

INVOKING THE HIDDEN RESILIENCE OF  
VULNERABLE LOVE THE FUNDAMENTAL  
ASPECTS FOR AN ETHICS OF GROWTH IN  
THE LIGHT OF POPE FRANCIS'  
"LOGIC OF PASTORAL MERCY AND  
DISCERNMENT" IN *AMORIS LAETITIA*

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**Abstract**

Pope Francis has elucidated a definitive direction in his exhortation, *The Joy of Love* (2016), following the dual synods on marriage and family held in 2014 and 2015. With this, he advances a long-standing process of evolution toward a tentative 'conclusion.' The process commenced with *Casti Connubii* (1930) and persisted – not without challenges, complex twists, and turns – through *Gaudium et Spes* (1965) of Vatican II, *Humanae Vitae* (1968), *Familiaris Consortio* (1981), and the 'theology of the body' of John Paul II (1979-1984). Nonetheless, substantial work remains to be undertaken, particularly concerning sexual difference and homosexual commitments, and this ongoing process is unlikely to reach finality. The exhortation presents a dual challenge: firstly, to assess and deepen

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Christian reflections on marriage and family; secondly, to scrutinize the issues posed by so-called "irregular" forms of relationships, such as pre- and non-marital cohabitation, civil marriage, remarriage following divorce, or new relationships lacking legal recognition (AL, 53, 78, 293). Both challenges are addressed in this discourse, with an emphasis on cultivating an ethics of growth and discernment as a manifestation of what Pope Francis terms the "logic of pastoral mercy" (AL, 307-312), initially concerning marriage itself, but also, and notably, regarding various forms of relationships and cohabitations that either do not, or no longer, align with the bonds of marriage.

**Keywords:** *Amoris Laetitia*, *Casti Conubii*, Divorce and Remarriage, Pope Francis, Growth-ethics, Informed Conscience, Law of Gradualness, Lesser Good (*minus bonum*), Logic of Pastoral Mercy

## Introduction

Much expectation arose regarding the document with which Pope Francis would conclude the double synod on marriage and the family in 2014 and 2015. When that document appeared on 19 March 2016 with the title *Amoris Laetitia* (The Joy of Love),<sup>1</sup> it turned out that he chose it not only to present the insights of the synodal process during the preparation and two sessions but likewise to add his own considerations as an invitation for further reflection, dialogue and pastoral practice (AL, 4). To concretise this challenge, we offer in this article not a summary of the exhortation, but rather a focus on the double challenge we discover in it. Firstly, to test and deepen our Christian thinking on marriage and the family. And secondly, to reflect on the problems that are evoked by so-called 'irregular' forms of relationships, for instance, pre- and non-marital cohabitation, merely civil marriage, remarriage after divorce, or a new relationship without legal recognition (AL, 53, 78, 293). Both challenges are taken to heart in this article, namely, the development of an ethics of growth and discernment as a concretisation of what Pope Francis calls the "logic of pastoral mercy" (AL, 307-312), which the exhortation discusses especially in chapter 8.

### 1. "Unique Love of Friendship"

We take as our starting point the Christian ideal of covenantal love, which Francis – following John Paul II – also calls "conjugal charity" (AL, 120). It is discussed extensively in the fourth chapter (AL, 89 ss.),

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<sup>1</sup>Post-synodal Apostolic Exhortation *Amoris Laetitia* of the Holy Father Francis to Bishops, Priests, and deacons, consecrated persons, Christian married couples, and all the lay faithful on Love in the Family, Rome: Vatican Press, 2016. Further cited as: AL.

which, for him, is a key chapter (AL, 6). With this, he desires to push through and deepen the shift taken by the Second Vatican Council (AL, 67), namely the way of seeing marriage as an intimate “community of life and love” (*Gaudium et Spes*, nr. 48). It concerns ‘integral love’ that is based on free and informed consent (a qualified yes-word), exclusivity and reciprocity, equality-in-difference, expressive sexual intimacy (AL, 142-152), creative fidelity as a way to ‘indissolubility from within’ (AL, 123), a noble openness towards children and responsible parenthood (AL, 167, 222), and last but not least social recognition and anchoring (AL, 131, 294).

