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We should all be free to choose how we die

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Noel Conway wants the right to decide when his life will end and most of us, including the disabled, agree with him



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I want, if I may, to try a thought experiment. Imagine it was already legal to allow terminally ill patients a bit of control over the way they die. And then answer my question — do you think anyone would dare try to take that right away?

Imagine that someone like Noel Conway, a man dying a terrible death, didn't have to petition the court, as he has this week. Instead, think where we would be if he already had the ability to seek help to end his life.

Let's say that it was already possible for two doctors to agree to help someone who was in the last six months of their life, provided that they could persuade the family division of the high court that the patient was of sound mind and had made a consistent decision without duress. Can you imagine such a law being repealed?

Do you think it would really be possible to persuade people to sacrifice genuine control and rights for a mishmash of vague rhetoric and guarantees?

The question is who makes the choice. Is it me or the state?

It is always hard to make big social changes, particularly when they are unfamiliar and have powerful voices raised against them. But where these changes come after years of thought, offer people rights and dignity that they are desperate to have, and represent settled and broad public will, we rarely regret it.

I believe we have reached this point with assisted dying.

Noel Conway is seeking a simple right, to be allowed to die as he has lived, as a free man. He's not asking to play God, or have anyone else play God. He's just saying that he'd rather not suffer avoidable, and unnecessary, anguish as he dies. It's a right — I'm sorry to put it like this, but it's true — that we wouldn't deny, that we do not deny, to a cat.

He doesn't want to die. He is not choosing to die. He is accepting that he is going to die, and asking for the option of medical help to assist with the means and timing of his death. I think it is unconscionable to say no to him.

Or to me. The right that Noel Conway seeks is one every one of us hopes we would never have to use. But I'd like at least that option if it comes to it. Wouldn't you? You don't have to use it; I can't imagine wanting to use it. But who knows? And at least there would be the choice.

Actually, let me be a little bit more precise. The choice of how to die will be there whatever we decide to do with the law. That's just a matter of medical science. The question is who makes the choice. Am I — or Noel Conway — allowed to make it for myself or will the state make it for me?

It is this question that would make an assisted dying law so hard to reverse once it was passed. Those proposing reversal would have to argue that we are not capable of exercising this choice even when we can show that we are being consistent and reasonable.

Around 80 per cent support the idea of a change in the law

They would ask us to swap a concrete legal and medical procedure for a lottery. Instead of careful consideration and legally clear deliberation, they would offer a return to an arbitrary and disturbing mess. The person who helps you to die might know what they are doing, or they might not. And your loved one might end up in jail or they might not. Suck it and see, why don't you?

They would ask us to go back to a system where we trusted that the doctor would "know what to do when the time came". Even though talk of such things is a bit of a myth. Without assisted dying law, doctors can't and don't (and shouldn't) just assist death.

They would seek to persuade the public that we should return to trips to Switzerland, where people die earlier than they need to, just in case they aren't fit enough to make it later. And where this choice is available only to those who can afford the considerable cost and have a friend willing to accept the risk of being prosecuted given the virtual certainty of being investigated. A choice for the

few, not available to the many.

I don't think any of this would prove a winning case if someone were trying to reverse assisted dying, so why should it now?

I believe that once the law was in force, it would also undermine what has proven one of the most powerful arguments against reform. At least, powerful with me. The moments when I have been forced to pause during the debate on dignity in dying have been when I have been listening to the advocates for disabled people.

Their fear is that provision for assisted dying would demonstrate that we do not value disabled people and are not willing to protect the most vulnerable. I listen to this with respect and concern, but I do not feel I can accept it.

I don't think Noel Conway is awfully impressed by the idea that the current law — which judges him incapable of making a choice for himself, even with safeguards — values disabled people. And ensuring that if anyone wants help with dying, they have to do it without any sanction or regulation is hardly protecting the vulnerable.

Perhaps for these reasons, although opposition to reform is expressed passionately by many disability groups, it is not the opinion of most disabled people. Indeed far from it. Polling by Populus showed 86 per cent of disabled people supported the assisted dying reform I've been advocating.

And this means that they are broadly in line with the rest of the population. Most MPs believe that their constituents are quite evenly split on assisted dying. And when there is a debate, they find their postbag has as many from one side as from the other. But in fact, their constituents are not evenly split. They overwhelmingly want change. There has been around 80 per cent support for it for 30 years. Public opinion is consistent and clear and stable. And positive.

What holds parliament back is fear of the unknown. And that is understandable. But this is not the unknown. We have seen what has happened in Oregon, in California, in Switzerland, places where the law allows choice. We know that the fears aren't justified.

I realise that for some, none of these arguments matter. Religious principles make it impossible to contemplate allowing someone to end their life before it ends naturally. But that is a choice for them. I am seeking a choice for me. And for Noel Conway.

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