ery situation of remarriage after divorce automatically presents a grave sin for the involved moral subjects. The previous position that "the 'objective truth', according to magisterial teaching, is that the couples living in this situation are committing adultery and cannot receive Communion and that their subjective consciences must adhere to this truth"[32], is not sustainable any more. *Amoris laetitia* affirms that concerned people, who live in such situations, may "be living in God's grace, can love and can also grow in the life of grace and charity, while receiving the Church's help to this end, and [what] in certain cases... can include the help of the sacraments" (AL 305 plus note 351).

In sum, *Amoris laetitia* is very clear and consistent in its argumentation so as to draw the conclusion that, in some cases, this document opens up the possibility for divorced and remarried persons to approach the sacraments of Reconciliation and the Eucharist. The counterargument that *Amoris laetitia* would not state this explicitly or that it would be insufficient to state such an important content ambiguously and as a footnote open to misinterpretation sounds unreasonable. Also a footnote is an integral part of this document and – as already stated – the intention and the whole argumentation of *Amoris laetitia* are clear. Therefore, the response of Pope Francis to the Argentinian Bishops, who elaborated some "Basic criteria for the application of chapter 8 of *Amoris Laetitia*"[33], is not surprising. The Bishops wrote:

> (5) Whenever feasible, and depending on the specific circumstances of a couple, and especially when both partners are Christians walking together on the path of faith, the priest may suggest a decision to live in continence. *Amoris Laetitia* does not ignore the difficulties arising from this option (cf. footnote 329) and offers the possibility of having access to the Sacrament of Reconciliation if the partners fail in this purpose (cf. footnote 364 ...).
>
> (6) In other, more complex cases, and when a declaration of nullity has not been obtained, the above mentioned option may not, in fact, be feasible. Nonetheless, a path of discernment is still possible. If it comes to be recognized that, in a specific case, there are limitations that mitigate responsibility and culpability (cf. 301–302), especially when a person believes they would incur a subsequent wrong by harming the children of the new union, *Amoris Laetitia* offers the possibility of access to the sacraments of Reconciliation and Eucharist (cf. footnotes 336 and 351). These sacraments, in turn, dispose the person to continue maturing and growing with the power of grace.

Pope Francis in his response affirmed: "There are no other interpretations." [34]

[32] M.G. LAWLER/T.A. SALZMAN: "In Amoris Laetitia".

[33] An English translation is available from https://cvcomment.org/2016/09/18/buenos-aires-bishops-guidelines-on-amoris-laetitia-full-text/; accessed 10.10.2016.

[34] See: I. SAN MARTÍN: *Pope okays Argentine doc on Communion for divorced and remarried*, 2016, available from https://cruxnow.com/global-church/2016/09/12/pope-okays-argentine-doc-communion-divorced-remarried/; accessed 10.10.2016.

Accompanying, Discerning and Integrating the Fragility of Couples: Pastors and Theologians at a Crossroads

Arnaud Join-Lambert

For a practical theologian, it is not easy to approach a text like chapter 8 of the Apostolic Exhortation *Amoris laetitia*. In addition to the specific difficulty posed by the complexity of the subject that is discussed in the text, I see a more significant challenge that goes beyond our present topic: What is the status of practical theology? Is it only a question of giving examples of characteristic or tragic situations that are relevant to our topic? Or (as in earlier centuries) ought one to apply the reflections of the moral and dogmatic theologians by giving orientations, or even solutions? That is not why I intend to do here. I propose to place myself alongside the reader of *Amoris laetitia* who seeks to grasp what Pope Francis retains from the synodal process that was launched in 2013, and what he adds to it.

I shall begin by speaking about a fear that some persons experience, and about a disappointment that others experience. Both of these reactions are engendered by *Amoris laetitia* in the field of the pastoral care of divorced and remarried persons. The fact that many people are not completely satisfied with this text may perhaps in itself show that this text, in its own literary genre, is well adjusted to the situation. When I discuss this, I shall also speak of what I have experienced as an expert who was invited by the bishops of Belgium to two consultations in view of the Synods of 2014 and 2015 (1). I would then like to take a step back and approach the difficult question of the impossibility of structuring the relationship between the doctrinal and the pastoral, when these two dimensions are thought of as distinct entities. My hypothesis is that this is an implicit intention on the part of Pope Francis. This path would allow us to get beyond the contemporary impasses in the Catholic magisterium. I shall therefore explore in depth two expressions in *Amoris laetitia*: "certain 'irregular' situations" and "they are not excommunicated", and I shall then examine the situation of children in what the Pope's proposes (2). Finally, since we pastors and theologians are at a crossroads,

I shall take the risk of proposing some perspectives that open up before us, with regard both to reflection and to action (3).

1 It Took Three Years to Arrive at *Amoris Laetitia*

1.1 The Synodal Process

I have been asked to take here the perspective of pastoral theology. I must therefore begin by emphasizing the two great novelties of the Roman Synods on the family. Although the first novelty – namely, holding two sessions on the same theme, with an interval of one year between them – made little impact on lay Christians, it certainly contributed to the emergence of new positions on the part of some Synod Fathers. If we assume that the new participants in the second Synod had also followed what went on at the first Synod, admittedly from the outside, this meant that they were able to bring to maturity their own approach to the questions that had been discussed. It is necessary to give people time, when the questions under debate are sensitive and complex, either in human terms or theologically. This temporal extension of the synodal processes is a recent innovation in the Catholic Church, and expresses powerfully the need for discernment that is addressed from now on to every baptized person. This "discernment" seems to have become the key word of the pontificate of Pope Francis.

