

## **Abstract**

In this thesis, the gap between a steady and overwhelming majority of the British public in favour of legalisation of PAS and a political unwillingness to change the legal status quo is explored. The question that stands central in this historically uncharted topic is how this majority of public opinion was perceived and used in the parliamentary debates on PAS in both the HOL and HOC and how it has influenced these debates over time (1997-2015). From the first two chapters it becomes clear that mounting public pressure via media, lobby groups and court rulings resulted in multiple efforts through PMB's to legalise PAS. In that sense, public pressure was already an influential factor in bringing about political debate and attention to the subject. It is further argued that from 2003 onwards the question of which role public opinion on PAS should play in the decision making provided for an authoritarian/liberal line of conflict. Lords and MP's increasingly considered the argument that a majority of the public was in favour of PAS as one of the most important or in some cases even as a foundational justification to legitimise their claim for legalisation of PAS. These representatives were supporters of the concepts of liberty and autonomy of the individual to determine one's own destiny. However, representatives opposing PAS in both Houses on the other hand showed a total distrust of the public opinion. They denied any involvement of public opinion on the decision making process and even found it potentially dangerous for policy making. They showed an authoritarian and superior attitude towards the ability of the public in making an informed decision on PAS. The increase in MP's and Lords voting against PAS in the researched period shows that despite this intensive and growing debate on public opinion in parliament, public pressure has not been able to bend voting in favour of a majority.

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**The public wish for a dignified death in the United Kingdom:  
an analysis of the role of public opinion in the British  
parliamentary debates about the legalisation of physician  
assisted suicide (1993-2015).**

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*'A question that reaches to the fundamental core of one's humanity is whether or not a terminally-ill patient has the right to choose the time and place of his or her death, and whether that person can legally obtain assistance from a physician.'*<sup>1</sup>

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<sup>1</sup> Janna C. Merrick, *The Politics of Death: The Impact of Agenda Setting, Media Framing and Negative Campaigning in Mobilizing Political Recognition of Physician-Assistance in Dying* (2016), Presented at the World Congress of the International Political Science Association, Poznan, Poland, pp. 1-21 at p. 1.

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## **List of abbreviations**

DPP	Director of Public Prosecutions
HOC	House of Commons
HOL	House of Lords
MP	Member of Parliament
PAS	Physician assisted suicide
PMB	Private Member's Bill

## Chapter 1: Introduction

In the last decades there has been a remarkable increase in the public debate about the legalisation of euthanasia in many Western countries. Rising public awareness of an individual ‘right to die a dignified death’ for terminally ill patients has been the main focus of this debate.<sup>2</sup> The United Kingdom (UK) was the first country in the world to initiate this public debate on euthanasia, and more specific on PAS. Already in 1935 ‘The Voluntary Euthanasia Society’ was founded as the first organization which argued in favour of legalisation of euthanasia.<sup>2</sup> From the 60’s onwards, public and political debate about the legalisation of euthanasia became more frequent. Several law cases in the UK against physicians and family members who helped their patients or loved ones commit suicide, sparked huge media and public attention. The practice of euthanasia and PAS still remains illegal in the UK, although the current legal status of PAS is according to the Commission on Assisted Dying ‘inadequate and incoherent’.<sup>3</sup> There have been no prosecutions for the offence of PAS since the publication of the DPP’s policy on PAS in 2010, although more than forty cases concerning assisted suicide have been reported in the period 2009-2014. This publication will be further discussed in the second chapter. The Commission on Assisted Dying concluded in their report that there is a wide public perception that assisted suicides within the criteria set by the DPP’s policy are decriminalised.<sup>4</sup>

However, multiple court rulings on cases of PAS have shown that judges are not willing to leave legal reforms on PAS in the hands of the courts.<sup>5</sup> In the highly reported case of Tony

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<sup>2</sup> D.V.K. Chao, N.Y. Chan and W.Y. Chan, ‘Euthanasia revisited’, *Family Practice* (2002), 19(2), pp. 128-134 at p.128.

<sup>3</sup> ‘Commission on Assisted Dying’, January 2012, [[https://www.demos.co.uk/files/476\\_CoAD\\_FinalReport\\_158x240\\_I\\_web\\_single-NEW\\_.pdf?1328113363](https://www.demos.co.uk/files/476_CoAD_FinalReport_158x240_I_web_single-NEW_.pdf?1328113363)] (Accessed on 10 May 2017), pp. 1-403 at p. 19.

<sup>4</sup> *Ibid*, p.23.

<sup>5</sup> Lauren Coleman, ‘Thou shalt not kill; but needst not strive officiously to keep alive: a study into the debate surrounding euthanasia and assisted suicide’, *North East Law Review* (2015), 3, pp. 113-150 at p. 133.

Nicklinson, a 58-year old man with ‘locked in syndrome’, the High Court refused his request for assisted suicide, stating that ‘parliament as the conscience of the nation is the appropriate constitutional forum, not judges’ for considering such legal change about PAS.<sup>6</sup> Burns argues in his analysis of this important case that this ruling ‘underlines the reluctance and unwillingness, (and even fear), of our judiciary usurping or appearing to be seen usurping the powers and functions of Parliament in making laws’.<sup>7</sup>

Several attempts to legalise PAS have been made, through PMB’s both by Lords and MP’s. In 2003, Lord Joffe for the first time presented his *Assisted Dying Bill* before the HOL. This bill advocated for allowing a competent adult suffering from a terminal disease or a serious physical illness to request medical assistance to die. In July 2014, a bill introduced by Lord Falconer, was debated and passed in a second reading in the HOL. More than 120 Lords participated, and the debate took over ten hours.<sup>8</sup> Finally, in September 2015, the HOC rejected *The Assisted Dying Bill* introduced by MP Rob Marris in its first vote in almost 20 years. Until this year, the debate about PAS is still ongoing in the two Houses of Parliament. In the second chapter, it will be set out how these PMB’s on PAS have been initiated.

All this parliamentary attention meant that the issue of PAS was kept in the public eye.<sup>9</sup> What stands out, is the widely used reference to a majority of public opinion in favour of PAS in the media, academic studies and in health professional literature in the UK. Namely, over the last 30 years public opinion polls in the UK have showed quite a stable figure of 69 to 82 percent in

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<sup>6</sup> 6 R (Nicklinson) v Ministry of Justice [2013] EWCA Civ 961, [2014] 3 WLR 200 [11].

<sup>7</sup> S. Burns, ‘The death of humanity?’ (14 September 2012) [<https://www.newlawjournal.co.uk/content/death-humanity>] (Accessed on 19 June 2017).

<sup>8</sup> ‘Debating the right to die and assisted suicide: Key issues for the 2015 Parliament’ [<https://www.parliament.uk/business/publications/research/key-issues-parliament-2015/social-change/debating-assisted-suicide/>] (Accessed 18 May 2017).

<sup>9</sup> Mary Warnock and Elisabeth Macdonald, *Easeful Death: Is there a case for assisted dying?* (Oxford, 2008), p.vii.

favour of support for a change in legislation to allow a choice of PAS for the terminally ill and mentally competent adult.<sup>10</sup> Public opinion is also frequently mentioned in the debates on PAS in the HOL and HOC. For instance, MP Emily Thornberry argued in the debate on PAS in the HOC in 2012 that ‘as politicians in a democracy, it is our job to reflect public opinion’.<sup>11</sup> However, despite the discrepancy between the public wish for legalisation of PAS and the current illegal status of PAS, no research has yet been done about the role of public opinion in the political debates on this subject. This is an important gap in the literature about PAS that needs to be filled. On morality issues like PAS, British citizens are likely to have strong, stable opinions because it very much concerns a nontechnical issue and the personal sphere.<sup>12</sup> Therefore, in this thesis the following research question will be twofold:

How was public opinion perceived and used in the parliamentary debates on PAS in the HOL and HOC and how has it influenced these debates over time (1993-2015)?

This research question also touches upon wider debates. Exploring the impact of public opinion on public policy on PAS has implications not only for this case study on PAS, but can shed light upon wider questions about how democracy should work, and how much influence public opinion should have in the process of political decision making. These are fundamental issues for democratic societies that go beyond the scope of this thesis, but the case study on PAS can contribute to this broader context.

Next, an overview of the historiography on PAS and public opinion is given. It is argued how this study relates to these important works. Following, the methodology used to answer the central question is set out. The second chapter gives a background and important definitions. The third

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<sup>10</sup> Peter Saunders, ‘The role of the media in shaping the UK debate on assisted dying’, *Medical Law International* (2011), 11(3), pp. 239 – 256 at p. 239.

<sup>11</sup> Hansard HC Deb 27 March 2012, vol 542, col 1384.

<sup>12</sup> Barbara Norrander and Clyde Wilcox, ‘Public Opinion and Policymaking in the States: The Case of Post-Roe Abortion Policy’, *Policy Studies Journal* (1999), 27(4), pp. 707-722 at p. 707.



chapter shows the quantitative and qualitative results of the use of the concept of public opinion in the political debates on PAS over time. Following, a summary is provided and from the findings in chapter 3 it can be concluded how over time public opinion became one of the central points of strife between opponents and supporters of PAS. It is argued that from 2003 onwards, while indeed the issue of PAS was not a partisan issue because of its moral sensitivity, the question of what role public opinion on PAS should play in the decision making provided for an authoritarian/liberal line of conflict. Lords and MP increasingly considered the argument that a majority of the public was in favour of PAS as one of the most important or in some cases even as a foundational justification to legitimise their claim for legalisation of PAS. These representatives were supporters of the concepts of liberty and autonomy of the individual to determine their own destiny. However, representatives opposing PAS in both Houses on the other hand showed a total distrust of the public opinion. They denied any involvement of public opinion on the decision making process and even found it potentially dangerous for policy making. They showed an authoritarian and superior attitude towards the ability of the public in making an informed decision on PAS. The increase in MP's and Lords voting against PAS in the researched period shows that despite this intensive and growing debate on public opinion in parliament, public pressure has not been able to bend voting in favour of a majority. Lastly, the wider implications of these conclusions are discussed and suggestions for future scholarship on the subject of PAS are made.

### *Historiography*

Euthanasia is a subject that touches upon very diverse disciplines. Apart from the fact that it is a medical term and practice, it has its roots in the disciplines of law, religion and philosophy. However, it is also very much a cultural, political and historical phenomenon. The subject of euthanasia is part of a growing literature about morality issues, such as abortion, gun control and

stem cell therapy. Abortion was the first morality issue in the UK that sparked great political discussion.

### *Terminology*

Euthanasia is derived from the Greek words, meaning ‘good death’. However, there is no agreement on the precise meaning of the term and its different forms. Euthanasia in general is defined here as the ‘intentional killing of a person as part of the medical care being offered’.<sup>13</sup> Within this broad definition, there are several different forms of euthanasia, which also come along with different levels of controversy in the UK.

