Canon 915:
Spirit and Letter of the Law

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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.

Introduction

This particular canon became quite prominent because of the controversies involving Catholic politicians who are supportive of the Reproductive Health Bill in the Philippines or the case of Catholic politicians in the United States who are pro-abortion. Questions like should they be denied receipt of the Holy Communion or even excommunicated were being asked. Other than those above, many have also been refused communion because they were deemed to be "living in sin." In the Philippines and in many parts of the world where the Catholic Church thrives, the Church, both the hierarchy and the laypeople, condemn couples who are not married sacramentally or solemnly in Church as people "living in sin." Those who are homosexuals in public relationships, divorced, and cohabiting are all considered to be "living in sin." Many, because of being tagged as one who is living in sin, decided to leave the Church and join other more welcoming and inclusive churches or remain Catholic but never avail themselves of the sacraments. Many have been hurt and turned off by the very moralistic and rigid attitude of some members of the Church,

including the priests. Should they be refused to receive the Holy Communion as prescribed by Canon 915? As ministers, how do we deal with them pastorally?

Objective Part

The literary form for Canon 915 seems to be under those canons creating right and duty situations. According to Orsy, these are the true legislative pieces. To interpret them, one should consider bringing into play the sources and resources of the law. Here we have a norm of action imposed on all or some members of the community.[1] The minister of Holy Communion's duty is not to admit those persons in the canon to the participation in the Blessed Sacrament. Observance of this duty on the part of the ministers of Holy Communion will require, in actual practice, the watchful eye of the diocesan bishop.[2] The inclusion of the phrase about those who "obstinately persist in manifest grave sin" could also give the impression that the canon is also a statement of morality because this particular phrase touches on issues of morality, particularly in the interpretation of what this phrase means according to moral theology.

Letter of the Law

Commentaries

The canon, according to the New Commentary on Code of the Canon Law, is directed to individual ministers of

1 Ladislas Orsy, *Theology and Canon Law: New Horizons for Legislation and Interpretation* (Minnesota: The Liturgical Press, 1992), 56.

2 Ignatius Gramunt, "Canon 915 Commentary," in *Exegetical Commentary on the Code of the Canon Law*, Edited by Ernest Caparros, Volume MR English Version (Canada: Wilson and Lafleur, 2004), 615-616.

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the Eucharist who are to refuse the sacrament in the cases mentioned in the canon.[3] The canon lists down three categories of people to be refused communion: (1) an excommunicated person, (2) an interdicted person, or (3) "others who obstinately persist in manifestly grave sin." Dacanay asserts that the canon is prescriptive. He differentiates it from canon 916. Canon 915 is operative in the public forum, which is directed at the minister of communion while another canon, c. 916, operates in the internal forum, which is addressed to the recipient of the sacrament.[4]

Persons under the third category, those who "...obstinately persist in manifestly grave sin" need to be expounded to understand its full meaning. Dacanay mentions that this category is filled with qualifications: "they do not merely persist, they obstinately persist, their sin is not only grave sin but one that is manifestly so."[5]

It is further defined by the New Commentary on the Code of the Canon Law that ministers are to refuse communion when they are certain of these three conditions: (1) that a person committed a sin that is objectively grave, (2) that the sinner is obstinately persevering in this sinful state, and (3) that the sin is manifest. A manifest sin is one that is publicly known by a large part of the parish or other community. If the sin is not publicly known, refusing communion would be a violation of the person's right to a good reputation (c. 220). The sin in question must be repeated habitually and cannot be

3 *New Commentary on the Code of the Canon Law* (NCCCL), The Canon Law Society of America. Edited by John P. Beal, James A. Coriden and Thomas J. Green (Mahwah, New Jersey: Paulist Press 2000), 1110.

4 A.N. Dacanay SJ, *The Sacraments of Initiation: A Commentary on CC 849-958 of the Code of the Canon Law* (Pasig City: Anvil, 2006), 131.

5 Dacanay, *The Sacraments of Initiation*, 132.

applied to a single grave sin, even if manifest, since obstinacy must be obvious.[6]

How is it obstinate? It obstinately perseveres if the minister has expressly warned the offending person to cease committing the sin, but this warning is not heeded. But if there is no advance warning before communion is denied, there is no way for obstinacy to be certain. The warning should include the express threat of refusal of communion to the manifest grave sinner to avoid shaming the person by the public refusal of communion. Here the minister must give the warning to the sinner in the external forum (verbally or written), but it cannot be given if knowledge of the sin is gained from the internal forum.[7]

Other Authors

Dacanay explains that under the third category, persons in irregular marriages are included. These people may be cohabiting without the benefit of the sacrament of marriage or people who have been divorced from their respective spouses and are now living together on the strength of a merely civil marriage. According to him, the Church proposes two reasons as to why these persons are prohibited to receive the Holy Communion: (1) their state and condition in life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist and (2) pastoral — if these people were admitted to the sacrament, the faithful would be led into error and confusion regarding the teaching of the Church about the indissolubility of marriage.[8]

