A large Catholic shrine in my city serves tourists and the local population. Communion under both Species is offered at most Masses there. At Communion time, however, off to one side of the sanctuary, a minister also offers “special wine” from a chalice. It is grape juice. When I asked about this practice, I was told by a staff member that a number of alcoholics attend Mass at the Shrine and that they cannot drink the “Blessed Wine” from Mass. I suggested that this practice amounted to faking a sacrament, and was told that everyone knows about it so there is no deception involved. Please comment.

OPINION

There are, I think, three distinct problems presented here, the most serious being the possible delict of sacramental simulation. Before discussing that possibility, however, I will address briefly two other problems, namely, the intrusion of a ‘blessed grape juice distribution rite’ into the Mass and the staff member’s inaccurate presentation of Eucharistic doctrine.¹

The use of the term “blessed wine” can be misleading. After a priest duly pronounces the words of consecration over valid matter, there is no longer present on the altar “bread” and “wine” of any sort; there is present only the Body, Blood, Soul, and Divinity of Christ under two Species (CCC 1373-1381, 1413). To describe the Precious Blood as “blessed wine” is, strictly speaking, to express a material heresy. But whatever the etiology of the assertion that Catholics receive “blessed wine” at Communion time, such a description should be corrected, especially when it is encountered among staff members at an important Catholic shrine.

Further, the introduction of a rite of administering blessed grape juice to certain faithful during Mass, regardless of what might be said about simulation, is a violation of canon 846 §1.² The words used and/or rites applied during the sacred liturgy must be approved by the Apostolic See or diocesan bishop per canon 838 §1,² but no rite for the distribution of blessed grape juice exists in the Missale Romanum (2002), nor am I aware of any bishop’s having authorized the introduction of such a rite into Mass. On grounds of liturgical integrity alone, then, this ‘grape juice distribution rite’ should cease, lest the sign value of the liturgy in regard to the unity of the Church be damaged (c. 837 §1) and the faithful’s fundamental right to worship God “according to the prescripts of their own rite” (c. 214) be threatened.

At this point, we must consider the possibility that the described practice is a canonical delict.

Simulation of a sacrament is prohibited by canon 1379, which states: “In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.” Canon 1379 is new with the 1983 code and commentary on it has been light.

Antonio Calabrese has claimed that the only form of sacramental simulation punished by canon law is the pseudo-celebration of a sacrament—not the administration of a fictitious sacrament such as would occur, for example, when unconsecrated hosts are distributed at Mass.³ Calabrese is directly answered, however, by Ángel Marzoa, who holds that simulation “may be committed... by anyone pretending to administer/distribute the Eucharist with hosts that are not consecrated,” explaining that this interpretation “is supported by the habitual differentiation that the [1983 code] posits between ‘consecrate/celebrate’ and...”

¹ A possible fourth issue is whether the practice could be viewed as an instance of the approved use of mustum at Mass. It would not be so excused, for three reasons: first, there is no indication that the grape juice was the object of the celebrant’s consecratory intention; second, almost all instances of the approved use of mustum deal with an alcoholic priest’s celebration of Mass; third, specific authorization is required before any non-celebrant may take mustum and such authorizations are granted only to persons who cannot take even the Host. See John Huels, commenting on canon 924, in J. Beal, et al., eds., New Commentary on the Code of Canon Law, (New York/ Mahwah: Paulist Press, 2000) 1117; and James Provost, “Canons 924 and 29-34” in K. Vann, et al., eds., Roman Replies and CLSA Advisory Opinions 1995 (Washington, DC: Canon Law Society of America, 1995) 75-80, 78.

² 1983 CIC, canon 846 §1: “In celebrating the sacraments the liturgical books approved by competent authority are to be observed faithfully; accordingly, no one is to add, omit, or alter anything in them on one’s own authority.”

³ 1983 CIC, canon 838 §1: “The direction of the sacred liturgy depends solely on the authority of the Church which resides in the Apostolic See and, according to the norm of law, the diocesan bishop.”

⁴ “Per amministrazione di sacramento è qui intesa l’azione o rito che produce quel sacramento... Chi distribuisce consapevolmente ostie non consecrate, commette un peccato gravissimo ma non il delitto punito da questo canone.” Antonio Calabrese, Diritto Penale Canonico (Edizioni Paoline, 1990) 239-240. Calabrese is joined, without elaboration, by William Woestman, who holds that “it would be a most grave sin for a cleric or lay person to distribute knowingly unconsecrated hosts to those seeking holy Communion” and adds that “the ordinary could punish such an offense in virtue of c. 1399” Ecclesiastical Sanctions and the Penal Process (Ottawa: St. Paul’s University, 2000) 119. But if Marzoa, discussed below, is correct (and I think he is) there is no need to invoke canon 1399 against those simulating the distribution of the Precious Blood as described in our case.
‘administer’ the Eucharist (cf., e.g., cc. 910, 917-919, 923, 929, 931), likewise in the denomination as ‘ministers’ those who distribute holy Communion (c. 910).” The great sacramental lawyer Felix Cappello expressly recognized the distinction between confection of a sacrament and administration of a sacrament; given the fact that 1917 CIC, c. 2322, 1° penalized only the confection (celebrationem) of the Eucharist, Cappello held that mere administrators of fictitious hosts, despite their committing a grievously sinful act, were not canonically liable as simulators. Of course, canon 1379 now expressly reaches those who simulate even the “administration” of a sacrament and therefore one cannot but agree with Marzoa that canon 1379 threatens punishment against those who engage in the administration of fictitious sacraments.

