

EUCCHARISTIC COMMUNION FOR THE REMARRIED DIVORCEES: IS AMORIS LAETITIA THE FINAL ANSWER?

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This article first presents the status questionis of the issue of communion for the remarried divorcees. There is an interlocution between the affirmative answer represented by Walter Kasper and the negative answer represented by Carlo Caffara and Gerhard Mueller. The article then offers two theological concepts not explicitly mentioned in Amoris Laetitia to buttress the affirmative answer.

INTRODUCTION

THE CONTEXT OF THE ISSUE

From the Synod of the Family of 2014, then followed by a bigger synod on the same subject a year after, up to the issuance of the Apostolic Exhortation *Amoris Laetitia* (AL), what got the most media attention was the issue of the reception of Eucharistic communion by divorcees, whose marriages have never been declared null by the Church and who have entered a second (this time purely civil or state) marriage. The issue became the subject matter of some reasoned theological discourse but also of numerous acrimonious debates.

Three German bishops, namely Walter Kasper, Karl Lehman and Oskar Saier were the first prominent hierarchical members who openly raised the issue through a pastoral letter in 1993.¹ Nothing much came out of it until Pope Francis signaled his

¹ Joseph Cardinal Ratzinger thumbed down the proposal in 1994. For a brief history of the earlier attempts to allow divorcees to receive communion, see Lisa Duffy, "Pope Benedict Already Settled the Question of Communion for the

openness to rethink the issue. Asked about it, the Pope responded that the issue needs more study but that the present may present a *kairos* for mercy.²

The pertinent canonical provision is Canon 916 which states that anyone who is conscious of grave sin may not receive the Body of the Lord without previously going to sacramental confession. Practically lifted with no substantial change from the 1917 Code, this canon is based on a Pauline warning to the Corinthians that a person offends the body and blood of the Lord if one receives it unworthily. Such person, Paul warns, bring one's own condemnation.³ In applying this prohibition to divorcees who have remarried, the theological justification is the teaching on the indissolubility of marriage which is believed to be irrevocable, coming from Jesus himself.

This canonical provision is applied by Pope John Paul II in *Familiaris Consortio's* instructions, specifically to divorcees who have remarried. The pope took an admirably pastorally sensitive approach to the issue, obliging pastors to exercise careful discernment on the issue of new union of the divorcees. It recognizes that there are those who have unsuccessfully tried to save their first marriage, those who have been abandoned by their spouses through no fault of their own, and those who have entered into a second union for the sake of the children. John Paul II would call pastors and the faithful in general to give these people the

Divorced," October 13, 2015, accessed July 18, 2016, [https://aleteia.org/2015/10/13/pope-benedict-already-settled-the-question-of-communion-for-the-divorced/..](https://aleteia.org/2015/10/13/pope-benedict-already-settled-the-question-of-communion-for-the-divorced/)

² John Allen, *The Francis Miracle: Inside the Transformation of the Pope and the Church* (New York: Time Books, 2015), 56. See also Pope Francis, *The Name of God is Mercy: A Conversation with Andrea Tomielli* (New York: Random House, 2016), 71.

³ It is beyond the scope of this essay to discuss whether the canonical provision interprets the Pauline admonition correctly. See Francis J. Moloney, *A Body Broken for a Broken People: Divorce, Remarriage and the Eucharist*, 3rd ed. (Paranaque: Don Bosco Center of Studies, 2015), 41-69. Moloney argues that in fact Paul was reprimanding the Corinthians for excluding some people, most especially the poor, from the Eucharistic meal.

solicitous care so that they will not feel left out.⁴ But then John Paul II adds,

However, the Church reaffirms her practice, which is based upon sacred scripture, of not admitting to the 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.⁵

The Catechism of the Catholic Church reiterates this prohibition.⁶ The Congregation for the Doctrine of the Faith, during the time of then Joseph Cardinal Ratzinger, in a letter to the Bishops, specifically treats this issue and reaffirms, "...If the divorced are remarried civilly, they find themselves in a situation that contravenes God's law. Consequently, they cannot receive Holy Communion as long as this situation persists."⁷

Despite this unequivocal prohibition, still there are calls for either change or revisions. The leading advocate for a change is the German Cardinal and theologian Walter Kasper. He invites us to rethink this provision in his *The Gospel of the Family*,⁸ which contains the Opening Address he gave on the Extraordinary Consistory of Cardinals held on February 2014. He would not address this issue directly but would somehow give a theological

⁴ *Familiaris Consortio* 84.

