

(2021) 23 Ecc LJ 19–33 © The Author(s), 2021. Published by Cambridge University Press on behalf of Ecclesiastical Law Society. This is an Open Access article, distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives licence (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is unaltered and is properly cited. The written permission of Cambridge University Press must be obtained for commercial re-use or in order to create a derivative work.
doi:10.1017/S0956618X20000630

Invalid Baptismal Formulas: A Critical View on a Current Catholic Concern

JUDITH HAHN¹

Professor of Canon Law, Faculty of Catholic Theology, Ruhr University Bochum

In 2008 and 2020, the Congregation for the Doctrine of the Faith published two responses to questions posed regarding the validity of modified baptismal formulas. When administering baptism, some Catholic ministers had altered the prescribed formula with regard to the naming of the Trinity and with regard to the declarative introduction of the formula (ie ‘We baptise you ...’ instead of ‘I baptise you ...’). The Congregation dismissed all of these formulas as invalidating baptism and demanded that individuals baptised with these formulas be baptised again. In explaining its 2020 response the Congregation referred to Thomas Aquinas, who addressed these and similar issues in his sacramental theology. This reference is evidently due to Aquinas’ pioneering thoughts on the issue. However, in studying Aquinas’ work on the subject it is surprising to find that they reveal a far less literalist approach than the Congregation suggests. In fact, his considerations point at an alternative reading, namely that sacramental formulas should be understood as acts of communication which, based on the ministers’ intention of doing what the Church does, aim at communicating God’s grace to the receivers in an understandable way.

Keywords: baptism, sacramental validity, Thomas Aquinas, Congregation for the Doctrine of the Faith

In June 2020, the Congregation for the Doctrine of the Faith published a *Responsum* to a question posed regarding the validity of a modified baptismal formula.² When administering baptism, some Catholic ministers had used the formula ‘We baptise you in the name of the Father and of the Son and of the Holy Spirit’, instead of the singular formula as prescribed in the liturgical books: ‘I baptise you in the name of the Father and of the Son and of the

1 Many thanks to Robert John Murphy, who proofread this article.

2 See Congregation for the Doctrine of the Faith, ‘Responses to questions proposed’, 24 June 2020, <<http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2020/08/06/0406/00923.html#rispostein>>, accessed 13 August 2020.

On the problem of invalid formulas from the point of canon law, see also J Huels, *Liturgy and Law: liturgical law in the system of Roman Catholic canon law* (Montreal, 2006), p 193. On the legal consequences of baptisms with an invalid formula, see U Navarrete, ‘Le conseguenze canoniche e pastorali’, March 2008, <http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20080201_validity-baptism-navarrete_it.html>, accessed 10 September 2020.

Holy Spirit'³. In answer to the question of whether this plural formula constituted a valid baptism, the Congregation responded in the negative. It also emphasised the necessity that those baptised with an invalid formula be baptised again. The Congregation does not routinely provide any reasons for its findings. However, this time it published a 'Doctrinal note' providing some general clarifications on the matter.⁴ In its note, the Congregation rejected the plural introduction to the formula, as it found it diluted the role of the minister representing Christ in baptism, the role of the assembled community as the counterpart to Christ and the duty of the Church to safeguard the sacraments as entrusted to it by Christ and as established in Church tradition. These arguments might sound convincing initially, but are less so at second glance. In shedding some light on the Congregation's arguments, I will attempt to understand them somewhat better and to evaluate their persuasiveness:

- i. By giving a brief overview of the criticism the response has received so far;
- ii. By introducing its current background in Catholic sacramental doctrine;
- iii. By interpreting the sacramental formulas as declarative speech, including the tendency of declaratives to stick to literalism;
- iv. By introducing modified baptismal formulas to which the Congregation for the Doctrine of the Faith has responded recently and also in 2008;
- v. By confronting its responses with Thomas Aquinas' assessment of the very same matter; and
- vi. By briefly concluding what we may learn from Aquinas' considerations about the merits and demerits of sacramental literalism.

CRITICAL RECEPTION

Among theologians, the Congregation's response has raised much criticism. In my discussion, I will focus on some examples taken from the current German debate. For instance, the canon lawyer Martin Rehak published a commentary on Canon 869 §1 of the 1983 Code of Canon Law: the norm on doubts about valid baptism.⁵ The author confronts the Congregation's response with three questions. First, if other sacraments such as the anointing of the sick allow for several ministers, then why not baptism? Second, how plausible is the

3 See 'General introduction', in *The Roman Ritual: the order of baptism of children, English translation according to the second typical edition* (Collegeville, MN, 2020), p 5, no 23.

