

The Marriage Crisis and the Eucharist

1. Introduction.

The theme “The Vocation and Mission of the Family in the Church and Contemporary World,” suggests that the next General Assembly of the Synod (4 to 25 October 2015) intends above all to propose positively the beauty and effectiveness of the Christian family as evangelizers. For my part, I firmly believe that the main pastoral urgency today is the formation of exemplary Christian families, which are able to give concrete witness to the fact that Christian marriage is beautiful and possible to fulfil. It is they who can proclaim the Gospel of the family: “Instead of seeming to impose new obligations, they should appear as people who wish to share their” (Francis, *Evangelii Gaudium*, 14).

In my opinion, in a post-Christian cultural context such as ours, the necessary tasks for a pastoral care of the family upon which the Church should, at every level, concentrate its energy, are as follows:

- a. A theoretical and practical education of children and young people to Christian love, understood as self-giving to others and as a communion which respects differences;
- b. A major marriage preparation for engaged couples, in order that it be valid and fruitful, by means of itineraries tailored to the various spiritual, cultural, and social situations;
- c. Ongoing formation of the spouses, especially young couples, by means of periodic meetings inserted within the yearly pastoral programs, and presented by suitable agents (e.g., mentor married couples), and with due regard for the respective input of small communities, movements, and associations.

With this said, I now come to the main subject of my concern, one which is both difficult and important, and upon which I intend to offer my contribution for reflection in preparation for the next Synodal Assembly. Namely: the possibility of allowing the divorced and remarried into Eucharistic communion, together with their respective partners.

My argument seeks to keep to the two wise and necessary attitudes, as appropriately suggested by Pope Francis. That is: parrhesia and humility; to sincerely express one’s thoughts and to listen to others with both respect and a willingness to receive brotherly correction towards conversion. Only in this way can we enrich each other and proceed together towards truth and goodness.

The main issues of my reflection are as follows: the coherent and flawless nature of the pastoral practices authorized so far; the various proposed changes and objections to these; the weaknesses of the so-called *law of gradualness* and its proposals for the introduction of general criteria for the giving Holy Communion to the divorced and remarried and their partners; the firmly established doctrine concerning the indissolubility of Christian marriage;

oblative love in relation to the validity of marriage; the authentic evangelization necessary for a fruitful missionary apostolate. Finally, allow me to draw your attention most especially to numbers 4, 5, 6, and 9.

2. Doctrinal and disciplinary standpoints currently in force

Sacramental marriage, both ratified and consummated, is indissoluble by virtue of Christ's will. Any division among the spouses is against His will. Any new union of a separated spouse is illicit and constitutes a persistent grave moral disorder; it creates a situation that objectively contradicts the nuptial covenant between Christ and the Church, as signified and effected by the Eucharist. Therefore, the divorced and remarried cannot be allowed to receive Holy Communion, first of all, due to a theological reason, and then, by virtue of the pastoral order. "The Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church, which is signified and effected by the Eucharist. 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" (*Familiaris Consortio*, 84).

This exclusion from Eucharistic Communion continues throughout the entire period of time of any illicit conjugal life. "If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God's law. Consequently, they cannot receive Eucharistic communion as long as this situation persists" (*Catechism of the Catholic Church*, 1650). This exclusion does not discriminate against the divorced and remarried compared to other situations of grave objective disorder and public scandal. Whoever has a habit of swearing should make serious efforts to correct himself; whoever has committed theft must make restitution; whoever has harmed his neighbor, whether materially or morally, needs to repair the harm. Without a real commitment towards conversion, there can be no sacramental absolution and admission to the Eucharistic Communion. No one should be admitted who "obstinately persevere[s] in manifest grave sin" (*Code of Canon Law*, c. 915). It does not seem possible to make an exception for the divorced and remarried who are not committed to

Exclusion from the Eucharistic Communion does not mean exclusion from the Church, but only an incomplete communion with her. The divorced and remarried continue to be members of the Church; they can and should participate in the Church's life and activities. On the other hand, other believers and especially pastors must welcome them with love, respect, and care, involving them within the life of the Church, encouraging them to do good with generosity, and to trust in God's mercy. "[T]o help the divorced, and with solicitous care to make sure that they do not consider themselves as separated from the Church, for as baptized persons they can, and indeed must, share in her life. They should be encouraged to listen to the word of God, to attend the Sacrifice of the Mass, to persevere in prayer, to

contribute to works of charity and to community efforts in favor of justice, to bring up their children in the Christian faith, to cultivate the spirit and practice of penance and thus implore, day by day, God's grace. Let the Church pray for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope. [...] With firm confidence she believes that those who have rejected the Lord's command and are still living in this state will be able to obtain from God the grace of conversion and salvation, provided that they have persevered in prayer, penance and charity" (*Familiaris Consortio*, 84).

The doctrinal and pastoral affirmations of *Familiaris Consortio* were confirmed 26 years later by Benedict XVI's *Sacramentum Caritatis*, and with no significant changes (n. 29).

