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Sharing the Eucharist? Critical Comments from a Canonical Perspective on the Statement “Together at the Lord’s Table” (2019) of the Ecumenical Study Group of Protestant and Catholic Theologians

Abstract: The following article analyses the statement of the Ecumenical Study Group of Protestant and Catholic Theologians entitled “Together at the Lord’s Table” (2019) from the perspective of canon law of the Latin Church. First, it briefly presents the content of the statement, then it summarises the opinion of the Congregation for the Doctrine of the Faith. The article shows that the alternate participation in the Protestant and Catholic service of celebrating the Lord’s Supper / Eucharist by virtue of baptism alone is problematic from the perspective of Catholic canon law. Canon law builds on Catholic ecclesiology and sacramentology, based on the connection between baptism and the Church as well as the Church, the ministerial priesthood, and the celebration of the Eucharist. The article, then, shows the instruments of canon law for the protection of the Catholic faith regarding the apostolic succession as the only valid condition for presiding over the Eucharistic community and the Eucharist as the substantial presence of Christ. In the final chapter, the implications of participation in ecumenical worship for the Catholic faithful will be summarised. The participation of Protestants in Catholic worship, as proposed by the Statement, is not explicitly regulated by canon law. The CIC, in Canon 844 § 4, lays down only the conditions under which Protestants may licitly receive selected sacraments (the Eucharist, the anointing of the sick and the sacrament of penance), while for a valid reception of the Eucharist their baptism alone enables them.

Keywords: ecumenism, canon law, “Together at the Lord’s Table”, intercommunion, norms on reserved crimes

In the following article, I will attempt to analyse the joint statement of the Ecumenical Study Group of Protestant and Catholic Theologians “Together at the Lord’s Table”¹ (2019) (hereafter: the Statement) from the perspective of canon law. First, I will briefly present the content of the Statement (section 1), then I will summarise the opinion of the Congregation for the Doctrine of the Faith submitted at the request of the Prefect of the Congregation for the Clergy (section 2). In section 3, I will attempt to formulate the problematic areas that arise for canon law from the Statement of the Ecumenical Group, then, on the basis of these, to show the instruments of canon law for the protection of the belief that only apostolic succession is a valid condition for presiding over the Eucharistic community (subsection 3.1), and then the belief that the Eucharist is the presence of the living Christ (subsection 3.2). In the final section (4) I will then summarise the implications of participation in ecumenical worship for the Catholic faithful, both lay and clergy.

1. Summary of the statement “Together at the Lord’s Table”

On 11 September 2019, the Ecumenical Working Group of Protestant and Catholic theologians presented the statement “Together at the Lord’s Table”. In this document, the Ecumenical Working Group, chaired by Catholic Bishop Georg Bätzing, president of the German Bishops’ Conference, and the retired Lutheran Bishop Martin Hein, advocates the mutual opening of the Eucharist and the Lord’s Supper to Christians of other traditions.

The content of the Statement can be described as follows with reference to its outline: the presentation of the ecumenical interests that guided their findings (section 1 of the Statement) is followed by a common ecumenical description of the theological meaning of the celebration of the Lord’s Supper and the Eucharist (section 2). As a decisive step on the way to communion at the Lord’s Table, there can be considered the mutual recognition of baptism as expressed in the Magdeburg Declaration (2007). This is followed by a description of the forms of commemoration of Jesus Christ in the fellowship meal that have been handed down in the

¹ *Gemeinsam am Tisch des Herrn. Ein Votum des Ökumenischen Arbeitskreises evangelischer und katholischer Theologen.* https://www.uni-muenster.de/imperia/md/content/fb2/zentraleseiten/aktuelles/gemeinsam_am_tisch_des_herrn._ein_votum_des___kumenischen_arbeitskreises_evangelischer_und_katholischer_theologen.pdf [accessed 20.11.2021].