From the pastoral point of view, another innovation by Pope Francis is the extension of the traditional consultation, on both occasions, to include all the baptized. One of the greatest novelties of post-conciliar synodality is the consultation of baptized Catholics; the question of the specific ways in which this is done is secondary here. In the past, this was quite simply unthinkable – in the strong sense of that word – both in ecclesiology and in praxis. This is one of the most explicit signs that a theology, and a pastoral care with room for the *sensus fidei,* are being taken seriously. We must however note that this new way of "doing church" and "making the church" has created difficulties that should not be underestimated.[1]

In the case of these Synods on the family, the episcopal conferences had to decide the concrete ways of enacting this consultation and writing a report on it. Sometimes, as in France, the dioceses were free to choose what would be asked and how this would be done. In Belgium, the bishops decided to put the two questionnaires online, without any restrictions about the questions or about access. They took three risks in doing so: first, that the questions would not be understood, because of their theological-ecclesial jargon or because of the topics they evoked; secondly, that a synthesis would be impossible, because of the heterogeneity of

[1] See my remarks on this subject in *Synodes et concile en France: Bilan et perspective*, Paris: Conférence des Évêques de France, 2016 (Documents Épiscopat; 5), 21-23.

the responses and the brief space of time allotted for putting the questionnaires on line and for examining the responses; and thirdly, that pressure groups would swing into action on behalf of their particular interests, so that the outcome of the inquiry would be useless. We can affirm that these three risks also existed on the level of the worldwide church. The Pope and the secretariat of the Roman Synods took one further risk, namely, that the persons who were consulted would be disappointed.

1.2 The Belgian Consultation

In Belgium, the questionnaire was published in two languages on the homepage of the Catholic Church and in the weekly parish magazines. The dioceses encouraged, and to some extent organized, groups who would reply. The examination was entrusted to theologians, and the analysis to a professor of moral theology (Thomas Knieps of the Catholic University of Leuven) and four professors of pastoral theology (Annemie Dillen of the Catholic University of Leuven, Henri Deroitte and myself from the Université catholique de Louvain, and Stijn Van Den Bosche from the International Center *Lumen Vitae*).

1,283 French-language questionnaires were examined at the first consultation in 2014; 184 of these were sent in by groups. 306 Flemish-language questionnaires were examined; 60 of these were sent in by groups. There were some recurrent negative observations about the process itself: the formulation of the questionnaire was unsuitable and incomprehensible for the great majority of the targeted public; the questionnaire was too long and required knowledge that not all parishioners possess; there was insufficient time for a questionnaire of this kind, so that it was not possible to organize groups for a deeper discussion. The responses were often partial, or generalized without specifying in detail which precise question they were referring to. Some people simplified the questionnaire to make it accessible, but sometimes this meant that the questions got distorted. It was impossible to determine how far those who replied were representative of the Catholics in Belgium as a whole. In addition to all these responses, some individual experts and groups of experts sent in their reactions, sometimes partial and sometimes highly developed. The principal effect would thus have been a raising of people's awareness, clearly awakening expectations of an evolution, especially in the subject that brings us together in this symposium.

The fourth sub-question c of question 4, on the number of persons who are separated or divorced and remarried, and on the activity of the local church in their regard ("Are separated couples and those divorced and remarried a pastoral reality in your particular Church? Can you approximate a percentage? How do you deal with this situation in appropriate pastoral programmes?"), received numerous responses, almost all of which expressed a lack of comprehension, or a

lack of acceptance, of the ecclesiastical discipline.[2] There was a divergence in the responses with regard to the perception of the way in which these persons live their relationship to the church (sub-question d: "In all the above cases, how do the baptized live in this irregular situation? Are they aware of it? Are they simply indifferent? Do they feel marginalized or suffer from the impossibility of receiving the sacraments?"), and with regard to what they expect (sub-question e: "What questions do divorced and remarried people pose to the Church concerning the Sacraments of the Eucharist and of Reconciliation? Among those persons who find themselves in these situations, how many ask for these sacraments?"). In general terms, we see that the consciousness, the indifference, the feeling of being excluded, and the suffering seem sometimes present and sometimes absent and that, most frequently, they are mixed, as is the case with other feelings. The requests of divorced and remarried persons are various and concrete. They ask for the positive benefits of being welcomed, being forgiven, and having the feeling that they have a place in the Church, and they ask for more "Gospel love". They also aspire to be treated in the same way as everyone else and to be able to remain practicing Catholics. The request to be able to receive the sacraments is strong, especially with regard to penance and the eucharist, but sometimes also with regard to matrimony. Some people appeal to the freedom of conscience; others would like to see their new union blessed. Some ask to be given a second chance; and some want the Church to reconsider the way in which it sees divorce. And finally, there are some who would no longer make any request of the Church, either because they believe that they are rejected, or else because they are "sorting things out" on their own.

The second consultation in 2015 received less than half as many responses, and the phenomenon of lobbying was plain to see. Since so many responses came from groups that were not identified, but that we have characterized as "rigorist", it was not possible to extrapolate anything from the proportions of the responses that were received. Besides this, the questions were just as difficult as in the first questionnaire. For example, no. 38, which was relevant to the present topic, runs as follows:

> With regard to the divorced and remarried, pastoral practice concerning the sacraments needs to be further studied, including assessment of the Orthodox practice and taking into account "the distinction between an objective sinful situation and extenuating circumstances" (n. 52 [of the 2014 *Relatio synodi*]). What are the prospects in such a case? What is possible? What suggestions can be offered to resolve forms of undue or unnecessary impediments?[3]

[2] The questionnaire is available from http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20131105_iii-assemblea-sinodo-vescovi_en.html; accessed 12.12.2016.

Apart from the "rigorist" responses that insisted on the strict preservation of current discipline, the great majority of the Belgians who responded expressed the wish that divorced and remarried persons should be able to receive the sacraments, especially penance and the eucharist. Many observed that in any case, many priests did not practice this form of exclusion: they gave communion with a good conscience to persons who were divorced and remarried. Some envisaged the structure of an accompaniment on a spiritual path that, for some persons, could go as far as a sacramental remarriage. For some, it is normal to want a second chance. This would be a lesser evil, and it would be appropriate, in that case, to recognize the values of the new union. But others insisted on the suffering that such a recognition would inflict on the partner who had been abandoned. Others again wanted the divorced and remarried persons not to be shut up in their failure: they should be reintegrated into the community with discernment, and without any judgment. And they should be offered a blessing (something that already occurs in practice). They underlined the freedom of conscience. Some went as far as to propose that the idea of sin should also be suppressed.