This shift did not occur without any resistance. It began clearly and at the same time hesitantly with Pius XI, who, at the outset of his encyclical *Casti Connubii* (1930) directed all attention to the ‘nuptial union’ of love (nrs. 43, 56, 101), qualified as ‘conjugal chastity’ (nr. 22) (cf. nrs. 22, 23, 30, 37, 56, 61, 101, 106, 110, 123). This shift received its definitive direction during Vatican II, in the already-mentioned pastoral constitution *Gaudium et Spes* (1965). And yet Church thinking after Vatican II remained marked by, so to speak, three glacial erratic blocks from the past, namely (1) the over-emphasis on the institutional aspect with its ‘external laws and objective claims,’ at the cost of that which emerges out of love itself, even the marital institution itself (AL, 131); (2) the over-emphasis on fertility as the primary – God-instituted – goal, whereby love, understood as ‘mutual help,’ was pushed to the background as a ‘secondary goal’ (AL, 151, 167); (3) the over-emphasis on the ‘oblatinal’ aspect of love, which was also present in *Casti Connubii*, whereby *agapè* as sacrifice can come at the cost of the reciprocity and joy of *eros* (AL, 157).

Francis gives his own accent to conjugal charity by interpreting it, in line with Thomas Aquinas, as “the love of friendship” (AL, 125, 127, 133), and even as “the greatest form of friendship” (AL, 123). In an accessible and engaging commentary on the *Canticle to love* in 1 Cor 13, the Pope sketches how this can take on concrete shape in daily life: love is patient and at the service of others, is not jealous or boastful or rude, is generous, is not irritable or resentful, forgives, rejoices with others, bears all things, believes all things, hopes all things, and endures all things (AL, 90-119). Referring to Pius XI in *Casti Connubii* (nr. 23), Francis affirms how this love, “which combines the warmth of friendship and erotic passion, and endures long after emotions and passion subside,” permeates all the aspects of married life (AL 120, 215). By linking it with the ‘body theology’ of John Paul II, he discovers at the same time conjugal love of friendship as an ‘incarnated intimacy’

that in its expressivity opposes all forms of insatiability, manipulation, subjugation and abuse (AL, 153-156).

This specific human love is likewise the soul of the Christian tradition’s preference for marriage as the basis for the family. Furthermore, this ‘exceptional friendship’ is elevated into a sacrament, i.e. into a sign of God’s love for humans and of Christ’s love for his Church (AL, 71-75). It is precisely this ‘love, adequately and integrally understood,’ that acts as a dam against that which the Pope calls a “culture of the ephemeral” (AL, 39). In that culture, both the fear of lasting commitment and the fear of failure are disguised *and* entrenched (AL, 41) and thus block “a constant process of growth” (AL, 124).

An important ethical implication of this approach is that what stand central are no longer separate acts nor the judgement whether those acts are ‘permissible’ or not, but rather the ‘life form’ of the covenantal love out of which they acquire their meaning. The papal approach makes it possible to transcend the code of morals in favour of a code of virtue, i.e. an ethics that puts all emphasis on the dispositions of conscience and will, directed at the ‘goal’ and the realisation of the covenantal love, wherein the separate acts and behaviours are no more – but likewise no less – than ‘means to that goal.’

In his exhortation, the Pope points out how important it is to keep on reaching for the ideal of the Christian view on the ‘integral love’ of marriage we just sketched, not as a yoke but as a gift (AL, 62), lofty yet attainable:

A lukewarm attitude, any kind of relativism, or an undue reticence in proposing that ideal, would be a lack of fidelity to the Gospel and also of love on the part of the Church for young people themselves. To show understanding in the face of exceptional situations [cf. *infra*] never implies dimming the light of the fuller ideal or proposing less than what Jesus offers to the human being. Today, more important than the pastoral care of failures is the pastoral effort to strengthen marriages and thus to prevent their breakdown (AL 307).

