

## **Revisiting Communicatio in Sacris: Mounting evidence that Traditionalism is dead in the water**

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### **Introduction**

Below is the title page for yet another dissertation written on the communication of Catholics with non-Catholics, a work written prior to Rev. Ignatius Szal's dissertation so often quoted on this site. This most recently discovered dissertation, however, is more specific regarding non-Catholic sects in general, being written for the author's doctorate in sacred theology. Szal's work was written more from a canonical standpoint, since he was writing it for his licentiate in Canon Law. Written five years before Szal's work, the author in his preface thanks Rev. Francis Connell and Rev. Joseph C. Fenton for their help in compiling his treatise. The influence of these two theologians is obvious, as distinctions are made and dogmatic lines held fast, something not always true in other works. While this work contains nothing that disputes any of what is found later in Rev. Szal's work, it provides the historical foundation for the teaching of Can. 1258 regarding the true definition of what constitutes the actual violation of this canon as reflected throughout the ages, and carries it throughout the dissertation.

Traditionalists offering opinions solely off the top of their heads on these matters and failing to ground their "teaching" in scholastic theology and Canon Law teach error and are not operating within the framework of the one, true Church. The authors approved by the hierarchy to teach on such matters, especially those consulting theologians personally commended by Pope Pius XII, are the ones we must believe, not some half-baked lay leader or self-appointed "priest" or "bishop," who never even have received valid orders. Once their works are examined closely and thought out by the reader, it becomes clear that Traditionalists fail to offer dogmatic proofs to justify their much-touted "mission." They are steeped in mortal sin and are leading others astray, they are part of the problem not the solution. And while they claim to be of good will, there is absolutely no evidence existing to prove this. For decades they have held gullible Catholics hostage to the belief that without Mass and Sacraments there can be no graces to save their souls, and the alleged teaching of the Vatican Council, that "the Church, as it was constituted by Christ, will last until the consummation," hence the need for their "clergy."

But this indefectibility was never guaranteed to any bishops outside communion with the Roman Pontiff. Rome and its diocese alone was guaranteed indefectibility; we have no infallible bishops or priests. What is stated below in this dissertation will help bring the level of evidence on the impossibility of the Traditionalist movement's Catholicity to the level of critical mass. Not that it was not already more than proven beyond a reasonable doubt, but the preponderance of evidence alone should at least begin to weigh on the minds of those who yet have eyes to see and ears to hear.

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# COMMUNICATION IN RELIGIOUS WORSHIP WITH NON-CATHOLICS

A DISSERTATION

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BY THE

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## **Preface (Preliminary notions)**

In the preface to his work, Rev. Bancroft defines non-Catholics in the wide sense as “all those who do not profess the Catholic religion.” He says non-members of the Catholic Church are treated in his work as those who: “(1) have not received valid baptism of water; (2) those who do not exteriorly manifest a profession of the true faith; (3) those who are not bound by the bond of Catholic communion... The so called Christians of the various sects...are either infidels, that is not validly baptized, or heretics, at least material, depending on whether they have formally or only materially rejected Catholicism, (it is common teaching that even material heretics and schismatics are not members of the Church.) Not being a member of the Catholic Church is not the same as not being a subject of the Catholic Church. For every validly baptized Catholic is *de jure* a subject of the Church...Communication and participation are used interchangeably in this study...”

### Historical summary

Rev. Bancroft cites the Scriptural admonitions and the early Fathers' condemnations of associating in any way with heretics, carefully documenting the general attitude on this matter up to the time of Pope Martin V. This Pope's constitution, "Ad Evitanda," is a document much misused by Traditionalist leaders and their "clergy" to convince followers that they can seek the ministrations of heretics and schismatics without any twinge of conscience. But as Bancroft notes, those excommunicates in the 1400s were mainly *tolerati*, and the application of the law soon changed according to times and circumstances. Pope Benedict XIV taught that Catholics could only receive the Sacraments from tolerated heretics when "(1) ***A most grave and urgent cause*** compels a Catholic to do so; (2) The heretics and schismatics who are to administer the Sacraments are ***validly ordained***; (3) No external profession of false doctrine is involved; (4) No scandal is given." Bancroft then admits that, "Some theologians have been liberal in applying the constitution Ad Evitanda," adding, however, that: "All took care not to allow any violation of the divine law." He quotes Abp. Kenrick as follows: "It is not allowed to communicate *in divinis* with heretics or schismatics; for although some theologians, interpreting the constitution of Martin V generously, taught it was licit at times, all admit it is wrong whenever it carries with it ***the profession of a false dogma, or the recognition of a usurped office***: which generally happens." Both apply to Traditionalists, who have, indeed, violated divine law.

Next, Rev. Bancroft cites Pope Pius VI's Charitas, as follows: "He warned the faithful to 'avoid all usurpers, whether they were called archbishops, bishops or pastors, in such a way as to have nothing in common with them, especially in sacred matters.'" These and other developments eventually resulted in the codification of law that became the 1917 Code of Canon Law. Canon 1258 forbidding *communicatio in sacris* reads:

"§1. It is unlawful for Catholics to assist actively in any way at, or to take part in, the religious services of non-Catholics.

§2 A passive and merely material presence at funerals and weddings and similar solemnities of non-Catholics may be tolerated for the sake of civil duty or honor, because of a grave reason, (to be approved by the bishop in a doubtful case), provided there is no danger of perversion or scandal present."

Commenting on the paragraphs above, it should first be noted that according to Pope Benedict XIV's dicta, even though a grave and urgent cause may exist, there are certainly no validly ordained priests from whom to seek the Sacraments today. Even some Traditionalist groups are admitting this belatedly. Secondly, as Abp. Kenrick notes, such recognition almost always involves the recognition of a usurped office. While such offices may not be claimed by Traditionalists *per se*, they have set up their own churches, presenting themselves as Catholics just as the Anglicans first did. This is the equivalent thereof. They may not name which specific office they intend to occupy, but they are publicly substituting for those who once held them.

The good will that Traditionalists claim to possess is explained in its particulars according to the norms of moral theologians in Bancroft's next section.

### **Immorality of *communicatio in sacris***

Three conditions must be present for a person to incur responsibility for an evil external effect. 1) The person must, even confusedly, foresee the effect. 2) He must be able not to place the cause or be unable to remove it once it is placed. 3) He must have an obligation **not** to place the cause and the effect of the cause must be bad both in itself, and by reason of the obligation to avoid it. To avoid the evil moral effect of such an act, since sometimes things not permitted are allowed, the act committed must be good or at least indifferent; the evil effect must not be intended as either a means or an end; the good effect must at least follow along with the bad and a proportionately grave reason for placing the cause must exist. But none of this is true concerning the reception of the Sacraments from the hands of the unworthy or those not priests or bishops! The act committed (seeking Sacraments from one not authorized by the Church) is evil in itself; the evil effect may not be intended, but it very much is used by Traditionalists as a means to an end — the Sacraments at any cost. NO good effect follows, only sacrilege for both “priest” and people. And as Bancroft later states, no one is ever obliged to receive the Eucharist or Penance from one not certainly possessing both orders and (at least supplied) jurisdiction, removing any excuse for a “grave cause.” As Bancroft states later on page 92, Catholics sin gravely by receiving invalid or doubtfully valid Sacraments, or by requesting the Sacraments without sufficient grave cause to do so.

Not only does the prohibition to participate in non-Catholic worship apply to sects such as Islam, the Jews and others, it applies as well to “worship Catholic in form...under the auspices of a non-Catholic body...(i.e., Mass by a schismatic priest.) It expresses either faith in a false religious body or rebellion against the true Church...Ordinarily ***communication in the Sacraments with such validly ordained, but schismatic or heretical ministers***, even when a Catholic rite is used, involves a betrayal of the Catholic religion; ***it implies a recognition of the authority of the minister and the sect.***” And there, in a nutshell, is the problem. As has been demonstrated repeatedly on this site, at the very least we must have serious doubts that any of these men ordained and/or consecrated by Lefebvre, Thuc, Shuckhardt or any other alleged Traditional or Orthodox “bishop” truly became priests or, if validly ordained, became bishops. Surely Traditionalists realize that by recognizing these men for decades as true representatives of the Catholic Church outside the communion of the pope they have engaged in false worship. If this is not the case then they were never Catholic to begin with, having denied all those truths so clearly taught by the Vatican Council. Those rare, few priests now calling themselves Traditionalists, validly ordained under Pius XII, could perform one act and one act only for Catholics according to Bancroft, (and this would apply only if a true pope existed): They could absolve in danger of death. But because there is doubt that even this act could be validly placed, we believe that Catholics are better off relying on a Perfect Act of Contrition and Spiritual Communion. Bancroft himself, as did Szal, mentions this in his work.