New Testament (section 3), with particular attention to what happened at Jesus' Last Supper before his death. This is followed by a liturgical-historical reflection (section 4), which shows the diversity in the forms of Eucharistic remembrance already evident in the New Testament, which became even more evident in later centuries. The remembrance of Jesus Christ — in a variety of forms — always took form of faith in his promised presence. The further explanations remind us of the achieved convergences in the whole subject area of the Lord's Supper and Eucharist, sacred ministry and church fellowship (sections 5 to 7 of the Statement). At the end there is the vote according to which the practice of mutual participation in the celebrations of the Lord's Supper / Eucharist is considered theologically justified in respect of the other corresponding liturgical traditions. It is especially recommended in families of different confessions. Baptism is recognised as the only necessary condition of participation as a sacramental bond of faith (section 8).²

2. Assessment of the Congregation for the Doctrine of the Faith

Although the subject of this article is an examination of the Statement from the point of view of canon law, it seems appropriate — and in fact indispensable — to first present the position of the Congregation for the Doctrine of the Faith.³ The latter received the text of the Statement in a letter of 20 May 2020, from the Prefect of the Congregation for Bishops, Cardinal Marc Quillet, P.S.S., asking for an assessment. In the following paragraphs, then, I will summarise the analysis of the Congregation for the Doctrine of the Faith of those points of the Statement that require further theological elaboration.

² *Statement of the Scientific Director Prof. Dr. Dorothea Sattler from the Catholic side on the study "Gemeinsam am Tisch des Herrn. Ein Votum des ÖAK".* A press conference on 11 September 2019 in Frankfurt am Main. https://www.uni-muenster.de/imperia/md/content/fb2/zentraleseiten/aktuelles/stellungnahme_prof._dr._sattler.pdf [accessed 15.11.2021].

³ *Lehrmäßige Anmerkungen zum Dokument Gemeinsam am Tisch des Herrn (GTH) des Ökumenischen Arbeitskreises katholischer und evangelischer Theologen (Jäger-Stählin-Kreis).* Attachment to the letter of the CONGREGATION FOR THE DOCTRINE OF THE FAITH, Prot. N. 1230/2019 — 78677 [18.09.2020]. https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2020/2020-09-18_Kard.-Ladaria_Lettera_Anlage-Vor-sitzender-DBK.PDF [accessed 15.11.2021].

According to the assessment of the Congregation for the Doctrine of the Faith, the core theological problem of the Statement appears to be the consideration of the relationship between the Eucharist and the Church. The repeated thesis that Christ is the sole host of the Eucharist and that it is not up to the Church to determine criteria for admission (cf. 5.4.1/2, etiam 7.9.) thus seems to make a separation between Christ and the Church, which cannot be accepted on the part of Catholic theology, since Christ has entrusted the Church in a special way with the sacramental mediation.

The Statement is also criticised for perceiving baptism as a common bond between the individual confessions, so rather as a reality detached from any particular Church, which does not eliminate the differences in the understanding of Church and sacred ministry, but does relativise them considerably. The Statement proceeds in a similar way with regard to the Eucharist; it appears as a reality detached from the mystery of the Church. For the Catholic Church, however, the Church and the Eucharist form an inseparable bond, as Cardinal Henri de Lubac SJ points out, who qualifies this interrelation between Eucharist and Church as a bond of “mutual causality and guarantee.”⁴

The Church is the sacrament of salvation starting from the Body of Christ, therefore it must be One. The unity in the Apostolic Doctrine and in the Apostolic Succession has a substantial part in it. The presuppositions of an open plurality of the origins of the Church in the Statement imply at the same time an individualisation of the local communities, which are no longer oriented to the unity of the Body of Christ. This actually contrasts with the teaching of the Second Vatican Council, which considers the liturgy as a manifestation of “the mystery of Christ and the real nature of the true Church,”⁵ based on the episcopal ministry of unity. In the document “Together at the Lord’s Table,” on the other hand, the Church seems to enjoy little theological standing.

In the Statement, the *character indelebilis* of the sacred ministry of the Catholic and Orthodox tradition is considered an aberration of the ecclesiastical ministry in Christian antiquity (cf. 4.6). Logically, then, the question of the “qualified presidency” in the celebration of the Eucharist enjoys a subordinate rank, while the common priesthood of all faithful is emphasised, which, however, presupposes the public proclamation of the Gospel and the proper administration of the sacraments (cf. 6.2.2).

The Statement also lacks a clear commitment to the substantial pres-

⁴ H. DE LUBAC: *Corpus Mysticum. Eucharistie und Kirche im Mittelalter*. Einsiedeln 1969, p. 311.

