

# ***Amoris laetitia*: doctrinal guidelines for a pastoral discernment**

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The Apostolic Exhortation *Amoris laetitia* offers the foundations for giving a new and very necessary impulse to the pastoral attention to families in all its aspects. In the eighth chapter, reference is made to delicate situations in which human weakness is more easily seen. The direction proposed by Pope Francis can be summarized with the words that make up the title of the chapter: “accompanying, discerning and integrating weakness.” We are invited to avoid rash judgments and the attitudes of rejection and exclusion and on the other hand to take on the task of discerning the different situations, carrying out a sincere dialogue, filled with mercy, with those concerned. “What we are speaking of is a process of accompaniment and discernment which guides the faithful to an awareness of their situation before God. Conversation with the priest, in the internal forum, contributes to the formation of a correct judgment on what hinders the possibility of a fuller participation in the life of the Church and on what steps can foster it and make it grow. Given that gradualness is not in the law itself (cf. *Familiaris consortio*, 34), this discernment can never prescind from the Gospel demands of truth and charity, as proposed by the Church”<sup>1</sup>. It seems useful to remember some of the points that should be taken into account so that the process of discernment may be in conformity with the teachings of the Church<sup>2</sup>, which the Holy Father presupposes and which he has not in any way wanted to change.

With regards to the sacraments of Penance and the Eucharist, the Church has taught always and in every place that “anyone conscious of a grave sin must receive the sacrament of Reconciliation before coming to communion.”<sup>3</sup> The fundamental structure of the sacrament of Reconciliation “comprises two equally essential elements: on the one hand, the acts of the man who undergoes conversion through the action of the Holy Spirit: namely, contrition, confession, and satisfaction; on the other, God’s action through the intervention of the Church.”<sup>4</sup> If perfect contrition or imperfect contrition

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<sup>1</sup> Pope Francis, *Post-synodal Apostolic Exhortation Amoris laetitia*, 19-III-2016, 300. The internal quotation is from n. 86 of the *Relatio finalis* of the Synod of 2015.

<sup>2</sup> The Holy Father explicitly says so in *Amoris laetitia*, 300.

<sup>3</sup> *Catechism of the Catholic Church*, 1385.

<sup>4</sup> *Ibid.*, 1448.

(attrition) which include the resolution of changing one's life and avoiding sin were lacking, then sins could not be pardoned and even if absolution were to be given, the absolution would be invalid<sup>5</sup>.

The process of discernment should also be coherent with the catholic doctrine on the indissolubility of matrimony whose value and importance in the present moment Pope Francis strongly underlines. The idea that sexual relationships in the context of a second civil union are licit can lead to this second union being considered a true matrimony. This then presents an objective contradiction of the doctrine of indissolubility according to which a marriage that has been ratified and consummated cannot be dissolved, not even by the vicarious power of the Roman Pontiff<sup>6</sup>. If on the other hand, one recognizes that the second union is not true matrimony because the true matrimony is and continues being the first one, then one accepts a state and a condition of life that "objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist."<sup>7</sup> If, besides, life *more uxorio* in the second union is considered morally acceptable, the fundamental principle of Christian moral according to which sexual relations are only licit within a legitimate marriage would be denied. For this reason, the letter of the Congregation for the Doctrine of the Faith of 14th of September 1994 said that "members of the faithful who live together as husband and wife with persons other than their legitimate spouses may not receive Holy Communion. Should they judge it possible to do so, pastors and confessors, given the gravity of the matter and the spiritual good of these persons as well as the common good of the Church, have the serious duty to admonish them that such a judgment of conscience openly contradicts the Church's teaching."<sup>8</sup>

Pope Francis has rightly reminded us that there can be gravely immoral actions from the objective point of view which however on the subjective and formal plane are not imputable or at least not fully, due to ignorance, fear or the other attenuating circumstances that the Church has always taken into account. Seen from this point of such a possibility, it cannot just be affirmed that those who live in what is commonly considered an objective and gravely irregular matrimonial situation are living in a state of mortal sin<sup>9</sup>. The issue is delicate and difficult because it has always been recognized that "*de internis neque Ecclesia iudicat*", not even the Church can judge the state of the most intimate of the conscience. Because of this,

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<sup>5</sup> Cf. *Ibid.*, 1451-1453; Council of Trent, Sess. XIV, *Doctrina de sacramento paenitentia*, cap. 4 (Dz-Hu 1676-1678).