As regards the Orthodox, it is important to note here that, as Bancroft relates, “The Congregation for the Propagation of the Faith, in dealing with this matter of communication with heretics or schismatics of the Orient, mentions that there is scarcely any rite among them which is not tainted with some error in the matter of faith, for in

their churches there is either dedication in memory of some schismatic who is venerated as a saint, or feasts are celebrated for those who died in schism, or there is commemoration of living schismatic and heretical Patriarchs and Bishops, who are commended as preachers of the Catholic faith,” (“*Instructio pro Missionariis Orientis*,” 1729). If they were perverted already then, nothing in way of validity can remain today. Certainly we see here the heresy of “*una cum*,” which explains why no one can attend Novus Ordo services. Also if any Traditional “bishop” or “priest” is mentioned in Traditional services, far less the current usurper in Rome, the same applies, remembering that already these services are forbidden outside such mention for other grave reasons.

### **Private and public communication**

Especially if done for reasons of or even the hope of conversion, or simply in the course of daily activities, Bancroft exempts formal private religious communication with non-Catholics from any prohibition, as long as there is no perversion of faith or morals or scandal involved. This applies also to the use of the form and methods chosen for private (approved) devotions, providing all danger of perversion is removed and there is no scandal. Here he notes that Can. 1258 is concerned only with public communication. To learn about the parameters of public communication, Catholics should read the article by Rev. Francis Connell written on this topic and posted with this article.

### **Canons 2261 §2 and §3; Canon 882**

Rev. Bancroft explains the history surrounding the deliberate confusion Traditionalists have created around the permissions granted under Can. 2261 §2. He cites the Council of Trent as the milemarker in permitting (validly ordained) heretics, schismatics and apostates to absolve in danger of death, but only in extreme necessity, i. e., when no other minister is available. Note here the caveat, ***validly ordained***. He writes: “After the pronouncement of [the Council of] Trent, some authors excluded certain priests, for example heretics, from jurisdiction, even in *articulo mortis*. Suarez holds that heretical priests have jurisdiction in such a case, but as long as they remain in heresy, they are unworthy to administer the sacraments.

[However] in danger of death the penitent need not be disturbed over the unworthiness of the minister,” because in *articulo mortis*, the penitent is ***obliged*** to receive the Sacrament of Penance, providing he can locate a certainly validly ordained priest. But this is true only if there is no danger the non-Catholic priest will abuse the Sacrament, the faith of the penitent will not be perverted, no scandal is given and the penitent shows no approval for the priest’s sect. If any of these conditions exist, the penitent receives the Sacrament illicitly but validly. This is true, however, only if there is a canonically elected pope to supply the necessary jurisdiction.

### **Sources of jurisdiction**

Rev. Bancroft notes that in the case of extreme necessity, “jurisdiction is delegated to a (validly ordained) priest by the law itself. This is known as supplied jurisdiction... ***It is conferred only in the very act of confession and is afterwards removed.***” Remember, such a priest is able to confer only the Sacrament of Penance in this extreme necessity, and then the jurisdiction is removed. There is no “lingering,” extraneous jurisdiction for

any other Sacrament, far less celebration of the Holy Sacrifice. This is because this concession in the case of extreme necessity is an exception to the law, and exceptions, Canon Law teaches, are to be interpreted strictly. Bancroft concedes that the source of jurisdiction for absolution in danger of death has been controverted among the authors, but cites Trent as demonstrating that "this Tradition has risen from the Church, and is at most an apostolic tradition. All the documents granting this jurisdiction indicate that it is a grant of the Church. In giving this jurisdiction, the Church has always prescribed an order and manner to be observed. *Therefore, its actual grant is not immediately from Christ, but it has been given to His vicars, who are bound by the divine, and even natural, precept of charity to provide sufficiently for the necessity of the faithful.*" So in stating that the law itself provides jurisdiction, Bancroft really is saying that the lawgivers [Christ's vicars] are providing jurisdiction, for how can a law be a law unless it issues from the lawgiver?

Below, Bancroft surveys the affect of *communicatio in sacris* on the Sacraments.

## Baptism

in its irreverent administration. He sins gravely who asks for or receives a sacrament from a minister who will administer it invalidly, or with doubtful validity, because he directly induces, or co-operates in, an act which is intrinsically wrong. He sins gravely, too, who asks for or receives a sacrament from an heretical or schismatic minister as such, because of the formal religious communication involved; this excludes cases of extreme necessity when the non-Catholic minister receives authorization from the Church in certain conditions.<sup>154</sup>

### B. Baptism

#### 1. Non-Catholic Ministers

Baptism of water in reality, or in desire, is necessary for the salvation of all men with a necessity of means.<sup>155</sup> The baptism of desire will not suffice, if it is at all possible to receive baptism of water. This is true even if one has been mortally wounded as a future martyr of the faith, and there is still an opportunity to baptize him with water. Baptism, then, admits of cases of extreme necessity, for example, when a baby is in danger of death and has not been baptized.

If there would be a possibility of solemn Baptism in a case of extreme necessity, which will rarely happen, only a Catholic priest, or a deacon who has at least legitimately presumed jurisdiction, may administer it.<sup>156</sup> When only private Baptism can be administered, the Church lays down definite norms to determine who is to be the minister:

If a priest is present, he is to be preferred to a deacon, a deacon to a subdeacon, a cleric to a lay person, a man to a woman, unless for the sake of decency it is more becoming for a woman rather than a man to baptize, or unless a woman knows the form and manner of baptizing better.

It is not licit for a father or a mother to baptize their child, except in danger of death, when there is no one else present who may baptize.<sup>157</sup>

<sup>154</sup> Cf. Merkelbach, *op. cit.*, Tom. III, n. 79, 1 and 2, p. 72.

<sup>155</sup> This is *de fide*, Trent, Sess. VII, canon 5, *DB*, 861; Sess. V, canon 4, *DB*, 701; Sess. VI, Cap. 4, *DB*, 796.

<sup>156</sup> Canons 738, § 1, and 741.

<sup>157</sup> Canon 742, § 2, and § 3.

Lehmkuhl says that this rule is to be understood in the sense that any faithful member of the Church, whether a man or a woman, provided the manner of baptizing is known to the person, is to be preferred altogether to any heretic, schismatic, or *vitandus*, even a priest.<sup>158</sup> Cappello is equally definite, for he says that Catholic laymen are certainly to be preferred to heretics and schismatics, even clerics.<sup>159</sup> As a basis for this opinion he cites a response of the Holy Office, wherein it was stated that schismatic priests were not to be permitted to administer the sacrament of Baptism except in a case of necessity when no Catholic at all was present.<sup>160</sup> Merkelbach states expressly that Baptism may be received from a non-Catholic minister only in extreme necessity, and in the absence of a Catholic layman.<sup>161</sup> When a priest is a minister of an heretical or a schismatic sect, the possibility of scandal must be taken into consideration, as well as the danger of perversion in the case of the baptism of an adult, and, also, that other Catholics can easily look upon such communication as a profession of a false sect.<sup>162</sup> It would be grave sin *per se* to prefer an infidel, an heretic, a schismatic, or a *vitandus* to a Catholic layman.<sup>163</sup> Lehmkuhl makes a priest of a non-Catholic sect equal to a *vitandus* for practical purposes, so there will be the same morality in preferring him to a Catholic layman.<sup>164</sup> When there is question of a choice between lay non-Catholics and non-Catholic

<sup>158</sup> *Op. cit.*, Vol. II, n. 93, p. 54. Cf. St. Alphonsus, *op. cit.*, Lib. VI, n. 117, Dub. 2<sup>a</sup>, ed. Gaudé, Tom. III, pp. 103-104.

<sup>159</sup> *De Sacramentis*, Vol. I, n. 147, p. 127.

<sup>160</sup> August 20, 1671, *Coll. S.C.P.F.*, Vol. I, n. 198, p. 69.

<sup>161</sup> *Op. cit.*, Tom. I, n. 755, (2), p. 584.

<sup>162</sup> Lehmkuhl, *op. cit.*, Vol. II, n. 72, III, p. 42. Cf. De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 161, *op. cit.*, Tom. I, p. 558.

