

Communion in the hand, a misreading of the *Memoriale Domini*¹

Mgr. Juan Rodolfo Laise

Until 26 April 1996, the Argentine episcopate was one of the few in the world that had not accepted the practice of communion in the hand. But on that day, during its seventy-first assembly, the Argentine Episcopal Conference finally obtained the necessary votes, which it had been unable to gather during meetings in previous years. On 19 June, the Secretary General of the Conference announced, in letter protocol 319/96, that he had received a positive response from Rome to this request. The content of this letter suggested that the response to this request was applicable to all the dioceses represented at the Episcopal Conference: "In this regard, the Executive Committee of the Argentine Episcopal Conference has deemed it appropriate to set 15 August, the feast of the Assumption of the Virgin Mary, as the date on which this practice will begin, unanimously, in all our dioceses and prelatures... Consequently, the president of the Argentine Episcopal Conference announces that the decree authorising this method of distributing Communion in the hand will come into effect on 15 August."

This letter was the only notification that we bishops received: neither we nor the Catholic Information Agency, which is part of the Archdiocese of Buenos Aires, received the text of the decree from the Congregation for Divine Worship.

The text, which I finally managed to obtain by fax, revealed a reality that was completely different from what we had believed.

Thus, this new provision was not simply introduced as such, but *ad normam* of the instruction on *The Mode of Administration of Holy Communion*, also known as *Memoriale Domini*. Consulting this instruction in the *Acta Apostolicae Sedis*, I found that the letter *Instructio completur; in re pastoralis, Epistula*, inextricably linked to the instruction, indicated that the prohibition on giving Communion in the hand was maintained, but that where the practice had been introduced and was already established, "the Holy Father grants that [...] each bishop, according to his prudence and conscience, may authorise the introduction of the new rite for distributing Communion in his diocese" (*AAS* 61, 1969, p. 546). Thus warned that it was up to me to make the decision and that the responsibility lay with my conscience, I began to study the question, and more particularly the canonical rule that determined it. I came to the conclusion that this new practice had not been desired by the Holy See and that it was not part of the post-conciliar liturgical reform. It had simply

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been authorised at the insistent and persistent request of a few episcopal conferences – especially from Protestant countries – in situations where it had been introduced abusively and where, despite complaints and prohibitions from Rome, it seemed impossible to resist. I carefully checked that there was no document issued by the Holy See after *Memoriale Domini* in which the possibility of introducing this new form of communion was authorised.

I submitted this question for discussion by *the presbyterate* because the priests had expressed their concern to me from the outset. The conclusion of this discussion was the diocesan decree by which I decided to echo the Holy Father's request and to diligently submit to the law in force.

However, one question remained in my mind: how was it possible that almost everyone considered the practice of communion in the hand to be an option offered by the Church when *Memoriale Domini* was the only legislation in force? The desire to find an explanation led me to research the history of this practice, a summary of which I will present below.

In ancient times, the faithful received the Body of Christ in their hands, but there is no indication that this practice was chosen for any particular reason, other than that it was an immemorial custom; nor is there any indication that Christ, at the Last Supper, gave his Body in this manner to his disciples, who were, in any case, bishops! However, the Church Fathers later emphasised that this way of receiving the Body of Christ was in no way satisfactory: it was very easy for some of "the crumbs of that which is more precious than gold and precious stones, as St Cyril of Jerusalem says, to remain in the hands or fall to the ground. As the doctrine of the Real Presence became more deeply understood, reverence for the sacrament grew to such an extent that the practice of placing the sacred host directly into the mouths of the faithful became increasingly widespread. This practice, of which we have very ancient evidence, became the only one practised between the 9th and 10th centuries because it was more perfect and better suited to the dignity of such a great sacrament. As a result, the other practice, although more primitive but less perfect, began to be prohibited.

From then on, the prohibition against the faithful touching the Holy Eucharist with their hands became universal, both in the Churches of the West and in those of the East. It served to clearly express two very clear doctrines of the faith regarding the sacrament:

- the real, substantial and permanent Presence of Christ, true God, in the consecrated host and in each of its particles, however small they may be;

- the essential difference between the faithful and the priest who, as His Holiness John Paul II would later say, has the "privilege of touching the sacred species and *distributing them with his hands*". Pope also said, in *Dominicae Cenaе*, that this essential difference is eloquently expressed by "the rite of the anointing of the hands in our Latin ordination, as if these hands needed a special grace and strength from the Holy Spirit!").

