

Chapter 16 — The Sacraments of the Church

The Minister of the Sacrament of Confirmation in Eastern Theology

Commenting on a draft of a schema “On the Sacraments” prepared by the Eastern Commission, the patriarch dwelt more particularly on the delicate question of the minister of the sacrament of confirmation, or holy chrism [myron], in Eastern theology and discipline. This note was presented at the Central Commission in its session of January, 1962.

A. The preamble placed at the head of this chapter seems to need revision which takes into account the following observations:

1. The author of the preamble presents the grace associated with this sacrament as being exclusively a grace of power and of combat, “by which, made fit for the fight against enemies of the soul, they may gain victory.” This concept, insofar as it is too exclusive, is inspired by Western theology, which in turn has erected it on the basis of the Latin usage, according to which holy chrism is a sacrament for those of adult age, conferred at the time of life when the Christian should begin to struggle. Eastern usage remains more faithful to the ancient tradition that considers chrismation as being an integral part of the three sacraments of “Christian initiation.” Following that tradition, the Orthodox East continues to confer these three sacraments at the same time: baptism, chrismation, and the Eucharist, not only to adults but also to infants. In this perspective, the statement of the preamble is no longer adapted to the disciplinary canons that follow. It is much better to present chrismation as a sacrament whose aim is to confer on the one baptized the fullness of the gifts of the Holy Spirit, among which there is naturally the gift of fortitude.

2. The bishop is said to be the only ordinary minister of chrismation. I am fully in agreement with the doctrine that this formula intends to express. But I propose that the words “ordinary minister” be replaced by the words “primary or authentic minister.” In Western usage, it is in fact the bishop who ordinarily administers this sacrament; the formula of Western theology thus conforms with usage. But in the East it is the priest who ordinarily and since the oldest times confers this sacrament at the same time as baptism and the Eucharist. To say of the Eastern priest that he is the “extraordinary minister” is to use an expression that does not in any way correspond with reality. It is true that to say “ordinary minister” does not necessarily say minister who ordinarily confers this sacrament. But why not then find a less equivocal expression, and say, as I propose, the minister who is primary. original authentic of his own right, etc.?

3. The Latin text of the preamble states: “It is well known that in Eastern regions from ancient times the practice has prevailed with the consent of the Apostolic See, that even simple priests, with chrism prepared by the bishop, have administered this sacrament to their faithful when conferring baptism, and they still administer it.” This text requires several remarks.

a. "...from ancient times the practice has prevailed." Eastern discipline on this point is presented as a "usage contrary to or outside the law," tolerated because it is very ancient, from time immemorial. The historic reality is otherwise: in the East the priests have confirmed since the time when they baptized separately from the bishop.

b. "...with the consent of the Apostolic See." This is a gratuitous assertion that does not rest on any historical fact. Never, before the deductions of Western theologians and canonists, have the popes thought that Eastern priests confirm in reliance on exceptional powers that they have granted. This clause has been invented by Latin canonists or even Uniates in order to retain a logical connection with the principles from which they wish to proceed, namely that only the pope can authorize a simple priest to confirm: "Well, the Eastern priests confirm, thus they do so through the authorization of the pope". The reasoning is correct, but it is deficient in its basis; its major premise is the matter of an important distinction. Only the pope can authorize a simple priest to confirm: in the West, yes. As far as the East is concerned, nothing in Holy Scripture or in the ancient and authentic tradition substantiates this. Historically this administration has been performed in reliance on customary usages. There is no need to impart to the popes things that they have not even suspected, and besides, one should not bend history to preconceived principles, but rather establish principles in conformity with the facts of history.

c. "...to his faithful." The author of the preamble seems to wish to limit the valid application of the Eastern discipline on this point only to subjects of the priest who confirms. In reality, if the Eastern priest confirms according to the discipline of his Church, his confirmation, like his baptism, is logically valid, no matter who the subject of the confirmation may be. It is only in proceeding from principles dictated by the different discipline of the West that one denies the validity of confirmation administered by an Eastern priest to a faithful who is not of his rite.