⁵ VATICAN II: *Constitution on the Sacred Liturgy “Sacrosanctum concilium”* [4.12.1963], No. 2.

ence of Christ in the Eucharist (cf. 5.1.7); it seems to express itself rather in the sense of a transfinalisation, a transubstantiation of the *species* of bread and wine.

Concerning the sacrificial aspect of the Eucharist, which also belongs to the doctrines *de fide tenendae*, the Statement proposes as a solution the removal of the prayers of oblation from the liturgical texts. According to the Statement, the post-consecratory oblation of the Eucharistic Prayers in the Missal of Paul VI are among the “traditions” in need of reform (cf. 5.6.3; 8.4.). The Statement thus does not distinguish between legitimate diversity in the liturgical forms of the celebration of the Eucharist and the obligatory texts (cf. 5.6.1).

The only precondition for mutual admission to the Table of the Lord for the Statement appears to be baptism. The Statement is not concerned with the admission of individual non-Catholic Christians to the Eucharist, but with the unconditional admission of all the baptised. In the forefront, then, is unity in Eucharistic meal fellowship, without having attained unity in faith. While the Statement sees mutual participation at the Lord’s Table as a possible path to full communion, the Second Vatican Council⁶ reminds us that the restoration of communion in faith, on the other hand, is the condition for common participation at the Lord’s Table.

As summarised in the letter from the Prefect of the Congregation for the Doctrine of the Faith, Cardinal Ladaria,⁷ the Statement undervalues the question of the relational unity of the Eucharist and the Church, and does not adequately appreciate the essential theological insights of Eucharistic theology shared with the Orthodox tradition. The assessment of the Congregation for the Doctrine of the Faith further emphasises the inseparability of the Eucharist, the sacred ministry and the Church. All of this is to make clear that the divergences in the understanding of the Eucharist and sacred ministry between the Catholic Church and the Reformation traditions discussed above do not yet allow the Protestant Lord’s Supper and the Catholic Eucharist to be equated. Thus, reciprocal participation in the Eucharist / Lord’s Supper can be ruled out at present. Moreover, the solution proposed by the Statement would open new rifts in the dialogue with the Orthodox Churches.

⁶ VATICAN II: *Decree on Ecumenism “Unitatis redintegratio”* [21.11.1964], No. 9.

⁷ CONGREGATION FOR THE DOCTRINE OF THE FAITH, Prot. N. 1230/2019 — 78677 [18.09.2020]. https://www.dbk.de/fileadmin/redaktion/diverse_downloads/dossiers_2020/2020-09-18_Kard.-Ladaria_Lettera-Vorsitzender-DBK.PDF [accessed 15.11.2021].

3. Canon law as protection of the Catholic concept of the Eucharist

From a theological point of view, the opinion of the Congregation for the Doctrine of the Faith summarised the problematic passages of the Statement. It is obvious that this is primarily a theological issue, but that also has implications for canon law. Canon law then translates Catholic ecclesiology and sacramentology into legal language, taking into account the specifics of the Western and Eastern traditions. In what follows, however, I will limit myself to the canons of the Code of the Latin Church, since the Statement in question was drawn up in Germany as a result of the joint work of an ecumenical group of Evangelical and Catholic theologians, and thus concerns primarily Latin Catholics.

The purpose of canon law in general is to function as an instrument of the Church and as such to regulate the life of the ecclesial community, to maintain its unity, to protect it from disorder and to prevent it. Faced with the Statement of the ecumenical study group “Together at the Lord’s Table”, the aspect of protecting the Catholic community and its faith comes to the fore in two areas:

- (1) the protection of the Catholic faith that only one who has apostolic succession, that is, the bishop and the priest entrusted by him, may preside over the Eucharistic communion and change the substance of bread and wine into the substance of the Body and Blood of Christ; and
- (2) the protection of the Catholic faith that the Eucharistic celebration is a presentation of Christ’s redemptive sacrifice, and that under the species of bread and wine we encounter the living Christ, his Body and Blood.

At the heart of both problems is the role of baptism. The Statement emphasises its role as a bond between denominations. However, mere baptism without a link to a particular ecclesial community and its doctrine is no guarantee of a common approach to the celebration and reception of the Eucharist. In fact, the baptised in some communities consider that baptism alone is sufficient to preside over the Eucharistic celebration, and the apostolic succession, that is the link to the apostles entrusted with this task by Christ at the Last Supper, is only secondary — as the Statement in question also emphasises. Further, Protestant communities understand the Eucharist as a mere memorial of the Last Supper, and not as the substantial presence of Christ’s redemptive sacrifice.

