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**RESPONSES TO DOUBTS, QUESTIONS AND CRITICISMS
WITH REGARD TO CHAPTER EIGHT OF *AMORIS LAETITIA***

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I. INTRODUCTION

The publication of the Apostolic Exhortation *Amoris Laetitia*¹ on 8th April 2016 has evoked both positive and negative responses. While a vast majority of people both inside and outside the confines of the Church have welcomed it with great enthusiasm quite a number of influential elements within the Church, especially some members of the hierarchy and quite a number of theologians² (especially, those who had been vociferous opponents of the teachings of the Second Vatican Council³), have made strong criticisms against it, and thus, openly challenged it.⁴ Their main argument is that the contents of this document – particularly those in Chapter Eight – signal a break from the Catholic moral Tradition, especially from the teachings of Pope John Paul II.⁵ Some of them have even gone to the extent of portraying AL as the personal opinion of the present Pope!⁶ Then, there are also those who caution that the teachings in AL could lead to moral relativism. As a result, many an ordinary parish priest, as well as quite a number of local bishops themselves, have been badly confused and crippled as to what they are to do about this official

¹ Henceforth, this document will be referred to in this paper, as AL.

² The number of articles by some ‘theologians’ on the Internet Web-sites that are very critical of both the AL and the Synodal Process are amazing and most of their concerns seem to concentrate on the single accusation that the present Pope is all out to change doctrine on marriage and family. For most of them, Pope John Paul II’s *Familiaris Consortio* (1981) is the unchangeable last word on Catholic doctrine on marriage.

³ Henceforth, this Council will be referred to as Vatican-II.

⁴ Immediately after the publication of AL four Cardinals, Raymond Burke, Carlo Caffarra, Walter Brandmuller and Joachim Meisner even dared to write an unprecedented letter to Pope Francis asking him for certain clarifications on some main issues in AL. Interestingly, we never heard such open criticisms of official papal teachings of either Pope John Paul II or Pope Benedict XVI from such high ecclesiastical dignitaries of the Church. The present writer interprets this ‘new’ development as healthy and positive because it is a sign not only of the free atmosphere that exists within the Church today under Pope Francis, but also of the present Pope’s personal, explicit encouragement to express theological opinions freely (especially those of the Church’s hierarchy).

⁵ Surprisingly, almost all of them assume that the last word with regard to marriage and family was already said by Pope John Paul II, and there is nothing more left to be said, not even by another Pope in communion with the Bishops!

⁶ See for example, the influential but hard-core conservative American Cardinal Burke’s views in Cardinal Raymond Burke, “*Amoris Laetitia* and the Constant Teaching and Practice of the Church”, *National Catholic Register*, 11th April 2016.

Church teaching. Consequently, AL has not received the serious attention it deserves from the Church's pastors in the pastoral field in many countries, because most of them are riddled with legitimate doubts and questions evoked by such criticisms as mentioned above.

In the light of this unfortunately confusing scenario, our purpose here is to seriously investigate the three main questions raised by such doubts, questions and criticisms which also have become the questions frequently asked about AL: whether AL is the personal opinion of Pope Francis, whether AL is a continuation or a break in the Catholic moral Tradition and whether AL leads to moral relativism. We shall embark upon these specific tasks by dividing this paper into three main parts in which each of these three main issues will be treated separately in detail.

PART I : IS AMORIS LAETITIA THE PERSONAL OPINION OF POPE FRANCIS?

1.1. The Unprecedented Ecclesial Discernment Process followed in writing *Amoris Laetitia*

Christian Tradition has always upheld that the Bishops are the successors of Apostles.⁷ And it was to the Apostles that Jesus Christ gave the explicit authority to bind and loose which also surely includes the authority to teach what Christ imparted on them during his earthly ministry (Cfr., Mt.16:13-19; Jn.20:19-23). One needs to note here that what follows from the gospels is the fact that all the Apostles were given the authority though Peter was given the explicit authority to be 'the rock' or the head of the whole community of believers. As such, today, the Church teaches that it is the entire College of Bishops (the successors of Apostles) together with their head (Successor of Peter or the Bishop of Rome) who have the explicit mandate of Christ to teach in his name. Of course, as a successor of an Apostle, each Bishop, too, has the right and duty to teach authoritatively but always in communion with the head of the College of Bishops, namely, the Bishop of Rome.⁸ If so, when the Pope teaches in communion with the College of Bishops in and through a

⁷ Cfr., *Lumen Gentium* (1964), No: 22. Henceforth, this document will be referred to in this article, as LG.

⁸ Cfr., LG, Nos: 24-25.

Synod, that teaching is a highly authoritative teaching. Therefore, if we recall that AL is the end-result of an unprecedented Synodal Process that consisted of two successive Synods of Bishops in Rome in 2014 and 2015, the ecclesial authority attributed to AL is further enhanced. Moreover, it becomes obvious that AL is not a mere personal statement of the present Pope at the end of an Episcopal gathering, but is an 'Apostolic Exhortation' which is ranked very high in the hierarchy of authority attributed to Catholic official teaching documents. That is to say that it is a document of the papal ordinary magisterium.⁹ As such, every believer, including the pastors - Bishops and priests - has to give AL its due according to our cherished Catholic belief in magisterial teachings as expressed by Vatican-II:

Bishops, teaching in communion with the Roman Pontiff, are to be respected by all as witnesses to divine and Catholic truth. In matters of faith and morals, the bishops speak in the name of Christ and the faithful are to accept their teaching and adhere to it with a religious assent. This religious submission of mind and will must be shown in a special way to the authentic magisterium of the Roman Pontiff, even when he is not speaking *ex cathedra*; that is, it must be shown in such a way that his supreme magisterium is acknowledged with reverence, the judgments made by him are sincerely adhered to, according to his manifest mind and will. His mind and will in the matter may be known either from the character of the documents, from his frequent repetition of the same doctrine, or from his manner of speaking.¹⁰

Furthermore, Jesus did not promise the Holy Spirit only to the Apostles but also to all the disciples. In fact, in Jn.20:19-23, it is on all the disciples that Christ breathes his Spirit. That is to say, that the Holy Spirit abides in all the baptized in the believing community headed by the successors of Apostles (the Bishops). He prompts the believers in community as what to believe and what not to believe through all the members of the community headed by the Bishops (Jn.14:15-18; 25-26). That is precisely why Vatican-II taught clearly

⁹ Cfr., Francis A.Sullivan, *Creative Fidelity: Weighing and Interpreting Documents of the Magisterium*, New York: Paulist Press, 1996.

¹⁰ LG 25.

that the entire Church community or the community of all the baptized, as a whole, cannot err in matters of faith and morals¹¹:

The whole body of the faithful who have an anointing that comes from the holy one (cf. 1 Jn.2:20 and 27) cannot err in matters of belief. This characteristic is shown in the supernatural appreciation of the faith (*sensus fidei*) of the whole people, when, “from the bishops to the last of the faithful” they manifest a universal consent in matters of faith and morals.¹²

In this Vatican-II teaching, the phrase, ‘from the bishops to the last of the faithful’ together cannot err in matters of faith and morals is to be noted carefully for our purposes in this paper. That is to say that the whole People of God together cannot err with regard to matters of faith and morals, thanks to the active presence of the Holy Spirit in the Church. That is precisely why ever since the Vatican-II, the Synods of Bishops have made sure to revert to the early Church Tradition of getting at least some lay representation in the Synods. However, one wonders how much of such lay participation was seriously counted in the real official magisterial teaching process of those post-Vatican-II Synods in discerning the voice of the Spirit. Even the propositions voted upon by the Bishops themselves at such Synods in the post Vatican-II era often did not feature prominently in the final official documents produced in the form of Apostolic Exhortations – after all, as the head of the College of Bishops, and as the head of the whole Church, it was the Pope who had the right to make the final decision as to which elements of such Episcopal Synodal propositions ought to get into his final teaching. Thus, a careful glance at the propositions voted upon by each Synod (in the post-Vatican-II period) and the contents of the respective final papal Apostolic Exhortations in the same post-Vatican-II era often shows a gap between the two.¹³ However, in writing the AL, Pope Francis has made a conscious effort to incorporate the propositions voted upon

¹¹ In fact, this is a return to the earlier more participatory Synodal system of the Church in the by-gone centuries of the first millennium, and in that sense, it is not ‘new’ at all!

¹² LG, No: 12.