Some additional indication is found instead in another text of St. John Paul II, *Reconciliatio Poenitentia*, which was issued shortly after the *Familiaris Consortio*, and which it explicitly cites. The Pope speaks of Christians who come to find themselves in "particularly delicate and almost inextricable," including which he speaks of the divorced and remarried, and those who live in "irregular situations." In their cases, two complimentary principles must be adhered to: the principle of "compassion and mercy" and the principle of "truth and consistency." In light of these, you can walk towards "full reconciliation at the hour that providence alone knows." "Basing herself on these two complementary principles, the church can only invite her children who find themselves in these painful situations to approach the divine mercy by other ways, not however through the sacraments of penance and the Eucharist until such time as they have attained the required dispositions" (*Reconciliatio et Poenitentia*, 34).

Thus, whoever makes a serious effort in the Christian way of life will receive sooner or later the grace of full conversion and reconciliation, in order to receive the sacraments, or at least the grace to attain eternal salvation at the end of earthly life. In this perspective, firm belief in mercy and respect for truth are brought into harmony.

According to the same document, the path that paves the way for full reconciliation also includes "the frequent repetition of acts of faith, hope, charity and sorrow made as perfectly as possible" (*ibid.*). They are intimate acts that only God can see and judge. Perhaps they do not reach the perfection that is necessary for the justification of the sinner, but they at least help its preparation. Something similar can be said about the so-called spiritual communion. This term underlines participation in divine life, which is the fruit of the Eucharistic sacramental communion. However, this issue does not form part of this presentation, as the focus is instead, to consider what happens in cases where sacrament is lacking. Spiritual communion refers to the desire to receive the Eucharist either by one who is justified, yet is unable to receive for accidental circumstances, or by a sinner who is prevented from receiving it due to his or her moral situation, which is incompatible with the Eucharist. Through this desire, the former receives an increase in sanctifying grace; the latter receives help to prepare himself or herself to full conversion and justification. In both cases, the desire to receive the Eucharist is good and ideal for the development of the person's relationship with the Lord. The pastoral position until now in force and which I have presented, concerns

above all the divorced and remarried; but *Familiaris Consortio* also gives similar instructions concerning those living together without any institutional bond (FC 81) and Catholics who are only married (FC 82). Although their situation may, in some aspects, be of increased moral disorder, the treatment offered to these is practically the same: no admission is allowed as regards the sacraments of Penance and the Eucharist; welcoming them into the life of the Church; being close to them with due respect and at their own level, so as to get to know them on an individual basis, and thus direct and accompany them towards an eventual regular state of life.

3. Perfectibility of the Current Practice

The current position of the Church's doctrine and discipline on remarried divorcees and those who cohabit, is consistent and solidly based in Scripture and Tradition. However, there is widespread dissatisfaction with this position. Many irregular couples perceive exclusion from the Eucharistic communion as total exclusion from the Church. They feel rejected by the Church and no longer experience God's merciful nearness. They are tempted to leave the Church community and to lose faith.

It is obvious that the first remedy should be to further the efforts made to implement the wise directives of the Magisterium. Yet, some propose to add more concrete and specific ways of caring for irregular couples, so as to give greater importance and visibility to their church membership and to support their spiritual life more effectively. Some tasks in the Church, which up to now have been prohibited for the divorced and remarried, could be more largely entrusted to them, unless it is advised otherwise by tasks that require an exemplary life. Celebrations intended for their spiritual progress could be created for them (and for those cohabiting). The non-admission to the Eucharist could be replaced by a gesture of the blessing, as is sometimes done with non-Catholic Christians. The most challenging proposal concerns the establishment of a specific path, intended to help to better discern and accomplish God's will in one's life: a path that is personal and shared in small communities, a path that involves reflection and dialogue, prayer and listening to the Word, church, family and social commitment, as well as charitable service; a journey prolonged in time, until the situation that is incompatible with the Eucharist is eventually overcome, or even until the end of the earthly life, with living trust in God's mercy and the hope of eternal life. These suggestions and other similar ones certainly have positive aspects; but they also risk humiliating people and marginalizing them in a separate category. In any case, they require prudence, respect, and delicate attention.

Many complain that the Church's current pastoral practice, by excluding, in general, all irregular couples from Eucharistic communion, does not sufficiently take into account of the so-called "law of gradualness," which was in fact clearly enunciated by the Magisterium itself (cf. Saint John Paul II, *Familiaris Consortio*, 34). One wonders whether it is not possible to make exceptions, at least in some limited cases. However, on this subject I intend at this point to postpone the reflection, in order to speak on the following immediate theme.

4. The innovative proposals

A major pastoral shift is strongly advocated by the media; the public and even many Catholics, including laity and clergy, largely expect this too. The recent Extraordinary Assembly of the Synod of Bishops (5-19 October 2014) made it the subject of lively debate.

“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 the God’s plan for them. [...] The synod father also considered the possibility of giving the divorced and remarried access to the Sacraments of Penance and the Eucharist. [...] The subject needs to be thoroughly examined, bearing in mind the distinction between an objective sinful situation and extenuating circumstances, given that “imputability and responsibility for an action can be diminished or even nullified by various psychological or social factors” (*Relatio Synodi*, 25 and 52).

The pastoral change is inspired by the desire to make the Church more welcoming and attractive to many people who have been hurt by the widespread marriage crisis in contemporary society, by manifesting God’s mercy to them and to all in a concrete way, by recognizing the positive values that also exist in irregular cohabitation, and by presenting the Gospel as a gift rather than as an obligation.