This double meaning is so closely linked to the rite of communion that the Protestant reformers, who denied both doctrines—the Real Presence and the priesthood—reintroduced the primitive usage in reaction to a usage that so clearly expressed Catholic doctrine. Thus Martin Bucer, assessor of the Anglican Reformation, states:

"There is no doubt that the practice of not placing these sacraments in the hands of the faithful is due to two superstitions: first, the false homage they claim to pay to this sacrament, and second, the perverse arrogance of priests who claim to have greater holiness than the people of Christ because of the anointing of consecration.

"It is likely that the Lord gave his sacred symbols to the apostles in their hands, and no one who has read the writings of the Ancients can doubt that this was the custom of the churches until the advent of the tyranny of the Roman Antichrist.

"And since we must detest all superstition of the Roman Antichrist and return to the simplicity of Christ, the apostles, and the ancient churches, I want the pastors and teachers of the people to be commanded to teach that it is superstitious and malicious to think that the hands of those who truly believe in Christ are less pure than their mouths, or that the hands of ministers are holier than the hands of lay people, so that it would be wrong, or less correct—as the common people once believed—for lay people to receive this sacrament in their hands.

"I would therefore like to see an end to the manifestations of this perverse belief, namely that ministers may touch the sacraments but forbid lay people to do so, giving them the sacrament in their mouths, which is not only contrary to what was instituted by the Lord, but is also offensive to human reason.

"In this way, good people will be easily led to receive the sacred symbols in their hands, uniformity will be maintained, and measures will be taken to avoid any form of profanation of the Blessed Sacrament.

"Although concessions may be granted—for a time—to those whose faith is weak, giving them the freedom to receive the sacrament in their mouths if they so desire, if they are

carefully instructed, they will soon be able to fall into line with the rest of the Church and receive the sacrament in their hands."

So spoke Bucer. That is why, from the Counter-Reformation onwards, communion in the mouth took on a new meaning: that of rejecting Protestant doctrines concerning the Presence of Christ in the Eucharist and the priesthood.

However, these doctrines were largely taken up again in the 1960s by certain Catholic theologians – particularly in the Netherlands – in a less aggressive manner in terms of the language used, but not in their attitudes of open resistance to authority and contempt for its teachings. The importance of the ministerial priesthood was diminished, and the Presence of Christ in the Eucharist was relativised – doctrines of transfinalisation or transsignification, as they were later called – which can be found in the infamous Dutch catechism of that period. It is particularly noteworthy that Bucer's arguments were taken up again: not only did the archaeological argument that this was the oldest practice reappear, but also the argument that communion in the mouth "is an offence to human reason". Communion in the hand is presented as a "more adult" gesture, while "the traditional way of receiving the host on the tongue appears increasingly to our contemporaries as an infantile gesture; it is too reminiscent of the way small children who are unable to eat on their own are fed. Many adults feel uncomfortable performing a gesture in public that has no external beauty and reduces them to infancy," to cite just two examples.

It is in this context, after a millennium, that the Catholic Church sought to reintroduce the practice of receiving Communion in the hand.

We will now see how an eyewitness to the events, above all suspicion, describes this process: I am referring to Monsignor Annibale Bugnini, in his book *La Riforma liturgica*, a sort of memoir of the period during which the author was one of the protagonists of this reform. "At the same time that the liturgical reform was being implemented, the practice of Communion in the hand was abusively introduced in some countries—Germany, Holland, Belgium, France. From the beginning, there was strong opposition from the Holy See. On 12 October 1965, the *Consilium* wrote to Cardinal Alfrink: 'The traditional manner of distributing Holy Communion should be preserved. [...] The Holy Father does not consider it appropriate for the sacred host to be distributed on the hand and then consumed by the faithful in various ways; he therefore urges the e Conference

to take the necessary measures to return everywhere to the traditional manner of receiving Communion." But these and other complaints had no effect."

