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Allowing the Unconscious to Depart

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The principles supported by Germain Grisez concerning obligations to feed and hydrate permanently unconscious persons (*Linacre Quarterly*, May, 1990), are valid only temporarily, I believe. In this article I will present my opinion — it is only an opinion — that when tests and a lapse of time indicate that unconscious conditions are permanent, a hitherto positive duty to feed these people ceases — not only ceases, but a reverse duty to not forcibly prevent their death may arise. By taking positive action to prevent their deaths, we wrongly intervene in their private affairs, and unjustly prevent their timely departure into eternal life. The stately lines of the Requiem Preface come to mind:

Tuis enim fidelibus, Domine, vita mutatur, non tollitur, et, dissoluta terrestri huius incolatus domo, aeterna in caelis habitatio comparatur.

Lord, for your faithful people life is changed, not ended. When the body of our earthly dwelling lies in death, we gain an everlasting dwelling place in heaven.

Rev. Philip Smith, O.P. describes the permanently unconscious condition as one which “stabilizes in the persistent vegetative state, characterized by open-eyed unconsciousness” (*Linacre Quarterly*, May, 1990, p. 52). He asks whether its irreversibility can be diagnosed with certainty and replies that it cannot. The degree of certainty or uncertainty will vary considerably according to the underlying cause of brain damage and the specific pathology. “Currently, there is no set of reliable clinical tests available so the neurologists can make that judgment with absolute certainty. Even when the current criteria have been applied correctly and by experts, there have been occasional well-documented instances of mistaken diagnosis” (p. 53).

I state as my opinion that, although absolute certainty about irreversibility escapes us, we are permitted to follow guidelines and procedures based on a morally certain judgment. The point in time at which

irreversibility is diagnosed, and feeding may be terminated, should be late enough to give the patient the maximum benefit of doubt in this situation. Even should the diagnosis be mistaken in exceptional cases, this possibility, while recognized, should not deter doctors, hospitals, families and others from following the guidelines. I have no competence in this area of testing, but suggest that guidelines as strict and as precise as those which neurologist Richard G. Nilges, M.D. applies to diagnose brain death (*Linacre Quarterly*, May 1990), be applied, *mutatis mutandis*, to diagnose irreversibility of the unconscious state.

If, after indicated tests have been made and sufficient time has elapsed, a morally certain diagnosis of irreversibility is made, the duty to supply nourishment ceases. Caretakers may then — or should then — desist from actions which prevent the death of those diagnosed as permanently and irreversibly unconscious.

Negative vs. Positive Commandments

The principle that “feeding the hungry” is a positive commandment, which remains in force always, but does not apply to every case, clears the way for us to cease feeding the unconscious when indications show that their condition is irreversible. Let us pause to review the difference between negative commandments and positive commandments, to justify our procedure. Msgr. Carlo Caffarra, (see references) can help us.

A positive law of God prescribes a particular relationship of congruence (objectively good act), but does not of itself render an act obligatory in a concrete case: *lex positiva valet semper sed non pro semper*. A positive law is valid always, but does not apply in every case. The Sunday obligation is an example. The command to feed the hungry is another. It prescribes that we do this positive good to the hungry, a law which remains in force, but does not always oblige us to carry it out in concrete cases.

A negative law of God forbids us to do what would be incongruent with our relationship with God, and allows no exceptions. *Lex negativa valet semper et pro semper*. “The relationship of incongruence (objectively evil act), by itself alone requires that the act must never be performed” (Caffarra, p. 192). So far Monsignor Caffarra. Let us try to illustrate this further.

The law of keeping holy the Sabbath was valid for the Israelites, but did not apply to all cases. The Maccabees learned correct theology about this in the hard way. Mattathias (sic) and his sons and many of the faithful in Israel went to live in the wilderness as guerilla warriors, to fight against the king and the officials who were paganizing Jerusalem. A large force of soldiers pursued them and prepared to attack them on the Sabbath. “The soldiers attacked them immediately, but the Jews did nothing to resist; they did not even throw stones or block the entrances to the caves where they were hiding. . . . So the enemy attacked them on the Sabbath and killed the men, their wives, their children, and their livestock. A thousand people died. . . .

From that day they decided that if anyone attacked them on the Sabbath, they would defend themselves" (1 Mac 2: 35-36; 38; 41). Like the Maccabees, we must obey positive laws, but not in an unreasonable manner. We should know that there is a time when we must feed the unconscious, and a time when this is no longer necessary.