We should note that a parallel large-scale investigation of a more academic character was carried out in Flanders by our colleagues at the KU Leuven. This resulted in positions that were clearly more marked, and that were almost unanimous in their lack of understanding of the official Catholic discipline.[4]

1.3 Fears and Disappointments

If we were to sum up the numerous comments that were made after the publication of *Amoris laetitia*, at least in French-speaking Europe and North America, as well as in Germany, we would have to say: "All that trouble – for such a small result!" So much energy, so many meetings, so much work and time – to end up with a text that seems rather banal on a superficial reading, a text that satisfies neither the rigorists who defend the pure doctrine nor those who work on the ground level and are confronted with a multitude of painful situations. Several cardinals, bishops, and traditionalist groups have spoken at length in the media about their dissatisfaction with this text, which "sells off" both doctrine and sacraments. Their statements are characterized by a vocabulary that is linked to fear.

[3] Available from http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20141209_lineamenta-xiv-assembly_en.html; accessed 12.12.2016.

[4] Cf. A. DILLEN/T. KNIEPS-PORT LE ROI/K. KRYSINSKA: "A Growing Gap? Catholic Pastoral Workers and Volunteers' Perceptions of Family Life and Church Teaching in Flanders", in: E. OSEWSKA/J. STALA (eds.), *Modern Family: Local and European Perspectives*, Krakow: The Pontifical University of John Paul II, Krakow Press, 159-177.

Others have spoken of their hope that this text will allow them to encounter and to accompany in truth those who live in a situation of failure and suffering. This was the case, for example, with Cardinal Schönborn of Vienna and Cardinal Vingt-Trois of Paris. But the great majority of the priests, deacons, and lay persons who are involved in pastoral work – as well as most of the baptized – seem to be keeping silent. One initial common interpretation was to call this reception a disappointment, since, ultimately, it was not possible to perceive any doctrinal or pastoral change. My hypothesis is that *Amoris laetitia* is a text that is very hard to understand on those points where the expectations were greatest. This is due, not only to the compact nature of the text, but also and above all to its intention to bypass the primary traditional reading that posits an antithesis between the doctrinal and the pastoral. The new attitude to which Pope Francis is inviting us requires such huge shifts that this would be too difficult for most Catholics.

In my following reflections, I shall look at nos. 76-79 of the Apostolic Exhortation *Amoris laetitia,* entitled "Seeds of the Word and imperfect situations," in chapter 3; nos. 241-246 in the section entitled "Casting light on crises, worries, and difficulties" with the subtitle "Accompaniment after breakdown and divorce", in chapter. 6; and nos. 296-312, entitled "The discernment of 'irregular' situations", "Mitigating factors in pastoral discernment," "Rules and discernment," and "The logic of pastoral mercy" in chapter 8. The words employed in these titles already indicate problems that are both theological and pastoral – but also problems of canon law.

2 The Traditional Disjunction between the Doctrinal and the Pastoral as the Root of the Problem

We often read a major criticism of the Second Vatican Council in traditionalist circles and in similar groups: namely, that since this was a "pastoral" council, to use the language of Popes John XXIII and Paul VI, it did not basically involve doctrine (understood as the presentation of dogma and of morality). It is useless to point out – although I do so anyway – that such declarations lack any foundation in history or theology. Pope Paul VI himself rejected such an interpretation as contrary to the project and to the texts of the Council. I do not wish to labor this point, but it is precisely the same type of criticism that we find today among the heirs of these milieus, including bishops and cardinals. They claim that *Amoris laetitia* is a text with an exclusive practical dimension. All that *Amoris laetitia* would demand of us is to improve our pastoral activity in order to be better adapted to the work of evangelization today. With regard to the pastoral care of persons who are divorced and remarried, a little more mercy and accompaniment would be needed, in order to keep these persons in the Church. This means that everyone

would agree that "[i]t is a matter of reaching out to everyone" (AL 297). What I have just said scarcely amounts to a caricature of a tension that has persisted since the Council. Let us take a brief look more closely at what "doctrine" might be.

2.1 Amoris Laetitia *and "Doctrine"*

Amoris laetitia employs the noun "doctrine" and the adjective "doctrinal" fourteen times, but it is used at least four times with a negative connotation,[5] and at any rate in a restrictive manner. It suffices to quote no. 59:

> Our teaching on marriage and the family cannot fail to be inspired and transformed by this message of love and tenderness; otherwise, it becomes nothing more than the defense of a dry and lifeless doctrine.

This very clearly indicates an intention to get beyond an antithesis between the doctrinal and the pastoral, or at least, to reduce the distance that separates them. This type of formulation is clearly different from the use of the word "doctrine" to provide a positive justification of the impossibility of giving eucharistic communion to divorced and remarried persons in the Apostolic Exhortation *Familiaris consortio* (1981): "Besides this, there is another special pastoral reason: if these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church's teaching about the indissolubility of marriage."[6] At the beginning of *Amoris laetitia*, Pope Francis himself gives a key to the interpretation of the entire text:

> Unity of teaching and practice is certainly necessary in the Church, but this does not preclude various ways of interpreting some aspects of that teaching or drawing certain consequences from it. (AL 3)

We shall arrive at the fullness of truth only at the end of time. In the present time, we remain marked by our multiple cultural contexts, which make different interpretations possible. The very reason for the existence of the Church is to make

[5] AL 49: "Rather than offering the healing power of grace and the light of the Gospel message, some would 'indoctrinate' that message, turning it into 'dead stones to be hurled at others'." (The quote is taken from *Conclusion of the Synod of Bishops on the Family: Address of His Holiness Pope Francis*, 24.10.2015, available from http://w2.vatican.va/content/francesco/en/events/event.dir.html/content/vaticanevents/en/2015/10/24/sinodo.html; accessed 12.12.2016.) AL 59: "Our teaching on marriage and the family cannot fail to be inspired and transformed by this message of love and tenderness; otherwise, it becomes nothing more than the defense of a dry and lifeless doctrine." AL 79: "Therefore, while clearly stating the Church's teaching, pastors are to avoid judgments that do not take into account the complexity of various situations." AL 134: "Marital love is not defended primarily by presenting indissolubility as a duty, or by repeating doctrine, but by helping it to grow ever stronger under the impulse of grace."

