

COMMUNICATIO IN SACRIS: PRESENT TRENDS

Our era of ecumenism is filled with a spirit of optimism. Suspicion and hostility are behind us. Attitudes and policies which today are taken for granted were believed insurmountable and impossible not too long ago. A few years ago a cardinal archbishop¹ through an expressed public decree forbade Catholics to attend a conference of the World Council of Churches; recently another cardinal archbishop² not only requested prayers but even addressed a conference sponsored by the same Christian group. In the meantime, we have had a great pope whose charity was beyond sectarian bounds and whose hope was a vision of unity sustained by faith both in God and man. As his heritage, he left us a loving and respectful attitude for non-Catholics.

It was feared at one time that inter-religious communication and common action in social endeavors would lead to "indifferentism," the belief that one religion is as good as another. If various churches are working together for unity today, this does not imply they are affected with the spirit of general indifferentism—a spirit in which clear and firm convictions are outmoded. Proper distinctions and identities must be maintained lest we become prey to indifferentism or, what is equally bad, doctrinal syncretism.

Not only has history itself changed but people have changed with it. In St. Thomas' time, all association with heretics—business, social and religious—was ruled out. Mingling with them even in the affairs of daily life was believed to be beset with snares of perversion. He permitted association with unbelievers but only under condition that those who communicated were strong in their faith and could thus convert the unbelievers.³ The simple and weak were, for obvious reasons, forbidden.

In the sixteenth century, to offset the Protestant Reformation,

¹ Cf. *Theology Digest*, III (1955), 69.

² Cf. *The Ecumenist*, I, Sept./Oct., 1963, 103.

³ *S.T.*, II-II, 10, 9.

the Church convoked the Council of Trent and with it began a spiritual reform in its members. She countered the separatist movement by internal reformation, thus consolidating her position in the remaining Catholic areas of Europe. Barriers of religious, even social, communication were set up as protective measures to shield her faithful. The moral principles governing *communicatio in sacris et in profanis* were strictly interpreted and rigidly enforced. Ecclesiastical censures for the reception of the sacraments by Catholics from a heretical priest and the reception of the same by non-Catholics from Catholic priests, the burial of non-Catholics in Catholic cemeteries and vice versa, mixed marriages and such like were embodied in the strictest legislation. Today these legal measures appear quite negative, but the Church need not apologize for them. The reformers were fired with an unrelenting fanaticism to win Catholics to their cause. Sad, however, was the situation on our side. The faithful were not strong in their faith. Because they were weak and ignorant, the Church had to shield them. Familiarity even of the civil kind was forbidden with heretics. So the Church cloistered herself, but not for long. She is not a Church of isolation, of non-communication; by nature she is a Church with a mission. Move, expand, grow, she must; if not in Europe then in pagan lands. In 1622 the Sacred Congregation for the Propagation of the Faith was founded and from it came many of the decisions which regulated *communicatio in sacris*.

In sheltered and exclusively Catholic communities there are few, if any, problems of *communicatio in sacris*. But whenever the Church becomes involved in a missionary encounter, these problems always appear. The nature of the program and the circumstances of the encounter demand a lessening of the restrictions in certain phases of *communicatio in sacris*. Hence the missionaries pressed the three Congregations of the Holy Office, of Propaganda, and of Rites for decisions which would be helpful and hopeful to their evangelizing endeavors.

SCANDAL AND INDIFFERENTISM

Contact, communication, interpersonal relationship is the only way by which the Church can expand the kingdom of God in the

world. In times past *communicatio in sacris* was firmly restricted because it easily led to scandal and indifferentism. The present ecumenical movement, and the theological enlightenment it is producing among the people, recognizes these dangers but refuses to take a negative stand. The time of commitment has arrived. Risks will have to be taken if any progress is to be made. Perhaps the faith of a few will be shaken by the liberality of the Church. It is our duty to instruct the laity in the finer distinctions of religious communication. What the Church needs is a laity deeply enlightened and well founded in faith. Quite often ignorance is at the root of scandal; remove the ignorance and much of the scandal disappears.

An indiscriminate participation in the symbols of Catholic faith and unity would obliterate the identity of the Church. The unity of our faith is not the result of the oneness of our worship; rather, the inverse is true. We are one in worship because we are one in faith. Our identity as Catholics would be lost if we offered our separated Christian brethren an opportunity to participate in our cult, especially in the Eucharist.