The most authoritative proposals do not question the indissolubility of Christian marriage. Indeed, they say that the divorced and remarried faithful should themselves profess it, by acknowledging that they have sinned by breaking the previous conjugal union, asking for forgiveness, and submitting to penance. The second union is not considered a natural marriage, because, for the baptized, there is only one valid marriage, the sacramental marriage. Likewise, a second marriage is not considered canonical, because, since the first marriage is indissoluble, it constitutes a bigamous marriage. Generally, there is a preference for talking about an imperfect—almost matrimonial—union or about common life, based on some human and Christian values (for example, affection, tenderness, mutual help, childcare). Some, however, speak openly of a second natural, non-sacramental marriage or civil marriage. In short, beyond the changes in terminology, it is believed that the second union is compatible with the indissolubility of the first one, at least in certain cases; indeed, it should be appreciated as an asset to be protected, while refraining from requiring separation and sexual continence, which would be excessively burdensome and difficult.

During the 2014 Extraordinary Assembly, the portion of the Synod Fathers that manifested itself favorable to change admitted as acceptable only “a more individualized approach, permitting access in certain situations and with certain well-defined conditions” (*Relatio Synodi*, 52). Eucharistic communion would be granted to divorced and remarried faithful only in irreversible cases, after satisfaction of the obligations arising from the first marriage and the completion of a penitential path overseen by the bishop.

As to the experts, some advanced the hypothesis of partial admission to the Eucharist, only in special circumstances, particularly significant for personal or family life, or once a year, at Easter. Some then said that the new discipline should be limited alone to the civilly divorced and remarried, excluding those in de facto cohabitation, registered partners, and cohabiting homosexuals.

I personally think that this limitation is unrealistic, because those cohabiting are far more numerous than the divorced and remarried. Social pressure and the internal logic of things will certainly, in the end, make opinions favorable for wider permissiveness to prevail.

5. Objections to the admission of those Cohabiting Irregular to the Eucharist.

Authoritative pastors and qualified experts raised various noteworthy objections against innovative proposals that revolutionize the Church's practice.

a. One should give due regard to the risk of compromising the credibility of Papal Magisterium, which—as with St. John Paul II and Benedict XVI—in recent times has excluded, repeatedly and firmly, the possibility of admitting to the sacraments those who are remarried and cohabiting. Along with the Pope's authority, this would also weaken that of the entire Catholic episcopate, which shared the same position for centuries.

b. The Church's welcoming of the divorced and remarried faithful, and more generally irregular partners, does not necessarily mean Eucharistic reception. It is true that the Eucharist is necessary for salvation; however, that does not mean that only those who receive this sacrament will in fact be saved. The Church too is necessary for salvation, yet this does not imply that that only those who visibly belong are saved.

The Eucharist is the supreme expression of communion with Christ, for the sanctification of individual Christians and for the edification of the Church. It is true that we all have flaws and are unworthy of receiving the Blessed Sacrament; but there are different types of defects and unworthiness. "Whoever eats the bread or drinks the cup of the Lord unworthily will have to answer for the body and blood of the Lord [...] he eats and drinks judgment on himself" (1 Cor 11:27.29). The Church has consistently taught that mortal sin causes exclusion from Holy Communion and admission must be regained through the sacrament of penance (see for example the Council of Trent, DH 1647; 1641; *Catechism of the Catholic Church*, 1415).

Moreover, admission to Eucharistic communion is not just a matter of individual sanctification. A non-Catholic Christian or even the non-baptized believer of another religion could be spiritually more closely united with God than a practicing Catholic and nevertheless, not be admitted to Eucharistic communion, because he/she is not in full visible communion with the Church.

The Eucharist is the summit and source of spiritual and visible communion. This visibility is essential, because the Church is a sacrament of salvation and a public sign of Christ the Savior in the world. However, the divorced and remarried persons, and

others living together irregularly, find themselves in an objective and public situation that is in serious contradiction to the Gospel and the Church's doctrine.

In today's context of cultural relativism, there is a risk of trivializing the Eucharist and reducing it to a rite of socialization. In some cases, even non-baptized people have approached the table, with the intention of making a gesture of courtesy, and non-believers have claimed the right to receive Communion at weddings or funerals simply as a sign of solidarity with their friends.

c. The Eucharist would be given to divorced and remarried persons while affirming the indissolubility of the first marriage and not recognizing the second union as a true marriage (in order to prevent bigamy). This position is different from that of the Orthodox Churches, which allow civilly divorced a second (and third) canonical marriage, albeit characterized by a more penitential mood. Indeed, in some ways, this seems more dangerous, because it leads to admitting the lawful exercise of genital sexuality outside marriage, as couples living together are far more numerous than the divorced and remarried. The most pessimistic often say they foresee that people will end up believing that cohabitation before marriage is ethically licit, both registered and unregistered cohabitation, as well as occasional sexual relations, perhaps homosexual unions and even polyamory and multiple-family unions.

d. It is certainly desirable that a constructive attitude be adopted in the pastoral ministry, by "sensitivity to the positive aspects of civilly celebrated marriages and, with obvious differences, cohabitation" (*Relatio Synodi*, n. 41).

