

The Loss of Moral Ultimacy in Life and Death Policy: Analyzing Public Debate on Bill C-7's Expanded Access to MAID*

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Abstract

This article examines Canada's transition to a post-Christian nation and the challenges of formulating morally informed arguments in a pluralistic society lacking a shared moral framework. Focusing on public debates in 2020–21 surrounding Bill C-7, which expanded access to medical assistance in dying (MAID) beyond those with reasonably foreseeable deaths, the study analyzed opinion pieces (op-eds) from three national Canadian newspapers. Surprisingly, not one op-ed presented an explicit moral argument for or against MAID but instead focused on matters of “penultimate concern.” The article concludes that debates over Bill C-7 highlight how rare and challenging it is to address morally contentious issues in contemporary Canada, where expressions of moral ultimacy or absolutes seem absent in the public square.

Introduction

Today, many claim that Canada has entered a post-Christian age. Though Canada never formally had Christianity as an official state religion, it was demonstrably dominated by a Judeo-Christian worldview and moral framework, at least in its first century of existence. Currently, Canada is regularly characterized as a multi-cultural, religiously pluralistic nation where Christian morality is viewed, at best, as just one moral option amongst others, and at worst, a dangerous moral option that needs to be supplanted.

With the loss of a common public organizing moral framework that Christianity broadly provided in Canada's first century, it has arguably become increasingly difficult to make moral claims when it comes to matters of public policy, precisely because there is widespread disagreement on a common moral starting point. In a pluralistic society, the one moral rule that has been widely accepted is that one's particular moral starting point ought not to be imposed on others. This article explores the result of accepting that rule. How, in other words, does one make a public argument for or against a piece of public legislation when it clearly requires taking some kind of stance on whether the policy should be accepted, especially when the proposed policy or legislation likely has significant moral implications?

To explore this question, this article examines the historic introduction and expansion of legalized euthanasia and assisted suicide in Canada, known in public, legal and medical circles as “medical assistance in dying” or MAID, as it is euphemistically called. MAID first was legalized in 2016 with the passing of Bill C-14. However, by 2020 the legislation was legally challenged as being too restrictive in access, which resulted in additional legislation to expand Canadians' access to MAID beyond those whose death was “reasonably foreseeable,” as originally defined in Bill C-14.

Bill C-7 (hereafter “C-7”) was a legislative policy designed to emend Canada's existing euthanasia laws. It received wide attention by both media and disparate special interest groups.¹ The proposed legislation was introduced in February 2020 by a minority Liberal government in response to a lower Quebec court's ruling (*Truchon*)² that the current MAID laws were discriminatory and therefore unconstitutional.

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1. The Evangelical Fellowship of Canada (The EFC) was one such organization that argued against the expansion of MAID as proposed by C-7. For EFC's analysis, see *Analysis of Bill C-7 on Assisted Suicide*, The Evangelical Fellowship of Canada, March 10, 2020, <https://files.evangelicalfellowship.ca/si/Euthanasia/C-7-EFC-Analysis-MAID.pdf>.

2. For the Superior Court of Quebec's decision, see *Truchon c. Procureur Général Du Canada*, No. 500-17-099119-177 (Sept. 11,

Rather than challenging the lower Quebec court's ruling, as would be typical, the government simply introduced C-7 which proposed expanded access to MAID for those whose death was not "reasonably foreseeable" but who were facing intolerable suffering due to long-term chronic illness. Moreover, once C-7 passed in the House of Commons, the Senate introduced further amendments, recommending expanded access to MAID to include mentally ill persons.³

That there has been public moral disagreement on the matter of euthanasia and assisted suicide in Canada is unsurprising.⁴ In this regard, the debates surrounding C-7 are analyzed in this article as a historical snapshot or a microcosm of public moral debate in contemporary Canadian society. This article analyzes the moral argumentation used in the Canadian public square to persuade both policy makers and the general populace on whether C-7 should be passed into law. Thus, the primary research question for this study is: *What are the ultimate moral grounds to which Canadian supporters and detractors of C-7 explicitly or implicitly appeal to make their case?* The article concludes by noting this particular public debate was marked by an absence of ultimate moral claims in favour of what is deemed here to be matters of "penultimate concern."

1 Methodology

In 2020–21 an ocean of material debated the merits or deficits of C-7, so it was important to delineate a literature set as a representative sample for analysis. To accomplish this, select written op-eds on C-7 in national newsprint media were analyzed to see if dominant moral themes could be identified. A set of op-eds published from the time of the introduction of the bill in February 2020 to its anticipated final vote on February 25, 2021⁵ were compiled from three national papers: *The Globe and Mail (Globe)*, *National Post (Post)*, and *The Hill Times (Times)*.⁶ Twenty-four articles addressed Bill C-7 as the primary subject of the op-ed piece. Although other op-ed pieces during the same time mentioned C-7, they did so only tangentially and so were not included.

Two pieces of data were gathered from each op-ed piece: 1) Identification of whether a piece was arguing for ("pro") or against ("con") C-7; and 2) Identification of explicit or implicit appeals to an "ultimate concern"⁷ (the highest moral norm to which the author appeals) for the author's argument.⁸

2 Preliminary Observations

Some preliminary observations are in order. First, not every piece selected could be easily categorized as either supporting or opposing Bill C-7 as expected. Several pieces sought instead to provide a nuance to the public debate, even if the author's own position on C-7 was usually evident; consequently these "nuance" pieces were not tallied either on the pro or con side of the debate. Notably, out of twenty-four op-ed pieces,

2019), <https://canlii.ca/t/j2bz1>; For the Federal Government's response to the Truchon decision see Department of Justice Government of Canada, "Legislative Background: Bill C-7: Government of Canada's Legislative Response to the Superior Court of Québec Truchon Decision," October 21, 2020, <https://www.justice.gc.ca/eng/csj-sjc/pl/ad-am/c7/p1.html>.