¹³ See for example, Jan Grootaers and Joseph Selling, *The 1980 Synod of Bishops “On the Role of the Family”: An Exposition of the Event and an Analysis of its Texts*, Leuven: Leuven University Press, 1983, 14.

by the Bishops at both the Synods of 2014 and 2015 as much as possible, as we see from the abundant references he makes to them in AL. In fact, ever since his election, Pope Francis has clearly expressed his willingness not to act unilaterally as far as possible (though by right he has the authority to do so, as the head of the Catholic Church), but in communion with the College of Bishops in keeping to the ancient ecclesial spirit re-evoked by Vatican-II.¹⁴ Moreover, he has expressed his desire to take seriously the conciliar teaching based on the traditional Catholic belief of the presence of the Holy Spirit in the whole People of God, as he made it so clear in his now well-known interview with Antonio Spadaro.¹⁵ In fact, in his very first Apostolic Exhortation, he enunciates this as follows:

In all the baptized, from first to last, the sanctifying power of the Spirit is at work, impelling us to evangelization. The people of God is holy thanks to this anointing, which makes it infallible *in credendo*. This means that it does not err in faith, even though it may not find words to explain that faith. The Spirit guides it in truth and leads it to salvation. As part of his mysterious love for humanity, God furnishes the totality of the faithful with an instinct of faith – *sensus fidei* – which helps them to discern what is truly of God. The presence of the Spirit gives Christians a certain connaturality with divine realities, and a wisdom which enables them to grasp those realities intuitively, even when they lack the wherewithal to give them precise expression.¹⁶

The recent Synodal Process (wherein all the baptized of the Church had representative participation) which lasted for more than two years was nothing but the putting into concrete action of this papal belief which in turn is the vision of Vatican-II for the Church's participatory process of discerning the voice of the Spirit present in

¹⁴ Also, his appointment of a special "Council of Cardinals" (as an advisory body), representing all the continents, now popularly known as the "C-9", is a clear sign of this desire to decentralize the process of decision-making in the Church, a desire he has so clearly expressed even in his *Evangelii Gaudium* (2013), Nos: 16, 26, 32-33. Henceforth, this document will be referred to in this paper as EG.

¹⁵ Pope Francis and Father Spadaro, SJ, "Pope Francis' Interview with Jesuit Magazines", *Origins*, 43:19 (10 October 2013), 298-299.

¹⁶ Pope Francis, *Evangelii Gaudium* (2013), No: 119.

the People of God as a whole with regard to faith and morals.¹⁷ Although even the earlier post-Vatican-II Synods did consult the local Episcopal Conferences in preparing the Synodal Working documents (popularly known as *Instrumentum Laboris*), it was only in preparation for the two recent Synods on Family and Marriage that the baptized laity were explicitly consulted in preparing such documents. That is to say that in the process of formulating the teaching in AL, all the baptized, or the whole Church, were involved in one way or the other, keeping to the traditional spirit of the belief in *sensus fidelium*.¹⁸ **As such, AL is not only an official magisterial document of the highest teaching authority (an Apostolic Exhortation), but it also is the end-result and the culmination of an unprecedentedly unique participatory Synodal Process that lasted for more than two full years, wherein all segments of the People of God did actively get involved in discerning the voice of the Spirit.** It is hard to think of any other ecclesial document that got the whole Church actively involved in the process of the formulation of its but the personal opinion of Pope Francis. What the Archbishop contents. As such, no one in right senses could say that AL is nothing of Westminster, Cardinal Vincent Nichols (who participated at both the Synods in Rome in 2014 and 2015) said in response to the “conservative voices in the Church that claimed the Pope’s exhortation of the family was a personal reflection and one that can be dismissed”¹⁹ is very relevant for our purposes here:

I think that’s a lack of perception about the importance of Synodality in the Church – with Peter and under Peter. This, to me, is a fine expression of the Pope as a pastor and in his

¹⁷ In a letter to Cardinal Mark Ouelett, President of the Pontifical Commission for Latin America, dated 26th April 2016, Pope Francis bluntly wrote that the Holy Spirit is not the exclusive property of the ecclesial hierarchy but that the same Spirit works also in the lay people. Cfr., “Text of Pope’s Letter to Pontifical Commission for Latin America” as reproduced in *Zenit News: Daily Dispatch*, 26th April 2016.

¹⁸ This concept is rendered in various forms implying the subtle theological differences and nuances attributed to each form, such as *sensus fidei*, *sensus fidelium*, *consensus fidelium*,etc. See, Francis A.Sullivan, *Magisterium: Teaching Authority in the Catholic Church*, New York: Paulist Press, 1983, 21-23.

¹⁹ Liz Dodd, “Conservatives ‘wrong’ to dismiss *Amoris Laetitia*”, *The Tablet*, 23rd April 2016.

understanding of the role of Peter which is to bring the community together and allow it to find a voice.²⁰

1.2. The Intrinsic Link between the Recent Synodal Process and the Teaching of *Amoris Laetitia*

In his very introduction, what the Pope says in No: 4 of AL not only shows his appreciation for the various opinions expressed²¹ during the entire Synodal process, but also his use of those opinions in the very writing of the document:

I must say that the Synod process proved both impressive and illuminating. I am grateful for the many contributions that helped me to appreciate more fully the problems faced by families throughout the world. The various interventions of the Synod Fathers, to which I paid close heed, made up, as it were, a multifaceted gem reflecting many legitimate concerns and honest questions. For this reason, I thought it appropriate to prepare a post-synodal Apostolic Exhortation to gather the contributions of the two recent Synods on the family, while adding other considerations as an aid to reflection, dialogue and pastoral practice, and as a help and encouragement to families in their daily commitments and challenges.

When one carefully combs through the footnotes of AL, one is amazed by the quotations that are directly taken from the final propositions voted upon by the bishops at the two Synods. Of the 391 footnotes, 136 are from such propositions, as given in *Relatio Synodi* which was issued at the end of the October 2014 Extraordinary Synod and in *Relatio Finalis* which was issued at the end of the October 2015 Ordinary Synod. This is what Cardinal Lorenzo Baldisseri, the Secretary General of the Synod of Bishops had to say at the presentation of AL:

The fundamental basis of the Exhortation is made up of the final documents of the two synodal assemblies on the family: 52 citations from the *Synod Report (Relatio Synodi)* 2014 and 84 from the *Final Report (Relatio Finalis)* 2015, for a total of 136. In this way,

²⁰ Ibid.

²¹ See also No: 7 of AL wherein he speaks of the "rich fruits" of the Synodal process.

the Holy Father attributes great importance to collegial and synodal work, welcoming it and integrating it.²²

The rest of the sources used to support the teachings of AL are from Vatican-II, the previous papal documents, the teachings of various Episcopal Conferences from all over the world, the *Catechism of the Catholic Church*, the *Code of Canon Law*, renowned theologians like Sts. Augustine, Leo the Great, Dominic, Thomas Aquinas,etc. Of these sources, various official documents, declarations and homilies of Pope John Paul II are referred to 49 times altogether, and out of them his Apostolic Exhortation *Familiaris Consortio* (1981) is referred to 21 times, and Pope Benedict XVI is referred to 10 times, thus, clearly indicating the elements of continuation of papal magisterial teachings on family and marriage. The documents of Vatican-II are referred to 22 times, the *Catechism of the Catholic Church* is referred to 13 times and the *Code of Canon Law* is referred to 6 times, which further indicate how much the teachings of AL are imbedded in the Catholic moral Tradition. Great theologians like St. Augustine and St. Thomas Aquinas are referred to, 3 and 19 times, respectively, indicating the profound theological roots of the document. These sources alone would suffice to dismiss the flimsy, superficial argument that AL is “the personal opinion” of Pope Francis.

One of the defining characteristics of the present papacy is the way it bases its teachings on the local Episcopal Conferences, as is evident in his other magisterial teachings of Pope Francis thus far: *Evangelii Gaudium* (2013), *Laudato Si* (2015), *Gaudete et Esultate* (2018) and *Christus Vivit* (2019). Thus, in AL, too, we have references to Episcopal Conferences in Spain, Korea, Argentina, Mexico, Colombia, Chile, Australia, Italy and Kenya, as well as a reference to a teaching of the Fifth General Conference of the Latin American and Caribbean Bishops. It is a clear reaffirmation of Vatican-II teaching expressed in LG Nos: 22-25, namely, the exercising of the Petrine office not in isolation (by the Pope on his own) but together in communion with the world-wide College of bishops. In fact, the Pope kept on repeating during the two Synods on Family and Marriage that the Synods are a “walking together” of the whole Church community in order to

²² “Cardinal Lorenzo Baldisseri’s Intervention at the Presentation of *Amoris Laetitia*” as re-produced in *Zenit News: Daily Dispatch*, 8th April 2016.

discern what the Spirit was telling the Church with regard to the Family and the issues connected to it in our contemporary world. He tirelessly insisted that the two Synods are the work of the Catholic Episcopate *cum Petro* and *sub Petro*, of course, guided by the Holy Spirit. One also needs to keep in mind that at the end of each of the two Synods that led to AL, the participant Bishops freely voted on each of the propositions, and the voting patterns/results were unprecedentedly published at the explicit direction of the Pope.

Thus, one notices that although according to the Catholic Tradition, the supreme Pontiff could teach on his own (of course, without rupturing his communion with the worldwide Episcopate), Pope Francis in drafting AL has displayed a sense of discerning what the Holy Spirit wishes to say by first of all listening to the whole Church, and then, taking most of what the Church together had been saying not only at present but also in the past. As such, in no way is AL, “a personal opinion” of the present Pope but the final official authoritative papal pronouncement of the carefully discerned voice of the Spirit speaking in and through the whole Church community.

PART II: IS *AMORIS LAETITIA* A CONTINUATION OR A BREAK IN THE CHURCH’S DOCTRINE ON MARRIAGE?