At times our stand seems harsh, but all repressive measures cause suffering and inconvenience. We should be moved in these days of good will to allow not the least but the most that sound common sense, of the theological variety, will permit. As guardians of the liturgy we should be on guard against false zeal or any reprehensible position. Any suspicion of inter-confessionalism ought to be avoided.

Communicatio in Sacris

The technical expression *communicatio in sacris* signifies sharing in community worship, either Catholic or non-Catholic, by a non-affiliated member. In the strict sense it is limited to the sacramental worship of other churches; in a broader sense it refers to participating in any form of prayer. The participation is *active* if it involves either fulfilling a function as minister, god-parent or receiving a sacred rite, as the sacraments. In the more common form, active participation signifies singing and praying with others as a part of a worshiping people. Passive attendance consists in merely being present at a sacred function and simply observing what is being done.

While canon 1258 of the Code of Canon Law explicitly forbids Catholics to take an active part in non-Catholic services and allows a passive presence at them only under certain conditions, there is no similar canon which in a general way forbids non-Catholics to participate in our rites. There are a few canons which in a particular and negative way regulate the whole of *communicatio in sacris*.

The scanty legislation of the Code is supplanted by many decisions of the Sacred Congregations. These directives of the Roman Curia are not to be regarded as positive ecclesiastical laws but rather the interpretation and application of the natural and divine law in such matters. Nor is it lawful to conclude unreservedly that these replies establish a precedent which may be taken at will. They are not to be applied universally but are to be applied in the light of the circumstances in particular localities for which they were given.

The Church reserves the right to enlarge or restrict any concessions in *communicatio in sacris* wherever and whenever she deems such action favorable to her sacred mission. It is evident from the decrees of the Holy See that she enlarged these concessions when the circumstances favored conversions but denied any leniency when such would result in perversion, indifferentism or scandal.

THE APPEARANCE OF BONA FIDES

With the gradual disappearance of *mala fides* the Church has been increasingly more favorable toward non-Catholics. The canonical legislation governing *communicatio in sacris* is greatly influenced by this attitude. Formerly, when the Protestants and the Orthodox were obstinate, the Church had drawn bold lines of demarcation against religious participation with them. Whenever such groups were openly rebellious against her, history has shown her policy to be severe and prohibitive. In mission lands where religious antagonism has been less evident, her leniency is quite noticeable.

A tolerant attitude began to appear with the turn of the century. In his pre-Code edition Genicot⁴ cites several authors who favored

⁴ Genicot, *Theo. Mor. Inst.*, II, n. 584.

a milder attitude toward non-Catholics. They were no longer prohibited to assist at our services; on the contrary, some believed in inviting them in order to familiarize them with our worship.

Even the reception of the sacramentals was opened up by canon 1149, but two sacramentals, the nuptial blessing and Christian burial, were excepted by canons 1102 and 1240. Who will not admit that changes regarding these latter have not taken place in our own day? Mixed marriage ceremonies have been enhanced and a priest may in certain cases preside at the burial of a non-Catholic.⁵

POSITIVE APPROACH

According to Gregory Baum⁶ *communicatio in sacris* is governed by two principles, the one positive, the other negative. These two principles tend in opposite directions; the one forbids while the other permits. The principle forbidding views sacred actions or worship as a sign of unity; the principle permitting considers them as means of grace. Ordinarily it belongs to the ecclesiastical legislator, i.e., either to the common law of the Church or the local bishop, to judge which of the two principles is to be followed in a particular situation. The noted Catholic ecumenist believes the present Code of Canon Law is too negative and that the revised Code ought to take a more positive view regarding *communicatio in sacris*. There ought to be provisions allowing the local ordinaries to issue a stand which best favors the Church's interests. They would on certain occasions permit a limited *communicatio in sacris* where religious participation would further the aim of the ecumenical movement. But the people concerned and the public in general would have to be sufficiently instructed, lest they be led to indifferentism.

The positive approach is not new. Its importance has been recognized but not widely employed. Unknown to many it has been regulating religious participation for some time. A quick survey of what was permitted by the earlier manualists, and what by the new, bears

⁵ Cf. J. Prah, O.C.D., *Communication of Non-Catholics in Catholic Religious Rites*, 89, 138.

⁶ G. Baum, O.S.A., "Communicatio in Sacris," *The Ecumenist*, II, May/June 1964, 62.

out the progress made in the mitigated positive approach. Whenever allowances were permitted, or even encouraged, the good will of the non-Catholics, the assurance of their devout assistance, and the hope of their conversion were the underlying reasons for the toleration. This is especially true regarding their assistance at Mass and their reception of sacramentals.

