

# CRITERIA FOR THE APPLICATION OF CHAPTER VIII OF *AMORIS LÆTITIA*



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OF AMORIS LÆTITIA

JANUARY 2017

Dear Brother in the Priesthood,

Like the star which led the Magi towards their encounter with Jesus, the Apostolic Exhortation *The Joy of Love* enlightens our families in their journey towards Jesus as his disciples.

This message is also relevant to the couples and families who find themselves in complex situations, especially those involving separated or divorced persons who have entered a new union. Although they may have “lost” their first marriage, some of these persons have not “lost” their hope in Jesus. Some of these earnestly desire to live in harmony with God and with the Church, so much so, that they are asking us what they can do in order to be able to celebrate the sacraments of Reconciliation and the Eucharist.

Akin to the Magi, who *took a different route* back home after meeting Jesus (see Mt 2, 12), these persons – at times after a strenuous and difficult journey – are able to meet Christ who offers them a future even when it is impossible for them to follow the same route as before. Through accompaniment and honest discernment, God is able to open up new routes for these persons, even if their previous journey may have been one of “darkness”, marked with past mistakes or sad experiences of betrayal and abandonment. In their encounter with Christ and with His Church, these people find a “light” that illumines their present life and encourages them to return to God with hope and courage.

Therefore, in line with the directions given by Pope Francis, we, the Bishops of Malta and Gozo, are offering these guidelines to the priests in our dioceses, in order to accompany these people through “a responsible personal and pastoral discernment” to an awareness of their life situation in the light of Jesus (AL 300). It is important that the following guidelines be read in the light of the indicated references:

1. Above all, we must always keep in mind that our pastoral ministry towards persons who live in complex family situations, is the same ministry of the Church who is Mother and Teacher. As priests, we have the duty to enlighten consciences by proclaiming Christ and the full ideal of the Gospel. At the same time, in the footsteps of Christ himself, we have the duty to exercise the “art of accompaniment” and to become a source of trust, hope, and inclusion for those who request to see Jesus (see Jn 12, 21), especially for those persons who are most vulnerable (see AL, 291, 296, 308; EG 169). In the case of couples with children, this inclusion is necessary not only for the couple but also for “the care and Christian upbringing of their children, who ought to be considered most important” (AL 299; see also AL, 245-246).
2. When we meet or come to know of persons who find themselves in so called “irregular” situations, we need to commit ourselves to enter in dialogue with them and to come to know them in a spirit of authentic charity. If, subsequently, they show a genuine desire or

accept to engage in a serious process of personal discernment about their situation, we should accompany them willingly on this journey, with true respect, care and attention. They “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” (AL 243). Throughout this process, our role is not simply that of granting permission for these people to receive the sacraments, or to offer “easy recipes” (see AL 298), or to substitute their conscience. Our role is patiently to help them to form and enlighten their own conscience, in order that they themselves may be able to make an honest decision before God and act according to the greatest good possible (see AL 37).

3. Before dealing with the pastoral care of those disciples of the Lord that have gone through the experience of failure in their marriage and are now living in a new relationship, we would like to address the situation of those who cohabit or who have only married civilly. These situations call for “pastoral care that is merciful and helpful” (AL 293) and “require a constructive response seeking to transform them into opportunities that can lead to the full reality of marriage and family in conformity with the Gospel” (AL 294). In pastoral discernment it is important to distinguish between one situation and another. In some cases, “the choice of a civil marriage or, in many cases, of simple cohabitation, is often not motivated by prejudice or

resistance to a sacramental union, but by cultural or contingent situations” (AL 294) and, therefore, the degree of moral responsibility is not the same for all cases. “Let us remember that a small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order, but moves through the day without confronting great difficulties” (AL 305, EG 45).

4. We now address our ministry with persons who are either separated and divorced, who have entered a new union. If during the discernment process with these people, a reasonable doubt arises concerning the validity or consummation of their canonical marriage, we should propose that these people make a request for a declaration of the nullity or dissolution of their marriage bond.
5. Throughout this discernment, an adequate distinction should be made between one situation and another, because not all cases are the same. “One thing is a second union consolidated over time, with new children, proven fidelity, generous selfgiving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations ‘where, for serious reasons, such as the children’s upbringing, a man and woman cannot satisfy the obligation to separate.’ There are also the cases of those who made every effort to save their first marriage and were unjustly

abandoned, or of ‘those who have entered into a second union for the sake of the children’s upbringing, and are sometimes subjectively certain in conscience that their previous and irreparably broken marriage had never been valid.’ Another thing is a new union arising from a recent divorce, with all the suffering and confusion which this entails for children and entire families, or the case of someone who has consistently failed in his obligations to the family. It must remain clear that this is not the ideal which the Gospel proposes for marriage and the family” (AL 298).

