

On the Implementation of Chapter Eight
of the Apostolic Exhortation *Amoris Laetitia*
in the Military Ordinariate of Canada



I. Introduction

The following document is written to clarify the implementation of Chapter Eight of the recent Apostolic Exhortation *Amoris Laetitia* (*AL*) in the Catholic Military Ordinariate of Canada. It is directed especially to the priests, deacons, and pastoral associates (lay ecclesial ministers) of the Ordinariate.

In no way is this document meant to be an exhaustive teaching on the Sacrament of Marriage or an extensive interpretation of the Apostolic Exhortation itself. Rather, it deals specifically with the matter of the divorced and civilly remarried and the question regarding their reception of the Sacraments of Penance and Eucharist.

As the Prefect of the Congregation for the Doctrine of the Faith, Cardinal Gerhard Muller, recently stated, *Amoris Laetitia* “must clearly be interpreted in the light of the whole doctrine of the Church.”¹ This is what Pope Benedict XVI called the “hermeneutic of continuity.” Consequently, the directives given in this document will take into account the cumulative magisterial teaching of the Church on this matter.

The great danger I recognize in the limited focus of this document is that it may give the false impression that this one issue is the only important matter dealt with in the Apostolic Exhortation. This is very far from the truth! *Amoris Laetitia* deals with the entire spectrum of issues faced by families in the modern world and gives a clear pastoral direction for ministers dealing with families. It confirms the revealed truth about marriage and teaches us compassion for the broken. In places it is a beautiful and profound meditation that challenges us, forms us, and equips us to embrace the ‘Joy of Love’ in a far more radical manner. For this reason I ask that all the clergy and pastoral associates of the Ordinariate study it in its entirety so that it may be a beacon for family ministry. As Pope Francis states so simply and profoundly, “no family drops down from heaven perfectly formed; families need constantly to grow and mature in the ability to love” (*AL* 325). I am confident that a careful application of this exhortation in our Ordinariate will enable us to facilitate this growth far more effectively.

II. Pastoral Accompaniment

Pope Francis regularly insists on a particular ministerial attitude and orientation towards the wounded members of the Church. It informs his whole approach to the divorced and remarried in *Amoris Laetitia*, and should inform our whole approach to

ministry as well. In fact, on many occasions the Pope has emphasized that the Church is not “a community of perfect people.”ⁱⁱ From this starting point he insists on a pastoral strategy rooted in the mercy of God:

“... to follow the way of the Lord, the Church is called on to dispense its mercy over all those who recognize themselves as sinners, who assume responsibility for the evil they have committed, and who feel in need of forgiveness. The Church does not exist to condemn people, but to bring about an encounter with the visceral love of God’s mercy.”ⁱⁱⁱ

Using an example particularly apt for a military context, he speaks of ministerial priorities:

“The thing the church needs most today is the ability to heal wounds and to warm the hearts of the faithful; it needs nearness, proximity. I see the church as a field hospital after battle. It is useless to ask a seriously injured person if he has high cholesterol and about the level of his blood sugars! You have to heal his wounds. Then we can talk about everything else. Heal the wounds, heal the wounds. ... And you have to start from the ground up.”^{iv}

This compassionate focus on the *person* is what characterizes the true heart and aim of authentic ministry. Consequently, in our chapels and communities there are two false extremes that we must avoid. One is to insist that people have their lives in complete order before they are welcomed into the fellowship of the Church. This is a Pharisaical attitude that excludes people, looks down on them, and judges them from a position of supposed superiority. We can never “feel as if it is enough simply to apply moral laws to those living in ‘irregular’ situations, as if they were stones to throw at people’s lives” (*AL* 305).

Another opposite extreme is to welcome all, but through misguided compassion fail to call them into a relationship with Jesus and a deeper appropriation of the Gospel. People are welcomed in this scenario but there is no call to conversion. This is not true mercy, for “mercy does not exclude justice and truth, but first and foremost we have to say that mercy is the fullness of justice and the most radiant manifestation of God’s truth” (*AL* 311).

