

A SERIOUS PASTORAL PROBLEM FOR THE CHURCH: MINISTERING TO CATHOLICS WHO HAVE DIVORCED AND REMARRIED

(The following article by Archbishop Curtiss was published in the October 30th edition of *Our Sunday Visitor*.)

One of the most difficult and critical pastoral issues facing the Church today involves Catholics who have been married in the Church and then have divorced and remarried. This past July, Pope Benedict XVI responded to this issue in an informal conversation with priests in Italy. The Holy Father admitted that this is a particularly painful problem for many Catholics, and especially for those who do not fully understand the sacramentality of marriage in the Church and the permanence of the marriage bond.

Forty years ago, the traditional notion of marriage and family life supported a couple who raised children in a two-parent home with an understanding that they would be together until "death do us part". In past decades it was more of an exception for a Catholic who was married in the Church to obtain a civil divorce. However, due to the gradual erosion of the permanent commitment to marriage and the overall decline in moral behavior in our society, members of the Church have not been unaffected by a very secular mentality and approach to marriage. Now, legally, most Americans can obtain a no-fault divorce in which one of the parties can petition for a civil dissolution of the marriage without reason or cause. Many Catholics in our country have personally experienced divorce within their own immediate or extended families. All our parishes these days have many parishioners who have experienced divorce, and all our Catholic schools today have children whose parents are divorced.

Divorced persons and the Eucharist

The situations that lead to civil divorce are often complex and difficult. Sometimes a spouse is abandoned by a partner through no fault of his or her own. The spouse often petitions and receives a civil dissolution of the marriage to protect oneself and one's children. Women sometimes find themselves in abusive marriages in which they experience personal danger and danger for their children, often without any realistic hope that the abuser will change his ways. In these cases it is permissible for a woman to seek a civil dissolution of the marriage; however, that does not automatically mean that the marriage would be judged invalid by a Church tribunal. In these and other grave situations, the abandoned or abused person who remains faithful to his or her marital vows is able to receive Holy Communion if he or she is not involved in another relationship.

It is clear, then, that divorce by itself does not prohibit a person from receiving Holy Communion. It is engaging in a subsequent relationship, possibly resulting in a civil marriage apart from the Church, which causes the problem.

The reason that marriage in the Church creates an obstacle to receiving Holy Communion is that we Catholics revere the Eucharist as the source and summit of all Christian life. It is the long tradition of the Church that for a Catholic to receive the Eucharist worthily, one must be in the state of sanctifying grace. Anyone who is conscious of grave sin must first receive the Sacrament of Reconciliation before receiving Holy Communion. But in order to make a good confession, the penitent must have the intention of avoiding sin in the future. The problem is that when a divorced person (who has not received a declaration of nullity—or "annulment"—from his or her previous marriage from a Church tribunal) begins to date, he or she is engaging in

objectively sinful behavior—namely, being unfaithful to the marriage bond that still exists in the eyes of God and the Church. Such a dating relationship may eventually end in a civil marriage apart from the Church, thereby expressing in an even more permanent manner the intention of continuing in the behavior that objectively contradicts the vows of the prior marriage bond. The objective sinfulness of divorce and remarriage is part of divine law, and is addressed clearly by Jesus in the gospels (cf. Mt. 19:3-9 and Mk. 10: 11-12). Since the objective behavior precludes making a good confession—namely, having the intention to avoid the sin of violating one's still enduring marriage vows—it also precludes eligibility to receive Holy Communion.

Pastoral support for the remarried

The Church has frequently addressed the pastoral issue of divorced and remarried people with regard to their inability to receive Holy Communion. In 1981, Pope John Paul II published the apostolic exhortation *Familiaris Consortio*, in which he encouraged Catholics who are in marriages not recognized by the Church to realize that they are still members of the Church and have not been separated from the Church. He encouraged them to attend Mass, to listen to the Word of God, to preserve in prayer, to contribute to the works of charity, etc. However, he also clearly stated that their condition and state of life as divorced and remarried persons outside the Church objectively contradicts the image of the permanent love that exists between Jesus and His Church.