⁵ *Ibid.*

⁶ *Catechism of the Catholic Church (CCC)* 1650.

⁷ Congregation of the Doctrine of the Faith, Letter to the Bishops of the Catholic Church Concerning the Reception of Holy Communion and Remarried Members of the Faithful, September 14, 1994.

⁸ Walter Kasper, *The Gospel of the Family*, trans. William Madges, (Mahwah: Paulist Press, 2014). For an earlier work of Kasper, see *Theology of Christian Marriage*, trans. David Smith (New York: Seabury Press, 1980).

basis for his plea in another work, *Mercy: The Essence of the Gospel and the Key to Christian Life*.⁹

These points are answered in *Remaining in the Truth of Christ: Marriage and Communion in the Catholic Church*¹⁰ which is a collection of articles, written by cardinals and some scholars, all answering different aspects – historical, scriptural, canonical, and dogmatic– of Kasper’s proposal. The most pertinent articles for our purpose are “Sacramental Ontology and the Indissolubility of Marriage” by Kasper’s fellow Cardinal theologian Carlo Caffara of Bologna and “Remarried and the Sacraments” by the current prefect of the Sacred Congregation of Doctrine and Faith, Gerhard Cardinal Mueller.

The issue whether to amend, revise, or retain this prohibition in the case of those who have remarried provides an interesting theological discourse. Each side, after all, can raise valid arguments for its position and appropriate Christian sources.

SCOPE AND LIMITATION

This paper addresses only the dogmatic issues related to the problem. We will not be attempting to resolve contrasting interpretations on Scriptures, Canon Law, and Church History. These other areas in theology are obviously relevant to the issue at hand but they cannot possibly be addressed in a brief paper. In other words, this paper will not be attempting to adjudicate which interpretations on Scriptures, Canon Law and Church History are correct.

⁹ Walter Kasper. *Mercy: The Essence of the Gospel and the Key to Christian Life*, trans. William Madges, (New York: Paulist Press, 2014). In an interview, Kasper would briefly explain this work in *Commonweal* May 7, 2014.

¹⁰ Robert Dodaro, ed. *Remaining in the Truth of Christ: Marriage and Communion in the Catholic Church*, (San Francisco: Ignatius Press, 2014). Another volume that answers Kasper is Juan J. Perez-Soba and S. Kamposowski, eds. *The Gospel of the Family: Going Beyond Cardinal Kasper’s Proposal in the Debate on Marriage, Civil Re-Marriage, and Communion in the Church* (Ignatius Press, 2014).

RELEVANCE IN THE PHILIPPINE CONTEXT

Before we summarize the two positions, a brief explanation of the relevance of this issue to the Philippines may be necessary. Indeed, in the only country where divorce is not legally allowed, is the question raised by Kasper purely academic? Our brief answer is that although the more current focus centers on divorcees who have entered into another union, the application of the above canonical provision would involve other moral issues. A few years back, at the height of the debate on reproductive health, some Filipino archbishops asserted that those who are in favor of the bill could not receive the Eucharistic communion. Even if the issue is different, still the basic similarity is the issue whether those who are perceived by many as grievous sinners can receive the body of Christ.

Secondly, even if divorce is not legal in the Philippines, the issue at hand is, to a certain extent, relevant to couples who are living in with different partners after obtaining legal separation of their first marriage, but whose desire to receive communion is still present.

SUMMARY OF THE TWO POSITIONS

WALTER KASPER

At the outset, the question posed by Kasper does not imply laxity nor licentiousness. He recognizes that Paul enumerates sins which exclude the sinner from the reign of God.¹¹ He asserts that the Eucharist is not “a bargain basement commodity offered to everyone without distinction and to which everyone believes that he or she has a right.”¹² Rather, he asks whether there can be a via media between laxity and rigorism. The question he raises deserves to be quoted in full,

¹¹Kasper, “*Mercy: The Essence*,” 175.

