

## Communion for anyone who so decides in conscience? Ah, NO!

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### Is Keller's essay really the way Amoris should be read?

Apologies for the length of this post. It always takes more time to correct errors than it takes to make them. In [Fr. Paul Keller's CRUX essay, "Case study in communion for the divorced/remarried"](#), we confront many errors.

Keller's essay illustrates almost perfectly how pastors—reading [Pope Francis' Amoris laetitia](#) in its overall, plain sense (and not, lawyer-like, parsing certain problematic phrases narrowly enough to support a more traditional interpretation)—are going to stumble into accepting (what I view as) the central flaw in *Amoris* ([although others might rank other aspects of Francis' document even more problematic in the long run](#)), namely, implicitly assuming that, in the final analysis, a Catholic's assessment of his or her own conscience is the **sole** criterion that governs a minister's decision to give holy Communion to a member of the faithful. That assumption, whence ever it arose and no matter how many adopt it, is simply wrong. Grasp that and one has the essence of the thing.

Keller indulges in a bit of the polite sneering that some moderns like to accord ecclesiastical tradition (e.g., by reminding us not "to treat the Church's moral commands as if they were stones [to] hurl" at others), but for the most part his errors are phrased

plausibly. That's what makes replying to his essay necessary. People might be taken in by it as they often are by "hard case" stories.

I begin by agreeing with Keller in a preliminary point: Nothing in his description of "Irma" suggests that her marriage to Francisco in El Salvador was invalid. Tribunals are better at spotting potential grounds of nullity than are typical parish priests but Keller is right not to get Irma's hopes up for an annulment.

Now, on to just *some* of the serious mistakes in Keller's essay.

**First mistake:** "As I respond [to Irma's request for Communion], I must follow the guidelines that Pope Francis described in *Amoris Laetitia*, issued after the discussions and discernment of two Synods of Bishops on family life."

Wrong. In administering holy Communion to a member of the faithful, Roman Catholic ministers are bound not by "guidelines" supposedly fashioned from a single, ambiguous, and highly controverted papal document, but instead by the plain and dispositive text of another papal document, called the [Code of Canon Law](#) ([especially Canon 915 thereof](#)), and by the common and constant interpretation accorded such norms over the centuries.

**Second mistake:** "[Irma] told me that Tony thought the idea [of living as brother and sister with her spouse according to the civil law] was crazy. As they were only 26 years old, Irma was afraid of

what might happen to their relationship if they were no longer able to grow in their love through physical intimacy.”

Keller accepted, apparently without demur, Irma’s description of her objectively adulterous sexual relations as a way “to grow in love”. He has thus radically failed to speak the truth in love to a child of God who is consulting him as a priest of the Church and minister of Christ’s sacrament. Any priest, let alone one approached in Confession (see [Canon 978 § 2](#)), would have to account for such a failure at Final Judgment. If as a confessor Keller approved Irma’s choice to engage in sexual relations with Tony, he has committed the crime of solicitation in confession. See my discussion of [Canon 1387](#).

**Third mistake:** “[Irma] didn’t think Tony could handle the prospect of committing to complete celibacy for the next 70 years. Plus, both she and Tony wanted to have at least two or three more children.”

Setting aside the 26-year-old Irma’s callow estimate of her life-span and the sexually active phase therein, more importantly, *Tony* is *not* bound to observe “celibacy”. Nothing in Keller’s essay suggests that *Tony* is not free to marry. Granted, he is not free to marry *Irma*, for she is already presumptively married, but, Keller treating *Tony* as being not free to marry is simply wrong. As a single man *Tony* is, of course, bound to continence and Keller might help clarify this point for those who routinely confuse the terms (although Keller seems not to know what it means either); but in any case, *Tony* is not bound to either celibacy or continence based on *Irma*’s situation.

**Fourth mistake:** “Although I have not said so to Irma, I have wondered if it would be better for her to attend a non-Catholic church.”

Thank God a priest of the Catholic Church has not made such a reprehensible suggestion to a lay Catholic coming to him with urgent moral questions. Still, Keller himself, who mentions this idea twice, needs immediately to eliminate from his mind any notion about advising a penitent to commit some other objectively grave sins (e.g., ceasing to attend Mass on Sundays or even joining another faith) so as to try to ‘sooth’ the effects of feeling guilty over an earlier grave sin. Good grief.

**Fifth and central mistake:** “If she were to just come up for communion, I couldn’t deny her. First of all, everything I know about her relationship has come from within the sacrament of Confession. Outside of the sacrament, I can’t ‘use’ that information in any way, certainly not by publicly denying her communion.”

Keller is largely correct about the rules on the seal of confession,<sup>\*</sup> but his knowledge of Irma’s marriage status is *not* sacramental: Irma’s status as canonically/civilly married to Francisco in El Salvador and as civilly married to Tony in the USA *is a matter of public record*—even if the public records are difficult to access in this highly unusual case. Keller notes, by the way, that Irma’s family is in America, too, and they all know she was married, per Keller.

Here we see, in any case, the fundamental problem of approaching the question of holy Communion for divorced-and-remarried Catholics as does *Amoris*, that is, without any reference to Canon 915 (or to Canon 916, but the failure to deal directly with Canon 915 in situations like Keller's is worse), which canon, as has been stated many times, requires ministers of holy Communion to withhold the sacrament from those who "obstinately persist in manifest grave sin". There is no question whatsoever that Irma's case fits the classic situation of "public and permanent adultery" ([CCC 2384](#)) and that Keller should withhold the sacrament from her upon pain of dereliction of his duties under Canon 915 as a priest of Jesus Christ and minister of the Catholic Church.

