

## JOGI SZEMPONT AZ OLTÁRISZENTSÉGRŐL

Az Eucharisziában való részesedés vegyes házasságok esetében. Az Eucharisztia éve alkalmat ad arra, hogy új teológiai és kánonjogi reflexiók fényében vizsgáljuk az Eucharisziát, mint az egység jelét. XIV. Benedek pápa az olaszországi Bariba tartott Nemzetközi Eucharisztikus Kongresszuson is kihangsúlyozta, hogy az Eucharisztia az „egység szentsége”.<sup>1</sup> A szentségek vétele, különösen az Eucharisztia, döntő megnyilatkozása a hitnek és egy sajátos hitközösség hűségének. Ezért a legtöbb keresztény egyház fegyelmi rendje szabályozza a szentáldozást. A vegyes házasságok kihívást jelentenek és a *communicatio in sacris* újraértelmezését inspirálják az ökumenizmus előrelépése érdekében. Dolgozatunk egyik fő kérdése, hogy a vegyes házasságban élő házaspárok, mikor és milyen körülmények között járulhatnak az Eucharisziához anélkül, hogy a jelenlegi egyházi normatívákkal visszaélnének, illetve figyelmen kívül hagynánk. Számos egyházi dokumentum kihangsúlyozza és védi a krízisben levő házasság stabilitását, és az ökumenikus egységét. Javaslat formájában megpróbálunk a jelenlegi jogi normákon keresztül egy új törvényes jogszabályt bemutatni.

A család koncepciója, mint „családegyház” nem új a teológiai gondolkodásban. A jó házasságok alapvető feltételei egy egészséges társadalomnak, amelynek alkotó sejtjeit képezik – mikrokozmoszai az egyházi életnek. A házasságban élő párok jelképezik és egyben részesednek Krisztus és Egyháza közötti egységben. Házastársi hivatásuk a személyes kapcsolatukon keresztül a gyerekeknéliség egymást segíteni a megszentelő alapot elérésében.

A házastársak közötti szentségi egység jelként szolgál az egyházi közösségnek. Így a házastársak tanúi Isten és az emberiség közötti szövetségnek. A férj és a feleség közötti egység jelképezi Istennek az emberiséggel kötött szövetségi kapcsolatát, amely a „felbonthatatlanság” jeleit viseli magán. Az Egyház küldetése, hogy lelkileg és jogilag támogassa a házasság egységét, amely az „individuális” világ kihívásnak van kitéve. Az Egyház fő törekvése minden házasság esetében az, hogy megőrizze a felbonthatatlan házastársi kötelék és a belőle fakadó családi élet hűségét és stabilitását.

Komoly problémát jelent a vegyes házasságok esete, amikor egyik fél számára „tiltott” az Eucharisztia vétele, amely a házastársi egységük egyik megerősítő tényezője. Ez a tiltó szabály, mennyire járul hozzá annak az egységnek a kifejezéséhez, amelyet a házasság szövetségével pecsételtek meg? Joggal mondhatjuk, hogy a keresztény család, mint „család egyház” egyben „megosztott egyház” is. Az Egyház egyrészt hirdeti a házastársi és családi kötelék értékét és támogatja az Egyház egységének előmozdítását, másrészt viszont megtiltja az „egység szentségének” közös vételét, amely a megosztottsághoz vezet. Beszélhetünk-e az Eucharisziában való részesedésről a vegyes házasságok esetében, anélkül, hogy hűtlenek maradjunk az Egyház tanításához?

<sup>1</sup> BENEDICT XVI, “The Eucharist, Sacrament of Unity,” in *Origins*, June 23, 2005, Vol. 35, p. 87.

Az 1983-ban kihirdetett Egyházi Törvénykönyv 844. kánonja, mellőzi a vegyes házasságok esetében az Eucharisztikus kommunióhoz való járulás témakörét. Ezen joghézag orvoslását a vegyes házasságokkal foglalkozó kanonok (1124-1129) sem pótolják. Ezért egy esetleges „Új” Egyházi Törvénykönyv kodifikációjakor / kihirdetésekor ezen joghézag megszüntetése végett egy új jogszabály bevezetése lenne szükséges, amelyre vonatkozóan javaslatot teszünk.

