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FULL COMMUNION WITH THE CATHOLIC CHURCH AND THE VALIDITY OF TAKING ON THE *MUNUS* OF SPONSOR

INTRODUCTION

A person to be baptized should, insofar as possible, be given a sponsor [c. 872 CIC]¹ who – before being admitted to undertaking the office – must satisfy the criteria specified in c. 874 CIC. They are related to the purposes for which the institution of sponsor exists in the Church. One of them is the requirement of remaining fully in communion with the Catholic Church, which the legislator has stipulated in c. 874 §1 n. 3 CIC as follows: “To be permitted to take on the function of sponsor, a person must be a Catholic who has been confirmed and has already received the most holy sacrament of the Eucharist and who leads a life of faith in keeping with the function to be taken on”.

This requirement is particularly justified. Since the person appointed as sponsor is expected to accompany the baptized person in their Christian initiation, help them lead a Christian life in keeping with the sacrament, and support them in fulfilling the obligations taken on upon receiving the sacraments [c. 872 CIC], then such person should also be a fully initiated Christian – remaining fully in the communion of the Church. Unfortunately, in the pastoral practice, satisfaction of the above condition is seriously

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¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1–317 [CIC]; English translation: *Code of Canon Law. Latin–English edition. New English translation*, Washington: Canon Law Society of America 1999.

hindered by the fact it is more and more difficult to find a candidate who fully meets its requirements.

As the legislator has not provided the entire norm laid down in c. 874 §1 CIC or any of its individual provisions with an invalidating or disqualifying clause, the question is how a failure to comply with the criteria specified in c. 874 §1 n. 3 CIC affects the validity of taking on the function of sponsor. As this issue has not been directly discussed in the literature so far, the author of this article has endeavoured to provide an answer to this question.

1. FULL COMMUNION WITH THE CATHOLIC CHURCH

Interpretation of the expression “be fully in the communion of the Catholic Church” is found in c. 205 CIC, where the legislator stipulates that those baptized are considered to be fully in the communion of the Catholic Church “who are joined with Christ in its visible structure by the bonds of the profession of faith, the sacraments, and ecclesiastical governance”.

Of particular importance in building the communion of the Church are: baptism, confirmation and the Eucharist – the sacraments of Christian initiation. Their contribution is made in diverse ways. The first two sacraments have the specific capacity of creating and building the Church by leaving an indelible mark, while at the same time forming members of the Church [TESTA 1998, 91]. Baptism is the foundation of the whole Christian life and a gateway to life in the Spirit (*vitae spiritualis ianua*), a doorway providing access to the other sacraments. It makes a person into a member of Christ, grafted in the Church [CCC, no. 1213]². This first of the sacraments of Christian initiation is the basis of communion among all Christians, which enables them to give witness by living holy lives and offering practical charity [CCC, no. 1271, 1273].

The grace of baptism is completed in confirmation, which perfects the bond between the baptized and the Church and endows them with a special power of the Holy Spirit, enabling them to spread and defend the faith by word and action [CCC, no. 1285, 1303].

Another sacrament which completes the Christian initiation is the Eucharist [CCC, no. 1322]. While it does not impress a sacramental mark, it effects a very close communion with Christ, which already exists and operates in the

² *Catechismus Catholicae Ecclesiae*, Vatican City: Libreria Editrice Vaticana 1994 [CCC]; English translation: *Catechism of the Catholic Church*, Chicago: Loyola University Press 1994.

form initiated in the baptized person, and which is strengthened by the gifts of the Holy Spirit in the sacrament of confirmation [TESTA 1998, 215]. The Eucharist actualizes the life of communion with God and the unity of God's People [CCC, no. 1325]. It renews the life of grace received at baptism. It nurtures the growth of Christian life [CCC, no. 1392]. The Eucharist strengthens and deepens the person's incorporation into the Church, achieved already in the sacrament of baptism [CCC, no. 1396].

Even though baptism, confirmation, and the Eucharist are received in three subsequent stages, sometimes removed in time from one another, they constitute one single act of Christian initiation [TESTA 1998, 215; BLAZA, KOWALCZYK 2007, 293]. This internal unity and interrelationship between them is not affected by the separate nature of the grace being granted [TESTA 1998, 219-220]. This truth is confirmed, for instance, by the Catechism of the Catholic Church, which says:

The sharing in the divine nature given to men through the grace of Christ bears a certain likeness to the origin, development, and nourishing of natural life. The faithful are born anew by Baptism, strengthened by the sacrament of Confirmation, and receive in the Eucharist the food of eternal life. By means of these sacraments of Christian initiation, they thus receive in increasing measure the treasures of the divine life and advance toward the perfection of charity [CCC, no. 1212].

Since the sacrament of the Eucharist is a sacrament of the living – i.e. those who live in communion with Jesus – in order for it to be fruitful, the person receiving the Eucharist must have faith and be in the state of sanctifying grace [TESTA 1998, 217]. The effects of receiving this sacrament should be manifest in their Christian life, as the Eucharist enables those who receive it to live in a true and actual communion with Christ, in the unity of will and love with the Lord and with all people [CCC, no. 176; TESTA 1998, 222]. It should not only be received by the faithful, but also translate into the practice of their lives in the individual and social dimension.

