

Sunday June 24, 2012

Judge's ruling a logical next step

By Jim Taylor

Suicide is not illegal in Canada. Anyone may legally attempt suicide. Unless they're physically disabled, that is. To commit suicide, disabled people need help.

And Canada has a law against assisted suicide.

If you're physically incapacitated, you need help to get dressed. To get up stairs. To go to the bathroom. To feed yourself. To work.

If the law can require society to provide assistance for all these common tasks, why should it forbid a doctor from providing assistance for that one last option? It's not as if the helper was asked to assist in doing something illegal, like robbing a bank.

That, in essence, was Justice Lynn Smith's ruling on the case brought by Gloria Taylor of West Kelowna and two others.

Living in a dead body

Taylor has ALS, amyotrophic lateral sclerosis, often called Lou Gehrig's disease. It is terminal and incurable. It progressively disables the body until only the heart, lungs, and brain still function. Eventually, they quit too.

ALS imprisons a live person in an already-dead body.

A week ago, B.C. Supreme Court Justice Lynn Smith ruled that the law against assisted suicide discriminates against disabled people. She gave the federal government a year to revise or amend the current law. In the meantime, she granted Gloria Taylor an exemption – under certain stringent conditions.

Taylor may apply for permission to have a doctor assist her in ending her life. But she must first convince a court that her decision is entirely voluntary – no coercion from anyone. Also that her condition is truly terminal, and that she is mentally competent to make this decision.

Legally, I think Justice Miller's ruling was right on.

Practically, I have some doubts. Not about myself, but about other people.

Possibilities for abuse

It's sometimes said that a really good sermon is one that flies right over my head and skewers the guy in the pew behind me!

When Canada's Supreme Court rejected Sue Rodriguez' bid for physician-assisted suicide in 1994, by a 5-4 split, the majority stressed the need to protect the disabled, elderly, and depressed from abuse and from family pressure to kill themselves.

Over my lifetime, I've seen enough instances of children who would welcome assisted suicide as a way of getting rid of a parent who has become an inconvenience. Or whose continued life prevents them from receiving the inheritance they feel entitled to.

Even apparently harmonious families degenerate into feudin' and fightin' over a few hundred thousand dollars.

Might they exploit assisted suicide for their own benefit? Might they encourage an ailing or depressed parent to seek suicide as an easy way out? Might they deliberately neglect a parent, emotionally or economically, until suicide feels like the only option?

Quite possibly.

Could the medical system encourage suicide as a means of emptying hospital beds, or of harvesting organs for transplant?

Who knows?

Other views

The Euthanasia Prevention Coalition of B.C. brandished placards insisting that assisted suicide would open the door to elder abuse. They don't seem to recognize that keeping elderly people alive against their will is also abuse.

The Roman Catholic Archbishop of Vancouver, J. Michael Miller, blasted Smith's ruling as "a distorted view of equality rights." A bit ironic, coming from a church that limits equality to one gender.

And Margaret Somerville, of McGill University's Centre for Medicine, Ethics and Law, cast her argument as a conflict between the abstract value of "choice," and the sanctity of human life. Well, yes – by loading the scales with imbalanced alternatives, her answer is obvious.

In my view, they all miss the point.

This is not about whether some people will exploit opportunities. Of course they will. They always have.

Nor is it about the risk of increased elder abuse. Any elders likely to get coerced into suicide are already being abused in other ways.

It's not even about suicide. Right or wrong doesn't matter to anyone determined to commit suicide. Nor would anyone ever refrain from committing suicide just because it's declared illegal. What kind of deterrent could we legislate – a mandatory death penalty?

Who gets to decide?

The real issue underlying all the rhetoric is, who gets to make decisions about their own life?

Or, more precisely, who decides who's allowed to make those decisions? An ethicist? A medical panel? A church?

It seems to me that the history of law shows an inexorable progression. Once, only the reigning monarch or warlord – pretty much the same thing -- made decisions. Gradually, the decision-making circle widened. To the nobles. To property owners. To male heads of households....

Put another way, laws historically excluded certain groups from assuming responsibility for themselves – peasants, slaves, women.... It denied them the right to vote, for example. Or to own property. Their status depended upon their male master or owner.

In some places, it still does.

Justice Smith's ruling reduces those exclusions one more notch.

It will almost certainly be appealed. But even if her ruling is overturned this time, it's inevitable sooner or later that people will be allowed to make their own decisions about suicide.

That's the direction laws have been moving for thousands of years.

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YOUR TURN

It may seem that I'm fixated on death – since the last three columns (including today's) have dealt with murder, unexpected death, and now suicide. Honestly, I do have other interests!

Despite that caveat, there were some stimulating responses to last week's column, about being present.

Diane Robinson wrote, "The title of today's column, 'The Privilege of Being Present', captures -- for me -- what I have felt in the presence of dying and death. But I have not always felt this way about dying and death. When I was a child, I was deeply afraid of dying and death. I had nightmares about it. Then, later, I had a time when I frequently dreamt of my own funeral..."

"My first funeral, as a student minister, was for a mother and daughter who were killed in a house fire. They died side by side, having inhaled the noxious fumes before the fire reached them. It was privilege, at that time, to be present with the father/husband and brother/son who continued to faithfully live in the presence of such a terrible death. In the six years since that first funeral, I have done services of blessing for two stillborn children, sat by the bedsides of those who were dying, and conducted more funerals for those who've died.