[6] JOHN PAUL II: *Familiaris consortio*, 1981, 84.

it possible for these cultures to be embodied against a horizon of unity, and hence of hope. The theologian François Bousquet has expressed this well in a recent article about the structure of the relationship between dogmatics and praxis:

> The principal function of the Church is in fact to be a body of hope, to make credible the proclamation of the Kingdom that is coming, by giving it proleptically a body and visibility, in the power of an eschatology that has not waited for the end to manifest itself.[7]

Leaving aside the word "doctrine", the Pope has preferred the word "norm" and has emphasized it by employing it twenty-two times, which is strongly present, for example, in no. 301, especially in his quotation from no. 33 of *Familiaris consortio*:

> More is involved here than mere ignorance of the rule. A subject may know full well the rule, yet have great difficulty in understanding "its inherent values" [FC 33], or be in a concrete situation which does not allow him or her to act differently and decide otherwise without further sin. (AL 301)

But "norm" is not the equivalent of "doctrine". The two terms have a different weight in the Catholic Church, theologically, in canon law, and also emotionally.

I propose now to look in detail at three expressions or subjects that reveal the Pope's intention to get beyond the antithesis between the doctrinal and the pastoral. At the same time, we shall see how hard this is to grasp, if the one who reads *Amoris laetitia* is not forewarned.

2.2 *"The Discernment of 'Irregular' Situations"*

This title of numbers 296 to 300 is emblematic of the tension between the doctrinal and the pastoral – a tension that can go as far as an irreparable fissure, when an antithesis is posited between the two. The Pope employs the adjective "irregular", which locates this question directly in the normative or legal register. This word is used in numbers 297, 301, and 305, and this makes it the official term for subsequent usage. However, the use of inverted commas each time means that this punctuation too becomes part of the language of the magisterium, just as much as the adjective itself. We need to pay attention to these inverted commas.

The title is accompanied by a footnote that we must look at, if we are to grasp the significance of the term itself and to interpret these inverted commas. The note refers to the papal catechesis on June 24, 2015.[8] I quote:

[7] F. BOUSQUET: "Principe dogmatique et théologie contemporaine?, in: *Recherches de Science Religieuse* 95 (2007), 545-558, here 551.

[8] Cf. AL 269, footnote 325.

> Around us we find various families in so-called irregular situations – I don't really like this word – and it causes us to wonder.

I suggest to look at this discourse and listen to it. It is highly significant for understanding the idea of irregularity. The video[9] shows that the words between dashes were not envisaged in the text that had been prepared. I agree with the opinion of Jean-François Chiron and Alain Thomasset that the expressions "various situations of fragility or imperfection" (AL 296) or "complicated situations" (AL 213) do in fact appear to express his thinking better.[10]

The use of inverted commas around "irregular" in *Amoris laetitia* helps the commentators on the Exhortation to understand this term. The official presentation by Cardinal Schönborn employs these inverted commas systematically.[11] But other texts use the term without inverted commas, indicating thereby their disagreement or their lack of understanding. We should not overdo this interpretation. Nor should we turn it into a system. But I believe that we shall learn something that is very valuable for the chapter 8 of *Amoris laetitia*, if we pay attention to the inverted commas.

2.3 *"They Are Not Excommunicated"*

I believe that Pope Francis' intention to get beyond the tension between the doctrinal and the pastoral can be seen in the sentence: "They are not excommunicated", when we examine the context in which this is said, and the references that are proposed there.

The verb "to excommunicate" is used three times in *Amoris laetitia*, each time in its passive form. The first occurrence is a reference to a catechesis held by Pope Francis on August 5, 2015:

> It is important that the divorced who have entered a new union should be made to feel part of the Church. "They are not excommunicated" and they should not be treated as such, since they remain part of the ecclesial community [261]. (AL 243)

[9] FRANCIS: "The Family – 20. Wounds", Discourse at the General Audience on June 24, 2015, available from: http://w2.vatican.va/content/francesco/en/audiences/2015/documents/papa-francesco_20150624_udienza-generale.html; accessed 08.12.2016. For the video: 17'12 to 18'30, "cosiddetti irregolari; a me non piace questa parola".

[10] J.-F. CHIRON/A. THOMASSET: "Présentation et notes sur le chapitre 8", in: *Exhortation apostolique Post-Synodale du pape François La Joie de l'Amour: Édition présentée et annotée sous la direction du Service national Famille et Société – Conférence des évêques de France – et de la Faculté de théologie du Centre Sèvres*, Namur-Paris, Éditions Jésuites, 2016, 283.

[11] Cf. "Cardinal Schönborn's Intervention at Presentation of Amoris Laetitia", available from https://zenit.org/articles/cardinal-schonborns-intervention-at-presentation-of-amoris-laetitia/; accessed 12.12.2016.

> "How can we encourage those parents to do everything possible to raise their children in the Christian life, to give them an example of committed and practical faith, if we keep them at arm's length from the life of the community, as if they were somehow excommunicated?... [270]" (AL 246)

If we look at the discourse as a whole, the suggestions that the Pope makes are even bolder, in keeping with the oral style of these audiences:

> In these decades, in truth, the Church has been neither insensitive nor lazy. Thanks to the in-depth analysis performed by Pastors, led and guided by my Predecessors, the awareness has truly grown that it is necessary to have a fraternal and attentive welcome, in love and in truth, of the baptized who have established a new relationship of cohabitation after the failure of the marital sacrament: in fact, these persons are by no means excommunicated – they are not excommunicated! – and they should absolutely not be treated as such: they are still a part of the Church.[12]

If, however, we understand the term "excommunication" in its usual sense, these words are incomprehensible. The French Larousse dictionary gives the following brief definition: "Exclusion of a member of a religious community to which he belongs."[13] This already shows us the problem. Can a person be both excluded (in the usual sense of this word) and not excluded (according to *Amoris laetitia*)? Things get complicated as soon as we touch on the sacraments and ministries. There is thus a paradox between the papal affirmation that one belongs to the community (in other words, that one is not excommunicated), and being definitively refused access to the sacraments (in other words, that one is excommunicated).

