

## **Dying Light**

*By*

Neil Carstairs

Kendon heard sirens as he heated the last thread of silver. They died swiftly, as if whatever had summoned the emergency services was close by. He put away his tools, turned off the burner, and put the piece into the safe.

He stepped out of the workshop into a cold November afternoon. Down towards the road, red and blue strobe lights flashed eerily. The road was blocked. The children would be late home as that was the only route for the school bus. He walked down to the house and went to the living area, always so quiet when the children were out. Spotlights illuminated the room in a half dozen yellow cones of light. A portrait of his wife looked down upon him. The half-smile he had captured seemed to mock him, as if she was thinking, "you never wanted children and here you are missing them."

I miss you more, he thought. They are the only connection I have with you. It had been three years since she had died, and still their friends weren't speaking to him, as if he were to blame for the cancer that had ravaged her body.

Mrs Martinez, his housekeeper, appeared in the doorway. "A car is coming up the driveway, sir."

He went with her to the front door and watched as tree shadows raced across grass, pursued by twin headlights. As the car rolled to a halt, he saw the yellow and blue cubes of its markings. The electric whine of the vehicle's engines died, and two cops, a man and a woman, got out.

The woman asked, "Mr. Kendon?"

"Yes."

"May we come in?" She wore a holstered pistol on her hip and her name tag read "Delaney."

It was the way she spoke. It was the way her partner looked down at the gravel driveway. It was the way Mrs Martinez began to pray, in Spanish, beside him, that told Kendon all he need to know. He led them inside.

"Sir, there has been an accident," Delaney said.

"My children?" He said it just for the need to speak. A void was opening around him; dark shadows edged his vision.

"The school bus was involved in a collision. Your children have been taken to St. Jude's Clinical Centre. We can take you there now."

"How badly are they hurt?" He was having trouble breathing.

"I don't know." She was lying; Kendon could see it in her eyes. "We weren't the first unit on the scene. By the time we arrived your children were already being transferred."

"Can we go now?" asked Kendon.

"Of course."

"Can you get in touch with the Grandparents?" Kendon asked Mrs. Martinez.  
"And let Hal know where I will be."

He got in the back of the patrol car. On the dashboard, a touch screen was awash with maps and scrolling data. Delaney looked back at him. She was attractive in a hard sort of way. Close-cropped hair showed her neural web implant in the right side of her skull. Kendon could imagine her scanning him, making sure he wasn't going to get sick on her. He was a long way from that, somewhere in the realm where the human brain dislocates itself from reality and continues to function.

They turned right at the end of the driveway, away from the accident.

Kendon said, "What happened?"

"A tanker hit a car and went across the carriageway to collide with the school bus," she said. "We're still investigating how that happened."

Kendon rested his head on the seat. The car was out of the hills and onto the lowland roads. He watched oncoming vehicles with dread, trying not to think of what it would have been like to see a tanker on a collision course. The city came out of the gloom.

St. Jude's was a sprawling four-storey complex that included a teaching hospital and was, as far as Kendon knew, a centre of excellence for clinical science. He had been here once before, but not to the trauma unit. The lights were headache bright, reflecting off sterile walls enough to make him narrow his eyes.

In a room called "Trauma Six," Rebecca and Daniel lay side by side on grey cots. They had a life support unit each. Rebecca's face was bruised, her hair cut away roughly to reveal a torn scalp. Fluid drained from an incision in her skull. Her eyes were shut. Daniel, at first sight, seemed uninjured. It was as if he was sleeping there to keep his sister company. Then Kendon saw dark stains around his son's abdomen. He looked away.

"Mr. Kendon?" A doctor entered, holding a touch screen, scrolling to find the details he needed. "I'm Dr. Aziz. Are you the father of Rebecca and Daniel Kendon?"  
He nodded.

"There was nothing we could do, Mr Kendon," Dr. Aziz said. "The injuries your children received caused them to die within minutes of the accident."

Kendon felt a hand on his shoulder and realised it was Delaney. She smiled, trying to reassure him.