¹²Ibid, 176.

The question that confronts us is this: Is this path beyond rigorism and laxity, the path of conversion, which issues forth in the sacrament of mercy – the sacrament of penance – also the path we can flow in this matter? Certainly not in every case. But if a divorced and remarried person is truly sorry that he or she failed in the first marriage, if the commitments from the first marriage are clarified and a return is definitively out of the question, if he or she cannot undo the commitments that were assumed in the second civil marriage without new guilt, if he or she strives to the best of his or her abilities to live out the second civil marriage on the basis of faith and to raise their children in the faith, if he or she longs for the sacraments as a source of strength in his or her situation, do we then have to refuse or can we refuse him or her the sacrament of penance and communion, after a period of reorientation?¹³

First, it is clear from the quote that although he formulates the issue in the form of a question, still the whole context suggests that Kasper is giving us an affirmative answer to his rhetorical query. Second, his plea is not for all divorcees who have remarried. The persons Kasper may be referring to may be described as Catholic divorcees who have remarried but who continue to desire to live their Christian vocation and to remain in the Church. Third, the last sentence clarifies to us that the suggestion does not involve immediate reception of the Eucharist. No cheap grace is offered. Fourthly, what can be implied in this quote but is explicitated oftentimes in the writings of Kasper elsewhere is that the issue is not the indissolubility of marriage. It is a given that Catholic theology sees God designing marriage to be indissoluble. The question is the sacramental communion for the divorcees who have remarried.

Kasper is afraid that if the status quo is maintained, children of divorcees who have remarried would “never see their parents go to the sacraments then they too will not find their way

¹³ Kasper, *The Gospel of the Family*, 32.

to confession and communion.”¹⁴ The plea is based on the increasing number of couples who have divorced and are now in their second union and the decreasing number of communicants in particular, and even of churchgoers in general. From a pastoral viewpoint, there is a need to care for these people.

But how does Kasper argue his case theologically? The foundational premise is the mercy of God. Going beyond a primarily philosophical understanding of the deity, Kasper describes mercy as the fundamental attribute of God. It is mercy that connects all the other divine attributes like holiness, justice, fidelity and truth. From this description of God, our theologian proceeds to the need for the Church to develop a culture of mercy. It is in this context where we can situate the issue of Eucharistic communion for the divorcees who have remarried.

To go to the nitty-gritty of his plea, Kasper cites historical examples when Jesus¹⁵ or the early Church bent religious laws to reach out to those perceived to have grievously sinned. The Gospels record Jesus’ parable of mercy and his table ministry which earned the objections of the Pharisees who wanted to exclude the impure from the mainstream. One historical example he cites¹⁶ is when the Church rejected the rigorism of Novatian on the question of whether or not to accept those who lapsed in their faith when Christianity faced persecution.¹⁷ Indeed, the Christian tradition has been consistent in rejecting extremism since it condemned the Catharis centuries after the Novatians.

Then there is the principle of *oikonomia*, which in the Eastern tradition means clemency and patience even in cases when the general principles would have meted punishment on those who

¹⁴ Ibid., 33.

¹⁵ We are presupposing that Kasper has the issue in mind when he elaborates on the teachings and the ministry of mercy of Jesus as contrasted to the rigorism of the Pharisees. See *Mercy*, 68.

¹⁶ Kasper, *Gospel of the Family*, 37

¹⁷ For a critique of Kasper’s reading of the Novatian controversy, see J.J. Perez-Soba and S. Kamboowski, *The Gospel of the Family: Going beyond Cardinal Kasper’s Proposal*. Kindle Electronic Edition. See Chapter 3: “The Experience of the Primitive Church” Location 1069 ff.

have done wrong.¹⁸ Kasper admits that such concept may not be found in the Western Christian tradition.¹⁹ But the Western tradition, Kasper continues to explain, has an equivalent notion like *epikeia* which recognizes, as elaborated in St. Thomas' *Summa Theologiae*, the limitations of the lawgiver in possibly foreseeing all circumstances when formulating the law. Thus, in a specific circumstance when the application of a universal law would bring injury to the common good, then the universal law cannot be implemented.

