

Seeking Eucharistic Coherence in an Era of Incoherence

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PREFATORY REMARKS

It is a great honor to receive Thirty-Second Annual Rev. Msgr. Alphonse S. Popek Award from the St. Gregory VII Chapter of Catholic United For the Faith here in Milwaukee, Wisconsin. As a Polish-American and a canon lawyer myself, I greatly appreciate receiving this award named after Monsignor Popek, who served as Chair of Canon Law at St. Francis Seminary from 1947 to 1963 and as a Polish-American was deeply involved with the Polish independence movement.

The topic for my talk this evening is, "Seeking Eucharistic Coherence in an Era of Incoherence." I wrote a shorter version of this topic, which was published in the August/September 2021 issue of *First Things*. This evening, I will delve into this topic in greater detail.

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INTRODUCTION

In his book, *A Brief History of Time*, the late theoretical physicist, Stephen Hawking, who held Isaac Newton's chair as Professor of Mathematics at the University of Cambridge, wrote about a "physical quantity called entropy, which measures the degree of disorder of a system. It is a matter of common experience that disorder will tend to increase if things are left to themselves."

I am starting my discussion of "Seeking Eucharistic Coherence in an Era of Incoherence" with the issue of entropy because I believe the cultural incoherence and disorder so characteristic of the world today is a manifestation of the law of entropy, "that in any closed system, disorder, or entropy, always increases with time." This is true even in the Church when we seek to act without being open to the gift of grace. The fact that the Church is comprised of imperfect human beings means that our merely human constructs are subject to entropy, decay, and disorder. But the Church is a divine institution founded by Jesus Christ, who assured us that "the gates of hell shall not prevail against it" (Matthew 16:18). The fulfillment of Our Lord's assurance obliges Christians to conform our human will to the divine will in carrying out the mission entrusted to the Church.

The *Book of Genesis* describes creation as beginning with chaos, out of which God brings order (cf. Gen. 1). We human beings are pro-creators when we cooperate and collaborate with God's plan to bring order out of the chaos that engulfs the universe due to the law of entropy. Such pro-creation requires coherence on a number of levels.

Christian teaching promotes coherence between faith and action, and consistency between thoughts, words and deeds. Such coherence is especially important when it comes to the reception of Holy Communion. At the same time, the incoherence of our culture is evident in the confusion over the meaning of marriage, gender identity, and the sanctity of unborn human life. This article will address the canonical aspects of seeking Eucharistic coherence in an era of incoherence, paying particular attention to canons 915-916 of the *Code of Canon Law*.

THE CONCEPT OF COHERENCE

Coherence is defined as “the quality or state of cohering, such as systematic or logical connection or consistency.” The verb “cohere” comes from the Latin *cohærere*, which means “to cling together, to be united.”

Coherence, then, in the ecclesiastical context, refers to the logical connection and consistency between the faith that is professed and the actions that flow from that faith. Coherence in the Church also refers to the faithful clinging together as part of a community, united in their beliefs and in the moral dimensions of their behaviors.

With regard to coherence as it relates specifically to the reception of Holy Communion, George Weigel, Distinguished Senior Fellow of the Ethics and Public Policy Center in Washington, D.C., called attention in an article in *First Things* to the use of the phrase “Eucharistic coherence” by the Latin American bishops in their 2007 Aparecida Document, in which they insisted on “Eucharistic coherence” in their Catholic communities.

It should be noted that then-Cardinal Jorge Mario Bergoglio, now Pope Francis, played a crucial role in the development of the “Aparecida Document,” which was issued by the bishops of Latin America and the Caribbean after the fifth general conference of CELAM. In particular, paragraph 436 of the Document is instructive, given current issues:

We hope that legislators, heads of government, and health professionals, conscious of the dignity of human life and of the rootedness of the family in our peoples, will defend and protect it from the abominable crimes of abortion and euthanasia; that is their responsibility. Hence, in response to government laws and provisions that are unjust in the light of faith and reason, conscientious objection should be encouraged. We must adhere to “eucharistic coherence,” that is, be conscious that they [i.e., the aforementioned legislators, heads of government, and health professionals] cannot receive Holy Communion and at the same time act with deeds or words against the commandments, particularly when abortion, euthanasia, and other grave crimes against life and the family are encouraged. This responsibility weighs particularly over legislators, heads of governments, and health professionals.

