

# *Odia restringi et favores convenit ampliari*

## Pastoral Remedies in Time of Crisis

By: Philip C. L. Gray, JCL

*(The original article was published simultaneously in Christifidelis [issue 38-3] and Lay Witness [issue 38-2]. Due to continued developments and increased questions, this article has been expanded to more fully address the concerns recently received.)*

*And he arose and left the synagogue, and entered Simon's house. Now Simon's mother-in-law was ill with a high fever, and they besought him for her. And he stood over her and rebuked the fever, and it left her; and immediately she rose and served them. Now when the sun was setting, all those who had any that were sick with various diseases brought them to him; and he laid his hands on every one of them and healed them (Luke 4:38-40 RSVCE).*

At the present time, our entire world is in a grip of fear and isolation from the COVID-19 virus pandemic, better known as the Coronavirus. At the time of writing this article, health experts report that cases in the United States have not yet peaked. Large portions of the private and public sector have come to a grinding halt with schools closing, major sports events canceled, and social centers closing down. As businesses and manufacturing plants temporarily shut down, millions of Americans are moving into unemployment with no hope for a short-term job. Americans are looking to their state and federal governments for guidance and relief. Although the President of the United States called Sunday, March 15<sup>th</sup>, as a day of National Prayer to seek God's blessing, who publicized his proclamation? While many bishops are calling for prayer, it also appears many bishops in the United States are taking cues primarily from the secular culture during this difficult time.

Both Catholics United for the Faith (CUF) and The Saint Joseph Foundation (SJF) have received numerous complaints and questions regarding potential abuses of authority or violations of rights as bishops issue norms and guidelines to address the Coronavirus pandemic. These inquiries have come from priests, deacons, and laity from across the United States. The purpose of this article is twofold. First, I hope to address those questions and concerns by providing general principles that should guide bishops, pastors, deacons, and the laity as decisions are made on pastoral care during this difficult time. Second, I want to share Hope.

I know this article is long; several pages longer than the original. Regrettably, the issues are complex and require a comprehensive response. Please bear with me and read the article to the end. At very least, read the brief summary and conclusion if you are pressed for time. When time permits, find a cup of coffee or tea and read the article with your Bible handy.

### A Brief Summary

For clarity, I offer the following points that are more fully addressed below:

1. ***Odia restringi et favores convenit ampliari***: Curses (all things odious) ought to be restricted and blessings (all things favorable) ought to be multiplied.<sup>1</sup> This Principle of Law (Boniface VIII, *Regulae iuris*, 15) reflects the activities of Jesus as recorded in the Gospel and has always been the foundational principle used to determine the dispensation of sacraments and grace. In keeping with the Word of God and the Principles of Law, this norm should be applied generously during the COVID-19 pandemic.

2. **Conscience and Free Will:** The Teaching of the Church on conscience and use of free will must be respected in allowing individuals the opportunity to act responsibly. Not doing so encourages actions that violate the rights of individuals now and threatens the proper exercise of rights when the pandemic ends.
3. **Principle of Subsidiarity:** This principle demands that decisions be made at the lowest level of government possible. Under Canon Law, the pastor has both spiritual and temporal authority over his parishioners and is the administrator of his parish “*in all juridic affairs*” (Canon 532). This includes the scheduling and delivery of public Mass, as affirmed in the case law found from the Congregation for Clergy (c.f. Prot. N. 20091867, et al.). Because all sacred ministers (bishops, priests, deacons) have the individual obligation by virtue of their ordination to provide the sacraments “*to those who seek them at appropriate times*” (Canon 843§1), it is the obligation of the individual, sacred minister to determine whether a time is an appropriate time for the Faithful who have requested it. By encouraging his priests and deacons to make such decisions with prudence during a time of crisis, a bishop encourages the ministry of his priests and deacons, and also affirms the expectations of ministry as exemplified by Christ and protected within the conventions of the Church.
4. **Right to Receive the Sacraments is an Inalienable Right of the Faithful (Canon 213):** All sacred ministers (bishops, priests, deacons) have the individual obligation by virtue of their ordination to provide the sacraments “*to those who seek them at appropriate times, are properly disposed, and are not prohibited by law from receiving them*” (Canon 843§1). This obligation coincides with the Right of Divine Law for the baptized Faithful to receive the sacraments (c.f. Canon 213, 843§1).
5. **Compliance is not obedience:** Obedience is a virtue. As such, it requires a human act; that is, sufficient knowledge of the subject matter and its consequences, sufficient freedom to choose and act, and the proper intention to choose the object. Compliance does not require a human act and is not virtuous. All of us are bound to be obedient to the Good, but no obedience is due an authority who directs an act that is opposed to the Good (c.f. *Regulae iuris*, 69, et al.). Relative to obedience and in application of #1 above, when one in authority restricts rights, those affected are to interpret the restrictions strictly; that is, the letter of the law is applied with latitude given to the use of the right insofar as possibly allowed under the restriction (c.f. Canon 18).
6. **Obligation to act responsibly:** All of us have an obligation to form our conscience on specific issues facing us and make reasonable and responsible decisions founded on the Deposit of Faith, that is, the Word of God (Sacred Scripture and Tradition; Divine Natural Law and Divine Positive Law). If we do not take responsibility to act personally and responsibly in time of crisis, we contribute to the threat of losing personal freedoms and violating our obligations to God, neighbor, and self.
7. **Love casts out fear; perfect Love casts out all fear (1 Jn. 4:16).**

