

JURIDICAL THEMES IN EUCHARISTIC DOCUMENTS OF THE PONTIFICATE OF JOHN PAUL II

When he inaugurated the Year of the Eucharist extending from October 2004 to October 2005, Pope John Paul II in his 7 October 2004 Apostolic Letter *Mane nobiscum Domine*¹ (= *MND*) gave the Church what was destined to be one of the last testimonies to his concern that all the faithful deepen and live out in practice the mystery of the Lord's eucharistic presence. His Holy Thursday 2005 Letter to Priests² became the final in a long series of documents on the Eucharist and the priesthood.

The capstone of John Paul's teaching on the Eucharist can be found in his 17 April 2003 Encyclical *Ecclesia de Eucharistia* (= *EdE*)³. By far a more theological than juridical document, the Encyclical nonetheless identified, along with the «positive signs of Eucharistic faith and love» created by the renewal in the Church's liturgical life since the Second Vatican Council, also a number of "shadows" in the form of abuses in eucharistic practice and confusion about Catholic teaching on the sacrament (*EdE* 10).

¹ *Notitiae* 40 (2004) 457-476.

² 13 March 2005.

³ *AAS* 95 (2003) 433-475.

While the Encyclical itself provides a rich resource that presents with clarity the Church's perennial teaching on the Eucharist, it leaves the correction of the abuses it highlights to a subsequent «more specific document, including prescriptions of a juridical nature» to be produced by the competent curial dicasteries (*EdE* 52). This promised document took the form of a 25 March 2004 instruction of the Congregation for Divine Worship and the Discipline of the Sacraments entitled *Redemptionis sacramentum*, on certain matters to be observed or to be avoided regarding the Most Holy Eucharist (=RS)⁴.

There is no doubt that the eucharistic vision of John Paul II was not dominantly juridical, except insofar as he saw liturgical law as a means of expressing, promoting, and guaranteeing the integrity of the Church's teaching on the Eucharist and the other sacraments – an important element of *EdE* and other documents produced in his pontificate, as this article will illustrate below. The focus of John Paul II's writings on the Eucharist was far from a legalism or rubricism that are ends in themselves. His central concern, as he highlighted in *MND*, was rather that eucharistic renewal «take place on a deeply spiritual level» (*MND* 5) that is, «at the high standard of holiness» (*MND* 8) already established in the plan for pastoral renewal of the Church arising from the fruits of the Great Jubilee and set forth in his 6 January 2001 Apostolic Letter *Novo Millennio Ineunte*⁵. Indeed, he urged that every initiative of the

⁴ AAS 96 (2004) 549-601.

⁵ AAS 93 (2001) 266-309.

Year of the Eucharist «be marked by a profound interiority» (*MND* 29). Similarly, in its *Suggestions and Proposals* (= *S&P*) for the Year of the Eucharist, the Congregation for Divine Worship and the Discipline of the Sacraments warns: «Without this nurturing of a “Eucharistic Spirituality”, liturgical practice becomes easily reduced to “ritualism” that cancels the grace that pours forth from the celebration»⁶.

That prenote notwithstanding, this journal’s scope, namely, *de re canonica*, and its historic interest in liturgical law, suggest that it is an apt forum to study precisely the juridical dimensions of John Paul II’s teaching on the Holy Eucharist and of some related documents of the Roman Curia generated during his long and fruitful pontificate. It seems especially appropriate to do so during this Year of the Eucharist and in anticipation of the October 2005 Eleventh Ordinary General Assembly of the Synod of Bishops, which will have as its theme “The Eucharist: Source and Summit of the Life and Mission of the Church”⁷. It is further hoped that this review of certain themes in John Paul II’s teaching on the Eucharist may be a sign of the honor and gratitude with which the editors of this journal hold the memory of the late Pontiff.

⁶ *S&P* 4. This document can be found at http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20041014_anno-eucaristica_en.html.

⁷ The text of the *Lineamenta* for the XI General Assembly can be found at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20040528_lineamenta-xi-assembly_en.html.

This article, therefore, will identify the central juridical themes of *EdE*. The choice of the themes is not arbitrary or personal; their order and emphasis follows those of the Encyclical itself, even if, as we have noted, the document is not a predominantly juridical one. The article will first summarize the Encyclical's treatment of each theme with any relevant references to the Codes, then indicate how the topic is dealt with in other documents of the pontificate, including the specific provisions of *RS* with respect to each theme.

1. Relationship between the Priesthood and the Eucharist

1.1 *In the Encyclical*

In its third chapter on "The Apostolicity of the Eucharist and the Church", the Encyclical cites the 1983 Letter *Sacerdotium ministeriale* of the Congregation for the Doctrine of the Faith, which declared that «[...] the Eucharistic mystery cannot be celebrated in any community except by a validly ordained priest» (*EdE* 29). We may presume that this teaching of the Fourth Lateran Council (1215) is reiterated in the CDF Letter and the Encyclical precisely as a response to current errors, namely, that the essential distinction is not made between the ministerial priesthood and the universal priesthood of all the baptized, and that the community's mandate rather than a sacramental character confers the power to offer the Eucharistic Sacrifice. The Encyclical cites *Lumen gentium* 28 which teaches that through the Sacra-

ment of Holy Orders bishops, who themselves were made successors of the apostles through the laying on of hands, confer the power on others in various grades to teach, govern, and sanctify. Priests, therefore, acting in the person of Christ, have the exclusive power to bring about the Eucharistic Sacrifice. The Eucharist, in the Encyclical's words, «is a gift which radically transcends the power of the assembly» (*EdE* 29).

This teaching of the Church finds its juridical expression in *CIC* c. 900 §1, which reads: «The minister who is able to confect the sacrament of the Eucharist in the person of Christ is a validly ordained priest alone»⁸. The parallel provision in the *CCEO* is c. 699 §1: «Only bishops and presbyters have the power to celebrate the Divine Liturgy»⁹. Those who are not ordained priests are wholly incapable of this act. Violations of the principle are subject to a *latae sententiae* sanction (*CIC* c. 1378 §2, 1°; *CCEO* c. 1443). The Pope notes that this restriction «does not represent any kind of belittlement of the rest of the People of God, for in the communion of the one body of Christ which is the Church this gift redounds to the benefit of all» (*EdE* 30). This notion of equality and diversity within the Church is summarized in *CIC* c. 208: «From their rebirth in

⁸ Quotations from the *CIC* in English are taken from *Code of Canon Law. Latin-English Edition. New English Translation*, Canon Law Society of America, Washington 1998.

⁹ Quotations from the *CCEO* in English are taken from *Code of Canons of the Eastern Churches. Latin-English Edition. New English Translation*, Canon Law Society of America, Washington 2001.

Christ, there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one's own condition and function». Abuses against this principle include the assumption by the non-ordained of roles restricted to sacred ministers, especially with respect to certain prayers of the Mass as *CIC* c. 907 provides.

1.2 *In the Letter Dominicae cenae*¹⁰

The link between the Eucharist and the priesthood has been a central element of the teaching of John Paul II since the earliest years of his pontificate. His second Holy Thursday Letter, of 24 February 1980, *Dominicae cenae* (= *DC*), made this point from the very outset. «The Eucharist», he says, «is the principal and central *raison d'être* of the sacrament of the priesthood, which effectively came into being at the moment of the institution of the Eucharist, and together with it». The fact that priests have been entrusted with the Eucharist “for others” constitutes the link between the ministerial or hierarchical priesthood and the common priesthood of the faithful (*DC* 2).

In the same document John Paul II explains what is meant by the priest offering the Eucharistic Sacrifice *in persona Christi*, a point he takes up again in *EdE* 29. The priest acts not merely in Christ's name or in His place, but «[...] in specific sacramental identification with the Eternal High Priest». Just as

¹⁰ AAS 72 (1980) 113-148.

Christ alone could accomplish the work of redemption through His death on the cross, so also does He act in the Sacrifice of the Mass through the ministry of the priest. Through his unique role in the Mass, the priest «[...] is sacramentally (and ineffably) brought into that most profound sacredness, and made part of it, spiritually linking with it in turn all those participating in the eucharistic assembly» (DC 8).

Already in this early document, John Paul II highlights the distinction in roles between the ordained priest and the rest of the faithful. The celebrant, he points out, «[...] as minister of this sacrifice, is the authentic priest, performing – in virtue of the specific power of sacred ordination – a true sacrificial act that brings creation back to God». The faithful in the assembly, while «they do not confect the sacrifice» as the priest does, unite with Christ's sacrifice their own spiritual sacrifices, symbolized by the gifts of bread and wine that they bring to the altar (DC 9). Later documents will give further emphasis to this distinction in roles and will recall as well the sacrificial character of the Mass, which is the foundation for this distinction¹¹.

1.3 *In the Instruction Inaestimabile donum*¹²

Dominicae cenae inspired *Inaestimabile donum* (= *ID*), an instruction issued by what was known at

¹¹ In *MND* 15, for example, he points out that while the Eucharist as meal is its «most evident dimension», it «has a profoundly and primarily *sacrificial* meaning».

¹² AAS 72 (1980) 331-343.

the time as the Sacred Congregation of Sacraments and Divine Worship. In words that were echoed 23 years later in *EdE*, the instruction acknowledged the many positive results of liturgical renewal, but expressed as well its «concern at the varied and frequent abuses being reported from different parts of the Catholic world». First among them was «the confusion of roles, especially regarding the priestly ministry and the role of the laity (indiscriminate shared recitation of the Eucharistic Prayer, homilies given by lay people, lay people distributing Communion while the priests refrain from doing so – *ID*, Foreword). In response, the instruction recalled the reservation of the reading of the gospel and the preaching of the homily to a priest or deacon, and of the proclamation of the eucharistic prayer to the priest alone, with the silence and the prescribed acclamations being the appropriate role of the faithful (*ID* 2-4). Regarding the distribution of Holy Communion, the instruction proscribed the abuses of the faithful picking up the sacred species themselves or passing them from one to another, as well as that of sacred ministers refraining from distributing the Eucharist and leaving the task to the laity (*ID* 9-10).

The instruction also addressed the topic of concelebration, recalling that the practice was restored in the Western Church to manifest the unity of the priesthood. Accordingly, the document reminded priests to «pay careful attention to the signs that indicate that unity». These included being present from the beginning of the Mass, wearing the prescribed vestments, occupying an appropriate place, and observing the other norms of the rite (*ID* 7). At this early date in the pontificate no mention was made of the phenomenon of priests not concelebrating but assisting at Mass *modo laico*.

