

Reviving Eucharistic Coherence in an Era of Incoherence

**Keynote Address for the Catholic Answers Conference
Hyatt Regency La Jolla at Aventine
San Diego, California
September 24, 2022**

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PREFATORY REMARKS

It is a good to be with you for this gathering in support of Catholic Answers. I wish first of all to express my profound appreciation for the outstanding work done by Catholic Answers to provide sound Catholic apologetics in an era and in a culture that are in dire need of the Truth, presented in a way that is comprehensible. In the past couple of years, I have spoken in various venues¹ and written in various media² on the topic, “Seeking Eucharistic Coherence in an Era of Incoherence.” I will revisit some of those themes this evening, but will do so in the context of the current Eucharistic Revival that was launched last year by the Catholic Bishops of the United States along with our doctrinal statement on the meaning of the Eucharist in the life of the Church. Combining these themes, I would slightly re-word the title of my topic this evening as, “Reviving Eucharistic Coherence in an Era of Incoherence.” Recognizing that Eucharistic coherence has indeed flourished at different times and places during the past 2,000 years, our Eucharistic Revival seek to revive such coherence where it is lacking.

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INTRODUCTION

I wish to begin by referring to a book called *A Brief History of Time*, by the late theoretical physicist, Stephen Hawking, who held Isaac Newton's chair as Lucasian Professor of Mathematics at the University of Cambridge. In it, he wrote about a "physical quantity called entropy, which measures the degree of disorder of a system. It is a matter of common experience that disorder will tend to increase if things are left to themselves. (One has only to stop making repairs around the house to see that!)"³

Hawkins explains entropy in this way:

Imagine a cup of water falling off a table and breaking into pieces on the floor. If you take a film of this, you can easily tell whether it is being run forward or backward. If you run it backward you will see the pieces suddenly gather themselves together off the floor and jump back to form a whole cup on the table. You can tell that the film is being run backward because this kind of behavior is never observed in ordinary life. If it were, crockery manufacturers would go out of business. The explanation that is usually given as to why we don't see broken cups gathering themselves together off the floor and jumping back onto the table is that it is forbidden by the second law of thermodynamics. This says that in any closed system disorder, or entropy, always increases with time. In other words, it is a form of Murphy's law: things always tend to go wrong! An intact cup on the table is a state of high order, but a broken cup on the floor is a disordered state. One can go readily from the cup on the table in the past to the broken cup on the floor in the future, but not the other way round.⁴

I am starting my discussion of "Reviving Eucharistic Coherence in an Era of Incoherence" with the issue of entropy because I believe the cultural incoherence and disorder so characteristic of the world today, as well as the apparent decline in the appreciation of Catholics for the mystery of the Eucharist, are manifestations of the law

of entropy, “that in any closed system, disorder, or entropy, always increases with time.” This is true even in the Church when we seek to act without being open to the gift of grace. The fact that the Church is comprised of imperfect human beings means that our merely human constructs are subject to entropy, decay, and disorder. But the Church is a divine institution founded by Jesus Christ, who assured us that “the gates of hell shall not prevail against it” (Matthew 16:18). The fulfillment of Our Lord’s assurance obliges Christians to conform our human will to the divine will in carrying out the mission entrusted to the Church.

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

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

THE MYSTERY OF THE EUCHARIST

In November of 2021, the United States Conference of Catholic Bishops at our meeting in Baltimore approved a document on the meaning of the Eucharist, entitled, *The Mystery of the Eucharist in the Life of the Church*. It has the essentials of the doctrine and the discipline on the Eucharist and will be helpful as we prepare for the Eucharistic Revival that is being planned in our dioceses across our nation over the next three years.

Since much of the reporting on the meeting was distorted through the secular media, I would like to take this opportunity to highlight the main points of what this document actually says. I encourage you to read the entire document, along with a free two-hour online course on the new document presented by Bishop Andrew Cozzens, which is available online at www.usccb.org.⁵

Contrary to what you may have seen in the headlines of newspapers, this document was not primarily about the eligibility of certain Catholic politicians to receive Holy Communion. The main purpose of this document is in relation to the Eucharistic Revival announced by the U.S. Catholic Bishops.⁶ The criteria for the worthy reception of Holy Communion are discussed, but they flow from the foundational understanding of the meaning of the Eucharist, as explained by Christ Himself when He said, “unless you eat the flesh of the Son of Man and drink his blood, you do not have life within you” (n. 4, quoting Jn 6:53).

First of all, it is important that we understand the Eucharist as a sacrifice “because all that Jesus did for the salvation of humanity is made present in the celebration of the Eucharist, including his sacrificial death and resurrection” (n. 14).

The core belief of Catholics about the mystery of the Eucharist is our faith in the Real Presence of Christ: “The reality that, in the Eucharist, bread and wine become the Body and Blood, Soul and Divinity of Christ without ceasing to appear as bread and wine to our five senses is one of the central mysteries of the Catholic faith. This faith is a doorway through which we, like the saints and mystics before us, may enter into a deeper perception of the mercy and love manifested in and through Christ’s sacramental presence in our midst. While one thing is seen with our bodily eyes, another reality is perceived through the eyes of faith. The real, true, and substantial presence of Christ in the Eucharist is the most profound reality of the sacrament” (n. 21).