Woestman enumerates examples of public sinners who are to be refused communion: persons operating abortion

6 NCCCL, 1110.

7 Ibid.

8 Dacanay, *The Sacraments of Initiation*, 133.

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facilities, polygamists, persons in invalid marriages, and those persons whose habitual lifestyle is manifestly gravely sinful (e.g., the unmarried "living together," homosexuals or lesbians in a public relationship, those actively participating in the performance of abortions, drug traffickers, gang members). He adds that this canon does not refer to those guilty of occult or secret sins. A sinner has the right to privacy — not to have his/her private sin revealed and reputation be damaged.[9]

According to Peters, there are two distinct but related acts involved in the participation in the Holy Communion: (1) the action of a member of the faithful in seeking communion (reception) and (2) the action of the minister in giving communion (administration). They are performed by different persons and governed by two different canons. He adds that the confusion can be attributed to the failure to keep these two actions distinct. Therefore, he affirms that to recognize the fundamental differences between canon 916 on the reverent reception of the Eucharist and canon 915 on a minister's withholding of Holy Communion is essential in assessing these cases. Yet it is also important to consider that uncertain cases must be decided in favor of reception of the sacrament, even at the risk of sacrilege, while proven cases of public unworthiness as understood by Church law must result in withholding the sacrament, even at the risk of public outcry. Both outcomes are required upon pain of dereliction of ministerial duties in regard to participation in the Eucharist.[10]

9 Woestman, *Canon Law of the Sacraments*, 90-91.

10 Dr. Edward Peters, "Catholics, Communion, and Controversies." https://canonlawblog.wordpress.com/2012/10/31/catholics-communion-and-controversies/ (accessed February 16, 2014).

Spirit of the Law

According to the Scriptures. The canon has its Scriptural basis from the First Letter of Paul to the Corinthians (11:23-29), where Paul addresses the question of worthiness to receive the Body and Blood of Christ. Here he first gives an account of the institution of the Holy Eucharist where the teaching on the Eucharist as Sacrifice and Real Presence is apparent then he admonishes the disciples to examine their consciences before approaching to receive Holy Communion:

> Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be answerable for the body and blood of the Lord. Examine yourselves, and only then eat of the bread and drink of the cup. For all who eat and drink without discerning the body eat and drink judgment against themselves. (1 Cor. 11:27-29)

A commentary on these verses objects that the efficacy of the sacraments does not depend upon the worthiness of men and that nothing is taken away from the promises of God or falls to the ground through the wickedness of men. According to Calvin, Christ's body is presented both to the sinner no less to the good and this is enough so far as concerns the efficacy of the sacrament and the faithfulness of God.[11]

Viewpoint of Vatican II and other documents. Vatican II affirms, the "... liturgy is the summit toward which the activity of the Church is directed; at the same time, it is the font from which all her power flows" and that "Christ is always present in His Church, especially in her liturgical celebrations. He is

11 John Calvin, *Commentary on Corinthians Vol. 1 Online.* https://www.ccel.org/ccel/c/calvin/calcom39/cache/calcom39.pdf (accessed February 21. 2014).

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present in the sacrifice of the Mass, not only in the person of His minister "but especially under the Eucharistic species."[12]

Sacrosanctum Concilium asserts that "from the liturgy, therefore, and especially from the Eucharist, as from a font, grace is poured forth upon us." However, to be able to produce its full effects, it is necessary that the faithful come to it with proper dispositions. Ministers also must realize that it is their duty to ensure that the faithful take part fully aware of what they are doing, actively engaged in the rite, and enriched by its effects.[13] *Redemptionis Sacramentum* affirms that the Eucharist is to be offered to the faithful, among other reasons, as an antidote, by which we are freed from daily faults and preserved from mortal sin. It is the Church's custom for each person to examine himself and that anyone who is conscious of grave sin should not celebrate or receive the sacrament without prior sacramental confession except for grave reasons, but one is bound to make an act of perfect contrition and intends to confess as soon as possible. However, the Church also has drawn up norms to foster frequent and fruitful access of the faithful to the sacrament and at the same time determine the objective conditions under which communion may not be given.[14]

Why was the law made? An exegetical commentary on the Code of the Canon Law explains that the immediate context of c. 915 is formed by cc. 912 and 916. Canon 912 stipulates the right of the faithful to participate in the Holy Eucharist, and c. 916 prohibits the exercise of this right to those conscious of grave sin. Further, it is not substantially different from the discipline under c. 855 of the 1917 Code, possibly because this is the norm of a divine-positive law traceable to St. Paul's

12 *Sacrosanctum Concilium*, Nos. 10 and 7.

