

CANONS 230 AND 915

WITHHOLDING OF HOLY COMMUNION BY EXTRAORDINARY MINISTER

Under what conditions, if any, may extraordinary ministers withhold Holy Communion? (1) My roommate regularly lets her boyfriend spend the night with her in our apartment. I have objected to this behavior, and have been told to mind my own business. If she comes to me for Holy Communion on Sunday, must I give it to her knowing what I do about her conduct?; (2) A prominent, pro-abortion Catholic politician belongs to our parish. I am very uncomfortable giving him Holy Communion. May I withhold it?; (3) A man with an obscene tattoo came to me for Holy Communion. When I saw it, I told him to cover it up. He did, and I gave him Holy Communion. Later, I wondered whether I had any right to say anything, but I also wondered whether I should have given Holy Communion to him knowing what I did about what was under his shirt sleeve. Can you advise?

OPINION

Analysis of these three questions turns primarily on canon 915 of the *Code of Canon Law*: “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.” Nothing in this (or any other) canon exempts extraordinary ministers of Holy Communion from the duty incumbent upon all ministers of the Eucharist to protect the Blessed Sacrament from objectively scandalous or sacrilegious reception. Put another way, extraordinary ministers are responsible before ecclesiastical authority, and eventually before God, for their administration of Holy Communion. That said, however, extraordinary ministers are unlikely to know what canonists take for granted, namely, that canon 915, even though it is a sacramental disciplinary norm and not penal law, requires a very careful reading for proper application.¹ We begin with an overview of the rights of the faithful in regard to the reception of the sacraments in general, and the Eucharist in particular.

A complex of canons upholds the faithful’s fundamental right to receive the sacraments. Canon 213 asserts the right of the faithful “to receive assistance from the sacred pastors out of the spiritual goods of the Church, especially the word

¹ John M. Huels, Commentary on Canon 915, in *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, and Thomas J. Green (New York, NY: Paulist Press, 2000), 1110-1111.

of God and the sacraments”; canon 843, §1 forbids ministers (including extraordinary ministers) from withholding the sacraments from those “who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them”; and canon 912 states that “Any baptized person not prohibited by law can and must be admitted to holy communion.” Moreover, canon 18 requires that any law that restricts the exercise of rights (as c. 915 certainly does) be strictly interpreted, that is, that the restrictions be construed as narrowly as reasonably possible. Considered individually or as a group, then, these are strongly pro-reception norms.

Turning to canon 915, and prescindng from the rarely encountered excommunication and interdict situations and from cases wherein a bishop or pastor has made a specific determination, we see that four distinct conditions must be simultaneously satisfied before any minister of Holy Communion, ordinary or extraordinary, may withhold the Eucharist from a member of the faithful; indeed, verification of these four conditions directs withholding of the Eucharist. To occasion withholding the Eucharist under canon 915, the conduct in which a would-be communicant perseveres must be: (1) obstinate, (2) manifest, (3) grave, and (4) sinful. Let’s look at these requirements in reverse order.

Sinful. To be “sinful,” one’s behavior must be objectively contrary to the dictates of faith or morals.² Conduct that is offensive, irritating, distasteful, and so on, might or might not be sinful, yet, as the legislative history of canon 915 makes clear, only sinful behavior triggers consequences for reception.³ Canon 915 does not demand verification that would-be recipients are subjectively guilty for sinful behavior before withholding Holy Communion (canon law hardly expects ministers to read souls), but it does set out that one’s conduct must be sinful in the eyes of the Church (not necessarily those of the minister in question) to justify withholding the Eucharist. While extraordinary ministers of Holy Communion are likely to have some sense as to what kinds of behavior are “sinful,” they are unlikely to have the background necessary for illuminating factually close cases.

Grave. Having established that conduct must be sinful to render one potentially liable to the withholding of Holy Communion, the conduct in question must be “gravely” sinful.⁴ The requirement of “gravity” is an amplification of the requirement of “sinfulness” that serves to underscore that one’s behavior must be

² *Catechism of the Catholic Church*, 2nd ed. (Washington, DC: Libreria Editrice Vaticana–United States Conference of Catholic Bishops, 2000), nos. 1849–1853.

³ Edward N. Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici: A Legislative History of the Code of Canon Law* (Montréal: Wilson & Lafleur, 2005), 837.