In view of this, and since the bishops considered it difficult to prevent the spread of the new practice – we summarise what Monsignor Bugnini says in his book – further consultations took place, to which the Sacred Congregation of Rites responded with a *non expedire* on 8 May 1968. However, due to insistent requests, the Holy Father decided to grant "the concession to the episcopal conferences that requested it, with the necessary precautions and under their supervision." The letter from the Secretariat of State, dated 3 June, stated: "His Holiness considers, in fact, that it will be necessary to remind the bishops of their responsibility to ensure – with appropriate norms – that they prevent any inconvenience and moderate the indiscriminate spread of this practice, which is not in itself contrary to doctrine, but which is questionable and dangerous in practice. For this reason, when other similar requests are made, they must be submitted to the Holy Father for consideration; any concession will be granted through the Sacred Congregation of Rites."

The Secretariat of State communicated its agreement to Germany in a letter dated 27 June and to Belgium on 3 July. The Congregation of Rites in turn granted its agreement on 6 and 11 July respectively. However, in the face of strong protests from some quarters, the Pope spoke with Fr. Bugnini, then secretary of the *Consilium*, during an audience on 25 July 1968, where he decided to suspend the concession, instructing him to inform the cardinal presidents of the Belgian and German episcopal conferences that they should "temporarily suspend the publication and application of the indult". This communication was conveyed by telephone on the same day and the following day by a letter explaining the reasons, promising that "a final decision would be taken as soon as possible".

In a *Promemoria* dated 30 July 1968, the *Consilium* reported on the execution of the mandate it had received and submitted proposals on how to resolve the crisis. "The problem," it said, "is not only liturgical; it has a strong pastoral and, even more so, psychological component. Worship, veneration of the Blessed Sacrament, and even faith in the Real Presence depended on it to a large extent," and the *Consilium* concluded: "Indeed, this matter touches on the very heart of the liturgy, the Eucharist, and the consequences are very important"; It therefore proposed that the president of *the Consilium* send, on behalf of the Holy Father, a letter to all the presidents of the episcopal conferences, setting out as fully as possible the *status quaestionis*, with the arguments for and against. Each episcopal conference should then discuss this issue and take a decision by free

and secret vote, the results of which would be forwarded to *the Consilium*. "In this way, the Holy See will take full account of the situation and will have a guideline for granting the indult. Without such prior discussion of the issue, there is a risk of creating a difficult situation for the bishops and weakening the faith of the people in the Eucharistic Presence."

On 2 October 1968, a meeting was held between the secretaries of the dicasteries involved. The *status quaestionis* prepared by the *Consilium* was, in summary, as follows: "This practice has already been introduced and it is difficult to prohibit it; it is not a question of dogma but simply of discipline, which it seems preferable to subject to certain rules. The dangers are: the coexistence of two ways of distributing Communion, the weakening of the worship of the Eucharist, the danger of profanation, and submission to pressure from the grassroots. *The Consilium's* proposal to seek the opinion of the episcopal conferences was considered appropriate."

The *Consilium* prepared a first draft of the letter to be sent to the episcopal conferences, which it forwarded to the Secretariat of State on 18 October 1968. The text was returned on 22 October, corrected and annotated personally by the Pope. Monsignor Bugnini published the full text and pointed out the changes made by Paul VI himself, which, according to the author, "show with what attention and painful involvement – these are Monsignor Bugnini's own words – he followed this matter".

We extract a few passages from this letter:

"Parallel to the work of implementing liturgical reform, new problems often arise that are so important and urgent that it is not possible to postpone their solution until the work is completed. One of the most delicate and urgent [words added by Paul VI] concerns the distribution of Communion in the hands of the faithful.

"For some years now, this issue has been raised, at least in various countries or regions. Recently, some bishops and even some episcopal conferences have asked the Holy See for an official response to enlighten them on the course of action to be taken in this area, which, because it touches on the mystery and worship of the Eucharist, requires special attention [this last sentence was also added by Paul VI].

"By express mandate of the Supreme Pontiff, who cannot help but view this possible innovation with obvious apprehension [these last words were also added by the Pope], I have the

honour of requesting the fraternal collaboration of the episcopate presided over by Your Excellency...

"With regard to the manner of distributing Communion, the instruction *Eucharisticum Mysterium* limited itself to indicating the attitude of the faithful, who may be kneeling or standing. However, in many places, for at least two or three years now, priests, without having obtained the required authorisation [this clarification was also expressly requested by the Pope], have been placing the Eucharist in the hands of the faithful, who then receive Communion themselves. It seems that this practice is spreading rapidly, especially in more educated circles and in small groups, and that it appeals to lay people as well as to men and women religious.

