

The Passy Press

Founded by Benjamin Franklin – 1777
Passy, France

*“Against other things it is possible to gain security,
but when it comes to death, we human beings all,
live in an un-walled city.”*

From Lucretius *On the Nature of Things* written 50 BCE

MORTALITY, MORALITY AND HONOR: THE END-OF-LIFE PARADIGM©

By Charles Hamlin, MD

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The fabric of American society is a cloth of many colors. We are disparate in our DNA and hence our ethnicity, our religious and spiritual beliefs, and our political affiliations. Yet we are desperate for values that unite us. We seek principles that satisfy and have no moral ambiguity. One such principle is the freedom to choose, the principle of self-determination.

This essay posits that it is the right of those of adult years and sound mind, and who are at the end of their lives, to orchestrate a peaceful death on their terms, with unencumbered help from family, physicians and caregivers. Of paramount importance is the recognition that persons in the twilight of their lives who make this choice are not committing “suicide.” They are dying and passing not from life to death but from dying to death. They are choosing a time and a place, a community of comfort if you will, to complete their lives and reach a closure that is not an invisible enemy.

It is axiomatic that, in an ideal world, our wishes at the end of life would be personal, private, respected and followed. But ours is a country of laws and death’s democracy embraces us all. Death with Dignity, DWD, is the law now in five states, Oregon, (’94), Washington, (’08), Montana, (’09), Vermont, (’13) and New Mexico, (’14). These laws, which can come about from a ballot initiative, the legislative process or a judicial decision, harken back to a seminal case ruled on by then Chief Justice of the 2nd District Court of Appeals in New York, Benjamin Cardozo, whose words resonate still.

“The root premise is the concept, fundamental in the American jurisprudence system, that every human being of adult years and sound mind has a right to determine what shall be done with his own body.” (1)

There are three general areas of resistance to the position argued for in this essay.

The first and constant opponent to physician-assisted death, PAD, is the religious right, where often one hears the cry: *“It’s up to God!”* The magical stories within the Bible take no stand on the issue. In fact, suicide is rarely mentioned in the text. One case, however, is that of Judas Iscariot, who ate at the Lord’s table, was discovered to have betrayed Jesus and went out and hanged himself. Biblical writers assume this was a just punishment. In essence, there are no Biblical literalists, only selective realists. I say God’s deliverance of knowledge imparts choice to the human race. Assuredly, the canon of spiritual literature is full of intense uncertainty about

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the true nature of a being (and any teachings) that can be neither seen nor heard in any ordinary way. Certainly piety can enhance personal faith and behavior. But piety does not make good public policy.

Let us favor more Kierkegaard's "subjectivity," where the idea of absolute truth must be suspect. We all bring our own experiences to any and all such judgments.

A second negative enjoinder comes with the "slippery slope" argument. If we, perchance, help our ill and tired grandfather die peacefully, will we not next ease our developmentally challenged cousin to a similar fate? In sixteen years of carefully assembled data in Oregon, there exists no case of abuse of the DWD law where minorities, the elderly, the uneducated, the uninsured, the handicapped, indeed any demographic, have suffered indignity. (2)

A final obstacle regularly comes from within our medical system, the "imperfect science." Traditionalists like to quote the Hippocratic OATH, "Do no harm," or almost as often: "I will not give a lethal drug if asked." May we remind ourselves that these words are not those of Hippocrates, and interpretive words of the oath were not written until the time of Socrates. Yet a modern translation tells us: "Compassion may outweigh the surgeon's knife and the chemist's drug." (3) perhaps even more prescient is a passage from the same accepted modern translation: "Most especially must I tread with care in matters of life and death. If it is given to me to save a life, all thanks. But it may also be within my power to take a life; this awesome responsibility must be faced with great humbleness and awareness of my own frailty. Above all, I must not play God." Ibid

Death be not proud, said the poet, and pride being one of the seven deadly sins... Let it be said that the purpose of this essay is to be a provocation that we accept the chapters of life; that we make our goal to die young, as late as possible; that we write our own last chapter. And when that chapter is read, a long time from now, it is recognized as a work of non-fiction.

"I live my life in widening circles that reach out across the world. I won't complete the last one, but I give myself to it." (4)

Charles Hamlin MD – 2014

Charles Hamlin MD is a retired orthopedic hand surgeon. Dr. Hamlin graduated from Yale College, received a Bachelor of Medical Science from Dartmouth Medical School and his medical degree from Columbia, College of Physicians and Surgeons He was given the Humanitarian Award by the American Academy of Orthopedic Surgeons in 2001 for work with our Native Americans in the four corners area of the U.S. He is on the National Board of Compassion and Choices, the largest advocacy group for choice at the end of life.
www.compassionandchoices.org

Bibliography:

- (1) Schloendorff v. Society of New York Hospital (1914)
- (2) <http://www.healthoregon.org/dwd>
- (3) Hippocratic Oath (modern version), written in 1964 by Louis Lasagna Academic Dean of the School of Medicine at Tufts University
- (4) Rainer Maria Rilke "Rilke's Book of Hours" translator: Anita Barrows, Riverhead Trade 1997 (1st published 1905)