For this reason, canon law precisely defines the persons who may preside over the Eucharistic communion and prevents clerics of non-Catholic Churches who do not have apostolic succession from presiding, or the Catholic faithful from receiving the Eucharist from ministers without apostolic succession.

On the other hand, canon law prevents the Eucharist from being received by those who do not see Christ sacramentally present in it, that is, they do not have Catholic faith concerning it. However, in the spirit of the teaching of the Second Vatican Council,⁸ canon law admits even non-Catholics to a certain share in the bonds of unity which Christ entrusted to his Church. Therefore, it admits to the celebration of the Eucharist those non-Catholics who have a Catholic belief regarding this sacrament, either because their Church professes it (e.g., Orthodox churches) or because they share that Catholic belief (some members of Protestant churches).⁹

In what follows, we will take a closer look at how the two problematic areas of the Statement are addressed by canon law.

3.1. Apostolic succession as a condition for presiding over the Eucharistic community

The first problem for Catholic canon law is that the Statement understands the Eucharist as a reality separate from the mystery of the Church, because its only conferrer is Christ. Canon law, on the other hand, emphasises that the celebration of the Eucharist is an act not only of Christ but also of the Church. The bishop or priest always acts in Christ's name, and only they — subject to valid ordination — can preside over the Eucharistic assembly (can. 899 §§ 1 and 2 CIC). Thus, the Eucharist is normatively understood, also in canon law, as the ultimate realisation of Christ's priestly ministry, by which the Church sanctifies the people with visible signs. Such worship, then, takes place only when it is carried out in the name of the Church by persons legitimately designated and through acts approved by the authority of the Church (can. 834 CIC).

⁸ VATICAN II: *Decree on Ecumenism* "Unitatis redintegratio" [21.11.1964], No. 3.

⁹ On intercommunion from the perspective of the Second Vatican Council, the ecumenical movement and the way intercommunion is regulated in the Code of the Latin Church, see e.g. B.W. ZUBERT: "Interkomunia w świetle nowego Kodeksu." In: *Prawo Kanoniczne: kwartalnik prawnohistoryczny* 31 (1988), nos. 1—2, pp. 13—29.

Liturgical actions are not private actions but celebrations of the Church, and therefore belong under the direction of the bishops to the whole Church (can. 837 CIC). The direction of the sacred liturgy depends solely on the ecclesiastical superiors, namely the Apostolic See for the whole Church and the diocesan bishop according to the norm of law for the Church entrusted to him (can. 838 §§ 1, 4 CIC). The diocesan bishop has the duty of directing and guarding the liturgy, and the priests under the authority of the bishop are ordained to celebrate divine worship and to sanctify the people (can. 835 §§ 1 and 2 CIC).

Canon law also protects the sacramental priesthood. Whereas in the Statement the *character indelebilis* of the sacred ministry of the Catholic and Orthodox tradition is seen as an aberration of the ecclesiastical ministry in Christian antiquity, canon law, on the contrary, sees the sacramental priesthood as an irrevocable sign (can. 845 § 1 CIC). Only a bishop can confer the sacrament of ordination (can. 1012, 1015 § 1 CIC), and only a baptised man can be validly ordained (can. 1024 CIC).

Canon law assigns an important role in protecting the Catholic concept of the sacraments, specifically the Eucharist, to the diocesan bishop. He is firmly to protect the integrity and unity of the faith to be believed (can. 386 § 2 CIC), and in the liturgical sphere he is to take care that the prayers and pious and sacred exercises of the Christian people are fully in keeping with the norms of the Church (can. 839 § 2 CIC). Of course, this does not compromise his duty to promote ecumenism towards those Christians, who are not in full communion, according to the provisions of can. 383 § 3 CIC.

For the protection of the Catholic concept of the sacraments, especially the Eucharist, the provisions of can. 908 CIC are fundamental for they explicitly forbid Catholic priests to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church. The purpose and goal of this prohibition is precisely to protect the Catholic understanding of the Eucharist and to prevent the faithful from being misled about what they receive in the species of bread and wine. The seriousness of the violation of this prohibition of concelebration is emphasised by the sanction of can. 1381 CIC, which will be discussed below.