### **Caveats**

Before addressing questions and concerns, I believe it is important to recognize three things. First, each person will read this article with a personal ideology that influences their spirituality and priorities. Whether one agrees or disagrees with the opinions and suggested remedies here, I believe it is critical to recognize how this crisis has exposed weaknesses in the experience of Faith, Formation and Virtue within the Church, and the very negative effects these weaknesses cause in a time of crisis. The remedy for these weaknesses must be found within each person or the Church Militant will emerge from the crisis much weaker and in less condition to address the lasting issues of our day.

Ultimately, the remedy for these weaknesses are found within a personal relationship with Christ and His Church that is founded on the Word of God.

Do not let this crisis weaken your Faith. No matter what happens, draw closer to Christ through frequent reading of Sacred Scripture (I highly recommend the Psalms), making a daily examination of

conscience, and reflect on the place that God has prepared for you in Heaven (c.f. Lk 10:12). Ask God to give you a vision of Heaven and use that vision to guide what you say and do each day. If you do this, you will develop an attitude of perfect contrition and become an example of virtue to others.

Second, while it is not my intention to offend anyone's sensitivities about obedience, liturgy, or the reception of sacraments, I do intend to offer an explanation of essential principles that should guide prudent decisions. Because all good comes from God, and He cannot contradict Himself, nothing that is authentically good can be in contradiction with another authentic good. When such contradictions appear, there is generally a perception problem. When a person understands this, one learns to resolve conflicts between perceived "goods" by distinguishing between preferences and obligations; preferences that are morally neutral and obligations to that which is intrinsically good. In doing so, I hope the information encourages reflection on the necessity of the sacraments and how to resolve the current conflicts arising from such a widespread loss of availability of the sacraments.

Finally, I have heard it said that our bishops and priests who do not provide for public Masses and sacraments are cowards. Such a blanket statement is neither just nor helpful. I believe it reflects the weaknesses I identify above. Whether right or wrong, character judgments must not drive the rhetoric toward a remedy. If they do, the solution will be worse than the problems. Rather, let's look at some principles to consider so dialogue can be constructive and collaborative.

### **Exceptions are Not Normative**

This is an easy one to understand. The very nature of an exception is that it is outside the normal. This is what happens when a governor or president declares a state of emergency or gives some other exceptional status to a situation. The status granted allows powers to be exercised and control to be taken that normally would be prohibited. For example, on 13 March 2020, President Trump declared a national emergency under the 1988 Stafford Act. In doing so, he allowed the federal government to tap into a \$50 billion disaster relief fund. On 18 March 2020, the President invoked the Defense Production Act. This allows the federal government to marshal private sector production of necessary medical supplies and engage Department of Defense resources (in this case, two hospital ships) to better address the crisis.

In contrast, under Canon Law there are no special powers granted or invoked during exceptional situations. By his consecration, a bishop enjoys the fullness of the Power of Orders, and by appointment as a diocesan bishop, he receives specific mandate to use that power. Divine Law, both Natural and Positive, as well as ecclesiastical laws, regulate his use of that power. These realities do not change during times of crisis.

Being a legal system built on Divine Natural and Divine Positive Law principles, Canon Law utilizes dispensations, relies on the Principle of Subsidiarity, and upholds the primacy of conscience when exceptional circumstances occur. A prime example that many bishops and priests understand is the use of faculties in circumstances of war versus circumstances of peace. Army chaplains serving in war zones are typically not bound by certain ecclesiastical—man made—laws in order to make the sacraments more easily obtained by the soldiers they serve. This is done either by dispensation or by the granting of special faculties. In either case, when the circumstance causing the dispensation or special faculty ends, the dispensation or special faculty also ends.

Central to this point is that the dispensations and special faculties are granted so that the Catholic faithful have sufficient access to the healing graces of Jesus Christ in time of crisis. Put another way, when exceptional circumstances occur, exceptional measures should be taken by the Church to increase the opportunities for grace and the sacraments. That is the Mission of the Church.

During the COVID-19 pandemic, there are bishops doing the opposite. Rather than taking measures aimed at making the sacraments available in this time of crisis, they are issuing prohibitive laws to restrict

the sacraments. In many places, they are removing any possibility for certain groups of people to receive the sacraments. This not only violates the spirit of Canon Law and the Divine Rights of the Faithful, it also violates the very Mission of the Church. Of great concern is that these new, prohibitive laws will become the new norm when the crisis passes. One such example is the prohibition by many Latin bishops of receiving Holy Communion on the tongue. Another concern is that the non-use of some churches will lead to their definitive closure and sale.

