

John Griffiths & Heleen Weyers

Maurice Adams

Euthanasia and Law in Europe

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EUTHANASIA AND LAW IN EUROPE

This book is a successor to J Griffiths, A Bood and H Weyers, *Euthanasia and Law in the Netherlands* (Amsterdam University Press, 1998) which was widely praised for its thoroughness, clarity, and accuracy. The new book emphasises recent legal developments and new research, and has been expanded to include a full treatment of Belgium, where since 2002 euthanasia has also become legal. In addition, short descriptions of the legal situation and what is known about actual practice in a number of other European countries (England and Wales, France, Italy, Scandinavia, Spain, Switzerland), written by local specialists, is included.

The book strives for as complete and dispassionate a description of the situation as possible. It covers in detail:

- the substantive law applicable to euthanasia, physician-assisted suicide, withholding and withdrawing treatment, use of pain relief in potentially lethal doses, terminal sedation, and termination of life without a request (in particular in the case of newborn babies);
- the process of legal development that has led to the current state of the law;
- the system of legal control and its operation in practice;
- the results of empirical research concerning actual medical practice.

A concluding part deals with some general questions that arise out of the material presented: is the legalisation of euthanasia an example of the decline of law or should it on the contrary be seen as part and parcel of the increasing juridification of the doctor-patient relationship? Does the Dutch experience with legalised euthanasia support the idea of a 'slippery slope' toward a situation in which life—especially of the more vulnerable members of society—is less effectively protected? Is it possible to explain and to predict when a society will decide to legalise euthanasia?

FOREWORD

Although it is inspired by and a successor to Griffiths, Bood and Weyers, *Euthanasia and Law in the Netherlands* (1998, referred to throughout as 'GB&W'), this is not a 'second edition' of the earlier book. Its coverage is different and while two authors (Griffiths and Weyers) are the same, we are joined by Adams (for the situation in Belgium) and by a number of colleagues who treat several other European countries.

A variety of choices underlie the contents of this book. Most important of these is the addition of Belgium, reflecting the fact that in 2002 Belgium became the second country in the world to legalise euthanasia, and also the influence of the Dutch experience on Belgian developments and the close collaboration between Dutch and Belgian scholars in this area. A second major choice was to include, in part III, several other European countries. In short, the approach in this book is far more comparative than it was in the earlier book.

In part I, dealing with the Netherlands, we have chosen to avoid as much as possible repetition of material dealt with in the earlier book (most importantly, the history of legal change and the findings of Dutch research up to 1997). Where appropriate we briefly summarise the Dutch situation as it was in 1997 and devote our attention to developments since then. The reader interested in a detailed treatment of the earlier history and the situation as it was in 1997 is referred to the earlier book, which will remain in print. The different way in which we now treat current Dutch law reflects the somewhat different emphases that the intervening years seem to require.

We have written this book, as we did its predecessor, as a collective project. Nevertheless some of us are more responsible for some chapters than for others. Weyers bears primary responsibility for chapters 2, 3 and 20, Griffiths for chapters 4, 5, 6, 10, 17, 18 and 19, and Adams for chapters 7, 8 and 9 (in collaboration with Herman Nys). In Part III we are joined by scholars from other European countries who have written reports on the specific legal and empirical situations in some eight countries. The three of us bear responsibility for the overall conception and editing of the book.

Griffiths' work on this book is a continuation of a project that began almost 20 years ago and has resulted in a number of publications, particularly on problems of effective regulation of socially problematic medical behaviour such as euthanasia. Weyers completed her dissertation on the Dutch history of legal change concerning euthanasia in 2002 and since then has devoted particular

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attention to the question how this change, until very recently unique to the Netherlands, can be explained. Adams has written on the political and parliamentary developments leading up to the Belgian legalisation in 2002, and on some problems of interpretation and administration of that law. All of this earlier work is reflected in the pages of this book.

In the years after *Euthanasia and Law in the Netherlands* was published, a substantial research programme on the regulation of socially problematic medical behaviour (RSPMB), under Griffiths' responsibility, came into being at the University of Groningen. Weyers has been a senior member of the programme from the start, and Adams an associated member. The RSPMB programme includes socio-legal research (much of it international and comparative) concerning advance treatment directives, decision-making processes in connection with withholding and withdrawing treatment, judicial decisions in hard cases involving the end of life, knowledge and interpretation by doctors of the legal rules applicable to their behaviour, self-regulation by medical professionals, termination of life in neonatology, the concept of medical futility and its use in practice, the influence of legal and other factors on the implementation of organ-donation programmes, and so forth. These, then, are the sources of the ideas upon which this book rests.

