act (2002), Belgium, 283-97
European Court of Human Rights,	advance directives under, 286, 295-6,
402	317
euthanasia, 9–15. See also arguments	validity limitations of, 295
for euthanasia; intention;	comparisons with Dutch act, 288–97
voluntary active euthanasia;	conscientious objections under,
voluntary active euthanasia; specific countries	conscientious objections under, 315–16
	conscientious objections under, 315–16 consultation requirements, 320
specific countries	conscientious objections under, 315–16
specific countries abortion and, 68–9	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324
specific countries abortion and, 68–9 criminalisation of, 10–11	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in,	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319 NVAE under, 317–19
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5 criteria for, 239–40 due care for, 240–1 EOLC and, 238–9	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319 NVAE under, 317–19 organ donations under, 320–1
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5 criteria for, 239–40 due care for, 240–1 EOLC and, 238–9 difficult legal cases, 471–2	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319 NVAE under, 317–19 organ donations under, 320–1 palliative care under
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5 criteria for, 239–40 due care for, 240–1 EOLC and, 238–9 difficult legal cases, 471–2 expert committees on, 469–70	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319 NVAE under, 317–19 organ donations under, 320–1 palliative care under for minors, recommendations for,
specific countries abortion and, 68–9 criminalisation of, 10–11 decriminalisation of, 9 definitions, 9–15, 94, 105 active and intentional termination in, 10–14 foreseen life-shortening aspects in, 14–15 intentional termination by omission, 11–14 scope of, 9–10 in Second Van der Maas Survey, 141 dementia and, 219–20, 223–5 criteria for, 239–40 due care for, 240–1 EOLC and, 238–9 difficult legal cases, 471–2	conscientious objections under, 315–16 consultation requirements, 320 strictness of, 294–5 error and abuse of, 324 exceptions to, 315 FCECE and, 324–5 composition of, 301–2 incurable disorders category, 307–8 multiple disorders category, 307–8 unbearable suffering criteria, 308–9 minors under, 316 palliative care recommendations for, 316 nurses under, 319 NVAE under, 317–19 organ donations under, 320–1 palliative care under



INDEX 519

PAS not covered under, 283-4, United Nations Human Rights 314 - 15Committee and, 211-12 physician requirements under, 284-5 Van Oijen case, 163-4 consultations with other Euthanasia Laws Act (1997), Australia, physicians, 292 341 for patient assessment, 285-6 euthanasia marketing, 221-2 precision of, 289-92 exceptions, to Euthanasia Act, Belgium, for incurable disorders, 307-8 315 for multiple disorders, 307-8 existential suffering. See also unbearable physician identity, 292 suffering physician's expectations of patient Dutch government responses to, death, 291-2 268-79 PVS requirements and, 289 autonomy and, 270 reporting procedures under, 297 due care criteria for, 269 system controls influenced by, expanding populations for, 273-4 299-302 legal framework for, 271-2 review procedures under, 297 for medical reasons, 272-3 strictness of, 292-7 for non-medical reasons, 272-3 for consultations, 294-5 qualifying age of elderly, 278 palliative care options, 293-4 reasons for, 268-70 system controls under, 298-307 self-worth of elderly and, 275-7 through FCECE composition, 301-2 system controls, effectiveness of, through reporting procedures, 274 - 5299-302 Uit Vrije Wil (Of Free Will) terminal sedation under, 323-4 citizen's initiative, 264, 274 tiredness of life criteria under, 291 explicit requests unbearable suffering criteria under, for euthanasia, 111-17 289 - 90durable and persistent, 111-12 elasticity of, 308-14 lack of, 114-17 FCECE assessment of, 308-9 life-terminating acts without, VAE under, 314-15 112 - 14Euthanasia Act (2002), Netherlands, for NVEA, 129 157-65, 172 in Van der Maas Survey (Second), 136 advance directives under, 158-9 Brongersma case, 162 failure to report, 142 Burial and Cremation Act and, FCECE. See Federal Review Commission fear of imminent decline. See imminent 159 - 60comparisons with Belgian act, decline 288 - 97Federal Review Commission (FCECE), consultation requirements under, 283, 287, 291, 296-7, 300-1, 193 306 - 7under Euthanasia Act, Belgium, 324-5 Criminal Code amendments and, 159 due care criteria, 158 composition of, 301-2 Heringa case, 164-5 composition of commission, 301-2 legislative mistakes in, 197-8 incurable disorders category, PASSED and, 245-6, 250-1 307 - 8regional review committees multiple disorders category, 307-8 established under, 159, 200-1 unbearable suffering criteria, 308-9