This paragraph from the Aparecida Document is consistent with the position outlined in 2004 by then-Cardinal Joseph Ratzinger, who wrote a memorandum in his capacity as Prefect of the Congregation for the Doctrine of the Faith entitled, “Worthiness to Receive Holy Communion: General Principles.” The key paragraphs are:

5. Regarding the grave sin of abortion or euthanasia, when a person’s formal cooperation becomes manifest (understood, in the case of a Catholic politician, as his consistently campaigning and voting for permissive abortion and euthanasia laws), his Pastor should meet with him, instructing him about the Church’s teaching, informing him that he is not to present himself for Holy Communion until he brings to an end the objective situation of sin, and warning him that he will otherwise be denied the Eucharist.

6. When “these precautionary measures have not had their effect or in which they were not possible,” and the person in question, with obstinate persistence, still presents himself to receive the Holy Eucharist, “the

minister of Holy Communion must refuse to distribute it" (cf. Pontifical Council for Legislative Texts Declaration "Holy Communion and Divorced, Civilly Remarried Catholics" [2002], nos. 3-4). This decision, properly speaking, is not a sanction or a penalty. Nor is the minister of Holy Communion passing judgment on the person's subjective guilt, but rather is reacting to the person's public unworthiness to receive Holy Communion due to an objective situation of sin.

This document was sent to then-Cardinal Theodore McCarrick, who unfortunately and deceptively concealed this letter from his brother bishops when he reported on this as the head of the Task Force addressing this issue at the June 2004 meeting of the United States Conference of Catholic Bishops (USCCB), during the tenure of then-Bishop Wilton D. Gregory, now the Cardinal Archbishop of Washington, as President of the USCCB. Cardinal Ratzinger's letter was not made public until two weeks later, in July 2004.

As a result, the *Statement on Catholics in Political Life* issued by the United States Conference of Catholic Bishops in 2004 reached an incoherent conclusion when it said,

The question has been raised as to whether the denial of Holy Communion to some Catholics in political life is necessary because of their public support for abortion on demand. Given the wide range of circumstances involved in arriving at a prudential judgment on a matter of this seriousness, we recognize that such decisions rest with the individual bishop in accord with the established canonical and pastoral principles. Bishops can legitimately make different judgments on the most prudent course of pastoral action.

This conclusion is incoherent in that the provisions of the pertinent canons, as we shall see, are not optional. The only prudential judgment involved is determining whether the conditions for denying admission to Holy Communion have been met, not whether or not to observe the requirements of the law. It is also incoherent in that some

bishops and pastors have determined never to enforce the canons on Holy Communion, while others have chosen to do so properly. It is not that the law is different in various dioceses, but that some have chosen simply to ignore the law. Such antinomianism gives rise to incoherence and confusion among the faithful as to what is expected of them. It also gives rise to scandal, in that it leads to the impression that grave sins may not be so grave after all if there are no consequences for committing them.

The USCCB's discussion of this topic took place in 2004 when John Kerry, a Catholic, was running for President. When he lost the election, attention to this issue faded somewhat. It has come back to the forefront with the election of a baptized Catholic, Joseph R. Biden, Jr., as President of the United States of America.

On the day of his inauguration, the Most Reverend José Gomez, President of the USCCB, issued a statement saying,

I look forward to working with President Biden and his administration, and the new Congress. As with every administration, there will be areas where we agree and work closely together and areas where we will have principled disagreement and strong opposition. . . .

At the same time, as pastors, the nation's bishops are given the duty of proclaiming the Gospel in all its truth and power, in season and out of season, even when that teaching is inconvenient or when the Gospel's truths run contrary to the directions of the wider society and culture. So, I must point out that our new President has pledged to pursue certain policies that would advance moral evils and threaten human life and dignity, most seriously in the areas of abortion, contraception, marriage, and gender. Of deep concern is the liberty of the Church and the freedom of believers to live according to their consciences.

Reacting to this statement, Cardinal Blase Cupich, Archbishop of Chicago, said that “there is seemingly no precedent” for the USCCB President to have made such a statement. It is indeed unprecedented to have a Catholic President of the United States of America who is virulently pro-abortion in his policies, as can be seen in his calls for taxpayer funding of abortion and codification of *Roe v. Wade* into federal law.