<sup>163</sup> Lehmkuhl, *op. cit.*, Vol. II, n. 93, p. 54; Merkelbach, *op. cit.*, Tom. II, n. 139, 3<sup>a</sup>, p. 116; Marc-Gestermann, *op. cit.*, Tom. II, n. 1463, 2<sup>a</sup>, p. 44. Vermeersch-Creusen admit that this is taught by some, but think a change in the order is venial, *Epitome Iuris Canonici*, Tom. II, n. 25, p. 13. The order seems to refer to Catholics, however; to prefer a non-Catholic to a Catholic would seem to be grave, otherwise an atheist who knew how to baptize would have to be preferred to a faithful Catholic woman.

<sup>164</sup> Cf. Marc-Gestermann, *op. cit.*, Tom. II, n. 1439, 1<sup>a</sup>, p. 29; Noldin-Schmitt, *op. cit.*, Tom. III, n. 43, 3, b, p. 42, who say that, although public heretics and schismatics are not *vitandi* in the juridic sense, it is not licit to ask for sacraments from them except in proximate danger of death.

priests, it seems the former are to be given the preference.<sup>165</sup> This is because of the special sinfulness connected with the employment of a minister of a non-Catholic sect. In preferring the layman the evils would be avoided, and the salvation of the person needing Baptism would be sufficiently safeguarded. In case only a Catholic parent is present besides a non-Catholic priest, the parent should do the baptizing, because of the pronouncement of the Holy See, cited above, which requires that no other Catholic be present in allowing the administration of Baptism by a schismatic priest.

Therefore, on account of the dangers involved and of the appearance of religious communication, a priest of a non-Catholic sect should be allowed to administer Baptism in extreme necessity when no Catholic lay person, and it seems, also, when no lay non-Catholic is present, who is able to baptize validly. The non-Catholic priest would be preferred, however, if there were some doubt about the ability of the lay person to baptize. When a non-Catholic priest is employed, precautions must be taken against any dangers which are present. If any scandal remains after sufficient precautions have been used against it, it will be accepted scandal, and need not be taken into consideration.<sup>166</sup> It must be made evident to the minister that he is being allowed to administer Baptism only through necessity,<sup>167</sup> and he should be limited to doing only what is necessary for a valid Baptism in as far as this can be done. Any accidental ceremonies proper to a non-Catholic rite could be tolerated in necessity.<sup>168</sup>

What has been said has referred to the administration of Baptism by a validly ordained priest. The doctrine applies *a fortiori* to a non-Catholic minister who is not ordained; he has no consecration to act as a minister of the sacraments. He is really only a layman.

<sup>165</sup> Cf. Müller, *Theologia Moralis*, Lib. III, T. II, § 59, 3, p. 150; Pius VI to the Bishops of France, May 28, 1793, *Bullarii Romani Continuatio*, Tom. 20, Pars 3, n. CMXLI, Qu. 5, p. 2622. In this response it was stated that Catholics could not approach one of the schismatic priests for the administration of Baptism, except in a case of extreme necessity when no other person was present, who was capable of baptizing.

<sup>166</sup> Cf. Sylvius, *op. cit.*, Tom. IV, Qu. 64, a. 6, Quær. III, p. 171.

<sup>167</sup> De Lugo, *De Virtute Fidei Divinae*, Disp. XIV, Sect. V, § V, n. 161, *op. cit.*, Tom. I, p. 558.

<sup>168</sup> Cf. p. 91.

A difficult problem is introduced when parents are commanded by civil law under penalty to have their child baptized by a preacher. La Croix held that it is true, absolutely speaking, that parents commit a mortal sin in obeying such a command. He brings forth reasons for doubt, however, for he says that in a necessity of that kind the preacher is considered not as a lawful, but as a valid, minister of Baptism. If the parents were asked why they were seeking Baptism from that minister they would say, "because we are forced, and cannot avoid unjust vexation otherwise." This would not be a religious communication, but only a permission, and that under force, of those ceremonies, which could licitly be permitted in view of the grave harm to the parents.<sup>169</sup> In the opinion of St. Alphonsus a mortal sin is certainly involved here, because the parents are made to condemn the true religion, or at least to honor a false one, by this order. He refers to an Instruction of Pope Clement VIII (August 31, 1595) declaring that it is illicit to ask for the sacraments from schismatics outside cases of extreme necessity.<sup>170</sup> The response of the Holy Office of August 20, 1671, cited above, says the same about Baptism in particular. The Holy Office has made two other pronouncements on this point, one to Holland, and the other to Ireland, saying it is illicit for Catholics to offer their child for Baptism, or to consent to Baptism, by an heretical minister even under penalty of a fine.<sup>171</sup> The case in Ireland concerned a child who has been baptized already, but the parents consented to the heretic's ministrations to avoid the confiscation of their property. The Holy Office said these parents sinned gravely. Although the chief concern in this case may have been the unlawfulness of two baptisms, still the other pronouncements show that it is illicit to approach an heretical minister for Baptism.

Voit seems to favor the lawfulness of allowing the baptism in the circumstances on the grounds that a very few, at most, consider Baptism as a sign expressive of that religion in the rite of which it is re-

<sup>169</sup> *Theologia Moralis*, Tom. II, Lib. VI, p. 1, n. 282, p. 193.

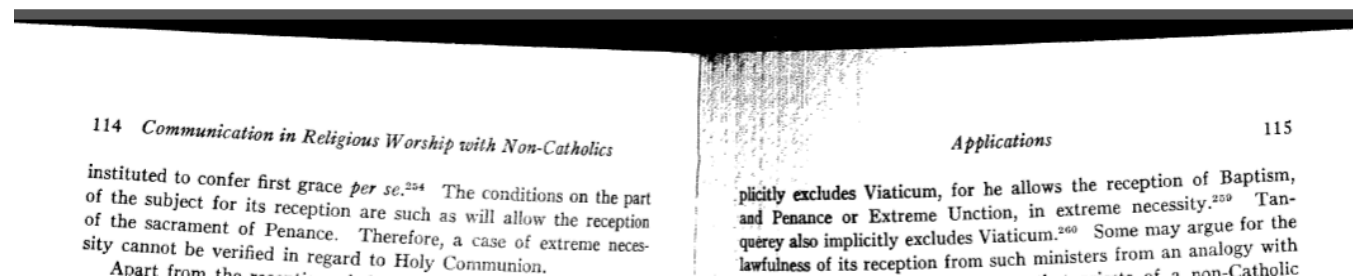
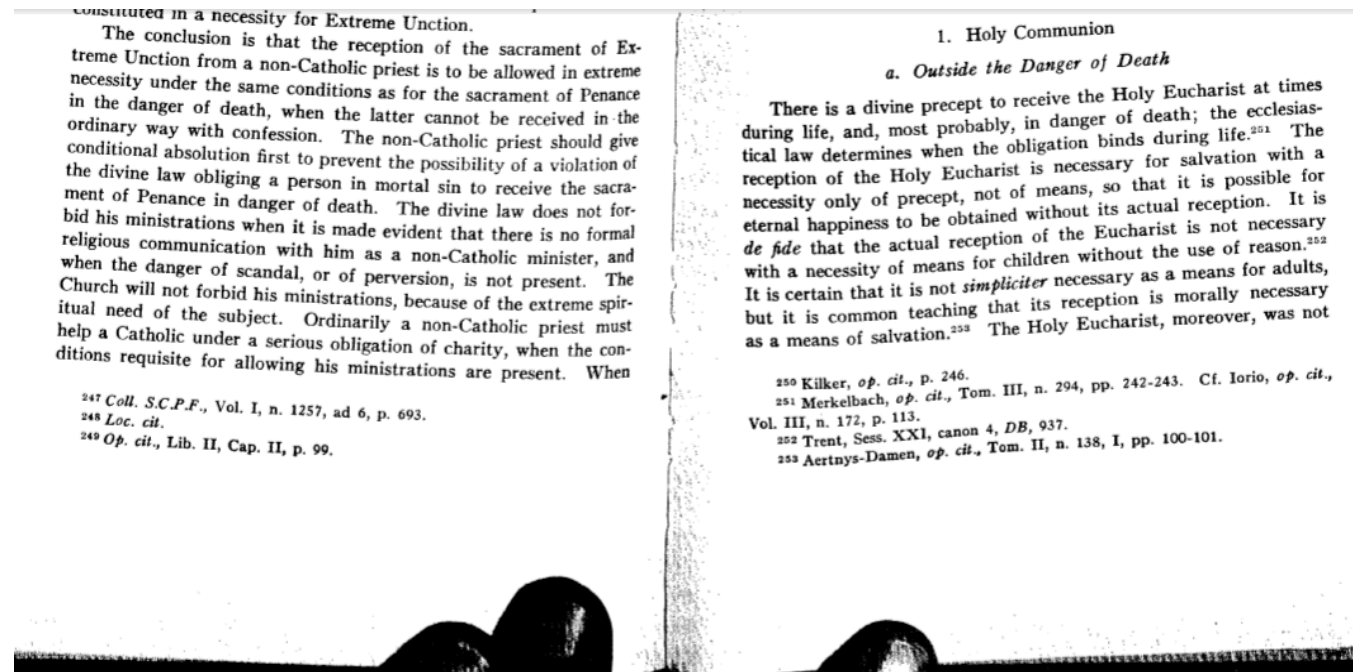
<sup>170</sup> *Op. cit.*, Lib. VI, n. 117, Dub. 5<sup>o</sup>, ed. Gaudé, Tom. III, p. 105. Cf. *Fontes Iuris Canonici*, Vol. I, n. 179, pp. 343 seq.

