

NOVATE
VOBIS
NOVALE

The FURROW

A JOURNAL FOR THE
CONTEMPORARY CHURCH

Nihal Abeyasingha

Amoris Laetitia
and Pastoral
Discernment

March 2021

Amoris Laetitia and Pastoral Discernment

Nihal Abeyasingha

Speaking at Angelus on 27 December 2020, Pope Francis said “Today’s feast [Holy Family] reminds us of the example of evangelizing with the family, proposing to us once again the ideal of conjugal and family love, as underlined in the Apostolic Exhortation *Amoris Laetitia* (*AL*), promulgated five years ago this coming 19 March. And there will be a year of reflection on *AL* and it will be an opportunity to focus more closely on the contents of the document [19 March 2021-June 2022]. These reflections will be made available to ecclesial communities and families, to accompany them on their journey.”¹

Why is the Pope calling us back to *AL*? I would suggest several possible reasons. In *Let us Dream*, the Pope said that there was a discussion ... a rich discussion ... a well-founded discussion, but no discernment, which is something different than just arriving at a good and justified consensus or at a relative majority,” on the issue of addressing a priest shortage in the Amazon by ordaining so-called *virī probati*, or older, mature and married men from local communities. There was no point of discernment reached in regard to issues. On the other hand, in the two synods on the family, there was a certain discernment reached as regards the sacraments in certain situations. Secondly, I suggested in 2016 that this writing of the Pope almost said, “Here is as far as we have come with the bishops. We have offered a measure of discernment for approaching the sacraments. Are there any reflections, you, the faithful, would like to make, for you too are filled with the Spirit?”² Thirdly, marriage is not just a contract, but a covenant.

1 http://www.vatican.va/content/francesco/en/angelus/2020/documents/papa-francesco_angelus_20201227.html

2 Nihal Abeyasingha, “*Amoris Laetitia* and *Sensus Fidelium*” in *Compass: A Review of Topical Theology* 50 (Summer 2016) 29-41

Nihal Abeyasingha is a Catholic priest from Sri Lanka who lectured for many years at the University of Kelaniya, Sri Lanka and in seminaries in India and the Philippines. Email: nabeyasingha@yahoo.com

THE FURROW

This dimension is spoken about, but hardly anything is done to include it in legislation covering marriage and married life. There can be much room for the development in the Spirit in these areas.

With *AL*, there has been a start in formulating concrete measures for dealing pastorally with those in “irregular” marriage situations. For example, the Synod of San Diego Archdiocese (2016) went beyond a technical debate about whether or not the divorced and civilly remarried can participate in the sacraments. They asked the diocese to develop pastoral formation programmes “in the areas of conscience formation and the internal forum, not only to implement the pathway to sacramental participation outlined in *AL*, but even more fundamentally to illuminate a core element of Christian discipleship itself.” The Bishops of the Pastoral Region of Buenos Aires formulated specific guidelines for acting in such situations and sent these to Pope Francis. He warmly approved them and said that they reflected his thinking in Chapter 8 of *AL*.³ There have also been attempts drafted in Vienna⁴ and Philadelphia.⁵ The formulations are not of a single mould. The process needs to continue. That process is based on what Pope Francis refers to as “discernment”, which is the theme of the present article.

DISCOVERING GOD’S PLAN IN ONE’S SITUATION

The fact is that there are persons who are in situations that do not conform to the demands of the gospel. In *Familiaris Consortio* (79-84), John Paul II considers several situations: Trial Marriages, De Facto Free Unions, Catholics in civil marriages, divorced persons who have remarried, separated spouses who have not entered into a new marriage. There is still the need for these persons not merely to recognize the irregularity of the situation, but to recognize that at the same time, by their baptism, they are still within the church and more importantly, they are within God’s plan of salvation. There is the very well known adage of Augustine:⁶ “God does not command the impossible; but by so commanding, he exhorts you to do what you can and to seek what you cannot, so that God may assist to make it possible for you.”