13 Ibid., No. 10-11.

14 *Redemptoris Sacramentum*, 80

dictum in 1 Cor. 11:27-29, declared by the Council of Trent in its decree on the Holy Eucharist and restated by Vatican 11.[15]

Although there may be no substantial differences between c. 915 of the 1983 Code and c. 855 of 1917, it is necessary to realize that the historical sacramental context existing at the time of the promulgation of the parallel canon in the 1917 Code and this new Code were very different. Before the practice of frequent and even daily communion was encouraged by then Pope Pius X, most of the faithful only received Holy Communion at Christmas and Easter or at most monthly. With the encouragement and the reform of the Eucharistic fast, today, a very large majority of the faithful receive communion whenever they attend Mass. Under the old practice, there was less danger of the unworthy seeking to receive Communion because of human respect. There was also little or no social pressure to go to communion. Nevertheless, the opposite is true today.[16]

According to Peters, this canon seeks to protect against sacrilege, but it is oriented primarily to preventing scandal. In Catholic moral tradition, a scandal is not behavior that once known will embarrass or compromise the actor, but "an attitude or behavior which leads another to do evil." He admits that the canon is not a cure-all for all wounds on the mystical body of Christ, although it does seem to cauterize or sanitize certain wounds until deeper and more satisfying resolutions can be effected.[17]

Pastorally, it is strongly suggested that public denial of Holy Communion be avoided as far as possible. Ministers must strive to explain to the concerned faithful the true

15 Gramunt, c. 915 Commentary, 615.

16 Woestman, *Canon Law of the Sacraments for Parish Ministry*, 84.

17 Peters, "Catholics, Communion, and Controversies."

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meaning of the canon in a way that they would understand and respect it. The minister responsible for the ecclesial community is responsible for discerning those situations and giving precise instructions to the deacon or any extraordinary ministers. If the minister must refuse to distribute it to those who are publicly unworthy, the minister must find an opportune time to explain, with extreme charity, the reasons for refusal. It must be done with firmness, conscious of the value that such signs of strengths are for the good of the Church and of souls.[18]

Pope Francis and the Eucharist The Pope, in his first apostolic exhortation *Evangelii Gaudium*, writes that "The Eucharist, although it is the fullness of sacramental life, is not a prize for the perfect but a powerful medicine and nourishment for the weak". This has pastoral consequences calling us both to be prudent and bold. He confirms that we are like "arbiters of grace rather than its facilitators." He believes that the "Church is not a tollhouse; it is the house of the Father, where there is a place for everyone, with all their problems".[19]

Further, the Pope's attitude reminds us of Jesus' attitude towards sinners and those deemed by society as unclean and unworthy. The Pope told priests they should welcome couples that live together and championed the courageous and creative choices involved in going out to the "existential peripheries." But he also affirms that the truth factor is crucial here. "The truth must always be told," not just in the dogmatic sense of

18 *Pontifical Council for Legislative Texts, Declaration on Communion for Divorced and Remarried Persons,* June 24, 2000, https://www.vatican.va/roman_curia/pontifical_councils/intrptxt/documents/rc_pc_intrptxt_doc_20000706_declaration_en.html (accessed February 16, 2014), No. 3.

19 Pope Francis, *Evangelii Gaudium*, https://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html, (accessed February 16, 2014), No. 47.

the world but in the sense of "love and God's fullness." The priest must "accompany" people.[20]

Subjective Part

My own personal experience of an incident where a man was denied the Holy Communion and learning about certain public cases of incidences where persons had been denied communion provoked me to examine this canon more closely. The difficulty in practice pastorally is how to apply this canon for persons under the third category, persons who "obstinately persist in manifestly grave sin." The difficulty is that the state of a person's conscience belongs to the internal forum, but the canon addresses the minister in the external forum. It is true that as ministers, we have the duty to protect the dignity of the Holy Communion but also the dignity of the person. Denying communion to a person deemed "living in sin" to prevent scandal to the community must be done with more prudence and care. The urgent need might not be to prevent scandal to the community but for mercy, forgiveness, and acceptance of the person. From what I experienced, the denial of communion was taken more scandalous than the reason why the person was denied communion — a public denial of communion shamed the person and is contrary to God's mercy and compassion. Below is an example of the situation I was referring to above.

> Michael is a baptized Indo-Fijian Catholic in the village of Naleba in Labasa on the island of Vanua Levu, the Fiji Islands. He has been living with Clarisa, a Fijian girl, for almost three years now.

20 Vatican Insider — La Stampa, "Francis Urges Priests not to Push Cohabiting Couples Away," https://www.lastampa.it/vatican-insider/en/2013/09/17/news/francis-urges-priests-not-to-push-cohabiting-couples-away-1.35979604, (accessed February 21, 2014).