6. It would be appropriate that throughout this process of discernment, we accompany these people to make “an examination of conscience through moments of reflection and repentance”, in which they “should ask themselves: how did they act towards their children when the conjugal union entered into crisis; whether or not they made attempts at reconciliation; what has become of the abandoned party; what consequences the new relationship has on the rest of the family and the community of the faithful; and what example is being set for young people who are preparing for marriage” (AL 300). This applies in a special way for those cases in which a person acknowledges his or her own responsibility for the failure of the marriage.
7. Throughout the discernment process, we need to weigh the moral responsibility in particular situations, with due consideration to the conditioning restraints and attenuating circumstances. Indeed, “factors may exist

which limit the ability to make a decision,” (AL 301) or even diminish imputability or responsibility for an action. These include ignorance, inadvertence, violence, fear, affective immaturity, the persistence of certain habits, the state of anxiety, inordinate attachments, and other psychological and social factors (see AL 302; CCC 1735, 2352). As a result of these conditioning restraints and attenuating circumstances, the Pope teaches that “it can no longer simply be said that all those in any ‘irregular situation are living in a state of mortal sin and are deprived of sanctifying grace” (AL 301). “It is possible that in an objective situation of sin – which may not be subjectively culpable, or fully such – a person can 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” (AL 305). This discernment acquires significant importance since, as the Pope teaches, in some cases this help can include the help of the sacraments (see AL, note 351).

8. “By thinking that everything is black and white, we sometimes close off the way of grace and of growth, and discourage paths of sanctification which give glory to God” (AL 305). This calls for more prudent instruction in the law of gradualness, (see AL 295) in order to discern the presence, the grace and the working of God in all situations, and help people approach closer to God, even when “not in a position to understand, appreciate, or fully carry out the objective demands of the law” (AL 295).



9. Throughout the discernment process, we should also examine the possibility of conjugal continence. Despite the fact that this ideal is not at all easy, there may be couples who, with the help of grace, practice this virtue without putting at risk other aspects of their life together. On the other hand, there are complex situations where the choice of living “as brothers and sisters” becomes humanly impossible and give rise to greater harm (see AL, note 329).
10. If, as a result of the process of discernment, undertaken with “humility, discretion and love for the Church and her teaching, in a sincere search for God’s will and a desire to make a more perfect response to it” (AL 300), a separated or divorced person who is living in a new relationship manages, with an informed and enlightened conscience, to acknowledge and believe that he or she are at peace with God, he or she cannot be precluded from participating in the sacraments of Reconciliation and the Eucharist (see AL, notes 336 and 351).
11. During this discernment process, we should examine with these people, how “their participation can be expressed in different ecclesial services”, particularly within “the liturgical, pastoral, educational and institutional frameworks” (AL 299). One should not exclude that these people be considered suitable to be godparents. On the other hand, “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”. It is our duty to preach anew “the proclamation of the Gospel message and its call to conversion”. Moreover, there could also be ways in which the person participates in the life of the community, such as in the social field, in prayer meetings, or as suggested by his or her personal initiative, together with our discernment (see AL 297).

12. In this journey of accompaniment, we must listen to and give value to the suffering of the persons who are innocent victims to separation, divorce or abandonment. Conditions of poverty make this pain even more traumatic. Forgiving an injustice suffered and endured is far from easy, but grace makes this journey possible (see AL 242).
13. While exercising our ministry, we must be careful to avoid falling into extremes: into extreme rigour on the one hand, and laxity on the other. This process should be an invitation to harness certain attitudes, such as pastoral charity, honesty, discretion, an ongoing conversion, and love for the Church and her teaching (see AL 267, 300); attention to what God made “from the beginning” (see AL 61-66); humility in order to shed our sandals in front of the sacred ground of the other (see Ex 3, 5; EG 169); the wish sincerely to seek God’s will, and to be able to present the fragrance of Christ’s presence and his personal gaze (see EG 169).