"But we were lucky. An emergency trauma team reached the accident site and initiated procedures to preserve their memory core." Dr. Aziz turned the touch screen around. "Give me your thumb print. Then we can move to the next stage."

Kendon closed his eyes. He was at the edge of an abyss, darkness beckoned with a cold hand. He shivered despite the warmth of the room. "No."

Dr. Aziz frowned, glancing at Delaney as if he had misheard and wanting reassurance that he hadn't.

"Mr Kendon," he said, "you understand what I am asking?"

"Yes." Even to Kendon his voice sounded weak and indecisive, he spoke again, louder. "Yes."

A silence grew between them, disturbed only by the rhythmic pulse of the monitors and the soft whine of the machines keeping his children's memories preserved. The door opening broke the tableau. A nurse came in followed by Rebecca and Daniel's grandparents.

Dr. Aziz asked the nurse who they were.

"Grandparents," the nurse said.

Dr. Aziz looked relieved. "Please help me. Mr. Kendon is in shock. He is refusing permission for resurrection. Can you persuade him to go ahead with the procedure?"

"Michael?" asked Virginia Ross. She had spoken to Kendon only twice since the loss of her daughter. "Tell me you're not serious. Tell me you want them alive."

Kendon was shaking; he clenched his fist in his lap to stop it from being seen.

"I can't," he said, looking away from her accusing eyes.

"Perhaps we should talk about this outside," Dr. Aziz said, "where we will be less emotional."

Kendon didn't want to leave. They would pressure him as soon as the door closed behind them.

"Don't listen to him," Virginia turned on the doctor with ferocity "He's unbalanced. He doesn't know his own mind. I've been concerned about him for some time, and now this. You must let me give permission."

The doctor backed away, only to find her following him as if she were stalking prey. "It has to be the closest relative."

"But they're my grandchildren." Virginia turned to Delaney. "Please help me. He's trying to kill my little babies."

"Are you willing to make a legal challenge as to the duty of care for the two children?" The way Delaney spoke sounded stilted. She was probably reciting some section of law she had downloaded through her neural web.

"Yes." Virginia looked at her husband for agreement.

"Yes." He spoke in the way that said he always agreed with her.

"We cannot wait more than four hours before memory loss occurs," said Dr. Aziz.

"We'll have to put in a request to convene a Resurrection Court," said Delaney.

"We have full legal panels on duty call," said the doctor. "This can be done within the hour."

"Fine," Delaney said. "I am issuing a temporary restraining order on all parties involved not to enter this room. An officer will be stationed outside. Only medical staff attached to this hospital will have access, and they will be accompanied all the times. Do you understand?"

Virginia nodded.

"Mr. Kendon?" Delaney prompted.

"Yes." He was tired, and his children were dead. He could barely muster the strength to meet her eyes.

Virginia and her husband left with the doctor.

Delaney said, "You need to get something inside you"

He went with her simply because he had no energy to do otherwise. They found a dispenser in the main waiting area of the trauma unit, and then sat side-by-side, unwrapping high-energy bars as they waited for their drinks to cool.

"You shouldn't be afraid." She blew on her coffee and then took a sip. "I'm a clone." She smiled. "See? We're not monsters, we're not freaks. We're just people who died and got resurrected."

He looked away, embarrassed that she had read his thoughts.

She continued, "I was on a lunch break, in uniform, and walked into a jewellery shop to buy a birthday gift. I'd taken off my flak jacket and the kid holding up the shop shot me." She put fingertips to her chest, above and to the right of her left breast. "Pow. Just like that, I'm lying on my back staring at the ceiling and dying. It was just after the time the State brought in full insurance for officers killed on duty. Medical teams preserved my memory and then force grew my clone within three months. I testified against the kid and watched him go to the chair."

Kendon turned back to her.

She half-smiled. "I've had no psychological problems. I've had no physical problems. All I have had is total joy that I was given a chance to live again." Her eyes slid past his face to focus behind him. The smile faded and her eyes darkened.

