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# Can a mentally disabled person be a sponsor?

## 1. Presentation of the problem

In the time of immense involvement of the movement in the Church in protection of life and in the presence of current expectations concerning the amendment of the law, which will ban eugenic abortion in Poland, we should look around and discuss what aspects of the realization of the rights of every God's Child (disabled ones as well) result from the baptism and whether Polish parishes still require to develop a pro-life view. One of the questions of this kind is the issue of mentally disabled worshippers' participation in the liturgy of baptism as sponsors, which is hardly discussed in our country.<sup>1</sup>

First, it is necessary to say that the spiritual rights of mentally disabled people are trivialized in our theological culture. Both the society and the

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1 These observations are the extended version of the reading presented during an international symposium *Munus sanctificandi – wokół uświęcającego zadania Kościoła*. [*Munus sanctificandi – around the Sanctifying Function of the Church*] that took place in Stephan Wyszyński's University in Warsaw, on 3rd, March 2018.

Catholic Church institutions in Poland focus on assuring disabled people of the rights on the biological and educational level. There are some communities like “Arka” (L’Arche) or “Wiara i Światło” (Faith and Light) in which a mentally disabled person is in the center of pastoral care, and in which this person is seen not only as one who receives, but also as one who gives and spiritually develop themselves.<sup>2</sup> Nevertheless, Poles have a paternalistic approach towards the rights and needs of mentally disabled people and pastoral actions in dioceses and parishes provide mainly minimum of accessibility to sacraments for these people and their families, for example a special mass per month. Families of this kind are often left all alone with the problem of disability of their child (whether young or adult). Paraphrasing the words of Pope Francis from the World Youth Days in Krakow, a stable and firm attitude of passive acceptance of mentally disabled people is a kind of a comfortable and unreflective “couch potato.”<sup>3</sup> Active, everyday (every Sunday) integration of the mentally disabled is still a marginal issue in pastoral actions. However, it is a great obligation of the parish community with the pastor as its leader. Whereas the main obligation of the pastoral s in order to increase the faith of baptized people is to make the healthy part of the population of parish more sensitive and to provide mutual involvement of both groups in the realization of redemptive mission of Christ (not only during the mass or on the occasion of World Day of the Sick). It was said beautifully by archbishop Zygmunt Zimowski (1949–2016), in his message for the Seventh World Autism Day: “A question thus arises: how can this stigma be combated? A pathway of integration within the community must be followed which breaks down the isolation and the barriers that are established by these disorders and by prejudice, thereby strengthening personal relationships. This can also take place with the support of social commit-

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2 World-wide *L’Arche*, founded in 1964 by Canadian Catholic philosopher and humanitarian, Jean Vanier. This international federation of communities is spread over 37 countries and brings together people with developmental disabilities and those who assist them. In 1971, Jean Vanier co-founded *Faith and Light* with Marie-Hélène Mathieu, which also worked for people with developmental disabilities, their families, and friends in over 80 countries. Poland is among the countries where Jean Vanier’s movement is present.

3 An evening message at Campus Misericordiae in Brzegi on 30th. July 2016.

ment and with synergic actions in the fields of care, information, communication and formation, thereby fostering a move to true understanding and acceptance of this illness which never denies or undermines the dignity with which every person is clothed”.<sup>4</sup> The words of the President of the Pontifical Council for Health Care Workers correspond with the Apostolic Exhortation *Evangelii Gaudium* where Pope Francis indicates the problem of social exclusion and the root of such a statement: “Human beings are themselves considered consumer goods to be used and then discarded. We have created a ‘throw away’ culture which is now spreading. It is no longer simply about exploitation and oppression, but something new. Exclusion ultimately has to do with what it means to be a part of the society in which we live; those excluded are no longer society’s underside or its fringes or its disenfranchised – they are no longer even a part of it. The excluded are not the ‘exploited’ but the outcast, the ‘left-overs’”.<sup>5</sup> These significant words of the Pope resound strongly in public space. Pope Francis calls us to notice people who are thrown out of the margins of society. One should remember that intellectually disabled people are particularly vulnerable to this exclusion. It is also worth bearing in mind that the Church, as the People of God, is anchored in the realities of earthly life. That is why the social culture, mentality and knowledge of Catholics translates into their everyday attitude towards disabled people in the so call “sacred spaces” such as liturgy, sacraments, evangelization and other Christian activities. In many dioceses there is a policy of creating segregated programs for persons with disabilities, especially those with intellectual disabilities, instead of supporting them within inclusive activities. Meanwhile parishes “should strive to provide the necessary supports for persons with disabilities to participate fully within a Church to the greatest extent possible. For example, although a youth with autism