Right from the beginning (that is ever since he convoked the two Synods in 2014 and 2015, and thus initiated the Synodal process), Pope Francis has been stressing that the Synodal process was not meant to change any Church doctrine as such, but to explore the possibilities of how the Church (as a Mother) could get her separated children under her maternal wings. His point was that the Church is not only a credible Teacher but also a caring Mother. In other words, he consistently insisted that it was not to change doctrine as such, but to see how all the members of the Church could be brought back to her fold in applying such doctrine in the pastoral field – i.e., exercising the maternal role of the Church. But unfortunately, the popular media and even some important Church personnel themselves were unreasonably preoccupied that this process is nothing but a mechanism to change the Church’s cherished doctrine on marriage and family. Even during the two Synods some prominent ecclesiastical participants in an unprecedented move

expressed their unfounded worry over such an eventuality.²³ Now that the final product of the Synodal process, namely, the pronouncement of the Pope, in the form of an Apostolic Exhortation, i.e., AL, is published almost three years ago, we may validly ask the pertinent question again because it is precisely one of the major accusations against AL even today: **Do the contents of AL change Church's doctrine on marriage?**

Before giving a response to this question, we need to stress that throughout the history of the Church, doctrine (including moral doctrine) has gone through a development, as so convincingly taught by Pope John Paul II.²⁴ However, one needs to keep in mind that there are two types of doctrines in the Church: doctrines that can never change (some call them 'dogmas') and doctrines that can and do change (develop). That Jesus is God, that he is risen from the dead, that he is the second person of the Trinity, that he became man (Incarnation),....etc. are doctrines that can never change. But there are doctrines that have evolved or developed in the history of the Church, such as the liturgical rites, the language of liturgy, the doctrines on salvation outside the Church, capital punishment, usury, slavery, torture,.....etc. Even with regard to marriage, we have doctrines that can never be changed, such as the indissolubility of marriage, which goes back to the teachings of the Lord Himself. Similarly, that a marriage is heterosexual and monogamous, is also an unchangeable doctrine. But then, there are also doctrines on the same marriage that have changed or developed in the course of history:

²³ The climax of such unfounded preoccupations was the unprecedented writing of a letter by 13 Cardinals to the Pope against the Synodal procedure itself. Cfr., Sandro Magister, "The Letter of the Thirteen Cardinals to the Pope", *Catholic News Update Asia*, Vol. IX, Issue: 068, 14th October 2015. See also the then official Vatican spokesman, Fr.Fredrico Lombardi's comments on this notorious letter in Iacopo Scaramuzzi, "Publication of Disputed Letter aimed to cause a Stir", *Catholic News Update Asia*, Vol.IX, Issue: 068, 14th October 2015. Interestingly, almost all of these Cardinals were the ones who had been stressing during the two previous Pontificates that once the Pope has given a teaching officially, it is final - *Roma locuta est, causa finita est!*

²⁴ Cfr., Pope John Paul II, *Veritatis Splendor* (1993), No: 28. See also, Vimal Tirimanna, "THE EXTRAORDINARY SYNOD: Can the Catholic Doctrine on Marriage and Family Change?", *Vidyajyoti Journal of Theological Reflection*, 79: 12 (January 2014), 7-14; Vimal Tirimanna, "Development of Official Catholic Teachings on Marriage during the past 50 Years", *Asian Horizons*, 9: 1 (March 2015), 155-170.

that marriage is a sacrament (which was accepted only in the 12th century), the canonical form of marriage that is necessary for marriage to be a valid sacrament, the concept of *ratum et consummatum*,... etc. But on the other hand, one must also keep in mind that even the doctrines that cannot change, have gone through an evolution not in its essence but in the way it is expressed. Even within the New Testament itself, one notices how the teaching of the dominical doctrine of indissolubility of marriage is expressed differently, according to different communities of believers. Thus, the expression of the same doctrine of indissolubility within the same New Testament is diverse in Mark, Mathew, Luke and Paul.²⁵

When we come to AL, one notices that there is no change whatsoever with regard to the unchangeable doctrines of the Church on marriage and human sexuality, such as the indissolubility of marriage or the heterosexual and monogamous nature of marriage, two issues that were discussed and debated extensively at the two recent Synods in view of the two main relevant questions attached to them, respectively, in the Synodal process: the pastoral care of the divorced and remarried and of the homosexual persons.²⁶ In fact, in AL such doctrines have been restated clearly just as the previous magisterial teachings have done, as we shall see below.

2.1. No change on the Teaching on Indissolubility of Marriage

We would begin this section by highlighting the fact that AL re-confirms the traditional Catholic belief of what a sacramental marriage means when it says:

Christian marriage is a sign of how much Christ loved his Church in the covenant sealed on the cross, yet it also makes that love present in the communion of the spouses. By becoming one flesh,

²⁵ Cfr., Tirimanna, "Development of Official Catholic Teachings on Marriage during the past 50 Years".

²⁶ Although the two recent Synods as well as AL itself devoted a lot of space for various aspects of Catholic family and marriage, only these two specific issues have been widely discussed and hotly debated, and it is they that have become controversial in theological and episcopal circles. As a result, some of the best teachings of AL have been obscured and ignored, unfortunately.

they embody the espousal of our human nature by the Son of God.²⁷

Then, again in Chapter 8 which is dedicated to pastoral issues, the Pope repeats explicitly the traditional Catholic teaching on marriage when he says:

Christian marriage, as a reflection of the union between Christ and his Church, is fully realized in the union between a man and a woman who give themselves to each other in a free, faithful and exclusive love, who belong to each other until death and are open to the transmission of life, and are consecrated by the sacrament, which grants them the grace to become a domestic church and a leaven of new life for society.²⁸

Thus, it should be clear to the reader that there is no tampering with the Catholic doctrine on marriage in AL, as some have erroneously alleged. However, the main preoccupation of both the Synods in 2014 and 2015 as well as of AL itself was (as already mentioned above) to find ways in which those who were estranged from the Church (i.e., those in so-called “irregular situations”) could be brought back to the Church fold, especially in the pastoral field, by applying the Church’s doctrine to their particular situations. An important issue in this regard, of course, is (as is evident from the proceedings of the two Synods and AL itself) the pastoral preoccupation to find some solace to those who are “innocent parties” with regard to the divorced and remarried Catholics, that is, those who cannot prove in the *external forum* (the objective moral sphere, for example, in a Marriage Tribunal) their innocence or their being not guilty of a general rule/law. Already, Pope John Paul II in his *Familiaris Consortio*²⁹, No: 84 (re-echoing proposition No:14 of the 1980 Synod of Bishops)³⁰ had spoken about the existence of such persons with regard to the issue of divorce and remarriage and calls the pastors to make a careful distinction among various forms of such couples:

²⁷ AL, No: 73.

²⁸ AL, No: 292.

²⁹ Henceforth, this document will be referred to in this paper, as FC.

³⁰ Cfr., Proposition 14 of the 1980 Synod of Bishops on “On the Role of the Family” as re-produced in Grootaers and Selling, 352.

Pastors must know, for the sake of truth, they are obliged to exercise careful discernment of situations. There is in fact a difference between those who have sincerely tried to save their first marriage and have been unjustly abandoned, and those who through their own grave fault have destroyed a canonically valid marriage. Finally, there are those who have entered into a second union for the sake of the children's upbringing, and who are sometimes subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid.

In other words, Pope John Paul II himself faithfully following what the Synod Fathers were saying during the 1980 Synod, teaches that there can be persons who are divorced and remarried but who may not be subjectively guilty or culpable in the same degree for the destruction of their first marriage. Hence he calls the pastors to make a careful pastoral discernment so that they would clearly see the "difference", the moral difference or the different degrees of culpability of persons in such cases. That is to say that all the divorced and remarried persons cannot be simply lumped together and put into one moral category, and brand them as "living in sin"!

But after having made such an earnest, convincing appeal to make "a careful discernment of situations", and having himself enumerated three such very distinct cases of divorced and remarried Catholics, Pope John Paul II surprisingly does not arrive at the next obvious logical step, i.e., to instruct the pastors as how to treat those morally distinct cases in the pastoral field. Instead, in the following paragraph, he himself ignores his own call to make "a careful discernment of situations", and simply puts all such distinct situations into one single general category, i.e., "the category of the divorced and remarried", and categorically states that none of such remarried Catholics could receive the Eucharistic Communion because all of them are "living in sin", the sin of adultery. He does not even consider the unavoidable conclusion from his own premises, namely, that if their moral culpability differs according to each case, then, their sinfulness also ought to differ. The troubling question that cannot be evaded in any one's mind is: If so, why do the pastors have got to make the "careful discernment" of such cases, in the first place? Moreover, another question that cannot be avoided is: If as Pope John Paul II himself points out, some have been "unjustly abandoned" and

some others are “subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid”, can such persons be still branded as “living in sin”?