3.2. The Eucharist as the presence of the living Christ

As has already been said, canon law protects the Catholic faith in the Eucharist as the substantial presence of Christ and lays down the conditions for its celebration and receiving the communion.

According to the canon law of the Latin Church, every baptised person not prohibited by canon law can and must be admitted to holy communion (can. 912 CIC). This refers not only to Catholics, but also to all Christians who are validly baptised. Only Catholics can then licitly receive the Eucharist from Catholic ministers, and only Catholic ministers can licitly administer it to them (can. 844 § 1 CIC). The provisions of can. 844 §§ 2—4 CIC are the only Codex norms that contain a practical application of Catholic sacramentology to the faithful of non-Catholic churches. The Ecumenical Directory¹⁰ regulates the other possibilities of participation of a Catholic in a non-Catholic divine service and of another Christian in a Catholic Mass. According to it, Catholics may read lessons at a sacramental liturgical celebration in the Eastern churches if they are invited to do so, and, vice versa, an Eastern Christian may be invited to read the lessons at similar services in Catholic churches (No. 126). A member of other Christian churches may exceptionally take on the task of reader, but only on exceptional occasions and for a just cause, with the permission of the diocesan bishop (No. 133).

Reception of the sacraments by non-Catholic ministers is possible for Catholics only under the terms of can. 844 § 2 CIC. This permission concerns only the sacraments of the Eucharist, the sacrament of penance and the anointing of the sick. Under the conditions of can. 844 § 2 (i.e., whenever necessity requires it or true spiritual advantage suggests it, and provided that danger of error or of indifferentism is avoided, and physical or moral impossibility to approach a Catholic minister prevents it), a Catholic is permitted to receive them only from those non-Catholic ministers in whose churches these sacraments are valid, that is, essentially only in the Eastern non-Catholic churches and in the Old Catholic Church. But these conditions for active participation at the Lord's Table as envisaged by the Statement cannot arise, because from the Catholic point of view it is not a valid celebration of the Eucharist in Protestant churches as the Catholic Church believes and teaches it. If a Catholic were to approach the Lord's Table in such a celebration, he or she would not receive a valid Eucharist and his/her participation in such a service would be outside the condition

¹⁰ PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism* [25.03.1993].

of can. 844 § It would be different in a situation where Protestant faithful participate in a Catholic service, as the Statement suggests. These faithful can also licitly receive the Eucharist in the Catholic Mass, but only if the conditions of the provisions of can. 844 § 4 CIC are met: there must be a danger of death or, in the judgment of the diocesan bishop or conference of bishops, some other grave necessity urges it, and these faithful must seek it on their own accord, manifest Catholic faith in respect to the Eucharist, be properly disposed, and cannot approach a minister of their own community. These conditions are very strict and limit the reception of the Eucharist by Protestants to very exceptional cases. The purpose is again to protect the Catholic concept of the sacraments and to prevent chaos and confusion among Catholics.

Thus, if the Protestant faithful wish to participate in the Catholic Mass and receive the Eucharist as the Statement proposes, they could do so, but they would have to meet the stated requirements of can. 844 § 4 CIC. Under other circumstances and conditions, according to the canon law in force, when a Catholic minister administers the Eucharist to them, it is done so validly (can. 912 CIC) but illicitly. This is because a validly conferred baptism entitles them to validly receive the Eucharist.

4. Implications for Catholics in attending the Lord's Table of the Protestant Church

What would be the canonical implications for a Catholic who participated in the celebration of the Lord's Supper as the Statement suggests? Let us look at this first from a penal canon law perspective.

