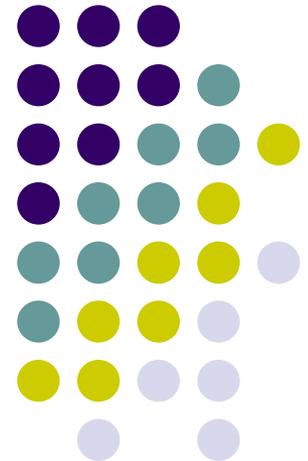
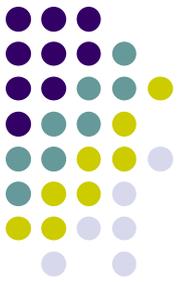


Catholics who are Civilly Remarried and Communion

Fr Kevin McGovern,
Caroline Chisholm Centre for Health Ethics:
ACTA Conference,
3 July 2015





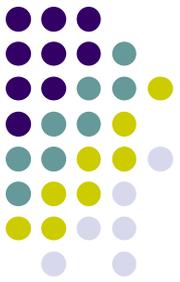
Overview

1. Review

2. Proposals

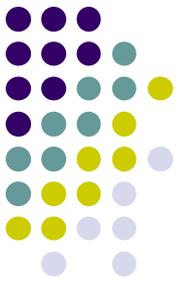
- i. Frank Moloney SDB
- ii. 2015 *Instrumentum Laboris*
- iii. My proposal

3. Discussion



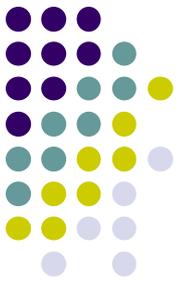
1. Review

Before 2014 Synod



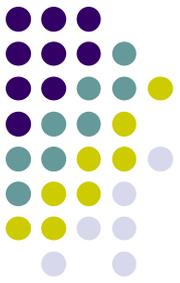
- John Paul II, *Familiaris Consortio*, 22 Nov 1981, n. 84.
- *Catechism of the Catholic Church*, n. 2382, 1650-1651.
- Lehmann, Saier, and Kasper, “Joint Pastoral Letter,” 10 July 1993, *Origins* 23 (1994): 670-676.
- CDF, *Concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful*, 14 Sept 1994.
- Lehmann, Saier, and Kasper, “Joint Pastoral Letter,” 14 Oct 1994, *Origins* 24 (1994): 341-344.
- Cardinal Ratzinger, “Concerning Some Objections to the Church’s Teaching on the Reception of Holy Communion by Divorced and Remarried Members of the Faithful,” 1998.
- Pontifical Council for Interpreting Legislative Texts, “Concerning the Admission to Holy Communion of Faithful who are Divorced and Remarried,” 24 June 2000.
- Benedict XVI, *Sacramentum Caritatis*, 22 Feb 2007, n. 29.

What is the issue?



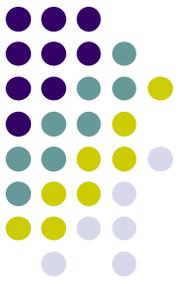
- Those who are divorced and civilly remarried are not excommunicated.
- Their state objectively contradicts God's plan for the indissolubility of consummated sacramental marriage. (cf *Familiaris Consortio*, n. 84.)
- The Pontifical Council for Interpreting Legislative Texts claims that they “obstinately persist in manifest grave sin.” (cf canon 915)
 - Does this claim too much? Grave sin requires gravely wrong action, sufficient knowledge, and sufficient consent.
- If civilly remarried people received Communion, “the faithful would be led into error and confusion regarding the Church’s teaching about the indissolubility of marriage.” (cf *Familiaris Consortio*, n. 84.)

2014 Synod



- *Lineamenta* ('outline' with questions to answer)
- consultation around the world
- *Instrumentum Laboris* ('working document')
- Synod from 5 to 19 October 2014
- at the start, *Relatio ante disceptationem* ('report before the debate')
- about midway, *Relatio post disceptationem* ('report after the debate')
- at the end, *Relatio Synodi* ('Synod Report') with 62 Propositions
- at the end, Final Message from the Synod
- at the end, Pope Francis's Final Address

Relatio Synodi



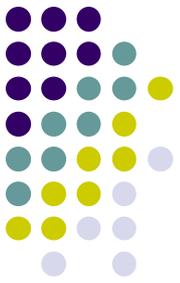
- Three Propositions did not achieve the required two-thirds majority:
 - n. 41 on couples civilly married or living together [112 for, 64 against, 7 abstentions = 61%]
 - n. 52 on giving civilly remarried Catholics access to Penance and the Eucharist [104 for, 74 against, 5 abstentions = 58%]
 - n. 55 on homosexual unions [118 for, 62 against, 3 abstentions = 64%]
- Pope Francis decided that the votes would be published and that these three Propositions would remain in the Synod Report.