The letter then sets out the arguments put forward by those in favour of communion in the hand, among which:

- some are historical: "This new mode of communion is not a true innovation. It was even the only one used throughout the Christian world from its origins until the 9th and 10th centuries";
- others are not very pious: "The traditional way of receiving the host on the tongue appears increasingly to our contemporaries as an infantile gesture... which has no external beauty and which reduces them to infancy"; or again: "More than in the past, our contemporaries are sensitive to certain considerations of hygiene... contact with the tongue or saliva of the person receiving Communion creates in others a certain repugnance to receiving Communion on the tongue";
- Others are frankly laughable: "In many regions, the faithful receive Communion standing up, so it is difficult for priests of small stature to place the host in the mouths of taller people."

These arguments were not considered valid. The Pope took into account only the eighth argument, which was the one that concerned him most:

"In countries and regions where the new practice of Communion in the hand has been introduced, it seems increasingly difficult, if not impossible, to prevent it. The efforts of several bishops in this regard have proven this. The authority of the episcopate and the Holy See is committed to this. In our age of intense controversy, it is highly advisable that this authority not be undermined by maintaining a prohibition that will be difficult to enforce in practice. On the contrary, authority would be strengthened if the hierarchy were to issue precise norms regulating the use of the new mode of Communion."

Among other reasons that militate against communion in the hand of the faithful, the following may be cited:

- it is a significant change in discipline; it risks confusing many of the faithful who do not feel the need for it and have never even considered the question;
- it seems that this new practice, introduced here and there, is the work of a small number of priests or lay people who seek to impose their judgement on others, and even to force the hand of the authorities;
- approving it would encourage people who are never satisfied with the laws of the Church; above all, there is a fear that respect for the Eucharistic worship would diminish;
- One might also wonder with concern whether the pieces of consecrated bread will always be collected and consumed with the respect they deserve.
- Should we not also fear an increase in profanations and irreverence on the part of people with bad intentions or little faith? Will the unprepared and uneducated people, when receiving the Eucharistic bread in their hands, not end up assimilating it to ordinary bread or simply blessed bread?
- By easily yielding on this point, which is very important for Eucharistic worship, there is a danger that the audacity of excessive "innovators" will turn to other areas, thus causing irreparable damage to the faith and to Eucharistic worship.

"Faced with this delicate situation, serious reflection is required," the letter continued. "We must carefully consider the consequences that would result from such a change in discipline. [...] Since this is a very serious matter in itself and in its consequences, the Holy Father Paul VI wishes to know the thoughts of each bishop and each episcopal conference... Only after this consultation will the Holy See communicate to the bishops any decisions with the appropriate norms and the manner of proceeding in this delicate and important matter."

This is, in essence, the content of the letter sent to the bishops to inform them of the situation. We will point out, once again, how much the changes made by the Pope reflect his repugnance. In this regard, Monsignor Bugnini recounts an anecdote that illustrates well the Holy Father's state of mind. Upon reading the text, he replaced the conventional expression, "I am pleased to communicate to Your Most Reverend Excellency," with "I have a duty to communicate," saying to the then Father Bugnini, "I am pleased? But I am not pleased at all!" –*Non mi è grato per niente!*–.

At the same time, following the indiscretion of a French bishop who had mentioned this consultation in a press conference, there was a backlash against the possibility of receiving Communion in the hand, and the *Consilium* received several hundred letters, some individual, others collective. "The signatories belonged to all levels of society," says Monsignor Bugnini, "from humble people of the people to personalities from the worlds of culture, the judiciary and the arts." These letters were appended to the results of the survey.

From the numerous documents thus collected, the *Consilium* endeavoured to summarise the observations, proposals and conditions presented by the bishops, sometimes quoting texts in their entirety.

To the question: "Do you think that the wish should be granted that, in addition to the traditional manner, the rite of receiving Communion in the hand should also be authorised?", 567 bishops answered in the affirmative, or 26.55%; 1,233 answered in the negative, or 57.75%; and 315 answered yes with reservations, or 14.75%. Bishop Bugnini mentions a number of these conditions and other comments from the bishops.