It is also important to understand the relationship of Holy Communion, with a capital “C”, to communion, with a small “c”, which refers to the bond of unity we share with Christ and with other members of the Catholic community. “The Sacrament of the Eucharist is called Holy Communion precisely because, by placing us in intimate communion with the sacrifice of Christ, we are placed in intimate communion with him and, through him, with each other” (n. 25). When that communion with Christ and the Christian community is ruptured through sin, our suitability to receive Holy Communion is adversely affected until we repent, confess our sins in the Sacrament of Reconciliation, and receive absolution from a priest.

Our response to God's great gift of the Eucharist is thanksgiving and worship. An essential part of our grateful response to God's generous gift of Himself in the Eucharist is how we treat other people. "As Christians, we bear the responsibility to promote the life and dignity of the human person, and to love and to protect the most vulnerable in our midst: the unborn, migrants and refugees, victims of racial injustice, the sick and the elderly" (n. 38).

Our failure to love God and our neighbor as we should is called sin. "One is not to celebrate Mass or receive Holy Communion in the state of mortal sin without having sought the Sacrament of Reconciliation and received absolution. As the Church has consistently taught, a person who receives Holy Communion while in a state of mortal sin not only does not receive the grace that the sacrament conveys; he or she commits the sin of sacrilege by failing to show the reverence due to the sacred Body and Blood of Christ. St. Paul warns us that whoever eats the bread or drinks the cup of the Lord unworthily will have to answer for the body and blood of the Lord. A person should examine himself, and so eat the bread and drink the cup. For anyone who eats and drinks without discerning the body, eats and drinks judgment on himself (I Cor 11:27-29). To receive the Body and Blood of Christ while in a state of mortal sin represents a contradiction. The person who, by his or her own action, has broken communion with Christ and his Church but receives the Blessed Sacrament, acts incoherently, both claiming and rejecting communion at the same time. It is thus a counter-sign, a lie -- it expresses a communion that in fact has been broken" (n. 47).

Last year's document on *The Mystery of the Eucharist in the Life of the Church* repeated what the U.S. Bishops stated in 2006 in our document, *"Happy Are Those Who Are Called to His Supper": On Preparing to Receive Christ Worthily in the Eucharist*: "If a Catholic in his or her personal or professional life were knowingly and obstinately to reject the defined doctrines of the Church, or knowingly and obstinately to repudiate her definitive teaching on moral issues, however, he or she would seriously diminish his or her communion with the Church. Reception of Holy Communion in such a situation would not accord with the nature of the Eucharistic celebration, so that he or she should refrain." The document on *The Mystery of the Eucharist in the Life of the Church* then adds this comment: "Reception of Holy Communion in such a situation is also likely to cause scandal for others, weakening their resolve to be faithful to the demands of the Gospel" (n. 48).⁷

Next comes a discussion of the concepts of "visible communion" and "invisible communion": "One's communion with Christ and His Church, therefore, involves both one's 'invisible communion' (being in the state of grace) and one's 'visible communion.' St. John Paul II explained: 'The judgment of one's state of grace obviously belongs only to the person involved, since it is a question of examining one's conscience. However, in cases of outward conduct which is seriously, clearly and steadfastly contrary to the moral norm, the Church, in her pastoral concern for the good order of the community and out of respect for the sacrament, cannot fail to feel directly involved. The *Code of Canon Law* refers to this situation of a manifest lack of proper moral disposition when it states that those who "obstinately persist in manifest grave sin" are not to be admitted to Eucharistic

communion.’ It is the special responsibility of the diocesan bishop to work to remedy situations that involve public actions at variance with the visible communion of the Church and the moral law. Indeed, he must guard the integrity of the sacrament, the visible communion of the Church, and the salvation of souls” (n. 49).

The last point that I would like to emphasize about the document on *The Mystery of the Eucharist in the Life of the Church* concerns the importance of making a good examination of conscience, saying, “Before we receive Holy Communion, we should make a good examination of conscience to ensure that we are properly disposed to receive the Body and Blood of the Lord. If we find that we have broken communion with Christ and his Church, we are not properly disposed to receive the Eucharist. However, we should not despair since the Lord in his mercy has given us a remedy. He loves us and deeply desires to forgive us and to restore our communion with him. . . . In the words of Pope Francis, we say to all Catholics in our country: ‘Don’t be afraid to go to the Sacrament of Confession, where you will meet Jesus who forgives you’” (n. 50).

These highlights from the USCCB document on *The Mystery of the Eucharist in the Life of the Church* should be kept in mind as dioceses and parishes across the country engage in the National Eucharistic Revival over the next two years, culminating in the National Eucharistic Congress July 21-24, 2024 in Indianapolis, from which it is planned that the entire Church in the United States “will be sent on mission to share the gift of our Eucharistic Lord with their local communities and beyond.”⁸

THE CONCEPT OF COHERENCE

Coherence is defined as “the quality or state of cohering, such as systematic or logical connection or consistency.”⁹ The verb “cohere” comes from the Latin *cohærerē*, which means “to cling together, to be united.”¹⁰

It follows, then, that something is *incoherent* if it is “lacking coherence: such as **a:** lacking normal clarity or intelligibility in speech or thought, **b:** lacking orderly continuity, arrangement, or relevance, or **c:** lacking cohesion.”¹¹