The liturgy, Father Baum urges, ought to be viewed not simply as a means of grace for the individual but also as a means chosen by God to affect the Christian community.⁷ Inter-religious participation within certain limits could be a means of furthering Christian charity or of manifesting the unity of grace and baptism already shared by Christians. The ecclesiastical legislator could on important occasions allow a limited *communicatio in sacris* as a means of creating greater love in the Christian community, provided the momentary suspension of liturgy as sign of unity would not confuse the Christian minds or, in particular, lead to indifferentism. This positive approach is already permitted in part at ecumenical gatherings. When given certain sureties, Catholics are allowed to pray with non-Catholics.

Quite frequently the problem of an occasional assistance at a Protestant worship arises for valid personal reasons. Fr. Baum adds:

In these situations where the *communicatio in sacris*, while not supplying a necessary means of grace, nevertheless represents a suitable means of fostering Christian unity or personal charity, the ecclesiastical legislator could grant permission or personal conscience counsel it as long as the dangers arising from the neglect of unity implicit in worship are, as a result of the ecumenical movement, regarded as negligible.⁸

CATHOLICS AT NON-CATHOLIC SERVICES

For a long time there was the impression that all participation in non-Catholic rites was intrinsically wrong. Distinctions between the rites themselves and the modifying circumstances were not sufficiently marked off. Participation in non-Catholic cult was simply

⁷ *loc. cit.*, 61.

⁸ *loc. cit.*, 62.

forbidden on the ground that it implied at least an external approbation of heresy or schism. Little, if any, consideration was given to the question whether the rites in themselves were good or valid. Because of the presumption of scandal and the danger of perversion, emphasis was placed on the prohibition founded on the natural law. All participation in non-Catholic rites was ruled out on this general basis.

Many rites, such as those of the Orthodox Christians, are valid, but participation in them is forbidden because of the circumstances involved. The baptism of certain Protestant groups is considered valid but its reception is heretical in character and expression. It is evident that the same reasons are not equally applicable for Catholic-Orthodox and Catholic-Protestant relations. For instance, the eucharistic worship is not the same in Orthodox and Protestant circles. Orthodox worship is a sacramental liturgy founded on a valid priesthood and reflects an unabridged faith of an ancient Church. Protestants, on the other hand, have difficulty proving that their worship contains a sacramental celebration of the eucharist; valid episcopal consecration is more an exception than a rule among them. Even with regard to baptism and its validity among various Protestant groups, different opinions are offered. There are certain non-Catholic rites entirely orthodox and fully conformable in content to Catholic teaching, but extrinsic reasons of presumed scandal and the danger of perversion forbid sharing in them.

PRAYING WITH NON-CATHOLICS

Not all Catholic moralists agree on why prayers in common with non-Catholics are forbidden. Granted the safeguard of no scandal, no danger of perversion, and the recitation in common of an orthodox prayer, some held such praying with non-Catholics as prohibited in itself; others considered it merely prohibited by positive law.

Those who hold it wrong in itself believe that prayer in common with non-Catholics implies at least an external approbation of heretical worship. Prayer presupposes and expresses belief. But only those can rightly pray together who profess one and the same belief. In order to justify prayer in common with non-Catholics, they would

appeal to the principle of toleration or reverse the religious communication by saying that they are communicating in our prayer and not we in theirs. Until a few years ago the instructions of the Holy See favored this interpretation because it strengthened the position of canon 1258. It more easily prevented abuses.

The opinion that the above communication is not wrong in itself but is one of positive law found support in an Instruction issued to local ordinaries in 1949.⁹ The Instruction, given with re-union congresses in mind, pointed out that at ecumenical gatherings it is not forbidden to open and close the meeting with the common recitation of the Lord's Prayer or some other prayer approved by the Catholic Church. This set up a precedent. Because of this Instruction, Canon E. J. Mahoney¹⁰ of England reversed his former position that a united prayer with heretics, even with limitation and safeguards assumed, is always of its nature forbidden. According to him, many had been defending a too rigorous interpretation of canon 1258, an outlook due to national conditions and traditions inherited from their forefathers. A strict interpretation of the law was thought necessary in order to discourage the faithful from any religious contact with non-Catholics.

