

Assisted Suicide (Scotland) Bill

Reformed Presbyterian Church of Scotland

Introduction

The Reformed Presbyterian Church of Scotland presents this response to the consultation on the Assisted Suicide (Scotland) Bill. The Reformed Presbyterian Church of Scotland traces her heritage directly to the Church of Scotland of the Second Reformation and is her direct successor. As such she lays claim to the achievements and attainments of that Church in her constitution and confession. The Reformed Presbyterian Church of Scotland is a covenanting Church and asserts the continuing and descending obligations of the National Covenant of 1638 and the Solemn League and Covenant of 1643 which bound the king and the state and the people to God and to one another. Scotland remains a nation which has a solemn obligation under these covenants to honour the Lord God Almighty and His word, the Bible, in all our duties and dealings both corporately and as individuals. All are under the sovereignty and word of God as nations and creatures accountable to our Creator. Those nations who have covenanted themselves to God are accountable to a greater degree by virtue of their solemn oath of commitment. These claims cannot be repudiated by an argument to antiquity for when the Children of Israel made a covenant with the Gibeonite people before God (Joshua 9:15) God held the nation accountable for the breach of that covenant many generations later (2 Samuel 1:21). A covenant with God is irrevocable and binding on the whole nation in her moral and legal personality when ratified by her legislature. Both covenants were ratified by acts of the Scottish Parliament. Scotland remains a covenanted land and responsible for the undertakings of the covenants.

This consultation contains a brief vindication of the sovereignty of the Lord Jesus Christ and the word of God over the nation and the individual. There is also an outline of the Sixth Commandment which governs the area of the sanctity of human life. Finally there are the responses of the Reformed Presbyterian Church of Scotland to the Assisted Suicide (Scotland) Bill.

The Dominion of the Lord Jesus Christ over Nations and Civil Governments

The Lord Jesus Christ exercises a Headship over each nation on earth. This Headship is a headship of authority and moral supremacy. The Lord Jesus Christ asserts a dominion over the civil and political associations of men and demands the public recognition of His authority. The Lord Jesus Christ is uniquely qualified to assert such a dominion as He is both the Son of God and the Son of Man, He is God manifested in the flesh. Isaiah 9:6 makes this explicit "For unto us a Child is born, unto us a Son is given; and the government will be upon His shoulder. And His name will be called Wonderful, Counsellor, Mighty God, Everlasting Father, Prince of Peace."

God the Father has granted this dominion to the Son "All things have been delivered to Me by My Father" (Luke 10:22). His unique status conferred by the Father "Also I will make him My firstborn, The highest of the kings of the earth" (Psalm 89:27). Christ is designated the "the ruler over the kings of the earth" (Revelation 1:5). The dominion of the Lord Jesus Christ over civil government on the one hand, and the subjection of such to Him on the other, are thus clearly implied in the title of king. "All

authority has been given to Me in heaven and on earth.” (Matthew 28:18). It is self-evident that if all authority in heaven and on earth has been given to the Lord Jesus Christ that all nations and civil governments are under His dominion, answerable to Him and exercise a subordinate and delegated authority. “For the kingdom is the LORD’S, And He rules over the nations” (Psalm 22:2). Christ is the Governor of the nations.

God requires that all nations submit to the Lord Jesus Christ as their king. Daniel 7. 13, 14, states “and there was given him (the Son of man) dominion, glory, and a kingdom, that all peoples, nations, and languages should serve him.” All nations are His subjects, and if the subject is bound to submit to his lawful monarch or government. All nations are therefore bound to acknowledge Christ as their king, and to serve and obey him. They must recognise His authority and engage themselves in His service.

The Authority of the Word of God over the Nations and Civil Governments

The Lord Jesus Christ as the mediatorial King over the nations and civil governments of the earth rules and rules on the basis of law. This moral law is testified to by the consciences of all men but is revealed perfectly in the Word of God, the Bible. This law is in the hands of the Lord Jesus Christ, and under him mankind, in its national divisions as well as all other relations, is commanded to be subject to the law of God. Mankind “not being without law toward God, but under law toward Christ (1 Corinthians 9:21).