Considering the teaching of the Church on the effects of Christian initiation, as well as their special unity and interdependence, while also taking into account the purposes for which the institution of sponsor exists in the Church, it becomes apparent that the norm provided in c. 874 §1 n. 3 CIC is founded on the doctrine of the Church about the sacraments of baptism, confirmation, and the Eucharist.

Even though all elements of this norm are interrelated so strictly that they might be claimed to represent a single criterion, in view of the research

problem outlined above some of its components will be examined individually in terms of their effect on the validity of undertaking the office of sponsor.

2. RECEPTION OF BAPTISM

The requirement that the person appointed as sponsor must be baptised was already pointed out in Church documents dating back to the second half of the first millennium of its existence. *Discipulus Umbriensium* of the 7th/8th century includes a norm which says that it is not permitted (*non licet*) for a sponsor to be a person who has not been baptized or confirmed³. (Unknown 7th/8th century, II, 9) A more radical prohibition was stipulated in the ordinances of the Council of Mentz held in 813, which included a provision to the effect that a sponsor at baptism or confirmation may not (*non potest*) be a person who has not been baptized or confirmed. This norm was included in the Gratian Decree: “*In baptisate vel in crismate non potest alium suscipere in filiolum ipse qui non est baptizatus vel confirmatus*”⁴.

A more explicit wording on the non-permissibility of admitting unbaptized persons to the office of sponsor was included in the *Roman Catechism* of 1566 (“*Haeretici in primis, Iudaei, infideles, ab hoc munere omnino prohibendi sunt*”). The reason for this prohibition – pursuant to the above-cited document – was the sponsor’s duty to provide for the proper spiritual education of the person to be baptized⁵. Presumably, the appointment of a sponsor who is not a member of the Catholic Church would be inconsistent with this commitment, and thus incompatible with the purposes for which the function of sponsor exists in the Church.

From among later documents including a prohibition on unbaptized persons being admitted to the function of sponsor, one other worth mentioning is the *Roman Rite* of 1614. It provided that parish priests should not admit infidels or heretics to the function of sponsor (“*ad hoc munus non esse admittendos infideles, aut haereticos*”)⁶.

³ *Discipulus Umbriensium*, II, 9, [in:] *Libri Poenitentiales*, eds. A. Baron, H. Pietras, Kraków: Wydawnictwo WAM 2011, pp. 150-150*.

⁴ *Corpus Iuris Canonici. Pars Prior. Decretum Magistri Gratiani*, Pars III, C. 102, Lipsiae: Ex officina Bernhardi Tauchnitz 1879, col. 1394.

⁵ *Catechismus Romanus ex decreto Sacrosancti Concilii Tridentini*, Pars II, Cap. II, De Sacramento Baptismi, no. 29, Romae: Typis Sacrae Congregationis de Propaganda Fide 1796, p. 169.

⁶ *Rituale Romanum Pauli V Pontificis Maximi*, De Sacramento Baptismi ritè administrando, De Patriniis, Parisiis: Societas Typographica Librorum Officii Ecclesiastici 1623, pp. 13-14.

The requirement that the sponsor should be baptized has also been included in all Codes of the Catholic Church. The Code currently in force in the Latin Church differs in this regard, however, from the Pio-Benedictine Code and from CCEO in that the legislator has stipulated the requirement for the sponsor to be baptized only indirectly, by providing that in order to be considered suitable for admission to the function of sponsor, a person must belong the Catholic Church⁷. Furthermore, unlike the provisions of c. 766 n. 1CIC/17⁸, or c. 685 §1 n. 1 CCEO, 874 §1 n. 3 CIC does not include any explicit stipulation on whether the admission of an unbaptized person as sponsor results in the office being accepted invalidly.

While the Code of 1983 does not explicitly stipulate that unbaptized persons may not validly be admitted as sponsors at baptism, their unsuitability results from the fact they do not have a legal (canonical) personality in the Church. Such personality is acquired by receiving a valid baptism in water [PAWLUK 2002, 252]. This truth is stipulated in c. 96 CIC: “By baptism one is incorporated into the Church of Christ and is constituted a person in it with the duties and rights which are proper to Christians in keeping with their condition, insofar as they are in ecclesiastical communion and unless a legitimately issued sanction stands in the way”. One of the rights proper to those incorporated into Christ through baptism is the capacity to hold ecclesiastical offices and ministries (*officia ecclesiastica et munera*), which they are able to exercise in accordance with the precepts of the law [CIC, cc. 204 §1, 208, 228 §1; SOBAŃSKI 2003, 165; REINHARDT, c. 228; CHIAPPETTA 2011, 298-301; CAPARROS 2004, 183-184]. Pursuant to CCC, one such ecclesiastical office (*officium*) is that of baptismal sponsor. CCC no. 1255 reads: “Eorum munus est verum ecclesiale *officium*” (“Their task is a truly ecclesial function [*officium*]”).

