

CANON 1379

A SIMULATION OF THE PRECIOUS BLOOD IN A EUCHARISTIC CELEBRATION

A large Catholic shrine in my city serves tourists and the local population. Communion under both Species is offered at most Masses there. At Communion time, however, off to one side of the sanctuary, a minister also offers "special wine" from a chalice. It is grape juice. When I asked about this practice, I was told by a staff member that a number of alcoholics attend Mass at the Shrine and that they cannot drink the "Blessed Wine" from Mass. I suggested that this practice amounted to faking a sacrament, and was told that everyone knows about it so there is no deception involved. Please comment.

OPINION

There are, I think, three distinct problems presented here, the most serious being the possible delict of sacramental simulation. Before discussing that possibility, however, I will address briefly two other problems, namely, the intrusion of a 'blessed grape juice distribution rite' into the Mass and the staff member's inaccurate presentation of Eucharistic doctrine.¹

The use of the term "blessed wine" can be misleading. After a priest duly pronounces the words of consecration over valid matter, there is no longer present on the altar "bread" and "wine" of any sort; there is present only the Body, Blood, Soul, and Divinity of Christ under two Species (CCC 1373-1381, 1413). To describe the Precious Blood as "blessed wine" is, strictly speaking, to express a material heresy. But whatever the etiology of the assertion that Catholics receive "blessed wine" at Communion time, such a description should be corrected, especially when it is encountered among staff members at an important Catholic shrine.

¹ A possible fourth issue is whether the practice could be viewed as an instance of the approved use of *mustum* at Mass. It would not be so excused, for three reasons: first, there is no indication that the grape juice was the object of the celebrant's consecratory intention; second, almost all instances of the approved use of *mustum* deal with an alcoholic priest's celebration of Mass; third, specific authorization is required before any non-celebrant may take *mustum* and such authorizations are granted only to persons who cannot take even the Host. See John Huels, commenting on canon 924, in J. Beal, et al., eds., *New Commentary on the Code of Canon Law*, (New York/Mahwah: Paulist Press, 2000) 1117; and James Provost, "Canons 924 and 29-34" in K. Vann, et al., eds., *Roman Replies and CLSA Advisory Opinions 1995* (Washington, DC: Canon Law Society of America, 1995) 75-80, 78.

Further, the introduction of a rite of administering blessed grape juice to certain faithful during Mass, regardless of what might be said about simulation, is a violation of canon 846 §1.² The words used and/or rites applied during the sacred liturgy must be approved by the Apostolic See or diocesan bishop per canon 838 §1,³ but no rite for the distribution of blessed grape juice exists in the *Missale Romanum* (2002), nor am I aware of any bishop's having authorized the introduction of such a rite into Mass. On grounds of liturgical integrity alone, then, this 'grape juice distribution rite' should cease, lest the sign value of the liturgy in regard to the *unity* of the Church be damaged (c. 837 §1) and the faithful's fundamental right to worship God "according to the prescripts of their own rite" (c. 214) be threatened.

At this point, we must consider the possibility that the described practice is a canonical delict.

Simulation of a sacrament is prohibited by canon 1379, which states: "In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty." Canon 1379 is new with the 1983 code and commentary on it has been light.

Antonio Calabrese has claimed that the only form of sacramental simulation punished by canon law is the pseudo-*celebration* of a sacrament—not the administration of a fictitious sacrament such as would occur, for example, when unconsecrated hosts are distributed at Mass.⁴ Calabrese is directly answered, however, by Ángel Marzoa, who holds that simulation "may be committed... by anyone pretending to administer/distribute the Eucharist with hosts that are not consecrated," explaining that this interpretation "is supported by the habitual differentiation that the [1983 code] posits between 'consecrate/celebrate' and

² 1983 *CIC*, canon 846 § 1: "In celebrating the sacraments the liturgical books approved by competent authority are to be observed faithfully; accordingly, no one is to add, omit, or alter anything in them on one's own authority."

