

***“Does the bishop have the right to restrict communion to in-the-hand only?”
The short answer is “Yes, he does.”***

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Canonists disagree on the answer to this question.

Can Bishops Require Communion on the Hand?

Fr. James Bradley, assistant professor at the School of Canon Law at The Catholic University of America argued that that the decision to prohibit the distribution of the Eucharist on the tongue should lie with Rome, not with diocesan bishops.

Kate Scanlon/EWTN News

WASHINGTON, D.C. — As dioceses across the United States begin to resume public Masses amid the coronavirus pandemic, many are taking additional precautions to stay within guidelines from local health officials. In some instances, bishops have prohibited the distribution of Holy Communion on the tongue in an effort to prevent the spread of the virus.

But can a bishop order that the Eucharist be distributed only on the hand?

Timothy Olson, a canonist for the Diocese of Fargo and the secretary of the Canon Law Society of America, told CNA that a bishop does have the authority to restrict the distribution of Holy Communion to in the hand alone, when it is a matter of necessity.

“Ordinarily, there is no doubt that a bishop lacks the authority to restrict the reception of communion to the hand only,” Olson said. “Redemptionis sacramentum [a Vatican instruction on Eucharistic matters] is explicit about this fact.”

“At the same time,” Olson continued, “canon law, including liturgical law, is the Church’s practical expression of her theology and philosophy. Thus, sometimes it is necessary to make recourse to sources beyond the mere and obvious legal texts.”

Olson pointed to the Summa Theologica of St. Thomas Aquinas as instructive on the matter.

“In this case, Thomas Aquinas is a valuable source for understanding how human law operates looking at the Summa Theologiae, I-II, Q. 96,” Olson said.

“Aquinas teaches that every law is directed to the common good of man. He also teaches that, unlike the Divine Lawgiver, a human lawgiver is incapable of foreseeing every circumstance in which the law will be applied.”

“As a result, a human law that in most circumstances promotes the common good, can in an individual situation actually harm the common good. Aquinas concludes that in such a case, the observance of the human law is able to be dispensed.”

Fr. James Bradley, assistant professor at the School of Canon Law at The Catholic University of America, disagreed, arguing that that the decision to prohibit the distribution of the Eucharist on the tongue should lie with Rome, not with diocesan bishops.

“The liturgical discipline of the Church, because of its importance in relation to the nature of the sacraments and the deposit of faith, is generally reserved to the Apostolic See,” Father Bradley told CNA.

“Since the Second Vatican Council there has been a broadening of what the diocesan bishops and episcopal conferences can regulate in the liturgy, but what this entails is quite narrowly defined in the law,” said Bradley.

Olson agreed that “ordinarily, the dispensation of a law is reserved to the authority who issued the law.”

“However,” he said, “Aquinas notes that in the case of necessity where action must be taken urgently in order to prevent the harm, ‘the mere necessity brings with it a dispensation, since necessity knows no (human) law.’”

Olson offered Aquinas’ example of a city whose ruler orders the city gates closed at a certain time, but an army of the city’s defenders become stuck outside the gate with an enemy force in pursuit.

“Aquinas concludes that if the rightful authority can be reached in time to open the gates with his permission, it ought to be done,” Olson said. “However, if there is danger in the delay caused by referring the matter, necessity itself allows the gates to be opened.”

Olson said when it comes to the liturgy, there are “some aspects that are of divine law, and thus never subject to dispensation, such as the matter and form of a sacrament.”

“Other aspects of the liturgy, however, are of human law, such as which readings are to be read, or the manner of reception of Communion,” he said. “Although these human laws are written to protect the dignity and efficacy of the liturgy, they are able to be dispensed in cases of urgent necessity.”

He added that there is precedent for such decisions.

“A stark example of liturgical laws being dispensed by necessity occurred in the concentration camps of WWII,” Olson said. “Priests, such as St. Maximilian Kolbe, always observing the matter and form for the confection of the Eucharist, held extremely truncated Masses while imprisoned, only observing those rubrics that were possible in the situation.”

Olson said that “provided that a true urgent necessity is present, a diocesan bishop can recognize that a human law, even if it is liturgical, or ordinarily reserved to a higher authority, has been dispensed.”

But Father Bradley cautioned against presuming the ability to dispense with liturgical laws in the Church.

“It seems to me that the fact that the liturgical law is specifically reserved to the Apostolic See, except in limited cases defined by the law, means that changes to liturgical discipline and practice are not within the competence of the diocesan bishop unless the law prescribes such,” Father Bradley said.

“Of course,” Olson told CNA, “canonists will always present different opinions on how the law can be interpreted and applied, that’s the job of lawyers. In the end, the final authority of interpretation lies with Rome, and it will be for Rome to intervene - or not - as they decide.”

Letter to the Hebrews says *“Obey your leaders and submit to them; for they are keeping watch over your souls, as men who will have to give an account.”* (13:17)

To receive communion while engaging in a fundamental act of disobedience to the valid authority of the local Bishop and inviting / demanding that the Priest himself become directly involved by also acting in disobedience through the exercise of the action, is a sin which is to be avoided.

To sin in this way through vincible ignorance is to compound the gravity of the sin.

An essential part of Catholic Identity is to admit that we are not authorities unto ourselves as it relates to Scripture, Tradition, Law or validly declared or restricted practice. Therefore we submit ourselves to those who are in communion with the Church, validly and licitly ordained, validly and licitly exercising the authority they have been given and who are not inciting / leading the people into heresy, moral depravity, sin of any kind.

According to the will of Christ the apostles and their successors the bishops have legitimate authority in all ecclesial matters down to the most mundane dealings. By virtue of the duties incurred by the great gift of our baptisms, we must obey the juridical decisions of bishops, even if we disagree.

On the other hand, our duty of obedience does not mean we cannot communicate our opinions, ideas, and reservations to our bishops, in private or public. But because of bishops' ecclesial dignity, we must do so charitably and with deference. We can seek recourse to the Apostolic See if we believe a bishop has decided contrary to canon law, but we must never seek to embarrass or insult him in the process – doing so only further disturbs the whole flock.

“A bishop is bound to belong to all, to bear the burden of all,” writes Chrysostom. As members of the same Body of Christ, we must help our bishops bear the burden of souls by bearing our burden of obedience to them. Obedience never has been easy, and it never will be. But like all things truly Catholic, obedience is worth the sacrifice.

The Council of Trent also spoke on the matter of the obedience of the faithful: “The Apostle also teaches that they are entitled to obedience: Obey your prelates, and be subject to them; for they watch as being to render an account of your souls. Nay, more. Christ the Lord commands obedience even to wicked pastors: Upon the chair of Moses have sitten the scribes and Pharisees: all things, therefore, whatsoever they shall say to you, observe and do; but according to their works do ye not, for they say and do not.”

***Summa Theologica* – St. Thomas Aquinas**

For hundreds of years, the 'go-to' reference manual for understanding key areas of Catholic theology.

St. Thomas establishes that observance (question 102), rendering honor and respect to those in a position of dignity, is exercised by "rendering him service, by obeying his commands, and by repaying him, according to one's faculty, for the benefits we received from him". Further, this service is owed to the person in a position of authority, not because of themselves, but because of the position of dignity that they occupy. Disobedience to the superior is counted by St. Thomas as a mortal sin as it is "contrary to the love of God" and the "love of our neighbor".

In article 5 of question 104, St. Thomas proceeds to define the framework for obedience due to superiors – outside of which obedience is not obligatory and may even be sinful.

The first criteria is that the order cannot contradict the law of God, as He is the "first mover of all wills", all are bound to obey the divine command under justice (Q104, article 4 & 5). Simply put, if at any point within the hierarchy an order is given that requires the subject to sin, the order is to be disregarded. This sinful order can be structured in two ways. Either the nature of the thing commanded is sinful or the command is to disobey a legitimate order.

The second criteria is that, the order provided by the superior must be within the "sphere of his authority". Obviously, different types of superiors have different domains in which it is licit for them to issue orders. St. Thomas states that a subject who obeys an order outside of the sphere of authority, but does not require sin, practices "perfect obedience". This is due to the lack of no obligation to obey but they submit their will to the superior nonetheless.

St. Thomas concludes by identifying three types of obedience:

- Sufficient for salvation, and consisting in obeying when one is bound to obey:
- Perfect obedience, which obeys in all things lawful:
- Indiscreet obedience, which obeys even in matters unlawful.

Therefore, following St. Thomas, we arrive at two criteria for obedience:

- The command does not require the inferior to sin, either in the immediate or proximate case.
- The command is within the sphere of the superior's authority

In summary, following St. Thomas' reasoning, if an order is within the sphere of authority and does not involve sin, then the subject has an obligation to obey and commits a mortal sin if he disobeys.

If the same order is outside the sphere of authority, then St. Thomas states it is perfect obedience to submit one's will to that of their superior.

Finally, it is sinful to obey an order that involves sin (is against the law of God).

Arguments for receiving Holy Communion on the tongue have been made, citing as reference a document written by the Congregation for Divine Worship and the Discipline of the Sacraments (CDWDS) in 2009.

The letter from the CDWDS was written in 2009 to answer a specific question and pertained to a context that is not known to any of us who are now reading copies available on the internet. The specific application of its contents refers to and is directed at a more ordinary time, and not to this particular extraordinary time of a worldwide viral pandemic for which there is currently no cure or immunization. The letter, in fact, cannot be assumed to have foreseen or prophetically considered fully the current circumstances, by the CNWDS in crafting their response. Therefore, the letter taken on its face cannot stand as substantial guidance in the current circumstance and subsequently, the CNWDS would need to render a new and current opinion that fully considers these times and circumstances. It has not done so. It has not issued a corrective to Bishops who are exercising their authority to temporarily suspend reception of communion by hand. It is not currently considering the matter.

There is no doubt that this is a challenging question on which there is no clear consensus among bishops of the Church worldwide. When there is an exceptional moment such as this, it is left to each bishop to decide what is both best and necessary for his flock according to his well-established authority and mandate. Many bishops have chosen to go to great lengths, and medical experts might argue have accepted greater risk, in choosing to continue communion on the tongue amidst this still highly contagious pandemic. A great many others have chosen not to place their clergy and laity at risk at this point in time. There is no 'absolute right or settled answer on this question', however there is also no question as to the authority of every Bishop to decide on a path forward for his own diocese. One thing on which all bishops would agree is that the local bishop, as Ordinary, is the only one who is empowered to establish particular law for his diocese regarding the distribution of Holy Communion under both kinds. The decisions of one bishop for his diocese are his own for his particular church and do not bind in any way the Ordinaries of other dioceses. It is to Bishop Estévez alone that the Holy Father has entrusted the governance of this particular church that is the Diocese of St. Augustine.

As this time is so unique, and as there is no clear precedent to apply to today, we turn to Liturgical Law and Canon Law to provide guidance to the Ordinary in his decision-making. As to the Mass, the General Instruction

of the Roman Missal is clear that it is to the diocesan bishop that is entrusted the establishment of norms with regard to the distribution of Holy Communion under both kinds. And to that point, recently the Federation of Diocesan Liturgical Commissions published a document on returning to public Masses and it addresses the communion rite. It reaffirms that it is left to the bishop's sole judgment to determine for his diocese whether the Precious Blood is to be offered at Communion and, directly to the question, whether, for a time, the reception of Holy Communion on the tongue may be prohibited. Although this is a debated question among health professionals and competing studies, the commission goes on to caution that numerous medical personnel have emphasized that saliva is one of the worst fluids for transmission.

Referring to Canon Law for guidance, it stipulates that ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful in relation to what is in the 'best interests of all'. The faithful indeed have rights and obligations. Canon Law specifically obligates the Christian faithful that in exercising their rights, they must take into account the common good of the Church, the rights of others, and their own duties toward others. The faithful are obligated to act in unity and communion with their bishop in his ecclesial decisions and the common good. This canon was intentionally meant to be a necessary corrective to an overly individualistic understanding of obligations and rights, a tendency which often prevails in civil society.

Erring on the side of safety amidst a contagion for which so much is still unknown, and only for this temporary period of time, Bishop Estévez, with the unanimous support of the diocesan council of priests, has decided not to place his ministers and other faithful at risk and, therefore, Holy Communion will only be given in the Hand. There is a great tradition in our faith of "sacrifice." If the option of receiving in the hand would be too burdensome for you, another option is engage in a Eucharistic Fast and join in "spiritual communion"—a practice that our patron St. Augustine chose in solidarity with the sick at the end of his life. Whatever way you choose, we hope that you will make the sacrifice to receive in a way that protects the whole community and brings praise to the Eucharist.

Excerpt From:

Communion: Eucharist—Fellowship—Mission

II. Eucharist—Christology—Ecclesiology: The Christological center of our theme

3. The Problem of the Excommunicated

When Augustine felt his death approaching, he "excommunicated" himself and took upon himself ecclesiastical penitence. In his last days, he set himself alongside, in solidarity, with the public sinners who seek forgiveness and grace through the pain of not receiving Communion. He wanted to meet his Lord in the humility of those who hunger and thirst for righteousness, for Him, the righteous and gracious One. Against the background of his sermons and writings, which describe the mystery of the Church as a communion with the body of Christ and as the body of Christ, on the basis of the Eucharist, in a really marvelous way, this gesture is quite shocking. It seems to me more profound and fitting, the more often I ponder it. Do we not often take things too lightly today when we receive the most Holy Sacrament? Could such a spiritual fasting not sometimes be useful, or even necessary, to renew and establish more deeply our relation to the Body of Christ?

In the early Church there was a most expressive exercise of this kind: probably since the time of the apostles, eucharistic fasting on Good Friday was a part of the Church's spirituality of Communion. Not receiving Communion on one of the most holy days of the Church's year, which was celebrated with no Mass and without any Communion of the faithful, was a particularly profound way of sharing in the Passion of the Lord: the sorrowing of the bride from whom the bridegroom has been taken away (see Mk 2:20). I think that a eucharistic fast of this kind, if it were deliberate and experienced as deprivation, could even today be properly significant, on certain occasions that would have to be carefully considered—such as days of penitence (and why not, for instance, on Good Friday once more?), or also perhaps especially at great public Masses when there are so many

people that a dignified distribution of the Sacrament is often just not possible, so that by not receiving the Sacrament people could truly show more reverence and love than by doing so in a way that contradicts the sublime nature of this event.

Such fasting—which could not be allowed to become arbitrary, of course, but would have to be consonant with the spiritual guidance of the Church—could help people toward a deepening of their personal relation to the Lord in the Sacrament; it could be an act of solidarity with all those who have a yearning for the Sacrament but cannot receive it. It seems to me that the problem of people who have been divorced and remarried, yet equally the problem of intercommunion (in mixed marriages, for example), would be less of a burden if voluntary spiritual fasting was at the same time undertaken in visible recognition and expression of the fact that we are all dependent upon that “healing of love” which the Lord effected in the ultimate solitude of the Cross. I would not of course wish to suggest by this a return to some kind of Jansenism: in biological life, as in spiritual life, fasting presumes that eating is the normal thing to do. Yet from time to time we need a cure for falling into mere habit and its dullness. Sometimes we need to be hungry—need bodily and spiritual hunger—so as once more to comprehend the Lord’s gifts and to understand the suffering of our brethren who are hungry. Spiritual hunger, like bodily hunger, can be a vehicle of love.²

2 Ratzinger, J. (2005). *Pilgrim Fellowship of Faith: The Church as Communion*. (S. O. Horn & V. Pfnür, Eds., H. Taylor, Trans.) (pp. 86–88). San Francisco: Ignatius Press.

Regarding Communion on the Tongue during the Coronavirus Pandemic

Question: If the Congregation for Divine Worship and the Discipline of the Sacraments, citing *Redemptionis Sacramentum* (n. 92, 25 March 2004), writes that:

“each of the faithful always has the right to receive Holy Communion on the tongue’, nor is it licit to deny Holy Communion to any of Christ’s faithful who are not impeded by law from receiving the Holy Eucharist.” (RS, 91); how can the Ordinary limit my right to receive communion on the tongue?

Answer. The Bishop, as Ordinary and as the one who is empowered to establish particular law for his diocese regarding the distribution of Holy Communion under both kinds has not only a right but the responsibility not to permit the church to act in a way that might endanger the life of another and to always keep in mind the common good.

Canonical references on the matter:

Canon Law provides a remedy to Ordinaries in such circumstances which present such a lacunae (c. 19 pertains). Canon 223 speaks specifically about ecclesial authority with regard to “The Common Good and Limitations of Rights.” It states (c. 223§1): “In exercising their rights, the Christian faithful, both as individuals and gathered together in associations, must take into account the common good of the Church, the rights of others, and their own duties toward others.” It goes on (c. 223§2): “In view of the common good, ecclesiastical authority can direct the exercise of rights which are proper to the Christian faithful.” The commentary for this particular canon states that in its writing and discussion, “this canon provides a necessary corrective to an overly individualistic understanding of obligations and rights, a tendency which often prevails in civil society.”

Can. 835 §1. The bishops in the first place exercise the sanctifying function; they are the high priests, the principal dispensers of the mysteries of God, and the directors, promoters, and guardians of the entire liturgical life in the church entrusted to them.

Can. 838 — §1. The ordering and guidance of the sacred liturgy depends solely upon the authority of the Church, namely, that of the Apostolic See and, as provided by law, that of the diocesan Bishop.

§ 2. It is for the Apostolic See to order the sacred liturgy of the universal Church, publish liturgical books, recognize adaptations approved by the Episcopal Conference according to the norm of law, and exercise vigilance that liturgical regulations are observed faithfully everywhere.

§ 3. It pertains to the Episcopal Conferences to faithfully prepare versions of the liturgical books in vernacular languages, suitably accommodated within defined limits, and to approve and publish the liturgical books for the regions for which they are responsible after the confirmation of the Apostolic See.

§ 4. Within the limits of his competence, it belongs to the diocesan Bishop to lay down in the Church entrusted to his care, liturgical regulations which are binding on all.

Liturgical references on the matter:

The General Instruction on the Roman Missal (GIRM):

387. The Diocesan Bishop, who is to be regarded as the High Priest of his flock, from whom the life in Christ of his faithful in some sense derives and upon whom it depends, must promote, regulate, and be vigilant over the liturgical life in his diocese. It is to him that in this Instruction is entrusted the regulating of the discipline of concelebration (cf. nos. 202, 374) and the establishing of norms regarding the function of serving the Priest at the altar (cf. no. 107), the distribution of Holy Communion under both kinds (cf. no. 283), and the construction and ordering of churches (cf. no. 291). It is above all for him, moreover, to nourish the spirit of the Sacred Liturgy in the Priests, Deacons, and faithful.

The FDLC (Federation of Diocesan Liturgical Commissions) has just published a document titled, *A Synopsis of Pastoral Considerations for the Reopening of Churches and the Resumption of Public Masses*. In that document the following statement is given:

- *It is within the competence of the Conference of Bishops to determine the manner of receiving Holy Communion (GIRM 160, 283, 390).*
- *It is within the authority of the local Bishop to establish the norms for the distribution of Holy Communion under both kinds (GIRM 387).*
- *As determined by the local bishop, for a time, the assembly should not receive the Precious Blood from the chalice.*
- *As determined by the local bishop, for a time, the reception of Holy Communion on the tongue may be prohibited. Medical personnel have emphasized that saliva is one of the worst fluids for transmission.*
- *The use of gloves to distribute Holy Communion is no more effective than distributing with the bare hand. Indeed, gloves would have to be changed for each communicant. Use of tongs or other instruments would, likewise, come into contact with each communicant's hands.*
- *Perhaps consider the purchase of larger hosts which would minimize the contact between minister and communicant.*
- *The Communion Rite is an essential and unmovable element of the Order of Mass (Constitution on the Sacred Liturgy, nos. 22.3, 50, 55, 56).*

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