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Thomas Ryan

The University of Notre Dame Australia, thomas.ryan@nd.edu.au

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‘Weakness, and Wounded and Troubled Love’ in *Amoris Laetitia*: Pope Francis as Pastor

*Tom Ryan**

‘Accompanying, Discerning and Integrating Weakness’ is the ‘contested’ chapter 8 of Pope Francis’s postsynodal allocution ‘The Joy of Love’ (*Amoris Laetitia*). This collegial document can be approached from various perspectives, for example, in its historical and theological context; in its significance for moral theology; in its reception within local churches.¹ The aim here is pastoral, namely, to clarify the chapter’s content and, specifically, its implications for the faithful and those engaged in pastoral ministry.

What is chapter 8’s purpose? While reaffirming God’s (the church’s) will concerning the marriage bond, the Pope and bishops want to offer hope to those who fail in this regard, namely those ‘who show signs of a wounded and troubled love’ (AL, 291).² They offer a model of pastoral discernment that builds on the Year of Mercy. Concerning the church, the Pope says:

Illumined by the gaze of Jesus Christ, ‘she turns with love to those who participate in her life in an incomplete manner, recognizing that the grace of God works also in their lives by giving them the courage to do

* Tom Ryan, SM, is a Marist priest who lives in Sydney. He is an honorary fellow of the Faculty of Theology and Philosophy of the Australian Catholic University and an adjunct associate professor of the School of Philosophy and Theology of the University of Notre Dame Australia. Apart from chapters in books, he has had numerous articles published in theological journals, both national and international.

1. Gerald O’Collins, ‘The Joy of Love (*Amoris Laetitia*): The Papal Exhortation in Its Context’, *Theological Studies* 77, no. 4 (2016): 905–21; Connor Kelly, ‘The Role of the Moral Theologian in the Church: A Proposal in the Light of *Amoris Laetitia*’, *Theological Studies* 77, no. 4 (2016): 922–48; James F. Keenan, ‘Receiving *Amoris Laetitia*’, *Theological Studies* 78, no. 1 (2017): 193–212.
2. Unless otherwise noted, numbers in parentheses in the text refer to the numbered paragraphs of *Amoris Laetitia*. Henceforth, AL.

good, to care for one another in love and to be of service to the community in which they live and work'. (291)

This quote sets the scene and indicates the four stages in chapter 8's structure. The first two concern the data: (1) What is happening and why? (2) How can we understand what is happening and why? The consequences follow: (3) What positive elements can be discerned in what is happening and why (as suggested above in n. 291)? (4) What are the implications for the church and, specifically, for guidance by pastors? Finally, section (5) below considers the level of authority in this teaching.

1. What Is Happening and Why?

Three 'irregular' issues are addressed concerning marriage. First, there is divorce and remarriage. This can involve a 'variety of situations' that 'should not be pigeonholed' (298). Second unions can be consolidated over time and have proven fidelity. There are situations where a second union is partly motivated to ease the suffering and confusion of the children. Here, the 'obligation to separate' is confronted by the needs of children and associated issues of justice. There are those who have made every effort to save their first marriage and were 'unjustly abandoned' and are, sometimes, 'subjectively certain in conscience that their previous and irreparably broken marriage had never been valid' (298).

Two other issues follow: the choice respectively of a civil marriage and cohabitation (293–4). These practices are 'often not motivated by prejudice or resistance to a sacramental union, but by cultural or contingent situations' (294). Cultural influences can involve a general attitude to anything institutional or definitive. They can be financial, for example, marriage is deferred until there is a steady job or income. In some countries, numerous *de facto* unions result not from rejection of marriage and family values, but rather from the excessive cost of the marriage given the social circumstances. Thus, 'material poverty drives people into *de facto* unions' (294).

2. How Can We Understand What Is Happening and Why?

As noted above, the Pope's overall aim is to offer a method of pastoral discernment, particularly for those in 'irregular situations' concerning marriage. In so doing, he wants to provide grounds, from the Catholic moral tradition, that justify his situating this model of pastoral discernment within the ambit of papal teaching. The second question, then, can be approached through three traditional moral principles guiding the Pope's understanding of what is happening: practical reason; mitigating factors concerning the moral act; objective disorder and subjective culpability.

Principle 1

In interpreting chapter 8 and in understanding the Pope's model of pastoral discernment, a helpful hermeneutical lens is found in Catholic moral theology's notion of *practical reason*. Pope Francis explains this term by drawing on a key statement of Thomas Aquinas concerning moral norms and moral reasoning: 'Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects' (304).³

This observation is part of Aquinas's discussion of moral knowledge, namely, concerning 'truth or practical rectitude' in 'matters of action'. In other words, how do we know what is the right thing to do?