14. In order to avoid any cause for scandal or confusion among the faithful (see AL 299), we must do our utmost in order to inform ourselves and our communities by studying and promoting the teachings of *Amoris Lætitia*. This teaching requires us to undergo a “pastoral conversion” (EG 25). Together with the Pope, we do understand those who would prefer a “more rigorous pastoral care”, but together with him, we 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’” (AL 308).

We pray to God, with the intercession of the Holy Family of Nazareth, that through her priests, the Church in Malta and Gozo can indeed be a messenger that helps today’s Christians to be open to God’s voice in their conscience and, thereby, see the new path opening before them, leading from darkness to light.

Today, 8th January 2017, Solemnity of the Epiphany of the Lord.

✠ **Charles J. Scicluna**  
Archbishop of Malta

✠ **Mario Grech**  
Bishop of Gozo

CHAPTER VIII  
OF POPE FRANCIS'  
APOSTOLIC EXHORTATION  
*AMORIS LÆTITIA*

ACCOMPANYING, DISCERNING  
AND INTEGRATING WEAKNESS

291. The Synod Fathers stated that, although the Church realizes that any breach of the marriage bond “is against the will of God”, she is also “conscious of the frailty of many of her children”.<sup>311</sup> Illumined by the gaze of Jesus Christ, “she turns with love to those who participate in her life in an incomplete manner, recognizing that the grace of God works also in their lives by giving them the courage to do good, to care for one another in love and to be of service to the community in which they live and work”.<sup>312</sup> This approach is also confirmed by our celebration of this Jubilee Year devoted to mercy. Although she constantly holds up the call to perfection and asks for a fuller response to God, “the Church must accompany with attention and care the weakest of her children, who show signs of a wounded and troubled love, by restoring in them hope and confidence, like the beacon of a lighthouse in a port or a torch carried among the people to enlighten those who have lost their way or who are in the midst of a storm”.<sup>313</sup> Let us not forget that the Church’s task is often like that of a field hospital.

292. Christian marriage, as a reflection of the union between Christ and his Church, is fully realized in the union between a man and a woman who give themselves to each other in a free, faithful and exclusive love, who belong to each other until death and are open to the

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<sup>311</sup> *Relatio Synodi 2014*, 24.

<sup>312</sup> *Ibid.* 25.

<sup>313</sup> *Ibid.* 28.

transmission of life, and are consecrated by the sacrament, which grants them the grace to become a domestic church and a leaven of new life for society. Some forms of union radically contradict this ideal, while others realize it in at least a partial and analogous way. The Synod Fathers stated that the Church does not disregard the constructive elements in those situations which do not yet or no longer correspond to her teaching on marriage.<sup>314</sup>

### **Gradualness in pastoral care**

293. The Fathers also considered the specific situation of a merely civil marriage or, with due distinction, even simple cohabitation, noting that “when such unions attain a particular stability, legally recognized, are characterized by deep affection and responsibility for their offspring, and demonstrate an ability to overcome trials, they can provide occasions for pastoral care with a view to the eventual celebration of the sacrament of marriage”.<sup>315</sup> On the other hand, it is a source of concern that many young people today distrust marriage and live together, putting off indefinitely the commitment of marriage, while yet others break a commitment already made and immediately assume a new one. “As members of the Church, they too need pastoral care that is merciful and helpful”.<sup>316</sup> For the

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<sup>314</sup> Cf. *ibid.*, 41, 43; *Relatio Finalis* 2015, 70.

<sup>315</sup> *Ibid.*, 27.

<sup>316</sup> *Ibid.*, 26.

Church's pastors are not only responsible for promoting Christian marriage, but also the "pastoral discernment of the situations of a great many who no longer live this reality. Entering into pastoral dialogue with these persons is needed to distinguish elements in their lives that can lead to a greater openness to the Gospel of marriage in its fullness".<sup>317</sup> In this pastoral discernment, there is a need "to identify elements that can foster evangelization and human and spiritual growth".<sup>318</sup>

294. "The choice of a civil marriage or, in many cases, of simple cohabitation, is often not motivated by prejudice or resistance to a sacramental union, but by cultural or contingent situations".<sup>319</sup> In such cases, respect also can be shown for those signs of love which in some way reflect God's own love.<sup>320</sup> We know that there is "a continual increase in the number of those who, after having lived together for a long period, request the celebration of marriage in Church. Simply to live together is often a choice based on a general attitude opposed to anything institutional or definitive; it can also be done while awaiting more security in life (a steady job and steady income). In some countries, *de facto* unions are very numerous, not only because of a rejection of values concerning the family and matrimony, but primarily

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<sup>317</sup> Ibid., 41.