Two classic examples of negative commandments indicate how important God holds it that we never break them. By breaking them, we perform actions incongruous with our human nature as children of God; we cannot remain in a good relationship with Him while doing actions incongruous with His own wisdom and with the nature of the children who belong to Him. It is as impossible to break a negative commandment and still remain on good relations with God as it is for a circle to become square and still remain a circle.

King David, seeing that Uriah's wife Bathsheba was beautiful, decided to "take" her. When she then announced her pregnancy, he had a problem: Uriah was on the battlefield, so people would know that her husband was not that child's father. Besides, the court people around David were not without eyes, and could see what was going on. David's position as king would become precarious if he fell out publicly with God, just as Saul had been rejected. David tried to patch up the situation by calling Uriah back from the front, and suggesting, as man to man, that he go home and "rest a while" (2 Sam 11:8), a phrase which some commentators call a euphemism. But Uriah didn't go home. David got him drunk, but that didn't help either. We know the rest of the story: David had sinned, he was giving an example to all the people. God would have to set the record straight, else people might become confused about the commandments. God sent Nathan to the king. "You are that man!" said the prophet pointing straight at David. He foretold all kinds of punishments for David and his descendants, which then come to pass as the Bible story unravels itself. In every generation there would be violent deaths, David's wives would be given to another man in broad daylight, and this child must die. God's commandments are not to be trifled with. NEVER!!!

"Thou shalt not kill" is another of the negative commandments. When Cain was furious at Abel, and scowled in anger, God gave Cain a warning: "Why are you angry? Why that scowl on your face? . . . Sin is crouching at your door. It wants to rule you, but you must overcome it" (Gen 4:6;7). Nevertheless, Cain turned on his brother and killed him. God swiftly placed Cain under a curse, making him a homeless wanderer. God must set the record straight about His commandments.

Some may fear that ministering to the unconscious requires sailing a narrow strait between two obligations: "Thou shalt not kill" and "Feed the hungry;" that when seeking to avoid one catastrophe, we may blunder into the other: "*Incidit in Scyllam qui vult vitare Charybdim.*" Not true. Scylla may be there, but the sucking whirlpool of Charibdis is not in our picture. That is, we deal with one commandment only, "Feed the hungry." "Thou shalt not kill" is not in this picture of normal ministry for the

unconscious. Caretakers are not a Cain who strikes an Abel. They stand by, however, when nature takes its course.

The brilliant teaching of Pope Pius XII can help us here. In the passage below he explains the positive duty to care for our own health and for that of others; this duty is not absolute but has limits beyond which obligations cease, he declares:

Natural reason and Christian morals say that man (and whoever is entrusted with the task of taking care of his fellowman) has the right and the duty in case of serious illness to take the necessary treatment for the preservation of life and health. This duty that one has toward himself, toward God, toward the human community, and in most cases toward certain determined persons, derives from well ordered charity, from submission to the Creator, from social justice and even from strict justice, as well as from devotion toward one's family.

But normally one is held to use only ordinary means — according to circumstances of persons, places, times, and culture — that is to say, means that do not involve any grave burden for oneself or another. A more strict obligation would be too burdensome for most men and would render the attainment of the higher, more important good too difficult. Life, health, all temporal activities are in fact subordinated to spiritual ends. On the other hand, one is not forbidden to take more than the strictly necessary steps to preserve life and health, as long as he does not fail in some more serious duty (The Prolongation of Life, Nov. 24, 1957; *The Pope Speaks* IV, 396-397).

Because feeding or not feeding the permanently unconscious is associated with the positive law "Feed the hungry" and not directly with the prohibition "Thou shalt not kill", we should avoid expressions loaded with overtones. Words like "withdrawing or withholding nutrition" already suggest a positive intervention, akin to killing. The words assume almost that someone takes food away from the unconscious, or ties their hands, or prevents their access to food. The image is near that of throwing someone into the cistern to starve him, or of Cain striking Abel. Quite to the contrary, not feeding the unconscious does not mean that it is *we* who cut their lifeline; *nature* has done that by rendering them unconscious. By feeding them, we supply what nature has disabled them from doing; by not feeding, we allow nature to take its course. Pius XII told doctors that they do not kill when they indirectly cause the cessation of life, willing in cause what nature will then do in effect. He speaks about not resuscitating a patient when this would be beyond the indicated ordinary means:

There is not involved here a case of direct disposal of the life of the patient, nor of euthanasia in any way: this would never be licit. Even when it causes the arrest of circulation, the interruption of attempts at resuscitation is never more than an indirect cause of the cessation of life, and one must apply in this case the principle of double effect and of '*voluntarium in causa*' (willed in its cause), loc. cit. p. 397).