## **2. “Love Coexists with Imperfection”**

This attention to the ‘great calling’ of the conjugal love of friendship, however, should not lead to a callous perfectionism. Hence, the Pope regularly warns against too idyllic-romantic or abstract-theological conceptualisations of marriage: “It is much healthier to be realistic about our limits, defects and imperfections and to respond to the call to

grow together, to bring love to maturity and to strengthen the union, come what may" (AL, 135). That is why the Church, ethics and pastoral care are faced with the challenge to offer no abstract and artificial ideal of marriage, for "this excessive idealisation, especially when we have failed to inspire trust in God's grace, has not helped to make marriage more desirable and attractive, but quite the opposite" (AL, 36). "Love coexists with imperfection" (AL, 113). This applies as well to sacramental marriage: even though, as the love of friendship and covenantal love, it is an 'icon' and 'tangible sign' of God's love in this world, it still remains an "imperfect sign" of that love (AL, 72). In its transparency, it also obfuscates, whereby actual marital love never becomes an 'ultimate sign' that embodies God's love perfectly. Precisely this 'sacramental imperfection' invites us "to beg the Lord to bestow on every married couple an outpouring of his divine love" (AL, 73).

### **2.1. To Grow in Love**

This concept of fundamental imperfection likewise suggests an appeal to growth, both personal and relational. The Pope extensively discusses the notion of "growing in love," both throughout the journey and within the context of marriage and family life (AL, 217-221).

He likewise offers concrete suggestions to promote that growth: performing certain daily rituals together, making time ("quality time") in order to celebrate certain moments (e.g. a wedding anniversary) together, to go on retreat together, to embark on a pilgrimage or journey together and many more (AL, 223-230). An indispensable 'tool-for-growth' is conversation, not once but time and time again, as a learning process: "Men and women, young people and adults, communicate differently. They speak different languages and they act in different ways. Our way of asking and responding to questions, the tone we use, our timing and any number of other factors condition how well we communicate" (AL, 136). Besides, it is not only about speaking but also about the art of listening:

It requires the self-discipline to refrain from speaking until the time is right. Instead of offering an opinion or advice, we need to be sure that we have heard everything the other person has to say. This means cultivating an interior silence that makes it possible to listen to the other person without mental or emotional distractions (AL, 137).

In this process of growth, which usually does not follow a straight line, unavoidable difficulties and crises should not be ignored either. Some crises are singular, particular to a couple or to persons (AL, 236),

others are typical of almost every marriage (AL, 235). Each crisis is not only a challenge but also an opportunity (AL, 232), on condition that they are not suppressed in self-deceit, self-defence (AL, 233) and “retreat in craven silence” (AL, 234) or in self-sacrificing altruism. And on the condition that they serve as the starting point for an honest and constructive dialogue, including negotiation, without demonising the other, but also without minimising the problem. For that purpose, the help of a ‘third party’ can sometimes be necessary, namely that of an experienced spiritual adviser or therapist, or of “experienced and trained couples” (AL, 232).

The exhortation likewise addresses the transformation of love over time. In lasting love, the duration itself has an important impact, in that relationships today last four, five, or even six decades. Throughout that long time, partners remain the same to each other *and* they change as well, just as their relationship and intimacy also evolve (AL, 163). Just about everything changes through time, and that has its impact on the way in which they ‘see’ each other and ‘love’ each other. Renewing the choice for each other throughout these changes is necessary. On a daily basis, one needs to exert effort not only to preserve but also to strengthen the bond of love (AL, 164).<sup>2</sup>

## **2.2. A Growth-Approach to Vulnerable Love ‘on-the-way’**

This attention to relationship growth in general likewise invites us to reflect on particular situations of fragility and brokenness (AL, 296), and on the development of a “logic of mercy” (AL, 307). Considering the preference for marriage (as the basis for the family), it is not surprising that the papal exhortation pays attention to those forms of relationship that are situated ‘in the vicinity’ of marriage. They are called “irregular situations” (AL, 296-300), an expression that sounds rather denigrating to contemporary ears. We have summed them up at the outset of this article: forms of pre-marital and pre-conjugal cohabitation; non-marital cohabitation or being merely civilly married, whether or not this includes forming a family; new relationship or civil remarriage after divorce (AL, 53, 78, 293).