Active voluntary euthanasia is considered as the practice where a patient has expressed a wish to die and the physician performs the act of euthanasia, for instance by administering a lethal injection.<sup>14</sup> Passive voluntary euthanasia is defined here as euthanasia resulting from the omission of an act, for instance stopping life-support or by disconnecting a feeding tube. Passive euthanasia is not illegal under UK law. Active involuntary euthanasia is defined as the practice where euthanasia is performed when a patient is not mentally competent to make a decision, for example when the patient is comatose or mentally insufficient. Often mentioned in this context is the case of Alzheimer’s disease, as researched by Johnstone.<sup>15</sup> Both active voluntary and involuntary euthanasia are illegal under UK law.

PAS is defined as the practice where the physician provides life-ending medication to a terminally ill, mentally competent adult patient who can end its life by self-administering the drug. The focus of this thesis will be only on the discussion on PAS, because the political and historical debates and legislative proposals in the UK have involved mainly this form of euthanasia. The

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<sup>13</sup> Chao, *Euthanasia revisited*, p. 128.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

practices of active voluntary euthanasia and, even stronger, active involuntary euthanasia are even more controversial than PAS. This is due to the fact that the most important difference with PAS in these cases is that it is the medical practitioner who ends a patient's life, whereas in the case of PAS, the patient kills himself or herself. There is a belief that because the patient is the person who acts last, PAS is more defensible to active voluntary euthanasia since 'the willingness by the patient to action their own suicide gives compelling evidence of the patients desire to die'.<sup>16</sup> In the case of PAS, the physician is able to gain some moral distance and avoid the full moral responsibility for the act since 'his or her finger is not on the button'.<sup>17</sup>

### *Reasons for rising public support*

In the existing literature on euthanasia and PAS, a strong focus lies on explaining the growing public support for legalisation of PAS in western societies. An explanation that is often found for this is the development of individualisation in the past decades. Individualisation goes together with an increasing importance of autonomy in making decisions about life and death without interference of church or government. A second explanation much related to this is that societies are transforming from a focus on material values to post-material values, where self-determination with limited government interference is becoming increasingly central.<sup>18</sup> According to Cohen et al., a third important explanation for the growing support for euthanasia can be found in the fact that religion as a shaping factor in society is diminishing.<sup>19</sup> Religion very much influences the meaning given to life and death. This is often directly connected with a strong belief in the sanctity

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<sup>16</sup> Megan-Jane Johnstone, *Alzheimer's Disease, Media Representations and the Politics of Euthanasia: Constructing Risk and Selling Death in an Ageing Society* (New York, 2013), p. 65.

<sup>17</sup> *Ibid.*

<sup>18</sup> Joachim Cohen et al., 'European public acceptance of euthanasia: socio-demographic and cultural factors associated with the acceptance of euthanasia in 33 European countries', *Social Science & Medicine* (2006), 63(3), pp. 743-756 at p. 743.

<sup>19</sup> *Ibid.*, p. 744.

of life, where it is wrong to kill in all circumstances.<sup>20</sup> The secularization of many western societies weakens the absolute standpoint against euthanasia and PAS. These authors make an interesting remark about how public opinion may influence future political decision-making. They indicate that:

‘It is not unlikely that, if trends in public attitudes towards this sensitive issue continue as they have done in the last two decades, in most European countries it will be a question of when rather than whether euthanasia, under certain conditions of careful, medical practice will be regulated’.<sup>21</sup>

An author supporting the argument that the diminishing importance of religion is for a great deal responsible for the growing public support for euthanasia and PAS is Green-Pedersen.<sup>22</sup> However, he relates this argument to the political arena. He argues that the reason euthanasia was legalised in the Netherlands and Belgium but not in Denmark is because of the existence of a religious/secular divide in party politics in the Netherlands and Belgium, to which the euthanasia issue was related. Here, the issue of euthanasia could be made a policy issue in party competition. When the role of religious parties marginalized, euthanasia could eventually be legalised in the Netherlands and Belgium.<sup>23</sup> In Denmark, this line of conflict between secular and religion is non-existent and thus the issue of euthanasia has not become part of party competition.

A similar line of reasoning can be found in the literature on PAS in the UK. Larsen et al. argue that euthanasia is an almost completely depoliticised issue in the UK. They state that the issue has never made it into a party manifesto and argue that the silent acceptance of PAS ‘works well for all actors in the political system to ignore a potentially delicate issue’.<sup>24</sup> These authors

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<sup>20</sup> *Ibid*, p. 753.

<sup>21</sup> Joachim Cohen et al., ‘Trends in acceptance of euthanasia among the general public in 12 European countries (1981–1999)’, *European Journal of Public Health* (2006), 16(6), pp. 663–669 at pp. 667-668.

<sup>22</sup> Christoffer Green-Pedersen, ‘The Conflict of Conflicts in Comparative Perspective: Euthanasia as a Political Issue in Denmark, Belgium, and the Netherlands’, *Comparative Politics* (2007), 39(3), pp. 273-291.

<sup>23</sup> *Ibid*, p. 274.

<sup>24</sup> Lars Thorup Larsen, Donley T. Studlar and Christoffer Green-Pedersen, ‘Morality Politics in the United

argue that no division exists between religious and secular parties in the British party system which could provide for a politicisation of these issues. They also argue that if British politics has anything like a second conflict line, 'it is based on the difference between authority and liberty'. However, they argue that this line of conflict has also not provided for a foundation to politicise morality issue like PAS.<sup>25</sup>

However, despite the fact that PAS and euthanasia are not part of party manifestos in the UK, this body of literature disregards the development that the public debate on PAS has intensified and the issue has regularly appeared on the national political agenda in the last two decades. This thesis, with its emphasis on the political debate on PAS and the role of public opinion is an answer to this lack of focus on political debate in the historiography.

### *The arguments pro and contra PAS*

The issue of PAS is deeply polarizing, and in the literature on the subject, there is often a strong focus on either the arguments pro or contra the practice. The argument most frequently made by supporters of legalising PAS is that of individual autonomy. People have a right to self-determination, which includes the right to choose 'the timing, character and circumstances of their own death'.<sup>26</sup> The second argument frequently heard is about the loss of dignity: terminal ill patients have the right to be spared living an undignified life with pain and no prospect of a better future; with the legalisation of PAS this could be avoided.<sup>27</sup>

The most important argument made by opponents of PAS is that of the sanctity of life, also often related to religious arguments, which should be protected in all circumstances. This is also

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Kingdom: Trapped between Left and Right' in Isabelle Engeli, Christoffer Green-Pedersen and Lars Thorup Larsen ed., *Morality Politics in Western Europe: Parties, Agendas and Policy Choices*, pp. 114-136 at p. 134.

<sup>25</sup> *Ibid*, p. 135

<sup>26</sup> Johnstone, *Alzheimer's Disease*, p. 70.

<sup>27</sup> *Ibid*, p. 27.

connected to the Hippocratic Oath. A doctor vows in the Hippocratic Oath namely that he ‘will give no deadly medicine to any one if asked, nor suggest any such counsel.’<sup>28</sup> Another frequently ventilated argument is that of the ‘slippery slope’. There is the fear among opponents, that if PAS would be legalised, it will only be a matter of time before assisted dying is extended to people who cannot consent due to reasons of incapacity or severe disability.<sup>29</sup> A third argument made by opponents is that the legalisation of PAS will place pressure on vulnerable groups in society, mainly elderly and disabled people, to end their lives out of fear of being a burden on friends, family or society in general. Lastly, there is also the frequent mentioning of the highly advanced palliative care in the UK, which makes PAS unnecessary.<sup>30</sup>

These arguments on both sides of the debate on PAS are also often highlighted in the parliamentary debates. However, in this thesis the perceptions of public opinion on PAS in the parliamentary debates are analysed, since this angle is not explicitly and thoroughly researched in the historiography on PAS.

#### *Public opinion, PAS and the media*

The above mentioned works on PAS thus do not reflect on how the idea of public opinion relates to the political debate about PAS. There is, however, a growing body of literature which focuses on the interaction between the media and public opinion on PAS. A leading author on this subject is Johnstone.<sup>31</sup> Johnstone offers an analysis of how the debate on euthanasia and specifically PAS in combination with Alzheimer’s disease has been framed by the media and how this affected public opinion. One of the most important conclusions she draws is that public opinion is not just

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<sup>28</sup> *Oath of Hippocrates*. In: Harvard Classics, Volume 38. Boston: P.F. Collier and Son, 1910.

<sup>29</sup> Johnstone, *Alzheimer's disease*, p. 94.

<sup>30</sup> *Ibid*, p. 91.

<sup>31</sup> Johnstone, *Alzheimer's disease*.

swayed by the media but also ‘created and held together by it’.<sup>32</sup> She argues that public opinion is very much wavered in favour of PAS because of the highly constructed and one-sided positive reporting on euthanasia and PAS. Johnstone, however, touches briefly upon the importance of the relationship between public opinion and public policy in her concluding chapter. Johnstone argues that her findings raise an important problem about the intersection between the politics of euthanasia and public opinion and ‘more specifically, what weight (if any) should be given to public opinion.’<sup>33</sup> Though, the aim of her book is narrower, and does not give an explicit answer to this question.

Saunders discusses in his article the major stakeholders in the British debate on PAS.<sup>34</sup> He sets out how parliament, institutions like the British Medical Association (BMA), the courts and the media have engaged with the issue. He is mostly concerned with the role of the media in influencing the public opinion about PAS. He argues, like Johnstone, that the pro-legalisation lobby has wooed media publicity by focusing heavily on examples of personal stories and celebrity endorsement.<sup>35</sup> He concludes that the media should act more responsibly than this, because it has implications for a democratic society. Thus, he considers the connection between the media and public opinion about PAS in the context of the democratic process.

Although these works thus contribute to the understanding of how public opinion about PAS is being influenced by the media, they do not reflect on the question what role public opinion has played in the parliamentary debates on PAS. The research carried out in this thesis takes up on this issue where Johnstone and Saunders left off.

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<sup>32</sup> *Ibid*, p. 177.

<sup>33</sup> *Ibid*, p. 177.

<sup>34</sup> Saunders, *The role of the media*, p. 239.

<sup>35</sup> *Ibid*, 245.

## *Theories on the use of public opinion in political decision making*

Several authors have considered the use of public opinion in political decision making in general and more specifically in the case of PAS and related morality issues. Badcott argues in his article on the influence of public opinion on PAS that public opinion is a deceptive concept, ‘seemingly readily identifiable but in practice multifarious’.<sup>36</sup> He claims that consensus about what public opinion on PAS exactly consists of is at best ‘illusory’.<sup>37</sup> He also touches upon the gap between the majority of public opinion in favour of PAS and Parliament’s apparent unwillingness to legalise. In this context he questions what has happened to ‘the so-called democratic will of the people’.<sup>38</sup> One of the reasons Badcott gives for this that Parliament in the UK is paternalistic in nature and comes to its decisions through rhetoric and intellectual debate. He argues that ‘few individual members of the public have the ability to deal with such complex assessment, which is why we rely on politicians assisted by civil servants and expert opinion to act for us.’<sup>39</sup>

This view is also ventilated by Miller. This author argues in his book that there is a widespread belief among politicians that ‘ordinary people are simply not competent to understand the issues that lie behind political decisions’.<sup>40</sup> Schumpeter was even clearer in his view on the role of public opinion in his book *Capitalism, socialism and democracy*, first published in 1942. He makes a comparison with the public as consumers, where ‘people experience the results of their decisions directly’.<sup>41</sup> In the case of public opinion on political

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<sup>36</sup> David Badcott, ‘Assisted dying: the influence of public opinion in an increasingly diverse society’, *Med. Health Care and Philos.* (2010) 13(4), pp. 389–397 at p. 389.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, p. 394.