<sup>318</sup> Ibid.

<sup>319</sup> Relatio Finalis 2015, 71.

<sup>320</sup> Cf. *ibid.*

because celebrating a marriage is considered too expensive in the social circumstances. As a result, material poverty drives people into *de facto* unions”.<sup>321</sup> Whatever the case, “all these situations require a constructive response seeking to transform them into opportunities that can lead to the full reality of marriage and family in conformity with the Gospel. These couples need to be welcomed and guided patiently and discreetly”.<sup>322</sup> That is how Jesus treated the Samaritan woman (cf. Jn 4:1-26): he addressed her desire for true love, in order to free her from the darkness in her life and to bring her to the full joy of the Gospel.

295. Along these lines, Saint John Paul II proposed the so-called “law of gradualness” in the knowledge that the human being “knows, loves and accomplishes moral good by different stages of growth”.<sup>323</sup> This is not a “gradualness of law” but rather a gradualness in the prudential exercise of free acts on the part of subjects who are not in a position to understand, appreciate, or fully carry out the objective demands of the law. For the law is itself a gift of God which points out the way, a gift for everyone without exception; it can be followed with the help of grace, even though each human being “advances gradually with the progressive integration of the gifts of God and the demands of God’s

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<sup>321</sup> Relatio Synodi 2014, 42.

<sup>322</sup> Ibid., 43.

<sup>323</sup> Apostolic Exhortation Familiaris Consortio (22 November 1981), 34: AAS 74 (1982), 123.



definitive and absolute love in his or her entire personal and social life”.<sup>324</sup>

### **The discernment of “irregular” situations** <sup>325</sup>

296. The Synod addressed various situations of weakness or imperfection. Here I would like to reiterate something I sought to make clear to the whole Church, lest we take the wrong path: “There are two ways of thinking which recur throughout the Church’s history: casting off and reinstating. The Church’s way, from the time of the Council of Jerusalem, has always always been the way of Jesus, the way of mercy and reinstatement... The way of the Church is not to condemn anyone for ever; it is to pour out the balm of God’s mercy on all those who ask for it with a sincere heart... For true charity is always unmerited, unconditional and gratuitous”.<sup>326</sup> Consequently, there is a need “to avoid judgements which do not take into account the complexity of various situations” and “to be attentive, by necessity, to how people experience distress because of their condition”.<sup>327</sup>

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<sup>324</sup> *Ibid.*, 9: AAS 74 (1982), 90.

<sup>325</sup> Cf. Catechesis (24 June 2015): *L’Osservatore Romano*, 25 June 2015, p. 8.

<sup>326</sup> Homily at Mass Celebrated with the New Cardinals (15 February 2015): AAS 107 (2015), 257.

<sup>327</sup> *Relatio Finalis* 2015, 51.

297. It is a matter of reaching out to everyone, of needing to help each person find his or her proper way of participating in the ecclesial community and thus to experience being touched by an “unmerited, unconditional and gratuitous” mercy. 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). Such a person needs to listen once more to the Gospel message and its call to conversion. Yet even for that person there can be some way of taking part in the life of community, whether in social service, prayer meetings or another way that his or her own initiative, together with the discernment of the parish priest, may suggest. As for the way of dealing with different “irregular” situations, the Synod Fathers reached a general consensus, which I support: “In considering a pastoral approach towards people who have contracted a civil marriage, who are divorced and remarried, or simply living together, the Church has the responsibility of helping them understand the divine pedagogy of grace in their lives and offering them assistance so they can reach the fullness of God’s plan for them”,<sup>328</sup> something which is always possible by the power of the Holy Spirit.

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<sup>328</sup> *Relatio Synodi* 2014, 25.