<sup>171</sup> Sept. 26, 1668, *Coll. S.C.P.F.*, Vol. I, n. 169, p. 54; Nov. 29, 1672, ac 2, n. 205, p. 70.

Notice on page 92 above that baptism of desire will not suffice whenever it is possible to receive water Baptism. And most importantly, Traditionalists should notice here that ***NO heretical or schismatic minister should ever be preferred as the minister of Baptism to the ordinary, duly instructed lay Catholic!*** Bancroft quotes Sylvius on a previous page, who teaches: "Heretics and schismatics can licitly baptize in necessity even if they remain such and impenitent, ***but.. no other Sacrament can be conferred by them licitly unless they repent at least internally.***" (St. Augustine disagrees, characterizing such baptisms as valid but illicit. To the best of this author's knowledge, this is a matter yet undecided by the Church.) Lemkuhl believes that heretic, apostate and schismatic priests are the equivalent of *vitandi*, and Bancroft quotes a decision of the Holy See that seems to indicate that even when there is a question of Baptism by lay non-Catholics versus a non-Catholic priest, ***the lay non-Catholics are to be preferred!*** He concludes: "What has been said has referred to the administration of Baptism by a [validly ordained] non-Catholic priest. The doctrine applies *a fortiori* to a non-Catholic [non-ordained] minister.

*He has no consecration to act as a minister of the Sacraments [so is] really only a layman."* This is the very doctrine those who keep the faith at home have been holding all along, and in retrospect it makes perfect sense. Even stay-at-home Catholics who believe they are guilty of *communicatio in sacris* in the past but who have made reparation and publicly retracted their errors would be considered as less culpable in such matters and more worthy. For they have satisfied the laws of the Church concerning the preliminary steps necessary to being accepted once again into the Church.

## Holy Eucharist



*"The reception of the Holy Eucharist is necessary for salvation with a necessity only of precept, not of means, so that it is possible for eternal happiness to be obtained without its actual reception... The Holy Eucharist was not instituted to confer first grace per se, [according to the Council of Trent]... A case of extreme necessity cannot be verified in regard to Holy Communion."* Once again, this is what stay-at-home Catholics have



maintained all along. In his conclusions (#23), Bancroft labels it as formal communication in non-Catholic worship to even receive Communion as one's Easter duty from a non-Catholic priest.

## Penance

Another form of more proximate material co-operation, which is civil, rather than religious, is the acting as witness or honorary sponsor at baptism. This, too, can be allowed for a proportionate cause.<sup>189</sup> A Catholic, who has the duty to act as a civil witness of a non-Catholic baptism, merely testifies that a person was baptized in a certain manner. He does not ask for the baptism, nor does he give an approval, even tacit, of it, since he is merely passive in this regard. The case would be different if contempt of Catholic Baptism, or of the Catholic religion, were implied.

### C. Penance

The sacrament of Penance admits of extreme necessity when a baptized person in mortal sin is in danger of death. It is *de fide* that this sacrament is necessary by its actual reception, or at least by a desire to receive it, for those who have fallen into mortal sin after Baptism.<sup>190</sup> For the salvation of a sinner it is necessary that his sins be removed from his soul. Sin cannot be removed except by the means instituted by Christ in which the virtue of His Passion operates to the remission of sin. Christ applies the virtue of His Passion through the sacraments. Among the sacraments the one destined *per se* for the remission of sins committed after Baptism is Penance. Therefore, the sacrament of Penance is necessary for the salvation of the baptized sinner.<sup>191</sup> The necessity here is a necessity of means, not absolute, but such as can be supplemented by something else in the event that it is impossible to receive the sacrament. Perfect contrition outside the sacrament removes sin, but it must contain at least implicitly a desire of the sacrament of Penance. Sorrow for sin based on the supernatural love of God as infinitely good in Himself implicitly contains the wish to use all the means instituted by God for the remission of sins.<sup>192</sup>

One of the essential parts of the sacrament of Penance is the confession of one's sins. For all who have sinned gravely after

<sup>189</sup> Noldin-Schmitt, *loc. cit.*; Prümmer, *loc. cit.*

<sup>190</sup> Trent, Sess. VI, canon 29, *DB*, 839; Sess. XIV, Cap. 2, *DB*, 895.

<sup>191</sup> Merkelbach, *op. cit.*, Tom. III, n. 449, p. 396.

<sup>192</sup> Trent, Sess. XIV, Cap. 4, *DB*, 898; Merkelbach, *loc. cit.*

Baptism the sacramental confession of each and every mortal sin is necessary by divine law for forgiveness and salvation.<sup>193</sup>

When there is question of a necessity of means for an end regarding something that requires an human act, there is a necessity of precept, too. The divine precept of receiving the sacrament of Penance obliges *per se* certainly at the moment of death, and in the very probable danger of death, when one has been guilty of mortal sin that has not yet been directly forgiven by the sacrament of Penance. One, who, while in the truly probable danger of death, does not fulfill the divine precept, rashly exposes himself to the probable danger of never fulfilling it.<sup>194</sup> Culpably to enter upon the probable danger of violating a precept is the same in the moral order as actually to violate it.

The cause of the very probable danger of death makes no difference provided the danger is present. The danger can arise from sickness, a battle, a sentence of a judge, a dangerous childbirth, an operation, a very dangerous voyage, and so forth. The very probable danger of perpetual insanity, or of another impediment from which one sees he will never have an opportunity to confess his sins, is equivalent to a very probable danger of death.<sup>195</sup>

A person in mortal sin in these circumstances is *per se* in extreme need of the services of a priest, because only a priest is the valid minister of this sacrament.<sup>196</sup> For validity a priest must have jurisdiction, either ordinary or delegated, over the penitent.<sup>197</sup> For this extraordinary case jurisdiction is delegated to a priest by the law itself. This is known as supplied jurisdiction, and has the characteristic that it is conferred only in the very act of confession, and is afterwards removed.<sup>198</sup> In danger of death all priests have jurisdiction to hear confessions and to absolve from all sins and censures with certain express exceptions. Canon 882 contains this provision:

<sup>193</sup> This is *de fide*, Trent, Sess. XIV, Cap. 5, *DB*, 899; Sess. XIV, canons 6 and 7, *DB*, 916 and 917.

<sup>194</sup> Merkelbach, *op. cit.*, Tom. III, n. 512, A, 1°, p. 458.

<sup>195</sup> Merkelbach, *loc. cit.*

<sup>196</sup> This is *de fide*, Trent, Sess. XIV, canon 10, *DB*, 920. Canon 871.

<sup>197</sup> This is certain, Trent, Sess. XIV, Cap. 7, *DB*, 903. Canon 872.

<sup>198</sup> Merkelbach, *op. cit.*, Tom. III, n. 584, p. 540.

In danger of death all priests, although not approved for confessions, validly and licitly absolve any penitents from any sins or censures, no matter how reserved or notorious, even if there is an approved priest present, saving the prescriptions of canons 884 and 2252.<sup>199</sup>

By virtue of canon 884 the absolution by a priest of his accomplice in *peccato turpi* is invalid, except in danger of death, and even in danger of death it is illicit outside a case of necessity. There is no case of necessity if another priest can hear the confession, without danger of grave infamy to the two accomplices or of scandal to others and the dying person is willing to confess to him. In such circumstances the absolution of the priest who sinned is valid, but gravely illicit.<sup>200</sup>

Canon 2252 decrees that persons, who in danger of death received absolution from some censure reserved *ab homine*, or from a censure reserved *specialissimo modo* to the Apostolic See, from a priest lacking a special faculty, are bound, after they have recovered, to have recourse within a month, under penalty of falling back into the censure, either to him who imposed the censure, if it is a censure *ab homine*, or to the Sacred Penitentiary or to the Bishop, or to another endowed with the faculty, according to the norm of canon 2254, § 1, if it is a censure *a jure*, and to obey their mandates. Canon 882 does not contain the special faculty required here. So that any priest who has no faculty outside of the danger of death to absolve from the censures mentioned in canon 2252 is a priest not possessing a special faculty for these censures.<sup>201</sup>

The circumstance of danger of death must be verified for the validity of the absolution, if the priest has no jurisdiction from an-

<sup>199</sup> In periculo mortis omnes sacerdotes, licet ad confessiones non approbati, valide et licite absolvunt quoslibet poenitentes a quibusvis peccatis aut censuris, quantumvis reservatis et notoriis, etiamsi praesens sit sacerdos approbatus, salvo praescripto can. 884, 2252.