1.4 *In the Postsynodal Apostolic Exhortation Christifideles laici*¹³

The year 1988 marked the twenty-fifth anniversary of the promulgation of the Vatican II conciliar constitution *Sacrosanctum Concilium*, and as he often did to recall important dates in history, Pope John Paul II marked this one with the Apostolic Letter *Vicesimus Quintus Annus* (= VQA) of 4 December 1988¹⁴. In this quarter-century review, John Paul looked back to the principles of liturgical renewal, took stock of its achievements and shortcomings, and looked forward to its fuller realization. Among the few erroneous applications of the Council's principles he specifically mentions is the one we are considering here: «[...] confusion between the ministerial priesthood, linked with Ordination, and the common priesthood of the faithful, which has its foundation in Baptism» (VQA 13).

At the time of that anniversary letter, the issue was not far from the Pope's mind, for it was a matter of intense discussion at the Synod of Bishops held a little more than a year before, and he was about to issue his own response to its deliberations. Indeed, the most extensive expression of John Paul II's teaching on the diversity of vocations and states of life, as well as the consequent diversity of ministries, charisms, and responsibilities, can be found in his 30 December 1988 Postsynodal Apostolic Exhortation *Christifideles laici* (= CL). In this document the Pontiff recalls the conciliar doctrine of LG 31 that the lay faithful, while

¹³ AAS 81 (1989) 393-521.

¹⁴ AAS 81 (1989) 898-918.

endowed with a baptismal dignity common to all the faithful, are set apart from clergy and religious by their special manner of life which is characterized by its situation in the world. In the Council's words that he cites: «The secular character is properly and particularly that of the lay faithful» (*CL* 15). Indeed, this principle finds concrete expression in c. 225 §2 which affirms that the lay faithful are «bound by a particular duty to imbue and perfect the order of temporal affairs with the spirit of the gospel and thus give witness to Christ, especially in carrying out these same affairs and in exercising secular functions».

Ministries entrusted to the ordained by reason of their reception of the Sacrament of Holy Orders «express and realize a participation in the priesthood of Jesus Christ that is different, not simply in degree but in essence, from the participation given to all the lay faithful through Baptism and Confirmation». The former are ordered to the service of the latter. It is important for the communion of the Church, John Paul II goes on, that the diversity and complementarity of these roles be mutually acknowledged by clergy and laity alike (*CL* 22).

While the lay faithful primarily fulfill their baptismal mission in the familial and social contexts, the requirements «of necessity and expediency in the Church» may justify entrusting them with roles that are connected with pastoral ministry but do not require the character received in Holy Orders. But, as John Paul II emphasizes in *CL*, «the exercise of such tasks does not make Pastors of the lay faithful». Indeed, citing *Apostolicam actuositatem* 24, he adds: «The task exercised in virtue of supply takes its legitimacy formally and immediately from the official deputation given by the Pastors, as well as from

its concrete exercise under the guidance of ecclesiastical authority» (CL 23).

Reflecting on the observations offered by the Synod Fathers, the Pontiff – in much the same way as he later acknowledged liturgical lights and shadows in *EdE* – points out value and abuse in the exercise of supply roles by the faithful. Liturgical renewal has duly raised the consciousness of the lay faithful with respect to the proper role of the eucharistic assembly, and they have generously assisted pastors «in situations of emergency and chronic necessity». But then there are the shadows:

In the same Synod assembly, however, a critical judgment was voiced along with these positive elements, about a too indiscriminate use of the word “ministry”, the confusion and equating of the common priesthood and the ministerial priesthood, the lack of observance of ecclesiastical laws and norms, the arbitrary interpretation of the concept of “supply”, the tendency towards a “clericalization” of the lay faithful and the risk of creating, in reality, an ecclesial structure of parallel service to that founded in the Sacrament of Orders (CL 23).

The Pope concluded this section of the exhortation with the announcement that a Commission had been created in response to a request from the Synod Fathers «especially to provide an in-depth study of the various theological, liturgical, juridical and pastoral considerations which are associated with the great increase today of the ministries entrusted to the lay faithful». Part of the work of this Commission was to be a reconsideration of Paul VI’s 15 August 1972 *motu proprio Ministeria Quaedam*¹⁵ establish-

¹⁵ AAS 64 (1972) 529-534.

ing the lay ministries of lector and acolyte. In the meantime, the Pontiff called for faithful respect for the distinction between the ministerial priesthood and the common priesthood and the ministries derived from Holy Orders on the one hand and Baptism and Confirmation on the other (*CL* 23).

John Paul II made reference some six years later to the revision of this document (but not to the Commission) in the context of an address that he made to a Symposium sponsored by the Congregation for the Clergy on "The Participation of the Lay Faithful in the Priestly Ministry." In this address he highlighted several of the points previously made in *CL*, but added emphasis to one of them, namely, the problem created by the use of ambiguous terminology. The use of the term "ministries" in reference to those properly clerical functions that the lay faithful on occasion supply can become «[...] doubtful, confused and hence not helpful for expressing the doctrine of the faith whenever the difference "of essence and not merely of degree" between the baptismal priesthood and the ordained priesthood is in any way obscured». He therefore underlined the urgent need «to clarify and purify terminology»¹⁶.

1.5 *In the Instruction Ecclesiae de mysterio*¹⁷

While it is unclear what became of the work of the Commission established at the request of the

¹⁶ JOHN PAUL II, «Discourse at the Symposium on "The Participation of the Lay Faithful in the Priestly Ministry" (22 April 1994)», *L'Osservatore Romano*, English Language Edition, 11 May 1994, no. 4.

¹⁷ AAS 89 (1997) 852-877.

Synod Fathers, issues raised at the Synod and discussed at the Symposium cited above can be found in the interdicasterial instruction *Ecclesiae de Mystério* (= *EdM*) issued on 15 August 1997 and bearing a name remarkably similar to that of the Symposium: "On Certain Questions Regarding the Collaboration of the Non-ordained Faithful in the Sacred Ministry of Priests." This document is remarkable for a number of reasons. First, it is the product of eight dicasteries of the Roman Curia: six Congregations (Clergy, Doctrine of the Faith, Divine Worship and Discipline of the Sacraments, Bishops, Evangelization of Peoples, and Institutes of Consecrated Life and Societies of Apostolic Life) and two Pontifical Councils (Laity and Interpretation of Legislative Texts), bearing the signatures of the Prefects/Presidents and Secretaries of all of them. The participation of so many organs of universal governance testifies to the wide-ranging dimensions of the distinction between priestly and lay identity in the Church.

A second distinctive feature of *EdM* is its scope, namely, in the words of its authors, «[...] to provide a clear, authoritative response to the many pressing requests which have come to our Dicasteries from Bishops, Priests and Laity seeking clarification in the light of specific cases of new forms of "pastoral activity" of the non-ordained on both parochial and diocesan levels». The problems addressed in the document are acknowledged as existing only in certain places but, at the same time, apt to spread and in need of correction for the sake of preserving the communion of the Church (*EdM*, Premiss). It is unusual that for an instruction to respond to particular rather than general question of the application of law, though this is perhaps explained in this case by

the seriousness of the theological issues that lie beneath the practices that occasioned the document and their relevance for the whole Church.

A third noteworthy characteristic of the document is its approval by the Roman Pontiff *in forma specifica*. It thereby rises above the nature of an ordinary instruction (c. 34) and takes on the force of law (*legis*), thus abrogating or derogating from previous law directly contrary to it. Moreover, *EdM* adds a clause revoking all contrary particular laws, customs, or faculties (*EdM*, Conclusion). The special legal force of this instruction has the practical effect of precluding interpretations of previously existing laws that are not in conformity with the prescriptions of this document.

The instruction begins with a section on "theological principles," highlighting the distinction between the common priesthood and the ministerial priesthood; the unity and diversity of the ministerial functions of teaching, governing and sanctifying; the constitutive indispensability of ordained ministry in the Church; and the collaborative and exceptional character of lay involvement in pastoral ministry. These principles tend to restate those already exposed in *CL* and the magisterial documents on which it depends. The "practical provisions" of the instruction are contained in 13 articles. Of these, five have particular relevance to our considerations here: Article 1 (The Need for an Appropriate Terminology); Article 3 (The Homily); Article 6 (Liturgical Celebrations); Article 7 (Sunday Celebrations in the Absence of a Priest); and Article 8 (The Extraordinary Minister of Holy Communion).

The question of terminology is resolved quite simply as follows: «The non-ordained faithful may be

generically designated “extraordinary ministers” when deputed by competent authority to discharge, solely by way of supply, those offices mentioned in Canon 230 §3 and in Canons 943 and 1112. Naturally the concrete terms may be applied to those to whom functions are canonically entrusted e.g. catechists, acolytes, lectors etc.» (*EdM* Art. 1 §3). Among the offices listed in c. 230 §3 is the distribution of Holy Communion. As we will see, *Redemptionis sacramentum* precludes certain terminological abuses that violate this general terminological principle contained in *EdM*.

The non-ordained are excluded from giving the homily by c. 767 §1 which reads:

Among the forms of preaching, the homily, which is part of the liturgy itself and is reserved to a priest or deacon, is preeminent; in the homily the mysteries of faith and the norms of Christian life are to be explained from the sacred text during the course of the liturgical year.

Ten years before the promulgation of this instruction, an authentic interpretation of this canon was issued, responding negatively to the doubt whether the diocesan bishop could dispense from the reservation of the homily to a priest or deacon¹⁸. At that time F.J. Urrutia explored in these pages the reasoning of that interpretation, concluding that it effectively constituted a reservation to the Apostolic See of a dispensation from a disciplinary law that a diocesan bishop could otherwise have given by reason of c. 87 §1¹⁹. Urrutia argued against the

¹⁸ AAS 79 (1987) 1249.

¹⁹ *Periodica* 77 (1988) 613-624 at 624.

view that, by reason of c. 86, a diocesan bishop cannot dispense from the restriction of the homily to a cleric because that restriction is a constitutive law²⁰. The position that c. 767 §1 is constitutive law has been invoked to argue in favor of lay preaching at the Eucharist. According to this view, when a non-ordained person preaches he or she is doing something other than giving a homily, since a homily is defined as only that liturgical preaching given by a priest or deacon²¹. From that would follow the conclusion that if the omission of the homily were justified by the grave cause required by c. 767 §2, preaching by a lay person could then be admitted for a variety of reasons. Such reasoning has been justly characterized as «a kind of semantic legerdemain» that «is presumably not what the Code Commission was saying»²². The instruction in its specificity reinforces the exclusion of this semantic argument.

Settling any possible remaining doubt in this regard, the instruction explains the restriction of the homily to sacred ministers, specifically excludes particular exceptions, and restates the principle that there may be no dispensations from the norm. The exclusion of the non-ordained, the instruction affirms, «[...] is not based on the preaching ability of sacred ministers nor their theological preparation, but on that

²⁰ *Periodica* 77 (1988) 618-621.

²¹ See J.H. PROVOST, *Roman Replies and CLSA Advisory Opinions* 1986, Canon Law Society of America, Washington 1986, 72.