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4 Message of the President of the Pontifical Council for Health Care Workers H. E. Msgr. Z. Zimowski for Seventh World Autism Day, 2nd April 2014, <https://zenit.org/articles/archbishop-zygmunt-zimowski-s-message-for-world-autism-day/> (12.03.2018).

5 Apostolic Exhortation *Evangelii Gaudium* of the Holy Father Francis to the Bishops, Clergy, Consecrated People and the Lay Faithful on the Proclamation of the Gospel in Today’s World, n. 53, [www.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.htm](http://www.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.htm) (12.03.2018).

may have difficulty participating in activities that involve loud music, an alternate activity could be provided (e.g., helping with behind-the-scenes responsibilities, such as greeting people or helping prepare refreshments) or modifications could be explored (e.g., wearing head phones with softer music or ear plugs to mask the sound).<sup>6</sup>

There is a necessity to learn how to recognize the suffering Christ in the intellectually disabled. I dare suggest that pastoral education in the Polish homogenous Catholic society still has a problem with implementing the attitude that the strength and vitality of the Christian community is not in its members, but in the love that has gathered them. As Paul Wadell, the ethics professor at the Catholic Theologian Union wrote: “to exclude anyone of faithful in rights and duties guaranteed by Canon Law is to act against the strategies of divine love by making our whim more important than God’s will”.<sup>7</sup>

## 2. Illustration or case study

Four years ago I was asked by one of my students for help in persuading the parson to accept the 22-year-old woman with Down syndrome as a god-mother. She was a younger sister of the child’s mother. She lived with her parents and two sisters (one of them was my student). After leaving special school she attended a few hours’ therapeutic workshops three times a week. The conversation with the parson was difficult due to his attitude. He found the parents’ request irrational. His arguments were directly related to social expectations towards a sponsor in Poland. He said, “Basia (a shortage of Barbara) – the mentally disabled woman – won’t be able to

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6 B. C. Collins and M. Jones Ault, *Including Persons with Disabilities in the Religious Community: Program Models Implemented by Two Churches*, “Journal of Religion, Disability & Health” 14 (2010), p. 114. DOI: 10.1080/15228961003622195. In the article the authors describe model efforts by two Churches to change attitudes towards persons with disabilities, especially those with intellectual disabilities, to raise sensitivity, and promote inclusive practices throughout their congregations.

7 P. J. Wadell, *Pondering the Anomaly God’s Love. Ethical Reflections on Access to the Sacraments*, in: *Development Disabilities and Sacramental Access. New Paradigms for Sacramental Encounters*, ed. E. Foley, Collegeville, MI, 1994, p. 69.

support you financially having social benefits for living”, “She won’t be able to take care of your child in case of your death”, “What kind of authority can she be to your daughter who is going to be smarter than her disabled aunt soon?”. Eventually the priest asked if they could imagine the sponsor with their daughter during the first Holy Communion in eight years. When the parents answered that it was undoubted he stated that: “there is no such a situation in canon law so it is impossible.”

Is it really a correct interpretation of canon law?

Canon 874§1 Code of Canon Law states the conditions for people who want to be permitted to take on the function of sponsor. These conditions are: being a member of Catholic Church and receiving all sacraments of Christian initiation, leading a life of faith, not being bound by any canonical penalty and not being the father or the mother of the one to be baptized. In addition to this the second point of this canon defines the age of a godmother/godfather (legal definition translated official Latin terms: *patrinus, matrina* as “sponsors”<sup>8</sup>) – it is the sixteenth year of age. At the same time there is a possible dispensation from this age to lower one on condition that there is a “just cause” (*iusta causa*) which recommends reception of exception. This dispensation can be widely interpreted. We should pay attention to two issues.