Az Ökumenikus Direktórium csak részleges „engedményt” tesz; „jöllehet a vegyes házasság részesei közösen részesednek a keresztség és a házasság szentségében, az Eucharisziában való közös részesedésük csak kivételes lehet...” A nemzetközileg híres magyar kánonjogász, Órsi László felteszi a kérdést: Ezt a kivételes engedményt, nem lehetne-e életreszólóra megadni? A Direktórium buzdítja a püspöki konferenciákat, hogy részletesebb elirányítást adhatnak ehhez a lelkipásztori szolgálathoz. A Kanadai Püspöki Konferencia egy eljárásmodot dolgozott ki, amellyel segítik a vegyes házasságban élő házaspárokat az Eucharisztikus kommunióban való részesedésben. Ez a példaértékű pásztorációs gyakorlat kidolgozása a saját Főegyházmegyénk számára is hézagpótló lenne, különösen, ha azt nézzük, hogy a házasságkötések 40 százaléka vegyes házasság.

The current Year of the Eucharist, while stirring up increased devotion, has prompted fresh theological, canonical reflection on the various aspects of the Eucharist as communion and as a sign of unity.

The reception of the sacraments, especially the Eucharist, is a crucial statement of belief and of adherence to a specific community of faith. Most Christian churches have regulations regarding the reception of the Eucharist as it is an important part of their praxis.

When the Catholic Church began to change her discipline in the matter of sacramental sharing, she did so with the full realization that the existing norms had developed within a particular historical context and in order to meet specific difficulties. Values and understandings which required protection in particular circumstances no longer seemed threatened, and the enhancement of other values through a careful process of change thus became possible.

James Coriden states “the Church has long recognized the need for periodic change in its rules of discipline...”<sup>2</sup> He argues that, without the ability to change its rules when necessary, the canons themselves, and the ministry of canon law, may lapse into legalism and become irrelevant for the Christian community. The Church needs firm rules for the sake of order and justice, these must be amended to meet the needs of a growing community.

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<sup>2</sup> J. A. CORIDEN, *Canon Law as Ministry: Freedom and Good Order for the Church*, New York: Paulist, 2000, p. 159.

One such rule concerns the practice of an “interchurch”<sup>3</sup> couple sharing communion (*communicatio in sacris*<sup>4</sup>). Today, interchurch couples, although they may share Catholic faith in the Eucharist, are restricted from fully participating in Eucharistic worship together on a regular basis. The current rise in interchurch marriages, along with the Church’s emphasis on strengthening marital and family unity, as well as the need to foster ecumenical unity, warrants “a new *recognitio*” of the rule regarding *communicatio in sacris* in such marriages.

What I propose here is an amendment to the current Latin code. My specific concern will address canon 844, §4, regarding the reception of the sacraments by the members of Western churches, (namely Anglicans and Protestants). As will be discussed later, this issue presents a more difficult problem than that of sharing the sacraments with members of the Eastern churches, since the aforementioned Western churches stand in less than perfect communion with the Catholic Church. This amendment would allow the spouses of an

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<sup>3</sup> The term “interchurch” is used here rather than “mixed marriage.” This decision is based upon the explanation offered by the Association for Interchurch Families (=AIF). “Mixed marriage” is an ambiguous term that can refer to any marriage in which the husband and wife are not of the same religion, ethnicity, or race. The term “interchurch” calls attention to the religious affiliation of the spouses: they share Christian baptism, but they belong to different denominations. See <http://www.interchurchfamilies.org>

<sup>4</sup> For studies on *communicatio in sacris*, see M. BROGI, “*Communicatio in Sacris* tra cattolici e cristiani orientali non cattolici,” in *Antonianum*, 53 (1978), pp. 170–193; T. BROGLIO, “Alcuni considerazioni sulla *communicatio in sacris* nel Codice di diritto canonico,” in *QDE*, 6 (1993), pp. 83–91; ID., “*Communicatio in Sacris*” as it is treated in canon 797 of the proposed Schema of the Code of Canon Law (c. 844 of the new CIC) in relation to the Ecclesial Communities of the West, Excerpta ex dissertatione ad Doctoratum, Rome: Gregorian University, 1983; F. COCCOPALMERIO, “*Communicatio in sacris* iuxta Schema novi Codicis,” in *Periodica*, 71 (1982), pp. 397–410; ID., “*La communicatio in sacris* comme problème de communion ecclésiastique,” in *Année Canonique*, 25 (1981), pp. 201–229; J. M. HUELS, *More Disputed Questions in the Liturgy*, Chicago, Liturgy Training Publications, 1996, pp. 113–128; J. H. PROVOST, in P. J. COGAN (ed.), *CLSA Advisory Opinions 1984–1993*, Washington, Canon Law Society of America, 1995, pp. 241–244; I. RIEDEL-SPANGENBERGER, “*Communicatio in sacris*: Zur Korrelation zwischen geistlicher und kirchlicher Gemeinschaft in ökumenischen und rechtsgeschichtlichen Bezügen,” in B. J. HIBERATH and D. SATTLER (eds.), *Vorgeschmack: Ökumenische Bemühungen um die Eucharistie*, Mainz, Grünewald, 1995, pp. 482–500; M. WILLENS, *Sharing the Eucharist: A Theological Evaluation of the Post-Conciliar Legislation*, Lanham, MD, University Press of America, 2000.