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

With regard to coherence as it relates specifically to the reception of Holy Communion, George Weigel, Distinguished Senior Fellow of the Ethics and Public Policy Center in Washington, D.C., called attention in an article in *First Things* to the use of the phrase “Eucharistic coherence” by the Latin American bishops in their 2007 Aparecida Document, in which they insisted on “Eucharistic coherence” in their Catholic communities.¹²

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

We hope that legislators, heads of government, and health professionals, conscious of the dignity of human life and of the rootedness of the family in our peoples, will defend and protect it from the abominable crimes of abortion and euthanasia; that is their responsibility. Hence, in response to government laws and provisions that are unjust in the light of faith and reason, conscientious objection should be encouraged. We must adhere to “eucharistic coherence,” that is, be conscious that they [i.e., the aforementioned legislators, heads of government, and health professionals] cannot receive Holy Communion and at the same time act with deeds or words against the commandments, particularly when abortion, euthanasia, and other grave crimes against life and the family are encouraged. This responsibility weighs particularly over legislators, heads of governments, and health professionals.¹³

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

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

6. When “these precautionary measures have not had their effect or in which they were not possible,” and the person in question, with obstinate persistence, still presents himself to receive the Holy Eucharist, “the minister of Holy Communion must refuse to distribute it” (cf. Pontifical Council for Legislative Texts Declaration “Holy Communion and Divorced, Civilly Remarried Catholics” [2002], nos. 3-4). This decision, properly speaking, is not a sanction or a penalty. Nor is the minister of Holy Communion passing judgment on the person’s subjective guilt, but rather is reacting to the person’s public unworthiness to receive Holy Communion due to an objective situation of sin.¹⁴

This document was sent to then-Cardinal Theodore McCarrick, who unfortunately and deceptively concealed this letter from his brother bishops when he reported on this as the head of the Task Force addressing this issue at the June 2004 meeting of the United States Conference of Catholic Bishops (USCCB), during the tenure of then-Bishop Wilton D. Gregory, now the Cardinal Archbishop of Washington, as President of the USCCB. Cardinal Ratzinger's letter was not made public until two weeks later, in July 2004.¹⁵

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

The question has been raised as to whether the denial of Holy Communion to some Catholics in political life is necessary because of their public support for abortion on demand. Given the wide range of circumstances involved in arriving at a prudential judgment on a matter of this seriousness, we recognize that such decisions rest with the individual bishop in accord with the established canonical and pastoral principles. Bishops can legitimately make different judgments on the most prudent course of pastoral action.¹⁶

This conclusion is incoherent in that the provisions of the pertinent canons, as we shall see, are not optional. The only prudential judgment involved is determining whether the conditions for denying admission to Holy Communion have been met, not whether or not to observe the requirements of the law. It is also incoherent in that some bishops and pastors have determined never to enforce the canons on Holy Communion, while others have chosen to do so properly. It is not that the law is different in various dioceses, but that some have chosen simply to ignore the law. Such antinomianism gives rise to incoherence and confusion among the faithful as to what is expected of them. It

also gives rise to scandal, in that it leads to the impression that grave sins may not be so grave after all if there are no consequences for committing them.

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

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

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

Working with President Biden will be unique, however, as he is our first president in 60 years to profess the Catholic faith. In a time of growing and aggressive secularism in American culture, when religious believers face many challenges, it will be refreshing to engage with a President who clearly understands, in a deep and personal way, the importance of religious faith and institutions. Mr. Biden's piety and personal story, his moving witness to how his faith has brought him solace in times of darkness and tragedy, his longstanding commitment to the Gospel's priority for the poor – all of this I find hopeful and inspiring.

At the same time, as pastors, the nation's bishops are given the duty of proclaiming the Gospel in all its truth and power, in season and out of season, even when that teaching is inconvenient or when the Gospel's truths run contrary to the directions of the wider society and culture. So, I must point out that our new President has pledged to pursue certain policies that would advance moral evils and threaten human life and dignity, most seriously in the areas of abortion, contraception, marriage, and gender. Of deep concern is the liberty of the Church and the freedom of believers to live according to their consciences.¹⁷

Reacting to this statement, Cardinal Blase Cupich, Archbishop of Chicago, said that “there is seemingly no precedent” for the USCCB President to have made such a statement.¹⁸ It is indeed unprecedented to have a Catholic President of the United States of America who is virulently pro-abortion in his policies, as can be seen in his calls for taxpayer funding of abortion and codification of *Roe v. Wade* into federal law.¹⁹

APPLICATION OF CANONS 915 AND 916

Since being appointed Bishop of Springfield in Illinois in 2010, I have been asked many times about the question of Holy Communion for pro-abortion Senator Richard Durbin, who is Catholic and whose home is in Springfield, Illinois. In April 2004 Senator Durbin’s pastor, then Monsignor Kevin Vann (now Bishop Kevin Vann of Orange, California), said that he would be reticent to give Senator Durbin Holy Communion because his pro-abortion position put him outside of communion or unity with the Church’s teachings on life.²⁰ My predecessor, now Archbishop George Lucas of Omaha, said that he would support that decision. I have continued that position.²¹

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

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

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

On June 2, 2019, I issued a “Decree Declaring that Illinois Legislative Leaders who Promoted and Voted for the Act Concerning Abortion of 2017 (House Bill 40) and the Reproductive Health Act of 2019 (Senate Bill 25) Are Not to be Admitted To Receive Holy Communion, and Catholic Legislators who Voted for Pro-Abortion Legislation Are Not to Present Themselves for Holy Communion per Canons 915 and 916 of the *Code of Canon Law*.”²²