Firstly, a bishop, a pastor (a pastor of a parish where the baptism ceremony is going to take place or a pastor of a personal parish) or a minister has the right of dispensation. We should assume that if we talk about a minister, we talk about the ordinary minister of baptism (a deacon as well), according to canon 861§1.<sup>9</sup> Such a wide range of people who can dispense from sponsor’s age is connected with several circumstances. In the majority of countries in the world, the sacrament of confirmation is received “in the vicinity of discretion age”, according to canon 891. Great

8 In New Commentary of the Code of Canon Law, commissioned by The Canon Law Society of America, eds. J. P. Beal, J. A. Corriden, T. J. Green, New York 2000, a commentator Kevin T. Hart writes as follow: “The General Introduction to Christian Initiation [IGIC 8–9, DOL 2257–2258] proceeds to list the qualifications of ‘godparents’. These correspond word for word with the qualifications listed in canon 874 for ‘sponsors’. Thus, one should be aware that the English translation of the code [from official Latin Text] consistently uses the terms ‘sponsors’” – p. 1060.

9 Can. 861 §1. “The ordinary minister of baptism is a bishop, a presbyter, or a deacon [...]”.

majority of episcopates defined this age between 7 and 12 year of age.<sup>10</sup> Therefore youths at the age of 14 or 15 can enjoy fully the faithful rights who can benefit from gifts of Christian initiation. In some developing countries (they are a great part of catholic world) young people gain social maturity under sixteen year of age and this fact is very important.

Secondly, canon 1083 of the code regulating a minimal age of contracting a marriage in the common Church defines this age as 16 years of age for a man and 14 years of age for a woman (the majority of episcopates exercised the right to raise the age for a decent contracting a marriage).<sup>11</sup> In this situation it would be odd if a young woman could make a valid engagement of marriage (and be a mother) while the law disqualified her from being able to take the role of a sponsor. You don't need to go too far in cultural and geographical context, because also in Europe 15-year-old altar boy after confirmation and a girl of the same age who is responsible, in opinion of the parson, are more deserving of being a sponsor than an adult man who prefers a ludic style of life and who jumps from rock to rock all his life. Finally, we should remember that there is no requirement of the sponsor's presence to receive a valid and just baptism (canon 872 *Insofar as possible, a person to be baptized is to be given a sponsor*<sup>12</sup>).

The key issue relating to sponsors' duties is their accompanying the adult in Christian initiation. When a child is baptized, helping the child's parents in preparing their child to leading Christian life and to fulfill faithfully the obligations inherent in baptism is the main task of sponsors (canon 872). It is not the sponsor's responsibility to act as substitute for a parent or adopting a child in case of orphanhood (although it is a moral condition which induces to taking responsibility of their godchild). Financing of a child is not their responsibility either. As a matter of fact, the sponsor's role is to represent the expansion of the spiritual family for

<sup>10</sup> J. T. Martín de Agar, L. Navarro, *Legislazione delle conferenze episcopali complementare al C.I.C., Legislazione delle conferenze episcopali complementare al C.I.C.*, Roma 2009.

<sup>11</sup> Can. 1083 §1 "A man cannot validly enter marriage before the completion of his sixteenth year of age, nor a woman before the completion of her fourteenth year. §2 The Episcopal Conference may establish a higher age for the lawful celebration of marriage..."

<sup>12</sup> A sponsor (godparent) is not necessary for a valid or licit baptism, although it is clear that his or her presence is desired and preferred.

the one to be baptized, and the role of the Church as a mother. Of course we should not disavow obligations relating to social expectations towards a sponsor which exist in our culture. They are an indicator of a scale of measurement of weight (in its reasonable limits) which is attached to the role of sponsor for ages (we can mention that even fictional character from J. K. Rowling's book, Harry Potter, has his godfather Sirius Black).

