

terance, and that it would never have to sound the alarm which signifies battle, murder, and sudden death. A vain hope — and idle wish.”

In a few years, Baring’s suspicions were more than realized and, throughout Russia, churches were destroyed or turned to other uses, and the ten thousand bells of Rus silenced by the forces that hate God and truth. When the Soviet Union collapsed in 1991, already new bells were being cast, and old bells that had been hidden were brought back joyfully. In some places the bells had been buried, but when the people dug for them, they found the re-

mains of murdered counter-revolutionaries, and left the bells with them.

Catholicism will not unashamedly live its full cultural life again until a Catholic people reclaims its ancient liberty in the building of church towers, and the making and hearing of bells that remember the monastic hours and the *Angelus*. In England and many European countries, the landscape rings not with bells, but with the raucous Islamic call to prayer. In America we have neither; we have an insidious modernist denial of the thunderous pealing our bodies and souls need. ■

QUEST COLUMN

STATE-SANCTIONED Suicide & ECCLESIASTICAL FUNERALS

Introducing his students to the problem of obsolete legislation, a law professor began his lecture by dryly noting: “In this state, the law *still* is that anyone operating a motor vehicle on a public road at night must be preceded by a man on foot with a lighted lantern!” Modern legal systems recognize the need to weed out laws that have fallen into desuetude, and during the extended canonical reform period that followed Vatican II, the Church eliminated more than one-third of the provisions of the 1917 *Code of Canon Law* from what would eventually become the 1983 *Code*. Most of these deletions were doubtless for the better.

Occasionally, however, an old law might have been eliminated right about the time that it would have proven useful again. While no one thinks that states should consider reviving their lantern rules for nighttime driving, it is possible that a deleted canon or two might be worth retrieving. Say, for example, Canon 1240 §1, n.3, of the 1917 *Code*, the norm that had denied ecclesiastical funeral rites to those “who killed them-

selves by deliberate counsel.”

Despite resting on centuries of experience — witness Ophelia’s “maimed rites” in *Hamlet*, act V, scene one — the 1917 *Code*’s prohibition of ecclesiastical rites for those who died by their own hand was, by the mid-1970s, under increasing criticism. Several good arguments were presented for ending the blanket prohibition of ecclesiastical rites for suicides.

First, civil law at the time still regarded those who assisted in suicide as criminals, thus reducing the chances that “suicide assistants” would appear. Moreover, the infrequency of suicide among Catholics suggested that these rare and difficult situations might better be dealt with on a case-by-case basis rather than in universal legislation. But most persuasively, the psychological sciences had, by the late 20th century, helped us to appreciate the diminished responsibility of many people who kill themselves, making the blanket canonical prohibition of ecclesiastical rites for suicides difficult to support in practice.

For these reasons, the 1917 *Code*’s prohibition of ecclesiastical rites for suicides was increasingly ignored and eventually dropped from canon law. Commentators have generally seen that as a good thing. But now I am beginning to wonder: In light of the modern trend toward legalizing physician-assisted suicide in the U.S. (and even more blatantly in Europe), might some reconsideration of the funeral ban for suicides be in order?

Consider: Since the 1997 passage of Oregon’s so-called Death with Dignity Act, over 400 people have killed themselves in that state. The approval by popular referendum in 2008 of a similar law in Washington means that suicide numbers will climb in that state as well. As there is little reason *not* to assume that a significant percentage of people legally killing themselves are Catholic, it seems quite possible that suicide among Catholics

is, once again, going to emerge as a pastoral issue for the Church and, in turn, as a legal issue for canon law.

But there are, I think, more than raw numbers to have in view here. Recall that the strongest argument for repealing the ban on ecclesiastical funerals for suicides was the presumption of diminished personal responsibility of those who kill themselves. Should persons killing themselves in accord with civil law enjoy that presumption?

When people take their own lives in accord with a state suicide statute, they must expressly and repeatedly, before multiple independent experts, demonstrate sound mind and freedom from emotional and communicational disorders that might connote diminished capacity to make such a serious decision. As a result, I suggest, whatever one might conjecture about the diminished psychological stability of someone who secretly kills himself — an action yielding an ambiguous fact pattern that would allow pastors to hope for the best and accord the rites of the Church to one who died under morally questionable circumstances — such a “benefit of the doubt” can hardly be extended to those who kill themselves after complying with the civil requirements of a suicide law. At least, not unless one wants to argue that (1) nearly every psycho-emotionally impaired person who wants to kill himself is able to fool multiple experts trained to recognize exactly such manipulations; or (2) nearly every expert certifying someone’s psychological capacity for suicide is committing perjury by declaring would-be suicides sufficiently composed to kill themselves when they are not; or (3) no one can ever be morally liable for a grave sin like self-murder and it is therefore wrong to stigmatize them for making what amounts to, at worst, an unfortunate decision.

Personally, I do not think *any* of those alternatives are probable, which means that, at least in regard to per-

sons killing themselves under a typical state-sanctioned suicide law, the primary justifications for permitting ecclesiastical rites for suicides have evaporated, and the scandal (in the classical sense of that word, namely, the performance of evil deeds that, if not corrected, tends to lead others to commit the same evil) of conducting ecclesiastical funerals for such suicides is resurfacing.

Canon 1184 of the 1983 *Code*, the successor norm to canon 1240 of the 1917 *Code*, directs pastors to withhold ecclesiastical funeral rites from “manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful” unless such persons “gave some signs of repentance before death.” So, even though most suicides are not committed under the aegis of a state suicide statute — meaning that a case-by-case evaluation process, a process that tends to result in ecclesiastical rites being accorded to suicides, is allowed — there is still in canon 1184 at least some basis for pastors to question whether ecclesiastical funerals should be granted to those who kill themselves under the aegis of civil law. Moreover, canon 1184 calls for conferral with the local ordinary in difficult cases, and surely these situations qualify as difficult cases.

It is still too early to tell whether canon 1184 is sufficiently flexible to meet the new pastoral exigencies provoked by state-sanctioned suicide — at least, without prejudicing the decision in other cases of suicide where personal culpability is less obvious — or whether some “amendment” of canon 1184, whereby the traditional prohibition of ecclesiastical rites, at least for certain types of suicides, might need to be reinserted. But these pastoral and canonical questions are surely going to appear.

In the meantime, a pastor confronted with the vice of state-sanctioned suicide might try to confront a suicidal member of his flock with the plain text of canon 1184 in the hopes of dissuading such a person from taking his own life. Who is to say whether the pastor’s efforts would be successful? At least he would have tried to use every means available, including the law of the Church, to steer someone away from the grave sin that is self-murder.

Edward Peters

Edward Peters, J.D., J.C.D., has doctoral degrees in canon and civil law and teaches at Sacred Heart Major Seminary in Detroit. He maintains a canon-law website, www.CanonLaw.info, and offers commentary on canonical issues at his blog, “*In the Light of the Law.*”

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