520 INDEX

Finnis, John, 472 on SCEN physicians, 181 Fleming v. Ireland, 418 qualifications for, 186-7 Foley, Kathleen, 357-62 on slippery slope argument for foresight euthanasia, 208-9 double effect principle and, 24-5 on terminal sedation, 189-90 intention as distinct from, 22 on terminating by omission, 191 morality and, 22-3, 26 on VAE, 182 sanctity/inviolability of life and, 40 Groningen Protocol, 205-6 Habgood, John, 68 Gardner, Booth, 366 Gillon, Raanan, 25-6, 153 Harris, John, 85 Glover, Jonathan, 85 Hawking, Stephen, 26, 145-6 Gormally, Luke, 147 health, definitions of, 267-8 Gorsuch, Neil, 70-1, 200, 214-15, 361-2. Hemlock Society, 372-3 See also Death with Dignity Act Hendin, Herbert, 145-6, 214-15, 357-62 Goudriaan, Hannie, 221 Heringa, Albert, 164-5, 219 grief. See complicated grief Heringa case, 164-5 Griffiths, John, 98, 181-210, 215 Hippocratic Oath, 39 on ANH, 189 Hospice Movement, 73 defence of Dutch system, 181-209 human life, value of intentional-life shortening, forms hypothetical examples of, 43-8 of, 187-93 innocence and, 38 as intrinsically effective, 182-7 intentional killing, prohibition lax enforcement as factor in, against, 38-40 under European Convention on 196-202 lax interpretation as factor in, 193-6 Human Rights, 39 reporting procedures, 182-4 Hippocratic Oath and, 39 unbearable suffering innocence and, 38 requirements, 194 universality of, 39-40 on doctor-patient relationships, 194-5 philosophical basis of, 38-9 on Groningen Protocol, 205-6 quality of life approach, 42-3, 48 on infanticide as concept, distinctions within, legal criteria for, 206-7 42 - 3as NVAE, 205-9 in UK, 49 through withdrawal of treatment, in UN Declaration of Human 207 - 8Rights, 49 on mental suffering, 194-5 in US, 49 sanctity/inviolability of life, 38-42, 48 on NVAE, 182, 202-9 infanticide as, 205-9 acts against, 41 patient consent, 204-5 double effect and, 38, 40 as prevention of undignified foresight and, 40 death, 202-4 intention and, 40 in Judeo-Christian tradition, 38 on review committees, 195-6, 199 case analysis by, 198 omissions and, 41 interpretation of Euthanasia Act, worthwhileness of treatment, 41-2 Netherlands, 198 vitalism, 37, 48 humane death, 203-4 prosecuted cases, 197 regional, 196-9 Humphry, Derek, 372-3



INDEX 521

illness, WHO definition, 290-1	Kamisar, Yale, 69-71, 362
imminent decline, fear of, 168-9	Kennedy, Ludovic, 30-1
immunity from prosecution, under	Kevorkian, Jack, 16-17
Death with Dignity Act, 350-1	killing. See intentional killing
implementation phase, of PASSED, 252	Kimsma, Gerrit, 186, 215
incompetent patients, 84	on EOLC, 216–17
infanticide	on PAS, 226-8
legal criteria for, 206-7	on SED behaviors, 218
as NVAE, 205–9	on slippery slope argument against
through withdrawal of treatment,	euthanasia, 227
207-8	on SLM behaviors, 218
informing patients, 170	on VAE, 226–8
innocent people, intentional killing of,	King, Patricia, 366
38	Kissane, David, 337-8
intellectual disability, under Code of	KNMG. See Royal Dutch Medical
Practice, 178	Association
intention	Kuhse, Helga, 85, 143
double effect principle and, 24-5	
ends of, 33	laicide, 225
in euthanasia	Lamb, Julia, 450-1
active termination, 10-14	Lamb and British Columbia
by omission, 11-14	Civil Liberties Association
foresight as distinct from, 22	v. Attorney General of
means to, 33	Canada, 450–1
morality and, 22-3, 26	Lamme, Victor, 221
sanctity/inviolability of life and, 40	LAS. See lay assistance in suicide
intentional killing	last resort decisions, 118-20
in the Netherlands, 105	"The Latest Decalogue" (Clough), 41
prohibition against, 38-40	law of contract, 62
under European Convention on	law of demand, 82
Human Rights, 39	lay assistance in suicide (LAS), 243-5
Hippocratic Oath and, 39	under Euthanasia Act, Netherlands,
innocence and, 38	243
universality of, 39-40	NVVE members and, 243
inviolability of life. See sanctity/	Leenen, Henk, 151
inviolability of life	Lemmens, Trudo, 298, 311, 452-6
involuntary active euthanasia (IVAE), 15	liability, under Death with Dignity Act,
irremediable medical conditions, 408,	350-1
434–5	liberty, sanctity of life and, 404
IVAE. See involuntary active	Liddell, George, 30–2
euthanasia	Life's Dominion (Dworkin), 88
	Lindsell, Annie, 26-30
Jackson, Emily, 85	logical argument, for euthanasia, 82-8
Johnson, Hollis, 414	autonomy in, 87–8
Journal of Medical Ethics, 25-6, 153	for incompetent patients, 84
Judeo-Christian tradition, sanctity/	suffering in, 87–8
inviolability of life in, 38	voluntariness in, 83-7