But first of all we should bear in mind the faith of a sponsor, the way they live and their catholic lifestyle. These aspects are inseparably connected with a mature certainty of judgment, intellectual intelligence, ability of abstract thinking, perceptiveness, lack of mental illness or healthy karyotype.<sup>13</sup> Talking about typical representatives of mentally disabled people (people with Down's syndrome) it is worth to refer to scientists' point of view which shows that such people usually have no problems with socialization (the role of the environment is very important in this case), their religious development skills are on higher level than other skills (IQ, criticism, cause – effect thinking) and it permits for better functioning than it appears from a strictly calculated level of intelligence (it is stated on the basis of long – term and far – flung researches). Spiritual needs and strong religious beliefs of people with intellectual disabilities were shown experimentally by Turner and colleagues (2004) as part of a larger action research project, funded by the Foundation for People with Learning Disabilities, that was designed to help participating services meet the religious needs of identified people with intellectual disabilities. All the participants of the interviews reported by the scientific research team were current users of adult services for people with intellectual disabilities across the areas of northwest England, and including people using day centres, short-term support and supported housing services. The project was open to

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13 For worthwhile reading regarding the analysis of spiritual need of mentally disabled people see an article of W. Gaventa, R. K. Peters, *Spirituality and self-actualization: recognizing spiritual needs and strengths of persons with cognitive limitations*, in: *Forgotten Generation: The Status and Challenges of Adults with Mild Cognitive Limitations*, eds. A. J. Tymchuk, K. C. Lakin, R. Luckasson, Baltimore, MD, 2001, pp. 1–38. There is also a post-conference paper in Polish language: *Etyczne i duchowe potrzeby osób niepełnosprawnych [Ethical and spiritual needs of disabled people]*, red. R. Buchta, K. Sosna, Katowice 2007, where several issues connected with disability (physically and mentally) were mentioned, however no canonical point of view was presented.

people from all religious traditions. In *Discussion* the authors observed: “It is obvious that people with intellectual disabilities of diverse faiths can and do express strong and positive religious identities, and distinguish their religion and its associated practices from other religions and religious practices [...] Although many participants felt unsupported by service agencies, and described little involvement with faith agencies, they did strongly express positive aspects of their faith which closely map on to previous research concerning the role of spirituality and religion in the lives of people with intellectual disabilities and their families”.<sup>14</sup>

Coming back to the canonical analysis, the important thing is the fact that the intellectual criterion, as a condition, does not appear in 874 canon. Considering the fact that the inability of using intellect (either related to age or to illness or its state) is not an obstacle to receiving sacrament of confirmation and sacrament of the Eucharist, we cannot accept as a logical argument that in canon 874 of canon law there is the legislator’s prohibition for the admission of a person who does not have the mature certainty of judgment, complete intellectual and social discernment, emotional stability and standard intelligence. Even a sixteen-year-old is not a fully developed human being, when considering the right of dispensation from age. Moreover, if we use the terms “discernment” and “maturity” in the sponsors context, we should analyze them not only through the prism of intellect but also through the prism of faith, the intensity of experiencing it and testimony of faithful life.

In this context, we should remember that even total legal incapacitation on the basis of public law is not obligatory in canon law. Certainly, we should assume that the decisions of the state court are rational and even in this case, but we should consider the totality of the circumstances which have led the committees’ petition for exactly this kind of court’s decision. In many cases, partial legal incapacitation (partial ability to legal actions) would be enough. But this can directly impact a partially incapacitated person in the light of some types of declarations of will or legal

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14 S. Turner, Ch. Hatton, R. Shah, J. Stansfield, N. Rahim, *Religious Expression amongst Adults with Intellectual Disabilities*, “Journal of Applied Research in Intellectual Disabilities” (2004) 17, pp. 169–170.



acts. In families with worse educational, social and communal conditions there is a total lack of legal and financial responsibility of a disabled person. This allows committees find their way in legal situation of their family better or easier. Therefore, having had the answer about a type of disability opinion or a Common (Civil) Court sentence, we cannot generalize and deny the right to be a sponsor to a person with genetic defect, personal development disorder (P.D.D.) or a lower order of intelligence.

Finally, a legal comment: the code is not a casuistic set of cases (“luckily” – tempted to say). In that case, it could have several dozen, if not hundreds, of burgeoning volumes and it will become an insignificant document. Greatness and persistence of law is expressed by its abstract. Casuistry is used only when it is absolutely advantageous for transferees. Law interpretation is a skill which is available not only to professionals. There are its rules in canons from 17 to 20. We may not say that mentally disabled people are in a “legal vacuum” or they cannot exercise the right, even if there are no separate rules relating to the rights and responsibilities of disabled people. Not only dignity, but also the rights and responsibilities of disabled worshippers are not the subject to deletion on account of baptism. Actually their responsibilities have to be modified and adapted to their personal abilities (*impossibilium nulla obligatio est*), but we have no right to diminish their rights, except in strict exceptions e.g. the right to get married or to receive holy orders.

