

## Impact case study (REF3)

<b>Institution:</b> St Mary's University, Twickenham		
<b>Unit of Assessment:</b> 31, Theology and Religious Studies		
<b>Title of case study:</b> Deepening the discussion on assisted dying		
<b>Period when the underpinning research was undertaken:</b> 1 March 2002 to 31 July 2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
(1) David Albert Jones (2) Trevor Stammers (3) Pia Matthews	(1) Professor of Bioethics (2) Associate Professor in Bioethics (3) Senior Lecturer - MA Bioethics and Medical Law	(1) March 2002-June 2010, June 2013 to present (2) September 2006 to present (3) September 2009 to present
<b>Period when the claimed impact occurred:</b> 1 August 2013 to 31 July 2020		
<b>Is this case study continued from a case study submitted in 2014?</b> No		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>This case study concerns the impact of research undertaken by David Albert Jones, Trevor Stammers and Pia Matthews who are members of the Centre for Bioethics and Emerging Technologies (CBET). It focuses on the issue of assisted dying, which is a lens for overlapping research on suicide, mental illness, disability, and human dignity as well as research specifically on euthanasia and physician assisted suicide. This research has: Influenced parliamentary debates over the legalisation of assisted dying in the United Kingdom Parliament and the Scottish Parliament; contributed to similar discussions in Germany, Canada, New Zealand and Australia; provided evidence to inform for public debate in the news media; and shaped the resources used by the Roman Catholic Church in England and Wales in respect of the issue of 'dying well'.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>Jones was appointed lecturer at St Mary's in 2002 and Stammers in 2006. In 2008 Jones and Stammers were founder-members of CBET. Matthews joined CBET in 2009. Jones became director of the Anscombe Bioethics Centre in Oxford in 2010 and was re-employed by St Mary's from 2013. Jones, Stammers, and Matthews were included in St Mary's submission to REF 2014 with Jones submitting a case study. Nevertheless, the present case study is not a "continued case study" as it includes new research since January 2014 and the impact described is distinct.</p> <p>A key strand of the underpinning research is already contained in Jones's monograph <i>Approaching the End</i> (2007) (3.1). Christian theological reflection on death embodies a paradox, in that while the Gospel offers hope of eternal life after death, the Church has consistently opposed the deliberate ending of human life (with limited exceptions in the context of opposing injustice). This paradox results from the simultaneous recognition of human life as an inviolable gift of God, to be respected, and of human death as an inherent limit imposed by God, to be accepted. The attempt to end one's life is not only a failure to respect human life but also a failure to accept death as the limit, or horizon, of human power.</p> <p>The argument made in favour of assisted dying concerns not only the meaning of human death but typically, and often primarily, a characterisation of life with disability and dependence</p>		

on others as somehow lacking human dignity. Death is imagined to be preferable to life with disability.

To challenge this attitude Matthews has written extensively to develop a realistic, yet positive, approach to the consideration of people with disabilities in this discussion. This is informed by her experience as a parent of a daughter with profound, multiple, and complex disabilities. Her monographs *Pope John Paul II and the Apparently 'Non-acting' Person*, (2013) (3.3), and *Discerning Persons Profound Disability, the Early Church Fathers and the Concept of the Person in Bioethics* (2020) (3.4) explore the concepts of person and dignity in the context of profound disability.

In November 2014, Jones and Stammers organised a conference on the impact on euthanasia on society, focusing on Belgium. Unable to attend this event but involved in the subsequent publication (3.5) was Kevin Fitzpatrick, philosopher, activist, and a founding commissioner of the Disability Rights Commission. Jones worked with Fitzpatrick and completed a book chapter by him after he died in 2016. Fitzpatrick argued that a visceral fear of loss of control may be experienced also by those who live successfully with disability. The circumstances of disability, mental illness and impending death are stressors that make people more vulnerable to suicidal thoughts but the challenge to find meaning in life and prevent suicide is one that is common to the human condition and not special to any group.