The Pope pleads unambiguously for a growth-approach. Of course, a growth in whichever direction is not intended, but rather being ‘on-the-way’ towards the direction of the desirable, namely the marital bond. The Pope is very much aware that all sorts of motives are at play

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<sup>2</sup>One of the greatest changes is the loss of beloved life-partner in death. Likewise does the Pope pay explicit attention to that (AL, 253-258).

in the choice for premarital or mere cohabitation, or for only getting civilly married. At times resistance in principle against the institution of marriage and against every form of institutionalisation play a role. At times this resistance is based on rather practical reasons, for instance because a full-scale wedding ceremony is too expensive. It is important not to conflate all these backgrounds and reasons. Likewise, we should not raise the old, deductive model of ‘doctrinarian rigidity’: “There is a need to avoid judgements which do not take into account the complexity of various situations and to be attentive, by necessity, to how people experience distress because of their condition” (AL, 296).

Hence the Pope also appeals to the idea of John Paul II, namely the “law of gradualness” from the post-synodal exhortation *Familiaris Consortio* (1981). On the basis of the radicality of the gospel, introducing a gradualness in the ‘law’ is out of the question. The ‘goal-commandment’ is and remains the integral covenantal love as the soul of marriage (cf. supra). But the logic of mercy has an eye to the gradual way people traverse difficulties and fragilities, both personal and familial, social and cultural. In the meantime, the social sciences have made us sufficiently familiar with the psycho-dynamic and socio-cultural processes that condition – not always equally rectilinear – the growth of people, including and in particular in the level of relationships. The path of love is always a story, sometimes with dramatic moments and turning points, going through difficult decisions that have implications for the future and thus require time (AL, 296).

In this growth approach, two things come together, namely the ‘mitigating circumstances’ and the ‘seeds of growth.’ Already with the exhortation *Evangelii Gaudium*, (2013) it became clear that the Pope links the idea of growth with the mitigating factors and circumstances or with the concept of ‘deculpabilisation’ that he borrows from the Universal Catechism (1995): “imputability and responsibility for an action can be diminished or even nullified by ignorance, inadvertence, duress, fear, habit, inordinate attachments, and other psychological or social factors” (AL, 302). There are psychological, social, and cultural factors that limit one’s decision-making capabilities, and this can be temporary or permanent, depending on the life period or the personality structure of the person in question (AL, 301). Then, according to the Pope, one should even no longer speak of guilt and sin, and there is even mention of grace: “Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin – which may not be subjectively culpable, or fully such

– a person can be living in God's grace, can love and can also grow in the life of grace and charity, while receiving the Church's help to this end" (AL, 305).

For this trust in growth, however, it is not enough to bring in the mitigating circumstances of deculpabilisation. This is and remains indeed a too negative concept that has an eye in particular for the lack of capacities for freedom and responsibility, whereby qualitative ethical acts also recede or even disappear. Over and against that, a growth-ethics begins to search for potentialities in the vulnerable subject, meaning to say for 'seeds of growth' in one's personality and life-story, out of the (tenacious) belief that these seeds – despite all imperfections and defects – are indeed present and thus can (and must) be tapped. After all, if people are approached only in terms of their fragility, they get labelled 'weak' and 'loser' whereby they get the feeling they only deserve 'pity.' This is a kind of mercy that they do not desire. They want to be recognised in their dignity. They likewise want to be addressed as to their resilience, in the conviction that they bear within themselves not only weaknesses but also strengths.