To avoid misunderstanding, it is necessary to point out before we end this section that Kasper's plea does not involve another general law for all the divorced and remarried. He explains and illustrates with concrete examples

...there are not *the* divorced and remarried; rather there are divorced and remarried individuals who are in very different situations, which one must carefully distinguish. There is also not *the* objective situation, which poses an obstacle to admission to communion, but rather many very different objective situations. If, let's say, a woman was abandoned due to no fault of her own and, for the sake of her children, she needs a husband or a father, and she honestly endeavors to live a Christian life in the second, civilly contracted marriage and family, and she raises her children as Christians and is involved in her parish in exemplary fashion... then this too belongs to the objective situation, which is essentially different from the situation...when someone enters into a second, civil marriage, in a more or less religiously

¹⁸ For a critique of Kasper's appropriation of the Eastern Orthodox tradition, see *Ibid*, Location 1030ff. See also "Instrumentum Laboris: The Vocation and Mission of the Family in the Church and the Contemporary World," 129. Henceforth, this work will be abbreviated as *Instrumentum Laboris*.

¹⁹ In order not to be sidetracked from our main concern, we simply place in this footnote the issue on possible unification with the Eastern Orthodox Church. One possible stumbling block to unification is the differences in the view on marriage.

indifferent way, and also lives, more or less unchurched.²⁰

There should therefore be no fear that the Eucharist is now an open sesame for every Tom, Dick and Harry. The change Kasper is pushing for is not from “No divorcee who has remarried can receive communion” to “All divorcees who have remarried can receive communion.” The proposition, rather, is “[u]nder certain circumstances, some divorcees can receive communion.” Each case, not to mention each person, is unique, and must be decided accordingly. What Kasper is advocating is situationalism which does not reject the law but considers the totality of every circumstance.

Before we proceed to the interlocutors of Kasper, we note that he does not enter into a more sensitive question whether the idea of moral purity has been made into an ideology to exclude those whom society considers impure.

KASPER’S INTERLOCUTORS: CAFFARA AND MUELLER

There have been several reactions to Kasper’s proposal to welcome divorcees who have remarried back to the Eucharistic fold. But for our purposes, we make the essay “Sacramental Ontology and the Indissolubility of Marriage” by Carlo Caffara and “Remarried and the Sacraments” by Gerhard Muller, as Kasper’s main dialogue partners. Other interlocutors may be mentioned in passing. The reason for our choice is that these essays by Kasper’s fellow cardinals directly answer the question on the Eucharist and marriage.²¹

²⁰ Kasper, *The Gospel of the Family*, 39.

²¹ Other essays do not deal with the question from the perspective of dogmatic theology but from Scriptures, Church History, Canon Law, and Moral Theology. Let us give some examples. In “Dominical Teaching on Divorce and Remarriage,” Paul Mankowski argues that the rejection of divorce is absolute in the teachings of Jesus and of Paul. This article cannot be the chosen dialogue partner for two main reasons. First, Kasper does not deny that Jesus and Paul rejected divorce. Second, the article deals with the New Testament data. While the importance of the Scriptural aspect of the question cannot be denied, our main focus is systematic theology. For the same reason, the article “Divorce and

Known for his ultra-conservative positions,²² Caffara takes off from the distinction between what is permanent and what is transitory in the sacrament of matrimony. The marital bond is permanent, the consent of the spouses is transitory. The essence of matrimony is therefore the marital bond. The bond is undertaken by the will of God. The consent of the spouses is not the essence but it makes the action of God possible.²³ It is in this permanent reality where the indissolubility of marriage lies, which is already beyond the consent of the spouses. In other words, independent of the subsequent decisions of the partners, an ontological change in them has occurred once the bond is sealed. However, the Holy Spirit “gives conjugal charity to the spouses so that the significance of the bond will penetrate into their being.

From this discussion on the level of ontology, or the very beings of the spouses, Caffara proceeds to the relationship between the marital bond and the Eucharist. Marriage between two baptized persons “is in a real essential and intrinsic relationship with the mystery of Christ with the Church...” In the Eucharist, Christ also unites his body with the Church and thus becomes one flesh with her.