This is not only a question of receiving the sacraments – a matter to which we shall return in the next section. *Amoris laetitia* contains a highly ambiguous passage about certain functions of service in the Church:

> No one can be condemned for ever, because that is not the logic of the Gospel! Here I am not speaking only of the divorced and remarried, but of everyone, in whatever situation they find themselves. Naturally, if someone flaunts an objective sin as if it were part of the Christian ideal, or wants to impose something other than what the Church teaches, he or she can in no way presume to teach or preach to others; this is a case of something which separates from the community (cf. *Mt* 18:17). (AL 297)

If we read this text aright, it states that only some divorced persons who are involved in a new union cannot be catechists or preachers – namely, those who dress up their situation as "part of the Christian ideal". This means that the others are allowed to do so. And this authorizes us to turn the sentence round: "If someone does not flaunt an objective sin... he can presume to teach or preach to

[12] FRANCIS: "The Family – 20. Wounds". For the video: 30' to 30'19.

[13] http://www.larousse.fr/dictionnaires/francais/excommunication/32028; accessed 08.12.2016.

others." This answers the wishes that were most frequently expressed during the consultations before the Synod, for example in Belgium. But it runs counter to the generally held understanding of excommunication, as this is formulated in the dictionaries or in Wikipedia.[14] And it is inconceivable that there could be partial excommunications that are manifested in partial belongings. The Pope's affirmation may be very striking, but ultimately, it can only engender confusion.

The lengthy passages that set out in detail the discernment that must be practiced in this sphere can only accentuate the difficulty of comprehension. I believe that the problem is the author's refusal to employ a doctrinal language with clearly identified referents (accepting the risk that the reader might contest these), while at the same time refusing to reject this language explicitly. The proposal of the path of discernment is in fact more demanding,[15] and is doubtless too complicated. "It is not a question of a 'double morality' where one would have (on the one hand) the strict doctrine and (on the other hand) the supple pastoral care, but rather of the demand that we take the individual situations seriously when the ideal is put into practice."[16]

The third occurrence of "excommunication" permits me to risk formulating a hypothesis about the Pope's position by searching for the keys that he himself offers. AL 299 sets out the specific situation of persons who are divorced and remarried, with a lengthy quotation from no. 84 of the *Relatio finalis* of the 2015 Synod:

> Their participation can be expressed in different ecclesial services, which necessarily requires discerning which of the various forms of exclusion currently practiced in the liturgical, pastoral, educational and institutional framework can be surmounted. Such persons need to feel not as excommunicated members of the Church, but instead as living members, able to live and grow in the Church and experience her as a mother who welcomes them always, who takes care of them with affection and encourages them along the path of life and the Gospel. (AL 299)

Let us recall that this no. 84 of the *Relatio finalis* is one of the numbers that received the highest number of votes against it (72 "no" against 187 "yes"), so that it only just passed the two-thirds threshold of the conciliar tradition (72.2%). In a sense, the Pope is sheltering under the Synod here. He reinforces the authority of his suggestion by appealing to the vote of the bishops.

This number presents a significant pastoral difficulty, because it specifies, not the "various forms of exclusion", but only the spheres of this exclusion – that is to

[14] https://en.wikipedia.org/wiki/Excommunication; accessed on 08.12./2016.

[15] This is also emphasized by C. THEOBALD: "Postface", in: *Exhortation apostolique Post-Synodale du pape François La Joie de l'Amour,* 321-336, here 334-335.

[16] J.-F. CHIRON/A. THOMASSET: "Présentation et notes sur le chapitre 8", 288.

say, the liturgy, pastoral care, education, and the ecclesial institution. The reader therefore needs to know what the text specifically refers to, but it is not easy to find this information. In the rest of the text, we have already read in no. 297 that at any rate, catechesis and preaching are included here.

We have to go to no. 300 to find a key with reference to the sacraments, but this key is accessible only to those who know how to read between the lines. The Pope proceeds by means of three references that conceal his meaning, in the manner of a matryoshka doll (or Russian doll):

> What is possible is simply a renewed encouragement to undertake a responsible personal and pastoral discernment of particular cases, one which would recognize that, since "the degree of responsibility is not equal in all cases" [335], the consequences or effects of a rule need not always necessarily be the same [336]. (AL 300)

The Pope adds a personal commentary in footnote 336:

> This is also the case with regard to sacramental discipline, since discernment can recognize that in a particular situation no grave fault exists. In such cases, what is found in another document applies: cf. *Evangelii Gaudium* (24 November 2013), 44 and 47.

The second reference brings us to proposals in the 2013 text about the attitude of openness and welcome that must be developed in all circumstances.[17] In particular, no. 47 of *Evangelii gaudium* contains some sentences about access to the sacraments:

> One concrete sign of such openness is that our church doors should always be open, so that if someone, moved by the Spirit, comes there looking for God, he or she will not find a closed door. There are other doors that should not be closed either. Everyone can share in some way in the life of the Church; everyone can be part of the community, nor should the doors of the sacraments be closed for simply any reason. This is especially true of the sacrament which is itself the "door": baptism. The Eucharist, although it is the fullness of sacramental life, is not a prize for the perfect but a powerful medicine and nourishment for the weak [51].

The reader of *Amoris laetitia* will not notice this reference to baptism and the eucharist, because Pope Francis evokes it only obliquely by means of a footnote referring to another text. When one approaches *Amoris laetitia* from the perspective of practical theology, one may legitimately wonder how such a reader can grasp what is going on in the text here. Nor is this all: we must continue our reading of the matryoshka dolls by examining a third reference. In footnote 51 of *Evangelii gaudium,* the Pope quotes two church fathers, Saint Ambrose of Milan on the forgiveness of sins by means of the eucharist, and Saint Cyril of Alexandria on the unworthiness of everyone (himself included) to receive the eucharistic communion.[18]

[17] *Amoris laetitia* refers three times in its footnotes to this no. 47 of *Evangelii gaudium.*

At the conclusion of this examination of his text, there can be little doubt that Pope Francis is pleading that access to the sacraments should be possible for those in so-called "irregular" situations. But he does not make this plea in a generalized and undifferentiated way. The affirmation that these persons are not excommunicated must be interpreted to mean that they are not definitively excluded from eucharistic communion.[19] But which readers will have undertaken all this journey of exploration that I have just undertaken? There is a risk that those involved in pastoral work will stop short at the first matryoshka doll, and will mistakenly suppose that nothing changes in *Amoris laetitia*