Kendon glanced over his shoulder.

A priest had entered the waiting room. He came over to them, sharing a look of distrust with Delaney. "Michael."

"Hal." Kendon stood and allowed Hal to embrace him.

"How are they?"

"Dead." Kendon felt the wall of grief begin to break. Hal put a hand out to steady him.

"And they want to resurrect them?" Hal asked.

"If you need anything, I'll be around." Delaney walked away.

"A clone." Hal said.

"How did you know?"

"I can tell. They all have a certain look around the eyes." Hal's mouth was a hard line. "Now, about Rebecca and Daniel."

"Marie's parents have challenged my decision. There is to be a Resurrection Court."

"Have the children been given the last rites?"

"No, and now there is no chance of that. The police are only allowing hospital staff into the room, and then only with an escort."

Hal nodded, as if expecting the answer. "Then we can only prepare for the court. Have they offered you counsel?"

"All I have been told is that there is to be a hearing, nothing else."

"The usual sensitive handling of such a case," Hal said. "And even I haven't offered you my thoughts or prayers."

Kendon felt the weight of his decision in the pit of his stomach. He wanted to be sick. He wanted to be home with his children. He wanted to turn back time and go and pick Rebecca and Daniel up from school.

A lecture room had been converted into a court by moving an office desk in for the judge and dividing the seating, half for the Petitioner, the other for the Defendant.

A young man with dark hair tied in a ponytail and a hologram tattoo of a butterfly on his left cheek approached. "Mr. Kendon, the State has appointed me to represent you. I--"

"I will represent him," Hal interrupted.

The young man frowned, "I'm quite able--"

"Please," Hal held up a hand, "I don't want a dispute. Mr. Kendon is quite entitled to refuse or change any appointed representative."

The young man shrugged, lifted his slimcase off the floor, and left the room.

Hal directed Kendon to sit in the front row, and then took a place beside him. Across the narrow aisle, Kendon's in-laws talked in hushed tones to their attorneys. A court recorder set up a digicam, two ushers made sure the judge's flat screen was working and net linked properly, and a uniformed guard stood beside the door. The door slid open and the guard said, "All rise for the Honourable Judge Jamie Delacroix."

The judge hurried to his place. He was short and balding and had an Angeleno's cast to his dry skin. Delacroix tapped the screen with his ID and then looked around the room. "Will the petitioner's representative make themselves known?"

"Your Honour," one of Virginia's team stood, "State Attorney Joshua Oaken represents the petitioner."

"And the defendant?"

Hal stood. "Your Honour, I am Father Hal Jones. I represent the defendant."

Delacroix eyed the priest. "Can you identify yourself?"

"Of course."

An usher approached Hal with a scanner and held it to his left eye

At his desk, Delacroix watched the iris image appear and then the database search commence. It took a matter of seconds for Hal's biography to scroll up onto the flat screen. Hal had a Doctorate in Religious Philosophy, a Post-Graduate Degree in Law, a Masters Degree in Medical Ethics, and was a Member of the State Law Commission. "The court recognises you as competent to represent the defendant. Mr. Oaken, please address the court."

Oaken said, "Your Honour this case is one of heart-breaking simplicity. Two children lie dead, their memories preserved, and we have the duty to resurrect them. We can do no more than that for them."

"Father Jones, please make your address," said Delacroix.

"The State Attorney believes this case to be simple," said Hal. "I agree in all but one aspect. It is not our duty to resurrect the dead. It is our duty to protect the living. The state will make emotional arguments about bereavement. The state will talk of loss of potential, about reclaiming life as a gift for the future. I intend to show how the advance of science has not gifted us with resurrection but has, in fact, stolen life."

Delacroix made notes on his screen and scrolled up the hundreds of relevant decisions in similar cases. The principal judgement had been made five years before. Delacroix refreshed his memory of the decision. "The court is aware of the emotive issues surrounding this case. We assume that the representatives understand the principals of *State versus Toft*. The court will only consider arguments based on this decision"

Hal seemed disappointed, but not surprised. Oaken suppressed a smile. It gave him an advantage.