<sup>39</sup> *Ibid.*, p. 395.

<sup>40</sup> D. Miller, *Political Philosophy. A Very Short Introduction* (Oxford, 2003), p. 40.

<sup>41</sup> J. Schumpeter, *Capitalism, socialism and democracy* (New York, 2003), p. 262.



subjects, there is no such feedback mechanism and as a result people ‘lose touch with reality and behave irresponsibly.’ Thus

‘The typical citizen drops down to a lower level of mental performance as soon as he enters the political field. He argues and analyses in a way which he would readily recognize as infantile within the sphere of his real interests. He becomes a primitive again.’<sup>42</sup>

Lastly, an article by Hobson-West reflects on the role of public opinion in the UK animal testing debate.<sup>43</sup> He demonstrates how public opinion is used as a strategic resource in the political debate on animal research. The first reason he gives is that using public opinion as an argumentation in political debates gives a sense of rationality. Given that the arguments in the animal research debate, as the debate on PAS, often are polarised and based on emotion

‘Participants in the debate almost seem to cling to opinion poll data as something apparently rational and objective. People who claim to act on the basis of such data can then claim to be acting efficiently.’<sup>44</sup>

The second explanation Hobson-West gives, is that public opinion and polls are used to create moral legitimacy. Lastly, according to this author, politicians who use public opinion as an argument to support their views are often trying to convey a kind of democratic legitimacy. By claiming that their arguments or actions are supported by mass public opinion, the idea is that they have some sort of democratic mandate. The consequence of this is that actions which are not supported by majority opinion are portrayed as politically unlawful.<sup>45</sup>

It is emphasized here, as the historiography on PAS and public opinion also reflected on, that public opinion is not homogeneous and no consensus exists on what public opinion exactly entails, how it is formed and what weight it should have in political decision making. The quote by

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<sup>42</sup> *Ibid.*

<sup>43</sup> P. Hobson-West, ‘The role of ‘public opinion’ in the UK animal research debate’, *Journal of Medical Ethics* (2010), 36(1), pp. 46-49.

<sup>44</sup> *Ibid.*, p. 47.

<sup>45</sup> *Ibid.*, p. 48.

Schumpeter illustrates how long-stretched and historical the discussion on public opinion is. Critical studies on the use of public opinion and polls in public policy see opinion polls as ideological constructions which carry not much weight, or even outright dismiss the value of public opinion, corresponding with Schumpeter's views.<sup>46</sup> Other authors like Hobson-West, stress that despite this widespread ambiguity of the concept of public opinion in the historiography, politicians still often use it as an important foundation of legitimation. For the purpose of this thesis, public opinion is defined as all the views held by ordinary citizens, measured through public opinion polls, which politicians take into account in the decision-making process. The analysis focuses on the ways politicians reflected on the multifariousness of public opinion in the case study on PAS.

The primary sources in this study consist of the online Hansard parliamentary debates on PAS of the HOL and the HOC. The research period is 1993-2015. In the parliamentary year 1993-1994, a Select Committee on Medical Ethics was appointed by the House of Lords, and discussed a Bill proposing euthanasia and assisted dying. In September 2015, the last debate on the second reading on the Assisted Dying Bill in the HOC was held. The debates were selected by using the keywords 'assisted dying' and 'assisted suicide'. Only a limited number of debates have been held by the Houses of Parliament, as showed in chapter 3, thus a further selection was not needed. Next to the parliamentary debates and the report of the Select Committee on Medical Ethics 1993-1994, the report of the Select Committee on the Assisted Dying for the Terminally Ill Bill, published on 4 April 2005, was analysed. In total, six debates in the HOL and four in the HOC were analysed.

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<sup>46</sup> Rod Brookes, Justin Lewis and Karin Wahl-Jorgensen, 'The media representation of public opinion: British television news coverage of the 2001 general election', *Media, Culture & Society* (2004), 26(1), pp. 63-80 at p. 63.

The method of analysis used to answer the central question was both quantitative and qualitative. The invocation of public opinion was defined broadly: either politicians could refer specifically to the distribution of public opinion by citing percentages of public opinion or by using quantitative words like a 'majority'. The frequency of these references to public opinion on PAS was counted. Politicians also made references that were less quantitatively precise, such as 'the public'. Thus, secondly, a keyword search of the Hansard debates was made using, among others, the following terms: 'public opinion', 'poll', 'society', 'the people' was counted over the chosen period. Thirdly, references to the views of individual members of the public, for example by referring to letters to MP', their 'postbags', were counted. There was also distinguished between references of public opinion made by opponents and supporters of PAS. In chapter 3, the results were set out in two bar graphs, to show the trend of the use of public opinion in the debates in both Houses over the chosen period. Next, these results were combined with an analysis of how public opinion was perceived and used in the debates and how this analysis plays into the historiography on PAS.

## **Chapter 2: Background**

This chapter will give a background on the efforts in Parliament to change the law on PAS and will set out the current status of the law. Lastly, the lobby groups and their relationship with public opinion on PAS are set out. These lobby groups are important to discuss because of their perceived influence on the media and public opinion.

### *2.1 Legislative procedures: background to the debates on PAS*

Considering the prominent role that parliamentary debates play in this thesis, it is important to reflect on how legislative functions within both Houses of Parliament work, specifically in the debate on legislation on PAS and public opinion. These legislative processes in both the Houses have to be taken into account, as this directly influenced the frequency and the time allocated on the debates on PAS.

Both the HOC and HOL have an important legislative role. Most new laws passed in Parliament are proposed by members of the Cabinet. For legal proposals to become actual law, a bill must be approved both by the HOC and HOL. The procedure and parliamentary stages which a bill must go through are very similar in both Houses. In the first stage, called first reading, the bill's title is solely stated in the chamber where the bill is initiated. In the second reading, MPs or Peers discuss the bill's main points. In the HOC it can be already voted on, especially on controversial bills like the one on PAS. This happened in 1997 and 2015. In the HOL, a bill passes to the next stage without such a vote. Following, a bill is considered by a committee appointed by MPs or peers. In the case of PAS, the issue of PAS went to committee stage three times. In third reading, MPs debate and vote on the bill in its final form. In the HOL, further amendments may still be introduced. No PMB on PAS has made it passed second reading.

The Cabinet has taken a neutral position to the issue of PAS in the last decade. It considers

it a matter more appropriate for Parliament to decide on. Thus, there have been no proposals for a change in the law on PAS by Cabinet members. PAS is not a matter for party politics since parties find it a too sensitive subject to include in their manifesto, as argued by Larsen et al. The subject remains a matter of conscience for individual MPs and Lords. Both members of the HOL and the HOC who are not in the Cabinet can introduce PMB's, as has been frequently done in the case of PAS. However, because of the political sensitivity of the subject, the HOL has far more frequently initiated a PMB on PAS, because they do not face the pressure of electoral consequences. In comparison to bills initiated by Cabinet members, very few PBM's become law. However, by creating publicity around an issue, they may influence legislation indirectly.<sup>1</sup> In the case of PAS, the law initiatives through the PMB's can be considered as the peak on the continuous pressure for political action through great public support for legalisation, the active reporting of the media on the issue and the multiple law cases that pressed the Parliament to take action on the matter. PMB's, generally and in the case of PAS, enable individual parliamentarians to address emerging issues and respond to matters of great public concern. Thus, PMB's prove valuable in stimulating public discussion, but are also often provoked by public opinion and public pressure.

There is no distinction in procedure between PMB's and government bills in the HOL. As in the HOC, the majority of time spent on legislation in the HOL each session is spent on bills initiated by Cabinet members. However, the amount of time made available in the HOL to debate private member's bills is far more flexible in comparison with the HOC. PMB's initiated in the HOL have to be considered in the HOC, where bills will face several 'procedural hurdles' before they can receive royal assent.<sup>2</sup> One of these hurdles is the limited time allocated to PBM's in the

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<sup>1</sup> 'Private Members' Bills', [<http://www.parliament.uk/site-information/glossary/private-members-bills/>] (Accessed on 02 June 2017).

<sup>2</sup> Edward Scott, *HOL Library Note Private Member's Bills* (24 May 2016), pp. 1-12 at p. 8.

HOC. When time runs out, the PMB cannot be hurdled over to a next session. These different roles and procedures have influenced the debates on PAS, in that the HOL debates have been more frequent and elaborate in comparison to the HOC debates on PAS.

## 2.2 *Current status of the law on PAS*

Both euthanasia and PAS suicide are currently illegal in Britain. Euthanasia brings a mandatory life sentence under the Murder Act of 1965 and ‘encouraging or assisting’ suicide either by a family member of a physician, carries a custodial sentence of up to 14 years under the Suicide Act 1961.<sup>3</sup> Suicide or attempted suicide are not in themselves criminal offences since 1961. In practice however, the circumstances and boundaries within euthanasia and PAS are considered illegal are rather vague.

This ambiguity can be best illustrated with the case of Dignitas. Many Britons who wished to decide for themselves the timing of their death have left the UK to travel to Zürich, Switzerland. Between 2002 and 2015, over 290 British citizens have travelled to the Swiss aid in dying group Dignitas.<sup>4</sup> However, no person who has accompanied patients to Dignitas has ever been prosecuted.<sup>5</sup> An important and high-profile case that challenged judges to clarify on this ambiguity of the law was pursued by Debbie Purdy. Purdy suffered from multiple sclerosis and in her case forced the DPP to explain in which circumstances her husband would face prosecution if she decided in the future that she required him to accompany her to Dignitas. In February 2010, in response to the intensively reported Purdy case in the media and the public opinion it inflamed in favour of a change in legislation, the DPP published a *Policy for Prosecutors in Respect of Cases*

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<sup>3</sup> Saunders, *The role of the media*, p. 239.

<sup>4</sup> J. Doward, ‘‘One person a fortnight’ travels to Dignitas from Britain to end their lives’, *The Guardian*, 15 August 2015, [<https://www.theguardian.com/society/2015/aug/15/assisted-dying-britons-dignitas-rises-campaigners-change-law>] (Accessed 27 May 2017).

<sup>5</sup> C. Haigh, ‘Exploring the case for assisted dying in the UK’, *Nursing Standard* (2012), 26(18), pp. 33-39 at p. 35.

*of Encouraging or Assisting Suicide (DPP 2010)*. The DPP, in drafting this policy, was guided by gauging public opinion through a public consultation.<sup>6</sup> The publication outlined 16 circumstances in which persecution of PAS would be in the public interest, and six circumstances of PAS where persecution under the Suicide Act 1961 would go against public interest.<sup>7</sup> There have been no prosecutions for the offence of PAS since the publication of the DPP's policy on PAS in 2010, although more than forty cases concerning assisted suicide have been reported in the period 2009-2014.