The character of civil government and its administration is described in the thirteenth chapter of Romans as the ordinance of God and the minister or servant of God to men for good. “For there is no authority except from God, and the authorities that exist are appointed by God” (Rom 13:1). This plainly enforces the doctrine of national subjection to the law of God, because His law is the only rule of moral good.

All human rights are derived from God and the law of God defines them. Man has no natural inherent rights of his own. All human rights are derived from God and therefore subject to God’s law, and are to be defined and regulated by it. A right in opposition to His own, God does not, cannot give; nor is it competent to any power to impart and sanction such a right.

The Sixth Commandment and the Sanctity of Life

The sin of murder is forbidden by the Sixth Commandment, “You shall not murder” (Exodus 20:13). A duty is implied in the commandment to preserve our own life, and the life of others. From this commandment flows the right to life. All acts which lead up to murder, or the intentional premature ending of a human life in a manner contrary to the will of God, are forbidden by this commandment. The commandments of God are broad in their scope and include acts and omissions which might not initially appear included within their boundaries.

The intentional premature ending of a human life in a manner contrary to the will of God can be committed directly by the agency of the responsible person. This is what is immediately thought of when murder is considered. In the case of assisted suicide the person ending their life through assisted suicide would be guilty of a breach of the Sixth Commandment in this sense.

It is also possible to be guilty of a breach of the Sixth Commandment through the intention to kill another. The mental deliberation to participate in the intentional killing of another person is a breach of the Sixth Commandment. It is evident that the medical practitioners and licensed facilitators would be guilty of a breach of the Sixth Commandment in this sense. 1 Samuel 18:17 clearly illustrates this principle "For Saul thought, "Let my hand not be against him, but let the hand of the Philistines be against him."

Consenting to the intentional premeditated ending of a human life is also a breach of the Sixth Commandment. "And when the blood of Your martyr Stephen was shed, I also was standing by consenting to his death, and guarding the clothes of those who were killing him." (Acts 22:20) To participate at any stage in the process of the assisted suicide of another person would be a breach of the Sixth Commandment.

The Sixth Commandment may also be breached through not hindering the intentional premeditated ending of a human life when it is in the power of the person or entity to do so. The Scottish Ministers would be corporately guilty of a breach of the Sixth Commandment whenever a person committed an act of assisted suicide in Scotland in this regard. This would be aggravated by their responsibility for the legislative and regulative framework underpinning assisted suicide.

General Comments on the Inadmissibility of Principle of a Right to Assisted Suicide

The Reformed Presbyterian Church of Scotland believes that to assert personal autonomy in the spheres of life and death is to contradict the sovereignty of God as the author and sustainer of life and the One who has the power of life and death. It cannot be conceded that there is dignity in choosing the appointed time of one's own death as to do so is to reject the absolute dominion of God in both life and in death. Poor and declining quality of life does not in itself justify assuming a right to end one's own life, far less to seek assistance in doing so. Whilst it is true that at the medical level people die as a result of their illness and condition, at the metaphysical or ontological level their life always ceases at the point at which God has ordained in his sovereign will and purpose. This remains true even where the individual has asserted their own autonomy in ending their life. Their life will end only at the specific point at which God has ordained that it will end.

It is understandable that people should fear a protracted and painful death. Death is a consequence of sin and the fall of mankind from an estate of sinless innocence to an estate of sin and misery. With sin and the Fall came a curse upon the earth and part of that curse is death. It is natural to fear a protracted and painful death. But it is a fallacy to imply that a death wherein human autonomy is asserted over the absolute right of the Creator over His creatures can be a 'good death'. Ultimately a good death in circumstances of suffering is a death which by faith accepts that that suffering is the providence of God and in dependence upon God bears that suffering by faith and to His glory. 9 God has said, "My grace is sufficient for you, for My strength is made perfect in weakness." Therefore most gladly I will rather boast in my infirmities, that the power of Christ may rest upon me. (2 Corinthians 12:9). The value and quality of our lives do not depend upon our ability to enjoy the things that give life meaning but rather in our bearing the image of God and our living of our lives to His glory.