One needs to note carefully what we are at pains here is to highlight how in the last analysis Pope John Paul II treats all the divorced and remarried cases as if they were all in the same general category though he himself had a few sentences earlier appealed to the pastors to make “a careful discernment” of the different situations of such couples. The reader needs to note carefully that when it comes to the reception of the Eucharistic Communion, for Pope John Paul II all divorced and remarried Catholics seem to be in the same general category who “objectively contradict that union of love between Christ and the Church”.³¹ One may be justified in rationally raising the question: *If (as Pope John Paul II himself had said earlier in the same FC 84), there is a moral difference in different situations of different divorced and remarried Catholics, then, could not there be a difference in degree of culpability of such couples with regard to “objectively contradicting that union of love between Christ and the Church”?* It is in responding to this question in the affirmative (as the Synod Fathers themselves already did, not only in the 2014 and 2015 Synods but also in the 1980 Synod on Family) that the AL takes off from where FC stopped abruptly, and it is precisely in this sense that the two Apostolic Exhortations differ, if at all. First of all, AL comes to the logical conclusion which FC never came to, namely, that all the diverse cases of the remarried Catholics, precisely because they are diverse (as FC itself highlighted) cannot be locked into one rigid general category: “The divorced who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment”.³² AL then goes on to enumerate the different types of situations of remarried Catholics repeating similar diverse cases which the FC had already listed in 1980, but adding a few more concrete cases from the many types of remarried cases that emerged during the long Synodal process:

³¹ FC, No: 84.

³² AL, No: 298.

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 of “those who have entered into a second union for the sake of the children’s upbringing, and are sometime subjectively certain in conscience that their previous and irreparably broken marriage had never been valid”. Another thing is a new union arising from a recent divorce, with all the suffering and confusion which this entails for children and entire families, or the case of someone who has consistently failed in his obligations to the family.³³

Then, AL explicitly states that in no way could such diverse cases be considered as the ideal Catholic marriage, thus reaffirming the traditional Catholic belief of the indissolubility of marriage:

It must remain clear that this is not the ideal which the Gospel proposes for marriage and the family. The Synod Fathers stated that the discernment of pastors must always take place “by adequately distinguishing” with an approach which “carefully discerns situations”. We know that no “easy recipes” exist.³⁴

That is to say that rather than changing the doctrine on marriage, AL firmly adheres to the traditional Catholic teaching that the divorced and remarried Catholics do not represent the ideal Catholic teaching on marriage - they have deviated from that ideal. Thus, there is no change in the traditional Catholic teaching on indissolubility of marriage in AL. However, since there cannot be any general solution that fits all the diverse types of remarried cases, Pope Francis recommends a case by case treatment of them in the pastoral field, as suggested by the *Relatio Finalis* of the two recent Synods, themselves:

³³ Ibid.

³⁴ Ibid.

If we consider the immense variety of concrete situations such as those I have mentioned, it is understandable that neither the Synod nor this Exhortation could be expected to provide a new set of general rules, canonical in nature and applicable to all cases. What is possible is simply a renewed encouragement to undertake a responsible personal and pastoral discernment of particular cases, one which would recognize that, since “the degree of responsibility is not equal in all cases, the consequences or effects of a rule need not necessarily always be the same.”³⁵

This conclusion of Pope Francis is neither new nor a change of doctrine, if one recalls the age-old prevailing Catholic pastoral practice with regard to such cases, known as “the Internal Forum solution” which was not only officially approved but also recommended by the then President of the Congregation for the Doctrine of Faith (CDF), Cardinal Seper in 1973.³⁶ Two years later, the CDF repeated the same stand.³⁷ According to this traditional Catholic pastoral practice, in those cases where the innocence of some remarried Catholics (i.e., lack of culpability for breaking up of their first marriage) could not be demonstrated in *the external forum* (in a Marriage Tribunal), the pastors used to accompany them to enable them to make a decision in their properly formed conscience (*the internal forum*) whether to approach the sacraments or not, especially with regard to the Eucharist. Continuing this traditional pastoral practice AL simply teaches that pastors be ready not only to discern the diverse cases of remarried Catholics but also to accompany them in the discerning process, in view of integrating them to the Catholic community. It is not to be a mere personal or subjective process, but AL insists that it be a personal and pastoral (communitative) process.³⁸

Perhaps, at this stage, it would be appropriate to note that there is indeed a radical change in the pastoral practice with regard to

³⁵ AL, No: 300.

³⁶ Cfr., Kenneth R. Himes and James A. Corriden, “Pastoral Care of the Divorced and Remarried” – Notes on Moral Theology, *Theological Studies* 57: 1 (March 1996), 101.

³⁷ Ibid.

³⁸ Cfr., Basilio Petra, “From *Famigliaris Consortio* to *Amoris Laetitia*: Continuity of the Pastoral Attitude and a Step Forward”, *INTAMS Review* 22 (2016), 202-216.

remarried Catholics in recent times, and that change was initiated not by AL but by FC of Pope John Paul II in 1981. Thus, according to the traditional Church practice in the pre-Vatican-II era, as exemplified in the 1917 Code of Canon Law, all divorced and remarried Catholics were considered to have been excommunicated when it stated:

Bigamists, that is, those who, notwithstanding a conjugal bond, attempt to enter another marriage, even a civil one as they say, are by that fact infamous; and if, spurning the admonition of the Ordinary, they stay in the illicit relationship, they are excommunicated according to the gravity of the deed or stuck with personal interdict.³⁹

However, FC following the opinions expressed at the 1980 Synod, clearly states that such Catholics are not excommunicated but rather they are very much part of the Church:

The Church, which was set up to lead to salvation all people and especially the baptized, cannot abandon to their own devices those who have been previously bound by sacramental marriage and who have attempted a second marriage. The Church will therefore make untiring efforts to put at their disposal her means of salvation.

Together with the Synod, I earnestly call upon pastors and the whole community of the faithful to help the divorced, and with solicitous care to make sure that they do not consider themselves as separated from the Church, for as baptized persons they can, and indeed must, share in her life. They should be encouraged to listen to the word of God, to attend the Sacrifice of the Mass, to persevere in prayer, to contribute to works of charity and to community efforts in favor of justice, to bring up their children in the Christian faith, to cultivate the spirit and practice of penance and thus implore, day by day, God's grace. Let the Church pray

³⁹ Canon 2356 of the 1917 Code of Canon Law, as re-produced in Edward N. Peters (Curator), *The 1917 Pio-Benedictine Code of Canon Law: In English Translation with Extensive Scholarly Apparatus*, San Francisco: Ignatius Press, 2001, 748.

for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope.⁴⁰

Following this path-breaking pastoral lead given by Pope John Paul II, the new Code of Canon Law in 1983 does not call in a pejorative sense the divorced and remarried Catholics as “bigamists”; neither does it contain threats and punishments or an excommunication of them as it was in the earlier Code. It simply states: “The impediment of public honesty arises from an invalid marriage after the common life had been initiated, or from notorious or public concubinage”.⁴¹ In other words, in the 1983 Code, the remarried Catholics are no longer perceived as being excommunicated as it was stipulated in the 1917 Code.⁴² This ecclesial stance was officially repeated by Pope Benedict XVI in 2007.⁴³ **Thus, here, we need to notice a radical change or a development in the Church’s canonical practice, which was mainly due to the pastoral opening made by Pope John Paul II in 1983.** AL, too repeats explicitly that the divorced and remarried Catholics are not excommunicated by the Church (No: 299).⁴⁴ As such, it should be clear that the only radical change in pastoral practice with regard to the remarried Catholics which AL signals was already there in FC and the subsequent magisterial teachings, but surprisingly, during the past 35 years or so, no one raised doubts or criticisms against that radical change of pastoral practice originally taught by Pope John Paul II.

Moreover, AL goes on to delve into the rich Catholic moral Tradition to draw out certain fundamental moral theological concepts/principles that could be used by the pastors who accompany such remarried Catholic couples in diverse pastoral situations (in the process of discernment), but always within the context of the rich gospel values that lead all peoples to salvation.⁴⁵ Of course, an important presumption which AL makes in this regard

⁴⁰ FC, No: 84.

⁴¹ Canon 1093 in the 1983 Code of Canon Law.

⁴² See Canon 855 of the 1917 Code of Canon Law.

⁴³ Pope Benedict XVI, *Sacramentum Caritatis* (2007), No: 29.

⁴⁴ See also Nos: 296 and 297 in which the Pope says that no one can be condemned forever.

⁴⁵ Cfr., AL, Nos: 300-312.

is that all the pastors are well-versed in those fundamental moral concepts/principles which today is highly doubtful given the glaring ignorance of many priests with regard to not only what the official Church teaches but also with regard to fundamental moral theology.

Thus, it should be clear that neither AL nor the recent Synodal process itself has ever negated or diluted the cherished Catholic concept of the indissolubility of marriage in any way whatsoever. Nor does AL dare to make a general statement that all the divorced and re-married people are innocent or guiltless. Rather, it points out that all the divorced and remarried Catholics cannot be lumped together as being guilty of violating the dominical teaching of indissolubility in the same degree of culpability of destroying the image that signifies the union between Christ and the Church, and so, that all of them cannot simply be pushed into one general category (i.e., that they cannot be “pigeon-holed”) and condemned as living in mortal sin or that they “are living in public and permanent adultery”⁴⁶. Thus, in AL what we read is not a radical change of doctrine as such, but rather a clear effort to develop further what FC had already said in No: 84.⁴⁷ AL tries to come to a pastoral conclusion that is logically based on the very pastoral premises already enumerated by Pope John Paul II in FC.