I will cite a few examples:

One of the bishops said: "It is likely that the spirit of obedience alone will not be enough to maintain the traditional practice of communion in the Latin Church. That is why we must accept the principle of communion in the hand. The bishops of Canada said that this way of taking the host oneself made it more difficult to show the respect due to the sacrament. The English bishops feared that the change might be interpreted as a desire on the part of the Church to go along with those who question the Real Presence of Christ in the Eucharist [remember Bucer's statements]; the bishops of Argentina wondered why an inquiry should be made into a matter of indiscipline: in the same spirit, why not do the same for the use of the breviary, for celibacy, for birth control...? For the bishops of Argentina and Colombia, agreeing to this would be to cooperate with the policy of *fait accompli*, which would thus be legally accepted; others said that the desire to receive the host in the hand was inspired, in practical terms, by "sentimental" considerations. In a reaction from Italy, it was said that placing the host on the tongue is a sacred gesture that distinguishes this food from others; another Italian reaction simply said, "it would be a scandal."

The *Consilium* report concluded with a few considerations and proposals. It stated that the survey showed that, although not reaching two-thirds, a strong absolute majority was opposed to the new practice, and that three solutions could therefore be considered:

- the first was to close the door to any concessions. This position had great advantages, as expressed in the *Consilium* report: first, it was supported by an absolute majority; second, it would avoid the negative consequences that could legitimately be feared from the introduction of communion in the hand; and finally, it would have the approval of a large part of the clergy and the faithful. But the *Consilium* also issued a warning: a violent reaction was to be expected in certain regions, as well as an increase in acts of disobedience where this practice had already been introduced.
- the second solution was to allow communion in the hand alongside the traditional manner; but this would go against the position of the majority of bishops, and would reward disobedience, while opening the door to serious disadvantages without bringing any advantages;
- Thirdly, the *Consilium* suggested a compromise solution: to adopt a well-defined but open position, consisting of authorising communion in the hand in certain cases, as had been done, for example, for communion under both kinds. This last solution would be in line with the Council, which, in the area of discipline, envisaged a plurality of forms and left it to the responsibility of the episcopal conferences and individual bishops. Nevertheless, the

Consilium drew attention to a danger: "Any concession, whatever it may be, will inevitably open the door to generalisation."

In conclusion, the report added:

"Finally, as regards the procedure to be followed, it would be desirable that any decision taken on this point be communicated to the episcopate in the form of a pontifical act based on the opinion of the bishops consulted and not only in the form of an instruction from the Sacred Congregation of Rites; on the one hand because this is a very important disciplinary issue relating to Eucharistic worship, and on the other hand because in recent months the practice of communion in the hand has spread very rapidly. This latter reason prompted a number of bishops and apostolic nuncios to insist that a decision be taken as quickly as possible to prevent the provision from arriving too late.

After carefully studying the documents, the Pope added a handwritten note:

"Tell Father Bugnini to prepare a draft pontifical document on this subject in which: a summary overview will be given of the results of the consultation with the bishops, which confirms the Holy See's view that the distribution of Communion in the hand of the faithful is inappropriate, indicating the reasons for this – liturgical, pastoral, religious...; therefore, the current norm is confirmed.

"If, however, certain episcopal conferences believe they should allow this innovation, they will ensure that they address the Holy See and, if permission is granted, that they adhere to the norms and instructions that will accompany it."

And the Pope further emphasises:

"It must be borne in mind that the practice – or abuse – of distributing Holy Communion in the hand is already widespread in certain countries and that bishops – for example, Cardinal Suenens... – do not believe it possible to suppress it."

Monsignor Bugnini continues: "The Secretariat of State forwarded all these documents on 25 March 1969, repeating the very instructions given by the Pope. In accordance with what had been requested of it, the *Consilium* prepared the text of the instruction *Memoriale Domini*, which was approved on 29 May 1969."

In the instruction, bishops, priests and the faithful are strongly urged "to diligently submit to the law in force, once again confirmed": taking into account the overwhelming majority opinion of the bishops, out of respect for the liturgical legislation in force, and for the "common good of the Church."

However, while maintaining the prohibition of communion in the hand, a means was nevertheless provided to help bishops who were unable to reverse the situation of widespread disobedience imposed by those who had introduced this practice without authorisation: in this case, the episcopal conference in question had to make an express request, which had to be accompanied by a precise statement of the reasons leading to this request. It is clear, in this context, that the reasons had to be related to situations of disobedience and to a practice that was already well established. All this had to be forwarded to the Roman Congregation, which would carefully examine each case and possibly grant the indult, allowing each bishop of the episcopal conference concerned to take the decision he deemed appropriate, according to his prudence and conscience.