4 See Congregation for the Doctrine of the Faith, 'Doctrinal note', 24 June 2020, <<http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2020/08/06/0406/00923.html#rispostein>>, accessed 13 August 2020.

5 See M Rehak, 'C. 869 § 1', *Lehrstuhl für Kirchenrecht*, <<http://www.theologie.uni-wuerzburg.de/institute-lehrstuehle/prak/lehrstuhl-fuer-kirchenrecht/kanon-des-monats>>, accessed 9 September 2020.

Congregation's response with regard to baptisms administered in Oriental Churches which use the passive formula 'Be baptised ...', which the Catholic Church expressly accepts as valid? When entering their union with the Armenians in 1439, the Council of Florence had emphasised the traditional formula of the Latin Church but also included the validity of the Armenian formula, noting:

But we do not deny that true baptism is conferred by the following words: May this servant of Christ be baptized in the name of the Father and of the Son and of the holy Spirit; or, This person is baptized by my hands in the name of the Father and of the Son and of the holy Spirit. Since the holy Trinity is the principal cause from which baptism has its power and the minister is the instrumental cause who exteriorly bestows the sacrament, the sacrament is conferred if the action is performed by the minister with the invocation of the holy Trinity.⁶

The Congregation for the Doctrine of the Faith's 2020 response challenges this traditional belief that all baptisms administered with a Trinitarian formula are valid. This is a major problem with regard to the Catholic relationship with Orthodoxy. From today's point of view, one may also voice concern about what the Congregation's response implies with regard to those Protestant Churches which explicitly use a 'We baptise you ...' formula.⁷

However, Rehak has a third point to make. He asks why the Congregation lays so much emphasis on the priest as an official representative of the Church, when the Church has a long tradition of accepting *all* faithful and even unbaptised individuals as ministers of baptism and, consequently, as persons capable of acting on behalf of Christ. Based on his considerations, Rehak concludes that the Congregation's reaction might be considered harsh, and that it could easily have rendered a more moderate decision, for instance by identifying the plural formula as illicit yet valid, instead of understanding it as invalidating baptism. In any case, somewhat typically for a canon lawyer, Rehak puts a fair portion of the blame on those ministers who disrespect the liturgical order of the Church, as it is they who provoke these excessive official reactions.

The liturgical scholar Clemens Leonhard criticises the Congregation's response by pointing out that the criteria as applied by the Congregation do

6 Eugene IV, Bull of Union with the Armenians, 22 November 1439, available at <<http://www.ewtn.com/catholicism/library/ecumenical-council-of-florence-1438-1445-1461>>, accessed 11 September 2020.

7 See F Neumann, 'Ich taufe, wir taufen: Worte, die die Ökumene belasten könnten', 7 September 2020, <www.katholisch.de/artikel/26768-ich-taufe-wir-taufen-worte-die-die-oekumene-belasten-koennten>, accessed 9 September 2020.

in fact disqualify most baptisms of antiquity.⁸ The ‘I baptise you ...’ formula was not commonly established in Western Christianity until the Middle Ages. It gained its relevance particularly with the rise of infant baptism, as Leonhard explains, because infants could not engage in those more dialogical formulas common in antiquity, and with baptisms in the face of death where short and declarative formulas became key. Based on his analysis, Leonhard poses the question of how a formula so obviously contingent as the ‘I baptise you ...’ formula could be constitutive for valid baptism now. He accuses the Congregation of having reacted out of fear and of creating even more fear with its response. Leonhard identifies a threefold liturgical angst underlying the Congregation’s response: first, a Roman fear of overly creative liturgists who adapt liturgical formulas to meet pastoral needs, thus encouraging the faithful to lose their own fear and to refuse compliance with formulaic commands; second, a general and vague fear of making liturgical mistakes with unclear consequences; third, a fear of losing human control over God’s grace. Leonhard sees this third fear as particularly noteworthy. He does not substantiate his opinion, but one may assume that he interprets this fear as the Church’s trauma at losing its grip on its magical toolkit once the sacraments are understood less in a magical way of controlling the divine. This magical reinterpretation of the sacraments improved in the aftermath of the Council of Trent, which fostered liturgical rubricism, positivism and literalism that the ministers relied upon to ‘control’ the sacraments to make sure that they truly and steadily conveyed grace.

