
TABLE OF CONTENTS

<i>Acknowledgements</i>	v
1. Suicide: Definitions and Conceptual Approaches	1
I. Defining Suicide	1
A. Why Define?	1
B. Self-caused Death	3
C. An Intention to Die	4
II. Different Conceptions of Suicide	8
A. The Moralistic View	8
B. The Sociological View	9
C. The Medical Model	10
D. The Rights View	10
E. The Consequentialist View	13
III. Conclusion	14
2. The History of the Law against Suicide	15
I. Historical Background	15
II. Punishment of Suicide in English Law	17
III. The Insanity Exception	18
A. The Pivotal Role of Coroner's Juries	18
B. Life Insurance Suicide Exclusion Clauses	21
IV. The Nineteenth-century Removal of the Penalties for Suicide	24
V. The Development of the Offence of Attempted Suicide	25
VI. A Medical or Social Problem: Treatment not Punishment	30
VII. Conclusion	33
3. The Legalisation of Suicide	35
I. Impetus for Legalisation	35
A. The Treatment Concern – The Mental Health Act 1959	36
B. The Religious Objection – The Church of England's 'Ought Suicide to be a Crime?' Report	37
C. The Political Perspective – Parliamentary Interest in the Issue	39
D. The Legal Issue – The Criminal Law Revision Committee's Report 1960	40
E. Conclusion	42

II.	Parliamentary Passage of the Suicide Bill.....	43
A.	House of Lords	44
B.	House of Commons.....	47
III.	Suicide in the Courts after 1961	51
A.	Suicide Pacts	51
B.	The New Statutory Offence of Assisted Suicide	54
IV.	Changing the Wording of the Offence.....	57
V.	Legal Duties to Prevent Suicide.....	63
VI.	Conclusion	65
4.	Suicide and Mental Health.....	67
I.	Suicide and Rationality.....	68
A.	Can a Suicidal Person have Capacity?	69
B.	Can Suicide Ever be a Rational Choice?	70
C.	Implications for Suicide Prevention and the Law.....	72
II.	Current Legal Framework: The Use of Mental Capacity and Mental Health Laws to Prevent Suicide.....	74
A.	Overview of Mental Health Laws for Preventing Risk of Suicide	75
B.	Application of Mental Capacity Laws for Preventing Risk of Suicide	80
C.	Problems with Both Mental Capacity and Mental Health Laws in the Suicide Context	84
D.	A Refined Legal Approach with Capacity at its Core.....	88
III.	Conclusion	90
5.	Suicide in Detention and the Human Rights Obligations to Prevent it	92
I.	Suicide in Detention	93
II.	Suicide in Detention and the Right to Life	95
A.	Assessment of Suicide Risk.....	96
B.	Preventative Steps and Reasonableness.....	101
III.	Suicide in Detention and Degrading Treatment	104
IV.	Suicide and Autonomy in Detention	108
V.	Suicide, Detention and Vulnerability.....	114
VI.	Conclusion	119
6.	Suicide of Children and Young Persons.....	121
I.	Suicide and the Young	122
II.	Young People, Autonomy and Choices about Dying.....	124
A.	Judicial Approaches to Children who Choose to Die	124
B.	The Meaning of Autonomy and Capacity in Relation to Young Persons' Choices to Die.....	131

C.	Seeking a Principled Basis for Overriding a Young Person's Choice to Die	134
III.	Responding to Suicide Risks in Young People.....	139
IV.	Conclusion	146
7.	Suicide and Refusal of Treatment at the End of Life	148
I.	Refusing Life-sustaining Medical Treatment and Suicide	148
II.	Is Respecting a Choice to Die Assisting a Suicide?	154
III.	Is there a Duty to Prevent Suicide at the End of Life?	160
IV.	Conclusion	165
8.	Assisting and/or Encouraging Suicide	167
I.	The Current Offence of Assisting Suicide	167
A.	The Assisted 'Dying' Challenge.....	169
B.	Prosecutorial Tolerance of Assisting Suicide.....	173
C.	The Ongoing Judicial Struggles with Assisted Dying.....	175
D.	Conclusions on the Current Offence.....	182
II.	Encouraging Suicide – Using the Criminal Law to Protect Human Life.....	184
III.	Legalising Assistance with a Capacitated Voluntary Death.....	189
IV.	Conclusion	197
9.	Conclusion and Recommendations	199
I.	'Suicide' and the Law – Changing the Label, Recognising the History.....	199
II.	Capacity to Choose to Die – The Key to the Law's Proper Ambit	201
III.	Suicide Prevention in Context.....	203
IV.	A Call for Reform of the Criminal Offence	205
V.	Applying the Current Law and Preventing Suicide	206
	<i>Bibliography</i>	210
	<i>Index</i>	215