



# CHRISTIFIDELIS

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Christmastide

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## Participation in Holy Communion by unworthy Catholics

By Edward Peters, JD, JCD, Ref Sig. Ap.

When questions about the eligibility of Christians to participate in sacramental Communion arise, they usually arise *inter-ecclesially*, that is, between entire Churches or ecclesial communities. These questions almost always turn on points of doctrine and are generally resolved at the institutional level. Because most believers abide by these organizational determinations, the divisions among Christians on points of belief do not degenerate into disruptions during each other's Communion rites.

Simmering over the last few decades, however, and erupting in the last few years, have been serious *intra-ecclesial* questions regarding the eligibility of certain Catholics to participate in their own sacramental Communion. Almost invariably, these Catholic disputes over eligibility for Communion focus on personal conduct, not on beliefs (at least not directly), and are decided—or are conspicuously *not* decided—on a case-by-case basis. Although some contemptuously dismiss these disputes as “Catholic wafer wars” at least three factors underscore the importance of this debate for Catholics and many others.

First, whether one consults the *Code of Canon Law* (1983) or the *Catechism of the Catholic Church* (1997), the centrality of the Eucharist in the identity, doctrines, and practices of the Catholic Church is patent:

*The most August sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the Church continually lives and grows. The Eucharistic sacrifice . . . is the summit and source of all worship and Christian life, it signifies and affects the*



*unity of the People of God, and brings about the building up of the body of Christ. Indeed . . . all ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and are ordered to it (c. 897, or CCC 1324-1327).*

*The Christian faithful are to hold the Most Holy Eucharist in highest honor, taking an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently, and worshiping it with the highest adoration (c. 898, or CCC 1386-1389).*

To paraphrase an old ad, when the Catholic Church speaks about the Eucharist, people listen; how the Church decides controversies over Communion eligibility in her own ranks impacts how others decide it in theirs. A non-Catholic minister observing current Communion debates among Catholics put it this way to me: “We believe essentially what you Catholics believe about the Eucharist, but we have nothing like your analytic tradition with which to address hard questions about participation in Communion within our community. The recent controversies over reception of Communion by your co-religionists have been most illuminative for me and mine in ours.”

Second, the modern Catholic disputes over the participation of Catholics in Communion turn not simply on individual conduct (that alone would have been an important factor distinguishing the recent debates from the historical ones), but on conduct that is particularly public, indeed, often formally political conduct rife with societal consequences. In the order in which mod-

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Charles M. Wilson, Executive Director

## Reports, Rumors, Ramblings and Ravings



By Charles M. Wilson

The Directors and staff of the Saint Joseph Foundation offer a most heartfelt thanks to our friends who have supported our apostolate with their spiritual and material sacrifices during the past year. Your intentions will be included in the Christmas Mass at Midnight at Our Lady of the Atonement parish in San Antonio.



Ordinarily we celebrate the Christmas season beginning on the Feast of the Nativity of Our Lord and ending on Epiphany. According to the Breviary and the Roman Missal, the season begins on December 24<sup>th</sup> and continues until the feast of the Baptism of the Lord. It has also been defined as lasting until Candlemas on February 2<sup>nd</sup>. As far as I know, however, the Church has never said that Christmastide ends on December 25<sup>th</sup>, as our commercially oriented secular culture has decreed.

We wish all of you a very Merry Christmastide and a New Year filled with blessings.



We have experienced some problems with our new website that has affected all our readers including those who do not own computers. For many years we have had to automate our thank-you letters for contributions. We knew there would be some difficulties involved with switching to a web-based system and, sure enough, they came to pass. Although the bugs in the system have been fixed, we still have a large backlog of several hundred un-thanked donations that were received from late September until mid November. We have been thanking

donations that were received after that period as they arrived while continuing to clear that backlog, which we expect will be gone by the end of the month.



There is a long list of people who have provided priceless advice and assistance to the Foundation. Had it not been for these collaborators and the services they rendered in those critical early years of our existence, the Foundation might now be just a memory. One who would be at the top of the list is Michael Schwartz, with whom I worked very closely while he was in charge of the "Responsible Activism for Today's Catholic" project at the Free Congress Foundation in Washington. In recent years, Mike was chief of staff for Senator Tom Coburn (R-OK). I was deeply saddened to hear that he reigned from his position because he is in the later stages of Amyotrophic Lateral Sclerosis, also known as Lou Gehrig's disease. Mike is a devoted servant of God and country. Please say a prayer for him and his family.



