

Henri Meiche

Comparative Law & Social Science

French Case

Before explaining my French case example, I want to recall that France is a Civil law country rather than Common Law country. This means rights are not defined by jurisprudence, but by the law of the legislative assembly. So the judge cannot declare rights but only the decision of the case call judgment. The sum of these decisions contributes to form Jurisprudence.

Article 4 of the French civil code founded in 1804 provides that the judge who will refuse to judge, under the pretext of the silence, the darkness or the insufficiency of the law will be sued and guilty of justice denial.

The case that I have chosen is about a very controversial subject: Euthanasia that can spark a national debate in France.

The France vs. Tramois-Chanel Affair:

Summary of the case:

On August 25th 2003 Medical doctor, Laurence Tramois and Nurse Madame Chantal Chanel, gave a mercy suicide via potassium chloride to 65 years old Me Paulette Durais terminal phase pancreatic cancer patient.

On March 12th 2007, the two medical professionals' trial begins charge of "assassination by poisoning".

Facts of the case:

First of all, the family supports the caregiver. Next, testimonies noted that the patient had expressed the desire to end her pain. Third, the Sickness had provoked bowel occlusion, what marking it a short term death.

Among several testimonies, that of French Senator and president of the Association for the right to die with dignity (ADMD) Mr. Henri Caillavet testify by personal experience. The Senator helped his father to die. Otherwise this man has permitted with his aura of senator and his political implication to impact on this case.

Verdict:

The Nurse Chantal was acquitted, but Dr. Tramois was condemned to a one year suspended sentence, the minimum for criminal condemnation.

The problem in this case lies in French law. Indeed the law gives too little weight to the interdiction to kill, and the patient's pain is currently prohibited in France.