



Discernment charged with merciful love: Pope Francis' *Amoris Laetitia*, on Love in the Family

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Pope Francis' Apostolic Exhortation *Amoris Laetitia*, published on 8 April 2016, transposes church teaching on marriage and the family from the key of law to that of virtue and should be celebrated, says Nicholas Austin SJ. This powerful new document offers 'a Gospel-inspired vision of what family life can be, a word of encouragement for those who are not yet there, and above all another example of the discerning way of proceeding that the pope has modelled'.

The topic of family and marriage in the Church today is often associated with words like 'crisis', 'problems' and 'impasse'. In this context, Pope Francis' latest, much-anticipated document, *Amoris Laetitia*,¹ 'The Joy of Love', is, in contrast, infectious in its enthusiasm and, indeed, its joy.

This apostolic exhortation is the culmination of a process that began on 8 October 2013, when Francis convoked an Extraordinary Synod of Bishops to discuss the pastoral challenges of the family. 'Extraordinary' is a word that characterises the whole process since that day, both in the new level of openness to discussion and debate within the synodal process itself, and in the unprecedented consultation of all the faithful. Francis' intention has not merely been to address the pastoral issues posed by what is widely seen as a crisis in family life, but to lead the Church into a more discerning way of proceeding, one that respects the role of the Bishops and also listens for the voice of the Holy Spirit expressed in the hearts and minds of the lay faithful. These reforms alone are an extraordinary contribution to the life of the Church.

What does Francis say about how best to respond to the challenges facing marriage and the family in the 21st century? Does he have solutions for those whose situations do not fit the Church's teaching on marriage? Whatever commentators may say, or wish



Francis had said, he is not changing Church teaching, as he goes out of his way to explain. Nor does he offer a set of rules, let alone a raft of new permissions. Rather, what he gives the Church is a Gospel-inspired vision of what family life can be, a word of encouragement for those who are not yet there, and above all another example of the discerning way of proceeding that he has modelled from his first days in office as leader of the Catholic Church throughout the world.

Those on either side of what the media have liked to portray as a polarised debate will be disappointed. Anyone looking for a 'progressive' or 'liberal' pope will feel as let-down as those hoping for a straightforward reaffirmation of the status quo. The pope's attempt to address the complex issues of the family in the 21st century Church is all the more valuable because he transcends the lazy polarities that are used too often to characterise discussions within the Church. In the kind of striking image that we have come to expect from this pope, he refers to the bishops' discussions as 'a precious polyhedron shaped by many legitimate concerns and honest questions'. Francis insists on the many-sided, complex nature of the problem, and therefore resists viewpoints that cling too tightly only to one side of the truth. Because he is a holistic thinker, he consistently works to integrate opposites. When it comes to moral and pastoral

issues, Francis is therefore neither 'revisionist' nor 'traditionalist', but simultaneously faithful, honest and creative. The result is one, the pope is happy to remark, that 'everyone should feel challenged by'.

What, then, more concretely, are the contributions of *Amoris Laetitia* to pastors and above all to family life? The media will no doubt focus on what is said (or not said) about the 'neuralgic issues' such as second marriages, gay unions, reproductive technology, feminism. However, Francis believes that the pastoral effort to strengthen marriages is an even more urgent need than the response to cases that fall short of the ideal. The way in which the text addresses this theme, and humbly acknowledges how the Church has fallen short in its own attempts to do this, is something to be celebrated. While the contested questions cannot be ignored, to skip straight to those passages where the pope tackles many of them head on would be to marginalise what is really the central piece of the whole document, the chapter on love, based on the famous 'hymn to love' in 1 Corinthians 13. It is there that we must begin.

The primacy of love

The Pauline hymn to love, which paints a portrait of love by expanding upon the virtues it exemplifies and the vices it avoids, is a natural choice for Francis, given his reiterated emphasis upon the virtues. He sees the Year of Mercy as an invitation to all families 'to persevere in a love strengthened by the virtues of generosity, commitment, fidelity and patience.'² He commends the virtue of tenderness to both spouses and pastors, as something that can 'stir in the other the joy of being loved.'³ He notes the importance of cultivating virtues in the upbringing of children. He warns against vices such as those of envy, vainglory and resentment. And he appeals to many other virtues, such as those of forgiveness, kindness, humility and joy. So Francis' selection of scriptural text expresses his desire to speak about marriage above all in the key not of law, but of virtue, of character, of the kind of persons we are called to become through grace.

To take just one example, we can look at his interpretation of Paul's claim that 'love is not rude'. Francis takes this as an occasion to expand upon the virtues of courtesy and gentleness. Courtesy, he notes,

is an 'essential requirement of love', and is a kind of school of respect, sensitivity and disinterestedness.⁴ In referring to the 'gentleness of love' he talks of the need to speak words of 'comfort, strength, consolation, and encouragement.'⁵ In this, Christ is, as ever, our exemplar:

These were the words that Jesus himself spoke: 'Take heart, my son!' (Mt 9:2); 'Great is your faith!' (Mt 15:28); 'Arise!' (Mk 5:41); 'Go in peace' (Lk 7:50); 'Be not afraid' (Mt 14:27). These are not words that demean, sadden, anger or show scorn. In our families, we must learn to imitate Jesus' own gentleness in our way of speaking to one another.⁶

We are so familiar with St Paul's hymn to love that it can appear merely sentimental. In passages such as these, Francis, breaks open the word for us afresh, and shows in a down-to-earth way how it is relevant to us all.