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

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

Moreover, Pope Francis has called abortion a “very grave sin” and a “horrendous crime.”²³

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

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

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

I also said, “These persons may be readmitted to Holy Communion only after they have truly repented these grave sins and furthermore have made suitable reparation for damages and scandal, or at least have seriously promised to do so, as determined in my judgment or in the judgment of their diocesan bishop in consultation with me or my successor.”²⁴

Moreover, I declared that “Catholic legislators of the Illinois General Assembly who have cooperated in evil and committed grave sin by voting for any legislation that promotes abortion are not to present themselves to receive Holy Communion without first being reconciled to Christ and the Church in accord with canon 916 of the Code of Canon Law.”²⁵

Since the publication of *The Mystery of the Eucharist in the Life of the Church*, other bishops have taken steps to enforce canons 915 and 916. Most notably, the Most Reverend Salvatore Cordileone, Archbishop of San Francisco, formally notified Speaker of the United States House of Representatives Nancy Pelosi last May that she is not to be

admitted to Holy Communion.²⁶ In a public letter explaining why he took this step, Archbishop Cordileone started by noting that “Pope Francis, as much as any pope in living memory, has repeatedly and vividly affirmed the Church’s clear and constant teaching that abortion is a grave moral evil.” The Archbishop pointed out that “Speaker Pelosi’s position on abortion has become only more extreme over the years, especially in the last few months. Just earlier this month she once again, as she has many times before, explicitly cited her Catholic faith while justifying abortion as a ‘choice,’ this time setting herself in direct opposition to Pope Francis.” Thus Archbishop Cordileone concluded, “After numerous attempts to speak with her to help her understand the grave evil she is perpetrating, the scandal she is causing, and the danger to her own soul she is risking, I have determined that the point has come in which I must make a public declaration that she is not to be admitted to Holy Communion unless and until she publicly repudiate her support for abortion ‘rights’ and confess and receive absolution for her cooperation in this evil in the sacrament of Penance.”²⁷

Just days later, Bishop Michael Burbidge announced that the Diocese of Arlington, Virginia, which is adjacent to Washington, D.C., will respect Archbishop Cordileone’s decision to withhold Communion from Speaker Pelosi. Asked in an interview whether he would respect Archbishop Cordileone’s decision should Speaker Pelosi present herself for Mass in the Arlington diocese, Bishop Burbidge responded, “In short, yes, I would. He is her bishop and as that bishop the direction and guidance he provides is not limited to just a geographical area.”²⁸

More than a dozen other Catholic bishops publicly expressed their support for not admitting Nancy Pelosi to Holy Communion.²⁹ Unfortunately, not only has His Eminence Wilton Cardinal Gregory, the Archbishop of Washington, not shown similar respect for the decision of Speaker Pelosi's diocesan bishop, but the Archdiocese of Washington's communications office told a reporter that media requests related to Nancy Pelosi's denial of Holy Communion by her bishop "will be ignored."³⁰ Sadly, Nancy Pelosi herself has contumaciously defied her own Archbishop, reportedly receiving Holy Communion during Mass at Holy Trinity Catholic Church in Georgetown,³¹ and even from a priest at Saint Peter's Basilica in Vatican City on the same day she met with Pope Francis.³²

INCORRECT INTERPRETATIONS OF CANON 915

Dr. Edward N. Peters, Professor of Canon Law at Sacred Heart Major Seminary in Detroit, has identified three unacceptable approaches to canon 915: 1) ignore canon 915, 2) belittle canon 915, and 3) violate canon 915.³³ I would add a fourth unacceptable approach: interpret canon 915 incorrectly.

An example of the misinterpretation of canon 915 can be seen in an article published on September 14, 2020 in *Commonweal* by Nicholas P. Cafardi, Dean emeritus of Duquesne University School of Law and former general counsel to the Catholic Diocese of Pittsburgh, which bears the title, "Canons and the Candidate: Church law does not support attacks on Biden's faith."³⁴ In a sense, the subtitle is correct, in that canon law does not support attacks on the *faith* of former Vice President Joe Biden. However, there

is much that canon law has to say in light of how Biden does or does not *practice* the Catholic faith.

Cafardi starts his citation of canons with canon 220 of the 1983 *Code of Canon Law*, which says, “No one is permitted to harm illegitimately the good reputation which a person possesses nor to injure the right of any person to protect his or her own privacy.” Cafardi observes correctly, “Under canon law, every Catholic is guaranteed a right to their good name in the Church and a right to their privacy. The condition of a fellow Catholic’s soul is a purely personal matter, not one for public debate.” But then he makes this *non sequitur*: “The injunction of Canon 220 would seem, in itself, to forbid Catholics from engaging in a public discussion of the tenor of Biden’s Catholicism and his ability to receive the Eucharist. These are private matters, not political ones.”

This view unfortunately reflects the modern fallacy considering religion to be a purely private matter of personal belief. Christianity is a religion that calls for very public witness by putting one’s faith into action. Debating Biden’s policies in light of Catholic teaching has nothing to do with judging the condition of his soul. By contrast, it is certainly permitted and absolutely germane to engage a public discussion of whether or not a politician’s positions on political matters reflect his or her publicly professed faith, which Biden himself has repeatedly brought to the attention of the public.

