

MCQs

Select the single best option for each question stem

1 With regard to Article 3 case law:

- a only patients with capacity remain under the protection of Article 3
- b only patients without capacity remain under the protection of Article 3
- c a treatment or intervention that is convincingly shown to be a therapeutic or medical necessity in general will not be regarded as inhuman or degrading
- d inhuman or degrading treatment does not need to go beyond that inevitable element of suffering or humiliation connected with a given form of legitimate treatment
- e authorities are not obliged to provide adequate and requisite medical care.

2 Regarding the court's role in end-of-life decision-making processes for children:

- a parental views will override the views of the court
- b the court's prime and paramount consideration must be for the best interests of the child, which does not include careful consideration of parental views
- c the court has a clear duty to respect the

sanctity of human life, which imposes a strong obligation in favour of taking all steps capable of preserving life, save in exceptional circumstances

- d courts can approve a course of treatment that is aimed at terminating life or accelerating death
- e courts can direct a doctor to provide treatment that the doctor is unwilling to give and that is contrary to that doctor's clinical judgement.

3 With regard to the best-interests treatment of children:

- a in disputes arising between treating doctors and the parents, where the court has been asked to make a decision, it is the role and duty of the court to do so and to exercise its own independent and objective judgment
- b the right and power of the court to make decisions in disputes between parents and treating doctors arises because the parents lack capacity to make the decision
- c an absolute presumption will be attached to the prolongation of life because the individual human instinct and desire to survive is strong and must be presumed to be strong in the patient

d there is a well-established procedure whereby in disputed cases a hospital or National Health Service trust can apply to the magistrates' court for a declaration

- e a ruling court judge decides what decision they might make for themselves, or a child of their own, if they were, hypothetically, in the situation of the patient.

4 Considerations when assessing best interests for treatment decisions do not include:

- a pain
- b emotional issues
- c suffering
- d financial issues
- e pleasure.

5 The following is correct:

- a Article 2 imposes only a negative duty not to take life
- b Article 2 imposes only a positive duty to safeguard life
- c Article 3 is a qualified right
- d Article 3 is an absolute right
- e to engage Article 3, ill-treatment does not need to attain a minimum level of severity.

IN OTHER WORDS

From *The History of Rasselas, Prince of Abyssinia*, by Samuel Johnson

Selected by Femi Oyebode

Samuel Johnson (1709–1784) was a poet, essayist, literary critic, editor and lexicographer. He compiled the first dictionary of the English language, published 1755. This extract is from *The History of Rasselas, Prince of Abyssinia*, published in 1759.

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'About ten years ago,' said he, 'my daily observations of the changes of the sky led me to consider whether, if I had the power of the seasons, I could confer greater plenty upon the inhabitants of the earth. This contemplation fastened on my mind, and I sat days and nights in imaginary dominion, pouring upon this country and that the showers of fertility, and seconding every fall of rain with a due proportion of sunshine. I had yet only the will to do good, and did not imagine that I should ever have the power.'

'One day as I was looking on the fields withering with heat, I felt in my mind a sudden wish that I could send rain on the southern mountains, and raise the Nile to an inundation. In the hurry of

my imagination I commanded rain to fall; and by comparing the time of my command with that of the inundation, I found that the clouds had listened to my lips.'

'Might not some other cause,' said I, 'produce this concurrence? The Nile does not always rise on the same day.'

'Do not believe,' said he, with impatience, 'that such objections could escape me. I reasoned long against my own conviction, and laboured against truth with the utmost obstinacy. I sometimes suspected myself of madness, and should not have dared to impart this secret but to a man like you, capable of distinguishing the wonderful from the impossible, and the incredible from the false.'