Thus, a divorcee who is in a second union objectively contradicts the meaning of the Eucharist. It is no longer a matter of the divorcees’ subjective good intentions for the contradiction is between the meaning of the Eucharist on the one hand and the

Remarriage in the Early Church: Some Historical and Cultural Reflections” by John Rist cannot be our chosen interlocutor. The article addresses more the historical aspect of the issue not the theological soundness of Kasper’s proposal. Furthermore, the difference between Rist and Kasper is about the probative value of some very few but noticeable exceptions to the general practice that divorcees who have remarried cannot partake of the Eucharistic communion. Another article is “The Canonical Nullity of the Marriage Process as the Search for the Truth” by Raymond Leo Cardinal Burke. But this essay is more concerned about the issue of the simplification of the process of declaring a marriage null.

²² Caffara is strict on sexual ethics and is against the use of condoms even to prevent HIV/AIDS because “even the smallest moral harm is so much greater than any physical harm.” He also opined that a politician who backs same sex marriage be cut off from the Church. See Allen, *The Francis Miracle*, 248.

²³ “Sacramental Ontology and the Indissolubility of Marriage” in *Remaining in the Truth of Christ*, 173.

status of marital relationship on the other. Thus the circumstances that Kasper imagined that could justify the reception of communion will be rendered inconsequential.

With this emphasis on the objectivity of the bond, we can relate this better with his rejection of the appeal to prudence and to *epikeia*. For the Archbishop of Bologna, “that which is in itself, per se, intrinsically illicit can never be the object of prudential judgment.”²⁴ *Epikieia* too can only be applicable to human lawgivers who cannot possibly foresee all circumstances that a law is supposed to cover. But “if the lawgiver is God himself (sic)... to apply *epikeiatio* divine laws would signify attributing to God an incapacity proper to human legislator.”²⁵

The same points are raised by Gerhard Ludwig Mueller, whose position as the Prefect of the Sacred Congregation of the Doctrine of Faith may give at least some symbolic weight to his theological position. Mueller takes the same view as Caffara in many aspects of this issue but of which two can be mentioned. First, citing *Familiaris Consortio*, he explains that one reason why remarried divorcees cannot receive communion is that their state and condition of life contradict that union of love between Christ and the Church which is signified in the Eucharist.²⁶ Second, Mueller also thinks that *epikeia* cannot be invoked “for we are dealing with a divine norm that is not at the disposal of the Church.”²⁷

**FIRST TWO ANSWERS:
LINEAMENTA OF 2014 AND
THE INSTRUMENTUMLABORIS OF 2015**

LINEAMENTA OF 2014

Prior to the Synod on the family, and during the synod itself, those who pleaded for change were hopeful that indeed

²⁴ Ibid., 177.

²⁵ Ibid.

²⁶ Mueller, “Remarried and the Sacraments” in *Remaining in the Truth of Christ*, 155.

²⁷ Ibid. 163.

change was coming. Their hopes were fueled by Pope Francis himself who publicly praised Kasper and who wrote in *Evangelii Gaudium* that the Eucharist is not a prize for the perfect but a powerful medicine for the weak. On the other hand, those who oppose change were painting grim scenarios over the possibility that a prohibition held for centuries would be erased at the synod. But what really happened?

After much debate, the 2014 *Lineamenta* “The Vocation and Mission of the Family in the Church and Contemporary World” came up with the statement that persons who are divorced and remarried deserve accompaniment and respect and that we should avoid behavior that would make them feel discriminated.²⁸ This statement is similar to the concern expressed in *Familiaris Consortio*²⁹ that these people must not consider themselves apart from the church and in fact must be encouraged to participate in her life. But what *Lineamenta* 50 adds is that this care must not be construed as a slackening of the teaching on the indissolubility of marriage.