4. It is asserted that the popes, for the good of souls, have sometimes limited this privilege that Eastern priests have to confer the sacrament of confirmation. It is known that these limitations and these revocations of the legitimate Eastern usage of Eastern priests have been, in reality, a concession made by the popes to the prejudices of Western canonists who do not wish to admit that there can be in the Holy Church anything other than that which they are accustomed to see where they live. It is useless to make this a question of the good of souls, as if the Eastern usage were a harmful exception.

This presentation of the Eastern discipline is also very little consistent with the wording of the disciplinary canons that follow. One might say that the writer of the preamble wishes, by using principles as a basis for certain restrictions, to weaken the freedom of the proposed disciplinary measures.

B. On the subject of the canons, I would take the liberty of making the following observations:

1. Can. I. Change the term "ordinary minister" in accordance with what has been said above.

2. Can. II. “with chrism blessed by the bishop.” The blessing of holy chrism is reserved to patriarchs. It would at least be necessary to say “by the patriarch or bishop...” 3. Can. II. “Unless a particular law should enjoin otherwise.” This clause should be explained. The particular law that still exists in certain regions of the West and according to which it is forbidden for an Eastern priest to confirm along with baptism cannot be tolerated. As for the particular law of certain Eastern Churches, as, for example, the Maronites, one must respect it, although it would have been better to call upon these Churches to return to the pure tradition of the East on this point.

The Sacrament of Penance

At the January, 1962, meeting of the Central Commission, the patriarch expressed what he thought of the “jurisdiction” for confessions, of the “secrecy of the Holy Office,” and of reserved sins.

1. The West has no doubts that for the validity of absolution it is required that the confessor have a certain jurisdiction over the penitent. Doubtless this conviction springs from the fact that the West, having equated the absolution of sins to a judgment, has wished to find in absolution all the conditions of a human judgment in the strict sense. Well, it seems to us that the sacrament of penance is not a judgment, except by analogy. It thus does not require for its validity all the conditions of a true judicial procedure. In particular, the classical East believes that a priest approved by his bishop for confessions—thus constituted as a spiritual father—can absolve everywhere the faithful who make their confessions to him.

Ecclesiastical proprieties require of him that he should exercise this power only in the territory that has been entrusted to him, or with the permission of the priest of the place, but the validity of the sacrament always remains unharmed. I have taken the liberty of explaining this classical Eastern Christian discipline for two reasons:

- a) to avoid pressing too closely the comparison between confession and judicial procedures;
- b) to support doctrinally the widening of the present Catholic discipline.

2. Among the hierarchs who have the privilege of hearing confessions everywhere, it is also fitting to mention patriarchs.

3. As for the censures attached to revealing the “secrets of the Holy Office,” I am personally opposed not only to these censures but also to the “secrecy of the Holy Office” itself as it is practiced nowadays. May the Holy Office pardon me if I say troublesome things that many think but do not dare to say. We owe it to the Church to speak the whole truth in its solemn meetings. The affairs of the Church certainly require much discretion. But there is long distance between this indispensable discretion and the “secrecy of the Holy Office” as it is practiced today. The latter has given certain ecclesiastical

administrations the character of a true Freemasonry, and this has been abused more than once to condemn certain persons “from an informed knowledge,” as it is called, that is to say without interrogating them or without giving them the elementary possibility of defending themselves. Besides, it seems to me that a radical reform of the Holy Office is today necessary, for the Holy Office is still too reminiscent of the “Holy Inquisition.” Its time has passed.

4. There is a question of reforming the penal system of the Church. We could not overemphasize the necessity of bringing about this reform. The present penal system of the Church almost reduces it to a secular society, more especially since the majority of the penalties are absolutely inappropriate.

Penitential Discipline of the Church

A proposal of the Melkite Greek Catholic episcopate presented to the pope on October 14, 1965.