First, Aquinas clarifies his language. Truth can be known through 'speculative reason', namely, given the terms or the data, we can gain certain knowledge. For instance, once we understand what 'two' and 'four' mean, then 'two and two equals four' is not a matter of opinion.

Alternatively, something 'true' can be apprehended from the perspective of its goodness, as a value to be pursued or acted on, as in 'preserve human life' or 'keep promises'. This is moral knowledge, which, for Aquinas, is evaluative 'knowing', namely, an act of practical reason (*ratio practica* or *ratio affectiva*). It is knowing as 'appreciation' of something true precisely insofar as it is good, a form of affective knowledge. Further, it entails a 'personally felt appreciation for the significance of the information known' and an estimation of the value involved such 'that the person owns it in a personally significant way'.⁴

But what level of certainty accompanies knowledge from 'practical reason', namely, about both moral principles and specific actions? As noted above, Aquinas speaks of 'necessity' in general principles or he says that such principles are the same for all concerning 'truth or practical rectitude' in matters of action. In other words, we can be certain about basic principles, such as 'preserve human life', or 'keep promises' (as we can with ' $2 + 2 = 4$ '). These may extend to more specific situations, for instance, concerning the beginning and end of life: 'the intentional and deliberate direct taking of innocent human life is always wrong'.

Moral truth in human experience, then, involves the ideal (principles, norms) and the existential. Human moral life is ultimately about specific behaviour. Whatever the moral area (life, promises, etc.), it comes down to 'what is the right thing to do in this situation?'

3. 'Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects ... In matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all ... The principle will be found to fail, according as we descend further into detail.' *Summa Theologiae*, I-II, q.94, a.4.

4. Timothy E. O'Connell, *Making Disciples: A Handbook of Christian Moral Formation* (New York: Crossroad, 1998), 70.

In other words, actual life situations entail so many variables ('the more we descend to matters of detail, the more frequently we encounter defects') that we cannot formulate an absolutely certain moral rule that applies for everyone in all situations. We gather all the facts, evaluate the situation in the light of the principles of Christian life, take counsel, learn from the church's wisdom and make a judgment—'in this situation, this is the right (correct) thing to do'. This is practical reason working through the virtue of prudence.

In this, the best we can achieve is 'moral certainty'. While not absolute, it is sufficient for moral action in that there is no reasonably grounded fear of being wrong. Later, with further information, I may not make the same decision. Yet I cannot be deemed to be 'at fault' for doing my best at the time, with whatever knowledge and resources were available. Again, since it is a moral judgment made in a specific context and circumstances, it cannot be made into a general moral 'norm' or 'rule' for everyone.

These two paragraphs above encapsulate the Pope's position.⁵ The Pope's use of Aquinas provides the needed background to our next consideration.

Principle 2

This traditional principle concerns *mitigating factors* that can diminish, even nullify, moral imputability and responsibility for an action (302, citing the *Catechism of the Catholic Church*). It includes factors influencing knowledge and freedom (e.g., ignorance, habit, fear, duress, conditions of anxiety, and other psychological or social factors). Of particular relevance here is invincible ignorance or error.

The salvific standing of the commitment to follow conscience in the sincere search for the true and good is acknowledged in Vatican II documents.⁶ The council also explicitly recognised that 'conscience frequently errs from invincible ignorance without losing its dignity'.⁷ Later, John Paul II further specified that conscience maintains its dignity because:

even when it directs us to act in a way not in conformity with the objective moral order, it continues to speak in the name of that *truth about the good* which the subject is called *to seek sincerely*.⁸

Here, the person acts 'in good faith'. We will say more on 'other factors' later.

5. 'It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations. At the same time, it must be said that, precisely for that reason, what is part of a practical discernment in particular circumstances cannot be elevated to the level of a rule. That would not only lead to an intolerable casuistry, but would endanger the very values which must be preserved with special care.' AL, 304.
6. See *Lumen Gentium* 16 and *Gaudium et Spes* 22.
7. *Gaudium et Spes* 16, cited in John Paul II, *Veritatis Splendor* (Homebush, NSW: St Paul, 1993), 62. Henceforth VS.
8. VS 62, my emphasis.

This brings us to our third principle.

Principle 3

In considering the issue of *objectively disordered acts* and *subjective culpability*, 'maintains its dignity' is a key phrase. It encapsulates how a person is not blameworthy when he or she is honestly mistaken in his or her assessment of what is right or wrong. Importantly, a person's will is directed towards 'sincerely' seeking the truth because it is pointed towards, and acting in the light of, what is good. There is a consistent and genuine desire to do what is right and lead a good life.

In other words, the action in this specific instance may be 'wrong' but he or she is not at fault or 'guilty' subjectively' (contravened conscience). Hence, in Christian terms, he or she has not broken his or her relationship with God, namely, 'sinned'. He or she remains, as traditionally expressed, in the 'state of grace'. As the allocution explains, 'a negative judgment about an objective situation does not imply a judgment about the imputability or culpability of the person involved' (302).⁹

Francis develops further John Paul II's compressed summary: the relationship between (a) the subjective and objective and (b) being good and acting rightly in the moral life. These guide our further discussion.