Thus, it is right and necessary that the Pope asks that attention be paid to the "constructive elements" (AL, 292, 294) in the so-called irregular situations mentioned earlier, precisely because these elements offer just as many starting points for growth in the direction of the good and the meaningful, *in casu* the covenantal love in marriage and the family (AL, 293, 294, 297). In our view on growth-ethics<sup>3</sup> we have marked those constructive elements or 'seeds of growth' as forms of the 'lesser good' (*minus bonum*). By calling the potential for growth a 'partial good' or 'imperfect good,' it is likewise suggested that the (limited) quality of relationship already achieved should not lead to stagnation or resignation: "Still water becomes stagnant and good for nothing," as the Pope paraphrases a folk saying (AL, 219). The constructive relationship-elements are building blocks for ultimately constructing a sufficiently lasting edifice, even though an absolutely lasting edifice is not possible. 'Smaller good' implies, in other words, a dynamic perspective that "must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realised" (AL, 303). When, for instance, cohabiting couples

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<sup>3</sup>R. Burggraeve, *An Ethics of Mercy. On the Way to Meaningful Living and Loving*, Leuven: Peeters, 2016; "The Sacred Ground of the Other': Landmarks for a Christian Ethics of Gradualness as an Ethics of Mercy," in: T. Knieps-Port Le Roi & A. Brenningmeijer-Wehrhahn, ed., *Authentic Voices, Discerning Hearts. New Resources for Church on Marriage and Family*, Zürich, LIT-Verlag, 2016, 61-77.

gradually commit to each other and develop their relationship into a certain stability, borne by a deep affection and the capacity to overcome difficulties, “can this be seen as an opportunity, where possible, to lead them to celebrate the sacrament of Matrimony” (AL, 78).

### **2.3. The Contribution of an ‘Enlightened and Formed Conscience-in-Dialogue’**

This ethics of gradualness, however, is no ethics for softies, is no affair for laxity where everything is relativised, but rather an ethics that shuns not the appeal – the calling ‘plus est en vous’ (which is also the Pope’s motto as a Jesuit). An emancipatory growth-ethics, moreover, appeals to ‘personal conscience’ or to ‘discernment’, as the Pope also calls it in the eighth chapter of his exhortation (AL, 296 ss).

Pastoral honesty requires the recognition that the so-called ‘irregular’ behaviours cited can be expressions of a personal choice and conviction. Then the ‘deviant behaviour’ becomes a ‘heterodox behaviour.’ In the ‘Questionnaire’ that preceded the double synod on the family, particular attention was paid to that point. And in numerous regions, it turned out that a not so small group, even a strong majority of Christians, no longer followed the Church standpoints on sexuality and cohabitation before marriage, non-marital forming of families, contraception, homosexual relationships and commitments, as these are articulated in the *Catechism of the Catholic Church* (1992), without thereby giving up the preference for marriage and family. In his post-synodal exhortation as well, the Pope acknowledges that divergent opinion, albeit with hesitation and then still formulated in the negative, in the sense that – in case one knows the Church’s view – one does not recognise its value (AL, 295, 297, 301). If in pastoral care, however, one wishes to do away with a condescending and clerical Church, then one will have to choose resolutely for a community of mature and able believers who out of shared evangelical convictions on the level of ethics may possibly judge in a different manner on the concrete applications of the fundamental values and orientations, without thereby having to qualify themselves as ‘bad Christians’ or as ‘bad people’ – such suspicions and reproaches still arise all too often in the discussion between progressives and conservatives.

What is remarkable is that a starting point can be found for that ethical maturity in the papal exhortation, namely in the passage where, again taken from Thomas Aquinas, mention is made of the distinction between general rules and particular contexts wherein the rules find their application (AL, 304). However necessary the generally

formulated norms of action (do not kill, do not tell lies, do not steal, ...) may be, all the more when one descends to the level of the concrete will the rules of behaviour at hand show defects. On the level of practical acts, those rules do not always and everywhere apply to everyone, precisely because the concrete circumstances have not been taken into account in the general formulations of the norm. And the more one descends into the details of the situation in which one needs to act, all the more will the formulation of the norm 'fail,' according to Thomas. The Church's ethical rules of behaviour simply cannot be applied to every situation of concrete people in an identical manner and 'without considerations.' In such an un-nuanced and abstract application, one then makes of the rules of behaviour "dead stones to be hurled at others" (AL, 49). Then one elevates oneself to the chair of Moses in order to judge with superiority – and with superficiality! – over vulnerable people in difficult situations (AL, 305). But an honest realism brings us to the insight that in the correct pastoral discernment of all those diverse situations "no easy recipes exist" (AL, 298).

