

Tsunami ethics: Jillian's choice

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It's not as if she had scads of time to contemplate the philosophical niceties of her predicament.

One moment, Jillian Searle was breakfasting with her two young boys. The next moment, they were assaulted by the massive Tsunami which washed over their hotel in Phuket. As the three of them were swept up in the relentless wall of water, baby Blake was in her arms while she gripped 5 year old Lachlan by the hand. Trying to keep hold of both boys seemed to promise death for all three of them. Her decision was made in an instant. She clutched the baby and released Lachlan.

Choosing which of your children shall live, and which perish, must rank as just about the cruelest dilemma imaginable. Thousands of Canadian parents who saw or listened to the interview with Ms. Searle must have asked themselves, as I asked myself: "What would I have done in her place?" The truth is, of course, that none of us really has a clue. In real life, we have never faced a choice even remotely similar to the choice facing Ms. Searle.

We may, however, have read William Styron's book, *Sophie's Choice*, or seen the Hollywood adaptation, starring Meryl Streep, in which a mother is compelled by a sadistic Nazi official to choose one of her children for immediate execution or else witness the execution of both. Some applauded while others condemned the mother, Sophie, for selecting one of her children to die in order that the other might live. But who could truly say that they know what they would themselves do in such an extraordinary and terrifying situation?

My personal fear is that in Jillian Searle's place I might become paralyzed with anxiety, thereby condemning both children to death. (I am one of those people marked out by nature as a "sinker" rather than a "floater" and, share Lachlan's fear of water.) Or perhaps I would resolutely hang onto both children, accepting death for the children and myself, rather than "play God" by choosing which shall live and which shall die.

This much seems clear: Even those, such as *The Globe's* Christie Blatchford, who believe that Ms. Searle made the morally wrong choice, are being unreasonably harsh when they condemn Ms. Searle's moral character. She was compelled to react instantaneously. People who do their best, in an emergency, deserve to have some slack cut for them by those of us who judge from the safety and comfort of our living rooms. Or so I believe.

It is also worth mentioning that, when she released her grip on Lachlan, Jillian attempted to transfer his hand to a nearby stranger. That manoeuvre didn't work, but Lachlan managed, by sheer luck, to grab hold of some floating debris, which saved his life. Thus, against the odds, mother and both children survived, though it won't quite do to declare that "all's well that ends well".

The classic legal case involving decision-making *in extremis* is the English case of *The Queen v. Dudley and Stephens* (1884). Dudley and Stephens were shipwrecked sailors who saved their own lives by killing and eating the flesh of the moribund cabin boy. They pleaded not guilty to the charge of murder arguing that, since they faced imminent death from dehydration and starvation, the extremity of their circumstances justified what would otherwise have been a crime.

Chief Justice Lord Coleridge, in delivering his guilty verdict, was not unmindful of the “terrible temptation” faced by the sailors and their “awful suffering”. He acknowledged, also, how difficult it would be for anyone deprived of food and water for many days “to keep the judgement straight and the conduct pure”. Coleridge even went so far as to admit that: “We are often compelled to set up standards we cannot reach ourselves, and to lay down rules which we could not ourselves satisfy.”

Having admitted that he could not vouch for his own conduct in a situation as dire as that faced by the accused, Lord Coleridge nevertheless sentenced both of the sailors to death, declaring: “A man has no right to declare temptation to be an excuse, though he might himself have yielded to it, nor allow compassion for the criminal to change or weaken in any manner the legal definition of the crime.”

Interestingly, the sentence given to both sailors was subsequently commuted by the Crown to six month’s imprisonment. Law sometimes requires to be tempered by mercy.

Now, of course, Jillian Searle committed no crime whatsoever, except perhaps the “moral crime”, as some would see it, of favouring her more vulnerable younger son over her almost as vulnerable older son. If one has to make a life-or-death choice, then choosing to protect the more vulnerable seems on the face of it to be a reasonable criterion.

Some philosophers have argued, however, that it is always wrong to make such a choice. They claim that, when the value of human life is at stake, it is “inherently” wrong for any human being to engage in a selection process. If all cannot live then, rather than “play God”, we should allow all to die.

I have put this proposition to my bioethics students over a period of many years, and to conferences of transplant physicians and surgeons. I can report to you that I have never yet encountered anyone who actually thinks that when a life saving resource is in short supply - whether a kidney for transplant or a mother’s hand for rescue - we should refuse to save as many lives as possible. But then I have never met Ms. Blatchford.

From the foregoing remarks you will have concluded, correctly, that I think Jillian Searle made an ethically defensible choice; indeed, the morally right choice. But even if I am mistaken in this belief, I would still want to insist that it would be wrong to label her as a morally bad person or a morally inadequate mother.

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