However, from that moment on, a paradoxical situation arose: the introduction, which was intended to put an end to the matter, turned out, on the contrary, to be the starting point for an ever-wider spread of this usage throughout the world. From then on, several episcopal conferences requested the indult and all obtained it, creating a situation very different from that envisaged and desired by Pope Paul VI.

There are various reasons for this: we will analyse those that seem most important to us.

Firstly, this spread is mainly due to the fact that the episcopal conferences requested the introduction of the new practice without the necessary conditions being met and without taking into account the Pope's exhortation. Indeed, Paul VI's solution to the problem called upon the responsibility of both the conferences and each bishop: "The Holy See entrusts to these same episcopal conferences the responsibility and duty...". The Pope even stated later: "Who else but the episcopal conferences were responsible?" This trust placed in the responsibility of the bishops also seems to explain why the dicastery responsible did not proceed with a thorough analysis of the reasons for the request. In fact, we know of no case of an episcopal conference that requested the indult and did not obtain it.

Secondly, the situation of "insurmountable" disobedience, which led to the indult, was completely ignored. Unfortunately, Monsignor Bugnini provides few details on the development of *Memoriale Domini* that would explain why this document makes no mention of the abusive origin of this practice: it was not simply a return to an ancient custom but the introduction of a gesture that, since the Reformation, had taken on a meaning contrary to Catholic doctrine on the Real Presence and the priesthood. But it is likely that this key element for interpreting the problem was concealed in order to avoid the apparent scandal of a decision that could be seen as "submission to pressure from the grassroots," pressure that seemed "increasingly difficult, if not impossible, to prevent," as the futile efforts of several bishops had clearly demonstrated. Furthermore, the observation that "the authority of the episcopate and the Holy See was at stake" and the fear that "this authority would be undermined by maintaining a ban that would be difficult to enforce in practice" may also have made it difficult to assert such a delicate situation in a public document, disseminated throughout the world, such as an instruction from the Roman Curia.

The silence on this aspect was exploited to impose a completely distorted presentation of the problem. We must remember that this situation was nothing new and was well known, *sub secreto*, to all the bishops of the world: was it not already clearly denounced in the *Status quaestionis* that was presented at the same time as the inquiry? The bishops could not fail to take this into account when reading the instruction. And yet, this presentation of the facts was made by the episcopal conferences. Thus, the French Episcopal Conference, for example, barely three weeks after the publication of *Memoriale Domini* and no more than six months after the consultation of bishops around the world, published a communiqué in which the facts were significantly distorted:

"Last year, several episcopates in Europe drew the Holy Father's attention to the fact that, in the communities under their care, there was a growing desire to see the restoration of the ancient custom of the faithful receiving Communion in the hand.

"After consulting all the bishops of the world on the advisability of introducing this new practice into the whole Church, the Pope has just made known the results of this consultation: the majority of bishops are not in favour of Communion in the hand generally replacing the current practice, because of the risk of disrespect towards the sacred species and the dangers that such disrespect may pose to the faith. Situations and attitudes vary greatly from country to country. However, the Holy Father takes into consideration the fact that in some regions there is a clear desire for the faithful to be able to receive Holy Communion in the hand.

"This is the case in France, where the bishops have expressed a desire to allow the practice of giving Communion in the hand alongside the usual practice, while providing the necessary catechesis."

This version of events has been repeated over the years. Thus, in 1996, the faithful in Argentina were told:

"At the end of 1968, the Holy See launched a consultation with the bishops of the world on the subject of Communion in the hand. More than a third viewed this favorably. In 1969, the instruction *Memoriale Domini* established that episcopal conferences could, by a two-thirds majority vote, grant the faithful the freedom to receive Communion in the hand where they deemed it appropriate."

Thirdly, the facts were systematically distorted, which convinced the faithful, priests and bishops to accept the new situation when they would never have accepted a practice that the Pope did not want. Numerous texts could be cited in this regard—in particular, the various catechetical texts accompanying the introduction of the discipline of distributing Communion in the hand—which were published in many countries: for example, *The Body of Christ*, published by the Liturgical Commission of the North American Bishops' Conference, or *El Pan Vivo – "The Living Bread"* – published by the Liturgical Commission of the Argentine Bishops' Conference, widely distributed in all parishes throughout the country to serve as a reference for such catechesis. It contains a number of historical and liturgical inaccuracies and makes no reference to the real circumstances that led to the introduction of the rite. The general tone of this booklet tends to show all the positive aspects of communion in the hand, but it presents no warnings to the contrary and does not inform the faithful of the risks foreseen in *Memoriale Domini*. Similarly, it does not present any arguments in favour of communion in the mouth, a practice that seems to be authorised only for the timid and fearful faithful who do not dare to adopt the new rite, either out of scruple or habit, not knowing how to take advantage of the opportunity given to them to adopt a more mature and 'adult' attitude.