The systematic theologian Julia Knop has called Leonhard’s article a helpful clarification.⁹ She sees the Congregation’s response as an attempt to rekindle the faithful’s fear of losing their salvation, a fear which many have been lost over the past couple of decades, and as supporting clerical formalism. Another systematic theologian, Martin Kirschner, has acknowledged that he had not initially wanted to comment on the Congregation’s response as he regards it as an embarrassment for the Church because it shows a legalist and bureaucratic understanding of God’s grace.¹⁰ However, he supports Leonhard’s article as an adequate response to the matter. In another response, a satirical Catholic webpage published a humorous ‘press release’ that those baptised invalidly would receive all of their Church taxes back after providing the Bishops’ Conference with proof of their invalid administration of the sacrament.¹¹

8 See C Leonhard, ‘Wenn Taufen plötzlich ungültig sind’, 2 September 2020, <<http://www.furche.at/religion/wenn-taufen-plotzlich-ungueltig-sind-3612468>>, accessed 9 September 2020.

9 J Knop, personal communication, 8 September 2020.

10 M Kirschner, personal communication, 1 September 2020.

11 See Der Kathostillon, ‘Bei ungültiger Taufe: Geld zurück’, Facebook post, 7 September 2020, <<http://www.facebook.com/kathostillon>>, accessed 10 September 2020.

These and other voices show that there are several reasons—historical, dogmatic, ecumenical and pastoral—for receiving the Congregation’s response critically. I agree with this criticism wholeheartedly. However, before criticising the Congregation for the consequences arising from its response, I find it first of all instructive to analyse what motivated it.

TRIDENTINE DOCTRINE

As mentioned by the Congregation in its response, ecclesiastical doctrine on the sacraments broadly follows Thomas Aquinas, who called a sacrament *causa significandi* and *causa efficiendi* of a sacred reality.¹² Sacraments are those signs which not only *cause the signifying* of divine grace but also *cause its effectuation*.¹³ Thus, the words used in sacramental formulas and the essential gestures performed in sacramental actions not only signify grace but also effectuate it.

The Council of Trent widely received Aquinas in its teaching on the sacraments when providing most of the current content of ecclesiastical sacramental doctrine. Trent taught that all of the seven sacraments were instituted by Christ and administered by the Church.¹⁴ The Council emphasised the ecclesiastical doctrine of the sacraments as causes of grace, as the sacraments ‘contain the grace which they signify’ and ‘confer that grace on those who do not place an obstacle thereunto’, always, as the Council stressed, ‘as far as God’s part is concerned’.¹⁵ While human beings could oppose a valid reception of a sacrament by forming a positive act of will against it, God for God’s part allows grace to flow whenever humans receive the sacraments correctly and with the minimum intention of letting happen to them that which the Church does with the sacraments.

Against a background of lingering doubts about what the correct circumstances are for the sacraments to be administered validly, Trent emphasised the doctrine of *ex opere operato*, considering the sacraments as efficacious in all cases in which the Church administers them correctly, which for the Council fathers particularly meant that grace flows irrespective of the individual minister’s godliness and only ‘through the act performed’.¹⁶ In emphasising this idea, the Council took up a tradition reaching back to Augustine, who had already assured his contemporaries that those who receive baptism from a drunkard, a murderer or an adulterer should not worry about its validity, as it

12 Thomas Aquinas, *Summa Theologiae* III, q 66, a 5, in *Sancti Thomae Aquinatis Doctoris Angelici opera omnia*, vol. 12 (Rome, 1906), p 68.

13 See Aquinas, *Summa Theologiae* III, q 62, a 1, in *ibid*, pp 19–20.

14 See Council of Trent, ‘Decree on the sacraments’, seventh session, 3 March 1547, Canons 1 and 13, in G Mansi (ed), *Sacrorum conciliorum nova et amplissima collectio*, vol 33 (Paris, 1902), pp 48–60 at pp 52–53.

15 Council of Trent, ‘Decree on the sacraments’, canon 7, in *ibid*, p 52.

16 Council of Trent, ‘Decree on the sacraments’, canon 8, in *ibid*, pp 52–53.

is truly Christ who baptises.¹⁷ Augustine had connected this Christological approach with ecclesiology in noting that it is the Church which acts on behalf of Christ in the sacraments. Consequently, no sinful minister could prevent the Church from communicating Christ's grace to those who receive the sacraments of the Church, as it is actually Christ who administers them through his Church. Following Augustine and Aquinas, Trent taught that a sacrament is administered validly if the ministers act with the minimal intention of doing that which the Church does.¹⁸ Their action requires them to utter the sacramental formulas and to perform the essential gestures correctly. Hence, the Tridentine conception of the sacraments presents a fourfold catalogue of criteria for sacramental validity, focusing on competent ministers acting with the intention of doing that which the Church does, on rightly disposed receivers, on the essential sacramental matter and on the essential formula. Whenever these four Tridentine conditions are fulfilled, Catholic doctrine regards the administration of the sacraments as valid.