²² L.G. WRENN, *Authentic Interpretations on the 1983 Code*, Canon Law Society of America, Washington 1993, 42.

function which is reserved to them in virtue of having received the Sacrament of Holy Orders (*agitur [...] de munere reservato illi qui sacramento Ordinis est insignitus*)». This is also the reason for the inadmissibility of dispensation, in addition to the document's assertion that «[...] this is not merely a disciplinary law but one which touches upon the closely connected functions of teaching and sanctifying». The document specifically excludes from preaching the homily "pastoral assistants", catechists, and seminarians or theology students (*EdM*, Art. 3 §1).

With respect to liturgical celebrations in general, Article 6 of the instruction repeats the classic principle of *SC* 28, namely, that each person carry out all and only those parts that are proper to him so that the Church's worship may mirror its structure (*EdM*, Art. 6 §1). With specific reference to the Celebration of the Eucharist, the document reiterates the provision of c. 907 that deacons and lay persons not offer prayers that are proper to the priest, specifically highlighting the eucharistic prayer and its doxology. It further proscribes gestures and vesture proper to the priest celebrant being assumed by the non-ordained and, conversely, recalls the obligation of sacred ministers to wear all of the vestments that are proper to them in the rite. Finally, it characterizes it as «[...] a grave abuse for any member of the non-ordained faithful to "quasi-preside" at Mass while leaving only the minimal participation to the priest which is necessary to secure validity» (*EdM*, Art. 6 §2). Echoes of this norm will be observed in later documents.

Article 7 calls for the careful and exclusive observance of approved texts for Sunday celebrations in the absence of a priest and forbids the inser-

tion therein of elements proper to Holy Mass, particularly eucharistic prayers (*EdM*, Art. 7 §2).

Finally, Article 8, after repeating the norms of the discipline currently in force with respect to extraordinary ministers of Holy Communion, emphasizes the supplementary and extraordinary character of this service. It also calls for particular norms which would regulate the exercise of this function in individual dioceses. Certain confusing practices are reprobated: the reception of communion by extraordinary ministers as though they were concelebrants; the association of extraordinary ministers with priests who renew their promises at the Chrism Mass on Holy Thursday; and the habitual use of extraordinary ministers at Mass in such a way that the concept of "a great number of the faithful" would be arbitrarily extended. It is the clear intention of the instruction to limit the exercise of this service to situations that are truly exceptional. Further attention to this issue can be found in the revision of the Roman Missal and in the instruction *RS*. This last document identifies and calls for the correction of various abuses involving extraordinary ministers, including the use of inappropriate and confusing terminology in reference to them.

1.6 *In the Institutio Generalis Missalis Romani*²³

There surely exists no legislative text on the Celebration of the Eucharist that is more comprehen-

²³ *Missale Romanum, editio typica tertia*, Typis Vaticanis 2002. The text is also published in Latin and Italian in *Enchiridion Vaticanum* 19, Bologna 2004, 112-319. The English text

sive than the *Institutio Generalis Missalis Romani* (= *IGMR*)²⁴. The *IGMR* is an integral part of the liturgical book called the *Roman Missal*, and along with the rubrics interspersed within the ritual texts used at Holy Mass constitutes the liturgical law governing the Celebration of the Eucharist²⁵. By virtue of a mandate of the Roman Pontiff, the Congregation for Divine Worship and the Discipline of the Sacraments is competent to publish liturgical books, including the norms that govern rites²⁶. Its prefect at the time that this third typical edition was issued, Cardinal Jorge A. Medina Estévez, explains in his 26 April 2000 decree of promulgation (Prot. N. 143/00/L) the reasons for the opportuneness of this new text²⁷. The third edition of the Missal, according to the decree, incorporates more recent docu-

is published as *General Instruction of the Roman Missal*, United States Conference of Catholic Bishops, Washington 2003.

²⁴ In American English, this document is referred to as the *General Instruction of the Roman Missal* or *GIRM*. The term "instruction" is an infelicitous translation of "*institutio*" especially because of the more technical canonical meaning of "instruction" according to can. 34. Anglophones seem not to have found a distinctive and commonly used translation for "*institutio*." In this article I shall use the abbreviation of the Latin title of the document, *IGMR*.

²⁵ Can. 2 reminds us that for the most part the Code of Canon Law does not define rites. These are found rather in the various liturgical books. The Celebration of the Eucharist, however, is also governed by the norms of cans. 899-933.

²⁶ In the 26 March 1970 decree of promulgation (Prot. N. 166/70) of the first typical edition of the Missal, Cardinal Benno Gut, then prefect of the Sacred Congregation for Divine Worship, makes reference to the pontifical mandate.

²⁷ The English text does not carry the decree of promulgation.

ments of the Holy See, especially the Code of Canon Law, and takes into consideration the need for corrections and additions. One may reasonably assume that the documents in question include those mentioned above in this article. We can examine now the innovations of the text of the *IGMR* with respect to our issue of the distinctive roles of the ordained and the non-ordained in the Celebration of the Eucharist.

The introductory paragraph to the *IGMR*'s third chapter on the duties and ministries in the Mass has been changed somewhat to emphasize how the diversity of roles within the Celebration of the Eucharist both expresses the Church's cohesion and its hierarchical ordering (*IGMR* 91). At the conclusion of this chapter the same injunction is offered as in earlier editions, namely, that all persons involved in the celebration should work together in planning and carrying out the rite, but in this newest text the prerogative of the priest celebrant is safeguarded: «The priest who presides at the celebration, however, always retains the right of arranging those things that are his own responsibility». Here one might recall the warning of *EdM*, Art. 6 §2 against "quasi-presiding" or the phenomenon of other liturgical planners making choices with respect to the celebrant's actions that are not consistent with his own judgment. Later in the document, however, the admonition of earlier editions is retained, namely, that the «priest [...] in planning the celebration of Mass, should have in mind the common spiritual good of the people of God, rather than his own inclinations» (*IGMR* 352).

This edition of the *IGMR* contains new material on concelebration which seems relevant to the distinction between the ministerial and common priesthood. The new provision can be found in the document's

fourth chapter on the different forms of celebrating Mass, more specifically, in the context of conventual or community Masses celebrated, one may presume, in religious institutes. The document reaffirms the faculty of priests belonging to such communities who have already celebrated Mass «for the pastoral benefit of the faithful» to binate by concelebrating the conventual or community Mass. But this new edition of the text goes a step further when it says:

For it is preferable that priests who are present at a Eucharistic Celebration, unless excused for a good reason, should as a rule exercise the office proper to their Order and hence take part as concelebrants, wearing the sacred vestments. Otherwise they wear their proper choir dress or a surplice over a cassock (IGMR 114).

This provision seems to suggest, at least in certain contexts, the right of a priest to concelebrate. Where there is a duty, there ought to be a corresponding right to fulfill that duty. The Code addresses the topic of concelebration in c. 902:

Unless the welfare of the Christian faithful requires or suggests otherwise, priests can concelebrate the Eucharist. They are completely free to celebrate the Eucharist individually, however, but not while a concelebration is taking place in the same church or oratory.

The “welfare of the faithful” which in this provision of the Code limits concelebration, is obviously the need of the faithful for Masses to be celebrated for their pastoral advantage. In other words, priests should not, for the sake of concelebrating Mass, neglect their pastoral obligation to celebrate Mass at times and in places convenient to the faithful. The law already balances these two values by its bination provision just cited here. The new norm of *IGMR*

114, I would suggest, responds to a mistaken ideology and abusive practice whereby concelebration is perceived as a sign of clericalism and somehow offensive to the non-ordained members of a clerical religious institute, or to laypersons generally, or to women in particular. By contrast, this norm simply applies the principle of *SC* 28 already cited, namely that each person carry out all and only those parts of the liturgy proper to him. At the same time it honors the principle of c. 905 which precludes the indiscriminate multiplication of Masses. The context of the norm, however, leaves open the question of whether the preference for concelebration can be understood to apply also to Masses other than conventual and community Masses in institutes of consecrated life. Our consideration of *RS* will help to answer this difficulty.

The third *IGMR* introduces new material that addresses three of the specific questions raised in *EdM*. With respect to the homily, the following norm is added:

The homily should ordinarily be given by the priest celebrant himself. He may entrust it to a concelebrating priest or occasionally, according to circumstances, to the deacon, but never to a lay person. In particular cases and for a just cause, the homily may even be given by a Bishop or a priest who is present at the celebration but cannot concelebrate (*IGMR* 66).

The document adds a rationale for the reservation to the priest of the eucharistic prayer and states explicitly what was implicit in earlier *IGMR* editions, namely, a distinction of role between celebrant and assembly during this part of the Mass:

The Eucharistic Prayer demands, by its very nature, that only the priest say it in virtue of his ordination.

The people, for their part, should associate themselves with the priest in faith and silence, as well as through their parts as prescribed in the course of the Eucharistic Prayer: namely, the responses in the Preface dialogue, the *Sanctus*, the acclamation after the consecration, the acclamatory Amen after the final doxology, as well as other acclamations approved by the Conference of Bishops and recognized by the Holy See (*IGMR* 147).

There are several emendations in the *IGMR*'s text with respect to the communion rites. First, it is explicitly stated that the fraction rite is «reserved to the priest and the deacon» (*IGMR* 83). No mention of such reservation was made in earlier editions, although they did provide that at concelebrated Masses a concelebrant could assist with the fraction rite. That this third edition specifically reserves the rite to sacred ministers suggests the existence of a practice to the contrary.

As for the reception of Holy Communion by the faithful, the third *IGMR* repeats a proscription we last read in *Inaestimabile donum*: «The faithful are not permitted to take the consecrated bread or the sacred chalice by themselves and, still less, to hand them from one to another» (*IGMR* 160). But by far the most detailed new norm of the third *IGMR* that involves the distinction between the role of the sacred minister and that of the non-ordained is its provision for extraordinary ministers of holy communion. It reads as follows:

The priest may be assisted in the distribution of Communion by other priests who happen to be present. If such priests are not present and there is a very large number of communicants, the priest may call upon extraordinary ministers to assist him, i.e., duly insti-

tuted acolytes or even other faithful who have been deputed for this purpose. In case of necessity, the priest may depute suitable faithful for this single occasion. Those ministers should not approach the altar before the priest has received Communion, and they are always to receive from the hands of the priest celebrant the vessel containing either species of the Most Holy Eucharist for distribution to the faithful (*IGMR* 162).

While earlier versions of the *IGMR* made no mention of these other ministers, their service was established two years before the second version of that text in the 29 January 1973 Instruction *Immensae caritatis* (= *IC*) of the Sacred Congregation for the Discipline of the Sacraments²⁸. It is noteworthy that *IC* permits the service of the specially deputed persons only when a priest, deacon, or instituted acolyte is unavailable (*IC* 1.1.a). *IGMR* 162 seems to call for instituted acolytes taking priority over (*etiam alios fideles*) persons who are deputed, though it omits, evidently as an oversight, to include deacons. Canon 910 §2 of the 1983 Code is somewhat less clear with respect to the priority of extraordinary ministers, simply classifying as such ministers acolytes and other faithful deputed for the function according to the norm of c. 230 §3.

