



A Tale of Two Interpretations of 'Amoris Laetitia'

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COMMENTARY: Guidelines issued by two dioceses offer opposing answers. The Church now faces a crisis of doctrinal and evangelical credibility.



The post-synodal apostolic exhortation Amoris Laetitia (The Joy of Love) was published one year ago on the Solemnity of St. Joseph. Since then, two competing interpretations, or, rather, pastoral applications of Chapter 8 (on divorce, remarriage and the sacraments) have emerged. They are epitomized in two sets of diocesan guidelines, each of which is meant to apply the teaching of the document to respective dioceses.

The first, entitled, “Pastoral Guidelines for Implementing Amoris Laetitia,” was published by the Archdiocese of Philadelphia (hereafter Philadelphia) in July 2016. The second, entitled, “Criteria for the Application of Chapter VIII of Amoris Laetitia,” was published by the archbishop of Malta (hereafter Malta) and his assistant bishop in the neighboring Diocese of Gozo.

Both address the disputed question of whether married persons living in sexually active second unions while their first spouses still live, who

have not received a public judgment from the Church declaring the invalidity of the first marriage, may return to the holy Eucharist without resolving to live sexually continent with the second partner (hereafter disputed question). The two guidelines offer opposing answers.

This essay compares and contrasts the two replies. (Philadelphia also offers guidelines on the questions of cohabitation before marriage and pastoral care for persons with same-sex attraction. But this essay only considers the disputed question.) It ends with advice for Catholics who feel confused over the disharmony between the bishops' pastoral directions.

To orient readers, Malta is a small Mediterranean island 50 miles south of Sicily, with around 380,000 Catholics (out of a total population of 420,000) and 600 priests. Christianity there dates back to St. Paul, who, finding himself shipwrecked on the island on his way to Rome, spent three months ministering to the Maltese (see Acts 28). Catholicism today is the official religion, and Malta's most famous inhabitants historically are the knights who took the island's name.

Thirteen miles to the west lies the Diocese of Gozo, with 28,000 Catholics and 169 priests. Archbishop Charles Scicluna of Malta was appointed auxiliary by Pope Benedict in 2012 and made archbishop of Malta by Pope Francis in 2015. Gozo's bishop, [Mario Grech](#), was appointed by St. John Paul II in 2006. Archbishop Scicluna and Bishop Grech are Malta's only signatories.

Philadelphia and Malta

Both applications of *Amoris Laetitia* acknowledge the pastoral challenges of persons living in second unions. And both state that their respective guidelines are meant to assist pastors to accompany such persons. Accompany them where?

To answer, we might look at the direction each points to as it prepares to answer the disputed question.

Philadelphia points to truth and fidelity to the Church's moral teaching. It says accompaniment must take the route of the Gospel, which is always a way of "truth and charity."

Accompaniment should assist persons to know the truth that will make them free (John 8:32) and must solicitously avoid the dual errors of relativism, which "ignores the truth," and rigorism, which "lacks mercy." And the guidelines promise to "faithfully reflect Catholic belief."

Malta points to what it refers to as the "new routes" that accompaniment should open up for estranged members. It likens remarried divorcees to the three Magi, "who took a different route home after meeting Jesus" (see Matthew 2:12). It says divorcees might have to take a "different route" back to the Church and says God is "able to open up new routes for these persons." Malta insists its guidelines are "in line with the directions given by Pope Francis."

Points of Agreement

The two agree on a number of preliminary points. Both acknowledge that the first unions of these persons may in fact not have been valid sacramental marriages; and both admonish those with reasonable doubts to seek the counsel of a marriage tribunal to help to resolve the question.

Both recognize that those who are unable to receive annulments may feel estranged from the Church and alone in their faith journeys. Both say the Catholic community should welcome them and help them feel part of the Church, encourage them to pray with the community, and incorporate them into some parish activities. Both enjoin a process of discernment — Philadelphia, in order to help them "come to an awareness of their situation before God"; Malta, in order to help them become aware "of their life situation in the light of Jesus."

Examination of Conscience

Because *Amoris Laetitia* spends considerable time on the notion of conscience, both Philadelphia and Malta quote the following paragraph on elements of an examination:

“Useful in this process is an examination of conscience through moments of reflection and penance. The divorced and remarried should ask themselves: how they have acted toward their children when the conjugal union entered into crisis; if they made attempts at reconciliation; what has become of the abandoned party; what consequences does the new relationship have 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” (300).

Philadelphia immediately adds that the pastoral work of discernment aims at finding the truth so as to guide all decision-making in accordance with it. Malta, on the other hand, enters a discussion of the problem of diminished responsibility in evil doing, reflecting on factors that can mitigate free choice. Malta then quotes the curious passage from *Amoris Laetitia*, 301:

“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.”

I say curious because, to my knowledge, the Catholic Church has never said, neither in her theology nor official pastoral practice, “simply” that all those in second unions are living in a state of mortal sin and deprived of sanctifying grace.

