

Some Theological Reflections on the Draft 2016 Document of the National Task Force of
the Anglican Church of Canada on Physician Assisted Dying
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Maggie Ferguson's *How to Have a Good Death* in *Intelligent Life* (January 2016) canvasses various approaches to end-of-life matters. On the one hand, there is the story of palliative care; on the other hand, there is the story of death by appointment.

Scenario # 1

She was very afraid of dying. "I don't want to die. Him upstairs will get a big stick and shout at me, tell me to go to hell. I'm frightened. I don't want to be shouted at."

And I hugged her, bereft of anything theological to say that sounded real, and she snuggled in.

"Talk to me," she whimpered.

"There was a man who had two sons..." and I told her the story of the prodigal son and loving father.

"Will you be with me when I die? Be sure and tell me that story."

So I did, about an hour ago, now we are waiting for the undertakers.

Scenario # 2

On June 11th 2014, Rietje celebrated her 81st birthday in the Hospice Zutphen in east Holland, surrounded by her children and grandchildren. She told the grandchildren as they left that she wouldn't be seeing them again - "she was resolute, unsentimental". Two days later, knowing that his mother's death was booked for 5pm, Marc, with his sister and father, arrived at the hospice just after lunch with candles, flowers and champagne. Gathered around the bed they talked about old times "and laughed until we wept". In the midst of the jollity there was a knock on the door, "like in a Mozart opera". The doctor entered and explained that he would administer an initial injection to put Rietje to sleep in ten seconds, and a second one to paralyse the heart which would take up to three minutes. She died smiling. "It was", says Marc, "the most beautiful, life-affirming way for us as a family to see her go. I don't think anything more exceptional has ever happened to me, or will ever happen to me. It was even more extraordinary than the birth of my children."

It is fair to say that the 1998 document *Care in Dying* approved and commended by the ACC for study and discussion affirms the first story and is opposed to recommending the second. What about the Draft 2016 Document? It is fair to say, I think, that it approves the first and is altogether ambivalent towards the second. Its ambivalence is the document's best quality. There is, at least, a tacit acknowledgment that there is a problem with Physician Assisted Dying.

The Draft 2016 Document concedes the decision of the Supreme Court of Canada with little comment. That decision becomes *the situation* in which it endeavours to locate a pastoral response and position and for that it should be commended. That it is ambivalent with respect to what I have called Scenario # 2 implies that there are theological and ethical problems with the decision of the Supreme Court of Canada. It is unfortunate in my view that the Draft 2016 Document does not directly address the ethical difficulties of this decision.

For hasn't the Supreme Court of Canada, much like Pontius Pilate, washed its hands of the ethical in licensing the medical profession to the medical suspension of the ethical; in short, to medical murder? (There is, of course, also military murder which has sanction under the considerations of 'Just War' theory). And while there is no reason why in a post-Christian culture for the Supreme Court to consider and respect classical Christian teaching about life and death, is there not some reason to question the basis of such a decision? For it means as well an abandonment of the ethical principles about the taking of life that belong to the Common Law from which our legal thinking has derived.

There could be a way forward here perhaps. After all, the idea of judicial murder – capital punishment – has had a long-standing history and a philosophical or theological justification even if, in places such as Canada, the practice of capital punishment has been set aside. So is there perhaps an argument for medical murder under the sobriquet of Physician Assisted Dying? But upon what basis? The autonomy of "*competent persons with grievous and irremediable illness who are experiencing intolerable suffering*"? It is precisely here that we see the ethical dilemma. How exactly does this justify the taking away of life? How is this principle to be understood? How is competency and intolerable suffering to be determined and by whom? The Court has established the legal principle of the taking of life but awaits the determination of an adequate process before its implementation, a process which the Draft 2016 Document argues must "*ensure that this practice is governed in ways that reflect insofar as possible a just expression of care for the dignity of every human being, whatever their circumstances*". A noble sentiment but one which does not address the suspension of the ethical in the decision itself.

There are a number of serious theological deficiencies in the Draft 2016 Document. First and foremost, the theological outlook of the document is the theology of accommodation which very easily leads to the problem of making theology and God answerable to us. This is the default position which is a kind of nihilism, the a-theology of post-modern atheism.