2.1.1. The Reception of the Eucharist – Footnote Nos: 336 and 351

Neither does AL recommend explicitly the reception of the sacrament of the Eucharist by all the divorced and remarried Catholics, as some have erroneously and willfully alleged. Of course, some commentators have interpreted the two footnotes, Nos: 336 and 351

⁴⁶ See *Catechism of the Catholic Church* (1992), No: 2384.

⁴⁷ In fact, at the very Presentation of AL to the media on 8th April 2016, Cardinal Schonborn of Vienna referred to AL as “innovative and in continuity with John Paul II’s *Familiaris Consortio*”. Cfr., Iacopo Scaramuzzi, “Schonborn: Francis goes beyond the artificial division between ‘regular’ and ‘irregular’”, *Vatican Insider, News*, 8th April 2008. See also Carol Glatz, “Document on Family Develops Doctrine, Doesn’t Change It”, *Catholic News Update Asia*, 9th April 2016.

as recommending such a reception in some cases.⁴⁸ For example, according to Cardinal Francesco Coccopalmerio, (President of the Pontifical Council for Legislative Texts which is entrusted with the task of officially interpreting Church's official legal documents), these two footnotes of AL make it possible for some remarried Catholics to receive the sacraments, after of course, a personal and pastoral process of discernment in their properly formed consciences.⁴⁹ But in no way is it a general permission for all the divorced and remarried Catholics to approach the sacraments.

At this stage, let us examine each of those two footnotes minutely. In No: 300 of AL while highlighting the impossibility of judging all the various remarried cases using one single general norm/law, the possibility of undertaking a responsible, personal and pastoral discernment of those particular cases is underlined, since "the degree of responsibility is not equal in all cases" (AL 302). Thus, AL arrives at the logical (and also the traditional moral theological) conclusion: "the consequences or effects of a rule need not necessarily always be the same" (AL 302). Footnote No: 336 is given in order to substantiate this last moral theological affirmation, and it reads: "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". The "other document" referred to here is *Evangelii Gaudium* Nos: 44 and 47, and since AL does not specify which particular part of these numbers are referred to, we will cite in full each of those numbers as follows:

Moreover, pastors and the lay faithful who accompany their brothers and sisters in faith or on a journey of openness to God must always remember what the *Catechism of the Catholic Church* teaches quite clearly: "Imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other

⁴⁸ Cfr., Christopher Lamb, "Compassion is this pastor's watchword", *The Tablet*, 16th April 2016, 4. See also Christopher Lamb and Christa Pongratz-Lippitt, "New Possibilities for divorced and remarried people", *The Tablet*, 23rd April 2016, 25.

⁴⁹ Cf., Cardinal Francesco Coccopalmerio, *The Eighth Chapter of the Post-Synodal Apostolic Exhortation Amoris Laetitia*, Citta' del Vaticano: Libreria Editrice del Vaticano, 2017. See also his interview on this issue with Edward Pentin at <http://www.ncregister.com/daily-news/cardinal-coccopalmerio-explains-his-positions-on-catholics-in-irregular-uni>.

psychological or social factors". Consequently, without detracting from the evangelical ideal, they need to accompany with mercy and prudence the eventual stages of personal growth as these progressively occur. I want to remind priests that the confessional must not be a torture chamber but rather an encounter with the Lord's mercy which spurs us on to do our best. A small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order but moves through the day without confronting great difficulties. Everyone needs to be touched by the comfort and attraction of God's saving love, which is mysteriously at work in each person, above and beyond their faults and failings.⁵⁰

The Church is called to be the house of the Father, with doors always wide open. One concrete sign of such openness is that our church doors should always be open, so that if someone, moved by the Spirit, comes there looking for God, he or she will not find a closed door. There are other doors that should not be closed either. Everyone can share in some way in the life of the Church; everyone can be part of the community, nor should the doors of the sacraments be closed for simply any reason. This is especially true of the sacrament which is itself "the door": baptism. The Eucharist, although it is the fullness of sacramental life, is not a prize for the perfect but a powerful medicine and nourishment for the weak. These convictions have pastoral consequences that we are called to consider with prudence and boldness. Frequently, we act as arbiters of grace rather than its facilitators. But the Church is not a tollhouse; it is the house of the Father, where there is a place for everyone, with all their problems.⁵¹

From the above citations, it should be obvious that Footnote No: 336 does not directly say that the remarried Catholics should be able to receive sacramental communion though it surely is open to such an interpretation. But then, the important thing to note is that even in such an interpretation, it does not mean that those who are guilty of destroying their valid sacramental marriages are able to approach the Eucharistic communion; rather, such a benevolent interpretation is

⁵⁰ EG, No: 44.

⁵¹ EG, No: 47.

always and exclusively for the sake of those who are not fully guilty of this offence, but who cannot establish their innocence in the external forum in the form of a Marriage Tribunal. So, it is not an irresponsible, laxist interpretation that allows any and every divorced and remarried Catholic to receive the sacrament. As such, if someone interprets this footnote in such a pastorally irresponsible way, well, the onus lies on such an interpreter himself/herself to clearly demonstrate that this footnote implies precisely such an erroneous interpretation.⁵²

Turning our attention to the other footnote we begin our investigation by first discussing briefly how the Pope highlights yet another traditional fundamental Catholic moral principle in No: 305 of AL:

Because of conditioning and mitigating, 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.

In order to corroborate this important affirmation, the Pope gives the footnote No: 351 which in its full form reads:

In certain cases, this can include the help of the sacraments. Hence, “I want to remind priests that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy” (Apostolic Exhortation *Evangelii Gaudium* [24 November 2013], 44: AAS 105 [2013], 1038). I would also point out that the Eucharist “is not a prize for the perfect, but a powerful medicine and nourishment for the weak” (ibid., 47: 1039).

Again, we notice that there is no explicit mention of a general blanket permission to any and every remarried Catholic to receive Eucharistic communion. As such, once again, it is up to those who interpret this footnote in favour of such a reception of communion by all the remarried Catholics to establish that it really means so. Of course, such a benevolent pastoral interpretation (of both the footnotes) may well be the ultimate responsible, conscientious

⁵² In this regard, we need to note that even the scriptures (the Word of God) are open to mis-interpretation by anyone, but that does not make the scriptures lose their inherent value.

conclusion of a serious discernment process undertaken by a remarried Catholic couple together with a responsible, well-informed and conscientious pastor as AL itself implies in Nos:300-312, but this is not stated explicitly in the document. But in no way would this amount to a blanket approval of the reception of the Eucharistic Communion by any or/and every remarried Catholic.

2.1.2. Discernment and Pastoral Accompaniment

These are the two key words when it comes to the pastoral care of marriage and family issues in Chapter 8 of AL, and the Pope uses these two crucial words basing himself fully on the two final documents of the two recent Synods as is evident from the number of references made to them.⁵³ As we saw above, already Pope John Paul II in his FC No: 84 had underlined the need to make a “careful discernment” by the pastors with regard to the remarried Catholics. Continuing the same sentiment, AL says that since “no easy recipes exist” that fit into all the situations of such Catholics (No: 298), “what is possible is simply a renewed encouragement to undertake a responsible personal and pastoral discernment of particular cases, one which would recognize that, since the degree of responsibility is not equal in all cases, the consequences or effects of a rule need not necessarily always be the same. Priests have the duty to accompany them [the divorced and remarried] in helping them to understand their situation according to the teaching of the Church and guidelines of the bishop” (No: 300). How this personal and pastoral discernment can and should be done is the theme of the entire section that follows in Nos: 300-312. Here again, one does not see any denial or negation of Church’s doctrine on marriage, but rather an invitation to such remarried couples to come face to face with the Church’s cherished teachings, not on their own, but together with their pastors. While such personal accompaniment by pastors in order to form the consciences of the remarried Catholics is stressed in AL several times, the remarried Catholics, on their part, are to face sincerely and prayerfully their present situation in the light of the Church’s teachings, thus, re-echoing the age-old traditional Catholic “Internal Forum solution”:

⁵³ Cfr., “Cardinal Christoph Schonborn’s Intervention at the Presentation of *Amoris Laetitia*” as re-produced in *Zenit News: Daily Dispatch*, 8th April 2016.

The divorced and remarried should ask themselves: how did they act towards their children when the conjugal union entered into crisis; whether or not they made attempts at reconciliation; what has become of the abandoned party, what consequence the new relationship has on the rest of the family and the community of the faithful; what example is being set for young people who are preparing for marriage. A sincere reflection can strengthen trust in the mercy of God which is not denied anyone.⁵⁴

AL also highlights the conditions that must necessarily be present in the remarried Catholics who enter into such a discernment process: “humility, discretion and love for the Church and her teaching, in a sincere search for God’s will and a desire to make a more perfect response to it”.⁵⁵ Such discernment must help them to find possible ways of responding to God and growing in his grace in the midst of their own limits.⁵⁶ Ultimately, it is the properly formed consciences of such remarried couples that ought to decide their standing before God and the Church, and what they ought to do in their particular situation.⁵⁷ Of course, as already mentioned, the pastoral accompaniment of and discernment with regard to such remarried Catholic couples by conscientious pastors as recommended in AL, is not something strange to the Catholic Church though it may have been overlooked in recent times.⁵⁸ In this regard, one should not forget that even FC of Pope John Paul II not only recommended a “careful pastoral discernment” of various remarried cases of Catholics, but it also expressed the Church’s maternal care for such people when it said:

⁵⁴ AL, No: 300.

