

DICASTERIUM PRO DOCTRINA FIDEI

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“APPUNTO” FOR THE AUDIENCE WITH THE HOLY FATHER

Response to a Series of Questions Posed by His Eminence, Dominik Cardinal DUKA, O.P., Regarding the Administration of the Eucharist to Divorced People Living in a New Union

On 13 July 2023, this Dicastery received a request from **His Eminence, Dominik Cardinal DUKA O.P.**, Archbishop Emeritus of Prague, on behalf of the Czech Bishops’ Conference, posing a series of questions regarding the administration of the Eucharist to divorced people living in a new union.

Although some of the questions are not drafted in a sufficiently clear manner and, therefore, may harbor some inaccuracies, this Dicastery intends to respond to them to help resolve the doubts they raise.

1. **Can a diocese that is part of an Episcopal Conference make decisions in a completely autonomous way, referring to the facts mentioned in questions 2 and 3 below?**

The Apostolic Exhortation *Amoris Laetitia*—a document of the ordinary pontifical Magisterium, toward which all are called to offer the *obsequium* of intellect and will—affirms that “priests have the duty to ‘accompany [the divorced and remarried] in helping them to understand their situation [and to discern] according to the teaching of the Church and the guidelines of the bishop’”¹. In this sense, it is possible, indeed it is desirable, that the Ordinary of a diocese establish some criteria that, in line with the Church’s teaching, can help priests in the accompaniment and discernment of divorced people living in a new union.

2. **Can Pope Francis’ response to the question from the Pastoral Region of Buenos Aires², given that the text was published in the *Acta Apostolicae Sedis*, be considered an affirmation of the Ordinary Magisterium of the Church?**

As indicated in the rescript accompanying the two documents in the *Acta Apostolicae Sedis*, they were published “*velut Magisterium authenticum*,” that is, as authentic Magisterium.

3. **Is it a decision of the Ordinary Magisterium of the Church based on the document *Amoris Laetitia*?**

As the Holy Father recalls in his letter to the Delegate of the Pastoral Region of Buenos Aires³, *Amoris Laetitia* was the result of the work and prayer of the whole Church, with the mediation of two Synods and the Pope. This document is based on the Magisterium of previous Pontiffs, who already recognized the possibility for divorced people in new unions to access the Eucharist, as long as they “take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples”⁴, as John Paul II proposed, or to “commit themselves to living their relationship...as friends”⁵, as proposed by Pope Benedict XVI. Pope Francis

¹ FRANCIS, Apostolic Exhortation *Amoris Laetitia*, 19 March 2016, no. 300 (henceforth, *AL*).

² REGIÓN PASTORAL DE BUENOS AIRES, *Criterios básicos para la aplicación del capítulo VIII de Amoris laetitia*, AAS 108 (2016) 1072-1074.

³ Cf. FRANCIS, *Carta a Mons. Sergio Alfredo Fenoy, Delegado de la Región Pastoral de Buenos Aires*, AAS 108 (2016) 1071-1072.

⁴ JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio*, 22 November 1981, no. 84.

⁵ BENEDICT XVI, Apostolic Exhortation *Sacramentum Caritatis*, 22 February 2007, no. 29.

maintains the proposal of full continence for the divorced and remarried in a new union but admits that there may be difficulties in practice⁶. Therefore, he allows, *in some cases, after adequate discernment*, the administration of the Sacrament of Reconciliation, even when one fails to be faithful to the continence proposed by the Church⁷.

4. Is it the intention of *Amoris Laetitia* to institutionalize this solution through a permission or an official decision given to each couple?

Point 1 of the document “Criterios básicos para la aplicación del capítulo VIII de *Amoris laetitia*” explicitly states, “*no conviene hablar de ‘permisos’ para acceder a los sacramentos, sino de un proceso de discernimiento acompañado por un pastor. Es un discernimiento ‘personal y pastoral’ (AL 300)*”⁸. It is, therefore, a matter of pastoral accompaniment as an exercise of the “way of charity” (“*via caritatis*”), which is nothing other than an invitation to follow the way “of Jesus: of mercy and reinstatement.”⁹ *Amoris Laetitia* opens the possibility of accessing the Sacraments of Reconciliation and the Eucharist¹⁰ when, in a particular case, *there are limitations that attenuate responsibility and culpability*¹¹. On the other hand, this process of accompaniment does not necessarily end with the sacraments; indeed, it can be directed toward other forms of integration into the life of the Church, such as a greater presence in the community, participation in prayer or reflection groups, or involvement in various ecclesial services¹².

5. Who should be responsible for evaluating the given situation of the couples in question: any confessor, local pastor, vicar forane, episcopal vicar, or penitentiary?