3 <http://www.periodistadigital.com/religion/diocesis/2016/09/18/religion-iglesia-amoris-laetitia-el-arzobispo-de-granada-asume-los-criterios-de-los-obispos-de-baires-sobre-los-divorciados.shtml>

Cf. also <http://www.cyberteologia.it/2016/09/basic-criteria-for-the-implementation-of-chapter-viii-of-amoris-laetitia/>

4 Aufmerksamkeiten: Seelsorgliche Handreichung für den Umgang mit Geschiedenen und mit Menschen, die an eine neue Partnerschaft denken at: http://media.wige.kategoriele-seelsorge.at.s3.amazonaws.com/Dateien/73749_aufmerksamkeiten.pdf

5 http://archphila.org/wp-content/uploads/2016/06/AOP_AL-guidelines.pdf

6 *De Natura et Gratia* 43, 50

Today's version of that adage could perhaps be what Pope Francis states in *AL* 303:

Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits, while yet not fully the objective ideal. In any event, let us recall that this discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized.

The *primary* responsibility in this situation of seeking what God is asking, or to discover the “do what you can”, is on the person in that situation. But there is a *secondary* responsibility or co-responsibility, that devolves on those who assist that person to come to a decision in conscience. This could be the pastor, the priest or the counselor, who assists the one who falls short of gospel ideals. The primary player and the “assistant” together engage in a process of discernment. Replying to the bishops of the pastoral region of Buenos Aires, Pope Francis said: “It [pastoral accompaniment] simply entails accepting, accompanying, discerning, reinstating. Out of these four pastoral attitudes the least refined and practised is discernment”. As he said, when meeting a group of Jesuits in Poland (2016)⁷:

Certain programmes of priestly formation run the danger of educating in the light of very clear and specific ideas, and indeed of acting within limits and criteria and are a priori definitively defined, while prescinding from the concrete situation. ... Seminarians should become priests, who accompany so many youth and adults in difficulty. Because many search saying “This I can or this I cannot” ... Many people leave the confessional not because the priest is bad, but because he does not have the capacity to discern the situation, to accompany [the penitent] in authentic discernment. (Translation mine).

7 Cf. Pope Francis asked Jesuits in Poland to teach discernment in seminaries as an aid to the ministry, 30 July 2016. Cf. <http://ilsismografo.blogspot.com/2016/08/vaticano-dialogo-del-papa-con-alcuni.html#more>

Pope Francis explains (AL 300):

What we are speaking of is a process of accompaniment and discernment which “guides the faithful to an awareness of their situation before God. Conversation with the priest, in the internal forum, contributes to the formation of a correct judgment on what hinders the possibility of a fuller participation in the life of the Church and on what steps can foster it and make it grow. Given that gradualness is not in the law itself (cf. *Familiaris Consortio* 34), this discernment can never prescind from the Gospel demands of truth and charity, as proposed by the Church. For this discernment to happen, the following conditions must necessarily be present: 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”. These attitudes are essential for avoiding the grave danger of misunderstandings, such as the notion that any priest can quickly grant “exceptions”, or that some people can obtain sacramental privileges in exchange for favours. When a responsible and tactful person, who does not presume to put his or her own desires ahead of the common good of the Church, meets with a pastor capable of acknowledging the seriousness of the matter before him, there can be no risk that a specific discernment may lead people to think that the Church maintains a double standard.

The decision to marry is the fruit of discernment (Cf. AL 72). We have an obligation to discern “seeds of the word” in other cultures (Cf. AL 78). We are called to full and mature spontaneity in relationships through a process of discernment (cf. AL 151). So also, in this situation of “irregularity”, we need to discover what God is asking in the given situation. This can involve several

8 For background cf. Marc Lavalée, *Discernment, Practical Wisdom, and Christian Spirituality: A Study in Practical Theological Method* (PhD Diss., University of Boston 2013) 66-137 outlines the three traditions: Desert Fathers; Benedict of Nursia and Ignatius of Loyola at: <http://open.bu.edu>. Cf. other studies applying discernment to pastoral situations: Yeong Ju Lee Kim, *An Application of Ignatian Discernment to the Korean Presbyterian Church based on the Spiritual Exercises* (MTh Diss. Regis College of the University of Toronto. 2013) at: <https://tspace.library.utoronto.ca/handle/1807/43437>

