

End-of-life an ethical challenge

Prof Magda Slabbert

UNISA

End-of-life

“Why is a life that is ending prolonged?

“Why is money being spend in this way? It could be better spent on a mother giving birth...”



End-of-life

SA Law Commission Project 86, Discussion
paper 71 - 1997

“Euthanasia and the Artificial Preservation of Life”

In 1999 the SA Law Commission published a
final report incorporating a Draft Bill – nothing
happened!

End-of-life

SALC's Draft Bill: 3 options

1. Status quo
2. PAS (AVE) with certain requirements:
 - terminally ill, mentally competent, above 18
 - two occasions 7 days apart
 - signature (living will)
3. Decision through a panel/committee

End-of life

Bill of Rights:

Conflicting: The right to life v The right to freedom and security of the person (control over one's body)

State legally withhold scarce resources –dialysis machine- person should die – it is part of life.

How can the same state deny a request to die?

There are no answers yet (**Dignity SA**)

Palliative care

May lead to pain and suffering

Undignified

Patients have a right to refuse medical treatment. Must have the mental capacity to make an informed choice. The nature of the consequences should be discussed with the patient (and the family).

COMMUNICATE

Palliative care

Pain-killers: (*dolus eventualis*)

Secondary effect – The doctor should act in good faith, use the normal drugs in reasonable quantities with the object of relieving pain NOT the intention to cause death.

- Not criminally liable
- No civil action

Palliative care

- Indian doctor:

“We had a patient with lung cancer who suffered from breathing difficulty; he was constantly breathless, could not lie down, and did not sleep for nights together. Morphine calmed him down; he felt relieved, could sleep soundly, and passed away peacefully after two weeks. His wife felt a sense of relief when he could sleep well”

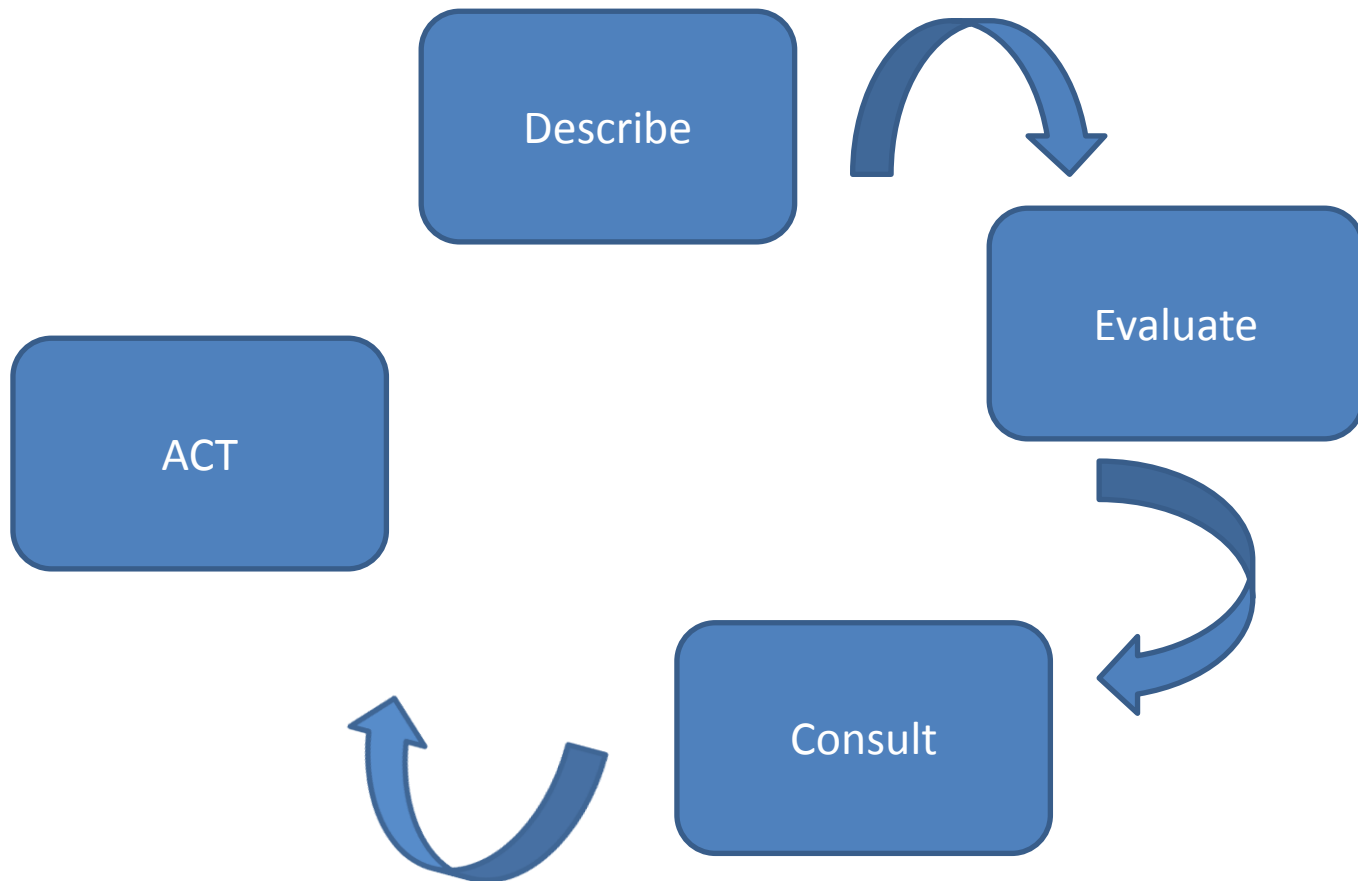
Ethical challenge

Ethics – a balancing act



- Identify the various stakeholder interests
- Balance these interests (fair, honest, transparent)
- Apply the **DECA** method:

Ethics (Unisa)



Ethics

DESCRIBE: describe the problem, whose interests are at stake, what are the possible solutions

EVALUATE: evaluate the ethical problem and possible solution by using deontology, utilitarianism, virtue ethics, beneficence, non-maleficence, justice, autonomy and dignity

CONSULT: others, the families, colleagues, HPCSA guidelines, spiritual leaders etc.

Ethics

ACT

Ethics is a rational evaluation of the context!

(Not intuition, not your values or morals!)

Conclusion

Desmond Tutu refers to the case of Craig Schonegevel (28 years – neurofibromatosis)



He wanted to be assisted with dying – music in the background as his loving parents with him

Our legal system denied him this choice

He committed suicide by drinking pills and putting a bag over his head. His parent found his body the following morning.

Conclusion

With good palliative care there should not be a need for assisted dying.

Most people though would like to be conscious of what is happening when they die instead of in a fog of sedation.....(not yet possible)

The sanctity of life should be respected BUT not at all costs.

Thank-you