### 3. Looking for good patterns

In Poland, the episcopate has not elaborated any country-wide and pastoral document wholly dedicated to the mentally disabled people. Meanwhile, on 16th. November 1978, the episcopate of the USA gave the pastoral instruction “Pastoral Statement: U.S. Catholic Bishops on People with Disabilities.”<sup>15</sup> This document consists of 35 articles, and it is divided into

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15 [www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/upload/Pastoral-Statement-of-U-S-Catholic-Bishops-on-Persons-with-Disabilities.pdf](http://www.usccb.org/beliefs-and-teachings/what-we-believe/catholic-social-teaching/upload/Pastoral-Statement-of-U-S-Catholic-Bishops-on-Persons-with-Disabilities.pdf). (12.03.2018).

six parts in which there are excellent and accurate statements: “Prejudice starts with the simple perception of difference, whether that difference is physical or psychological. Down through the ages, people have tended to interpret these differences in crude moral terms [...] Even if we do not look down upon persons with disabilities, we tend, all too often, to think of them as somehow apart – not completely ‘one of us’”. (Preamble). In numbers 12 and 14 of this statement the bishops notice that disabled people (articulated: “also mentally disabled, mentally ill and suffering from emotional disorders”) are equal partners in the ecclesial community. In number 23 the stress was put on the active participation of disabled people in Church’s life: “It is essential that all forms of the liturgy be completely accessible to persons with disabilities, since these forms are the essence of the spiritual tie that binds the Christian community together. To exclude members of the parish from these celebrations of the life of the Church, even by passive omission, is to deny the reality of that community”. It results from their equal dignity from the moment of being baptized. Any kind of injustice, and not equal treatment, must be eliminated, and ignoring them should be replaced by a growing sensibility and warm welcome. In this statement there is emphasis on the necessity and responsibility of shepherds and secular worshippers’ education to fully appreciate the spiritual contribution of disabled people to the Church. This document was revised in relation to language and scrupulousness in 1989.

Then, in 16th June 1995, the conference of Bishops of the USA approved the new pastoral statement (the previous one was not abolished): “Guidelist for the Celebration of the Sacraments with Person with Disabilities”.<sup>16</sup> It was created to accomplish the better integration of the Church community with its disabled members, and to minimize incorrect practices. The document described seven sacraments in the context of disability whether physical or mental or coupled as well. It was noticed that incoherence in pastoral practice results from distinct but overlapped

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<sup>16</sup> [www.usccb.org/about/divine-worship/policies/upload/Guidelines-for-the-Celebration-of-the-Sacraments-with-Persons-with-Disabilities-Revised-Edition.pdf](http://www.usccb.org/about/divine-worship/policies/upload/Guidelines-for-the-Celebration-of-the-Sacraments-with-Persons-with-Disabilities-Revised-Edition.pdf) (12.03.2018). The revised version of the *Guidelist*... was developed by the Committee on Divine Worship of the United States Conference of Catholic Bishops (USCCB). It was approved by the full body of the USCCB at its June 2017 General Meeting.

causes: incomprehension of disability nature, uncertainty of a proper application of Church law towards disabled people, and fear or misunderstanding. In this document there is a clear statement that it is possible to accept a mentally disabled person as a sponsor or a confirmation witness.<sup>17</sup> The bishops declared to create a special interdisciplinary (theologian, canonist, psychologist, educationist) committee to enquire “complicated cases” which may occur.