How Are These Three Principles Applied in This Chapter?

After discussing the cultural, social and financial influences on the choice of cohabitation or a civil union, Pope Francis notes that all these 'irregular' situations require a 'constructive response seeking to transform them into opportunities that can lead to the full reality of marriage and the family in conformity with the Gospel' (294).

He starts with John Paul II on the law of gradualness, in which the human being 'knows, loves and accomplishes the moral good in different stages of growth'.¹⁰ This entails times when subjects 'are not in a position to *understand, appreciate or fully carry out* the objective demands of the law' (295, my italics).

In the light of the three principles noted above, the wording here (and in 301 below) is instructive. Subjective guilt can be influenced by defects in understanding or performance but especially in appreciation, namely, the evaluative (moral) knowledge of practical reason.

Second, the Pope explicitly mentions cultural, social and economic factors that inform attitudes to divorce, marriage and cohabitation—situations of those 'not in the position etc.' noted above. For instance, Roman Rota jurisprudence is

9. Interestingly, the source cited here is Pontifical Council for Legislative Texts, *Declaration concerning the Admission to Holy Communion of Faithful Who Are Divorced and Remarried* (24 June 2000), 2.

10. *Familiaris Consortio* 34.

almost unanimous in the view that, in contemporary Western culture, error about the permanence of marriage is deeply engrained.¹¹

We have here pressures (social, cultural, familial, personal, economic) that can diminish, even remove, freedom, hence subjective guilt. Alternatively, a person could be so inured through the influence of cultural and social factors that he or she acts from ‘invincible ignorance (or error)’. An individual may see nothing wrong in what he or she is doing. Or he or she may know what marriage involves speculatively but not at the level of a personally interiorised value. Or he or she may be caught between the ideal of marriage and the pressures of his or her context or culture.

Again, we cannot disregard the wider question addressed by Rahner, namely, of those who have never been *existentially* confronted by the gospel, including a large number of baptised Christians.¹² If they have never made an adult decision about Christ, how does that influence their appreciation of the gospel ideal of marriage?

These are instances of a conscience that is honestly mistaken (acting in ‘good faith’) or of a choice influenced by one of the ‘mitigating factors’ noted above. On both scores, it could well involve fault/blame that is diminished or even removed. Consistent with these traditional principles we must be very wary of identifying the fact of objective disorder with personal culpability and of using phrases involving ‘mortal sin’. The pastoral implications of such situations in relation to the church’s sacramental life have been addressed in earlier documents from Roman congregations (to be discussed later).¹³

The Pope proceeds to the third aspect, namely, the nature of moral certainty in these specific situations of ‘weakness or imperfection’ (304). Charity reinforces the need to ‘avoid judgements which do not take into account the complexity of various situations’ (296).

In dealing with a ‘solid body of reflection concerning mitigating factors and situations’ the Pope encapsulates the three principles already discussed. I highlight the relevant phrases concerning evaluative knowledge and freedom:

Hence it is 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. More is involved here than mere ignorance of the rule. A subject may *know full well the rule, yet have great difficulty in understanding ‘its inherent values’, or be in a concrete situation which does not allow him or her to act differently and decide otherwise*

11. Anthony Malone, ‘Cultural Change and Marital Jurisprudence’, *The Canonist: Journal of the Canon Law Society of Australia and New Zealand* 1, no. 1 (2010): 16–26, at 21.

12. See Karl Rahner, ‘Christianity and the Non-Christian Religions’, in *Theological Investigations* 5, trans. K.-H. Kruger (1961; London: Darton, Longman and Todd, 1966): 115–34.

13. See note 9 above.

without further sin. As the Synod Fathers put it, 'factors may exist which limit the ability to make a decision'. (301)¹⁴

Our deliberations so far have demonstrated that, at the very least, a person may be in an irregular situation but one where subjective fault is diminished, even non-existent, given the variables at work in a person's knowledge and freedom. From well-founded reasons within the moral tradition, we cannot judge the state of a person's conscience or personal relationship with God. For Pope Francis, it is ultimately about the mystery of the human person: 'Who am I to judge how the person stands in the mystery of their ongoing relationship with God?'¹⁵ This brings us to the next phase.

3. What Positive Elements Can Be Discerned in What Is Happening and Why?

If, for various reasons, people are acting with diminished or no culpability, how do we interpret positive elements within these 'disordered' relationships?

