

community, (2) voluntary request, (3) sacramental faith, and (4) proper disposition. Determination of whether these conditions pertain and are satisfied, however, cannot be ascertained prescriptively by simply appealing to these conditions as if they were a set of immutable rules. Rather, their fitness must be discerned in conversation under the guidance of the local bishop (or perhaps the head of a religious order).⁵²

As Sandra Yocum reminded us several years ago in her CTS presidential address, the penitent abstention from the table by the Baptists over two decades is a bitter reminder of our brokenness.⁵³ We have all been baptized into one body—the Body of Christ—Catholics and Baptists alike, so that we are one with Christ and one with each other in Christ (1 Cor 12:13). Yet we are not permitted to manifest our baptismal unity, nor to receive the healing grace that comes from sacramental sharing. We all have a yearning desire, which comes from a place of deep pain, though we realize that naming it is impossible, for our groaning is too deep for words (Rom 8:26). And so we pray for the Spirit to intercede, and to bear witness that we are children of God, sisters and brothers with one another, members of God's family, heirs of God, and joint heirs with Christ, in his suffering and some day in his glory (Rom 8:16-17). But now, in the suffering of this present time, with one another and with all creation, we wait for the glory that is to be revealed (Rom 8:18-19). And we ask, the Lord willing, that before then, our suffering might be eased.

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II. Serious Spiritual Need?

Professor Freeman points out that in 1972 the Secretariat for the Promotion of Christian Unity issued the *Instruction on Admitting Other*

⁵² For an excellent summary of Catholic teaching on intercommunion, see Eoin De Bhaldraithe, "Intercommunion," *Heythrop Journal* 43, no. 1 (2002): 76-80.

⁵³ See note 1.

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Christians to Eucharistic Communion in the Catholic Church, which established five conditions for such admission. Eucharist may be given to those

- who have a faith in the sacrament in conformity with that of the Church,
- who experience a serious spiritual need for the eucharistic sustenance,
- who for a prolonged period are unable to have recourse to a minister of their own community,
- and who ask for the sacrament of their own accord;
- all this provided that they have proper dispositions and lead lives worthy of a Christian.⁵⁴

In the following year, the secretariat issued a note on interpreting the instruction. As Freeman observes, this note clarified that the requisite faith in the Eucharist “is not limited to a mere affirmation of the ‘real presence’ in the Eucharist, but implies the doctrine of the Eucharist as taught in the Catholic Church.”⁵⁵ Concerning the criteria set forth in 1972, the 1973 note specifies that they are “observed if all the required conditions are verified. An objective, pastorally responsible examination does not allow any of the conditions to be ignored.”⁵⁶

As Freeman points out, the 1993 *Directory for the Application of Principles and Norms on Ecumenism*⁵⁷ generally repeats the criteria from 1972 but drops the reference to “serious spiritual need,” raising the bar to “danger of death” in paragraph 130.⁵⁸ I would add here that the 1993 *Directory* also says nothing about lacking recourse to the sacrament in one’s own tradition for a prolonged period of time. The 1993 text states only that the person in question

⁵⁴ Secretariat for the Promotion of Christian Unity, *Instruction on Admitting Other Christians to Eucharistic Communion in the Catholic Church* (1972), IV, 2; text at <http://www.ewtn.com/library/curia/pccucom2.htm>.

⁵⁵ Secretariat for the Promotion of Christian Unity, *Note Interpreting the “Instruction on Admitting Other Christians to Eucharistic Communion in the Catholic Church under Certain Circumstances”* (1973), 7; text at <https://www.ewtn.com/library/CURIA/PCCUCOM3.HTM>.

⁵⁶ *Note Interpreting the “Instruction on Admitting Other Christians to Eucharistic Communion in the Catholic Church under Certain Circumstances,”* 6.

⁵⁷ Issued by the Pontifical Council for Promoting Christian Unity, the successor to the Secretariat for the Promotion of Christian Unity; text at http://www.vatican.va/roman_curia/pontifical_councils/chrstuni/documents/rc_pc_chrstuni_doc_25031993_principles-and-norms-on-ecumenism_en.html.