³ 1983 *CIC*, canon 838 § 1: "The direction of the sacred liturgy depends solely on the authority of the Church which resides in the Apostolic See and, according to the norm of law, the diocesan bishop."

⁴ "Per amministrazione di sacramento è qui intesa l'azione o rito che produce quel sacramento.... Chi distribuisce consapevolmente ostie non consecrate, commette un peccato gravissimo ma non il delitto punito da questo canone." Antonio Calabrese, *Diritto Penale Canonico* (Edizioni Paoline, 1990) 239-240. Calabrese is joined, without elaboration, by William Woestman, who holds that "it would be a most grave sin for a cleric or lay person to distribute knowingly unconsecrated hosts to those seeking holy Communion" and adds that "the ordinary could punish such an offense in virtue of c. 1399" *Ecclesiastical Sanctions and the Penal Process* (Ottawa: St. Paul's University, 2000) 119. But if Marzoa, discussed below, is correct (and I think he is) there is no need to invoke canon 1399 against those simulating the distribution of the Precious Blood as described in our case.

‘administer’ the Eucharist (cf., e.g., cc. 910, 917-919, 923, 929, 931), likewise in the denomination as ‘ministers’ those who distribute holy Communion (c. 910).”⁵ The great sacramental lawyer Felix Cappello expressly recognized the distinction between *confection* of a sacrament and *administration* of a sacrament; given the fact that 1917 *CIC*, c. 2322, 1^o penalized only the confection (*celebrationem*) of the Eucharist, Cappello held that mere administrators of fictitious hosts, despite their committing a grievously sinful act, were not canonically liable as simulators.⁶ Of course, canon 1379 now expressly reaches those who simulate even the “administration” of a sacrament and therefore one cannot but agree with Marzoa that canon 1379 threatens punishment against those who engage in the *administration* of fictitious sacraments.

That said, however, the assertion by the shrine staff member that “everyone knows about the practice so there is no deception involved” raises a different point that needs careful consideration.

Commentators on simulation in regard to the Eucharist in the 1917 Code (*CIC* c. 2322) noted that what might *appear* to be simulation was not simulation when there was no possibility that anyone who witnessed the event could be confused as to what was happening (or what was *not* happening). Stanislaus Woywod offered the common-sense example of seminarians practicing the celebration of the Mass.⁷ Woywod and others went so far as to say that, if it were obvious that one’s imitation of the rites of Mass done out of derision or contempt for the Sacred Synaxis were pure mockery, such acts, though *more* grievously sinful than mere simulation, still would not constitute “simulation” in the canonical sense and would therefore not be punishable as a delict under canon 2322 of the 1917 Code.⁸

Moreover, several authors allowed for “pretense” in regard to a sacrament where such an act was undertaken to protect the good name of a member of the faithful. Dominic Prümmer, for example, countenanced the making of the sign

5 See Ángel Marzoa, commenting on canon 1379 in A. Marzoa, et al., eds., *Exegetical Commentary on the Code of Canon Law*, in 5 vols. bound as 8, (Montreal: Wilson & Lafleur, 2004) IV/1, 504.

6 Felix Cappello, *Tractatus canonico-moralis de sacramentis iuxta Codicem juris canonici* [1921 et seq.], in 5 vols., 7^o ed., (Marietti, 1962) I: 59, n. 66, wherein: “si quis communicaturo praebeat hostiam non consecratam pro consecrata ... in casu vera ac proprie dicta simulatio sacramenti nequaquam adest, sed solum *simulatio administrationis*, quae omnino differt a *simulatione confectionis*” (original emphasis).

7 Stanislaus Woywod, *A Practical Commentary on the Code of Canon Law* [1925], in 2 vols., rev. by C. Smith (Wagner/Herder, 1957) II, 521.

8 *Ibid.* See also Udalricus Beste, *Introductio in Codicem* [1938], 5th ed., (M. D’Auria Pontificius, 1961) 1032.

of the cross over a penitent to whom absolution was being refused—provided that the penitent knew that he was not being absolved—so as not to alert others that the penitent was being denied absolution.⁹ But the practice at the shrine as outlined in your question differs markedly from these cases.