Lynn, Joanne, 351

judicial activism, 465–8



MacLeod, Adam, 20	mercy killing
MAID. See medical assistance in dying	for dementia, 224
Mann, Patricia, 78	murder as distinct from, 58
Maynard, Brittany, 364, 370	methodology, for Van der Maas Survey
MDELs. See Medical Decisions	(First), 100–1
concerning the End of Life	death certificate study, 101
Meaning of Life problems, 265, 267	prospective study, 101
Medical assistance in dying (MAID)	retrospective study, 100-1
Act (2016), Canada, 432	minors
for dementia, 444	under Code of Practice, 175
irremediable medical conditions and,	under Euthanasia Act, Belgium,
434-5	316
legal criteria for, 433-8, 450	palliative care recommendations
exemption from liability, 433-4,	for, 316
447	PAS for, 212
review guidelines, 437-8	VAE for, 212
safeguards, 435-6, 438-9, 449	misdiagnoses, VAE and, 73
legal legacy of, 450-7	Montana, Rights of the Terminally Ill
limitations of, 450–1	Act in, 367–9
Oregon's Death with Dignity Act	Montero, Etienne, 298-319, 416, 420
compared to, 449	Moor, David, 30-2
PNAS under, 432	morality
disciplinary action for, 445-6	autonomy and, 52
eligibility criteria for, 434–5	restriction of, 53
legal criteria for, 433-8	foresight and, 22-3, 26
normalisation of, 456–7	intention and, 22-3, 26
regulations for, 437	of PAS, 244
precision of, 439-46	murder. See also intentional killing
strictness of, 446–50	duress as defence of, 56-7
VAE under, 432	excusatory defence of, 93
disciplinary action for, 445-6	justificatory defence of, 93
eligibility criteria for, 434-5	mercy killing as distinct from, 58
legal criteria for, 433-8	necessity rejected as defence of, 56-7
normalisation of, 456–7	• •
regulations for, 437	necessity defence, for murder, 56-7
Medical Decisions concerning the End	neonates
of Life (MDELs), 99–100	infanticide and, 205-9
medical ethics	NVEA and, 205-9
double effect principle in, 25-6	in Van der Maas Survey (Second),
Hippocratic Oath, 39	138-9
quality of life approach and, 49	the Netherlands, euthanasia in. See also
medical model approach, in Death with	Code of Practice;
Dignity Act, 360	elderly; Euthanasia Act;
medical practitioners, definitions of,	existential suffering; Griffiths,
432	John; Van der Maas Survey
mental suffering, 194-5. See also	Burial and Cremation Act, 159-60
existential suffering; unbearable	Cohen-Almagor on, 213-14
suffering	criteria for, 96-8