Responses to Questions asked in the Consultation

Do you agree with the general purpose of the Bill to make it permissible, in the circumstances provided for, to assist another to commit suicide?

The Reformed Presbyterian Church of Scotland asserts a high view of the sanctity of human life. In Genesis 1:26 God said, "Let Us make man¹ in Our image, according to Our likeness." Man was thus made in knowledge, righteousness and holiness after the likeness of his Creator. Man therefore is possessed of a dignity above every other creature and the life of man is of inestimable value as it bears the hallmark and image of God.

As a result of his rebellion against God through Adam in the Garden of Eden, man fell from his estate of innocence into an estate of sin and misery. All human suffering is as a direct consequence of the Fall and man's sinful condition. We emphasise that it is not the general contention of the Reformed Presbyterian Church of Scotland that the illnesses and conditions experienced by individuals who might seek to avail themselves of any proposed provision of assisted suicide are themselves the result of their personal sin and wrongdoing, though that may in some cases be true.

It must be strongly emphasised that although man fell and is in a sinful condition our lives continue to be of value to God and to be considered as precious in His sight. Although we may have lost our perfect knowledge of God and our original righteousness and holiness the sanctity of human life has not been vitiated. After the Flood and the renewal of the earth God, in covenanting Himself with Noah, stated "whoever sheds man's blood, by man his blood shall be shed; for in the image of God He made man" (Genesis 9:6). The value of man's life to God as bearing His image is emphasised by the sanction imposed for the shedding of one man's blood by another, the forfeiture of their own life.

When God made a covenant with the nation of Israel in the time of Moses at Mount Sinai God gave to the people the moral law. The moral law reflects the perfect moral character of God. This moral law is universal and binding on all people in all ages in all nations. The sin of murder is forbidden by the Sixth Commandment, "You shall not murder" (Exodus 20:13). Murder is defined as "the intentional premature ending of a human life in a manner contrary to the revealed will of God." The revealed will and the whole counsel of God is contained within the Bible, the word of God.

A duty is implied in the commandment to preserve our own life, and the life of others. From this commandment flows the right to life. Not the right to life absolutely considered, but the right to life as it is framed in the moral law of God. All acts which lead up to murder, or the intentional premature ending of a human life in a manner contrary to the will of God, are forbidden by this commandment.

The intentional premeditated ending of a human life in a manner contrary to the will of God can be committed by the personal agency of the person responsible for the actions leading directly to the deliberate, premature ending of human life. This personal agency may be directed by the person responsible towards the deliberate, premature ending of the life of another human being or this personal agency may be directed by the person responsible towards the deliberate, premature ending of their

¹ Man should be read as inclusive of both male and female sexes.

own life. A person committing or completing assisted suicide following the procedure proposed in this Bill would be guilty of a breach of the Sixth Commandment in the second sense. The Reformed Presbyterian Church of Scotland is opposed to the general purpose of the Bill to make it permissible, in the circumstances provided, to assist another to complete or commit assisted suicide because the person committing suicide would be liable for the penalties attending any breach of the moral law of God which is temporal judgement in this life and eternal punishment, notwithstanding the possibility of true repentance and faith in the Lord Jesus Christ and the full pardon that attends such.

It is also possible to be guilty of a breach of the Sixth Commandment through the intention to kill another. This would include participating in a process or procedure that led to the deliberate, premature ending of a human life in a manner contrary to the will of God. It is therefore self-evident that the proposed involvement of medical practitioners and licensed facilitators as defined in this Bill would result in their being guilty of a breach of the Sixth Commandment. When King David instructed Joab the commander of his army to place Uriah the Hittite in the hottest part of the battle so that he would be killed, David was held accountable by God of His murder. Though David was not the instrumental cause of the death of Uriah he was involved in an intentional way in the process leading up to His death and treated as though he had been the direct agent of it. Nathan the prophet says to David "you have killed Uriah the Hittite with the sword" (2 Samuel 12:9). The Reformed Presbyterian Church of Scotland is opposed to the general purpose of the Bill to make it permissible, in the circumstances provided, to assist another to commit suicide because any person directly involved in the process of assisted suicide would be liable for the penalties attending any breach of the moral law of God as described.