According to the CIC, to be punished with a just penalty is only for a person guilty of prohibited participation in sacred rites (*communicatio in sacris*) (can. 1381 CIC).¹¹ However, this delict cannot be committed by every Catholic but only by clerics, by violating the prohibition of concealment according to can. 908 CIC. There is no other general prohibition on participation in the worship of non-Catholics in the current canon law (with the only exception being in can. 844 § 2 CIC), so a lay person cannot commit the delict under can. 1381 CIC, nor is he or she subject

¹¹ As revised after the Apostolic Constitution *Pascite Gregem Dei* [23.05.2021], effective from 8 December 2021. In: *L'Osservatore Romano*, Weekly Edition in English, 4 June 2021. https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html [accessed 10.11.2021].

to punishment. Thus, only a Catholic cleric who, within the meaning of can. 1321 CIC, intentionally (or negligently, but which is hardly conceivable in this case) in violation of can. 908 CIC actively concelebrates at such a service or participates in it in other ways, for example, by serving bread and wine, can be punished for prohibited participation in sacred rites. However, if a cleric participates in a liturgy of Eastern non-Catholics, mistakenly believing that it is the liturgy of Eastern Catholics, he will not be punished because he is not acting intentionally.¹²

The situation for such a priest is further complicated by the fact that this delict is one of most grave delicts according to the Article 3 § 1, paragraph 4, of *Norms on reserved crimes of the Congregation for the Doctrine of the Faith*¹³ (hereafter *Normae*), which are reserved to the Congregation for the Doctrine of the Faith.¹⁴ However, not every participation of a cleric in sacred rites is one of the gravest delicts. Such a delict is, according to *Normae*, only when it is committed with ministers of ecclesial communities which do not have apostolic succession¹⁵

¹² K. LÜDICKE: c. 1365. In: *Münsterischer Kommentar zum Codex Iuris Canonici*. Eds. K. LÜDICKE U.A. Essen 1984 (status as of September 2020), no. 4.

¹³ *Normae de delictis Congregationi pro Doctrina Fidei reservatis*. <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/12/07/0825/01733.html> [accessed 13.12.2021], promulgated by Pope Francis on 11 October 2021. In: *Rescriptum ex auctoritate SS.mi: Rescritto del Santo Padre Francesco con cui approva le Norme sui delitti riservati della Congregazione per la Dottrina della Fede* [11.10.2021]. <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2021/12/07/0825/01732.html> [accessed 13.12.2021]. These norms replaced the original *Normae de gravioribus delictis*, issued by Pope John Paul II in 2001 [MP *Sacramentorum sanctitatis tutela*. In: AAS 93 (2001), pp. 737—739] and revised by Benedict XVI on 21 May 2010. These new *Norms on reserved crimes* are effective from 8 December 2021, the same date as the new Book VI of CIC on the sanctions in the Latin Church came into force.

¹⁴ The procedure for investigating and reporting the concelebration of a cleric at a prohibited worshipping community is as follows. Whenever an Ordinary or Hierarch had at least probable knowledge (*notitiam saltem verisimilem habeat*) of the commission of the prohibited concelebration of the Eucharistic Sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination, has to carry out the preliminary investigation according to can. 1717 CIC. After having completed it, he is to inform the Congregation for the Doctrine of the Faith which, unless it called the case to itself because of special circumstances, indicates to the Ordinary or Hierarch how to proceed (Article 10 § 1 of *Normae*). The statute of limitations for this offense is 20 years and begins to run from the time the offense was committed (Article 8 § 1 and 2 of *Normae*, can. 1362 § 2 CIC).

¹⁵ According to an unpublished letter of the then Congregation for the Doctrine of the Faith to the Ordinaries *Epistula a Congregatione pro Doctrina Fidei missa ad totius Catholicae Ecclesiae Episcopos aliosque Ordinarios et Hierarchas interesse habentes: de delictis gravioribus eidem Congregationi pro Doctrina fidei reservatis* [18.05.2001], the decisive factor for the grave delict is not the lack of *plena communio* as in can. 908 CIC, but the lack of valid priestly ordination among the co-celebrants. Cf. LÜDICKE: c. 1365, no. 7.

and do not acknowledge the sacramental dignity of priestly ordination.¹⁶

But that might not happen at all under the conditions envisioned by the Statement. In fact, the Statement proposes a mutual alternate participation in the Eucharist / Lord's Supper, while preserving their own liturgical traditions, on the basis of a single condition, which is valid baptism. Implicitly, then, the Statement assumes that a Catholic cleric should not actively concelebrate at such a Protestant celebration of the Lord's Supper, that is, there will be no prerequisites for violating the prohibition of concelebration under can. 908 CIC, nor will the penalty under can. 1381 CIC, or the penalty for the gravest delicts, reserved to the Congregation for the Doctrine of the Faith, be imposed. What the Statement proposes is a mutual participation in the Eucharist / Lord's Supper, while preserving the respective liturgical traditions, on the basis of a single condition, namely valid baptism. Such a common celebration, while preserving each one's own leadership service, is not covered at all by the above-mentioned offense.