It is important to emphasize that the guidelines set out by the DPP do not guarantee that this 'pseudo-immunity' is absolute.<sup>8</sup> The rulings and DPP guidelines did not change the law on PAS, with at its core the Suicide Act of 1961. Only parliament has the power to pursue changes in legislation. As was shown in the introduction, multiple courts have stated that Parliament is the appropriate constitutional forum to decide on changing legislation on PAS and urged it to do so.

### *2.3 Lobby groups and public opinion*

On both sides of the debate on PAS are many pressure groups that try to influence public opinion. The pro-PAS lobby groups, particularly 'Dignity in Dying' mentioned below, have had a strong influence on how PAS is portrayed in the media: a predominantly positive depiction of PAS is dominant. According to both Johnstone and Saunders, this has wooed the public opinion in favour of legalisation of PAS. Also, both lobby groups pro and against legalisation have conducted public opinion polls on PAS in the period under scrutiny. These opinion polls and also the arguments of these lobby groups and their influence on the media and public opinion are a point for concern to

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<sup>6</sup> 'A public consultation on the DPP's interim policy for prosecutors on assisted suicide', [[http://www.cps.gov.uk/consultations/as\\_index.html](http://www.cps.gov.uk/consultations/as_index.html)] (Accessed on 3 June 2017).

<sup>7</sup> Saunders, *The role of the media*, p. 245.

<sup>8</sup> Haigh, *Exploring the case*, p. 35.

some Lords and MP's in the parliamentary debates on PAS. An oversight of the most important lobby groups is set out below.

The most influential pressure group in favour of legalisation of PAS is 'Dignity in Dying', formerly known as the Voluntary Euthanasia Society as mentioned in the introduction. It campaigns for a greater choice and control at the end of life.<sup>9</sup> They lobby to give mentally competent, terminally adults the choice of an assisted death under strict circumstances set out in a legal framework. Dignity in Dying has an active campaign in support of the Assisted Dying Bill. It was also one of the initiators of the Commission on Assisted Dying, mentioned in the introduction. The Voluntary Euthanasia Society's standpoints were also taken into account into the evidence for the report of the Select Committee on assisted dying in 2005. Their view on public opinion and its proper influence on PAS is made very clearly in this report:

'We believe it would be undemocratic to allow this minority to impose their beliefs on the majority of our society who do not share their beliefs. We share the view expressed by the General Medical Council that it is for society as a whole, through the democratic process, to determine whether, and on what basis, assisted dying should be made lawful.'<sup>10</sup>

The main lobby group opposing Dignity in Dying is 'Care Not Killing'. It consists of several subdivisions, such as religious groups, disability rights groups and doctors who execute palliative care. Its main aims are the promotion of palliative care, lobbying against the *Assisted Dying Bill* and trying to influence public opinion against any further weakening of the Suicide Act.<sup>11</sup> They state that

'Any change in the law to allow assisted suicide or euthanasia would place pressure on vulnerable people to end their lives for fear of being a financial, emotional or care burden upon others. This would especially affect people who are disabled, elderly, sick or

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<sup>9</sup> 'Dignity in Dying' [<https://www.dignityindying.org.uk/assisted-dying/our-position/>] (Accessed 5 June 2017).

<sup>10</sup> HL 4 April 2005, *Select Committee on the Assisted Dying for the Terminally Ill Bill*, vol. II: evidence, pp. 1-736 at p. 1.

<sup>11</sup> 'Care not Killing' [<http://www.carenotkilling.org.uk/about/>] (Accessed 25 May 2017).



depressed.’<sup>12</sup>

The BMA is the professional association and trade union for more than half of all the doctors in the UK. With more than 200 000 medical members, the BMA has provided for a powerful influence in the public debate about PAS. The BMA and its standpoints are often mentioned and taken in to consideration in the parliamentary debates about this subject, especially in the context of the Hippocratic Oath. The BMA’s standpoints were also taken into account into the evidence for the report of the Select Committee on Assisted Dying. From the 1950s onwards, the BMA debated on PAS in their annual representative meeting (ARM). Their position maintains broadly the same, the BMA opposes all forms of assisted dying, but developments towards a more neutral position can be detected. For instance, in 2005 the BMA agreed that there were diverse opinions within society and the profession, supporting the view that ‘parliament and society at large should decide the issue of possible legalisation’.<sup>13</sup> This resulted in the BMA for the first time taking a neutral stance on assisted dying. However, in 2006, this decision was reversed and the BMA once more took its position against any form of legislation. This is still their current position.

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<sup>12</sup> *Ibid.*

<sup>13</sup> BMA, *End-of-life decisions. Views of the BMA* (August 2009), [[http://bmaopac.hosted.exlibrisgroup.com/exlibris/aleph/a23\\_1/apache\\_media/VITJEQ4TGE1SQBYUCDDQ2T93SAHVT.pdf](http://bmaopac.hosted.exlibrisgroup.com/exlibris/aleph/a23_1/apache_media/VITJEQ4TGE1SQBYUCDDQ2T93SAHVT.pdf)], p. 4.

### Chapter 3: A liberal vs. an authoritarian view of public opinion

In addition to attempts to change the law via court appeals on PAS, as set out in section 2.3, several efforts have been made to change the law in the UK via Parliament, mostly through PMB's. In the parliamentary session 1993-1994, the starting point of the analysis below, the Select Committee on Medical Ethics was appointed by the HOL to review the law on euthanasia and PAS. Its unanimous conclusion was that these practices should remain illegal, and recommended that palliative care should be more widely available.<sup>1</sup> Ultimately, the proposed bill reviewed by the Select Committee, was defeated in an overwhelming vote in the HOC in 1997.

Ten years later, three members of the Select Committee on Medical Ethics had changed their mind. In the light of this and of a clear change in public opinion on the matter, Lord Joffe in 2003 agreed to sponsor a Bill through Parliament. Lord Joffe introduced *the Assisted Dying for the Terminally Ill Bill* in the House of Lords, which aimed 'to enable a competent adult who is suffering unbearably as a result of a terminal illness to receive medical assistance to die at his own considered and persistent request'. The bill was for the most part modelled on *The Oregon Death with Dignity Act*. Lord Joffe visited the state of Oregon and 'was impressed by the way it was working when he visited with other members of the HOL Select Committee'.<sup>2</sup>

The bill was reviewed by a second committee, namely the Select Committee Assisted Dying for the Terminally Ill Bill. They published their report in 2005. This Select Committee did not conclude for or against changing the law on PAS, like its predecessor. It only made recommendations as to how a future bill, were it to be reintroduced, might be improved. The debate in the HOL about the report was held on 10 October 2005. The second reading on the bill

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<sup>1</sup> Hansard HL session 1993-94, *Report of the Select Committee on Medical Ethics*, vol. I part 3, pp. 193-207 at p. 207.

<sup>2</sup> Warnock, *Easeful death*, p. xi.

in the HOL was on 12 May 2006, and ended in a vote of 148 to 100 against the bill.

In 2012, the Back Bench Committee of the HOC allocated time for a debate on PAS outside the procedures of PMB. Next, In May 2013, *The Assisted Dying Bill*, an updated version of Lord Joffe's bill, was reintroduced to the HOL through a Private Member's Bill by Lord Falconer. In January 2015 it went into a third committee stage in the House of Lords. Finally, in September 2015, the HOC rejected *The Assisted Dying Bill* introduced by MP Rob Marris in its first vote on the issue since 1997.<sup>3</sup> Since this vote, several attempts have been made to reintroduce a bill on PAS into the House of Lords. However, new proposals for legislation have not made it past first reading.

### *3.1 Quantitative results: trends in the use of public opinion*

The starting point of the analysis on the use of public opinion in the debates on PAS was the HOL Select Committee on Medical Ethics. As graph 1 shows (appendix), there were only 12 references to public opinion, all by Lords opposing PAS. In the debate on the report in the HOL in May 1994, this evidence for a lack of attention to public opinion was echoed: only 28 references were made, of which 24 by Lords opposed to the legalisation of PAS. This attention to public opinion in the debates on PAS completely changed from 2003 onwards. In the debate in the HOL in June 2003, there were 72 references of public opinion. There was also more balance between references of public opinion made by Lords supporting the bill and Lords opposing the bill. In the report by the Select Committee on the Assisted Dying for the Terminally Ill Bill in 2005, public opinion was considered a very important factor to take into consideration in the debate on PAS, as further argued in the next section. With a complete chapter devoted to it and 130 references to public

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<sup>3</sup> Hansard HC Deb 11 September 2015, vol 599, col 724.

opinion, both by opponents and supporters of PAS, the contrast with the Report of the Select Committee in 1993-1994 could not be greater.

This trend, where both opponents and supporters of legalisation used public opinion correspondingly in their argumentation, can be seen until the debate on 18 July 2014 in the HOL on the Second Reading of the Assisted Dying Bill, initiated by Lord Falconer (Appendix, graph 1). After 2014, the frequency of the use of public opinion is diminished (Appendix, graph 2).

The HOC had very little time scheduled for the debate and vote on PAS in December 1997, and therefore was very brief in its discussion on the matter. However, with only a couple of short remarks on the status of public opinion on PAS, it can be argued that also in this House, there was a strong disregard of public opinion in discussing the legalisation of PAS. Even though the debates remained limited in their time in this House, as argued in section 2.2, a trend can be discerned in the use of public opinion in the HOC debates on PAS. Following 2008, the issue of public opinion was more frequently discussed in the debates.

The quantitative data seem to suggest that in the period 1993-1997, public opinion did not play a significant role in the debates on PAS either in the HOL or HOC. From 2003 onwards, public opinion appears to become a more dominant factor in the debate. The quantitative data thus point into the direction that public opinion over time indeed got to play a more important role in the tug of war between politicians in both Houses opposing the legislation of PAS and the ones supporting a change in the legal status quo.

### *3.2 Qualitative findings: two opposing views on public opinion*

There are advantages in quantifying the use of public opinion in the debates on PAS, for it can

provide a global picture of how often this concept was mentioned. Also, by putting the results in bar graphs, as done in the appendix, trends over time can be distinguished. However, these quantitative results do not explain how exactly public opinion was reflected on and how it shaped the debates on PAS. This can be achieved by combining the quantitative findings with qualitative analysis of the arguments on public opinion in the debate on PAS in the two Houses. As argued in the introduction, public opinion is not homogeneous and there is no agreement in the historiography on what public opinion exactly entails, how it is formed and what weight it should have in political decision making. This was reflected in the different and changing ways in which Lords and MP's engaged with the concept of public opinion in the debates on PAS over time.

In the discussion of public opinion on PAS in the debates, four strands of argumentation could be discerned, namely how much could be relied on the ability of the public to make proper judgement on the issue, which results public opinion polls on PAS showed over time, the analysis of the methodology and reliability of these polls and finally the relationship between public opinion and the media.

#### *Period 1993-1997*

In the period 1993-1997, there was an agreement among Lords and MP's that the public could not be relied on to make a proper judgement on the subject. Public opinion formed no line of conflict within these debate, also because there was a general consensus over the unacceptability of PAS in itself. The members of the Select Committee namely voted unanimously against PAS and thus gave a strong advice to both Houses against legalisation of PAS. The Committee members gave weight to the argument that was made by the public that the individual is best able to decide what manner of death is fitting to the life that has been lived. However, the Lords concluded that this individual opinion could not be trusted as the fundament of society. They argued that the issue of

euthanasia and PAS 'is one in which the interest of the individual cannot be separated from the interest of society as a whole.'<sup>1</sup> They put heavy weight on the skills of the medical profession and the view of the BMA, who are better qualified to take ethical decisions about life and death that ultimately have a bearing not only on individual patients but on society as a whole. The opinion of the BMA was deemed most important in this report.