3. The bill received royal assent on March 17, 2021. For the text of Bill C-7, see "Government Bill (House of Commons) C-7 (43-2) - Royal Assent - An Act to Amend the Criminal Code (Medical Assistance in Dying) - Parliament of Canada," Parliament of Canada, March 16, 2021. Though the bill has now passed into law, subsection 1 (2.1) which extends MAID to those with mental illness will not take effect until March 17, 2027, <https://www.parl.ca/DocumentViewer/en/43-2/bill/C-7/royal-assent>.

4. See Ray Pennings and Angus Reid Ray Pennings and Angus Reid, *Broad Support for MAID in Canada Has Caveats and Concerns*, Cardus, November 10, 2020, <https://www.cardus.ca/research/health/reports/broad-support-for-maid-in-canada-has-caveats-and-concerns/>.

5. At the time of gathering the op-ed pieces, the vote on the bill had been slated for February 25, 2021, though the final Senate vote was delayed till March 17, 2021. I did not identify or append additional pieces published after February 25. See a complete list of op-ed pieces analyzed in the References.

6. Hereafter *Globe*, *Post*, and *Times* respectively. These papers were chosen on the assumption that they have the broadest readership as national level papers, and that, especially in the case of *Globe* and *Post*, they represent political views across the political spectrum.

7. The language of "ultimate concern" is taken from the work of theologian/philosopher of religion Paul Tillich as outlined in Paul Tillich, *Dynamics of Faith* (New York: Harper & Row, 1957).

8. In my original examination of the articles, I also identified the notions of "common good" explicitly or implicitly indicated, plus each article's primary rhetorical mode, i.e., its mood or sentiment, but in the end, there was too much data to analyze for this short piece.

there was a near equal distribution of opinions in each category: nine explicitly in support of C-7, eight opposed, and seven providing some nuance on the debate without indicating straightforward support or rejection of the bill.

In terms of breakdown for each newspaper, the *Globe* had one piece in favour of C-7, three opposed and three nuanced. The *Post* had three in favour, three opposed, and four nuanced, while the *Times* had four in favour and two opposed. Overall, it was heartening that national papers appeared to give generally equal access to opposing opinions. I was surprised that the *Globe*, typically more politically left in its editorial slant, slightly favoured pieces opposing C-7, the *Times* slightly favoured pieces supporting the bill, while the *Post* had a balanced representation of views.

Second, and most remarkably, there was virtually no explicit moral argument in all twenty-four pieces whether what Bill C-7 represents—the expansion of euthanasia and assisted suicide—is to be deemed morally right or wrong. Indeed, the language of moral “oughtness” was nearly absent. The exception was in two pieces where the actual morality of assisted suicide was mentioned, though only in passing. Though supportive of C-7, Robyn Urback acknowledged there are differing stances on the morality of assisted suicide amongst the Canadian populace, but ultimately, she argued, debating the morality of euthanasia was not what C-7 was all about. Rather, the debate was whether “[C-7] is Charter-compliant, which is ultimately what will determine the outcome of a new law.”⁹ Conversely, Brian Bird and Christina Lamb, though opposed to C-7, acknowledged that because there are those who morally object to MAID, especially health care workers, such persons’ consciences need to be protected to freely act upon that moral stance.¹⁰ Though these two pieces acknowledge the moral debate surrounding MAID, it is noteworthy that neither actually argued for or against euthanasia or assisted suicide or its expansion per se.

Although there are limits to what may be concluded from a relatively small literary sample, the absence of any attempt to make an explicit moral argument in national level publications about the practice of MAID, is telling. Admittedly, it is impossible to gauge individual motivation or strategy for each author avoiding such moral argumentation, but it is not too much to conclude there is at the very least, reticence to make such an argument in the public space.

Why the moral reticence? Again, it’s impossible to be definitive about this, but at least two factors (and surely more) could come into play. First, this could crassly be a simple result of heavy editorial control by the papers themselves. Perhaps the editorial boards simply don’t permit explicit moral arguments to be made.

Second, if we give the editorial boards a pass here, the moral reticence may be a result of a widely held perception that moral arguments on euthanasia are now moot, given that MAID is already part of Canada’s legal and medical culture. In this regard, authors and editors alike may well presume that because MAID is already legal, it only remains to figure out the proper procedures and practices to ensure it is carried out justly, efficiently, and with proper oversight. In other words, authors and editors may too easily assume that legality already reflects broadly accepted moral norms, and that it is unlikely that a single op-ed piece will do anything to shift the moral tide. Consequently, rather than debating the morality of MAID as a whole, the focus on C-7 was to show the implications of how MAID will work itself out and thereby ensuring new legal or practical problems are not caused in its wake.¹¹

My analysis of this set of op-eds and the moral reasoning identified lines up more with the second factor. There was no telling evidence that op-ed writers with a strong moral aversion to MAID would have been prevented from publishing, and there is good reason to believe that at least some of the writers did, in fact, have moral aversion to euthanasia and assisted suicide. That virtually no pieces made the argument that MAID was morally right or wrong revealed that a secondary level of moral reasoning was engaged that was

9. Robyn Urback, “Canada’s Assisted Dying Law Is Not Racing down a Slope – It Is Falling in Line with the Charter,” *The Globe and Mail*, December 26, 2020, <https://www.theglobeandmail.com/opinion/article-canadas-assisted-dying-law-is-not-racing-down-a-slope-it-is-falling-in/>.

