



## **A Point of No Return? Amoris Laetitia on Discernment and Conscience for Divorced and Remarried Couples**

International Symposium, KU Leuven  
**25 - 27 October 2016**

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## **Keynote Speakers**

### **Paul GALEA**

University of Malta

#### **Accompanying Fragility: A reading of Amoris Laetitia from a pastoral-psychological perspective**

Acknowledging and accompanying fragility reflects the realism of Amoris Laetitia and the strong pastoral approach which characterizes this document. This is no pragmatism as it equally reaffirms the Gospel ideals and Church teachings on marriage and the family. While respecting individual autonomy and personal responsibility in the context of one's present condition, it adopts a pedagogy of patience and support in the gradual integration of these values. The exhortation follows the traditional functions of pastoral care, healing, sustaining, guiding and reconciling. The context where this is done is in the Internal Forum, where one also distinguishes between the non-sacramental and the sacramental dimensions (penance) of it. This opens up to the possibility that internal forum solutions be reached in a non-sacramental context. In reality, most

human problems are various mixtures of both conflicted human freedom (psychological) and moral and religious discernment. This approach mirrors very closely the one adopted by Pastoral Counseling which envisages the building of a workable and warm relationship, in an atmosphere of acceptance and understanding, and with the prospect that the client develop or rediscover problem-solving skills if given enough time and support. This calls for the formation of pastoral functionaries, both lay and ordained, who are sufficiently trained in both theology and psychology, and who would offer this help outside the confessional. Amoris Laetitia touches also on other aspects which are typically the domain of psychology, such as the accompanying of couples towards marriage commitment, and the understanding and integration of emotions.

Paul Galea is Associate Professor and head of the Department of Pastoral Theology at the University of Malta. He is an ordained priest of the Archdiocese of Malta and a licensed clinical psychologist where he also gives his professional services in the psychological assessment of candidates to the priesthood, and in marital and family counseling. He has published in various scientific journals mostly on issues related to marriage and the family and psychology and religion. In July 2016 he was nominated on the editorial board of INTAMS.

### **Peter HÜNERMANN**

University of Tübingen

#### **The Indissolubility of marriage: A reading of Amoris Laetitia from a sacramental-theological perspective**

„Amoris laetitia“ ist in der Kirche und in der Gesellschaft stark angegriffen worden wegen Verwirrenheit, ja Irrlehre. Dagegen werden die strenge dogmatische Gliederung und die innovativen theologischen Ergebnisse für das Verständnis des Ehesakraments herausgestellt. Im Mittelpunkt steht das Kapitel 3 mit der Charakteristik des Sakraments der Ehe und Familie als Mysterium im Mysterium Jesu Christi und der Kirche (AL 72), sowie das Kapitel 8, das die Handlungsmaximen der Kirche im Verhalten und im Umgang mit dem Sakrament bestimmt. Den Abschluss der Darlegung bilden die theologischen Innovationen von „Amoris laetitia“ vor der Kontrastfolie von „Casti connubii“.

Peter Hünemann is professor emeritus for Dogmatic theology at the Faculty of Catholic Theology, University of Tübingen. He is honorary President of the European Society for Catholic Theology.

## **Arnaud JOIN-LAMBERT**

Université Catholique de Louvain

### **Accompanying, discerning and integrating the fragility of couples: Pastors and theologians at a crossroads**

The reception of the Exhortation *Amoris Laetitia* is very diverse. Many people are not completely content with it, especially with regard to ch. 8 on the persons in so-called “irregular” situations. The author shows that an unmediated reading of the text is not easy, especially from the pastoral point of view, because the intention of Pope Francis does not appear clearly. In order to grasp this, one must – like the Pope himself – get beyond the traditional articulation, with its tension between the doctrinal and the pastoral. The author studies in depth two expressions in AL (“certain ‘irregular’ situations” and “they are not excommunicated”), and then examines the situation of the children in the Pope’s proposals. The commentaries very rarely mention this last point, but an attentive reading shows that it is an essential key to reading ch. 8. This work on the text itself suggests some perspectives for reflection and for pastoral action.