interchurch marriage to share the Eucharist in Roman Catholic worship. Such a reform will aid in realizing two theological values, namely, marital stability and ecumenical unity. I will address this issue in two parts. First, I will discuss the current teaching of the Church, namely the rules which implement the values of marital stability and church unity. How an interchurch couple can remain together in the participation of the Eucharist? Then, I will argue that, through a reform of the current legislation, the Church could better promote these values. I attempt to explain the presently valid norms of the Roman Catholic Church and suggest legitimate developments.

**The Domestic Church<sup>5</sup> is a Divided Church**

The concept of the family as the “domestic church” is not new.<sup>6</sup> Good marriages provide the foundation for a healthy society. According to Augustine, “Marriage is the seed bed of the city ... the household is the first step in the organization of man.”<sup>7</sup> And John Chrysostom opined that: “The law of husband and wife is the force that welds society together.”<sup>8</sup> Society is founded upon the infrastructure of good marriages. Each family is a small society through which the members are socialized; that is, through family life we learn to live in the greater society. The same can be said of the church; the Church needs numerous good marriages. The ideals and values of a Church community are first experienced in married life. Family life is a microcosm of Church life. Indeed, since Vatican II, the family has been referred to as “the domestic church.” This is to say that in matrimony a couple signifies and shares the unity of Christ and the Church. Through their personal relationship and the raising of their children, a husband and wife help each other to attain a state of holiness. In raising a family, parents help to perpetuate the people of

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<sup>5</sup> For further explanations, and historical development of “domestic church” see M. A. FOLEY, “Toward an Ecclesiology of the ‘Domestic Church’,” in *Église et Théologie*, 27 (1996), pp. 351–373;

<sup>6</sup> P. LAMPE, “‘Family’ in Church and Society of New Testament Times,” in *Affirmation*, 5 (Spring 1992), p. 8.

<sup>7</sup> AUGUSTINE, *City of God*, XIV.10, 21, 22; XIV.18; XV.16; XIX.7, 14. See also J. WITTE, Jr., *From Sacrament to Contract: Marriage, Religion and Law in the Western Tradition*, Louisville: Westminster John Knox Press, 1997, p. 21.

<sup>8</sup> J. CHRYSOSTOM, “Sermon on Marriage” Homily 20, 43, 44, in *St. John Chrysostom on Marriage and Family Life*, Crestwood, New York, St. Vladimir’s Seminary Press, 1986.

God. Thus the family is regarded as the "domestic church" since the parents, by their word and example, are the first heralds of faith to their children, and are charged with nurturing their vocation. By reason of their state in life and of their position within the community, they share unique gifts with the people of God.<sup>9</sup>

Of course marriage is significant to the church not only for its ability to socialize individuals but because of the sacred quality of the marriage vocation. This sacramental union serves as a sign to the church community. The couple become witnesses to the covenant that God had established with humanity ages ago and which is continually renewed through the ministry of the church. The union of the husband and wife re-presents the covenantal relationship of God and humanity. This union extends even further in an interchurch marriage, because through the bond between the spouses, a new and special relationship arises between the Roman Catholic Church and the non-Catholic spouse. Ordinarily the non-Catholic receives the sacrament of marriage in the Catholic form; and by entering into a *consortium totius vitae* (a partnership involving the whole of life) with a Catholic person, he or she enters into a close and mysterious relationship with the Catholic community, a relationship that has a spiritual dimension.<sup>10</sup> Cardinal Johannes Willebrands, then President of the Secretariat for Promoting Christian Unity, at the 1980 Synod of Bishops on 'Mixed Marriages and their Christian Families' pointed out that the marriage of two Christians who have been baptized in different churches is a true sacrament and gives rise to a 'domestic church'. The partners are called to a unity that reflects the union of

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<sup>9</sup> "In what might be regarded as the domestic church, the parents, by word and example, are the first heralds of the faith with regard to their children. They must foster the vocation which is proper to each child, and this with special care if it be to religion." See, VATICAN COUNCIL II, Dogmatic Constitution, "Lumen gentium," November 21, 1964, no. 11, in *AAS*, 57 (1965), pp. 15-16. English translation in A. FLANNERY, (ed.), *Vatican Council II: The Conciliar and Postconciliar Documents* (=FLANNERY), Northport, NY, Costello Publishing Company, 1988, pp. 362-363. Also, JOHN PAUL II writes: "The family is a living image and historical representation of the mystery of the Church." See JOHN PAUL II, "Apostolic Exhortation on the Family" (*Familiaris consortio*), in *Origins*, 11/28-29 (December 24, 1981), pp. 437-468, no. 49.

