

## Canonical Reflections on the Recent Pastoral Letter from the Melkite Greco-Catholic Eparchy of Newton

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The Second Vatican Council's decree on the Catholic Eastern Churches *Orientalium Ecclesiarum* (*OE*) directed that the faithful of the Eastern Churches are to "aim always at a more perfect knowledge and practice of their rites, and if they have fallen away [from their own legitimate liturgical rites] due to circumstances of times or persons, they are to strive to return to their ancestral traditions."<sup>1</sup> Further, the Council's Dogmatic Constitution on the Church *Lumen gentium* instructed that the individual Churches "have their own discipline, enjoy their own liturgical usage and inherit a theological and spiritual patrimony."<sup>2</sup> Recognizing this reality, in recent years the various Churches *sui iuris* have, with varying degrees of success, attempted to catechize their faithful regarding their Eastern heritage.

It was within this context that the Melkite Greco-Catholic bishop of Newton, Massachusetts, Nicholas Samra, recently issued his *Pastoral Letter on Infant Communion and "First Communion" Ceremonies also called "Solemn Communion" or "Eucharistic Awareness."* In this letter the progressive

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<sup>1</sup> Second Vatican Council, decree *Orientalium Ecclesiarum*, 21 November 1964, §6, in *Acta Apostolicae Sedis* 57 (1965): 78; English translation in A. Flannery, *Vatican Council II: The Conciliar and Post-Conciliar Documents*, vol. 1, New Rev. Ed. (Northport, NY: Costello Pub. Co., 1996), 443.

<sup>2</sup> Second Vatican Council, dogmatic constitution on the Church *Lumen gentium*, 21 November 1964, §23, in *Acta Apostolicae Sedis* 57 (1965): 28, English translation in Flannery, 377-378.

efforts of the Melkite Church in restoring genuine Byzantine practice are rightly extolled and recounted since 1967. After establishing the policy of the eparchy to commune infants at the time of baptism, Bishop Nicholas instructs his clergy to continue following eparchial policy in administering the eucharist to infants regardless of their personal preferences. This is an “ancient discipline” that is “an obligatory part of the Christian Initiation of infants in this Eparchy and is not to be omitted.”<sup>3</sup>

In order to properly understand the history of sacramental practice in an Eastern Catholic Church any study must examine the ecclesial practices of three families of Churches: Latin Catholic, Orthodox, and Eastern Catholic. The history of the topic of infant communion has been examined in other places, and as a result will not be repeated here.<sup>4</sup> It will be sufficient to say that the universal practice in both Latin West and Greek East was to commune infants at baptism; this practice slowly fell into disuse in the Latin West in response to different theological movements in a gradual process lasting from the twelfth until, in some regions, as late as the early seventeenth century.<sup>5</sup>

The awareness of the differing sacramental practices between East and West existed at least as early as Thomas Aquinas who attested to the Greek practice of communing infants, contrary to the already widespread Latin practice (which Thomas deemed superior) of withholding the eucharist from them due to their lack of understanding. He explained the

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<sup>3</sup> Nicholas J. Samra, *Pastoral Letter on Infant Communion and “First Communion” Ceremonies also called “Solemn Communion” or “Eucharistic Awareness,”* 27 January 2012.

<sup>4</sup> See, for example, R. Taft, “On the Question of Infant Communion in the Byzantine Catholic Churches of the USA,” *Diakonia* 17 (1982): 201-214; J.D. Fisher, *Christian Initiation: Baptism in the Medieval West* (London: SPCK, 1965); and M.M. Morozowich, “Eastern Catholic Infant Communion: Has Catholic Dogmatic Teaching Prohibited It?” *Logos: A Journal of Eastern Christian Studies* 49 (2008): 71-90.

<sup>5</sup> As an example of a late Latin council still dealing with the issue of continued infant communion, see Council of Narbonne, 1609, c. 18, in G.D. Mansi ed., *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. 34 (Paris: H. Welter, 1927), col. 1496.

