

Periculum Mortis, Danger of Death in Church Law. Monsignor John A. Renken M.A. (Civil Law), S.T.D., J.C.D. (Juris Canonici Doctor). 2013.

“The law of the Church is at the service of the salvation of souls (**Canon 1752**). It is therefore principally a pastoral instrument to lead men and women to the fullness of life in God. It contains various norms which are intended to be observed with great care. At the same time, the law itself admits that certain laws can be dispensed for a just and reasonable cause, lest the application of a given law overshadow the principal purpose of the law itself. The law also provides that special permissions can be granted, which permit one to perform actions that otherwise are not allowed. In the danger of death, however, Church legislation offers special provisions, which do not require a dispensation from the law or any special permissions, but which are the very application of the law itself” (p.1).

“Neither Code (Eastern nor Latin code) of canon law defines the meaning of danger of death. One may properly understand, however, that the term identifies a circumstance wherein there is a reasonable possibility, but not necessarily a probability or certitude, of death sooner rather than later. One may be in danger of death from an internal cause (e.g., injury, illness, advanced age, etc.) or from an external cause (e.g., impending natural disaster, epidemic, execution, bombardment, ship wreck, plane crash, etc.)” (p. 2).

“The legislation of the Church makes specific provisions for the celebration of the sacraments with those who are in the danger of death. The application of these norms does not involve dispensations or permissions, without which the sacramental celebration would be illicit or perhaps invalid. Indeed, the administration of sacraments in danger of death is so important that the codes permit their celebration even when their minister or recipient is otherwise prevented by reason of ecclesiastical penalties” (p. 29).

“Censures affecting clerics are suspended when they must act on behalf of a person in danger of death” (p. 42). The Church manifests its guiding principle that is its ‘supreme law,’ ‘the salvation of souls.’ Whenever the observance of the censure would be detrimental to the salvation of souls, the various prohibitions are suspended.” Clearly, the observance of a censure in the danger of death would be detrimental, whether the censure affects the celebrant or the recipient of a sacrament, sacramental, or act of governance” (p.43-44).

“In danger of death situations, the faculty to absolve is granted to priests whose faculties are otherwise withdrawn, to those not in “good standing,” to those under a penalty, and to those who have departed from the clerical state, whether voluntarily or not” (p.16).

“Whenever an ordinary minister is absent or impeded, a catechist or another person designated for this function by the local ordinary or, in a case of necessity, any person with the right intention confers baptism licitly” (**Canon 861**, p. 7). “If baptism is conferred in danger of death, the minister of the sacrament, whoever he or she is, must inform the pastor of the parish in which

it was conferred, so that a record can be made appropriately in the baptismal register” (**Canon 878**, p. 7).

Canon 883 states: “The following possess the faculty of administering confirmation by the law itself: ... as regards those who are in danger of death, the pastor or indeed any presbyter.” The canon gives a preference to the pastor to confirm a parishioner in danger of death; nonetheless, every presbyter has the faculty to celebrate the sacrament validly and lawfully in this circumstance. The pastor or other presbyter exercises this faculty validly even outside his territory, provided the person confirmed is in danger of death (p. 9). “Both Codes give the faculty to confirm in danger of death to any presbyter, not only to those in good standing” (p.10).