Moral theology has always insisted that mortal sin occurs when and only when grave matter is chosen with sufficient reflection and full consent of the will.

Malta’s discussion of mitigating factors obscures the fact that even if a person chooses some object of grave matter — in the case at hand, adultery — with mitigated culpability, the actions are still harmful to them and bad for the unity of the Church.

Disputed Question

Both then turn to the disputed question of the relationship of the divorced and civilly remarried to the sacraments.

Philadelphia says that in order to bear perspicuous witness to the true nature of the Eucharist and of the Church, the following norms must be upheld.

- To receive holy Communion, one must not be aware of any unconfessed serious sin.
- If one is aware of such sin, one must confess it with a firm purpose of amendment.
- It follows that to receive holy Communion, remarried divorcees must confess extramarital sexual intimacy, if such intimacy has taken place, and firmly resolve to live in perfect continence (refraining from any and all sexual acts).
- Some who do this might continue to cohabit for the sake of their children.
- To avoid scandal, pastors who administer the sacraments to these couples must be solicitous to avoid giving the impression they support divorce and remarriage, or that Church teaching on this issue may be set aside.
- For the same reason, continent remarried divorcees should not be given certain important public duties in the parish (e.g., membership on parish council), including liturgical duties (e.g., lector, extraordinary minister of holy Communion).

Malta says something quite different. It asserts that some remarried divorcees may be capable of practicing the virtue of conjugal continence without “putting at risk” elements of their life together. For others, however, living “this ideal” may be “humanly impossible and gives rise to greater harm” (reference to AL, Note 329). Such persons should undertake a process of discernment that includes humility, a love for the Church and a sincere desire for God’s will.

Malta then says that if such discernment leads these people to the belief that they are “at peace with God,” then pastors may not exclude

them from the sacrament of the Eucharist. Such persons should be considered for various public duties within the parish, including within “the liturgical, pastoral, educational and institutional frameworks.” They also should be considered “suitable to be godparents.”

Navigating Opposing Interpretations

After the final report of the Synod on the Family was published 16 months ago, I wrote in these pages the following:

If the “way of accompaniment and discernment” is approved, both the progressive and the traditional interpretations would be officially sanctioned. But since the progressive interpretation is in clear opposition to the unambiguous teaching of the Church, repeated continually by the hierarchy in the past four decades, its authorization would badly undermine the Church’s evangelical credibility.

This is exactly what we see in the conflicting interpretations of Philadelphia and Malta. Chapter 8 of *Amoris Laetitia* lends itself to two opposing interpretations, one of which is fully consistent with the settled and perennial position of the Catholic Church and the teachings of John Paul II and Benedict XVI; the other of which is not. The Church now faces a crisis of doctrinal and evangelical credibility.

And it also faces a crisis of trust among its own faithful members who endeavor to know what’s right and good to do. How can Malta’s interpretation be excluded if it is apparently consistent with papal teaching? This is a good and urgent question that every faithful pastor should be ready to answer.

The norm for Catholic belief and practice is the deposit of faith, the revealed word of God made manifest in the life and teachings of Jesus Christ. That deposit was and is committed to the Church as a kind of sacred trust to be guarded and handed on until Jesus comes again. The deposit is made known not only in the writings of sacred Scripture but in the definitive teachings of ecumenical councils, the infallible proclamations of popes (which *Amoris Laetitia* does not constitute, as

Pope Francis makes clear in Paragraph No. 3) and in the prayer and worship of the Church's sacred liturgy.

The singular purpose of ordinary papal teaching (which *Amoris Laetitia* does constitute) is to assist both those within and outside the Church to understand, receive and live more fully and fruitfully the truths of the deposit of faith. (If some text in ordinary magisterial teaching lends itself to a conclusion that seems inconsistent with some truth or truths of that sacred deposit, then the conclusion cannot be legitimately taken to be a licit interpretation of that text.)

I have argued elsewhere that the divinely revealed doctrines of the intrinsic wrongfulness of adultery and the absolute indissolubility of Christian marriage cannot both be true and at the same time it be true that anyone — including a civilly-remarried divorcee — who is sexually active with someone other than his or her valid spouse while that spouse still lives is not objectively committing adultery.

Malta prescribes that if these people believe they are “at peace with God” (i.e., not committing adultery), that belief, held sincerely and humbly, is a sufficient basis for the Church's pastors to sanction their return to the sacraments.

This is an egregious pastoral error.

Their belief may suggest they are invincibly ignorant of the objective wrongness of their actions and so not guilty of mortal sin, and if not guilty of mortal sin then not guilty of sacrilege when they receive the holy Eucharist. But this does not imply that pastors may free such persons to receive the holy Eucharist.

Why? Because pastors cannot know that these persons are free from mortal guilt.

As Pope Francis insists, pastors should not be judging sinners' souls at all. No one can know with certitude the state of another's soul. Thus, they should focus their energy on helping these people to come to know the truth that will set them free.