The Lords in the debate on the report of the Select Committee were very praising of the report. The Select Committee had been 'thoughtful' and 'dispassionate'.<sup>2</sup> This last praised qualification stood in stark contrast with the later mentioning of the 'bizarre and dangerous delusions floating around in our culture today' by Lord Bishop of Oxford.<sup>3</sup> This reflected a distrust in the society's ability to make a proper judgement on the subject of euthanasia and PAS. These Lords accepted the unanimous view against PAS, and took over their recommendations without much debate.

The time allocated to the debate on PAS in the HOC in 1997 was strikingly short. Despite the acknowledgment of sparsity of occasions when the HOC debates death, this brevity in itself raises questions about the importance of the matter of PAS for this House during this period. MP Joe Ashton stated that he had been in politics for almost 30 years, and could only remember three previous occasions where this House considered the matter.<sup>4</sup> Only this MP mentioned the status of public opinion polls. 'A social survey in 1996 showed that 82 per cent of the population supported the measures in the Bill.'<sup>5</sup> However, it is not argued further why he makes a reference to this survey of public opinion. Therefore, it is suggested that public opinion played no significant

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<sup>1</sup> *Report Select Committee on Medical Ethics*, p. 194.

<sup>2</sup> Hansard HL Deb 9 May 1994, vol 554, col 1345.

<sup>3</sup> *Ibid*, col 1369.

<sup>4</sup> Hansard HC Deb 10 December 1997, vol 302, col 1025.

<sup>5</sup> *Ibid*, col 1026.

role in this particular debate, similar to the debates in the '90s in the HOL.

#### *Period 2003-2015*

In the period 2003-2015, many topics as set out in the historiography section were mentioned by both Lords and MP's in the debates. The argument of personal autonomy was frequently voiced by those in favour of a change in the law on PAS. Opposing, the sanctity of life and a concern for the vulnerable in the society was emphasized in the argumentation of adversaries of PAS. However, one of the most consistently recurring themes in the debates in this period in both the argumentation of opponents and supporters of PAS was public opinion in relation to the issue of PAS. It is argued that from 2003 onwards, one of the central controversies in the debates on PAS evolved around the questions how much weight should be given to public opinion and what its influence should be in relation to the views of individual Lords and MP's.

Many Lords and MP's in favour of PAS used references to public opinion polls as one of their main arguments or even as a foundational justification to legitimise their claim for legalisation of PAS. For example, in the debate in 2003 in the HOL, Lord Joffe was convinced that PAS should be legalised. He argued that ending the lives of patients with the consent of the patient already took place on a substantial scale in the UK, despite the current status of the law.<sup>6</sup> This viewpoint corresponds with the observation made earlier in this thesis, that there have been no prosecutions for the offence of PAS since the publication of the DPP's policy on PAS in 2010, although more than forty cases concerning assisted suicide have been reported in the period 2009-2014. The case for a change in the law, argued Lord Joffe, was essentially based on the concept of personal autonomy. He argued that most opponents of PAS stressed their belief in the sanctity of life. While

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<sup>6</sup> Hansard HL Deb 6 June 2003, vol 649, col 1587.

he respected their views, he criticised these opponents of PAS, ‘a small minority’, for trying to oppose their beliefs on the ‘overwhelming majority’ who did not share this view.<sup>7</sup> He argued again that

‘The law as it stands does not accord with the views of the overwhelming majority of the population. Public opinion surveys consistently show that more than 80 per cent of the public believe that the law should be changed to allow terminally ill people the right to receive medical help to die, if that is what they want.’<sup>8</sup>

Later, in his final statement and summary of his arguments, he repeated the argument that the UK has a law on PAS in place which is clearly out of tune with the views of the majority of the population. He thus clearly and explicitly ascribed a high level of moral and rational legitimacy for his standpoint in emphasizing multiple times the status of public opinion on the matter. Lord Gray of Contin, a strong supporter of the bill, stated in this debate that highly publicised law cases aroused a ‘groundswell of indignation from the public’.<sup>9</sup> He frequently stressed the importance of the state of public opinion in the political debate. He was more careful than Lord Joffe in drawing strong conclusions from public opinion polls, since ‘questions asked in different polls have not always been identical’.<sup>10</sup> However, what had become very clear to him was that

‘The public have become steadily more supportive of a change in the law to enable people to make a decision themselves about the timing of their death, should they succumb to the horrors of a terminal or progressive illness. Since 1996, support has been continually in excess of 80 per cent.’<sup>11</sup>

Lord Philips of Sudbury reasoned that he was thankful for the number of individual letters of great ‘poignancy and insight and immense consideration’ which helped him to reach his own ‘tentative

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<sup>7</sup> *Ibid*, col 1588.

<sup>8</sup> *Ibid*, col 1587.

<sup>9</sup> *Ibid*, col 1648.

<sup>10</sup> *Ibid*, col 1649.

<sup>11</sup> *Ibid*, col 1649.



and stumbling view' on PAS.<sup>12</sup> He argued that the subject of PAS is indeed not solely a debate for experts or politicians, but a classic issue for 'every man and every woman'.<sup>13</sup>

The above mentioned quotes show a sincere attempt to ascertain the feelings of 'ordinary people' about PAS, but also demonstrate that Lords supporting PAS saw public opinion as one of the most valid arguments to legitimize their claim for legalisation. This corresponds with the findings of Hobson-West, who argued that public opinion is often used to show rationality, moral validity and democratic legitimacy in debates on subjects like PAS.

After the debate in 2003, the bill was analysed by the Select Committee Assisted Dying for the Terminally Ill Bill. What is striking, when compared to the Select Committee Report published in 1993-1994, is the great attention to public opinion in its analysis and final report. A whole chapter was dedicated to viewing the status of public opinion on PAS and to the question how important public opinion should be for further decisions on the legalisation of PAS. Both negative as positive views of the reliability of public opinion and its use for political decision-making were expressed.

Some opponents of PAS interviewed by the Select Committee ventilated their worry that the current state of public opinion was very much based on a lack of information and was courted by the media, as argued by both Johnstone and Saunders. They found it alarming how the public responded to highly publicised court cases. They stated that almost every newspaper supported the practice of PAS while using the euphemism of 'mercy killing' of terminally ill people, and reported on the cases in a very one-sided and simplistic manner.<sup>14</sup> According to opponents of PAS, it was consistently reported by the press that terminally ill patients were requesting the right to "die with

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<sup>12</sup> *Ibid*, col 1605.

<sup>13</sup> *Ibid*, col 1605.

<sup>14</sup> Hansard HL *Select Committee on the Assisted Dying for the Terminally Ill Bill*, 4 April 2005, vol. I: report, pp. 1-121 at p. 22.

dignity' as if a natural death could not possibly be dignified'.<sup>15</sup> Opponents argued that a false dilemma is presented by the 'pro-euthanasia lobby', specifically by the Voluntary Euthanasia Society. This dilemma entailed a choice limited to either PAS or an appallingly undignified painful death. The public opinion seemed to be in a state that people are willing to send terminally ill people 'to the graveyard without looking more closely at the condition leading to a wish to die'.<sup>16</sup>

Supporters of PAS were on their account very strong in their beliefs in the reliability and importance of public opinion on the issue of PAS. They stated that 'we live in a democracy and the majority want it'.<sup>17</sup> They referred to many studies and opinion polls that demonstrated clearly the majority of the public supporting the legalisation of PAS. They argued that the process of creating social and legal change on PAS 'begins and ends with the public'. The public wish was not at all based on moral oblivion wooed by the media, but was actually founded on well informed public on this very private matter. Therefore, they argued that public opinion should be considered as a very serious factor in the debate on PAS.<sup>18</sup>

The Select Committee looked into different types of opinion polls to assess their objectivity and value for the decision making on PAS. They did not commission their own public opinion research, but studied opinion surveys over the course of the last 20 years. They also were highly supportive of other forms of public opinion input. The Committee received over 14,000 letters and emails in response, and some 83,000 cards or emails which formed part of organised petitions.<sup>19</sup> The Committee concluded that most of the surveys and their findings were indeed too one-dimensional, without a proper explanatory context and with limited options for a nuanced reply which could

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<sup>15</sup> Hansard HL 28 April 2005, *Select Committee on the Assisted Dying for the Terminally Ill Bill*, vol. III: evidence – individual submissions, pp. 1-113 at p. 24.

<sup>16</sup> *Ibid*, p. 13.

<sup>17</sup> *Ibid*, p. 19.

<sup>18</sup> *Select Committee on the Assisted Dying*, vol. I: report, p. 146.

<sup>19</sup> *Ibid*, p. 10.

have led to misleading results.<sup>20</sup> One of the most reliable opinion polls on the subject, as stated in the report, was executed by British Social Attitudes (BSA), which showed a consistent majority of 72-84 % in favour of PAS. According to the Select Committee, the BSA survey differed from many others in at least one very important aspect: it was not commissioned by any organisation with a commitment to one side or other of the PAS debate.<sup>21</sup> However, the Select Committee argued that these surveys were better suited for more simple and straightforward issues such as consumer choices,

‘Where respondents can be assumed to have a broad understanding of the topic area and of the consequences implied by particular response options. Where these conditions cannot be assumed and, as with euthanasia, the issues are potentially complex and far-reaching, the omnibus may not be the ideal tool for providing understanding. This seems to be particularly the case with surveys of the general public, where an understanding of the potential impact of euthanasia/PAS legislation clearly cannot be assumed.’<sup>22</sup>

This quote corresponds with the negative view of Schumpeter, as set out in the historiography, that the public could perhaps be trusted to make consumer decisions, but when engaging with complex political issues like PAS, the general public did not have the ability to make proper judgements. The final conclusion reached by the Committee on the usefulness of public opinion for future decision-making on PAS, was that research on public attitude on the legalisation of PAS is limited in its value and cannot be accepted as a reliable account of public opinion in the UK. According to the Committee, the matter of PAS is extremely complex and very challenging for anyone. This was even more the case for the general public, because their views could not be trusted on due to their lack of information and ‘by the lack of opportunity to reflect in an informed way upon the

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<sup>20</sup> *Ibid*, p. 75.

<sup>21</sup> *Ibid*.

<sup>22</sup> *Ibid*.

implications of any change in the law for themselves and for society'.<sup>23</sup> Nevertheless, the report did not completely dismiss the outpouring of public interest and public opinion on PAS. It acknowledged the need for further investment in more reliable forms of public opinion research, if the concept of public opinion was to carry significant weight in future decision making on PAS.