With regard to not accepting the Church’s teachings on the immorality of abortion, Cafardi says, “Check the public record. Biden has never said that, not once.” While Biden may never have said that he does not accept the Church’s teaching on abortion, in this regard it is more significant to look at his actions rather than his words. In the last four

years that he served in the Senate before being elected Vice-President in 2008, the National Abortions Rights Action League (NARAL) gave him a score of 75-100% in agreement with their pro-abortion policies, while the National Right to Life Committee in 2007-2008 gave him a score of zero in voting from a right to life perspective.³⁵

Abortion is a grave intrinsic evil. On his campaign website³⁶ and in various public statements Biden made clear that he seeks to legally protect the killing of unborn human beings through abortion, and to fund this killing at taxpayer expense. Biden has said that he would seek to codify into federal law the abortion license of *Roe v. Wade* if the Supreme Court were to overturn that decision, and that he supports repeal of the Hyde Amendment which prohibits federal funding for abortion.

Shortly after his election, President Biden issued an Executive Order rescinding the Mexico City policy, thereby allowing U.S. taxpayer dollars to support abortion overseas and has pledged to reinstate the contraceptive/abortifacient mandate originally issued under Obamacare.³⁷ He has become even more strident in his support for abortion since the decision of the United States Supreme Court in *Dobbs v. Jackson* overturning the 1973 decision of *Roe v. Wade*, which had legalized abortion throughout the United States.³⁸ President Biden issued an executive order this past July 8th promoting access to abortion and his administration's Office of Personnel Management issued guidance that allows for federal workers to take paid sick leave to cover absences for travel to obtain an abortion.³⁹ This is truly scandalous, in that it leads others to take similar immoral actions. Following the lead of the Biden administration, dozens of companies announced that they will pay

for employees who want to get an abortion, issuing new “health care” policies that provide thousands of dollars in abortion stipends and travel reimbursement.⁴⁰

These actions in promoting abortion have crossed a significant line with profound moral implications for their proponents, moving from what might have been considered material cooperation with evil, which sometimes is excusable, into the realm of formal cooperation, which is always sinful. The difference is that material cooperation does not share in the intent to commit sin, but may involve unintentional cooperation with evil.⁴¹ An example would be paying taxes in a state like California⁴² or Illinois⁴³ which provides for taxpayer funding of abortion. When paying sales tax for purchasing goods in California or Illinois, the purchaser is a material cooperater in evil since the sales tax will go into the state treasury from which abortions are funded. Such material cooperation is remote and usually unavoidable, which means that it is not sinful.

Formal cooperation shares the intent to commit evil, and is therefore sinful. In the case of a person who deliberately purchases goods in Illinois with the intent of providing the State with sales taxes to help pay for abortions, that person is formally cooperating in grave evil and thereby is committing a serious sin. One of the consequences of formal cooperation with grave evil is that those who commit serious sins are not permitted to receive Holy Communion unless they repent and receive sacramental absolution.

When Catholic politicians like Joe Biden, Dick Durbin, and Nancy Pelosi proactively promote abortion in their words and actions, they can no longer claim that they are “personally opposed to abortion, but are not going to impose their beliefs on others.” They are in fact intentionally imposing their pro-abortion beliefs on others and

hence are now formally cooperating in evil. As such, they are not to receive Holy Communion because of their manifest, obstinate, and persistent promotion of grave sin and their strident support for intrinsic evil. This applies to business executives who promote abortion policies as well.

In a television interview broadcast July 12th, Pope Francis responded to a question about President Biden's support for abortion by saying, "Let him talk to his pastor about that incoherence."⁴⁴ It is indeed incoherent for Catholics to promote abortion and it is incoherent for such Catholics to receive Holy Communion. We must continue to pray for their conversion and return to full communion with the Catholic Church.

USING PROPORTIONALISM TO RATIONALIZE SUPPORT FOR ABORTION

Some have tried to argue that their position on other moral issues consistent with Catholic Church teaching outweighs their support for abortion. Senator Durbin, for example, in response to his being denied Holy Communion in 2004, released a report called, "Evaluating the Votes and Actions of Public Officials from a Catholic Perspective," which ranked the twenty-four U.S. Catholic senators based on their votes in three areas: domestic, international and pro-life.⁴⁵ Commenting on this "scorecard," the Catholic League for Religious and Civil Rights issued a statement saying, "To say that a senator votes better on Catholic issues because he has voted to increase the minimum wage while voting against a ban on killing a baby who is 80 percent born is ludicrous. Senator Durbin has done the same as some House Democrats last month, lumping together policy issues that do not have the same moral weight."⁴⁶

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

Others try to use the “consistent ethic of life” attributed to the late Cardinal Joseph Bernardin, Archbishop of Chicago, sometimes referred to as the “seamless garment” approach to pro-life issues, as justification for downplaying emphasis on abortion while promoting other social issues. I served as Cardinal Bernardin’s Chancellor from 1992 until his death in 1996, and I can tell you that he did not like this misuse of the “consistent ethic of life.” In fact, in an interview with the *National Catholic Register* in 1988, Cardinal Bernardin said, “I know that some people on the left, if I may use that label, have used the consistent ethic to give the impression that the abortion issue is not all that important anymore, that you should be against abortion in a general way but that there are more important issues, so don’t hold anybody’s feet to the fire just on abortion. That’s a misuse of the consistent ethic, and I deplore it.”⁴⁷