A book such as this could not have been written without the support we have received from a number of institutions. We are in particular grateful for the generous support the RSPMB programme has for many years enjoyed from the Department of Legal Theory and, more generally, the Faculty of Law of the University of Groningen. Some of the research projects that, among other things, have contributed to the work of the programme and thereby to this book have had financial support from the Faculty of Law of the University of Groningen, the University of Antwerp, and the Netherlands Foundation for Scientific Research (NWO). Finally, we acknowledge the continuing stimulating support of the CHAZERAS Fellowship.

Specific thanks are due to a number of colleagues and others who furnished us with data and/or helped us improve the accuracy of our presentation and interpretation of data derived from their research, or who facilitated access to important sources of information: Esther Dekkers (Regional Review Committees), Agnes van der Heide (Erasmus University Rotterdam), a staff member of the Central Bureau of Statistics (whose puristic rules do not allow us to identify him/her), Eduard Verhagen (University Medical Centre Groningen), Bert van den Ende (Albert Schweitzer hospital), Frances Norwood, Wim Distelmans (Free University of Brussels), Esther Pans, Eric Vermeulen and Cristiano Vezzoni.

For reading and commenting on (parts of) the book and saving us from greater and lesser errors of law, fact and interpretation, we would like to acknowledge the contributions of the authors of the country reports in part V, all of whom have also

¹ For more information about this programme (formerly known under the acronym MBPSL—Medical Behaviour that Potentially Shortens Life), see its website (where its newsletter is to be found): http://www.rug.nl/law/research/programmes/rspmb/index accessed 20 April 2008.

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given important assistance on other parts of the book. We would also particularly like to thank Alex Bood, Govert den Hartogh, Albert Klijn, Donald van Tol, Nicolle Zeegers, Herman Nys and Dirk Vanheule for their critical help.

Winnie Schrijvers, documentalist of the RSPMB programme, has been responsible for a number of years for the rapidly expanding documentation collection, without which this book could not have been written; she also did the bibliographical work reflected in the List of References. Marion Beijer rendered research assistance of all sorts.

It goes without saying that while all of those mentioned, and many others, made important contributions to the book, only we are responsible for the flaws that undoubtedly remain.

John Griffiths and Heleen Weyers (Groningen) Maurice Adams (Tilburg and Antwerp) 1 January 2008

PS On 19 February 2008, too late for inclusion in this book, a Bill to legalise euthanasia (including physician-assisted suicide) along the lines of the Dutch and Belgian laws was provisionally adopted by the Luxembourg parliament (*Proposition de loi sur le droit de mourir en dignité*, *No 4909*). At the same time, a law on palliative care was adopted. The two laws only become effective after differences between them have been resolved. As far as we are aware, no emperical data on medical end-of-life practice exist for Luxembourg.

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ABOUT THE AUTHORS

MAURICE ADAMS studied law and philosophy of law at the Universities of Maastricht (the Netherlands), Leuven (Belgium) and Oxford (UK). He did a PhD in law at the University of Leuven. Since 1997 he has been professor of law at the University of Antwerp in Belgium, teaching mainly in the field of jurisprudence and comparative law. As of September 2007 he is professor of law at Tilburg University, and part-time professor of comparative law at the University of Antwerp. In his research he has a particular interest in issues of regulation, and in the relation between law and politics (and political theory) and law and ethics. He has written extensively on the regulation of euthanasia. He functioned twice in an advisory capacity to the Belgian parliament in connection with pending legislation on euthanasia, and also for the House of Lords in the United Kingdom.

GEORG BOSSHARD is a doctor and originally specialised in Family Medicine. He later completed a master's degree in applied ethics at the University of Zurich and began an academic career in medical ethics at the University of Zurich's Institute of Legal Medicine in 2000. In 2006 he was appointed 'Privatdozent' for Clinical Ethics and became a member of the newly created Institute of Biomedical Ethics, where he is responsible for Clinical Ethics at the Zurich University Hospital. Medical end-of-life decisions in general, and the Swiss model of assisted suicide in particular, are amongst the key areas of his research, in which empirical investigations play a central role. He is a member of the Central Ethics Committee of the Swiss Academy of Medical Sciences (SAMS) and participated in the SAMS's expert committee to establish new Medical-Ethical Guidelines for the Care of Patients at the End of Life.