However, the Pope returns insistently to this point in no. 305, on norms and discernment, where he evokes the question of the imputability of sin, with the tension between the objective and the subjective dimensions. Here, he refers once more to numbers 44 and 47 of *Evangelii gaudium.*

> Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin – which may not be subjectively culpable, or not fully such – a person may be living in God's grace, can love and can also grow in the life of grace and charity, while receiving the Church's help to this end. [351] (AL 305)

The question of imputability refers in particular to the most contested number of the *Relatio finalis* of 2015.[20] But the question is not located in that text: we must read note 351, which brings a specification about the nature of the Church's help:

> In certain cases, this can include the help of the sacraments. Hence, "I want to remind priests that the confessional must not be a torture chamber, but rather an encounter with the Lord's mercy" (Apostolic Exhortation *Evangelii Gaudium* [24 November 2013], 44 : AAS 105 [2013], 1038). I would also point out that the Eucharist "is not a prize for the perfect, but a powerful medicine and nourishment for the weak" (*ibid.,* 47: 1039).

[18] Cf. Saint Ambrose, *De Sacramentis,* IV; 6, 28: PL 16, 464: "I must receive it always, so that it may always forgive my sins. If I sin continually, I must always have a remedy": id., op. cit., IV, 5, 24: PL 16, 463: "Those who ate manna died; those who eat this body will obtain the forgiveness of their sins"; Saint Cyril of Alexandria, *In Joh. Evang.,* IV, 2: PG 73, 584-585: "I examined myself and I found myself unworthy. To those who speak thus I say: when will you be worthy? When at last you present yourself before Christ? And if your sins prevent you from drawing nigh, and you never cease to fall – for, as the Psalm says, 'what man knows his faults?' – will you remain without partaking of the sanctification that gives life for eternity?"

[19] I note here with regret that the question of the Anointing of the sick was never raised in the synodal process.

[20] No. 85 on the imputability of the situation – and thus the question whether or not mortal sin is committed – was adopted by 178 to 80, that is, with a majority of 68.99%.

Our examination of the meandering text and footnotes finally allows us to see the Pope's intention clearly. We are, however, still entitled to wonder if this was the right way to do things, since it risks a confusion that is not favourable to the pastoral exercise of mercy. Nor can such a confusion provide an impetus for the renewal of systematic theology. We do not accuse the Pope of acting according to strategic calculations. This may perhaps be his own way, his style,[21] of getting beyond the sclerosis that is the outcome of the tension among various approaches that claim to have more or less the first right to a doctrine that is supposed to be unchangeable.

2.4 The Children as a Pastoral Priority

I now add a new hypothesis that is generated by the attentive reading of *Amoris laetitia*, namely, that the Pope's pastoral concern for persons in "so-called 'irregular' situations" is motivated just as much (or even more so) by concern for the children of these persons.

When he writes in no. 299 about the goal of integrating divorced and remarried persons into the Church, the quotation from the *Relatio finalis* of 2015 continues: "This integration is also needed in the care and Christian upbringing of their children, who ought to be considered most important." (AL 299) The Synod Fathers, followed on this point by the Pope, speak first of the care and the Christian education of the children. They thus give them symbolically the first place, even before speaking of the situation of remarried adults. This point, which is marginal *per se,* could already be noted in no. 246; it is reinforced further on in the text. It is also remarkable, and indeed astonishing, that the first question that is formulated in the paragraph about the examination of conscience (reflection and repentance) by divorced and remarried persons concerns the children:

> The divorced and remarried should ask themselves: how did they act towards their children when the conjugal union entered into crisis... (AL 300)

This could give the impression that the Church authorities, and especially the Pope, are primarily concerned with the children. Is this to be understood as a concern about the future of the ecclesial institution – a future that would no longer be represented by adults who had experienced marital breakdown? We could make this point in the form of a caricature, as follows: "The worst has come to the worst. So let us do what we can to save what could still have a future."

[21] To use the theological category that has been developed in recent years by the German Jesuit theologian Christof Theobald.

Let us look more closely at what *Amoris laetitia* says here, by examining the first number that mentions divorce and its consequences. No. 41 quotes no. 10 of the *Relatio synodi* of 2014, where the children are mentioned after the adults:

> "...A crisis in a couple's relationship destabilizes the family and may lead, through separation and divorce, to serious consequences for adults, children and society as a whole, weakening its individual and social bonds" [16]. (AL 41)

When we broaden the picture to take in *Amoris laetitia* as a whole, as well as a number of Pope Francis's discourses, we can see that this is indeed something that concerns him personally. It suffices here to read his catecheses on the family at the Wednesday papal audiences in 2015. For example, when speaking on 24 June of "the hurts that are incurred in family life," he said:

> The depletion of conjugal love spreads resentment in relationships. And often this disintegration "collapses" onto the children. There: the children. I would like to mediate a little on this point. Despite our seemingly evolved sensitivity, and all our refined psychological analyses, I ask myself if we are not just anaesthetizing ourselves to the wounds in children's souls.

I have merely sketched this hypothesis about the priority that *Amoris laetitia* accords to the children. This priority finds a quantitative expression, because the entire text speaks almost unceasingly about the children. In the pastoral care of those in a so-called "irregular" situation, the children are in fact a major criterion of discernment and of the pastoral choices that are to be made. Nos. 245 and 246 are particularly important here. I quote some extracts by way of example:

> The Synod Fathers also pointed to "the consequences of separation or divorce on children, in every case the innocent victims of the situation".[267] Apart from every other consideration, the good of children should be the primary concern, and not overshadowed by any ulterior interest or objective. I make this appeal to parents who are separated: "Never ever take your child hostage!" (AL 245)

> The Church, while appreciating the situations of conflict that are part of marriage, cannot fail to speak out on behalf of those who are most vulnerable: the children who offer suffer in silence. Today, "despite our seemingly evolved sensibilities and all our refined psychological analyses, I ask myself if we are not becoming numb to the hurt in children's souls... Do we feel the immense psychological burden borne by children in families where the members mistreat and hurt one another, to the point of breaking the bonds of marital fidelity?"[269] Such harmful experiences do not help children to grow in the maturity needed to make definitive commitments. For this reason, Christian communities must not abandon divorced parents who have entered a new union, but should include and support them in their efforts to bring up their children. (AL 246)

It does not in any way affect the specifically doctrinal dimension of our theme. And it is easy for the Pope to appeal to theological arguments drawn from sacred scripture, without contradicting a unanimous theological tradition. In this way, he easily wins the unanimous consent of the entire Church. The pastoral priority accorded to the children – something close to the heart of Pope Francis – would displace the paralyzed focal point between the doctrinal and the pastoral dimensions of the situation of these divorced and remarried persons. At any rate, this hypothesis deserves to be studied more deeply.