An earlier Instruction issued by the Holy Office on June 5, 1948,¹¹ on re-union congresses cautioned against *quamlibet in sacris communicationem*, any kind of communication *in sacris*. But there is a discrepancy between the two instructions. Were we to admit that praying the Our Father together is not *communicatio in sacris*, the difficulty in semantics would disappear. Prayer has always been included among sacred things. And what prayer is more sacred than the Lord's Prayer? This is the meaning implied in the Instruction. Furthermore, assuming the necessary limits and precautions, this mode of religious participation is a departure and indicates that canon 1258 is based on positive law. Nor should the praying together at the opening and closing be regarded as something incidental or accessory to a gathering especially intended for expository dis-

⁹ AAS, 42 (1950), 146.

¹⁰ E. J. Mahoney, *Priests' Problems*, 395.

¹¹ AAS, 40 (1948), 257.

cession. This is a definite indication of new trend in religious communication. It should be gratefully welcomed for it makes association with non-Catholics more cordial.

Should anyone be timid about praying with non-Catholics, Rev. Donald Campion, S.J.,¹² writing from Rome, suggests that he take his cue from the Holy Father. Before dismissing an audience granted to the Observers and members of the Secretariate for Promoting Christian Unity, the Holy Father joined with them in praying the Our Father, each in his own tongue.

Father Campion further comments that at many ecumenical gatherings Catholics and other Christians have recognized praying together as indispensable. Often their praying together takes the form of listening to the Word of God and then responding with psalms and hymns from Catholic and Protestant hymnals. It should be noted that this form of prayer may not be entered into unless precautions are taken that the interpretation given to the Word of God and the doctrinal implications present in the Protestant hymns are in accordance with the full faith. Otherwise each group will have to continue to pray in its own particular assembly. Certainly Catholics will not be allowed to join them if the prayer assembly is specifically under Protestant auspices.

The present ecumenical view which best harmonizes theory and practice does not regard all religious participation as intrinsically wrong. Granted the safeguard of no scandal and no danger of perversion, it is permissible to pray with non-Catholics in opening the morning session of school, or in opening and closing an ecumenical gathering, provided the prayers are orthodox and are not sponsored by any distinct heretical group. As such, the participation is in a neutral and not a non-Catholic service.

PARTICIPATION OF NON-CATHOLICS IN CATHOLIC RITES

The Church is especially concerned about the sacraments for, as St. Thomas says: "The sacraments by their very nature are protestations of the true faith."¹³ But all participation in Catholic wor-

¹² *America*, Nov. 2, 1963, 508.

¹³ III, 65, 4.

ship is not of equal importance. It varies, depending upon whether the rite or function participated in is more sacred than others or more proximate to the center of Catholic cult, the Eucharist. Because of this variance and the good will of non-Catholics, a tolerant trend is progressively evident in our times. The administration of the sacraments to dying non-Catholics, their reception of sacramentals, and singing at Mass under justifiable conditions, indicate a mitigated stand.

The more proximate the function or rite is to the center of our cult, the weightier must be the reasons to participate. No better reasons can be found than good will and hope of unity in faith, provided the *communicatio* is not forbidden *natura rei*. The dissident Orthodox who believe in the actual presence are forbidden holy communion, but not *natura rei*; the natural law and canonical legislation stand in the way. The natural law indirectly forbids their reception because of the confusion and indifferentism which ordinarily lurks in promiscuous religious communication. In our day certain villages of the Near East go beyond the letter of canon law. Catholics assist at the divine liturgy of the Orthodox and the Orthodox children attending our schools receive holy communion at our services when no priest for each of the respective groups is available. *Herder Correspondence*¹⁴ reported that several Eastern bishops at the Council called for a more tolerant attitude on *communicatio in sacris*. They wanted the restoration of the practice before 1949 which, under certain conditions, permitted the reception of holy communion in a Church not one's own.

SACRAMENTS

Many of our non-Catholic friends impress us deeply with their good faith and high ideals. Their good will and moral endeavor put us to shame at times. So we wonder: just why does the Church refuse her sacraments to such well-meaning people? Vermeersch¹⁵ reminds us that non-Catholics are forbidden the sacraments, not simply be-

¹⁴ *Herder Correspondence*, I, March 1964, 77.

¹⁵ A. Vermeersch, *Theologia Moralís*, III, n. 195.

cause they are unworthy; there are non-Catholics in good faith who enjoy a greater intimacy with God through grace than some Catholics who receive the sacraments. To say such are excluded because they are unworthy is inaccurate. Unworthiness is a feature which prohibits anyone, Catholic or not, who in bad faith deliberately persists either in error or in sin. But if any of our separated brethren or dissidents, even the ones in good faith, are excluded from the sacraments, it is precisely because they are separated from the Church.