⁵⁵ Ibid.

⁵⁶ AL, No: 305.

⁵⁷ AL, No: 303. Also Cfr., AL, No: 37.

⁵⁸ Again, one is reminded of the traditional pastoral solution known as “the internal forum solution” which was practised widely in the past, within the Catholic Church. In fact, as already mentioned above, this pastoral solution was officially approved and recommended by the CDF in 1973 and 1975. Cfr., Kenneth R. Himes and James A. Corriden, “Pastoral Care of the Divorced and Remarried”, *Noes on Moral Theology* 1995, *Theological Studies*, 57: 1 (March 1996), 101. According to Cardinal Schonborn, this has been the pastoral practice in his Vienna Archdiocese for the past 15 years. See Lamb and Pongratz-Lippitt, 25.

The Church, which was set up to lead to salvation all people and especially the baptized, cannot abandon to their own devices those who have been previously bound by sacramental marriage and who have attempted a second marriage. The Church will therefore make untiring efforts to put at their disposal her means of salvation.

Re-echoing the same pastoral sentiments of FC about the remarried Catholics, AL (together with the two Synods of Bishops that preceded it) has now surely made “untiring efforts to put at their disposal her means of salvation”. Thus, AL has lavishly used cherished Catholic moral theological concepts/principles already existing within the Catholic moral Tradition to find pastoral solutions for those who are not subjectively culpable (in the same degree) of moral offences with regard to marriage especially in those cases wherein they cannot prove their inculpability in the objective moral sphere (i.e., in the *external forum*, such as in a Marriage Tribunal). The moral concepts/principles, such as the inviolable dignity of a properly formed conscience, the law of graduality, the internal forum solution⁵⁹, the factors that may limit one’s ability to make a sound moral decision, the circumstances that mitigate a person’s moral responsibility, the moral distinction between the objective and subjective moral culpability, the non-applicability of a general law/norm to all the particular cases,....etc.⁶⁰ are all derived from the rich Catholic moral Tradition, and none of them is invented by AL. **As a matter of fact, they clearly signal a continuation of the Tradition, rather than a break.**

PART III: DOES AL LEAD TO MORAL RELATIVISM?

One of the main criticisms leveled against Chapter 8 of AL is that the ecclesial process of discerning, accompanying and integrating the divorced and remarried Catholics as proposed by AL would lead to moral relativism.⁶¹ Quite a few theologians and many well-

⁵⁹ Although there is no explicit reference to this well-known pastoral solution in AL, there are clear implications in the document that point to this solution. See, for example, Nos: 291, 300, 303 and 305.

⁶⁰ Cfr., AL, Nos: 300-312.

⁶¹ Perhaps, this could also be the reason why in the decades since the 1980’s, the traditional Catholic moral/pastoral practice of “Internal Forum solution” (which as

intentioned pastors ask why instead AL could not give clear-cut norms with regard to the pastoral care of the divorced and remarried Catholics. A case-by-case study of such Catholics as recommended by AL, they point out, could invariably lead to diverse pastoral solutions that could easily end up in moral relativism, they say. According to them, if only AL could have suggested a clear-cut set of norms – that would have indicated clearly who could be admitted to the reception of the sacraments and who could not be – then, there would have been pastoral uniformity all over the Catholic world, thus avoiding the danger of moral relativism.

3.1. Unity in Uniformity VS Unity in Diversity

Unfortunately, the underlying main erroneous presumption of the above reasoning (of those who accuse AL as eventually leading to moral relativism) is that the Church's pastoral practice all over the world has got to be uniform with no variation. This, first of all is not Catholic, because to be 'catholic' is first of all to be united in diversity. In that sense, unity is not uniformity but it is unity in diversity. After all, a glaring hallmark of God's creation itself is diversity as we read in the Book of Genesis. That we human beings ourselves all over the world are diverse is another given. Moreover, it is the unity in diversity that is to be upheld if one were to be serious with regard to what is indicated in the New Testament (NT) itself. There was no one uniform Church as such even among the primitive Christians of Apostolic times. But certainly they were one in faith in the One Lord Jesus Christ, and were all sharers in one Baptism in the name of the Trinity. The diverse ways of living the one Christian faith in diverse communities, is expressed clearly in the diverse texts of the NT which emerged in those respective communities. Thus, the renowned scripture scholar Raymond Brown in his erudite study on the different Christian communities of the first century as evident in the NT texts could write about the diversity of Christian communities (churches) within the city of Ephesus itself as follows:

More likely, Ephesus had different churches with different theologies. We must remember that the Christian situation in a

explained above was also to do with discerning, accompanying and integrating remarried Catholics with the assistance of a pastor) does not feature much in the official teachings of the Church.

large city would have involved a number of house churches where 20 or 30 people met together; and so there is no reason why there could not have been in the one city house churches of different traditions – for example of the Pauline tradition, of the Johannine tradition, of the Petrine or apostolic tradition, and even of the ultraconservative Jewish-Christian tradition. Even though the house churches of one tradition probably had *koinonia* with those of another tradition, Christians may not have transferred easily.⁶²

The absence of any sense of uniformity of expressing their one faith among the early Christians is further illustrated by Brown when he further writes: “There was no evidence in these works that a consistent or uniform ecclesiology had emerged. Rather, writings addressed to different NT communities had quite diverse emphases”.⁶³ Furthermore, to present the one saving life ministry of Jesus Christ, there are four diverse gospels, and they are not uniform, but they do not lead us to any relativism with regard to our faith in Jesus! Thus, diversity of pastoral solutions that may obviously result from the recommendations of AL would not lead to moral relativism with regard to the Church’s teachings on the divorced and remarried Catholics.

3.2. Pastoral Care of Remarried Catholics cannot be reduced to the Reception of the Eucharist

Another erroneous presumption of those who criticize AL saying what Chapter Eight recommends with regard to remarried Catholics would lead to moral relativism, is their simplistic belief that the pastoral care of the remarried Catholics could be reduced only to the mere reception of the sacraments. In other words, apparently for them, the reception of the sacraments is the only way that such Catholics could be given pastoral care! But already Pope John Paul II had clearly pointed out that besides receiving the sacraments, there are other ways in which such persons could be integrated to the Church community:

⁶² Raymond E. Brown, *The Churches the Apostles Left Behind*, New York: Paulist Press, 1984, 22-23. See also, 29.

⁶³ *Ibid.*, 146-147.

Together with the Synod, I earnestly call upon pastors and the whole community of the faithful to help the divorced, and with solicitous care to make sure that they do not consider themselves as separated from the Church, for as baptized persons they can, and indeed must, share in her life. They should be encouraged to listen to the word of God, to attend the Sacrifice of the Mass, to persevere in prayer, to contribute to works of charity and to community efforts in favor of justice, to bring up their children in the Christian faith, to cultivate the spirit and practice of penance and thus implore, day by day, God's grace. Let the Church pray for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope.⁶⁴

In other words, receiving the sacraments would not be the only way through which pastors could give care to the remarried Catholics as AL itself re-echoes what FC had already said:

The logic of integration is the key to their pastoral care, a care which would allow them not only to realize that they belong to the Church as the body of Christ, but also to know that they can have a joyful and fruitful experience in it. They are baptized; they are brothers and sisters; the Holy Spirit pours into their hearts gifts and talents for the good of all. Their participation can be expressed in different ecclesial services, which necessarily requires discerning which of the various forms of exclusion currently practised in the liturgical, pastoral, educational and institutional framework, can be surmounted. Such persons need to feel not as excommunicated members of the Church, but instead as living members, able to live and grow in the Church and experience her as a mother who welcomes them always, who takes care of them with affection and encourages them along the path of life and the Gospel. This integration is also needed in the care and Christian upbringing of their children, who ought to be considered most important".⁶⁵

⁶⁴ FC, No: 84.

⁶⁵ AL, No: 299.