APPLICATION OF CANONS 915 AND 916

Since being appointed Bishop of Springfield in Illinois in 2010, I have been asked many times about the question of Holy Communion for pro-abortion Senator Richard Durbin, who is Catholic and whose home is in Springfield, Illinois. In April 2004 Senator Durbin’s pastor, then Monsignor Kevin Vann (now Bishop Kevin Vann of Orange, California), said that he would be reticent to give Senator Durbin Holy Communion because his pro-abortion position put him outside of communion or unity with the Church’s teachings on life. My predecessor, now Archbishop George Lucas of Omaha, said that he would support that decision. I have continued that position.

This determination is based on Canon 915 of the Catholic Church’s *Code of Canon Law*, which states that those “who obstinately persist in manifest grave sin are not to be admitted to Holy Communion.” In our 2004 Statement on Catholics in Political Life, the Bishops of the United States said, “Failing to protect the lives of innocent and defenseless members of the human race is to sin against justice. Those who formulate law therefore have an obligation in conscience to work toward correcting morally defective laws, lest they be guilty of cooperating in evil and in sinning against the common good.” Because

his voting record in support of abortion over many years constitutes “obstinate persistence in manifest grave sin,” the determination continues that Senator Durbin is not to be admitted to Holy Communion until he repents of this sin. This provision is intended not to punish, but to bring about a change of heart. Senator Durbin was once pro-life when he started out in politics in central Illinois. The denial of Holy Communion is a medicinal remedy that seeks to foster a change of heart and encourage Senator Durbin to repent and return to being pro-life.

As Bishop of the Capital of the State of Illinois, I have also had to deal with several Catholic legislators in the Illinois General Assembly who obstinately persisted in promoting the abominable crime and very grave sin of abortion by facilitating the passage of and/or voting for the Act Concerning Abortion of 2017 (House Bill 40), which among other things, provides for taxpayer funding of abortion, as well as for the Reproductive Health Act of 2019 (Senate Bill 25), which, among other things, purports to declare abortion to be a fundamental right, while also declaring that an unborn baby does not have independent rights under the laws of this state.

On June 2, 2019, I issued a “Decree Declaring that Illinois Legislative Leaders who Promoted and Voted for the Act Concerning Abortion of 2017 (House Bill 40) and the Reproductive Health Act of 2019 (Senate Bill 25) Are Not to be Admitted To Receive Holy Communion, and Catholic Legislators who Voted for Pro-Abortion Legislation Are Not to Present Themselves for Holy Communion per Canons 915 and 916 of the *Code of Canon Law*.”

In the recitals of the Decree (that is, the “whereas” clauses), I noted that the Church since the first century has affirmed that abortion is a moral evil, which teaching has not changed and remains unchangeable, citing *Didaché* 2:2, which declared, “You shall not kill the embryo by abortion and shall not cause the newborn to perish.”

I noted that the college of bishops together with the Roman Pontiff at the Second Vatican Council in the Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes* n. 51, affirmed that direct abortion, willed either as an end or a means, is gravely contrary to the moral law, saying, “Life must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes.”

Moreover, Pope Francis has called abortion a “very grave sin” and a “horrendous crime.”

The Bible is also clear about Eucharistic coherence as stated in 1 Corinthians 11:27, “Whoever eats unworthily of the bread and drinks from the Lord’s cup makes himself guilty of profaning the body and of the blood of the Lord.”

Consistent with the maxim that law follows theology, canon 915 of the *Code of Canon Law* requires that those “who obstinately persist in manifest grave sin are not to be admitted to Holy Communion” and canon 916 states, “A person who is conscious of grave sin is not to celebrate Mass or to receive the Body of the Lord without prior sacramental confession unless a grave reason is present and there is no opportunity of confessing; in this case the person is to be mindful of the obligation to make an act of perfect contrition, including the intention of confessing as soon as possible.”