Greek discipline of communing infants as a result of their interpretations of Pseudo-Dionysius, himself a major source for Aquinas.<sup>6</sup> By the fourteenth century the practice of communing infants in the East was openly criticized by individuals in the Latin Church. This criticism would come to impact the sacramental disciplines of those Eastern Churches in communion with the Roman Apostolic See.

Already in 1341 Benedict XII criticized the practice of communing infants at baptism in *De erroribus Armenorum*. In this document the Holy See sent the Armenian Church a list of one hundred and seventeen errors which they were instructed to correct. Among these condemned errors was the belief that at baptism it was necessary to administer chrismation as well as the Eucharist to an infant.<sup>7</sup> The Armenians responded to this critique that, in situations of necessity, it was possible to baptize without eucharist or chrismation.<sup>8</sup> While the Armenians denied the necessity for the administration of the eucharist for the validity of baptism, they made no condemnation of its continued practice. This is a period where the Pontiffs began, in the words of Benedict XIV, “zealously to correct the misconceptions of the Orientals.”<sup>9</sup> During this period the discipline of the Latin Church was considered to be superior to that of all other rites (*praestantia ritus latinae*); this belief would remain standard Catholic thought until Vatican II.<sup>10</sup>

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<sup>6</sup> Thomas Aquinas, *Summa Theologiae*, IIIa, q. 80, a. 9, English translation *Summa Theologiae: Latin Text and English Translation*, ed. T. Gilby, vol. 59 (London: Blackfriars, 1975), 73. On Pseudo-Dionysian influences on Aquinas, see, e.g., F. O'Rourke, *Pseudo-Dionysius and the Metaphysics of Aquinas* (New York: E.J. Brill, 1992).

<sup>7</sup> Benedict XII, *De erroribus Armenorum*, 1 August 1341, §58, in *Fontes: Series III*, ed. Pontifical Commission for the Revision of the Oriental Code of Canon Law, vol. 8 (Vatican City: Typis polyglottis Vaticanis, 1958), 138.

<sup>8</sup> *Responsa Armenorum*, 14 December 1342, §58, in *Fontes: Series III*, ed. Pontifical Commission for the Revision of the Oriental Code of Canon Law, vol. 8 (Vatican City: Typis polyglottis Vaticanis, 1958), 202. When no other source is indicated, translations are my own.

<sup>9</sup> Benedict XIV, *Allatae Sunt*, 26 July 1755, §12, in *Benedict XIV: Opera Omnia*, vol. 17/2 (Prati: Typographia Aldina, 1846), 252-253.

<sup>10</sup> For more on the topic of Latin ritual supremacy see G. Nedungatt, “Equal Rights of the Churches in the Catholic Communion,” *The Jurist* 49 (1989): 1-21.

As a result of the strong feelings of inferiority amongst Eastern Catholics, combined with pressure from some Roman pontiffs (or those acting in his name), many Eastern Catholic Churches begin prohibiting the practice of communing infants. This resulted in a break in the unity of sacramental discipline between Eastern Catholic Churches and their Orthodox counterparts. The first Eastern Church to formally legislate against infant communion was the Maronite Church in 1596. At this council they required priests not to admit infants to the Eucharist before they had the use of reason (*ante rationis usum*) and called the previous practice both a “great indecency” and an “injustice.”<sup>11</sup> This trend was continued either by other Eastern Catholic Churches in their own gatherings,<sup>12</sup> or else directly by prescriptions of the Holy See,<sup>13</sup> for over three centuries.

<sup>11</sup> Synod of Sergius, Patriarch of the Maronites, 18 September 1596, c. 7, in G.D. Mansi ed., *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. 35 (Paris: H. Welter, 1902), col. 1024.