The first extreme is legalism, the second indifferentism. Both fail to seek the true and ultimate good of the person! Neither has any place in the Ordinariate.

The true way of authentic ministry is ‘pastoral accompaniment.’ It means welcoming and loving people where they are at, no matter how sinful and disordered their lives might be. We do this without judgement or condescension, knowing that we ourselves are sinners who have received mercy.^v But it cannot stop there. It also

means welcoming them into something and accompanying them somewhere. We must welcome them into an encounter with Jesus Christ and lead them into the full life of discipleship and salvation. Accompaniment requires encouraging and helping people to live in both the *grace* and the *truth* of the Lord Jesus. It means that we must not fear or fail to get deeply involved in the messiness of people's lives, into their brokenness and pain, in order to minister the healing balm of the Gospel.

Our hearts must be as open as the heart of Jesus himself, who welcomed sinners and ate with them.^{vi} And we, in turn, must love and accompany the divorced and remarried with each step they take towards Jesus, even when those steps are faltering or involve many falls. And our hearts need to be big enough to never give up on anyone until they are fully reconciled.

It is a high call. But the people of God deserve no less than this from all who have answered the call to be priests, deacons, and pastoral associates. It is why we must be men and women of prayer, beseeching the Lord to give us his own heart of mercy for his people.

III. The Ordinary Discipline of the Church

The Code of Canon Law

It is critically important to note that the integral teaching of the Catholic Church on the reception of communion for the divorced and civilly remarried has not changed. Indeed, Pope Francis states that “neither the Synod nor this document could be expected to provide a new set of general rules, canonical in nature and applicable in all cases” (*AL* 300). The exhortation does deal with extraordinary situations which will be examined below, but the general and ordinary discipline of the Church, as declared in the Code of Canon Law, remains in force:

Those who have been excommunicated or interdicted after the imposition or declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to Holy Communion. (Can. 915, *CCEO*, Can. 855)

It must also be observed that the discipline of the Church places an obligation not only upon those who are divorced and remarried, but also upon those who are responsible for the distribution of Holy Communion. Those who are divorced and civilly remarried should be privately and sensitively informed that they may not

presently receive Holy Communion. More importantly, they are to be lovingly invited into a process whereby they may be reconciled to the Church.

It should also be clear that one may not receive Holy Communion merely on the basis of personal conscience, for personal conscience may be in error. Consciences are to be formed in the light of the Commandments of God. Consequently a properly formed conscience cannot be in opposition to God's revealed Truth:

Moral conscience, present at the heart of the person, enjoins him at the appropriate moment to do good and to avoid evil. It also judges particular choices, approving those that are good and denouncing those that are evil. It bears witness to the authority of truth in reference to the supreme Good to which the human person is drawn, and it welcomes the commandments. When he listens to his conscience, the prudent man can hear God speaking. (CCC 1777)

This discipline of the Church is not an arbitrary rule. It is about fidelity to the Gospel and the good of souls. It protects the unity of the Church, and in cases of obstinate persistence in manifest grave sin "Holy Communion must be denied... in order to respect the holiness of the Sacrament, to safeguard the salvation of the soul of the party presenting himself to receive Holy Communion, and to avoid scandal."^{vii}

Present Confusion

Unfortunately there is presently much confusion on this issue. As the Bishops of Alberta and the Northwest Territories stated:

"It may happen that, through media, friends, or family, couples have been led to understand that there has been a change in practice by the Church, such that now the reception of Holy Communion at Mass by persons who are divorced and civilly remarried is possible if they simply have a conversation with a priest. This view is erroneous. Couples who express it should be welcomed to meet with a priest so that they hear proposed anew "God's plan [pertaining to marriage] in all its grandeur" (*Amoris Laetitia*, 307) and thus be helped to understand the correct path to follow toward full reconciliation with the Church. In order to enable such a journey of healing and reconciliation in a manner that remains obedient to the strong command of Christ that "what God has united man must not divide," the Church has established its marriage tribunals. These are charged with examining in mercy and truth the circumstances of the first marriage in view of making an official declaration as regards its validity or nullity."^{viii}