This is the time of year when our mailboxes are full of catalogs, bills, Christmas cards and fundraising letters. You will not be receiving one of the latter from the Saint Joseph Foundation. It's not because we don't need money or that I don't like to ask for it at Christmas time. Instead, we ought to be expressing our gratitude for what has been generously given. If you miss being asked, don't worry; I'll be coming around with the tin cup next year.

Thank you again and may God bless you and those dear to you.

### Christmas Novena

*Hail and blessed be the hour and moment in  
which the Son of God was born  
of the most pure Virgin Mary,  
at midnight, in Bethlehem,  
in piercing cold.*

*In that hour vouchsafe,  
O my God, to hear my prayer  
and grant my desires,  
through the merits of  
Our Savior Jesus Christ,  
and of His Blessed Mother.*

*Amen.*



## When is a penalty not a penalty?

**The community simply cannot afford to take no notice of those who reject sharing the Church's mission or refuse the call to Christian witness in a significant way.**

**Rev. Msgr. Thomas J. Green  
Stephan Kuttner Distinguished Professor  
of Canon Law  
Catholic University of America**

Msgr. Green's statement is from The Code of Canon Law: A Text and Commentary, commissioned by the Canon Law Society of America and published in 1985 by Paulist Press. It has appeared in *Christifidelis* before and remains as true as it was when first published just two years after the current Code of Canon Law came into force in 1983.

One thing governments — secular as well as ecclesiastical — have in common is the occasional need to coerce those who are subject to them. The Church recognizes this reality in canon 1311:

*The Church has the innate and proper right to coerce offending members of the Christian faithful with penal sanctions.*

The next question that might arise is: Just what is a penal sanction? The 1983 Code does not define the notion exactly, so we refer to canon 2215 of the 1917 Code:

*An ecclesiastical penalty is the deprivation of some good imposed by the lawful authority in order to correct the offender and punish the offense. (Translation from the Code of Canon Law Annotated, p. 1020.)*

This is circumscribed by canon 221, paragraph 3, of the 1983 Code, for which there is no corresponding canon in the 1917 Code:

*The Christian faithful have the right not to be punished with canonical penalties except according to the norm of law.*

Now we have an idea of how the Church defines a penalty and some of the general limits on the application of penal sanctions.

## The notion of deprivation

Spinach is a good thing. It has lots of food value, is relatively inexpensive and can be prepared in any number of ways. At the same time, there are lots of children who wouldn't mind a bit by being deprived of it. So if an ecclesiastical penalty is imposed, it will not be effective unless the offender places some value on whatever it is that he or she can no longer enjoy. Moreover, the secular state can depriving one of money, freedom or even life itself; but the Church is limited to the exercise of moral coercion.

The Church can deprive a member of the faithful of an ecclesiastical office, a privilege, the clerical state and spiritual benefits, including one or more of the sacraments. This cannot however, be done on a mere whim. It must first be established that a law has been violated and, even then, the imposition of penalties is viewed as a last resort. Finally, due process must be followed and the rights of the accused must be respected.

Moreover, it is very important to remember that all deprivations are not necessarily penalties. For example, a pastor may be removed from office by the diocesan bishop, even though he may be without serious fault (c. 1740). Likewise, a lay member of the faithful could be deprived from some ministry or function without the imposition of a penalty. We should also recognize that many decisions by ecclesiastical authorities can result in a *sense* of deprivation, such as often happens after parish mergers. If a much-loved parish church building is lost in the process, many will feel deprived. This may be unavoidable — but it does not provide much comfort to the grieving parishioners.

## Deprivation without penalty

Aside from the examples given above, there is another lawful way that a member of the faithful can be deprived of the sacrament of Holy Communion without the imposition of a canonical penalty. That is the subject of the lead article by Dr. Peters, who provides some invaluable observations on canon 915. He has also provided a wealth of related comments that are available to the public. (CMW)





## STRAWS IN THE WIND

### SYNODUS EPISCOPORUM BULLETIN XIII ORDINARY GENERAL ASSEMBLY OF THE SYNOD OF BISHOPS, 7-28 OCTOBER 2012

The following Synod Fathers delivered their interventions in writing only:

**H. Em. Rev. Card. Raymond Leo BURKE,  
Prefect of the Supreme Tribunal of the Apostolic Signatura  
(VATICAN CITY)**

The Instrumentum Laboris reminds us that witness to the Christian faith is a valid response to the pressing problems of life in every age and culture, especially because that witness overcomes the false separation existing between the Gospel and life (cf. no. 118). However, so that witness to the faith will have a place, which today's world urgently needs, cohesion is needed within the Church between life and faith.