At this point it is necessary to make a digression and note that while according to CCC the function of sponsor is referred to as an “ecclesiastical office”, the practice of the Church does not provide grounds for treating it as

⁷ *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990), AAS 82 (1990), pp. 1045–1364 [CCEO]; English translation: *Code of Canons of Oriental Churches, Latin–English edition. New English translation*, Washington: Canon Law Society of America 1999.

⁸ *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus. Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars. II, pp. 1–594 [CIC/17]; English translation: *The 1917 or Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus*, cur. E.N. Peters, San Francisco: Ignatius Press 2001.

an ecclesiastical office within the meaning of c. 145 CIC. While an ecclesiastical office (*officium*) is a permanent function, the *munus* of a baptismal sponsor does not satisfy this criterion [CIC, c. 874 §1; PROVOST 2000, 145]⁹. The discrepancy in the way the office of sponsor is understood in CIC and in CCC does not affect the permissibility of the tasks of a sponsor being assumed by an unbaptized person. Even though the notion of ecclesiastical office used in CCC with respect to the *munus* of sponsor does not satisfy the conditions of an ecclesiastical office within the meaning of c. 145 CIC, the above thesis that only a baptized person may be a sponsor still remains valid. Pursuant to c. 228 §1 CIC (read together with c. 208 CIC), unbaptized persons do not have the capacity to be admitted to functions or tasks (*munus*) in the Church. Consequently, even though the function of sponsor is not an ecclesiastical office within the meaning of c. 145 CIC, being a *munus* it may not be undertaken by an unbaptized person anyway.

Going back to the interrupted thread, it may be concluded that what has been established so far is sufficient to support the thesis that the inability of unbaptized persons to take on the office of sponsor results from their lack of canonical personality in the Catholic Church. Furthermore, it appears to be related to the purposes for which the institution of sponsor exists in the Church, which purposes may not be performed by persons who have not been baptized themselves.

3. CATHOLIC

It results from the above-cited c. 96 CIC that apart from Catholics, also non-Catholics have a legal personality in the Catholic Church [MCINTYRE 2000, 140-141]. Their respective scopes of subjective rights in the Catholic Church are not the same, however. This differentiation is a result of the non-identical relationship of the baptized with the Catholic Church, which may range from “communion” to “full communion” [CIC, c. 205; KASLYN 2000, 246]¹⁰. As pointed out by Zaborowski: “The degree to which membership in the Church community is realized, and compliance with the requirements

⁹ S.C. FOR SACRAMENTS, *Letter responding to request for clarification on application of law* (13.11.1984), Prot. No. 1032/84, [in:] *Canon Law Digest: Officially Published Documents Affecting the Code of Canon Law 1983-1985*, vol. 11, ed. E.G. Pfnausch, Washington: Canon Law Society of America 1991, pp. 191-192.

¹⁰ SACROSANCTUM CONCILIUM OECUMENICUM VATICANUM II, *Decretum de Oecumenismo Unitatis redintegratio* (21.11.1964), AAS 57 (1965), pp. 92-94, no. 3.

inherent to being baptized determine the scope of rights proper to particular »groups« of the baptized in the Catholic Church” [ZABOROWSKI 2013, 196]. The ability to exercise subjective rights in the Catholic Church as a result of having legal personality depends, therefore, on the so-called canonical standing. Non-Catholics may exercise rights in the Catholic Church when permitted by the law of the Catholic Church [SOBAŃSKI 2003, 166].

In the Code of 1983, the legislator explicitly states that only Catholics may be admitted to the duties of sponsor [c. 874 §1 n. 3 CIC]. There is one exception to this rule. Non-Catholics who are members of the Eastern churches may be admitted to the duties of sponsors in the Catholic Church together with a Catholic sponsor as long as the Catholic education of the person to be baptized is provided for, and the non-Catholic is suitable to perform the function of sponsor [JAKUBIAK 2019, 141-150]¹¹. The law of the Roman Catholic Church contains no provision, however, stating that the norm stipulated in c. 874 §1 n. 3 CIC – permitting only Catholics to be admitted to the function of sponsor – affects the validity of the legal act concerned.

The fact that the legislator has provided for an exceptional admission to the office of sponsor of non-Catholics who are members of the Eastern churches, and that only upon the satisfaction of certain strictly specified conditions – laid down in the *Ecumenical Directory* of 1993 – shows that it was the legislator’s intention not to permit non-Catholics to take on the duties of sponsors. As has been specified in the said document, sponsors are “representatives of a community of faith, standing as guarantees of the candidate's faith and desire for ecclesial communion”. It could not be reasonably expected that a non-Catholic sponsor would be able to fulfill one of the basic duties inherent to the office, namely that of providing for the Catholic upbringing of the baptized person [PASTUSZKO 1983, 278-279].

In order to better appreciate the significance of the norm stipulated in c. 874 §1 n. 3 CIC, it should be realized that the Sacred Congregation for the Holy Office has presented the discipline of not admitting non-Catholics to the function of sponsors in the Catholic Church as the established teaching of the Holy See¹². Furthermore, the Dicastery was of the opinion that should it be

¹¹ PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY, *Directory for the Application of Principles and Norms on Ecumenism* (25.03.1993), [in:] *Canon Law Digest: Officially Published Documents Affecting the Code of Canon Law 1991-1995*, Vol. 13, ed. P.J. Cogan, Washington: Canon Law Society of America 2009, p. 381, no. 98b.