3.3. Pastoral Care is not a Simple Application of laws to Concrete Situations!

Moreover, those who demand clear-cut uniform norms for pastoral caring of the remarried Catholics (fearing that otherwise things would lead to moral relativism) also seem to ignore that the gospel logic is quite different from the simple application of norms or laws to diverse situations though this may at times be the way that is followed in secular legal fields. For Jesus, the Good Shepherd, pastoral care could never be reduced to a simple exercise of applying a set of ready-made laws or norms to concrete life situations! For example, let us take the eloquent gospel example given in the case of the adulterous woman in John 8. Here is a woman who was caught in the very act of committing adultery. The Pharisees and Scribes drag her before Jesus and ask him what he would say about such a case. They knew very well what the Mosaic Law said about such cases, and in fact, they quote the relevant law from the Books of Leviticus and Deuteronomy (Leviticus 20:10; Deut. 22:22), lest Jesus bypasses it. Accordingly, Moses had stipulated the clear-cut law/norm to deal with such cases, namely, to stone to death such adulterous women. The law or the norm was simple and crystal clear. But instead of merely applying that clear-cut norm to this particular case, Jesus keeps silent. We are told by the Evangelist that he began to write on the ground with his finger, implying perhaps that God himself is the only law-giver who wrote the law with his own finger on two tablets of stone when it was first given to Moses in the form of the *Decalogue* (Deut.9:10). When they kept on nagging him, he suggests that the one among them who was sinless should be the first to throw a stone at her. In other words, Jesus condemns neither the clear-cut Mosaic Law nor the woman caught in the very act of violating that particular law, but apparently considers the accused woman and the circumstances that surrounded her. To begin with, it is obvious that a woman could not commit adultery alone on her own! What about the man involved in this case? The clear-cut law of Moses advocated the stoning of both, the man and the woman involved in adultery. But the Pharisees and Scribes who reflected predominantly from an exclusively male point of view in that Patriarchal society of Israel were silent about the man involved in this act of adultery! Then, one needs to also ask: Why did this woman commit adultery? Was it her poverty or her uncontrollable sexual urge that prompted her to act this way? No one

discussed it either! In other words, the background in which that law was first written as well as the circumstances surrounding the adulterous woman herself were completely ignored by all who accused her. Only the act of adultery was highlighted, and the norm/law against adultery was to be dryly applied to that act, without considering the circumstances that surrounded the act, as it was done usually in that society. Considering all these circumstances which surrounded this woman, Jesus in his infinite mercy (i.e., mercy that understands human weakness in its proper background) could say to the woman: “Neither do I condemn you. Go, and do not sin again” (Jn. 8:11)! Jesus is clearly not condoning the act of adultery of this woman for which she was caught red-handed. But he wished the woman be considered as a person and then, the circumstances that surrounded her, before the clear-cut Mosaic norm against adultery could be applied in this case. He discerns things in her context (the circumstances), accompanies the woman (while all the others had left her alone), and integrates her back to that community as she goes away in peace. This is precisely what AL proposes in its Chapter 8, to the pastors who care for the contemporary remarried Catholics, as FC already did in No: 84 - to discern the circumstances in each case of remarried Catholics.⁶⁶ That is, to take case by case the various instances of remarried Catholics and discern each of them with the help of a conscientious pastor who could accompany such couples in view of integrating each and every such couple back to the Church community at various degrees, depending on the circumstances of each case and the degree of culpability in each case. That is why AL says:

The divorced who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment. (AL 298)

As such, AL highlights the common sense fact that there cannot be one single clear-cut law/norm that fits all the diverse cases of remarried Catholics all over the world - that all remarried Catholics

⁶⁶ Cfr., Vimal Tirimanna, “*Amoris Laetitia*: The Official Catholic Re-discovery of the Vital Importance of Circumstances in Moral Evaluation”, *Studia Moralia* 56: 2 (Luglio-Dicembre 2018), 195-231.

cannot be simply pigeon-holed into a rigidly defined single general category of sin. After all, as both FC 84 and AL 301 and 302 highlight, the degree of culpability in each case differs. In order to substantiate this point, AL quotes what the Pontifical Council for Legislative Texts had said some 16 years before: “a negative judgment about an objective situation does not imply a judgment about the imputability or culpability of the person involved” (AL 302). AL also quotes what the Synod of Bishops in 2015 said:

Under certain circumstances people find it very difficult to act differently. Therefore, while upholding a general rule, it is necessary to recognize that responsibility with respect to certain actions or decisions is not the same in all cases. Pastoral discernment, while taking into account a person’s properly formed conscience, must take responsibility for these situations. Even the consequences of actions taken are not necessarily the same in all cases.⁶⁷

As mentioned above already, the starting point of Pope Francis’s teaching on the pastoral care of the divorced and remarried Catholics in AL Chapter 8 is No: 84 of Pope John Paul II’s FC, namely, the crucial importance of pastors making a “careful discernment” of those diverse cases of the remarried Catholics. First of all, for both the Popes such a pastoral discernment is indispensable because of the variety or the diversity of such cases. Of course, all persons involved are divorced and remarried, and so, according to the Catholic understanding, they are “living in sin” (i.e., the sin of adultery) but as we saw above, all of them cannot be lumped together or pigeon-holed as being culpable in the same degree for damaging their first marriage. The diversity of such cases defies all efforts to generalize, and calls for a case by case discernment and accompaniment. In No: 300 of AL Pope Francis highlights this particular point:

If we consider the immense variety of concrete situations such as those I have mentioned, it is understandable that neither the Synod nor this Exhortation could be expected to provide a new set of general rules, canonical in nature and applicable to all cases. What is possible is simply a renewed encouragement to undertake a responsible personal and pastoral discernment of particular

⁶⁷ *Relatio Finalis* (2015), No: 85.

cases, one which would recognize that, since “the degree of responsibility is not equal in all cases”, the consequences or effects of a rule need not necessarily always be the same.

In fact, as Pope John Paul II so correctly pointed out in his FC, there may be some remarried Catholics who had been “unjustly abandoned” while there could be some others among them “who are sometimes subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid” – a point reconfirmed by the two Synods of Bishops in 2014 and 2015, and then, by Pope Francis himself in AL. However, when the Pope in FC 84 ignores his own valid premises (i.e., that there is a diversity of culpability or in some cases no culpability at all) and concludes abruptly in the same FC 84 that none of the remarried Catholics can be admitted to the sacrament of the Eucharist, he generalizes that all such persons are living in mortal sin. By abruptly coming to a generalized conclusion that in spite of such varying degrees of culpability (or no culpability at all in some cases), such remarried Catholics cannot be admitted to the sacraments, Pope John Paul II may have clearly avoided what the critics of AL perceive today as “moral relativism”. But, in FC 84, there is a glaring contradiction – either the Pope’s premises or his conclusion has to be erroneous because both cannot be correct, according to simple human reasoning.

It is really unfortunate that in his blanket conclusion in FC 84, Pope John Paul II applies the traditional moral norm against adultery for all the cases of remarried Catholics, irrespective of the fact that he himself a couple of lines earlier having urged the pastors to make a “careful discernment” of the diversity of cases (thus, logically implying the impossibility of applying one ready-made moral norm in the same degree for all such diverse cases). It is precisely this particular issue that the two Synods in 2014 and 2015 addressed, and Pope Francis states it succinctly when he writes in AL No: 304: “It is reductive simply to consider whether or not an individual’s actions correspond to a general law or rule, because that is not enough to discern and ensure full fidelity to God in the concrete life of a human being”.

But as we saw above, if there is indeed a difference (a moral difference to be precise) in diverse cases of remarried Catholics in

the lived reality, how could such an acknowledgment of differences (which both the Popes acknowledged in FC and AL, respectively) and the eventually inevitable different pastoral treatments of those different cases (which only Pope Francis in AL has dared to speak of), be branded as a “teaching that could lead to moral relativism” by the critics of AL Chapter 8?! Let’s illustrate this point further using a rather common less controversial parallel from real life experience: let’s visualize three patients going to a doctor because all three of them have health problems due to high blood pressure, but all of them do not have their pressure at the same level. The doctor will invariably treat the three patients prescribing not the same medicine because not only are the levels of blood pressure in each of them different, but also because each of these three patients has his/her own peculiar body chemistry. Could any sensible person accuse the doctor of being a relativist just because he prescribed different treatments based on the differences of each case? Similarly, when dealing with remarried Catholics, that is when a serious pastoral discernment is made by conscientious pastors (doctors of souls), invariably, they are bound to arrive at diverse pastoral solutions depending on each case and the particular set of circumstances that surrounds the case. Consequently, a good number of the remarried Catholics may not be in situations to be admitted to the sacraments, while in a very few cases where the spouses concerned are not guilty at all of breaking up their first marriage (and so, are not living in the mortal sin of adultery), may be in conditions to be admitted to the sacraments. Obviously, here the pastoral treatment of each case ought to differ. Which sensible person could accuse such a diverse way of treating the divorced and remarried Catholics as a way that leads to moral relativism? Do the pastors not exercise the similar pastoral practice with regard to other sins not only in the confessional but also in counseling?

The cherished Catholic doctrine from time immemorial has held that there are different types of sins even against the same commandment/norm. The distinction between mortal and venial sins is one such example. Accordingly, my intentional killing of a person out of avarice would easily qualify to be an act of murder and I would be guilty of it, and am in fact in mortal sin for committing such a crime. But if I had killed someone accidentally, say in the process of self-defence, I am surely guilty of killing a person, but not in the same

degree as deliberately committing a murder. Finally, in the case of hunting in a jungle, if the hunter hears some rustling in the thick under-growth and presuming it to be a wild boar shoots at it, but if it eventually turns out to be a human being that he had shot dead, the hunter may be absolved of his act of killing another human being, on the grounds of invincible ignorance. Here we see how in all three cases, the moral agent kills another human being, but the morality of each act changes according to each case and the circumstances that surround each case.⁶⁸ Each of them is certainly guilty of violating the fifth commandment objectively, but in the subjective sphere (*internal forum*), each case differs greatly in its morality. Just because one makes such a moral distinction with regard to violations against the same commandment that instructs not to kill, it does not mean that here one falls into moral relativism. Similarly, with regard to remarried Catholics, are all of the remarried Catholics culpable in the same level (degree) of committing the sin of adultery, that is committing a sin against the sixth commandment? Pope John Paul II gave an explicit, firm 'no' in his FC 84. This is precisely the point that is highlighted and elaborated in AL's recommendation to the pastors to discern carefully each case of divorced and remarried Catholics by accompanying them patiently and enabling them to make a decision in their properly formed conscience. In no way can this be interpreted as leading to moral relativism. Of course, the on-lookers (i.e., fellow believers, in our case) need to be properly catechized that all remarried Catholics are not culpable on the same level which is a prime duty of every pastor.