Irregular unions certainly have authentic human values (for example, affection, mutual help, a shared commitment to the children), because evil is always mixed with good and never exists in a pure state. However, one must avoid presenting such unions in themselves as imperfect values, since there are serious disorders. "Do not be deceived; neither fornicators nor idolaters nor adulterers nor boy prostitutes nor practicing homosexuals nor thieves nor the greedy nor drunkards nor slanderers nor robbers will inherit the kingdom of God" (1Cor 6:9–10).

The law of gradualness only affects the subjective responsibility of individuals, and it should not be transformed into gradualness of the law, by presenting evil as an imperfect good. There is no gradualness between what is true and what is false, between good and evil. While refraining from judging consciences—seen by God alone—and accompanying them with respect and patience steps towards good as can be, the Church cannot stop teaching the objective truth of good and evil, showing that all the commandments of God's law are requirements for authentic love (cf. Gal 5:14; Rom 13:8–10) and that love, sustained by the grace of the Holy Spirit, can observe the commandments and even go beyond them. Therefore, chastity, although difficult, is possible for all, in accordance with their state: as spouses, celibates, divorced and remarried. The latter—even without putting an end to common life for their children or for their own sake—can at least receive the grace and strength to practice sexual continence, and live a relationship of friendship and mutual aid "like brother and sister," giving up sexual intercourse, which is proper to marriage and characterizes conjugal love (cf. Saint John Paul II, *Familiaris Consortio*, 84).

e. The admission of the divorced and remarried and those living together at the table of the Eucharist leads to a separation between mercy and conversion, which does not seem consistent with the Gospel.

This would be the only case of forgiveness without conversion. God's mercy leads sinners to conversion: it not only frees them from punishment, but also heals them from guilt; it has nothing to do with tolerance. For his part, God always grants forgiveness; but it is received only by those who are humble, who recognize that they are sinners and agree to change their way of life. On the contrary, the climate of relativism and ethical-religious subjectivism that we are living in today promotes self-justification, particularly in the emotional and sexual spheres. Goodness is what one perceives as rewarding and in accord with one's immediate desires. Honesty and uprightness is the so-called authenticity, understood as spontaneity. On the other hand, there is a tendency to diminish one's responsibility, by attributing any failures to social conditioning. The opinion is spreading that, if marriages fail, the couples themselves do not have the primary responsibility, but this is the result of the economic situation and employment conditions, job mobility, career requirements—in short, it is society's fault. It is also easy to lay the blame for the failure on the other spouse and proclaim one's innocence. However, we must not ignore the fact that, if one of the spouses can sometimes be blamed, at least in a new (illegitimate) union, both the partners are responsible, and this, above all, and for as long as it lasts, prevents admission to Holy Communion.

The tendency to consider a second union positively and to associate sin only to the previous separation has no theological basis. It is not enough to do penance only for this. It is necessary to change one's life.

f. Usually, those favorable to letting the divorced and remarried and those cohabiting approach Eucharistic communion state that this does not put into question the indissolubility of marriage. However, beyond their intentions, given the doctrinal inconsistency between the admission of these people to the Eucharist and the indissolubility of marriage, this would finally lead to denying the concrete practice of what continues to be asserted theoretically in principle, with the risk of reducing indissoluble marriage to an ideal, which may be beautiful, but attainable only for a fortunate few.

In this regard, the pastoral practice developed in the Orthodox Churches is instructive. They maintain the doctrine of the indissolubility of Christian marriage. However, in their practices, they have gradually multiplied the reasons for the dissolution of the previous marriage and allowed a second (or third) marriage. Moreover, the number of requests is high. Now, anyone who presents the document of civil divorce also receives ecclesiastical permission to remarry, without having to go through a canonical investigation and the evaluation of the cause.

It is also foreseeable that the reception of Eucharistic communion by divorced and remarried faithful and those cohabiting will quickly become generalized. Then, it will be meaningless to talk about the indissolubility of marriage and the celebration of the sacrament of marriage will lose its practical relevance.

6. Truth and responsibility.

According to the *Relatio Synodi*, the question of the admission of divorced and remarried to the Eucharist should be studied in the light of the distinction between the objective situation of sin and personal responsibility, which can be mitigated or canceled by multiple internal and external factors (cf. *Relatio Synodi*, 52).

The Magisterium of the Church teaches that there is a distinction between the objective truth of the moral good and the subjective responsibility of individuals, between the law and the conscience, between the disorder and sin. It recognizes that there is a law of gradualness in personal responsibility, whereas in the truth of good and evil there is no gradation of the law.

“But man, who has been called to live God’s wise and loving design in a responsible manner, is an historical being who day by day builds himself up through his many free decisions; and so he knows, loves and accomplishes moral good by stages of growth” (St. John Paul II, *Familiaris Consortio*, 34).

The subjective ability to know, appreciate and want the good is proper to each person and conditioned by many internal and external 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” (*Catechism of the Catholic Church*, 1735).