Responding to the wishes of His Holiness, Pope Paul VI, who invited the different episcopal conferences to demonstrate to him their opinions on a draft of unification of the Church’s penitential discipline, His Beatitude Patriarch Maximos IV convoked a study meeting. This meeting took place in Rome on Tuesday, October 12, 1965. After having taken into consideration the documents furnished by the Holy Congregation of the Council, the Holy Synod expressed the following opinions:

1. We are all, in principle, favorable to an adaptation of the law of fasting and abstinence to present circumstances.
2. We wish that in fasting there may be a part that is strictly obligatory, and another part that is only recommended, which constitutes a minimum.
3. We wish that this law, in its strictly obligatory part, be unified for the whole Catholic Church, both Eastern and Western.
4. The days of fasting and abstinence that are simply recommended will remain different according to the diversity of rites.
5. Once the Latin Church has adapted and unified its discipline in the matter of fasting and abstinence, it will behoove the superior legislative authority of each Eastern Church to promulgate the rules of fasting and abstinence for its faithful, agreeing, insofar as possible, with those of the other Eastern Churches and of the Latin Church.
6. We maintain the distinction between fasting and abstinence, nevertheless adding that abstinence is equally obligatory on days of fasting. In other words, for us fasting is always accompanied by abstinence.

7. We are in agreement that there should be in the course of the year only three days of strictly obligatory fasting. These three days are: the first day of Lent, Holy Friday, and Holy Saturday. We prefer not to include Christmas Eve.
8. As for the days on which abstinence is strictly obligatory, we prefer that they be fixed as all Fridays of the year without any exception and without any distinction between Fridays of Lent and ordinary Fridays, among laity and secular priests on the one hand, and religious, male and female, seminarians, etc., on the other.
9. As for the nature of fasting, it consists for us of the absence of all nourishment or drink (except water) from midnight to noon. Abstinence consists of abstaining from meat or the gravy of meat.
10. We are in agreement with the discipline of the Code of Canon Law concerning the age limits of the obligation for fasting and abstinence.
11. We are equally in agreement in recommending to the faithful certain practices compensating for the mitigation of the Church's penitential discipline.

Indulgences

The Sacred Penitentiary had prepared a draft of the recasting of indulgences. The episcopal conferences had been consulted, toward the end of the fourth session of the council. On November 10, 1965, the patriarch read before the conciliar assembly the opinion of his synod. It raised the doctrinal point underlying the discipline of indulgences. The discussion passed beyond the framework of the discipline to enter the field of dogma. The discussion was brought to an end.

I speak in the name of the synod of the Melkite Greek Catholic episcopate, and I wish to begin by declaring what follows: It is undeniable that the Church can add a supplementary propitiatory value to the pious acts of Christians, relying on the infinite merits of Christ and the communion of saints, for, united with Christ its leader, the Church has a power of universal intercession.

It is also undeniable that the Church's power of intercession can obtain from God a partial or total remission of the punishment due to pardoned sin. That is equivalent to asserting that the Church can obtain from God a remission, that one can call an "indulgence," partial or total, of penalties on behalf of its repentants.

As for establishing an exact equation between the intercession of the Church and the remission by God of the penalty due to sin, that is not only without theological foundation, but also has been the cause of innumerable and serious abuses, which have caused irreparable damage to the Church. Thus it is necessary that that be positively abolished. In fact, nothing in the early and universal tradition of the Church proves that indulgences were known and practiced, as they have been since the Western Middle

Ages. In particular, during the eleven centuries, at least, that the union of the Church of the East and the Church of the West lasted, there is no trace of indulgences in the usual modern sense of the word. Today the Orthodox Church, faithful to early tradition, is still ignorant of indulgences, as the West understands them.

The theological reasoning that seeks to justify the belated introduction of indulgences in the West constitutes, in our opinion, a group of deductions in which each conclusion goes a bit beyond its premises.

