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Physician Assisted Suicide

Physician suicide is a drawn out debate which deals with both moral aspects of who has the power to decide the future of another persons' life and the legal aspect of ensuring that individuals' rights are both guaranteed and cannot be infringed upon. However, aside from these two powerhouse debates there is also the question of when it is considered to be physician assisted suicide or euthanasia. Throughout this essay, one will be informed of the legal side of physician assisted suicide, by both looking at cases which have dealt with the matter, as well as analyzing the Charter of Rights and Freedoms. One will also discover both the definition of physician assisted suicide versus the popular debate of euthanasia. Lastly, a person will discover the reasons why physician assisted suicide is crucial for society to ensure impartial rights to everyone and that without them society would only be limiting themselves. Physician assisted suicide (PAS) was created so no person on earth should have to feel as though he/she is being confined to absolute suffering; those who are disabled should not be discarded from rights that apply to every individual in Canada.

In Western society, the law is widely used when deciding whether or not an issue is ethical. In the occurrence of physician assisted suicide, the decree is formulated by principles using the Charter of Rights and Freedoms, as well as analyzing stare decisis. Stare decisis is when a ruling is made by a judicial body and from there on cases are to follow it, essentially. It is there to ensure that consistency is brought to court decisions and that both judges and lawyers have a background to follow when dealing with cases.

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However, all decisions that are made cannot override the Charter of Rights and Freedoms, it has complete and overall power because it guarantees everyone in Canada equal rights. In consideration with physician assisted suicide, Section Seven of the Charter ensures that every individual has the right to life, liberty and security, and they cannot discourage anyone else of these fundamental rights. Many people who are against PAS use the reasoning that the doctor is deciding whether or not an individual should live. However, as one will see further on in this essay, it is actually the individual who is deciding his/her own future. PAS is not taking away the individuals rights, it is more so giving the person a chance to make a decision about his/her own life and take it into their own hands. When an individual is suffering from a terminal illness and there is a chance he/she may soon die in unbearable pain, or they may never be able to talk, walk, or even breathe on their own, many people would rather die rather than live. No one wants to suffer; however sometimes it is inevitable, and in those instances individuals should be able to make their own decisions about their life. A very important question people need to ask themselves when thinking about PAS is, “what would you do if you were in unconditional pain and would not be able to see, help, or care for your family anymore?” There was a case seven years ago where a women fought for the right to seek physician assisted suicide because she was going to be dealing with intense pain and would not want her son to have to watch her suffer.

The woman that made legal history concerning herself with physician assisted suicide was Sue Rodriguez, who went against the province of British Columbia using the

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Criminal Code grounds that it was invalid because it violated her rights under the Charter of Rights and Freedoms. The three well recognized rights that this case interfered with were: section seven; the right to life, liberty and security, section fifteen; every individual is equal before and under the law, where everyone has the right to equal benefit and equal protection, and section twelve; that everyone has the right to be dismissed from cruel and unusual treatment. These rights all consider the individual and how no one should have to live in pain and suffering just as Sue Rodriguez would have to go through. This would be Ms. Rodriguez's only way to have control over her own life, especially since she would not even be able to eat or breathe, and would be restricted to a bed. This case was found to be so enlightening because she was the first person to challenge this law and win, which made physician assisted suicide legal in Canada. The rights analyzed under this case are not the only rights affected when people try to diminish physician assisted suicide. Under section twelve of the Charter and section 241(b) of the Criminal Code, it states that by taking away the right of physician assisted suicide one would be enforcing cruel and unusual punishment onto those that are disabled and/or ill.