The First Step: The Marriage Tribunal

The indispensable first step for divorced and civilly remarried couples seeking reconciliation with the Church is the referral of their case to our Marriage Tribunal. It

should be noted that Pope Francis recently reformed relevant canons of the *Code of Canon Law* to ensure that divorced and civilly remarried couples may have their situations examined without undue delay.^{ix} Military chaplains of the Ordinariate must facilitate this process with great pastoral sensitivity, all the while carefully catechizing the couple on “God’s plan [for marriage] in all its grandeur” (*AL*, 307). In this way they can enable the couple to properly form their consciences in the light of God’s moral law and the fullness of life it promises.

Second Step: Integration into the Community

Even in situations where couples are not yet fully reconciled to the Church, and therefore may not receive the Sacraments, it is important that they be welcomed and carefully integrated into the communion of the Church.

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 (*AL* 299).

Pope Francis has often re-affirmed the call of Pope St. John Paul II to assist those who find themselves in these difficult circumstances:

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.^x

For Those Unable to Separate: Continence

Those divorced and civilly remarried couples who for serious reasons cannot separate, in order to receive absolution in confession which would open the way to receiving Communion, must take on the duty to live in complete continence:

Reconciliation in the sacrament of Penance which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the Covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage. This means, in practice, that when, for serious reasons, such as for example the children's upbringing, a man and a woman cannot satisfy the obligation to separate, they "take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples."^{xi}

The Prefect of the Congregation for the Faith, Cardinal Müller, recently stated that this requirement, “is not dispensable, because it is not only a positive law of John Paul II, but he expressed an essential element of Christian moral theology and the theology of the sacraments.”^{xii}

The Apostolic Exhortation recognizes the difficulties inherent in couples living together in continence (cf. *AL* note 329) and insists that human frailty must be taken into account:

Perhaps out of a certain scrupulosity, concealed beneath a zeal for fidelity to the truth, some priests demand of penitents a purpose of amendment so lacking in nuance that it causes mercy to be obscured by the pursuit of a supposedly pure justice. For this reason, it is helpful to recall the teaching of Saint John Paul II, who stated that the possibility of a new fall “should not prejudice the authenticity of the resolution” (*AL*, Note 364)

Although this practice has been formally recognized as a valid pastoral solution since the time of the publication of the Apostolic Exhortation *Familiaris Consortio*, it is still an example of an extraordinary circumstance which will be examined in greater detail in the next section.

IV. Extraordinary Circumstances

Special Consideration Required

Having established the ordinary discipline of the Church, it is now possible to examine extraordinary pastoral situations with much greater precision. These require special consideration precisely because, for one reason or another, the pastoral situation differs in important respects from those envisioned by the ordinary discipline of the Church. As Pope Francis stated, “While upholding a general rule, it is necessary to recognize that responsibility with respect to certain actions and decisions is not the same in all cases” (*AL* 302).

The Help of the Sacraments

In very specific situations the Church’s help for those in irregular situations can include the help of the sacraments (*AL*, note 351). The conditions indicated in *Amoris Laetitia* for such a pastoral exception to the ordinary discipline of the Church (as declared in Can. 915, *CCEO*, Can. 855) are as follows:

The Law of Gradualness

1. First, the “law of gradualness” must be applied. With this moral principle we have the recognition that the fullness of God’s life-giving law must always be our aim, but also that moral conversion is often a slow and gradual process:

“...the law is itself a gift of God which points out the way, a gift for everyone without exception; it can be followed with the help of grace, even though each human being “advances gradually with the progressive integration of the gifts of God and the demands of God’s definitive and absolute love in his or her entire personal and social life” (*AL* 295).