Usually the responsibility develops gradually. However, one cannot “look on the law as merely an ideal to be achieved in the future;” one cannot speak of gradualness of the law “as if there were different degrees or forms of precept in God’s law for different individuals and situations” (Saint John Paul II, *Familiaris Consortio*, 34). The moral law that obliges all and always should not be seen as “an ‘ideal’ which must then be adapted” to man’s concrete possibilities (Idem, *Veritatis Splendor*, 103). The obligation to do good has no gradation, but the ability to do develops gradually.

To indicate the distinction between the objective truth of Christian life according to the Gospel and the subjective responsibility of individuals, St. John Paul II created an evocative image that he used several times after his speech in Kinshasa, on 3 May 1980. The Pope usually recommended to the pastors of the Church not to lower the mountain, but instead help believers to climb it by leading the way. For their part, the faithful should not stop trying to reach the summit; they must sincerely seek both what is good and the will of God. Only with this fundamental attitude is it possible to develop a positive path of conversion and growth, even though individual steps may be short and sometimes even deviant. “What is needed is a continuous, permanent conversion which, while requiring an interior detachment from every evil and an adherence to good in its fullness, is brought about concretely in steps which lead us ever forward” (*Familiaris Consortio*, 9).

Pope Francis uses a different, more passionate, tone, but he essentially advances along the same line. “Without detracting from the evangelical ideal, they need to accompany with mercy and patience the eventual stages of personal growth as these progressively occur. I want to remind priests that the confessional must not be a torture chamber but rather an encounter with the Lord’s mercy which spurs us on to do our best. 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. Everyone needs to be touched by the comfort and attraction of God’s saving love, which is mysteriously at work in each person, above and beyond their faults and failings” (Pope Francis, *Evangelii Gaudium*, 44).

In the perspective of the law of gradualness, we can understand how a good and upright conscience can exist even in the presence of an objectively sinful situation, of seriously flawed and disordered behavior. Some people simply ignore that a certain kind of behavior is wrong; others know that it is theoretically bad, but personally do not believe that it is; still others, while recognizing it as evil, are not free enough to avoid it. Only God sees people’s hearts and directly judges their moral responsibility. The Church can only make a discernment, because the inner attitude manifests itself—albeit partially—through words, actions, habits, and lifestyles. Her first task is to teach the objective truth, which is valid for all, and correspondingly regulate Christian personal and community life. As for the faithful, each individual has the duty of accompanying them patiently toward the good of which they are capable, illuminating their situations in life, encouraging them to persevere in the process of conversion and growth, while respecting their freedom of conscience and entrusting human frailty to God’s infinite mercy.

Irregular unions of the divorced and remarried couples and of those who cohabit are public and manifest. The Church disapproves them as objectively sinful situations. If She accepted them, as if they were the possible good at a particular time, She would deviate from the law of gradualness to the gradualness of the law condemned by St. John Paul II.

What is bad cannot be, momentarily, the possible good. Stealing never becomes licit, even for those who are accustomed to stealing a lot; swearing rarely ever becomes licit, even for those who are accustomed to swear often. Likewise, illegitimate marital unions cannot be made morally good by the conditions of those who are in favor of giving the Eucharist to divorced and remarried people (e.g., an irreversible situation, the fulfillment of previous obligations, civil marriage, completion of a penitential journey to atone for infidelity in the first marriage, authentic human values experienced in the second union).

Since irregular unions are public and manifest, the Church cannot even take refuge in silence and tolerance. She is forced to intervene openly to disapprove such objectively sinful situations.

Yet, it is possible that the partners, subjectively, are not fully responsible, because of the existential, cultural, psychological and social conditioning. It is even possible that they are in the grace of God and have the interior dispositions necessary to receive the Eucharist.

Nevertheless, it is not possible merely to assume all of this; it has to be verified through careful discernment, in accordance with the law of gradualness. We must discern whether those who are cohabiting truly are determined to climb to the summit of the mountain, which, for them, is perfect sexual continence. Only if this sincere conversion exists, can any missteps or relapses in sexual relations provide for attenuated liability. The help needed for the difficult climb can be found in personalized accompaniment and participation in the life of the Church, as indicated in *Familiaris Consortio* and *Sacramentum Caritatis*, which will soon be supplemented by the future Conclusions of the Synod and the teaching of Pope Francis.

The law of gradualness is of great value for the personalized accompaniment of individuals. General criteria for admitting those who live in irregular situations to the Eucharist cannot be drawn from it, except by those who confuse it with the unacceptable gradualness of the law. In fact, discerning subjective responsibility is one thing and identify the possible objective good of individuals is quite another. Bringing people to gradually overcome their irregular situation, by tending seriously toward perfect continence is very different from telling them to remain in an illegitimate union, while indicating under what conditions it can become a possible good for them. The law of gradualness serves to discern consciences, not to classify actions to be taken as more or less good, and even less to elevate evil to the dignity of imperfect good.

With regard to divorced and remarried and those who cohabit, far from promoting innovative proposals, it serves ultimately to confirm the traditional pastoral practice.

The subjective responsibility for any disordered acts is more or less attenuated only in those who seriously strive for complete continence and to live “like brother and sister,” although sometimes, if they are unable to cease their cohabitation and finding themselves close to an occasion of sin, they may fail in their continued commitment.