<sup>12</sup> The following documents all prohibit infant communion amongst Eastern Catholic Churches: Ruthenian Synod of Zamost, “De Sacramentis, eorumque administratione,” *Synodus provincialis Ruthenorum habita in civitate Zamosciae anno MDCCXX* (Rome: Typis Sacrae Congregationis de Propaganda Fide, 1858), §3, 85; Maronite Synod of Mount Lebanon, 1736, pars II, cap. 2, §12, in G.D. Mansi ed., *Sacrorum Conciliorum Nova et Amplissima Collectio*, vol. 38 (Paris: H. Welter, 1907), col. 46, also pars II, cap. 12, §13, col. 108; Romanian Provincial Synod of Alba-Julien and Fargaras, May 1872, title 5, cap. 4, *Collectio Conciliorum Recentiorum Ecclesiae Universalis*, eds. I.B. Martin and R.P.L. Petit, v. 6 (Paris: H. Welter, 1910), 544; Syrian Synod of Sharfeh, *Synodus Sciarfiensis Syrorum in Monte Libano celebrate 1888* (Rome: Typographia polyglotta S.C. de Propaganda Fide, 1896), cap. 5, art. 4, §5.2, 92-93; Coptic Synod of Alexandria, *Synodus Alexandrina Coptorum* (Rome: Typographia polyglotta S.C. de Propaganda Fide, 1899), pars II, §6.2, 93-94; and Armenian Council of Rome, *Acta et Decreta Concilii Nationalis Armenorum Romae Habiti*, (Rome: Typis polyglottis Vaticanis, 1913), §391, 205-206.

<sup>13</sup> For example, Benedict XIV, Letter on the Italo-Greek rites *Etsi pastoralis*, 26 May 1742, §2.7, in *Benedict XIV: Opera Omnia*, vol. 17/2 (Prati: Typographia Aldina, 1846), 199-200; Benedict XIV, Letter on the Greek rites *Allatae Sunt*, 26 July 1755, §24, *Benedict XIV: Opera Omnia*, vol. 17/2 (Prati: Typographia Aldina, 1846), 287-289.

Bishop Nicholas' letter thus attempts to continue the work of disassembling the deeply-ingrained inferiority complexes amongst his faithful when it comes to sacramental discipline that differs from the Latin West. It is a letter calling for a return to the traditional Byzantine practice, respecting the instructions of an ecumenical council of the Catholic Church, the decisions of the Melkite patriarchal synod, and the decrees of the bishop of Newton. He further directs that first communion ceremonies under other names (such as "first solemn communion") are to cease. What is completely and shockingly absent from the letter, however, is any mention of the current canonical sacramental discipline of the Eastern Churches. While Bishop Nicholas does rightly cite the *Codex canonum Ecclesiarum orientalium (CCEO)* with respect to his authority as bishop to regulate the sacred liturgy (c. 199, §1), his only appeal to universal Church discipline is grounded on the 1996 *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*.

The 1996 *Instruction* attempted to provide further clarification for the liturgical laws that "risk remaining ignored, poorly coordinated and poorly interpreted."<sup>14</sup> Without a doubt, this document clearly supports his position, especially the portion that prescribes the administration of all three sacraments "in conjunction with [each other] or at least one not long after another."<sup>15</sup> This document, however, is an instruction, which is an act of executive power. This is not legislative in nature, as curial offices have only executive, not legislative, power, unless otherwise delegated this power by the bishop of Rome.<sup>16</sup> The *Instruction* only serves to provide guidance as to the correct interpretation of the canon; it is not legislation in itself. As a result, the canon must be examined as the binding and enforceable legislation.

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<sup>14</sup> Congregation for the Oriental Churches, *Instruction for Applying the Liturgical Prescriptions of the Code of Canons of the Eastern Churches*, 6 January 1996 (Vatican City: Libreria editrice Vaticana, 1996), §5.

<sup>15</sup> *Ibid.*, §42.

<sup>16</sup> John Paul II, *Pastor bonus*, 28 June 1998, art. 18, §2, in AAS 80 (1988): 864.