The Church bases the right to participate in the sacraments upon membership in the Church. Canon 731 forbids administering the sacraments to heretics or schismatics who request them, even in good faith, unless first they reject their errors and are reconciled to the Church. Membership is the key for participation in Church *sacra*. The separated brethren and dissidents, because they are baptized and share in the faith to a certain extent, are in some way related to the Church. Whether a fuller definition of the Church will open the door for limited or conditional participation is most difficult to ascertain. For instance, could the Church settle for an *implicit* renunciation of schism or heresy?

In the moral theology manuals written since the Reformation, a gradual change is noticed regarding the administration of the sacraments to dying heretics and schismatics. The opinions of theologians became more lenient as the non-Catholics began manifesting good faith. At the beginning, only absolution was permitted under certain conditions. Today, theologians not only allow absolution but extreme unction also to the dying non-Catholic.¹⁶

What about holy viaticum to a dying schismatic? If a devout dissident ardently begs for holy viaticum, *per se* he should be refused. If nobody is around and a refusal would disturb his good faith, Vermeersch-Creusen¹⁷ say holy communion may be given to him. Rev. John Bancroft, C.Ss.R.,¹⁸ holds the same for a Catholic who

¹⁶ Cf. Prah, *op. cit.*, 71.

¹⁷ Vermeersch-Creusen, *Epitome Iuris Canonici*, II, n. 16.

¹⁸ J. Bancroft, C.Ss.R., *Communication in Religious Worship With Non-Catholics*, p. 114.

earnestly desires the consolation and fortification of the last sacraments and no Catholic priest is available. Provided there is no danger of perversion and the dying Catholic cannot be induced to find peace in an act of perfect contrition, a schismatic priest may be summoned to administer holy viaticum.

This more lenient trend is in line with a private response of the Holy Office issued November 15, 1941¹⁹ to the Apostolic Visitor for Ukrainians in Germany. The decree permits "the sacraments" to be administered to a dissident in danger of death. Rev. John Danagher reads²⁰ "holy viaticum" into the word "*sacramenta*." This private reply of the Holy Office permits settling for an implicit rejection of schism, if the circumstances will not permit more.

Billot²¹ does not believe that such exceptions involve *communicatio in sacris*. Rather, it is simply succoring our non-Catholic neighbor who is in extreme necessity. Ordinarily, ecclesiastical law excludes them from the sacraments. But ecclesiastical law does not bind beyond the limits proper to human law. It does not intend to oblige with a disproportionate penalty. In these extreme cases the effects of excommunication are lifted so that the sacraments may be administered to them licitly. The fundamental principles of charity and mercy, upon which the whole sacramental system is based, urge that the general disciplinary law be relaxed in favor of dying non-Catholics.

ATTENDANCE AT MASS

Some question the wisdom and prudence of indiscriminately inviting everybody to the Mass. The eucharistic sacrifice is not just another service, it is the one and only sacrifice of the new Christian economy. The holy sacrifice of the Mass is the culmination and center of Catholic worship. To share in the offering of this sacrifice is a creature's greatest privilege. This privilege is not granted to all

¹⁹ S. C. S. Off., *ep. (privat.) ad Visit. Apost. pro Ucrainis*, 15 Nov. 1941, recorded by Bouscaren, *Canon Law Digest*, III, 299.

²⁰ J. J. Danagher, "Administration of the Sacraments to Heretics and Schismatics," *Jurist*, 13 (1953), 376.

²¹ L. Billot, S.J., *De Ecclesia Christi*, th. 13, 308.

but only to those who are members of the Mystical Body of Christ. Through participation in the Mass, the faithful are given the opportunity of manifesting outwardly the inward reality of what the Mass really is, a communal worship of a particular community. The encyclical *Mediator Dei* points out: "By the waters of Baptism, as by common right, the Christians are made members of the Mystical Body of Christ, the Priest and by the 'Character' which is imprinted on their souls, they are appointed to give worship to God."²² The baptismal character enables them to unite themselves as co-offerors of the eucharistic oblation which the priest offers in the name of the Church. Granted that many of the separated brethren, precisely as baptized Christians, possess the *ius radicale* to participate in Catholic worship, they are for canonical reasons excluded from our worship. Even though *natura rei* their participation in the Mass is not forbidden, it does not follow that *per se* it is permissible. The dangers of indifferentism and scandal which ordinarily lurk in indiscriminate religious communication forbid it.