At the start of chapter 8, Pope Francis sets the pace in speaking of those who participate in the church's life:

in an incomplete manner, recognizing that the grace of God works also in their lives by giving them the courage to do good, to care for one another in love and to be of service to the community in which they live and work. (291)

Again, it is difficult to deny the presence of God's grace and love in a second union that has been:

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. (298)

Further, towards civil marriages or cohabitation influenced by cultural, social and financial factors rather than 'prejudice or resistance to a sacramental union', respect 'can also be shown for those signs of love which in some way reflect God's own love' (294). They can also be relationships that, with the support of pastoral care, can lead to the sacrament of marriage:

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14. Again, what I have outlined above is relevant to the *dubia* of the four cardinals. A key element in any reply is the distinction between 'intrinsic evil' considered as either 'formal sin' (grave matter, full knowledge, and adequate freedom of consent) or 'material sin' (grave matter with defective knowledge and/or freedom).
 15. Pope Francis, interview by Antonio Spadaro, *America*, 13 September 2013, cited in John Thornhill, *On the Way with Pope Francis: Our Destination; A Renewed Church* (Strathfield, NSW: St Pauls, 2014), 45.

when such unions attain a particular stability, legally recognized, are characterized by deep affection and responsibility for their offspring and demonstrate and ability to overcome trials. (293)

The Pope is implying that, existentially, such signs of God's grace do not appear to be compatible with people who are conscious of being in a state of grave 'sin', namely, by having closed the door on a relationship with God.¹⁶ Further, following the law of gradualness, there must be trust in the 'pedagogy of grace' and in the Holy Spirit helping couples to reach 'the fullness of God's plan for them'. Hence, all these situations:

require a constructive response seeking to transform them into opportunities that can lead to the full reality of marriage and family in conformity with the Gospel. These couples need to be welcomed and guided patiently and discreetly. (294)

This positive approach to 'irregular' unions, grounded in the adequate understanding of personal responsibility and subjective guilt, is arguably something new in a papal document. It is explicitly stated that:

Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin—which may not be subjectively culpable, or fully such—a *person can be living in God's grace, can love and can also grow in the life of grace and charity*, while receiving the Church's help to this end. (305, my italics)

Overall, the Pope's positive appreciation of the fruits of grace present in 'irregular' situations has solid theological underpinnings. It also suggests another retrieval within the Catholic moral theological tradition—our next concern.

If a person acts 'in good faith' (is honestly mistaken), or his or her action, while objectively wrong, is influenced by mitigating factors that lessen or remove guilt, is he or she just 'excused' so that the action, even the resulting situation, is morally 'neutral' at the subjective level?

In response to this, some manualist theologians (e.g., Merkelbach, Noldin) continued the tradition from St Alphonsus. The person acting out of love when committing error (or a disordered act 'in good faith') is not just 'excused' but is good and the act itself is meritorious because it is directed towards a good end.¹⁷

16. It is interesting to check for any positive correlation between these 'signs' and those suggested by Aquinas in reply to the question whether a person can know he or she has grace, in *Summa Theologiae* I-II, q.112, a.5.

17. See James F. Keenan, *Moral Wisdom: Lessons and Texts from the Catholic Tradition* (Lanham, MD: Sheed and Ward: 2004), 39, 45.

Pope Francis is consistent with these theologians in saying above that such 'a person can be living in God's grace'.

Centrepiece of the Chapter

The various elements of chapter 8 converge at paragraph 303. Given all the factors influencing situations that 'do not objectively embody our understanding of marriage', there is a need 'for individual conscience to be better incorporated into the Church's praxis'. Every effort is needed to foster development of 'an enlightened conscience' and encourage 'an ever greater trust in God's grace', assisted by the responsible and serious discernment of one's pastor. This is consonant with John Paul II's observation that the church 'puts herself always and only at the *service of conscience* ... helping it not to swerve from the truth about the good of man [*sic*] ... to attain the truth with certainty and to abide in it'.¹⁸ Or, as Klaus Demmer remarked, 'the ultimate goal of moral instruction is to form an adult conscience'.¹⁹

The next few sentences in paragraph 303 are, arguably, a landmark in this sort of document, particularly in its more expansive view of the function of conscience. They offer a more detailed account of the 'pedagogy of grace' and of the Holy Spirit helping couples (and individuals) to reach 'the fullness of God's plan for them'.

The Pope first suggests that we must advance beyond a 'minimalist' view of conscience that judges actions either prior to or after the fact:

Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel.

Here, Kelly suggests the sentence could even suggest the workings of a guilty conscience, a well-established aspect of conscience.²⁰ A 'greater trust in God's grace' will enhance the role of conscience such that it can discern, within the context of the real situation, possibilities for moral growth and the integration of 'weakness'. Conscience:

can also recognize with sincerity and honesty what for now is the most generous response which can be given to God.

Further, conscience's 'trust in God' brings the sense of reassurance that God does not ask or push us beyond our capacity, in that no-one is bound to the impossible. At the same time, it is future- and growth-oriented. It is open to the

18. VS 64.

19. Klaus Demmer, *Shaping the Moral Life: An Approach to Moral Theology* (Washington, DC: Georgetown University Press, 2000), 22.