¹² SACRA CONGREGATIO SANCTI OFFICII, *Instructio (ad Archiep. Corcyren.)* (03.01.1871), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1951,

impossible for the sacrament to be administered in the presence of a Catholic sponsor, it would be more appropriate for baptism to be administered without any sponsors at all than with the participation of a non-Catholic sponsor¹³. Any violation of this prohibition by admitting a heretic to the function of sponsor in the Catholic Church has been treated as an offence¹⁴.

The existence of an established practice in the Catholic Church of having the office of sponsor entrusted only to members of the Church community suggests that since the very beginning of the existence of the institution of sponsor it could only be taken on by Catholics. For as one of the fundamental legal principles says: *Optima est legum interpretis consuetudo*. Unfortunately, it does not result from statements issued by the Holy See whether a violation of this principle by admitting a non-Catholic to the function of sponsor results in the invalidity of the legal act itself.

It is worth noting that among the numerous statements made by the Holy See expressing the prohibition on admitting non-Catholics to the function of sponsor, there is no stipulation to the effect that such an act would result in invalidating the taking on of the role of a godfather or a godmother¹⁵. On the contrary, some documents of the Holy See suggest that such an act is illicit. Such wording is found, for instance, in a statement issued by the Congregation for the Holy Office on January 3, 1871 (“*neque /... / patrini munere fungi licite possunt*”)¹⁶.

The invalidity of admitting non-Catholics to the function of sponsor had not been referred to by the legislator until the 20th century, when c. 765 n. 2 CIC/17 and c. 685 §1 n. 2 CCEO were promulgated.

The existence in the Church of an established practice of not entrusting the office of sponsor to baptized persons who do not confess the Catholic religion does not seem sufficient to support the thesis that non-Catholics are not

no. 1013, p. 317; SACRA CONGREGATIO SANCTI OFFICII, *Mission. Aegypti* (09.12.1745), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1745, no. 798, pp. 76-79.

¹³ SACRA CONGREGATIO SANCTI OFFICII, *Dubium* (03.05.1893), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 1163, p. 481.

¹⁴ SACRA CONGREGATIO PROPAGANDA FIDE, *ad Vic. Ap. Indiar. Orient.* (08.09.1869), [in:] *Codicis Iuris Canonici Fontes*, Vol. 7, ed. I. Serédi, Roma: Typis Polyglottis Vaticanis 1935, no. 4876, p. 427.

¹⁵ SACRA CONGREGATIO SANCTI OFFICII, *Dubium* (14.10.1676), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 753, p. 30; SACRA CONGREGATIO SANCTI OFFICII, *Instructio (ad Praef. Mission. Tripol.)* (ian.1763), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 812, p. 93.

¹⁶ SACRA CONGREGATIO SANCTI OFFICII, *Instructio (ad Archiep. Corcyren.)*, no. 1013, p. 317.

capable of validly taking on the *munus* of sponsor in the Catholic Church. The fact that non-Catholics of the Eastern rites may be admitted as sponsors in the Catholic Church, as long as certain strictly defined conditions are satisfied, proves that this prohibition stems from Church law. It should be noted here that the view that the prohibition on admitting non-Catholics to the function of sponsors stems from positive law was supported by Conte and Coronata [CONTE A CORONATA 1951, 108].

It is quite evident that while the provisions of c. 874 n. 3 CIC, where the legislator stipulates that only Catholics are suitable to assume the role of sponsors, is of ecclesial provenience, the *ratio legis* of this provision, namely the need to provide for the Catholic education of the person being baptized, stems from God's law. As the legislator points out in c. 748 §1 CIC, God's law makes it mandatory for everyone to avoid anything that may entail the risk of losing faith [CCC, no. 2088]. Consequently, having regard for the strict communion existing between the Catholic Church and the Eastern Orthodox Churches, when admitting non-Catholics of the Eastern rites to the function of sponsor, the church legislator does not make it mandatory for them to provide for the education of the person being baptized in the faith of the Catholic Church. In such case, the Catholic upbringing of the baptized person rests solely on the sponsor who is a member of the Catholic Church.

The admission of a non-Catholic to the function of sponsor also contradicts the purposes for which the institution was established in the Church. Even though over the ages the goals and tasks entrusted to sponsors have evolved, they have always been related to providing for the unity of faith and communion of the Church [WAŚIK 2017, 265-284]. It comes as no surprise, therefore, that the Congregation for the Holy Office has preferred the administration of baptism in the Catholic Church without the appointment of a sponsor if such function could only be performed by a non-Catholic (a heretic)¹⁷.

The admission of a non-Catholic who does not remain in a close communion with the Catholic Church to the *munus* of sponsor may also be related to such person's being unable to fulfill the duties inherent to the office, and consequently to the duties proper to a godfather or godmother being accepted invalidly.