What are the implications for a Catholic lay person participating in the Protestant celebration of the Lord's Supper? Canon law does not explicitly forbid such participation, nor does it provide a penalty for such participation, but that does not mean that such actions are not reflected in canon law at all.¹⁷ First of all, the diocesan bishop has a duty here, who, in accordance with can. 386 § 2 and 839 § 2 CIC, is to warn and emphasise to the faithful that the liturgical acts at such a gathering do not have the same content and value as the Catholic Mass, that is, that in the celebration of the Lord's Supper Christ is not sacramentally present in the bread and wine, but it is just a commemoration of his Last Supper and death. The diocesan bishop should further instruct the faithful that Protestant celebrants do not enjoy the same power of governance as Catholic clergy. Finally, the bishop should emphasise to these faithful that by joining in the Lord's Supper they are not receiving the same Eucharist as in the Catholic Mass. The faithful are then obliged to obey the bishop's advice, since they are obliged to maintain communion with the Catholic Church (can. 209 § 1 CIC), in the form of profession of faith, participa-

¹⁶ In the case of participation in the liturgy of Eastern non-Catholic churches, this is not the most grave delict reserved to the Congregation for the Doctrine of the Faith, but a minor delict for which the local Ordinary is competent.

¹⁷ Indirectly, this is dealt with in can. 844 § 2 CIC, according to which the Catholic faithful, under the conditions mentioned there, can receive the sacraments of Penance, Eucharist, and Anointing of the Sick permissibly only in non-Catholic churches, where they are validly celebrated according to Catholic understanding. This is not the case with Protestant churches.

tion in the sacraments, and submission to the ecclesiastical governance (can. 205 CIC). However, in view of the aforementioned assessment of the Congregation for the Doctrine of the Faith, which essentially forbids Catholics to participate alternately in the celebration of the Eucharist and the Lord's Supper, bishops should respect this opinion and not recommend that the faithful participate, at least actively, in the Protestant celebration of the Lord's Supper. Indeed, for the reasons given above for the different understanding of the sacred ministry and the Eucharist, such participation does not correspond to the Catholic understanding of ecumenism as diocesan bishops are to foster it as it is understood by the Church (can. 383 § 3 CIC).

Conclusions

In this text, I have looked at the 2019 joint statement of the Ecumenical Study Group of Protestant and Catholic Theologians "Together at the Lord's Table" from the perspective of the canon law of the Latin Church. The article shows that the alternate participation in the Protestant and Catholic service of celebrating the Lord's Supper / Eucharist by virtue of baptism alone is also problematic from the perspective of Catholic canon law. Canon law builds on Catholic ecclesiology and sacramentology, which is based on the close connection between baptism and the Church, as well as the Church, the ministerial priesthood and the celebration of the Eucharist. While participation by lay Catholics in the Protestant Lord's Supper is not prohibited by canon law, it falls under participation in ecumenical gatherings, which the Church supports only if they conform to her understanding of ecumenism. If priests were to actively participate in such a service in the form of concelebration or other liturgical acts, they would violate the prohibition of can. 908 CIC and commit the gravest delict under *Normae*. However, the Statement does not envisage such active participation by priests.

The alternate celebration of the Eucharist / Lord's Supper is of course very topical and urgent in confessionally mixed families, as the Statement also mentions in the conclusion (section 8). However, the code law explicitly does not provide for these situations; they are covered by can. 844 CIC. Mixed marriages are dealt with in detail only in the Ecumenical Directory in Article 143 ff. But even there (Article 159) we find nothing more than a reference to the general norms of both codes of canon law governing intercommunion with regard to the particular situation of

these families regarding access to the Eucharist by non-Catholics or active participation in the Lord's Supper by Catholics. It is very regrettable that the Congregation for the Doctrine of the Faith does not comment on this issue. According to the Second Vatican Council, Christian marriages constitute the "domestic Church,"¹⁸ so the Protestant party in such a marriage is more closely connected to the Catholic Church than other Protestant Christians because of the sacramentality of these marriages. All the more should Protestant spouses also be admitted to communion at the Lord's Table in individual cases.

