

# An Introduction to the Sacramental Law of the New Code

## *Introduction*

The main purpose of this article is to provide a way for a better understanding of the sacramental law in the new Code; specifically in Book IV. My role then is not to comment on the 415 canons; but to introduce you to them. For this reason, I took the liberty of changing the title of the lecture to: *An Introduction to the Sacramental Law of the New Code*.

The means however to be used, the approach indicated for the understanding of the sacramental law is this: *identify the underlying theology of the sacramental norms*. This would mean then that I am not expected to identify the sacramental laws but rather to point out and explain *what and how the salient features of sacramental theology* of Vatican II are reflected in the pertinent section of the new Code.

## *Division*

Given these parameters, I intend to touch upon the following points:

1. General Introduction
2. Directive Criteria in the Preparation of Book IV
3. Significant Innovations
4. Conclusion: comparison with the 1917 Code on this matter

## 1. General Introduction

1.1 *Source.* — The “newness” of the sacramental norms as contained in the Code actually goes back to 1963. The *Constitution on Sacred Liturgy* even then laid down in detail what should be the object of canonical revision in the area of the sacraments.

“In the passage of time however, there have crept into the rites of the sacraments and sacramentals certain features which rendered their nature and purpose far from clear to the people of today; hence, some changes have become necessary to adapt them to the needs of our own times. For this reason, the Sacred Council decrees as follows concerning their revision.” (SC n. 62)

And it continues in ten additional numbers (nn. 63-78) listing down the various elements to be adapted in terms of language, the catechumenate, the rites of various sacraments and sacramentals. From this source came the new rituals, the different important documents of the Pope and of the Apostolic See in general, and in a real sense, the sacramental laws of Book IV of the new Code.

1.2. *Title.* — In the 1917 Code, the sacramental laws are to be found under the general rubric *De Rebus*; in the new Code, the sacramental discipline is under a new heading *De Munere Sanctificandi Ecclesiae*. This change is not only verbal — it indicates a deep shift in understanding the sacraments.

The 1917 Code viewed the sacraments primarily as *means* to be correctly used by ministers and received by the faithful in view of certain salvific effects. Since the sacraments are neither persons nor processes, they were placed under the rubric of *De Rebus* (C.726: “Res de quibus in hoc libro agitur quaeque totidem *media* sunt ad Ecclesiae finem consequendum...”).

On the contrary, a principal conciliar achievement was changing this perspective and viewing the sacraments primarily as *mysteries of faith, the actions of Christ and his Church, sacred signs showing for and making present the grace of the Holy Spirit* (cf. SC 7 and 59). But above all, the Title *De Munere Sanctifi-*

*candi Ecclesiae* focuses on the Church and the task of sanctifying. Although Book IV practically contains norms on the sacraments, we are advised from the very outset in *Canon 834* that the sacraments should be viewed in their *ecclesial* and *christological* dimensions. More concretely they should be considered in the context of the Sanctifying Office of the Church.

1.3. *Content of Book IV.* — The content of Book IV is distributed into *three* parts: after the *preliminary canons* (canons 834-839): *Part I — The Sacraments*; *Part II — The Other Acts of Divine Worship*, and finally, *Part III — The Sacred Places and Times*.

Even a superficial comparison between the content of the 1917 Code and of the new will bring out the fact that many canons and titles in the 1917 Code were excluded from the new Code. There are several reasons for this. *One* is that liturgical laws as such generally remain outside the scope of the Code as provided for in *Canon 2*. A *second* reason is the decision of the commission to retain only those liturgical norms that are needed for the proper ordination of the worship and for the fostering of the external dimension of the Church. Since the entire liturgical discipline of the Church after Vatican II has been gradually issued and implemented, there is no reason why they should be repeated in the Code. And *finally*, some canons of the 1917 Code were omitted either because they are concerned with matters that are best provided for by particular laws, or because they do not strictly deserve the character of law; they can therefore be the object of particular ordinations by competent organs of the Church.