In the discussion in the HOL of the report in October that same year, public opinion was considered an important topic for many, despite the conclusions by the committee. Some Lords even devoted all their allotted time to stress the importance of public opinion in the debate on PAS. For instance, Lord Moser limited himself to just one point in the report: the subject of public opinion and PAS. He argued that the 'ultimate decision on the matter will rest with Parliament and so, if for no other reason, with public opinion'.<sup>24</sup> He criticised the conclusion reached in the report on public opinion surveys as being too simplistic for such a complex topic. Lord Moser argued that surveys could indeed be helpful and insightful indicators of public opinion, even on complex issues as PAS. For this Lord, the results of public opinion polls were very clear. He did not go as far as to say that public opinion should be the deciding factor in any conclusion on PAS drawn by the HOL. However, he pointed out that public opinion on this matter was certainly not marginal.<sup>25</sup>

Lord Layard agreed with Lord Moser on the importance of public opinion in discussing PAS. He stated that opinion surveys on PAS could not be compared to opinion polls on capital punishment. This comparison was often made by opponents of PAS. Lord Layard argued that public opinion on PAS is about 'what you would want for yourself' and not for others, and 80 per cent of the British people wanted a change in de law on PAS.<sup>26</sup>

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<sup>23</sup> *Ibid*, p. 80.

<sup>24</sup> Hansard HL Deb 10 October 2005, vol 674, col 136.

<sup>25</sup> *Ibid*, col. 137.

<sup>26</sup> *Ibid*, col. 95.

In the debate in 2006, Lord Joffe now centralized public opinion, instead of autonomy like in 2003, in his plea in favour of the Bill. He stated that the view of society and public opinion polls were the really important matters to take into consideration in the debate on PAS. He stressed that public opinion polls held over more than 25 years showed in a very consistent manner that between 71 and 87 per cent of society supports PAS.<sup>27</sup> He also swept the importance of the many letters received by the HOL opposing the Bill off the table. He argued that research and public opinion surveys showed that even 80 per cent of Christians, ‘ironically’ the main writers of those opposing letters, supported PAS.<sup>28</sup>

Lord Gilmour of Craigmillar used public opinion as one of the two reasons for him to support PAS. He argued that ‘both because I think that the position of the opponents of the Bill is illogical and because public opinion is overwhelmingly in favour of it, I strongly support the Bill.’<sup>29</sup> He thus did not mince words in using public opinion as a strong legitimizing factor in his argumentation. Lord Haskel argued even stronger that not listening to the public opinion on PAS would expose the HOL to criticism and perhaps even ridicule.<sup>30</sup> He was very much afraid for a loss of credibility of Parliament.

Lord Warner praised Lord Moser for helping the HOL to make a decision on the reliability of surveys of public opinion. However, Lord Warner also argued that surveys suggest that politicians were moving in the opposite direction of that of the public opinion. ‘In 1995, 70 per cent of MPs surveyed opposed voluntary euthanasia; by 2004 that opposition had increased to 79 per cent.’<sup>31</sup> This corresponds with voting outcomes in the HOC on PAS: In 1997, 72 per cent of

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<sup>27</sup> Hansard HL Deb 12 May 2006, vol 681, col 1185.

<sup>28</sup> *Ibid*, col 1186.

<sup>29</sup> *Ibid*, col 1204.

<sup>30</sup> *Ibid*, col 1230.

<sup>31</sup> *Ibid*, col 1287.

MPs voted against PAS. In 2015, 74 percent of MP's voted against PAS. However, despite these statistics, Lord Moser showed a strong awareness of the disregard of many Lords for public opinion. He believed it to be patronising towards the public to assume that they could not understand the matter of PAS. He argued that 'we are often criticised in Westminster and Whitehall for living in a special bubble. This seems to me a classic example of doing that'.<sup>32</sup> Lord Elton agreed with Lord Warner. He affirmed that this was exactly the problem in the discussion of public opinion on PAS: 'we do living in the Westminster bubble'.<sup>33</sup> He argued that the general public knew perfectly well what PAS entailed and they should have a say in the decision making.

In the debate in the HOC in 2008, MP McCafferty also refuted the patronising viewpoints of many MP's, and stated that there is a great deal of misunderstanding about the views of those who support PAS. He stressed multiple times how out of step the current law on PAS is with public opinion, and the morals and values of the current society.<sup>34</sup>

MP Richard Ottaway reflected even more strongly in the debate in 2012 on the role of public opinion on PAS. He was very clear on the connection between public opinion and policy. He states that

'If there is a majority in the House in favour of this motion, we will have done the nation a service. If there is a majority against it, we will have a problem, as the DPP and 82% of the public will be saying one thing, and the people's elected representatives another'.<sup>35</sup>

MP Heidi Alexander reasoned that it had time after time been stressed that 80 % of the population supports PAS. She expresses a strong plea to her fellow MP's to not 'stick their heads in the sand'

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<sup>32</sup> Hansard HL Deb 15 January 2015, vol 758, col 1013.

<sup>33</sup> *Ibid*, col 1014.

<sup>34</sup> Hansard HC Deb 11 November 2008, vol 482, col 234WH.

<sup>35</sup> HC Deb 27 March 2012, vol 542, col 1369.

and think the issue will go away, because it will not.<sup>36</sup> MP Paul Flynn even argued that it would be ‘cowardice’ to not allow people a choice.<sup>37</sup> It unsettled him tremendously that the state pretended that it knew best on this matter. He argued that the life of a person belonged to the individual, and not to society as a whole.<sup>38</sup> This was completely the opposite view of the one taken in the report by the Select Committee in 1993-1994, which stated that the issue of PAS was one in which the interest of the individual could be separated from the interest of society as a whole.

The importance of the role of public opinion in the decision making process was stressed again and again. In the debate in the HOL in 2014, Lord Finkelstein attacked some of the Lords’ argumentation of moral superiority in contrast to the public, as argued below. He explained why ‘the bill on PAS is not just about a few cranky Peers’.<sup>39</sup> He argued that the argument that people were not able to make a good choice was an argument that could be used against allowing people control over almost anything important, including voting in elections. He shared a striking anecdote about once meeting a woman before election who told him that she was not going to vote Conservative ‘because she thought that William Hague had a silly voice’.<sup>40</sup> He told her that was not a very sound reason. However, her response was very simple and effective: ‘I do mind you saying so, because it is my reason’.<sup>41</sup> Lord Finkelstein drew this anecdote towards the case of legalisation of PAS, where many Lords saw their own reasoning as morally and intellectually superior. He stated that the feelings of the public were just as legitimate as the personal views expressed in the HOL. It was utterly wrong to make the emotion and reason of the public ‘unlawful’. He finished by referring to his anecdote: ‘the state is arguing to the public view on

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<sup>36</sup> *Ibid*, col 1405.

<sup>37</sup> *Ibid*, col 1411.

<sup>38</sup> *Ibid*.

<sup>39</sup> Hansard HL Deb 18 July 2014, vol 755, col 875.

<sup>40</sup> *Ibid*, col 876.

<sup>41</sup> *Ibid*.

PAS, “If you don’t mind us saying so, that isn’t a very good reason”. I want people to be able to reply, “I do mind you saying so, because it is my reason””.<sup>42</sup> In the debate in the HOC in 2015, MP Crispin Blunt followed up on the views of Lord Finkelstein by arguing that people ought to have a right to choose, despite politicians’ concerns whether that choice can be considered valid. For this MP, the debate on PAS revolved around the issue of freedom. He was appalled that opponents of PAS wanted to keep the current status of the law on PAS that limits personal autonomy when 80 % of the population would support it.<sup>43</sup> .

The above mentioned arguments show a strong criticism of the patronisation of the public by many Lords and MP’s. This criticism goes against the point made by Badcott that Parliament in the UK is paternalistic in nature and that members of the general public do not have the ability to deal with such complex assessment, which is why they rely on politicians to act for them. A trust and belief in the liberty and capability of the general public to make informed decisions on the subject was most strongly advocated by MP Paul Flynn in the debate in September 2015. While MP Paul Flynn was still rather nuanced in his statements on public opinion in the debate on PAS in the debate in 2012, he was the first representative who now strongly pleaded for the option of a public referendum on the subject of PAS. He based this on his experience of PAS in Oregon. He argued that all the fears expressed by opponents of PAS were voiced in Oregon in 1994. He strongly pressed his fellow MP’s to follow the example of Oregon of having a referendum. He wanted to do this ‘by adding another question to the EU referendum question’.<sup>44</sup>

From the previous analysis it can be concluded that most Lords and MP’s in favour of PAS did

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<sup>42</sup> *Ibid.*

<sup>43</sup> HC Deb 11 September 2015, vol 599, col 668.

<sup>44</sup> *Ibid.* col 686.



not want to go so far as to argue that public opinion should be the ultimate deciding factor in the debate. However, they agreed that it was not right for Parliament as a whole or its individual members to disregard views of the general public. They acknowledged the methodological limits of public opinion polls, but decided that more than 20 years of public opinion polls showing a consistent and overwhelming majority of the public in favour was enough proper evidence to support legislation. Thus, many Lords set the advice by the Select Committee on Assisted Dying to not put too much dependence on public opinion aside. These Lords and MP's viewed the public as well suited and intelligent enough to trust them to decide on the very private matter of PAS. They viewed the feelings of the public as equally legitimate as arguments made by politicians and believed it to be very patronising and condescending towards the public to assume that they could not understand the matter of PAS. More strongly, some Lords and MP's were convinced that it was indeed even dangerous to defy the public wish for legalisation of PAS, because this might lead to a loss of respect for the law and the parliament as law-making body. They emphasized the right to liberty and autonomy of the individual to come to its own decision on the matter of PAS. A fear existed that respect for the law and politicians, who were already often accused of living in their 'Westminster bubble', would be lost if the majority view of the public was not given due weight.

In contrast to this view that public opinion should be given heavy weight in the debate on PAS, stood a very negative and disregarding view of public opinion by Lords and MP's opposing PAS. First, these opponents of PAS frequently mistrusted the accuracy of polls and often argued they were methodologically flawed. This argument was strongly made in the concluding report by the Select Committee in 2005. In the debate in the HOL in 2005, Lord Maginnis of Drumglass was also very sceptical about the trustworthiness of public opinion. He firmly questioned that there

existed a vast majority in favour of a change in the law on PAS. He stated that

‘It may be the fashionable thing to say when the question is put in terms of "unbearable pain" or "loss of dignity" associated with incontinence, but those can be superficial and misleading criteria. I have never found euthanasia to be a subject that arises in casual conversation. It is not a matter to which the "vast majority" has ever turned its collective mind. So, in terms of the vast majority, we should be exceedingly cautious.’<sup>45</sup>

In the debate in 2015, MP Steve Brine argued against the value of the use of public opinion for decision making in general. He quoted Winston Churchill who once said that ‘there is no such thing as public opinion. There is only published opinion.’<sup>46</sup> He argued that ‘as we know from this year, opinion polls are not always entirely accurate’.<sup>47</sup> MP Albert Owen debated that it is therefore the task of representatives to reflect on both sides of the argument on PAS. He certainly did not accept a ‘snapshot poll’ showing 82 % of the public supporting PAS.<sup>48</sup> He even deemed it impossible to ever get an accurate poll. Representatives had to make up their own minds, based on proper evaluation of the evidence and individual compassion and conscience.<sup>49</sup> MP Andrew Bridgen agreed with MP Owen that respondents of public opinion polls do not show a proper understanding of the facts and therefore public opinion polls on PAS could never carry much weight in the discussion on PAS.<sup>50</sup>

Next to the distrust of the method of polls, the public itself was often classified as uninformed and uneducated. People could be maybe trusted with simpler issues, but the issue of PAS was far too complex for the public to comprehend. In the debates in 2006, Lord Carlile of Barriew viewed

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<sup>45</sup> HL Deb 10 October 2005, vol 674, col 96.