But, dear reader, do you see how Keller, relying only on the import of *Amoris*, could walk right into that grave error?

*Amoris* assumes, without ever quite stating it, that individual consciences (which, yes, can be very complex, and often deal with hard cases, and are never fully knowable to another, and might be only partly informed, and so on, and so on), are the final arbiter of whether a would-be communicant must be given the sacrament, as if only Canon 916 (which most people would recognize as being the canon that looks at conscience) were on the books, and by which canon one could, in some hypothetical case, see an objectively grave sinner approaching for holy Communion without that act itself being sinful, while Canon 915, meanwhile, which requires ministers to make a distribution decision in accord with objective criteria, simply does not exist.

The pervasive and steadfast refusal of nearly all “*Amoris* supporters” (I dislike the term but it saves time) to face squarely the ancient tradition behind and unambiguous rule of Canon 915 is what dooms virtually all defenses of *Amoris* so far to irrelevance at best and to pastoral and even doctrinal disasters at worst.

**Sixth mistake:** Keller rephrases his claim that he is ‘constructively ignorant’ (my term) about Irma’s situation (in that he supposedly knows her situation *only* from Confession, so canonically he doesn’t “know” about it) so as to claim that it be wrong for him to withhold holy Communion from Irma—who like other Catholics has indeed a right to receive holy Communion.

But may I suggest that quite the *opposite* is true: Keller has ‘constructive knowledge’ of Irma’s objectively irregular status in virtue of the fact that she has entered *two* public ceremonies *each* purporting to be weddings. He is thus bound to act in accord with the *law* governing such situations. (A quick aside: if Keller really thinks foreign country earlier marriage situations never eventually come to light, and that his actions during the time he knew about it will never later be questioned, he’s *terribly* naive. But back to his essay.)

**Seventh mistake:** “Based on everything I know as a priest concerning sin, conscience, hope, Jesus, the teaching of the Church, and particularly the instruction the Church has received from Pope Francis in *Amoris Laetitia*, I tell Irma, ‘If you sincerely believe in your conscience that this is how Christ can aid your growth in holiness, then, yes. You may go to communion.’”

That advice is wrong. Granted, perhaps based on some things that Keller clearly does *not* know about “sin, conscience, hope, Jesus, the teaching of the Church, and particularly the instruction the Church has received from Pope Francis in *Amoris Laetitia*,” he might have innocently reached that conclusion and offered that bad advice, but his conclusions and the advice he offered *are still wrong*. A man in his position, moreover, having been alerted to the possibility of so many errors in his thinking, and such serious errors at that, is, I suggest, now required to study these matters more deeply and to bring his advice into line with Church teaching.

Final thoughts.

For readers who hoped that Keller’s essay might finally prove how right and good it would be if we all read *Amoris* the way Keller *et al*/think it should be read, four reactions to my post seem possible:

1. Peters has substantially misstated the law in regard to the reception of holy Communion by divorced-and-remarried Catholics and so he may be disregarded. To such persons I extend the invitation to show me where I have misrepresented the law controlling these situations.

2. Peters is a heartless pharisee who does not care about the pastoral problems of real people and so he may be disregarded. To such persons I say, that’s a rather tiresome *ad hominem* arising from the current antinomianism in the Church, but it leaves open the possibility that I (and, I need hardly say, scads of people way smarter than I) might be correct.

3. Peters has stated the law correctly, but the law needs to change significantly. To such persons I say, you are invited to show us *how* the law can be changed without doing doctrino-disciplinary damage to several aspects of Matrimony, Confession, and the Eucharist.

4. Peters has stated the law correctly and the law's general connection to pastoral integrity is evident. To such persons I say, we need to bring parochial sacramental administration better into line with Catholic doctrine and discipline.

*A final*, final thought: As Keller gets to make up plausible hypotheticals to illustrate the advantages of his giving holy Communion to Irma, may I too offer a plausible hypothetical to illustrate its dangers? One day, civilly remarried and communicating Irma's door bell rings. Francisco is standing there, his life having bottomed out in prison, but by the grace of God and pondering the hard truths he heard from faithful Catholic ministers in jail, he begs forgiveness from Irma and their child and is committed to resuming his duties as husband and father, chastened, humbled, and grateful for a second chance. At which point he learns that Keller has smoothed the path for Irma to live in a false union with the apparent blessing of the Church. How does one compare Francisco's failures (per Keller, arising out of pervasive poverty and drug-enhanced gang pressures) with Keller's failure to speak arightly in safe America and faced only with questions from a confused Catholic woman?

PS: Happy Feast of St. Raymond Of Penyfort, a saint with a lot to say to canon lawyers. And to confessors.

\* About that seal issue, a few more words are in order. Strictly speaking, Keller is belatedly introducing a game-changing fact, asserting that *all* of his information about Irma is Confessional. Well that, of course, would destroy any application of his example to most real life *Amoris* cases (and to any other morals case) because seal information cannot be used for anything to the detriment of the penitent. Even if a penitent accurately confessed a grave sin, but for which he or she was *not* sorry, and later presented for holy Communion, the priest could not withhold Communion, as I (along with many others) would agree. But Keller's phrasing might lead some to think that the *canonically* public status of marriage, even of civil marriage, is insufficient to act on in the external forum unless such status is also *actually* known by some decent portion of the community. That is incorrect and by Keller's own narration, a number of other people know about Irma's first wedding.