Similarly, the *Foundations* presented to the April 1996 plenary assembly of the Argentine Episcopal Conference, which were intended to inform the bishops of the historical, legal and liturgical background of this practice and thus guide them in the vote they were to take, contained many inaccuracies of the same kind.

The historical presentation was the victim of a manoeuvre aimed at systematically avoiding any reference to the fact that this practice had been introduced without authorisation, that it had only been able to continue thanks to an attitude of unwavering disobedience in the face of all the prohibitions and requests of the Holy See, and that, moreover, it had subsequently spread abusively to places where it was completely unjustified. The people of God were deceived by concealing from them that the practice being proposed to them as an option actually originated in disobedience and had spread against the express will of the Pope, abusing his kindness. What, then, can be said about votes that were influenced by a biased presentation of the facts and by countless pieces of false information, to the point that many bishops were completely unaware of the true situation?

More generally, over the years, the same distortions have been repeated and disseminated in all countries. In the recent case concerning the introduction of this practice in my country, however, a new aspect was presented in a distorted form, and one wonders why it had not been raised previously. This concerns the canonical form of authorisation.

First, we must address a question: what is the legal act by which this indult is granted? It is clear that no concession is contained in *Memoriale Domini*, which deals only with general law, unlike the pastoral letter beginning with the words "In response..." and which complements it. It is through this letter that the indult is granted: *Instructio completur, in re pastorali, Epistula qua conceditur Conferentiis Episcopalibus indultum distribuendi fidelibus sacram Communionem in manu* – "This instruction is supplemented by a letter granting the episcopal conferences the indult to distribute Holy Communion in the hand". Thus, we read in the pastoral letter: "The Holy Father grants that each bishop may authorise [...] the introduction of the new rite." This letter was to be sent to the episcopal conferences to which the indult was granted.

When, a few years later, in 1976, the Spanish Episcopal Conference requested the indult, the Congregation for Divine Worship sent it Rescript 190/66 in response, which expressly states: "By virtue of the powers granted by Pope Paul VI to this Sacred Congregation, we grant Spain the practice of placing the consecrated bread in the hands of the faithful, in accordance with the norms of the instruction *De modo Sanctam Communionem ministrandi* and the attached letter addressed to the presidents of the Episcopal Conferences " – namely, the letter "In response" –. This letter then cites the pages of *the AAS* corresponding to both the instruction and the pastoral letter. In other

words, even though the pastoral letter was not sent, since it was replaced by the rescript, it is expressly mentioned.

However, although very similar in form, the decree – and not the "rescript" – sent to the Argentine Episcopal Conference on 9 May 1996 contains notable differences from the rescript sent to Spain:

- firstly, there is no express concession from the Holy See. The decree merely "ratifies and confirms" the decision of the plenary assembly of the Episcopal Conference, namely Resolution XIV. But this resolution, incidentally, merely "requested authorisation" from the Holy See;
- Secondly, there is no mention of the pastoral letter "In Response". It merely refers, as a norm, to the instruction *De modo Sanctam Communionem ministrandi*, without citing the specific name of this instruction, nor its reference in the *AAS*, nor that in the *Enchiridion Vaticanum*.
- Thirdly, the letter to the Argentine Episcopal Conference mentions canon 456, paragraph 2, of the *Codex Iuris Canonici*.

This latter reference, together with the absence of a formula granting the indult and any reference to the letter "In response", suggested that this was not an indult but a decree of the Episcopal Conference approved by Rome. The legislation relating to decrees of episcopal conferences is clearly defined in canon 455 of the Code of Canon Law, according to which "a decision of the conference can only have binding legal force in two specific cases":

The first is "when this is prescribed by universal law, establishing, for example, that a particular norm shall come into force with the specific details to be established for its territory by the respective Episcopal Conference." In canon law, we find abundant examples of this, including the following: determining whether baptism should be celebrated by immersion or infusion, approving translations of liturgical books, the possibility of modifying the way abstinence is observed on Fridays, the drafting of a particular rite for marriage, the suppression or transfer to Sunday of certain feasts, the norms on the place for hearing confessions, the determination of the age for confirmation, marriage or the ministries of lector and acolyte. This is not the case with communion in the hand, since universal law, confirmed by *Memoriale Domini*, does not provide for two different ways of giving communion, as it does, for example, in the case of baptism, cited

above; the only legitimate mode recognised is to give communion on the tongue, the other being granted only by indult.