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> They have three sons. They have not been "married" in the Church or civilly. Michael comes from a strong practicing Catholic family. After his father's death, Michael started to miss the Sunday liturgies that are celebrated most Sundays with a priest or a lay minister. On this particular day, that was Christmas day, Michael, together with his whole family, went to church to attend the service after a long time. When communion was about to be given, the people lined up, including Michael, to receive communion. When it came for Micheal's turn, the priest had asked Michael to step aside and refused to give him communion before everyone. Michael, who seemed not to understand what was happening, stepped out of the church and left. It caused a bit of commotion after the Mass. The people started asking what happened, why Michael was refused Holy Communion. The effect was worst for Michael, who was Indian. For them, their "dignity" is very important. To lose it in public is very humiliating. Michael, together with his family, didn't return to church after that incident. Only after some intervention by the lay ministers and other community members did they start to attend church services again.

According to Canon 915, three conditions must be complied with before the minister can licitly deny the person Holy Communion: (1) that a person committed a sin that is objectively grave, (2) that the sinner is obstinately persevering in this sinful state, and (3) that the sin is manifest. Of the three conditions, it seems two are fulfilled: (1) Michael and his wife are cohabiting couples for three years now and that (2) the sin is manifest because most of the community (village) know about the arrangement between Michael and Clarissa as a couple living together outside the Sacrament of Marriage. Nevertheless, condition (3) obstinately persevering is unclear. It is unsure, though, if he was warned or informed

beforehand, so it could not be established if he is obstinately persevering in manifest grave sin.

Personally, I believe it would have been more pastoral to give Michael communion and then later privately speak to him about his situation and what could be done. The situation might not have allowed the priest to talk to Michael before the Mass. Therefore, it would have been more prudent to give him communion as it is highly suggested to avoid a public denial of communion. Further, what goes on in Michael's conscience is perfectly a situation of internal forum and requires greater in-depth investigation on the part of the minister to determine Michael's state of grace or worthiness to receive communion.

Conclusion

We have explored the various aspects of Canon 915. The canon seemed to be under the category of canons creating right and duty situations and also a statement of morality. Various commentaries assert that it is a canon directed to individual ministers of the Eucharist who are to refuse the sacrament in the cases mentioned in the canon. The prohibition is against three categories of people: (1) an excommunicated person, (2) an interdicted person, or (3) "others who obstinately persist in manifestly grave sin." We also expounded on the meaning of the third category of persons who "...obstinately persist in manifestly grave sin." The conditions must be ascertained by the minister to licitly refuse communion. Irregular marriage was highlighted as an example, but there were other examples given of public sinners who are to be refused communion. The canon is scripturally based on the First Letter of Paul to the Corinthians (11:23-29). Vatican II affirms the sanctity and importance of the Liturgy and Jesus Christ's Real Presence in the Sacrament, especially under the Eucharistic species. It

is necessary that the faithful come to it with proper dispositions. It is also necessary for each person to examine himself at the depth and that anyone who is conscious of grave sin should not celebrate or receive the sacrament without prior sacramental confession except for grave reasons. The Church also has set objective conditions under which Communion may not be given.

The canon seeks to protect against sacrilege, but it is oriented primarily to preventing scandal. Pastorally, it is strongly suggested that public denial of Holy Communion be avoided as far as possible. According to Pope Francis, the Eucharist is "not a prize for the perfect but a powerful medicine and nourishment for the weak." The difficulty in practice pastorally is how to apply this canon for persons under the third category, persons who "obstinately persist in manifestly grave sin." The state of a person's conscience belongs to the internal forum, but the canon addresses the minister in the external forum. It is true that as ministers, we have the duty to protect the dignity of the Holy Communion but also the dignity of the person. Denying communion to a person deemed "living in sin" to prevent scandal to the community must be done with more prudence and care. The urgent need might not be to prevent scandal to the community but for mercy, forgiveness, and acceptance of the person. In some cases, the denial of communion was taken more scandalous than the reason why the person was denied communion — the public denial of communion shamed the person and is also contrary to God's mercy and compassion.

What could be more pastoral and Christian-like for a minister placed in a situation where he is aware the couple is living together outside marriage would like to receive communion? He should approach them discreetly and engage

them in friendly dialogue — which may help in forming their conscience, enable them to understand, enlighten them and avoid the risk of scandal. To end this short discourse, we turn to Pope Francis, who was quoted by the *Commonweal* magazine saying, "Our duty is to find another way, the just way" to respond to Catholics in irregular marriages. The problem cannot be reduced to "whether they are allowed to take communion or not because whoever thinks of the problem in these terms does not understand the real issue at hand."[21]

21 Michael G. Lawler and Todd Salzman, "Separated Faithful: How Should the Church Handle Divorce and Remarriage?" September 19, 2013, *The Commonweal Magazine.* https://www.commonwealmagazine.org/separated-faithful (accessed February 21, 2014).

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