As in times of war, bishops should use dispensations rather than prohibitions to address the pastoral situations occurring because of a pandemic. Dispensations are used to relax an obligation. They allow a person to choose whether or not to participate in a good when, for them, a disproportionate evil may result. As in a time of war, the use of dispensations has an evangelistic element that encourages subsidiarity and solidarity.

In consideration of the use of prohibitions versus dispensations, the norm of Canon 18 should be remembered: *Laws which establish a penalty, restrict the free exercise of rights, or contain an exception from the law are subject to strict interpretation.* In application, anytime a prohibition is used, the restrictions are subject to a strict interpretation. Any doubts about the interpretation or application of the prohibition must be in favor of one exercising the right.

The Principle of Subsidiarity permeates the structure of the Catholic Church and expects decisions to be made at the lowest level possible. The administrative and sacramental norms of the Church are built on this essential principle. It's a known fact that parishes within a diocese differ substantially, not just due to size and location, but also because of spirituality and cultural values. Because of these realities, the Church recognizes pastors to be administrators of their parishes and provides them certain discretion in the exercise of pastoral care and liturgical expressions. It's why parishes, even neighboring parishes, can be so different and still be Catholic. This is the Principle of Subsidiarity at work within the structure of the Church. What I am getting at is this: the pastors are in a better vantage point to make decisions on the celebration of Mass and other sacraments in their respective parishes during a crisis than anyone else. A bishop should be in close collaboration with his priests. Rather than issuing prohibitions, he should issue guidelines on the use of dispensations and special faculties to allow his priests the opportunity to make prudent decisions in the pastoral care of their own parishioners.

And, bishops should trust the conscience of the individual who, if properly directed by pastors, will make the right decisions in time of crisis. This is what the Church does in time of war; why not in time of a pandemic?

### **It all begins with Formation**

It is a divine truth that Jesus made Himself available to the sick and suffering and to those who were not. The passage cited above is the second record of Jesus healing a person in the Gospel of Luke. It comes immediately after He began His public ministry. He continues His ministry of healing even to the moment of His arrest, when He heals the ear of Malchus, the High Priest's servant (Lk. 22:50-51; cf. Jn. 18:10). Throughout the Gospels, He walked among those with fevers and those with leprosy. Jesus made Himself present to all.

As Catholics, we are taught to emulate the saints who, in imitation of Jesus Christ, gave their lives in care of the sick and suffering. That suffering, as we know, is redemptive when united to the suffering and death of Jesus Christ (2 Cor. 1:6; Phil. 3:10; Col. 1:24; Pope Saint John Paul II, *Salvifici dolores*, 11 Feb. 1984; cf. Catechism, arts. 1500-1510). It is also a matter of fact that illness, especially serious illness, becomes an occasion to consider death and its consequences. Depending on a person's life of Faith, that consideration of death will encourage a broad range of emotions from radical fear to confident tranquility.<sup>ii</sup>

From a human perspective, it is also a matter of fact that broad, sweeping changes that affect large numbers of people in ways they cannot control provoke fear and anger. When those changes isolate individuals, depression follows. These are the very social maladies that Jesus and His saints countered by their words and actions. They gave hope in times of despair, and peace of heart in times of alarm. When Jesus healed, He also taught. When the Apostles healed, they used the opportunity to preach the Gospel. The healings motivated an attentive mind and heart; the teachings planted seeds of Faith and instilled Hope. Today, that is what people in the pew expect from the Church and her pastors. It's what should happen now.

To avoid the anger and fear that results from broad, sweeping changes, the Church has always stressed the necessity of formation. It is a commonly known fact that the broad changes that swept the Church following the Second Vatican Council caused widespread, spiritual and moral distress. A principle cause of this was poor formation before changes were implemented. This not only allowed misunderstanding on the part of the faithful to occur, it also allowed many abuses to be perpetrated by those implementing personal ideologies and illicit changes. Some of those illicit changes became normative.

In this time of crisis, it is imperative that the faithful receive proper instruction on the “why’s” and “how’s” of changing norms. More importantly, the suffering must be viewed as redemptive, or the panic and fear will continue to drive the human response. What is needed is Faith and Hope. These can only be instilled if the pastors of the Church are engaged with the people—not isolated from them.

## **Dehumanization**

It is a recognized fact that the means of social communication used today dehumanize the experience of community. The Fathers of Vatican II warned of this phenomenon more than fifty years ago, and the rapid growth of the means of social communication have prompted numerous Vatican statements on the matter. When news moves quickly through social media platforms, it often moves faster than the human heart or reason can contain.

