

Introduction

This paper was written in response to shortcomings observed in the respect afforded to the right to practise one's own spirituality, including the right to receive the sacraments. These shortcomings were observed in relation to elderly people affected by vulnerabilities such as dementia and disability, and were not limited to those in residential care homes and hospitals, but also affected those living with relatives or alone. My presentation is based on complaints, most often in the form of telephone calls and letters, addressed to the curia by family members. These complaints report that, in hospitals, care homes and even in their own homes, loved ones with cognitive impairments were denied the right to receive the Eucharist on the grounds of a lack of mental capacity or an inability to practise the sacrament of penance. My preliminary, unstructured research suggests that spouses, adult relatives, and carers were not supported, as neither parish communities nor parish priests showed active interest in the spiritual development of these individuals. This is contrary to the principle that a community's quality of life is measured by its care for the most vulnerable (John Paul II, 2004).

Research objective

Preliminary analysis of cases where the elderly were denied access to the sacraments suggests that this practice stems from a lack of knowledge and misinterpretation of the canons concerning the faithful's capacity to receive them, rather than ill will. In this presentation, I will analyse the canons relating to the fundamental rights of all baptised people: canons 208, 213, 913 §1 and 914 of the Code of Canon Law. These canons set out the conditions for properly and lawfully receiving the Eucharist in the Latin Church. Particular attention has been paid to the meaning of the expressions: 'use of reason', 'proper disposition', and 'adequate preparation', as interpreted in light of the personalist spirit of the 1983 Code.

Given the limitations identified, this paper aims to address the lack of canonical research on the topic of 'the elderly and the sacraments', particularly as erroneous interpretations of the Code's norms, contrary to the Magisterium and the practices of Popes Paul VI, John Paul II, Benedict XVI, and Francis regarding elderly individuals with chronic illnesses and cognitive impairments, persist in curias, hospitals, parishes, and among theologians. Although my

presentation is incomplete, it is intended to help anyone interested in this subject to use arguments from canon law to completely abandon practices that exclude vulnerable people, especially from the sacraments of the Eucharist and Penance. I would like to express my sincere gratitude to the Dicastery for Laity, Family and Life, His Eminence the Cardinal Prefect and Dr Vittorio Scelzo and his team for this invitation. It is a privilege and an honour for me.

Magisterium

As various popes have pointed out, old age is the next stage of human life, one that requires the care and sensitivity of the family and the Christian community, as well as the assurance of the rights to which the elderly are entitled by virtue of their dignity as children of God.

The Church's contemporary concern for the elderly is expressed in the teachings of the Second Vatican Council, particularly in the Decree on the Lay Apostolate. In this document, we read that the apostolate deserving attention today is one that provides the elderly not only with the necessary means of subsistence, but above all with the opportunity to share justly in the fruits of technological progress.¹ The Council Fathers emphasize the need for the Church community, and especially for children and family members, to preserve appropriate living conditions and the dignity of the elderly, stemming from gratitude, deep respect, trust, and filial support for seniors who struggle with the difficulties of daily life and loneliness in old age.

John Paul II continued the Council's thinking regarding the pastoral care of the elderly and their place in the Church. In the apostolic exhortation *Familiaris consortio*, he drew attention to the roles and place of the elderly within the family.² He also pointed out that suffering, old age, unconsciousness caused by dementia or illness and the approach of death do not diminish the inalienable dignity of the person, created in the image of God. Human dignity is inalienable, undeniable, and stems from human nature, which God Himself has bestowed upon us.³

Another important statement by John Paul II was his 1999 Letter to the Elderly, in which he highlights the value of the testimony, respect for the wisdom and life experience of the elderly, and especially their irreplaceable role as teachers for future generations, which will help

¹ Second Vatican Council, Constitutions „Decree on the Apostolate of the Laity”, no 1.

² John Paul II, Apostolic Exhortation „*Familiaris consortio*”, no. 27

³ John Paul II, „*Accompanying the Sick to the End*”, Address to the participants of the conference of the Pontifical Council for Health Care Ministry, November 12, 2004.

preserve the collective memory of humanity's achievements and point the way of hope leading to eternal life as the fulfillment of the human vocation⁴.

A valuable insight offered by Benedict XVI—whose valuable contribution to the proper theological interpretation of the right to the sacraments for the sick and mentally disabled will be presented later—was his observation that the Church has always held the elderly in special esteem, recognizing them as a great treasure from a human and social perspective, as well as from a religious and spiritual one.⁵

During the general audience on March 4, 2015, Pope Francis raised an important point while addressing the topic of old age. He said: *Thanks to medical advances, life has become longer: but society has not become “more accommodating” to life! The number of older people has increased significantly, but our societies have not reorganized themselves sufficiently to make room for them with proper respect, truly taking into account their frailty and dignity. As long as we are young, we tend not to think about old age, as if it were a disease to be kept at a distance; as we grow older, especially if we are poor, sick, and lonely, we feel the effects of a society focused on efficiency, which consequently ignores the elderly. Yet the elderly are a treasure; they cannot be ignored*⁶

Pope Leo XIV's recent approach to the elderly was to encourage us to make space for seniors in her missionary outreach, as a longer life is a positive thing all over the world. The Holy Father noted that the 'young elderly' — those who have recently finished their working lives and have more free time — can lead parish activities and pray. *It is important to find an appropriate language and opportunities for them*, he said and added: *we should involve them as active subjects, responding together with them, and not in their place, to the questions that life and the Gospel pose to us*. Despite the stereotypical view that older adults are very devout practitioners, Pope Leo reminded us that many elderly people had drifted away from the faith in their youth or had never received the proclamation of the Gospel. This is also a sign of the times, and a challenge for us as a community, showing that the Church must offer them salvation in Christ, regardless of their age⁷.

⁴ John Paul II „Letter to Eldery”, no 13 and 14.

⁵ Benedict XVI, “Grandparents Are a Precious Treasure for Every Family,” Address to the Participants in the 18th Plenary Assembly of the Pontifical Council for the Family, April 5, 2008.

⁶ Pope Francis, „We Are the Elderly”, General Audience, March 4, 2015.

⁷ Pope Leo XIV meets with participants in the Second International Congress on the Pastoral Care of the Elderly, 204 October 2025.