10. Brian Bird and Christina Lamb, “Assisted Dying Legislation Must Reconcile the Rights of Those Who Object to the Practice,” *National Post*, February 11, 2021, <https://nationalpost.com/opinion/opinion-assisted-dying-legislation-must-reconcile-the-rights-of-those-who-object-to-the-practice>.

11. This essentially supports Urback’s insistence that C-7 wasn’t really a debate about the morality of MAID, but about how it needs to be worked out constitutionally.

strategically assumed more likely to change public opinion on C-7 itself it wasn't that writers lacked standards of measuring the merits or deficits of the bill itself (those standards of evaluation will be identified shortly). Suffice it to say, analysis of this small sample reveals an alarming fact about moral debate in the Canadian public square, mainly, that even if people have a strong position on the morality of medically assisted death (as one would presume most of the authors do), few voices, if any, chose to engage C-7 precisely in this way. Why that was the case cannot be easily discerned, but the practical result remains: ultimate claims about the morality of literally a life and death policy was not part of the debate on C-7 in the pages of these public media.

3 Moral (Pen)ultimacy

The near absence of moral argumentation in the op-ed pieces—at least in the sense of arguing that something is morally right or wrong—had an effect on what I anticipated to find in the pieces, mainly, explicit or implicit appeals to that which is of “ultimate concern” as a basis for arguing for or against support of Bill C-7. I embarked on my research using the notion of “ultimate concern” as derived from the religious philosophy of Paul Tillich. Tillich defines “ultimate concern” as a claim which “demands the total surrender of him who accepts this claim, and it promises total fulfillment even if all other claims have to be subjected to it or rejected in its name.”¹² For Tillich, an ultimate concern is that which demands “all other concerns, economic well-being, health and life, family, aesthetic and cognitive truth, justice and humanity, be sacrificed”¹³ in pursuit of that ultimate concern. The concept, of course, speaks to the highest moral commitment to which one subjects oneself, so much so that all other things are secondary to the fulfilment of the ultimate concern. It is the thing which I'd hoped would be explicitly or implicitly discerned in these pieces, the principle of highest moral appeal.

However, what became evident was that no author wrote in such lofty tones of “ultimacy” in Tillich's sense of the term. Although searching for evidence of ultimate concern, I instead settled for four motifs which were at least matters of “penultimate concern,” principles the authors felt needed to be publicly addressed in regard to the proposed legislation, even if they were not “ultimate” principles per se. Popularly, these might typically be designated “values” and I suspect most authors would likely accept such a designation. I believe the language of values is problematic in moral discourse because they are too subjectively oriented. (i.e., I value this, you value that).¹⁴ The four common motifs of (pen)ultimate concern were: 1) *constitutionality*, 2) *human dignity*, 3) *human rights*, and 4) *human autonomy*.

3.1 Constitutionality

Several op-ed pieces engaged C-7 at the level of its legality, or more specifically, whether it could withstand future judicial scrutiny as aligning with Canada's *Charter of Rights and Freedoms*. I call this the principle of *constitutionality*. In other words, these pieces sought to argue whether the procedural moves made by C-7 would successfully adjust the legislation to satisfy the lower Quebec court's ruling that the current MAID legislation is unconstitutional.

It is unlikely those who made these points viewed constitutionality as an ultimate concern, but it is important to note that it was one of the “bars” raised as a norm for public debate nonetheless. Legality practically affects how people live and thus, it is understandable why it is worthy of debate. For example, the *Globe's* editorial board expressed concern that “people whose deaths are not reasonably foreseeable will face a series of hurdles before getting access to what the Supreme Court has deemed a constitutional right.” This didn't mean ignoring the moral differences of opinion about MAID and the editors did argue that safeguards need to be in place to protect the conscience of medical professionals who do not wish to participate in MAID. Conscience is, after all, a fundamentally protected freedom of the Charter as outlined in section

12. Tillich, *Dynamics of Faith*, 1.

13. Tillich, 1.

14. Winter trenchantly notes that “once we relinquish the notion of transcendent moral sources, we are compelled to recognize that all of our putatively ‘universal’ and ‘abstract’ normative values—including the liberal Western conceptions of rights, justice, equality, and personhood—are themselves the contingent, historical products of particular traditions.” See Steven L. Winter, “Human Values in a Postmodern World,” *Yale Journal of Law & the Humanities* 6, no. 2 (1994): 247–8.

2a. Nevertheless, they concluded, parliamentary restriction on MAID to mentally ill patients ought *not* be enacted, not because the government shouldn't protect people "from making hasty and irreversible decisions" but because the courts have already found it unconstitutional to restrict it from mentally ill people. As they opined, "It would be better ... to offer a solution that doesn't ride on a criterion that the courts have already rejected."¹⁵

Chris Selley of the *Post* agreed, and argued that the problem with MAID being introduced into a state-run medical system would mean "Canadian governments can't legally discriminate on these grounds [i.e., physical or mental disability] any more than they can on race or gender."¹⁶ Selley meticulously refrained from making a moral claim about the rightness or wrongness of MAID, but pointed out that constitutionally there is little warrant for the government to claim that by restricting MAID to only a select group of citizens that it is also seeking to protect the Charter protected rights of all people. Constitutional equity, in other words, is of ultimate concern, at least regarding a piece of legislation.