Arnaud Join-Lambert is professor in pastoral theology and liturgy at the Université Catholique de Louvain. He is the president of the *Commission d'enseignement en théologie et études bibliques* and member of the *Institut Religions Spiritualités Cultures Sociétés UCL*. He is also president of the technology platform ARCA (*Archives du monde catholique*).

## **Martin LINTNER**

Philosophical-Theological College Brixen

### **Divorce and remarriage: A reading of *Amoris Laetitia* from a theological-ethical perspective**

In *Amoris laetitia*, Pope Francis did not change the catholic doctrine of marriage and family. But he offers important developments that allow new personal and pastoral discernment as well as pastoral and spiritual accompaniment of couples who are divorced and remarried that in some cases may include the help of the sacraments of Reconciliation and Eucharist. This is not a case of pastoral leniency, but – as Pope Francis shows – a real requirement of mercy that belongs to the

very core of the Gospel and, therefore, of the doctrine of the Church. The rigid position of the categorical exclusion of affected couples from these sacraments can no longer be defended. There are valid pastoral, theological and ethical reasons for this significant development. A key aspect is the understanding of conscience in AL. Pope Francis develops his concept of conscience and its relation to moral norms at the clear basis of the Second Vatican Council (GS 16) and the long tradition of moral theology (above all Thomas Aquinas). He overcomes a deeply sceptical attitude towards the competence of conscience of the faithful that has characterized the Church’s position in the past papacies. At the same time he goes beyond a reductive normative-ethical notion of conscience, as conscience is understood first of all as place of encounter and dialogue with God in order to become aware of one’s situation before God. Furthermore, conscience mediates between the objective and subjective realms of morality. This allows us on the one hand to respect the principle of gradualism and on the other hand to differentiate properly between the various situations that people are living in. On this basis it is possible to recognize that an “objective situation of sin may not be subjectively culpable, or fully such” (AL 305). If so, there is no doctrinal or pastoral reason to exclude someone from the sacraments of Reconciliation and Eucharist.

Martin M. Lintner, born in 1972 in Bozen/Bolzano (South Tyrol, Italy), member of the Order of the Servants of Mary (OSM); lives in Innsbruck (Tyrol, Austria) and is Professor for Moral Theology at the Philosophisch-Theologische Hochschule in Brixen/Bressanone (Italy) since 2009; Lecturer for Ethics at the Free University of Bozen-Bolzano; Lecturer from 2006–2009 of Moral Theology and Social Doctrine of the Church at the Pontifical Theological Faculty “Marianum” in Rome; completed his doctorate 2006 at the Theological Faculty of the University of Vienna after studying Theology at Innsbruck, Vienna and Rome (Pontificia Università Gregoriana); President of the European Society For Catholic Theology (2013–2015); Member of the European Regional Committee of Catholic Theological Ethics In The World Church; President of INSeCT (International Network of Societies for Catholic Theology) since 2014; Member of various Ethical Committees; Monographs: *Eine Ethik des Schenkens. Von einer anthropologischen zu einer theologisch-ethischen Deutung der Gabe und ihrer Aporien* (= Studien der Moraltheologie, Bd. 35), Münster u.a. 2006; *Den Eros entgiften. Plädoyer für eine tragfähige Sexualmoral und Beziehungsethik*, (Brixen/Innsbruck 2012; translated into Slovenian and Italian); Co-editor of the Brixner Theologisches Jahrbuch; Numerous articles on Bioethics, sexual moral and family ethics as well as in fundamental moral theology.

## **Timothy RADCLIFFE, OP**

Former Master of the Dominican Order, University of Oxford

### **Making Room for the Conscience of the Faithful**

What does it mean to 'make room for the conscience of the laity' (AL 35)? One's conception of 'conscience' springs from one's anthropology. Catholics believe that we flourish as persons through membership of the community, the Body of Christ. Thus our consciences are formed by each of us making a journey inwards, to discern how we are addressed by God, as in the Jesuit tradition which formed Pope Francis. This is complemented by a journey outwards in our search for truth, in which, according to Blessed John Henry Newman, one is attentive to the Church, to reason, and to the experience of the whole people of God. We therefore 'make room for the conscience of the laity' in two ways: by accompanying people as they discern how God's summons to them to live fully, but also by attending to the voice of the laity in the Church's communal search to discern the will of God. Finally I shall explore the consequences of such an understanding of conscience for the hot topic of the admission of the divorced and remarried to communion.