But on the crucial question of the reception of Eucharistic communion, the *Lineamenta* did not resolve the issue. The statement is basically a summary of the positions of those who are in favor and those who oppose the proposal and added that the matter needs more thorough study:

The Synod father 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 participation in the Eucharist and communion with the Church as well as her teaching on the indissoluble character of marriage. Others proposed a more individualized approach, permitting access in certain situations and with certain well-defined conditions, primarily in irreversible situations and those involving moral

²⁸*Lineamenta* 50

²⁹*Familiaris Consortio* 84

obligations towards children who would have to endure unjust suffering. Access to the sacraments might take place if preceded by penitential practice, determined by the diocesan bishop. The subject needs to be thoroughly examined...³⁰

THE INSTRUMENTUM LABORIS OF 2015

It is the *Instrumentum Laboris* for the General Assembly of 2015 that provides a more extensive approach to the issue. It calls for pastoral accompaniment of persons who are divorced and civilly remarried while affirming its teaching on the indissolubility of marriage.³¹ It notes that this accompaniment must consider the diversity of situations of the divorcees who have remarried. It calls for a greater integration of these people into the Church.³² But considering specifically the issue of communion, the *Instrumentum Laboris* first simply summarizes the different positions taken during the synod.

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³⁰ *Lineamenta* 51

³¹ *Instrumentum Laboris* 120.

³² *Ibid.*, 121

³³ *Ibid.*, 122.

It should be obvious to the reader that those who insist on the constitutive relationship between the Eucharist and the teaching on the indissoluble character of marriage belong to the camp of Caffara; while those who argue for a more individualized approach find Kasper and those who think in the same manner as allies.

But after the above paragraph which is basically a summary of the two contrasting positions, the *Instrumentum Laboris* mentions some new possible solutions for consideration: “a journey of reconciliation under the auspices of the local bishop”³⁴ “a process which includes becoming aware of why the marriage failed and the wounds it caused, due repentance; verification of the possible nullity of the first marriage; a commitment to spiritual communion, and a decision to live in continence.”³⁵ In the next paragraph, the *Instrumentum Laboris* suggests activities which would ensure the continuing ecclesial communion even if one is a divorcee who has remarried. Among the several activities mentioned are listening to the word of God and participation in the celebration of the Eucharist.

Yet, it can be objected that if the Eucharist is a meal, it is rather absurd that the divorcees who have remarried can join the conversation but cannot partake of the food itself.

AMORIS LAETITIA – THE FINAL ANSWER?

It is wrong to reduce *Amoris Laetitia* as nothing more than an answer to the question at hand. Using less theological jargon, this apostolic exhortation contains analysis of, among others, the challenges facing the family today and reflections on conjugal love and the spirituality of marriage and the family life. There are also numerous references to the issue on divorce aside from the question of possible reception of the Eucharist by divorcees who have remarried. For instance, *Amoris Laetitia* affirms the need for special discernment for the pastoral care for the separated, divorced

³⁴ Ibid., 123.

³⁵ Ibid. We note here that the last suggestion to live in continence may be impossible for those who divorce and remarry at a young age.

or abandoned.³⁶ It sees the need for the accompaniment of these couples especially when children are involved.³⁷ It also calls for the simplification of the process of nullity³⁸ and counseling and mediation services for couples in crisis.³⁹ It warns against the consequences of separation or divorce on the children and pleads not to take the children hostage.⁴⁰

Yet, when we go to the object of our inquiry, we see numerous references to it. It repeatedly reminds that the divorcees who have entered into new unions are not excommunicated and they should feel part of the Church.⁴¹ The Christian community is also exhorted not to abandon divorced couples but instead support them in their efforts to raise their children.⁴² *Amoris Laetitia* reminds pastors that it is not enough to apply general moral principles to couples in irregular situations⁴³ and not to equate a negative judgment on the objective situation with a negative judgment on the personal level.⁴⁴ This in itself is highly significant as far as theological methodology is concerned since it has been the tendency in the past to consider solely the act itself when it comes to sexual ethics. Citing Thomas Aquinas, *Amoris Laetitia* explains that whereas we can agree on general principles, problems may abound when we go to specific cases.⁴⁵ In an apparent reference to those who criticize Pope Francis' approach as a source of confusion, *Amoris Laetitia* replies,

I understand those who prefer a more rigorous
pastoral care which leaves no room for confusion.
But I sincerely believe that Jesus wants a Church

³⁶ *Amoris Laetitia* (henceforth AL) 242

³⁷ Ibid.

³⁸ Ibid., 244.

³⁹ Ibid.

⁴⁰ Ibid., 245.

