

# 8 leading doctors support assisted dying, DignitySA's court application

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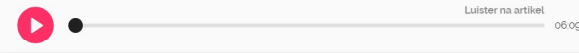
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The road to the legalization of assisted dying in South Africa has been strengthened by the position of eight authoritative doctors who published their professional opinion on this long-standing issue in the *South African Medical Journal (SAMJ)*.

It is extremely important to them that the discussion on the legalization of assisted dying, or euthanasia, should be held more often and they have given their full support to DignitySA regarding the planned court action to have South African legislation changed.

The eight doctors are prof. JP van Niekerk, dr. Paul Cluver, Dr. Edwin Hertzog, prof. Mariana Kruger, prof. Keymanthri Moodley, Prof. Jonny Myers, Prof. Dan Ncayiyana and Dr. Johan Snyman.

The opinion piece was published in the February issue of the *SAMJ* with a foreword by its editor, Bridget Farham, supporting their view. Read the opinion piece [here](#).

The authors discuss, among other things, how assisted dying is handled in other countries, how legislation has been developed around each country's own needs, the feasibility in the financial field and the more modern Hippocratic oath, where doctors' first and most important moral oath is to their patient, not not necessarily to legislation.

They say that in terms of current legislation, medical assistance with a request for assisted death carries the risk of a murder charge.

"However, we know that there are doctors who medically assist their patients to die. Despite it being illegal, we consider it a moral act," they say.

Their sole concern is to enable the "responsible practice of medicine".

They are committed to the four fundamental principles of medical ethics, namely to do no harm (non-maleficence); promote patients' best interests (benevolence); to respect patients' self-determination (autonomy); and to treat them fairly (justice).

In the various cases where people have been found guilty of murder due to their involvement in assisted dying, the courts have never considered it similar to murder with malicious intent. Imprisonment has never been imposed for it, but rather punishment outside prison.

The (modern) Hippocratic Oath contains no moral prohibition on assisted dying.

“ **Many more people support assisted dying now than 20 years ago. It is time to tackle this issue in a serious way.** ”

It states, among other things, that the "autonomy and dignity of the patient will be respected".

"As is the case with termination of pregnancy, doctors will be free to act according to their conscience, without any obligation to medically assist in dying," they write.

Prof. Willem Landman, co-founder of DignitySA, said worldwide it rarely, if ever, happens that leading medical doctors publicly take a stand in favor of assisted dying while it is still illegal (murder) in terms of common law, because it can obviously be risky for them.

"This statement by eight leading South African medics is therefore not only unique to South Africa, but strange in international terms. It speaks of firmness of principle, willingness to listen to patients, and courage.

"They consider all-pervading, unbearable and irreversible human suffering, and patients' valid preferences about it, thoughtfully and with great compassion," says Landman.

He says their support for DignitySA's court application will weigh heavily and play a decisive role.

The doctors said that if the court case progresses to a legalization phase, where parliament amends legislation, it would be a significant contribution if the medical field could give their cooperation.

“ **The danger is that it turns into a bureaucratic nightmare with regulations and court proceedings. This is a very private and personal decision and should not be influenced by bureaucracy.** ”

When asked, Van Niekerk says that the public's opinion on assisted dying is changing a lot and the country is now ready to talk about it publicly.

"Many more people support assisted dying now than 20 years ago. It is time to tackle this issue in a serious way."

He says it will be possible to regulate this legislation if precautionary measures are applied correctly.

"We support assisted dying that is practiced with responsibility, compassion, the protection of the vulnerable and at the same time respect for the patient's decision."

It is about the freedom of the person himself to be able to make that decision.

"The danger is that it turns into a bureaucratic nightmare with regulations and court proceedings. This is a very private and personal decision and should not be influenced by bureaucracy."

Both Van Niekerk and Moodley say they expect there will be opposition from pressure groups, but that the time is now ripe to take the case further

"It is important to take such positions without regard for the person," says Moodley.

Their clear support of DignitySA's court application will weigh heavily in the court case. DignitySA is in the final phase of preparation to approach the court in order to decriminalize assisted dying and instruct parliament to write legislation and regulations for this.