

# Why are we still criminalizing compassion in Canada?

Tomorrow (February 25) Richard Thain and I will leave for Switzerland to watch a man whom I have yet to meet die. John Hofsess, a right to die activist from Victoria, BC, and head of the former Right to Die Society of Canada, is going to die on February 29, 2016, at the facilities of **lifecircle** (they don't capitalize their name), near Basel, Switzerland.

John has many medical problems and a severely compromised quality of life. He does want the assisted voluntary death that lifecircle provides, but, if he'd had his way, he would have stayed alive for several more months, at the very least. After all, he would have wanted to see his book, *The Future of Death: True Stories about Assisted Dying*, published – which it will be, in electronic format, within a few months by Canadian Humanist Publications. This issue of *Humanist Perspectives* contains John's Farewell Note, in which he explains why he is choosing to die now, as well as a chapter from his book, chapter 3, on the assisted death of celebrated Canadian poet Al Purdy. A shorter version of the story of Al Purdy's assisted death was published earlier this month in *Toronto Life* ("By the time you read this, I'll be dead.") In the last months of his life, John has been working full tilt to fin-

ish his book, a definitive work on the history of assisted dying in Canada. It was during this time that I met John electronically; I will meet him in person for a few days before his death.

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John is choosing to die now because he fears that he may not have the option of an assisted voluntary death after what he has done becomes known. John not only campaigned for the right of terminally ill people to die, he actively helped them die, and thereby became a criminal under Canadian law. Should he be prosecuted, which would be not unlikely based on the legal advice he has received, he could have his passport revoked and would have little possibility of a gentle, legal

death. Although the Supreme Court of Canada has extended until June the deadline for Parliament to come up with a new law on assisted dying and provided some leeway for those seeking an assisted death in the interim, it put in place a number of legal hoops, hoops that are not easy for a sick old man with little money to jump through. In addition, even were John capable of meeting these challenges, he may not be given the chance: the activities he engaged in were in clear violation of the law when he carried them out and he could therefore be prosecuted and incarcerated. John does not want to go through the

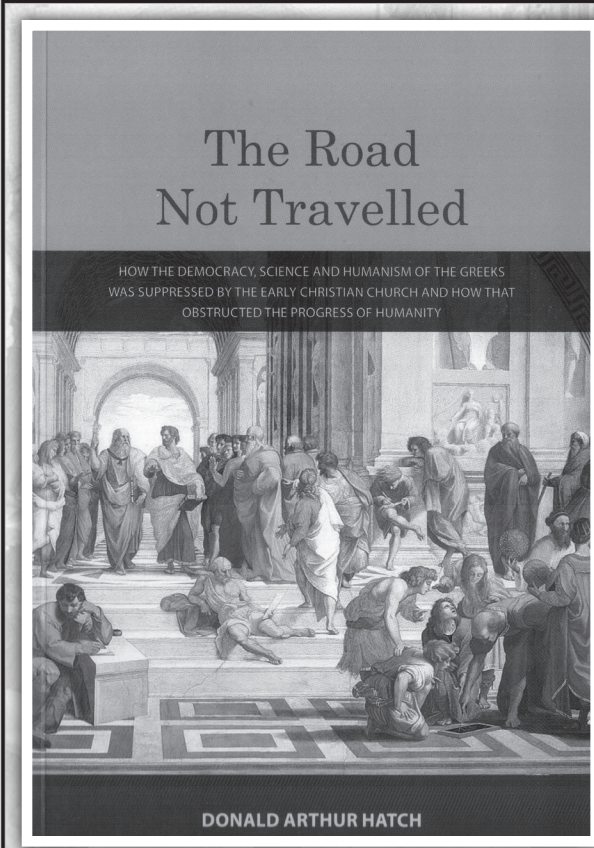
ordeal of a trial nor impose the costs of such a trial (millions of dollars) on his fellow citizens. As John says in his Farewell Note: the rationale for his death is partly ideological, a socio-economic suicide rather than a classic case of a terminally ill person suffering excruciating pain.

It is ironic that John sees it as necessary to terminate his life earlier than he would have chosen based on the spectre of prosecution under laws that will very likely be changed within a few years (or less) of his death. But such, apparently, is the absurdity of life. According to a poll commissioned by Dying with Dignity Canada and conducted in early February of this year by Ipsos Reid, some 80% of respondents supported an assisted death for patients with grievous and irremediable medical conditions. The people seem to be far ahead of the politicians, who are dragging their feet more than 20 years after Sue Rodriguez brought the idea of a legal assisted death to the consciousness of many Canadians.

Richard Thain, a stalwart humanist known to many of us, has been a pillar of support for John in his final struggles. He and I are travelling together to Basel, where we will be picked up by a representative of lifecircle, whose founder, Dr. Erika Preisig, will assist John on his last journey. Dr. Preisig calls herself a village doctor (“Dorfärztin”); for 20 years she also provided palliative care to terminally ill patients. It was when her gravely ill father wished to end his own life that she was first confronted with the idea of assisted voluntary death.

I am hoping to learn much on this trip. I will spend a few days with an organization that has for years provided assisted death in a compassionate way in a country where it is legal to do so. One day, perhaps in the not too distant future, Canadians like John Hofsess will enjoy the same right to a legally assisted death without having to travel overseas.

– Madeline Weld



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## Letters

As supporters of the group Dying with Dignity, Humanists have been pleased with the recent ruling of the Canadian Supreme Court.

In its February 6, 2015, unanimous decision, the Supreme Court of Canada decriminalized physician assisted death (PAD) for Canadians who would have a “grievous and irremediable” medical condition (an illness, disease or disability) that causes enduring suffering, intolerable to the individual. The court did not define “grievous and irremediable,” but it is clearly not limited to terminal illness. Only competent, consenting adults will be allowed to access PAD. In this unanimous decision, the justices of the high court argued that the old law violates the Canadian Charter of Rights and Freedoms.

While Humanists may agree with groups like Dying with Dignity, we may be agreeing for different reasons. Both recognize the need for compassion in “grievous and irremediable” circumstances, but many Humanists argue that this is about more than just compassion. It is also about the right of self determination. While Dying with Dignity may be satisfied with the result of this ruling, Humanists may still ask, “What are the appropriate limits to self determination? When is it appropriate for the state to limit personal choices made by competent, consenting adults? Must we endure intolerable

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suffering to gain these Charter Rights? We certainly don’t need to endure suffering to gain other Charter Rights. Why should there be an exception for PAD?”

I’m sure we all hope that the Liberal majority government honours the ruling of our justices. We also hope that advanced directives for other illnesses like Alzheimer’s disease will also be allowed in the legislation.

As a Humanist, I still see the need to continue to clarify and define a sensible position on self-determination, one that reflects more Humanist values than simply compassion for the distressed.

— *Robert Hope*  
*Owen Sound, Ontario*

For your information in my recent book “Everyman’s Prayer Book: Democratic Government and their Courts-The Other Great Religions,” I cited George Bernard Shaw’s

quotation “All great truths began as blasphemies” in my epigraph, being unaware of section 296 of the Criminal Code.

I also as a title page used section 365 of the criminal code with an image of witchcraft, and used that definition of witchcraft to show how Christianity, democratic governments and their courts used witchcraft in the marketing of their businesses in securing the faith of believers.

Fortunately I have not been charged.

— *Ken MacLennan*  
*Cornwall, Ontario*



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