In former legislation, the Church forbade non-Catholics passive as well as active participation in the Mass. Present day manuals of moral theology permit (some even go so far as to desire) the passive presence of Catholics at Mass, provided they are favorably disposed and assist devoutly. Perhaps no harm is seen in such participation because our own faithful attended Mass merely as bystanders or spectators.

Non-Catholics who were allowed passive participation may want to move along with Catholics in these various forms of active participation. Abbé Michonneau,²³ foreseeing such difficulties, suggests setting up para-liturgical ceremonies, usually at night, which are pointed directly at those outside the fold, even though Catholics might benefit from them.

More problems may be expected from another view point of liturgical revival. The outward liturgical difference of worship between Catholics and Protestants is narrowing. The forms of liturgical

²² N. 88.

²³ G. Michonneau, *Revolution in a City Parish*, 30.

worship adopted recently in Anglican and Lutheran communities is, in intent and structure, similar to ours. They are arranged for easier and more meaningful participation. There is danger that some may want to pass over and worship with us. Likewise the converse may happen—Catholics may go over to their services.

HOLY COMMUNION

An active and intelligent participation in the Mass through dialogue and singing is only a part of the liturgical program. Its goal is mystical or sacramental participation in Christ through holy communion. This is the climax of participation in the eucharistic mystery of union.

A deeper and clarified understanding of the Church as the Mystical Body of Christ is needed. Much of the controversy concerning membership in the Church stems from tension between the different views of the Church. Until recently, theologians held to an institutional concept of the Church, insisting upon a "univocal" notion of membership, limiting it to Roman Catholics. Viewing the Church mainly in terms of redemption and brotherhood, some Catholic ecumenists, especially Cardinal Bea, prefer an "analogous" concept of membership, emphasizing degrees of membership or different ways of belonging to the Church. According to these latter, Roman Catholics would be canonically "more perfect" members. The Council Fathers are aware of these ecclesiological difficulties. How to solve them? There is a sign of hope. A third group stresses the need to understand the unifying role of the Church. Christians already are moving along converging lines which, we pray, will eventually meet; it is up to the Council to determine what steps are to be taken. These lines will not meet at the starting point; the way to unity is not to turn back but to move forward. The Church must move to unite, to unite all humanity not just the dissident Christian groups. Until a more mature theological understanding is reached on all sides regarding membership in the Christian community, the Church for the time being ought to refrain from any definition of boundaries.²⁴

²⁴ Cf. G. Baum, O.S.A., "Who Belongs to the Church," *The Ecumenist*, I, April/May, 1963, 50.

As often as the ecumenical meetings of the World Council of Churches took place, the thorny and burning problem of inter-communion or open communion reappeared. It haunted these gatherings. The better organized churches assembled at these gatherings humbly admitted that the ideal, the goal of unity in worship, is not to be achieved except through oneness in faith. The problem of holy communion is one of deep concern to the more conservative groups. Because of various beliefs, communion services are held in the different faiths. The Methodist and Episcopal Churches offer "holy communion" to all the delegates, the Lutherans only to those who believe in the "actual presence" of Christ in the bread and wine, but the Orthodox Church offered holy communion only to its own members.²⁵ At Lausanne, for instance, many of the participants, especially the young, became impatient with the rules laid down in a former conference and organized a communion service at which all shared the Lord's Supper together.²⁶

It appears that at similar "reunion meetings" held in Europe soon after the war, non-Catholics received holy communion at Mass celebrated by a Catholic priest, and Catholics communicated during "Mass" celebrated by a non-Catholic minister. According to some,²⁷ this abuse occasioned the Holy Office to issue a *Monitum* on June 5, 1948 warning against such communication at ecumenical gatherings.

This warning should be applied also to the retreat movement. It is not uncommon to have non-Catholics attend Catholic retreats. These should be advised that, of the many services they may participate in, holy communion is excepted. Similar precautions must be taken at our shrines. Wedding invitations should not be worded as to give the impression that all are invited to receive holy communion with the bride and groom.

Daniel J. O'Hanlon, S.J.,²⁸ and Gregory Baum, O.S.A.,²⁹ recently

²⁵ Cf. "New Leaders in the Christian World," *Life*, 38, Sept. 6, 1954, 82.