<sup>200</sup> Cf. Moriarty, *The Extraordinary Absolution from Censures*, p. 74.

<sup>201</sup> Moriarty, *op. cit.*, p. 89. For a commentary on this canon cf. this same work, pp. 89-112.

other source.<sup>202</sup> Danger of death is that which arises from a hazardous condition, or situation, in which it is truly and seriously probable that a person may die as a result of it.<sup>203</sup> It is sufficient that the danger be truly probable, and it is not necessary that it be certain, or most probable, or imminent.<sup>204</sup> The danger may be said to be probable, when such is the nature of the cause, whether intrinsic or extrinsic, that death follows from it frequently and *per se*. That death need not be imminent seems to mean that death need not be actually impending. If a probable, or even certain, danger of death is clearly remote, for example, when there is cancer of a vital organ in its early stages, it seems that *per se* such a danger would not be sufficient for this canon. In some cases, however, the danger arising from either intrinsic or extrinsic causes may not be clearly proximate, but it is probable in the sense that it may appear unexpectedly at any time, as in cases of serious illness, extreme old age, those about to enter war, and so forth.<sup>205</sup> In ordinary circumstances it seems that an airplane trip does not introduce the danger of death required here, because death cannot be said to result frequently and

*per se*.<sup>206</sup> A response of the Sacred Penitentiary has declared that every soldier in a state of mobilization, and all men and women who pertain in some way to mobilized armies, can be regarded as equivalent to those in danger of death, and can be absolved by any priest.<sup>207</sup> This seems to refer, however, only to mobilization for war that is actually being waged, or that is imminent.<sup>208</sup>

Danger of death need not be present objectively. It is sufficient if it is for good reasons prudently judged to be probably present. If the priest who hears the confession has a positive doubt about the existence of the danger of death, he can validly and licitly absolve by reason of canon 209. If an erroneous judgment is made in good faith about the danger of death, the absolution is valid and licit,

<sup>202</sup> Moriarty, *op. cit.*, p. 73.

<sup>203</sup> Moriarty, *op. cit.*, p. 70.

<sup>204</sup> Cappello, *De Censuris*, n. 114, 1, p. 107.

<sup>205</sup> Moriarty, *loc. cit.*, pp. 70-71.

<sup>206</sup> Cf. Merkelbach, *op. cit.*, Tom. III, n. 585, 2°, p. 541.

<sup>207</sup> March 18, 1912, May 29, 1915, AAS, Vol. VII (1915), pp. 281-282.

<sup>208</sup> Cf. Dec. 4, 1915, AAS, Vol. VII (1915), p. 526.

<sup>209</sup> Aertnys-Damen, *op. cit.*, Tom. II, n. 361, 1°, p. 253.

## Danger of death

At least one Traditionalist leader has so confused those wishing to be Catholic on this point that it needs to be stressed here. Those in danger of death do not need to be on their deathbed *per se*. If a man is given six months to live, he is in danger of death. If an infant is diagnosed with a condition that often leads to death, s/he is in danger of death. Even if positive doubt exists, absolution may be sought. In ordinary times a validly ordained priest can then provide jurisdiction. But during an interregnum the supplying power is absent. As stated below and discussed above, the jurisdiction supplied issues from Christ's vicars, not Christ himself. Validly ordained priests could still hear confessions without giving absolution, if St. Thomas can be taken literally in these times and even lay people can hear confessions if no one else is available. As the Church later taught, lay people **cannot** hear confessions in danger of death but a validly ordained priest could assist the penitent in making a good act of Contrition and hearing his confession. This is precisely what these priests should have done for their flocks, but instead they became Traditionalists. Now nearly all of them are deceased. But as one priest said earning his dissertation said, God will not fail to provide the necessary means for those cases not covered by the law.

clared that the sacrament of Penance may be received from a schismatic priest in danger of death, provided (*dummodo*) scandal is not given to other Catholics, there is no other Catholic priest present, there is no danger that the dying Catholic will be perverted by the heretic, and finally it is probably believed that the heretical priest will administer the sacrament according to the rites of the Church.<sup>220</sup>

In the previous century Pope Pius VI, in answer to a request regarding the reception of absolution *in articulo vel periculo mortis* from a schismatic priest, said that it could be permitted when a Catholic priest was lacking.<sup>221</sup>

The conclusion, then, is that an heretical or a schismatic priest cannot licitly absolve a Catholic who is in danger of death, unless there is no Catholic priest present, morally speaking, although even in this event his absolution would be valid. The reason these conditions are required seems to be to avoid the danger of violating the divine law, and to safeguard the common good of the Church. When a Catholic chooses a non-Catholic priest in the presence of a suitable Catholic priest he chooses an unauthorized minister and subjects himself to the dangers involved. In fact, the danger of scandal to others, and possibly to the non-Catholic minister, too, will be all the greater when he is chosen in the presence of a Catholic priest. In case the penitent would have a justifiable repugnance to confess to a Catholic priest, and in this necessity confesses to a non-Catholic priest, greater precautions must be taken to remove the dangers.

With merit, for some cases at least, do Noldin-Schmitt remark that it would be better for a Catholic in such circumstances to make an act of perfect contrition and commit himself to the mercy of God, rather than expose himself to the danger of perversion.<sup>222</sup> This suggestion need not be insisted upon too much in regard to accepted scandal, because the Catholic could take the safer course by receiv-

<sup>220</sup> S. C. S. *Officii*, July 7, 1864, ad 6, *Coll. S.C.P.F.*, Vol. I, n. 1257, p. 693. On Feb. 17, 1761, the Holy Office said that in no case, not even of necessity, is it licit for a Catholic to confess his sins to and obtain absolution from a schismatic priest, *op. cit.*, Vol. I, n. 439, p. 281.

<sup>221</sup> May 28, 1793, *Bullarii Romani Continuatio*, Tom. 20, Pars 3, n. CMXLI, Qu. 9, p. 2622.

<sup>222</sup> *Op. cit.*, Vol. III, n. 43, b, p. 42.

ing the sacrament, since he may be only attrite.<sup>223</sup> Moreover, it seems that a Catholic in extreme necessity would be obliged to receive the sacrament of Penance from a non-Catholic priest when he is the only minister available, provided there is no danger to himself which would render the obligation to receive the sacrament morally impossible of fulfillment.<sup>224</sup>

The source of jurisdiction for the sacrament of Penance in danger of death has been controverted among the authors. Some have held that it is from the divine law. The reasons are: (1) the granting of jurisdiction in this case is handed down in a constant tradition of the Church, the beginning of which is not known; a tradition of this kind is a sign of the divine law; (2) if the Church had power to change this, that power and its use would not be for the good of the faithful, but for their harm.<sup>225</sup> Suarez considers it the true opinion that the jurisdiction comes from the Church.<sup>226</sup> The words of the Council of Trent<sup>227</sup> signify that this tradition has arisen from the Church, and is at most an Apostolic tradition. All the documents granting this jurisdiction indicate that it is a grant of the Church. In giving this jurisdiction the Church has always prescribed an order and a manner to be observed. Therefore, its actual grant is not immediately from Christ, but it has been given to His vicars, who are bound by the divine, and even natural, precept of charity to provide sufficiently for the necessity of the faithful.

#### *D. Extreme Unction*

Extreme Unction, also, can admit cases of extreme necessity. Such cases will not occur *per se*, but *per accidens*. Penance is the

<sup>223</sup> Cf. De Lugo, *De Sacramento Poenitentiae*, Disp. XVIII, Sect. II, n. 19, *op. cit.*, Tom. V, p. 170.

<sup>224</sup> Wladimir Soloviev, a convert from the Russian Orthodox Church, availed himself of the services of the village priest (who was of the Orthodox rite) on his death-bed, because no Catholic priest was obtainable, Gerrard, *The Russian Newman, Catholic World*, Vol. CV (1917), p. 336.