Consenting to the intentional premeditated ending of a human life a manner contrary to the will of God is also a breach of the Sixth Commandment. "And when the blood of Your martyr Stephen was shed, I also was standing by consenting to his death, and guarding the clothes of those who were killing him" (Acts 22:20). To participate at any stage in the process of the assisted suicide of another person would be a breach of the Sixth Commandment. Indeed this principle is inclusive of those who, though they do not participate in any way in the intentional, premature ending of a human life as defined, nevertheless consent to that death. This would include consenting family members of anyone who completes or commits assisted suicide as defined in this Bill. It would include all those who give their approval and approbation to such a death. It should be stated that there are different degrees of breach of the Sixth Commandment and different degrees of punishment. But each breach will provoke the wrath of God against the measure of that breach. The Reformed Presbyterian Church of Scotland is opposed to the general purpose of the Bill to make it permissible, in the circumstances provided, to assist another to commit suicide because any person directly involved in the process of assisted suicide would be liable for the penalties attending any breach of the moral law of God as described.

The Sixth Commandment may also be breached through not preventing the intentional premeditated ending of a human life when it is in the power of the person or entity to do so. When Pilate said of Christ that "I find no fault in Him" and yet authorised his crucifixion he was held liable for the death of Christ. Following this

principle the Scottish Ministers would be corporately guilty of a breach of the Sixth Commandment whenever a person committed or completed assisted suicide in Scotland. The Scottish ministers would be guilty corporately of a breach of the Sixth Commandment with respect to the three categories of breach outlined above due to the fact these breaches would occur under Scottish law and under their immediate jurisdiction. The Reformed Presbyterian Church of Scotland is opposed to the general purpose of the Bill because the Scottish Ministers would be guilty of a breach of the Sixth Commandment by both promoting and not preventing the process of assisted suicide under their jurisdiction and would be liable for the penalties attending any breach of the moral law of God as described.

Do you have any views on how the provisions in this Bill compare with those from the previous End of Life Assistance (Scotland) Bill?

The Reformed Presbyterian Church of Scotland has no view on how the provisions in this Bill compare with those from the previous End of Life Assistance (Scotland) Bill.

The Bill precludes any criminal and civil liability for those providing assistance, providing the processes and requirements set out in the Bill have been adhered to. Do you wish to make any comment on this?

The Reformed Presbyterian Church of Scotland contends that the primary issue is not whether an individual assisting a suicide is to benefit from the removal of criminal and civil liability. The primary issue is the liability under the law of God to a moral and judicial penalty for a breach of the Sixth Commandment. This liability exists as a matter of fact by virtue of the unimpeachable moral character of God in his holiness and as a consequence of His justice and righteousness. This liability is inescapable. Any state that sanctions assisted suicide and approves and regulates the process is complicit in the real moral guilt and liability to divine justice and punishment that attends any breach of the Sixth Commandment. Lawmakers responsible for the passage of such permitting legislation and the regulation of the process established will bear their own guilt and its consequences. The state is to exercise its lawful authority as a delegated authority devolved by the sovereign grant and establishment of God and regulated by His law as contained in the Bible.

It is argued that the seriousness of the existing offences which could apply in law presently to the process outlined in this Bill, including murder and culpable homicide, are indicative of the seriousness which Scottish law has viewed the actions which are included process of assisted suicide.

Morality is not mutable. Morality is fixed in the absolute that is the character of Almighty God. The law has historically recognised the seriousness of such an action. Such an act is an offence to the sovereignty of God and profoundly undermining of the principle of the sanctity of life. The sanctity of life is itself an absolute principle. It is not given to qualification. Either a society holds to the sanctity of life in the fullest sense of the principle or it does not hold to it at all.