²⁶ Cf. D. J. O'Hanlon, S.J., "Faith and Order Conference," *America*, 109, Aug. 10, 1963, 140.

²⁷ Cf. Hurth, *Periodica*, 37 (1948), 175.

²⁸ D. J. O'Hanlon, S.J., "Limited Open Communion," *The American Church News*, 31, May, 1964, 9.

²⁹ G. Baum, O.S.A., "Communicatio in Sacris," *The Ecumenist*, II, May/June, 1964, 61.

suggested it might be "theologically possible" for non-Catholic Christians to receive holy communion in "certain limited circumstances." Fr. O'Hanlon wants the Catholics and non-Catholics involved to prepare carefully before permitting it. Many hurdles remain as to whether such a reception of communion might be permitted under Church law or whether the Church authorities would consider it desirable. Existing canon law places a number of obstacles in the way of joint worship but many of these obstacles, he believes, will soon be removed in keeping with the ecumenical spirit fostered by the Second Vatican Council. He suggests it might be appropriate to invite non-Catholics to holy communion on the last day of the Chair of Unity Octave. Admitting that the suggestion invades delicate and important areas of consideration, it ought not to be done to pretend to a kind of unity which does not exist.

Fr. Baum recognizes that the question of eucharistic communion between Catholics and Protestants has not seriously risen for the simple reason that we differ in our doctrine on what Jesus does to us in the eucharistic mystery. With the positive approach regarding *communicatio in sacris* in mind, he would, granted certain guarantees, extend it to holy communion. Since the Church already allows non-Catholics a limited participation in prayers, the sacramentals, etc., the privilege of holy communion could, on an important occasion, be a special means of grace furthering the aim of the ecumenical movement.

What Frs. Hanlon and Baum present as theologically possible in certain circumstances must be regarded in practice as an extreme exception. The concession, if it will ever be granted by proper authority, will be a rare one for it touches the very heart of Catholic *sacra*. To allow inter-communion undermines the very nature of the Church—with its priesthood and its profession of the full faith. The present dialogue shows that the different churches do not have identical notions of the eucharistic mystery. Unity of doctrine must precede union at the Lord's table; in fact, to commune with each other at the Lord's Banquet is a sign of achieved unity in doctrine and in charity.

MIXED MARRIAGES

Unknown to many, the main reason why the Church disapproves of marriages between a Catholic and a baptized non-Catholic is the *communicatio in sacris* which such unions involve.³⁰ As baptized persons, they, not the officiating priest, administer the sacrament to each other. The Catholic party not only receives but also administers the sacrament to the non-Catholic partner. But this type of communication is not intrinsically evil because it represents participation in a rite of the true faith. If mixed marriages were evil in themselves, no dispensation could justify them.

Historical circumstances have greatly influenced the Church's attitude toward mixed marriages and the legislation governing them. To check the spread of Protestantism, the Council of Trent took a stringent stand against marriages with heretics. Only when and where the tide of heresy began to wane were the restrictions against mixed marriages gradually lifted. In 1782 the local ordinaries of Belgium were the first to receive faculties from the Holy See to grant dispensations for mixed marriages.³¹ Other countries of mixed Catholic and Protestant populations soon after received the same faculties. Some of the Latin American countries and Spain, holding to the stricter interpretation, refused to take advantage of the indulgence. Several years ago our Protestant service men stationed in Spain tried to obtain dispensations to marry Spanish women.³² What seemed obtainable in the United States was found to be unobtainable in Spain. It startled Americans. But Spanish religious conditions differ from those in America. The repercussion of the controversy was felt in both lands. If dispensations were finally obtainable, it was not until all were made to recognize that the local view holding to the stricter interpretation had to cede to the milder one which had a greater good and the whole Church in mind.

³⁰ Cf. *Declaratio Benedicti PP. XIV*, 4 Nov. 1741—*Coll. S.C.P.F.*, n. 333.

³¹ Cf. Pius VI, *rescrip. ad Card. Archiep. Mechlinien.*, 13 iul. 1782—*Fontes* n. 471.

³² Cf. S. A. Janto, O.F.M., "Mixed Marriages through Spanish Eyes," *Catholic World*, 181, 48-51; also, "Spanish Marriages," *America*, 92, 373-374.

After Trent some areas were exempt from the law of canonical form for mixed marriages. When, in 1908, the Decree *Ne Temere* made the law universal, Hungary and Germany³³ sought and obtained an exemption. But their privilege ceased with the promulgation of the Code in 1918.

