

Confirming a Lapsed Catholic

Paul Turner

Consider two lapsed Catholics: John and Mary. May a priest administer confirmation in either of these cases?

John was baptized in the Catholic Church as an infant, and he made his first communion. But he attended church infrequently and was never confirmed. After getting involved with a new girlfriend, he joined her Mormon Church. The two of them broke up after a while, and this was painful for John. He started searching for something more in his life. Part of his search involved a return to the Catholic Church.

Mary was baptized a Catholic as an infant, but her parents became disillusioned with the church in their small town and decided to switch religions. They raised Mary at Gloria Dei Lutheran Church, where she received communion and was confirmed. Later the family became inactive. Now that Mary is an adult, her cousins have piqued her interest in the religion in which she was baptized. She wishes to become affiliated with the Catholic Church again.

What do John and Mary need to rejoin the Catholic Church? Do they just go to confession? Do they join the catechumenate group? Should they be received into the Church with other baptized candidates? May the priest at the parish confirm them?

Normally, a priest does not have the faculty to confirm someone who was baptized a Catholic as an infant. He may confirm that person only if the bishop gives him the faculty.¹ But there are exceptions. Back in the 1970s, the Pontifical Commission for the Interpretation of the Decrees of Vatican Council II affirmed that priests could confirm when readmitting an apostate who had never been confirmed.² The same commission also stated that a priest could confirm when readmitting someone baptized Catholic as an infant, but “who without fault has been instructed in a non-Catholic religion or adhered to a non-Catholic religion.”³ These rulings apply to the cases of John & Mary.

Mary's case is clear. A priest has the faculty to confirm her. In good pastoral practice, she would undergo a period of formation to make sure she understood more

¹ Canon 884/1.

² Reply to a query on the minister of confirmation, 25 April 1975: AAS 67 (1975) 348. *Notitiae* 11(1975):176. *Documents on the Liturgy* 2532.

³ Reply, December 21, 1979, AAS 72 (1980):105.

about the Catholic faith and specifically about confirmation. She would not celebrate the Rite of Reception into the Full Communion of the Catholic Church because she already is a baptized Catholic. She should not make any other profession of faith than the renewal of baptismal promises within the Rite of Confirmation.

The first of these conditions, though, concerns apostasy – a willful abandoning of the Catholic Church in favor of a non-Christian religion.⁴ If a priest may confirm a returning apostate, does that apply to John? The law does not say much more about apostasy – just that it is “the total repudiation of the Christian faith.”⁵ In John’s case, is it clear that this is what he intended? His decision to join the Mormon Church may be complicated by the spell of his girlfriend’s affections, especially since he searched elsewhere for answers when they broke up. But if his intent was to turn away from the Christian faith, he falls under the canonical category of “apostate”.

If John had intended to apostatize, he could have made his intentions even clearer with a formal act of defection from the Catholic Church. This formal act is not necessary for apostasy; the internal intention is enough. The priest’s faculty to confirm is based on apostasy, not on formal defection. Still, if a formal defection had happened, John’s apostasy would have been unquestionable.

On March 13, 2006, the Pontifical Council for Legislative Texts sent to the presidents of all episcopal conferences a notification explaining a Formal Act of Defection from the Catholic Church.⁶ The document concerns three specific canons that use this term, all of them pertaining to marriage. Ordinarily a marriage is considered invalid if a Catholic marries an unbaptized person without a dispensation (1086/1 and 2); it is illicit for a Catholic to marry a non-Catholic Christian without permission of the competent Catholic authority (1117); it is invalid for a Catholic to marry outside the Catholic form of marriage (1124), for example without observing the Rite of Marriage in the presence of a priest or a deacon. However, a baptized Catholic who has formally defected from the Catholic Church *does* enter a valid and licit marriage in all three cases. So the question is, “What is a formal act of defection?”⁷

The Code of Canon Law does not give the answer. The Pontifical Council received a number of questions about this over the years, and it finally formulated a reply. The notification treats the theological and doctrinal components of a defection, as well as the requirements for making it a formal act.