It is important to view the entire process as being at every stage of it contrary to the spirit and letter of the Sixth Commandment. At every point there is liability under the law of God for the involvement of both the individual and the state in its legislative and regulative function.

We contend that it is absurd to offer immunity for prosecution to a breach of the Sixth Commandment and to prosecute for lesser offences such as the unlawful supply and procurement of the drugs which facilitate a breach of the Sixth Commandment.

The Bill outlines a three stage declaration and request process that would be required to be followed by an individual seeking assisted suicide. Do you have any comment on the process being proposed?

We contend that the assertion that someone not making a preliminary declaration does not necessarily disqualify them entirely from the process. This has the appearance of a safeguard but does not take account of the reality that people are persuadable. Indeed, the whole premise of this Bill is to seek to persuade people of its merit. If someone is persuaded by another that assisted suicide is the right option for them then this apparent safeguard is meaningless. The fact that capacity is not an issue at the outset of the process makes this more and not less likely. Furthermore someone making a preliminary declaration is therefore more rather than less likely to seek a first and then a second request as there will exist a mental assent to the principle of assisted suicide. This is strengthened by the documentary nature of the recording of the preliminary declaration and the first and second request. There is a general quality of permanence that attends the signing of such witnessed documents which may make it more difficult for people to resile from.

At the first stage three separate people would be implicated in a breach of the Sixth Commandment. Breach is inclusive of intention and not just act. There are different degrees of guilt. Intention is not as aggravating as the act. But is enough to make a preliminary statement and endorse it to be guilty of a breach of the Sixth Commandment. This is true at the first and second request stage also.

The recording and making of preliminary declarations and first and second requests in medical records transforms these records from being primarily or exclusively concerned with the promotion of the life of the individual to being inclusive of the interests of that individual in terminating their life prematurely. The whole character of the primary and secondary care of patients in Scotland would change with the introduction of this principle. The medical service and medical staff become no longer exclusively concerned with the promotion of life.

As a result of the provisions of Section 9 two medical practitioners are implicated in a breach of the Sixth Commandment. This serves to further undermine the role of the medical practitioner as one whose primary duty is the promotion of human life. It is further undermining to the principle of the sanctity of human life to involve those who society looks to for the promotion of human life and health in preparations for the premature termination of human life. The medical practitioner effectively becomes the gatekeeper to assisted suicide.

There are no safeguards that can be adequate in the facilitation of assisted suicide. There is no safeguard that man can implement that will protect anyone participating in the process of assisted suicide from the wrath and justice of God for a breach of His law in the Sixth Commandment. It is impossible to implement safeguards which will absolutely protect vulnerable individuals from being coerced into choosing to end their lives through assisted suicide.

Though the process might be sufficiently practical, robust and clear in the eyes of those who have framed it will not prevent the gross violation of the sovereignty of God over his creation and creatures that this Bill presents. The Bill is entirely humanistic in its spirit and in its determination to provide checks and balances necessary to public confidence. The issue is not what the Scottish people think but what God has decreed.

In seeking to provide a route towards assisted suicide that is not unduly time-consuming it must be questioned how far the Bill can guarantee to protect vulnerable people against coercion and misuse of the process. In any case it seems not a little absurd that someone could be prosecuted for their participation in the process described in this Bill should they exceed the stated timeframes by one day. The character of the acts would be exactly the same. The timeframes are therefore completely arbitrary. A breach of the Sixth Commandment is a breach of the commandment whenever it is committed. God does not recognise arbitrary timeframes.

There is no appropriate period for careful consideration for a process and act that is contrary to the revealed will of God. The only appropriate consideration would be to reject this Bill in its entirety.

The provision of a time limit of fourteen days between the second request and the completion or committing of assisted suicide creates a false and artificial impression that there can exist by virtue of the passing of primary legislation a legitimate period during which it is permissible to commit a breach of the Sixth Commandment.

Do you have any comment on the provisions requiring that the person seeking assisted suicide must have a terminal or life-shortening illness, or a progressive condition which is either terminal or life-shortening?