In this regard, the present writer is also aware of the problem of the so-called "scandal" that may be caused in a given parish or community of believers when diverse cases are led to diverse pastoral solutions. In the past, to avoid such possible scandal, remarried Catholics who were certain in their *internal forum* that they were not guilty of committing adultery, were asked to receive communion in another parish where they were not known. While this could still be a good pastoral solution, the present writer wishes to

⁶⁸ For a detailed discussion with regard to the crucial role played by circumstances which surround an act in determining the morality of that act, see Tirimanna, "*Amoris Laetitia: The Official Catholic Re-discovery of the Vital Importance of Circumstances in Moral Evaluation*", Op.cit.

stress the vital need to address the root cause for such a so-called “scandal” in the first place, namely, the lack of proper catechesis in a given parish or community. If the parishioners were well-informed of the immense variety of cases of remarried Catholics and the consequent diversity of their culpability (or even innocence/the fact of being unjustly abandoned) there could be no room for the faith of the parishioners to be shaken or “scandalized”. In other words, today, there is a crying need to make our faithful (and also pastors!) aware of what Pope John Paul II taught in FC 84, namely, that there is a vast diversity of cases of remarried Catholics, and consequently, that all of those remarried Catholics may not be guilty in the same degree, and more so, that some may be “unjustly abandoned” or even there may be some “who are sometimes subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid”. In our contemporary societies, such a direct and clear catechesis is badly called for. Such a sound, mature catechesis surely would not only avoid the so-called “possibility of scandal” that may ensue due to the widely different pastoral treatments of different cases of remarried Catholics (within the same parish or believing community), but such an approach would also avoid the possibility of perceiving such pastoral solutions as leading to moral relativism. **Of course, for this to happen, the pastors themselves need to be well-versed in the Catholic moral and pastoral doctrine, in the first place. Any ignorance on the part of pastors on such vital matters cannot be blamed on AL as being responsible for leading the believers towards would-be-moral relativism!** In this regard, it is the individual Bishops, Major Religious Superiors and the Formators in the seminaries who should take the major responsibility for promoting for ordination to priesthood only those candidates who have the fundamental theological/pastoral knowledge with regard to the sensitive issue of pastoral care of such remarried Catholics. Thus, today, the onus of avoiding the erroneous perception of moral relativism (thus, paving way for scandal in a given parish/community of believers) in the diverse treatments meted out to diverse cases of remarried Catholics directly falls on them.

Conclusion

The main purpose of this paper was to investigate the veracity of the three most crucial criticisms leveled against AL, namely, that it is

simply “a personal opinion” of the present Pope, that its contents have changed the cherished Catholic doctrine on marriage and that it would eventually lead to moral relativism. As we have shown above, all these three allegations against AL, are baseless. This paper intended to remove the crippling effects those unfounded criticisms have had on quite a number of pastors, and even on quite a number of Bishops, ever since the publication of AL.

On the level of theology, as it was reported widely, the contents of AL have been welcomed by many while they have disappointed both the extreme groups with regard to changing the doctrine of the Church on the divorced and remarried Catholics, i.e., those who wanted radical changes in the doctrine **and** those who wanted a literal repetition of the doctrine without any change. These two extreme attitudes themselves point clearly to the fact that AL has treaded the sound and sane middle path (*via media*) in applying the traditional Church doctrine to present day realities. Rather than changing any doctrine, AL has paved the way for applying the prevailing Catholic moral doctrines and pastoral practice to the widely varied living pastoral realities of today. As a matter of fact, instead of changing any doctrine as such, if at all, AL has highlighted and brought back some of the basic, common sense gospel doctrines which were not in vogue for ages, in the official magisterial teachings, such as: “No one can be condemned for ever, because that is not the logic of the Gospel”⁶⁹; “We cannot think everything to be black or/and white”⁷⁰,...etc.

All in all, one can safely conclude that this Apostolic Exhortation is written more from a down-to-earth pastoral point of view than from an abstract theoretical point of view,⁷¹ thanks to the unprecedented wider participatory Synodal process that was followed in producing it. AL is an effort to put into practice the Church’ teachings on marriage and family rather than limiting oneself either to dictate doctrine from above or to give oneself into pastoral sentimentalism

⁶⁹ AL, No: 297.

⁷⁰ AL, No: 305.

⁷¹ Even the language AL uses is simple and reader friendly so much so that at the Presentation of it, Cardinal Schonborn could call it a “linguistic event”. Cfr., “Cardinal Christoph Schonborn’s Intervention at the Presentation of *Amoris Laetitia*” as re-produced in *Zenit News: Daily Dispatch*, 8th April 2016.

by merely expressing pastorally benign opinions on those in difficulties with regard to the Church's teachings on marriage and family. As Antonio Spadaro put it so succinctly, AL is "the pastoral understanding of the doctrine" keeping in mind that "doctrine has no meaning if it is not geared to the *salus animarum* of which the last canon of the Code of Canon Law speaks".⁷²

However, though some three full years have passed since AL was promulgated only a few Bishops and parish priests have shown some enthusiasm in proclaiming its contents to their flocks and in implementing them, mainly because the majority of them have been mentally and pastorally crippled or handicapped by the above-discussed three main serious but unfounded criticisms made by some who had been always allergic to the renewal of ecclesial life. Most of the parish priests and even quite a number of Bishops have not read AL in its entirety because of the prejudices injected into them through the above-mentioned baseless criticisms against AL.⁷³ **The first remedy for this is that all who claim to be a pastor of Catholics - especially the Bishops and parish priests - ought to read at least Chapter Eight of AL,** especially the section from Nos: 298 to 312 which is to do with the divorced and remarried Catholics, and which is presented in a very reader-friendly language. These numbers cover a wide range of profound traditional Catholic moral and pastoral doctrines and principles, as well as common sense. **Moreover, as already pointed out in this paper, AL is not just a personal opinion of the present Pope nor is it any haphazard statement of the Pope. Rather, it is an authoritative magisterial document, because it is the end-result of a long ecclesially dialogical and reflective process which had the involvement of representatives of the whole Church at all levels. In fact, it is the consequence of two unprecedented Synods of Bishops held in Rome. In the last analysis, it is not just a post-Synodal Apostolic Exhortation, but it is a collegial teaching of**

⁷² Luca Marcolivio, "Father Spadaro: *Amoris Laetitia* is a Jesuit Document", *Zenit News: Daily Dispatch*, 11th April 2016. Here, we may recall the words of Cardinal Donald Wuerl of Washington who commenting on AL said that magisterial teachings and pastoral judgments are not the same. Cfr., Cardinal Donald Wuerl, as cited in the *National Catholic Reporter*, 9th May 2016.

⁷³ Added to this is also the undeniable fact that AL is very long though written in a very reader-friendly style.

the Successor of Peter teaching together with the elected representatives of the world-wide College of Bishops in communion with him. Hence it belongs to the Ordinary magisterial teachings of the Church.

Last but not least, a careful investigation of the baseless criticisms of those who have been expressing their vociferous opposition to what they call “the change of doctrine through the Synodal process” would reveal that what is really at stake is not a doctrinal change as such, but a wrong perception of what it means to be pastoral. Writing in the London-based Catholic weekly, *The Tablet*, on the eve of the October 2015 Ordinary Synod, the well-known Church historian Massimo Faggioli made a very relevant comment in this regard: “The most striking feature of the period between the two family synods has been the entrenchment of opposing positions. The disagreement is not between liberals and conservatives, but between pastors and ideologues”.⁷⁴ As long as the influential ideologues of the Church are badly cut off from the real pastoral needs of the members of the Church, this eccentric obsession to protect the abstract doctrines of the Church (even if/when such doctrines have nothing to do with the lived reality of the believers) will continue to torment the Church community. The inevitable consequence will, of course, be the baseless criticisms and allegations against every effort to link doctrine to the pastoral needs, even when such efforts come from the highest authority of the Church, as we have witnessed in the aftermath of AL the unprecedented Church phenomenon of even some ecclesiastics of highest rank in the Church hurling their baseless allegations against AL of Pope Francis, which indeed will qualify to be called a “scandal” because such allegations have shaken the faith of many an ordinary believer in whom unnecessary doubts and questions about their faith had been inculcated. Hopefully, this paper has succeeded in allaying such doubts and questions with regard to AL. In the last analysis, a conscientious Christian cannot forget that all doctrines are for persons and not persons for doctrines as their Master and Lord so prophetically taught them long ago (Mk.2:27).

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⁷⁴ Massimo Faggioli, “Where do we go from here?”, *The Tablet*, 1st October 2015, 5.

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