3 Perspectives after *Amoris Laetitia*

3.1 The Magisterial "Fragility" of the Exhortation

The corpus of the magisterium that is evoked by way of references in order to provide the foundation of chapter 8 of what is only a Post-Synodal Apostolic Exhortation does not enjoy the highest authority in the teaching of the Catholic Church – what we find here are the Apostolic Exhortations *Familiaris consortio* and *Evangelii gaudium,* and catecheses delivered at the weekly papal audiences. This has little weight in a doctrinal reading of the tradition, all the more so, because the quotations or allusions refer most frequently to texts by Pope Francis himself. This is one of the explicit dimensions mentioned in the letter sent by forty-five so-called "theologians" (some of whom are explicit traditionalists) on June 29, 2016.[22] I quote:

> Some commentators have asserted that the document does not contain magisterial teaching as such, but only the personal reflections of the Pope on the subjects it addresses. This assertion if true would not remove the danger to faith and morals posed by the document. If the Supreme Pontiff expresses a personal opinion in a magisterial document, this expression of opinion implicitly presents the opinion in question as one that it is legitimate for Catholics to hold. As a result, many Catholics will come to believe that the opinion is indeed compatible with Catholic faith and morals.

Pope Francis anticipates this potential criticism in no. 3 of AL:

> Since "time is greater than space," I would make it clear that not all discussions of doctrinal, moral or pastoral issues need to be settled by interventions of the magisterium. (AL 3)

Although the first part of this sentence may doubtless be enigmatic for a very large number of readers, the second part is unambiguous and is reinforced by the

[22] Available from https://www.lifesitenews.com/news/full-text-of-45-theologians-appeal-to-correct-amoris-laetitias-errors-revea; accessed 08.12.2016.

words: "I would make it clear that not all ... " This, however, cannot be taken for granted in the Catholic tradition. Pope Francis relies primarily on the collegial authority of the bishops, which was expressed at the Roman Synods. This is why he quotes at length from the *Relatio Synodi* of 2014 and the *Relation finalis* of 2015, especially when the subjects that he evokes are delicate and complex. And this is why he also refers to documents issued by episcopal conferences.

The fact that the Pope has abandoned the classical construction of texts by the magisterium – proceeding from the doctrinal to the pastoral – has destabilized some theologians and pastors. But Pope Francis does not aim in the least to be abandoning the tradition of the Church. He positions himself explicitly in the continuity of the history of salvation that was inaugurated in the first covenant, and in the Christian revelation that was transmitted in the New Testament and has been penetrated more deeply down through the centuries. He retains what seems to him most appropriate for today's world. The numerous references to Pope John Paul II seek to establish this continuity, especially with the Post-Synodal Apostolic Exhortation *Familiaris consortio* of 1981.

3.2 "An Implementation That is Feeling its Way"[23]

This is the title of an article that was published in the French daily newspaper *La Croix* in June 2016 and that reflects well the timid initiatives that have been undertaken in the sphere of the pastoral care of families. In the western French-speaking area, some dioceses are establishing specific training courses or groups, and these have been given a new élan thanks to the encouragement in *Amoris laetitia.* "Small steps" have been taken here and there. *Amoris laetitia* applies this expression to the education of children, under the title "Patient realism" (AL 271).[24] This applies very well to the present topic too.

It is certainly true that the pastoral mission does not start from zero. And of its very nature, accompaniment is a dynamic process.[25] In his official presentation, Cardinal Schönborn predicted how readers would react to chapter 8: "But what does this mean concretely? Many people ask this question, and rightly so." He suggests that the keys can be found in no. 300, and states that the future disappointment will be due to questions that are badly formulated.[26] I myself would

[23] "*Amoris laetitia*, une mise en œuvre à tâtons", in: *La Croix* (30.06.2016), 24-25.

[24] "Ordinarily this will be done by proposing small steps that can be understood, accepted and appreciated, while including a proportionate sacrifice. Otherwise, by demanding too much, we gain nothing."

[25] "In any event, let us recall that this discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized." (AL 303)

[26] Other interpretations are possible. For example, Bishop J. KOCKEROLS finds "the hermeneutical key" in no. 312, see *Pastoralia* [Brussels] (2016/6), 10-11, here 11.

choose no. 308 as the hermeneutical key, since it goes beyond details and specific situations. Taking a global view, the Pope appeals for a change of pastoral style:

> I understand those who prefer a more rigorous pastoral care which leaves no room for confusion. But I sincerely believe that Jesus wants a Church attentive to the goodness which the Holy Spirit sows in the midst of human weakness, a Mother who, while clearly expressing her objective teaching, "always does what good she can, even if in the process, her shoes get soiled by the mud of the street" [356 (EG 45)]. (AL 308)

3.3 A Synodality That Must Be Put into Practice

If, however, this change that the Pope desires is to be implemented, precise instruments are required. And since these do not yet exist, everything depends henceforth on the local Churches, which may perhaps sometimes be ill prepared for this task.

It is not by chance that Pope Francis spoke about synodality when he closed the second Synod. I quote his words: "It is precisely this path of *synodality* which God expects of the Church of the third millennium."[27] In 1964, the Catholic Church renewed its own self-understanding in a profound manner. The fruit of the reflections at the Second Vatican Council were set out principally in the Dogmatic Constitution *Lumen gentium.*[28] Much still remains to be drawn from its teaching, and not all of its explicit and implicit orientations have been put into practice. Although the word "synodality" is not found in that text, it is probably one of the terms that best express the options of the conciliar fathers for the future. In 2015, the Jesuit theologian John O'Malley noted with delighted astonishment the appearance of the neologism "synodality" in the English-speaking world, and saw this as a major sign of the reception of the Second Vatican Council.[29] The French-speaking world has become more accustomed to *synodalité* over the past decades.[30] Various speeches by Pope Francis have elaborated this synodality with

[27] FRANCIS: "Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops: Address of His Holiness Pope Francis", 17.10.2015, available from http://w2.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html; accessed 08.12.2016.