⁴ *Catechism of the Catholic Church*, nos. 1854–1864.

seriously disruptive of ecclesiastical or moral order to justify the withholding of Holy Communion. Again, extraordinary ministers of Holy Communion are not likely to be in a good position to make these kinds of judgments on their own.

Manifest. The additional requirement that gravely sinful behavior be “manifest” prior to withholding the Eucharist distinguishes canon 915, which operates in the realm of public order, from canon 916, which informs one’s personal responsibility to receive the Eucharist worthily. Reception of Holy Communion at Mass is a public action in service to rendering liturgical worship to God; it is not the place for the proclamation of behavior. However sinful, conduct that is not already widely known in the community is not manifest. In something of a parallel to canon 1340, §2 (which prohibits imposing public penances for occult transgressions), and canon 1330 (which prohibits penalties in cases where no one has perceived the offense), the withholding of the Eucharist for little known sins, though they might well be grave, is not permitted under canon law.

Obstinate. As a final protection against arbitrary denial of the Eucharist, canon 915 demands that even those who are in manifest grave sin be in such a state “obstinately,” that is, that they remain in their sin notwithstanding genuine efforts to warn them of the spiritual dangers they face and after they have been given a suitable time to repent. In most cases, extraordinary ministers of Holy Communion would not be privy to these kinds of outreach efforts which, assuming they have even taken place, would almost certainly be conducted at a higher level of ecclesiastical administration. This is not to argue that Holy Communion may be withheld only consequent to a direct exchange between ecclesiastical authority and an alleged public sinner, nor that a pre-determined time for repentance must always be given. It is only to argue that, unlike pastors or bishops, extraordinary ministers of Holy Communion are not usually in a position to assess accurately how the requirement of “obstinacy” might have been satisfied in a particular case.

Now, returning to the first two cases proposed above, it is easy to see how the first (that wherein the roommate’s sexual behavior is at odds with the demands of Christian chastity) does not justify the withholding of Holy Communion, for the conduct is not “manifest” to the community. The second case (that of the pro-abortion politician) does not justify an extraordinary minister withholding Holy Communion because he or she cannot determine whether the particular politician’s stance (which itself might or might not be “sinful”) is canonically “obstinate.” The third case, however, (that of the obscene tattoo) requires more attention.

Canon 915 is drafted in a way that seems to assume that ministers of Holy Communion will have sufficient time and the information necessary to reach conclusions about administration of the sacrament. But sometimes, life is not

so cooperative; sudden, on-the-spot decisions might need to be made regarding one's eligibility to receive Holy Communion. The most likely way this question will present itself is in regard to deportment or dress. For example, a neo-Nazi, in brown shirt with swastika armband, may appear one day in the Communion line; a woman dressed in a way that, according to prevailing social norms, seems intended to provoke sexual arousal in men, may present herself for the Eucharist; activists for causes at odds with Church teaching might wear distinctive garb or accoutrements as a way to imply their right to Holy Communion despite their ecclesially contrarian stances. In each of these cases, it is likely (and indeed, it may even be intended) that a minister of Holy Communion will have little time to reflect on the situation and make an informed decision.

It would be easy, and I think defensible, to fall back on the analysis offered above and conclude that a minister's lack of certitude about, say, a subject's degree of obstinacy justifies the administration of Holy Communion under such circumstances. But a good case can be made for exactly the opposite response as well. How so?

In the cases described, a suddenly-confronted minister has only the information (here, based on dress, but other examples such as offensive speech are not unknown) presented to him or her. Now, in a free society, deportment and dress are determined largely by individual choices; thus, demonstrative or provocative dress may be assumed to be expressive of one's beliefs, and in many cases, the content of those beliefs can be assessed by adult Catholics as being inconsistent with ecclesial good order. Thus, in the few seconds a minister has to evaluate the individual message being sent by dress and demeanor, and recalling that all ministers are responsible for the protection of the Eucharist entrusted to them, the decision to withhold Holy Communion might well be the prudent choice. Applying to this case of the extraordinary minister confronted by a man with an obscene tattoo, I believe that the minister was correct to direct the covering of the tattoo (which had the effect of making the symbol no longer a projection of the individual's current attitudes) and that when such was done, Holy Communion could be licitly administered. Had the would-be recipient refused to cover the obscenity, I think the minister would have been justified in withholding Holy Communion.

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