

Law on dying goes back on trial

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Thirty years ago I first heard the expression “dying with dignity” and I wasn’t sure what that meant. It seemed to be a self-contradictory statement, a sort of oxymoron. Sometimes it helps to understand things better if we look at them from another point of view, so I decided to take a look at what “*living* with dignity” might mean.

I imagined that living with dignity probably applied to someone who was in good physical and mental health. I thought of a person able to make plans and to carry them out and someone able to live with hope and optimism. I envisioned a person who would reach out to others and contribute to society. Perhaps such a person might be a young woman who had given birth to a child. In any case, she would be in control of directing the events of her life.

Next I imagined, by virtue of some genetic quirk, this young woman discovered in her late thirties that she had the onset of Amyotrophic Lateral Sclerosis (Lou Gehrig’s Disease). For convenience, let’s give her a name. We’ll call her Sue. She first noticed a lack of co-ordination and deterioration in both muscle control and in strength. Sue had difficulty in speaking and in swallowing and six months later she had practically no appetite. Then in the following six months Sue lost a lot weight. She lost control of her normal bodily functions, breathing became difficult and her speech was slurred to the point that only her closest friends could understand her well.

Next, I imagined that in another six months, Sue came to the full realization that there would be no medical hope for improvement and in time, death would come about from suffocation as it does with dozens of ALS patients each year. This realization was even more frightening for her because her mind was clear and she understood that while over seventy per cent of Canadians would support her desire for assistance in suiciding, nonetheless, there are no legal provisions for such help in Canada.

I visualized further, that Sue was still able to remember her earlier days when she was living with dignity and that she recalled the various stages of her loss of control over the direction of her life. But now she had no power to make decisions and to implement them as she used to do. Only one decision remained that she alone could make better than anyone else. Only she could decide when the thought of death was

less painful than the thought of staying alive and Sue decided that it was now time to die.

At this point, Sue made a difficult and courageous move. She summoned up what little remaining strength she had and with help she traveled to Ottawa to meet with the highest officials of our land. With clearness of mind and in whispering voice she told her story to Supreme Court judges and to politicians. They listened with apparent interest and even with care and sympathy. But in the end they said that they were sorry, because they were not able to deal with such difficult legal and ethical questions. They went on to explain that, had she made this difficult decision five years earlier when she was still living with dignity, the politicians and the judges would not have stood in her way. Since she had waited until her present state of hopelessness and desperation they were not able to help and they were sorry but her case was just too complex. It raised too many ethical and legal questions which they could not deal with.

Sue asked the politicians and the judges what she should do and they recommended that she should return home and let nature take its course. And after Sue left for home the politicians and the judges were relieved for they understood that soon after her death the media would turn their attention to other stories, the public would soon forget about Sue, and their own lives could return to normal.