

CANON 845

INVALID CONFIRMATION DUE TO CONTRARY INTENTION OF THE RECIPIENT

A young adult, now active in the faith, informs his pastor: "At the time of my confirmation several years ago, I was disinterested in religion and resented being told by my parents to attend sacramental preparation classes. My 'revenge,' which I now regret, was this: I would go through the ceremony, but in my heart I would refuse the sacrament. And that's what I did. Now I wonder whether I received confirmation." How should the pastor respond?

OPINION

First, the pastor should elucidate the facts by prudent conversation, implying neither nonchalance about "youthful foibles" nor a lack of confidence in the power of the sacraments to work in one's life despite human weakness. In assessing what he learns, the following points might help him distinguish between what could simply be the manifestation of a scrupulous conscience and the narration of the invalid reception of a character sacrament.

The Church is slow to question the validity of sacraments where the exterior requirements of matter, form, minister, and recipient have been observed. If perchance a sinful attitude marred an otherwise valid reception of confirmation, that pastoral problem can be addressed by spiritual advice or sacramental confession; if necessary, the doctrine of the revivification of formless sacraments can be explained. But our question deals precisely with whether confirmation was validly (not just fruitfully) received. Specifically, we must consider whether a recipient's intention to refuse a sacrament rendered null the minister's attempt to confer it.

Of the three sacraments that imprint a character (c. 845, §1), confirmation, now typically conferred between the ages of 12 and 17, is the one most likely to suffer the consequences of teenage contrarian attitudes. Because confirmation is necessary for full Christian initiation (c. 842, §2), contributes to the mature practice of the faith (c. 879), and helps prepare the faithful for the licit reception of matrimony and orders (cc. 1065, §1 and 1033), serious attention must be given to plausible assertions of its invalid conferral. The doctrine of *ex opere operato* is not a cure-all whereby most anything that looks like a sacra-

ment counts as a sacrament. At the same time, precipitous resort to conditional conferral upon simple allegations of deficiencies in prior celebrations should be avoided.¹

The quality of intention required for the valid reception of the sacraments varies with the sacraments and the conditions under which they are celebrated. Looking at our case, to receive confirmation validly those with the use of reason must have a positive, not revoked, intention to receive the sacrament.² While implicit positive intention suffices for the valid reception of confirmation (in which respect confirmation differs from matrimony and orders), and while habitual positive intention suffices for conferral of confirmation on, say, an unconscious adult in danger of death (c. 889, §2), such cases presuppose that one has, in some way, willed to receive the sacrament and has not retracted that intention.³ To hold that a sacrament can be effected without the consent of one capable of giving it would be to hold that God acts on moral agents without regard for their free choices, a proposition untenable since Augustine.⁴

Neither faith nor probity of life is required for the valid reception of confirmation, but mere indifference to the reception of a sacrament is not sufficient for valid reception.⁵ *A fortiori*, a recipient's intention against the reception of confirmation would undoubtedly prevent its valid conferral. Felix Cappello and Eduardus Regatillo specifically considered whether "feigned" reception might suffice for the conferral of a character sacrament, but they rejected the possibility.⁶ And, while one's later regret for such refusal is a welcome sign of spiritual growth, it cannot rehabilitate the deed.⁷

¹ Frederick R. McManus, Commentary on Canon 845, in *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, and Thomas J. Green (New York, NY: Paulist Press, 2000), 1027-1028; and Donal Kelly, Commentary on Canon 845 §2, in *The Canon Law: Letter & Spirit* (Collegeville, MN: The Liturgical Press, 1995), 467.

² Nicholas Halligan, *The Administration of the Sacraments* (Staten Island, NY: Alba House, 1963), 23-24, 90.

³ Bernard Leeming, *Principles of Sacramental Theology* (Westminster, MD: Newman Press, 1960), nos. 573-575; and Nicholas Halligan, *Sacraments and Their Celebration* (New York, NY: Alba House, 1986), 4-7.

⁴ *Sermo* 169.

⁵ Felix Cappello, *Tractatus canonico-moralis de sacramentis iuxta Codicem iuris canonici*, 7th ed., (Turin, Italy: Marietti, 1962), vol. I, no. 73; and Eduardus Regatillo, *Ius Sacramentarium*, 4th ed. (Santander, Spain: Sal Terrae, 1964), no. 28.

⁶ *Ibid.*

⁷ *Non firmatur tractu temporis quod de iure ab initio non subsistit.* Res. Iuris 17 in VI°

Depending upon the results of the diligent inquiry required by canon 845, §2, the conditional (or even absolute, if warranted) conferral of confirmation should proceed; specific faculties will likely be required (cc. 883-884). The rite may be celebrated privately.⁸ The very fact that the individual brought the problem to the pastor's attention suggests that some catechesis about confirmation has occurred over the years, lessening the need for extensive sacramental preparation; undue delay can thus be avoided.⁹ Conditional conferral of a character sacrament should be recorded per canon 895. Finally, keeping in mind that the pastor is likely dealing with an adult now, there is no need to notify the individual's parents, sponsors, or the minister of the earlier rite about the incident.

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CANONS 882-884

CONFIRMATION OF AN ADULT CATHOLIC BY A PRIEST

The chancellor of a North American diocese wrote: "This letter is given to inform you that a priest who intends to confirm adult Catholics at the Easter Vigil must for validity in accordance with Canons 882 to 884 receive the faculty from the Bishop." It seems that the Code confers the faculty upon priests to confirm certain adult Catholics when canon 883 states, "The following possess the faculty of administering confirmation by the law itself: ... 2° as regards the person in question, the presbyter who ... admits one already baptized into the full communion of the Catholic Church." Does the priest have by the law itself the faculty to confirm a fallen away Catholic returning to full communion with the Church?

OPINION

The Second Vatican Council, in the dogmatic constitution *Lumen gentium*, called bishops the "original ministers" of confirmation (no. 26), and in the decree *Orientalium Ecclesiarum*, approved the ancient practice of presbyters of the Eastern Churches, both Catholic and those not in union with Rome, of administering confirmation (nos. 13-14). This practice is reflected in canon 694 of the *Code of Canons of the Eastern Churches*. The *Code of Canon Law* states that presbyters can validly administer confirmation either because the law grants them the faculty or because they have a special concession from one with the authority to grant it (c. 882). Canon 883 specifies when presbyters have the faculty to confirm by the law.

To respond to the question, one has to determine when a presbyter has, by the law itself, the faculty to confirm a Catholic adult.

Both the liturgical rites and the Code make a clear distinction between reception into the Church of persons who have not been baptized, and persons who have received baptism and are admitted into full Catholic communion. Only the former should be called converts and participate in the *Rite of Christian Initiation of Adults* (RCIA), as set forth in the liturgical rites. It seems that, unfortunately, in some places the baptized seeking full communion participate in the RCIA program as catechumens or converts in the strict meaning of the word.¹ The same is true for individuals who were baptized as

⁸ *Rite of Confirmation*, Introduction, no. 13.

⁹ Sacred Congregation of the Holy Office, March 2, 1842, in *Codicis iuris canonici fontes*, ed. Pietro Gasparri (Romae: Typis Polyglottis Vaticanis, 1923), IV:165-166.

¹ See *The Rites of the Catholic Church*, vol. I, Study Edition, trans. The International Commission on English in the Liturgy (Collegeville, MN: The Liturgical Press, 1990), 286-287, and 290-291.