With this, the Pope concretises his plea for 'discernment,' both in pastoral guidance as well as on the individual level. Thus, he creates space for the personal conscientious choice of all who, after an honest appraisal of the possibilities and impossibilities of one's own – often complex, stressful – situation, and via an unbiased look at the gospel and Church inspiration and an uninhibited conversation with a personal adviser (confessor, pastor, spiritual director, priest or layperson), arrive at a personal insight and decision about the path in life to follow (AL, 296-297, 300, 301-303, 312). Thanks to such an enlightened, formed and dialogical conscience (AL, 303), people can also reflect God's love through their so-called deviant – heterodox – behaviour (AL, 294). This space for mature Christians, with their own responsible freedom of conscience, goes entirely with Francis' challenging statements: "We have been called to form consciences, not to replace them" (AL, 37), for we are not arbiters but facilitators of divine grace and mercy (AL, 310).

#### **2.4. Troubled Love, Separation, Divorce and Remarriage**

The idea of pastoral and personal discernment is both applicable to divorce and remarriage, as well as to the question regarding holy communion for divorcees who have remarried. In line with Canon Law (canons 1152 § 1, 1153 § 1) the exhortation acknowledges that there are 'unbearable circumstances' that justify the factual separation: to remove oneself or the children "from serious injury due to abuse and

violence, from humiliation and exploitation, and from disregard and indifference” (AL, 241). Then the separation is not only unavoidable, but it even becomes “morally necessary” (AL 241). This approach shows how the Church not only acknowledges the reality of brokenness and failure, but also does not allow that her ‘ideal’ of lasting love be compromised from within. Marriage and its indissolubility is not an unrelenting strait-jacket that imprisons people. The unconditional character of love is bound to human dignity as a precondition!

In the Catholic Church, defiling the dignity of the lasting bond of love of marriage leads only to separation and not to divorce with the possibility of remarriage (just as is the case, among others, in the Orthodox and Anglican Churches).<sup>4</sup> And yet it is so that many Catholics enter into a new relationship after divorce and even marry civilly, namely due to loneliness that is difficult to bear, overburdening and stress (AL, 34), or because of the well-being and the upbringing of the children: “Never ever, take your child hostage” (AL, 245). Clearly, this decision of conscience cannot be a wild whim; it needs to be made after full consideration. Here, that which we above called the dialogical conscience is now very applicable. One enters into conversation with oneself in order to assess as honestly as possible the situation in which one has ended up, and even have an eye to what went wrong and what could have been otherwise: “an examination of conscience through moments of reflection and repentance” (AL, 300). This humble investigation of one’s conscience implies, in other words, the question whether one has done everything to save the first marriage (AL, 298),<sup>5</sup> although one realises at the same time “the great difficulty of going back without feeling in conscience that one would fall into new sins” (AL, 298). Some perhaps arrive at the insight and the conviction that their previous marriage, which is destroyed irreparably, has, upon closer inspection, never been valid, has never been an authentic marriage in the full sense of the word. Indeed, ‘old wounds’ can surface, which the emotional imbalance and immaturity of one of the

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<sup>4</sup> Even though nothing has been offered during the double-synod (2014-2015) nor in the papal exhortation (2016) on the possible ‘blessing’ of a second relationship or marriage, analogous to the practice in the Orthodox and in the Anglican Churches, still the request of many believers who are divorcees and have civilly remarried for such a ‘blessing of their union’ keeps on arising, not only in general but also concretely as a request made to priests and pastors, and this in different regions of the Church.

