

ETHICS & MEDICS

A Commentary of The National Catholic Bioethics Center on Health Care and the Life Sciences

DENYING COMMUNION FOR OBSTINATE SIN

Teaching and tradition are clear: when we consider the question of whether or not a person should receive Communion unworthily, the answer is simply no. The Church has consistently taught, even from its earliest moments in the writings of St. Paul, that to receive Holy Communion unworthily brings condemnation rather than sanctification upon the recipient.¹

The question becomes more complex, however, when we consider whether or not a person should be denied Holy Communion.

General Considerations

The 2004 presidential election in the United States occasioned a debate throughout the Church regarding political candidates who have declared themselves Catholic, but who actively or passively support political and social positions contrary to the teaching of the Church. When these public figures continue to present themselves for the reception of Holy Communion, it causes concern or scandal.

Because each bishop has a responsibility for the particular diocese assigned to him,² and each situation is unique, there is no one "right" response that makes all other responses "wrong." In fact, a recent statement issued by the United States Conference of Catholic Bishops agreed on the right of each bishop to make his own judgment about the pastoral practice he would support.³ That same approach seems to have been confirmed in the propositions approved by the bishops from around the world gathered in Rome at the recent Synod on the Eucharist.⁴

The question must be examined as a matter of canon law, but there are also moral, pastoral, and ecclesial concerns that should be considered. In regard to canon law, canon 915 is pertinent, and it is necessary to examine it and to determine how it is understood in the Church's jurisprudence and her worldwide pastoral practice. It is also necessary to distinguish between what the code allows a bishop to do and what it requires him to do. Furthermore, it is helpful if the distinction between objective and subjective evil is made, and if we identify what constitutes obstinate persistence in manifest grave sin. Once all of these distinctions and clarifications have been made, there is still the important question of whether it is pastorally prudent to apply an action, even if the bishop found it

within his authority to do so. Coupled with this are the questions of the effectiveness of the action, as well as the Church's responsibility to protect the Blessed Sacrament. There is also the overarching question of the bishop's responsibility to maintain ecclesial communion while working toward the healing and reconciliation emphasized in the documents of the Second Vatican Council.⁵ How does all this influence the individual pastoral practice within a diocese, and how does a bishop arrive at a correct decision that is properly contextualized?

Interpreting Canon 915

In addition to those persons who have been excommunicated or interdicted, canon 915 applies in particular situations to those who are "obstinately persevering in manifest grave sin (*in manifesto gravi peccato obstinate perseverantes*)."⁶ Couched between canons that discuss the right and the requirements to receive the Holy Eucharist, 915 states that, "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 holy communion."⁷ At stake in the application of this canon to those "obstinately persevering in manifest grave sin" are the primary questions: Who precisely would fall into this category? What examples are there of manifest grave sin? And when, as well as by whom, would a person be denied the reception of Holy Communion? Obviously, due prudence must be exercised by the minister who has the responsibility for making such a decision.

What does prudence require? Canon law both cautions and reminds us that when restricting the rights of the faithful, laws are to be interpreted strictly.⁸ Public denial of Holy Communion, a considerable action for rebuking and correcting, is usually employed as a near last resort. The canon is to be exercised for the pastoral care of the faithful so as to avoid the objective harm that would occur to ecclesial communion, as well as to avoid a poor moral example and therefore possible scandal to the faithful.

The phrase itself, "obstinately persevering in manifest grave sin," provokes a number of questions. First, does the action of an individual constitute manifest grave sin? Here the question is based on the objective external reality of the

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A MULTIFACETED DECISION

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action of the individual, not the subjective reality of the state of the soul—which cannot be determined by the minister who would withhold Holy Communion. The action of manifest grave sin would have to be known in the external forum.

When discerning moral issues that constitute manifest grave sin, the question of the level of moral cooperation must also be determined. As an example, would the level of moral turpitude be the same for one who directly procures an abortion, one who materially assists in an abortion, and one who legislates for abortion? Does a Catholic politician who declares his favorable position for immoral laws engage in manifest grave sin? Does a Catholic politician who, expressing his personal commitment to life in all its stages yet supporting laws allowing a choice contrary to that position, engage in a manifest grave sin? Also, the gravity of the moral issue on which the politician is expressing his position should be considered. Would such issues as homosexual unions, embryonic research, abortion, and euthanasia be considered equally grave? Or would they have differing levels of moral gravity?

