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Assisted suicide guide is a blend of protection and compassion

Ken Macdonald: Commentary

Keir Starmer has made the best of a difficult job. First, as widely trailed, he has decided that his assisted suicide guidelines must apply to England and Wales as well as to behaviour abroad. This is surely right: there is no moral difference between an act committed in Geneva and its replica in Hull.

Second, he has emphasised the role of prosecutors in protecting the vulnerable. In *The Times* on Tuesday David Aaronovitch noted that we always think that it's other people who need protection, never ourselves. But the fact remains that life is full of manipulation. A prosecutor who doesn't understand this fails a basic test.

Third, Mr Starmer has defined what factors make a crime so heartbreaking that prosecution becomes unconscionable. There is a reason why it's never been the law of England that every infraction must be pursued: we have always understood that a strictly mechanistic approach can lead to injustice. So we have given our prosecutors discretion not to press a case, even in the face of sufficient evidence. In this role they become part of the public conscience and an important check upon oppression.

Finally, the guidelines recognise the limits on prosecutorial power. Mr Starmer has no right to change the law. Most of us would prefer not to live in a country where a senior State official was granted this indulgence. It is clear that some people have sought to put pressure on the prosecuting authorities as part of a planned campaign. They have made some progress, but now they should turn their attention to Parliament.

Should the law be changed? Campaigners face a battle. Views on assisted suicide transcend party, faith and practically everything in between. It is uniquely difficult to predict which camp individuals will fall into. This may be because we all have the most private notions about death that are very difficult to share.

The forces ranged against new legislation are powerful. Certainly it is counter-intuitive these days to support a process that is less open than it would be if prosecutors were simply following new laws saying yes to assisted dying. In our modern way, we prefer power that is not opaque.

Yet many parliamentarians believe that our present arrangements, combining a broad prohibition with a careful discretion to apply understanding, provide a compelling cocktail of protection and mercy more palatable than anything dispensed at Dignitas. It is a system that may be capable of doing justice without devaluing the solidarity of life.

The moral conviction of those who support a change in the law is admirable. Where their certainty would lead us is less clear.

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