It is a matter of initiating an itinerary of pastoral accompaniment for the discernment of *each unique person*. *Amoris Laetitia* emphasizes that all priests have the responsibility to accompany people interested in this path of discernment¹³. It is the priest who welcomes the person, listens attentively, and shows the maternal face of the Church, welcoming the person’s right intention and good purpose to place his or her whole life in the light of the Gospel and to practice charity. But each person, individually, is called to stand before God and to manifest to God his or her own conscience, with its possibilities and limitations. This conscience, accompanied by a priest and enlightened by the Church’s guidelines, is called to be formed to evaluate the situation and make a judgment that is sufficient to discern the possibility of accessing the Sacraments.

6. Would it be appropriate for these cases to be handled by the competent Ecclesiastical Tribunal?

In cases where a Declaration of Nullity can be established, recourse to the Ecclesiastical Tribunal

⁶ Cf. *AL*, footnote 329.

⁷ Cf. *AL*, footnote 364. Pope Francis argues that we should not demand from “penitents a purpose of amendment so lacking in nuance that it causes mercy to be obscured by the pursuit of a supposedly pure justice,” and recalls John Paul II’s teaching to Cardinal W. Baum where he states the possibility of a new fall “should not prejudice the authenticity of the resolution” (JOHN PAUL II, “Letter to Cardinal William W. Baum on the Occasion of the Course on the Internal Forum Organized by the Apostolic Penitentiary [22 March 1996]”, 5: Insegnamenti XIX/1 [1996], 589).

⁸ REGIÓN PASTORAL DE BUENOS AIRES, *Criterios básicos*, op. cit., p. 1072: “It is not appropriate to speak of ‘permissions’ for access to the sacraments, but of a process of discernment accompanied by a pastor; it is a discernment that is ‘personal and pastoral’ (*AL 300*)” (English translation by this Dicastery).

⁹ *AL*, no. 296.

¹⁰ Cf. *AL*, nos. 336 and 351.

¹¹ Cf. *AL*, nos. 301-302.

¹² Cf. *AL*, no. 209.

¹³ Cf. *AL*, no. 300.

will be part of the discernment process¹⁴. The Holy Father chose to simplify these processes through the Motu proprio, *Mitis Iudex*¹⁵. The problem arises in more complex situations where a Declaration of Nullity cannot be obtained. In these cases, it might be possible to undertake a pathway of discernment that stimulates or renews the personal encounter with Jesus Christ¹⁶, also in the Sacraments.

7. Can this principle be applied to both parties of a civilly divorced marriage, or should one distinguish the degree of culpability and proceed accordingly?

St. John Paul II had already stated that “the judgment of one’s state of grace obviously belongs only to the person involved, since it is a question of examining one’s conscience.”¹⁷ Thus, it concerns a process of individual discernment in which “the divorced and remarried should ask themselves: how did they act towards their children when the conjugal union entered into crisis; whether or not they made attempts at reconciliation; what has become of the abandoned party; what consequences the new relationship has on the rest of the family and the community of the faithful; and what example is being set for young people who are preparing for marriage. A sincere reflection can strengthen trust in the mercy of God which is not denied anyone.”¹⁸

8. In the case of this single permission, should it be understood that married life (the sexual aspect) should not be mentioned in the Sacrament of Reconciliation?

Even in the Sacrament of Marriage, the sexual life of the spouses is subject to an examination of conscience to confirm that it is a true expression of love and that it aids in the couple’s growth in love. All aspects of life should be placed before God.

9. Would it not be appropriate for the whole matter to be better explained in a document of your competent Dicastery?

Based on the words of the Holy Father in his letter responding to the Delegate of the Pastoral Region of Buenos Aires, in which he stated that there are no other interpretations¹⁹, it seems that the matter is sufficiently explained in the aforementioned document.

10. How should one proceed to establish internal unity, but also not to disturb the Ordinary Magisterium of the Church?

It would be appropriate for the Episcopal Conference to agree on some minimum criteria to implement the proposals of *Amoris Laetitia*, which would help priests in the processes of accompaniment and discernment regarding the possible access to the Sacraments of some divorced persons in a new union, without prejudice to the legitimate authority that each Bishop has within his own diocese.

Ex Audientia Die: 25/09/2023
Franciscus

Víctor Fernández

¹⁴ “Wherever doubts legitimately arise about the validity of the sacramental Marriage contracted, whatever is necessary should be undertaken to verify its validity,” in BENEDICT XVI, Apostolic Exhortation *Sacramentum Caritatis*, op. cit., no. 29.

¹⁵ FRANCIS, Apostolic Letter “Motu proprio” *Mitis Iudex Dominus Iesus*, *By Which the Canons of the Code of Canon Law Pertaining to Cases Regarding the Nullity of Marriage Are Reformed*, AAS 107 (2015) 958-970.

¹⁶ Cf. AL, no. 58.

¹⁷ JOHN PAUL II, Encyclical Letter *Ecclesia de Eucharistia*, 17 April 2003, no. 37b.

¹⁸ AL, no. 300.

¹⁹ Cf. FRANCIS, *Carta a Mons. Sergio Alfredo Fenoy*, op. cit., p. 1071.