Delacroix said, "Mr. Oaken, you have the floor."

"We call State Trooper Jane Delaney to the stand," said Oaken.

Delaney was sworn in by an usher, and she described the events of the late afternoon.

Oaken thanked her and then called Dr. Abdullah Amir Aziz, who gave a simple summary of his actions.

"I have one more witness to call," said Oaken. "Mrs. Virginia Ross."

Oaken led her through the evening. "You came to the hospital?"

"Immediately," Virginia said, wiping tears from her face.

"And what happened then?"

"Our son-in-law was with the children. He refused permission to resurrect them."

"Did you expect him to do that?"

"No."

"Why?"

"Because they're children. His children."

"And you want them to be given the chance to live again?"

"Of course." Virginia looked affronted that Oaken could even doubt such a thing. "Everyone who cannot choose should be offered the chance of life."

"Thank you." Oaken sat down with a smile of reassurance to Virginia.

Hal gave Virginia a moment to gather herself. Then he asked, "What did you mean by *everyone who cannot choose*?"

"I meant that those who die suddenly, or those who are too young to have a full knowledge of life, should be resurrected."

It was the standard argument advanced in all debates on the subject.

"Have you ever known anyone choose not to be resurrected when given the chance?" asked Hal.

"Yes, as you well know." Virginia's voice hardened.

"I might know," Hal said, "but the Court doesn't. Please explain."

"My daughter died of cancer three years ago." Virginia's eyes slid towards Kendon.

"Your daughter was Rebecca and Daniel's mother, wasn't she?"

"Yes."

"And Michael Kendon's wife?" Hal laid a hand on Kendon's shoulder.

"Yes."

"And she chose to die?"

"She didn't choose to die. She chose not to be resurrected."

"Why?"

"Because . . ." Virginia paused. "Because she and her husband joined a religious sect that does not believe in resurrection."

"They became Christians?" Hal asked.

"Yes." Virginia nodded.

"Thank you, I have no further questions."

Oaken said, "No further witnesses."

"Father Jones?" asked Delacroix.

"I have only one witness to call." Hal looked at his companion. "Michael Kendon."

It seemed a long way from his chair to the witness stand. Kendon felt every pace as another step towards loneliness. Once seated, he read the pledge.

"Michael," Hal priest said, "please tell the court why you do not want your children resurrected."

It was the first time he had been asked directly, and Kendon's face reflected the inner pain he felt. "Because I do not believe that they will be my children. They will not be the Rebecca and Daniel I raised from birth. They will simply be copies." He ran out of words, but not tears.

Hal said, "Michael, I know this is hard. Can you tell me about your family?"

Kendon wiped his tears away. "Rebecca was born under state licence, natural conception, natural birth. Daniel was born under the second quarter lottery award of '73, again a natural conception and natural birth."

"You chose to have two children?"

"Yes. Marie and I are both only children. We wanted to have more than one child, even though we had to win Daniel through our fifth lottery application."

"And why natural conception and birth?"

"We believe that choosing the sex of your child, their eye colour, or any of the hundred or more other options that you get at the fertility clinics is wrong. The designer baby is a fashion choice, not a gift from God."

"So Rebecca and Daniel are your children," Hal said, "and for better or worse their genetic inheritance is from you and your wife."

"Yes."

"Your wife died when?"

"Three years and three months ago. From cancer."

"Did she undergo treatment?"

"Of course" Kendon looked at Virginia. "Marie didn't want to die. She went through all the available treatments and operations until the doctors could do no more."

"But she did not go through resurrection?"

"No," Kendon said, after a pause to draw breath.

"Why?"

"We. . . She did not believe it was right."

"In what way?"

Oaken made notes for the first time since Kendon had taken the stand.

"Our soul is not something that can be transferred as you would pour milk from one broken jug into another," said Kendon.

"And you feel the same way about Rebecca and Daniel?"

"Yes," he said with a break in his voice. "I didn't want this. I wanted to see them grow up and become adults. I wanted grandchildren."