Among the most serious wounds of society today is the separation of legal culture from its metaphysical objective, which is moral law. In recent times this separation has been much accentuated, manifesting itself as a real antinomianism, which claims to render actions which are intrinsically evil as legal, for example, abortion on demand, artificial conception of human life with the aim of carrying out experimentation on the life of a human embryo, the so-called euthanasia of those who have the right to our preferential assistance, legal recognition of same-sex unions as marriage, and the negation of the fundamental right to conscience and religious liberty.

This antinomianism embedded in civil society has unfortunately infected post-Council ecclesial life, associating itself, regrettably, with so-called cultural novelties. Excitement following the Council, linked to the establishment of a new Church which teaches freedom and love, has strongly encouraged an attitude of indifference towards Church discipline, if not even hostility. The reforms of ecclesial life which were hoped for by the Council Fathers were therefore, in a certain sense, hindered, if not betrayed.

Devoted to present-day new evangelization, we have the task of laying the foundation for awareness of the disciplinary tradition of the Church and respect of the law in the Church. An interest in the discipline of the Church is not to be equated with an idea contrary to the mission of the Church in the world, but to a correct attention to cohesively witnessing to faith in the world. This service, certainly humble, of Church Canon Law is also absolutely necessary. How indeed will we be able to witness our faith in the world if we ignore or neglect the demands of justice within the Church? Salvation of the soul, the primary goal of a new evangelization, must also always be in the Church "the supreme law" (can. 1752).

*[The link between witnessing the faith and heeding the demands of justice within the Church, in my view, has been virtually ignored for some fifty years. It is high time that it be repaired. CMW]*

*(Continued from page 1)*

ern Catholic debates over the admission of Catholics to Communion have permeated ecclesial and secular consciousness, there came first questions about Eucharistic participation by Catholics who are civilly divorced-and-remarried (that is, millions of Catholics); next came questions concerning certain major politicians (including Edward Kennedy, Rudy Giuliani, John Kerry, Nancy Pelosi, Kathleen Sibelius, and Andrew Cuomo, to name but a few); and most recently questions about Catholics undertaking various forms of homosexual and lesbian activism. Many Catholics sympathize (or even empathize) with Catholics in irregular marriages, or agree with Pelosi's near-perfect pro-abortion politics, or support Rainbow Sash style activism; these Catholics profess outrage over seeing the Eucharist "used as a weapon" against fellow Catholics. Other Catholics, however, are appalled at seeing such markedly contrarian Catholics take Communion and express outrage over seeing the Eucharist abused by fellow Catholics.

Finally, at a time when questions over the future place of faith in American public life have never been greater, turmoil in the Catholic body ecclesial, to which nearly one-fourth of Americans belong, is simultaneously cause for concern among the Church's social allies and for glee among her opponents. Disagreement over something as fundamental as the admission of Catholics to their own Communion rites distracts from the *unity* with which the Church, whose own unity is grounded in the celebration of the Eucharist (Canons 837, 897, or CCC 1396), speaks to a variety of public concerns. Thus, whether one's concerns are for intra-ecclesial fidelity to the teachings of Christ in accord with the mind of the Church, or one seeks a speedy resolution of disorder in Catholic ranks so that the Church may present a more unified front to the growing assaults on religion in the public square, understanding the recent Catholic debates over the admission of certain Catholics to Communion is very important.

For more than twenty years I have been a participant in the debates over participation by Catholics in Communion. With Raymond Cdl. Burke, now President of the Supreme Tribunal of the Apostolic Signatura, I am probably the chief exponent of the view that Catholic sacramental and canonical discipline supports, and in some cases *demand*s, that Catholic ministers withhold Communion from certain Catholics based on their conduct. But while most of Burke's writings (notably the 2007 article in the Roman canonical journal *Periodica* referenced below) and his statements regarding administration of the Eucharist (especially in regard to then presidential candidate John Kerry) pre-date his Roman dicasterial appointment, my writings continue and are largely available on my website, Canonlaw.info.