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JOHN GRIFFITHS studied philosophy (Berkeley) and law (Yale) in the United States and taught law there and in Ghana for several years before being appointed in 1967 to the chair in sociology of law at the University of Groningen in the Netherlands. He retired in 2005. His research and writing in recent years have concerned legal effectiveness and the social working of law, and in that context he has been particularly interested in problems of effective regulation of euthanasia and other medical behaviour that potentially shortens life. He is author (with A Bood and H Weyers) of *Euthanasia and Law in the Netherlands* (1998) and of many articles—mostly in Dutch and English—on the regulation of euthanasia.

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LARS JOHAN MATERSTVEDT holds a PhD in philosophy (on Nozick and Kant) and is professor at the Norwegian University of Science and Technology (NTNU) in Trondheim, where he teaches history of philosophy, theory of science, ethical theory and medical ethics. As a postdoctoral research fellow with the Norwegian Cancer Society he carried out research on the relationship between euthanasia and palliative medicine. He chaired the Ethics Task Force on Palliative Care and Euthanasia of the European Association for Palliative Care (EAPC). For three years he was a member of the Norwegian Government's National Committee for Medical Research Ethics. He is former head of the Medical Ethics Unit, NTNU, and is currently Visiting Research Fellow at the International Observatory on End of Life Care of Lancaster University. He is author (with Georg Bosshard) of the

chapter 'Euthanasia and physician-assisted suicide' due to appear in the fourth edition of the *Oxford Textbook of Palliative Medicine* (2008). His home page, containing his downloadable publications as well as links to euthanasia laws and bills, is http://www.materstvedt.net.

SOFIA MORATTI received her degree in law from the University of Pavia and is currently a PhD candidate at the University of Groningen. Her research deals with the concept of medical futility and its use in connection with decisions to withhold or withdraw treatment in Dutch neonatal intensive care units.

GRACIELA NOWENSTEIN studied sociology and anthropology in Paris (Université Paris 10-Nanterre, Institut d'Etudes Politiques, Ecole des Hautes Etudes en Sciences Sociales). She has a PhD in sociology from the European University Institute in Florence. Her dissertation is a study of the failure of an attempt by French political authorities to modify organ donation practice by means of a law presuming consent to organ donation. She has been a research fellow at the ESRC Centre for Genomics in Society at the University of Exeter where she did research concerning the ethical regulation of gene therapy in the United Kingdom. She is currently a Marie Curie Fellow in the Department of Legal Theory of the University of Groningen where she is conducting comparative research on the regulation of brain death and organ procurement in Spain, Italy, France and the Netherlands, and its effect on everyday practice in hospitals.

HERMAN NYS studied law at the Catholic University of Leuven, receiving his PhD in 1980. He teaches medical law in the medical and law schools of the Catholic University of Leuven. He has also been professor in international health law at the University of Maastricht in the Netherlands (2000–05). He is consultant to UNESCO for bioethical law. His standard work on Belgian medical law was published in Dutch (1991/ revised 2005) and French (1995), and he is the editor of the *International Encyclopaedia of Medical Law* (a loose leaf review of medical law of many national states). His main research interests are patients' rights, genetics, biomedical research with human beings and end-of-life issues. He is member of the Belgian Advisory Committee on Bioethics and various institutional ethics committees. He was the first president of the Belgian Federal Commission on Patient Rights (2004–05).

ASLAK SYSE studied medicine, history of ideas and criminology at the University of Oslo. From 1972–90 he held various positions as a doctor, among them as District Medical Officer in Mtoko District, Zimbabwe (1982–85) and as Chief Consultant for the Health Services for the Mentally Retarded in Finnmark, the northernmost county of Norway (1981–89). After finishing a law degree he joined the Department of Public and International Law of the University of Oslo in 1990. He holds a PhD in law, and was appointed professor in 1997. His main publications are in health law, welfare law and criminal law, in particular on criminal responsibility, mental health legislation, and euthanasia.

HELEEN WEYERS studied philosophy and history at the University of Groningen and received her PhD in sociology of law in 2002 with a dissertation on the process of legal change with respect to euthanasia in the Netherlands. She teaches sociology of law and political science in the Department of Legal Theory of the University of Groningen. She is co-author (with J Griffiths and A Bood) of *Euthanasia and law in the Netherlands* (1998). Her current research deals with the explanation of legal change.

NOTE TO THE READER

Throughout this book (except in part III where we follow the preferences of the various authors) we use 'he' to include 'she' whenever gender is unknown or irrelevant.

We use abbreviated references to literature that is frequently cited. The abbreviations are explained at the beginning of the List of References. In the List of References we identify items by using the abbreviations, so that all references in the footnotes can be found in exactly the same form in the List of References.