The Bill encourages people to think autonomously about their own lives and to live their lives as if they have an absolute right of ownership of their lives. This is contradictory to the sovereignty of God over all life and of his right to determine the boundaries of each life. "For if we live, we live to the Lord; and if we die, we die to the Lord. Therefore, whether we live or die, we are the Lord's (Romans 14:8). Man is to live towards God and to die towards God and this includes respecting the sovereignty of God over both our living and our dying. People should not be encouraged by the state to think of themselves as possessing a right over their life. It is wrong to promote the idea that life should be lived in the light of our right to decide the point of our own death. This engenders a sense of autonomy that is antithetical to the provisions of the Word of God.

There is no relevant illness or condition specified in the Bible for which life may be legitimately terminated. We reject the idea that there is a standard of quality of life below which persons have a right to determine theirs is unacceptable. God has foreordained whatsoever comes to pass in His own sovereign will and purpose and in His infinite wisdom. Man simply does not have the right to determine to end a life on our terms and by our own criteria to conclude that some people's suffering may be terminated through the deliberate premature ending of a human life in a manner contrary to the revealed will of God.

It is wrong to imply that lives that do not meet up to the standard of a normal life are of less value and meaning than lives that do not meet this standard. That is the necessary consequence of this test.

The acceptability of a quality of life in the eye of the individual or the medical practitioners can never justify breaking the Sixth Commandment.

It is evident from the Policy Memorandum that the Bill is not just aimed at the small number of people whose quality of life is already so low that they would prefer not to go on living. It is also aimed at those whose diagnosis has allowed them to see such a situation in prospect, and even those who are currently healthy but fear for an uncertain future. For them, just knowing that there is a way out should they ever need it could be of great comfort and reassurance.

This principle is undermining of the sanctity of life as it encourages the view that life is ultimately the possession of the individual. This principle also violates the sovereignty of God over his creatures as man is encouraged by the state to view his own life as his own possession which he has an absolute right over.

To encourage people to consider making provisions for assisted suicide when they are still healthy and have no diagnosis is to condition people to think in terms of assisted suicide as the most viable option thus decreasing their likelihood to consider palliative care options.

There is a contradiction between promoting the value of life through initiatives like the Choose Life programme aimed at reducing suicide rates in Scotland and a policy that encourages and facilitates the preliminary declaration of interest in assisted suicide over 16 years of age. Either life is valuable and to be promoted and protected or it is not. The sanctity of life is an absolute principle and this Bill would result in the undermining of the principle and sow confusion in the public mind about what the Scottish Government's attitude to the promotion of life really is. If someone may be supported by the state to complete or commit assisted suicide then can the state with credibility promote the reduction of suicide?

We contend that the presumption that suffering has no value must be rejected. Suffering is not an unqualified evil. Suffering must be seen in its theological context. At the ultimate redemptive level it points to the fall of man and the curse that attended this fall from an estate of innocence to an estate of sin and misery. Suffering is a consequence of man's rebellion against his Creator and must be seen primarily as a signifier of this. Suffering also speaks to mankind of their need for redemption. It signals to us that things are not what they ought to be. The fact that man resists suffering is proof of this truth. Suffering also speaks to mankind of the reality of a final judgement and an eternal realm and sphere of suffering which is the destiny of all who die without repentance and faith in the Lord Jesus Christ. Therefore to assist in a suicide for the sake of the suffering of an individual in this life before a person has been reconciled to God is actually to be complicit in their entrance into eternal suffering, the opening of the door for that person into a suffering which is interminable. The doorkeepers will be held accountable. Finally, The Lord Jesus Christ Himself suffered. And in suffering he validated suffering and gave hope in their sufferings to all who trust in Him. Christian suffering is ultimately sanctifying

and is used by God to conform the Christian into the image of God, from one degree of glory to another (Romans 8:28, 2 Corinthians 3:18).

Are you satisfied with the eligibility requirements as regards age, capacity, and connection with Scotland as set out in the Bill?