Death on Request, 145-7	legalisation of, 93–4
criticism of, 146-7	reporting of, 121
defence of, 181-209	Remmelink Report, 99-109, 144-5,
intentional-life shortening, forms	153–4
of, 187–93	euthanasia in, 123
as intrinsically effective, 182-7	intentional killing in, 123
lax enforcement as factor in,	NVAE in, 123–5
196-202	VAE in, 123–5
lax interpretation as factor in,	SCEN physicians, 181
193–6	qualifications for, 186–7
reporting procedures, 182-4	SCEN physicians and, 181
unbearable suffering	Uit Vrije Wil citizen's intiative, 219,
requirements, 194	246–7, 264, 274
definition of, 94, 105, 129	VAE in, 18
end-of-life decisions in, 134	consultations for, 121
explicit requests for, 111-17	criteria for, 96-8
durable and persistent, 111-12	guidelines for, 94-8
lack of, 114-17	incidence rates, 102
life-terminating acts without,	as last resort, 118-20
112–14	legalisation of, 93-4
Gorsuch on, 200, 214-15	MDELs compared to, 108
guidelines for, 94-8	reporting of, 121
historical overview of, 153-6	for unbearable suffering, 117-18
incidence rates, 102-3	van Roijen and, 147-50
intentional killing in, 105	Netherlands Association for Psychiatry,
IZNIMC 02 4 06	104 5
KNMG, 92–4, 96	194–5
marketing of, 221–2	New York Task Force, euthanasia in,
marketing of, 221-2	New York Task Force, euthanasia in,
marketing of, 221–2 MDELs	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40
marketing of, 221–2 MDELs VAE compared to, 108	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. <i>See also</i>
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in,	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31 organ donation after, 289	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385 under European Convention for the
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31 organ donation after, 289 PAS in, 18	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385 under European Convention for the Protection of Human Rights and
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31 organ donation after, 289 PAS in, 18 consultations for, 121 criteria for, 96–8, 107 guidelines for, 94–8	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385 under European Convention for the Protection of Human Rights and Fundamental Freedoms, 129
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31 organ donation after, 289 PAS in, 18 consultations for, 121 criteria for, 96–8, 107	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385 under European Convention for the Protection of Human Rights and Fundamental Freedoms, 129 under Euthanasia Act, Belgium, 317–19 explicit requests for, 129
marketing of, 221–2 MDELs VAE compared to, 108 in Van der Maas Survey, 99–100, 104 NVAE in Chief Prosecutors and, 126 consultations for, 121 court approval of, 127–8 denial of, 150 incidence rates, 112 KNMG and, 125–6 public support for, decline in, 128–31 organ donation after, 289 PAS in, 18 consultations for, 121 criteria for, 96–8, 107 guidelines for, 94–8	New York Task Force, euthanasia in, definitions of, 10 Nicklinson, Tony, 256 Nitschke, Philip, 337–40 non-voluntary active euthanasia (NVAE), 33–4. See also arguments for euthanasia in Belgium, 318–19 under criminal law, 59–65 ineffectiveness criticisms, 59–61 palliative care and, 61 refusal of treatment and, 64–5 right to suicide and, 61–3 Epstein's support of, 385 under European Convention for the Protection of Human Rights and Fundamental Freedoms, 129 under Euthanasia Act, Belgium, 317–19



non-voluntary active euthanasia	Oregon. See Death with Dignity Act
(NVAE) (cont.)	Oregon Health Authority (OHA),
on patient consent, 204-5	Death with Dignity Act and
as prevention of undignified	annual reports on, 362-5
death, 202–4	documentation requirements, 349-50
infanticide and, 205-9	limited functions under, 355-6,
neonates and, 205-9	360-1
in the Netherlands	patient requirements, 347
Chief Prosecutors and, 126	organ donation, after euthanasia, 289,
consultations for, 121	320–1
court approval of, 127–8	overdose of sleeping pills or other
in Courts of Appeal, 127–8	medications (SLM), 218, 256
denial of, 150	
KNMG and, 125-6	palliative care
public support for, decline in,	alternatives to, 141–2
128–31	in Canada, 419
Posner on, 386–8	dignified death and, 204
reporting guidelines for, 155	under Euthanasia Act, Belgium
in Van der Maas Survey (Second),	for minors, recommendations for,
141	316
Northern Territory (NT), 329	strictness of, 293–4
Norwood, Frances, 227	NVAE and, 61
NT. See Northern Territory	PAS and, 61
nurses	under ROTTI Act, 332–3
Dutch Nurses' Association, 276, 461	reasonable availability of, 336
PASSED and, 246, 260	VAE and, 61
under Euthanasia Act, Belgium, 319	in Van der Maas Survey (Second),
PNAS and, 432	141-2
disciplinary action for application	WHO definition, 247, 257
of, 445-6	PAS. See physician-assisted suicide
eligibility criteria for, 434–5	PASSED. See physician-assistance with
legal criteria for, 433–8	SED
normalisation of, 456–7	passive euthanasia (PE), 11–14, 57, 424
regulations for, 437	legal inconsistency towards, 65
NVAE. See non-voluntary active	Patient Choice at End of Life Act
euthanasia	(2013), Vermont, 369–70
NVVE. See Dutch Association for the	patient consent, 204–5
Voluntary End of Life	patient requirements, under Death with
,,,	Dignity Act, 346–7
Of One's Free Will initiative. See Uit	OHA qualifications, 347
Vrije Wil citizen's initiative	residence requirements, 346
OHA. See Oregon Health Authority	PE. See passive euthanasia
omission, death as result of	persistent vegetative state (PVS), 11–14
in euthanasia definitions, 11–14	289
Griffiths on, 191	physician or nurse practitioner assisted
in PASSED, 254–7	suicide (PNAS), in Canada, 432
sanctity/inviolability of life and, 41	disciplinary action for application of
O'Neill, Onora, 76	445-6
,,	=== *