⁴ Canon 751.

⁵ *Ibid.*

⁶ “*Actus formalis defectionis ab ecclesia catholica*,” Prot No. 10279/2006.

⁷ See John Huels, *Roman Replies and CLSA Advisory Opinions 2006*, Arlington, VA, Canon Law Society of America, 2006, pp. 78-81. I am grateful to Huels for helping me make precisions in writing this article.

The Pontifical Council says a formal act of defection requires, “that there concretely be: a) the internal decision to leave the Catholic Church; b) the realization and external manifestation of that decision; and c) the reception of that decision by the competent ecclesiastical authority” (1).

The first requirement is for an internal decision. One has to will this defection. The second is that the intent be made manifest in some external way. The third is that the external manifestation be received by a Church official.

The substance of this act is apostasy, heresy or schism, “the rupture of those bonds of communion – faith, sacraments, and pastoral governance – that permit the Faithful to receive the life of grace within the Church” (2). It requires more than taking one’s name off the parish roster, joining a local Protestant church, or opting out of confirmation as a teenager. It demands more than having your name removed from a government registry of Christians to avoid civic consequences.⁸ It requires a true act of the will that formally separates one from what Catholics believe.

The formal act must be done personally, consciously, and freely by a person capable of it. It cannot be made from force, fear, ignorance or error.⁹ It must be made to a particular ecclesiastical authority.

That authority is typically the person’s pastor or bishop (5). The act of defection must be made in writing, and the Ordinary or proper pastor will then judge if it has the appropriate substance. Note that these conditions must apply: the theological content must have the substance of apostasy, heresy or schism; the person must will the defection; and the person must make it public to the proper authority.

If the pastor or bishop believes that the act has met the criteria for defection, he must have it noted in the baptismal register with the words *defectio ab Ecclesia catholica actu formali*, or “defection from the Catholic Church by a formal act” (6). The Pontifical Council also notes that baptism creates a sacramental bond in which the person belongs permanently to the body of Christ that is the Church (7). So even though a person formally defects from the Church and loses certain rights and privileges, he or she never can be separated from the body of Christ because of the grace of baptism.

A priest has the authority to confirm a returning apostate. Must the apostate also make a formal act of defection for the priest to have this faculty? No. Apostasy is a repudiation of Christianity, and it only concerns a deliberate act of the will.

⁸ In Austria, for example, the constitution imposes a tax on Christians, some of whom deny they are Christians in order to avoid the tax.

⁹ Canons 124-126.

In the case cited, if John had made his defection formal, his apostasy would be more evident. If he received appropriate information about his choice, if he made his decision thoughtfully, and if he put it in writing to his pastor or bishop, then he fulfilled the requirements for a formal act of defection, and his apostasy would not be in question. However, apostasy can consist in John's act of the will and joining of a non-Christian religion without writing a letter to a Catholic leader.

If an apostate wishes to become associated again with the Catholic Church, a priest may formalize this through the sacraments of reconciliation and confirmation. He may ask for a suitable period of catechetical formation. He does not conduct the Rite of Reception into the Full Communion of the Catholic Church – the person is already a Catholic. The bishop does not have to give the priest the faculty to confirm; he already has the faculty from the law. The priest does not have to have a record of a formal act of defection. The confirmation need not take place at the Easter Vigil. It is best to do it at some other time so that the reconciliation of the apostate does not appear equal to the initiation of Christians.

In instances that do not involve apostasy, the bishop is the ordinary minister of confirmation. For example, if parents had a child baptized Catholic but did not raise the child in the practice of any faith, and if that child on becoming an adult wishes to be confirmed in the Catholic Church, the bishop remains the ordinary minister. The bishop may give a priest the faculty to confirm, but it must be requested and received. The priest, of course, may hear this person's confession.

If the person has already been confirmed, he or she may return to the Church through sacramental confession. No confirmation is permitted. No rite of reception is required. Confession may be celebrated at any time of year.

Catechumenate: A Journal of Christian Initiation. 39/2 (March 2008):2-6.