Finally, when Holy Communion is distributed under both species, the 2000 *IGMR* requires that any remaining consecrated wine be consumed at the altar by the priest, deacon, or instituted acolyte (*IGMR* 284). In response to a *dubium* published in 1978, the Sacred Congregation for the Sacraments and Divine Worship replied that what is said concerning the

²⁸ AAS 65 (1973) 264-271.

purification of vessels by the priest, deacon, or instituted acolyte is applicable also to the deputed minister who lawfully distributes Communion. Assuming, perhaps, that this application was no longer valid by reason of the difference between ministers mentioned in *IGMR* 162 and 284, the United States Conference of Catholic Bishops sought and received from the Congregation for Divine Worship and the Discipline of the Sacraments an indult (Prot. N. 1382/01/L) to allow all extraordinary ministers to purify vessels used during the liturgy. As the indult was granted *ad experimentum* for three years, its permanent renewal has been requested of the Congregation by the Conference²⁹.

1.7 *In the Instruction Redemptionis Sacramentum*

We may recall that the Encyclical *Ecclesia de Eucharistia* promised a subsequent document of a more juridical nature that would make practical applications of the Encyclical's principles. The task of preparing this document was entrusted to the Congregation for Divine Worship and the Discipline of the Sacraments with the cooperation of the Congregation for the Doctrine of the Faith. It bears the date of 25 March 2004 and was made public on 23 April of the same year.

Archbishop Angelo Amato, Secretary of the Congregation for the Doctrine of the Faith, admitted in his comments at the presentation of the instruction:

²⁹ United States Conference of Catholic Bishops, Committee on the Liturgy, *Newsletter* 41 (2005) 13.

«In general, there seem to be three major difficulties standing in the way of a proper reception of documents and contributing to their deficient assimilation: their number, their length, and the problem of mass-media communications»³⁰. His general observation seems particularly relevant to this document. The secular press in certain parts of the world had long expected its appearance and concentrated its attention on what it considers vexing issues, notably the role of the laity. We can agree from the evidence of this article alone how many documents concerning the Eucharist had been promulgated during the pontificate of John Paul II. And finally, *RS* is a long instruction: 46 pages, 186 paragraphs, 295 footnotes. It is worthy, all the same, of our attentive reading. With respect to the topic under consideration, namely, the distinction between the ministerial and common priesthood, the document provides ample practical norms in consequence of the doctrinal principle. Indeed, of its eight chapters, the second, on "The Participation of the Lay Christian Faithful in the Eucharistic Celebration", restates the central doctrinal principle at stake; the seventh, entitled "Extraordinary Functions of the Lay Faithful", is entirely dedicated to this issue in more specific, practical terms.

RS is an instruction, and as such has a distinct juridical value. It is an act of the executive power conceded by the Apostolic Constitution *Pastor Bonus*, arts. 62-64 and 66, to the Congregation for

³⁰ The Italian text can be found at http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20040423_present-redemptionis_it.html#INTERVENTO%20DI%20S.E.%20MONS.%20ANGELO%20AMATO.

Divine Worship and the Discipline of the Sacraments. It is not a legislative act. On the other hand, as c. 34 states, it clarifies laws and elaborates on and determines the methods to be observed in fulfilling them. The laws in question include, among others, the Code of Canon Law (cited 67 times in the notes of the Instruction); the *IGMR* (cited 73 times); and the interdicasterial instruction *EdM* (cited 14 times).

But the purpose of the instruction is even broader according to what its introduction affirms:

It is not at all the intention here to prepare a compendium of the norms regarding the Most Holy Eucharist, but rather, to take up within this Instruction some elements of liturgical norms that have been previously expounded or laid down and even today remain in force in order to assure a deeper appreciation of the liturgical norms; to establish certain norms by which those earlier ones are explained and complemented; and also to set forth for Bishops, as well as for Priests, Deacons and all the lay Christian faithful, how each should carry them out in accordance with his own responsibilities and the means at his disposal (*RS* 2).

Without creating new laws (*leges*), then, *RS* establishes “new norms” that “complement” already existing ones. And its audience is a surprising one. Can. 34 §1 provides that instructions are addressed to those whose duty it is to take care that laws be executed and oblige them in that same execution of the law. In general, these are ordinaries. The principle is different from that of the general executory decrees of c. 32. The latter oblige those who must observe the laws of whose application the decrees determine the means, or whose observance the decrees urge. *RS*, though not a directory, is addressed not only to bishops, but also to presbyters,

deacons, and lay faithful. We may thus conclude that these too have a responsibility for the execution of laws concerning the Eucharist.

The one new norm, if a somewhat obscure one, that is relevant to our topic of the proper distinction between the ministerial and common priesthood is the provision of *RS* that First Holy Communion be administered by a priest and within the Celebration of the Eucharist (*RS* 87). In other words, it is forbidden for First Holy Communion to be given (other than in danger of death, one would presume) outside of Mass or by a deacon or extraordinary minister of Holy Communion. While this may be thought obvious, it nonetheless highlights the privileged role of the priest in the administration of the last of the three sacraments of initiation.

The document also makes some provisions with respect to terminology which, we may recall, was a concern of John Paul II in *CL* and of the authors of *EdM*. The proscriptions of certain terms in *RS* may also be considered new norms. First, the Eucharist is not «[...] to be considered a “concelebration” [...] of the Priest along with the people who are present». *RS* goes on to say that «terms such as “celebrating community” or “celebrating assembly” [...] and similar terms should not be used injudiciously» (*RS* 42). Next, the term “extraordinary minister of Holy Communion” is to admit of no substituted language. The instruction specifically excludes “special minister of Holy Communion,” “extraordinary minister of the Eucharist,” and “special minister of the Eucharist.” By all of these names, *RS* contends, «this function is unnecessarily and improperly broadened». Finally, after warning that Sunday celebrations in the absence of a priest should be considered altogether

extraordinary, and that diocesan bishops, in order to preclude confusion, should prudently consider whether Holy Communion should be distributed at such gatherings, the document concludes by saying that it is never «appropriate to refer to any member of the lay faithful as “presiding” over the celebration» (*RS* 164, 165).

It may be recalled that the *IGMR* left some question about whether its preference in favor of priests concelebrating was limited to conventual or community Masses. *RS*, by contrast, provides a broader norm and adds a final proscription:

Holy Mass and other liturgical celebrations, which are acts of Christ and of the people of God hierarchically constituted, are ordered in such a way that the sacred ministers and the lay faithful manifestly take part in them each according to his own condition. It is preferable therefore that «Priests who are present at a Eucharistic Celebration, unless excused for a good reason, should as a rule exercise the office proper to their Order and thus take part as concelebrants, wearing the sacred vestments. Otherwise, they wear their proper choir dress or a surplice over a cassock» (*IGMR* 114). It is not fitting, except in rare and exceptional cases and with reasonable cause, for them to participate at Mass, as regards to externals, in the manner of the lay faithful (*RS* 128).

This clarification seems to reinforce the notion of a right to concelebration consequent to the duty that this norm proposes. It should be recalled, of course, that it is not an absolute norm and is tempered by the needs of the faithful for Mass, the norms regarding bination, and other practical considerations that may limit concelebration in particular circumstances (space, time, vessels, vesture, common language, etc.). Very clearly, however, this norm precludes the

restriction of concelebration arising from an ideological antipathy toward it.

While an instruction (unless it is approved *in forma specifica*) can neither create nor derogate from a law (*lex* – see c. 34 §2), it is nonetheless capable of reprobating a custom that has not obtained the force of law. Can. 24 §2 provides: «A custom contrary to or beyond canon law cannot obtain the force of law unless it is reasonable; a custom which is expressly reprobated in the law, however, is not reasonable». What *RS* lists as liturgical abuses may previously have been considered customs beyond or contrary to canon law. As a source of law (*iuris*), an instruction can reprobate such a custom. In fact, there are eight places where *RS* uses a form of the verb *reprobare* with respect to a liturgical abuse. According to the canon just cited, these abusive customs are expressly reprobated and therefore irrational. Two of them relate to the distinction between the ministerial and common priesthood: the custom of non-ordained persons giving the homily (*RS* 65) and the custom of priests, while present at Mass, abstaining from distributing Holy Communion and turning over this function to lay persons (*RS* 157). To render a custom irrational and therefore incapable of obtaining the force of law, it must be expressly, that is, not tacitly, reprobated. Words similar to “*reprobare*” are sufficient. *RS* provides, for example, that the abuse «[...] should be corrected with all haste» whereby lay persons help with the fraction rite at Mass (*RS* 73) and that the abuse «[...] is to be set aside whereby spouses administer Holy Communion to one another at a Nuptial Mass» (*RS* 94).

Of the many abuses that *RS* identifies in the Celebration of the Eucharist, it identifies a significant

number as “grave.” Before listing the grave abuses the document states the following principle:

Although the gravity of a matter is to be judged in accordance with the common teaching of the Church and the norms established by her, objectively to be considered among grave matters is anything that puts at risk the validity and dignity of the Most Holy Eucharist (*RS* 173).

The abuses categorized as “grave” which concern the distinction between the ministerial and common priesthood include the recitation of the eucharistic prayer by non-priests (*RS* 52), the faithful taking the sacred species by themselves or handing them from one to another (*RS* 94), and the assumption by the lay faithful of vesture proper to the priest or deacon (*RS* 153). The reasons for this designation of these particular abuses as grave are not evident. While they do not involve validity (as long as a priest is reciting the eucharistic prayer), it may be convincingly argued that they threaten the Eucharist’s dignity. It is reasonable to believe, in any case, that this objective criterion of identification as a “grave abuse” would be available to bishops who consider it necessary to establish penal sanctions in particular law.

2. Sacramental Sharing in the Absence of Full Communion

2.1 *In the Encyclical*

The legal norm of c. 900 on the priest as uniquely capable of confecting the Eucharist is not merely a matter of ecclesiastical discipline; it reflects rather,

as we have seen in the previous section, a truth of divine institution, namely, the inseparable connection between the Sacrament of Holy Orders and the Sacrament of the Most Holy Eucharist. In the Encyclical *EdE*, John Paul II calls attention to the ecumenical consequences of this teaching when he cites the words of the Vatican II Decree on Ecumenism *Unitatis redintegratio* 22 with regard to the Ecclesial Communities separated from the Catholic Church: «[...] especially because of the lack of the sacrament of Orders they have not preserved the genuine and total reality of the Eucharistic mystery» (*EdE* 30).