Diane Ruth Westmoreland, (2011), *Can spiritual maturity be nurtured in Northern English Anglican congregations? An exploration of whether parishioners can grow spiritually through an experiential course on prayer using methods based in Ignatian practice* (DThM Diss. University of Durham 2011) at: <http://etheses.dur.ac.uk/3276>

dimensions. (a) identifying elements that can foster evangelization (b) making the person feel part of the community (*AL* 243, 297). John Paul II made a similar call in 1981 in *Familiaris Consortio*, 84.

There are no pigeon holes into which these cases can be neatly fitted. (*AL* 298). Nor can one apply a cold bureaucratic morality to these cases. The approach needs to be infused with the logic of pastoral mercy (Cf. *AL* 307-311). Application of rules is not sufficient (*AL* 305). On the other hand, practical decisions reached in discernment should not be elevated to the level of a “rule” (*AL* 304). As a consequence, there are several issues that enter into the *process* of discernment.

1. *The degree of responsibility* is not the same in all cases (*AL* 300). There are mitigating factors that reduce imputability (Cf. 302).
2. *The principle of gradualness*: John Paul II said in *Familiaris Consortio* 34: “And so what is known as ‘the law of gradualness’ or step-by-step advance cannot be identified with ‘gradualness of the law’ ...” And Pope Francis repeated in *AL* 295 “This is not a “gradualness of law” but rather a gradualness in the prudential exercise of free acts on the part of subjects who are not in a position to understand, appreciate, or fully carry out the objective demands of the law.”

Thus,

It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations. At the same time, it must be said that, precisely for that reason, what is part of a practical discernment in particular circumstances cannot be elevated to the level of a rule. That would not only lead to an intolerable casuistry, but would endanger the very values which must be preserved with special care. (*AL* 304).

3. The pastor/ counselor assists, but it is only the individual who can take *responsibility in conscience before God for the decision*. His/her conscience is the proximate law of morality for the individual – not necessarily for anyone else. It is not a question of doing something because pastor/ counselor gives permission. The individual needs to come to a decision in conscience before God – a decision for which he/she is responsible before God.

A Suggested Outline In The Pastoral Approach

The *spirit* in which this pastoral approach is implemented is vital to both the process and its outcome. It needs to be carried out in the spirit of the logic of *mercy*, within “a framework and a setting which help us avoid a cold bureaucratic morality in dealing with more sensitive issues. Instead, it sets us in the context of a “pastoral discernment” (AL 312). There is no desisting from the full ideals of marriage (AL 307), but at the same time there is awareness of the mitigating circumstances in the situation being handled (AL 308), remembering that the Church is called to proclaim mercy at all times, aware that we show mercy because we have received God’s mercy (AL 309-31), and there are no conditions to God’s abundant mercy (AL 311). In addition, as mentioned above, the individual in a difficult situation should be made to feel welcome within the community of the Church. What we are proposing is an *accompaniment*. In this process, not only can priests be involved, but there can also be lay persons who assist (as John Paul II explicitly mentions in *Familiaris Consortio* 75). In the case of participating laity, one needs to make sure that they understand the teaching and ideals of marriage according to the traditional doctrine of the church.