This is not to say that social media is intrinsically evil, but only to recognize its limitations. The news of the pandemic pervades all social media platforms, and it is driving a growing fear within the population. This fear is already turning to depression and anger as people are isolated. As intended by Christ, the Word of God and the Sacraments are the ordinary remedies for isolation, fear, and anger. Regrettably, as of the date of this article, the restrictions placed on the celebration of sacraments by many bishops in the United States are more radical and isolating than those imposed by State or Federal Governments. Specifically, the ban on large gatherings by many states do not apply to religious gatherings due to the First Amendment. While this is being tested in some places, like Louisiana and Florida, both the State of Ohio and the Governor of Texas identify religious gatherings as “essential” and not subject to the limits in number of people participating as other entities.<sup>iii</sup>

Of particular note regarding Texas Executive Order GA-14, the Governor’s office explained that religious services that could be conducted remotely should be, and those that required personal participation should follow social distancing guidelines. For a Catholic, and anyone else who belongs to a Church whose worship is sacramental, a key element of sacrament is “presence”. That is why the Governor’s office issued that clarification. Worship that is not a sacrament can take place over radio or TV, but people cannot receive Holy Communion or any other sacrament through means of social communication.

Additionally, a large number of parishes would never reach the size of a prohibited “large or mass gathering” as defined by their state. This is especially true if a bishop simply issued a dispensation from the obligation of attending Mass and encouraged the elderly, those with compromised immune systems, those exhibiting symptoms, and those who have reason to believe they have been exposed to the virus not to participate.

The consolations given to people at Mass are huge. As you know, the Mass is Jesus making Himself available to His people. The celebration of Mass and participation by the faithful in the Mass are ordinary means of salvation. Removing a significant source of Hope and consolation during such an isolating time will have a significantly damaging effect on the spiritual lives of many of the faithful. In many cases, it will be more damaging to the soul than the Coronavirus would be to the body. People are asking, “Why does my state government allow us to gather for Mass, but the Bishop will not?” People were especially upset over the loss of Holy Week and Easter Masses.

### **Prudent and Reasonable**

To paraphrase both St. Thomas Aquinas and a Principle of Law, authentic law is reasonable and prudent. Exceptional circumstances strain the reasonableness of general norms. Simply put, exceptional circumstances create serious difficulties, even impossibilities, for people to fulfill obligations. Our Lord says that His yoke is easy, and His burden is light (Mt. 11:30). Because the purpose of law is directed to our salvation, laws that are overly burdensome should be avoided. When a law becomes overly burdensome because of a temporary, exceptional circumstance, there are three possibilities that exist to alleviate the strain. These possibilities are built into the universal law of the Church.

*Ultra posse nemo obligatur.* This principle of law is translated, “No one is bound to the impossible.” It is applied in Canon Law in several places. For example, Canon 960 provides, “*Individual and integral confession and absolution constitute the only ordinary means by which a member of the faithful conscious of grave sin is reconciled with God and the Church.*” The canon goes on to say, “*Only physical or moral impossibility excuses from confession of this type.*” This allows the absolution of mortal sins to be given in a communal setting within war zones. It also allows absolution to occur during the celebration of the Sacrament of Anointing of the Sick when the person cannot speak, and it is presumed the person would want to be absolved. In both situations, an exceptional circumstance occurs, and the Church provides a means for the grace of salvation to be extended without offending or changing the usual conditions of ordinary circumstance. In fact, in a recent letter from the Major Penitentiary of the Catholic Church, the use of alternate ways to impart sacramental absolution is highly encouraged during this crisis.<sup>iv</sup> What is remarkable about his statement is that he expects the Sacrament to be celebrated, not prohibited.

This principle also applies to the other sacraments. It applies in any exceptional circumstance when a moral or physical impossibility denies a person the ability to fulfill an obligation. No dispensation is needed. What is needed is proper catechesis, and in some situations, broader faculties extended to ministers of the sacraments.

A moral impossibility exists for health officials to attend Mass if they are on duty during all available Mass times, even when no health crisis is present. This likely will occur for most healthcare workers during a health crisis. A moral impossibility to attend Mass on Sunday also exists for the elderly and those who are at risk of death if they catch the Coronavirus, as well as for those in quarantine or imposed isolation. Keep in mind, the sacraments are not intended to be burdensome but life-giving. The faithful should be educated on this point.

When an exceptional circumstance does not create an impossibility but does cause a fluid situation that could become an unreasonable burden for some while not for others, a prudent approach would be to issue a broad dispensation from the burdensome obligations. In these situations, ecclesiastical authorities can and should dispense from merely ecclesiastical laws that are available for dispensation. The Coronavirus does create a fluid situation for most of us. From day to day we may not know whether it is prudent to attend Mass or not. For a bishop to issue a general dispensation from the obligation of attending Mass on Sunday and holydays is a prudent measure. It allows each member of the faithful to make a personal and conscientious decision without fear of sin. It encourages greater prudence and

provides for an evangelistic opportunity. The dispensation should be written with a motivation that is clearly explained and encourages the faithful with words of Hope.