What then is the guiding consideration in the selection of the content of Book IV? A clear presentation and safeguarding of the three dimensions of the sacramental reality:

- 1) that the celebration be truly the sacraments given by Christ to the Church and not the fantasy of a minister or a group; (SC 21)
- 2) that in the measure the law can assure it, the celebration be for the individual recipients a sign of sanctification and the expression of true worship; thus the concern for the proper disposition of the subject; (SC 11)

- 3) that its celebration be truly a "manifestation of the authentic nature of the Church", at the same time that it builds it because celebrations belong to the whole body of the Church and manifests and affects it. (SC 26)

1.4. *Format.* — Each sacrament in the 1917 Code uses these categories in developing every sacrament: *minister, subject, matter, form*, etc. The new Code, reflecting the post-conciliar rituals, follows a new organizing principle: a) *celebration* of the sacrament b) *ministers* and offices in the celebration and c) the *recipients* of the sacraments. These disparities do not seem to be simple technicalities but rather bespeak quite different perspective on sacramental ministry.

The perspective of the 1917 Code tends heavily on the *accurate observation* of prescribed liturgical rites in accord with the Tridentine canon (Sess. VII, can. 13). This concern is at the root of giving prominence to the minister in the ordination of the norms. The new Code, while not excluding the need for fidelity to the prescribed rites (c. 846), gives singular importance to the celebration of the sacramental rites as meaningfully as possible for the believing community. *Sacrosanctum Concilium* reminds pastors of souls: "In order that the liturgy may be able to produce its full effects, it is necessary that the faithful come to it with proper disposition that their minds be attuned to their voices, and that they cooperate with heavenly grace lest they receive it in vain. Pastors of souls must, therefore, realize that, when the liturgy is celebrated, something more is required than the laws governing valid and lawful celebration. It is their duty also to ensure that the faithful take part fully aware of what they are doing, actively engaged in the rite and enriched by it." (n. 11) For this reason, the central focus of the new Code in developing the norms on each sacrament is the *celebration*.

## 2. Directive Criteria in the Preparation of Book IV

The ten *Principles Guiding the Revision of the Code of Canon Law*, approved by the Synod of Bishops on October 1967 are an obligatory source of understanding the new Code. They are, perhaps, the most practical and logical means of understanding the

new Code. We should therefore briefly examine how faithfully the principles were followed in Book IV.

Of the ten principles, we can certainly exclude the *seventh* and the *ninth*. These do not concern the sacraments directly since they are about the order of the procedure for the defense of the rights and the revision of the penal code.

*First Principle: The juridical character of the Code.* The principal and essential end of canon law, is to define and protect the rights and obligations of each man in relation to other men and in relation to society insofar as this can be done by the Church and insofar as it pertains to the worship of God and the salvation of souls. Compliance with this principle is evident all throughout Book IV, but most especially in canons 834-848 where we have the careful and concise ordinations as to the rights and duties of the faithful and the ministers in receiving or in celebrating the sacraments.

*Second Principle: The best possible coordination between the internal and external forums is to be sought in order to avoid altogether, or at least to reduce to a minimum, any conflict.* This is necessary, in a very particular way, in the area of the sacraments. *Canon 966* should be understood in the context of this second principle. Under the 1917 Code, canon 872, the priest needs, in order to be able to validly absolve sins, the power of jurisdiction or governance. Instead, he would need the *faculty to exercise* the power to absolve which was received through ordination. See also cann. 976, 985, 1029, 1030, 1039.

*Third Principle: Introduction of ways to promote pastoral care.* This is evident in those norms which give the local bishops the opportunity to use their discretion. To a certain extent, this is true also with those norms giving this same allowance to the individual ministers. Norms in Book IV are generally suffused with spiritual unction.

*Fourth Principle: The incorporation of Special Faculties into the new Code.* This is most evident in the number of faculties of the Ordinary to dispense from impediments and from irregularities. And should there be other cases not explicitly mentioned,

*canon 87* practically gives the diocesan bishops unlimited faculty to dispense under very generous conditions.

*Fifth Principle: Principle of subsidiarity.* This is also reflected in the provisions giving the faculty to the Episcopal Conferences, to the Ordinaries, and to the ministers themselves to prescribe particular norms in relation to the administration of the sacraments.

*Sixth Principle: Defense of the Rights of Persons.* The sacramental norms include provisions regarding the right of the faithful to receive the sacraments and also the right to a good reputation and to the discretion of the confessor (cf. can. 982).

*Eighth Principle: Territorial arrangement in the Church.* This has been followed but up to a limited degree only.

*Tenth Principle: A new Systematic Arrangement of the Code.* As for Book IV, it is entirely for the Sanctifying office of the Church. Various chapter titles are modified; others were totally changed, while a good number are new.