The usual attitude, necessary to mitigate personal responsibility, is substantially the same as the one that—which according to St. John Paul II—allows the reception of sacramental reconciliation and Eucharistic communion. “Reconciliation in the sacrament of Penance which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the Covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage. This means, in practice, that when, for serious reasons, such as for example the children’s upbringing, a man and a woman cannot satisfy the obligation to separate, they “take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples” (*Familiaris Consortio*, 84).

7. Indissolubility of sacramental marriage.

Indissolubility is the cornerstone of the entire pastoral question of admission of illegitimate couples to Eucharistic communion. To be consistent with indissolubility, the

traditional practice does not grant them admission. Thinking, on the other hand, of a possible compatibility, most authoritative innovative proposals are open to limited admission, in certain cases and under certain conditions. Unfortunately, there are also theologians who, from various points of view and with different methods of interpretation, have come to question this indissolubility. Obviously, a detailed study of the subject cannot be developed here. However, it seems to me appropriate to recall some guidelines.

In the Catholic Church, the pastoral practice must be consistent with the doctrine of the faith, whose foundation was laid once and for all in the Holy Scriptures and which has, as its main criterion of interpretation, the teaching of the Pope and of the bishops in communion with him. The truth can emerge gradually in the consciousness of the Church, illuminated by the Holy Spirit, to the degree of sometimes being taught infallibly. Authentic development of doctrine takes place with attention to the perspectives and the development of new syntheses, but in line with the definitive stances taken previously. Neither immobility nor separation, but creative fidelity.

Jesus' teaching on the indissolubility of marriage and the equality between men and women was revolutionary and shocking for Judaism in his time (cf. Mt 5:31–32; 19:3–10; Mk 10:2–12; 1 Cor 7:2–5, 10–11, 39). According to the Law of Moses, the husband was allowed to divorce his wife, by giving her a deed of liberation, leaving her free to remarry. Jesus definitely refuses divorce, referring beyond the Mosaic Law to the original plan of God the Creator. He sees marriage as an irrevocable divine gift that creates an unbreakable bond and hence a categorical imperative: "What God has joined together, no human being must separate" (Mt 19:6; Mk 10:9). This unity is a gift and a duty; it is a grace and a commitment, and therefore, it is also possible. Any new union after separation is condemned as adultery, because the previous marriage bond remains valid: "Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery" (Mk 10:11–12). Even in the case of a separation, there is an obligation to avoid a new union, which would in fact be illegal: "To the married, however, I give this instruction (not I, but the Lord): a wife should not separate from her husband—and if she does separate she must either remain single or become reconciled to her husband—and a husband should not divorce his wife" (1 Cor 7:10–11).

When Jesus called adultery what was permitted by the Law of Moses, this must have seemed outrageous to many devout Israelites. Yet, even beyond the confines of the Jewish world, Jesus' position on divorce was opposed to the practice commonly accepted by ancient peoples, and indeed is still accepted today. It is easy to understand that the teaching of the Gospel has encountered and continues to meet with considerable difficulties.

The first attenuation of the strict prohibition of divorce was apparently introduced by the evangelist Matthew, who inserted into Jesus' words the phrase "except in the case of fornication (*porneia*)" (Mt 5:32; 19:9). However, this text can be interpreted in different ways, and Catholics must avoid the interpretations that are incompatible with the Church's doctrine. Since the term *porneia* seems to indicate a more protracted situation than an episodic act of adultery (expressed by the word *moicheia*), it can be assumed that the

exception refers to irregular unions, i.e., marriages forbidden by the Mosaic Law and therefore, invalid (cf. Lev 18:6–18; Acts 15:29).

As to the Fathers of the Church, it should be remembered that only their general consensus is normative for Catholics. In the case of divorce, they admit that, in some cases, the separation of the spouses is legitimate, and sometimes even required; but they never consider new unions legitimate and, when they speak about them, they condemn them as adulterous. In this regard, apart from a few texts of uncertain interpretation, there is only one sure exception: the so-called *Ambrosiaster* who allows those who are separated to remarry.

As for Canon 8 of the Ecumenical Council of Nicaea, which obliges the Novatians to “remain in communion with persons who have been married twice, and with those who have lapsed in persecution” (DH 127), it should be considered whether it refers remarried widowers and divorcees.

The Novatians in fact extended to the laity a prohibition that applies to the clergy (cf. 1Tim 3, 2:12; Titus 1:6)—i.e. to remarry in the event of widowhood—and, so, placed themselves in direct conflict with Scripture, which on the contrary authorizes the remarriage of lay widowers (cf. 1 Cor 7:8–9, 28–40; Rom 7:2–3). Hence, they were heretical with respect to the doctrine and not just rigorists in pastoral practice. This is apparent from various testimonies, including that of St. Augustine: “Your widowhood is not a conviction for a second marriage, nor for those who contract marriage. This (negating) doctrine was upheld especially by the heresies of the Montanists and Novatians [...] do not be led away from sound doctrine by any argument, be it erudite or not. Do not exaggerate the merits of your widowhood to the point of condemning in others as evil what evil is not” (*On the Good of Widowhood* 4, 6), i.e., the remarriage of widowers.