<sup>10</sup> See, L. ORSY, "Interchurch Marriages and the Reception of the Eucharist," in *America*, 175 (October 12, 1996), p. 18.

Christ with the Church, and the family is bound to bear witness before the world, a witness based on that 'spiritual union ... which is founded on a common faith and hope, and works through love'. He spoke of 'spiritual communion' as 'an outstanding feature in many mixed families' which 'eventually affects even sacramental life and prompts the partners to ask permission to approach the Holy Eukarist together. For this is a moment at which they keenly feel their division, and also feel keenly their need for the spiritual nourishment that is the Eukarist.'<sup>11</sup> Thus a sacramental marriage is intrinsically indissoluble because the divine covenant cannot be dissolved, destroyed, or rescinded. This is true even if for certain serious reasons it may be dissolved extrinsically by church authority when it is not consummated.<sup>12</sup>

Increasingly, marriage is considered to be an alternative lifestyle. Recognizing this threat, the Church realizes its responsibility to support married life. "What the Church does for the family and marriage certainly contributes to the good of society as such and to the good of all."<sup>13</sup> The Church has much to contribute towards a healthy marriage. Current research demonstrates a strong positive correlation between the religious life and the marital stability of a family. The religious life of a married couple is a major predictor of marital stability.<sup>14</sup> Praying together, especially in public worship, strengthens the family bond and provides a deterrent for divorce.

A serious problem arises in the situation of an interchurch marriage, in which a couple is prohibited from receiving the Eukarist

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<sup>11</sup> <http://www.interchurchfamilies.org/irm/2005/irm03-200504synod.pdf>. See also Text in the *Information Service* of the SPCU, 1980/III-IV, pp. 116-118.

<sup>12</sup> CIC c. 1142.

<sup>13</sup> PONTIFICAL COUNCIL FOR THE FAMILY, *Preparation for the Sacrament of Marriage*, Boston, Pauline Books and Media, 1996, p. 10.

<sup>14</sup> See the following articles; M. WILSON – E. FILSINGER, "Religiosity and Marital Adjustment," in *The Journal of Marriage and the Family*, 48 (February 1986), pp. 147-151; H. M. BAHR – B. A. CHADWICK, "Religion and Family in Middletown, USA," in *The Journal of Marriage and the Family*, 47 (May 1985), pp. 407-414; G. BRODY, "Religion's Role in Organizing Family Relationships," in *The Journal of Marriage and the Family*, 56 (November 1994), pp. 878-888; A. THORNTON, "Reciprocal Influences of Family and Religion in a Changing World," in *The Journal of Marriage and the Family*, 47 (May 1985), pp. 381-394; J. TRESS – D. GIESEN, "Sexual Infidelity Among Married and Cohabiting Americans," in *The Journal of Marriage and the Family*, 62 (February 2000), pp. 48-60.

together on a regular basis. The problem grows when we consider that the children of this couple will be raised in a church that will not accept one of the parents to the table of communion. What does this prohibition say about the sign of unity celebrated in the covenant of marriage? Two baptized people from different Christian denominations believe that they are called by God into a sacramental union to which they willingly vowed their lives to receive the Eukarist together because of the divided churches into which they were baptized. While the Christian family is a domestic church, it is also a divided church.

The division of the domestic church suffers from the problem of Christian disunity. It would appear that the Church is at odds with itself. On the one hand the Church preaches the value of a strong marital and family bond and promotes the restoration of church unity. On the other hand, the Church prohibits a couple from receiving the sacrament of unity together. The question at this point is how we may address the problem of sharing communion within an interchurch marriage while remaining faithful to church doctrine.

#### **Interchurch Marriage and the Roman Catholic Church – Interpreting the norms**

The phenomenon of interchurch marriage is no small matter. Currently in the Archdiocese of Alba Iulia 40% of all marriages are interchurch.<sup>15</sup> The interchurch marriage is no less a vocation than the marriage of two Catholics, since both marriages are celebrated in the Catholic Church and both are considered to be sacramental marriages.<sup>16</sup> Further, given the growing number of interchurch marriages, the Church includes within its urgent pastoral solicitude couples preparing to enter, or who have already entered, such marriages.<sup>17</sup>

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<sup>15</sup> Cf. <http://www.hhrf.org/gyrke/index1.html>.