This teaching too has a legal norm as its consequence, namely, that even though the Ecclesial Communities profess that the Holy Supper «signifies life in common with Christ», still, the Holy Father goes on to say in *EdE*, the «Catholic faithful, [...] while respecting the religious convictions of these separated brethren, must refrain from receiving the communion distributed in their celebrations». The reason for this prohibition is «so as not to condone an ambiguity about the nature of the Eucharist and, consequently, to fail in their duty to bear clear witness to the truth» (*EdE* 30). This discipline can be found in c. 844 §2 which permits Catholics to receive the Eucharist (as well as penance and anointing of the sick) «from non-Catholic ministers in whose Churches these sacraments are valid». The canon imposes three further conditions: that «necessity requires it or true spiritual advantage suggests it»; that «danger of error or indifferentism is avoided»; and that «it is physically or morally impossible to approach a Catholic minister». Churches where the sacraments are valid are the separated Eastern Churches as well as other Churches which, in the

judgment of the Apostolic See are in the same condition as they. The Encyclical seems to be declaring an absolute principle when it states: «Catholics may not receive communion in those communities which lack a valid sacrament of Orders» (*EdE* 46).

John Paul II identifies yet another consequence arising from the teaching on the inseparable connection between valid orders and valid Eucharist, one that has further relevance in the context of ecumenism. One of the necessary requirements for reception of the Eucharist by a non-Catholic Christian in exceptional circumstances is that he or she have Catholic faith in the sacrament. In the case of the faithful of the separated Oriental Churches such faith is evident; among Christians in the various Ecclesial Communities, however, Catholic faith in the Eucharist is not presumed. While there are many dimensions to Catholic faith in the sacraments of Eucharist, Penance, and Anointing of the Sick, one in particular is specified in the Encyclical as necessary for the proper disposition for their reception, namely, «the truth regarding the need of the ministerial priesthood for their validity» (*EdE* 46).

Central as a shared vision of the connection between valid orders and valid Eucharist is to the fulfilment of the Lord's prayer that all may be one, that unity more broadly requires, in the words of *EdE*, «full communion in the bonds of the profession of faith, the sacraments and ecclesiastical governance» (*EdE* 43), a topic dealt with in *CIC* c. 205 and *CCEO* c. 8. The Church's discipline on worship in common, especially eucharistic worship (*communicatio in sacris*), is based on a twofold principle articulated in *UR* 8: while ordinarily the unity of the Church ought to be what the Eucharist expresses, the Eucharist as a means of grace to be shared justifies its reception,

outside the context of full communion, under special circumstances. Consequently, the Council teaches, *communicatio in sacris* «[...] is not to be considered as a means to be used indiscriminately for the restoration of unity among Christians».

The special circumstances justifying the admission of non-Catholics to Holy Communion never justify concelebration between Catholic priests and priests or ministers of other Churches or Ecclesial Communities. This is absolutely prohibited by *CIC* c. 908 and *CCEO* c. 702 which the Pope cites in the Encyclical (*EdE* 44) as the Church's certain norm responding to the conciliar teaching. Violation of this prohibition is subject to canonical penalty (*CIC* c. 1365; *CCEO* c. 1440). Not only would such concelebration be an invalid means of promoting unity, but, the Holy Father explains in *EdE*, «it might well prove instead to be an obstacle to the attainment of full communion, by weakening the sense of how far we remain from this goal and by introducing or exacerbating ambiguities with regard to one or another truth of the faith» (*EdE* 44). The Encyclical cites the assertion of the Vatican II Decree on the Eastern Churches *Orientalium Ecclesiarum* 26, that any common worship that «[...] would damage the unity of the Church, or involve formal acceptance of falsehood or the danger of deviation in the faith, of scandal, or of indifferentism» is contrary to the divine law.

While concelebration and broadly based intercommunion can only follow the re-establishment of visible communion, the admission to communion of non-Catholics can be justified in individual and exceptional cases and under special circumstances, precisely, according to *EdE*, «to meet a grave spiri-

tual need for the eternal salvation of an individual believer» (*EdE* 45). These terms must be properly understood. "Individual cases" involve identifiable persons, not a universe of cases. "Exceptional" means "extraordinary" with respect to the nature of the situation; the admission to communion of non-Catholics cannot become an ordinary practice. The "special circumstances" in this context are certain defined conditions, both objective and subjective, that must be verified.

The Holy Father cites *CIC* c. 844 §§3-4 and *CCEO* c. 671 §§3-4 as the source of the Church's discipline for the admission of non-Catholics to eucharistic communion. The provisions of each Code are the same. In each of the two canons cited, §3 treats the admission to the Eucharist, Penance, and Anointing of the Sick of the faithful of the separated Eastern Churches and those Churches judged equivalent to them, while §4 considers the reception of the same sacraments by members of Ecclesial Communities. The discipline for the former is less complicated. It requires simply that the persons spontaneously request the sacrament (that is, of their own accord and not in response to an invitation) and be properly disposed (e.g., having the right intention to receive the sacrament, being properly catechized with regard to it, and being in the state of grace). Though the canon does not impose any further objective circumstances, the conciliar text, which the Encyclical echoes, suggests that the spontaneous request from the non-Catholic to receive the Eucharist should arise from an at least subjectively grave spiritual need for it.

In the case of the faithful belonging to Ecclesial Communities, that is, Anglican and Protestant Christians, the standards for admission to the Eucharist

are more restrictive. As special objective circumstances, the canons name danger of death and other situations of grave necessity that the diocesan bishop or the conference of bishops judge to be justifiably grave. Such a judgment could take the form of a general norm established either by the diocesan bishop or conference of bishops, in consultation, as specified in §5, with the competent local authority of the interested Ecclesial Community. An example of such general norms can be found in the document *One Bread One Body* issued in 1998 by the Bishops' Conferences of England and Wales, Scotland, and Ireland³¹. In the absence of such antecedent norms, the diocesan bishop may make judgments on a case-by-case basis.

Such norms may also determine the means of verifying whether the subjective conditions set down by the canons are fulfilled. Two of these conditions

³¹ The full text of this document is available at <http://www.catholic-ew.org.uk/resource/obob/>. It should be noted that the document published by the three episcopal conferences does not have the character of a general decree according to the provision of c. 455. It was apparently never meant to bind all of the bishops, and, accordingly, no *recognitio* was sought from the Apostolic See. Rather, the circumstances suggested as constituting the "grave necessity" required by the canon are offered to individual bishops for their consideration as they make case-by-case or general normative judgments in this matter. In response to OBOB, the House of Bishops of the Church of England issued on 22 March 2001 an "occasional paper" entitled «The Eucharist: Sacrament of Unity». Its full text is available at <http://www.cofe.anglican.org/ccu/england/>. A comparison of the two texts provides a helpful view of the difference between the Catholic and Anglican perspective on this central ecumenical issue.

are identical to the two required in the case of the faithful of the Eastern Churches: the spontaneous request and the proper disposition. Moreover, the non-Catholics are to manifest Catholic faith with respect to the sacraments to be received, and they must be unable to approach a minister of their own community. Such impossibility could be either physical or moral. The truly extraordinary character of *communicatio in sacris*, the many situations in which it has been abused, and what may be a misguided sense of hospitality and charity in the understanding of some Catholic ministers all suggest that norms can provide useful direction for determining the necessary elements of Catholic faith in the sacraments and what constitutes the impossibility of access to the non-Catholic minister.

In *EdE* John Paul II denies the possibility of dispensation from these conditions, no doubt because of their theological grounding. While the discipline may seem exigent, the faithful observance of these norms, the Pope writes, manifests and guarantees «our love for Jesus Christ in the Blessed Sacrament, for our brothers and sisters of different Christian confessions – who have a right to our witness to the truth – and for the cause itself of the promotion of unity» (*EdE* 46).

2.2 *In Dominicae cenae*

While abuses involving *communicatio in sacris* are among the central concerns of *EdE*, they did not occupy as important a place in the considerations of *DC*. On the other hand, it is worthy of note that the problem was mentioned in *DC*. The conclusion can easily be drawn that difficulties in ecumenical practice, especially with regard to sharing the sacraments,

have existed over the many years of John Paul II's long pontificate. At the earliest period of his Petrine ministry, John Paul identified *communicatio in sacris* as an area where unity of doctrine and practice was called for throughout the Church (DC 12).

2.3 In the *Ecumenical Directory*³²

The 25 March 1993 Directory for the Application of Principles and Norms of Ecumenism (= ED) of the Pontifical Council for Promoting Christian Unity was cited once by John Paul II in *EdE* (EdE 44, note 92). The citation is a reference to nos. 122-125 and 129-131 of the ED. In the same footnote, reference is made to the canons in each Code that prohibit concelebration with ministers of churches not in full communion with the Catholic Church and to the 18 May 2001 Letter *Ad Exsequendam* of the Congregation of the Doctrine of the Faith informing the bishops of the world that «forbidden concelebration of the eucharistic sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not recognize the sacramental dignity of priestly ordination» is among those delicts reserved to the same Congregation³³. In citing these earlier texts, the Pontiff affirms that «the prohibitions of Church law leave no room for uncertainty», but the prohibitions to which he refers seem to be specifically the forbidden concelebration. That he, unlike the ED, was discussing forbidden concelebration in *EdE* 44 is confirmed by the following statement in *EdE* 45: «While it is never

³² AAS 85 (1993) 1039-1119.

³³ AAS 93 (2001) 786.

legitimate to concelebrate in the absence of full communion, the same is not true with respect to the administration of the Eucharist under special circumstances, to individual persons belonging to Churches or Ecclesial Communities not in full communion with the Catholic Church». Indeed, the norms of the cited paragraphs of the ED are not prohibitions but rather positive, if extraordinary, provisions for *communicatio in sacris* under such special circumstances. But that the Pope approved of these provisions nonetheless can be understood not only by citing them in *EdE* but by the general formula of approval *in forma communi* that appears at the conclusion of the ED.

A directory like this one, issued by a dicastery of the Roman Curia, is an act of the executive power of governance. Like an instruction, it is not a legislative act. Instead, it is a general executory decree. These, in the words of c. 31 §1, more precisely determine the methods to be observed in applying the law or «[...] urge the observance of laws». The obvious laws in question are those of *CIC* c. 844 and *CCEO* c. 671. There are two provisions of the ED paragraphs cited in *EdE* that are worthy of note, insofar as they consider some further dimensions of the law of the Codes on *communicatio in sacris* as restated in the Encyclical. The first has to do with sensitivity that Catholic ministers and faithful should have toward the discipline, sometimes more restrictive, of the separated Eastern Churches. Pastors are urged to instruct the faithful on the variety of disciplines which may exist in this matter (*ED* 122). Even if the conditions of c. 844 §2 are fulfilled, Catholics wishing to receive Holy Communion in an Eastern Church «should avoid scandal and confusion among Eastern Christians» and accordingly «respect the Eastern dis-

cipline as much as possible» in such matters as fasting and frequency of reception. Moreover, Catholics should «refrain from communicating if that Church restricts sacramental communion to its own members to the exclusion of others» (*ED* 124). Conversely, in the admission of Eastern Christians to Holy Communion by Catholic ministers in the circumstances foreseen by *CIC* c. 844 §3 and *CCEO* 617 §2, «due consideration should be given to the discipline of the Eastern Churches for their own faithful and suggestion of proselytism should be avoided» (*ED* 125).