From a ministerial point of view this moral principle requires that when facing difficult and irregular situations we must be “merciful and helpful”, patiently guiding and assisting people to advance, at whatever pace they require, toward the fullness of God’s law and loving design:

“... all these situations require a constructive response seeking to transform them into opportunities that can lead to the full reality of marriage and family in conformity with the Gospel. These couples need to be welcomed and guided patiently and discreetly”. That is how Jesus treated the Samaritan woman (cf. Jn. 4:1-26): he addressed her desire for true love, in order to free her from the darkness in her life and to bring her to the full joy of the Gospel” (*AL* 294).

What is critical to note is that “this is not a gradualness of the law” (*AL* 295). We are not speaking of accepting an irregular situation as normative:

Naturally, if someone flaunts an objective sin as if it were part of the Christian ideal, or wants to impose something other than what the Church teaches, he or she can in no way presume to teach or preach to others; this is a case of something which separates from the community (cf. Mt 18:17). Such a person needs to listen once more to the Gospel message and its call to conversion (*AL* 297).

Practically this means that there must be a firm purpose of amendment; the intention on the part of the recipient of Penance or Holy Communion to bring their lives into full conformity with the Gospel, even though there may be grave circumstances that presently prevent this.

Absence of Mortal Sin

2. Secondly, the person in this objectively irregular situation must not be in the state of mortal sin. *Amoris Laetitia*, quoting the *Catechism of the Catholic Church* (articles 1735 & 2352), insists that “a negative judgment about an objective situation does not imply a judgment about the imputability or culpability of the person involved” (*AL* 302).

Due to serious mitigating factors it is possible that someone be in an objectively sinful situation and yet not be in the subjective state of mortal sin:

The Church possesses a solid body of reflection concerning mitigating factors and situations. Hence it can no longer simply be said that all those in any “irregular” situation are living in a state of mortal sin and are deprived of sanctifying grace (*AL* 301).

Once again it is incumbent upon the minister to accompany the person in question to gain a true picture of the full pastoral situation:

Consequently, 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).

Danger of Further Harm

3. Finally, there must be a grave pastoral reason why embracing the ordinary discipline of the Church would only cause further harm. Several examples of such grave situations are specifically mentioned in the exhortation:

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 sometimes 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 (*AL* 298).

When Continence is not Feasible

Ordinarily, receiving the sacraments for those in an irregular situation requires continence, but there are extreme situations wherein abstaining from conjugal relations is not feasible. Below is a succinct explanation of just such a situation and the underlying moral principles involved:

The situation foreseen here is apparently that of one party desiring such abstinence [as required by the Church for those divorced and civilly remarried without a decree of nullity] but the other refusing and threatening dire consequences in the absence of conjugal life. The first party then agrees to sexual relations against his or her will, for example, to preserve the welfare of the children. In such cases, the practicing Catholic party may not be guilty of serious sin and could therefore, in some cases, be admitted to the sacraments of reconciliation and the Eucharist. This case, it should be noted, could be treated in such a manner even before *Amoris Laetitia*, according to application of

the standard principles of moral theology and confessional practice, analogous to the determination of the moral culpability of contraception when the spouses do not agree.^{xiii}

As noted, these were already accepted foundational principles of moral theology and confessional practice. The application of these principles explicitly to the divorced and civilly remarried in a magisterial document is seen by some as an example of the authentic development of doctrine.

The Need for Pastoral Discernment

Considering the nature of these criteria it is unlikely to encounter a large number of these cases. It is possible, however, to imagine other circumstances in which they could apply. This only emphasizes the need for careful attention to, and discernment of, each individual situation.

V. The Avoidance of Scandal

In the Apostolic Exhortation *Familiaris Consortio*, St. John Paul II highlights one of the reasons why the divorced and civilly remarried cannot receive Holy Communion:

... if these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church's teaching about the indissolubility of marriage.^{xiv}

Pope Francis also makes it clear that in any extraordinary situation wherein someone in an irregular situation receives Holy Communion it must be done “avoiding any occasion of scandal” (*AL* 299).