Historical circumstances forced the Church to exercise her juridical powers in such matters. The law of the canonical form is a disciplinary action. If the circumstances which occasioned its enactment cease to exist, the law could be removed. But who is to decide when the circumstances (the dangers) are no more? Whatever the decision, the good of the whole Church will have to be preferred to local or national needs. It seems Hans Küng believes that the Church, without this law, will find it easier and more agreeable to deal with the separated brethren in the movement "that all may be one."

Hans Küng,³⁴ and Bernard Häring,³⁵ believe the present legislation on mixed marriages ought to be re-examined and discussed at the Council in the light of the mystery of union. Fr. Häring thinks it would be premature to suggest concrete directives at the moment. Fr. Küng for the sake of creating a better inter-confessional spirit wants the return of the rules which were in effect before 1918. He favors omitting that part of the law which requires a non-Catholic to make the premarital promises. Agreeing with non-Catholics, these churchmen believe that the promises are irritant and are often made in bad faith.

No matter what is said about the promises, written or otherwise, their elimination will not solve the problems of mixed marriages. The doctrinal and moral issues will always remain. The Church cannot approve a marriage in which there is danger to the faith of the Catholic party and in which the moral and religious education of the children is precarious. Moral assurance must always be had. If this assurance, juridically demanded, cannot be attained by the promises perhaps it can be done by other means, but never without responsi-

³³ Cf. Vermeersch-Creusen, *op. cit.* n. 388.

³⁴ H. Küng, *The Council, Reform and Reunion*, 179; also cf. *AER*, 148, 412-414.

³⁵ B. Häring, C.Ss.R. *The Johannine Council*, 102.

bility. In any case, the conscience of the couple becomes the document of responsibility. In arranging for the free exercise of religion and the education of the children, the priest would only help with his advice. The dispensation would be requested from the bishop, to whom the priest would have to show evidence, based on moral certainty, that circumstances favor a dispensation.

FUNERALS

Not only laymen but even Church dignitaries are attending funerals of non-Catholics to whom special respect is due.³⁶ There is a growing custom in some dioceses allowing priests to recite prayers at the grave-side of a deceased non-Catholic. These are not liturgical prayers. Their combination or mixture does not make up the Catholic rite as such. Today the Catholic faithful are familiar with the finer distinctions of liturgical prayer. In such cases, the priest assists in a limited capacity and there is no full Catholic rite. Exceptions are usually granted for those who, as spouses, have been faithful to the promises of a mixed marriage.³⁷ What about the analogy: if a mixed marriage in church, why not a funeral for a non-Catholic spouse in Church? How about exceptional cases of good faith? If no *Missa de requie*, any hope of something similar to the *Libera*?

CONCLUSION

Today not heresy or schism, but irreligion is on the move on every continent. Its adherents are from the ranks of rationalistic and practical materialism and they have sought to weaken the very foundations of our Christian heritage. No more are the mission lands far away. Pluralistic and pagan is the atmosphere around us. No country today is truly and fully Catholic. To reestablish its salutary influence in the world and to permeate it thoroughly with the spirit of salvation history, Christianity must bring its house into unity and order.

The purpose of the Council is not only to make the Church the

³⁶ Cf. *The Pilot*, vol. 135, no. 15, Boston, April 11, 1964, 1.

³⁷ C. Kern, *The Privation of Christian Burial*, 239.

light, but the sign of love, to all nations. In every land, the Church must realistically move out of its intramural life to face the problems of evangelizing and unifying. The mission encounter is a bold and hopeful one. The dangers of religious communication encountered in it are outweighed by the hope of unity which appears on the horizon.

Ecumenism does not make our faith easier. Our faith must be made more meaningful. Enlightenment is not enough. A loving faith, one based on divine charity, must be the beginning, the middle and the end of our mission encounter. Bygone prejudices and self-pre-occupying fears must be eliminated. We must ever remain conscious of our identity as redeemed sons of God, wanting to share this redemption in Christ with others. Our enthusiastic endeavors must be tempered by our identity in, with and through Him. It is He and not ourselves or any particular culture that we want to give.

The bishop is the custodian of Catholic worship. As a spiritual father he knows best the conditions of his diocese. It is hoped that more of the decision making regarding *communicatio in sacris* affecting his locale will be left to him. With the help of his priests he will try, at the same time, to preserve the purity of the cult and to advance the kingdom of God. Whenever there is hope of conversions, he will, we pray, permit all that faith and charity will allow.

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