Capacity must be distinguished from right or entitlement. A person may be deemed to have the necessary capacity to conduct themselves in a way that satisfies the criminal or civil law. However, that implied capacity never justifies a breach of the law of God. There is absolutely no right under any circumstances for a person to breach the law of God. It is inviolable, capacity notwithstanding. No governing authority may legislate a capacity that legitimises a breach of the Sixth Commandment. The governing authority is responsible to legislate at all times in full accordance with the law of God.

It is inconsistent to require capacity at any stage of the process of assisted suicide for man has no right at any age to exercise the choices that this Bill would present Scottish people with.

Do you have any comment on the roles of medical practitioners and pharmacists as provided for in the Bill?

The involvement of medical practitioners in the breaches of the Sixth Commandment involved in assisted suicide is systemic. Medical practitioners and pharmacists who perform the roles as provided for here in the Bill can be seen as acting in a representative capacity which would transform the spirit and ethos of the whole profession from those whose primary functions are to preserve and promote life to ones which are also inclusive of facilitating the deliberate premature ending of human life in a manner contrary to the law of God. This change in ethos is reflected in the Financial Memorandum's statement that "It is anticipated that both the General Medical Council and the Royal Pharmaceutical Society would revise their codes of practice and other guidance material to reflect the changes made by the Bill."

The current medical and pharmacological guidelines are correct to recognise that the purpose of medicine and pharmacy is to promote life and not to cause death. These guidelines should not be altered or amended in to accommodate the changes in ethics and policy that this Bill would necessitate.

A medical practitioner by participating in the process would be in breach of the Sixth Commandment and in breach of the Hippocratic Oath.

Do you have any comment on the means by which a person would be permitted to end his/her life under the Bill?

The fact that the costs for the role of medical practitioners and the provision of any drugs dispensed by the pharmacist means that the state and taxpayer would underwrite the deliberate premature ending of human life in a manner contrary to the law of God. There is a breach of faith involved in this in that taxpayers cannot exercise any right of conscience in regard to such a breach of the Sixth Commandment. Due to the lack of a means of conscientious objection there is a sense in which all who pay taxation in Scotland will be participative in the process, albeit at a remove.

We are concerned at the role of pharmacists in providing the drugs necessary to facilitate an assisted suicide and in the role of the general practitioners involved in prescribing these drugs would be complicit in a breach of the Sixth Commandment.

Do you have any comment on the role of licensed facilitators as provided for in the Bill?

Although the act does not authorise anyone to do anything that itself is the direct cause of another person's death it does permit someone to do what the person who dies could not do for themselves but was necessary to effect that person's death. This could be viewed as a kind of constructive euthanasia. A facilitator who assists the suicide of another person is guilty of abetting that person's breach of the Sixth Commandment and is therefore guilty of its breach themselves. There may be no liability for prosecution under Scottish law but there will be a real liability under the law of God for a breach of the Sixth Commandment.

The state as legislating for and regulating the role of facilitators would itself be guilty of promoting the breach of the Sixth Commandment and would be in breach of its responsibility to uphold the whole law and counsel of God within its jurisdiction.

The prohibition of categories of disqualified persons under Schedule 4 suggests that there are categories of persons who may legitimately qualify to act as facilitators for assisted suicide. There can never be a legitimate category of persons qualified to act as a licensed facilitator for assisted suicide.

The state would be acting ultra vires in arrogating to itself the right to license authorities and organisations to regulate licensed facilitators. The state may only legitimately promote what is either in conformity to the Law of God or what is not contradictory to it. As licensed facilitators are being licensed to participate in and facilitate a breach of the Sixth Commandment this provision has no legitimacy.

Do you have any comment on the role of the police as provided for in the Bill?

The fact that the death of a person by assisted suicide must first be reported to the police rather than the medical authorities highlights how thin the line would be between a legitimate assisted suicide and a criminal offence. The recognition of the need for police involvement strongly suggests that there is an implicit understanding that the act would always be precariously balanced between the lawful and the unlawful, notwithstanding the absolute fact of the act being a breach of the Sixth Commandment.