Care In Dying dismissed rather cavalierly the dominant theological figures of Augustine and Aquinas from the current ethical discourse. The Draft 2016 Document repudiates them altogether, relegating them to their respective centuries, the 5th and the 13th. This denies the formative and complex role that the thinking of Augustine and Aquinas continues to play in the shaping of Christian thought, not just past but present.

Augustine is a seminal figure who coalesces so much of the patristic thinking on basic Christian Doctrine and which in turn influences just about every debate about sin and grace after him, including Aquinas, for example. Both play major roles in the complex debates about sin and grace not only with respect to Patristic theology and Medieval theology in all of their rich and varied array – hardly monolithic – but also in terms of early modernity in both its reformed and counter-reformed expressions (Protestant and Catholic).

For Anglicans, the role of both in the development of various approaches to theological reflection appears in every period. How could one make sense of Cranmer or Hooker in the 16th century, for example, without invoking Augustine? Gerlach Flicke's iconic 1547 painting of Cranmer, for instance, presents Cranmer with his hand on a pile of books, the titles of which are clear: the epistles of Paul and Augustine's *On Faith and Works*, prompting the modern historian Diarmaid MacCulloch's observation about the reformed intent: an emphasis on the Scriptures understood in the light of the best of patristic scholarship, namely Augustine. In the next century, in the aftermath of the *Interregnum*, John Pearson, one of the three great creedal divines renowned ecumenically for his work on Ignatius and for his monumental treatise *On the Creed*, appointed Lady Margaret Professor of Divinity at Oxford, argued for the use of Thomas *Summa Theologiae* as the basic textbook for teaching theology in the Church of England. Daniel Waterland among others would draw upon both to argue for the Trinity against Socinianism and Deism. The nineteenth century witnesses the remarkable scholarly achievement of the Tractarians and the Scottish divines in producing editions and translations of the works of the Fathers, notably Augustine.

The different 'Thomisms' that belong to the history after Thomas Aquinas right up to our own day bear eloquent testimony to the significance of his thought including on Lutheran and Calvinistic theology. Calvin has to go out of his way to find something to critique in Thomas in his *Institutes of the Christian Religion*. The significance of both is critical to the 20th and 21st century no matter what one's political theological commitments. The Joint Declaration on Justification between the Lutheran Church and the Roman Catholic Church, a monument of ecumenical reasoning about the respective understanding of infused and imputed righteousness, would be impossible without Augustine and Aquinas. The current debates about modernity that so-called Radical Orthodoxy raises also draw heavily upon both Augustine and Aquinas. And so on and on.

The point is that these figures cannot simply be relegated to a certain time and culture. They belong inescapably to the current debates. It won't do to relativize 'theology' in this simplistic and reductive way. What they have to say contributes to a Christian ethical understanding. A further point is that they contribute to the liturgical culture of both the BCP and the BAS at least insofar as we are still able to take seriously the

language of sin and grace in terms of contrition, confession and satisfaction, to mention but one area of spirituality.

To its credit, the Draft 2016 Document continues to commend 'Care in Dying' and argues that the "church needs neither to surrender its basic insights and principles nor propound them in a way that simply isolates the church from the theologically essential task of empowering individuals caught up in these situations to make sense of their lives, their hopes and fears, their pain and distress" (5). This identifies, however, in a rather unambiguous way the 'theology' of accommodationism. While appreciating the existential significance of the 'situated individual', the statement has already compromised the basic insights and principles of the Christian Faith: first, by sidelining the theology of redemptive suffering so conclusively; and, secondly, by making essential what is purely and properly contingent. Theology is more than a response to the culture.

More seriously, perhaps, is the account of the sufferings of Job. Here the Draft 2016 Document quotes a passage from "The Puppet and the Dwarf" purporting to show that the argument of *The Book of Job* is about the meaninglessness of human suffering. The draft fails to give the revealing sub-title and consistently misspells the author's name. The sub-title is "The Perverse Core of Christianity". The author is the brilliant and eccentric atheist philosopher Slavoj Žižek; (the misspelling of Žizak seems almost Freudian, confusing Žižek with Zusak, the author of *The Book Thief* and *I am the Messenger*, literary novels that are about redemption and meaning!). More to the point, Žižek's account is a deliberate twisting – indeed, a perversion – of G.K. Chesterton's celebrated essay about *The Book of Job*. For Žižek, though, it is part of a larger agenda, again twisting Chesterton, this time about Christ's cry of dereliction about which Chesterton observes that Christianity is the one religion "in which God seemed for an instant to be an atheist". For Žižek, the perverse core of Christianity is that it is atheism. Looking at everything through the Marxist lens of dialectical materialism, on the one hand, and through the psychological lenses of Lacanian analysis, on the other hand, Žižek constantly claims that "there is no Big Other (i.e. God) and that you don't exist". I am not sure that this serves very well the purpose of the Draft 2016 Document.