In a homily I preached at Holy Name Cathedral in Chicago at a memorial Mass for Cardinal Bernardin in 2009, I said “The main feature of the ‘consistent ethic of life’ is its insistence on the interconnectedness of life issues across the span of life, from conception to natural death. Such issues would obviously include abortion and

euthanasia at the beginning and end of the life spectrum, but would also include a myriad of issues in between those two points along the span of life. Examples would be concern for the poor and for immigrants, the death penalty and health care. The denial of respect or even the diminishment of respect for any one aspect of life would lead adversely to a denial or diminishment of respect for life in other aspects of life, due to the fact that they are all related.”⁴⁸

The second problem with trying to equate an issue like the death penalty with abortion is the lack of numerical equivalency. While over 930,000 abortions took place in our country in 2020 (the last reported year),⁴⁹ there were a total of 17 executions of prisoners in the United States in 2020.⁵⁰ It is hard to see how opposition to the death penalty would be a proportionately grave reason to justify support for promoting abortion.

Some commentators argue incorrectly that the only people who can opine authoritatively on whether Biden may be admitted to Holy Communion are his proper pastor and bishop by virtue of where he lives in accord with canon 107, §1, and the Pope, who has universal jurisdiction under canon 331. But canon 100 provides that a person is called “a traveler when outside the place of domicile or quasi-domicile which is still retained.” According to canon 13, travelers are bound by certain laws of the territory in which they are present, such as those which provide for the public order, and canon 136 says that a person with executive power of governance in the Church “can also exercise this power over travelers actually present in his territory.” Hence the saying, “When in Rome, do as the Romans do.”

Politicians on the campaign trail and officials of the federal government travelling around the country certainly fit the canonical definition of a traveler and thus are subject to the ecclesiastical authority of the local pastor and bishop for matters pertaining to the public order when actually present in their territory. An example of the proper exercise of this authority was the pastor in South Carolina who refused to give Holy Communion to Mr. Biden when he attended Mass there while on the campaign trail. Fr. Robert Morey, pastor of St. Anthony Catholic Church in the Diocese of Charleston, South Carolina, explained his decision, saying, "Sadly, this past Sunday, I had to refuse Holy Communion to former Vice President Joe Biden. Holy Communion signifies we are one with God, each other, and the Church. Our actions should reflect that. Any public figure who advocates for abortion places himself or herself outside of Church teaching."⁵¹

HOLY COMMUNION FOR THE DIVORCED AND REMARRIED?

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

“In certain cases, this can include the help of the sacraments.” The key here is the phrase, “in certain cases.” Such cases are rare, but may include, for example, what is known as the “brother-sister” solution, whereby a couple in an invalid marriage agree to live as brother and sister, that is, without engaging sexual intercourse, rather than as husband and wife. Such an arrangement must also not be the source of scandal.

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

One of the recent popes, speaking of the Council, said that there were two councils: the Second Vatican Council in the Basilica of St. Peter, and the other, the council of the media. When I convoked the first synod, the great concern of the majority of the media was communion for the divorced and remarried, and, since I am not a saint, this bothered me, and then made me sad. Because, thinking of those media who said, this, this and that, do you not realize that that is not the important problem? Don’t you realize that instead the family throughout the world is in crisis? Don’t we realize that the falling birth rate in Europe is enough to make one cry? And the family is the basis of society. Do you not realize that the youth don’t want to marry? . . . Don’t you realize that the lack of work or the little work (available) means that a mother has to get two jobs and the children grow up alone? These are the big problems. I don’t remember the footnote, but for sure if it’s something general in a footnote it’s because I spoke about it, I think, in *Evangelii Gaudium*.⁵²

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

As noted earlier, canon 915 of the *Code of Canon Law* says that those “who obstinately persist in manifest grave sin are not to be admitted to Holy Communion.” There is nothing in *Amoris Laetitia* that changes, amends or repeals this canon. While we cannot judge people’s consciences, we can judge external situations to determine if they are manifestly gravely sinful and whether there is obstinate persistence from an objective perspective. This is relevant to the reception of Holy Communion, which is an external, public act as well. Since we are dealing with a right to the sacraments (cf. canon 213), each of these factors – obstinacy, persistence, manifest, grave and sinful – must be interpreted strictly (cf. canon 18). Nevertheless, the question of the proper disposition of the soul while receiving Holy Communion is eminently pastoral. It has long standing in the Church going back to the early centuries.⁵³

CONCLUSION

In seeking Eucharistic coherence in an incoherent era, it is important to remember that the ultimate goal is conversion and readmission to communion, not exclusion and permanent expulsion from the community of faith. Even when a difficult decision must

be made not to admit someone to Holy Communion until there has been repentance and reconciliation, such discipline does not contradict the love by which it is motivated. We must seek to emulate the promise God made in His covenant with David, as we read in Psalm 89:

If his sons forsake my law
and refuse to walk as I decree
and if ever they violate my statutes,
refusing to keep my commands;

then I will punish their offenses with the rod,
then I will scourge them on account of their guilt.
But I will never take back my love:
my truth will never fail.⁵⁴