GETTING THE FORMULAS RIGHT

In its 'Doctrinal note' on the issue of baptisms administered with a modified baptismal formula, the Congregation for the Doctrine of the Faith refers to two of these four criteria: to the minister and the formula. The note focuses on the ministers and their intention to represent Christ and to act as Christ, the Head of their Church, and in the name of the Church. The note also refers to the baptismal formula as the essential form for expressing this belief. This formula to constitute baptism is essentially Trinitarian, as already stated by the Council of Florence in 1439. However, the Congregation adds that the formula also has to express the Christological and ecclesiological implications derived from understanding Christ as the one who baptises. This obliges the ministers to baptise in Christ's name and to express this by using the singular in the baptismal formula.

This insistence on literally reciting a certain formula seems puzzling at first. It is helpful to refer to speech act theory to understand this demand, by understanding sacraments as *declarative speech*. Declaratives are those 'cases where, so to speak, "saying makes it so"', as the speech act theorist John Searle explains.¹⁹ Sacramental speech—the uttering of the sacramental formulas and the performative gestures—is declarative speech. By declaring human reality to be full of grace, sacramental speech constitutes a sacred reality in which God

17 Augustine, 'In Joannis Evangelium tractatus CXXIV', in J Migne (ed), *Patrologiae Latina*, vol 35, part 3 (Paris, 1841), pp 1379–1976 at p 1424.

18 Aquinas, *Summa Theologiae* III, q 64, a 8–10, in *Sancti Thomae Aquinatis*, pp 51–55; Council of Trent, 'Decree on the sacraments', canon 11, in Mansi, *Sacrorum conciliorum nova*, p 53.

19 J Searle, 'A classification of illocutionary acts', (1976) 5 *Language in Society* 1–23 at 13.

communicates Godself to humanity by giving God's grace. In baptism, the baptismal formula and the washing with water have a declarative meaning. They declare a person to be a child of God, free from sin, a member of the Church and endowed with the Christian faithful's duties and rights, and in doing so bring this reality into being. In the minister's uttering of the baptismal formula and performing the washing with water, individuals change their status in the Church as they become children of God, relieved from sin and Church members with duties and rights.

According to Church doctrine, these effects are dependent on the *correct performance* of declarative action. In providing most sacraments with an exact formula and in obliging the ministers to use precisely that formula and the prescribed gestures when administering sacraments, the ecclesiastical norm-giver attributes enormous significance to the right verbal and gestural speech to ensure that the sacraments are effectively administered. Canon law emphasises this requirement with regard to baptism when regulating in Canon 849 of the 1983 Code that baptism requires 'a washing of true water with the proper form of words' as found in the liturgical books. The law does not determine the exact method of washing, which can be done by pouring, immersing or sprinkling.²⁰ To be administered validly, the symbolic action of washing simply requires bringing the body of the person to be baptised into contact with water while uttering the correct formula.

In the light of speech act theory, this determination of using the correct words and gestures to administer the sacraments is relatively unsurprising, as performative language is particularly inflexible when it comes to declarative speech. Whenever declarations effectuate immediate changes of reality by the act of saying them, there is less flexibility than with other speech acts. When speech derives conventional effects from conventional procedures via declarations, it is often subject to strict regulation, including the regulation of the exact wording.

We find numerous examples in law, where many legal actions and transactions rely on precise wording ('We, the jury, find the defendant guilty'). In this respect, it is understandable why Martin Kirschner brands the Congregation for the Doctrine of the Faith's response a legalist reply.²¹ Demanding the correct formula connects the sacraments with the law, as both rely on declarative performatives which bring about a reality in saying so, yet only if the speakers are authorised and use the correct formula. With regard to the law, scholars call this performative functioning of the law 'legal magic'.²² Nevertheless, cultivating

20 See the *Catechism of the Catholic Church*, paras 1239–1240.

21 Kirschner, personal communication.

22 Eg G Gurvitch, 'Magic and law', (1942) 9 *Social Research* 104–122; C Corcos (ed), *Law and Magic* (Durham, NC, 2010); L De Sutter, 'On the magic of law', (2017) 21 *Law Text Culture* 123–142.

a magical 'legalism' to achieve certain results is not an exclusive phenomenon of the law but pertains more generally to declarative speech.