1. The *first* and non-negotiable dimension of accompaniment is to clarify with the individual the general orientation of his/her life. Among the first questions of the catechism, all of us learnt is: Why did God make me? To know, love and serve him in this life and to be happy with him in the next. The consequence: Therefore, everything else in this life is oriented to that end. We should search for this orientation, not merely in the area of sexuality, but in the total orientation of life. This is the first area that would need to be examined.
2. Having clarified the orientation in life, the *next* is to recognize the particular situation of “irregularity” in which the individual is. If it is an issue of a second marriage entered into where a previous bond exists, then, one should seek to correct that situation in accordance with existing law. In other words, is it possible to obtain an annulment?
3. The process for annulment has been made considerably easier by Pope Francis in 2015 through *Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus*, whereby the Pope has reformed

the procedures for declaration of marriage nullity⁹. It would be of particular significance to note Can. 1678. Two points to be noted are, first, according to #1, in certain cases, where only the testimony of the spouse/s is available without a corroborating witness, such evidence can be admitted for the resolution of the case. Secondly, #4, where there is a “very probable doubt” as regards the consummation of the marriage, the case can be submitted for a dispensation *super rato* to the Holy See. Pope Francis remarked “Some procedures are so long and so burdensome, they don’t favor justice, and people give up”.

4. In case the existing marriage cannot be annulled for whatever reason, then, the next process is to seek what *God requires* of the person in this given situation. This is a process and depends on the situation in which the individual finds him/her-self. No one is outside the mercy of God. Even sinners find their place within that plan. (Consider the women mentioned by name in the genealogy of Matthew). Those who are, according to the promulgated law, in sin may still be called on God’s working out his plan in the pilgrim Church.

CONCLUSION

John Paul II in the Apostolic Constitution *Sacrae Discipline Leges* promulgating the new Code of Canon Law said “I therefore exhort all the faithful to observe the proposed legislation with a sincere spirit and good will in the hope that there may flower again in the Church a renewed discipline; and that consequently the salvation of souls may be rendered ever easier under the protection of the Blessed Virgin Mary, Mother of the Church.”

The literal application of laws, without regard to persons for whom the laws cater for, can kill the spirit of the law. And in regard to marriage legislation that was unfortunately the situation. But now we are coming to the realization that nothing is outside the mercy of God. Therefore, that every baptized person, even though in an objectively sinful situation, still has an offer of mercy available. What is that offer? It is up to the person to discern it, often with those trained to assist such persons.

9 Cf. John P. Beal, “*Mitis Iudex* Canons 1671-1682, 1688-1691: A Commentary” in: *The Jurist: Studies in Church Law and Ministry* 75/2 (2015) 467-538; Bernard A. Hebda, “Reflections on the Role of the Diocesan Bishop envisaged by *Mitis Iudex* Dominus Jesus” in: *The Jurist: Studies in Church Law and Ministry* 76/1 (2016) 137-157; John P. Beal, “The Ordinary Process According to *Mitis Iudex*: Challenges to Our “Comfort Zone”” in: *The Jurist: Studies in Church Law and Ministry* 76/1 (2016) 159-196.

THE FURROW

St. Ignatius of Loyola has proposed a process of discernment. But for preliminary discernment basically the human being has to apply reason and emotions. With careful observation, God's will in one's situation can be discerned. Guy Consolmagno, an American astronomer and Director of the Vatican Observatory, has said "By Jesuit rules, no one can put himself or anyone else forward as a candidate. Instead, we spent a week in prayer and quiet conversations before electing Fr Arturo Sosa Abascal as our new leader. While our method does not require complex equipment, I am struck by how similar it is to our scientific searches. Both require careful observations, looking for sometimes subtle shifts ... movements this time not of planets, but of our interior dispositions. We have faith that in this way we have discovered the one whom the Holy Spirit, whom we cannot see, has nudged into our orbit". Is the call to the discernment of what God wants in particular situations similar – prayer, silence, conversation and above all, careful observation?

Our Father. The Our Father is itself, of course, a Scriptural text (Matthew 6:9-13), but perhaps we have become too familiar with it to appreciate its depth and all its resonances. The pure light, so to speak, is refracted into many colours as the different themes underlying the prayer emerge; their inter-weaving produces the beautiful tapestry which is our faith. For indeed, a great part of Christian doctrine is implied in the Lord's Prayer, as well as direction for Christian living and a piercing examination of conscience

– SR. CLAIRE WADDELOVE, OSB, *Our Father: A Biblical Meditation on the Lord's Prayer*. (Herefordshire: Gracewing) p.3.