This approach of merciful justice was expressed eloquently by Saint Asterius, who served as Bishop of Amasea in modern Turkey between 380 and 390 A.D., after having been a lawyer. In a homily about the shepherd with a hundred sheep who left the flock to seek the one that strayed, he said,

Let us look more closely at the hidden meaning of this parable. The sheep is more than a sheep, the shepherd more than a shepherd. They are examples enshrining holy truths. They teach us that we should not look on men as lost or beyond hope; we should not abandon them when they are in danger or be slow to come to their help. When they turn away from the right path and wander, we must lead them back, and rejoice at their return, welcoming them back into the company of those who lead good and holy lives.⁵⁵

As we receive Christ in Holy Communion, may we remember that the “Lord is generous to us with his grace; and so we, by his grace, should always humbly ask him to

give us what we need. . . . Let us adore Jesus who ever remains with us, on all the altars of the world, and lead others to share in our joy!”⁵⁶

May God give us this grace. Amen.

¹ See, for example: “Seeking Eucharistic Coherence in an Era of Incoherence: Keynote Address for the Thirty-Second Annual Rev. Msgr. Alphonse S. Popek Award, St. Gregory VII Chapter of Catholic United For the Faith, Milwaukee, Wisconsin, October 24, 2021, accessed online September 21, 2022, at https://www.dio.org/uploads/October_24_2021_-_Paprocki_-_Seeking_Eucharistic_Coherence_in_an_Era_of_Incoherence_-_Popek_Award_1.pdf; “Seeking Eucharistic Coherence in an Era of Incoherence,” Presentation for the Chicago North & Downtown Chicago Chapters of Legatus, Park Ridge, Illinois, October 28, 2021, accessed online September 21, 2022, at https://www.dio.org/uploads/October_28_2021_-_Paprocki_-_Seeking_Eucharistic_Coherence_in_an_Era_of_Incoherence_-_Chicago_Legatus_Meeting.pdf; and “Bishop Paprocki’s Homily: Striving to Live a Coherent Life,” Thomas Aquinas College, May 15, 2021, accessed online September 21, 2022, at <https://www.thomasaquinas.edu/news/bishop-paprockis-homily-striving-live-coherent-life>.

² See: “Eucharistic Coherence,” *First Things*, August 2021, accessed online September 21, 2022, at <https://www.firstthings.com/article/2021/08/eucharistic-coherence>.

³ Stephen Hawking, *A Brief History of Time*, (New York, N.Y.: Bantam Books, 1988), Chapter 7.

⁴ Hawking, *A Brief History of Time*, Chapter 9.

⁵ For the text of the document as well as video resources, see: <https://www.usccb.org/resources/mystery-eucharist-life-church>.

⁶ See: <https://www.usccb.org/resources/national-eucharistic-revival-my-flesh-life-world-bishop-andrew-cozzens>, and <https://www.eucharisticrevival.org/>.

⁷ USCCB, “*Happy Are Those Who Are Called to His Supper*”: *On Preparing to Receive Christ Worthily in the Eucharist* (2006), p. 11, citing the *Code of Canon Law*, can. 916: “A person who is conscious of grave sin is not to celebrate Mass or receive the body of the Lord without previous sacramental confession unless there is a grave reason and there is no opportunity to confess; in this case the person is to remember the obligation to make an act of perfect contrition which includes the resolution of confessing as soon as possible.” Quoted in *The Mystery of the Eucharist in the Life of the Church*, n. 48.

⁸ National Eucharistic Congress, “Mission, Vision, Timeline,” accessed online September 21, 2022, at <https://www.eucharisticrevival.org/mission-vision-and-timeline>.

⁹ <https://www.merriam-webster.com/dictionary/coherence>

¹⁰ Charlton T. Lewis and Charles Short, *A Latin Dictionary* (Oxford: Clarendon Press, 1984), s.v. “*cohærere*.”

¹¹ <https://www.merriam-webster.com/dictionary/incoherent>

¹² George Weigel, “The Challenge of Eucharistic Coherence,” *First Things*, February 3, 2021, accessed online at <https://www.firstthings.com/web-exclusives/2021/02/the-challenge-of-eucharistic-coherence>.

¹³ The text as originally written in Spanish reads, “Esperamos que los legisladores, gobernantes y profesionales de la salud, conscientes de la dignidad de la vida humana y del arraigo de la familia en nuestros pueblos, la defiendan y protejan de los crímenes abominables del aborto y de la eutanasia; ésta es su responsabilidad. Por ello, ante leyes y disposiciones gubernamentales que son injustas a la luz de la fe y la razón, se debe favorecer la objeción de conciencia. Debemos atenernos a la “coherencia eucarística”, es decir, ser conscientes de que no pueden recibir la sagrada comunión y al mismo tiempo actuar con hechos o palabras contra los mandamientos, en particular cuando se propician el aborto, la eutanasia y otros delitos graves contra la vida y la familia. Esta responsabilidad pesa de manera particular sobre los legisladores, gobernantes, y los profesionales de la salud.” *V Conferencia General del Episcopado Latinoamericano y del Caribe: Documento Conclusivo*, 3ª edición, Aparecida, 13-31 de mayo de 2007, n. 436. [The footnote to paragraph 436 cites *Sacramentum Caritatis* 83 and *Evangelium Vitae* 73, 74, and 89.] Accessed online at <https://www.celam.org/aparecida/Espanol.pdf>.