Two other pieces went even deeper into constitutional matters by pointing out how the process of debating the bill either was, or was not, in alignment with the principles of living a constitutional democracy. Responding to those who said that the rights of those with disabilities were not heard, Jocelyn Downie argued, "the entire spectrum of viewpoints was heard through [the government's] consultative processes." She admitted that the ultimate passage of the bill could mean some may feel endangered but goes on to insist, "Given the polarized nature of the debate, it is logically impossible to come to a conclusion that everyone supports." That is the nature of a democracy, she infers, concluding that in Bill C-7, "democracy worked."¹⁷

Andrew Coyne on the other hand, complained that the current process by which the Senate introduced major amendments to the House's bill was threatening to the democratic process. That the Senate was able to bring back significant amendments to counter the original restrictions of Bill C-7 was threatening a democratic system where elected officials are supposed to be the ones who decide what should or should not be law. As Coyne concludes, "what we ought to be able to agree on is that it should not be up to the Senate to decide."¹⁸

One can only note the sad irony that no writers raised the possibility that a fully constitutionally sound piece of legislation could be morally destitute, or that a properly democratically effected piece of legislation may represent a morally decadent law. The only notable exception was Father Raymond de Souza who lamented that the moral tragedy of having C-7 passed is that "suicide—and the right to have another administer the lethal injections or fatal dose—will become a positive good, in law and in medicine."¹⁹ Though he refrained from explicitly claiming that such a state of affairs would be a moral evil—the situation where a moral wrong is legally and medically endorsed—his implicit rhetorical intent was clear enough.

To be fair, articles making constitutional arguments on Bill C-7 shouldn't be invalidated because they don't make a moral argument or even ignore the underlying moral question. There's good reason to make such arguments as part of the legal debate. After all, the principle of constitutionality is about internal legal coherence which undoubtedly everyone wishes to be true. Yet it would be interesting to press these columnists to answer an important question: "Is it morally acceptable to be practicing MAID at all, even if it is found to be constitutional?" Surely all the columnists would have a moral opinion on MAID, even if where they land would not necessarily be predicted based on their constitutional stance. It is notable that these pieces have minimal, if any, function in advancing an answer to the *morality* of MAID. Regardless, I

15. Editorial Board, "Ottawa Is Still Struggling to Get It Right on Medically Assisted Dying Law," *The Globe and Mail*, October 15, 2020, <https://www.theglobeandmail.com/opinion/editorials/article-ottawa-is-still-struggling-to-get-it-right-on-medically-assisted-dying/>.

16. Chris Selley, "Canada Is as Unprepared to Expand Access to Assisted Suicide as It Was to Fight COVID-19," *National Post*, February 5, 2021, <https://nationalpost.com/opinion/chris-selley-canada-is-as-unprepared-to-expand-access-to-assisted-suicide-as-it-was-to-fight-covid-19>.

17. Jocelyn Downie, "What Critics of Feds' Bill on Medical Assistance in Dying Overlook," *The Hill Times*, February 24, 2021, <https://www.hilltimes.com/story/2021/02/24/maid/268596/>.

18. Andrew Coyne, "The Senate Must Not Stand in the Way of Legislation – Even If, in the Case of Bill C-7, It Is Flawed," *The Globe and Mail*, February 17, 2021, <https://www.theglobeandmail.com/opinion/article-the-senate-must-not-stand-in-the-way-of-legislation-even-if-in-the/>.

19. Raymond J. de Souza, "When Suicide Masquerades as Health Care," *National Post*, February 25, 2021, <https://nationalpost.com/opinion/raymond-j-de-souza-when-suicide-masquerades-as-health-care>.

would judge constitutionality to be the “lowest bar” in the moral hierarchy of public debate (if it’s a moral category at all) because consensus could be theoretically attained, even amongst those who morally disagreed on MAID.

3.2 Human Dignity / Human Rights

The terms “human dignity” and “human rights,” though distinct, have been regularly and widely related together, at least since the release of the 1948 Declaration of Universal Human Rights.²⁰ Although I expected that both human dignity and human rights would be used as grounds of moral appeal for and against C-7, I actually found that those citing human dignity as a moral category were nearly all opposed to C-7,²¹ and those citing human rights were nearly all in favour of C-7. It is as if citing these terms as matters of ultimate concern could have predicted the columnist’s conclusion on whether or not C-7 should be supported. We need to look at these two concepts in order.

The appeal to human dignity was primarily identified as grounds to oppose C-7. For some, making MAID accessible to those who have a disability sends a signal that disabled persons’ lives are no longer valuable, that is, it is an affront to their inherent human dignity. Andray Domise argued that “we laud our aggressive approach to ‘dignity in death,’ even while the United Nations stands alarmed at the potential for subtle pressure being applied [to those with disability].” He concludes “a country that continues to fail in respecting the [human dignity] of people with disabilities ...is set to fall back on egregious historical precedent by offering death instead.”²² Similarly, Bruce Uditsky insisted that provision of MAID for those living with a disability sends a signal that “life with a disability is not worth living.” He argues, “we need Canadians to stand up and tell the government that all lives are worth living. The lives of people who have a disability depend on it.”²³