Consequently, the Catholic sacraments, which rely on declarative speech to effectuate grace, show hardly any tolerance with regard to the formulas. One could phrase this differently and state that the right spell is required to make the magic happen. This brings us back to Clemens Leonhard's critique, which wondered whether the Congregation was mostly driven by the fear of losing human control over God's grace.²³ Magic is a way of controlling the divine. One might therefore understand Leonhard's critique as a hint that removing the magical residues of Catholic sacramental doctrine provoked by a certain casuistic and rigid interpretation of the doctrine in the aftermath of the Council of Trent might loosen the human grip on grace. A less magical interpretation of the sacraments requires letting go of the Tridentine automatism of grace with its guarantee of grace *ex opere operato*. Loosening the juridic grip on the sacraments therefore requires more faith that God in fact gives grace, as this interpretation provides less of a guarantee than magical thinking that grace flows. In any case, relying on the magic of declarative speech provides at least some reassurance that those effects desired actually become real whenever a competent minister performs the conventional procedures correctly.

MODIFYING THE FORMULAS

Finding performative language to be particularly inflexible when it comes to declarative speech does not vindicate the Congregation's uncompromising stance with regard to sacramental formulas, but it does go some way towards explaining it. As ministers tend to alter the words of the formulas or omit or add bits and pieces of their own, the Congregation feels it necessary to discuss if and in what cases these alterations affect the performative effect of sacraments. The Congregation has responded twice over the course of the last 12 years to questions pertaining to the validity of altered baptismal formulas. In 2008 it was confronted with a practice that had taken root in Australian parishes, where the pastors performing baptism had used an alternative formula to avoid the masculine sound of the classical Trinitarian formula, 'in the name of the Father and of the Son and of the Holy Spirit'. In its place, the ministers had used the gender-neutral formulas 'I baptise you in the name of the Creator and of the Redeemer and of the Sanctifier' and 'in the name of the Creator and of the Liberator and of the Sustainer'. The

23 See Leonhard, 'Wenn Taufen plötzlich ungültig sind'.

Congregation answered in the negative to the question whether baptisms performed by using those two formulas could be regarded as valid.²⁴

As already mentioned several times above, the Congregation only recently responded in the negative to the validity of baptisms whenever the ministers had used the plural formula ‘We baptise you ...’ and also complex communal formulas like ‘In the name of the father and of the mother, of the godfather and of the godmother, of the grandparents, of the family members, of the friends, in the name of the community we baptise you in the name of the Father and of the Son and of the Holy Spirit.’²⁵ The Congregation provided some background information on the matter in its ‘Doctrinal note’. It disclosed some of the reasons that motivated ministers to use the altered formula:

to emphasize the communitarian significance of Baptism, in order to express the participation of the family and of those present, and to avoid the idea of the concentration of a sacred power in the priest to the detriment of the parents and the community that the formula in the *Rituale Romano* might seem to imply.²⁶

The Congregation rejected this practice for the reasons mentioned, as it found it diluted the role of the minister in representing Christ, the role of the assembled community as the counterpart to Christ and the duty of the Church to safeguard the sacraments as entrusted to the Church by Christ and established in Church tradition. The Congregation noted:

Therefore, in the specific case of the Sacrament of Baptism, not only does the minister not have the authority to modify the sacramental formula to his own liking, for the reasons of a christological and ecclesiological nature already articulated, but neither can he even declare that he is acting on behalf of the parents, godparents, relatives or friends, nor in the name of the assembly gathered for the celebration, because he acts insofar as he is the sign-presence of the same Christ that is enacted in the ritual gesture of the Church.²⁷

In the wake of the Congregation’s clarification, a priest from the Archdiocese of Detroit discovered that his baptism and, in consequence, his confirmation and ordination were invalid. He realised this after having watched a family video of

24 See Congregation for the Doctrine of the Faith, ‘Responses to questions proposed’, 1 February 2008, <www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20080201_validity-baptism_en.html>, accessed 15 November 2018.

25 Congregation for the Doctrine of the Faith, ‘Responses’, 24 June 2020.

26 Congregation for the Doctrine of the Faith, ‘Doctrinal note’.

27 *Ibid.*

his baptism which displayed the minister's use of the plural formula.²⁸ After his discovery, Matthew Hood was baptised again and also received confirmation and ordination within a couple of days.