Against our view that Catholic sacramental and canonical discipline sometimes demands the withholding of Communion from Catholics there stand a few negative episcopal comments (generally brief, and not unanimous) and some short essays by academics, but mostly, it seems, there is an institutional inertia against enforcing ecclesiastical discipline when public outcry over that enforcement is predicted to be loud. To be sure, possible negative public reaction over (read: inability to understand) ecclesiastical discipline might support delaying the enforcement of a given norm for a time, but prudential arguments about the timing of ecclesiastical governance acts cannot be properly considered until the sacramental and canonical principles underlying such situations are understood and acknowledged. Today, basic Catholic norms on participation in Communion suffer from widespread misunderstanding, which leads to inconsistent application of that discipline, which in turn provokes ill-informed (and sometimes vicious) commentary thereon. It is toward explicating the basic principles governing Catholic participation in Communion that the rest of this essay is dedicated.

The single most important point to understand about the controversy over Catholics sharing in their own sacramental Communion is that Catholic participation in Communion is achieved by *two related but distinct* acts: the action of a member of the faithful in seeking Communion (reception) and the action of the minister in giving the Host (administration). These two actions, though occurring almost simultaneously in real life, are performed by different agents, are governed by different laws, and are assessed in light of different values. Virtually all confusion over Catholic participation in Communion can be traced to the failure to keep these two actions, namely that of receiving and that of administering Communion, distinct.

### Illicit reception of Communion

About the criteria rendering illicit the *reception* of Communion by an individual Catholic there is little disagreement. All Catholics accept in principle that a person “conscious of grave sin ... is not to receive the body of the Lord without previous sacramental confession” (Canon 916, CCC 1457). Allowance is made in the canon for reception of Communion on a guilty conscience subsequent to “an act of perfect contrition”. The usual debates about what constitutes “grave sin” in the first place are at hand, but those considerations aside, sacramental and canonical discipline is clear that a Catholic should not *receive* Communion on a guilty conscience.

Express warnings about the personal consequences for an individual’s unworthy reception of the Body and Blood of the Lord reach back to St. Paul’s First Letter to

the Corinthians: “Whoever eats this bread or drinks the Lord’s cup in a way unworthy of the Lord will be guilty of the body and the blood of the Lord” 1 Cor. XI: 27. To receive Communion on a guilty conscience is to commit the mortal sin of sacrilege (CCC 2120) and to die with mortal sin on one’s soul is to invite eternal damnation (CCC 1034, 1037). Reflecting this tradition, Canon 916, which controls the decision of an individual member of the faithful to approach for reception of Communion, though not expressing the eschatological consequences for irreverent reception of the Eucharist, leaves no doubt that an individual’s obligation to approach for and receive Communion in a state of grace binds gravely.

Unstated in the canon, however, doubtless because it is assumed within the Catholic tradition, is that the decision about personal worthiness *to receive* Communion—a decision being made, obviously, in the forum of conscience—is the individual’s alone to make. No mechanism for the external enforcement of Canon 916 is offered in the canon or, indeed, anywhere else in the Code. Thus, and notwithstanding the clarity and consistency of Catholic teaching regarding the faithful’s obligation *to receive* the Eucharist “most devoutly” (Canon 898), the Catholic Church knows that sacrilegious Communion can and will happen. This is not a new insight.

Scripture seems to attest, and the Fathers were virtually unanimous in saying, that the first sacrilegious Communion was committed by Judas Iscariot at the Last Supper. Now, a worse offense against the sacramental Body and Blood of Christ than the one that occurred at the ministration of Jesus during the Institution of the Mass is scarcely imaginable. But, as egregious as this evil deed was, St. Thomas Aquinas does not rank Judas’ taking of Communion at the Last Supper as the worst sin committed against Our Lord. In his *Summa Theologica* III, q. 80, artt. 5-6, St. Thomas ranks sacrilegious reception of the Eucharist among lesser, albeit still grave, offenses, and warns priests of his day against improperly withholding of Communion from unworthy, but not *publicly* unworthy, Catholics upon pain of committing mortal sins themselves! Closer to our own time, the saintly Roman Jesuit Felix Cappello (1879-1962), perhaps the greatest sacramental lawyer of the 20<sup>th</sup> century, warned that: “Certain writers, particularly those addressing ascetics, exaggerate the gravity of the sin of sacrilegious Communion. But all excess in this area should be avoided, lest the faithful, especially poorly informed and children, plunge into desperation.” (Cappello, *De Sacramentis* [1945] vol. I: 477, my trans.) Today it seems that the desperation into which some fervent but poorly informed Catholics are tempted is not so much a desperation that leads *them* to avoid receiving the Eucharist for fear of offending the Lord, but rather, a desperation

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to see the Eucharist withheld from *others* for fear of offending the Lord. It is a different desperation than the one Cappello had in mind, but it is quite as erroneous.