For others, MAID accessibility for those with disabilities ignores the basic provisions that such people need for daily life; failure to provide basic human sustenance is the affront to their dignity that begs to be noticed. In her poignant piece, Catherine Frazee, a quadriplegic who testified in government inquiries on C-7, rhetorically asked, “Why us?” In other words, why single out only those with disabilities as having access to MAID? Why not also those who no longer want to live under the “indignities of poverty” or those living “under threat of racial or gendered or colonial violence. No one wants to live hungry, incarcerated, abject or alone.”²⁴

Father de Souza, a Catholic columnist, concurred. As he put it, “Palliative care, hospice care and home care are what is needed and what is desired. Yet these remain chronically underfunded and delayed while the option for a quick and cheap death is full speed ahead”.²⁵ Though not stating it explicitly, de Souza’s intent

20. The opening line of the Declaration of Universal Human Rights reads: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, . . .” See United Nations, “Universal Declaration of Human Rights,” United Nations. Elsewhere I have argued that one of the major problems of the relationship of human dignity and human rights is that it has been widely assumed that inherent human dignity is understood as the grounds or warrant for human rights, even though the Declaration does not make this claim, nor seeks to define what “inherent human dignity” is, or, indeed, where that dignity is itself grounded. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>; See David Guretzki, “May Critics of ‘Inherent Dignity’ Be Answered? Rejoinders from Christian Anthropology,” in *The Inheritance of Human Dignity*, ed. Angus J. L. Menuge and Barry W. Bussey, vol. 1 (London and New York: Anthem Press, 2021), 45–62.

21. Although there is a movement amongst supporters of assisted death to speak of “dignity in dying,” none of the columns in the small sample made explicit appeal to human dignity in support of C-7. See “Dying With Dignity Canada | It’s Your Life. It’s Your Choice.,” Dying With Dignity Canada. The motto of Dying with Dignity Canada, an organization that works “to raise awareness about your end-of-life rights and empower Canadians to guard against threats to their choice,” is “It’s your life. It’s your choice.” It is noteworthy that though the word “dignity” is in the organizational title, most of the resources speak more about “choice” than dignity. <https://www.dyingwithdignity.ca/>.

22. Andray Domise, “Canada’s Proposed Expansion of Assisted-Death Threatens to Push the Mentally Ill Out the Door,” *The Globe and Mail*, February 13, 2021, <https://www.theglobeandmail.com/opinion/article-canadas-proposed-expansion-of-assisted-death-threatens-to-push-the/>.

23. Bruce Uditsky, “Looming Changes to Assisted-Dying Law Put Persons with Disabilities at Risk,” *The Hill Times*, December 3, 2020, <https://www.hilltimes.com/story/2020/12/03/assisted-death/268229/>.

24. Catherine Frazee, “Equality for Persons with Disabilities on the Line in New Assisted Dying Bill,” *The Hill Times*, November 25, 2020, <https://www.hilltimes.com/story/2020/11/25/equality-for-persons-with-disabilities-on-the-line-in-new-assisted-dying-bill/268185/>.

25. Raymond J. de Souza, “Canadians Need More Palliative Care, Not Same-Day Death on Demand,” *National Post*, Novem-

is clear: human dignity does not demand easier death but rather demands support in life, even when living presents tremendous cost and challenge.

There was also a group of columnists who argued, primarily, on the basis of an appeal to “human rights” as a matter of ultimate concern and in this case, they were nearly all in favour of passing C-7. In what was perhaps the most vigorous defense of C-7 in the whole set of columns, Helen Long began her article by laying out her foundational premise: “It is now a human right in Canada to be assessed for a medically assisted death if we choose.” This being the case, she went on to assert, “MAID is a human right for those who meet the eligibility criteria and who want to pursue it.” Consequently, “[w]ithout Bill C-7’s passage, there will be those with access to their constitutional right to MAID, and there will be those who will be denied this same right.”²⁶ Long does not push the premise to its logical conclusion, mainly, that if MAID is in fact a *human* right, then presumably all humans should have access to it. Instead, she curiously limits that access only to those which the legislation allows—disabled people whose deaths are not reasonably foreseeable.

Selley agreed that Canadian governments can’t legally discriminate against a person because of a disability any more than it can on race or gender. The problem, he argued, is people are being forced to choose MAID when they find themselves “in unconscionable situations” where assisted suicide presents as the only option. This is especially the case for those facing long-term suffering or lack of basic support for life and livelihood. Thus, “the solution isn’t to limit access [to MAID] ...[rather] to become a better, more competent, serious country.”²⁷ For Selley, this means agreeing with those who oppose C-7 in their plea for significantly greater access to life and health supports for those who need it, be it for persons with a disability or for those seeking palliative care at the end of life. Whatever the case, Selley at least admitted that if the premise is correct (i.e., that MAID is a human right), it is only logical that any human, no matter their situation, should at least, in principle, have access to it.

Colby Cosh also pushes through on the logic of MAID being a human right. Although Cosh otherwise appears to view MAID as a morally acceptable practice, he pointed out what was inevitable once it was deemed a human right: If MAID is properly understood as a human right—“a newish one” he calls it—then it is not too much to speculate that groups other than the reasonably-and-foreseeably-dying will also want to access it *qua* a human right.²⁸ In a follow up article, Cosh asserted that the “new MAID law seems doomed to failure.” This is because the “constitutional superstructure that courts have erected obliges us to give the maximum deference to the rights of patients,” and because the new MAID legislation was deemed by the courts to be a human right. Consequently, as Cosh put it, “It is too late to take the right to die off the list” of human rights to be defended.²⁹ In other words, once MAID is understood as a human right, no court, no parliament, will ever likely pull back in the future, lest they face public outcry of trampling on human rights.