It is noteworthy that neither the practice of euthanasia in the Netherlands and Belgium, nor the practice of assisted suicide in Switzerland, is limited to people who are imminently dying. Euthanasia extends to people with physical disability or mental illness or, in a few cases, even to autism. These practices thus represent an existential threat to people who are disabled. There is also reason to think that acceptance of voluntary euthanasia implies acceptance of non-voluntary euthanasia (3.2) and Belgium provides empirical evidence of this logic in practice (3.5). It is sometimes claimed that the current legal prohibition of assisted suicide may prompt suicide, as people sometimes end their lives earlier while they are still able. However, research by Jones has shown that legalising assisted suicide increases the total number of people dying by their own hand and does not reduce the level of unassisted suicide (3.6).

### 3. References to the research (indicative maximum of six references)

[1] D.A. Jones, *Approaching the End: a theological exploration of death and dying* Oxford: Oxford University Press, 2007.

This was published after peer review by Oxford University Press. It was an output in RAE 2008, UoA 61, St Mary's University can supply a copy on request. This book is based on the 2002 Oxford DPhil, but significantly reworked while at St Mary's.

[2] D.A. Jones, 'Is there a logical slippery slope from voluntary to non-voluntary euthanasia?' *Kennedy Institute of Ethics Journal* (2011) 21.4: 379-404.

This article was published after peer review and is based on a paper given at the Royal Society of Medicine in June 2010. It was included in REF 2014 for UoA 33. St Mary's University can supply a copy on request.

[3] P. Matthews *Pope John Paul II and the Apparently 'Non-acting' Person*. Gracewing, Leominster, 2013.

This was included in REF 2014 for UoA 33. St Mary's University can supply a copy on request.

[4] P. Matthews *Discerning Persons Profound Disability, the Early Church Fathers and the Concept of the Person in Bioethics*, Steubenville OH: Franciscan Press, 2020.

This monograph is based on PhD thesis and is included as a submission in REF2.

[5] D.A. Jones, C. Gastmans and C. MacKellar (eds.) *Assisted Suicide and Euthanasia: Lessons from Belgium*. Cambridge: Cambridge University Press, 2017.

Several chapters in this volume were based on papers presented at a conference of the same name held at St Mary's University, Twickenham in November 2014 and co-sponsored by CBET, the Anscombe Bioethics Centre, the Scottish Council on Human Bioethics, and KU Leuven. An expanded collection of papers was then accepted after peer review by Cambridge University Press. Jones is co-editor and co-author (with Gastmans and MacKellar) of the introduction and conclusion, co-author (with Kevin Fitzpatrick) of a chapter and sole author of another chapter. Trevor Stammers, current director of CBET also has a chapter in the volume. Two chapters from the book are included as submissions.

[6] D.A. Jones and D. Paton 'How does legalization of physician assisted suicide affect rates of suicide?' *Southern Medical Journal* (2015) 108.10: 599-604.

This article was published after peer review and was the subject of an invited commentary in the same issue of the *Southern Medical Journal*. [Aaron Kheriaty 'Social contagion effects of physician-assisted suicide: Commentary on "How does legalization of physician-assisted suicide affect rates of suicide?."' *Southern Medical Journal* 108.10 (2015): 605.]

#### 4. Details of the impact (indicative maximum 750 words)

This research has been cited widely in the public debate concerning the issue of assisted suicide. The reach of the work is illustrated in the mention of it in newspaper coverage, not only in the United Kingdom (5.1a) but also in Germany, for example in *Frankfurter Allgemeine Zeitung* (5.1b) and in the United States of America, for example in the *LA Times*, and *Chicago Tribune*, as well as in Australia (5.1c-e).

##### **Influence on parliamentary debate regarding assisted dying**

More specifically the work of this group has had a discernible impact on parliamentary debates concerning end of life care and assisted dying in several jurisdictions. If maintaining the law against assisted suicide is beneficial then clearly very many people have benefited from the work of Jones and of others at CBET. Furthermore, abstracting from the legislative outcome, the mention of the work of this group in the debate surrounding such legislative discussion has had a beneficial effect on the debate itself, by making high quality empirical evidence available to people.