I therefore declared in accord with canon 915 that “Illinois Senate President John Cullerton and Speaker of the House Michael J. Madigan, who facilitated the passage of the Act Concerning Abortion of 2017 (House Bill 40) as well as the Reproductive Health Act of 2019 (Senate Bill 25), are not to be admitted to Holy Communion in the Diocese of Springfield in Illinois because they have obstinately persisted in promoting the abominable crime and very grave sin of abortion as evidenced by the influence they exerted in their leadership roles and their repeated votes and obdurate public support for abortion rights over an extended period of time.”

I also said, “These persons may be readmitted to Holy Communion only after they have truly repented these grave sins and furthermore have made suitable reparation for damages and scandal, or at least have seriously promised to do so, as determined in my judgment or in the judgment of their diocesan bishop in consultation with me or my successor.”

Moreover, I declared that “Catholic legislators of the Illinois General Assembly who have cooperated in evil and committed grave sin by voting for any legislation that promotes abortion are not to present themselves to receive Holy Communion without first being reconciled to Christ and the Church in accord with canon 916 of the Code of Canon Law.”

INCORRECT INTERPRETATIONS OF CANON 915

An example of the misinterpretation of canon 915 can be seen in an article published on September 14, 2020 in *Commonweal* by Nicholas P. Cafardi, Dean emeritus

of Duquesne University School of Law and former general counsel to the Catholic Diocese of Pittsburgh, which bears the title, “Canons and the Candidate: Church law does not support attacks on Biden’s faith.” In a sense, the subtitle is correct, in that canon law does not support attacks on the *faith* of former Vice President Joe Biden. However, there is much that canon law has to say in light of how Biden does or does not *practice* the Catholic faith.

As both a canon lawyer and a civil lawyer, Dean Cafardi is a respected scholar, but he gets some things wrong in his *Commonweal* article. At the outset, I wish to note that I am writing as a canon lawyer and civil lawyer myself, and not in an official capacity exercising jurisdiction as a diocesan bishop.

Cafardi starts by observing correctly, “Under canon law, every Catholic is guaranteed a right to their good name in the Church and a right to their privacy. The condition of a fellow Catholic’s soul is a purely personal matter, not one for public debate.” But then he makes this *non sequitur*: “The injunction of Canon 220 [regarding the right to privacy] would seem, in itself, to forbid Catholics from engaging in a public discussion of the tenor of Biden’s Catholicism and his ability to receive the Eucharist. These are private matters, not political ones.”

This view unfortunately reflects the modern fallacy considering religion to be a purely private matter of personal belief. Christianity is a religion that calls for very public witness by putting one’s faith into action. Debating Biden’s policies in light of Catholic teaching has nothing to do with judging the condition of his soul. By contrast, it is certainly permitted and absolutely germane to engage a public discussion of whether or

not a politician's positions on political matters reflect his or her publicly professed faith, which Biden himself has repeatedly brought to the attention of the public.

Abortion is a grave intrinsic evil. On his campaign website and in various public statements Biden made clear that he seeks to legally protect the killing of unborn human beings through abortion, and to fund this killing at taxpayer expense. Biden has said that he would seek to codify into federal law the abortion license of *Roe v. Wade* if the Supreme Court were to overturn that decision, and that he supports repeal of the Hyde Amendment which prohibits federal funding for abortion.

Shortly after his election, President Biden issued an Executive Order rescinding the Mexico City policy, thereby allowing U.S. taxpayer dollars to support abortion overseas and has pledged to reinstate the contraceptive/abortifacient mandate originally issued under Obamacare. Proposing and voting for legal measures that promote an intrinsic evil raises the question of cooperation with evil.

In this regard, Catholic moral theology distinguishes between formal and material cooperation. Formal cooperation is when someone shares the evil intent of the wrongdoer or otherwise agrees with, condones, or approves of the wrongdoer's action, at least to some degree. Formal cooperation in the wrongdoing of another is always wrong.

Material cooperation, by contrast, occurs when one does not share the intention of the wrongdoer, but is in some way involved with the wrongdoer. Material cooperation is considered immediate when the cooperator's act assists in the performance of the wrongdoing in an essential way. Material cooperation itself can be further distinguished by being "proximate" mediate material cooperation or "remote" mediate material

cooperation. Absent a proportionately grave reason, one may not materially cooperate with an evil act. The more proximate the cooperation, the more proportionately grave the reasons needed for the action to be justified.