<sup>225</sup> Cf. Suarez, *De Poenitentia*, Disp. XXVI, Sect. IV, n. 6, *op. cit.*, Tom. XXII, p. 550.

<sup>226</sup> *Loc. cit.*, pp. 550-551. Cf. St. Thomas, *IV Sent.*, Dist. 19, q. 1, a. 3, and Dist. 20, q. 1, a. 1, q. 2.

<sup>227</sup> "Ne aliquis periret, custoditum in Ecclesia semper fuit," etc., *DB*, 903.

Here we find the subject matter discussed above concerning the origin of the jurisdiction enjoyed under Canons 2261 §2, 3 and Can. 882. We also see that Bancroft cites Noldin-Schmidt concerning the option of resorting to a perfect Act of Contrition in danger of death. This option is preferred today only because we



have no Roman Pontiff to supply jurisdiction and no certainly valid priests to resort to in danger of death.

instituted to confer first grace *per se*.<sup>254</sup> The conditions on the part of the subject for its reception are such as will allow the reception of the sacrament of Penance. Therefore, a case of extreme necessity cannot be verified in regard to Holy Communion.

Apart from the reception of the Holy Eucharist as Viaticum, it can be stated definitely that the precept to receive It presupposes the presence of an authorized minister.<sup>255</sup> Génicot-Salsmans say that the Paschal precept does not induce a necessity to approach a schismatic minister. For this precept does not urge in circumstances in which it can be fulfilled only against the prohibitions of the Church. This is true even in a case in which no scandal is to be feared, for example, when Easter Communion could be received occultly from a schismatic priest, for the positive prohibition against religious communication is universal.<sup>256</sup> Catholics never have a right to receive Holy Communion, apart from Viaticum, in a church of schismatics from a schismatic priest. This prohibition is universal, too, and the obligation of the Paschal season, or the absence of a Catholic priest, does not justify its violation.<sup>257</sup> But receiving Holy Communion, apart from Viaticum in certain circumstances, from a schismatic priest, involves more than a prohibition of positive ecclesiastical law, for it includes a recognition of a non-Catholic priest, and an implicit acknowledgment of his sect. It contains a formal religious communication.

#### *b. In the Danger of Death*

It seems that Viaticum may be received from priests of a non-Catholic sect in some cases. The Holy See has not expressed itself on this point, but it seems to exclude the reception of Viaticum under ordinary circumstances from such ministers in that it allows the reception of sacraments, which are necessary for salvation, in danger of death, when no Catholic priest is present.<sup>258</sup> Merkelbach im-

<sup>254</sup> Cf. Trent, Sess. XIII, Cap. 2, *DB*, 875, and canon 5, *DB*, 887.

<sup>255</sup> Cf. Sayrus Anglus, *loc. cit.*

<sup>256</sup> *Casus Conscientiae*, *Casus* 596, p. 412.

<sup>257</sup> Souarn, *Memento de Théologie Morale*, n. 197, pp. 198-199.

<sup>258</sup> S. C. S. *Officii*, August 20, 1671, and July 7, 1864, ad 6, *Coll. S.C.P.F.*, Vol. I, nos. 198 and 1257, pp. 69 and 693; Pius VI *Manu*, *Romani Continuatione*.

PLICITLY excludes Viaticum, for he allows the reception of Baptism, and Penance or Extreme Unction, in extreme necessity.<sup>259</sup> Tanqueray also implicitly excludes Viaticum.<sup>260</sup> Some may argue for the lawfulness of its reception from such ministers from an analogy with canon 2261, § 3. It has been seen that priests of a non-Catholic sect are to be considered as *vitandi* in regard to the administration and reception of the sacraments, with the exception that there is a grave circumstance added by reason of the fact that they represent a non-Catholic sect.<sup>261</sup> According to canon 2261, § 3, a *vitandus* may be asked for the sacraments only in danger of death; he may be asked for absolution, and if another priest is not present for the other sacraments and sacramentals. But this argument is weakened by the fact that the Holy See has required that there be a case of extreme necessity, and that no Catholic priest be present, before either Penance or Extreme Unction may be received from a non-Catholic priest, thus seeming to exclude authorization of such a minister to act in her name for the administration of Viaticum. A stronger argument favoring the reception of Viaticum from a non-Catholic priest seems to be that, since there is most probably an obligation to receive Viaticum by divine positive law, the Church cannot forbid its reception. If, then, in a particular case there would be no violation whatsoever of the divine law, natural or positive, in receiving Viaticum from a non-Catholic priest, it seems that it may be received from one. Noldin-Schmitt say that a non-Catholic priest may be asked to administer Viaticum.<sup>262</sup> McHugh-Callan testify that theologians allow the reception of Viaticum from a minister of this kind, but refer to no particular authors.<sup>263</sup> But the request for Viaticum could never be made licitly from a non-Catholic priest, when a Catholic priest is available.

Because of the dangers to faith and charity, however, which can be present so easily when there is question of using a minister of this kind, it seems that Viaticum should not be received from a

<sup>259</sup> *Op. cit.*, Tom. I, n. 755, (2), p. 584.

<sup>260</sup> *Synopsis Theologiae Moralis*, Tom. II, n. 678, 1°, p. 485.

<sup>261</sup> Cf. p. 93.

<sup>262</sup> *Op. cit.*, Tom. III, n. 43, 3, p. 42.

*F. Holy Orders*

Receiving Holy Orders from a non-Catholic minister has been expressly forbidden.<sup>287</sup> The Holy Office has declared that it is never allowed to receive Sacred Orders from a schismatic or heretical bishop, and that those who did so were irregular, and suspended from the exercise of the orders received. To receive Holy Orders from a non-Catholic minister is forbidden by the principle of the divine law underlying canon 1258, § 1; it is implicitly forbidden in the prescriptions for a lawful ordination.<sup>288</sup> By virtue of canon 2372 those who presume to receive Sacred Orders from notorious heretical or schismatic ministers incur a suspension *a divinis* reserved to the Apostolic See; those who receive orders in good faith from such ministers are deprived of the exercise of the orders until they are dispensed. When an order is exercised, after its exercise has been forbidden by a canonical penalty, according to canon 985, 7°, the guilty person becomes irregular.

*G. Sacramentals*

Sacramentals are sacred things. To receive sacramentals from a non-Catholic minister is to recognize an unauthorized minister of religion, and to associate one's self with the cult or sect of which they are a part or a symbol. An Instruction of the Holy Office of 1859, cited above,<sup>289</sup> declaring that it is wrong to communicate in sacred things with heretics, said that such communication is contained in receiving from heretics "the *pax*, blessed ashes, candles, blessed palms, and other things of external cult, which are considered, rightly and deservedly, as indicative of an internal bond and agreement."<sup>290</sup> Merkelbach states that the same principle governs the asking for sacramentals from a non-Catholic minister as regu-

<sup>287</sup> *S. C. S. Officii*, Nov. 21, 1709, *Coll. S.C.P.F.*, Vol. I, n. 278, p. 92. Cf. Souarn, *op. cit.*, n. 202, p. 202; Augustine, *op. cit.*, Vol. VI, p. 194; Davis, *op. cit.*, Vol. I, p. 285; Coronata, *Institutiones Iuris Canonici*, Vol. II, n. 835, 1°, p. 155.

<sup>288</sup> Cf. canons 953-967.

<sup>289</sup> Cf. p. 15.

<sup>290</sup> *Instructio S. C. S. Officii*, June 22, 1859, *Coll. S.C.P.F.*, Vol. I, n. 1176, pp. 641-642.

lates the asking for sacraments from one, namely, that it is illicit to request them from one as a sacred minister, because the request is an implicit acknowledgment of his authority as a minister. Therefore, it is never lawful to ask for sacred things as blessings, prayers, and so forth, from a minister of a non-Catholic sect.<sup>291</sup> This principle is valid despite the ruling of canon 2261, § 3, concerning the administration of sacramentals in danger of death by a *vitandus*, or by one who has received a condemnatory or a declaratory sentence of excommunication. It has been seen that the Church has given stricter rulings about what a non-Catholic priest can do for a Catholic in danger of death. The Church has full competence regarding the prohibition of sacramentals, and there is no obligation from divine law to receive them.