A third path that can and should be taken to alleviate the burden of exceptional circumstances is for a bishop to rely on the Principle of Subsidiarity and extend broader faculties to his priests. These broader faculties should focus on the specific needs caused by the crisis. The bishop should also engage his priests in continual dialogue and provide for them guidelines and directives on how to apply the broader faculties so that the widest number of people possible will benefit from the graces of the Church during a time of crisis. The guidelines and directives should not be prohibitive as much as they are respectful of the Divine Right of the Faithful to obtain the graces of salvation from the Church, particularly through the Word of God and the Sacraments (Canon 213). If the directives become too restrictive, the bishop would deny the Faithful that which is a Divine Right and violate his own obligation to provide the sacraments. Because this touches on Divine Law, such restrictions must be avoided.

## **Other Considerations**

As noted above, curses ought to be restricted and blessings ought to be multiplied. This Principle of Law has always been the foundational principle used to determine the dispensation of sacraments and grace. It is unprecedented that Church authorities would use a health crisis to close churches and ban the public celebration of Mass and other sacraments. By doing so, the effects of sin have been multiplied; that is, a separation of the Faithful from the ordinary means of salvation. In keeping with the Word of God and the Principles of Law, this norm should be applied generously during the COVID-19 pandemic as decisions are made regarding the availability of the sacraments.

A danger of death that exists because of the COVID-19 pandemic is the primary motivation used to prohibit the public celebration of the sacraments. What makes this so ironic is that the universal law, in application of Divine Law, broadens the availability of the sacraments when there is a danger of death. On this point, one must understand a distinction; danger of death is not point of death.

In common understanding in Canon Law, danger of death refers to a change of circumstances in which the possibility of death has become a legitimate concern. For example, a soldier in the reserves but stationed on home soil during a time of peace is in no more danger of death than most ordinary people living in peace. If he is called up to serve in a place of conflict and is preparing to leave in 24 hours, he is now in danger of death. His ordinary circumstances changed and increased the probability of his death to a legitimate concern. This probability does not mean certainty. Point of death means just that; a person is very near death with a certainty of death. Undoubtedly, plagues and pandemics can and do create a danger of death for the general population affected. Specifically, the Code of Canon Law provides the following norms for the distribution of sacraments in danger of death:

1. For Baptism, *“in a case of necessity, any person with the right intention, confers the sacrament licitly”* (Can.861§2). *“Case of necessity”* is not as serious as danger of death and would apply in the COVID-19 crisis. This is clear from the text of this and other canons. In Canon 861, the Church exhorts pastors to teach the faithful how to validly and licitly confer Baptism in cases of necessity. It’s simple. While pouring clean water over the head of the person to be baptized, the minister says the words, *“I baptize you (using the name of the person is optional) in the Name of the Father, and of the Son, and of the Holy Spirit. Amen.”*
2. For Confirmation, any presbyter can confer this Sacrament in danger of death (Can. 883.3).
3. For Confession, *“Even though a priest lacks the faculty to hear confessions, he absolves validly and licitly any penitents whatsoever in danger of death from any censures and sins, even if an approved priest is present”* (Canon. 976).
4. For Anointing of the Sick, which is only to be conferred in danger of death, *“Every priest and a priest alone validly administers the anointing of the sick”* (Can. 1003§1). The Canon goes on to give permission for any priest to carry blessed oil for this purpose.

It is important to understand two things about these faculties granted by the Church. First, they cannot be suspended by a bishop. Second, the terms “*every priest*” or “*any presbyter*” refers to any man validly ordained a priest, including priests who have returned to the lay state. In fact, when such priests receive their indults in which they become laity, those indults specifically note the exceptions to celebrating the sacraments as identified in the canons cited above. What does this mean? It means in times of a pandemic such as this, priests who have had their faculties suspended or removed, and those priests who have been returned to the lay state, or those priests and bishops in schism, can confer Confirmation, hear confessions and absolve from both sins and censures, and anoint the sick. Because Faith is a gift freely given by God, these men would have an obligation to do so.

Let me put this into perspective. A man is ordained a priest, but later left the priesthood to marry and raise a family. It is important to note that the priest may even have left without permission and be laboring under a censure of suspension or even excommunication! It does not matter. What matters is, he was validly ordained and he has the right intention to confer these three sacraments. Even if he has not celebrated a sacrament in decades, the Church grants him the faculties to hear confession and absolve a penitent in danger of death—even if another validly ordained priest is present—as long as the penitent chooses the irregular priest to do so. That same priest can anoint and confirm those in danger of death. He can do so for his family and friends. He can do this for anyone. And, he should do it for anyone in need.

For those priests who have lost their faculties for any cause, the following link provides the form for these sacraments they are allowed to celebrate for the Faithful who are in danger of death: [www.catholicnewsagency.com/resources/prayers/circumstantial-prayers-and-blessings/reception-of-sacraments-by-a-person-in-danger-of-death](http://www.catholicnewsagency.com/resources/prayers/circumstantial-prayers-and-blessings/reception-of-sacraments-by-a-person-in-danger-of-death).