20. When conscience 'recognizes, ex post facto, a disconnect between one's action and the proper moral order'. Kelly, 'The Role of the Moral Theologian', 927.

divine grace whereby the truth is fully realised and in accord with the person's search for what is good. Hence, through one's conscience, a person can:

come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits, while yet not fully the objective ideal. In any event, let us recall that this discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized.

Paragraph 303 offers a wider context for the moral psychology associated with practical reason, natural law and prudence that guides the three principles explained above. First, it reflects the blending of the virtue ethics of Aquinas with the Ignatian tradition of the discernment of conscience. Second, the Pope's overall approach is framed within a personalist and relational anthropology that involves the whole person and moral action. The central dynamic is interpersonal, namely, that of invitation and response such that 'in every situation, when dealing with those who have difficulties in living God's law to the full, the invitation to pursue the *via caritatis* must be clearly heard' (306).²¹ Third, it is developmental (see John Paul II above) in that each human being 'advances gradually with the progressive integration of the gifts of God and the demands of God's definitive and absolute love in his or her entire personal and social life' (295).

Francis later makes a significant point:

Discernment must help to find possible ways of responding to God and growing in the midst of limits. By thinking that everything is black and white, we sometimes close off the way of grace and of growth, and discourage paths of sanctification which give glory to God. Let us remember that '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.' The practical pastoral care of ministers and of communities must not fail to embrace this reality. (305)

This paragraph highlights another dimension. It offers a realism both about the limited, conditioned and complicated nature of our lives and about weakness, failure and the fragmentary quality of moral progress. Implicitly recognised is 'the theology of the imperfect response' in which 'real life asks of us not the best possible, but the best we can, given the situation and the (realistic) alternatives available'.²² Even in a 'disordered situation', because of the orientation of a

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21. 'This description of conscience also sounds like the famous claim of *Gaudium et Spes* 16 that conscience is "the most secret core and sanctuary of a man ... [where] he is alone with God, Whose voice echoes in his depths.' Kelly, 'The Role of the Moral Theologian', 927.
22. Philip Malone, 'From *Gaudium et Spes* to *Evangelii Gaudium*: From Proclamation to Pastoral



person's will, namely, as centred on and animated by love (from God, of God and of our neighbour), as noted above, *a person can be living in God's grace, can love and can also grow in the life of grace and charity.*

The final sentence of paragraph 305, at the end of the excerpt above, leads to the next consideration, about consequences concerning those in 'irregular' situations of marriage.

4. What Are the Implications for the Church and, Specifically, for Guidance by Pastors?

Pope Francis openly acknowledges those who 'prefer a more rigorous pastoral care that leaves no room for confusion' (308). However, he believes that Jesus 'wants a Church 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 get soiled by the mud of the street"' (308).

In the various situations affecting families and marriage, 'the Church is commissioned to proclaim the mercy of God' (309). Mercy is not only 'the working of the Father; it becomes a criterion for knowing who his true children are' (310). The Pope returns to moral theology, whose concerns should be for the integrity 'of the Church's moral teaching' but also to 'emphasize and encourage the highest and most central values of the Gospel, particular the primary of charity'. We should always consider inadequate 'any theological conception which in the end puts in doubt the omnipotence of God and, especially, his mercy' (311). One of the distinctive marks of Jesus' lifestyle and a sign of the breaking in of God's reign is that he shared his meals with the broken, outcasts and sinners.²³

How can the church reach out to help each person 'find his or her proper way of participating in the ecclesial community' and experience the touch of 'gratuitous mercy' (297)? Francis's catch cry from *Evangelii Gaudium* is repeated here: 'Time is greater than space' (3, 261). The moral life is not intelligible simply by isolating a moment in space (in a particular objective action), but only over the lifetime of a moral subject, namely, in its fundamental direction. God is patient enough to allow time to do its work rather than to be feverishly concerned with people's lives as tidy spaces and well-groomed gardens—captured in the parable of the wheat and the weeds, a key metaphor for Pope Francis.

Concerning the issue of ecclesial 'participation', the Pope is not blind to those who may take a defiant stand that, in principle, can separate them from the community: one who 'flaunts an objective sin as if it were part of the Christian ideal, or wants to impose something other than what the Church teaches' (297).

Response', *Compass* 50, no. 1 (Autumn 2016): 3–5, at 4.

23. See Francis J. Moloney, *A Body Broken for a Broken People* (Burwood, VIC: Collins Dove, 1990): 128–9.



Yet, even for that person, with the help of a pastor, some way can be found to ‘taking part’ in the church’s life. ‘No one can be condemned forever’ (297).