In reality, indulgences are tied historically to the ancient penitential discipline of the Church. For each serious external fault the Church provided a public penance, more or less lengthy, more or less painful. Sometimes a mitigation of this sanction was granted, whether at the recommendation of a pious person, or on behalf of external acts, such as a pilgrimage or other act. Naturally, the fulfillment of these canonical sanctions is accompanied by a corresponding diminution of the punishment by which God wishes, in his goodness and his justice, to chastise the sin, whether down here or in the hereafter. But in imposing these sanctions, or mitigating them, the early Church did not intend in any way to interfere in God's judgments, to induce Him to cancel all punishment, or to reduce it in a fixed manner.

When in the Church's discipline the usage of public canonical sanctions was suppressed, there normally should also have been a suppression of the concession of indulgences, which had for their precise goal to moderate or remove these canonical sanctions. By retaining them there was a passing, improper and too rigid, from the human and canonical basis to the divine basis.

In the Middle Ages, indulgences were subject to innumerable abuses, that were grave scandals for Christianity. But even in our days, it seems to us that the practice of indulgences too often, among the faithful, leans toward fetishism, superstition, the feeling of religious "capitalization," a kind of pious bookkeeping, with forgetfulness of what is essential, namely the sacred and the personal exercise of repentance.

That is why we would wish that the Church, if it holds to the course of not purely and simply suppressing indulgences, by a positive act on its part, would readjust its practices for indulgences to make them more acceptable:

1. By eliminating all counting of days, years, or centuries; the amended schema has already reached this point.
2. By eliminating, in the concept of a partial indulgence, all conformity with a mathematical equation between the merit of the penitent and the satisfying capacity of the Church, for the Church does not multiply the merit of its faithful by a fixed coefficient.
3. By eliminating, even for plenary indulgences, any idea of automatic assurance of total acquittal.
4. By developing a theology in which the accent would be placed on the personal reparation of the faithful, strengthened and elevated by Christ's merits.

Thus the faithful are made to understand that the Church adds, in fact, to the intrinsic worth of their prayers and their good works the infinite worth of the merits of Christ and of his Body, which is the Church, and that is from the very fact that, belonging to the Church as its members, they participate in the divine life that animates the whole Body.

By doing this, the Catholic Church avoids the doctrinal difficulties with the Reformed Churches, difficulties that are at least disciplinary with the Orthodox, and pastoral difficulties with the Catholics themselves. Also thus, the prayer of the faithful is not isolated, but united with Christ and the Church.

“Indulgences” thus consist of this: the faithful will bear their punishments, whether imposed or voluntary, with Christ, who gives them an infinite value of redemption. As for the temporal punishment that their sins deserve, the Church does not affect it by canonical sanctions. The faithful will accept chastisement from her maternal hand, in all submission and confidence, and will spontaneously do penance from love for their Father. They will also pray for their departed ones, without seeking to know exactly either the punishment that the latter suffer or the exact measure, full or partial, of the help that they can supply for them. In this light, one will better understand the worth of a blessing given by a bishop or a priest, the worth of a pilgrimage, the wearing of a pious object, the participation in an office recommended by the Church, etc. These are the incontestable truths which by themselves can create in the soul a truly Christian sense of sin and satisfaction.

Thus, summing up everything in a few words, we shall say that the propitiatory power of the Church intervenes through the infinite merits of Christ, instead of entering into details of accounting, where errors and abuses have free play. Christ is, and must remain, the cornerstone, the alpha and omega, of the whole of our holy religion, in which all must be brought back to Him.

Mass Stipends

This is a statement presented by the patriarch to the June, 1962, session of the Central Commission on a draft of the schema “On Mass stipends.”

