

concerned faithful the true ecclesial sense of the norm, in such a way that they would be able to understand it or at least respect it. In those situations, however, in which these precautionary measures have not had their effect or in which they were not possible, the minister of Communion must refuse to distribute it to those who are publicly unworthy. They are to do this with extreme charity, and are to look for the opportune moment to explain the reasons that required the refusal. They must, however, do this with firmness, conscious of the value that such signs of strength have for the good of the Church and of souls.

The discernment of cases in which the faithful who find themselves in the described condition are to be excluded from Eucharistic Communion is the responsibility of the Priest who is responsible for the community. They are to give precise instructions to the deacon or to any extraordinary minister regarding the mode of acting in concrete situations.

4. Bearing in mind the nature of the above-cited norm (cfr. n. 1), no ecclesiastical authority may dispense the minister of Holy Communion from this obligation in any case, nor may he emanate directives that contradict it.

5. The Church reaffirms her maternal solicitude for the faithful who find themselves in this or other analogous situations that impede them from being admitted to the Eucharistic table. What is presented in this Declaration is not in contradiction with the great desire to encourage the participation of these children in the life of the Church, in the many forms

compatible with their situation that are already possible for them. Moreover, the obligation of reiterating this impossibility of admission to the Eucharist is required for genuine pastoral care and for an authentic concern for the well-being of these faithful and of the whole Church, being that it indicates the conditions necessary for the fullness of that conversion to which all are always invited by the Lord, particularly during this Holy Year of the Great Jubilee.

Vatican City, June 24, 2000.

Julián Herranz
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President
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Titular Bishop of Drivastum
Secretary

NOTES

1. AAS, 73 (1981), pp. 185-186.
2. AAS, 86 (1994), pp. 974-979.
3. Cf. Council of Trent, *Decree on the Sacrament of the Eucharist*, DH 1646-1647, 1661.

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Declaration on Divorced and Remarried Persons

Pontifical Council for Legislative Texts

The *Code of Canon Law* establishes that "Those upon whom the penalty of excommunication or interdict has been imposed or declared, and others who obstinately persist in manifest grave sin, are not to be admitted to Holy Communion" (can. 915). In recent years some authors have sustained, using a variety of arguments, that this canon would not be applicable to faithful who are divorced and remarried. It is acknowledged that paragraph 84 of the Apostolic Exhortation *Familiaris consortio*,⁽¹⁾ issued in 1981, had reiterated that prohibition in unequivocal terms and that it has been expressly reaffirmed many times, especially in paragraph 1650 of the Catechism of the Catholic Church, published in 1992, and in the Letter written in 1994 by the Congregation for the Doctrine of the Faith, *Annus internationalis Familiae*.⁽²⁾ That notwithstanding, the aforementioned authors offer various interpretations of the above-cited canon that exclude from its application the situation of those who are divorced and remarried. For example, since the text speaks of "grave sin", it would be necessary to establish the presence of all the conditions required for the existence of mortal sin, including those which are subjective, necessitating a judgment of a type that a minister of Communion could not make *ab externo*; moreover, given that the text speaks of those who "obstinately"

persist in that sin, it would be necessary to verify an attitude of defiance on the part of an individual who had received a legitimate warning from the Pastor.

Given this alleged contrast between the discipline of the 1983 Code and the constant teachings of the Church in this area, this Pontifical Council, in agreement with the Congregation for the Doctrine of the Faith and with the Congregation for Divine Worship and the Discipline of the Sacraments declares the following:

1. The prohibition found in the cited canon, by its nature, is derived from divine law and transcends the domain of positive ecclesiastical laws: the latter cannot introduce legislative changes which would oppose the doctrine of the Church. The scriptural text on which the ecclesial tradition has always relied is that of St. Paul: "This means that whoever eats the bread or drinks the cup of the Lord unworthily sins against the body and blood of the Lord. A man should examine himself first only then should he eat of the bread and drink of the cup. He who eats and drinks without recognizing the body eats and drinks a judgment on himself."(3)

This text concerns in the first place the individual faithful and their moral conscience, a reality that is expressed as well by the Code in can. 916. But the unworthiness that comes from being in a state of sin also poses a serious juridical problem in the Church: indeed the canon of the *Code of Canons of the Eastern Churches* that is parallel to can. 915 CIC of the Latin Church makes reference to the term "unworthy": "Those who are publicly

unworthy are forbidden from receiving the Divine Eucharist" (can. 712). In effect, the reception of the Body of Christ when one is publicly unworthy constitutes an objective harm to the ecclesial communion: it is a behavior that affects the rights of the Church and of all the faithful to live in accord with the exigencies of that communion. In the concrete case of the admission to Holy Communion of faithful who are divorced and remarried, the scandal, understood as an action that prompts others towards wrongdoing, affects at the same time both the sacrament of the Eucharist and the indissolubility of marriage. That scandal exists even if such behavior, unfortunately, no longer arouses surprise: in fact it is precisely with respect to the deformation of the conscience that it becomes more necessary for Pastors to act, with as much patience as firmness, as a protection to the sanctity of the Sacraments and a defense of Christian morality, and for the correct formation of the faithful.

2. Any interpretation of can. 915 that would set itself against the canon's substantial content, as declared uninterruptedly by the Magisterium and by the discipline of the Church throughout the centuries, is clearly misleading. One cannot confuse respect for the wording of the law (cfr. can. 17) with the improper use of the very same wording as an instrument for relativizing the precepts or emptying them of their substance.

The phrase "and others who obstinately persist in manifest grave sin" is clear and must be understood in a manner that does not distort its sense so as to render the norm

inapplicable. The three required conditions are:

a) grave sin, understood objectively, being that the minister of Communion would not be able to judge from subjective imputability;

b) obstinate persistence, which means the existence of an objective situation of sin that endures in time and which the will of the individual member of the faithful does not bring to an end, no other requirements (attitude of defiance, prior warning, etc.) being necessary to establish the fundamental gravity of the situation in the Church.

c) the manifest character of the situation of grave habitual sin.

Those faithful who are divorced and remarried would not be considered to be within the situation of serious habitual sin who would not be able, for serious motives - such as, for example, the upbringing of the children-"to satisfy the obligation of separation, assuming the task of living in full continence, that is, abstaining from the acts proper to spouses" (*Familiaris consortio*, n. 84), and who on the basis of that intention have received the sacrament of Penance. Given that the fact that these faithful are not living *more uxorio* is per se occult, while their condition as persons who are divorced and remarried is per se manifest, they will be able to receive Eucharistic Communion only *remoto scandalo*.

3. Naturally, pastoral prudence would strongly suggest the avoidance of instances of public denial of Holy Communion.

Pastors must strive to explain to the