Timothy Radcliffe, O.P. (born 1945 in London) is a Roman Catholic priest and Dominican friar of the English Province, and former Master of the Order of Preachers from 1992-2001. He is the only member of the English Province of the Dominicans to have held the office since the Order's foundation in 1216. He is now based in Blackfriars, Oxford, and is an itinerant preacher, writer, and councilor to the Pontifical Council for Justice and Peace.

## **Hildegard WARNINK**

KU Leuven

### **Mitis Iudex Dominus Jesus and Amoris Laetitia on divorce and remarriage: Perspectives from Canon Law**

Hildegard Warnink (1962) studied theology (1985), Canon Law (1988) and Philosophy (1992) at the KU Leuven and Studio Rotale in Rome (1994-1995). She has taught canon law at the Theologische Universiteit Amsterdam (NL) (1989-1992), the Fontys Hogeschool Theologie Levensbeschouwing Tilburg (NL) (2005-2006) and the Radboud Universiteit Nijmegen (NL) (2005-2005 en 2006-2007). Since 1990 she is connected to the Faculty of Canon Law of the KU Leuven as a research assistant and has been teaching Marriage Law and Basic Concepts of Canon Law since 2001. She is a visiting professor at Stellenbosch University (SA). Since 1991 she has been working as judge at the Ecclesiastical Tribunal of the Archdiocese Mechelen-Brussels (B) and since 1997 also at the tribunal of the Diocese Rotterdam (NL). On 30 September 2015 she defended her doctoral thesis entitled: "Baptismus et Actus formalis defectionis ab Ecclesia catholica. Doopsel en de formele akt

van kerkverlating. Analyse van juridische en maatschappelijke knelpunten". She is co-editor of the European Journal for Church and State Research.

## **Representatives from European Marriage & Family Ministry**

### **Monique Baujard**

Former Director, Family & Society Service of the French Bishops Conference

Amoris Laetitia does not give any formal instructions on what to do or how to handle each case of divorced and remarried people. For that reason some people feel uncomfortable with this text and others pretend that nothing has changed. But most bishops in France are aware that the change Amoris Laetitia is calling for is a change of attitude, a change of mind-set. The first range of initiatives in French dioceses therefore consists in organizing study-days, talks or meetings in order to bring priests and lay people in touch with the text and introduce them to the conversion of heart and mind, Pope Francis is calling for. Amoris Laetitia will be discussed at the plenary session of the French Bishops' Conference in early November. So far, only one French bishop has issued a document giving concrete guidelines. Other dioceses plan to publish a set of guidelines by early 2017. Consequently, the most significant change is that already existing projects and initiatives are now being reviewed in the light of Amoris Laetitia. All the pastoral care developed in recent years and without much publicity can now be discussed more freely and openly. Cases of discernment in matters of access to sacraments have no longer to be kept confidential. Amoris Laetitia certainly marks a point of no return, but it is too early to know to what extent. Speaking in rugby terms: pope Francis has scored a try, it is now up to local churches to convert it.

## **Teresa Ventimiglia**

National Service for Family Ministry of the Italian Bishops Conference

Our essay hopes to highlight how Italian pastoral outreach to families at the national level has (1) sought to encourage positive engagement with *Amoris Laetitia*; (2) shaped ecclesial sensibilities and reflection through the work of three national conferences from 1998 to 2011 on the theme of broken family situations, which dedicated specific time to the issue of divorced persons who have remarried; and, (3) led to the emergence of various diocesan experiences rooted in a concern to receive divorced and remarried couples into parish life, such as the possibility of so doing that arises from a reading of *Amoris Laetitia*. We reflect on this with respect to the following three areas.