⁴¹ Ibid., 243, 299. Without using the category of excommunication, AL 297 also says that No one can be condemned forever because that is not the logic of the Gospel.

⁴² Ibid., 246.

⁴³ Ibid., 305

⁴⁴ Ibid., 302.

⁴⁵ Ibid., 304, citing *Summa Theologiae* I-II, question 94, Art. 4.

attentive to the goodness which the Holy Spirit sows in the midst of human weakness, a Mother, who while clearly expressing her objective teaching ‘ always does what good she can, even if in the process her shoes gets soiled by the mud of the street.’⁴⁶

Pope Francis is careful to assert that the *via caritatis* he proposes must not be taken to mean that moral teachings and the ideals of marriage are now to be placed in brackets.⁴⁷ But while insisting on the ideals, the Pope reminds us that there are certain ambiguities in the concrete real world of couples.

In the end, there is no categorical final answer, either affirmative or negative, to the question whether couples who have remarried can receive communion.⁴⁸ It is however clear that apostolic exhortation wants the Church to do away with “one-size-fits-all” prohibition from receiving the body of Christ. Discernment by the couples themselves, possibly helped by pastors, is thus necessary.

THE THEOLOGY BEHIND THE ANSWER

The apostolic exhortation invokes several theological principles or ideas to support its answer which, without a doubt, is more pastorally sensitive without compromising the value of marital commitment. Among these ideas is the biblical theme of God’s mercy and compassion. Another principle is the gradualness in the human appreciation of the law (which, the *Amoris Laetitia* is careful to say is not the same as the gradualness of the law). Still another principle, already mentioned above, is the distinction between general moral principles and the application of these in real life. This distinction can be likened to the principle of *epikeia* which says that not all cases could have been foreseen by lawmakers.

But in this section, we go to some themes which can further enrich our appreciation of the issue. However, our elaboration of these themes will necessarily be brief.

⁴⁶ Ibid., 308.

⁴⁷ Ibid., 307.

⁴⁸ Ibid., 298, 304.

PERSONALIZATION OF GRACE

One concept which is relevant to the issue at hand but which has not been sufficiently appropriated in the discussion by either side is the personalization of grace. We briefly discuss it here and explain how this can be related to the issue at hand.

To explain this personalist understanding of grace, we need to go to what school of theological thought it was reacting against. The more common view in most textbooks from the catechetics given on the Council of Trent up to the mid-20th century was the scholastic understanding. At the risk of oversimplification, it can be said that Scholastic Theology understood grace as a gift from God but external to the human person. It is like a superstructure added to an already complete human nature. This gift is lost by mortal sin. But since in this understanding the human individual already possesses complete human nature, one must possess grace only because God decrees its possession. Although admitting that he may be presenting a caricature, Karl Rahner laments that in this understanding, nature and grace are conceived as “two layers laid very carefully one on top of the other so that they can interpenetrate as little as possible.”⁴⁹ In effect, our ordinary daily experiences are simply natural.

Reacting against the above understanding, Rahner conceives of grace as the very self-communication of God.

Grace is God, God's self-communication, in which the divine self-gift to us is the divinizing love kindness which is God. Here God's work is really God's self, as the one communicated.⁵⁰

Rahner believes that God's self-giving is part of the existential condition of the human being. From the very beginning, God has given of the divine self, even prior to whatever options in life we take.

⁴⁹ Karl Rahner, “Nature and Grace” in *Karl Rahner: Theologian of the Graced Search for Meaning*, ed., Geoffrey B. Kelley (Edinburgh, T and T Clarke, 1993), 98.

⁵⁰Ibid., 102.

But what has this conception of grace got to do with the issue on the possibility of divorcees who have remarried of receiving communion? We may initially answer this question with another question. If grace is the very being of God dwelling in us, should not this divine indwelling enjoy some stability? Would God be coming in us and out of us, depending on moral decisions which we make daily? Going specifically to the issue of divorcees who have remarried, has God come out of them the moment they had their second unions, only to come in again once they leave their second partners or at least promise to live just like brothers and sisters? This is not to deny divine freedom. But human love is an analogy, though an imperfect one, of divine love. Or to put from a different viewpoint, the divine loving faithfulness is the paradigm for the call of couples to be faithful to one another.⁵¹ But in authentic human love relationships, failures are not reason enough to cut off the relationship. It would be theologically incredulous and totally unscriptural to suggest that God can be outdone by the human being in showing faithfulness.