##### United Kingdom

During 2014 and 2015, Jones made submissions to the House of Commons Select Committee enquiry on end of life care (5.2a). He was also invited to give oral evidence by the Ministry of Justice in relation to coroners' determinations of suicide (5.2b-c). Jones contributed further to the debate in England and Wales in 2015 by producing an online guide to the evidence of the impact of assisted dying legislation, which was sent to all MPs (5.2d). Jones was then invited to address MPs from five political parties in Portcullis House (Westminster) prior to the vote (5.3). On 5 September 2015 Stammers had an article published in the *Spectator* which drew on personal experience, as well as clinical and academic knowledge. On the morning of the vote, Jones had letters published both in *The Independent* and *The Telegraph* arguing, based on his research, against the Bill (5.1a). The Bill was defeated in the House of Commons on 11 September 2015 by 330 votes to 118. After the vote, Jones received a letter from Fiona Bruce MP, chair of the all-party group that was opposing the Bill thanking him for "the important work you did towards the defeat of the Assisted Dying (No 2) Bill" (5.4).

##### Scotland

On behalf of The Anscombe Bioethics Centre, Jones made a submission to the Health and Sport Committee in relation to the Assisted Suicide (Scotland) Bill (5.5a). Jones presented oral evidence to the Committee in relation to this Bill at the 2nd Meeting, 2015 (Session 4), Tuesday 20 January 2015 (5.5b, p.58). His views were quoted verbatim in the report produced

by the Committee on five occasions: on the issue of respect for autonomy (5.5b, p.13); on withdrawal/refusal of life-sustaining treatment (5.5b, p.17); on coercion (5.5b, p.31); on informing patients of their treatment options (5.5b, p.33); and on the lack of clarity about the role of facilitators (5.5b, p.39). The BBC reported that the final view of the Committee was that 'the bill contained "significant flaws" and opposed its general principles' (5.5c). The written and oral evidence presented by Jones to the Scottish Health and Sport Committee was quoted in the debate and in the report of that committee (5.5d, p.43 and p.49). The Assisted Suicide (Scotland) Bill was defeated on 27 May 2015 by 82 votes to 36 (5.5c).

#### Germany

In a co-written article, published after the votes in Scotland and England, Jones presented evidence that legalization of assisted dying leads to more people taking their own lives (3.6). This research was cited twice in the Bundestag debate on assisted suicide on 6 November 2015 (which voted by 309 votes to 235 to restrict organised forms of assistance in suicide) (5.6).

#### Canada, New Zealand and Australia

In 2015 Jones provided a submission to the External Panel on Options for a Legislative Response to *Carter v Canada* (5.7). Jones made written contributions to the Health Select Committee Investigation into Ending One's Life in New Zealand and to the New Zealand Parliamentary Justice Committee on the End of Life Choice Bill. He was invited to give oral evidence to both committees (5.8a). While Jones did not engage directly in the debates in Australia, his work (3.6) was cited in submissions to a parliamentary select committee in Western Australia (5.8b) and in parliamentary debate in Victoria (5.8c).

In both Canada and New Zealand, Jones's contributions to consultations were appreciated by official committees of inquiry (5.8a). However, in both cases a change of government led to the reports of these committees being set aside and new committees being constituted with a strong bias in favour of legalisation. Jones' work on the connection between the legalisation of physician-assisted suicide and suicide rates (3.6) was quoted in the Ministry of Justice Departmental Report of December 2018 (5.8d). Nevertheless, legislation in Canada was at least restricted to cases where "natural death was reasonably foreseeable" and legislation in New Zealand has been made dependent on the outcome of a referendum. In both jurisdictions the debate continues.

#### **Shaping Catholic and public discussion of "Dying Well"**

The debates in the United Kingdom and internationally placed great weight on the dangers of legalising assisted suicide but they also revealed the need to promote a more positive account of dying well. Since 2007 the Catholic Churches of England and Wales, Scotland and Ireland have celebrated an annual "Day for Life". In 2015 the theme was "Cherishing Life, Accepting Death" and Jones was involved in drafting the material (5.9a). This title is taken from previous work on living wills that Jones produced for the Catholic bishops (5.9b, pp.7, 11-12, 24-5). Matthews produced resources for the 2016 and the 2017 Day for Life (5.9c-d). The resources produced by Jones and Matthews were distributed to all Catholic parishes in England and Wales (over 2,500 parishes) and the theme of the Day for Life was reported widely in the secular and religious media.