Applying these principles to the question at hand, the formal, political act of a public official (such as voting in the Senate or signing a law or executive order as president) constitutes at least material cooperation with an act which is gravely evil and if done with the intent to support or promote access to abortion would in fact be formal cooperation, which is always gravely sinful.

It may be argued cooperation is mediate when one person's actions, such as casting a vote for abortion rights or signing an executive order, may not be directly essential to the procurement of abortion. But mediate cooperation in a grave evil requires a proportionately grave reason to be justified. Over 860,000 abortions took place in 2017, the latest year reported in the U.S. In order for a politician to justify promoting or voting for pro-abortion legislation or voting against pro-life legislation, one would need a proportionately grave reason that outweighs the killing of 860,000 babies per year.

Some have tried to argue that their position on other moral issues consistent with Catholic Church teaching outweighs their support for abortion. Senator Durbin, for example, in response to his being denied Holy Communion in 2004, released a report called, "Evaluating the Votes and Actions of Public Officials from a Catholic Perspective," which ranked the twenty-four U.S. Catholic senators based on their votes in three areas: domestic, international and pro-life. Commenting on this "scorecard," the Catholic League for Religious and Civil Rights issued a statement saying, "To say that a senator

votes better on Catholic issues because he has voted to increase the minimum wage while voting against a ban on killing a baby who is 80 percent born is ludicrous. Senator Durbin has done the same as some House Democrats last month, lumping together policy issues that do not have the same moral weight.”

One of those issues that is frequently raised as the moral equivalent of abortion is the death penalty. The problem, however, with trying to make that moral equivalence is that capital punishment is not in the same moral category as abortion. While abortion is considered to be an intrinsic evil, the death penalty has been called “inadmissible” by Pope Francis, which reflects a different moral judgment. It is not the same as calling an act intrinsically evil, but instead reflects a kind of a prudential judgment about its efficacy.

Others try to use the “consistent ethic of life” attributed to the late Cardinal Joseph Bernardin, Archbishop of Chicago, sometimes referred to as the “seamless garment” approach to pro-life issues, as justification for downplaying emphasis on abortion while promoting other social issues. I served as Cardinal Bernardin’s Chancellor from 1992 until his death in 1996, and I can tell you that he did not like this misuse of the “consistent ethic of life.” In fact, in an interview with the *National Catholic Register* in 1988, Cardinal Bernardin said, “I know that some people on the left, if I may use that label, have used the consistent ethic to give the impression that the abortion issue is not all that important anymore, that you should be against abortion in a general way but that there are more important issues, so don’t hold anybody’s feet to the fire just on abortion. That’s a misuse of the consistent ethic, and I deplore it.”

Cafardi argues incorrectly that the only people who can opine authoritatively on whether Biden is a Catholic in good standing are his proper pastor and bishop by virtue of where he lives, and the Pope, who has universal jurisdiction. But he skips over the fact that travelers are bound by certain laws of the territory in which they are present, such as those which provide for the public order, and canon law says that a person with executive power of governance in the Church “can also exercise this power over travelers actually present in his territory.” Hence the saying, “When in Rome, do as the Romans do.”

Politicians on the campaign trail and officials of the federal government travelling around the country certainly fit the canonical definition of a traveler and thus are subject to the ecclesiastical authority of the local pastor and bishop for matters pertaining to the public order when actuality present in their territory.

Cafardi then says, “When that distant priest or bishop denies Communion to the traveling Catholic politician, they are making a statement about the condition of the politician’s soul.” Although Cafardi is a trained canonist, here he commits a fundamental error. Canon 915 is concerned with externally observable actions that are objectively gravely sinful, not the subjective condition of the communicant’s soul.

In the end, I agree with Cafardi’s conclusion that the “law is there to serve the theology, and the theology is there to get us to Heaven.” That is precisely why canon law so strongly condemns abortion, which Pope Francis has called a “very grave sin” and a “horrendous crime.” Mr. Biden would do well to heed these words of the Holy Father.

HOLY COMMUNION FOR THE DIVORCED AND REMARRIED?