⁵⁸ Freeman observes that the 1993 *Directory* also omits the reference to “urgent need” found in the 1967 *Directory for the Application of the Decisions of the Second Ecumenical Council of the Vatican Concerning Ecumenical Matters*. See Freeman, above.

be “unable to have recourse for the sacrament desired to a minister of his or her own Church or ecclesial Community.”⁵⁹

Seeking a way forward for intercommunion between Baptists and Catholics at the joint annual conventions of the College Theology Society and the National Association of Baptist Professors of Religion, Freeman suggests that the circumstances of these joint meetings might match up with the criterion of “serious spiritual need” from the 1972 *Instruction*.⁶⁰ He adds that it

might also be important for Baptists and Catholics to talk with one another about what constitutes (1) lack of recourse to a sacramental community, (2) voluntary request, (3) sacramental faith, and (4) proper disposition. Determination of whether these conditions pertain and are satisfied, however, cannot be ascertained prescriptively by simply appealing to these conditions as if they were a set of immutable rules. Rather, their fitness must be discerned in conversation under the guidance of the local bishop (or perhaps the head of a religious order).⁶¹

I agree with this line of thinking in general, but I am not sure that the “serious spiritual need” of 1972 will be of assistance. For example, the policy on intercommunion for the Archdiocese of Minneapolis-Saint Paul, within which we met in June 2018, offers as guidelines only canon 844 of the 1983 Code of Canon Law and paragraphs 129–31 of the 1993 *Directory*.⁶² Canon 844 §4 states that communion may be given to a non-Catholic “if the danger of death is present or if, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it.”⁶³ For its part, the Archdiocese of Philadelphia, my home diocese, simply provides the guidelines established by the United States Conference of Catholic Bishops in 1996. These guidelines refer, again, to canon 844 of the 1983 Code.⁶⁴ Along with discussion of no other recourse, voluntary request,

⁵⁹ *Directory for the Application of Principles and Norms on Ecumenism*, 131.

⁶⁰ See Freeman above.

⁶¹ See Freeman above.

⁶² See <https://www.archspm.org/wp-content/uploads/2014/02/nonCatholicsReceiveSacraments.pdf>.

⁶³ See http://www.vatican.va/archive/ENG1104/_P2T.HTM.

⁶⁴ See <http://www.odwphiladelphia.org/wp-content/uploads/2014/02/Guidelines-for-the-Reception-of-Holy-Communion.pdf> for the Archdiocese of Philadelphia and <http://www.usccb.org/prayer-and-worship/the-mass/order-of-mass/liturgy-of-the-eucharist/guidelines-for-the-reception-of-communion.cfm> for the guidelines established by the US bishops. I could not find the policies for New York City or San Diego (sites of the CTS/NABPR joint conventions in 2019 and 2020, respectively) on their diocesan websites. Perhaps my difficulty says something about the status of ecumenical relations.

sacramental faith, and proper disposition, I think we need to assess together “grave necessity.”

I can develop my point only in outline, but concerning “grave necessity” I wonder if there is something to be learned from the twentieth-century trajectory of the Roman Catholic sacrament of the anointing of the sick. At the century’s start, Catholic practice typically restricted the sacrament to the deathbed, and the 1917 Code specified that a would-be recipient must be someone who has “come into danger of death from infirmity or old age.”⁶⁵ At Vatican II, the criterion shifted: “As soon as any one of the faithful begins to be in danger of death from sickness or old age, the fitting time for him to receive this sacrament has certainly already arrived.”⁶⁶ The rite promulgated after the council goes even further: “Great care and concern should be taken to see that those of the faithful whose health is seriously impaired by sickness or old age receive this sacrament.”⁶⁷ True: what is at issue here is providing this Catholic sacrament to Catholics, but the understanding of gravity has changed. The pendulum has been swinging in the other direction with respect to intercommunion, but perhaps this need not be so.

One might look to the Catholic Church in Germany, where earlier this year by a 3-to-1 margin bishops authorized giving communion in some circumstances to Lutherans who are married to Roman Catholics. Some in the minority appealed the decision to Pope Francis, who referred the matter

⁶⁵ 1917 Code of Canon Law, c. 940; text available in *The 1917 or Pio-Benedictine Code of Canon Law*, curated by Edward N. Peters (San Francisco: Ignatius, 2001), 328.

⁶⁶ Second Vatican Council, *Constitution on the Sacred Liturgy (Sacrosanctum Concilium)*, December 4, 1963, §73, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19631204_sacrosanctum-concilium_en.html.

⁶⁷ *Pastoral Care of the Sick: Rites of Anointing and Viaticum* (New Jersey: Catholic Book Publishing, 1983), no. 8, p. 21. The text continues: “A prudent or reasonably sure judgment, without scruple, is sufficient for deciding on the seriousness of the illness; if necessary a doctor may be consulted.” In an important footnote to no. 8, *Pastoral Care of the Sick* adds: “The word *periculose* has been carefully studied and rendered as ‘seriously,’ rather than as ‘gravely,’ ‘dangerously,’ or ‘perilously.’ Such a rendering will serve to avoid restrictions upon the celebration of the sacrament. On the one hand, the sacrament may and should be given to anyone whose health is seriously impaired; on the other hand, it may not be given indiscriminately or to any person whose health is not seriously impaired” (note 8, p. 21). Charles Gusmer has argued: “However useful it may be to note the different conditions that suggest anointing or to urge consultation with a doctor when in doubt, it is not so much the person’s medical condition that is determinative. It is rather the ‘religious’ condition, a spiritual powerlessness, the crisis that illness represents in the life of an ailing Christian as regards communication with self, others, and God”; Charles W. Gusmer, *And You Visited Me: Sacramental Ministry to the Sick and Dying*, rev. ed. (Collegeville, MN: Liturgical Press, 1989), 87.