Consequently in any extraordinary pastoral circumstances that meet the criteria mentioned in *Amoris Laetitia*, wherein someone is admitted to Holy Communion while remaining in an irregular situation, great care must be taken to ensure that scandal is not given to the faithful. This could be accomplished by the voluntary disclosure of a couple who are living in continence or it could necessitate reception of Holy Communion in private or in a parish where the situation is not known.

VI. Final Directives

Chapter Eight of *Amoris Laetitia* is entitled “Accompanying, Discerning, and Integrating Weakness.” True to this designation, it deals with often complex moral and pastoral situations which require extensive accompaniment, patient formation of

consciences, and careful discernment. The positive consequences for hurting and struggling members of the faithful are very great. But, equally so, any mistaken application of these directives could cause great harm to both individuals and entire communities of faith. For this reason I ask that recourse be made to the Vicar General or to the Chancellor of the Ordinariate when such cases arise. It will be their duty to provide the relevant theological, moral, and canonical advice required. Such recourse may be done in such a way to protect the anonymity of the individuals involved, and must always respect the sacredness of the internal forum.

In conclusion, as Pope Francis said so well, “May we never lose heart because of our limitations, or ever stop seeking that fullness of love and communion which God holds out before us (*AL* 325).

I ask that all of us sincerely pray the prayer that Pope Francis leaves us at the end of *Amoris Laetitia*, remembering all the families of all our military personnel and veterans, and in particular the families of those committed to our specific pastoral care in our various chapels and units:

Prayer to the Holy Family

Jesus, Mary and Joseph, in you we contemplate the splendour of true love; to you we turn with trust. Holy Family of Nazareth, grant that our families too may be places of communion and prayer, authentic schools of the Gospel and small domestic churches. Holy Family of Nazareth, may families never again experience violence, rejection and division; may all who have been hurt or scandalized find ready comfort and healing. Holy Family of Nazareth, make us once more mindful of the sacredness and inviolability of the family, and its beauty in God’s plan. Jesus, Mary and Joseph, graciously hear our prayer. Amen (*AL* 325).

Given on the Feast of the Chair of St. Peter the Apostle, February 22, 2017.



† Most Reverend Scott C. McCaig, C.C.

Bishop of the Military Ordinariate of Canada

Juxta Crucem cum Maria

ⁱ Catholic Herald, February 1, 2017.

ⁱⁱ Wednesday Audience, April 13, 2016.

ⁱⁱⁱ Pope Francis, *The Name of God is Mercy*. November 24, 2015.

^{iv} “A Big Heart Open to God,” *America magazine* September 19, 2013.

^v See 2 Corinthians 4:1

^{vi} See Luke 15:2

^{vii} “Canon 915: The Discipline Regarding the Denial of Holy Communion to Those Obstinate Persevering in Manifest Grave Sin,” Most Rev. Raymond L. Burke, Archbishop of St. Louis, *PONTIFICIA UNIVERSITÀ GREGORIANA, PERIODICA* 96 (2007) 3-58.

^{viii} The Catholic Bishops of Alberta and the Northwest Territories, “Guidelines for the Pastoral Accompaniment of Christ’s Faithful who are Divorced and Remarried without a Decree of Nullity.”

^{ix} cf. *Mitis Iudex Dominus Iesus*, December 8, 2015.

^x *Familiaris Consortio*, 84.

^{xi} *Ibid.*

^{xii} *Il Timone* magazine, 19 (2017) quoted in English in the Catholic Herald, February 1, 2017.

^{xiii} Fr. Raymond de Souza, *National Catholic Register*, “What Argentina’s ‘*Amoris Laetitia*’ Guidelines Really Mean,” September 23, 2016.

^{xiv} *Familiaris Consortio*, n. 84.