First, and most importantly, there is a high risk of deception of on-lookers at Mass insofar as the activity would look like a “Communion station” at which a chalice was being offered to recipients. Despite assurances to the contrary, it seems implausible that everyone at Mass knows that only grape juice is being administered from that particular chalice.¹⁰ What would become of congregants who stepped into that line not knowing of the anomalous practice? Second, it is not clear that all of the recipients of this blessed grape juice fully understood that they were *not* receiving the Sacrament at this “Communion station.” With the general grasp of basic Eucharistic doctrine at worrisome lows,¹¹ a such a practice cannot but help to foment confusion about a basic Church teaching. Third, of all possible simulations of a sacrament, simulation of *the Eucharist* is presented by commentators as being probably the worst simulation imaginable. One need only read canons 897¹² and 898¹³ to understand why threats to the reverence due the Eucharist are viewed so strictly under law. From Slater to Marzoa,¹⁴ distributing

9 Dominic Prümmer, *Handbook of Moral Theology* [1921], 5^o ed., Shelton trans., (Mercier, 1956) n. 544, 249. See also Thomas Slater, *A Manual of Moral Theology for English-Speaking Countries*, in 2 vols., 3rd ed., (Benziger, 1908) II, 40.

10 Aloysius Sabetti considered the scenario whereby, even though actual recipients of a non-consecrated host know that it is not owed adoration, mere observers of what appears to be the administration of the Sacred Species might be led into material idolatry. He therefore rejected as grievously sinful such administration of pseudo-Communion. Aloysius Sabetti, *Compendium Theologiae Moralis*, 4th ed. rev. by T. Barrett, (Pustet, 1924) n. 66, 560-561. Thus, what was considered gravely sinful, but non-criminal, under the 1917 Code, is, I suggest, now criminal under the 1983 Code.

11 Depending on the demographic group studied, belief in the Real Presence (*CCC* 1374) among American Catholics ranges from a high of (only) 90% to an astounding low of 40%. See Center for Applied Research in the Apostolate, “Sacraments Today: Belief and Practice among U. S. Catholics” (April, 2008), esp. “The Mass and the Eucharist” on-line at: <http://cara.georgetown.edu/masseucharist.pdf>.

12 Canon 897: “The most august sacrament is the Most Holy Eucharist in which Christ the Lord himself is contained, offered, and received and by which the Church continually lives and grows. The eucharistic sacrifice, the memorial of the death and resurrection of the Lord, in which the sacrifice of the cross is perpetuated through the ages is the summit and source of all worship and Christian life, which signifies and effects the unity of the People of God and brings about the building up of the body of Christ. Indeed, the other sacraments and all the ecclesiastical works of the apostolate are closely connected with the Most Holy Eucharist and ordered to it.”

13 Canon 898: “The Christian faithful are to hold the Most Holy Eucharist in highest honor, taking an active part in the celebration of the most august sacrifice, receiving this sacrament most devoutly and frequently, and worshiping it with the highest adoration. In explaining the doctrine about this sacrament, pastors of souls are to teach the faithful diligently about this obligation.”

14 Slater, 40; Marzoa, 504.

inconsecrated hosts is the prime example of simulation in the administration of sacraments.

The local ordinary of the shrine's territory has authority to investigate this practice (cc. 392, 1412), to order its immediate cessation, and further, to consider penal action in accord with canon 1341.¹⁵ Thomas Green's observation should be recalled, namely, that canon 1379's call for a "just penalty" in response to simulation under canon 1379 suggests that this form of simulation is less serious than those forms of simulation penalized under canon 1378.¹⁶

