

A right to die? And are there perhaps other, more pragmatic, grounds for the law's unease about active euthanasia? Providing there is unequivocal evidence that a certain mode of treatment was prohibited by the patient, it is as much assault to impose that treatment on the now unconscious or incompetent patient as to force similar treatment on an actively protesting individual. In circumstances where refusing further treatment effects a person's wish to die, he enjoys a right to die. It may seem unjust to deny that right to those so ill or disabled as to be incapable of doing so independently. In those jurisdictions who as yet refuse to lift the prohibition on active killing, the justification for the consequent denial of choice to the patient is often thought to rest on what has been judicially described as 'society's interest... Is 'life' sustained via tubes feeding you and tubes evacuating bowels and bladder equivalent to torture when imposed on an unwilling patient? The European Convention, albeit it nowhere touches on a right to die, establishes other rights pertinent to the patient who desires to die. No such right is articulated in the US Constitution, or the United Nations Declaration on Human Rights, or the European Convention on Human Rights. Any imposition of unwanted treatment will constitute assault, however genuinely his doctors believe that the patient might benefit from continuing treatment. Moreover patients can ensure that they control the stage at which treatment should cease even when that point arrives at a time when they are no longer able to communicate their wishes. Might it be contended that so long as a competent patient who freely makes a choice to die can find a willing accomplice to effect an act that were he capable of carrying out himself would not be criminal, it is an invasion of privacy to interfere with that choice. It matters not whether the reasons for refusal were rational, or irrational, unknown or even non-existent.⁹ A competent patient generally enjoys an absolute right to refuse further treatment