### 3. *Significant Provisions*

I shall limit myself to the significant innovations of Book IV, particularly those of general interest. We will divide these new norms into three parts: 1) New Provisions in the Preliminary Canons (cann. 834-839); 2) New Provisions in the General Canons on the Sacraments (cann. 840-848); 3) New Elements in Each Sacrament.

As we explain the new provisions, we will at the same time point out the underlying theology of the norm.

#### 3.1. *In the Preliminary Canons (cann. 834-839)*

These canons present to us the concrete way in which the Church fulfills her sanctifying office. We are told in *Canon 210* regarding the principal obligation of every faithful to seek holiness and to assist in the promotion of that holiness in the Church; further, *Canon 211* regarding the obligation of all the faithful to

work for spreading the divine plan of salvation. The Church, the Body of Christ, is tasked by Christ to lead men to truth by teaching and to holiness by sanctifying. *Canon 747* provides the juridical ordinances on how the Church exercises her power of teaching. These preliminary canons (834-839) present to us the concrete way in which the Church exercises her task of sanctification.

*Values.* — The importance of these norms is fundamental and far-reaching.

1. *In relation to the right of the faithful:* here the Church offers apt means to the faithful to be able to realize the obligation and exercise their rights to the means of sanctification.

2. *In relation to the nature of the Church:* she is the Mystical Body of Christ, and the universal sacramental sign of salvation, even in her structure. Therefore her laws acquire, in a certain sense, a quasi-sacramental value.

3. *In relation to the general goals of the law:* “*salus animarum*” as indicated here in a more explicit way.

4. *In relation to the peculiarity of canon law:* they are laws found in a very special society in which a dual element of human-fallibility and divine-infallibility exists.

*Theological Content.* — Paul VI used to say that today it is impossible to make canon laws without theology. In this sense, we have seen that one of the criteria for legislative norms was to give theological foundation to canon laws. In these sections we have the basic theological elements of the entire sacramental legislation. These are, among others, the following:

1. *Liturgy is the exercise of the priestly office of Christ that the Church actualizes.* Three functions of the liturgy are mentioned: (1) signifying sanctification with signs; (2) causing it (3) exercising the public worship. This public worship proceeds from and is founded on faith. And this faith is born and is nourished by the word and work of the ministers. At the same time, common priesthood is best realized in public worship.

2. *Public worship is rendered to God*: but (1) in the name of the Church, (2) by legitimately constituted persons, and (3) through the actions approved by the authority. These approved actions (1) belong to the whole ecclesial body, (2) are participated in by every single faithful according to the various orders and variety of functions; (3) and thus to be completed by the community and moderated by the competent authority. Who are these authorities? *Canon 838* says the Holy See, Episcopal conferences, diocesan bishops, each at their proper levels.

3. The Church exercises its sanctifying office in other ways, other than strictly liturgical, v. gr. by beseeching God that the Christian faithful be sanctified in truth and in the works of penance and charity (c. 839)

3.2. *In the General Norms on the Sacraments* (cann. 840-848)

1) *Coordination of the Sacraments of Christian Initiation* (can. 842.2)

The importance of this canon consists in the phrase: "full Christian initiation". In other words to be fully incorporated into the life of the Risen Christ and of His Body, the Church, a person should receive the three sacraments of initiation. This norm finds its basis in various documents of Vatican II, v. gr. AG 14; PO 2: (SC 71). While no one may receive other sacraments unless he has first received baptism; baptism alone however does not fully incorporate a person to Christ and the Church. The Sacraments of initiation realize that full incorporation at different levels and at different stages. This full but gradual incorporation is most manifest in a unified celebration of the three sacraments, especially at Easter or Pentecost, but the reality is equally present in the more common case when the sacraments are celebrated separately at different stages of the Christian life.

2) "*Communicatio in sacris*" with some sacraments (can. 844)

This canon incorporates post-conciliar directives on conditions under which a Catholic minister may administer the sacra-

ments to faithful of other communions or under which catholics may receive the sacraments from ministers of other communions. It modifies the stringency of canon 731.2 of the 1917 Code.

