



Pope Francis' letter to the Argentine bishops is in the *Acta Apostolicae Sedis*. Now what?

Canon 915 and the fundamental sacramental and moral values behind it might be forgotten, ignored, or ridiculed, but unless and until that law is revoked or modified by papal legislative action or is effectively neutered by pontifically approved "authentic interpretation" (1983 CIC 16), it binds ministers of holy Communion.

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Some three months ago I predicted that Pope Francis' letter to the Argentine bishops, approving their implementation of *Amoris laetitia*, would make its way into the *Acta Apostolicae Sedis*. Now it has. An accompanying note from Cardinal Parolin states that the pope wishes the Argentine document to enjoy "magisterial authority" and that his endorsement thereof has the status of an "apostolic letter".

Fine. Let's work through some points.

1. Canon 915. It is crucial to understand that, today, what actually prevents ministers of holy Communion from distributing the Eucharist to divorced-and-remarried Catholics is **Canon 915** and the universal, unanimous interpretation which that legislative text, rooted as it is in divine law, has always received. Canon 915 and the fundamental sacramental and moral values behind it might be forgotten, ignored, or ridiculed, even by ranking officers in the Church, but unless and until that law is revoked or modified by papal legislative action or is effectively neutered by pontifically approved "authentic interpretation" (1983 CIC 16), Canon 915 stands and, so standing, binds ministers of holy Communion.

Neither the pope's letter to the Argentines, nor the Argentine bishops' document, nor even *Amoris*

laetitia so much as mentions Canon 915, let alone do these documents abrogate, obrogate, or authentically interpret this norm out of the Code of Canon Law. Granted, little or nothing in these documents endorses or reiterates Canon 915, either, and the apparently studied silence that Canon 915 suffers these days is cause for deep pastoral concern. But law does not wilt under the silent treatment.

2. Apostolic letter. An “apostolic letter” is a sort of mini-encyclical and, however much attention encyclicals get for their teaching or exhortational value, they are not (with rare exceptions) legislative texts used to formulate new legal norms. Typically “apostolic letters” are written to smaller groups within the Church and deal with more limited questions—not world-wide questions such as admitting divorced-and-remarried Catholics to holy Communion. Even where a special kind of “apostolic letter” is used to make changes to the law—such as **John Paul II did in *Ad tuendam fidem* (1998)**, as **Benedict did in *Omnium in mentem* (2009)**, or as **Francis did in *Magnum principium* (2017)**—the “apostolic letter” used in such cases carries the additional designation “*motu proprio*” (i.e., on the pope’s own initiative, and *not* in response to another’s action), and the changes made to the law thereby are expressly identified *by canon number*, not simply implied or surmised, especially not by silence.

The pope’s letter to the Argentines appears simply as an “apostolic letter”, not as an “apostolic letter *motu proprio*”, and it references no canons.

3. Authentic magisterium. Many people use the term “magisterium” as if it were tantamount to “Church governing authority”, but in its canonical sense “magisterium” generally refers to the Church’s authority to issue *teachings* on faith and morals, not to the Church’s authority to enforce *discipline* related to matters of faith and morals.

While Francis—albeit about as indirectly as is possible (through a memo to a dicastery official concerning a letter written by an episcopal conference)—has indicated that his letter to the Argentines and even the Argentine conference letter itself are “magisterial”, the fact remains that the *content* of *any* Church document, in order to bear most properly the label “magisterial”, must deal with *assertions about faith and morals*, not *provisions for disciplinary issues* related to faith and morals. Church documents can have both “magisterial” and “disciplinary” passages, of course, but generally only those *teaching* parts of such a document are canonically considered “magisterial” while *normative* parts of such a document are canonically considered “disciplinary”.

Francis has, in my opinion, too loosely designated others of his views as bearing “magisterial authority” (**recall his comments about the liturgical movement**), and he is not alone in making, from time to time, odd comments about the use of papal power (recall John Paul II invoking “**the fullness of [his] Apostolic authority**” to update the by-laws of a pontifical think-tank in 1999).

But that inconsistent usage only underscores that the rest of us must try to read such documents in accord with how the Church herself usually (I wish always, but I’ll content myself with “usually”)

writes them, and ask, here, *are* there “magisterial” assertions in *Amoris*, the Buenos Aires document, and Francis’ endorsement letter? Yes. Plenty, running the gamut from obviously true, through true-but-oddly-or-incompletely phrased, **to a few that**, while capable of being understood in an orthodox sense, are formulated in ways that lend themselves to heterodox understandings (and for that reason **should be clarified** for the sake of the common ecclesial good).

In any case, such *teaching* statements, to the extent they make assertions about faith or morals and come from bishops and/or popes acting as bishops or popes, already enjoy thereby at least some (**relatively little**) level of ordinary magisterial value, a value not augmented by sticking the label “magisterial” on them.

And, are there “disciplinary” assertions in *Amoris*, the Buenos Aires document, and Francis’ endorsement letter? Yes, a few. But as **I have said before**, in my view, none of those rather few disciplinary assertions, even those ambiguous and capable therefore of leaving the door open to unacceptable practices, suffices to revoke, modify, or otherwise obviate Canon 915 which, as noted above, prevents the administration of holy Communion to divorced-and-remarried Catholics.

Conclusion. I wish that Canon 915 were not the sole bulwark against the abandonment of the Eucharist to the vagaries of individual, often malformed, consciences. I wish that a lively, pastorally-driven sense of the liberating permanence of Christian marriage, the universal need for Confession to reconcile those in grave sin, the power of the Eucharist to feed souls in the state of grace and to condemn those who receive irreverently, sufficed to make invocation of Canon 915 unnecessary in pastoral practice. But apparently, in much of the Catholic world these days, such is not the case and Canon 915 must be pointed to as if *it* were the only reason to bar reception of holy Communion in these situations.

But what can one say? Unless Canon 915 itself is directly revoked, gutted, or neutered, it binds ministers of holy Communion to withhold that most august sacrament from, among others, divorced-and-remarried Catholics except where such couples live as brother-sister and without scandal to the community.

Nothing I have seen to date, including the appearance of the pope’s and Argentine bishops’ letters in the *Acta Apostolicae Sedis*, makes me think that Canon 915 has suffered such a fate.

(This post originally appeared on the **“In the Light of the Law” site** and appears here by kind permission of Dr. Peters.)

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