But, that these other forms of simulation are penalized at all, and by a pre-emptive rather than a merely facultative penalty, suggests that *any* simulation in regard to a sacrament is a serious disturbance of the faith community. Support for this observation is found in the legislative history of canon 1379. The original draft of what eventually became canon 1379 read as follows: "Qui, ad malum inem praeter casus, de quibus in can. [1378], sacramentum se administrare simulat, iusta poena puniatur."¹⁷ The phrase *ad malum finem* was removed from the proposed canon by the time of the 1980 *Schema Codicis*.¹⁸ By removing the phrase *ad malum finem* from the provision, the motive of the simulator was eliminated as an element of the offense, although the official reason offered for the removal was based on the view of a consultor to the *Coetus de Iure Poenali* that the phrase *ad malum finem* was redundant because "if *dolus* is present, the end will always be evil."¹⁹

This observation is not necessarily wrong, but it misses an important point. There are situations in which one might commit simulation of a sacrament in pursuit of a good end. Expanding on observations by Cappello, for example, we might posit a scenario in which a priest is tempted to simulate consecration of the Eucharist where his life is in danger if he does not provide malefactors with the Eucharist for their sacrilegious purposes, and yet he anticipates their desecra-

15 Canon 1341: "An ordinary is to take care to initiate a judicial or administrative process to impose or declare penalties only after he has ascertained that fraternal correction or rebuke or other means of pastoral solicitude cannot sufficiently repair the scandal, restore justice, reform the offender."

16 Green, commenting on Canon 1379, in J. Coriden, et al., eds., *The Code of Canon Law: A Text and Commentary* (New York/Mahwah: Paulist Press, 1985) 925.

17 See Edward Peters, *Incrementa in Progressu 1983 Codicis Iuris Canonici* (Montreal: Wilson & Lafleur, 2005) 1188, sub *Sanctionibus* 56.

18 *Ibid.*, sub 1980 *Schema Codicis* 1331.

19 In the unidentified consultor's words, "verba *ad malum finem* supprimi posse quia, si adest dolus, semper finis erit malus" *Communicationes* 9 (1977) 310.

tion of the Eucharist if he complies with their demand.²⁰ The unfortunate priest simulates consecration of the species not only to save his own life but at the same time to render materially impossible the desecration of the Sacred Species. Such a ruse, however, we may say with Cappello, despite its good motives, would be forbidden as an act of simulation.²¹ By its very nature, simulating the celebration or administration of a sacrament, as an abuse of a sacred thing, is always forbidden.²²

Removal of the phrase *ad malum finem* from what became canon 1379, whether for the proffered reason or otherwise, prevented introducing confusion into the canonical tradition that the simulation of a sacrament, regardless of motive, is *always* an objective offense against the sacraments and admits of no excuse. That the shrine staff felt that offering grape juice to alcoholics was an inclusive gesture may be granted as a *moral* matter.²³ Moreover, should the case develop formally, their motives for simulating administration of the Eucharist would be relevant under canon 1344, nn. 2-3 in regard to punishment for their delict, but, of themselves, benign motives do not free offenders from culpability for having simulated the administration of any sacrament, especially the Eucharist.

As I said earlier, however, it is entirely possible that the practice you describe, though quite wrong, arose 'innocently enough' and that it will cease promptly once its wrongness is pointed out to shrine authorities.

Dr. Edward N. Peters, JD, JCD, Ref. Sig. Ap.

20 Cappello, I: 59, n. 66.

21 *Ibid.* For similar examples, see Eduardus Genicot & Ioseph Salsmans, *Casus conscientiae propositi et soluti*, 8^o ed., (Uitgeverij, 1947), Casus 593, 422; or Arthurus Vermeersch, *Theologiae Moralis: Principia, Responsa, Consilia* [1922], in 3 vols., 4^o ed., (Rome: Gregorianum, 1947) III: 152-153; each rejecting the offering of non-consecrated hosts to sinners even in an attempt to prevent sacrilege.

22 Cappello, I: 59, n. 66: "Haberetur enim inductio ad materialem idololatriam, quam esse intrinsece malam ideoque semper illicitam, compertissimum est." See also P. Palazzini, ed., *Dictionary of Moral and Canonical Law*, in 4 vols. (Rome: Officium Libri Catholici, 1962-1968) IV: 302-304, 302, s.v. "Simulatio."

23 Given the objective gravity of the practice, I think those involved in this scheme should go to Confession.