It should be recalled here that the Congregation for the Holy Office has not only prohibited non-Catholics from performing the function of sponsors in the Catholic Church, but also absolutely ruled out ("*absolute non licere*") the

¹⁷ SACRA CONGREGATIO SANCTI OFFICII, *Dubium* (03.05.1893), no. 1163, p. 481.

possibility of the function of sponsor being performed in a non-Catholic Church by a Catholic¹⁸. Such an act would be illicit¹⁹.

In view of the above arguments, it appears that while the provisions of c. 874 §1 n. 3 CIC (stipulating that only a Catholic may be a sponsor at baptism) are of ecclesial provenience, considering the purposes of the very existence of the institution of sponsor and the need to protect the Catholic faith of the person being baptized, there seems to be no reason for which its requirements could be waived.

4. CONFIRMATION, FIRST COMMUNION, LIFE OF FAITH IN KEEPING WITH THE FUNCTION OF SPONSOR

As has already been stated, the sacrament of confirmation and the Eucharist play a special role in forming the Church community. They complete the process of Christian initiation which begins at baptism. They bring life to Christian faith, which may not be limited to intellect alone, but should also engage one's will and be manifest in one's deeds [CCC, no. 176, 1815-1816]. Furthermore, receiving the sacrament of confirmation and the Eucharist, and living a life of faith in keeping with the function of sponsor are strictly related to the purposes for which the *munus* of sponsor exists in the Catholic Church. Without satisfying the said criteria, laid down in c. 874 §1 n. 3 CIC, the fulfilment of tasks inherent to the office would likely be hindered [HART 2000, 1063]. A sponsor who is not a fully initiated Christian him or herself, and who cannot draw on the sacramental grace – related to confirmation and the Eucharist – is bound to encounter obstacles in accompanying their godchild on the road of Christian life [CCC, no. 1255].

The need for candidate sponsors to be confirmed and to remain in the community of the Church (in addition to their being baptized) has been referred to in Church documents from different periods²⁰. Their analysis does not support the thesis, however, that before the 20th century these criteria had been related directly to the validity of taking on the office of sponsor. The Codes of the

¹⁸ SACRA CONGREGATIO SANCTI OFFICII, *Smyrnen* (30.06.1864 and 07.07.1864), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. P. Gasparri, Roma: Typis Polyglottis Vaticanis 1951, n. 4, no. 978, pp. 250-251.

¹⁹ SACRA CONGREGATIO SANCTI OFFICII, *Instructio (ad Archiep. Corcyren.)*, n. 1, no. 1013, p. 317.

²⁰ *Discipulus Umbriensium*, II. 9, pp. 150-150*; *Corpus Iuris Canonici. Pars Prior. Decretum Magistri Gratiani*, Pars III, C. 102, col. 1394; *Rituale Romanum Pauli V Pontificis Maximi*, De Sacramento Baptismi ritè administrando, De Patrinis, pp. 13-14.

Catholic Church promulgated in the 20th century also lack coherence on this matter. The Code enacted in 1917 did not include some of the elements of the norm stipulated in c. 874 §1 n. 3 CIC. Canon 765 n. 2 CIC/17 includes a provision to the effect that being a member of a heretical or schismatic sect prevents a person from being validly admitted to the office of godfather or godmother. CIC/17 lacks the criterion of leading a life of faith in keeping with the function of sponsor. The legislator only required that the prospective sponsor should know the rudiments of the faith; this criterion was related to the licitness of undertaking the office [c. 766 n. 3 CIC/17]. On the other hand, in CCEO the validity of taking on the tasks of sponsor was related to receiving the sacraments of Christian initiation and belonging to the Catholic Church, providing, however, that when satisfying the conditions stipulated in c. 685 §3 CCEO, a Christian faithful of a non-Catholic Eastern Church could also act as sponsor in the Catholic Church [c. 685 §3 n. 1-2 CCEO]. In CCEO the requirement that the person appointed to the office of sponsor should lead a life of faith in keeping with the function to be undertaken was linked to licitness [c. 685 §2 CCEO].

Discrepancies between the laws of the Latin Church and those of Catholic Churches of the Eastern rite regarding the requirement of confirmation and the Eucharist, as well as the relationship between these criteria and the validity of taking on the office of sponsor may result from differences existing in the discipline of administering the sacraments of Christian initiation in the Eastern and Western traditions. In the Eastern rites, the Christian initiation of infants begins with baptism, immediately followed by confirmation and the Eucharist. In the Roman rite, initiation takes years of catechesis, and is followed later by confirmation and the Eucharist as its summit [CCC, no. 1233; CCEO, cc. 695, 710; SALACHAS 2002, 517].