By taking away the right of physician assisted suicide, the law is permitting those that are physically and psychologically ill to be under torture and anguish; it is cruel to force someone to stay in pain. Sue Rodriguez was not only fighting for herself when she stood up to the courts to have physician assisted suicide legalized in Canada, she was also standing up for all those people who could not fight for themselves. She was taking a stand for the people being tormented by problems they could not help and illnesses that

could not be cured. Chief Justice McLaughlin made an excellent point to the reasoning that PAS should be legalized, analyzing the fact that those people who are healthy are able to commit suicide on their own and it is completely legal. However, a person who is terminally ill cannot make a decision for the future of his/her own life, and would not get the choice to live or die. In essence, it does not leave those that are disabled psychologically and physically the opportunity to break the law because if they would have tried to commit suicide they would be punished and if they had someone try to help them that person would be charged with murder. Such a challenge discriminates against those that need help the most. If the law was to eliminate their ability to commit suicide, then the law is taking away a right that is most needed in a time where he/she cannot speak, eat, move, or remain conscious without the help from machines and others.

Many people were against the legalizing of suicide, although it was absurd to have people that did not want to live jailed for not sufficiently being able to take their own lives. In the end society was shunning individuals who were psychologically distressed and needed help, and incarcerating them for being depressed and revolting their own lives. Society was essentially rejecting those that needed the most help and punishing them from acting out and showing how they feel. However, it is known that many people tend to reject ideas that they are not familiar with or in this situation do not know a lot about. On that note, many people are not familiar with the differences between euthanasia and physician assisted suicide.

The most important difference between euthanasia and physician assisted suicide

is that physician assisted suicide is when a doctor prescribes or offers the patient the resources to complete the task, but does not do it him/herself. Euthanasia is defined as when the physician actually carries out the procedure of physically helping them with the suicide. Another way doctors may assist their patients in physician assisted suicide is to take them off their medications or machines which they are using for support. In these situations they are allowing the disease to live through the individual and be carried out until death. This also allows physicians a chance to see the disease and how it would have spread through the individuals' body without treatment. In extremely rare cases, people have been taken off their machines which were supplying what people thought was "life support," and the individuals continued living for a short period of time. However, there is the opposite end of the spectrum where individuals are taken off their support systems and are situated in increasingly large amounts of pain. Thus, doctors came to the idea of providing their patients with high risk pain medications, allowing the patient to leave earth free from pain and suffering. These medications would not be prescribed to regular patients, or if so they would not have the same dosage because they are designed to accelerate death. Pain medications prescribed by physicians for the purpose of causing death is defended in court as long as the treatment is done in a professional manner. Having physician assisted suicide legalized in Canada gives people the chance to choose to leave earth and discontinue their intense amounts of suffering. In a lot of incidences, patients who have chosen to end their lives have done so much earlier than if PAS was legalized. Instead they take ending their life in their own hands. PAS is not taking away from the patients but relieving them from pain. Even though PAS offers patients a way

out of their suffering, it should only be used in extreme cases where the individuals have absolutely no other options.

Unlike euthanasia, where anyone can take hold of a person's life, physician assisted suicide allows individuals the chance to die with dignity. It does this by allowing the individuals suffering from terminal diseases to have the chance to create a new future for themselves. Imagine becoming extremely ill and having to watch the people you love suffer, while knowing that there is absolutely nothing a person in your situation can do to help. As well as having to be alive watching everyone around you continue on their lives without you. Not only do people choose to follow through with PAS to end their suffering, but they also do it to free the ones they love. Another very important point that needs to be brought up is the fact that by allowing physician assisted suicide to be in effect, it gives individuals the chance to practice their religions. Every individual has the right to refuse treatment or medical care with the notion that it is because his/her religion that does not condone it. This is implemented in the Charter of Rights and Freedoms; section two, The Fundamental Rights of a Person which are: a) freedom of conscience and religion, b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c) freedom of peaceful assembly; and d) freedom of association.

Allowing physician assisted suicide is intended to take away the suffering of the individual but in the situation of religion, some individuals go through immense amounts of pain and even death which could have been prevented if the person took the

medication. Individuals should not be authorized not to perform or even believe in their religion but it should not deny other people the opportunity to express what they believe, even if that is taking their own life to discontinue pain. Some religions even believe in suicide; an example would be how the Islamic religion has martyrs where they take their own lives for what they believe in. Thus, Canadian laws are designed to create a sense of fairness throughout the country and with that both sides of the spectrum must be acknowledged; that is people must take into account those who want to deny medical treatment and those who want to use it to end agony. By denying individuals the right to commit suicide, they are also denying individuals a chance to practice the religion that they choose.