298. The divorced who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment. One thing is a second union consolidated over time, with new children, proven fidelity, generous self giving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations “where, for serious reasons, such as the children’s upbringing, a man and woman cannot satisfy the obligation to separate”.<sup>329</sup> There are also the cases of those who made every effort to save their first marriage and were unjustly abandoned, or of “those who have entered into a second union for the sake of the children’s upbringing, and are sometimes subjectively certain in conscience that their previous and irreparably broken marriage had never been valid”.<sup>330</sup> Another thing is a new union arising from a recent divorce, with all the suffering and confusion which this entails for children and entire

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<sup>329</sup> John Paul II, Apostolic Exhortation *Familiaris Consortio* (22 November 1981), 84: AAS 74 (1982), 186. In such situations, many people, knowing and accepting the possibility of living “as brothers and sisters” which the Church offers them, point out that if certain expressions of intimacy are lacking, “it often happens that faithfulness is endangered and the good of the children suffers” (Second Vatican Ecumenical Council, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 51).

<sup>330</sup> *Ibid.*

families, or the case of someone who has consistently failed in his obligations to the family. It must remain clear that this is not the ideal which the Gospel proposes for marriage and the family. The Synod Fathers stated that the discernment of pastors must always take place “by adequately distinguishing”,<sup>331</sup> with an approach which “carefully discerns situations”.<sup>332</sup> We know that no “easy recipes” exist.<sup>333</sup>

299. I am in agreement with the many Synod Fathers who observed that “the baptized who are divorced and civilly remarried need to be more fully integrated into Christian communities in the variety of ways possible, while avoiding any occasion of scandal. The logic of integration is the key to their pastoral care, a care which would allow them not only to realize that they belong to the Church as the body of Christ, but also to know that they can have a joyful and fruitful experience in it. They are baptized; they are brothers and sisters; the Holy Spirit pours into their hearts gifts and talents for the good of all. Their participation can be expressed in different ecclesial services, which necessarily requires discerning which of the various forms of exclusion currently practised in the liturgical, pastoral, educational and institutional framework, can be surmounted. Such persons need to feel

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<sup>331</sup> *Relatio Synodi* 2014, 26.

<sup>332</sup> *Ibid.*, 45.

<sup>333</sup> Benedict XVI, Address to the Seventh World Meeting of Families in Milan (2 June 2012), Response n. 5: *Insegnamenti VIII/1* (2012), 691.

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. This integration is also needed in the care and Christian upbringing of their children, who ought to be considered most important”.<sup>334</sup>

300. If we consider the immense variety of concrete situations such as those I have mentioned, it is understandable that neither the Synod nor this Exhortation could be expected to provide a new set of general rules, canonical in nature and applicable to all cases. 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”,<sup>335</sup> the consequences or effects of a rule need not necessarily always be the same.<sup>336</sup> Priests have the duty to “accompany [the divorced and remarried] in helping them to understand their situation according to the teaching of the Church and the guidelines of the bishop.

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<sup>334</sup> *Relatio Finalis* 2015, 84.

<sup>335</sup> *Ibid.*, 51.

<sup>336</sup> 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: *AAS* 105 (2013), 1038-1040.

Useful in this process is an examination of conscience through moments of reflection and repentance. The divorced and remarried should ask themselves: how did they act towards their children when the conjugal union entered into crisis; whether or not they made attempts at reconciliation; what has become of the abandoned party; what consequences the new relationship has on the rest of the family and the community of the faithful; and what example is being set for young people who are preparing for marriage. A sincere reflection can strengthen trust in the mercy of God which is not denied anyone”.<sup>337</sup> 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. For this discernment to happen, the following conditions must necessarily be present: humility, discretion and love for the Church and her teaching, in a sincere search for God’s will and a desire to make a more perfect response to it”.<sup>338</sup> These attitudes are essential for avoiding the grave danger of misunderstandings, such as the notion that any priest

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<sup>337</sup> Relatio Finalis 2015, 85.

<sup>338</sup> *Ibid.*, 86.

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.

### **Mitigating factors in pastoral discernment**

301. For an adequate understanding of the possibility and need of special discernment in certain “irregular” situations, one thing must always be taken into account, lest anyone think that the demands of the Gospel are in any way being compromised. The Church possesses a solid body of reflection concerning mitigating factors and situations. Hence it is can no longer simply be said that all those in any “irregular” situation are living in a state of mortal sin and are deprived of sanctifying grace. 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”,<sup>339</sup> or be in a concrete situation which does not allow him or her to act differently and decide otherwise without further sin. As the Synod Fathers put it, “factors may exist which limit the ability to

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<sup>339</sup> John Paul II, *Apostolic Exhortation Familiaris Consortio* (22 November 1981), 33: AAS 74 (1982), 121.