While the inconsistency in statutory regulations on this matter suggests that the provisions laid down in c. 874 §1 CIC are of ecclesial provenience, the reasons for their existence should be sought beyond the will of the human legislator. An analysis of the doctrine of the Catholic Church concerning the effects of the sacraments of Christian initiation in both individual and community life supports the thesis that the *ratio legis* of these provisions is related to God's law. In accordance with a fundamental legal principle, one may not validly assume obligations they are unable to fulfill. Therefore, a sponsor who does not remain in full communion of the Catholic Church may face obstacles in accompanying their godchild at subsequent stages of Christian initiation [PIGHIN 2006, 124]. The admission to the function of sponsor of

a person who does not follow the rules of faith, on the other hand, entails the risk that the person who is entrusted into the spiritual care of the sponsor may lose faith, and thus undermines the very reason for the existence of this *munus* in the Catholic Church. Furthermore, this would be contradictory to God's law which commands that any risks to faith should be avoided.

It may be concluded from the above that failure to satisfy the criteria laid down in c. 874 §1 n. 3 CIC could result in the invalidity of admitting a baptized person to the office of sponsor only indirectly, if the candidate to this office were unable to fulfill the duties inherent to it, and if this obstacle were permanent.

Summing up this part of reflections on the provisions of c. 874 §1 n. 3 CIC, it should be noted that it would be difficult to find a reason substantiating a valid dispensation from compliance with their requirements [c. 90 CIC]. Most of these criteria are related to the suitability for the office of sponsor so strictly that any failure to satisfy them would entail a serious risk that the person appointed as sponsor might take on a duty during the ceremony of baptism which they are unable to perform. In such a situation – in accordance with the principle *Impossibilium nulla obligatio est* – despite being given a dispensation, such person would take on the office of sponsor invalidly, as they would not be naturally capable to deliver the obligations it entails anyway. Furthermore, the admission of such a person to the *munus* of sponsor in the Catholic Church could not be reconciled with the purposes for which the function exists. As a side remark, it should be noted that the admission of an unbaptized person to the office of sponsor based on a dispensation would not result in the office being validly undertaken by them anyway.

The only condition which may be dispensed from in the Polish reality – and in strictly defined circumstances – appears to be that of “having been confirmed”. A sufficient reason for granting a dispensation from this criterion seems to be a circumstance where the candidate sponsor of a minor, leading a “committed” life in keeping with the principles of faith, has participated for an extended period of time in preparation for confirmation and there is every indication that they will soon receive the sacrament of maturity, while the parents or guardians have no other candidate sponsor for their infant. For the sake of the spiritual benefit of the infant – to prevent postponing their introduction into the community of the Church solely for formal and legal reasons until such (soon approaching) time as the sponsor receives the sacrament of confirmation – the granting of a dispensation seems justified.

Considering the importance of the statute from which the dispensation were to be granted, the cause for granting such grace should be carefully weighed. For the sake of the community of the faithful, such cause should be more than merely “just and reasonable”. The possibility of granting a dispensation is supported by the fact that during the time when the Pio-Benedictine Code was in force, candidate sponsors were not required to have been confirmed and received the Eucharist.

CONCLUSION

The legislator has not provided either a disqualifying or an invalidating clause in c. 874 CIC. This fact does not substantiate the conclusion, however, that an infringement of the norm laid down in c. 874 §1 n. 3 CIC – when admitting a person to the function of sponsor – results only in illicit acceptance of this office.

An analysis of the teaching of the Church on the effects of the sacraments of Christian initiation and their relationship with the purpose for which the institution of sponsor exists in the Church proves that the provisions of c. 874 §1 n. 3 CIC stem from the doctrine of the Church on the sacraments of baptism, confirmation, and the Eucharist. Even though it is of ecclesiastical provenience, the *ratio legis* of its existence is founded on God’s law which makes it mandatory to provide for the Catholic upbringing of the person being baptized, and for the unity of faith and community of the Church.

Taking into account the purpose of c. 874 §1 n. 3 CIC and the nature of the office of sponsor, it seems reasonable to propose a thesis that the admission of a non-Catholic who is not in a close communion with the Catholic Church to the *munus* of sponsor may result in the office being taken on invalidly. In such case, the person who is unable to fulfill the tasks inherent to the office they undertake may become a godfather or a godmother invalidly.

The case is similar with regard to the requirement of having been confirmed and received the Eucharist, and leading a life of faith in keeping with the function of sponsor. These criteria are also closely linked to the purposes for the fulfilment of which the *munus* of sponsor exists in the Catholic Church. Unless they are satisfied, the fulfilment of duties taken on together with the office seems hindered, if not impossible. The sponsor may encounter insurmountable obstacles in accompanying their godchild on the road of Christian life. The admission of a person who does not follow the rules of faith to the office of

sponsor may also entail the risk that the person who is entrusted into their spiritual care may lose faith, which would undermine the very purpose for which this *munus* exists in the Catholic Church. Furthermore, it would contradict God's law which makes it mandatory to avoid any risks to faith.

A failure to satisfy the criteria laid down in c. 874 §1 n. 3 CIC results in the invalidity of admitting a baptized person to the function of sponsor only indirectly, when the candidate sponsor is unable to fulfill the duties taken on together with the office, and if such inability is permanent. This truth is confirmed in the fundamental legal principle which says: *Impossibilium nulla obligatio est*. Since obligations assumed by the sponsor are inherently linked to the office they are taking on, inability to fulfill these obligations results in an invalid assumption of the function of sponsor. Consequently, the effects of non-compliance with each of the requirements laid down in the above canon differ depending on the degree of the candidate sponsor's communion with the Catholic Church and on whether he or she will be able to fulfill the duties inherent to the nature of this office.