The current c. 697 of the *CCEO* indicates that “the sacramental initiation in the mystery of salvation is completed with the reception of the Divine Eucharist; therefore after baptism and Chrismation with holy Myron, the Divine Eucharist is to be administered as soon as possible (*quam primum*) in accord with the norms of the particular law of each Church *sui iuris*.”<sup>17</sup> It is unfortunately the reality that *quam primum* is not as precise as some would like; the norm does not say “at baptism” or some other specific term. It is perhaps as a result of this ambiguity that many avoid the canon altogether. Some Churches have provided clear and normative particular law on this topic, such as the Ruthenian Metropolia of Pittsburgh, a metropolitan Church *sui iuris* which promulgated its particular law in 1999. This Church clearly stated that communion in the context of c. 697 is to occur at baptism, unless there is no reserved Eucharist, in which case it should be at the following liturgy.<sup>18</sup> Other Churches, however, have not succeeded in providing clear norms, such as the Ukrainian Greco-Catholic Church which simply repeated the norm of “as soon as possible.”<sup>19</sup>

What is important to recognize, however, is that canonical discipline does, in fact, provide clear direction on the subject. It requires some attention, though, to the formation of canon 697. The process for the codification of Eastern canon law began officially in 1929 when Pius IX erected the Cardinalatial Commission for Preparatory Studies on Eastern Codification under the presidency of Cardinal Gasparri. After his death in

<sup>17</sup> *CCEO*, c. 697. All quotations from the *CCEO* are taken from the *Codex canonum Ecclesiarum orientalium, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione auctus* (Vatican City: Libreria editrice Vaticana, 1995); English translation *Code of Canons of the Eastern Churches: Latin-English Edition, New English Translation* (Washington, DC: Canon Law Society of America, 2001).

<sup>18</sup> Judson M. Procyk (Ruthenian metropolitan archbishop of Pittsburgh), Decree 67/99, Norms of Particular Law of the Byzantine Metropolitan Church *sui iuris* of Pittsburgh, United States of America, 29 June 1999.

<sup>19</sup> The same Ukrainian word *якнайскоріше* is used in both c. 86 of the UGCC Particular Law *Kanony Partykulyarnoho prava Ukrayins'koho Hreko-Katolyts'koyi Tserkvy*, in *Blahovisnyk*, 1 (2001): 104-130, and c. 697 of the *CCEO*, Ukrainian translation *Kodeks kanoniv skhidnykh tserkov* (Lviv: Basilian Fathers, 1995).

November 1934 the work of the commission was continued by the Pontifical Commission for the Codification of the “Code of Eastern Canon Law” which was erected in July 1935. Eugenio Pacelli, who himself worked on the codification, promulgated (as Pius XII) four apostolic letters *motu proprio* to deal with those canonical issues which were felt to be of urgent importance (ex. marriage). The remaining titles of legislation intended for later promulgation were not issued as the Second Vatican Council interrupted the process; these documents were placed in the commission’s archives.<sup>20</sup>

In 1972 the Pontifical Commission for the Revision of the Code of Eastern Canon Law was established to continue the process of codification and, reflecting the attitudes of *OE*, it included members from numerous Eastern Catholic Churches. The bishops of the Eastern Churches were given chances to provide input on the drafts of the code prior to other study groups in the 1980’s.<sup>21</sup> In these study groups the issue of infant communion at baptism was raised on several occasions in preparation of the current *CCEO* c. 697. Specifically, the discussions recorded from the *coetus de Sacramentis* addressed the importance of the unity of the sacraments of initiation.

The acts of this *coetus* recognized the ancient practice preserved in the East of administering the three sacraments of initiation together, including infant communion. This unity was called a distinct “mentality” which differed from that which exists in the West.<sup>22</sup> The preparatory documents called the Eastern Catholic adoption of the Latin practice of initiation (specifically of not communing infants), as well as earlier documents including Benedict XV’s *Etsi pastoralis* of 1742 that forbade the practice, as reflecting “a certain tendency of latinization.”<sup>23</sup>

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<sup>20</sup> John Paul II, *Sacri canones*, 18 October 1990, English translation *Code of Canons of the Eastern Churches: Latin-English Edition, New English Translation* (Washington, DC: Canon Law Society of America, 2001), xxv-xxvi.

<sup>21</sup> *Ibid.*, xxvi.

<sup>22</sup> M. Marusyn, “Acta Commissionis: L’Unzione col Santo Myron,” §1, *Nuntia* 2, (1976): 13.