No. 1 of this schema appears to us as incomplete, in that there is not presented to the faithful a sufficient doctrinal basis for the practice of Mass stipends as such. It speaks only of the necessity of providing for the needs of the priests. For our part, we would be satisfied with it. If we speak about it, it is to put the theologians on guard against the framework of the theories that they have devised, distinguishing among the different “fruits” of the Mass, in order to reserve certain ones of them to the person who offers the Mass stipend. This framework does not have any foundation in the Church’s tradition, and it savors of the abuses of the Middle Ages. In reality, the holy sacrifice of the

Eucharist is always offered to the Holy Trinity for all humanity, redeemed by the blood of the Redeemer. That does not prevent a faithful person from asking the priest to make a special commemoration at the Lord's altar. On this occasion, he may, if he wishes, offer alms to the priest, to the church, also to the deacon. But the sacred rite is not the only occasion of alms. Such alms may equally be offered on the occasion of funerals, of vespers, of any other office. No causal link must be placed between the alms and any "fruit of the Mass," without having the poor, who cannot offer as much alms as the rich, receive less grace from the holy Sacrifice of the Mass. It is necessary to return, on this point as on so many others, to the ancient tradition of the Church and avoid indulging in the rather partisan and trite ideas of the theologians of the Middle Ages.

No. 4 speaks of a "privileged" altar. It is better, it seems to us, to eliminate this privilege, to avoid arousing superstitious confusion in the minds of simple persons.

We would also ask that the practice of "Gregorian" Masses (No. 6) be eliminated, in order to remove from today's faithful an occasion of superstition. These two institutions, the privileged altar and Gregorian Masses, in addition to being completely unknown in the East, are rarely well understood, cause superstitions, and bring about accusations that the Church is mercenary. The council would do well, it seems, to eliminate them purely and simply. However, if it is thought that their practice has been imbedded so firmly in the minds of the Latin faithful that it is difficult to eliminate them purely and simply by a decision of the council, we would only propose that they be not mentioned in the decrees of the council, and to keep them in the lists of indulgences, like the other indulgences.

Non-Catholic Ministers and Their Admission to Holy Orders

This is a statement presented by the patriarch to the June, 1962 session of the Central Commission on a draft of the schema entitled "On admitting to Holy Orders those who were non-Catholic pastors or ministers."

The conditions set down for receiving into holy orders married Protestant ministers appear to us to be too harsh. In particular, we do not see why it is necessary to ban them from holy orders if their spouse does not wish to embrace Catholicism. In fact, if she respects the religion and does not hinder the Catholic upbringing of their children, why should her husband be deprived of the grace of ordination? The text can appear to wish to put pressure on the spouse's conscience to make her follow her husband in his conversion, with the penalty of refusing holy orders to her husband. Likewise, it is not humane to require that children who have not followed their father in his conversion live away from the family home. Such measures cause the Catholic Church to be accused of intransigence in the matter of social life, which is something that should be avoided at any cost. One would say that the fact that these ministers are married frightens the Catholic lawgiver to the point that he no longer knows how much severity to employ in order to make this exception to the rule of celibacy forgotten. It is good to honor ecclesiastical celibacy, but not to the point of belittling priests whom God never called to celibacy. In this schema, and in others, every time that it is a matter of priestly celibacy, excessive expressions are used, which are too much conditioned by the fear of someday seeing married priests in the Latin Church. The council should simply assert things, in particular the dignity of celibacy for Christ, without seeming to scorn married priests, for this scorn would reflect—do not forget this—on Saint Peter himself, who was married.

In Paragraph XII the schema discusses not non-Catholic ministers who wish to receive holy orders, but priests ordained outside the Church who now wish to return to the Catholic Church. First, this paragraph cannot logically be entered under the heading of the schema in which the subject is the ordination of ministers who have not yet been ordained, when it is a matter of recognizing ordinations made outside the Catholic Church. Then, on behalf of these priests, it is necessary to provide particular legislation. It is not enough to say "The same things are understood, by ascribing like things to other like things." Something else must be provided. In particular, their case should not be reserved to the Holy Office, as today, but left to the prudent judgment of the ordinary of the place or, all the better, of the patriarch, who is in a better position to judge each case in particular.