The criterion of being in the community of the Catholic Church is indirectly related to the requirement of being baptized. Unless the candidate sponsor has been baptized, they cannot validly undertake the function. This inability is related to the lack of canonical personality of an unbaptized person in the Catholic Church, and to the purposes for which the *munus* of sponsor exists.

Translated by Małgorzata Wójcik

BIBLIOGRAPHY

SOURCES

- Discipulus Umbriensium, 7th/8th century, [in:] *Libri Poenitentiales*, eds. Arkadiusz Baron, Henryk Pietras, Kraków: Wydawnictwo WAM 2011, pp. 131-160*.
- Catechismus Romanus ex decreto Sacrosancti Concilii Tridentini, Typis Sacrae Congregationis de Propaganda Fide, Romae 1796.
- Corpus Iuris Canonici. Pars Prior. Decretum Magistri Gratiani, Lipsiae, Ex officina Bernhardi Tauchnitz 1879.
- PONTIFICAL COUNCIL FOR PROMOTING CHRISTIAN UNITY: *Directory for the Application of Principles and Norms on Ecumenism* (25.03.1993), [in:] *Canon Law Digest: Officially Published Documents Affecting the Code of Canon Law 1991-1995*, Vol. 13, ed. Patrick J. Cogan, Washington: Canon Law Society of America 2009, pp. 340-418.
- Rituale Romanum Pauli V Pontificis Maximi, Parisiis: Societas Typographica Librorum Officii Ecclesiastici 1623.

- SACRED CONGREGATION FOR SACRAMENTS: Letter responding to request for clarification on application of law (13.11.1984), Prot. No. 1032/84, [in:] *Canon Law Digest: Officially Published Documents Affecting the Code of Canon Law 1983-1985*, Vol. 11, ed. Edward G. Pfnausch, Washington: Canon Law Society of America 1991, pp. 191-193.
- SACRA CONGREGATIO PROPAGANDA FIDE: ad Vic. Ap. Indiar. Orient. (08.09.1869), [in:] *Codicis Iuris Canonici Fontes*, Vol. 7, ed. Iustiniani Serédi, Roma: Typis Polyglottis Vaticanis 1935, no. 4876, pp. 416-436.
- SACRA CONGREGATIO SANCTI OFFICII: Dubium (14.10.1676), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 753, p. 30.
- SACRA CONGREGATIO SANCTI OFFICII: Dubium (03.05.1893), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 1163, p. 481.
- SACRA CONGREGATIO SANCTI OFFICII: Instructio (ad Archiep. Coreyren (03.01.1871), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 1013, pp. 317-319.
- SACRA CONGREGATIO SANCTI OFFICII: Instructio (ad Praef. Mission. Tripol.), (Ianuarius 1763), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 812, p. 93.
- SACRA CONGREGATIO SANCTI OFFICII: Mission. Aegypti (09.12.1745), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 798, pp. 76-79.
- SACRA CONGREGATIO SANCTI OFFICII: Smyrnen (30.06.1864 and 07.07.1864), [in:] *Codicis Iuris Canonici Fontes*, Vol. 4, ed. Pietro Gasparri, Roma: Typis Polyglottis Vaticanis 1951, no. 978, pp. 250-252.
- SACROSANCTUM CONCILIUM OECUMENICUM VATICANUM II: Decretum de Oecumenismo Unitatis reintegratio (21.11.1864), AAS 57 (1965), pp. 90-112.

LITERATURE

- BLAZA Marek, Dariusz KOWALCZYK: *Traktat o sakramentach (Dogmatyka, Vol. 5)*, Warszawa: Biblioteka „Więzi” 2007.
- CAPARROS Ernest: *The Obligations and Rights of the Lay Members*, [in:] *Exegetical Commentary on the Code of Canon Law*, Vol. 2/1, eds. Ángel Marzoa, Jorge Miras, Rafael Rodríguez-Ocaña, English language eds. E. Caparros, P. Lagges, Montreal–Chicago: Wilson&Lafleur–Midwest Theological Forum 2004, pp. 152-201.
- CHIAPPETTA Luigi: *Il Codice di diritto canonico. Commento giuridico-pastorale*, Vol. 2, Bologna: Edizione Dehoniane Bologna 2011.
- CONTE A CORONATA Matthaeus: *Institutiones iuris canonici ad usum utriusque cleri et scholarum: De Sacramentis Tractatus canonicus*, Vol. 1. Praenotiones, De Baptismo, Confirmatione, Eucharistia, Poenitentia et Extrema Unctione, Taurini: Marietti 1951.
- HART T. Kevin: *Baptism*, [in:] *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green, New York: Paulist Press 2000, pp. 1033-1065.
- JAKUBIAK Tomasz: *Reception of Vatican Council II Decrees and the Choice of Godparents in the Latin Church*, “Bogoslovni vestnik” 79 (2019), no. 1, pp. 141-152.
- KASLYN J. Robert: *The Christian Faithful*, [in:] *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green, New York: Paulist Press 2000, pp. 245-290.