In all this, the Pope’s main thrust is captured in paragraph 300. Given the ‘immense variety of concrete situations’, a new set of rules applicable in all cases is neither possible (nor perhaps advisable). What matters is to help individuals and couples to take responsibility for their lives before God. This is the servant church whose role is to guard and facilitate the progressive formation of an adult conscience, as noted earlier.

Priests and pastoral guides are duty-bound to ‘accompany the divorced (and remarried) in helping them to understand their situation according to the teaching of the Church and the guidelines of the bishop’. Their role is to help people reflect on their situation: on the crisis in the prior marriage; on how they treated the children; on any attempts at reconciliation; on the ‘abandoned’ party; on the consequences of the new relationship on the rest of the family and the community of the faithful. This can move to a great trust in God’s mercy and in repentance for harm done.²⁴

The next consideration concerns accompaniment with the priest in the discernment process situated in the ‘internal forum’ to form a correct judgment on what ‘hinders the possibility of a fuller participation in the life of the Church and on what steps can foster it and make it grow’. This calls for the disposition of ‘humility, discretion and love for the Church and her teacher, in a sincere search to do God’s will and a desire to make a more perfect response to it’ (300). Such attitudes are essential to avoid ‘grave misunderstandings’ that the priest can quickly grant exceptions (or permission). A sympathetic and understanding pastor (‘tenderness’ is used more than once) can help people make a ‘responsible and tactful’ discernment that is sensitive to the common good. This seems to be allied with the internal forum context of this passage.

Earlier, the Pope notes that responsible pastoral discernment recognises that, ‘since “the degree of responsibility is not equal in all cases”, the consequences or effects of a rule need not necessarily be the same’ (300).²⁵ The important footnote for this sentence says:

This is also the case with regard to sacramental discipline, since discernment can recognize that in a particular situation no grave fault exists. In such cases, what is found in another document applies: cf. *Evangelii Gaudium* ... 44 and 47.²⁶

24. This approaches the rituals of the Eastern Orthodox tradition on *oikonomia* or God’s loving husbandry or stewardship of the covenant he has established with his people that sometimes requires an act of mercy that dispenses from the strict laws he himself established (e.g., concerning marriage). This will involve various steps and ecclesial rituals for the divorced.

25. Similar comments are made in para. 320, citing the *Declaration concerning Admission to Holy Communion of Faithful Who Are Divorced or Remarried* (noted earlier, in note 9).

26. Para. 44 concerns factors affecting imputability and how pastoral and spiritual companions ‘need to accompany with mercy and patience the eventual stages of personal growth as these progressively occur’.

While, in chapter 8, there is no explicit mention of reception of 'Holy Communion', it is implied in the wording of this footnote. Clearly, the Pope is not giving a blanket permission for those divorced and remarried extra-ecclesia to receive Holy Communion. Such a step can only be the result of a personal discernment before God, made within the internal forum, within an ecclesial setting (with one's pastor or spiritual guide) and put into practice with humility and discretion. What the Pope implies in this footnote is fully consistent with his whole argument about the levels or absence of culpability, even in objectively grave situations.

Three observations are pertinent here. First, about differing levels of responsibility concerning a 'rule', namely, the church teaching on indissolubility of marriage; there is an analogous and parallel case with the teaching of *Humanae Vitae*. This document prompted pastoral responses from various official sources: that people could be without subjective fault in being unable to live up to church teaching. They should not 'cut themselves off from the Church' and can be admitted to the sacraments.²⁷

Second, Pope Francis alludes in footnote 329 to *Familiaris Consortio* 84 and John Paul II's focus on the objective situation of those who are divorced and remarried and its implications for the sexual aspect of the relationship. Francis (unobtrusively) balances this with consideration of the subjective situation and the dispositions of the parties involved. The second union can be marked by an ongoing commitment, whether between the parties and to any children, together with the various signs of God's grace noted earlier. It could well be that, conscientiously, humbly and prayerfully, the call of the church to live as brother and sister, if exercised, may cause harm to the relationship and 'endanger' the good of the children (footnote 329)—a matter of action that could lead to 'further sin' (301). In other words, we have 'what for now is the most generous response which can be given to God' (303).²⁸

Third, important here is the ecclesial context of what Pope Francis is saying and, in particular, that both the law and the ability to respond to it are 'gifts'. We all need God's mercy and assistance; no less so for people, who, while 'living in God's grace', do so in an 'irregular' situation, albeit with blame lessened or removed. Growth in love (of God and others) needs the church's help (305). In this context, the Pope, in a footnote, points to *both* the sacraments of reconciliation and the Eucharist, the first as an 'encounter with God's mercy', the second as a 'powerful medicine and nourishment for the weak' rather than as

27. For instance, Congregation for the Clergy, *Statement of Theological and Pastoral Principles* (1971), and the pastoral letter of the Australian bishops (1974) and the pastoral letters of other bishops' conferences.