<sup>16</sup> In the words of canonist Ladislav Ůrsy: "Although the spouses may be interchurch partners, their marriage is nonetheless regarded in the Roman Catholic Church as the symbol of the unbreakable bond between Christ and His church. They are also the founders and members of a 'domestic ecclesia.'" See, ŮRSY, "Interchurch Marriages and the Reception of the Eukarist," p. 18.

<sup>17</sup> PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY, *Directory for the Application of Principles and Norms on Ecumenism (=Directory)*, Boston, St. Paul Books and Media, 1993, p. 85, no. 145. See also, P. TURNER, "Overview of Directory for the Application of Principles and Norms on Ecumenism," *The Liturgy Document*:

Moreover, in the long tradition of Christianity, it has been believed that the family plays a special role in bringing its members into union with Christ, whether or not one member belongs to the church. Paul argues for maintaining marital union between a Christian and a pagan for this reason: "For the unbelieving husband is made holy through his wife and then the unbelieving wife is made holy through her husband" (1 Corinthians 7, 14). The pagan spouse is to some extent brought into the Christian community and sanctified through the Christian spouse, participating in the community of God's covenant through the other.<sup>18</sup>

While addressing the problem of interchurch marriages, we must also respect the integrity of the Eucharist as the sign of unity for the Church. The Eucharist is the paradigm of the sacraments and the premier action of the Church. The sacramental worship of the Eucharist reveals the true identity of the Church as the disciples of Jesus Christ who are called into the community of the church. Because of the primacy of the Eucharist in the Church we cannot afford to treat lightly the church law regarding reception of Communion. Simply to admit all Christians to receive at the Roman Catholic table might serve to dismiss the gravity of the problem of church division. Choosing to ignore the Church's teaching on intercommunion could promote doctrinal confusion and further frustrate any progress toward church unity.

One point of confusion concerns the relationship of baptism and Eucharist. We might ask how it is that, although the valid baptism of any Christian is honored by the Roman Catholic Church, Protestants are not welcome to receive communion in a Roman Catholic Church under ordinary circumstances. According to the *Directory*, the answer is twofold. First of all, the Church celebrates the sacraments within a "concrete community," which is the sign of the reality of its unity in faith, worship, and community life. The sacraments, especially the Eucharist, support and build up the Christian community and its

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*A Parish Resource*, vol. 2, ed. Archdiocese of Chicago, Liturgical Training Publications, 1999, pp. 82-85.

<sup>18</sup> R. F. COLLINS, *First Corinthians* in *Sacra Pagina* Series, vol. 7, ed. D. J. HARRINGTON, Collegeville, Liturgical Press, 1999, p. 271. See also, E. WALTER, *The First Epistle to the Corinthians*, in *New Testament for Spiritual Reading*, ed. J. L. MCKENZIE, New York, Herder & Herder, 1971, pp. 74-75.

spiritual life. Thus Eucharistic communion is inseparably linked to full ecclesial communion and its visible expression. The Roman Catholic Church permits access to its Eucharistic communion in principle only to those who share fully its oneness in faith, worship and ecclesial life. Second, the baptism of non-Catholics points to a real, although imperfect, union. While baptism constitutes the sacramental bond of unity existing among all those who are reborn in Jesus Christ, it is directed toward the fullness of life in Christ.<sup>19</sup> Through baptism a person is incorporated into Christ and his Church and is reborn to share in the divine life. Of itself baptism is the initial stage of acquiring the fullness of life in Christ. It is ordered to the full integration into the Eucharistic communion.<sup>20</sup>

Canon law, (c. 844) provides the particular rule regarding the sharing of sacraments.<sup>21</sup> This canon takes into account two concerns: first, Catholics receiving the sacraments from ministers who are not in full communion with the Roman Catholic Church, second, the circumstances by which Catholic ministers may administer the sacraments to those who are not in full communion with the Catholic Church.

The sharing of sacred things reveals a tension between two principles. On the one hand, the sacraments function as a sign of unity

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<sup>19</sup> The Directory for Ecumenism is quite explicit: it says that "in certain circumstances, by way of exception, and under certain conditions, access to these sacraments [Eucharist included] may be permitted, or even commended, for Christians of other churches and ecclesial communities." Cf. *Directory*, 129. In the Directory admittedly, the *circumstances* are carefully defined, the *conditions* circumscribed, yet the openness to exceptions is never retracted. We can say that in a discreet fashion, the door is left ajar for fresh insights and interpretations. See also E. FALARDEAU, "Sacramental Sharing: A Theological Perspective from the New Ecumenical Directory," in *Ecumenical Trends*, 24 (1995), pp. 113–124; T. J. GREEN, "The 1993 Ecumenical Directory: Some Initial Responses," in *Ecumenical Trends*, 26 (1997), pp. 1–11; J. M. HUELS, "The 1993 Ecumenical Directory: Theological Values and Juridical Norms," in *The Jurist*, 56 (1996), pp. 391–426; J. H. PROVOST, "Sacramental Sharing in the Light of the New Ecumenical Directory," in *Ecumenism*, (March 1995), pp. 27–32.