"You could have all of that," Hal said, "if you let them be resurrected."

"No." Kendon shook his head. "They would simply be a copy. Nothing more. Nothing less. Just a copy."

"As parent, you have the right to define your children's welfare," Hal said. "What happens if the court rules in favour of the State and Rebecca and Daniel are resurrected. Will you want to see them?"

"I don't know." Kendon looked down at his hands. They were shaking. "Truly, I do not know."

“No further questions.”

Oaken asked only one question. “None of us want to be here, Mr. Kendon. This debate is too complicated for a single court to contemplate at four o'clock in the morning. I ask you just this. Should your children be resurrected, will they see you any differently or will they see the man who has loved them and raised them?”

Kendon stared at Oaken. He closed his eyes. He could see Rebecca and Daniel running towards him, arms outstretched. “They will see their father.”

“Thank you. No further questions.”

Kendon stepped down.

“You may begin your final address to the court,” Delacroix said to Oaken.

“I stated at the start of this hearing that the case was one of simplicity,” said Oaken. “We have a moral duty to resurrect Rebecca and Daniel. Nothing I have heard has changed this. *State versus Toft* laid the foundation for this duty. Rebecca and Daniel are minors, injured in a tragic accident. Their future is in our hands, a future we must guarantee. That is the State's view, that is my view, and I hope it will be the view of the court.”

Father Hal Jones allowed a period of silence to grow in the courtroom before he stood. “For many years Church and State have been in conflict over the continuing advances in medical science. The Church altered its position last year regarding the cloning of humans. This change took into account *State versus Toft* and I believe challenges that decision.

“We do not dispute the right to life of a clone. We do not challenge the right to choose to create a clone by any individual, corporate body or agency. Once the cloning procedure has been successful then a new life has been created. We oppose the forced implantation of personality and memory of a deceased person onto the clone. This action contravenes the basic human rights of the clone to exist as an individual. Such an act is wrong and it is time the courts accepted that a clone has the right to a life with a personality developed naturally through environmental contact and not through the methods used in the resurrection procedure.”

Hal spoke with a growing passion. “I am sure that Michael Kendon would not oppose the cloning of his children, but only if those clones were born naturally and allowed to grow and develop as individuals. I beg the court to see the rights of the clone ahead of the rights of the deceased.”

“This court rules in favour of the Petitioner,” said Delacroix. “The resurrection of Rebecca Kendon, deceased, and Daniel Kendon, deceased, will continue under the supervision of Dr. Abdullah Amir Aziz until such time that he decides they can be placed under the care of the State Welfare Unit. As in all cases of resurrection, the deceased shall be returned to the family unit to aid their recovery from this trauma.”

Delacroix addressed Kendon. “Mr. Kendon, the Court orders you to undergo psychological re-profiling in order that you accept the return of your children.”

He stood without another word and left the courtroom.

“That was an interesting argument you advanced,” Oaken said to Hal.

“I had hopes it might be listened too.” Hal ignored Oaken's outstretched hand.

“It will take a few years before the court admits to the possibility of a personality existing before any external influences take effect,” said Oaken.

“You mean a soul?” asked Hal.



“Soul or personality, it doesn't really matter. The court needs to see the argument, not the semantics.”

“But one day?” Hal prompted.

“One day they may leave room for appeal.”

Spring sunshine bathed the garden in a pale glow that edged the first shoots of growth with diamond bright light. Kendon, sitting in his workshop, saw the shadows on the grass and wished it were winter again. Spring brought birth and rebirth. This was not the time he wanted. This was not the day he wanted. He looked down at his work. He had been cutting leather, creating a series of empty hearts that would lay, one within another, upon a work he had yet to title.

He heard the children first, their feet on gravel and their voices loud on the still air. Rebecca and Daniel burst into the workshop with the force of a hurricane.

Kendon closed his eyes for a moment, listening to them.

“Daddy, Daddy,” they shouted.

His eyes opened and he lifted the leather craft knife before turning to greet them.