The participation of Protestants in Catholic worship, as proposed by the Statement, is not explicitly regulated by canon law. The CIC, in can. 844 § 4, lays down only the conditions under which Protestants may licitly receive the selected sacraments, namely the Eucharist, the anointing of the sick and the sacrament of penance while their baptism means a valid reception of the Eucharist.

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L'Eucharistie commune ? Un regard critique d'un point de vue canonique sur la déclaration du Groupe d'étude œcuménique des théologiens protestants et catholiques intitulée « Ensemble à la table du Seigneur » (2019)

Résumé

L'article analyse la déclaration du Groupe d'étude œcuménique des théologiens protestants et catholiques intitulée « Ensemble à la table du Seigneur » (2019) du point de vue du droit canonique de l'Église latine. Il présente d'abord brièvement le contenu de la déclaration, puis résume l'opinion de la Congrégation pour la Doctrine de la Foi. L'article démontre qu'une participation alternée aux offices protestants et catholiques pour célébrer la Cène du Seigneur/Eucharistie en vertu du seul baptême est problématique du point de vue du droit canonique catholique. Le droit canonique est basé sur l'ecclésiologie catholique et la sacramentologie, basant sur la relation entre le baptême et l'Église, ainsi

que l'Église, le sacerdoce ministériel et la célébration de l'Eucharistie. Ensuite, l'article décrit les instruments du droit canonique en vue de la protection de la foi catholique par rapport à la succession apostolique comme la seule condition importante pour présider la communauté eucharistique et l'Eucharistie comme présence essentielle du Christ. Le dernier chapitre résume les implications de la participation aux services œcuméniques pour les fidèles catholiques. La participation des protestants aux services catholiques, telle que proposée par la Déclaration, n'est pas explicitement réglementée par le droit canonique. Le Code de Droit canonique au canon 844 § 4 ne définit que les conditions dans lesquelles les protestants peuvent légalement recevoir des sacrements choisis (Eucharistie, Onction des malades et Sacrement de pénitence), tandis que seul le baptême leur donne le droit de recevoir valablement l'Eucharistie.

Mots-clés: œcuménisme, droit canonique, « Ensemble à la table du Seigneur », intercommunion, normes relatives aux crimes réservés

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Condividere l'Eucaristia? Commenti critici da una prospettiva canonica sulla dichiarazione "Insieme alla tavola del Signore" (2019) del Gruppo di studio ecumenico di teologi protestanti e cattolici

Sommario

Il seguente articolo analizza la dichiarazione del Gruppo di studio ecumenico dei teologi protestanti e cattolici "Insieme alla tavola del Signore" (2019) dal punto di vista del diritto canonico della Chiesa latina. Prima presenta brevemente il contenuto della Dichiarazione, poi riassume il parere della Congregazione per la Dottrina della Fede. L'articolo mostra che la partecipazione alternata al servizio protestante e cattolico di celebrare la Cena del Signore / Eucaristia in virtù del solo battesimo è problematica dal punto di vista del diritto canonico cattolico. Il diritto canonico si basa sull'ecclesiologia e la sacramentologia cattolica, sulla connessione tra il battesimo e la Chiesa, così come la Chiesa, il sacerdozio ministeriale e la celebrazione dell'Eucaristia. L'articolo, poi, mostra gli strumenti del diritto canonico per la protezione della fede cattolica riguardo alla successione apostolica come unica condizione valida per presiedere la comunità eucaristica e l'Eucaristia come presenza sacramentale di Cristo. Nell'ultimo capitolo verranno riassunte le implicazioni della partecipazione al culto ecumenico per i fedeli cattolici. La partecipazione dei protestanti al culto cattolico, come proposto dalla Dichiarazione, non è esplicitamente regolata dal diritto canonico. Il CIC, nel can. 844 § 4, stabilisce solo le condizioni alle quali i protestanti possono ricevere lecitamente alcuni sacramenti (l'Eucaristia, l'unzione degli infermi e il sacramento della penitenza), mentre per una valida ricezione dell'Eucaristia li abilita solo il loro battesimo.

Parole chiave: ecumenismo, diritto canonico, "Insieme alla tavola del Signore", intercomunione, Norme sui delitti riservati.