However, it turned out to be less burdensome to fix Hood's situation than that of those affected by his ministry because, following the Congregation's response, all of the sacraments administered by Hood and requiring priestly power also had to be regarded as invalid, including his celebrations of the Eucharist, his administration of confirmations, the sacrament of penance and the anointing of the sick, and his assisting at marriages. The diocese started to take these issues in hand and promised to provide remedy whenever possible. However pastoral this response might appear, it does also tend to increase the faithful's fear. In this vein, Clemens Leonhard, Julia Knop and Martin Kirschner do not regard it as an adequate way of meeting the faithful's concerns.²⁹ Instead, these authors regard the Congregation's response and the archdiocese's reaction as a way of fostering an angst-ridden view of the sacraments, kindling the faithful's fear of losing their salvation rather than reassuring them that God might give grace to human beings unrestrictedly, unhampered by the ministers' exact repetition of certain words.

AQUINAS' ASSESSMENT

As mentioned above, Leonhard and Rehak are particularly critical of the Congregation's reference to Aquinas to support its position.³⁰ However, Aquinas is an obvious source to turn to as he is one of the most prominent theological voices on the subject and, in the *Summa Theologiae*, asked precisely the question of how closely the ministers' wording should reproduce the formula in order to administer baptism validly.³¹ His thoughts on the baptismal formula anticipate both of the Congregation for the Doctrine of the Faith's responses of 2008 and 2020, as Aquinas focuses on the Trinitarian part of the formula as well as on the ministers' use of singular or plural declarative speech.

In both cases, Aquinas' focus is primarily on *intention*, an observation which Rehak rightly makes.³² Aquinas holds that a minister who intentionally fails to reproduce the formula accurately might be void of the intent of doing what the Church does, so that the sacrament has to be regarded as invalid. This seems to

28 See S Fisher, 'Interview: Father Matt Hood, the priest who discovered he was invalidly baptized (and ordained)', *America*, 26 August 2020, <www.americamagazine.org/faith/2020/08/26/interview-detroit-priest-invalid-baptism-ordination>, accessed 7 September 2020.

29 See Leonhard, 'Wenn Taufen plötzlich ungültig sind'; Knop, personal communication; Kirschner, personal communication.

30 See Leonhard, 'Wenn Taufen plötzlich ungültig sind'; Rehak, 'C. 869 § 1'.

31 See Aquinas, *Summa Theologiae* III, q 60, a 7–8, and q 67, a 6, in *Sancti Thomae Aquinatis*, pp 10–11, 12–13, 85–86.

32 See Rehak, 'C. 869 § 1'.

be the crux in both of the Congregation's responses. Whenever the Congregation detects a distortion of the baptismal formula which it interprets as intentional—and not merely a slip of tongue—it assumes that the ministers administered the sacrament invalidly owing to a lack of intention to do what the Church does.

However, studying Aquinas raises doubts about whether the presumption holds true that using an altered formula regularly expresses an inadequate intention. In those cases in which the ministers *unintentionally* utter the formula incorrectly, this is obviously not the case. Aquinas mentions several examples in which ministers accidentally make mistakes, thereby altering the baptismal formula or omitting parts of it. In these cases, as he finds, only grave mistakes affect the validity of baptism. If the mishap fully obscures the formula, it deters a valid administration. If it does not, one may assume that the sacrament is valid. Aquinas also mentions examples in which ministers *intentionally* add words to the formula. However, these intentional alterations do not necessarily express an inadequate intention, as he finds. This is only the case if the alteration in fact expresses an ill intention.

Hence, unlike the Congregation for the Doctrine of the Faith, Aquinas promoted a differentiated model of how to evaluate the consequences of using altered formulas, studying the ministers' intentions and the comprehensibility of the formula. I will substantiate this observation by introducing Aquinas' considerations on those alterations which also concerned the Congregation in 2008 and 2020.

The Trinitarian formula

With regard to the Trinitarian formula, Aquinas mentions the example of a minister accidentally praying in the name of the *mother* (*in nomine matris*) instead of in the name of the Father (*in nomine patris*) as part of the baptismal formula. This mishap, as he finds, obscures the meaning of the formula and, consequently, prevents a valid administration. However, he argues that, in those cases in which the meaning of the formula remains clear, a mistake does not invalidate the sacrament. If a minister utters *in nomine patrias et filias* (which one could roughly translate as 'in the name of the fatherlands and the daughters') instead of *in nomine patris et filii* it is still evident what he means, according to Aquinas, as it is not the exact vocalisation of the words which allows for comprehension but the usual use of the phrase. Laying emphasis on comprehension, Aquinas also regards it as relevant whether a mistake affects the beginning of the formula, hindering the hearers' understanding right away, or if one occurs later in the utterance, when everybody has already understood the message.