make a decision”.<sup>340</sup> Saint Thomas Aquinas himself recognized that someone may possess grace and charity, yet not be able to exercise any one of the virtues well;<sup>341</sup> in other words, although someone may possess all the infused moral virtues, he does not clearly manifest the existence of one of them, because the outward practice of that virtue is rendered difficult: “Certain saints are said not to possess certain virtues, in so far as they experience difficulty in the acts of those virtues, even though they have the habits of all the virtues”.<sup>342</sup>

302. The Catechism of the Catholic Church clearly mentions these factors: “imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other psychological or social factors”.<sup>343</sup> In another paragraph, the Catechism refers once again to circumstances which mitigate moral responsibility, and mentions at length “affective immaturity, force of acquired habit, conditions of anxiety or other psychological or social

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<sup>340</sup> *Relatio Finalis* 2015, 51.

<sup>341</sup> Cf. *Summa Theologiae* I-II, q. 65, art. 3 ad 2; *De Malo*, q. 2, art. 2.

<sup>342</sup> *Ibid.*, ad 3.

<sup>343</sup> No. 1735.



factors that lessen or even extenuate moral culpability”.<sup>344</sup> For this reason, a negative judgment about an objective situation does not imply a judgment about the imputability or culpability of the person involved.<sup>345</sup> On the basis of these convictions, I consider very fitting what many Synod Fathers wanted to affirm: “Under certain circumstances people find it very difficult to act differently. Therefore, while upholding a general rule, it is necessary to recognize that responsibility with respect to certain actions or decisions is not the same in all cases. Pastoral discernment, while taking into account a person’s properly formed conscience, must take responsibility for these situations. Even the consequences of actions taken are not necessarily the same in all cases”.<sup>346</sup>

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<sup>344</sup> *Ibid.*, 2352; Congregation for the Doctrine of the Faith, Declaration on Euthanasia *Iura et Bona* (5 May 1980), II: AAS 72 (1980), 546; John Paul II, in his critique of the category of “fundamental option”, recognized that “doubtless there can occur situations which are very complex and obscure from a psychological viewpoint, and which have an influence on the sinner’s subjective culpability” (Apostolic Exhortation *Reconciliatio et Paenitentia* [2 December 1984], 17: AAS 77 [1985], 223).

<sup>345</sup> Cf. Pontifical Council for Legislative Texts, Declaration Concerning the Admission to Holy Communion of Faithful Who are Divorced and Remarried (24 June 2000), 2.

<sup>346</sup> *Relatio Finalis* 2015, 85.

303. Recognizing the influence of such concrete factors, we can add that individual conscience needs to be better incorporated into the Church's praxis in certain situations which do not objectively embody our understanding of marriage. Naturally, every effort should be made to encourage the development of an enlightened conscience, formed and guided by the responsible and serious discernment of one's pastor, and to encourage an ever greater trust in God's grace. Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits, while yet not fully the objective ideal. 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.

### **Rules and discernment**

304. It is reductive simply to consider whether or not an individual's actions correspond to a general law or rule, because that is not enough to discern and ensure full fidelity to God in the concrete life of a human being. I earnestly ask that we always recall a teaching of Saint Thomas Aquinas and learn to incorporate it in our pastoral discernment: "Although there is necessity in the general

principles, the more we descend to matters of detail, the more frequently we encounter defects... In matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all... The principle will be found to fail, according as we descend further into detail”.<sup>347</sup> It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations. At the same time, it must be said that, precisely for that reason, what is part of a practical discernment in particular circumstances cannot be elevated to the level of a rule. That would not only lead to an intolerable casuistry, but would endanger the very values which must be preserved with special care.<sup>348</sup>

305. For this reason, a pastor cannot feel that it is enough simply to apply moral laws to those living in “irregular” situations, as if they were stones to throw at people’s lives. This would bespeak the closed heart of one used to hiding behind the Church’s teachings, “sitting on the chair of Moses and judging at times with superiority and

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<sup>347</sup> Summa Theologiae, I-II, q. 94, art. 4.