Coyne forcefully concurred with Cosh: “There is a fundamental disjoint between the idea, on the one hand, that people have an absolute right to autonomy over their own lives, and on the other, that this can be hedged about with all sorts of limitations.” Or more specifically, “If such a right [to MAID] is not conditional, but inherent, a basic human right, how can it be limited: whether by the severity of pain, or the proximity of death, or the identity of the sufferer?”³⁰

With the exception of Long who did not appear to notice the paradox between saying that something is a human right—implying its universality—but only for those legally eligible, the other commentators at least pointed out the dangers of arguing for MAID as a human right. Even though they all appeared to be in

ber 20, 2020, <https://nationalpost.com/opinion/raymond-j-de-souza-canadians-need-more-palliative-care-not-same-day-death-on-demand>.

26. Helen Long, “MAID Is a Human Right for Those Who Meet the Eligibility Criteria,” *The Hill Times*, December 14, 2020, <https://www.hilltimes.com/story/2020/12/14/275697/268276/>.

27. Selley, “Canada Is as Unprepared to Expand Access to Assisted Suicide as It Was to Fight COVID-19.”

28. Colby Cosh, “Our Ever-Evolving MAID Laws,” *National Post*, October 10, 2020, <https://nationalpost.com/opinion/colby-cosh-our-ever-evolving-maid-laws>.

29. Colby Cosh, “New MAID Law Seems Doomed to Failure,” *National Post*, October 23, 2020, <https://nationalpost.com/opinion/colby-cosh-new-maid-law-seems-doomed-to-failure>.

30. Andrew Coyne, “Our Cautious Start to Assisted Suicide Is Now an Accelerating Drive Toward Death-on-Demand,” *The Globe and Mail*, December 11, 2020. In this article, Coyne combined the language of “rights” and “autonomy” though most other commentators speak of autonomy as a distinctive moral ultimate, as we shall shortly explore below. <https://www.theglobeandmail.com/opinion/article-our-cautious-start-to-assisted-dying-is-now-an-accelerating-drive/>.

favour of MAID in principle, a near consensus amongst the columnists was that the Courts and Parliament will continue to paint themselves into legislative corners whenever limits to MAID are set while also defending it as a human right. But it is in this near consensus that the columnists revealed at least a glimpse of moral ultimacy, mainly, that MAID *isn't* a universal good and *should* therefore be hedged about by some limits. In fact, even amongst those who most vocally supported C-7, *no one* straightforwardly said that MAID should be universally accessible to all without limit.

3.3 Human Autonomy / Choice

The final common category of ultimate concern was the appeal to human autonomy or choice. Lisa Machado's question put it blatantly: "Certainly, people can't be choosing death willy-nilly, but if [death's] in the cards without a doubt, don't we deserve to be the one who decides when the plug gets pulled?"³¹ Although Machado did not defend why there *should* be limits on choice—that death should not be chosen willy-nilly—she nevertheless insisted that persons *should* at some point have that choice. Here it is hard to ignore the irony that on one hand, choice must be limited, and on the other, not!

Although speaking specifically about the hard decision parliamentarians and senators would have in voting on C-7, Sherry Moran also asserted that despite the bill's flaws, its passing "would be an important step forward in expanding Canadians' constitutional right to choose a medically-assisted death." She concluded that if the bill passed quickly, the senators would be giving people with intolerable suffering "a choice."³² Robyn Urback also argued that if "the purpose of assisted death is to grant competent individuals the autonomy to choose when to end their suffering, it's difficult to make a legal case to deny eligibility to those currently excluded under C-7." As Urback concluded, some may think "Canada's assisted dying laws are spiraling out of control, but in practice, and over time, they are merely falling in line—with the Charter"—as Supreme Court cases have deemed that Charter rights mean that patients need to have "autonomy over their health care decisions."³³

Interestingly, appeals to human autonomy were not restricted to supporters of C-7, but were affirmed by those who were opposed to it. Without necessarily opposing *de jure* a regimen in which assistance in dying is provided, Coelho *et al.* argued that an appeal to human autonomy in health care decisions is meaningless if there is no or limited access to care amid suffering and struggle. "How can we say that we are giving freedom to choose when [disabled persons] are not given access to real and timely medical assistance in living?"³⁴

In a parallel vein, Bird and Lamb argued that in the 2015 Carter³⁵ case the Supreme Court of Canada "did not determine that medically assisted death is a freestanding charter right." Rather "it invalidated, on charter grounds, the absolute Criminal Code prohibition on assisted suicide, to the extent that it criminalized medically assisted death in certain medical circumstances." But even if one finally granted that MAID is now accessible as a Charter right, Bird and Lamb argued that governments and regulators have "woefully neglected the call to reconcile the legalization of assisted death with the moral or ethical freedom to object to it."³⁶ That includes not only ensuring that physicians are able to object to participation, but also that patients have the right to receive care if they choose *not* to request MAID. The conclusion is that both health care professionals and patients only have autonomy over their lives if they truly have other options available to them. The overwhelming ease with which MAID could be chosen over the tremendous hurdles of receiving necessary care makes it evident that "freedom to choose" only has meaning when both options are equally and easily accessible.

31. Lisa Machado, "If You Could Choose Your Moment to Die, Would You?," *National Post*, January 27, 2021, <https://nationalpost.com/opinion/opinion-if-you-could-choose-your-moment-to-die-would-you>.