"Through these experiences, I have learned that death is not as fearful as I once believed it was. I have come to (mostly) believe that death is an integral part of the sacrament of life. (This last comment, of course, does not begin to speak to the horrendous deaths of innocent victims of brutality, violence, war, genocide.....How are these deaths sacramental? And how are we privileged to be present to these deaths? Perhaps it is a continued affirmation of -- and presence to -- life?).

Fran Ota shared one of her experiences: "I received a call very late one night, around midnight -- a parishioner's mother was breathing her last and they wanted to let me know. 'I'll be right there,' I said. Fortunately in Corner Brook the hospital is only two minutes from everywhere, so it was fast. I dashed up to the room, two stairs at a time. The family was around the bed, and a cell phone was lying open on the bed. They explained that the grandson in Australia had never been able to get a really clear line to talk to his Grandma, but for some reason on this night he could hear with crystal clarity.

"We gathered around the bed, holding hands (ours and hers) and holding the phone. I began to pray for the family and for her, and as we moved through the Lord's Prayer I thought 'She's gone!'. There was a palpable sensation of her physically leaving the body and moving on. I literally felt her leave. As we closed the prayer and said 'Amen,' and looked at each other, I knew that others had felt the same thing.

"It was a profound privilege to be with someone through that transition, to feel them leave and know that it was good. After the memorial service we talked about that night, and how amazing it was that everything happened the way it did. They were convinced that she was just waiting for the minister to come, and then all would be well."

Ted Spencer commented on the silence following a death: "I've experienced the silence after a death on a few occasions. Someone described that silence as 'deafening'. A very filled silence, that..."

A few people requested anonymity for their musings. One of those wrote, "I too feel blessed to be able to be with someone dying. In fact I feel God put me on this earth to help people in that position. I have sat with many friends and family and often gave them 'permission' to die.

"One friend told me she was ready to go but her family wasn't ready to let her go. Her granddaughter (who was also a nurse) said, 'Mum's gone home to shower and will be back soon. You do not have to wait for her; I am here with you and it is OK to let go.' And she did. People know when they are dying and all they want is permission to let go.

"It is a shame so many people are afraid of death. It does not hurt to die but it often hurts to live. Death is part of life and until we all realize that, many people will hang on till someone they love gets there or someone says it's OK to go. I know this is true as I have seen it happen over and over again."

Others indicated that their notes were personal, and not for publication. While I'm often disappointed that I can't share those stories with the rest of the readers, I appreciate your letters, and always learn something from them.

And for you readers of murder mysteries, Jean Gregson wanted to correct a recommendation that appeared last week.

"Ruth Zenger recommended a 'different type of murder mystery' by PD James. The title is actually 'What Came Before He Shot Her' and it is by Elizabeth George.

"Elizabeth George is my favourite mystery author although 'What Came Before He Shot Her' was not my favourite of her novels. If you have never read an Elizabeth George mystery then you have a treat ahead of you. I would recommend that you read them in order starting with 'A Suitable Vengeance' as the life story of her detective, DI Thomas Lynley, advances from one book to the next. As a retired librarian, I would say that she writes the thinking person's mystery."

PSALM PARAPHRASES

I have started including a psalm paraphrase for the coming Sunday with my Soft Edges column, on Wednesdays. Why not on Sunday, you ask? Well, partly because psalms seem to me to fit better with the general mood of Soft Edges, which is more likely to deal directly with faith-related matters than these Sharp Edges columns. And partly because Soft Edges is about 250 words shorter than Sharp Edges, and so including the paraphrase on Wednesday won't make the e-mailing quite as long.

That does mean that if you want to receive the paraphrase, and are not on the Soft Edges mailing list, you'll need to subscribe. No charge, just send me a message, jimt@quixotic.ca. Or you can subscribe automatically by sending a blank e-mail to softedges-subscribe@quixotic.ca.

TECHNICAL STUFF

This column comes to you using the electronic facilities of Woodlakebooks.com.

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You can access several years of archived columns at <http://edges.Canadahomepage.net>.

I write a second column each Wednesday, called Soft Edges, which deals somewhat more gently with issues of life and faith. To sign up for Soft Edges, write to me directly, at the address above, or send a note to softedges-subscribe@quixotic.ca

PROMOTION STUFF...

If you know someone else who might like to receive this column regularly via e-mail, send a request to jimt@quixotic.ca. Or, if you wish, forward them a copy of this column. But please put your name on it, so they don't think I'm sending out spam.

For other sources worth pursuing, try

- David Keating's "SeemslikeGod" page, www.seemslikegod.org;
- Alan Reynold's weekly musings, punningly titled "Reynolds Rap" -- reynoldsrap@shaw.ca
- Isobel Gibson's thoughtful and well-written blog, isabel@traditionaliconoclast.com

- Wayne Irwin's "Churchweb Canada," an inexpensive service for any congregation wanting to develop a web presence, with free consultation. [<http://www.churchwebcanada.ca>](http://www.churchwebcanada.ca)
- Alva Wood's satiric stories about incompetent bureaucrats and prejudiced attitudes in a small town are not particularly religious, but they are fun; write alvawood@gmail.com to get onto her mailing list.