Relatio Synodi, n. 52



“The synod fathers also considered the possibility of giving the divorced and remarried access to the Sacraments of Penance and the Eucharist. Various synod fathers insisted on maintaining the present discipline, because of the constitutive relationship between participating in the Eucharist and communion with the Church as well as her teaching on the indissoluble character of marriage. Others proposed a more individualised approach, permitting access in certain situations and with certain well-defined conditions, primarily in irreversible situations and those involving moral obligations to children who would endure unjust suffering. Access to the sacraments might take place if preceded by a penitential practice, determined by the diocesan bishop. 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 ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other psychological or social factors (CCC, 1735).”

2015 Synod

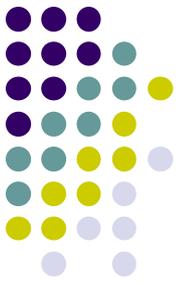


- *Lineamenta* = 2014 *Relatio Synodi* and 46 questions.
- Consultation in Australia from late December 2014, with responses due mid-February 2015. Based on these responses, the Australian bishops sent their submission to the Synod secretariat mid-April 2015.
- The Synod secretariat received 99 submissions from the Eastern Catholic Churches, Episcopal Conferences, the Roman Curia and others, along with 359 observations from dioceses, parishes, ecclesial associations, individuals and so on.
- *Instrumentum Laboris* issued 23 June 2015 in Italian.
- Translation into other languages is still being worked on.
- Added to the 62 paragraphs of the 2014 *Relatio Synodi* are another 85 paragraphs = 147 paragraphs in total.



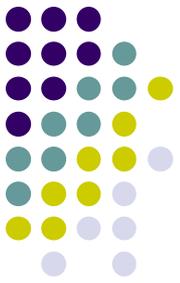
2. Proposals

Frank Moloney SDB



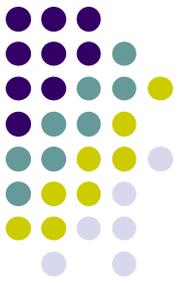
- Francis J. Moloney, *A Broken Body for a Broken People: Divorce, Remarriage and the Eucharist* Third Edition (2015):
 - The Eucharist is God's gift to broken people.
 - We should exclude from the Eucharist only those who do not believe in it.
 - Those who believe in the Eucharist, particularly those who seek it in their brokenness, should not be excluded from it.
 - Jesus of Nazareth opposed divorce: "Anyone who divorces his wife and marries another commits adultery." (Mark 10:11; Luke 16:18)
 - Matthew added an exception: "Anyone who divorces his wife *except on the ground of unchastity* [*porneia*'] makes her an adulteress." (Matthew 5:32, 19:9)
 - Paul added another exception for believers with an unbelieving spouse: "if the unbelieving partner separates... in such a case the [believing partner] is not bound [and may marry another]." (I Corinthians 7:15)
 - The early church knew that it had authority to apply the teaching of Jesus to new situations. We should recognise that we have the same authority.

2015 *Instrumentum Laboris*



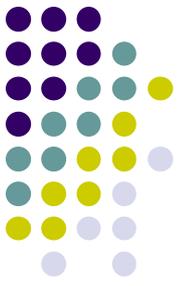
- n. 123 notes two possible options:
 - i. The current discipline which requires “a decision to live in continence” unless there is “verification of the possible nullity of the first marriage.”
 - ii. “Others refer to a way of penance, meaning a process of clarifying matters after experiencing a failure and a reorientation which is to be accompanied by a priest who is appointed for this purpose. This process ought to lead the party concerned to an honest judgment of his/her situation. At the same time, the priest himself might come to a sufficient evaluation as to be able to suitably apply the power of binding and loosing in the situation.”