back to the German bishops, asking them to come to a unanimous decision.⁶⁸ Initially, at least, Francis did not say no.⁶⁹ One might look to Francis once more. In his 2016 exhortation *Amoris Laetitia*, footnote 351 of chapter 8 speaks laconically about the possibility of providing sacraments to those Catholics who have divorced and remarried without annulment.⁷⁰

Of course, I am mixing apples and oranges here. The anointing of the sick is not the Eucharist, and in any case sacramental anointing is also governed by canon 844. The German bishops are addressing situations where a Catholic and a Lutheran are joined in the bond of sacramental marriage, not joint attendees at theological conferences. The footnote in *Amoris Laetitia* is not specifically addressing intercommunion. It is worth noting as well that Cardinal Francis Arinze, former prefect of the Congregation for Divine Worship and the Discipline of the Sacraments, is among those who

⁶⁸ See Joshua McElwee, "Vatican Asks German Bishops for Agreement on Communion for Non-Catholic Spouses" *National Catholic Reporter*, May 3, 2018, <https://www.ncronline.org/news/world/vatican-asks-german-bishops-agreement-communion-non-catholic-spouses>.

⁶⁹ In a statement (Prot. N. 212/2018-64727) of May 25, 2018, but released after the writing of the current article, the Congregation for the Doctrine of the Faith placed the German proposal on hold. The statement observed that "the question of admission to communion for evangelical Christians in interconfessional marriages is an issue that touches on the faith of the Church and has significance for the universal Church" and that "this question has effects on ecumenical relations with other Churches and other ecclesial communities that are not to be underestimated." The text of the statement, which was explicitly approved by Pope Francis, is available at http://magister.blogautore.espresso.repubblica.it/2018/06/04/francis-blocks-the-document-by-the-german-bishops-in-favor-of-intercommunion-the-complete-text-of-the-letter/?refresh_ce. On June 27, 2018, the German bishops issued a statement in which they affirm their decision to "stride forward in this matter courageously." The statement, "Pastoral Guidance on the Matter of Inter-denominational Marriages and Joint Participation in the Eucharist," is available at https://dbk.de/fileadmin/redaktion/diverse_downloads/presse_2018/2018-107-eng-Kommunikation-StR-Oekumene.pdf. For an assessment of this document, see Joshua McElwee, "German Bishops 'Obligated to Stride Forward' on Inter-Communion after Vatican's Rebuff," *National Catholic Reporter*, June 27, 2018, <https://www.ncronline.org/news/vatican/german-bishops-obliged-stride-forward-inter-communion-after-vaticans-rebuff>.

⁷⁰ Francis writes: "It is possible that in an objective situation of sin—which may not be subjectively culpable, or fully such—a person can be living in God's grace, can love and can also grow in the life of grace and charity, while receiving the Church's help to this end"; a note ad loc. adds: "In certain cases, this can include the help of the sacraments." Pope Francis, Post-synodal Apostolic Exhortation, *Amoris Laetitia*, March 19, 2016, §305 with note 351, https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf.

have raised objections to the German bishops and to the provisions on communion in *Amoris Laetitia*.⁷¹

Yet I submit that there is something about changing understandings of necessity and the good of souls that might speak to our situation. Perhaps we can move back to “serious spiritual need.”

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III. A Eucharistically Malnourished Baptist’s Desire for Intercommunion

In a homily based on a Gospel lesson from John 22 that I delivered during our Friday joint evening prayer service for the 2017 College Theology Society annual convention at Salve Regina University in Newport, Rhode Island, I asked this by way of very specific application:

What might it mean for us to take up our cross and follow Jesus, to be led where we may not want to go, in taking on the brokenness that Jesus continues to suffer over the brokenness of his body—the brokenness that *we* have inflicted on Jesus through the divisions that we’ve inflicted on one another, the body of Christ? Tomorrow we’ll experience that brokenness at the Eucharistic table that we will not share. And so will Jesus. As my Baptist theologian friend Curtis Freeman said to me earlier this week, if anything’s going to change about that, it will have to be the church’s theologians who insist on raising the question and challenging our failures in working toward one Eucharistic fellowship. Might that be one way we can take up our cross and follow Jesus in our teaching vocations, so that Jesus’ lambs might be fed?

⁷¹ See Simon Caldwell, “Cardinal: Greater Access to Communion Challenges Church Teaching,” *National Catholic Reporter*, May 24, 2018, <https://www.ncronline.org/news/world/cardinal-greater-access-communion-challenges-church-teaching>.

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