Consider the issue of abortion in the United States, which is a moral, a political, and a legal issue. At the present time, abortion is legal in the United States because of successive Supreme Court rulings. In these decisions, the highest court in the land interpreted the Constitution to assert first that privacy, and subsequently that abortion, are fundamental rights. As a result, the question of the legality of abortion became a judicial one, not a legislative one. If a local city councilman, or a state representative, or even a member of Congress who lacks the ability to influence nominations to the Supreme Court, holds a political position incongruent with the moral teachings of the Church in this matter, can he be considered a formal cooperater in evil, even if, as a legislator, he is powerless to influence the legality of abortion? If he nevertheless supports abortion, is he in manifest grave sin? If the situation should change and abortion does become a legislative issue, how would that affect the question of cooperation, and at what time should this be part of the consideration?

One must also ask how the application of canon 915 should be extended to the Catholic faithful who vote for a candidate who is politically pro-abortion. It is clear that voting for a politician solely because of a pro-abortion stance could be considered formal cooperation and could arguably constitute a manifest grave sin.⁹ But in light of the judicial (and not as yet legislative) legality, is that to be considered formal cooperation by the voter in abortion and in its continuing legality? Also, might there exist a situation in which a member of the Catholic faithful would vote for a politician for reasons other than their pro-abortion stance, such that the goods chosen are proportionately greater than or equivalent to the evil that would occur as a result of the pro-abortion stance of the politician?

The Formation of Conscience

Recently, the Congregation for the Doctrine of the Faith discussed the problem of ethical relativism, wherein “citizens claim complete autonomy with regard to their moral choices, ... as if every possible outlook on life were

of equal value.”¹⁰ That relativism is related to the worthy reception of Holy Communion, especially regarding the role of Catholics in positions of public prominence, and lay faithful striving to work out their salvation in a secular society. Because one’s faith touches upon the whole of one’s existence, faith is necessarily manifested in both the interior and exterior facets of one’s life. Simply put, there cannot be a separation between the faith convictions of a person, properly informed, and how that faith is expressed in the public sphere.¹¹ Not only every particular person within the Church, but even the Church herself, should reflect upon how the moral life affects the reception of Holy Communion, and whether there is proper integrity between faith, actions, and worship.

In light of this, how effective have we been in the church within the United States forming the consciences of our faithful, especially Catholic political leaders, in those moral issues so pertinent to their political positions, such as the safeguarding of life in all of its stages? The 2002 doctrinal note by the congregation reiterates that

the Church’s Magisterium ... intends—as its proper function—to instruct and illuminate the consciences of the faithful, particularly those involved in political life, so that their actions may always serve the integral promotion of the human person and the common good.¹²

The bishop as teacher, and even the pastors of parishes, must ask themselves whether the one who appears to be in a persistent state of obstinate and manifest grave sin understands the problem of his or her position as a leader, when he or she holds a stance on a particular moral issue that is contrary to Church teaching or the natural moral law. Also, it needs to be asked whether that politician has been properly instructed as to the importance of consonance between his faith and the whole of life, including the political sphere.

What Is Obstinate Sin?

The meaning of the words “obstinate perseverance,” taken from the canon 915 phrase “obstinately persevering in manifest grave sin,” must also be examined. Once it is determined by the ordinary minister that an individual is engaged in manifest grave sin, it must be understood to be a grave sin that is not only persistent, but obstinately so. The Pontifical Council for Legislative Texts has defined obstinate perseverance (or persistence) as, “the existence of an objective situation of sin that endures in time and which the will of the individual member of the faithful does not bring to an end.”¹³ The ordinary minister must ask himself in a given situation, if the person from whom he is withholding Holy Communion has continued in manifest grave sin consistently over a period of time. Also, he must consider whether the person has had due instruction as to the truth of the faith in regard to the moral situation being addressed, and yet has decided to persist in the same external violation of the given moral truth.

If there is clear knowledge that a person has persevered obstinately in manifest grave sin and he presents himself to receive Holy Communion, he should be refused. However, when there is a lack of knowledge about whether or not all the requirements have been met for the action

to be obstinate perseverance in manifest grave sin, or if there are other serious questions that have not been satisfied with an accurate, informed answer, refusing Holy Communion itself could be a serious transgression.¹⁴ Perhaps the issue at the root of the difficulty is this: while it is the duty of every person as they approach Holy Communion to discern his or her own worthiness to receive this precious gift, it requires the utmost diligence, discernment, and prudence for the Church, even when determining the objective culpability of obstinate manifest grave sin, to deny the reception of Holy Communion.