<sup>5</sup>Today, according to the Pope, there is a great need for pastoral care that “must necessarily include efforts at reconciliation and mediation, through the establishment of specialized counselling centres in dioceses” (AL, 242). See also AL, 244.

partners have covered up or suppressed for years (AL, 239). Or the experience of incest or sexual abuse, or "a poor relationship with one's parents and siblings, if left unhealed, can re-emerge and hurt a marriage" (AL, 240). In and through the personal process of discernment, assessed in dialogue with a 'spiritual counsellor' (cf. supra), one can thus arrive at the insight that "under certain circumstances people find it very difficult to act differently" (AL, 302), and thus that not only the divorce but also the initiation of a new relationship or civil remarriage offer the 'best possible and most humane solution.'

Whatever insights this process of discernment may bring, it should never lead to a situation in which one allows oneself to be suffocated by self-blame and guilt, for that puts a humane and dignified future at risk. In other words, one is faced with the task to explore truthfully the implications and challenges, both to oneself as well as to the children, that flow forth from a new relationship or a second civil marriage. Here, one should not complacently rely on one's own self-knowledge entirely, but one should also hold up one's own situation against the light of the gospel and the view of the Church and test it against the 'counsel' of wise advisers (cf. supra). Only thus can one come to a conscientious choice, whereby one can tread "the path to personal growth" (AL, 312) "in the midst of limits" (AL, 312).

This plea for a personal, enlightened, formed and dialogical conscientious choice is, in our opinion, also applicable to the question whether divorcees who have remarried may participate in holy communion. Even though the Pope does not discuss it directly, it fits in with his call not to exclude remarried divorcees (or divorcees who later cohabit) but on the contrary, to integrate them. He speaks emphatically and repeatedly about the "logic of integration" (AL, 299; 47, 298, 312). He rejects all forms of "excommunication," discrimination and actual exclusion, for divorcees who enter into a new relationship or remarry still belong to the church community (AL, 243, 246). Moreover, their positive participation in the life of the community must be promoted (AL, 299). Many remarried divorcees or divorcees who later cohabit are very much in agreement with this, but at the same they suggest that pastoral practices and programs are developed to really accompany and integrate these couples and families in church life. They find that participation in the Eucharist by going to communion is a concrete form of this integration. When they experience their new partner relationship as a Christian covenant of life, they also want to express it by means of full participation in the Eucharist. Furthermore, they find

this full participation also necessary for the Christian upbringing of their children. To meet this request, the Pope points out that it is not only the sacrament of confession and reconciliation but also the Eucharist that has a healing significance. It is “not a prize for the perfect,” not a reward for those who morally live according to the Catholic book. It is on the contrary “a powerful medicine and nourishment” for all vulnerable and injured believers on the way (AL, 305, note 351). Thus, the full participation in the Eucharist can contribute to the healing process of those who after divorce enter into a new commitment.

To make this possible, the Pope, however, does not intend to introduce new canonical regulations and procedures, in view of the enormous diversity of concrete situations as was presented – still summarily, to be sure – above (AL, 300). During the double synod of 2014 and 2015, a stalemate grew between two opposite standpoints. For the one, allowing remarried divorcees communion was out of the question, unless the first marriage would turn out, after investigation, to be invalid or unless the new partners would be prepared to live together in sexual abstinence. Otherwise, only the way of the so-called ‘spiritual communion’ is possible. For the other, permission by the bishop can be given for communion after having gone through a process of clarification and repentance, directed by an authorised priest, or simply at the suggestion of an advising priest. In accordance with the final text of the 2015 synod session, the Pope refrains from taking a stand in order to create space for the personal and dialogical (pastoral) conscientious choice or discernment. He thereby remarks, in line with Vatican II and John Paul II’s *Familiaris Consortio*, how the suggestion to live together ‘as brother and sister’ as a condition to be allowed to communion is usually unfeasible or even unfair: “many people (...) point out that if certain expressions of intimacy are lacking, it often happens that faithfulness is endangered and the good of the children suffers” (AL, 298, note 329). Hence, Pope Francis creates space for the personal and dialogical conscientious choice or ‘discernment’ with the suggestion that the decision of the couple to receive communion with “humility and discretion” needs to take place and with “love for the Church and her teaching.” Their conscientious choice, in other words, must be rooted “in a sincere search for God’s will and a desire to make a more perfect response to it” (AL, 300).