In 1994, the Congregation for the Doctrine for the Faith sent a letter to the bishops of the world entitled *Concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful*. This document was approved by Pope John Paul II. It points out that the norm for the divorced and remarried that prohibits their ability to receive Holy Communion is not a punishment or type of discrimination against them, but rather expresses the reality of a previous marriage bond that creates an obstacle to their reception of the Eucharist. The document states, "Members of the faithful who live together as husband and wife with persons other than a legitimate spouse may not receive Holy Communion. Should they judge it possible to do so, pastors and confessors given the gravity of the matter and the spiritual good of these persons, as well as the common good of the Church, have the serious duty to admonish them that such a judgment of conscience openly contradicts the Church's teaching. Pastors in their teaching must also remind the faithful entrusted to their care of this doctrine". The following paragraph of the same letter states, "The mistaken conviction of a divorced and remarried person that he or she may receive Communion normally presupposes that the person's conscience is considered in the final analysis to be able, on the basis of one's own convictions, to come to a decision about the existence or absence of a previous marriage and the value of the new union. However, such a position is inadmissible. Marriage is in fact, both because it is an image of the spousal relationship between Christ and His Church as well as the fundamental core and an important factor in the life of civil society, is essentially a public reality".

A challenging but necessary teaching

The Church's clear position on inadmissibility of divorced and remarried Catholics to receive Holy Communion is found in canon 915 of the *Code of Canon Law*: "Those who have been excommunicated or interdicted after the imposition and declaration of the penalty and others obstinately persevering in manifest grave sin are not to be admitted to Holy Communion." Over the years some Catholic theologians and canonists have tried to maintain that the second part

of canon 915 does not apply to Catholics who are divorced and remarried civilly, and that this canon should not be employed to deny them the reception of Holy Communion. However, on June 24, 2000 the Pontifical Council for the Interpretation of Legislative Texts issued a declaration regarding canon 915, stating clearly that it does apply to the divorced and remarried, confirming again that they would not be eligible to receive Holy Communion.

This same declaration, however, made reference to a teaching from Pope John Paul II in *Familiaris Consortio*, in which he presents one situation where those who are divorced and remarried outside the Church may in fact receive Holy Communion. If a couple takes upon themselves the duty to live in complete sexual abstinence, thereby disposing them to receive the Sacrament of Penance, then they can receive Holy Communion. The declaration adds that a necessary condition for this to be an acceptable solution is that the couple be able to receive Holy Communion in a setting that does not cause scandal to the faithful. This type of arrangement, commonly known as a "brother-sister" relationship, is the only pastorally acceptable solution for those who live together in an invalid marital union to be able to receive Holy Communion. Couples should not make this decision solely by themselves, but should consult their parish priest or the diocesan bishop for counsel on this matter.

The Church's teaching on the eligibility of reception of Holy Communion by divorced and remarried persons is not easy, yet it is essential because the indissolubility of marriage needs to be preserved and protected. At the same time, we have to be sensitive to those who have married outside of the Church so that they and their children can be supported by the ministries of the Church. They need to know that the Lord continues to love them and wants them to be present for Mass.

Conclusion

The Church has to do everything it can to prepare people adequately for marriage and to encourage them to do everything they can to grow in their love for Jesus and love for each other. It is encouraging that the divorce rate is beginning to decline in our country, and especially for Catholics who have been adequately prepared for marriage. In marriage preparation we have to be forthright in our teaching about the indissolubility of marriage and the importance of making a permanent commitment in marriage.

At the same time, we have to be sensitive to people whose marriages, for whatever reasons, have ended in divorce. When people enter into marriages outside of the Church, then we have to do everything we can to reach out to them pastorally to help them understand the constant love the Lord has for them and His desire that they should continue to be active in the Church, even though they cannot receive Holy Communion. It has been my experience that when people remain faithful to the Lord and to His Church under trying circumstances, then He blesses them and helps them grow in His love, even without the precious gift of the Eucharist.