The other case in which a decree of a bishops' conference has binding legal force is when this right is established by a special mandate of the Holy See: this right may be granted *motu proprio* or at the request of the conference in question. In the case at hand, there is no *motu proprio* mandate either, since there has been no initiative on the part of the Holy See, and the second case does not apply either, since the episcopal conferences must request it and, let us repeat, what Rome grants is an indult and not a mandate to dictate a general decree. These mandates are usually given in a very precise manner, excluding any possible doubt. For example, the instruction of the Congregation for Catholic Education of 8 March 1996, addressed to the episcopal conferences, states: "With this instruction, the Apostolic See confers upon them, in accordance with the Code of Canon Law (canon 455, paragraph 1), a special mandate and authorises them to enact, in accordance with the Code of Canon Law (canon 455, paragraphs 2 and 3), the necessary *decreta generalia*; [...] such norms will require the recognition of the Holy See in order to be binding – cf. paragraph 2 of the aforementioned canon – on all bishops in the country." With regard to the question at hand, there is no document from the Holy See expressing itself in this way.

In the letter dated 17 January 1997, addressed to me by the then Pro-Prefect of the Congregation for Divine Worship and the Discipline of the Sacraments, it is stated: "We regret that an oversight on the part of this Congregation has given rise to misunderstandings regarding the form of the said concession. If we had included a copy of the letter 'In Response', as was done in the early years after 1969, everything would have been clear and much simpler for everyone. " In fact, since it had not received this letter, the Argentine Episcopal Conference acted as if it had received authorisation to issue a general decree as provided for in the Code of Canon Law – canon 455, paragraph 1 – : it therefore adopted a decree of promulgation and set the date of entry into force for all ecclesiastical jurisdictions of the Argentine Episcopal Conference, when in reality it should have notified each bishop that he was empowered, in the event of a conflictual situation arising with regard t , to take the decision to authorise this practice if he deemed it appropriate. The problem was therefore presented backwards. In fact, the bishops asked themselves, "Can we refuse to admit this practice?", when the right question was, "Is there no other solution than to admit it?"

If the problem had been clearly explained, would all the bishops of Argentina have applied the indult? Let us add in passing that this omission has another, even more serious implication:

since the letter "In response" was not annexed, what exactly is the status of the concession of the indulgent?

Fourthly, it was repeatedly insisted that the possibility of introducing this practice in countries where the required majority had not been reached or, upon the installation of a new bishop, in dioceses where the conditions required by Rome had not been met, should be reconsidered.

An example of the first case is Spain, where it was not introduced in 1970 because it did not obtain the required two-thirds of the votes; but this majority was reached when the Episcopal Conference voted again in 1975. In Italy, the majority was not reached in the 1970s either, but the practice was finally introduced in 1996. Finally, in Argentina, the proposal was presented at least twice, without success, before being adopted in 1996.

The second case can be illustrated by the example of the diocese of Maldonado, Uruguay, immediately after the death of Bishop Corso in 1997. It does not seem that Paul VI had foreseen this possibility of "revenge": in fact, the exception to the general law was intended solely to resolve situations that already existed, and where they did not exist, measures were to be taken to prevent them from arising, rather than waiting for an opportunity to introduce the practice.

This brief overview allows us to see that the history of the introduction of Communion in the hand over the last twenty years can be summed up as a history of disobedience. It also allows us to perceive the seriousness of this disobedience: serious, in fact, because of the matter in question; serious because of the resistance to a clear, explicit and well-founded directive from the Pope; serious because of its spread; serious because those who did not obey were not only the faithful or priests but, often, bishops and even entire episcopal conferences; serious, finally, because of its resounding success. For all these reasons, we believe we can affirm that the introduction and spread throughout the world of the practice of communion in the hand has constituted the most serious disobedience to papal authority in recent years. One cannot remain neutral on this matter.