The nuptial blessing is a sacramental, and may not be received from a non-Catholic minister. In a response given in 1817 the Holy See said that a Catholic is not allowed to ask for, or to receive, the nuptial blessing from a non-Catholic minister, even though the non-Catholic party to a marriage should demand it.<sup>292</sup>

*H. Co-operation With a Non-Catholic's Ministrations to Dying Non-Catholics*

Questions relative to the reception of Catholic sacraments and sacramentals from non-Catholic ministers have been treated. Now some attention should be given to the problems of religious communication which can arise when Catholics co-operate with non-Catholic ministers in their religious functions at the deathbed of members of their sects.

Religious communication can come into question when there is a case of calling a non-Catholic minister to a dying non-Catholic. To call a minister at the request of a dying non-Catholic in order that he may administer the helps and comforts of religion is an intentional communication in religious matters; this has been expressly

<sup>291</sup> *Op. cit.*, Tom. I, n. 756, pp. 584-585. Cf. McHugh-Callan, *op. cit.*, Vol. I, n. 969, p. 378.

<sup>292</sup> *S. C. S. Officii*, Jan. 29, 1817, *Coll. S.C.P.F.*, Vol. I, n. 717, p. 420. Cf. Merkelbach, *loc. cit.*; Davis, *op. cit.*, Vol. I, p. 285; Coronata, *op. cit.*, Vol. II, n. 835, 1°, p. 156.

**Holy Orders**

Here there is no quarter given to those who wish to pursue Holy Orders outside the pale of the Catholic Church. They simply are forbidden to function. There is no cause offered as legitimate for any deviation from this teaching. There is no extreme necessity warranting such a cause. Even the sacramentals are regarded as "sacred things," and cannot be administered by a non-Catholic minister. But Traditionalists do not even regard *the Sacraments* as sacred things, for they place their wants and needs before the prerogatives of Our Lord, who instituted them.

heretic or schismatic as a general rule.<sup>264</sup> Such procedure does not violate the divine precept to receive the Holy Eucharist in danger of death, because the possible harm to one's self, to the neighbor, and to the common good of the Church render the fulfillment of the divine precept morally impossible. Only an exceptional case in which these possibilities are not present, and when no Catholic priest is available, seems to warrant the reception of Viaticum from a non-Catholic priest.<sup>265</sup>

In some localities schismatic priests carry Viaticum publicly to dying schismatics. In reply to questions regarding how a Catholic should act when he meets a procession of this kind, the Holy Office has said that he can and should adore the Blessed Sacrament.<sup>266</sup> Several conditions were mentioned, namely, that the Catholic should avoid meeting the schismatic priest if possible, that he should adore only as the Blessed Sacrament passes, and that he should not join in the procession nor enter the schismatic church.

## 2. The Sacrifice of the Mass

Catholics are forbidden to assist formally at the Sacrifice of the Mass in schismatic churches.<sup>267</sup> These prohibitions expressly state that they oblige even in places where there are no Catholic priests; the precept of hearing Mass does not oblige when a Catholic priest cannot be had. Iorio says that this is true even when the non-Catholic priest celebrates Mass in a Catholic rite, for the general law of canon 1258, § 1, prevails, which, according to canon 21, always urges, even if in a particular case danger is not present.<sup>268</sup> But we hold that this prohibition is a re-statement of the divine law,

<sup>264</sup> Cf. Noldin-Schmitt, *loc. cit.*

<sup>265</sup> Wladimir Soloviev received Communion from an Orthodox priest on his death-bed because no Catholic priest was available, Iswolsky, *Light Before Dusk*, p. 53.

<sup>266</sup> June 30 and July 7, 1864, ad 5, *Coll. S.C.P.F.*, Vol. I, n. 1257, pp. 692-693.

<sup>267</sup> S. C. S. *Officii*, Dec. 5, 1668, and Aug. 7, 1704, ad 1, *Coll. S.C.P.F.*, Vol. I, nos. 171 and 267, pp. 54 and 91. Cf. *Perfice Munus*, Vol. XI (1936), p. 79.

<sup>268</sup> *Op. cit.*, Vol. I, n. 278, Qu., p. 232.

because formal assistance at a Mass of a non-Catholic priest is an active participation in unauthorized worship, and an acknowledgment of his ministry and sect.<sup>269</sup> Furthermore, Iorio holds that a Catholic does not fulfill the precept of hearing Mass, if he assists at a Mass celebrated in an heretical or other non-Catholic rite, or in a non-Catholic church.<sup>270</sup> On the other hand, however, it seems probable that the precept of hearing Mass would be fulfilled when a Catholic hears a Mass celebrated in a Catholic rite by a validly ordained priest of a non-Catholic sect, although a mortal sin would be committed by attending it.<sup>271</sup>

There are times when a Catholic may lawfully be present at the Mass of a schismatic priest,<sup>272</sup> although never when commanded by law in recognition of the sect.<sup>273</sup> His presence can be justified according to the principles of canon 1258, § 2. During the Mass he must sincerely adore the Blessed Sacrament, yet he may not unite with the schismatics in any way, even in the recitation of prayers which are in no way contrary to faith;<sup>274</sup> his adoration should be externalized by kneeling.<sup>275</sup> A Catholic is forbidden by divine law to give even an external approval to a schismatic sect. The presence of scandal will be governed by local custom, or by the fact whether or not the Catholic is known to be a Catholic.

The question might arise whether a non-Catholic priest should be called to finish a Mass which has been begun substantially by a Catholic priest. By divine law the Sacrifice of the Mass must be completed once the consecration of the bread has taken place. Regardless of what opinion is held on what constitutes the essence of the sacrifice, whether it is the consecration of one, or of both, species,

<sup>269</sup> Cf. Vermeersch, *op. cit.*, Tom. II, n. 52, (b), p. 46.

<sup>270</sup> *Loc. cit.*, note (1), p. 232. Cf. canon 1249.

<sup>271</sup> Guiniven, *The Precept of Hearing Mass*, pp. 110-111. Cf. Vermeersch Creusen, *Epitome Iuris Canonici*, Tom. II, n. 563, pp. 349-350; Vermeersch *Theologiae Moralis Principia, Responsa, Consilia*, Tom. III, n. 859, p. 729.

<sup>272</sup> Vermeersch, *op. cit.*, Tom. II, n. 52, p. 46.

<sup>273</sup> *Instructio S. C. S. Officii*, May 12, 1841, ad 2, *Coll. S.C.P.F.*, Vol. I, n. 921, p. 519.

<sup>274</sup> S. C. S. *Officii*, Aug. 7, 1704, ad 1, *Coll. S.C.P.F.*, Vol. I, n. 267, p. 91.

<sup>275</sup> Cf. Vermeersch, *loc. cit.*, n. 52, (b), p. 46.

## The Holy Sacrifice

The same is true of the Holy Sacrifice as for Holy Orders. No quarter is given; one is not even permitted to attend schismatic services in places where there is no Catholic priest. "*The precept of hearing Mass does not oblige when a Catholic priest cannot be had.*" Bancroft cites the same canon quoted in articles appearing on this site: Even if a danger to the faith does not exist, Can. 21 states that the law still binds. Traditionalists have no excuse; they cannot ordain clergy to offer Mass under the extreme necessity law, regardless of what they teach. It violates not only Canon Law, but Bancroft says it violates the divine law as well, since formal cooperation in the Mass of a non-Catholic is *communicatio in sacris*.

## Conclusion

Below, please find the conclusions to Rev. Bancroft's work, which should convince even the most ardent Traditionalist that what they are doing is not Catholic. Knowing Traditionalists as we do, it is assumed they will immediately select two items from this list and ply their followers' sympathies with these. That would be items #3 and #35. Concerning Item 3, we must emphasize the phrase, "to some extent." Yet this item is factored in to a **large** extent by Traditionalists, especially whenever they feel that it could benefit their cause in some way. Concerning Item #35, Traditionalists will say that any danger of perversion or scandal today has been removed. But in fact the contrary is true.

Traditionalists present themselves as the last vestige of what constituted the Catholic Church prior to Pope Pius XII's death in 1958. Using this snare, they have managed to entrap a great many. The danger of perversion for those trying to find the true faith today is greater than ever and that faith harder than ever to identify. Here too we are not talking about what is or is not "illicit." We must consider primarily what is or is not **valid**, which is a totally different consideration. Traditionalist "orders" are, at the very least, doubtfully valid. So in following the teachings of Bd. Pope Innocent XI (DZ 1151) and the unanimous teaching of modern theologians, Bancroft included, this means that we may not use these men for purposes of requesting the Sacraments. Nor may we use the very few validly ordained among them even in danger of death, since the jurisdiction that they need to absolve in such cases comes solely from the Roman Pontiff and we have no true pope. The "old priests only" crowd, never permitted to celebrate Mass or administer Sacraments in any case, are intended here.