INDEX 525

eligibility criteria for, 434-5 legal criteria for, 433-8 normalisation of, 456-7 regulations for, 437 physician-assistance with SED (PASSED), 245-52 as omission, 254-7 Dutch Nurses' Association and, 246, empirical data on, 247-8 ethical aspects of, 248-52, 260 under Euthanasia Act, Belgium, 245-6, 250-1 as expansion of euthanasia, 259 guidance for, 246-60 arbitrary discrimination in, 258-9 for caregivers, 252 characteristics in, 247 criticism of, 253-9 for defensive behaviours, 252 definitions, 247 implementation phase, 252 intent to palliate suffering in, 257-8 legal aspects of, 248-52, 260 patient representatives, 249-50 legal definitions for, lack of, 253 preparatory phase, 248, 252 as refusal of treatment, 253-4 physician-assisted suicide (PAS), 16-20. See also arguments for euthanasia; Kevorkian, Jack; the Netherlands; unbearable suffering; specific nations Baxter v. Montana, 366-9 in Belgium, 301-2 campaigns for, 17-20 in Canada, Supreme Court arguments against, 16, 397-8, 402 - 4empirical evidence for, 414–20 international influences on, 417 palliative care and, 419 purposes of, 408-12 in Canadian Charter of Rights and Fundamental Freedoms, 16, 394, 397-8 Cohen-Almagor on, 213-14 constitutionality of laws against, 3-4

under criminal law, 59-65 ineffectiveness criticisms, 59-61 palliative care and, 61 refusal of treatment and, 64-5 right to suicide and, 61-3 under Death with Dignity Act, 353, 356-60, 363-5 decriminalisation of, 80 effective control over, 2-4 empirical argument, 71-82 capacity in, 74 depression in, 75–6 guideline assessment, 79-82 safeguards in, 79-82 vulnerability in, 76-9 under Euthanasia Act, Belgium, 283-4, 314-15 Kimsma on, 226-8 law of demand and, 82 in Montana, 366-9 morality of, 2-3, 244 normalisation of, 78 patients as decision-maker in, 17 in practice, 67 principles of, 67 of psychiatric patients, 139 public opinion on, 1 slippery slope argument, 68-71 United Nations Human Rights Committee on, 212 in US, 371-5. See also specific acts campaigns for, 17-20, 372-4 under Constitution, 394 expansion of, 376 in Van der Maas Survey (Second), 135-6, 139, 141 physicians under Death with Dignity Act, requirements for, 347-9 for consulting physicians, 347-9 definitions of physicians, 347 immunity from prosecution, 350 - 1reporting procedures, 356–7 under Euthanasia Act, Belgium, 284 - 5consultations with other physicians, 292