Aquinas' assessment is most certainly perplexing to some extent. Praying *in nomine matris* invalidates baptism, but praying *in nomine patrias et filias* does not? Both slips of the tongue distort the meaning of the formula objectively,

albeit not necessarily subjectively, as it is unlikely that either mistake would have obstructed most mediaeval hearers' understanding. Most of Aquinas' contemporaries did not know Latin well, yet they probably knew what the baptismal formula—or words that sounded similar—were supposed to effectuate. Consequently, both examples could have proven successful in conveying the sacramental meaning of baptism to the receivers. Aquinas' intolerance in the first case rather leaves the impression that he is less concerned that the mistake might impair sacramental communication and more concerned with addressing God as female. However, leaving Aquinas' issues with women aside, his examples show his attempt to provide a typology of when changes in the formulas invalidate a sacrament and when they do not. His approach, which relies on meaning and comprehensibility, is surprisingly modern, as he suggests understanding the sacraments as acts of communication that communicate God's grace to the faithful. To use a term from speech act theory, in that respect sacraments are successful whenever they convey their message successfully, with or without terminological alterations in the formula.

Aquinas goes on to discuss alterations of sacramental formulas with regard to their effect on the validity of sacraments by referring to cases in which ministers omit or add parts of the formula.³³ In his view, omitting important parts, such as leaving out one person of the Trinity in the baptismal formula, has an invalidating effect, while omitting less important particles, such as *enim* in the words of consecration *hoc est enim corpus meum* ('this is my body'), seems less problematic.

Aquinas develops similar criteria with respect to adding parts to the formulas. If adding words distorts the meaning of the formula, the sacrament is invalid. His example is the Arian baptismal formula *ego te baptizo in nomine patris maioris et filii minoris* ('I baptise you in the name of the greater father and the lesser son'), which adds a qualification to the orthodox formula of the Father being greater than the Son. However, he is tolerant of additions such as *ego te baptizo in nomine Dei patris omnipotentis, et filii eius unigeniti, et spiritus sancti Paracliti* ('I baptise you in the name of God the omnipotent father, and his only-begotten son, and the Holy Spirit, the comforter'), which merely add orthodox qualifications to the three persons of the Trinity, qualifying the Father as omnipotent, the Son as only-begotten and the Spirit as helper. He also accepts the formula *ego te baptizo in nomine patris et filii et spiritus sancti, et beata virgo te adiuuet* ('I baptise you in the name of the Father and of the Son and of the Holy Spirit, and may the Blessed Virgin help you'), adding a prayer to the Virgin Mary to the classical Trinitarian formula asking for her help for the baptised individual. However, baptising in the name of Mary, *ego te baptizo in nomine patris et filii et spiritus sancti et beatae*

33 See Aquinas, *Summa Theologiae* III, q 60, a 8, in *Sancti Thomae Aquinatis*, pp 12–13.

virginis Mariae ('I baptise you in the name of the Father, and of the Son and of the Holy Spirit and of the Blessed Virgin Mary') establishes invalidity.

This reveals the relevance of intentions in Aquinas' assessment. Alterations which profoundly conflict with the intention of doing what the Church does render the sacrament invalid. However, alterations, omissions or additions made with the intention of conforming to the Church's intention do not inhibit sacramental validity, as long as the formula remains understandable and appropriate to communicate God's grace to the receivers.

Plural declarations?

Aquinas also touches upon an example similar to the problem to which the Congregation answered in 2020.³⁴ In discussing whether baptism may be administered by several ministers, he even mentions the 'We baptise you ...' formula. The Congregation's note therefore refers to Aquinas to substantiate its response, noting

St. Thomas Aquinas had already asked himself the question 'utrum plures possint simul baptizare unum et eundem' [whether several can baptise at the same time] to which he had replied negatively, insofar as this practice is contrary to the nature of the minister.³⁵

One has to note, though, how careful Aquinas is in making his point. He refers to the singular formula as that handed down by the Church but he acknowledges that the Oriental Churches use different yet valid formulas which are actually more unlike the 'I baptise you ...' formula than the plural 'We baptise you ...'. However, he raises concerns with regard to the declaration in the plural in those cases in which the formula is an expression of the ministers' intention that one baptism is administered by several persons, as this might be contrary to the idea of one minister representing Christ in baptism. He is less concerned with the ministers' failure to literally cite the formula and more with their intention, as altered formulas might serve as expressions of a Christology and ecclesiology in conflict with Church doctrine.

So it is obviously ministers lack of intention to do that which the Church does which provokes Aquinas' scepticism of the plural formula. Consequently, one may draw the conclusion that he would not have opposed the validity of baptisms in those cases in which ministers' use of the plural formula does not represent their lack of intention of doing that which the Church does. Aquinas does not say so explicitly but it is most likely that he would not have opposed the validity of the 'We baptise you ...' formula in cases in which the

³⁴ See Aquinas, *Summa Theologiae* III, q 67, a 6, in *ibid*, pp 85–86.