The second Directory provision cited in the Encyclical concerns the admission to Holy Communion of members of Ecclesial Communities. It strongly recommends that diocesan bishops, taking into account any norms established by the Episcopal Conference, «establish general norms for judging situations of grave and pressing need and for verifying the conditions mentioned» in the two canons cited above (*ED* 130). Uniformity in what is to be understood as Catholic faith in the sacrament would be of special importance and could be better assured by a general norm that established a means of verifying it. Strangely, the Directory states the following: «Catholic ministers will judge individual cases and administer these sacraments only in accord with these established norms, where they exist. Otherwise they will judge according to the norms of this Directory» (*ED* 130).

This last sentence could lead to the erroneous belief that ministers are free to make on their own authority judgments about whether particular cases, outside of danger of death, are cases of urgent necessity required by c. 844 §2. But this interpretation clearly contradicts the words of c. 844 §4: «[...] or if,

in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it». There is no requirement that a bishop establish norms, only that if he does so, according to c. 844 §5, he consult with the competent authority of the interested Ecclesial Community. It seems clear that in the absence of norms the bishop remains competent to make the judgment on a case-by-case basis.

The Directory, in fact, offers little by way of concrete norms with respect to circumstances that meet the criterion of "other grave necessity." There is, however, one veiled reference to such a situation that appears in the ED in its treatment of mixed marriages. First, the norm states the following principle: «Because of problems concerning Eucharistic sharing which may arise from the presence of non-Catholic witnesses and guests, a mixed marriage celebrated according to the Catholic form ordinarily takes place outside the Eucharistic liturgy» (ED 159). The prudence of this principle is obvious, since it precludes the very possibility of illegitimate *communicatio in sacris* and, moreover, creates the possibility for appropriate common prayer in the setting of the celebration of marriage outside of a Nuptial Mass. The norm goes on to attribute to the diocesan bishop the competence to allow a Nuptial Mass in a mixed marriage for a just cause³⁴. If such permission is given, the general norms for *communicatio in sacris* are to be observed, «taking into account», the

³⁴ This provision of a general executory decree does not, by force of c. 33 §1, derogate from the *Praenotanda* of the 1969 Rite of Marriage which in no. 8 attributes this competence to the local ordinary.

Directory adds, «the particular situation of the reception of the sacrament of Christian marriage by two baptized Christians». This somewhat ambiguous statement may perhaps be interpreted to mean that the very occasion of two Christians both receiving the sacrament of matrimony when they contract a valid marriage may somehow create the grave necessity for them to receive together the sacrament of the Eucharist as well. Even so, the mention of this eventuality in the Directory in no way deprives the diocesan bishop of the competence to make the judgment in the concrete case according to the norm of c. 844 §4, if the mixed marriage involves a member of an Ecclesial Community and if there is no general decree of his own or of the episcopal conference identifying this as a situation of “other grave necessity.” Nor does it reduce at all the demands that the other conditions be fulfilled, most especially the necessity that the non-Catholic person have Catholic faith in the Eucharist. It is further noteworthy that this provision of the ED was not cited by John Paul II in the Encyclical *EdE*.

Another eucharistic provision of the ED not cited by the Pope is one that broadens the scope of c. 844 §2 when the Directory says that, under certain conditions, Catholics are permitted to receive the sacraments «from a minister in whose Church these sacraments are valid or» – and here CD goes beyond the Code provision – «from one who is known to be validly ordained according to the Catholic teaching on ordination» (*ED* 132). This provision suggests that in individual cases a validly ordained man may be ministering in an Ecclesial Community that itself has no valid Eucharist because of its more general lack of valid orders. This could be, one might imag-

ine, a Catholic priest who has departed from full communion, an Orthodox priest ministering now in an Ecclesial Community, or a minister of an Ecclesial Community for whose valid ordination provision had somehow been made.

Without attempting to guess why this broadening phrase of the ED was not cited in *EdE*, and affirming that it retains whatever juridical value it had prior to the Encyclical, one cannot fail to admit the difficulty and question the prudence of applying it. Determining the absolute validity of an individual's ordination could be a burdensome task for which local authorities are likely to be unprepared, and attempts to do so could improperly raise ecumenical expectations among Catholics and non-Catholics alike, especially in those places where there is a variety of denominational presence. Using this provision prematurely could lead to numerous cases and new forms of abuse. It was precisely the abuses in right eucharistic doctrine and practice that the Encyclical was largely intended to eliminate. A further difficulty with this provision is that it does not acknowledge that a validly ordained priest serving in an Ecclesial Community which has no valid orders may well, by reason of his adhesion to that Community, lack the necessary sacramental intention in celebrating the Eucharist, notwithstanding his own valid ordination.

2.4 *In the Encyclical Ut Unum Sint (=UUS)*³⁵

In his 25 May 1995 Encyclical *Ut Unum Sint*, in which he took up the call of Vatican Council II for the

³⁵ AAS 87 (1995) 921-982.

conversion of heart necessary for progress toward the unity of the Church, John Paul II examines various signs of accomplishment and challenge in the ecumenical field. He notes with satisfaction that just as the Catholic Church had realized a liturgical renewal since the time of the Council, so too had certain Ecclesial Communities, and that some of these efforts had been made in response to ecumenical recommendations. He identified such areas of convergence as more frequent celebration of the Lord's Supper, the use of a common lectionary, special prominence given to liturgical signs, and a commitment to liturgical formation among ministers (*UUS* 45).

Notwithstanding these points of convergence in certain liturgical matters, the Pontiff attributes to «disagreements in matters of faith» the impossibility of celebrating the Eucharist together with those not in full communion, affirming at the same time a common «burning desire to join in celebrating the one Eucharist of the Lord», a desire which «itself is already a common prayer of praise, a single supplication» (*UUS* 45). He reasserts this desire in his Encyclical on the Eucharist eight years later (*EdE* 44).

Finally, John Paul II contrasts the proscription of concelebration, as well as the burning desire for it, with the "source of joy" it is that Christians under certain circumstances may receive the sacraments from one another's ministers, and here he restates the discipline of *CIC* c. 844 and *CCEO* c. 671 (*UUS* 46).

2.5 *In Redemptionis Sacramentum*

Three paragraphs of *RS* are most especially devoted to *communicatio in sacris*. The first of these,

in the document's Preamble, succinctly restates the concern of *EdE*, namely, that there was a need for the correction of abuses which arose from well-intentioned ecumenical initiatives. The danger in such violation of discipline is the erosion of the faith that the discipline is intended to safeguard (*RS* 8).

Another provision simply restates the norms of c. 844 §§2-4 and of ED 130-131 discussed above. It then repeats the statement of *EdE* about the non-dispensable character of the c. 844 provisions and finally notes that all of the conditions must be present together (*RS* 85).

Finally *RS* adds a pastoral provision that has recently been introduced at great eucharistic celebrations at the Vatican itself and merits citation in full:

Furthermore when Holy Mass is celebrated for a large crowd – for example, in large cities – care should be taken lest out of ignorance non-Catholics or even non-Christians come forward for Holy Communion, without taking into account the Church's Magisterium in matters pertaining to doctrine and discipline. It is the duty of Pastors at an opportune moment to inform those present of the authenticity and the discipline that are strictly to be observed (*RS* 84).

2.6 *In the Apostolic Letter Mane nobiscum Domine*

In the third chapter of *MND* entitled «The Eucharist: Source and Manifestation of Communion», Pope John Paul calls the Eucharist “an epiphany of communion.” It is precisely this characteristic that requires the Church to set conditions for the full participation in the celebration of the Eucharist. Here he cites again, as he did in *EdE* 44, the two Codes' prohibition of concelebration in the absence of full communion and the various numbers

of the ED which, as noted above in our consideration of the relationship between *EdE* and the ED, deal not with prohibited concelebration but with permitted *communicatio in sacris* under extraordinary circumstances (*MND* 21). These very limitations, he goes on to observe, should have the effect of making Christians more aware of the demands that the communion desired by Christ makes of his followers.

2.7 *The Forthcoming Synod*

The *Lineamenta* for the XI General Assembly of the Synod of Bishops with the title «The Eucharist: Source and Summit of the Life and Mission of the Church» have several references to ecumenical issues³⁶. The document restates the conciliar principle that the Eucharist cannot be the starting point for ecclesial communion (*Lineamenta* 19). It acknowledges the fact that «ecumenical practices at Mass which are contrary to the faith and discipline of the Church» are among the “shadows” that need to be dispelled (*Lineamenta* 25). Finally, it counsels that intercommunion be treated «with the required humility and patience» (*Lineamenta* 28). The contents of the *Lineamenta* on the subject of *communicatio in sacris* repeat the received doctrine and affirm current discipline while acknowledging problems that have arisen in practice.

³⁶ The text of the *Lineamenta* can be found at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20040528_lineamenta-xi-assembly_en.html.

3. The Eucharist and the State of Grace

3.1 *In the Encyclical*

The previous issue dealt with visible communion; this one has to do with “invisible communion” of the faithful with God and the Church, a communion that can be broken by grave sin and is restored by conversion and, ordinarily, by individual and integral sacramental confession and absolution (see c. 960). In *EdE* the Holy Father unequivocally reaffirms the perennial doctrine of the Church, grounded in the teaching of St. Paul, that the faithful must be reconciled before sharing in the Eucharist (*EdE* 36). The Encyclical cites two provisions of the Codes that treat the relationship between the Eucharist and serious sin. The first reference is to *CIC* c. 916 and *CCEO* c. 711 (*EdE* 36). These canons prohibit anyone conscious of grave sin from celebrating Mass or receiving Holy Communion without prior sacramental confession. Only when a grave reason, such as the needs of the faithful or protection from scandal, compels such celebration or reception, and when there is no opportunity, either physical or moral, to confess, is an exception made to this principle. In such a case, the person is obliged to make an act of perfect contrition (sorrow motivated by the love of God) and resolve to go to confession as soon as possible. For while imperfect contrition (sorrow motivated by fear of punishment) is sufficient for forgiveness with sacramental absolution, only perfect contrition, along with the resolution to confess as soon as possible, is sufficient without the sacrament³⁷.

³⁷ See *Catechism of the Catholic Church*, nos. 1452-1453.