As a further point of consideration for the Faithful, Canon 844§2 provides:

*Whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, the Christian faithful for whom it is physically or morally impossible to approach a Catholic minister are permitted to receive the sacraments of penance, Eucharist, and anointing of the sick from non-Catholic ministers in whose Churches these sacraments are valid.*

“*In whose Churches these sacraments are valid*” include any Church whose bishops and priests remain in apostolic succession and have not entered heresy. Though in schism or irregular, these priests and bishop retain the Power of Orders and, in the circumstances noted in Canon 844§2, the Faithful are permitted to receive those three sacraments. Some examples of these Churches would include any of the Orthodox Christian Churches (Greek Orthodox, Russian Orthodox, etc.) and the Society of St. Pius X (SSPX). I note that there are many Eastern Catholic Churches that are part of the Catholic Church, and a Latin Catholic should attend one of these Churches if available rather than attend a Mass or sacraments offered by a schismatic or irregular Church. If a member of the Catholic Faithful were to exercise their right to obtain the sacraments under these circumstances, the Faithful would be obligated not to participate in that Church any more than necessary to receive the sacraments.

I note that some are comparing the imposition of national interdicts to the current need to prohibit the public celebration of Mass. This is absurd. It’s like comparing apples to a rock. Interdict is a censure; a specific type of penalty issued with the primary intention of causing someone in error to repent and return to the true Faith. When the Holy See placed whole nations under interdict, it occurred centuries ago during political upheavals that affected the practice of the Catholic Faith. The act is better compared to God sending plagues and disasters to call His people to repentance. In contrast, the prohibitions issued against celebrating Mass publicly do not affect the priests’ ability to celebrate Mass and receive the sacraments—interdict did. Also, the current prohibitions were not issued by the Holy See because whole countries of people had violated Faith or Morals and needed to repent. The



prohibitions have been issued by individual bishops to keep people out of the pews. I note that in many places in Europe, Masses are not celebrated publicly because of the prohibitions issued by the civil authorities, not because of the prohibitions issued by the bishops. In our country, we suffer from prohibitions issued by bishops even while some civil authorities are calling religious services “essential”.

Finally, one of the greatest obligations of a priest is to ensure that the Blessed Sacrament is not subject to profanation or spoilage. Consecrated Hosts are to be consumed within a timely manner so they do not spoil in the tabernacle (Canon 939). The general norm is to renew the Sacred Species monthly, although this is not an obligatory time period. What is obligatory is to ensure that the Blessed Sacrament does not spoil. Temperature and humidity in a tabernacle play a large role in how frequently the Sacred Species must be consumed and renewed. In churches where temperature and humidity are not controlled, spoilage can occur in less than a month. However, the date on which a church was closed does not necessarily coincide with the date from which to begin counting for a suitable period before consuming and renewing the Blessed Sacrament. Rather, consideration must be made from the earliest time a Consecrated Host was reserved. Without public Masses occurring or visits to the sick and shut-ins, the number of Consecrated Hosts subject to spoilage has increased.

### **Possible Resolutions**

When a bishop contemplates granting broader faculties, dispensations and providing guidelines, the actual situation on the ground must be considered. Because curbing the spread of the Coronavirus is a significant concern, the reasonable measures identified by health officials should be implemented by pastors when they celebrate Mass and the other sacraments. For example, a presiding priest could ask that only families or those in the same social environment sit in the same pew, and every other pew remain empty. A dispensation from the priest distributing Holy Communion could be granted, allowing older and more vulnerable priests to remain on the altar alone throughout Mass. A dispensation could allow a deacon or an extraordinary minister of Communion to self-communicate after the presiding priest has taken the Blessed Sacrament and be the only one to distribute, especially if the presiding priest is vulnerable due to age or medical condition. This arrangement already occurs during a communion service in which an extraordinary minister self-communicates. This would allow older priests to avoid close contact with anyone during Mass. Even allowing a priest to wear a mask during the Mass would not affect the validity of the Sacrament and ease the ecclesiastical requirements during such a crisis. Though not preferable, even allowance for ministers of Communion to wear gloves while distributing would be more appropriate than offending the right to receive the sacraments.<sup>v</sup> Providing hand sanitizer at the back of the church for general use while exiting the church would be a prudent measure. Holy Water could be removed from the common use fonts, but still be made available in tanks to be poured into bottles and taken home for private use. These and other prudent measures could be provided as guidelines by a bishop, while reserving to individual pastors the use of such measures as common sense and parish circumstances demand.

The key point to remember is that all prudent measures should be exhausted before a bishop begins to restrict rights; and the provision of Mass and the sacraments should never be denied the faithful altogether. Such an act runs completely contrary to the Mission of the Church. It’s one thing if civil authorities enact emergency measures that disallow people from attending Mass. That would cause a moral impossibility to attend, and the proper response of a bishop or priest would be to communicate words of encouragement and Hope to their people. It’s quite another issue when the civil authorities allow the Mass and sacraments to be provided—even calling them “essential”—but a bishop does not.