The question of eligibility to receive Holy Communion does not pertain only to pro-abortion politicians, but also to all those whose behaviors are gravely sinful and incoherent with a Catholic way of life, such as heterosexuals who cohabit without marriage, homosexuals who engage in genital activity, and the divorced who remarry without having received a declaration of the invalidity of their marriage. Some have argued that Holy Communion can and should be given to people in such situations, citing the Post-Synodal Apostolic Exhortation of His Holiness Pope Francis on Love in the Family, *Amoris Laetitia*, which was released on April 8, 2016, notably footnote 351, in which Pope Francis says with reference to persons living in an objective situation of sin, “In certain cases, this can include the help of the sacraments.”

Adding to the discussion are the Pope’s comments on board a flight in response to a reporter who asked Pope Francis if there are “new concrete possibilities that did not exist before the publication of the Exhortation or not,” the Holy Father answered, “I can say yes. Period.” But these new “concrete possibilities” could be referring to a variety of pastoral initiatives to address irregular situations. Indeed, Pope Francis himself seemed annoyed with the focus on the question of Holy Communion for those in irregular situations, as he went on to say in answer to the next question, which asked specifically about footnote 351:

When I convoked the first synod, the great concern of the majority of the media was communion for the divorced and remarried, and, since I am not a saint, this bothered me, and then made me sad. Because, thinking of those media who said, this, this and that, do you not realize that that is not the important problem? Don’t you realize that instead the family throughout

the world is in crisis? Don't we realize that the falling birth rate in Europe is enough to make one cry? And the family is the basis of society. Do you not realize that the youth don't want to marry? . . . Don't you realize that the lack of work or the little work (available) means that a mother has to get two jobs and the children grow up alone? These are the big problems. I don't remember the footnote, but for sure if it's something general in a footnote it's because I spoke about it, I think, in *Evangelii Gaudium*.

With regard to the question of Holy Communion for the divorced and remarried, the *Catechism* says clearly in paragraph 1665, "The remarriage of persons divorced from a living, lawful spouse contravenes the plan and law of God as taught by Christ. They are not separated from the Church, but they cannot receive Eucharistic communion. They will lead Christian lives especially by educating their children in the faith." There is nothing in *Amoris Laetitia* that changes, amends or repeals this doctrine.

As noted earlier, canon 915 of the *Code of Canon Law* says that those "who obstinately persist in manifest grave sin are not to be admitted to Holy Communion." There is nothing in *Amoris Laetitia* that changes, amends or repeals this canon. While we cannot judge people's consciences, we can judge external situations to determine if they are manifestly gravely sinful and whether there is obstinate persistence from an objective perspective. This is relevant to the reception of Holy Communion, which is an external, public act as well. Nevertheless, the question of the proper disposition of the soul while receiving Holy Communion is eminently pastoral. It has long standing in the Church going back to the early centuries.

BIBLICAL CRITERION FOR THE RECEPTION OF HOLY COMMUNION

The Bible clearly teaches about the proper disposition to receive Holy Communion in the *First Letter to the Corinthians*, where Saint Paul wrote, “Whoever eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of profaning the body and blood of the Lord. Let a man examine himself, and so eat of the bread and drink of the cup. For anyone who eats and drinks without discerning the body eats and drinks judgment upon himself” (1 Cor 11:27-29). This biblical teaching is reflected in canons 915-916 of the Catholic Church’s *Code of Canon Law*. As mentioned earlier, canon 915 addresses the situation where the minister of Holy Communion is not to admit individual persons to the Sacrament under the circumstances that are clearly defined in that canon. Canon 916, on the other hand, is addressed to the person who is “conscious of grave sin.” Thus, while canon 915 puts the burden of discernment on the minister of Holy Communion, canon 916 places the responsibility for self-discernment on the person who desires to receive the Sacrament. These principles for the proper disposition for receiving or being admitted to Holy Communion are in keeping with the maxim that “law follows theology,” that is, the laws of the church are not created in a vacuum, but are practical applications of biblical and theological truths in actual situations.

CONCLUSION

In seeking Eucharistic coherence in an incoherent era, it is important to remember that the ultimate goal is conversion and readmission to communion, not exclusion and permanent expulsion from the community of faith. Even when a difficult decision must be made not to admit someone to Holy Communion until there has been repentance and reconciliation, such discipline does not contradict the love by which it is motivated.