[28] Not only in *Lumen gentium.* Éric Boone sees the diocesan synods as an important locus of the reception of the decree *Apostolican actuositatem*; cf. E. BOONE: "Le décret Apostolicam actuositatem: L'engagement des laïcs dans l'Église et dans le monde", in: *Revue Théologique de Louvain* 45 (2014), 562-593.

[29] J. O'MALLEY: "Family Gathering: Rediscovering the Role of the Synod of Bishops", in: *America* (20-27 July 2015).

[30] My colleague, the canon lawyer Alphonse Borras, has recently looked at this idea and analyzed three concrete realizations: the diocesan synod, the diocesan pastoral council, and the synod of bishops; cf. A. BORRAS: "Trois expressions de la synodalité depuis Vatican II", in: *Ephemerides Theologicae Lovanienses* 90/4 (2014), 643-666. I express my gratitude to him here for his suggestions and advice with regard to this *Document Épiscopat.*

a recurrent appeal to make this dimension of the Church more effective. It would be hard to find words more powerful than his in the discourse cited above, or than the following affirmation: "A synodal Church is a listening Church, conscious that listening 'is more than hearing.' It is a reciprocal listening in which each one has something to learn."[31]

With regard to the subject that concerns us here, we can draw a distinction between the local level and the regional or national level. Locally, we must search together for the places and the praxis that build up the future Church that integrates those who are divorced and remarried. If they are believers and are willing to take their place in the Church, they must play their own role in this reflection: this is a theological prerequisite that is based on the baptismal dignity and the divine mercy – it is not in any way a concession to relativism. Synodality, coupled with a collegiality in communion with the Pope, ought to be implemented in the way that is appropriate to episcopal conferences in every culture or context. This desire can be found in several statements made by bishops on the occasion of the two Synods, such as that by Bishop Johann Bonny of Antwerp.

> In their local Churches, the bishops must make a pastoral response to very diverse questions and needs. In the world as a whole, the faithful and their pastors have grasped the opportunity offered by the Synod and by the questionnaire to submit their urgent questions to the Pope and to the bishops. These questions differ from country to country and from continent to continent, but they have a common denominator, namely, the desire that the Church should situate itself in "*the great current of mercy*" (Instrumentum Laboris 68 and 106). It is important that the Synod should acknowledge the local bishops' room for action and their responsibility, which are necessary if they are to formulate adequate responses to pastoral questions in the portion of the people of God that is entrusted to them. The episcopal conferences have a particular role to play here.[32]

There is an echo of this in *Amoris laetitia* in a passage that I have quoted above. It is an orientation for the universal Church:

> Each country or region, moreover, can seek solutions better suited to its culture and sensitive to its tradition and local needs. For "cultures are in fact quite diverse and every general principle... needs to be inculturated, if it is to be respected and applied" [3]. (AL 3)

[31] FRANCIS: "Ceremony Commemorating the 50th Anniversary of the Institution of the Synod of Bishops".

[32] Cf. J. BONNY: *Synod on the Family: Expectations of a Diocesan Bishop*, Antwerp, 2015; available from http://www.associationofcatholicpriests.ie/wp-content/uploads/2014/09/SYNOD-ON-FAMILY-ENG.pdf; accessed 08.12.2016.

4 And now: "A Point of No Return"?

The Council speaks clearly about the task of the pastors and theologians, who are at a crossroads – just like the Church which they are helping to grow in the heart of humankind. The aim of my reflection was to examine *Amoris laetitia* in greater detail, in order to renew the proclamation of the Good News to the women and men, but also to the children, of our age. I have emphasized the new pastoral style of the Apostolic Exhortation, but also how hard it is to understand. It deserves to be worked on by all the baptized who are concerned about their life of faith – not only by priests, deacons, and lay persons who are involved in pastoral work.

"Something has changed in ecclesial discourse", said Cardinal Schönborn at the official presentation of the Exhortation on April 8, 2015. He called *Amoris laetitia* "above all a 'linguistic event,' just like *Evangelii gaudium*". The Archbishop of Vienna began his talk by bringing out the most important point, namely, the style of the text. I quote him:

> In these two hundred pages..., [t]his is his style, and it is his hope that aspects of life are spoken about in the most concrete way possible, especially with regard to the family, one of the most elementary realities of life.

The recurring antitheses between the doctrinal and the pastoral are obsolete. I quote Cardinal Schönborn once more:

> My great joy as a result of this document resides in the fact that it coherently overcomes that artificial, superficial, clear division between "regular" and "irregular", and subjects *everyone* to the common call of the Gospel, according to the words of St. Paul: "For God has consigned all to disobedience, that He may have mercy on all" (Rom. 11, 32).

The inverted commas around the word "regular" are not taken from *Amoris laetitia,* but I find the Cardinal's interpretation legitimate. Pope Francis does not relativize these categories. Rather, he displaces them and thus goes beyond them. "The celebrated 'pastorality' that has been so much discussed since Vatican II does not consist in a simple 'application' of doctrine."[33] We must identify the pastoral contexts in which we should invest, in order that the pastoral style promoted by Pope Francis can take on a concrete form. We may indeed be at a "point of no return", but it is still necessary for the priests, the deacons, and the lay persons who are involved in pastoral work to have the courage to "go out" from their habitual framework of action in order to innovate, in fidelity to the Gospel and listening to the Holy Spirit. Without concrete orientations, however, they may get lost; the Pope himself is aware of this.

[33] C. THEOBALD: "Postface?, 322.

I believe that it is a matter of urgency now that each local Church should be allowed to make this text its own and to put it into practice in a way that is creative, innovative and in accordance with the culture or cultures of its members. Synodality is without doubt the most urgently required path from now on.