<sup>348</sup> In another text, referring to the general knowledge of the rule and the particular knowledge of practical discernment, Saint Thomas states that “if only one of the two is present, it is preferable that it be the knowledge of the particular reality, which is closer to the act”: *Sententia libri Ethicorum*, VI, 6 (ed. Leonina, t. XLVII, 354.)

superficiality difficult cases and wounded families”.<sup>349</sup> Along these same lines, the International Theological Commission has noted that “natural law could not be presented as an already established set of rules that impose themselves *a priori* on the moral subject; rather, it is a source of objective inspiration for the deeply personal process of making decisions”.<sup>350</sup> 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 fully such - a person can 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.<sup>351</sup> Discernment must help to find possible ways of responding to God and growing in the midst of limits. By thinking that everything is black and white, we sometimes close off the way of grace and of growth, and discourage paths of sanctification which give glory to God. Let us remember that “a small step, in the midst of great human limitations,

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<sup>349</sup> Address for the Conclusion of the Fourteenth Ordinary General Assembly of the Synod of Bishops (24 October 2015): L’Osservatore Romano, 26-27 October 2015, p. 13.

<sup>350</sup> International Theological Commission, *In Search of a Universal Ethic: A New Look at Natural Law* (2009), 59.

<sup>351</sup> 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).

can be more pleasing to God than a life which appears outwardly in order, but moves through the day without confronting great difficulties”.<sup>352</sup> The practical pastoral care of ministers and of communities must not fail to embrace this reality.

306. In every situation, when dealing with those who have difficulties in living God’s law to the full, the invitation to pursue the *via caritatis* must be clearly heard. Fraternal charity is the first law of Christians (cf. Jn 15:12; Gal 5:14). Let us not forget the reassuring words of Scripture: “Maintain constant love for one another, for love covers a multitude of sins” (1 Pet 4:8); “Atone for your sins with righteousness, and your iniquities with mercy to the oppressed, so that your prosperity may be prolonged” (Dan 4:24[27]); “As water extinguishes a blazing fire, so almsgiving atones for sins” (Sir 3:30). This is also what Saint Augustine teaches: “Just as, at the threat of a fire, we would run for water to extinguish it... so too, if the flame of sin rises from our chaff and we are troubled, if the chance to perform a work of mercy is offered us, let us rejoice in it, as if it were a fountain offered us to extinguish the blaze”.<sup>353</sup>

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<sup>352</sup> Apostolic Exhortation *Evangelii Gaudium* (24 November 2013), 44: AAS 105 (2013), 1038-1039.

<sup>353</sup> *De Catechizandis Rudibus*, I, 14, 22: PL 40, 327; cf. Apostolic Exhortation *Evangelii Gaudium* (24 November 2013), 194: AAS 105 (2013), 1101.

## **The logic of pastoral mercy**

307. In order to avoid all misunderstanding, I would point out that in no way must the Church desist from proposing the full ideal of marriage, God’s plan in all its grandeur: “Young people who are baptized should be encouraged to understand that the sacrament of marriage can enrich their prospects of love and that they can be sustained by the grace of Christ in the sacrament and by the possibility of participating fully in the life of the Church”.<sup>354</sup> A lukewarm attitude, any kind of relativism, or an undue reticence in proposing that ideal, would be a lack of fidelity to the Gospel and also of love on the part of the Church for young people themselves. To show understanding in the face of exceptional situations never implies dimming the light of the fuller ideal, or proposing less than what Jesus offers to the human being. Today, more important than the pastoral care of failures is the pastoral effort to strengthen marriages and thus to prevent their breakdown.

308. At the same time, from our awareness of the weight of mitigating circumstances - psychological, historical and even biological - it follows that “without detracting from the evangelical ideal, there is a need to accompany with mercy and patience the eventual stages of personal growth as these progressively appear”, making room for “the

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<sup>354</sup> *Relatio Synodi* 2014, 26.

Lord's mercy, which spurs us on to do our best".<sup>355</sup> 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".<sup>356</sup> The Church's pastors, in proposing to the faithful the full ideal of the Gospel and the Church's teaching, must also help them to treat the weak with compassion, avoiding aggravation or unduly harsh or hasty judgements. The Gospel itself tells us not to judge or condemn (cf. Mt 7:1; Lk 6:37). Jesus "expects us to stop looking for those personal or communal niches which shelter us from the maelstrom of human misfortune, and instead to enter into the reality of other people's lives and to know the power of tenderness. Whenever we do so, our lives become wonderfully complicated".<sup>357</sup>

309. It is providential that these reflections take place in the context of a Holy Year devoted to mercy, because also in the variety of situations affecting families "the Church is commissioned to proclaim the mercy of God, the beating heart of the Gospel, which in its own way must penetrate the mind and heart of every person. The Bride of Christ

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<sup>355</sup> Apostolic Exhortation *Evangelii Gaudium* (24 November 2013), 44: AAS 105 (2013), 1038.