The *remote* source of this law is the orientation of Vatican II as regards the rapport with other Christians by insisting more on the common elements than those that separate. Vatican II also urges the working together in prayer, in the common search, in the admission of the respective errors of the past (cfr. UR 4). The more *immediate* sources however are the *Orientalium Ecclesiarum* 27, Ecumenical Directory, 42-47, 55 and the June 1, 1972 *Instruction on the Admission of Other Christians to the Eucharist in Particular Cases*, nn. 4-5.

The *norms* are as follows:

a. *The Catholic faithful:*

- a) can receive the sacraments of reconciliation, eucharist, and of Anointing of the Sick from a non-catholic minister validly.

b) *conditions:*

- \* necessity or authentic spiritual advantage
- \* that the danger of error or indifferentism is avoided
- \* physical or moral impossibility to have a Catholic minister (par. 2)

b. *The Catholic Ministers:*

- a) They can lawfully administer the three above-mentioned sacraments to Christians of the separated Oriental Churches, on condition that:

- \* they ask for it on their own accord.
- \* in their churches these sacraments are accepted validly; and that they are properly disposed.

- b) They can do the same for members of other churches which, in the judgment of the Apostolic See, are in a situation concerning these sacraments equal to that of the Orientals. (par. 3)

- c. The Catholic Ministers lawfully administer the same also to the other separate Christians:

- a) in danger of death or if in some other serious need in the judgment of the diocesan bishop or if the Episcopal Conference urges it;
- b) with the following conditions:
  - \* they cannot approach a minister of their community;
  - \* they ask on their own accord for the sacraments;
  - \* they manifest the catholic faith on these sacraments.

N.B. A reciprocity exists between the Catholic and the Orientals on this matter. There is no similar reciprocity between catholic christians and those of other christian confessions.

### 3) *Holy Oils*

The question concerns the sacraments of baptisms, confirmation, Holy Orders, and of the Anointing of the sick.

While in the 1917 Code, one could use only olive oil, whether for catechumens, for confirmation, or for the sick, under the new Code "the minister must use oils pressed from olives *or from other plants...*" (c. 847.2). The first step towards this new norm had been the provision of the Apostolic Const. "Sacram Unctionem Infirmorum" of 30 November 1972. Among these revisions is that for the anointing of the sick, one could use olive oil or depending on the circumstances, oil extracted from *other plants*.

Observe two things: first, canon 847 does not carry anymore the clause of the Constitution: "depending upon the circumstances," second, the oil should be extracted either from olive or from *other plants*.

### *Conclusion*

To better appreciate the new Code on this particular section on the Sanctifying Office of the Church, a comparison with the Code of 1917 would be helpful. In this way, we will see how different were the times which gave birth to these two codes.

1) In the Code of 1917, the dominant perspective is more individualistic, coherent with the vision of the sacraments as

"means of sanctification of the subject". In the New Code, the underlying perspective is more ecclesial, fruit of an enriched vision of the sacrament the celebration of which manifests and constructs the Church and where sanctification and worship are aspects of the same reality. From this, greater consideration is given to the discipline and participation of the people even though special ministries other than the ordained ministry.

2) In the Code of 1917, the prevailing concern is the validity and lawfulness of the administration of the sacraments. In the New Code, learning from Vatican II, care is given not only that the laws relating to the validity and lawfulness be observed, but also and principally *the concern* that the faithful participate consciously, actively and fruitfully in the celebration.

3) The normative of the Code of 1917 is grounded on the ideal of uniformity considered as belonging if not to the existence, at least to the perfection of the Christian religion. In the New Code, the eminent concern is that the celebration be faithfully realized, but at the same time it can also be assumed as its own by each territory, and consequently adopted to their mentality and traditions.

4) In the Code of 1917, almost everything is presided by an iron-clad centralization which has its posttridentine roots by the interpretation that was given to it at that period. In the New Code, the local hierarchy, individually or as a group, is also incorporated in its legislative function.

5) In the Code of 1917, a socio-pastoral frame of Christianity is noticeable; faith and a good preparation are presupposed, so with a general desire to receive the sacraments; children can be baptized without requiring guarantee for a posterior Christian education. In the New Code, there is much more concern regarding the faith and its disposition in the subject.

6) In the Code of 1917, there is hardly any samblance of an ecumenical concern. In the New Code, the ecumenical sensitivity is evident throughout the pages.

† LEONARDO Z. LEGASPI, O.P., D.D.  
Auxiliary Bishop of Manila