That said, however, the assertion by the shrine staff member that “everyone knows about the practice so there is no deception involved” raises a different point that needs careful consideration.

Commentators on simulation in regard to the Eucharist in the 1917 Code (CIC c. 2322) noted that what might appear to be simulation was not simulation when there was no possibility that anyone who witnessed the event could be confused as to what was happening (or what was not happening). Stanislaus Woywod offered the common-sense example of seminarians practicing the celebration of the Mass. Woywod and others went so far as to say that, if it were obvious that one’s imitation of the rites of Mass done out of derision or contempt for the Sacred Synaxis were pure mockery, such acts, though more grievously sinful than mere simulation, still would not constitute “simulation” in the canonical sense and would therefore not be punishable as a delict under canon 2322 of the 1917 Code.

Moreover, several authors allowed for “pretense” in regard to a sacrament where such an act was undertaken to protect the good name of a member of the faithful. Dominicus Prümmr, for example, countenanced the making of the sign


6 Felix Cappello, Tractatus canonico-moralis de sacramentis iuxta Codicem juris canonic[1921 et seq.], in 5 vols., 7th ed., (Marietti, 1962) I: 59, n. 66, wherein: “si quis communicaturo praebat hostiam non consecratam pro consecrata ... in caso vera ac proprie dicta simulatio sacramenti nequaquam adest, sed solum simulatio administrations, quae omnino differt a simulazione confectionis” (original emphasis).


8 Ibid. See also Udalricus Beste, Introductio in Codicem [1938], 5th ed., (M. D’Auria Pontificius, 1961) 1032.

of the penitent over a penitent to whom absolution was being refused—provided that the penitent knew that he was not being absolved—so as not to alert others that the penitent was being denied absolution. But the practice at the shrine as outlined in your question differs markedly from these cases.

First, and most importantly, there is a high risk of deception of on-lookers at Mass insofar as the activity would look like a “Communion station” at which a chalice was being offered to recipients. Despite assurances to the contrary, it seems implausible that everyone at Mass knows that only grape juice is being administered from that particular chalice. What would become of congregants who stepped into that line not knowing of the anomalous practice? Second, it is not clear that all of the recipients of this blessed grape juice fully understood that they were not receiving the Sacrament at this “Communion station.” With the general grasp of basic Eucharistic doctrine at worrisome lows, a such a practice cannot but help to foment confusion about a basic Church teaching. Third, of all possible simulations of a sacrament, simulation of the Eucharist is presented by commentators as being probably the worst simulation imaginable. One need only read canons 897 and 898 to understand why threats to the reverence due the Eucharist are viewed so strictly under law. From Slater to Marzoa, distributing...
mconsecrated hosts is the prime example of simulation in the administration of sacraments.

The local ordinary of the shrine's territory has authority to investigate this practice (cc. 392, 1412), to order its immediate cessation, and further, to consider penal action in accord with canon 1341. Thomas Green's observation should be recalled, namely, that canon 1379's call for a "just penalty" in response to simulation under canon 1379 suggests that this form of simulation is less serious than those forms of simulation penalized under canon 1378.

But, that these other forms of simulation are penalized at all, and by a preceptive rather than a merely facultative penalty, suggests that any simulation in regard to a sacrament is a serious disturbance of the faith community. Support for this observation is found in the legislative history of canon 1379. The original draft of what eventually became canon 1379 read as follows: “Qui, ad malum finem praeter casus, de quibus in can. [1378], sacramentum se administrare simulat, iusta poena puniatur.” The phrase ad malum finem was removed from the proposed canon by the time of the 1980 Schema Codicis. By removing the phrase ad malum finem from the provision, the motive of the simulator was eliminated as an element of the offense, although the official reason offered for his removal was based on the view of a consultant to the Coetus de Iure Poenali that the phrase ad malum finem was redundant because “if dolus is present, the end will always be evil.”

This observation is not necessarily wrong, but it misses an important point. There are situations in which one might commit simulation of a sacrament in pursuit of a good end. Expanding on observations by Cappello, for example, we might posit a scenario in which a priest is tempted to simulate confection of the Eucharist where his life is in danger if he does not provide malefactors with the Eucharist for their sacrilegious purposes, and yet he anticipates their desecration of the Eucharist if he complies with their demand. The unfortunate priest simulates confection of the species not only to save his own life but at the same time to render materially impossible the desecration of the Sacred Species. Such a ruse, however, we may say with Cappello, despite its good motives, would be forbidden as an act of simulation. By its very nature, simulating the celebration or administration of a sacrament, as an abuse of a sacred thing, is always forbidden.

Removal of the phrase ad malum finem from what became canon 1379, whether for the proffered reason or otherwise, prevented introducing confusion into the canonical tradition that the simulation of a sacrament, regardless of motive, is always an objective offense against the sacraments and admits of no excuse. That the shrine staff felt that offering grape juice to alcoholics was an inclusive gesture may be granted as a moral matter. Moreover, should the case develop formally, their motives for simulating administration of the Eucharist would be relevant under canon 1344, nn. 2-3 in regard to punishment for their delict, but, of themselves, benign motives do not free offenders from culpability for having simulated the administration of any sacrament, especially the Eucharist.

As I said earlier, however, it is entirely possible that the practice you describe, though quite wrong, arose ‘innocently enough’ and that it will cease promptly once its wrongness is pointed out to shrine authorities.