The last pastoral activity of the American Bishops conference is a document published in 1998 entitled: *Welcome and Justice for Persons with Disabilities: A Framework of Access and Inclusion*. A Statement of the U.S. Bishops.<sup>18</sup> The main aspects of this text are: people with mental disability are not “poor souls” seeking our compassion, but they are the worshippers with the same dignity of Children of God on account of baptism; they have a vocation for evangelizing and sacraments are their right not a reward they are given. The US Bishops do believe and truly appreciate the existence of ethical and spiritual needs of the disabled people which is clearly written in number 7 of the statement: “We must recognize and appreciate the contribution persons with disabilities can make to the Church’s spiritual life, and encourage them to do the Lord’s work in the world according to their God-given talents and capacity”. This corresponds with a sentence taken from 1995 *Guidelist for Celebration of the Sacraments with Person with Disabilities*: “Like others, Catholics with disabilities are not only recipients of the Gospel, but are also called to proclaim it and to be witnesses to its truth”. (n. 6). Moreover, encouraging and inviting mentally disabled people to give their testimony of faith through participation in altar service and other parish activities is the task of a pastor (his entrusted duty as a part of his pastoral work) and the parish council (it is the “open door policy” which was mentioned in 1995).

Concerning the case study described at the beginning, I would have wished to report that the arguments I presented convinced the parson, but it did not. However, a priest who, in his family, has an adult relative

<sup>17</sup> *Catholics with disabilities may serve as sponsors and godparents, and like others who fulfill these roles, they are to be carefully chosen and formed for these responsibilities. Guidelist...* n. 14. In footnote canons 872 and 874 Code of Canon Law were cited.

<sup>18</sup> [http://www.usccb.org/\\_cs\\_upload/8104\\_1.pdf](http://www.usccb.org/_cs_upload/8104_1.pdf) (12.03.2018).

with Down syndrome, got involved in this case. With my argumentation on paper, he went to “appeal to the reason and heart” of his brother in priesthood. As a consequence, the ceremony of baptism was held according to the parents’ request: a healthy man was the godfather and the sister of child’s mother – Basia with Down syndrome, was the godmother. I often keep in touch with this family, so whilst writing this text I called them to ask for a short comment on how their sister copes with her sponsor duties. The mother of the child eagerly replied: “Write that my Ania has no better faith teacher than Basia (the mentally disabled sponsor). She makes sure every day that Ania has said her prayer; they both kneel down to pray... it is so embarrassing to me that it wasn’t I who taught her the sign of the cross, and neither was it her grandmother... When I have some work to do and I ask Basia for help with my daughter, she never refuses, even when she is watching her favorite TV series. When Basia is suffering from pain in her kidneys (nephrolithiasis), she is telling my Ania: ‘It’s OK, it will pass; there is sun and a cold wind, but after that there is sun again’. ‘My daughter sees her courage (the one we are unable to have) to bear her misery and her limitations. We have also the godfather (my husband’s cousin), but he leads his own life and we see each other a couple times a year.’ Then I talked to my former student (the mother’s younger sister). She shared with me a story which shows how mental religious experiences of mentally disabled people are underestimated. At Christmas time we went to a resort in the mountains. It was snowing there. We went to the church to see a highland crib. Then while we were walking, Ania asked me where little Jesus is now if there was only His figurine in the church. And Basia showing separate snowflakes on her hand, said, ‘Can you see, Ania? God is here and here and here...’”

#### 4. Final reflection

To conclude, a mentally disabled person, who is able to express their will in a degree corresponding to their consciousness (even with dominance

of emotionality over rational analysis), is able to act as a sponsor (which is understood as a companion, helper and witness in faith by the Code of Canon Law) and they should be granted a pastor's permission to accept sponsor's duties. There is no theological rationale (theology is the cloth from which canon law regulations are cut and sewn) for which mentally disabled people (at any degree or level of their disability) should be refused this permission. Obviously, their activity will be dependent on their real mental potential; on their perception of reality and the world. However, it will be a theological mistake to say that mentally disabled people do not have internal, spirituality or that they do not experience their bond with God. The Protection of every human life, which is spread by the Church, requires the openness to mentally disabled people, people with genetic defects or other brain damages in their participation in a parish life. But not as a community ghettos, but as permanent and visible Christian activity (as much as possible).

Finally, it is worthy of consideration whether a person being sound in mind and body, but having an unreflective attitude to the role of a sponsor, having conscience "clean but unused", is really a better signpost of Christian life than a high-functioning person with Down syndrome or with other intellectual disfunction.

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