The Encyclical also makes reference to *CIC* c. 915 and *CCEO* c. 712 (*EdE* 37). These canons, indirectly addressed to those entrusted with the care of souls, deny the admission to Holy Communion of those who have been excommunicated or interdicted, after the imposition or declaration of the penalty, and «others obstinately persevering in manifest grave sin». While *EdE* affirms that the judgment of the state of grace resides in the examination of one's own conscience, it also recognizes that the public nature of the situations described in these canons calls for a response from the Church «in her pastoral concern for the good order of the community and out of respect for the sacrament» (*EdE* 37). While there are many ways for persons to persevere obstinately in manifest grave sin – and perhaps there should be a greater censure of those who persistently oppress the poor and outrageously violate basic human rights – the situation described in these canons is often associated with that of divorced and remarried persons. On 24 June 2000, the Pontifical Council for Legislative Texts (= PCLT) published a Declaration on Divorced and Remarried Persons³⁸, which affirmed that the prohibition of c. 915 is derived from divine law. Calling attention to the words of *CCEO* c. 712, «Those who are publicly unworthy are forbidden from receiving the Divine Eucharist», the Declaration asserts that the reception of the Eucharist by those who are publicly unworthy constitutes an objective harm to ecclesial communion, namely, a scandal affecting at the same time both the Eucharist and the indissolubility of marriage. Further, the Declaration

³⁸ *Communicationes* 32 (2000) 159-162.

rejects interpretations of c. 915 that would empty it of meaning by suggesting that «obstinate perseverance in manifest grave sin» can never be verified³⁹.

The Encyclical's invocation of c. 915 coincided with a controversy that arose in the U.S.A. concerning the exclusion from Holy Communion of legislators who supported laws favoring abortion. A major proponent of this practice among the U.S. bishops was Archbishop Raymond L. Burke of St. Louis who argued that public cooperation in a gravely sinful act like abortion is itself an objectively grave sin calling for exclusion from Holy Communion «in order to safeguard the worthy reception of the sacrament and to prevent a serious scandal among the faithful»⁴⁰. This issue received extensive attention from the United States Conference of Catholic Bishops, but no consensus was reached with respect to the denial of Holy Communion. Instead, the Conference, emphasizing other means of opposing abortion, made the following statement on the matter of Holy Communion:

The question has been raised as to whether the denial of Holy Communion to some Catholics in political life is necessary because of their public support for abortion on demand. Given the wide range of circumstances involved in arriving at a prudential judgment on a matter of this seriousness, we recognize that such decisions rest with the individual bishop in accord with the established canonical and pastoral principles. Bishops can legitimately make different judgments on the most prudent course of pastoral

³⁹ PCLT Declaration, no. 2.

⁴⁰ See his article «Prophecy for Justice: Catholic politicians and bishops», *America* 190 (2004) June 21, 2004.

action. Nevertheless, we all share an unequivocal commitment to protect human life and dignity and to preach the Gospel in difficult times⁴¹.

A fuller treatment of this vexing yet timely issue is beyond the scope of this article. Further discussion of the matter is likely to involve consideration of the extent to which c. 915 is most suitably applied by a bishop who has other sanctions, including penal ones, at his disposal. The PCLT Declaration cited above identifies the «Priest who is responsible for the community» as the one to discern whether or not one of the faithful is to be excluded from the Eucharist⁴². He is the one who can be presumed to know his community and the danger of scandal. By the same token, of course, the diocesan bishop is also «responsible for the community» and may judge the scandal to affect the whole particular church. Further exploration of the topic should also include consideration of how precepts and even penal sanctions could be used not only to prevent scandal in this matter but to issue a call to repentance.

3.2 *In Dominicae cenae*

Even in the early days of his pontificate, John Paul II expressed concern that the Eucharist be received worthily. The Holy Father warns against the reception of the Eucharist as a matter of habit with-

⁴¹ *Catholics in Political Life*, June 2004 can be found at <http://www.usccb.org/bishops/catholicsinpoliticallife.htm>.

⁴² PCLT Declaration, no. 3.

out cultivating the virtue and Sacrament of Penance which have the effect of deepening veneration for the gift of the Eucharist (*DC* 7). He explores the reasons for the phenomenon, more common in recent years, of whole congregations approaching the altar to receive Holy Communion. He asks whether perhaps the faithful have lost the quality of a sensitive Christian conscience and the closely connected use of the Sacrament of Penance. He calls all the faithful to greater responsibility with respect to the whole of moral teaching and, through an examination of conscience, discernment in receiving or refraining from receiving Holy Communion (*DC* 11).

3.3 *In Redemptionis Sacramentum*

Two paragraphs of the instruction address the worthy reception of Holy Communion. One of them contrasts the obvious good of all receiving Holy Communion who are properly disposed and participating at Mass with the abuse of everyone approaching the altar indiscriminately. In such circumstances, the document provides, «it pertains to the Pastors prudently and firmly to correct such an abuse» (*RS* 83).

A second paragraph treats the appropriate use of the Sacrament of Penance, commending its tranquil celebration outside of the time of Mass. Those who receive Holy Communion often are urged to «approach the Sacrament of Penance at appropriate intervals, in accordance with the condition of each» (*RS* 86). It may be noted that in his 7 April 2002 Apostolic Letter in the form of *motu proprio Misericordia Dei* on Certain Aspects of the Celebration of Sacrament of Penance, John Paul II urged ordinaries,

parish priests, and rectors of churches to schedule confessions at times «adapted to the real circumstances of penitents [...] even during Mass»⁴³. These two documents are not contradictory; indeed, they highlight the importance of tailoring pastoral practice to the needs of the faithful.

3.4 *The Forthcoming Synod*

That the state of grace is a prerequisite for the reception of Holy Communion will be another theme for the 2005 Synod on the Eucharist: Source and Summit of the Life and Mission of the Church. The *Lineamenta* affirm that this connection is a matter of divine law when the document recalls that the Church, solicitous Mother though she is, «does not have the power to give communion to [...] persons living an immoral life» (*Lineamenta* 27). The *Lineamenta* also furnish an historical and liturgical catechesis on how grave sin excludes a member of the Church from Holy Communion until he is repentant. In the meantime, participation at Mass is possible without the reception of Holy Communion (*Lineamenta* 41). Accordingly, the document declares that, as has been the case from the Church's beginnings, «discernment precedes the Eucharist [...] under pain of sacrilege» (*Lineamenta* 43). The Synod Fathers are likely, therefore, to address appropriate catechetical and pastoral means of promoting the use of the Sacrament of Penance as a necessary means of eucharistic renewal.

⁴³ AAS 94 (2002) 452-459, no. 2.

4. Fidelity to Liturgical Norms

4.1 *In the Encyclical*

Toward the end of *EdE*, John Paul II makes an impassioned plea «that the liturgical norms for the celebration of the Eucharist be observed with great fidelity» especially by priests. They preside, he reminds them, *in persona Christi*, and are servants of communion not only for the communities to which they minister, but for the whole Church. Attributing the introduction of unauthorized innovations to a reaction against formalism, he nevertheless affirms that the liturgical norms in their authoritative commonality «are a concrete expression of the authentically ecclesial nature of the Eucharist» (*EdE* 52).

In this he evokes both conciliar and canonical principles. The lawfully recognized rites of the Church are to be preserved and fostered «in faithful obedience to tradition» (*SC* 4), and their regulation «depends solely on the authority of the Church, that is, on the Apostolic See, and, as law may determine, on the bishop» (*SC* 22). These principles are now codified in the Latin Code, which guarantees the right of the faithful «to worship God according to the prescripts of their own rite» (c. 214) and obliges all priests to observe faithfully the norms and texts contained in the liturgical books (c. 846 §1). Similar provisions are found in *CCEO* c. 17 and cans. 668 §2 and 674. As John Paul puts it in *EdE*, «Liturgy is never anyone's private property, be it of the celebrant or of the community in which the mysteries are celebrated» (*EdE* 52).

4.2 *In Dominicae cenae*

As with the preceding themes, this one, namely, on fidelity to liturgical norms, arose very consistently throughout John Paul's pontificate. As early as *DC*, he affirmed that ministers are stewards of the Eucharist, which is a common good of the Church. The priest, therefore,

[...] cannot consider himself a "proprietor" who can make free use of the liturgical text and of the sacred rite as if it were his own property, in such a way as to stamp it with his own arbitrary personal style. At times this latter might seem more effective, and it may better correspond to subjective piety; nevertheless, objectively it is always a betrayal of that union which should find its proper expression in the sacrament of unity (*DC* 12).

4.3 *In Apostolic Letters Commemorating Sacrosanctum Concilium Anniversaries*

We already mentioned *Vicesimus Quintus Annus* in the context of our discussion of the Synod on the Laity. It has relevance in this context too. Citing once again the conciliar texts as authority, John Paul recalls how liturgical actions are never private, but always celebrations of the Church and therefore subject to its hierarchical authority. He introduces here the *lex orandi, lex credendi* principle, affirming how careful fidelity to liturgical norms ensures conformity with the Church's faith. Conversely, betrayal of the rites could even involve the invalidity of the sacrament (*VQA* 10; see also *VQA* 11).

Specifically, the Pope says that priests cannot be tolerated who take it upon themselves to com-

pose Eucharistic Prayers or substitute profane readings for texts from Sacred Scripture. Such initiatives, in his words, «are in direct contradiction to» liturgical reform, «disfigure it and deprive the Christian people of the genuine treasures of the Liturgy of the Church». And he unequivocally identifies here on whom reform will depend when he says: «It is for the bishops to root out such abuses» (VQA 13).

John Paul attributed that same responsibility to his brother bishops fifteen years later in his 4 December 2003 Apostolic Letter *Spiritus et Sponsa* (=SeS), which commemorated the fortieth anniversary of SC. In this later letter, he offers a synthesis of the best achievement of the postconciliar period:

The liturgical renewal that has taken place in recent decades has shown that it is possible to combine a body of norms that assure the identity and decorum of the Liturgy and leave room for the creativity and adaptation that enable it to correspond closely with the need to give expression to their respective situation and culture of the various regions. Lack of respect for the liturgical norms can sometimes even lead to *grave forms of abuse* that obscure the truth of the mystery and give rise to dismay and stress in the People of God⁴⁴.

4.4 *Instructions for the Right Implementation of the Council's Liturgy Constitution*

It is precisely this balance between unity and adaptation that is promoted by the fourth and fifth instruc-

⁴⁴ *Notitiae* 39 (2003) 573-582, no. 15.

tions of the Congregation for Divine Worship and the Discipline of the Sacraments «for the Right Implementation of the Constitution on the Sacred Liturgy of the Second Vatican Council». Earlier instructions of this sort were issued during the pontificate of Paul VI by the corresponding organs of the Curia⁴⁵. The first of these more recent documents is the 25 January 1994 Instruction *Varietates legitimae* (= VL) on Inculturation and the Roman Liturgy⁴⁶. Its specific scope is the implementation of SC 37-40. Taking up the Pontiff's appeal to the *lex orandi, lex credendi* principle, the document explains the rationale for

[...] a legislative framework for the organization of worship, the preparation of texts and the organization of rites. The reason for the preceptive character of this legislation throughout the centuries and still today is to ensure the orthodoxy of worship: that is to say, not only to avoid errors, but also to pass on the faith in its integrity so that the "rule of prayer" (*lex orandi*) of the Church may correspond to the "rule of faith" (*lex credendi*) (VL 27).