My Proposal



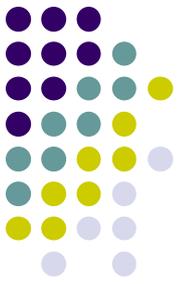
- Law of Respect for Subjectively Good Faith
 - articulated by St Aphonius Ligouri, patron saint of moral theologians and confessors
 - Pontifical Council for the Family's *Vademecum for Confessors Concerning Some Aspects of the Conjugal Life* (1997): "The principle, according to which it is preferable to let penitents remain in good faith in cases of error due to subjectively invincible ignorance, is certainly to be considered always valid, even in cases of conjugal chastity." (#8)
 - Bernard Häring, *Free and Faithful in Christ*, I.289: "One should never try to impose what the other person cannot sincerely internalise, except the case of preventing grave injury to a third party."

A process of discernment (#1)



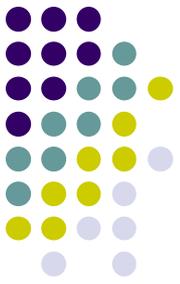
- The Diocesan Bishop appoints person(s) to accompany those who are divorced and civilly remarried. These person(s) may be priest(s) or suitable lay people (who are perhaps married).
- This Church representative always begins by listening respectfully to the story of the person who is divorced and civilly remarried.
- Their first suggestion must always be that the person seek to have the previous marriage annulled by the Church's Marriage Tribunal.
- If their various concerns are addressed, my experience is that many people do go to the Tribunal.
- In some cases, for various reasons, they will not. In these cases, this process of discernment continues.

A process of discernment (#2)



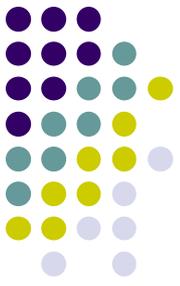
- All things considered, does the person believe they did wrong by remarrying?
 - If they do believe that they did wrong by remarrying – and they continue to believe this – this process of discernment cannot support any consideration of their receiving Communion.
 - My experience is that many Catholics have thought very seriously about this, and subjectively believe that all things considered, they did not do wrong by remarrying.

A process of discernment (#3)



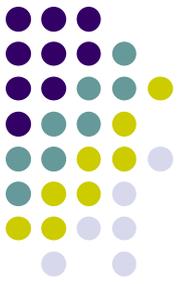
- If they do not believe that they did wrong by remarrying, is there any suggestion of injury to a third party?
 - Is restoration of the first marriage impossible?
 - If restoration of the first marriage is possible, it would be an injury both to themselves and their first partner not to attempt this.
 - If there were serious failures in the collapse of the first marriage, has the person acknowledged them, repented, and learnt from their mistakes?
 - If they have not acknowledged, repented and learnt from their mistakes, this risks serious injury both to themselves and their second partner.
 - Are any obligations from the first marriage (e.g. child support, ongoing contact with one's children) being met?
 - Is the second marriage loving, stable and enduring?

A process of discernment (#4)



- If there is no risk of injury to a third party, is there any risk of scandal if this person receives Communion?
 - Note that we are talking about real scandal here, not so-called pharisaical scandal.
 - To reduce the risk of scandal, it is essential that the person's desire to receive Communion is motivated by genuine Catholic faith.
 - If there is a risk of scandal, how might this risk be minimised? For example, they might receive Communion in a parish where they are not well known.
- The remarried person then makes his or her own informed and conscientious decision about receiving Communion.
- The Church representative asks the remarried person to continue to think and pray about seeking to have the previous marriage annulled by the Church's Marriage Tribunal.

Strengths of this Approach



- i. At the moment, many civilly remarried Catholics make their own decision by themselves about receiving Communion. This pastoral accompaniment would strengthen the process of discernment.
- ii. Providing such a process demonstrates the Church's pastoral concern for Catholics who are civilly remarried.
- iii. Because the person makes his or her own informed decision, this process does not require the Church to approve of a situation which objectively contradicts the divine plan that sacramental marriages should be permanent.

Support for this Approach



- ACBC, *The Application of Humanae Vitae* (September 1974):
 - “Using... psychological insight, pastoral care and human understanding... [a good confessor] will appreciate that at this stage of spiritual growth the penitent may be incapable of accepting this teaching fully and in practice. Indeed at times—and this is in accordance with the teaching of sound moral theology—he may leave such a person in good faith.... While admitting such a person to the sacraments... he will encourage him [or her] to keep his [or her] attitudes under review in the light of the Church’s teaching...”
- Cardinal Christoph Schönborn:
 - At the 2015 Synod, “I expect a clear word on the responsibility of the conscience. For me that is the decisive message. The responsibility of the individual conscience – a mature conscience which is also respected by the Church.... I will never question a person’s decision of conscience, even if he or she has remarried.”



3. Discussion