<sup>20</sup> *Directory*, 92.

<sup>21</sup> For canonical development of canon 844 see, B. D. CLOUGH, *Sharing the Eucharist in Particular Cases: The Path to a New Legislation in Canon 844*, Dissertation ad Lauream In Facultate Iuris Canonici Apud Pontificiam Universitatem S. Thomae in Urbe, Romae, 1992, p. 253.

for the Church. The sign function often rules out a general sharing of the sacraments since this would indicate a sign of something which does not exist. On the other hand, they also serve as a source of grace, moving the faithful towards the unity of the Kingdom of God. For this reason, the sharing of sacraments may serve the mission of the church.<sup>22</sup>

Canon 844 takes note of the “varying degrees” by which Christians share a common faith. A distinction is made between the “Eastern Churches” and the “other Christians not in full communion with the Catholic Church.” The second group includes the Anglican and Protestant Churches. The three sacraments (i.e., penance, Eucharist, anointing of the sick) listed in canon 844 are those which are repeated. The canon does not concern baptism, confirmation and holy orders since they may be received only within one’s community. Nor does it concern marriage, a point to be addressed later.

The canon lists just two requirements for members of the Eastern Churches who wish to receive the sacraments from a Catholic minister. First, they must spontaneously ask for them, i.e. the minister may not exert any pressure on an individual to receive the sacrament. Second, the recipient must be properly disposed. For the ‘other Christians,’ the canon adds three more requirements. First, the recipient must be facing the danger of death or some other pressing need, for example, imprisonment or persecution. Second, it is presumed that the person is unable to approach a minister of his or her own community. Third, the person must show the Catholic faith in the sacrament.

In the aforementioned canon interchurch marriages are not mentioned. This is an issue covered in canons 1124 – 1129, under the heading of “Mixed Marriages.” I recommend adding a canon to this section, perhaps a “canon 1129<sup>b</sup>,” which would specifically address the issue of sharing communion within an interchurch marriage. It must also be noted that such an amendment to the code would require

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<sup>22</sup> VATICAN COUNCIL II, Decree on Ecumenism, November 21, 1964, *Unitatis redintegratio*, in *AAS*, 57 (1996), pp. 90–112, no. 8. See also, K. SEASOLTZ, *New Liturgy, New Laws*, Collegeville, Liturgical press, 1980, p. 109; P. WINNINGER, “Canon Law and Catholicity,” *The Revised Code of Canon Law: A Missed Opportunity?*, ed. P. HUIZING – K. WALF, Edinburgh: T&T Clark, Ltd., 1981, pp. 78–81.

that we address canon 912 which states: "Any baptized person who is not prohibited by law can and must be admitted to Holy Communion." Here "the law" refers in part to canon 844. Obviously, it would be necessary to clarify that those Christians in an interchurch marriage are not so "prohibited by law."

Thus the Church does recognize that in certain circumstances and under certain conditions non-Catholic Christians may be permitted to receive the sacraments along with Roman Catholics: in fact, at times reception by non-Catholics may even be commended.<sup>23</sup> These circumstances are understood to mean special or unique occasions. On these occasions the person must request the sacrament on his or her own, must be properly disposed to receiving the sacrament, and must manifest Catholic faith in the sacrament. To be sure, the manifestation of Catholic faith is difficult to evaluate and is usually unknown to the minister. In the case of Catholics receiving the Eucharist, a person's faith is usually considered implicit in the desire to receive the sacrament. However, in the case<sup>24</sup> of non-Catholics, something more than implicit faith is required. The non-Catholic must manifest that he or she shares the Catholic faith in the Eucharist. This may take the form of a public profession that the Eucharist is the body and blood of Jesus Christ under the appearances of bread and wine.

Along with these exceptions we should consider the effect of the Eucharist upon a community. Sacraments have a twofold function. They represent the reality that they symbolize, and they create that reality as well. In the celebration of the Eucharist what is symbolized is the unity of Christ with his members, the Church, and the very act of symbolizing this unity deepens that unity. Likewise, in the celebration of the Eucharist we are becoming more like Christ as we are united in our worship. Our worship not only shows us who we are at the present moment, but guides us in what we are to become. The celebration of the Eucharist moves us toward the goal of Church unity.

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<sup>23</sup> Cf. *Directory*, 129.