Additions or changes to liturgical texts could introduce errors, and omissions run the risk of failing to pass on everything that the Church intends to communicate in its approved liturgical words and actions. Initiatives in inculturation, therefore, must maintain the unity of the Roman rite; an adaptation does not create a new rite (VL 36). Only competent ecclesiasti-

⁴⁵ The three earlier instructions were *Inter Oecumenici* (26 September 1964), *Tres adhinc annos* (4 May 1967) and *Liturgicae instaurationes* (5 September 1970).

⁴⁶ AAS 87 (1995) 288-314.

cal authority can approve legitimate cultural adaptations. In the words of the instruction, «Inculturation is not left to the personal initiative of celebrants or the collective initiative of an assembly» (VL 37).

What the Fourth Instruction did for inculturation, the Fifth did for the translation of liturgical texts. Issued by the same dicastery on 28 March 2001, the Instruction *Liturgiam authenticam* (= LA) on the Use of Vernacular Languages in the Publication of the Books of the Roman Liturgy had as its scope the application of SC 36⁴⁷. The document gives special attention to the Roman Missal, calling for special care in its translation since it is «an outstanding sign and instrument of the integrity and unity of the Roman Rite» (LA 4). A noteworthy feature of LA is its explanation of the role of the Apostolic See's *recognitio* of translations of liturgical texts. It «is not a mere formality, but is rather an exercise of the power of governance, which is absolutely necessary». The instruction goes on to say that «the required *recognitio* of the Apostolic See is intended to ensure that the translations themselves, as well as any variations introduced into them, will not harm the unity of God's people, but will serve it instead» (LA 80).

4.5 *In Redemptionis Sacramentum*

In a sense, the whole purpose of this instruction is to reinforce the binding character of liturgical norms and to correct abuses that threaten the integrity of the Holy Eucharist. Each of its provisions has as its

⁴⁷ AAS 93 (2001) 685-726.

objective the assurance that a prescribed liturgical norm, usually one of long standing, be observed or that its violation be discontinued⁴⁸. The first chapter of the document, however, is particularly dedicated to the responsibility of various authorities and persons in the Church to establish or apply liturgical norms and to prevent their abuse. Special emphasis is placed on the role of the diocesan bishop (*RS* 19-25). Citing c. 392 and its insistence on the bishop's responsibility to promote the common discipline of the Church by urging the observance of all its laws, it recasts this provision somewhat to emphasize the rights of the faithful in this regard:

It is the right of the Christian people themselves that their diocesan Bishop should take care to prevent the occurrence of abuses in ecclesiastical discipline, especially as regards the ministry of the word, the celebration of the sacraments and sacramentals, the worship of God and devotion to the Saints (*RS* 24).

Conferences of bishops are reminded that the Apostolic See had repeatedly announced the cessation of experimentation in the celebration of Mass. The instruction advises episcopal conferences that they are required to request written permission for any experimentation from the Congregation for Divine Worship and the Discipline of the Sacraments.

⁴⁸ Though there is no separate consideration of the *IGMR* in this section of the article, it too recalls that while priest celebrants can make certain legitimate choices of rites or texts, he is still «the servant of the sacred Liturgy and [...] is not permitted, on his own initiative, to add, to remove, or to change anything in the celebration of Mass» (no. 24).

They are informed, however, that such permission «will not be granted without serious reason» (RS 27).

The instruction also addresses itself to the special responsibility of priests, citing *EdE* 52 and its warnings against abuses introduced «as a result of a misguided sense of creativity and adaptation» (RS 30). Priests are reminded of their ordination promises, renewed each Holy Thursday, to celebrate the Eucharist «according to the tradition of the Church» devoutly and faithfully. They are further admonished «not to detract from the profound meaning of their own ministry by corrupting the liturgical celebration either through alteration or omission, or through arbitrary additions». Finally, *RS* urges priests to assume a role of leadership in dissuading others from indulging in liturgical abuses (RS 31).

Institutes of consecrated life, societies of apostolic life, and ecclesial associations and movements are equally bound to observe liturgical norms and are subject to the bishops' authority «apart from rights that have been legitimately conceded» (RS 23; see also RS 114), such as, for example, the use of proper calendars.

The binding nature of liturgical norms is further confirmed in the eighth and final chapter of *RS* on remedies. The document sagely identifies «the biblical and liturgical formation» of both priests and faithful as the first remedy for liturgical abuses. But it does not hesitate to call for the application of «all legitimate means», if the abuses persist, «for safeguarding the spiritual patrimony and rights of the Church in accordance with the law» (RS 171). *RS* goes on to distinguish the different levels of offenses against the Eucharist: *graviora delicta*; “other grave abuses” as discussed in the first section of this article; and finally, other abuses (RS 172-175). And just as the instruction

at its beginning distributes competence to various authorities for the regulation and supervision of the Eucharist, so does it attribute at its conclusion responsibility for correcting abuses, namely, the diocesan bishop and the Apostolic See (*RS* 176-182). Finally, *RS* assures every Catholic the right to lodge a complaint regarding an abuse with either authority, observing the principle of subsidiarity (*RS* 184).

4.6 *Most Recent Documents*

In the recent documents connected with the Year of the Eucharist and the forthcoming Synod on the Eucharist, there is also due treatment of fidelity to liturgical norms as a guarantee of the Eucharist as a sacrament of the Church's unity. In opening the Year of the Eucharist, John Paul II called for the Eucharist to be «well celebrated», that is, «in accordance with established norms». As a concrete means of achieving this objective, he proposed that during the Year of the Eucharist parish communities undertake the specific project of studying the *IGMR* (*MND* 17). Similarly, the Congregation for Divine Worship and the Discipline of the Sacraments suggested that pastoral workers engage in a self-examination during the year, with the help of *RS*, to measure their fidelity to liturgical norms (*S&P* 3). It offers similar encouragement to parishes, communities of consecrated life, and seminaries and houses of formation (*S&P* 36-38).

The forthcoming Synod of Bishops is also invited to consider how the faithful observance of norms concerning the Eucharist bears witness to and affirms the unity of the Church (*Lineamenta* 20). Liturgical rites, the preparatory text reads, «should not be altered in any way, from either a so-called

“liturgical creativity” or from a critical spirit of what has been legitimately decreed» (*Lineamenta* 31; see also *Lineamenta* 30, 50).

5. Conclusion

In drawing to a close this examination of four central juridical themes in documents on the Eucharist issued during the pontificate of John Paul II, I offer a concluding observation on each of them:

1. The distinction between the ministerial and common priesthood received extensive treatment in the magisterium of Pope John Paul II. Indeed, it constitutes by far the most substantial section of this article. While it has practical juridical applications in many areas of Church life, including especially pastoral care, it is nowhere more vital a question than in the ordering of the Church’s worship, but most especially in the Celebration of the Eucharist where the Church’s hierarchical structure is reflected in the diversity of roles. While relatively few abuses in this area involve the validity of the Sacrament of the Holy Eucharist, many touch upon its dignity. The consistency of the Church’s teaching and discipline in this matter has been demonstrated by this survey of pertinent documents. Their reception and implementation by both clergy and laity are likely to depend more on education, catechesis, vigilance, correction, and even, if necessary, sanctions at the level of the particular church than on further documents of the Apostolic See.

2. The question of *communicatio in sacris* remains a highly sensitive topic within the context of ecumenical dialogue and is, of course, with respect

to relations between the Catholic Church and the Ecclesial Communities of the West, inextricably bound to the theological question of apostolic succession and the validity of episcopal and priestly orders. While the abuse of concelebration between Catholic priests and ministers of the Ecclesial Communities is relatively rare, the indiscriminate admission to Holy Communion of members of these Communities – often through a misguided sense of “hospitality” on the part of Catholic ministers – is not at all rare, especially in denominationally pluralistic nations. Conversely, the Catholic faithful are known readily to approach the Lord’s Supper table at the invitation of the Communities’ ministers, also as a result of poor catechesis and a confused understanding of the good manners of guests. Here too pastoral education and vigilance are in order, as well as the true conversion, honesty, and asceticism necessary for long-term ecumenical fruitfulness.

3. While the admission to Holy Communion of “the publicly unworthy” remains a challenging theological, canonical, and pastoral issue, it is not wholly unrelated to the broader question of the need for greater discernment in the reception of Holy Communion by all the faithful. The decline in recent decades in the appropriate use of the Sacrament of Penance and dissent, both public and private, from perennial elements of the Church’s moral teaching suggest the need for better moral and sacramental catechesis and for critical self-examination on the part of all the faithful, clergy and laity alike. This too could be a concrete project for the Year of the Eucharist.

4. Finally, what have been clearly (and rightly) designated as “abuses” in the language of recent documents, are perhaps thought “pastorally sensitive” or

“spiritually satisfying” in the estimation of some faithful and clergy. While authentic pastoral care and spirituality are beyond the scope of this article, it can at least be stated with assurance that some of these abusive practices are widely diffused and deeply ingrained in the experience of many communities of the faithful. As Pope John Paul wrote in *Spiritus et Sponsa* recalling Vatican II, liturgical «abuse has nothing to do with the authentic spirit of the Council and should be prudently and firmly corrected by Pastors» (*SeS* 15). This survey has demonstrated how concern about the integrity of the Eucharist and abuses against it was a strong and constant theme during the long pontificate of John Paul II. While advances in priestly formation programs may be a significant sign of hope for liturgical integrity, it is unclear how much real progress has been made in correcting abuses and strengthening among all the faithful the doctrinal base that lies beneath liturgical norms, in spite of the frequency, consistency, and clarity of the pontifical and curial documents. There is no doubt that bishops are perhaps the most important agents of change, and that they have a variety of means to correct abuses. The challenge is to know which ones to choose, for which situations, at what moment, and in what way – and to have the pastoral wisdom and eloquence necessary to explain their actions.

I would offer one final suggestion of a perhaps unexplored sector of the Church as a possible agent for growth in this sensitive yet critical and central value in the Church’s life. Institutes of consecrated life, especially clerical institutes, whose members are involved in daily liturgical ministry to God’s people, could become more effective bearers of the Church’s authentic liturgical tradition. By virtue of the special bond which all institutes of consecrated life have

with the successor of the Apostle Peter⁴⁹, they could provide apt support to him in his solicitude for all the churches in the act which is the source and summit of the whole life and mission of the Church. Major superiors, therefore, should first strive courageously to correct abuses in the eucharistic practice of their communities and members and then seek and employ means of sharing this experience of purification and rebirth with the faithful whom they serve.

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⁴⁹ See *CIC* c. 590; *CCEO* c. 412 §1; JOHN PAUL II, Postsynodal Apostolic Exhortation *Vita Consecrata*, 25 March 1996, AAS 88 (1996) 387-486, no. 47.