The Church's nuanced line of interpretation in this area—one that knows, as surely as did Our Lord when he handed Himself over to Judas, that some Catholics will receive Communion sacrilegiously—is no product of post-conciliar confusion in Church order or of decline in belief in the Real Presence among Catholics. Instead, properly understood, the Church's acceptance of the possibility that some sacrilegious Communion will occur before her very eyes protects against other serious wrongs being committed out of excessive zeal to preserve the Eucharist from profanation. Unfortunately, errors about irreverent *reception* of the Eucharist inevitably confuse the analysis of questions related to *administration* of Communion, and agitation by some Catholics for what amounts to the external enforcement of Canon 916 (a wholly inappropriate proposition) distracts from the efforts of others to see Canon 915 (a norm intended, as we shall see, for external enforcement) properly invoked against the administration of Communion to Catholics ineligible for it. It is to that question of administration of Communion that we may now turn.

### Illicit administration of Communion

Canon 915, as we shall see shortly, controls the question of withholding Communion from certain Catholics and, to some degree at least, it operates in a context shaped by Canon 916. But much more important for a proper understanding of Canon 915 is a complex of canons that weighs heavily (not entirely, but heavily) in *favor* of administering Communion to the faithful who approach for it publicly.

Canon 213, for example, located in a part of the Code that many commentators compare to an ecclesiastical 'Bill of Rights', declares the fundamental right of the Christian faithful to receive "the spiritual goods of the Church, especially the word of God and the sacraments." Canon 843, one of the first norms on the administration of sacraments, effectively puts the burden of proof on ministers to explain why they denied a given sacrament to member of the faithful. Finally, and most directly, Canon 912, the opening canon governing participation in the Eucharist, bluntly states that any baptized person "not prohibited by law can and must be admitted to Communion." These three canons, taken individually or in common, establish a solidly pro-administration stance in regard to Communion. Moreover, Canon 18 states that any law "restricting the free exercise of rights [especially fundamental rights to receive the sacraments, and most especially the Eucharist] is subject to strict interpretation." In short, it is difficult

to imagine a complex of norms more oriented toward facilitating Catholic participation in the sacraments, especially in the Eucharist, than those found in the 1983 Code.

There are, of course, some uncontroversial prohibitions against individuals being given Communion that are honored by most ministers. For example, a non-baptized person cannot be admitted to Communion (Canon 842, CCC 1213) nor can, under most circumstances, a baptized non-Catholic (Canon 844, CCC 1399-1401). One who is known to have received Communion earlier in the day, and certainly if he or she has received twice that day, cannot be admitted to Communion (Canons 917, CCC 1388). One who is eating a hamburger in the Communion procession (Canon 919, CCC 1387) or who is, say, seeking Communion as the pastor is leaving the rectory to tend to the dying (Canon 843) enjoys no right to Communion which ministers of the Eucharist must honor. Such instances of denial of Communion, resting on neither Canon 915 nor 916, would cause little consternation among Catholics.

Some might, I grant, pause over Canon 843 (see also CCC 1387-1388), which holds open the possibility of denying *any* sacrament to a member of the faithful based on improper "disposition", and ask whether this norm allows for withholding Communion from one whose apparent sinfulness augers irreverent reception of the Sacrament. The short answer is, no. Commentators distinguish between "external dispositions" such as sufficient catechetical formation, demeanor, even dress, and "internal dispositions" such as fervor, faith, and grace. Only deficiencies in one's external dispositions can result in delaying one's participation in a sacrament, while questions about internal disposition are generally left to the individual (and perhaps his or her confessor) to decide.