32. Sherry Moran, "Senators Have a Hard Task, Choice about Bill C-7," *The Hill Times*, December 16, 2020, <https://www.hilltimes.com/story/2020/12/16/senators-have-a-hard-task-choice-about-bill-c-7/268282/>.

33. Urback, "Canada's Assisted Dying Law Is Not Racing down a Slope – It Is Falling in Line with the Charter."

34. Ramona Coelho et al., "Proposed Changes to MAID Are Pure Madness," *National Post*, October 8, 2020, <https://nationalpost.com/opinion/opinion-proposed-changes-to-maid-are-pure-madness>.

35. Carter v. Canada (Attorney General), No. 35591 (Feb. 6, 2015), <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14637/index.do>.

36. Bird and Lamb, "Assisted Dying Legislation Must Reconcile the Rights of Those Who Object to the Practice."

Conclusion

Analysis of these op-ed pieces on Bill C-7 revealed both predictable and surprising results.

First, it's somewhat predictable in a pluralistic, secular country such as Canada that there would be reticence to make a definitive moral claim in a public forum. Canadians increasingly state that moral viewpoints are "private" and thus expect them not to be spoken of directly in public forums, lest someone "jam their morality down someone else's throat." Yet it is surprising that there was a near complete absence of moral opinion on a legal matter that is literally "life-and-death" in its implications and thus begging the question of its morality. Of course, many have and do speak up about their views in many other forums, but it is clear that the main national print press, whether intentionally or not, seems to have practically illustrated that public moral debate is "off limits," even in clearly designated "opinion pieces."

Second, the analysis revealed a very limited set of categories designated here as "penultimate concerns" that can be appealed to in public moral debate. Even though one of those categories, constitutionality, could barely be said to rise to a moral category at all, it was nevertheless a significant feature of the op-ed pieces examined. Yet the other categories—*human* rights, *human* dignity, and *human* autonomy—revealed that the highest moral categories appealed to in the public debate on C-7 were all *anthropologically* determined. This illustrates Protagoras's ancient assertion that "Man is the measure of all things." This, too, is predictable given the present secular age where transcendent concepts or appeals to deity have lost their function in determination of the common good. This leaves those with a sense of morality dependent upon the existence of deity or even transcendent norms wondering how they, too, might learn to engage in public moral debate without giving in to the unspoken rule that public moral debate must be engaged solely on in the "immanent frame," to use Charles Taylor's concept.³⁷

Third, it was illuminating to see how in the op-ed pieces, similar concepts were appealed to with different conclusions. This not only points to an unclear meaning of these terms (e.g., What, *really*, is human dignity?), but also, perhaps, of the need to insist on such definition in public debate. It is not enough to say, for example, that MAID is a *human* right if in the same breath we insist it should not be universally accessible to all humans. There is a saying that a concept can end up dying the death of a thousand qualifications. But at least in the small sample analyzed here, the problem is not an overabundance of qualification, but a complete and utter lack of definition to begin with. Assuming everyone knows what "human dignity" and "human rights" mean may, in fact, be part of the problem; clearly not everyone agrees on their meaning and so it is questionable if they can be used as concepts of moral ultimacy that everyone will understand without asking for clarity.

Finally, this analysis reveals both the difficulty and an imperative for the religiously and theologically convinced to find ways both to engage in the public debate on terms presupposed in the public square, while at the same time finding ways to subvert and to question the rules of that game. It doesn't necessary help to "lob" theological words into the public debate, but neither does it help to presume that commonly used concepts are necessarily a direct entrance point into the public debate.

37. Charles Taylor, *A Secular Age* (Cambridge, MA and London, England: Harvard University Press, 2007), 539–93.

The Globe and Mail

- Coyne, Andrew. “The Senate Must Not Stand in the Way of Legislation – Even If, in the Case of Bill C-7, It Is Flawed.” *The Globe and Mail*, February 17, 2021. <https://www.theglobeandmail.com/opinion/article-the-senate-must-not-stand-in-the-way-of-legislation-even-if-in-the/>.
- Domise, Andray. “Canada’s Proposed Expansion of Assisted-Death Threatens to Push the Mentally Ill Out the Door.” *The Globe and Mail*, February 13, 2021. <https://www.theglobeandmail.com/opinion/article-canadas-proposed-expansion-of-assisted-death-threatens-to-push-the/>.
- Urback, Robyn. “Canada’s Assisted Dying Law Is Not Racing down a Slope – It Is Falling in Line with the Charter.” *The Globe and Mail*, December 26, 2020. <https://www.theglobeandmail.com/opinion/article-canadas-assisted-dying-law-is-not-racing-down-a-slope-it-is-falling-in/>.
- Coyne, Andrew. “Our Cautious Start to Assisted Suicide Is Now an Accelerating Drive Toward Death-on-Demand.” *The Globe and Mail*, December 11, 2020. <https://www.theglobeandmail.com/opinion/article-our-cautious-start-to-assisted-dying-is-now-an-accelerating-drive/>.
- Fraze, Catherine. “Equality for Persons with Disabilities on the Line in New Assisted Dying Bill.” *The Hill Times*, November 25, 2020. <https://www.hilltimes.com/story/2020/11/25/equality-for-persons-with-disabilities-on-the-line-in-new-assisted-dying-bill/268185/>.
- Board, Editorial. “Ottawa Is Still Struggling to Get It Right on Medically Assisted Dying Law.” *The Globe and Mail*, October 15, 2020. <https://www.theglobeandmail.com/opinion/editorials/article-ottawa-is-still-struggling-to-get-it-right-on-medically-assisted-dying/>.