Who Will Make the Denial?

A bishop regulates the sacraments within his diocese, while the pastor of a given community of persons has the responsibility for the Holy Eucharist and its distribution to the faithful of his parish or community.¹⁵ If a bishop declares that a person within his jurisdiction fits the criteria of one who is obstinately persevering in manifest grave sin, it follows that the priests of the diocese would obediently follow the bishop's lead in the denial of Holy Communion to that person. What if a priest as pastor does not agree with the decision of his bishop? What if he made a judgment at variance with his bishop in regard to the very same person? What disciplinary actions would follow if he did not obey the bishop? Or what if a bishop chooses not to impose canon 915 on a particular person, but a pastor of a parish decides to apply the canon to that person in his parish? How is such a conflict resolved when there appears to be a divergence of decisions?

Canon 915 places the obligation to potentially deny a person's reception of the Eucharist on the minister who distributes Holy Communion. The ordinary minister of Holy Communion is a bishop, priest, or deacon.¹⁶ The extraordinary minister of Holy Communion is an acolyte or other deputed member of Christ's faithful.¹⁷ How does the presence of various ministers of Holy Communion who are not bishops or pastors affect this decision? For example, if a pastor of a parish discerns that a parishioner fulfills the criteria of obstinate perseverance in manifest grave sin, it follows that any ordinary or extraordinary minister of Holy Communion who is serving in his parish must cooperate with his decision and deny that person Holy Communion. A pastor would have to ask himself how to best coordinate such a situation when a violating parishioner attends Mass.

Pastoral Judgment

If a public or political member of the faithful clearly persists in manifest grave sin, the bishop or pastor has a duty to take action. We must keep in mind that this action must be intended to have the greatest potential to achieve the ends that are desired: authentic conversion, a more worthy reception of Holy Communion, an intact ecclesial communion, and the prevention of sacrilege. It is dependent upon the bishop and pastor to use the grace of his ordination and the authority of his office, combined with his own pastoral judgment, to achieve this end.

The Second Vatican Council repeatedly emphasizes that a bishop is to his people as a shepherd is to his flock, and

that Christ entrusts to the bishops the responsibility to care for the family of God. It is clear that the Church's mission, and therefore a bishop's mission, is to be pastoral.

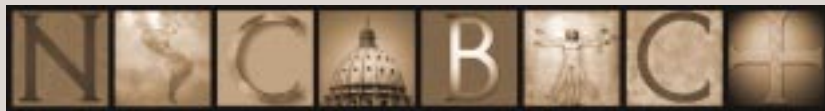
In the case of a bishop, the chief shepherd of the diocese, his pastoral responsibility is of utmost importance, especially in regards to the sacraments. To refuse Holy Communion to a political figure or politician could be viewed as an oversimplification of a more complex issue. In fact, some bishops believe that a decision to refuse Holy Communion to a public figure in their diocese is fundamentally not a good pastoral judgment.

That said, the authentic meaning of "pastoral" should also be examined. In the forty years since the closing of the Second Vatican Council, there has been some confusion about what is meant by "pastoral." Many in the Church, especially those who are quick to judge the decisions of bishops, erroneously believe that "pastoral" is synonymous with "pacifism." However, an authentic pastoral response necessitates a continuous proclamation of the gospel and an application of truth. As the fathers of the Second Vatican Council state, the "bishops, as vicars and ambassadors of Christ, govern the particular churches entrusted to them by their counsel, exhortations, example, and even by their authority and sacred power, which indeed they use only for the edification of their flock in truth and holiness."¹⁸ In other words, an appropriate pastoral response would continuously employ counsel, persuasion, and example, as well as authority and sacred power. Exactly how a bishop employs these tools is at the essence of his pastoral judgment, and is something for which he will be held responsible.

In many situations, there are complex public relations variables that may also influence pastoral judgment. For example, what if the politician or public figure in question is not only obstinate in his grave sin, but is using his public position to bait the Church into a pastoral misstep? Or what if he is using the publicity of the situation to advance his identity or recognition? Or what if he is attempting to use his "pulpit" and position to persuade public sentiment against the Church's position on a particular issue? These are just some circumstances that must be dealt with delicately and pastorally in order to preserve the integrity of the Church's magisterium and doctrine, and the public figure's salvation.