If the fragmentary documentation that we have received from the first millennium sometimes does not allow us to interpret certain texts, situations and episodes, in the second millennium, on the contrary, the doctrine of the indissolubility has definitively been clarified and clearly defined in the ecclesial conscience, while taking shape in these terms: the sacramental marriage, ratified and consummated, complete expression of the spousal relationship between Christ and the Church, cannot be dissolved, nor by the will of the spouses, or by intervention of the Church, or any other human authority, but only by death.

The principal moments of the consistent development of the doctrine are the Council of Florence (DH 1327), the Council of Trent (DH 1805; 1807), Pius XI’s Encyclical Letter *Casti Connubii* (DH 3712), the Second Vatican Council (*Gaudium et Spes*, 48 and 49), and St. John Paul II’s Apostolic Exhortation *Familiaris Consortio* (nn. 13, 19, and 20).

The Council of Trent defined directly that the marriage bond cannot be dissolved for the reasons of heresy, difficulties of cohabitation, or intentional absence of the spouse (Can. 5). This Council also defined that the Church is not wrong when She teaches that even adultery cannot be invoked for the dissolution of a marriage and contraction of a new legitimate, non-adulterous union (Can. 7).

With this formula, the Council wished to approve indirectly, and in conformity with the Gospel, the doctrine and the practice of the Catholic Church, in order to avoid both condemning and approving the practice of the Orthodox Churches, which, while acknowledging the intrinsic indissolubility of marriage, consider that it may be dissolved by the Bishop, who can allow a second or even the third marriage. Subsequently, however, the Popes have spoken many times to correct the Eastern practice (Clement VIII, Urban VIII, Benedict XIV, Pius VII, Gregory XVI, and Blessed Pius IX), until Pius XI resolutely stated that the faculty to dissolve the marriage bond “can ever affect for any cause whatsoever a Christian marriage which is valid and has been consummated, for as it is plain that here the marriage contract has its full completion, so, by the will of God, there is also the greatest firmness and indissolubility which may not be destroyed by any human authority [...] For, as the Apostle says in his Epistle to the Ephesians, the marriage of Christians recalls that most perfect union which exists between Christ and the Church [...], which union, as long as Christ shall live and the Church through Him, can never be dissolved by any separation” (DH 3712).

Saint John Paul II, in his address of 21 January 2000 to the Tribunal of the Roman Rota, concluded correctly that the ratified and consummated marriage cannot be dissolved even by the intervention of the Pope.

“Neither Scripture nor Tradition recognizes any faculty of the Roman Pontiff for dissolving a ratified and consummated marriage; on the contrary, the Church’s constant practice shows the certain knowledge of Tradition that such a power does not exist. The forceful expressions of the Roman Pontiffs are only the faithful echo and authentic interpretation of the Church’s permanent conviction. It seems quite clear then that the non-extension of the Roman Pontiff’s power to ratified and consummated sacramental marriages is taught by the Church’s Magisterium as a doctrine to be held definitively, even if it has not been solemnly declared by a defining act. This doctrine, in fact, has been explicitly proposed by the Roman Pontiffs in categorical terms, in a constant way and over a sufficiently long period of time. It was made their own and taught by all the Bishops in communion with the See of Peter, with the knowledge that it must always be held and accepted by the faithful. In this sense, it was reaffirmed by the *Catechism of the Catholic Church*. Besides, it is a doctrine confirmed by the Church’s centuries-old practice, maintained with full fidelity and heroism, sometimes even in the face of severe pressures from the mighty of this world.”

The statement is clear: the absolute indissolubility of ratified and consummated sacramental marriage; although it has not been proclaimed with a formal dogmatic definition, it is however taught by the ordinary magisterium, which is also infallible, and belongs to the faith of the Catholic Church and, therefore, cannot be questioned.

8. Love, indissolubility, validity

The indissolubility retains its meaning and its urgency even within a personalist view of marriage, like that of the Second Vatican Council. “The intimate partnership of married life

and love has been established by the Creator and qualified by His laws, and is rooted in the conjugal covenant of irrevocable personal consent. [...] For the good of the spouses and their offspring as well as of society, the existence of the sacred bond no longer depends on human decisions alone. For, God Himself is the author of matrimony, endowed as it is with various benefits and purposes. [...] By their very nature, the institution of matrimony itself and conjugal love are ordained for the procreation and education of children, and find in them their ultimate crown. [...] As a mutual gift of two persons, this intimate union and the good of the children impose total fidelity on the spouses and argue for an unbreakable oneness between them” (*Gaudium et Spes*, 48).

Certainly, in the Council’s vision of marriage is not reducible to a legal contract; but, likewise, it cannot be reduced to spontaneous emotional harmony, without ties. It is clearly defined as a form of common life shaped by conjugal love, which, by its nature, is ordered to the procreation and education of children, and therefore involves sexual intimacy, the total, faithful and indissoluble mutual self-giving.

The openness to children and sexual intimacy characterize conjugal love in contrast with other forms of love. It includes friendship, cooperation and coexistence with their multiple dimensions, but directs and organizes everything in relation to the generation and education of children. Without the joint donation to the children, the mutual relationship between the spouses easily becomes the quest and precarious coincidence of interests and selfish gratification. However, the fundamental indissoluble conjugal bond, that no divorce can dissolve, is personified by children. Moral obligation and legal indissolubility appear in consequence of this. Because they are called to be united forever as father and mother in the person of the child, the spouses are called to remain united first as husband and wife. In this perspective, one understands why the marriage covenant, established by consent, is finally completed via the sexual relationship. “This love is uniquely expressed and perfected through the appropriate enterprise of matrimony” (*Gaudium et Spes*, 49).