The provisions of the Bill imply that there is are valid and invalid, or a legal and illegal, process which can issue in the deliberate premature ending of a person's life in a manner contrary to the revealed will of God. All deliberate, premature ending of human life in a manner contrary to the law of God is a breach of the Sixth Commandment.

Do you have any comment to make about the Bill not already covered in your answers to the questions above?

The fact that doctors have been prepared to administer higher doses than needed for pain management to bring a patient's suffering to an end is no justification for assisted suicide but rather indicative of malpractice. What doctors believe to be in

the best interests of their patients is never the test. The test is what the law of God permits. The criminal law can never legitimately permit what that law of God prohibits. These physicians clearly acted outside of what is legally permissible at present. The fact that such discretion is harder to realise post Harold Shipman is something to be thankful for and not a reason to pursue assisted suicide.

The scope of the breach of the Sixth Commandment involved in assisted suicide is extended to include the legal profession, namely solicitors, members of the Faculty of Advocates, justices of the peace in Scotland and notary publics in other jurisdictions.

The suggestion that good faith can act as a bar to guilt in any breach of the Sixth Commandment must be rejected. Although protection might be afforded to an individual in such cases under the provisions of Scottish law the Scottish Government cannot legislate in any way to prevent the individual incurring real moral guilt as a result of a breach of the Law of God and rendering themselves liable to the demands of divine justice.

The Financial Memorandum states that “on a pro-rata basis, the average number of deaths per year in Scotland from assisted suicide, during the first decade or so after a change in the law, could be around 79 per year.⁴ If the pattern of uptake broadly replicates the Oregon experience, this number could rise to around 100 per year in the longer term.”

Between 1998, the first year of the legislation, and 2013 the number of official deaths recorded by assisted suicide under the Dignity With Dying Act increased from 24 to 71, an increase of 444%². There was a spike in the total in 2012 of 85. We would contend that predicting in terms of averaged results is be misleading as it disguises the reality of a likely increasing trend based on the Oregon evidence. Furthermore the number of prescriptions under the DWDA increased from 24 to 122 over the same period, an increase of 508% also on an increasing trend.

Legislating for assisted suicide would result in an increasing trend of assisted suicide involving increasing numbers of persons ending their life prematurely, resulting in these persons, licensed facilitators, medical practitioners, regulating authorities and Scottish ministers in the breach of the Sixth Commandment.

The Financial Memorandum states that the “Bill is intended to provide a direct alternative to the current best option for securing an assisted suicide, namely travel to Dignitas in Switzerland. Estimated costs for going to Dignitas are from £5,000 – £10,000, depending on whether, for example, the person has specific travel needs, such as a vehicle adapted to someone using a ventilator, or whether the person needs to be accompanied by medically-trained support personnel. Where a spouse, partner or other relative wishes to accompany the person, this will clearly add further cost.” It is a concern that such a pragmatic argument as relative cost should be employed to justify a breach of the Sixth Commandment. Assisted suicide is not a

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<http://public.health.oregon.gov/ProviderPartnerResources/EvaluationResearch/DeathwithDignityAct/Documents/year16.pdf>

human right to be provided for at the lowest cost option. Assisted suicide and the process facilitating it is a breach of the Sixth Commandment and therefore there can never be a right to it. Indeed the state has a positive duty to both prohibit assisted suicide and to prevent it through the criminal law.

It is clear from Paragraph 54 of the Policy Memorandum that the process proposed within this Bill is a thin end of the wedge and there is intention to use this Bill if passed to further widen the scope of assisted suicide. It is predicted that once the principle of assisted suicide is established and the principle of the sanctity of human life further vitiated that further erosions of the principle will necessarily follow. Euthanasia would be made more and not less likely by the successful passage of this Bill.

The Reformed Presbyterian Church of Scotland repudiated any appeal to public opinion to justify the validity of the principle of assisted suicide. Moral questions may only be determined with reference to the whole counsel of God contained in the word of God, the Bible. Public opinion shifts but the word of God is rooted in the immutable character of God Himself. What He decrees to be moral is unchangeably and unalterably moral.

Reformed Presbyterian Church of Scotland