The Hill Times

- Downie, Joceyln. “What Critics of Feds’ Bill on Medical Assistance in Dying Overlook.” *The Hill Times*, February 24, 2021. <https://www.hilltimes.com/story/2021/02/24/maid/268596/>.
- Moran, Sherry. “Senators Have a Hard Task, Choice about Bill C-7.” *The Hill Times*, December 16, 2020. <https://www.hilltimes.com/story/2020/12/16/senators-have-a-hard-task-choice-about-bill-c-7/268282/>.
- Long, Helen. “MAID Is a Human Right for Those Who Meet the Eligibility Criteria.” *The Hill Times*, December 14, 2020. <https://www.hilltimes.com/story/2020/12/14/275697/268276/>.
- Uditsky, Bruce. “Looming Changes to Assisted-Dying Law Put Persons with Disabilities at Risk.” *The Hill Times*, December 3, 2020. <https://www.hilltimes.com/story/2020/12/03/assisted-death/268229/>.

The National Post

- De Souza, Raymond J. “When Suicide Masquerades as Health Care.” *National Post*, February 25, 2021. <https://nationalpost.com/opinion/raymond-j-de-souza-when-suicide-masquerades-as-health-care>.
- Bird, Brian, and Christina Lamb. “Assisted Dying Legislation Must Reconcile the Rights of Those Who Object to the Practice.” *National Post*, February 11, 2021. <https://nationalpost.com/opinion/opinion-assisted-dying-legislation-must-reconcile-the-rights-of-those-who-object-to-the-practice>.
- Selley, Chris. “Canada Is as Unprepared to Expand Access to Assisted Suicide as It Was to Fight COVID-19.” *National Post*, February 5, 2021. <https://nationalpost.com/opinion/chris-selley-canada-is-as-unprepared-to-expand-access-to-assisted-suicide-as-it-was-to-fight-covid-19>.
- Machado, Lisa. “If You Could Choose Your Moment to Die, Would You?” *National Post*, January 27, 2021. <https://nationalpost.com/opinion/opinion-if-you-could-choose-your-moment-to-die-would-you>.

- De Souza, Raymond J. “Canadians Need More Palliative Care, Not Same-Day Death on Demand.” *National Post*, November 20, 2020. <https://nationalpost.com/opinion/raymond-j-de-souza-canadians-need-more-palliative-care-not-same-day-death-on-demand>.
- Cosh, Colby. “New MAID Law Seems Doomed to Failure.” *National Post*, October 23, 2020. <https://nationalpost.com/opinion/colby-cosh-new-maid-law-seems-doomed-to-failure>.
- . “Our Ever-Evolving MAID Laws.” *National Post*, October 10, 2020. <https://nationalpost.com/opinion/colby-cosh-our-ever-evolving-maid-laws>.
- Coelho, Ramona, Lenie Herx, Timothy Lau, and John F. Scott. “Proposed Changes to MAID Are Pure Madness.” *National Post*, October 8, 2020. <https://nationalpost.com/opinion/opinion-proposed-changes-to-maid-are-pure-madness>.

Other Sources Cited

- Analysis of Bill C-7 on Assisted Suicide*. The Evangelical Fellowship of Canada, March 10, 2020. <https://files.evangelicalfellowship.ca/si/Euthanasia/C-7-EFC-Analysis-MAID.pdf>.
- Carter v. Canada (Attorney General), No. 35591 (Feb. 6, 2015), <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14637/index.do>.
- “Dying With Dignity Canada | It’s Your Life. It’s Your Choice.” Dying With Dignity Canada. <https://www.dyingwithdignity.ca/>.
- “Government Bill (House of Commons) C-7 (43-2) - Royal Assent - An Act to Amend the Criminal Code (Medical Assistance in Dying) - Parliament of Canada.” Parliament of Canada, March 16, 2021. <https://www.parl.ca/DocumentViewer/en/43-2/bill/C-7/royal-assent>.
- Government of Canada, Department of Justice. “Legislative Background: Bill C-7: Government of Canada’s Legislative Response to the Superior Court of Québec Truchon Decision,” October 21, 2020. <https://www.justice.gc.ca/eng/csj-sjc/pl/ad-am/c7/p1.html>.
- Guretzki, David. “May Critics of ‘Inherent Dignity’ Be Answered? Rejoinders from Christian Anthropology.” In *The Inheritance of Human Dignity*, edited by Angus J. L. Menuge and Barry W. Bussey, 1:45–62. London and New York: Anthem Press, 2021.
- Nations, United. “Universal Declaration of Human Rights.” United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.
- Pennings, Ray, and Angus Reid. *Broad Support for MAID in Canada Has Caveats and Concerns*. Cardus, November 10, 2020. <https://www.cardus.ca/research/health/reports/broad-support-for-maid-in-canada-has-caveats-and-concerns/>.
- Taylor, Charles. *A Secular Age*. Cambridge, MA and London, England: Harvard University Press, 2007.
- Tillich, Paul. *Dynamics of Faith*. New York: Harper & Row, 1957.
- Truchon c. Procureur Général Du Canada, No. 500-17-099119-177 (Sept. 11, 2019), <https://canlii.ca/t/j2bzl>.
- Winter, Steven L. “Human Values in a Postmodern World.” *Yale Journal of Law & the Humanities* 6, no. 2 (1994): 233–48.

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