<sup>23</sup> *Ibid.*, §3, 16.

The practice of administering communion to infants was thus recognized by the commission as both the traditional practice of the Eastern Churches as well as theologically the completion of their initiation into Christ. The *coetus* recognized that the practice was prohibited by the Holy See first by the bull *Etsi pastoralis* (1742) for Italo-Greeks and that eventually this discipline was adopted by the other Eastern Churches.<sup>24</sup> The secretary for the Oriental Congregation, Archbishop Marusyn, stated clearly that “the *coetus* did not overlook an issue as important as the communion of neophytes, for which it was obliged to restore the ancient discipline, composing a new canon” permitting the practice of infant communion.<sup>25</sup> It was thus the clear intent of the individuals responsible for drafting the legislation that this canon was to reintroduce the practice of an integrated initiation, including infant communion.

This position is again made clear by the *coetus de expansione observationum*'s discussion regarding a single member's proposal to change the term “*quam primum*” in the *Schema codicis iuris canonici orientalis* to “*rationabili aetate*” (age of reason).<sup>26</sup> This member considered the issue of the recipient of the Eucharist to be of such importance that a uniform discipline for all the Churches *sui iuris* (one of which is the Latin Church) was necessary. This was a proposition that was rejected by the *coetus* which replied that this proposition was contrary both to the tradition of the East and the teachings of the Second Vatican Council (citing *OE*, §6). The *coetus* did, however, add that it should be the decision of each synod or council of hierarchs to reintroduce the practice. This was made a possibility as the *coetus* held the opinion that the practice of waiting for the *annus discretionis* does legitimately exist within some of the Eastern Churches *sui iuris*.<sup>27</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> “Le osservazioni dei Membri della Commissione allo «Schema Codicis Iuris Canonici Orientalis» e le riposte del «Coetus de expansione observationum»,” c. 694, *Nuntia* 28, (1989): 87.

<sup>27</sup> Ibid., pp. 87-88.



The *coetus* does not name any Churches in which the practice of delaying communion is legitimately to be considered part of their Eastern heritage, and in fact it is difficult to conclude that it does legitimately exist anywhere in any genuine Eastern patrimony. What is perhaps more reasonable to conclude is that it would legitimately exist inasmuch as pastoral prudence required a gradual reintroduction of the practice. This is an interpretation that is supported by the 1996 *Instruction* which indicates that the possibility of particular law determining the interval of time for first distribution of the Eucharist exists only so that “competent authorities [are able] to adopt measures suitable for returning to the previous practice and to elaborate norms that are more confirming to their own tradition.”<sup>28</sup> Thus, the reference to particular law is to provide a suitable timeline for the unity of the sacraments, not to decide whether or not they are in fact to be reunited. Salachas writes that this decision places the onus of renewal on a Church’s particular law so that the practice is not the result of initiative by individual clergy but is instead regulated by the Church.<sup>29</sup> In this context, it can be said that Bishop Nicholas is providing ecclesiastical oversight well within the intent of the law with this *Pastoral Letter*.

Canon 1499 gives some direction for the interpretation of canons which might be unclear or ambiguous in the *CCEO*. This canon indicates that words are to be understood according to their meaning in the text, with recourse to parallel passages. Throughout the *CCEO*, the expression *quam primum* occurs in fifty-one places.<sup>30</sup> In all of these cases (which vary in content from diverse subjects such as elections and sacramental ques-

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<sup>28</sup> Congregation for the Oriental Churches, *Instruction for Applying the Liturgical Prescriptions* §42.

<sup>29</sup> G. Salachas, “Divine Worship, Especially the Sacraments,” *A Guide to the Eastern Code*, ed. G. Nedungatt, (*Kanonika* no. 10) (Rome: Pontificio Istituto Orientale, 2002), 511.

