

Canon 1184 and the Internal Forum, Part II

By Dorothea Ludwig-Wang, 10 June 2018

The Church's traditional discipline regarding the denial of ecclesiastical funerals to those who have committed suicide is unequivocally clear: regardless of subjective culpability, of which God alone is the judge, the general norm is to deny such exequies to those who have deliberately killed themselves (1917 CIC, c. 1240 §1, 3^o). However, if insanity can be proven by the verdict of a competent physician, an ecclesiastical funeral with all of its usual ceremonies may be given. If insanity is suspected, but there is still doubt, a funeral may be granted and a private Mass said, but all pomp and solemn exequies should be omitted.¹ In either case, the relevant information must be divulged to the public to avoid scandal.

Given the removal of the explicit reference to suicide in the current canon 1184 §1, it comes as no surprise that today, Catholic funerals are routinely granted to suicides without following the previously-normative investigation. Nowadays, what used to be an exception has become the norm, and a lack of culpability is presumed in the majority of cases. While moral theologians grant that such a presumption may actually be probable,² this does not negate the fact that objectively, suicide is a grave sin because it is directly contrary to the natural law and divine positive law. Even according to the 1983 Code, those who kill themselves and are neither insane nor show signs of repentance should be denied ecclesiastical funerals, falling into the category of manifest sinners in whose cases granting an ecclesiastical funeral would give scandal to the faithful (c. 1184 §1, 3^o).

Given the rise of the culture of death in the modern period, characterized by its blatant disrespect for human life and promotion of evils such as abortion, euthanasia, and physician-assisted suicide, the question of how canon 1184 applies to suicide in a medical context has arisen. Can ecclesiastical funerals be granted to those who die by *euthanasia*, wherein a medical practitioner performs the lethal act, or those who opt for a physician's assistance in killing themselves (*physician-assisted suicide*)? What regulations should be followed if evidence arises that a person was euthanized against his will? Using the same principles which the Holy Office had applied to suicide cases involving the possibility of insanity, the application of the law can be discerned in a variety of cases. While this is not an exhaustive list of all the potential cases and their nuances, generally speaking, there are three broad possibilities, all of which will be examined below.

In the first case, the facts can point only to the conclusion that the person made a premeditated decision to end his own life, either by choosing euthanasia or committing suicide under a doctor's supervision. In keeping with the principle *Ecclesia de occultis non iudicat*, this conclusion is purely objective: the person's subjective culpability is not considered, and nor is the conclusion—and subsequent denial of an ecclesiastical funeral—meant to be a judgment upon the person's soul. There could be mitigating factors involved, such as if the person were under extreme pressure by relatives to kill himself, but if objective, external evidence cannot point toward this conclusion, it must be said that the person committed a manifest grave sin, objectively speaking. Unless he gave signs of repentance before actual death, he must be denied an ecclesiastical funeral. If the Church were to grant

1 C. A. Bachofen, *A Commentary on the New Code of Canon Law, Volume VI* (St. Louis, MO and London: B. Herder, 1921), 155.

2 J. McHugh and C. Callan, *Moral Theology* (New York: Wagner 1929), 2:1852.

such a person solemn exequies, doctrinal confusion regarding the gravely sinful nature of euthanasia and physician-assisted suicide would follow.

In the second case, the facts have led to the conclusion that the person who was euthanized was a victim rather than a perpetrator. There is no doubt that euthanasia is sometimes administered without consent, and thus the deceased cannot be held guilty for deliberately choosing to kill himself. Perhaps he was in a coma in his last days or irrational and unable to make a free choice. If this can be proved beyond a reasonable doubt, then he may be granted an ecclesiastical funeral with all of the usual ceremonies. This is in keeping with what the Holy Office decreed concerning the granting of Catholic funerals to those who were declared insane by the verdict of a competent physician, given that in both cases, the person lacked sufficient rational ability to be held responsible. And in both of these parallel cases, the information surrounding the case and the person's inability to make a free choice must be disclosed to the public.

The third case is when it is doubtful whether the person freely chose and consented to euthanasia or physician-assisted suicide. If there is a good reason to believe that the person was unable to make a free choice, but this cannot be proven beyond a reasonable doubt, then a funeral is to be granted and a private Mass said, but all pomp and solemn exequies omitted. This is analogous to the case where it is doubtful whether a person who committed suicide was insane. If, after having had recourse to the guidelines established by the Holy Office for parallel cases, doubt still remains, the local ordinary should be consulted and his judgment followed (c. 1184 §2).

Of course, these are not guidelines directly issued by the Church's authority; they are purely an assessment of the norms issued by the Holy Office for cases of suicide involving insanity and an application of the same guidelines to cases regarding suicide in a modern end-of-life medical context. The proper application of the law to situations which were once unthinkable but are becoming prevalent in modern times can be derived from the Church's prior instructions for similar situations by consulting canonical tradition. The current practice of routinely granting Catholic funerals to those who have killed themselves is troubling not only because it causes moral confusion and conflates norms and exceptions, but also because it obstructs clear thinking regarding unprecedented moral and legal questions, and it is not in line with the mind of the Church or canonical tradition.