In case those reading this article have forgotten, Traditionalists operate outside the jurisdiction of and communion with the Roman Pontiff necessary for their inclusion in the Church. They usurp papal jurisdiction and void all their acts by their consecration without papal mandate and ordinations without dimissorial letters or valid tonsure, (since tonsure is a jurisdictional act and they possess no jurisdiction). They implicitly deny the authority of the Roman Pontiff by a) accepting the Roman usurpers as pope and/or b) adhering to the heretical material/formal theory; or c) posing as sedevacantists, since this rightly identifies the See as vacant, but provides no process for surviving or resolving the vacancy according to the laws governing interregnums. d) None of those mentioned in (a-c) make any effort whatsoever to promulgate and obey papal teaching or abide by Canon Law. This is heresy, and they are engaging in *communicatio in sacris*. They have been warned many times, but seem unconcerned that they are in any danger. Enveloped in this stifling miasma of indifferentism and exterior religion, they are lulled into a false sense of religious observance that will find them some day knocking at the gates of hell. The watch dogs can bark, but those who have no real concern for their spiritual welfare will never hear them. They have had the Traditionalist earbuds in so long they are deaf to the clarion call of truth.

## CONCLUSIONS

THIS treatise is a new presentation of the moral question of the communication of Catholics in religious worship with non-Catholics. It gives a general history of the matter, places new emphasis on the principles involved, especially in formal communication, and offers a comparative study of the opinions of authors, both old and modern, on applications to various cases. The following opinions, some certain, others solidly probable, are offered as conclusions. Those which are not certain may have become better established by reason of the considerations contained herein.

1. Formal communication in public non-Catholic worship is intrinsically wrong, and has a multiple morality, being against faith, religion, and charity. Hence canon 1258, § 1, is not a merely ecclesiastical prohibition, but is an expression of the divine law. Active participation in such worship is a formal communication.
2. The morality of material communication is to be judged according to the principles governing the permission of an evil external effect.
3. The common estimation of the people, especially where the population is made up of Catholics and non-Catholics, is a factor to some extent in determining whether some form of communication has a religious signification or not. This attitude may not be extended from one locality to another.<sup>1</sup>
4. The lawfulness of private communication, both formal and material, is governed by the divine law.
5. The mere entering of non-Catholic churches outside or during the time of religious services is not forbidden by canon 1258, § 2, but any violation of the divine law must be avoided.
6. It is lawful to visit the Blessed Sacrament and venerate images of the saints privately in schismatic churches. Such action is more dangerous if it is done repeatedly, for it will cause scandal and lead to indifferentism.

<sup>1</sup> Cf. Prümmer, *Manuale Theologiae Moralis*, Tom. I, n. 527, Note, p. 373.

7. A grave reason other than one of civil duty or honor is required to justify material presence at non-Catholic services not contemplated in canon 1258, § 2.

8. Frequent material presence at non-Catholic services by Catholic servants can rarely be licit, and never solely in line of duty as a servant.

9. Catholics are never allowed to be materially present at non-Catholic services when it is commanded in hatred of religion or in favor of a false sect. When this presence is obligatory for the sake of order, e. g., in an institution, a prison, and so forth, Catholics may give it to avoid a penalty or for another sufficiently grave reason, provided they openly profess their faith otherwise and there is no danger of scandal or perversion.

10. Material presence at non-Catholic services or sermons one or the other time out of curiosity is a venial violation of canon 1258, § 2, unless there is an immemorial custom allowing it. This exception is to be understood with the provision that there is no danger of a violation of the natural law, and there there is no particular law forbidding it.

11. Singing or playing musical instruments in non-Catholic religious services is a formal communication. It makes no difference whether the hymns are orthodox or not.

12. Hearing sermons in non-Catholic churches is to be governed by the principles of canon 1258, § 2, when they are a part of a service contemplated in that canon. At other times a grave reason of another kind is required, especially when a particular law forbids it. Hearing such sermons over the radio, or on street corners, is to be governed by the natural law.

13. Catholics may not give speeches in a non-Catholic church when a non-Catholic minister presides, or offers prayers before or after the talk, but they may talk in a non-Catholic church to give Catholic doctrine outside of such times. Catholics may give a talk in a profane place on the occasion of some civil celebration, even though a non-Catholic minister offers prayers.

14. It will hardly ever be in order for Catholics to kneel when present at religious services in a non-Catholic church, except when



in the presence of the Blessed Sacrament. They may do what is demanded by politeness, for example, stand when the others stand, and uncover the head.

15. Catholics may swear by touching, or kissing, the non-Catholic Bible, when it is demanded by public authority, provided it is not a sign of recognition of a non-Catholic body, and provided it is a general practice.

16. Common churches may be used for Catholic services when there is sufficient reason and proper permission.

17. The reception of sacraments from a validly ordained priest of a non-Catholic sect is a formal communication, whenever he is not acting as a minister authorized by the Catholic Church.

18. A sacrament may never be received voluntarily from a non-Catholic priest in a rite which is invalid. Accidental non-Catholic ceremonies in a rite may be tolerated when such a minister administers a sacrament legitimately, or Baptism by order of the civil authority.

19. A validly ordained priest of a non-Catholic sect may administer private Baptism in a case of extreme necessity when no lay person, Catholic or non-Catholic, is present, who is capable of baptizing validly.

20. Acting as sponsor at the Baptism of non-Catholics by non-Catholic ministers is a formal communication.

21. A Catholic servant may hold a child during a non-Catholic Baptism for a proportionately grave reason.

22. A validly ordained priest of a non-Catholic sect may administer Penance, or Extreme Unction, and, perhaps, Viaticum, but only in cases of extreme necessity when a Catholic priest is physically or morally unavailable, and when there is no danger of scandal or perversion. When Extreme Unction is the sacrament required by the circumstances in such cases, the non-Catholic priest should first absolve conditionally.

23. It is formal communication to receive Holy Communion (except as Viaticum under certain conditions), even by way of fulfilling the Easter duty, from a non-Catholic priest.

24. It is formal communication to assist formally at a Mass of a

non-Catholic priest, unless he is legitimately completing a Mass begun by a Catholic priest as a minister of the Church.

25. It is a formal communication to give a stipend for a Mass to a non-Catholic priest.

26. It is a formal communication to receive sacramentals from a non-Catholic minister.

27. It seems to be a formal communication to assist a non-Catholic minister during his religious rites for a sick member of his sect.

28. Near relatives, especially parents, brothers, and sisters, seldom have a reason sufficient to justify their material presence at a non-Catholic religious marriage ceremony for a Catholic member of the family. Other Catholics may be present for a proportionately grave reason.

29. A Catholic may not be a religious witness at a religious marriage ceremony of non-Catholics, nor may he lead the bride to the altar or to the minister for the sake of marriage.

30. A Catholic may give the bride away to the groom. A Catholic may be bridesmaid, or best man, first or honorary, or merely legal witness at the religious marriages of non-Catholics in this country under the conditions required to justify material communication, provided the duty is considered as merely civil, and has the approval of the Bishop.

31. A Catholic priest may be present at non-Catholic religious funerals of relatives or friends, provided he wears the customary street dress, and his connection with the deceased person is sufficiently known. He may offer private prayers for the deceased person, and even common prayers with the family, or relatives, or friends outside the time of the funeral services.

32. Canon 1258, § 2, does not apply to merely civil funerals.

33. A grave reason of civil duty or honor does not suffice to justify material presence at an anti-Catholic funeral. Ordinarily social obligations can be fulfilled in these cases by paying respects at the funeral parlor or at the home.

34. A Catholic layman may act as pallbearer at ordinary non-Catholic religious funerals in this country according to the principles

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of canon 1258, § 2, when it is considered as a merely civil function, and is approved at least implicitly in the diocese.

35. It is conceivable that, in places where Catholics have lived with non-Catholics for a long time, some things, which require a grave cause, be done without a grave cause through custom, or that things intrinsically wrong be done in good faith. When the danger of perversion or scandal of the faithful is not to be feared, what is not illicit in itself may be tolerated more easily, and priests should be cautious about forbidding what can never be permitted, lest they disturb good faith without hope of fruit, and provoke the hatred of non-Catholics.<sup>2</sup>

<sup>2</sup> Cf. Noldin-Schmitt, *Summa Theologiae Moralis*, Tom. II, n. 40, Note, p. 42; S. C. S. *Officii*, April 26, 1894, nos. 4, 5, 6, *Coll. S.C.P.F.*, Vol. II, n. 1868, p. 304.