³⁵ Congregation for the Doctrine of the Faith, 'Doctrinal note'.

alteration is an unintentional mishap and also not in cases in which the minister used the plural with the best of intentions—for instance to express the communal dimension of the Church—and without the objective of turning his words against the intention of the Church.

CONCLUSION

Aquinas' considerations are intriguing on several grounds. Most interestingly, he does not adhere to a radical literalism with regard to sacramental formulas. Instead he refers to the intention to do what the Church does and to the meaningfulness of the sacramental act for those who participate in it. In doing so, he proves that his understanding of sacramental speech is less that of spells with a magical automatism and more that of *communication*. Understanding sacramental speech as communication, as acts of conveying sacramental meaning to the community, demands a greater tolerance with regard to wording.

The systematic theologian Mervyn Duffy shared a similar observation in his study on the sacraments as speech acts by referring to the example of marriage. He observes with regard to the spouses' words when contracting marriage that it seems less important that their words are correct expressions of the contracting parties' consent and more important that they reveal the parties' *intention* to marry each other. Duffy holds, "The bride omits part of her husband's name (as Princess Diana did) or gets her own wrong, but the clear intention and the momentum of the rite overrides such flaws and hitches."³⁶ What Duffy calls 'clear intention' relates well to the observation that sacramental speech has a communicative function. If the meaning is evident insofar as the words convey a distinct message to the receivers, we may assume that the speech act is successful, in accordance with what Aquinas considered important with regard to the sacramental formulas.

So what may we learn from studying Aquinas and comparing his approach with the Congregation for the Doctrine of the Faith's 2008 and 2020 responses? For one thing, it is apparent that the Congregation relies heavily on Aquinas. This reference is obvious, for Aquinas has dealt precisely with those problems that the Congregation addresses. However, in relying on his considerations, the Congregation only goes halfway. While it is evidently appropriate to turn to Aquinas, he should not be used as a source to justify a purely literalist attitude to words and terms. His concern is with intention and comprehension. Whenever a minister acts with the intention of doing that which the Church does and succeeds in communicating God's grace in an understandable way to the receivers, one may trust that the sacrament is administered validly.

36 M Duffy, *How Language, Ritual and Sacraments Work* (Rome, 2005), p 46.

Only in those cases in which ministers alter the formulas to express an intention incompatible with what the Church does may one assume that this also affects the validity of sacraments. Aquinas' evaluation of the issue does not therefore support the Congregation's presumption that everybody who alters a formula intends to break with Church doctrine. This presumption is neither Thomistic nor covered by experience. To presume that using the 'We baptise you ...' formula proves a wrong intention is thus rather a hasty judgement.

As this judgement seems unnecessarily harsh, as Martin Rehak observes, it makes one wonder what moved the Congregation to make it. With Clemens Leonhard's analysis in mind, one might wonder if it is truly concern or rather *control* which lies behind the responses. However, unlike Leonhard, who as a liturgical scholar is more concerned with the Congregation's fear of losing human control over God's grace, one might, from a canon lawyer's point of view, also sense a fear of losing human control over *human action*. In legal terms, one could say that the Congregation has shifted the burden of proof. While we used to understand even distorted formulas as valid whenever there was no proof of the ministers' ill will, now we may trust only those ministers who control their wording precisely, as every alteration is taken as a lack of intention. This fear of the faithful, of becoming empty and devoid of grace is a powerful instrument for controlling ministers. It is an open invitation to return to rubricism, encouraging ministers to meticulously copy the formulas as prescribed in the liturgical books. In consequence, scrupulous souls might want to avoid the altering of formulas at all costs. However, it should be remembered that this magical spirit of rubricism and literalism was carried into Catholicism by a certain interpretation of the Council of Trent in the aftermath of the Council, but failed to outlive the twentieth century. Nevertheless, it does appear as though responses like those mentioned are the Congregation for the Doctrine of the Faith's attempt to reinforce literal rubricism.

However, current theologians' critical replies to this development are not isolated. Taking up the Congregation's invitation to study Aquinas in fact reveals that Aquinas did not understand the sacramental formulas as magical spells depending on singular words as magical elements, but as utterances and performances which symbolically convey their meaning. In his tradition, it is less convincing to insist on the literal utterance of certain words than to rely on words and gestures which are apt to communicate the triune God's message of grace to the faithful.