physicians (cont.)	NVAE in, 123–5
expectations of patient death,	physicians' refusal of, 124
291-2	VAE in, 123-5
identity of physicians, 292	physicians' refusal of, 124
for patient assessment, 285-6	Rendez-vous Avec La Mort: dix ans
under ROTTI Act, opinions of,	d'euthanasie légale en Belgique
330-1	(Montero), 298
of first physician, 330	reporting guidelines
of second and third physician,	under Death with Dignity Act,
330-1	349-50, 354-5
PNAS. See physician or nurse	for physicians, 356-7
practitioner assisted suicide	under Euthanasia Act, Belgium, 297
Posner, Richard (Judge), 386-8	system controls influenced by,
post-traumatic stress disorder,	299–302
309	Griffiths on, 182–4
precision of guidelines, 79, 166	for NVAE, 155
preparatory phase, of PASSED, 248,	under ROTTI Act, 333-4
252	in Van der Maas Survey (First),
Price, Annabel, 75	122
prospective study, in Van de Maas	in Van der Maas Survey (Second),
Survey, 101	140
psychiatric disorders, under Code of	retrospective study, in Van der Maas
Practice, 175–6	Survey (First), 100–1
public opinion, on assisted suicide for	review committees
elderly, 262	establishment of, 159, 200-1
by physicians, 262-3	Griffiths on, 195-6, 199
PVS. See persistent vegetative state	case analysis by, 198
1 0	interpretation of Euthanasia Act,
quality of life approach, 42-3, 48	Netherlands, 198
distinctions within, 42–3	prosecuted cases, 197
in UK, 49	regional, 196–9
in UN Declaration of Human Rights,	regional, 159, 196-201
49	right to choose, autonomy and, 50-1
in US, 49	right to die campaigns, 463-4
VAE and, under criminal law, 56-7	right to refuse treatment
,	autonomy and, 54
R. v. Moloney, 30, 32-3	PASSED as, 253–4
record-keeping requirements	Rights of the Terminally Ill Act,
under Death with Dignity Act,	Montana (US), 367–9
349-50	Rights of the Terminally Ill (ROTTI)
under ROTTI Act, 333-4	Act (1995), Australia, 329-41
reduced consciousness, 178	application of, 337-40
refusal of treatment. See right to refuse	conditional requirements under,
treatment	331–2
Remmelink Report, 99-109, 144-5,	palliative care under, 332-3
153-4	reasonable availability of, 336
euthanasia in, 123	patient requests under, 329-30
intentional killing in, 123	withdrawal of, 333



physicians' opinions under, 330–1	security and, 404
of first physician, 330	terminology for, 398-400
of second and third physician,	worthwhileness of treatment, 41-2
330-1	Saunders, Cicely, 73, 146-7
precision of, 334-6	SCEN. See Support and Consultation
for clinical depression assessment,	Euthanasia Netherlands
335-6	Schnabel, Paul, 269
for palliative care availability, 336	Seale, Clive, 59
for terminal illness definitions,	security, sanctity of life and, 404
334-5	SED. See stopping eating and drinking
record-keeping requirements under,	self-worth, of elderly, 275–7
333-4	depression and, 276
repeal of, 341	social pressures as factor in, 276-7
reporting procedures under, 333-4	Singer, Peter, 85, 143
scope of, 329	slippery slope arguments against
strictness of, 336–7	euthanasia. See also autonomy
Rigter, Henk, 129-30	in Belgium, 322
R. (Nicklinson) v. Ministry of Justice,	beneficence, 83–6, 235–6, 279, 371,
422	456, 467-8
Roe, Marion, 147	burden of proof, 75-6, 228
ROTTI Act. See Rights of the	in Canadian Supreme Court, 412-14,
Terminally Ill Act	423
Royal Dutch Medical Association	causation and, 378
. (KNMG), 92-4, 96. See also	empirical, 71–82
physician-assistance with SED	explanation of, 107, 115-16, 170
NVAE and, 125-6	Griffiths on, 208-9
NVVE and, 225	Kimsma on, 227
on unbearable suffering, 264-8	logical, 82-8
lack of clarity for, 265-7	for PAS, 68–71
lack of cogency for, 267-8	responses to, 70
Rutenfrans, Chris, 220	statistical evidence and, 287, 349–50, 362
sanctity/inviolability of life, 38-42, 48	unbearable suffering in, 263–4
acts against, 41	SLM. <i>See</i> overdose of sleeping pills or
autonomy and, 53	other medications
in criminal law tradition, 58	Smith, Lynne, 397
defined, 58	Smith, McCall, 53
double effect and, 38, 40, 58	Smith, Stephen W., 81
foresight and, 40	Souter, David (Justice), 380-3
intention and, 40	Steinbock, Bonnie, 362
in Judeo-Christian tradition, 38	stopping eating and drinking (SED),
omissions and, 41	suicide through, 218, 243. See
Supreme Court Canada and, 398-	also physician-assistance with
408	SED
arbitrary criteria for, 405-6	as auto-euthanasia, 256
fuzzy criteria for, 407-8	empirical data on, 247-8
liberty and, 404	ethical aspects of, 248-52, 260
misunderstanding of, 400-1	incidence rates for, 243-4



