

Focused Workshop Neuroethics, end of life decisions in Neurology.  
Euthanasia and medical assisted suicide or palliative care.

**Euthanasia and medical assisted suicide**

F. Gerstenbrand <sup>1</sup>, H. Baumgartner <sup>2</sup>, W. Struhal <sup>3</sup>

<sup>1</sup>Ludwig Boltzmann Institute for Restorative Neurology and Neuromodulation, Vienna, Austria,

<sup>2</sup> Research Ethics Committee, Innsbruck Austria, Biopharmacology University Innsbruck Austria,

<sup>3</sup> Neurological Department, Kaiser Franz Josef Krankenhaus, Vienna, Austria

Eu-Thanatos, the soft and peaceful dying, dying without pains and without suffering and torment, this is the wish of human beings since the beginning of human civilisation. In the Hippokrates oath the physician has to promise not to enlarge the torment of his dying patients, neither for hours nor days. The physician has the obligation to end the treatment in incurable diseases or in the age with progredient somatic and mental reduction. Euthanasia in its primary opinion is a medical obligation to assist a human being on his way to die. At the beginning of the 20<sup>th</sup> century Euthanasia was understood for an active introduced death of a human being.

With the term Euthanasia the phase of dying is not included, over jumps the way to be dead. This corresponds with the materialistic feelings in the technological time. In the 20<sup>th</sup> century Euthanasia, as "Force Euthanasia" (Zwangseuthanasie) was used by the Nazi-regime as an ideological and political instrument. With Force-Euthanasia human beings not be incorporable in the system, were not liquidated, they got the "Gnadentod" (Grace Dead). Neurologists and psychiatrist were helpers and helped to kill their own patients. Euthanasia got a permanent discrimination and disqualification due to the Nazi-regime.

Legally active Euthanasia and passive Euthanasia have to be differentiated. In most civilised countries the active Euthanasia is a question of the public prosecutor. With active Euthanasia the active help to die (Sterbehilfe) has to be understood, the aimed introduction of death of a human being. Medico –legalistic active and passive Euthanasia have to be differentiated in voluntary Euthanasia, the medical assisted suicide, killing as desired and in the involuntary Euthanasia, killing against the will or without consent of a patient.

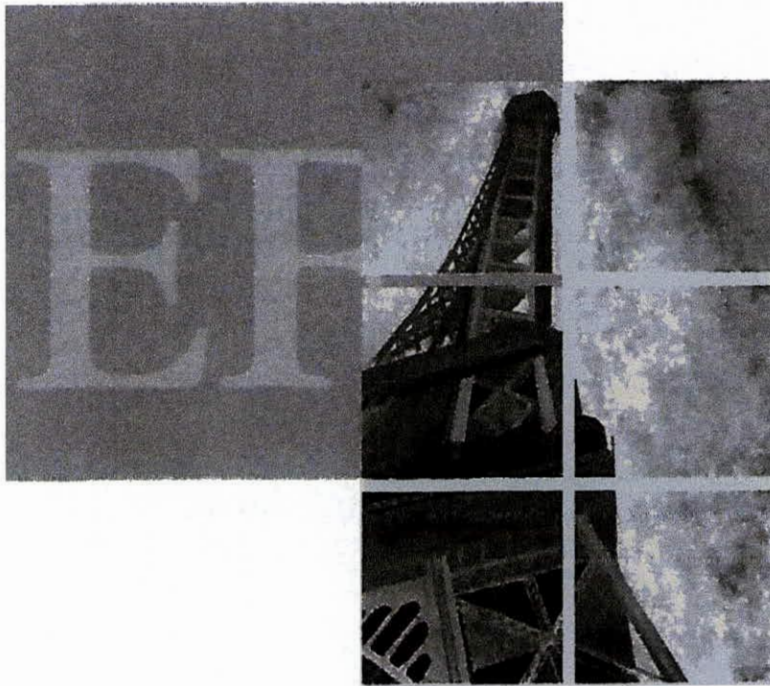
The active Euthanasia is performed by another human being, using medicaments to end the life of somebody. According to Austrian law the assisted suicide is valid. The sentence of an act of Euthanasia can be sentenced between 10 to 20 years, a long life conviction is possible.

Passive Euthanasia indirectly is included the Hippokrates oath. Passive Euthanasia means the renunciation of a treatment or to end a running treatment in hopeless condition. According to the law of humanity all measurements of the basic care of a patient have to be continued. As passive Euthanasia the withdrawal of nutrition as well of fluid ethically and legally has to be pursued. In passive Euthanasia the renunciation of a "Maximaltheraphy" is a special decision, which is in the responsibility of the physician. As help for the decision renounces the Maximaltheraphy diagnoses and prognosis in prolongation of the life of a patient has to be included. The patient's will documented in the "patient testament" has to be accepted.



European Federation of Neurological Societies

8th CONGRESS OF THE  
EUROPEAN FEDERATION OF  
NEUROLOGICAL SOCIETIES  
**EFNS 2004**



September 4 - 7, 2004