Conjugal communion "leads the spouses to a free and mutual gift of themselves, a gift providing itself by gentle affection and by deed, such love pervades the whole of their lives" (*Gaudium et Spes* 49); it involves people and their activities, their bodies and souls, intelligence, will, and emotions; it is first the gift of God and then man’s commitment, God’s irrevocable gift to be welcomed in a project of common life forever. The believers, who through Baptism have been incorporated into Christ as individuals, in marriage are placed in Him as a couple and called to be a concrete symbol, a representation and participation of Christ’s spousal covenant with the Church. The marriage bond, like the baptismal character and like any other gift, can be rejected but not erased. It is a gift that imposes a duty and gives the ability to perform it. This naturally recalls the teaching of St. John Paul II about the practicability of the rules given by God: “because together with the commandments the Lord gives us the possibility of keeping them” (*Veritatis Splendor*, 102); “believers find the grace and the strength always to keep God’s holy law, even amid the gravest of hardships” (*Veritatis Splendor*, 103). In this perspective, the indissolubility of marriage as a vocation

appears achievable in life as it is; God's irrevocable gift becomes an indissoluble bond, which can and must be respected.

The vision of marriage as a communion of conjugal love, given by God and lived by the couple in a corresponding plan of life together, has consequences on the validity or invalidity of their wedding celebration. In order to be valid, it seems necessary that *eros* is not reduced merely to the quest for individual gratification, but is completed by the gift of self to another. Only with via mutual oblation love can a true interpersonal communion be realized; unlike the precarious coincidence of self-interest. "As I have loved you, so you also should love one another" (Jn 13:34). In order to validly celebrate the sacrament, which is the representation and participation of Christ's spousal love for the Church, it seems that oblation love is necessary, at least as a life project on the part of the spouses. Such love includes affection, respect, and service for one's partner, as well as an openness to both procreation and education of children.

For a valid marriage, faith must at least be implicit (cf. St. John Paul II, *Familiaris Consortio*, 68). Now, the Third Extraordinary General Assembly of the Synod began to reflect on this (see *Relatio Synodi*, 48). However, I believe that in today's cultural context of self-centered individualism, the intention and the capacity to love and self-giving, should also be taken into consideration, in view of a possible declaration of nullity, and that, even before that, it is necessary to promote a very serious education of young people in the truth of love and adequate preparation of engaged couples for marriage.

9. For a Church in mission.

In many countries, secularization is undermining the mass membership of the Church. We must be aware of the breadth and depth of this sea of change, in order to courageously face the tough and dangerous challenge, while looking forward with confidence, without getting caught up in nostalgia of the past. Some years ago, Cardinal Joseph Ratzinger wrote: "The mass Church may be something lovely, but it is not necessarily the Church's only way of being. The Church of the first three centuries was small, without being, by this fact, a sectarian community. On the contrary, it was not closed in on itself, but felt a great responsibility in regard to the poor, the sick—in regard to all [...]" (Joseph Ratzinger, *First of all we must be missionaries*).

The Church is called by Jesus Christ, the only Savior of all men, to cooperate with him for the salvation of Christians, who are in full spiritual and visible communion, of Christians who are in partial communion, and of believers of non-Christian religions, as well as of unbelievers, who are only implicitly oriented towards God. In order to carry the mission of salvation out effectively, even though the number of the faithful has its importance, the authenticity of the ecclesial communion in truth and love is certainly more important and necessary.

As the Second Vatican Council put it: “So it is that that messianic people, although it does not actually include all men, and at times may look like a small flock, is nonetheless a lasting and sure seed of unity, hope and salvation for the whole human race. Established by Christ as a communion of life, charity and truth, it is also used by Him as an instrument for the redemption of all, and is sent forth into the whole world as the light of the world and the salt of the earth (cf. Mt 5:13–16)” (*Lumen Gentium*, 9). The mission is always universal, whatever the numerical strength. The Church cooperates with Christ the Savior as a sign that receives, transmits and manifests his presence in the world, his love and his saving action, as the “universal sacrament of salvation” (*Lumen Gentium*, 48).

It would be misleading to seek the numerical growth of membership, by disengaging ourselves from imparting formation, or via an openness that chooses to ignore canonical status, grants everything to all, and falls to the level of general abasement. On the contrary, there is an urgent need for pastoral ministry that must be addressed to all, but differentiated, to care firstly for the few, who are more available, and through them reach out to all others. “We are missionaries above all because of what we are as a Church whose innermost life is unity in love, even before we become missionaries in word or deed.” (St. John Paul II, *Redemptoris Missio*, 34).

It is necessary to accept everyone and to reach out to all, but in a different way; it is necessary to develop, with conviction and perseverance, popular devotion, but it is even more urgent to form exemplary Christians and Christian families, as I said at the beginning of this text. In order to illuminate and produce heat, the first thing to do is light a fire.

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