<sup>6</sup> Saint John Paul II in his discourse to the Roman Rota of 21-1-2000, 8 declared that this doctrine should be held definitively.

<sup>7</sup> Saint John Paul II, *Apostolic Exhortation Familiaris consortio* (22 November 1981), 34: AAS 74 (1982), 84

<sup>8</sup> Congregation for the Doctrine of the Faith, *Letter to the Bishops of the Catholic Church concerning the reception of Holy Communion by the divorced and remarried members of the faithful*, 14-IX-1994, 6.

<sup>9</sup> Cf. Pope Francis, *Amoris laetitia*, 301.

the Declaration of the Pontifical Council for Legislative Texts with regards to canon 915 quoted by Pope Francis<sup>10</sup>, in which the prohibition to receive the Eucharist also includes the faithful who are divorced and remarried, also puts a lot of care in outlining what should be understood by grave sin in the context of this canon. The text of the declaration says: “The phrase ‘and others who obstinately persist in manifest grave sin’ is clear and must be understood in a manner that does not distort its sense so as to render the norm inapplicable. The three required conditions are: a) grave sin, understood objectively, being that the minister of Communion would not be able to judge from subjective imputability; b) obstinate persistence, which means the existence of an objective situation of sin that endures in time and which the will of the individual member of the faithful does not bring to an end, no other requirements (attitude of defiance, prior warning, etc.) being necessary to establish the fundamental gravity of the situation in the Church. c) the manifest character of the situation of grave habitual sin.”<sup>11</sup>

The same Declaration clarifies that those faithful who are divorced and remarried would not be considered to be within the situation of serious habitual sin who would not be able, for serious motives, to satisfy the obligation of separation but who abstain from the acts proper to spouses while at the same time avoiding any scandal given the fact that their not living *more uxorio* is per se occult<sup>12</sup>. Outside this case, in the pastoral attention of these faithful, one has to take into account that it seems very difficult for those who live in a second union to have the subjective moral certainty of the state of grace given that only through the interpretation of objective signs could this state be known by one’s conscience and by that of the confessor. Besides, one has to distinguish between a true subjective moral certainty and an error of conscience which the confessor has the obligation of correcting, as has been earlier mentioned since, in the administration of the sacrament the confessor is not only father and doctor but also master and judge, all of which are tasks that certainly have to be carried out with the greatest mercy and delicacy and seeking, above all, the spiritual good of those that draw near to confession.

The afore-mentioned doctrinal aspects which belong to the centuries’ old teaching of the Church, many of them to the ordinary and universal magisterium, should not stop priests from doing their best to have a cordial dialogue of discernment with an open spirit and a big heart. As Pope Francis said, it entails “avoiding the grave danger of misunderstandings, such

<sup>10</sup> Cf. *Ibid.*, 302.

<sup>11</sup> Pontifical Council for Legislative Texts, *Declaration Concerning the Admission to Holy Communion of Faithful Who are Divorced and Remarried* (24 June 2000), 2.

<sup>12</sup> *Ibidem*. It is not superfluous to take into account that one cannot demand that those who live in a second civil union absolutely guarantee that they would not have any more conjugal relations. It is enough that they have a sincere and firm resolution of abstaining. At times it can happen that only one of the spouses has this resolution. In this case, depending on the circumstances and the age, it could be sufficient to allow access to the sacraments, trying always at the same time to avoid scandal.

as the notion that any priest can quickly grant "exceptions", or that some people can obtain sacramental privileges in exchange for favours. When a responsible and tactful person, who does not presume to put his or her own desires ahead of the common good of the Church, meets with a pastor capable of acknowledging the seriousness of the matter before him, there can be no risk that a specific discernment may lead people to think that the Church maintains a double standard."<sup>13</sup> On the contrary, knowing that there is great variety in the particular circumstances just as its complexity is also very great, the moral principles mentioned earlier should help in discerning the way of helping the persons concerned to embark on a path of conversion that will lead them to a greater integration into the life of the Church and, when it is possible, to the reception of the sacraments of Penance and the Eucharist.

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<sup>13</sup> Pope Francis, *Amoris laetitia*, 300.