(a) Accompaniment. Certain aspects of the diocesan outreach to divorced persons who have remarried will be considered in order to examine the aspect of accompaniment that emerges from the interrelationship between personal prayer journeys and the experiences of group encounters and formation.

(b) Discernment. Pastoral outreach begins with the first contact, often motivated by the request to verify the possibility of initiating a procedure to ascertain the nullity of the first marriage. This request should be integrated into an organic pastoral ministry that allows the many essential issues to emerge: those of a moral, spiritual, ecclesial, and psychological nature. At this stage it is proposed that the individual experience coordinated with a group journey.

(c) Integration. Our essay emphasizes that prior experiences are not isolated but are “bridge experiences” that are occasions to help the integration of remarried and divorced couples in regard to their communities of origin. It is important to stress the necessity of the formation of those who minister to the parish community so that the divorced and remarried persons can be properly received, while also recognizing the service that these couples themselves can offer.

## **Elizabeth Davies**

Marriage & Family Life Project Officer, Catholic Bishops' Conference of England & Wales

Chapter 8 of *Amoris Laetitia* proposes a process of accompaniment, discernment and integration for Catholics who are divorced and remarried. This poses some challenges for priests and people – challenges which are not going to be resolved quickly or easily. Time is needed for everyone, especially the Bishops, to carefully discern what is needed practically in order to respond to Pope Francis' exhortation. The Catholic Bishops in England and Wales have long had a concern for those in this situation and have invested in research and reflection on the issues and made pastoral efforts to support them. The conversation among priests and people that has ensued from *Amoris Laetitia* is, unsurprisingly, diverse as are the pastoral implications, especially of equipping lay people to play their part in the accompaniment, discernment and integration processes.

## **Franz Harant**

Pastoral Worker for Relationships, Marriage and Family, Diocese of Linz, Austria

In a second marriage before God and before other people: New paths of the church, new paths in the church.

### *Beginning afresh in a second marriage*

People who been divorced, and have found trust afresh in a new relationship, and who have found the encouragement to make a new start with the intention of marrying, enter a second bond that is institutionalized by the law of the state. They bring to this bond the intention of lifelong fidelity, the unconditional acceptance of the partner, and the willingness to lead a comprehensive personal life together and to share responsibility for children.

### *People want God's blessing*

Many women and men bring this second civil marriage, which is not sacramental in the sense in which canon law uses this term, into a relationship with faith and with the church (just as they did with their first marriage), because they want to live out of the groundwater of the divine

love. Increasing numbers of couples want this new union to be accompanied ritually with prayer and a blessing.

*A salutary accompaniment in a process of reconciliation with life.*

The Gospel obligates pastors to accompany people actively in the situation of their brokenness, on the way to new hope. This entails reconciliation. Nothing that has happened can be undone; but it is necessary to bid farewell, in positive evaluation, to the earlier marriage, which continues to exist in canon law. The church, as a community of reconciliation, can offer a “service of peace” here. It is salutary to bring one’s life to God as it was and as it is, to give both joy and grief their place in the community, and to celebrate them. The biblically oriented Christian faith is, in a very profound sense, a religion of remembrance and reconciliation for the sake of the future. Where the past is allowed to exist in its own right, the future has a chance.

## **Hilde Pex**

Coordinator, Interdiocesan Council for Family Ministry, Flanders (Belgium)

Hilde Pex will discuss the evolution of the number of divorces over the last 15 years in Belgium, and the current pastoral initiatives for separated and divorced people in the dioceses of the Flemish Catholic Church.

She will give some information about the situation of separated and divorced people in the Catholic Church in Belgium, as collected in the synthesis report of the Belgian bishops as a response to the questionnaire that the Vatican sent all of the bishops’ conferences in the preparation of the Synod of October 2014. Finally she will confront the aspirations, needs and dreams of the separated, divorced and remarried people, as collected by the people that provide pastoral care to them, with the suggested pastoral approach towards them in *Amoris Laetitia*.