Furthermore, it has been taught by Augustine and affirmed by several Church Councils that whereas the sin of our first parents has corrupted human nature, grace heals it. From this premise, we can further conclude that the Eucharist is in fact more needed when one experiences wounds in relationships. In this understanding, the Eucharist is seen as a food for our journey towards the kingdom, which we are more in need whenever we fall.

Amoris Laetitia does not appropriate the above jargon of personalist understanding of grace but clearly affirms that grace is not necessarily lost by irregular unions. It states, "... 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."⁵² It then cites Thomas Aquinas who recognized that "that someone may possess grace and charity, yet not be able to exercise any one of the virtues well."⁵³

⁵¹ *Familiaris Consortio* 12

⁵² AL 301.

⁵³ *Ibid.*, citing *Summa Theologiae* I-II question 65 art. 3 and 2.

THE FUNDAMENTAL OPTION

What can possibly make God come out of the human dwelling? Here, the notion of fundamental option⁵⁴ can be helpful. This notion was developed as a reaction against act-centered and legalistic approaches to morality. The basic idea is that there is more to the core orientation of a moral subject than one's particular choices. The distinction is made between transcendental freedom and categorical freedom. The former is the fundamental option while the latter is our particular *hic et nunc* choices. The fundamental option is of course exercised within particular choices but not all choices involve rejection of the fundamental option.

To commit oneself to God or to goodness is a fundamental option. Our individual sins, especially if committed often, may weaken the fundamental option. Some grievous sins do in fact negate this fundamental option. But sins arising from human frailty do not necessarily signify that we have abandoned the fundamental option. To be concrete, one particular act of telling lies does not necessarily imply the rejection of the fundamental option towards truth. But repeated lying may eventually make the person a liar.

Pope John Paul II, in *Veritatis Splendor*, seems to be critical of this notion of fundamental option.⁵⁵ But what in fact the newly canonized Pope criticized is not the notion itself but a misinterpretation of it that separates the core freedom from the individual choices. *Veritatis Splendor* deems erroneous the understanding that moral sin cannot be found on the level of particular choices but only in one's fundamental option.

But if we avoid this pitfall that John Paul II warns, we ask, whether remarried divorcees have broken their relationship with God on the core level. Have they rejected God or goodness itself? *Amoris Laetitia* does not explicitly appropriate the category of fundamental option. But it differentiates between one "who flaunts

⁵⁴ To discuss the nuances of this notion is beyond the scope of this paper. See Bernard Haring, *Free and Faithful in Christ: Moral Theology for Priests and Laity, Vol 1: General Moral Theology* (Middlegreen: St. Paul Publications, 1978), 164-218.

⁵⁵ *Veritatis Splendor*, 65-67.

an objective sin as if it were part of the Christian ideal,⁵⁶ and another who can be involved in any of the following situations:

One thing is a second union consolidated over time, with new children, proven fidelity, generous self-giving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations where, for serious reasons, such as the children's upbringing, a man and woman cannot satisfy the obligation to separate. There are also the cases of those who made every effort to save their first marriage and were unjustly abandoned, or those who have entered into a second union for the sake of the children's upbringing, and are sometimes subjectively certain in conscience that their previous and irreparably broken marriage had never been valid.⁵⁷

These people have certainly not rejected God and even more certainly, God has not rejected them.

CONCLUSION

It is time to give an answer to the question we posed in the title: Does *Amoris Laetitia* give us the final answer?

Any Church document depends on subsequent interpretation for it to have an impact on the people. Thus, "reception" is such an important theological category in assessing the weight of a Church document. This is especially true in the document *Amoris Laetitia* since it does not give a categorical yes or no to the issue of receiving communion to divorcees who have civilly remarried. It is now up to the local Churches to concretize and give specifics to the theme of compassion and pastoral care for

⁵⁶AL 297.

⁵⁷AL 298.

these people. It is hoped that the local Church will not close the door which Pope Francis has already opened.

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