528 INDEX

stopping eating and drinking (SED), suicide through (cont.) legal aspects of, 248-52, 260 patient representatives, 249-50 Street, Annette, 337-8 strictness of safeguards, 161, 166, 178-9 substance use disorders, 309 suffering. See existential suffering; unbearable suffering suicide. See also physician-assistance with SED; physician-assisted suicide; stopping eating and drinking in Canada, decriminalisation of, 411 definition of, 255 Suicide Act (1961), Eng, 57-8, 61-3 Support and Consultation Euthanasia Netherlands (SCEN), 181 physician qualifications, 186-7 Supreme Court, US PAS cases and, constitutionality arguments against, 3-4 Vacco, Attorney General of New York et al. v. Quill, 377-8 legacy of, 391-4 Souter response in, 380–3 state interests in, 379-80 Washington v. Glucksberg, 377-8, 410 legacy of, 391-4 Souter response in, 380–3 state interests in, 379-80 Supreme Court of Canada, judgments on euthanasia, 16 Canadian Charter of Rights and Fundamental Freedoms and, capital punishment and, prohibitions against, 409 Carter v. Canada, 397-431, 452-6, 464 - 6criticisms of, 420-8 legislative facts and, changes in, 421 - 5optimism assumptions in, 427-8 pessimism as dichotomy in, 425-6 social facts and, changes in, 421-5 on dignity, definitions of, 405

on irremediable medical conditions, PAS and, prohibition against, 397-8 empirical evidence for, 414-20 international influences on, 417 palliative care and, 419 purposes of, 408-12 R. (Nicklinson) v. Ministry of Justice, sanctity of life and, scope of, 398-408 arbitrary criteria for, 405-6 fuzzy criteria for, 407-8 liberty and, 404 misunderstanding of, 400-1 security and, 404 terminology, 398-400 slippery slope argument for, 412-14, 423 VAE and, prohibition against, 397-8 empirical evidence for, 414-20 international influences on, 417 palliative care and, 419 purposes of, 408-12 Sykes, Nigel, 146 Taylor, Gloria, 404, 425-6 terminal illness, definitions of under Death with Dignity Act, 351 under ROTTI Act, 334-5 terminal sedation under Euthanasia Act, Belgium, 323-4 Griffiths on, 189-90 Thienpont, Lieve, 309-11 tiredness of life, 261-2, 267, 279 under Euthanasia Act, Belgium, criteria for, 291 treatments right to refuse, 54 worthwhileness of, 41-2 Tutu, Desmond, 370 UAE. See unrequested active euthanasia Uit Vrije Wil citizen's initiative (Of Free Will Initiative), 219, 246–7, 264, 274 UK. See United Kingdom UN Declaration of Human Rights,

Fleming v. Ireland, 418–20



unbearable suffering	End of Life Option Act, in California,
in Brongersma case, 261-3	370-1
in Chabot case, 261	End of Life Options Act, in
under Code of Practice, 168-70	Colorado, 371
under Euthanasia Act, Belgium,	PAS in, 371–5
289-90	campaigns for, 17-20, 372-4
elasticity of, 308-14	under Constitution, 394
FCECE assessment of, 308-9	expansion of, 376
FCECE criteria, 308-9	Patient Choice at End of Life Act,
expansion of, 261	369-70
Griffiths on, 194	quality of life approach in, among
KNMG on, 264-8	bioethicists, 49
lack of clarity for, 265-7	recent legal developments on
lack of cogency for, 267-8	euthanasia, 473-5
PAS and, 117–18	right to die campaigns in, 463-4
slippery slope argument and, 263-4	Rights of the Terminally Ill Act, in
in Supreme Court cases, 117	Montana, 367–9
VAE and, 117–18	VAE in
undignified death, 202-4	campaigns for, 372-4
United Kingdom (UK)	under Constitution, 394
Abortion Act, 69	denial of, 19
assisted suicide in, public opinion on,	expansion of, 376
1	unrequested active euthanasia (UAE),
Dignity in Dying, 1–2	15
euthanasia in	US. See United States
criminalisation of, 10-11	utilitarian ethics, 26
definitions of, 10	
PAS in, campaigns for, 17-20	Vacco, Attorney General of New York
quality of life approach in, among	et al. v. Quill, 377-8
bioethicists, 49	legacy of, 391–4
recent legal developments on	Souter response in, 380–3
euthanasia, 476–81	state interests in, 379–80
Suicide Act, 57–8, 61–3	VAE. See voluntary active euthanasia
United Nations Human Rights	value of human life. See human life
Committee, 211–13	Van Delden, J. J. M., 150-3
Euthanasia Act, Netherlands, and,	Van Den Bleeken, Frank, 309
211–12	Van der Berge, C. J., 129–30
on PAS for minors, 212	Van der Maas, P. J., 99–109
on VAE for minors, 212	Van der Maas Survey (First), 99–109,
United States (US). See also Death with	144–5, 153–4
Dignity Act; Supreme Court,	data collection in, 108–9
US; specific states	findings of, 100–9
assisted suicide in, public opinion on, 1	MDELs, 99–100, 104
'Compassion and Choices' law, 1–2	methodology, 100-1
Death with Dignity Act, in District of	death certificate study, 101
Columbia, 371	prospective study, 101
Death with Dignity Act, in	retrospective study, 100–1
Washington, 365–6	reporting guidelines for, 122