By allowing physician assisted suicide to be legal, other rationalities must be taken into account. One being that if people are denied the freedom of committing physician assisted suicide, he/she may seek new ways of performing suicide in a much more gruesome setting. This means that they may plan to either follow through with euthanasia or commit suicide themselves. Another valid point that needs to be made in the favor of PAS is that some of the organs that people have may be able to save others who would not have gotten that chance in any other circumstance. Therefore, since most individuals that are seeking PAS do not have a chance to be saved, they can donate their organs to someone that would actually have a chance to live. There are hundreds of people in Canada alone waiting for transplants; at least then one life can be saved.

After going through countless hours of research and learning about both the advantages and disadvantages to physician assisted suicide, I have come to the

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conclusion that it is, without a doubt, reasonable to guarantee individuals the right to have PAS. I understand there are people who believe that by allowing such a thing as physicians assisting patients in committing suicide denies the right to life. According to Section Seven of the Canadian Charter of Rights and Freedoms, everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof except in accordance with the principals of fundamental justice. This gives people the right to live in society and also the right to make decisions about their own bodies. Using the same logic, to die should not be forced upon a person, to live should not be forced either. Since individuals have the right to life they also have the right to choose how they want to live their lives. If they do not want to live in unbearable pain then that is a choice they deserve to make. No one makes the choice whether he/she wants to suffer or not and until one is put in that position. I feel that people should not be reprimanded for how they feel. It is horrendous to know that in a country governed to give equality to individuals of all races and colors, those that are impaired and who need help the most are the first to have their rights withdrawn from them. Everyone else in the country of Canada has the right to not be penalized by the Criminal Code for attempting to commit suicide for it be any reason, however, someone who is in absolute pain and suffering cannot die at his/her own will. I believe that this is taking away an individuals' dignity, and the government is destroying the future they set out for equality to be. Not everyone believes in fate, many people believe that life is what you make it and those are the people that also need to be remembered when looking at whether PAS is ethical or not. Everyone deserves the opportunity to create the ending of their life that they want, whether it be die old, sick or

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to end it before pain comes into the larger picture.

I believe that a huge drawback to denying the right to physician assisted suicide is that anyone in the world can commit suicide and not be punished by law. However, if a person is disabled and cannot commit the act themselves, then they are left there to suffer. I feel it is absolutely cruel to know that there are people in Canada with no choice but to suffer in the pains of an illness, that no matter what they do they are confined to torture. Under the Charter of Rights and Freedoms, individuals are supposed to be free from cruel pain and treatment, although once again that does not apply if a person is disabled. I believe that as the world is changing it is up to the law to change with it, and in this situation it is a great beginning for physician assisted suicide to become accepted.

When the time comes to decide whether to live or die, no one should be there standing in the way of what you choose. Just as individuals feel they require the right to life, there are people on the other end of the spectrum desperately fighting for the chance to die. They want to die with dignity before a crucial disease comes and attacks their entire body, before they are in more pain than most individuals will ever encounter in their entire lives. This is a pain that is so unbearable people actually want to die and are fighting just for that small chance. When looking toward the legal side of the topic, one can examine many cases and chartered rights to understand why it is so greatly needed in society. Just as the laws need to accept physician assisted suicide, and society is beginning to change to accept all individuals and give everyone equal rights, society also needs to accept and change. Many people in the world have not yet opened their eyes to the possibility of others having different needs than themselves.

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There are also many people in society who do not even know what physician assisted suicide actually is, and in some cases ignorance is bliss. However, this is real life and it is now up to the people to become informed on topics issued in society. I feel that if people actually knew the difference between physicians assisted suicide and euthanasia, then their opinions would change and more people would be here fighting for the people who are too sick to fight for themselves. It is when we open our minds that we open our hearts, and here in Canada there are people who need us to fight for them because they are too busy fighting to live, and praying to die.