- MCINTYRE P. John: Status and Rules of Order, [in:] *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green, New York: Paulist Press 2000, pp. 138-141.
- PASTUSZKO Marian: *Prawo o sakramentach świętych. Normy ogólne i sakrament chrztu*, Warszawa: Akademia Teologii Katolickiej 1983.
- PAWLUK Tadeusz: *Prawo kanoniczne według kodeksu Jana Pawła II. Zagadnienia wstępne i normy ogólne*, Vol. 1, Olsztyn: Warmińskie Wydawnictwo Diecezjalne 2002.
- PIGHIN F. Bruno: *Diritto sacramentale*, Venezia: Marcianum Press 2006.
- PROVOST H. James: Ecclesiastical Offices, [in:] *New Commentary on the Code of Canon Law*, eds. John P. Beal, James A. Coriden, Thomas J. Green, New York: Paulist Press 2000, pp. 195-229.
- REINHARDT J.F. Heinrich: Volk Gottes: Die Laien: "can. 228.", [in:] *Münsterischer Kommentar zum Codex Iuris Canonici*, Vol. 2, ed. Klaus Lüdicke, Ludgerus Verlag: Unknown [Year Unknown].
- SALACHAS Dimitrios: Divine Worship, Especially the Sacraments (cc. 667-775), [in:] *A Guide to the Eastern Code. A Commentary on the Code of Canons of the Eastern Churches*, ed. George Nedungatt, Rome: Pontificio Instituto Orientale 2002, pp. 493-540.
- SOBAŃSKI Remigiusz: *Osoby fizyczne i prawne*, [in:] *Komentarz do Kodeksu Prawa Kanonicznego*, Vol. 1, eds. Józef Krukowski, Remigiusz Sobański, Poznań: Pallottinum 2003, pp. 163-201.
- TESTA Benedetto: *Sakramenty Kościoła: Podręczniki teologii katolickiej*, Vol. 9, ed. and trans. Lucjan Balter, Poznań: Pallottinum 1998.
- WĄSIK Wojciech: Instytucja rodziców chrzestnych od czasów starożytnych do prawa dekretalów, „*Kieleckie Studia Teologiczne*” 16 (2017), pp. 265-284.
- ZABOROWSKI Marek: *Nabycie przynależności do Kościoła katolickiego*, Lublin: Wydawnictwo KUL 2013.

FULL COMMUNION WITH THE CATHOLIC CHURCH AND THE VALIDITY OF TAKING ON THE *MUNUS* OF SPONSOR

Summary

One of the conditions to be satisfied by a candidate to the office of sponsor in order to be admitted to perform this task is being fully in the communion of the Catholic Church. This requirement is stipulated in c. 874 §1 n. 3 CIC as follows: "To be permitted to take on the function of sponsor a person must be a Catholic who has been confirmed and has already received the most holy sacrament of the Eucharist and who leads a life of faith in keeping with the function to be taken on".

As the legislator has not provided either the entire norm stipulated in c. 874 §1 CIC or any of its individual elements with an invalidating or disqualifying clause, the question is what consequences are entailed for the validity of taking on the function of sponsor by failure to comply with the criteria laid down in c. 874 §1 n. 3 CIC. As this issue has not been directly discussed in the literature, in this article the author endeavours to address this concern.

Keywords: baptism; sponsor; full communion with the Church; validity of taking on the office of sponsor; sacraments of initiation

PEŁNA KOMUNIA Z KOŚCIOŁEM KATOLICKIM
A WAŻNOŚĆ PRZYJĘCIA *MUNUS* CHRZESTNEGO

Streszczenie

Jednym z warunków, jaki musi spełnić kandydat na chrzestnego, by móc zostać dopuszczonym do przyjęcia tego zadania, jest trwanie w pełnej komunii z Kościołem katolickim. Wymaganie to zapisane zostało w kanonie 874 §1 n. 3 CIC następującymi słowami: „do przyjęcia zadania chrzestnego może być dopuszczony ten, kto jest katolikiem, bierzmowanym i przyjął już sakrament Najświętszej Eucharystii oraz prowadzi życie zgodne z wiarą i odpowiadające funkcji, jaką ma pełnić”.

Ponieważ ustawodawca nie opatrzył klauzulą unieważniającą czy też uniezdalniającą całej normy zapisanej w kan. 874 §1 CIC, lub też poszczególnych jej elementów, nasuwa się zatem pytanie o to, jakie są dla ważności przyjęcia funkcji chrzestnego konsekwencje nieprzestrzegania kryteriów zapisanych w kan. 874 §1 n. 3 CIC. Biorąc pod uwagę, że w literaturze zagadnienie to bezpośrednio nie zostało dotychczas podjęte, autor w artykule udziela odpowiedzi na tę wątpliwość.

Słowa kluczowe: chrzest; chrzestny; pełna komunია z Kościołem; ważność przyjęcia urzędu chrzestnego; sakramenty inicjacji