

Thursday 10 March, 8 pm - Garden Room, St Edmund's College

Panel Discussion

Ending Life: Legal, Clinical and Ethical Aspects

Jointly organised by St Edmund's College Combination Room and the Von Hügel Institute

Professor John Keown: *Euthanasia, Ethics and Public Policy*

Whether the law should permit voluntary euthanasia or physician-assisted suicide is one of the most vital questions facing all modern societies. Internationally, the main obstacle to legalisation has proved to be the objection that, even if they were morally acceptable in certain 'hard cases', voluntary euthanasia and physician-assisted suicide could not be effectively controlled; society would slide down a 'slippery slope' to the killing of patients who did not make a free and informed request, or for whom palliative care would have offered an alternative. How cogent is this objection?

JOHN KEOWN holds the Rose F Kennedy Chair of Christian Ethics in the Kennedy Institute of Ethics, Georgetown University. He graduated in law from the University of Cambridge and received his DPhil from the University of Oxford. In 2015 Oxford conferred on him the degree of Doctor of Civil Law, a prestigious 'higher doctorate', in recognition of his contribution to law and bioethics. His research, particularly on law and ethics at the beginning and end of life, has been cited by leading bodies worldwide, including the US Supreme Court and the Law Lords. Professor Keown has published widely in the law and ethics of medicine. His books include: *Euthanasia, Ethics and Public Policy: An Argument against Legalisation* (CUP, 2002), *Debating Euthanasia* (Hart, 2012), *Law, Medicine and Life: Essays on the Inviolability of Human Life* (OUP, 2012), *Bioethics and the Human Goods: An Introduction to Natural Law Bioethics* (Georgetown UP, 2015).

Dr Elisabeth Fistein: *The Role of Mental Capacity in Legal Frameworks regulating Euthanasia and Assisted Dying*

Valid consent, from a person with the relevant mental capacity, is a widespread requirement for lawful euthanasia or assisted dying (in those jurisdictions where it is permitted). In England and Wales, it is unlawful to withdraw life-sustaining treatment from a person who lacks capacity, if the intention behind the withdrawal is to cause that person's death. On the face of it, these requirements provide an important safeguard to ensure that measures to hasten death are only provided when they represent the clear choice of an autonomous agent. However, recent research highlights the complexities inherent in assessing capacity to consent to euthanasia or assisted dying, and demonstrates that anticipated desire for measures to hasten death arises when people imagine their future selves as having lost capacity to make such decisions for themselves. I will question whether, on this basis, voluntary euthanasia or assisted dying are capable of producing the kind of 'good death' that many people imagine for themselves.

ELISABETH FISTEIN is the Specialty Director in Ethics and Law at the School of Clinical Medicine, Department of Public Health and Primary Care, University of Cambridge. She trained as a Psychiatrist in Manchester and Cambridge. During her postgraduate medical training, she took time out of clinical work to study law, medical law and medical ethics at King's College London. Her doctoral research focussed on ways of justifying compulsory treatment and she publishes in the domains of autonomy and paternalism, mental health and capacity law, and ethics. Until 2014 she worked as a Consultant Psychiatrist in both General Adult Psychiatry and Rehabilitation Psychiatry in Cambridgeshire and Peterborough. During that time, she set up at Clinical Ethics Advisory Group at Fulbourn Hospital and convened a Philosophy of Psychiatry reading group. She is now a Medical Member of the First Tier Tribunal (Mental Health), and a member of the University of Cambridge Psychology Research Ethics Committee. Her research focuses on legal issues connected to consent to treatment and mental capacity; empirical ethics in psychiatry; and medical education. Recent papers include: 'Clinical ambiguities in the assessment of capacity' in *Mental Capacity Legislation: Principles & Practice* (Royal College of Psychiatrists: 2013), 'Conceptions of the good and the Mental Capacity Act' in *Autonomy and Mental Health: International Perspectives in Philosophy and Psychiatry* (OUP: 2012).

Dr David Elliot: Liberal Worries with Assisted Dying

No Western law regards assisted suicide as a right for any and all autonomous agents, from a depressed teenager after a breakup to healthy adults in mid-life crisis. In American and British bills, two kinds of criteria restrict eligibility: (1) the lucid and uncoerced request to die (roughly, the 'autonomy' criterion), and (2) severely deteriorated health of a certain kind (roughly, the 'ill-health' criterion). In US and UK bills, the 'ill-health' criterion for assisted suicide is the diagnosis of a six-month terminal illness (though Oregon recently proposed expansion to twelve months). In Canada, Belgium, and the Netherlands, the ill-health criterion is far less restrictive. To qualify for assisted suicide, a person would have to satisfy both the autonomy and ill-health criteria. My talk will examine the ethical implications of the ill-health criterion. Specifically, it will be asked whether the ill-health criterion (however it is defined) would by implication devalue all people and groups with the same physical conditions by insinuating that it would be justified and reasonable for people like them (but not for others) to choose to kill themselves with the state's cooperation. Even if lethal means were kept within strict voluntary limits, the danger is that the liberal and democratic belief that all human lives are intrinsically worthwhile and equal in value might thereby be compromised.

DAVID ELLIOT is a Research Associate at the Von Hügel Institute and a Research Associate in Theological Ethics at Cambridge University; a position he took up after completing his Ph.D. in Moral Theology in August 2014 at the University of Notre Dame. His dissertation sought to demonstrate how the Theological Virtue of Hope contributes to human happiness and the common good. His primary areas of research are theological hope, virtue ethics, St. Thomas Aquinas, the art of dying, and end of life issues. Recently his research on virtue and happiness was awarded the Essay and Book Prize from the Character Project of the Templeton Foundation for contribution to the study of character. He is currently finishing his first book, *Hope and Christian Ethics*, which is due out next year with Cambridge University Press.