The same pope, however, declared it illicit to directly shorten lives as a means of escaping pain. Some may conclude that the teaching opposes non-feeding of the permanently unconscious:

If, between the narcosis and the shortening of life, there exists no direct causal link, imposed either by the intention of the interested parties or by the nature of

things, (as would be the case if the suppression of the pain could be obtained only by the shortening of life), and if, on the contrary, the administration of narcotics produces two distinct effects, one, the relief of pain and the other, the shortening of life, then the action is lawful . . .

To sum up, you ask us: "Is the removal of pain and consciousness by means of narcotics (when medical reasons demand it) permitted by religion and morality to both doctor and patient even at the approach of death and if one foresees that the use of narcotics will shorten life?" The answer must be: "Yes, — provided that no other means exist, and if, in the given circumstances, that action does not prevent the carrying out of other moral and religious duties" (Anesthesia, Feb. 24, 1957: *The Pope Speaks*, Vol. 4, page 48).

Pius XII here declared illicit a treatment which would relieve pain precisely by the shortening of life. At first sight it may seem that by not feeding the unconscious we do exactly that: we shorten their lives and in this manner ease their pain. Further thought indicates, however, that the cases are different. It is *not we* who shorten their lives by some positive intervention; it is *nature* which does this while we stand by without intervening.

When Does an Obligation to Feed the Unconscious Cease?

The obligation to feed the unconscious ceases, I believe, when we are morally certain that their condition is irreversible. Feeding them should be done solely to keep them alive until consciousness returns, not at all to prolong their unconscious life. Therefore, when we have moral (but not absolute) certitude that the permanently unconscious will not recover consciousness in this life, we may desist from nourishing them to sustain mortal life. (I repeat: this is an opinion.)

To defend the principle just stated, it is necessary to meet an objection, a claim that feeding the unconscious provides them with two benefits, even though they remain unconscious:

. . . Acts which effect nothing more than keeping a person alive, no matter what that person's condition, do really benefit the person, even if only in a small way, and so, if not done for some ulterior reason, do express love toward the person.

This brings us to the second benefit of caring for comatose persons [his term] rather than abandoning them: caring for them maintains human solidarity with them — that is, it affirms their dignity as persons, expresses benevolence toward them, and maintains the bond of human communion with them. This personalistic good is realized both in those who receive care and in those who provide it (Grisez, *op. cit.*, p. 38).

The first benefit he mentions, then, is life; life on this earth, in this body. Correctly he states that "one's living body is an intrinsic part of one's personality . . . and so, human life, which is the very actuality of a person's body, is a good intrinsic to the person" (p. 37).

Let us assume, without pausing to agree or disagree, that prolonging unconscious life is of some small benefit to the unconscious. At the same time we recall that, by definition, feeding and hydrating the unconscious is not a means to help them recover consciousness or health in this life. By

definition, they will not recover, except in rare and unforeseeable cases.

As believers, we know that by giving the small benefit of a prolonged unconscious existence to these people, we thereby prevent their access to a greater benefit in eternity. By imprisoning them forcibly in an unconscious existence, we prevent their conscious enjoyment of company with God, of the angels and saints. The benefit we give is outlandishly outweighed by the benefit we prevent. So what we call a "benefit" causes them a net loss. Bankers do not call a net loss a "benefit." By the same reasoning we should recognize that we do the unconscious no favor when we provide them with small change when we thereby bar them from access to the treasures of heaven. To call it a "benefit" is foreign to the science of semantics.

As for the second benefit, that of affirming their dignity and maintaining human solidarity: again, we affirm their dignity far more lovingly and effectively by allowing them to enter eternity to regain consciousness there, than by retaining them here in an unconscious state. Allowing them to depart is for them and for us a common action of human solidarity done in faith, whereas we trivialize their faith and their honor when we force them to live in an unconscious state and by this action prevent them from enjoying the beatific vision. Thus the second so-called benefit is found to be a second net loss.