<sup>46</sup> HC Deb 11 September 2015, vol 599, col 682.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, col 702.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*, col 705.

opinion polls as very fragile. He viewed the members of the HOL, particularly as unelected parliamentarians, as the ‘pillars of what is right, and not as weathercocks of perceived public opinion.’<sup>51</sup> This metaphor reflects a sense of moral and intellectual superiority of Lords in comparison to the public and their ability to make a proper judgement on the subject of PAS. Lady Masham was even stronger in her criticism using public opinion in favour of PAS as an argument of legitimacy in the debate. She stated that those politicians who hold up public opinion as being in favour of PAS and the Bill, were ‘treading on very dangerous ground’.<sup>52</sup> Public opinion was according to her very fickle and often extreme. The comparison is drawn with a majority of the public that wanted the reinstatement of the ‘death penalty, a return to flogging and the cane in schools’. She went even further in speculating about how the majority of the population would probably want to legalise castration of rapists. Lord McColl of Dulwich agreed with Lady Masham in comparing the public opinion on PAS with that on capital punishment and also considered it very dangerous to base argumentation on PAS on public opinion. These Lords articulated strongly their authoritarian view that the public could not be trusted to come to a well-informed judgement on PAS.

In the debate in 2012 in the HOC, Emily Thornberry on her turn also voiced her doubts about the ability of the public to make proper judgement on the matter of PAS. She argued that when it comes to such issues as PAS, the public ‘far too often behave like ostriches, wanting to bury their heads and forget about it’.<sup>53</sup> MP Robert Halfon accepted that people could have a choice on a lot of fronts, ‘but we are not talking about going to a supermarket and choosing a brand of chocolate’.<sup>54</sup> This view corresponds again with the views articulated by Schumpeter, as mentioned

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<sup>51</sup> HL Deb 12 May 2006, vol 681, col 1190.

<sup>52</sup> *Ibid*, col 1265.

<sup>53</sup> HC Deb 27 March 2012, vol 542, col 1384.

<sup>54</sup> *Ibid*, col 1426.

in the historiography.

This distrust in public opinion was often put in relation with the existence of an over-representation of pro-PAS views in the media on PAS. In 2003, Lord Alton of Liverpool argued that the concept of "autonomy", as deemed most important by Lord Joffe and central in his Bill, was one of the 'buzz words' of the pro-euthanasia lobby trying to influence public opinion.<sup>55</sup> He argued that this right to autonomy was not a right that individuals can properly comprehend while living in their 'own little bubbles'.<sup>56</sup> Lord Patten, reasoned that there were a number of serious sins 'we in the speechifying classes can commit'.<sup>57</sup> One of them was according to Lord Patten, for a speaker to seek some convenient support by looking at arguments made in newspapers. He considered leader writers often as 'superficial creatures', as they 'face the exhausting task of turning out a rapid editorial of 400 or 500 words on their allotted subject in the brief period between tea and drinks.'<sup>58</sup> This shows a very sceptical view of the media and their role in the debate and questions the value of the general public in its ability to make an informed judgement on the matter of PAS.

Lord Morrow stressed that promoters of PAS often sought justification for their support in the status of public opinion. He argued that these supporters even used the public opinion argument as a 'foundational justification for the Bill before us today'.<sup>59</sup> However, he highly questioned the ability of people to understand the complexity of the matter of PAS. Baroness O'Cathain argued, like numerous Lords before her, that basing argumentation on public opinion in the case of PAS was indeed very dangerous. She acknowledged the wide attention public opinion got in this debate and previous debates on PAS, and argues that the HOL has heard so many opinion polls references

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<sup>55</sup> HL Deb 6 June 2003, vol 649, col 1617.

<sup>56</sup> *Ibid*, col 1617.

<sup>57</sup> *Ibid*, col 1611.

<sup>58</sup> *Ibid*, col 1611.

<sup>59</sup> HL Deb 18 July 2014, vol 755, col 890.

that they are ‘befuddled’.<sup>60</sup> This showed how much attention and time was devoted on the subject of public opinion on PAS. However, the only thing Baroness O’Cathain was absolutely sure of, was the certainty that people constantly changed their mind. What is more, she highly doubted the ability of the public to seek the deeper meaning of the question of legalisation of PAS. She quoted a ComRes poll that showed a result that ‘47 % of supporters of the Bill would still support it even if it resulted in people being pressured into ending their lives early so as not to be a burden’.<sup>61</sup>

There thus existed a strong concern among many Lords and MP’s about the portraying of the media of PAS as some sort of ‘Hollywood death, where you slip away, versus what is otherwise portrayed as a bad death’.<sup>62</sup> Also, according to them most polls show ‘a shocking apathy’ towards the vulnerable in society. Opponents of PAS argued that a false dilemma was presented by the pro-euthanasia lobby groups and the media where a choice is limited to either ‘a Hollywood like death’ through PAS or an appallingly undignified and painful death, as also argued by Saunders and Johnstone. According to these Lords and MP’s, the public opinion and polls was very much biased by this one-sided argumentation. Public opinion could therefore not be regarded as legitimate and its use in political decision making on PAS was even considered to be dangerous. This view was the exact opposite of the argument made by some Lords and MP’s that defying public will is dangerous for the credibility of politicians and the law. Opponents of PAS held the view that representatives were elected or appointed by their ability to make up their own minds, based on proper evaluation of the evidence and individual compassion and conscience, without taking public opinion into account. Representatives were ‘the pillars of what is right, not weathercocks of perceived public opinion’. This, together with the choice by some Lords such as that the ‘public

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<sup>60</sup> *Ibid*, col 801.

<sup>61</sup> HL Deb 18 July 2014, vol 755, col 802.

<sup>62</sup> *Ibid*, col 778.

behaves like ostriches'<sup>63</sup> and that 'people can be maybe trusted with buying chocolate'<sup>64</sup> and parallels with the situation where the majority of people wanted such barbaric things as castration for rapists show a sense of superiority and an authoritative stand by these Lords and MP's over the ability of the general public to make up their minds on PAS in a sound and informed matter. These politicians thus deemed it inappropriate to seek public opinion on a question of such magnitude as PAS.

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<sup>63</sup> HC Deb 27 March 2012, vol 542, col 1384.

<sup>64</sup> *Ibid*, col 1426.

## **Conclusion and discussion**

In this thesis, the gap between a steady and overwhelming majority of the British public in favour of legalisation of PAS and a political unwillingness to change the legal status quo was explored. The question that stood central was how this majority of public opinion was perceived and used in the parliamentary debates on PAS in both the HOL and HOC and how it has influenced these debates over time. From the first two chapters it became clear that mounting public pressure via media, lobby groups and court rulings resulted in multiple efforts through PMB's to legalise PAS. In that sense, public pressure was already an influential factor in bringing about political debate and attention to the subject.

The quantitative results suggest how consideration to public opinion in the debates mounted in the period 1993-2015. The quantitative data gave a first indicator of the trend that public opinion over time became a central point of discussion between opponents and supporters of PAS. The discussion about public opinion focused on the capacity of the public to make an informed judgement on PAS, the reliability of polls and their methodology and the relationship between public opinion and the media. Within the scope of this research and its methodology, it is suggested that in the period 1993-1997, public opinion was not often considered in the debates. However, in the period 2003-2015 the question which role public opinion should have in the decision making on PAS became one of the central controversies and most discussed topics. From the historiography it became clear that public opinion is no homogeneous concept. This was reflected in the different and changing views on public opinion and public polls in the debates on PAS. While Larsen et al. argued that euthanasia and PAS is a depoliticized issue in the UK, where there is a silent acceptance of PAS and that it works well for all actors in the political system to ignore the delicate issue of PAS, the analysis of the use of public opinion in the parliamentary

debates on PAS in this thesis made clear this was certainly not the case. The lively parliamentary debates on this subject illustrated that many politicians in the HOL and HOC were not willing to accept the current legal status quo on PAS. Larsen et al. further denied that the issue of PAS could provide for a conflict line in British political debate between authority and liberty. In an answer to this body of work and to the central question, it is argued instead that the matter of how to perceive public opinion on PAS from 2003 onwards indeed laid bare a political cleavage between on the one side authoritarian and on the other side liberal Lords and MP's. There were Lords and MP's who, corresponding with the negative views on public opinion by authors such as Schumpeter and Miller, viewed the public as incompetent to understand the complexity of PAS. This was according to them related to the heavy influence of a biased, pro-PAS media who could easily muddle the minds of the public. They therefore disregarded the value of public opinion and polls in the decision making process, and had a patronising and authoritarian view about their role as leaders and informers of public opinion. On the other side of the debate, some Lords and MP's held a very liberal stance on the role of public opinion in decision making on PAS. They emphasized that the public should be free to choose their own destiny and were well suited and informed to make decisions on PAS. This liberal view reached a climax in the debate in the HOC in 2015, where MP Paul Flynn pleaded for a referendum on the subject of PAS.

This case study on PAS also touched upon wider questions about how much influence public opinion should have in the process of political decision making and how responsive political representatives are to public opinion. Democracy implies that Parliament should decide in accordance with the opinion of the majority of their electorate. These topics were certainly not resolved. However, the study on how public opinion was perceived in the debates on PAS sheds light upon how different representatives see the connection between the public and political



decision making and how these views cross through party lines and the two different Houses.

The interpretation and use of public opinion by Lords and MP's has thus not been clear-cut in the debates on PAS. Lord Warner made an interesting point that politicians are moving in the opposite direction of that of the public opinion. This is reflected in the voting outcome: In 1997, 72 percent of MPs voted against PAS. In 2015, 74 percent of MP's voted against PAS. This shows that despite intensive and growing debate and consideration of public opinion in parliament, public pressure has not been able to bend voting in parliament in favour of a legalising PAS.

It has to be recognized that this thesis and its limited scope and methodology on this previously unexplored topic have not been able to cover all aspects of the polarized debate surrounding PAS and public opinion. An important methodological limitation is related to the choice of the sole focus on parliamentary debates as primary source. By only considering the parliamentary debates and not the wider complex political processes, what could not fully be scrutinized was the important role of lobby groups, especially the role of the BMA as executors of PAS, on influencing public opinion and the debates on PAS. Also, this thesis raises questions about the role of the media in influencing both public opinion and parliamentary debate. This should be further reflected on. The conclusion by the Select Committee on Assisted Dying is emphasized here that there is a need for further investment in more coherent forms of public opinion research, if public opinion is to be considered a serious factor by all politicians in the debate on PAS. There is thus need for future interdisciplinary scholarship on the matter of public opinion and PAS to contribute to understanding all the facets of public opinion on PAS, so that a more inclusive public debate can contribute to Parliament's efforts in reaching a final decision in the still ongoing debate on one of the most fundamental and complex matters of British society, which reaches to the core of humanity. After all, the rising public support for PAS and the decision by the DPP for public

consultation on factors that prevent prosecution in cases of PAS suggest that the pressure on Parliament to change the legal status quo will only become stronger.