<sup>30</sup> See *CCEO*, cc. 76, §§1, 2; 85, §4; 86, §3; 111, §3; 131; 132, §3; 167, §2; 173, §1, 1°; 193, §3; 206, §§1, 2; 210, 1°, 5°; 221, 1°, 5°; 233, §3; 271, §3; 298; 318; 320, §2; 366; 470; 497, §2; 501, §1; 535, §2; 590; 591, 1°; 686, §1; 695, §1; 697; 711; 719; 767, §3; 832, §3; 841, §§1, 3; 963, §1; 966; 1049; 1103, §1; 1111; 1118, §2; 1181, §3; 1188, §1; 1200, §2; 1297; 1354; 1371; 1396, §1.

tions including the time for baptism) the common meaning of *quam primum* is “as soon as possible,” that is, at the *first available opportunity* without any unnecessary delay. In the context of communion at baptism, this would mean at the service of baptism, unless some legitimate reason prohibited it (such as a hospital baptism, no reserved Eucharist, etc.), in which case the communing should occur at the very next opportunity (appropriately the next Divine Liturgy).

With respect to the meaning of the words, the question arises as to the use of *quam primum* instead of *quamprimum*. In the early drafts for both the 1983 *Codex iuris canonici* (*CIC*) and the 1990 *CCEO*, the term used was not *quam primum* but *quamprimum*. *Quamprimum* is the same word that was used exclusively in the 1917 *CIC*. In the *primae versiones* drafted during the revision process of the *CIC*, *quamprimum* was used exclusively.<sup>31</sup> This is also the case in the early documents for the codification of the Eastern Code.<sup>32</sup> The 1980 *Schema codicis* used *quamprimum* save for one exception, the insertion of *quam primum* into c. 1411.<sup>33</sup> However, sometime between the 1980 *Schema codicis* and the 1982 *Schema codi-*

<sup>31</sup> See, e.g., Pontifical Commission for the Revision of the Code of Canon Law (henceforth: PCRCCCL), *Schema Canonum Libri II de Populo Dei* (Rome: Typis polyglottis Vaticanis), c. 241, §4, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, ed. E. Peters (Montreal: Wilson & Lafleur, 2005), 350, PCRCCCL, *Schema documenti pontificii quo disciplina canonica de Sacramentis recognoscitur*, c. 60, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 822, PCRCCCL, *Schema canonum libri V de Iure patrimoniali Ecclesiae*, c. 52, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 1129, and PCRCCCL, *Schema canonum de modo procedendi pro tutela iurium seu de Processibus*, c. 46, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 1233.

<sup>32</sup> See, e.g., Pontifical Commission for the Revision of the Code of Eastern Canon Law, “Testi iniziali per la revision dei canoni De Baptismo, Chrismate et Eucharistia, c. 54, *Nuntia* 4 (1977): 54, and Idem, “Testi iniziali per la revision dei canoni De beneficiis ecclesiasticis e De processibus administrativis, c. 4, §3, *Nuntia* 8 (1979): 86.

<sup>33</sup> PCRCCCL, *Schema Codicis iuris canonici iuxta animadversiones S.R.E. Cardinalium, Episcoporum Conferentiarum, Dicasteriorum Curiae Romanae, universitatem facultatumque ecclesiasticarum necnon Superiorum Institutorum vitae consecratae recognitum* (Rome: Typis polyglottis Vaticanis, 1980), c. 1411, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 1245.

*cis* a decision was made to adopt *quam primum* for *quamprimum*. As a result, in the 1982 *Schema codicis*, *quam primum* was used to the exclusion of *quamprimum* in all cases except c. 1070.<sup>34</sup> The usage of *quam primum* was maintained in the promulgated *CIC/83*. The word *quamprimum* was also replaced by *quam primum* in the 1987 *Schema Iuris Canonici Orientalis*.<sup>35</sup> This is maintained in the final promulgated *CCEO*.

*Quam primum* and *quamprimum* are indicated as alternate forms of the same word in numerous lexicons, which all indicate both terms as being alternate forms meaning “as soon as possible.”<sup>36</sup> There is, however, some preference given to the form *quam primum* which is indicated as being used “more correctly” as compared to *quamprimum*.<sup>37</sup> There seems to be no mention of a decision to adopt *quam primum* instead of *quamprimum* in any of the codification documents (East or West) and as a result concluding the replacement was made for stylistic reasons is not unreasonable.

