

L. W. Sumner: Assisted Death: A Study in Ethics and Law

Oxford University Press, 2011, x +214 pp, ISBN: 978-0-19-960798-3 (Hardback)

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Published online: 3 April 2013

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Introduction

As the title suggests, this interesting and persuasive book adds to the already substantial amount of literature on assisted dying, be it by way of euthanasia or assisted suicide.¹ Sumner makes it clear from the outset that his is not a “neutral” account (p. ix), and that he advocates the legalization of both practices.

What is unusual about this book is that his conclusion is achieved through separate analyses of, firstly, the ethical implications (chapters 2–5 inclusive), and secondly, the legal connotations, ostensibly in chapters 6–8.² In reality however, the actual legal discussion is confined to the very descriptive chapter 6, with Chapter 7 introducing a model policy, the implementation of which is then discussed in Chapter 8.

Regrettably, this does create a significant imbalance as between the ethical and legal arguments, and as a lawyer, I found this aspect to be the only real criticism I could make of the book.³ Not only was there insufficient legal discussion, but also, there were a number of places where the arguments in the ethical chapters would have benefited from specific reference to relevant cases. For example, in the *Harm to Others* section on p. 32, Sumner states that, “There are, however, limits to the ‘harm to others’ exception: a parent, even if a good match, cannot be compelled to donate a kidney, or even blood, to a child in need of it.” Although Sumner is referring here to “a decisionally capable patient”, this is precisely what occurred—albeit in respect of an incompetent patient—in *Re Y (Mental Incapacity: Bone Marrow Transplant)*, where the UK High Court held that a mentally and physically

¹ The most recent being, for example, R. Huxtable, *Law, Ethics and Compromise at the Limits of Life. To Treat or not to Treat* (Routledge-Cavendish, 2012); S. W. Smith *End-of-Life Decisions in Medical Care. Principles and Policies for Regulating the Dying* (Cambridge University Press, 2012); E. Jackson and J. Keown *Debating Euthanasia* (Hart, 2011).

² Although Sumner concedes that the ethical and legal arguments are not “independent” (p. 21). He also excludes all religious perspectives.

³ Other points made are more in the nature of a discussion of contentious topics raised.

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