After the Day for Life 2015, the Catholic Bishops' Conference of England and Wales decided to support a project to make available online and in a modern form the Catholic tradition of the Art of Dying Well (*ars moriendi*). After its launch in November 2016 the project subsequently moved to St Mary's University. Jones was a member of the reference group for the project from its inception and Matthews was instrumental its coming to St Mary's. The project is independent of CBET but collaborates with CBET on events such as *A Graceful Death: an exhibition* by artist Antonia Rolls, which presented portraits of people who were dying alongside poetry selected and read by Stammers. *The Art of Dying Well* has won a Jerusalem Award for one of its podcasts and is available at <https://www.artofdyingwell.org/> (5.10).

**5. Sources to corroborate the impact** (indicative maximum of 10 references)

1. Collection of global media coverage: a. Article by T. Stammers “Lethal temptation” *Spectator*, 12 September 2015, plus D.A. Jones “Letter: We must not weaken our suicide laws” *Independent* 11 September 2015 and D.A. Jones “Letter: We should seek to prevent the tragedy of suicide not make it easier” *Telegraph* 11 September 2015; b. ‘Selbstmord ist gefährlich’ *Frankfurter Allgemeine Zeitung*, 2 Nov 2015; c. ‘Op-Ed: California’s right-to-die law betrays the state’s progressive principles’, *L A Times* 7 October 2015; d. ‘Assisted-suicide laws’ contagious effect’, *Chicago Tribune*; e. ‘Suicide by Physician’: A Reply to Neil Francis’, *ABC Australia*, 19 May 2017.

2. a. House of Commons - End of Life Care: Anscombe Submission and List of Submissions; b. Emails discussing invitation to give evidence to MPs November 2014; c. Letter from Catholic Bishops’ Conference confirming Jones’ role 15 October 2014; and d. D.A. Jones *Assisted Suicide and Euthanasia: A Guide to the Evidence*, 10 August 2015 (also available online <http://www.bioethics.org.uk/evidenceguide.html> ).

3. Invitation to address MPs on 9 September 2015 on Legal Aspects of Assisted dying, 10 August 2015.

4. Letter from Rt Hon Fiona Bruce MP, chair of the all-party group that was opposing the Assisted Dying (No 2) Bill, 2 November 2015.

5. a. Submission of the Anscombe Bioethics Centre to the Health and Sport Committee consultation on the Assisted Suicide (Scotland) Bill (ASB 398), 6 June 2014; b. Health and Sport Committee Stage 1 Report on Assisted Suicide (Scotland) Bill SP Paper 712 6th Report, Session 4 (2015), 30 April 2015. See paragraphs 79, 99, 186, 202, 242, and 274; c. Report from BBC on the parliamentary debate; d. The Official Record of the debate on 27 May 2015.

6. Mention of research in Bundestag debate, 6 November 2015, at 13157(B) and 13159(B).

7. D.A. Jones Submission to the External Panel on Options for a Legislative Response to *Carter v Canada*, 30 October 2015.

8. a. Correspondence with New Zealand and Canadian Committees; b. Report of the Joint Select Committee on End of Life Choices, Western Australia, see pages 179-180; c. Parliament of Victoria, (Hansard) Legislative Assembly 58<sup>th</sup> Parliament, 1<sup>st</sup> Session, Book 13, 17-19 October 2017, see page 3087; d. New Zealand Ministry of Justice and Ministry of Health Departmental Report End of Life Choice Bill, December 2018, see page 18.

9. a. Email exchange regarding ‘Day for Life 2015’; b. Catholic Bishops Conference of England and Wales *The Mental Capacity Act and ‘Living Wills’: a practical guide for Catholics*. London: CTS, 2008; c. and d. Examples of resources produced by Matthews for the 2016 and the 2017 Day for Life.

10. ‘The Art of Dying Well wins prize at Jerusalem Awards’, 11 October 2017.