The interpretation of *quam primum* prescribing communion either at the same service of baptism or as soon as possible after (i.e. at the next Divine Liturgy) is also held by numerous commentators on the canon. Dimitrios Salachas remarks that “The expression *quam primum* refers to the closest possible time; certainly, it does not mean the age of discretion of the time when the children possess a sufficient knowledge of and an adequate preparation for reception of the Eucharist, as is required by *CIC* 913 §1.”<sup>38</sup> Victor Pospishil lamented that while the “communal reception of First Holy Communion in a parish, introduced in imitation of the Latin

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<sup>34</sup> PCRCCCL, *Codex iuris canonici: Schema novissimum iuxta placita Patrum Commissionis emendatum atque Summo Pontifici praesentatum* (Rome: Typis polyglottis Vaticanis, 1982), c. 1070, in *Incrementa in Progressu 1983 Codicis Iuris Canonici*, 964.

<sup>35</sup> See, for example, Pontifical Commission for the Revision of the Code of Eastern Canon Law, *Schema Codicis iuris canonici orientalis*, cc. 684, 694.

<sup>36</sup> See, for example, J.T. White, *A Concise Latin-English Dictionary*, Leo F. Stelten, *Dictionary of Ecclesiastical Latin*, and C.T. Lewis and C. Short, *A Latin Dictionary*, J.W. Fuschs, *Lexicon latinitatis nederlandicae medii aevi*.

<sup>37</sup> I.J.G. Scheller, “quam primum,” *Lexicon totius latinitatis*, English translation J.E. Riddle, *A Dictionary of the Latin Language* (Oxford, University Press, 1835).

<sup>38</sup> Salachas, 510.

Church, has proven to be of significant pastoral value to the community as well as the children; its abandonment and substitution by the individual reception of the Eucharist after the baptism-chrismation of the infant will now become unavoidable.<sup>39</sup> This canon has even resulted in Latin Catholic canonists arguing that Eastern Catholic infants have a right to receive the Eucharist at a Latin Catholic Mass.<sup>40</sup>

The universal norm (*quam primum*) is a clear instruction for a single, integrated rite of initiation, as defined by particular law. In the absence of particular law (a state in which many Eastern Catholic Churches currently exist), the universal norm remains, which is a clear directive for a single, unified rite of initiation. The canonical norm on infant communion, while not cited, offers clear support for the Eparchy of Newton's policy on baptism. The courage Bishop Nicholas has shown in taking his responsibility seriously by regulating the liturgy in his local church is certainly admirable.

Bishop Nicholas has taken a concrete action to order the liturgy "according to the prescriptions and legitimate customs of his own Church *sui iuris*."<sup>41</sup> While prudence was certainly required for the Eastern Churches in implementing the recovery of the Byzantine heritage, this cannot continue indefinitely. Bishop Nicholas has declared that the time has come where the Latin practice must stop, regardless of resistance.<sup>42</sup> "Almost 40 years is more than enough time. If each priest took this matter seriously then, we would not face the problems today and there would be no need of this pastoral letter."<sup>43</sup> It can only be hoped that his leadership will be appreciated by

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<sup>39</sup> V.J. Pospishil, *Eastern Catholic Church Law*, 2<sup>nd</sup> rev. ed. (Staten Island: Saint Maron Publications, 1996), 400.

<sup>40</sup> See R.J. Flummerfelt, "Practical Pastoral Issues," *Comparative Sacramental Discipline in the CCEO and CIC*, ed. F.J. Marini (Washington, DC: Canon Law Society of America, 2003), 48-49.

<sup>41</sup> *CCEO*, c. 199, §1.

<sup>42</sup> This is the same bishop who, at the dinner following his enthronement in August, made public statements that were later published regarding his intention to examine the issue of married candidates for the priesthood in the United States of America. See *Sophia* 41 (2011): 8-9.

<sup>43</sup> Samra, *Pastoral Letter*, 2.

his clergy, who are fortunate to have a shepherd so willing to take his role seriously.