¹⁴ Cardinal Joseph Ratzinger, Prefect, Congregation for the Doctrine of the Faith, “Worthiness to Receive Holy Communion: General Principles,” 2004. Accessed online at <https://www.ewtn.com/catholicism/library/worthiness-to-receive-holy-communion-general-principles-2153>.

¹⁵ Barbara Kralis, “‘Cardinal Ratzinger said, ‘The minister of Holy Communion must refuse to distribute it.’ He did not say ‘could,’ or ‘may,’ but that he ‘must.’” *Catholic Online*. Accessed online at <https://www.catholic.org/featured/headline.php?ID=1123>.

¹⁶ United States Conference of Catholic Bishops, *Statement on Catholics in Political Life*, June 2004. Accessed online at <https://www.usccb.org/issues-and-action/faithful-citizenship/church-teaching/catholics-in-political-life>.

¹⁷ USCCB President's Statement on the Inauguration of Joseph R. Biden, Jr., as 46th President of the United States of America, January 20, 2021. Accessed online at <https://www.usccb.org/news/2021/usccb-presidents-statement-inauguration-joseph-r-biden-jr-46th-president-united-states>.

¹⁸ Michael J. O’Loughlin, “In rare rebuke, Cardinal Cupich criticizes USCCB president’s letter to President Biden,” *America: The Jesuit Review*, January 20, 2021. Accessed online at

<https://www.americamagazine.org/politics-society/2021/01/20/biden-cupich-gomez-bishops-239779>.

¹⁹ “Biden, Harris state their support for abortion on Roe anniversary,” January 22, 2021. Accessed online at <https://www.catholicnewsagency.com/news/president-joe-biden-and-vice-president-kamala-harris-state-their-support-for-abortion-on-roe-v-wade-anniversary-78966>.

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²¹ “Statement from Bishop Thomas John Paprocki on Senate Failure to Pass Pain-Capable Unborn Children’s Act,” February 13, 2018; accessed online at <https://www.dio.org/communications/press-releases/statement-from-bishop-thomas-john-paprocki-on-senate-failure-to-pass-pain-capable-unborn-children-s-act.html>.

²² “Bishop Paprocki: Illinois Catholic lawmakers who promoted or voted for extreme abortion legislation are not to receive Communion: Bishop’s decree cites Canon 915 and 916 of the Code of Canon Law,” News Release of the Diocese of Springfield in Illinois, June 6, 2019. Accessed online at <https://www.dio.org/communications/press-releases/bishop-paprocki-illinois-catholic-lawmakers-who-promoted-or-voted-for-extreme-abortion-legislation-are-not-to-receive-communion-decree-included.html>.

²³ Pope Francis interview with Italian media outlets TV2000 and Blu Radio, November 20, 2016.

²⁴ Five months after being informed that he could not receive Holy Communion in the Diocese of Springfield in Illinois because of his “repeated votes and obdurate public support for abortion rights over an extended period of time,” Senator John Cullerton resigned from public office. See: Amanda Vinicky, “Early Exit for Retiring Senate President John Cullerton,” *WTTW News*, November 14, 2019; accessed online at <https://news.wttw.com/2019/11/14/early-exit-retiring-senate-president-john-cullerton>. Speaker of the House Michael Madigan resigned from his public offices in early 2021 amid an ongoing federal corruption probe. See: “Former Speaker Michael Madigan Resigns From Illinois House Seat After 50 Years in Office,” *Better Government Association*, February 18, 2021; accessed online at <https://www.bettergov.org/news/former-speaker-michael-madigan-resigns-from-illinois-house-seat-after-50-years-in-office/>.

²⁵ The full text of the 2019 Decree on Canons 915 and 916 is available online at https://www.dio.org/uploads/files/Communications/Press_Releases/2019/20190606Decree_per_canons_915-916.pdf. For a canonical analysis of this Decree, see Alberto Tomer, “*Ad Sacram Communionem ne admittantur*: il can. 915 e la promozione dell’aborto da parte di cattolici impegnati nella vita politica alla luce di un recente decreto episcopale,” *Stato, Chiesa e Pluralismo Confessionale*, vol. 4 (2021); accessed online at <https://www.statoechiese.it/contributi/ad-sacram-communionem-ne-admittantur-il-can.-915-e-la-promozione-dellaborto>.

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³⁶ <https://joebiden.com/womens-agenda/>

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⁵³ From the first apology in defense of the Christians, Saint Justin, who was born in the year 100 A.D. and died as a martyr in 165 A.D., wrote, “No one may share the eucharist with us unless he believes that what we teach is true, unless he is washed in the regenerating waters of baptism for the remission of his sins, and unless he lives in accordance with the principles given us by Christ.” *Patrologia Graeca* 6, 427. English translation in the Office of Readings for the Third Sunday of Easter, *Liturgy of the Hours*, vol. 2 (New York: Catholic Book Publishing Co., 1975), p. 694.

⁵⁴ Psalm 89:31-34.

⁵⁵ From a homily by Saint Asterius of Amasea, bishop (Hom. 13: PG 40, 355-358, 362), quoted in the Office of Readings of the *Liturgy of the Hours*, Thursday of the First Week of Lent.

⁵⁶ USCCB, *The Mystery of the Eucharist in the Life of the Church*, nn. 58-59.