<sup>24</sup> J. M. HUELS, O.S.M., "A Policy on c. 844, §4 for Canadian Dioceses," in *Studia Canonica*, 34, 2000, pp. 91-118.

The worship of the Eukarist is both a sign and a celebration of the unity of the church community.<sup>25</sup>

#### **Possible Development of Law**

While the law regulating the celebration of the Eukarist is just in its goal to strengthen the “concrete community” of the Roman Catholic Church, it may also hinder the theological values of marital stability and ecumenical unity.

If one argues from the perspective of prudence, rather than of legalism, the Church may consider allowing an interchurch couple to receive Eukarist together knowing that their marriage is strengthened by their full participation in worship and that this “domestic church” in turn strengthens the greater Church.

It is at this point that we should shift our emphasis from law to liturgy, i.e. from following legal regulations to the prayerful expression of what we strive to become as the Church of Christ. We are reminded by the document, *The Constitution on the Sacred Liturgy*<sup>26</sup> that worship is the central and determinative act of the Church’s life. Viewed from the perspective of the pilgrim church, the Eukaristic liturgy expresses the goal of all Christians – the same goal that was proclaimed by Jesus Christ – that all may be one. The Eukarist then is not just an end for those christened in the Roman Catholic Church, it is the means of fostering unity both for the individual and for the church as a whole. The Eukarist provides spiritual food that enables the baptized to overcome sin, live the life modeled by Christ and be united with him more profoundly, sharing more intensely in the mystery of Christ.<sup>27</sup> This same spiritual food nourishes the community as a whole in its quest for harmony in Christ. The Eukarist completes the incorporation into the body of Christ that was initiated by baptism. In other words, by sharing in the breaking of the bread we may find the means to repair the broken Church. What needs to be stressed here is the role of the liturgy in the quest for church unity.

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<sup>25</sup> The 1983 code recognizes both the sign value and efficacy of the sacraments. Cf. c. 840.

<sup>26</sup> VATICAN COUNCIL II, Constitution on the Sacred Liturgy, December 4, 1963, *Sacrosanctum Concilium* (=SC), in AAS, 56 (1964), pp. 5–12.

<sup>27</sup> *Directory*, 129.

The Eukarist is intimately linked to baptism because the members are united with Christ the Head.<sup>28</sup> Greater emphasis needs to be placed on the goal of the Eukarist, namely the building up of the body of Christ. The *Directory* makes this clear: "Liturgy is the primary and indispensable source for which the faithful are to derive the true Christian spirit. Hence liturgy makes an important contribution to the unity of all who believe in Christ, it is a celebration and an agent of unity, where it is fully understood and everybody participates in it, it is the outstanding means by which the faithful can express in their lives and manifest to others the mystery of Christ and the real nature of the true church."<sup>29</sup> Further, the liturgy of the Eukarist contributes to the stability of marriage in a specific way. According to John Paul II, the Eukarist is "the very source of Christian marriage (by which) the Christian family finds the foundation and the soul of its communion and its mission."<sup>30</sup>

Although the liturgy of the Eukarist may provide a source and foundation for marriage, so long as an interchurch marriage is judged by the circumstances of canon 844, a couple may not receive together. The circumstances, as discussed earlier, point to special occasions when one may receive the sacraments. What we argue for here is the reception of the Eukarist on an ongoing basis. It would be helpful, then, to consider the interchurch marriage as a "unique situation."

Ladislas Örsy interprets the unique situation to mean "the uniqueness of a given marriage bond so that the permission once given can last for a life time."<sup>31</sup> This unique situation is marked by the fact that the Catholic and the non-Catholic received the sacrament of marriage in a Catholic ceremony and their union symbolizes the union of Christ with His Church. Through their sacramental covenant, the Catholic and non-Catholic belong to each other and they belong to Christ. In the light of this union, Örsy asks: "Is it fitting for the Roman Catholic Church to instruct them to divide for the reception of

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<sup>28</sup> Cf. G. AUSTIN, "Is an Ecumenical Understanding of Eukaris Possible Today?" in *The Jurist*, 48 (1988), p. 691.

<sup>29</sup> *Directory*, 62.

<sup>30</sup> *Familiaris consortio*, 57.

<sup>31</sup> ÖRSY, "Interchurch Marriages and the Reception of the Eukarist," p. 2.