To be sure, a blunt assertion of the Church's exclusionary teaching is unlikely to help many people. But the assertion that they are in full

communion with Jesus and his Church and so free to return to the sacraments without reforming their lives is far worse.

So what should pastors do?

Mater et Magister

They should always at once be mater et magister (mother and teacher). As magister they should form consciences. To form consciences they must teach the truth on the indissolubility of marriage and the wrongfulness of adultery. A spurious compassion that hides the truth from those who need it the most is contrary to the true care that a spiritual shepherd should give his flock (Jeremiah 23:1-4).

Pastors should simultaneously be mater. Mothers respect their children and neither overestimate nor underestimate them. A pastor should not act as if the ordering of their lives in the light of the Gospel is an easy thing, as if it poses no great obstacles. He should help them identify the obstacles. He should especially address frankly and sensitively the challenge of living sexually continent with their second partners.

But he shouldn't underestimate them either. God's grace can assist them to do what may be impossible by natural strength unaided by grace.

Our pastoral approach, even in the most difficult circumstances, must never fail to insist that because of the death, resurrection and ascension of Jesus, we live in a grace-filled universe, where it is possible for men and women to respond to the high call of Jesus to "follow me" (Matthew 4:19).

Mothers also morally support their children. Pastors shouldn't inform consciences only. They also should help people to follow their consciences. People in second unions, especially if they have children from the second union, may see no way out. Pastors should help them to see a way out. Offer them hope: Good mothers always offer hope. Help them see that a morally ordered life — not an easy life, but an ordered and upright life — is good and possible: "You can do this."

And help them see how faithfully responding to the difficult teachings of Jesus on marriage and sexuality is essential for the spiritual well-being not only of themselves, but of their children. Parents who forgo sexual intimacy out of faithfulness to Jesus' teaching are luminous witnesses to the purity of the Gospel and the integrity of the Church's teaching.

But the credibility of the Gospel and the Church is jeopardized by those who treat the teachings of Jesus as if they are "humanly impossible." Jesus' message on marriage and chastity is a merciful message. It is not bad news; it is Good News.

Moreover, sanctioning the reception of the holy Eucharist while they are still in a situation of objective serious and public wrongdoing is an occasion for scandal. By authorizing their return to the sacraments, the pastors themselves would be occasioning scandal among the faithful and so placing the souls of their parishioners in peril. They also risk giving the impression that the Church's irreformable teachings on the indissolubility of marriage and the requisites for chastity may be set aside.

This the Church must never do, but especially at the present time, when the truths about marriage and sexuality urgently need to be perspicuously articulated and persuasively defended. Every possible counter-witness to this articulation and defense must be avoided.

Malta's notion of discernment is flawed. It suggests that true spiritual discernment might lead these persons to conclude that their lifestyle is licit and so they are free to return to the sacraments. But because Jesus never wills us to adopt morally illicit alternatives, discernment, properly speaking, only ever concerns the question of which among a number of morally licit alternatives Jesus wants us to adopt.

So the question of whether or not remarried divorcees should return to the sacraments without ceasing their nonmarital sexual activity is not a matter to be discerned. It is a matter of a straightforward moral judgment that the alternative under consideration is incompatible with the good of marriage and the dignity of the sacrament.

Catholic teaching holds that no one who is sexually active with someone other than his or her living valid spouse may without confessing the activity and resolving to live chastely receive the holy Eucharist. This is not a teaching for the few, for the perfect. It is for every Christian. The fact that some who approach the sacrament under such circumstances are — because of invincible ignorance — in good faith does not justify Catholic pastors in telling those same persons that they are free to approach the holy Sacrament. As Philadelphia states (quoting *Amoris Laetitia*): “Discernment can never prescind from the Gospel demands of truth and clarity as proposed by the Church.”

In my opinion, Philadelphia’s guidelines beautifully fulfill the aims of applying Chapter 8 to the concrete circumstances of Catholics who are divorced and civilly remarried in a way that respects truth, expresses charity and remains faithful to the Gospel and the Church’s moral teaching. Its guidelines will help pastors accompany married couples to salutary Christian solutions in the face of marital crises, and do so in a way that guards the spiritual well-being of those being accompanied, their children and the rest of the Christian community.

Philadelphia offers no assembly-line solution. Its guidelines won’t undo overnight the seemingly intractable problems that have arisen over nearly seven decades of largely failed ministry to families.

Each couple, indeed each person in marital crisis, needs to be cared for according to what is spiritually best for him and for her. Among the possible alternatives for responding to the present crisis, Philadelphia offers a good and faithful Christian guide. Malta does not: Its guidelines will leave Catholics stuck in disorderly lifestyles, encourage them to receive holy Communion when they are not spiritually prepared, compromise the Church’s witness to the integrity of Christian marriage and Catholic sexual teaching, and incentivize divorce and “remarriage” for other vulnerable couples who are struggling in troubled marriages.

Pray for the unity of the episcopate.

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