

To bless the rice host

By Leonard Swidler

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Recently a conflict has arisen in the Catholic Church over whether people with celiac disease - people whose health requires that they avoid gluten-containing substances (e.g., wheat) - can properly expect to receive eucharistic hosts made from non-gluten-containing substances (e.g., corn). A new Vatican decree, *Redemptionis sacramentum*, issued by Cardinal Joseph Ratzinger's all-powerful Congregation for the Doctrine of the Faith, says they cannot. Strict adherence to the wheat requirement for hosts would consequently deprive celiac victims of receiving the Eucharist forever. This conflict sank to the absurdity of the Diocese of Trenton declaring the First Communion of an 8-year old girl invalid. Trenton Bishop John Smith made a stalwart executive decision when he stated: "This is not an issue to be determined at the diocesan or parish level, but has already been decided for the Roman Catholic Church throughout the world by Vatican authority." Are all Catholics below the level of the highest Vatican officials morally trapped into forbidding millions of people with celiac disease to participate in the central Catholic religious act - reception of Holy Communion? Some might suggest this is clearly a case where the letter of the law kills and the spirit of the law requires an adaptation, to paraphrase St. Paul slightly. They might add that common sense, or a pastoral approach, or the question: "What would Jesus do?" would all mandate some leeway in the ruling.

Lest more learned clerics or bureaucrats dismiss such solutions as too folksy, let me note that no less learned theologians than St. Thomas Aquinas and the Rev. Bernard Häring have laid out the case for just such adaptations. Aquinas was, among many other things, author of the *Summa Theologica*, one of the central books of Catholic thought. Häring has been called the father of modern Catholic moral theology. Both stress the virtue called *epikeia* in Greek. We might call it equity, or "the principle of interpretation of human laws." Aquinas notes that "epikeia is better than legal justice, which observes the letter of the law" and takes the matter even further, saying: "Legal justice is subject to epikēia. ... Hence epikēia is a higher rule of human actions." In facing the question whether or not to adhere strictly to the law of wheaten hosts, Aquinas offers clear direction: "It is good to set aside the letter of the law and to follow the dictates of justice and the common good." For clerics or bureaucrats who would insist on strictly following the law, Aquinas has some ominous words: "To follow the letter of the law when it ought not to be followed is sinful." In *Free and Faithful in Christ* and other books, Häring follows Aquinas in stressing that exceptions to law can be made when the letter is in conflict with the spirit of the law.

As the first lay person, at least in modern times, to receive a degree in Catholic theology (from the Pontifical Catholic Theology Faculty of the University of Tübingen in 1959), I was - like all Catholics at that time - soaked in the thought of Thomas Aquinas. It is clear to us traditionally trained theologians that bishops, priests, and other leaders who have the concrete ability to make non-gluten eucharistic hosts available for celiac patients are morally in the clear to so act. More than that, they are clearly morally obligated to so act! The question is whether or not they have the moral spine to act according to their consciences - not their careers.

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