28. In *Summa Theologiae* III, q.79, a.3, Aquinas offers an enlightening discussion of consciousness of mortal sin when he addresses the question 'whether the forgiveness of mortal sin is an effect of the sacrament of the Eucharist'.

a ‘prize for the perfect’.²⁹ The church’s liturgy bears witness to the healing power of reception of the Eucharist.³⁰

Rightly, the Pope implies it is not just a matter of being ‘admitted’ to Holy Communion. The Pope’s concern is that people in ‘irregular’ situations do not try to deal with this on their own. These are serious issues—involving God and personal salvation. We all need help and reassurance (‘accompanying’) that God is actively present in our lives and, importantly, help and reassurance in recognising our self-deceptions, resistances, sin and ‘weakness’. This is particularly the case for those amongst us whose situation is ‘ambivalent’, for want of a better word.

‘Accompanying’ and ‘discerning’, then, are necessary but not sufficient. Ultimately, ‘integrating weakness’ is primarily God’s work. In this, Pope Francis shifts the ground for addressing the issue of receiving Holy Communion. God’s mercy and love are most powerfully at work through *two* sacraments, namely, reconciliation and the Eucharist. It is God, in Christ, ‘reconciling the world to himself’ (2 Cor 5:19).

Chapter 8 underlines the need for practical guidelines and for formation of pastors and spiritual guides if the discernment process is to achieve its purpose. Importantly, what is at stake is helping people to be adults in their faith and in their relationship with God. Getting permission from (rather than discerning ‘with’) ‘the priest’ not only distorts the purpose of discernment. It ultimately keeps people in a state of dependency and deprives them of their right to respond to God with deepening insight and love as mature adults. This is related to a wider question, namely, the dignity and rights of the baptised faithful. It may be argued that, in the ecclesiology of Vatican II:

the ultimate *bearer of the saving truth to which the Church must give witness in every age* is not merely the college of bishops, but the *whole community of believers*.³¹

29. *Evangelii Gaudium* 44, 47. Henceforth EG.

30. See postcommunion prayers for Thursday of the fourth week of Lent, ‘grant your servants freedom from all blame’, and for the first Wednesday of Advent, that ‘this divine sustenance my cleanse us of our faults’. In this context, care must also be taken about ‘examining oneself’ before reception of Holy Communion. This phrase found in 1 Cor 11:27-28 is, at times, interpreted as referring to morality in general and our understanding of ‘sinners’ as being excluded. This does not do justice to its original context, where the self-examination about ‘unworthy behaviour’ and participation in the Eucharist is concerned with divisive activity and the unity of the community. See Moloney, *A Body Broken*, 112.

31. John Thornhill, ‘Biblical Scholarship Today Makes It Clear that St Thomas Aquinas Could Not Have All the Answers’, *Australasian Catholic Record* 93, no. 1 (January 2016): 90–6, at 95 (italics in the original). Thornhill, in supporting this position, quotes the reiterated teaching of Pope John Paul II on the mutuality between the role of the ordained and that of the baptised. The same point has the agreement of Yves Congar, Joseph Ratzinger and J. M. Tillard. See John Thornhill, ‘The Role of the Ordained Minister within the Christian Community’, *Australasian Catholic Record* 67, no. 2 (April 1990): 187–206.

5. The Level of Authority in This Teaching

Finally, the allocution reflects the Pope's role as teacher and pastor. At the least, it is an expression of authentic magisterium. In some areas, it is both authoritative and definitive (e.g., sacramentality of marriage, the Christ-event and the scope of divine mercy). Other issues, such as those addressed in chapter 8, are authoritative but not definitive. They are, as the Pope says, open to further dialogue, hence, not settled by the magisterium. Could this chapter, in particular, be viewed as a 'new' 'form' of teaching?

First, 'form' can indicate the document's encouraging tone and persuasive purpose, which is not necessarily 'new' in this type of church statement.

Second, 'new' form, alternatively, could rightly apply to the dialogical nature of its composition and ongoing development together with the recognition of the role of cultural differences and local needs in arriving at 'solutions'.³²

Third, 'new' could also apply to the positive view, at the level of church teaching, of God's grace (and its fruits) present in the lives of those in 'irregular' situations. As noted earlier, it retrieves a view in the moral tradition that is now integrated within church teaching. It also reflects a greater awareness of how one finds moral truth not only in 'specific and (possibly) long held propositional utterances' but also in the pursuit of 'moral truth in the person of Christ as to be realised in the very lives of human beings'.³³ Further, it points to an advance in the magisterial understanding of conscience. Not only does 'conscience acknowledge moral truth in the past, but it discerns and articulates its course for the future'.³⁴ Importantly, in such doctrinal development, earlier teachings need to be read 'in the light of the new development'.³⁵