### **Questions Answered**

I turn now to apply the principles noted above and answer some of the questions we have received.

1. Does a diocesan bishop have the authority to cancel “non-essential” activities in a parish, such as Stations of the Cross, CCD, bible studies, etc.?

Generally speaking, no. A pastor is the administrator of his parish. Under jurisprudence, it is the pastor, not the bishop, who can set Mass schedules. I have won and lost cases because of that jurisprudence. That being true, it would be the pastor, not the bishop, who is entrusted with making decisions about what is essential and what is not. He should do so with guidelines from the bishop, but not prohibitions. This is the principle of subsidiarity at work. The pastor should also prudently weigh the circumstances, risks and benefits associated with his decision.

2. What are the canonical issues involved with a bishop shuttering churches and suspending all public Masses?

For a bishop to do this, he must issue a decree that is motivated in fact and specific to the circumstances he is addressing. The decree must be properly promulgated and thereby actionable; that is, open to challenge. More at issue is that the faithful have a Divine Law right to the sacraments. Personally, I do not believe such a directive is legitimate but the circumstances for appeal would be too burdensome and probably not resolved until after the pandemic has passed. For this reason, the Faithful are encouraged to find other, more favorable ways to obtain the sacraments while also petitioning their bishop to provide the sacraments. The Faithful should also use acceptable means to persuade a bishop to allow public Masses with prudent measures implemented.

3. What canonical arguments exist in favor of a pastor continuing to celebrate the sacraments for his people?

See #2 above. The vocation of a pastor is to minister to the spiritual needs of his people out of the Word of God and the Sacraments. Just as a parent’s obligations to children are not suspended when a crisis occurs, neither is a pastor’s. The Faithful have a right to receive the sacraments, and this places an obligation on a priest to provide them. In danger of death, the obligation to provide is extended to those priests who no longer have ordinary faculties.

4. Can a person be required to receive Holy Communion in the hand during the Coronavirus?

No, not legitimately. This will be disputed, and the person refused Holy Communion will likely not see a decision in their case until after the crisis is past. A greater concern is that such refusal will become normative. If a person is refused Holy Communion on the tongue, that person will be faced with a hard decision to appeal or not. The SJF is ready to assist anyone in making that discernment.

5. What is necessary to confect the Eucharist, as opposed to what may be in the rubrics or a part of custom?

As per any sacrament, to confect the Eucharist requires valid matter, form, and intention. For the Eucharist, valid matter is unleavened bread (in the Latin Church and most Eastern Catholic Churches) and pure grape wine. The form is the words, “*This is My Body*” and “*This is My Blood*” said at the appropriate time. The priest must intend to confect the Eucharist. The “breathing” on the species during consecration is a beautiful custom but is not obligatory. Consequently, a priest who wears a mask during the celebration of Mass, or distributes Holy Communion with gloves, or uses other precautions that do not affect the matter, form or intention, do not harm the validity of the Mass. Such precautions should be taken in collaboration with the bishop.

6. Can a priest use soap or hand sanitizer during the purification of his hands during Mass?

The rubrics call for water. Adding lemon juice or even isopropyl alcohol to the water as a disinfectant would not, in my opinion, affect the liceity of the act. Doing so would be far less offensive to the rubrics than wearing gloves to distribute Holy Communion, which itself could be reasonable during this crisis.

7. Can extraordinary ministers be used in lieu of the presiding priest so the priest can remain socially distant and lessen the risk of being exposed to the virus? Can extraordinary ministers self-communicate for the same reasons?

Yes to both. These measures should be taken in collaboration with the bishop, but if such collaboration is not possible, a presiding priest can make those decisions in extraordinary circumstances. None of those examples affect the validity of the Sacrament.

8. Should a priest disobey his bishop if his bishop orders that all public sacraments are to cease?

This is a tricky question for some and easy for others. The answer should not be taken lightly. A priest vows obedience to his bishop, so the question behind the question is, “What is the obedience he vowed?” As a virtue, obedience flows from Justice. It is giving to authority what is due that authority. As Christians, all of us must be obedient to lawful authority. It’s part of what we believe. On the other hand, all authority has limits, and the first limits that must be respected are the limits imposed by Faith and Morals. When that authority acts in a manner contrary to Faith or Morals, we have no obligation to obey. He may have the power to act, but such acts are illegitimate insofar as they violate Divine Law, either Positive or Natural. The right of the Faithful to receive the sacraments is a matter of Divine Law. Whether providing them at a particular time is appropriate or not is something the minister of that sacrament must determine at that time. If a bishop prohibits the public exercise of sacraments during this crisis, and a priest has concerns, the priest should prayerfully consider the circumstances of the prohibition as they relate to him and the people under his care. He must consider the norm of Canon 18 and other applicable laws, what faculties the Church provides, what opportunities for grace exist for the people, and what his options are. He should express his concerns to his bishop, even asking the bishop to reconsider if necessary. If he chooses not to obey the directive, he must be certain in his conscience that he is being obedient to God. Put another way, a priest should always obey a *legitimate* directive from his bishop.

