

Abstract

Euthanasia is a highly controversial issue that is becoming an increasingly hot topic almost all over the world. Etymologically, the word “euthanasia” has its origins in the Greek word “euthanatos”, meaning “good death” (from *eu-* “good, pleasant” + *thanatos* “death”). Later, however, in the wake of an interpretative shift, euthanasia generally came to be used, alongside its meaning of *good death* (merciful, good, beautiful, easy death), as the term of choice in connection with *killing out of pity* or compassion. Although, in my thesis, I discuss the subject of “good death” primarily from the perspective of criminal law in force in this country, the issue of euthanasia is very broad and encompasses not only criminal law or law in general, but also extends into a wide range of social fields. For this reason, in my thesis I also touch on euthanasia’s relationship with medicine and religion, abuse of the concept of euthanasia and, not least, on legislation in other countries.

The brief introduction to the thesis centres on an explanation of my motivation for choosing this subject and outlines what I will discuss in more detail in the main body of text.

The initial chapter initially addresses how the concept of euthanasia has evolved and then discusses what forms it takes. Based on definitions put forward by leading experts, I attempt, in particular, to identify clearly the various types of euthanasia for the purposes of this thesis. I also dwell on euthanasia-related issues (especially palliative care), hospices and how mercy killing is viewed by physicians and religion.

The next chapter sheds more light on euthanasia abroad. In particular, I explore legislation in countries which have legalized, or tolerate, euthanasia in certain forms. As the case-law of the competent courts is of no small importance in the interpretation of legislation, the end of this chapter provides an overview of major cases related to euthanasia per se or to the right to life in general.

The title of the next chapter is “Misuse of the Concept of Euthanasia”, in which I discuss, on the one hand, examples of specific ways in which the

concept has been misused and the controversial practices of Dr Kevorkian, and, on the other hand, misuse of this concept by the Nazis under Action T4, where innocent victims were murdered in the name of euthanasia.

In view of the fact that Czech law contains no special treatment of euthanasia, I felt it necessary to deal first with the right to life in international and constitutional law. I then proceed to civil and medical law in the fifth chapter of the thesis.

Chapter six is a pivotal chapter in that it focuses on the criminal-law concept of euthanasia in the Czech Republic, both in a historical context and with an emphasis on the current Criminal Code.

During the preparation of my thesis, the Czech Parliament passed the Health Services Act, which (though it has not yet entered into effect) also regulates the concept of the *living will*. In this light, I was compelled to touch on this area in the last chapter of the thesis.

At the end of my thesis, I attempt to outline the possible regulation of euthanasia in the Czech Republic *de lege ferenda*; I am inclined towards the enshrinement of mitigating circumstances in relation to the crime of murder, i.e. the regulation of the crime of killing on request.

As advances in modern medicine forge ahead, I believe that euthanasia will become the subject of ever greater debate and a matter of increasing urgency probably requiring some form of legislation. Such legislation will have to spell out, clearly and strictly, exact rules on the possibility of applying relevant forms of euthanasia in order to prevent cases of abuse.