Žižek misquotes the cry of dereliction from Matthew and Mark both in *The Puppet and the Dwarf* (2003) and in *The Monstrosity of Christ* (2009) as "Father, why have you forsaken me" which is not the same as "My God, My God. Why hast thou forsaken me?" This serves his ideological agenda. It was only in 2010 in an essay "A Meditation on Michelangelo's Christ on the Cross" in *Paul's New Moment* that he finally gets the scriptural passage right and alters his argument,

The Book of Job provides a telling critique of the perspective of the Deuteronomic historian, namely, the idea that if you do well you will be rewarded; if you sin you suffer. In such a view the transcendence of God is denied and God is made accountable to us and to our reasoning and experience; a kind of accommodationism that defaults to

atheism. If God is made accountable to us, then God is made in our image and not us in the image of God.

Job rightly dismisses the theology of the Comforters. What he wants is for God to speak to him; his quest is for wisdom about the God in whom he believes, not unlike Gilgamesh's quest to question Utnapishtim concerning life and death, not unlike Odysseus suffering to learn what belongs to his homecoming. The riddle of Job, as Chesterton styles it, is that God does speak to him, albeit out of the whirlwind, and as the Creator whose word and ways are not accountable to finite human reason. The marvel or riddle from Chesterton's perspective is that God does speak to Job, though not to belittle and humiliate him as in Ezekiel's account. *"I have uttered what I did not understand, things too wonderful for me, which I did not know ... I had heard of thee by the hearing of the ear, but now my eye sees thee; therefore I despise myself, and repent in dust and ashes"* (Job 42. 3, 5,6).

God's grace in creation is the precondition of the Law; God is not accountable to us but we are to God. This is exactly what Job comes to realise. The text is not about the meaninglessness of life or suffering. Meaning is found in our relationship with God.

The strength of the document lies in its pastoral sensitivity. It recognises that priests and pastors, palliative care-givers and doctors will face the difficult situations in which an individual (Christian, Nominal or otherwise, Non-Christian, etc.) will want – even demand – physician assisted dying. How to respond? I would hope with clarity and charity. It is difficult to know *how* exactly but there are often cases where conscience is challenged and tested in ways that do not necessarily mean compromise or coercion to the will of another. The Draft 2016 Document goes a long way to thinking through the pastoral complexities of those situations but I think it would be stronger if it could be more forthright about the classical Christian teaching. That doesn't mean being judgmental so much as being honest particularly in the face of a post-Christian culture.

There are more ethical conundrums that might be considered, particularly about conscientious objections. Does it apply only to doctors, for instance? What about nurses who are more often than not on the front line? There are questions, too, about language. I am very puzzled by the sophistry about murder and suicide. The Supreme Court has licensed doctors to do directly what is often being done indirectly but why the squeamishness about suicide? Why insist on physician assisted dying which effectively makes the doctor the active agent while at the same time making informed consent of the individual the principle of justification?

More importantly, what are the philosophical principles that undergird this direction? Unless I am missing something it seems clear that there are three things of moment: choice; control; and 'compassion'. With respect to the last, one might simply ask, 'what does compassion mean in a Christian view apart from the passion of Christ?' To charge Augustine and Aquinas and the notion of redemptive suffering itself as being

ideologically motivated only ignores and obscures the ideological tendency of the document itself – namely, a kind of atheism represented very clearly and without ambiguity by *¶i¶ek*. That tendency, at the very least, lacks theological justification. Too much sentiment and too much deference to political and social concerns, and particularly to a certain segment of popular opinion, i.e. consensus, dominates the document and to its detriment. The problems are difficult, to be sure, but to sideline the theological principles that inform ethical and pastoral action only adds to the problem and does not contribute to the ways in which they are faced.

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