## An Appreciative and Critical Conclusion

The indispensable role that is given to 'conscience and discernment' in the 'logic of mercy' is applicable, in our opinion, not only to the 'complex situations' on which the papal exhortation focuses. Through an attentive reading of *Amoris Laetitia*, our conviction has grown that the ethics of the 'enlightened and formed conscience-in-dialogue' is also applicable to other fields of experience. We think about the theme on the methods of birth control. The strict, normative preference of *Humanae Vitae* (1968) for the so-called natural methods — a doctrinaire strictness that began in *Casti Connubii* (nrs 54-59)<sup>6</sup> — is not repeated in the papal exhortation. They are no longer imposed, only recommended or "promoted" (AL, 222), with furthermore a shift in attention towards responsible parenthood, based on the conscientious judgement of the couple who have taken into account the different indications (health, scope and social-economic context of the relationship, the risk of passing on congenital disease to the next generation, and others) (AL, 68, 167, 222).

Likewise, with regard to homosexuality, the idea of a personal and pastoral discernment applies, in the sense that it is up to gays and lesbians, on the basis of a positive acceptance of their affective-sexual orientation, to decide in all dignity and conscience on choosing for a life of abstinence, as the Church prescribes, or rather for a life in

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<sup>6</sup>During their 7<sup>th</sup> Lambeth Conference (August 1930), the Anglican bishops declared that "in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used." As a reaction to that standpoint, Pius XI published a few months later the encyclical *Casti Connubii* (31 December 1930). In his unambiguously harsh condemnation of anticonception, the Pope called the marital act a biological act (*naturae actus*) that should never be robbed of its natural intention: "any use whatsoever of matrimony exercised in such a way that the act is deliberately frustrated in its natural power to generate life is an offense against the law of God and of nature" (56). "No reason, however grave, may be put forward which anything intrinsically against nature may become conformable to nature and morally good. Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and intrinsically vicious" (54). Pius XI did not limit his strict condemnation to the level of principles. He likewise pronounced judgement about consciences: "Those who indulge in such are branded with the guilt of a grave sin" (56). This pronouncement determined directly the hard directives he gave to priests for their pastoral guidance inside and outside the confessional: they were not allowed to leave married couples in the dark regarding "this most grave law of God" (57). This led to a callousness in the manner of hearing confessions of married couples. The difficulties and doubts became so huge that on 16 May 1943 the Holy Office urgently recommended caution to the confessors.

relationship according to the evangelical plea for lasting love. Without this leading to an identification with marriage, since heterosexual intimacy bears in itself the possibility of a child (AL, 52), gay and lesbian couples can also find the needed inspiration in the fourth chapter of the exhortation, with the Pope's commentary on the *Canticle to love* (1 Cor 13) (cf. supra), for their growth towards and in lasting love. For this consistent pastoral ethics, we actually find starting points with the Pope himself, namely where he writes: "No one can be condemned forever, because that is not the logic of the Gospel! Here I am not speaking only of the divorced and remarried, but of everyone, in whatever situation they find themselves" (AL, 297). In any case, the theme on homosexual relationships invites the Church, both universal as well as in the different regions, to further reflect on sexual difference, this in order to come to a balanced view on the relationship between sex and gender, without absolutising nor relativising either of the two (cf. the tension between AL, 56 and 251) – a determinative view not only for a nuanced approach to same-sex unions but also to a recurring question amongst believers on the office of priesthood for women.

Last but not least, through our exploration of *Amoris Laetitia* it has become clear how this universal mercy, which applies to all who find themselves in a complex or so-called irregular situation, links together growth and discernment:

Yet conscience can do more than recognise that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognise 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 it is yet not fully the objective ideal (AL, 303).

The strength and the challenge of the exhortation *Amoris Laetitia* and of Francis' thought consist not only in mercy but also in the linking of mercy with discernment, whereby the risk of a lax, or worse still, a pathological compassion is avoided.<sup>7</sup>

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<sup>7</sup>For this link, see also the apostolic exhortations *Evangelii Gaudium* (2013) and *Gaudete et exsultate* (2018).