### **“Perfect Love casts out fear” (1 Jn. 4:18)**

God calls us to repentance. The Word of God tells us that He calls whole nations to repentance and He does this by sending plagues and disasters as warnings (c.f. Lev. 26:21; Mt. 24; Mk. 13; Lk. 21; Rev. 15). We are social creatures, so the just suffer along with the unjust on this side of Heaven. Each time God sends His warnings, He gives the people a chance to repent and turn back to Him. Most appropriate to meditate on in this crisis is the repentance of King David after he took a census of the people (2 Chron. 24). I encourage you to read the story. God had forbidden the taking of a census. David disobeyed. Sounds like a small thing to us, especially living in a culture of death that more closely resembles Sodom and Gomorrah than the Golden Age of the Davidic Kingdom. Because of this seemingly small thing, God sent a plague upon the people. King David repented, and the Prophet Gad told him to make a sacrifice in a specific place outside the Temple of Jerusalem. David made the sacrifice and the plague ended.

I am heartbroken over the unfolding news of bishops prohibiting all public exercise of the sacraments, restricting priests from administering Anointing of the Sick or hearing confessions, and the stories from priests and laity who struggle to find meaning during this crisis. In the past, Catholics have suffered from pandemics, plagues, wars, and other social maladies that prohibited the faithful from attending Mass in a church. When those things happened, the bishops and priests went to them. It is unprecedented that in a time of crisis, so many bishops are choosing to close churches when they do not have to, or prohibit the exercise of sacraments without coercion from secular laws or institutes. It doesn’t have to be this way. As we struggle through this difficult time, I encourage each of you to remember two things. First, each of us has an intrinsic goodness and purpose for salvation that is part of being made in the Image and Likeness of God. Do not let this crisis distort your participation in God’s plan. Whether one is a bishop, priest, deacon, religious, or lay, how we choose to respond will become either

a source of Love or fear for those who witness our example. Whether you write a letter to your bishop as I have done or choose to encourage others with prayer and words of kindness (which I have also done) act with Love. If you do, that Love will drive away the fear that surrounds you. Love will bring clarity to what God expects of you.

Finally, be encouraged by the example of the Japanese Catholics. When Toyotomi Hideyoshi completed the reunification of Japan in the late-16th Century, he viewed Christianity as a threat. In 1587 he banned Catholicism. All priests were martyred or exiled, and for over 250 years the Japanese Christians had no sacraments except Baptism and Marriage. The laity were isolated, and it was widely believed that Catholicism had been eradicated in Japan. When Franciscan missionaries were allowed to return to the island in the mid-19th century, they found thousands of Catholics waiting to be ministered to. Miraculously, the lay Faithful of Japan had handed down the Faith of their forebears for over 250 years. The Mysteries of the Rosary had served to teach their children not only the core of the Gospel, but how to pray and how to believe. God's grace proved sufficient to preserve the Faith in dire circumstances. His grace will prove sufficient for us today. Sometimes, we do not hear the end of the story that we are part of, but we contribute to that end by our lives. Let that contribution be one of Love; of self-sacrifice.

Each of you are very dear to me. I pray for you every day and hope to meet you either here in this life or in heaven. In this time of crisis, I remember you in a very special way. Let us remember each other. Let us join this suffering with the Cross of Jesus Christ and make it redemptive.

God bless you all; St. Joseph keep you.

---

<sup>i</sup> A more literal translation could be: *All things odious ought to be restricted and all things favorable ought to be multiplied.*

<sup>ii</sup> For a brief summary of these truths, I encourage you to read the Catechism of the Catholic Church (Catechism), articles 1500 – 1510. For a fuller presentation, read the source texts for these articles.

<sup>iii</sup> In Ohio, the Director of Health's "Stay at Home Order" always recognized religious entities to be exempt. In the 2 April 2020 Amended Order, religious gatherings—even funeral and weddings—are identified as "essential" (Art. 12e). C.f.: <https://coronavirus.ohio.gov/static/publicorders/Directors-Stay-At-Home-Order-Amended-04-02-20.pdf>. In Texas, the Governor issued an executive order (Texas Executive Order GA-14) on 31 March 2020. He identifies religious services to be essential.

<sup>iv</sup> His Eminence Mauro Cardinal Piacenza, Major Penitentiary, "*Note from the Apostolic Penitentiary on the Sacrament of Reconciliation in the current pandemic*", 20 March 2020.

<sup>v</sup> Though I do not have a citation, it is my understanding that this practice has occurred in certain times and places within the Church. Linen gloves could be worn and given the same treatment as corporals and other sacred cloths. Medical gloves could also be used and washed in the same way as one's fingers should be washed after distributing the Blessed Sacrament. Medical gloves would prove less likely for particles of the Host to stick to one's fingers.