### Canon 915

Which brings us, at last, to Canon 915: "Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to Communion." Excommunications and interdicts of any sort, but especially those formally imposed or declared, are very rare, so as a practical matter Canon 915 comes into play only when an individual Catholic "obstinately persevering in manifest grave sin" approaches for Communion. It is over this aspect of Canon 915 that discord reigns. We begin our considerations with what the canon textually requires.

The first thing to notice about Canon 915 is that it binds *ministers* (who admit persons to sacraments), and does not bind *recipients* (who approach for and receive



sacraments). To treat Canon 915 on the *administration* of Communion as if it were simply a rephrasing of Canon 916 on the *reception* of Communion is to disregard the plain text of the law and, as a result, to miss the strong pro-participation tradition outlined above.

The second thing to notice is that Canon 915 both authorizes *and requires* ministers to withhold Communion from faithful who approach under the conditions presented in Canon 915 (and not those conditions outlined in Canon 916, which, as we have seen, reads differently because it protects different values). To read Canon 915 as if it were a mere suggestion or exhortation to ministers, instead of being a command to them, is again to disregard the plain text of the law.

The third thing to notice about Canon 915 is that the multiple conditions authorizing and requiring Communion to be withheld from certain members of the faithful must, in light of the strong pro-participation norms outlined above, especially Canon 18, be *simultaneously* satisfied (in accord with the objective requirements of law at that) before the minister, invoking Canon 915, may licitly withhold the Eucharist from a Catholic approaching for it publicly. To invoke Canon 915 against a member of the faithful who is not fully embraced within the precise terms of Canon 915 is—the point bears repeating—to disregard the plain text of the law and, as St. Thomas warned centuries ago, to violate the fundamental rights of that member of the faithful.

Outside of Canon 915, the canonical tradition affords ministers only two other possibilities for withholding Communion from a Catholic approaching for it: first, a minister may withhold the Eucharist from one reckoned to be in a state of unrepented grave sin (this determination being made not by any ‘divination’ of the soul, of course, but usually upon a disclosure of the individual), *if* such a one approaches for the august Sacrament *privately* (a very unusual event these days); second, a minister may withhold Communion from one reasonably suspected of intending to desecrate the Eucharist (again, a rare scenario wherein one directly intends to perform, as St. Thomas put it, an “outrage” on the Sacrament). If, therefore, a Catholic member of the faithful approaches for Communion publicly (say at Sunday Mass in a parish church) and gives no indication of intending to commit an external act of desecration against the Eucharist, then, even moral certitude on the part of the minister that the would-be recipient is approaching to receive amid grave moral disarray does *not* permit the minister to withhold Communion. A minister’s grief at being, as older commentators with their penchant for precision put it, a “material cooperator” in another’s sacrilege, should, I suggest, be joined to Our Lord’s grief at so many unworthy receptions of Himself.

## The prevention of scandal

To some degree, of course, one might well see in the withholding of Communion from Catholics described by Canon 915 (or in the two rare cases mentioned above) the Church’s desire to protect individuals from the consequences of irreverent reception and to preserve the Sacred Species from profanation. But none of the grounds for withholding Communion from certain Catholics, not even from those embraced by Canon 915, is tantamount to external enforcement by ecclesiastical ministers of the personal obligations of the faithful under Canon 916 to receive the Eucharist devoutly. So, a question presents itself: if the prevention of sacrilege is not the primary value behind Canon 915, what exactly is? The tradition seems clear: the prevention of *scandal*, as scandal is understood by the Church, is the primary value behind Canon 915. The avoidance of scandal explains most completely when Canon 915 can be (and indeed must be) invoked against administration of the Eucharist to a member of the faithful, and when it cannot be invoked against administration of the Sacrament, leaving the repeatedly asserted fundamental rights of the faithful to receive Communion undisturbed.

In the Catholic moral tradition “scandal” is not behavior that, once known, is embarrassing to or compromising of the actor; rather, ecclesiastical discipline understands scandal as conduct that sets an evil example for others (CCC 2284). In a religious society animated by communion yet possessed of few mechanisms for the external enforcement of discipline, personal example matters greatly. Within the Church, the personal conduct, whether good or evil, of every individual impacts the ability of every other individual to act for good or for evil (CCC 1869, 1905, 1914). Good example encourages others to do good, and bad example makes bad conduct in others more likely. Bad example is exacerbated when ecclesiastical authority appears to be complicit therein by failing to impose any consequences in its wake (CCC 2287). Scandal, whether it arises directly from an individual’s bad conduct or indirectly by apparent institutional acquiescence, is a serious threat to the Faith.