We use acronyms for the names of organisations and of categories of medical behaviour (in particular, MBPSL) that appear frequently in the text. These are explained, where appropriate, in the text, and also at the beginning of the List of References.

Since the Dutch and Belgian governments make English translations of their respective statutes legalising euthanasia available on the Internet, it has seemed to us best to use those translations in this book, even though at some points they seem to us not entirely felicitous. In the Dutch case, we think our own translations in *Euthanasia and Law in the Netherlands* of some of the relevant terms is more accurate (or less likely to give rise to wrong associations by an English reader). Where relevant, we have noted our reservations concerning the official translation. Unless otherwise noted, the translations of legal and other texts in part III has been done by the authors of the respective chapters.

We have tried to make the book useful for a wide variety of readers (among them doctors, lawyers, policy-makers, scholars in the fields of health law, comparative law and sociology of law, ethicists, and interested members of the general public). Not all readers will be equally interested in all of the subjects covered in the various chapters, or in the level of detail at which some subjects are treated. Some readers, for example, will want to know precisely how the Dutch Regional Review Committees are dealing with the large number of very diverse problems that they are confronted with. On the other hand, someone interested in confirming or refuting some version of the 'slippery slope' argument will look for more empirical detail concerning euthanasia practice than may interest some lawyers. We have tried to accommodate divergent interests by providing readers with a detailed Table of Contents and an Index that will take them to exactly where they want to be.

Finally, a note on sources. Wherever possible, we have referred to secondary sources in English and have relied as little as possible on secondary sources in other languages. The local secondary literature, particularly in Dutch, is very extensive,

and it would be impossible and pointless to try to do justice to all of it. On the other hand, as far as primary sources are concerned we have tried to be as exhaustive as possible, on the assumption that others may want to use this book as their point of entry into the local situation.

TABLE OF CASES

England and Wales

| A (Children), Re (Conjoined Twins: Surgical Separation) [2001] |
|---|
| Fam 147 (CA) |
| Adams (Bodkin) [1957] Crim LR 365 (Central Crim Ct)350n5, 367n130 |
| AG's Reference (No. 6 of 1980) [1981] QB 715 (CA)349n2 |
| Airedale NHS Trust v Bland [1993] AC 789 |
| (HL)349n2, 350n5, 352n18, 353, 355n41, 359nn |
| AK, Re (Medical Treatment: Consent) [2001] 1 FLR 129 (HC)358n65 |
| Arthur (1981) 12 BMLR 1363n107, 367n130 |
| Attorney-General v Able [1984] QB 795364 |
| B (A Minor), Re (Wardship: Medical Treatment) [1981] |
| 1 WLR 1421 (CA)355n39 |
| B, Re (Adult: Refusal of Medical Treatment) [2002] EWHC 429357n54 |
| Bland see Airedale NHS Trust v Bland [1993] AC 789 (HL) |
| Bourne [1939] 1 KB 687, [1938] 3 All ER 615 (KB)361n93 |
| Brown [1994] 1 AC 212 (HL) |
| Burke [2005] EWCA Civ 1003355n41 |
| C (A Child), Re (Immunisation: Parental Rights) [2003] EWCA |
| Civ 1148 |
| C, Re (Adult Refusal of Treatment) [1994] 1 WLR 290 (HC)358n65 |
| C, Re (Detention: Medical Treatment) [1997] 2 FLR 180 (HC)357n61 |
| C, Re (HIV Test) [1999] 2 FLR 1004 (HC) |
| C, Re (Medical Treatment) [1998] 1 FLR 384 (HC)352n24, 356 |
| Carr, Sunday Times, 30 November 1986 |
| Chard, The Times, 23 Sept. 1993 (Central Crim Ct)364n112 |
| Cox (1992) 12 BMLR 38 (Winchester |
| Crown Ct) |
| D, Re (Medical Treatment) [1998] FLR 411 (HC) |
| Dudley and Stephens (1884) 14 QBD 273 |
| E (A Minor), Re (1990) 9 BMLR 1 (HC) |
| F, Re [1990] 2 AC 1 |
| Frenchay Healthcare NHS Trust v S [1994] 1 WLR 601 (HC) |
| Gillick [1986] AC 112 (HL) |
| HE v A Hospital NHS Trust [2003] EWHC 1017 |
| Howe [1987] AC 417 (HL) |
| J (A Minor), Re (Child in Care: Medical Treatment) [1993] Fam 15 |
|) (A Millot), Re (Child III Cafe. Medical Treatment) [1993] Fall 13 |