530 INDEX

Van der Maas Survey (Second). See also decriminalisation of, 60-1 data collection defined, 15 data analysis, 141-2 **Dutch Association for Voluntary** alternatives to palliative care, 141-2 Euthanasia, 145 failure to report and, 142 effective control over, 2-4 VAE/NVAE incidence rates, 141 empirical argument, 71-82 end-of-life decisions in, 134 capacity in, 74 euthanasia definitions in, 141 depression in, 75-6 methodology, 133-4 guideline assessment, 79-82 purpose of, 133 safeguards in, 79-82 Van der Wal, G., 388-91 vulnerability in, 76-9 Van Hoey, Marc, 311 Epstein on, 383-5 Van Oijen case, 163-4, 201 under Euthanasia Act, Belgium, Van Roijen, J. H. R. D., 147-50 314 - 15Van Wendel de Joode, Cees, 145-7 foresight and Verhelst, Nathan, 309 double effect principle and, 24-5 Vermont, Patient Choice at End of Life intention as distinct from, 22 Act in, 369-70 morality and, 22-3, 26 VES. See Voluntary Euthanasia Society sanctity/inviolability of life and, vitalism, 56-7 40 voluntariness, 83-7 Kimsma on, 226-8 voluntary active euthanasia (VAE), 15. law of demand and, 82 See also arguments for under MAID Act, 432 euthanasia; intention; the disciplinary action for, 445-6 Netherlands; non-voluntary eligibility criteria for, 434-5 active euthanasia; unbearable legal criteria for, 433-8 suffering normalisation of, 456-7 autonomous requests for, 50, 53-5 regulations for, 437 in Belgium, 301-2 misdiagnoses and, 73 in Canada, Supreme Court morality of, 2-3 arguments against, 397-8, 402-4 patient decision-making in, 17-18 empirical evidence for, 414-20 in practice, 67 international influences on, 417 principles of, 67 palliative care and, 419 slippery slope argument, 68-71 purposes of, 408-12 United Nations Human Rights in Canadian Charter of Rights and Committee on, 212 Fundamental Freedoms, 16, in US 394, 397-8 campaigns for, 372-4 Cohen-Almagor on, 213-14 under Constitution, 394 criteria for, 1-2 denial of, 19 under current law, 56-65 expansion of, 376 inconsistent approach to, 65 under US Constitution, 394 ineffectiveness of, 59-61 in Van der Maas Survey (First), palliative care and, 61 135-6, 141 in Van der Maas Survey (Second), quality of life approach and, 56-7 refusal of treatment and, 64-5 right to suicide and, 61-3 Voluntary Assisted Dying Act (2017), vitalism and, 56-7 Australia, 481-6



INDEX 531

Voluntary Euthanasia Society (VES), 30–1 voluntary stopping of eating and drinking (VSED), 246. See also physician-assistance with SED; stopping eating and drinking

Wagner, Barbara, 361 Warnock, Mary, 87, 204 Washington, Death with Dignity Act in, 365–6 Washington v. Glucksberg, 377–8, 410 legacy of, 391–4 Souter response in, 380–3 state interests in, 379–80 White, Margot, 80 WHO. See World Health Organisation
Williams, Glanville, 69–71, 468–9
withdrawal of treatment
infanticide through, 207–8
in Van der Maas Survey (Second),
137–8
Wolf, Susan, 366
Woods, Allan, 444
World Health Organisation (WHO),
120
health definitions for, 267–8
illness definitions for, 290–1
palliative care definitions, 247,
257

Zylic, Zbigniew, 119, 148