Who then harvests benefits from prolonging the lives of the unconscious? Providers only? If so, they are using the unconscious as objects. At the point of time when irreversibility is morally certain, pursuit of human solidarity by means of keeping the unconscious alive becomes wishful thinking; henceforth keeping them alive, and so using them as objects, can only be a manner of trivializing their personalities and demeaning their honor. Every attempted pursuit of solidarity by feeding them becomes in reality a pursuit in reverse; a pursuit now of pseudo-solidarity. Such action is no real benefit to caretakers either.

Blocking the Unconscious from Timely Entrance into Heaven

The case of the permanently unconscious is by definition distinguished from the case of infants with a swallowing obstruction or spina bifida, etc. Those children can receive therapy resulting in a longer AND a conscious life. Similarly for the demented, etc. These are aware of their ego, are conscious of life. The duty to "feed the hungry" remains a duty toward them. The terminally unconscious, however, await a consciousness only in the life hereafter.

When we allow nature to take its course, the permanently unconscious depart from earthly life within a matter of days or weeks, bound for their awaited encounter with God; there they will give an accounting of their lives, after which they will enter one of the three places: heaven, hell, or purgatory-and-then-heaven. Our interference with nature's course delays this encounter with God, but does nothing to influence their judgment and the condition of their lives in eternity.

In Christian solidarity, we hope that our relatives, neighbors, and patients who die in this state are already in heaven, or will soon enter there, even while we accompany their bodies to the grave. Like Paul, they can say: "I have done my best in the race, I have run the full distance, and I have kept the faith. And now there is waiting for me the victory prize. . ." (2 Tim 4:7-8) "What no one ever saw or heard, what no one ever thought could happen, is the very thing God prepared for those who love him" (1 Cor 1:7). Where Jesus, anticipating the final judgment, will greet them with a nod of approval: "Well done!" And then open the door to heaven saying "Come, you that are blessed by my Father! Come and possess the kingdom which has been prepared for you ever since the creation of the world" (Mt 25:34).

Once the medical decision has been made, following approved medical and moral guidelines, that unconsciousness is irreversible, caretakers should thereafter desist from invading the bodies of the unconscious with nourishment. The doctor, the family, the public have done their duty by providing competent and loving care, which looks forward to recovery of consciousness. But when the final diagnosis of irreversibility is made, the time has arrived for public facilities to terminate nourishing them. The family or other volunteers, however, may still hope to nourish the unconscious at home or in a suitable place. Perhaps they still hope for recovery; perhaps they believe it is their duty. A duty to desist from nourishing them is not so clear that one should dissuade them from such action. What I have been proposing here is, moreover, an opinion which has yet to achieve wider support or any kind of unanimity. However, pastors and health care people can explain the situation, giving their view that providers are free at any time to terminate nourishment to this person who has been diagnosed as permanently unconscious.

Just as we are permitted, under indicated conditions, to relieve pains of dying persons with suitable medication, even if a side effect is a shortening of life (cf. Pius XII above), so also we may and ought to treat the dying unconscious with pain-relieving medication. Even though they are not conscious of pain, medication can relax the body, and ease the vigil of bystanders. All this serves to honor the dignity and personhood of the permanently unconscious.

Conclusion

The solidarity of our believing community is best affirmed, I believe, when we permit nature to take the permanently unconscious from our midst after their condition has been diagnosed as irreversible. We recognize God's call: "Let my people go" (Ex 5:1). We bow our heads as they depart, and accompany them with prayer.

Whereas, if we deliberately imprison our loved ones in this, our temporary world, and by means of invasive nourishment force them to mark unconscious time when they have only eternity as their future, we exercise illicit interference in their personal affairs; we deprive them of

months and years of eternal happiness — as we measure eternal “time” from the viewpoint of our temporary vale of tears. A bit petulantly, perhaps, we exceed our rights and say what the King of Egypt said to Moses and Aaron: “Who is the Lord?” (Ex 5:2). That is, we refuse to comply when the Lord speaks (assuredly in a soft and gentle manner): “Let my people go.”

***Dixi. I have presented an opinion.
An infallible teaching it is not.

References

Bible: Texts are the version of THE NEW CATHOLIC STUDY BIBLE. (Nashville, Camden, New York, Thomas Nelson Publishers) 1985.

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