



Washington v. Glucksberg

521 U.S. 702 (1997)

Country: United States

Region: Americas

Year: 1997

Court: Supreme Court

Health Topics: Controlled substances, Health care and health services, Informed consent, Mental health

Human Rights: Right to bodily integrity, Right to liberty and security of person, Right to life, Right to privacy

Facts

Under the Wash. Rev. Code Â§9A.36.060 (1) it was a crime to cause or aid another person to commit suicide. In 1996, a lower court struck down this law on the basis it violated an individual's constitutionally protected right to choose the time and manner of death. The petitioners, the State of Washington and its Attorney General, challenged the decision of the lower court by arguing that the law exists to protect numerous legitimate state interests, including the unqualified interest in preserving life regardless of the quality of life, preventing suicide amongst vulnerable groups, maintaining the integrity and ethics of the medical profession, protecting disabled and terminally ill people from prejudicial stereotypes, and preventing the slippery slope towards voluntary and involuntary euthanasia.

The respondents were a group of physicians who frequently treated terminally ill patients and declared they would have assisted with the suicide of such patients but for the Wash. Rev. Code. Â§9A.36.060(1). The respondents argued that the Fourteenth Amendment of the United States Constitution - the Due Process Clause - protected the personal liberty of a mentally competent, terminally ill person to choose how to die. Specifically, it was asserted that the Due Process Clause had a long history of protecting personal autonomy, including with respect to end-of-life medical decisions, and thus, the scope of the clause should be extended to protect the right of individuals to choose how and when to die. It followed that if the judiciary recognizes such a right physicians should have a corresponding right to provide assistance to individuals seeking to terminate their lives.

Decision and Reasoning

The Supreme Court found that the Washington ban did not violate the Fourteenth Amendment, either on its face or as applied to terminally-ill competent adult patients seeking physician-assistance to end their lives. The Court held that the Due Process clause only protected fundamental rights and liberties that were capable of "careful description" and that were deeply rooted in the history and traditions of the United States. Furthermore, the Government could only infringe upon such a fundamental right or liberty to serve a narrowly-tailored compelling state interest. Applying this framework, the Court reasoned that if it recognized a right to commit suicide which itself includes a right to assistance in doing so it would have to reject a well-established Anglo-American common law tradition of punishing those who assist another in committing suicide, as well as strike down considered policy decisions of almost every state. Thus, although the Court acknowledged that the Due Process clause was often applied to protect personal autonomy, the personal choice in issue here was not part of the history and tradition of the United States and therefore, the Due Process clause could not apply. Moreover, the Court determined that it would be inappropriate to extend the protective scope of the Due Process clause because decriminalization of assisted suicide should be the subject of considered public debate and legislative action. In any event, the Court also accepted that the legal ban on assisted suicide was rationally related to the legitimate government interests identified by the petitioner.

Decision Excerpts

"The history of the law's treatment of assisted suicide in this country has been and continues to be one of the rejection of nearly all efforts to permit it. That being the case, our decisions lead us to conclude that the asserted right to assistance in committing suicide is not a fundamental liberty interest protected by the Due Process Clause. The Constitution also requires, however, that Washington's assisted-suicide ban be rationally related to legitimate government interests. This requirement is unquestionably met here." Page 728

"By extending constitutional protection to an asserted right or liberty interest, we, to a great extent, place the

matter outside the arena of public debate and legislative action. We must therefore exercise the utmost care whenever we are asked to break new ground in this field, lest the liberty protected by the Due Process Clause be subtly transformed into the policy preferences of the Members of this Court. Page 721

That many of the rights and liberties protected by the Due Process Clause sound in personal autonomy does not warrant the sweeping conclusion that any and all important, intimate, and personal decisions are so protected. Page 727

The good physician is not just a mechanic of the human body whose services have no bearing on a person's moral choices, but one who does more than treat symptoms, one who ministers to the patient. This idea of the physician as serving the whole person is a source of the high value traditionally placed on the medical relationship. Page 779

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