

**MCQs**

Select the single best option for each question stem

**1 The current thinking on adolescent capacity to consent is:**

- a to be found in the General Medical Council guidance *From 0–18 Years: Guidance for All Doctors*
- b that capacity does not exist when the choice expressed is plainly foolish
- c that consent need not be knowing, intelligent and voluntary
- d that capacity is always needed, even in an emergency
- e not found in any Department of Health document.

**2 In determining capacity the following factors are important:**

- a educational achievement

- b social class

- c the age of the person
- d the ability to express a choice
- e that a person can have partial capacity.

**3 The MacArthur study on juvenile capacity has shown that:**

- a capacity in adolescents can be taken for granted, as in adults
- b younger adolescents (11–13 years old) are as 'impaired' in their legal abilities (adjudicative capacity) as the older youth (18–24)
- c adolescents' impairment in legal abilities is related to intelligence
- d younger individuals are as likely as adults to think about long-term consequences
- e in community samples, adolescents are no more impaired in fitness to stand trial than are adults.

**4 Gillick competence:**

- a is inviolable in all matters regarding children
- b was named after Lord Gillick
- c was a death knell for parental rights
- d Gillick competence depends on a minor having sufficient understanding and intelligence to make the particular decision
- e only applies to girls below the age of consent (16 years) seeking contraception.

**5 Adjudicative competence:**

- a is the same as 'fitness to plead' (Pritchard) criteria
- b is immaterial in adolescents involved in serious crimes
- c can be compromised in mental illness
- d is presumed to be absent in mental impairment
- e is not compromised by age-related immaturity.

## Excerpt from *Letters to Felice*, by Franz Kafka

Selected by Femi Oyebo

### IN OTHER WORDS

Now consider, Felice, the change that marriage would bring about for us, what each would lose and each would gain. I should lose my (for the most part) terrible loneliness, and you, whom I love above all others, would be my gain. Whereas you would lose the life you have lived hitherto, with which you were almost completely satisfied. You would lose Berlin, the office you enjoy, your girl friends, the small pleasures of life, the prospect of marrying a decent, cheerful, healthy man, of having beautiful, healthy children for whom, if you think about it,

you clearly long. In the place of these incalculable losses, you would gain a sick, weak, unsociable, taciturn, gloomy, stiff, almost hopeless man who possibly has but one virtue, which is that he loves you. Instead of sacrificing yourself for real children, which would be in accordance with your nature as a healthy girl, you would have to sacrifice yourself for this man who is childish, but childish in the worst sense, and who at best might learn from you, letter by letter, the ways of human speech. Any you would lose in all the small things, all of them.

**Franz Kafka** (1883–1924) studied literature and medicine before turning to law. He graduated from Charles-Ferdinand University of Prague with a doctorate in law in 1906. He is probably best known for his novel *The Metamorphosis* (1915). This excerpt is from a letter to Felice Bauer, with whom Kafka was associated and engaged in 1912–1917. Reprinted (1978) by Penguin Books in *Letters to Felice* (eds E. Heller, J. Born; trans J. Stern, E. Duckworth).

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