Fourth, and most importantly, 'new' form can justifiably connote the manner in which the teaching is presented. The model of moral discernment (and its rationale) that Pope Francis presents as a *teacher*, he actually models (and, hence, ratifies) as a *pastor*. In that sense, it is an exercise in the pastoral magisterium but in dialogical mode. The Pope draws on various sources—synods (involving the experience of the lay faithful), Roman congregations, local episcopal conferences, moral theologians and, importantly, the Ignatian process of discernment. Consolidating these resources, he offers a process of moral discernment as part of the church's teaching. In other words, the

32. The variation in prudential judgments implied in this 'recognition' is analogous to the Roman ecclesial practice, until the mid-twentieth century, of responding to questions about moral teaching by directing petitioners to the judgment of 'approved' authors (manualists). Moral truth, disseminated in a 'variety of places' was found in such judgments. See Peter Black and James Keenan, 'The Evolving Self-Understanding of the Moral Theologian: 1900–2000', *Studia Moralia* 39 (2001): 291–327, at 293.

33. Black and Keenan, 'Evolving Self-Understanding', 307.

34. Keenan, 'Receiving *Amoris Laetitia*', 195.

35. See Christoph Schönborn, interview by Antonio Spadaro, *America*, 9 August 2016, 1–14, at 2.

allocation (including chapter 8) reflects the workings of the *sensus fidelium*, properly understood.

As teacher and pastor, the Pope offers a reliable instrument and expression of the church's mandate to teach and witness to what is true and good. This is exercised in the light of faith in divine mercy embodied in the Christ-event and its ongoing presence in history. As has been remarked, mercy 'incarnates the truth of life' but also, in Jesus Christ, the truth of God. Chapter 8, in particular, encapsulates the deepening awareness of the depth and scope of the divine mercy that throws further light on the levels of response and of human weakness and limitation and on their pastoral implications. As Cardinal Christoph Schönborn has observed of Francis:

The positive pastoral style is also a way of expounding doctrine in a gentle manner, linking it to the profound motivations of men and women. The totality of doctrine is expressed, but in a fresh and new way that a large public can read.³⁶

From that perspective, it could arguably be viewed as an instance of development of doctrine—a matter of ongoing theological discussion and of reception within the church community.³⁷

Conclusion

Chapter 8 of *Amoris Laetitia* has rightly aroused debate. Divine mercy should shock us. 'Isn't it dangerous to open ourselves up to that incredible world of God's mercy, which doesn't fit our calculations?' asks Pagola.³⁸ Pope Francis has presented a process of discernment with justifying theological arguments. From an anthropological foundation (the human person as relational and responsive), he uses traditional moral categories and the theology of grace (in its 'fruits') to evaluate 'irregular' situations concerning marriage. Importantly, it is not about compromising teachings. It is rather seeing that they are 'actually greater than we have imagined'.³⁹ Further, the moral life is developmental (gradual); hence, time is integral to the process. One implication is the need to reconsider some moral questions (beyond our scope here).⁴⁰

36. *Ibid.*, 4.

37. *Ibid.*, 4. The cardinal notes that, from that there has been a growing evolution in awareness of factors affecting family life and of the issue of objective 'sin' that 'implicitly entails a homogeneous evolution in the understanding and expression of the doctrine'. *Ibid.*, 10. This reflects how Pope Francis 'perceives doctrine as the "today" of the word of God, the Word incarnate in history, and he communicates it while listening to the questions that arise en route'. *Ibid.*, 3.

38. José A. Pagola, *Jesus: An Historical Approximation* (Miami, FL: Convivium, 2014), 140.

39. Keenan, 'Receiving *Amoris Laetitia*', 202, citing *AL*, 311.

40. For instance, the use of 'sin' or 'mortal sin' indiscriminately, particular when there are mitigating factors that lessen or remove culpability. One such instance is the US bishops' letter



'Weakness, and Wounded and Troubled Love' in Amoris Laetitia 147

The overarching principle is God's mercy, to which the church must always be witness. As God is patient, so too must be the church and each of us. The divine priority is not a tidy garden, a well-ordered and problem-free space. One could justifiably say that chapter 8's controlling metaphor is the parable of the wheat and the weeds, about which Pope Francis remarks:

the enemy can intrude upon the kingdom and sow harm, but ultimately he is defeated by the goodness of the wheat.⁴¹

These considerations also suggest that, with Moses, we approach conscience as the 'holy ground' where we must 'take off our shoes'—as, perhaps, does God?

on pornography (2015), where their concerns are couched predominantly in the language of sin (rather than 'damage' or 'harm') in a situation in which addiction and compulsive behaviour are mitigating factors. Again, there is the difficulty of a good person actually committing a mortal sin that entails going against the grain of one's moral disposition, as explained by Aquinas in *De veritate* q.27, a.1, ad.9.

41. EG 225.