<sup>356</sup> *Ibid.*, 45.

<sup>357</sup> *Ibid.*, 270.

must pattern her behaviour after the Son of God who goes out to everyone without exception”.<sup>358</sup> She knows that Jesus himself is the shepherd of the hundred, not just of the ninety-nine. He loves them all. On the basis of this realization, it will become possible for “the balm of mercy to reach everyone, believers and those far away, as a sign that the kingdom of God is already present in our midst”.<sup>359</sup>

310. We cannot forget that “mercy is not only the working of the Father; it becomes a criterion for knowing who his true children are. In a word, we are called to show mercy because mercy was first shown to us”.<sup>360</sup> This is not sheer romanticism or a lukewarm response to God’s love, which always seeks what is best for us, for “mercy is the very foundation of the Church’s life. All of her pastoral activity should be caught up in the tenderness which she shows to believers; nothing in her preaching and her witness to the world can be lacking in mercy”.<sup>361</sup> It is true that at times “we act as arbiters of grace rather than its facilitators. But the Church is not a tollhouse; it is the house of the Father, where there is a place for everyone, with all their problems”.<sup>362</sup>

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<sup>358</sup> Bull *Misericordiae Vultus* (11 April 2015), 12: AAS 107 (2015): 407.

<sup>359</sup> *Ibid.*, 5: 402.

<sup>360</sup> *Ibid.*, 9: 405.

<sup>361</sup> *Ibid.*, 10: 406.

<sup>362</sup> Apostolic Exhortation *Evangelii Gaudium* (24 November 2013), 47: AAS 105 (2013), 1040.



311. The teaching of moral theology should not fail to incorporate these considerations, for although it is quite true that concern must be shown for the integrity of the Church's moral teaching, special care should always be shown to emphasize and encourage the highest and most central values of the Gospel,<sup>363</sup> particularly the primacy of charity as a response to the completely gratuitous offer of God's love. At times we find it hard to make room for God's unconditional love in our pastoral activity.<sup>364</sup> We put so many conditions on mercy that we empty it of its concrete meaning and real significance. That is the worst way of watering down the Gospel. It is true, for example, that mercy does not exclude justice and truth, but first and foremost we have to say that mercy is the fullness of justice and the most radiant manifestation of God's truth. For this reason, we should always consider "inadequate any

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<sup>363</sup> Cf. *ibid.*, 36-37: AAS 105 (2013), 1035.

<sup>364</sup> Perhaps out of a certain scrupulosity, concealed beneath a zeal for fidelity to the truth, some priests demand of penitents a purpose of amendment so lacking in nuance that it causes mercy to be obscured by the pursuit of a supposedly pure justice. For this reason, it is helpful to recall the teaching of Saint John Paul II, who stated that the possibility of a new fall "should not prejudice the authenticity of the resolution" (Letter to Cardinal William W. Baum on the occasion of the Course on the Internal Forum organized by the Apostolic Penitentiary [22 March 1996], 5: *Insegnamenti* XIX/1 [1996], 589).

theological conception which in the end puts in doubt the omnipotence of God and, especially, his mercy”.<sup>365</sup>

312. This offers us a framework and a setting which help us avoid a cold bureaucratic morality in dealing with more sensitive issues. Instead, it sets us in the context of a pastoral discernment filled with merciful love, which is ever ready to understand, forgive, accompany, hope, and above all integrate. That is the mindset which should prevail in the Church and lead us to “open our hearts to those living on the outermost fringes of society”.<sup>366</sup> I encourage the faithful who find themselves in complicated situations to speak confidently with their pastors or with other lay people whose lives are committed to the Lord. They may not always encounter in them a confirmation of their own ideas or desires, but they will surely receive some light to help them better understand their situation and discover a path to personal growth. I also encourage the Church’s pastors to listen to them with sensitivity and serenity, with a sincere desire to understand their plight and their point of view, in order to help them live better lives and to recognize their proper place in the Church.

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<sup>365</sup> International Theological Commission, *The Hope of Salvation for Infants Who Die Without Being Baptized* (19 April 2007), 2.

<sup>366</sup> *Bull Misericordiae Vultus* (11 April 2015), 15; *AAS* 107 (2015), 409.



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