## **Bibliography**

### *Primary sources*

6 R (Nicklinson) v Ministry of Justice [2013] EWCA Civ 961, [2014] 3 WLR 200 [11].

### *House of Commons debates*

Hansard HC Deb 10 December 1997, vol 302, col 1025-1028.

Hansard HC Deb 11 November 2008, vol 482, col 221WH- 243WH.

Hansard HC Deb 27 March 2012, vol 542, col 1363-1440.

Hansard HC Deb 11 September 2015, vol 599, col 654-724.

### *House of Lords debates*

Hansard HL session 1993-94, *Report of the Select Committee on Medical Ethics*, vol. I part 3, pp. 193-207.

Hansard HL Deb 9 May 1994, vol 554, col 1344-1412.

Hansard HL Deb 6 June 2003, vol 649, col 1586-1690.

Hansard HL *Select Committee on the Assisted Dying for the Terminally Ill Bill*, 4 April 2005, vol. I: report, pp. 1-121.

Hansard HL *Select Committee on the Assisted Dying for the Terminally Ill Bill*, 4 April 2005 vol. II: evidence, pp. 1-736

Hansard HL *Select Committee on the Assisted Dying for the Terminally Ill Bill*, 28 April 2005, vol. III: evidence – individual submissions, pp. 1-113.

Hansard HL Deb 10 October 2005, vol 674, col 13-150.

Hansard HL Deb 12 May 2006, vol 681, col 1184-1295.

Hansard HL Deb 18 July 2014, vol 755, col 775-920.

Hansard HL Deb 15 January 2015, vol 758, col 1001-1025.

Hansard HC Deb 11 September 2015, vol 599, col 653-724.

### *Secondary sources*

‘A public consultation on the DPP's interim policy for prosecutors on assisted suicide’, [[http://www.cps.gov.uk/consultations/as\\_index.html](http://www.cps.gov.uk/consultations/as_index.html)] (Accessed on 3 June 2017).

Badcott, David, ‘Assisted dying: the influence of public opinion in an increasingly diverse society’, *Med. Health Care and Philos.* (2010), 13(4), pp. 389–397.

BMA, *End-of-life decisions. Views of the BMA* (August 2009), [[http://bmaopac.hosted.exlibrisgroup.com/exlibris/aleph/a23\\_1/apache\\_media/VITJEQ4TGE1SQBYUCDDQ2T93SAHVT.pdf](http://bmaopac.hosted.exlibrisgroup.com/exlibris/aleph/a23_1/apache_media/VITJEQ4TGE1SQBYUCDDQ2T93SAHVT.pdf)] (Accessed 21 May 2017).

Brookes, Rod, Justin Lewis and Karin Wahl-Jorgensen, ‘The media representation of public opinion: British television news coverage of the 2001 general election’, *Media, Culture & Society* (2004), 26(1), pp. 63-80.

Burns, S., ‘The death of humanity?’ (14 September 2012) [<https://www.newlawjournal.co.uk/content/death-humanity>] (Accessed 19 June 2017).

‘Care not Killing’ [<http://www.carenotkilling.org.uk/about/>] (Accessed 25 May 2017).

Chao, D.V.K, N.Y. Chan and W.Y. Chan, ‘Euthanasia revisited’, *Family Practice* (2002), 19(2), pp. 128-134.

Cohen, Joachim et al., ‘European public acceptance of euthanasia: socio-demographic and cultural factors associated with the acceptance of euthanasia in 33 European countries’, *Social Science & Medicine* (2006), 63(3), pp. 743-756.

Cohen, Joachim, et al., ‘Trends in acceptance of euthanasia among the general public in 12 European countries (1981–1999)’, *European Journal of Public Health* (2006), 16(6), pp. 663–

669.

Coleman, Lauren, 'Thou shalt not kill; but needst not strive officiously to keep alive: a study into the debate surrounding euthanasia and assisted suicide', *North East Law Review* (2015), 3, pp. 113-150.

'Commission on Assisted Dying', January 2012, [[https://www.demos.co.uk/files/476\\_CoAD\\_FinalReport\\_158x240\\_I\\_web\\_single-NEW\\_.pdf?1328113363](https://www.demos.co.uk/files/476_CoAD_FinalReport_158x240_I_web_single-NEW_.pdf?1328113363)] (Accessed on 10 May 2017), pp. 1-403.

'Debating the right to die and assisted suicide: Key issues for the 2015 Parliament' [<https://www.parliament.uk/business/publications/research/key-issues-parliament-2015/social-change/debating-assisted-suicide/>] (Accessed 18 May 2017).

'Dignity in Dying' [<https://www.dignityindying.org.uk/assisted-dying/our-position/>] (Accessed 5 June 2017).

Doward, J. '“One person a fortnight” travels to Dignitas from Britain to end their lives', *The Guardian*, 15 August 2015, [<https://www.theguardian.com/society/2015/aug/15/assisted-dying-britons-dignitas-rises-campaigners-change-law>] (Accessed 27 May 2017).

Green-Pedersen, Christoffer, 'The Conflict of Conflicts in Comparative Perspective: Euthanasia as a Political Issue in Denmark, Belgium, and the Netherlands', *Comparative Politics* (2007), 39(3), pp. 273-291.

Haigh, C., 'Exploring the case for assisted dying in the UK', *Nursing Standard* (2012), 26(18), pp. 33-39.

Hobson-West, P., 'The role of 'public opinion' in the UK animal research debate', *Journal of Medical Ethics* (2010), 36(1), pp. 46-49.

Scott, Edward, *HOL Library Note Private Member's Bills* (24 May 2016), pp. 1-12.

Johnstone, Megan-Jane, *Alzheimer's Disease, Media Representations and the Politics of Euthanasia: Constructing Risk and Selling Death in an Ageing Society* (New York, 2013).

Larsen, Lars Thorup, Donley T. Studlar and Christoffer Green-Pedersen, 'Morality Politics in the United Kingdom: Trapped between Left and Right' in Isabelle Engeli, Christoffer Green-Pedersen and Lars Thorup Larsen ed., *Morality Politics in Western Europe: Parties, Agendas and Policy Choices*, pp. 114-136.

Merrick, Janna C., *The Politics of Death: The Impact of Agenda Setting, Media Framing and Negative Campaigning in Mobilizing Political Recognition of Physician-Assistance in Dying* (2016), Presented at the World Congress of the International Political Science Association, Poznan, Poland, pp. 1-21.

Miller, D., *Political Philosophy. A Very Short Introduction* (Oxford, 2003).

Norrander, Barbara and Clyde Wilcox, 'Public Opinion and Policymaking in the States: The Case of Post-Roe Abortion Policy', *Policy Studies Journal* (1999), 27(4), pp. 707-722.

*Oath of Hippocrates*. In: Harvard Classics, Volume 38. Boston: P.F. Collier and Son, 1910.

'Private Members' Bills', [<http://www.parliament.uk/site-information/glossary/private-members-bills/>] (Accessed on 2 June 2017).

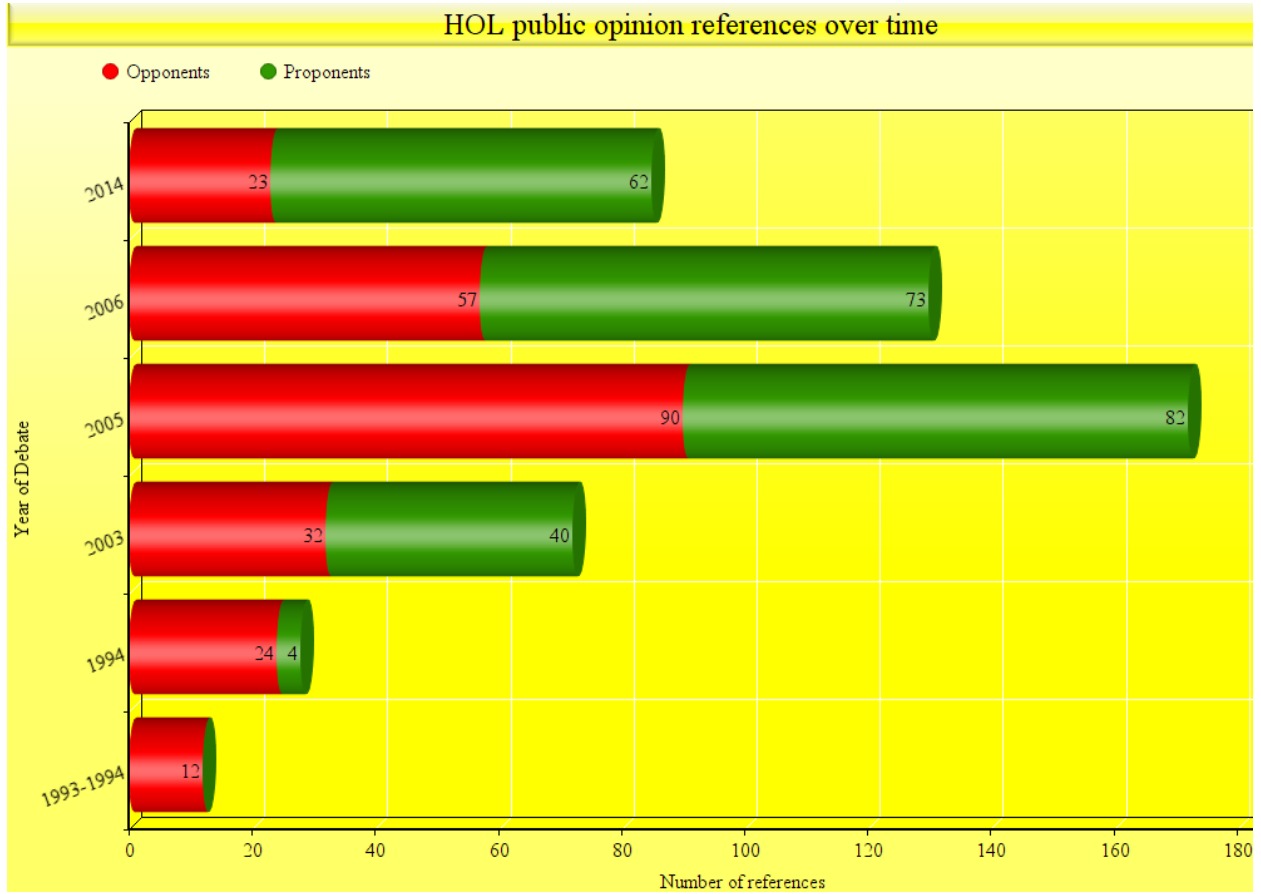
Saunders, Peter, 'The role of the media in shaping the UK debate on assisted dying', *Medical Law International* (2011), 11(3), pp. 239 – 256.

Schumpeter, J., *Capitalism, socialism and democracy* (New York, 2003).

Warnock, Mary and Elisabeth Macdonald, *Easeful Death: Is there a case for assisted dying?* (Oxford, 2008).

## Appendix

Graph 1:



Graph 2:

