Exegetical Commentary on the Code of Canon Law

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Reprint
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The sacraments of the New Testament were instituted by Christ the Lord and entrusted to the Church. As actions of Christ and of the Church, they are signs and means by which faith is expressed and strengthened, worship is offered to God and our sanctification is brought about. Thus they contribute in the most effective manner to establishing, strengthening and manifesting ecclesiastical communion. Accordingly, in the celebration of the sacraments both the sacred ministers and the other members of Christ's faithful must show the greatest reverence and due care.

SOURCES: c. 731 §1; SC 6, 7, 14, 26-28, 59; LG 7, 14; UT 911
CROSS REFERENCES: cc. 834-838

COMMENTARY

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The sacraments are the center of the liturgy of the Church (SC, 6). The objective of this canon is to explain the canonical regulations about the sacraments, which are found in this part of the CIC, distinguishing them from, and at the same time linking them to, other perspectives concerning the study of the sacraments.
The sacraments are, in fact, the object of different aspects of theology, as well as of other branches of canonical science, mainly of the fundamental theory, which intends to explain the sacramental bases of canon law. This is insofar as, on the one hand, the Church is “by her relationship with Christ, both a sacramental sign and an instrument of intimate union with God” (LG 1; cf. 9 c), to which all men are called, and on the other, the sacred nature and the organic structure of the priestly people of God are “brought into operation through the sacraments and the exercise of virtues” (LG 11), with the Word, who is always with them.

For this reason the present canon, inspired in the SC 7 and 59, highlights in the first place the nature and efficacy of the sacraments: “Christ’s redeeming actions” which He instituted and continues to perform through his mystical Body, the Church, to whom they were entrusted to be celebrated as acts of worship that signify and bring about the Redemption; thus “Christ acts each day to save us, in the sacraments and in His holy sacrifice.”

Because they are actions of Christ, essential elements of the being and mission of the Church, the sacraments are also the foundation of canon law, insofar as they manifest and bring about the basic ordering established by Jesus Christ to deliver the means of salvation to men through the Church, which in turn participates in and exercises the munera Christi by means of the sacraments.

As the Catechism of the Catholic Church explains, “the sacraments are ‘of the Church’ in the double sense of ‘by her’ and ‘for her’. They are ‘by the Church,’ for she is the sacrament of Christ’s action at work in her through the mission of the Holy Spirit. They are ‘for the Church’ in the sense that ‘the sacraments make the Church’” (CCC, 1118). They are the cause and the sign of the ecclesiastical communion, and, therefore, ultimate foundation of the social relationships, conditions and positions of juridical content on several levels.

All of this demands juridical regulation of those external and social aspects of the sacraments that include demands for justice. The part of the Code which opens with this canon refers briefly to the disciplinary
aspects of the celebration of the sacraments, summarizing its constitutional basis in the first canon devoted to each of them and leaving aside the strictly ritual aspects, which, as c. 2 says, are regulated by liturgical law, contained in the books and ritual orderings (cf. c. 846).

But it should be taken into account that there is a continuity between the Code's regulation of the sacraments, which refers to their valid and lawful celebration, and the corresponding liturgical laws, which determine the rites. On the one hand, because, as c. 2 states, the liturgical rules cannot prevail over those established in the canons, which is the reason why it was necessary to introduce upon the promulgation of the Code some changes in the rituals. On the other hand, the veneration and diligence required by the celebration of the sacraments is essentially brought about in the faithful observance of the liturgical laws (cf. c. 846 § 1).

4. The Code, in accordance with the teachings of Vatican II, prefers the term celebrare in order to stress the community aspect of the church's worship; elsewhere the Code employs the terms confessare, dispensare, administrare or recipere, to show the different functions which the faithful play in the liturgy, especially those which manifest the essential distinction between the common and the hierarchical priesthood: cf. SC 7, 27; Comm. 15 (1983) pp. 170–171, 174–175.

5. Cf. cc. 849, 879, 897, 959, 998, 1008, 1055.


Cum sacramenta eadem sint pro universa Ecclesia et ad divinum depositum pertineant, unius supremae Ecclesiae auctoritatis est probare et definire quae ad eorum validitatem sunt requisita, atque eiusdem aliusve auctoritatis competentis, ad normam can. 838, §§ 3 et 4, est decernere quae ad eorum celebrationem, administrationem et receptionem licitam necnon ad ordinem in eorum celebratione servandum spectant.

Since the sacraments are the same throughout the universal Church, and belong to the divine deposit of faith, only the supreme authority in the Church can approve or define what is needed for their validity. It belongs to the same authority, or to another competent authority in accordance with can. 838 §§ 3 and 4, to determine what is required for their lawful celebration, administration and reception and for the order to be observed in their celebration.

SOURCES: c. 733 § 1; MD 539
CROSS REFERENCES: cc. 331, 336, 392, 749, 835 § 1, 838

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The sacraments have been "instituted by Christ the Lord and entrusted to the Church" (c. 840); this means that the essential elements of each sacrament are the fruit and effect of the redeeming will of Christ and that the Church receives them as a deposit that shapes its very life and mission.

Essentially the sacraments are those actions of Christ to which He himself has wished to tie the sanctifying efficacy of his life, death and resurrection, thus manifesting it to His Church so that by performing these actions in His name, the Church may apply to each man the fruits of his redemption. Therefore, whatever there is in the sacraments of divine institution is part of the immutable deposit received by the Church from its Founder and the Church cannot alter it, "The sacred liturgy does, in fact, include divine as well as human elements. The former, instituted as they have been by God, the Divine Redeemer, cannot be changed in any way by men."1


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But, "(a)s she has done for the canon of Sacred Scripture and for the doctrine of the Faith, the Church ... has gradually recognized this treasure received from Christ and as the faithful steward of God's mysteries, has determined its 'dispensation'" (CCC, 1117). The canon under discussion refers logically to this mission of recognition and dispensation that the Church has received, and its objective is to demarcate the competencies regarding such a mission, explaining the reasons for this demarcation: the sacraments are the same throughout, and for, all the Church. For this reason, the norms related to its valid dispensation, insofar as they concern the custody and transmission of its essential elements, are the exclusive province of the supreme authority (the Roman Pontiff and the College of Bishops).

The same authority that is the foundation of the unity of the Church and enjoys in it the charisma of infallibility (LG 18, 22–25), to teach all the faithful the dogmatic aspects of the sacraments, must be the one that dictates the norms of action related to those aspects (cc. 331, 336, 749; c. 609 CCEO).

The supreme authority of the Church therefore has exclusive competence to determine anything that refers to the valid celebration of the sacraments, on which depends the very edification of the Church, its own identity and the aspects that make it up and express it (unity, sanctity, catholicity, apostolicity). No other authority can, therefore, add or take away anything that has been established by the supreme authority regarding the necessary and adequate requirements for the validity of each sacrament (matter, form, ministry and subject); "regarding the validity of the sacraments, there is no plurality of regulations, nor is decentralization possible." This competence is habitually and ordinarily exercised by the Roman Pontiff, through the competent organs of the Roman Curia, mainly through the Congregations of the Doctrine of the Faith and Divine Worship, and the regulation of the sacraments (PJJ 481ff, 62ff), and solemnly and extraordinarily by the College of Bishops in an Ecumenical Council.

On the other hand, regarding the requirements for legality and the rites that must be observed in the celebration of the sacraments, the competence of the supreme authority does not exclude the competence of other lower, local or individual, authorities. These must be meshed in orderly fashion according to the law; specifically, c. 841 refers us to §§ 3 and 4 of c. 838, which establish the competence in liturgical matters of bishops' conferences, and of the diocesan bishops in the Church entrusted to him.

Due to the close relationship between these dogmatic, disciplinary and liturgical elements, the Holy See is responsible for establishing the universal regulation of the sacraments (which are found in this part of the

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CIC for the Latin Church and, for the Eastern Churches, in tit. XVI of the CCEO, publishing liturgical books, reviewing their translation and being watchful that all the norms related to these matters are faithfully observed (cf. c. 838 § 2; PB 48ff, 62ff).

The bishops’ conferences are responsible for the vernacular translations of the sacramental rituals and their adaptation, within the limits indicated in the rituals themselves, to the local customs, traditions and mentality (cf. SC 22 § 2, 37–39). This must be done so that this liturgical diversity may manifest the catholicity of the Church (cf. CCC, 1208), taking into account that “the criterion which assures unity in the multiformity of the liturgical traditions is the fidelity to the apostolic tradition, that is: the communion in the faith and the sacraments received from the apostles” (CCC, 1209); the Holy See must review in advance the adapted versions of the liturgical books.3

It behooves the diocesan bishop, sacerdos magnus sui gregis (SC 41), within the general, ordinary and proper competence with which he governs his diocese, under the authority of the Roman Pontiff (c. 381), to be watchful of the faithful observance of the universal laws (c. 392) promoting and ordering the liturgical worship in general and specifically the correct celebration of the sacraments in his diocese, by means of norms that are obligatory for all (cc. 387, 838 §§ 1 and 4).

§ 1. Ad cetera sacramenta valide admitti nequit, qui baptismum non recepit.

§ 2. Sacramenta baptismi, confirmationis et sanctissimae Eucharistiae ita inter se coalescunt, ut ad plenam initiationem christianam requirantur.

§ 1. A person who has not received baptism cannot validly be admitted to the other sacraments.

§ 2. The sacraments of baptism, confirmation and the blessed Eucharist so complement one another that all three are required for full Christian initiation.

SOURCES: § 1: c. 737 § 1

CROSS REFERENCES: cc. 849, 851, 109, 864–866, 879, 891, 897, 913

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1. The sacraments retain an organic order among themselves that is centered and culminates in the Eucharist (CCC, 1211). In this order, baptism is “the gateway to life in the Spirit (‘vitae spiritualis ianua’), and the door which gives access to the other sacraments” (CCC, 1213, cf. c. 849); it gives birth to the life of grace in the Church, in “which people enter through baptism as through a door” (LG 14) and are constituted in the Church as persons (c. 96).

Thus, while all are called and are capable of receiving baptism (c. 864), and if they are well disposed, have the right to receive it, whoever is not baptized cannot validly receive the other sacraments; simply because they are incapable, since they have not yet been regenerated in Christ, and do not belong to the visible communion of the Church and have not been destined (consecrated) for Christian worship. A supernatural life cannot grow and develop in them because they have not yet been initiated.

The norm set forth in § 1 states a dogmatic truth, but at the same time establishes a prohibition that may be considered as penalily sanctioned according to specific cases, in cc. 1365 (communicatio in sacris...
prohibited), 1376 (profanation), 1379 (simulation of the sacraments), 1389 § 2 (culpable negligence in ministerial action)

Baptism, confirmation and the Eucharist are the sacraments of the Christian initiation, through which life in Christ and incorporation to the Church reach their maturity and fullness; the other sacraments have, on the other hand, the purpose of restoring or strengthening that life in particular circumstances and of assigning functions and ministries necessary for the Church's social life.

Thus, the three sacraments of Christian initiation form one unit in such a way that they complement one another, since only a person who has received the three sacraments participates in the death and resurrection of Christ, receives the effusion of his Spirit and is nourished by the Communion of the Body and Blood of the Lord, the covenant of eternal life.

In fact, when the person receiving these sacraments is an adult, these three sacraments, after the necessary catechesis (cc. 851,1°, 865), are received in only one liturgical celebration according to their sequential order: baptism, confirmation and the Eucharist (cc. 833,2°, 866). In the case of children who have not reached the age of reason (cf. c. 852 § 1), the Latin Church and the Eastern Churches follow different individual traditions: "In the Eastern Rites the Christian initiation of infants also begins with Baptism followed immediately by Confirmation and the Eucharist, while in the Roman rite it is followed by years of catechesis before being completed later by Confirmation and Eucharist, the summit of their Christian initiation" (CCC, 1233; CCEO, cc. 695, 710).

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§ 1. Ministri sacri denegare non possunt sacramenta iis qui opportune cadem petant, rite sint dispositi, nocument ab iis recipiendis prohibeantur.

§ 2. Animarum pastores ceterique christifideles, pro suo quisque ecclesiastico munere, officium habent curandi ut qui sacramenta petunt debita evangelizatione necnon catechetica institutione ad eadem recipienda praeparentur, attentis normis a competentia editis.

§ 1. Sacred ministers may not deny the sacraments to those who opportunely ask for them, are properly disposed and are not prohibited by law from receiving them.

§ 2. According to their respective roles in the Church, both pastors of souls and the other members of Christ's faithful have a duty to ensure that those who ask for the sacraments are prepared for their reception. This should be done through proper evangelisation and catechetical instruction, in accordance with the norms laid down by the competent authority.

SOURCES: § 1: cc. 467, 468, 682
§ 2: SC 19; PO 4; GCD; U911, 921

CROSS REFERENCES: c. 213

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1. This canon correlates with c. 213, which formulates the fundamental right of the faithful "to receive in abundance the help of the spiritual goods of the Church, especially that of the word of God and the sacraments from the pastors" (LG 37 a). On the one hand, the canon under discussion establishes the duty of the pastors to dispense the sacraments, which are an important part of such help, and on the other hand, it summarizes the general conditions for exercising of the right to the sacraments and the duty to administer them.

This right and duty constitute a fundamental juridical expression of the relationship between the hierarchy and the people, and of the reciprocal system linking the common priesthood and the ministerial priesthood (LG 10), since "the sacred nature and organic structure of the priestly
community is brought into operation through the sacraments and the exercise of virtues" (LG 11 a).

In short, pastors exist in the Church to minister to its flock, making present Christ the Head, Eternal Pastor and Only Priest to the Church. Therefore, in practical terms, their main business must be to organize the pastoral activity, that is, its ministry, in such a way that the faithful may participate fully in the means of redemption that Christ entrusted to His Church (LG 18). Hence, “the ecclesiastical organization must be structured and act to satisfy, as much as possible, the interest of the faithful in relation to the Word and the sacraments.”

To avoid leaving the right to the sacraments as a formal statement, it is necessary to include possible means so that each faithful may exercise this right. In this matter the sense of pastoral justice is quite important considering that, because of the characteristics and personal aspects that are intrinsic to the sacraments, it would be very difficult to make this right effective by calling on the protection of the authority. Most important for facilitating its exercise is the preparation necessary to receive the sacraments fruitfully, to which § 2 of this canon refers. Taken as a whole, it is evident from this canon that, as a result of the right of the faithful to the sacraments (of the catechumens to baptism), the pastors have the duty not only of administering them when the faithful fulfill the requirements, but also of facilitating the means by which they may fulfill those requirements and may exercise their right to receive them. This catechetical responsibility, although applied mainly to the pastors, touches all those who, for different reasons, acquire responsibilities in the Christian formation of the faithful (parents, catechists, godparents).

2. The opportunity, the dispositions, and the juridical impediments mentioned vary according to the nature and the function of each sacrament in the life of the Church and in the life of each Christian, and are determined in the specific normative related to each sacrament; thus, for example, no one really has the right to receive sacred orders. Moreover, it is fitting to make some valid comments regarding these conditions, in general, for all the sacraments.

Opportunity refers, among other things, to the relationship or the juridical title in virtue of which, hic et nunc, the duty of a sacred minister to administer a sacrament to the subject who asks for it, is established and made obligatory. Not all the ministers have the duty (sometimes he cannot even do it) of administering the sacraments to anyone who requests them; that obligation (and the eventual faculty) is normally tied to the require-

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ments of the ecclesiastical organization, which generally may be summarized by saying that the minister must be the pastor of the person requesting a sacrament from him—a condition which may be established “by any one of the different ways of organization of the clergy and the Christian people” (the diocesan bishop: c. 387; the parish priest: cc. 519, 530; the chaplain: c. 566; etc.). However, due to the public character of both the sacred ministry and the right to the sacraments, any minister has the duty in fairness of dispensing them to anyone who may be experiencing great difficulty in going to his own or another pastor (cf. e.g. c. 986).

Concerning due dispositions, they are those conditions of the subject that make it possible for him to receive the sacraments validly, lawfully and fruitfully (this canon does not refer to the dispositions of the minister). They are very varied in themselves and also change from one sacrament to another. They interest us here to the degree to which they are understandable by law, specifically, to what degree may their presence be observed by the minister, because in that same measure his duty to admit the subject to partake of the sacrament in question becomes real (cf. SC 11). In general, it may be said that:

a) The minister must verify, as soon as possible and following the practice common to each case, that the penitent fulfills all the necessary conditions for the valid and lawful celebration of the sacrament; were it not so, he must do everything within his power to make the subject fulfill the conditions necessary to receive the sacrament in question. But if the subject does not change his disposition, the minister may and must deny the sacrament. “For example,” says Rincón, “lack of serious purpose of amendment may determine the denial of absolution on the part of the confessor. But this refusal does not mean denial of the right to receive the sacrament, but rather confirms that it is the penitent himself or herself who refuses to do his/her part to make the sacramental sign. A person in grave sin, such as in the case of a public scandal, would be enough reason for the minister to refuse communion. In such a case, it would not be a matter of refusal of a right, but rather the observation that such a situation of grave sin is incompatible with the sacrament of the Eucharist.”

b) Whoever satisfies the required conditions, has received the necessary catechesis and, therefore, knowing its implications, freely expresses the desire to receive a sacrament, may be considered duly disposed.

c) The sacraments are actions of Christ and of the Church that have an objective efficacy, independent of the disposition of the subject, especially in the sacraments that imprint a character, and in marriage, for which the possibility of originating the marriage bond depends on the

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parties contracting a truly matrimonial consent before the Church. Other dispositions, although necessary to receive the grace of the sacrament, are not indispensable to their validity.

d) The faith of the subject is quite difficult to evaluate externally and, in many cases, may be considered implicitly in the expressed desire to receive a sacrament, since "while the question of intention cannot be confused with the problem of faith, neither can these two aspects be totally separated. After all, true intention is born from and nourished by a living faith." 6

It can be said, then, that the minimum degree of faith necessary for validity is that which drives the faithful to request a sacrament. Except in paradoxical cases, whoever positively refuses the doctrine regarding the sacraments will not request them. In this sense, Rincón states that the faith of the subject is not necessary, except in the sacrament of penance, "taking into account that this sacrament is shaped essentially by the acts of the penitent and the confessor's absolution. In the remaining sacraments, their reception may be valid independently from personal faith, if the required liturgical, and canonical conditions are satisfied." 7 Faith, however, is necessary for the legality of the celebration, and the minister must try to enliven it in the subject whenever the latter is found weak or hesitant.

e) Infants (c. 97 § 2) receive baptism validly and lawfully, through the wish of their parents, in the faith of the Church. And they also receive in the same way the sacraments of Confirmation and the Eucharist when the law establishes or authorizes it (cc. 891, 913 § 2; cc. 695, 710 CCEO). 8

3. The last requirement or condition for exercising the right to the sacraments, and for the consequent duty to administer them, is to make sure that those who request it "are not prohibited by law from receiving them," that is, that there be no impediment or legal prohibition in the specific case. The obstacles that the Law establishes on occasion, have the effect of assuring the validity and the legality of the sacramental act. They may refer to the qualities of the subject (age, capacity and, in general, the so-called impediments or irregularities, see, for example, cc. 1040–1049 and 1083–1094), to their catechetical preparation, their situation within the ecclesiastical community (e.g., non-Catholic, excommunicated, interdicted, public sinner, cf. cc. 915, 982, 1331–1332).

In the dispensation of the sacraments the purpose is, in short, to conjugate, on the one hand, the demands that flow from its sanctity and from

the fact that their celebration is always an act of public worship, and, on the other hand, the fact that they are the redeeming means instituted by Jesus Christ in favor of men and women (*sacramenta propter homines*), to allow each one to share the fruits of Redemption. These two aspects are not opposite; on the contrary, they need and complement one another, but they have different intensities in each sacrament. The Church does not hesitate in administering those sacraments that under particular circumstances (danger of death especially) may be the necessary means to a person’s salvation, at least *sub condicione*. This is presupposing the will of the subject and his disposition, and dispensing if necessary with any requirement or impediment that is not strictly tied to the essence of the sacrament in question (cf., among others, cc. 850, 861 § 2, 865 § 2, 961, 976, 1005).
§ 1. Catholic ministers may lawfully administer the sacraments only to catholic members of Christ's faithful, who equally may lawfully receive them only from catholic ministers, except as provided in §§ 2, 3 and 4 of this canon and in can. 861 § 2.

§ 2. Whenever necessity requires or a genuine spiritual advantage commends it, and provided the danger of error or indifferentism is avoided, Christ's faithful for whom it is physically or morally impossible to approach a catholic minister, may lawfully receive the sacraments of...
penance, the Eucharist and anointing of the sick from non-catholic ministers in whose Churches these sacraments are valid.

§ 3. Catholic ministers may lawfully administer the sacraments of penance, the Eucharist and anointing of the sick to members of the eastern Churches not in full communion with the catholic Church, if they spontaneously ask for them and are properly disposed. The same applies to members of other Churches which the Apostolic See judges to be in the same position as the aforesaid Eastern Churches so far as the sacraments are concerned.

§ 4. If there is a danger of death or if, in the judgment of the diocesan Bishop or of the Bishops' Conference, there is some other grave and pressing need, catholic ministers may lawfully administer these same sacraments to other christians not in full communion with the catholic Church, who cannot approach a minister of their own community and who spontaneously ask for them, provided that they demonstrate the Catholic faith in respect of these sacraments and are properly disposed.

§ 5. In respect of the cases dealt with in §§ 2, 3 and 4, the diocesan Bishop or the Bishops' Conference is not to issue general norms except after consultation with the competent authority, at least at the local level, of the non-catholic Church or community concerned.

SOURCES: § 1: c. 731 § 2; UR 8
§ 3: OE 27; UR 15; DE/1967 I: 46
§ 5: DE/1967 I: 42

CROSS REFERENCES: cc. 1365, 1389 § 2

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This canon regulates the communicatio in sacris on sacramental matters, although some particular cases remain outside its scope, such as baptism in case of need (c. 861 § 2), and mixed marriages subject to a special norm.
Before the Second Vatican Council, *communicatio in sacris* between Catholics and non-Catholics was absolutely prohibited by the regulations (cf. c. 731 § 2 CIC/1917). This last Council, delving more deeply into the common aspects that exist between the Catholic Church and the separated Christian churches and communities, established the foundation for a renewed ecumenical action that contemplates, among others, the possibility of a certain participation in the sacraments with some of them.

The fundamental principle set forth by the Council is that "a *communicatio in sacris* which runs counter to the unity of the Church, or which involves formal adhesion to error or the danger of aberration in the faith, of scandal, and of indifferentism, is forbidden by the law of God." (OE 26). Together with this principle, which has to be respected in every case (cf. OE note 31), the Council demarcates the space in which *communicatio in sacris* is possible, and at times advisable. At the same time, "there are two main principles on which the practice of such common worship depends: first, that of the unity of the Church which ought to be expressed; and second, that of the sharing in the means of grace. The manifestation of unity very generally forbids common worship. Grace to be obtained sometimes commends it" (UR 8 d). On these grounds, the Council itself established practical guidelines that were collected in various ways in several official documents and in the doctrine.

The canon under discussion constitutes, on a disciplinary level, "the final point of the doctrinal and practical itinerary complex" initiated as a result of the council decrees, insofar as it signifies the *ex integro* reordering of the *communicatio in sacris* in sacramental matters, similarly collected in the CCEO (c. 671). This is not the case for other aspects of the *communicatio in sacris*, some of which have purposely not been treated in the Code, so that the Holy See may issue rules and guidelines according to the

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circumstances. This effort to clarify and correctly stress council teachings has been recently enriched by the ecumenical Directory.

The canon determines, therefore, the scope and conditions in which common worship in sacramental matters is permitted and, also, when it is prohibited and, therefore, liable to a penal sanction by virtue of c. 1365.

The main novelty introduced by the Council is that, together with the general rule which, as before, prohibits in principle the *communicatio in sacris*, now certain exceptions are classified. These exceptions are more or less broad according to the Church or non-Catholic community in question, for while with the Eastern Churches "although separated from us, yet possess true sacraments, above all—by apostolic succession the priesthood and the Eucharist, whereby they are still joined to us in closest intimacy. Therefore some worship in common (*communicatio in sacris*), given suitable circumstances and the approval of Church authority, is not merely possible, but is encouraged" (UR 15). With the other churches and communities, insofar as they lack especially a priesthood, the sacramental reciprocity is more difficult and exceptional (UR 22). In any case "worship in common (*communicatio in sacris*) is not to be considered as a means to be used indiscriminately for the restoration of the unity among Christians" (UR 8).

As for the Eucharist, a distinction must be made between the concelebration of Mass and Eucharistic Communion. The canon under discussion relates exclusively to the cases where intercommunion is possible in the reception and administration of the Eucharist, justified by the need to receive the grace of the sacrament; while the concelebration remains forbidden (c. 908; cf. c. 702 CCEO). In fact, the sacrifice of the Mass is the sacrament of unity of the Church by means of which "the unity of God's people is signified and brought about" (c. 897); therefore, the perfect communion expressed by such an act must exist among those who celebrate it together: "in every eucharistic celebration all of the faith of the Church is put into action. It is ecclesial communion in all of the dimensions which it manifests and brings about." Accordingly, the new Ecumenical Directory explains that precisely "given that the concelebration of the Eucharist is a


visible manifestation of the full communion of faith, worship, and community of life of the Catholic Church, expressed by the ministers of this Church; it is not permitted to concelebrate the Eucharist with ministers of other Churches and ecclesial communities” (DE/1993 104e).5

With these premises we are able to consider the positive contents of canon 844.

I. The general norm. As has been stated before, § 1 keeps in force the criterion that, in principle, “Catholic ministers may licitly administer the sacraments only to Catholic members of the Christian faithful,” who “likewise may licitly receive the sacraments only from Catholic ministers,” with the exclusion of the exceptions allowed in the remaining paragraphs of the same canon.

This general norm, in a positive sense, authorizes every Catholic minister to administer the sacraments to any Catholic, even from another rite, according to the existing norms (OE 14 and 16. Cf. commentary on c. 846 in fine).

II. The exceptions or specific cases in which the communicatio in sacramentis is permitted are treated systematically in §§ 2-4 of our canon, always in relation to penance, the Eucharist and the anointing of the sick:

A. Cases in which a Catholic licitly receives the sacraments of a non-Catholic minister (§ 2)

This norm is meant for the faithful who need to judge if the required conditions exist in their case, namely:

I. That it be physically or morally impossible for them to approach a Catholic minister. The faithful must evaluate to what degree this circumstance is expected to be transitory, indefinite or permanent, in relation to his need for receiving the sacrament in question. Moral impossibility requires grave difficulty in approaching a Catholic minister, proportionate to the fact of receiving the sacrament outside the Catholic communion. The circumstances that originate this moral impossibility are very diverse: remoteness, danger, etc.; but cannot apply to a situation provoked on purpose, nor to greater convenience, nor to human respect or prudence of the flesh, because the faithful must be disposed to give testimony of his faith even at the expense of a proportionate personal sacrifice.

2. That it be necessary or at least really useful for his soul to receive the sacrament in question. This situation varies from one sacrament to the next: thus, penance and anointing of the sick in danger of death can be necessary for salvation. In evaluating this circumstance the faithful must seek a real spiritual benefit, of purification and union with Christ, and not simply to participate more fully in a non-Catholic religious rite.

3. That the danger of error or indifferentism be avoided. It is a requirement of divine Law, as we have seen, that the faithful must fulfill for themselves and eventually before third parties. Even if it is formulated negatively, its observance may demand certain acts of withdrawal from danger, such as public profession of the Catholic faith, or explaining to others the reasons that justify one’s own conduct in order to avoid scandal (cf. Rom 14). On this point, the Bishops’ Conference of Santo Domingo advises that “if there is danger of scandal in the Catholic community, the appropriate catechesis regarding this point will be performed at the first opportunity.”

4. That those sacraments “exist validly” in the Church of the minister from whom they are received. It is not enough that they be considered valid in that Church, but rather they must be so in reality. Without this assurance, it would not be lawful to receive them; for this reason, the faithful must solve any positive doubt before requesting them. The separated Eastern Churches retain the validity of the sacraments (UR 15); thus, with the above-mentioned conditions, Catholics may receive the three sacraments from a minister of an Eastern Church (DE/1993 123). However, in the Western Christian churches and communities these three sacraments cannot always be considered valid, either because for some of them they do not retain the faith, or because they lack the apostolic succession and, with it, a minister capable of performing and administering them (UR 22).

The requirement regarding validity implies, then, that the Catholic faithful “can only request these sacraments from a minister of a Church in which such sacraments are valid or from a minister who, according to the Catholic doctrine regarding ordination, is recognized as validly ordained” (DE/1993 132); and this reduces in practice the ministers of the Christian communities ranked equally with the Eastern Churches by the Holy Sec.

B. Cases in which a Catholic minister licitly administers the sacraments to non-Catholic Christians (§§3 and 4)

The canon distinguishes, in each of these two paragraphs, the Eastern Christians from the rest of the separated Christians.


1. To the Eastern Christians and those ranked with them in sacramental matters by the Holy See, the Catholic minister may lawfully administer the sacrament of penance, the Eucharist and the anointing of the sick with the following conditions:

   a) If they ask for them of their own accord. This condition has been interpreted by the doctrine in the sense that the minister must not take the initiative in suggesting, inviting or persuading them, without taking into consideration “the discipline of the Eastern Churches for their own faithful” or using the sacraments (or the circumstances of need) as an instrument of proselytism (DE/H.IO3 125). But beyond those concerns, it is fitting to think that the good of the souls and the need to participate in the grace, may advise the Catholic minister to do everything within his power to make sure that those persons request the sacraments freely from their own ministers and, in case of impossibility, from him.

   b) If they are properly disposed. In other words, assuming that they believe correctly in the sacraments and fulfill the personal conditions that the Church demands from its faithful. All of this must be verified by the minister, who must also help the persons to prepare if they are not ready to receive the sacraments.

2. In the case of the rest of the separated Christians, because there are greater doctrinal differences, other, more severe conditions are required in addition to the previous ones, in order to safeguard the principles set forth above for the correct communication in sacris:

   a) That they be in mortal danger or that, in the judgment of the diocesan bishop or of the bishops’ conference, there be another serious need.

   Some conferences have indicated these cases of need in addition to the danger of death. Thus, in the Dominican Republic, “urgency of conscience or serious difficulty with the ministers of their Church” are considered such needs; the Mexican Bishops’ Conference allows the administration of the three sacraments of this canon to Christians who are sick, refugees, prisoners or persecuted, and “to those who express a vehement and legitimate desire to receive them,” when their ministers do not appear to provide the service within three months; the Argentinean Conference considers as cases of serious need “accident or catastrophe,” “jailing or persecution,” grave spiritual need due to migration or dispersal” and “other cases, of grave need determined by the diocesan bishop.”

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12. E. TELFRO, comment on c. 844, in Paeploma Com.
b) That they be unable to approach their own minister. Regarding the moral impossibility of going to a minister of their own church, what has been said about Catholics may be applied. It must be observed that the Catholic pastor, when that condition is not met, must take all possible steps to have those persons approach their own ministers.

c) That they profess the Catholic faith with respect to those sacraments. This must be verified by the minister by requesting the statement of such faith and, if he deems it necessary, by catechizing the person in a timely fashion. The Argentinean Bishops' Conference specifically requires that "before administering the sacraments mentioned, an explicit declaration of the Catholic faith with respect to these shall be requested, if possible."\(^{16}\)

Finally, harmony and reciprocity with the separated churches must be sought in all these matters, to avoid contrasts or hurting the sensibility of someone, by giving the impression of a misguided proselytism or by seeming to scorn the customs and regulations of these churches regarding the sacraments.\(^{17}\) For this reason, § 5 of this canon establishes that, before issuing a general norm, the bishop or the bishops' conference must consult the authorities of those Christians faiths (OE 29; cf. DE/1993 122 and 130). With this in mind, the Santo Domingo Bishops' Conference, in authorizing the Catholic ministers to administer these three sacraments to non-Catholics, in certain cases adds the condition that their "competent authority, at least the local authority, is not opposed to it."\(^{18}\)

\(^{16}\) Ibid.

\(^{17}\) E.g., regarding the Eucharistic fast or regarding the admission of Catholics to their rites (DE/1993, 124-125)

§ 1. Sacramenta baptismi, confirmationis et ordinis, quippe quae characterem imprimant, iterari nequeunt.

§ 2. Si, diligenti inquisitione peracta, prudens adluc dubium superstit num sacramenta de quibus in § 1 revera aut valide collata fuerint, sub condicione conferantur.

§ 1. Because they imprint a character, the sacraments of baptism, confirmation and order cannot be repeated.

§ 2. If after diligent enquiry a prudent doubt remains as to whether the sacraments mentioned in § 1 have been conferred at all, or conferred validly, they are to be conferred conditionally.

SOURCES: § 1: c. 732; ORB Prae gen., 4; RConf 2; RCIA appendix, 7
§ 2: RCIA appendix, 7; OD I: 9–18

CROSS REFERENCES: cc. 869, 876, 894

COMMENTARY

José T. Martín de Agar

This canon states an old norm of the ecclesiastic regulations that has a dogmatic grounding, defined in the Councils of Florence and Trent.\(^1\) Baptism, confirmation, and ordination “imprint in the soul an indelible character, that is, a spiritual sign that distinguishes it from others,”\(^2\) consecrating and configuring him who receives Christ ontologically and permanently, and, therefore, cannot be repeated.\(^3\)

Insofar as baptism is concerned, the First Council of Constantinople had already provided that whoever had received it in a heretical sect, and wanted to be admitted in the Church, should not be rebaptized.\(^4\) This

\(^1\) Sess. VII De sacramentis in genere, c. 9, Dz. Sch. 1609.
\(^2\) Conc. Floren., Decr. pro Armenis, Dz.-Sch. 1313.
\(^4\) Cf. Council I of Constantinople, c. 7 (Conciliarius Ecumenicorum Decreta (Bologna 1862), p. 85); Lateran Council IV, c. 1 ibid., p. 235; Conc. Triv., sess. VII De sacramentis baptismi, cc. 11 and 13, ibid., p. 686; sess. XIV, cap 2, ibid., p. 704; Pope Stephen had already
results from the fact that the faith or the virtue of the minister is not necessary for the validity of baptism: it is enough that he wants to do what the Church does in baptism.\footnote{5}

As a consequence of this doctrinal truth, § 2 of the canon establishes that, in case of doubt, these sacraments may be administered conditionally. The doubt may be related to whether the sacrament was received, or to whether it was valid. Regarding these points, an investigation must be made diligently to try to solve the doubt. The result may be: \(a\) positive, that is, the certitude that the sacrament has been validly received; \(b\) negative, when it can be verified that the sacrament has not been received, and then it is administered in an \textbf{absolute} form; \(c\) that a reasonable doubt remains, and then, it must be administered \textit{sub condicio}ne.

When there is doubt regarding reception of the sacrament, all the resulting proofs and evidence (testimony, godparents, common opinion, declaration of the interested party, documents, etc.) must be evaluated (cf. cc. 876, 894). It is important to note that in the Eastern Churches baptism and confirmation are received in only one act, so that proof of one is evidence of the other (DE/1993 99 a). Canons 869 and 870 contain specific rules for cases where there is doubt regarding someone's baptism.

When there is doubt about the validity of the sacrament conferred, it must be taken into account:

1. That the minister's personal \textit{faith} is not required for validity\footnote{6}; it is only necessary that valid matter and form be used correctly and that the minister have the necessary capacity and the intention of doing what the Church does,\footnote{7} an intention that is presumed if "he used adequately and seriously the correct matter and form."\footnote{8}

2. But the faith of the Church or community in which those sacraments are celebrated is indeed required, that is, that there be a substantial agreement regarding such sacraments between Catholic doctrine and the faith in which they were received; it is not enough that the \textit{rites} of

\footnote{5} tried to resolve the controversy in his letters to the churches of Asia Minor and of Africa, who re-baptized converts to their assemblies. "nihil inveniut quod traditum est" (Lett. 174, 2 of St. Cyprian (SEL 3, 799)), but St. Augustine would be the one who, expanding on the teaching of Opus. of Milevis (\textit{De schisma donatistarum}, SEL 26, 126–129), would explain that "non eorum meritis a quibus ministratur, nec eorum quibus ministratur (constare) Baptismum, sed propria sanctitate atque veritate, propter eum a quo institutus est" (\textit{Contra Crezentium donatismum}, 1, 4, 19, 16: PL 43, 550): cf. L. ORFILA, \textit{Lezioni di Storia del Diritto Canonico}, pro manuscrito (Rome 1993), p. 191.


\footnote{7} Cf. Resp. of the Holy Office December 18, 1872, Dz.-Sch. 3100–3102; cf. Dz.-Sch. 1611; St. Thomas Aquinas, \textit{In IV Sent. d. 6 q. 1 a. 3 sol. 2 ad 1}.

\footnote{8} LEO XIII, Let. \textit{Apostolicæ curæ}, September 13, 1896, Dz.-Sch. 3318.
baptism, confirmation, and ordination exist there, if those rites do not respond to a common faith. To determine if such agreement exists, one must consult the ritual books of that community regarding their prescription about the matter and the form, as well as about their use.

As to the capacity of the minister, while baptism may be administered by any man (c. 861 § 2), confirmation and ordination require from the minister a specific capacity to confer them, necessarily linked to the apostolic succession. It is important to remember that in 1896, Leo XIII had already declared invalid the ordinations of the Anglican rite, for lack of form, which in turn denoted a defect in the intention. Even today serious doubts remain regarding the sacramentality of the priesthood as it is interpreted in the Anglican communion. The Decree Unitatis redintegratio states that the separated Eastern Churches, however, “possess true sacraments and above all, by apostolic succession, the priesthood and the Eucharist” (UR 15).

4. The permission of the recipient is also necessary if he is an adult (Dz.-Sch. 781; cc. 863, 889 § 2, 1026).

5. Regarding the validity of baptism received outside the Catholic Church, the Ecumenical Directory establishes the following criteria:

a) “The validity of baptism, as administered in the different Eastern Churches, does not offer any doubt.” Therefore, verifying that it has been celebrated is enough (no. 99 a), except for the doubt that may arise when it has been administered by sprinkling a group.

b) As for the rest of the Christian communities, one must see if there is an agreement with them for mutual recognition of baptism, established among the respective local authorities (bishops’ conference, diocesan bishop, etc.; no. 99 b); in the case where there is none, the criterion to be applied is to consider baptism conferred with water valid if the immersion or infusion was accompanied by the trinitarian formula, for which it is enough to ensure that it is so disposed in the ritual books used, and then it is presumed that the minister observed them faithfully and had adequate intentions, unless there is serious evidence to the contrary (no. 95).  

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9. Ibid., Dz.-Sch. 3315–3319.

11. The Resp of the Holy Office, December 28, 1949, declared the necessary intention should be presumed in the case of one who had received baptism in the following communities: Disciples of Christ, the Presbyterian, Congregationalist, Baptist, and Methodist churches: Dz.-Sch. 387.1. The same dicastery, however, has declared that baptism should be considered invalid in “Christian community” or “Die Christengemeinschaft” (R. Steiner): AAS 83 (1991), p. 422, and in “The New Church” (E. Swedenborg), AAS 85 (1993) 179. For information on other communities see W. WOESTMAN, Sacraments (Ottawa 1992), pp. 22–23, note 09.
c) The fact of baptism is considered sufficiently proven by the official certification of the community in which it was received.

d) The Directory reminds us, in addition, that the practice of baptizing sub condicione whomever desires to be admitted in the Church must be followed only when a serious doubt persists after due investigation, explaining then to the interested parties the sense of this second baptism, and conferring it privately (no. 99).

6. Regarding confirmation, it must be considered valid if received in the Eastern Church. By contrast, there is no agreement with the Protestant communities either “regarding the meaning or regarding the sacramental nature, or even regarding the very manner of administering the sacrament;” therefore, when receiving into the Catholic Church persons coming from these communities, they must be confirmed before being admitted to the Eucharistic communion (DE/1993 101).
§ 1. In sacramentis celebrandis fideliter serventur libri liturgici a competenti auctoritate probati; quapropter nemo in iisdem quidpiam proprio marte addat, demat aut mutet.

§ 2. Minister sacramenta celebrat secundum proprium olaritum.

§ 1. The liturgical books, approved by the competent authority, are to be faithfully followed in the celebration of the sacraments. Accordingly, no one may on a personal initiative add to or omit or alter anything in those books.

§ 2. The ministers are to celebrate the sacraments according to their own rite.

§ 2: c. 733 § 2; SC 4; OE 3, 6; SC Rit Ritus servandus in cecellbratione Missae et ritus Communionis sub utraque specie, Prae 7 (1965)

CROSS REFERENCES: cc. 850, 880 § 1, 928–930, 1000 § 1, 1009 § 2, 1118–1120

COMMENTARY

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Although, in the celebration of the sacraments, distinction must be made between the essential elements and the purely ritual elements, both are intimately linked since the sacraments are the center of the liturgy, and their celebration is always an act of public worship performed in persona Christi, which expresses the faith of the Church precisely by means of the rites that accompany them (lex orandi, lex credendi). “As a result, the relaxation of the liturgical regulations is, at the same time, cause and

effect of a considerable dogmatic lack of focus"; and the veneration and diligence required by its celebration (c. 840) is expressed precisely in the faithful observance of the prescriptions of the liturgical books. The right of the faithful to their own rite also demands that it be the one “approved by the legitimate pastors of the Church” (c. 214). 3

However, when urgent need demands it, some sacraments may be administered omitting those elements and rites that are not essential for their validity (cf. cc. 850, 883 § 3, 889 § 2, 961, 962, 976, 999, 1000). The competent authority that prepares and approves the liturgical books is, first of all, the Apostolic See, and, within its competence, the bishops' conference and the diocesan bishop, according to c. 838. This canon establishes the channels and the ways in which the liturgy may be adapted to the various cultures and mentalities, confirming at the same time, the unity of the Church (cf. c. 841).

The prohibition to modify by one's own initiative the rite to be followed in the celebration of the sacraments states almost to the letter the norm established in SC 22 § 3 that, besides the competent authority, “no other person, even if he be a priest, may add, remove, or change anything in the liturgy on his own authority.”

There is diversity in the fact that the existing rituals do not impose uniformity but allow various forms of celebration, which are an expression of the liturgical richness of the Church and serve the necessary pastoral function fulfilled by the liturgy, “to stimulate and increase in the believers the sense of Christ.” 4

There is no one ritual today, as before, to celebrate the sacraments, but rather different books for each of them, promulgated at different times. 5

The canon’s § 2 demands that the minister celebrate the sacraments in his own ritual (in the same way that c. 674 § 2 of the CCEO demands of the ministers of the Eastern Rites) unless there is permission from the Holy See to celebrate them in another rite, a permission usually granted wherever there is a shortage of clergy, and in agreement with the local ordinaries of both rites. Otherwise, concelebration with ministers of a Catholic Church of another ritual is permitted for just cause (cf. cc. 701 and 707 of the CCEO).

Moreover, with reference to the recipient in the Latin rite, there is no general norm. Leaving baptism aside, which determines the ritual church of which the person baptized becomes a member (c. 111), the custom is

implicitly admitted, where it exists, of receiving the sacraments in a Catholic ritual other than the Latin ritual (c. 112 § 2). The receptions of penance (c. 991; OE 16) and of the Eucharist (c. 923) are explicitly authorized in any other Catholic ritual; confirmation too may be received from a minister of another rite (OE 14). However, sacred orders may only be received from a bishop of the same rite, unless there is an apostolic exemption (cc. 1015 § 2, 1021).
§ 1. In administrando sacramentis, in quibus sacra olea adhibenda sunt, minister uti debet oleis ex olivis aut aliis ex plantis expressis atque, salvo praescripto can. 999, n. 2, ab Episcopo consecratis vel benedictis, et quidem, recentior; veteribus ne utatur, nisi adsit necessitas.

§ 2. Parochus olea sacra a proprio Episcopo implet et eaque decenti custodia diligenter asservet.

§ 1. In administering sacraments in which holy oils are to be used, the minister must use oil made from olives or other plants, which, except as provided in Can. 999 n. 2, has recently been consecrated or blessed by a Bishop. Older oil is not to be used except in a case of necessity.

§ 2. The parish priest is to obtain the holy oils from his own Bishop and keep them carefully in fitting custody.

SOURCES: § 1: cc. 734, 735; PAULUS PP. VI, AP. CONST. SACRAM UNTIONEM INFIRMORUM, 30 NOV. 1972 (AAS 65 [1973] 5-9); ORDO BENEDICENDI OLEUM CATECHUMENORUM ET INFIRMORUM ET CONFICIENDI CHRISTISMA, 3 DEC. 1970, 3, 4

§ 2: ORDO BENEDICENDI OLEUM CATECHUMENORUM ET INFIRMORUM ET CONFICIENDI CHRISMA, 3 DEC. 1970, 28

CROSS REFERENCES: cc. 880 § 2, 999

COMMENTARY
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The holy oils that are used in the administration of the sacraments are three: the holy chrism, the oil of the catechumens, and the oil of the sick. They must be prepared with vegetable oils, preferably olive oil; and are used in four sacraments: baptism, confirmation, ordination and anointing of the sick. Anointing with the sacred oil constitutes the matter of the sacraments of confirmation and of the anointing of the sick; in the other two, it is only a part of the rituals of the celebration.

Normally, fresh holy oils should be used, that is, those blessed by the bishop at the most recent Holy Thursday Chrism Mass (cf. cc. 734 § 1 CIC/1917). This is a prescription ad licitatem, so that in case of need it is

justified to use other older ones as long as they are not decomposed.\footnote{2} The oil of the sick may also be blessed by any priest in a case of necessity, “but only in the actual celebration of the sacrament” (c. 999, 2°).

Although this canon and c. 880 § 1 talk about consecrated or blessed oils, from the theological-liturgical point of view, the verb consecrate is properly applied to the Eucharist and to the persons who are consecrated to God, while the things intended for worshipping are said to be blessed or dedicated.\footnote{3} For this reason the ritual for the preparation of the holy oils is called “Ordo benedicendi oleum cathecumenorum et infirmorum et conficiendi chrisma.”

It is the obligation of the parish priest to obtain each year the holy oils and to keep them carefully, since parish functions include the administration of baptism, confirmation, and the anointing of the sick (c. 530). This is not an obstacle to keeping the oils also in other places where these functions are carried out, or where, for whatever reason, they may be needed (clinics, convents, ships). In fact, c. 1003 § 3 authorizes each priest to “carry the holy oil with him, so that in a case of necessity he can administer the sacrament of anointing of the sick.” Moreover, the holy chrism is also used in some other rites, such as the dedication of churches and altars.

\footnote{2}{Cf. St’Cong, Decr. Privilegia et gratias, August 8, 1950; no. 7, AAS 51 (1959), p. 917.}
\footnote{3}{Cf. Comm. 12 (1980), p. 325.}
848 Minister, praeter oblationes a competenti auctoritate definitas, pro sacramentorum administratione nihil petat, cauto semper ne egentes priventur auxilio sacramentorum ratione paupertatis.

For the administration of the sacraments the minister may not ask for anything beyond the offerings which are determined by the competent authority, and he must always ensure that the needy are not deprived of the help of the sacraments by reason of poverty.

SOURCES: c. 736; IOe 22; UT'921
CROSS REFERENCES: cc. 531, 1264,2°

COMMENTARY
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This canon deals with the offerings that are usually requested of the faithful on the occasion of the administration of the sacraments, sacramentals and, in general, the acts of pastoral ministry. Canon 1507 § 1 CIC/1917 ranked them equally, in a certain way, with the administrative fees. Currently, c. 1264,2° makes the distinction, pointing out that it is a matter of offerings “on the occasion of the administration of the sacraments and sacramentals” which do not, by themselves, have a remunerative character. They correspond to what was previously called stole fees, which are the subject of c. 531, and are called duties even today.

The competent authority to which the canon refers is the assembly of bishops of the province “unless the law prescribes otherwise” (c. 1264). From time immemorial, in fact, the supreme legislator has desired that there be a uniformity among the neighboring dioceses regarding these offerings, to avoid controversies and possible scandals or admiration among the faithful.1 Similarly, in the previous Law the constant norm was that the amounts fixed by the provincial assembly of bishops needed to be approved by the Holy See to be valid. This is only required now for administrative fees (c. 1264; cf. c. 1507 § 1 CIC/1917).

The minister of the sacraments must not request anything besides the fixed fee, although the faithful may give more or less than that amount, since these are voluntary offerings. Moreover, the minister must not be guided by economic or social criteria in the administration of the

sacraments (SC 32), and, of course, they cannot be denied to those who are not in a position to give the offerings that are requested.

Relating this c. 848 with c. 843, it is clear that the right to the sacraments, and the consequent duty of the pastors, is the same for all the faithful, and that the offerings that are requested for their celebration do not constitute a requirement or condition of the exercise of such a right.