Eukarist after the Church received them together for the sacrament of marriage?"<sup>32</sup>

Moreover, the bishops of Canada recently presented a policy on canon 844, §4 in which they interpret the phrase "grave need" (*alia urgeat gravis necessitas*) in terms of a "serious spiritual need for the Eukarist."<sup>33</sup> Canonist John Huels explains that the need of an interchurch couple is unique in that; ... the gravity of this case does not stem from the *absolute* inability of the non-Catholic parties to mixed marriages to approach their own minister; they could separate from their families and go to their own Churches if they wished. Rather, the gravity of this case stems from the *gravity of the spiritual need* experienced by the non-Catholics' inability to approach their minister *on this special occasion* when attending Mass with the Catholic spouse and children. The [Secretariat for the Promotion of Christian Unity] described this spiritual need as the need for growth in the spiritual life and the need for a more profound insertion into the mystery of the Church and her unity.<sup>34</sup>

The policy does not require non-Catholics to articulate their spiritual need in a specific formula, but leaves it to the discretion of the recipients to determine when they are in spiritual need for the Eukarist. What is necessary is that the non-Catholic spouse should share the Roman Catholic belief in the Eukarist, i.e. believing in the real presence of Christ in the sacrament. There should also be some manifestation of Catholic faith, for example, a conversation with the pastor of the parish, or the profession could be ritualized in a ceremony. Also, in order to prevent scandal among the faithful, it will be necessary to educate the parish community so that they will understand why the Church welcomes this person to the Eukarist.

Furthermore, the "spiritual need" for the Sunday celebration of the Eukarist is of paramount concern in the Roman Catholic Church since the weekly worship is the cornerstone of all Christian practice. The weekly worship communal celebration of the Eukarist gives witness to one's faith in Christ and to belonging to his Church. Latin canon law attests to this concern, obliging the faithful to participate in the Eukarist on Sundays and days of obligation.<sup>35</sup>

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<sup>32</sup> Ibid.

<sup>33</sup> HUELS, "A Policy on c. 844, §4 for Canadian Dioceses," p. 96.

<sup>34</sup> Ibid., p. 101.

<sup>35</sup> Canon 1247. Also, the Catechism, recognizing the obligation for Catholics to receive the Eukarist annually, nevertheless "strongly encourages the faithful to receive

## Conclusion

The willingness to share the Eukaris in certain particular situations is perhaps the most important and central sign of the Church's concern for all other Christians, for the Eukarist is at the center of the Church's life, her greatest treasure. The care in the elaboration of norms shown over the years, now must be continued at the local level by fidelity to those norms and willingness to use them, by careful elaboration of other general norms at different levels of Church authority, and by continuing search for that unity which is willed by Christ and which will make such norms unnecessary.<sup>36</sup>

In light of the preceding discussion, it would seem that an interchurch marriage warrants a new rule addressing its unique situation and the spiritual need for the Eukarist. I propose that a new canon be drafted, such as the following.

Canon 1129<sup>b</sup> – A mixed marriage, in which a Catholic is married to a baptized Christian who is not in full communion with the Church, presents a unique situation for the reception of the sacraments. In such a situation the non-Catholic party may approach a Catholic minister for the Eukarist if there is a grave spiritual need, and if the non-Catholic party manifests Catholic faith in the sacrament.

The reform of the rule for interchurch marriages does not nullify the law concerning the sharing of the Eukarist, nor is it a general plea to admit all baptized Christians to the Roman Catholic table. Rather the "unique situation" of the interchurch marriage is the need to strengthen both marital and ecumenical unity. Interchurch marriage is a unique situation because it is on going. The situation inherent in the interchurch marriage differs from those already listed in canon 844 and the *Directory for Ecumenism*. Both address occasional concerns such as when a person is in danger of death or cannot approach one's own minister. However, the concern for interchurch marriage is

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the holy Eukarist on Sundays and feast days, or more often still, even daily." CATECHISM OF THE CATHOLIC CHURCH, USCC, Liguori, MO: Liguori Publications, 1994, nos. 1389, 2177, 2179–2182. See also W. H. WOESTMAN, "Daily Eukarist in the Postconciliar Church", in *Studia canonica*, 23 (1989), pp. 85–100.

<sup>36</sup> It is a well-known fact that in the matter of the reception of the Eukarist by non-Catholic spouses, Roman Catholic authorities do not interpret the relevant documents, such as the Code of Canon Law, 1983, the Directory, 1993, and the Encyclical *Ut Unum sint*, 1995, in the same way. As a result, local practices vary from generous reception to rigid exclusion.

unique precisely because it is a continuing matter. The Church's concern for marriage is an ongoing one. Just as the community grows in its relationship with God, and in its understanding of its mission, so too the married couple should grow in love with each other and in understanding their marriage vocation. And just as the community is nourished along the way by the sacraments, so too the couple needs the spiritual nourishment of the Eucharist to recognize themselves as members of the body of Christ. For this reason, sharing the Eucharist is not intended to be a mere compromise; rather it is the respect paid to a sacramental bond and an effort to heal the wound of a division in the Church of Christ.

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