Episcopal Communion

As mentioned, bishops have jurisdiction within their own dioceses to regulate the reception of the sacraments.¹⁹ However, bishops are also obligated to maintain communion with the college of bishops and the successor of St. Peter, the Bishop of Rome. In our present day and age, many bishops and faithful are conscious of the decisions made by the bishops of neighboring dioceses, bishops of their national conference, bishops from other national conferences, and every other bishop in the world. On a matter as fundamentally important as Holy Communion, one must ask if discrepancies among bishops will ultimately lead to confusion among the faithful. The reality is that most public figures may maintain domicile or quasi-domicile in



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multiple dioceses, whether in different states and cities, or even different countries. It is very conceivable that different bishops would make different decisions regarding particular situations, resulting in apparent disunity, which can both undermine the authority of the Church's teachings and lead to indifference among the persons involved. Should not the Church, with due regard to a bishop's authority and autonomy, be moving toward a consistent policy in regard to the worthy reception of Holy Communion by public officials?

The awareness of Catholics about the importance of the most Holy Eucharist is a blessing in the life of the Church. It is a result of this awareness that the questions surrounding one's worthiness to receive Holy Communion will always be of utmost importance. The intent of this article is not to provide specific answers, but rather to raise some questions that must be asked when dealing with the complexities surrounding the reception of Holy Communion by Catholic political leaders. It will always be the responsibility of the authentic ministers of the Church, empowered by the Holy Spirit, to discern the answers to these questions.

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¹ See 1 Corinthians 11: 27–29.

² See Paul IV, *Christus Dominus*, Decree on the Pastoral Office of Bishops in the Church (October 28, 1965), n. 3, <http://www.vatican.va>.

³ U.S. Conference of Catholic Bishops Task Force on Catholic Bishops and Catholic Politicians, "Catholics in Political Life," *Origins* 34.7 (July 1, 2004): 97, 99; also available at <http://www.usccb.org/bishops/catholicsinpoliticallife.shtml>.

⁴ Synod of Bishops on the Eucharist, "Eucharistic Coherence of Catholic Politicians and Lawmakers," proposition 46, *Propositions of Synod on the Eucharist, Nos. 46–50*, trans. Zenit News, November 6, 2005, <http://www.zenit.org/english.visualizza.phtml?sid=79497>.

⁵ See *Christus Dominus*, nn. 3–6, 37; Paul IV, *Lumen gentium*, Dogmatic Constitution on the Church (November 21, 1964), nn. 23 and 27, <http://www.vatican.va/>.

⁶ Canon Law Society of America, *Code of Canon Law*, Latin–English Edition, New English Translation (Washington, DC: CLSA, 1999), 298, canon 915.

⁷ *Ibid.*

⁸ *Ibid.*, 9–10, canon 18.

⁹ Congregation for the Doctrine of the Faith, *Doctrinal Note on Some Questions Regarding the Participation of Catholics in Public Life* (November 24, 2002), n. 4: "those who are directly involved in lawmaking bodies have a 'grave and clear obligation to oppose' any law that attacks human life. For them, as for every Catholic, it is impossible to promote such laws or to vote for them" (original emphasis), <http://www.vatican.va/>.

¹⁰ *Ibid.*, n. 2.

¹¹ *Ibid.*, n. 6.

¹² *Ibid.*

¹³ *Declaration by the Pontifical Council for Legislative Texts*, June 24, 2000, n. 2(b), http://www.vatican.va/roman_curia/pontifical_councils/intrptxt/documents/rc_pc_intrptxt_doc_20000706_declaration_en.html

¹⁴ *Code of Canon Law*, 9–10, canon 18; 279, canon 843, sec. 1.

¹⁵ *Ibid.*, 275, canon 835, sec. 1–2; 173, canon 528, sec. 2.

¹⁶ *Ibid.*, 296–297, canon 910, sec. 1.

¹⁷ *Ibid.*, 297, canon 910, sec. 2.

¹⁸ *Lumen gentium*, n. 27.

¹⁹ *Christus Dominus*, n. 15; *Code of Canon Law*, 275, canon 835, sec. 1.