But careful thinking is required here: for an evil example to produce evil effects in society (and thus to occasion the need for the Church to guard against appearing to countenance it), the conduct must be, among several other things as noted above, sufficiently widely known in the community, else, no matter how morally wrong one’s personal behavior is, it does not give the degree of bad example for others such that the Church must needs protect against it, especially not at the risk of violating several norms favoring public sacramental participation by the faithful.

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To grasp that the prevention of scandal is the primary value behind Canon 915 is to see why, for example, divorced Catholics living in civil marriages are, in most cases, not to be given Communion: their living together as husbands and wives, under the approbation of civil laws that disregard the indissolubility of natural (let alone sacramental) marriage, gives bad example to other Catholics preparing for marriage or struggling in marriages that have become very difficult. Likewise, to administer Communion to, say, Nancy Pelosi (whose prominent and protracted political machinations on almost every culturally crucial question of our day run counter to Catholic teaching), is, I have frequently argued, to provide her with the veneer of ecclesiastical fellowship even as she invokes the Catholic faith to justify promotion of and cooperation with gravely evil public policies. Finally, those who by their special accoutrements or other publicized proclamations affirm the gay agenda and attempt to portray their admission to Communion as approval of their stances by the Catholic Church should in my opinion be denied the Eucharist precisely as protection against that scandalous message being sent.

The above is not to suggest that all cases of divorce-and-remarriage, or just any degree of political complicity in the culture of death, or some level of identification with homosexual goals by Catholics are, first, easily recognized or, second, severe enough to warrant withholding of Communion. Close cases of law and fact will arise and some mistakes will inevitably be made in deciding particular cases. But a clear recognition of the fundamental differences between Canon 916 on the reverent *reception* of the Eucharist by an individual member of the faithful, and Canon 915 on a minister's *administration* of Communion to a publicly unworthy member of the faithful, is essential to assessing these questions; so, too, is recognizing that ambiguous cases *must* be decided in favor of reception of the Sacrament, even at the risk of sacrilege, while proven cases of public unworthiness as understood by canon law *must* result in withholding the Sacrament, even at the risk of clamorous criticism, with both outcomes being required upon pain of dereliction of ministerial duties in regard of participation in the Eucharist.

In sum, Catholic ecclesiastical leadership must address four areas of confusion in regard to Communion access by Catholics: first, Church leaders must re-educate Catholics against the irreverent reception of Communion; second, they must resist pressure by some Catholics to enforce in the public forum what are private obligations concerning reception of Communion; third, they must be on guard against improperly withholding the Eucharist from Catholics whose offensive conduct does not qualify *canonically* as "obstinate" "persever-

ance in" "manifest" "grave" "sin"; and fourth, Church leadership must accept the possibility that, in some concrete cases, the public bad conduct of some Catholics requires Church ministers to withhold Communion from them for the sake of ecclesiastical common good.

### Final thoughts

One may be allowed to wonder, by the way, whether the furor feared over the proper invocation of Canon 915 has been, in those few cases where it has been brought to bear, as bad as was predicted. For example, while she was yet governor of Kansas, a pro-abortion Kathleen Sebelius skirted her bishop's private remonstrance against reception of Communion, but since he announced her exclusion publicly, she has apparently complied. Similarly, New York governor Andrew Cuomo, whom I argued last year, was ineligible for Communion based on, if nothing else, his living arrangements, has apparently respectfully refrained from approaching for Communion since. Neither politician has changed his or her positions on matters of great interest to the Church, but no longer does either aggravate their situation by forcing ministers into withholding Communion from them. The Nancy Pelosi scandal, in contrast, drags neuralgically on. Which scenario, one may fairly ask, is better for all concerned?

Canon 915 does not cure all wounds on the Mystical Body of Christ, but — if it is applied does seem to cauterize some of them until deeper and more satisfying resolutions can be found. If it is applied.

[About the author: Edward Peters holds doctoral degrees in canon and civil law. In 2005 he joined the faculty at Sacred Heart Major Seminary in Detroit, and in 2010 was appointed a Referendary of the Apostolic Signatura by Pope Benedict XVI. In this article, Dr. Peters expresses his own views and expands on some points he made in the November 2012 issue of *First Things*.]