There is no doubt that Francis attends carefully to the Synod Fathers, and throughout the document he quotes from them liberally. At the same time, the scriptural reflection on love is new material, not present in the bishops' final report. It is as though Pope Francis is saying that, once we get into the depths of what family life and marriage are about, we cannot talk about them merely under the rubric of canon law or a law-based moral theology. As he puts it, 'All that has been said so far would be insufficient to express the Gospel of marriage and family, were we not also to *speak of love*.'⁷

Chapter Four, on 'Love in Marriage', is the beating heart of the whole document, and it is only when we attend to it and take its ideas on board that we can then hope to address the difficulties that affect so many families and marriages today. As Francis himself says, 'Our teaching on marriage and the family cannot fail to be inspired and transformed by this message of love and tenderness; otherwise, it becomes nothing more than the defence of a dry and lifeless doctrine.'⁸

Francis' Triptych: Discernment, Gradualness and Mercy

Francis paints an inspiring picture of what the gospel of family proclaims, and of what family, at its best, can be. Yet he recognises that it is also necessary to address the manifold ways in which the reality does

not always measure up to the ideal. It is clear that Francis wants to avoid being drawn into legalistic thinking, whether of a ‘conservative’ or ‘liberal’ hue. Given the ‘immense variety of concrete situations’⁹ a new set of laws will not do justice to the complexity of the issues facing the family today. What, then, does Francis offer in its place?

In the beautiful medieval churches of Europe, one often finds an altarpiece in the form of a ‘triptych’: a central painting complemented by two ‘wings’. What Francis offers is a kind of triptych of *discernment*, *gradualness* and *mercy*. That is, he offers a practice, a principle and a virtue. Together these three panels, as it were, form the basis for a pastoral response to the crisis in marriage and the family. Each has appeared in the pope’s previous teaching, but here we begin to see more clearly how they cash-out, and how, when used in concert and applied to particular questions, they have the potential to make a real difference in the life of the Church.

The central panel of Francis’ triptych is the practice of *discernment*. Discernment is a keystone of Jesuit life and Ignatian spirituality, and therefore one that is ‘second nature’, in the best sense, for Francis. This is not the first time Francis has mentioned the practice, and discernment is a hermeneutical key for reading his pontificate to date: his reform of the Synodal process to incorporate free discussion and consultation more fully, for example, is a manifestation of his desire for a discerning Church. Discernment is something that is known more by practice than book knowledge: it is a more personal and spiritual form of insight, one that requires the virtues of attentiveness, empathy and love, and which develops a feel for the action of the Holy Spirit in human experience. Here is Francis’ own attempt to describe it, from his interview for the Jesuit journals: ‘Discernment is always done in the presence of the Lord, looking at the signs, listening to the things that happen, the feeling of the people, especially the poor.’¹⁰ In *Amoris Laetitia*, however, there is a further clarification of the importance of discernment for pastoral practice, especially by description of what it is not. Discernment, Francis tells us, is *not* applying ‘rigid classifications’¹¹ and so pigeonholing people (e.g. ‘divorced’ or ‘remarried’ or ‘living in sin’). Nor is discernment a straightforward application of general norms without regard for concrete and personal situations. Finally, discernment

it is not a rigour that ‘leaves no room for confusion’¹² or ‘thinking that everything is black and white’¹³. Discernment, rather, is not threatened by complexity. Francis, therefore, enunciates the following ‘not enough’ rule: to consider whether an action conforms to a general law ‘is not enough to discern’.¹⁴ Religious solicitude for the law, for all its earnestness, can never on its own ensure fidelity to God in the life of an individual human person. Respect for the rule book can never eliminate the need for an attentive heart that is ‘open to God and to others’.¹⁵

One implication of the practice of discernment is that the teaching Church, like all good teachers, is asked to step back a little to create a *breathing space* for an individual to do his or her own discernment. Francis notes that a new set of canonical, universal rules cannot substitute for ‘responsible personal and pastoral discernment of particular cases’.¹⁶ He therefore explicitly warns against expecting too much by way of definitive rulings from the teaching office of the Church. Indeed, he frankly states at the very outset of the document, ‘I would make it clear that not all discussions of doctrinal, moral or pastoral issues need to be settled by interventions of the magisterium.’¹⁷

Since Francis values discernment, it is not surprising to find him placing a special accent on conscience. He worries that we struggle to ‘make room’ for the consciences of the lay faithful who are quite capable, he insists, of doing their own discernment. Neither the magisterium nor pastors should substitute for the role of the individual’s conscientious discernment: ‘We have been called to form consciences, not to replace them.’¹⁸

To complement the practice of discernment, Francis proposes the principle of *gradualness*, the second panel of his pastoral triptych. This principle has a long history in Catholic moral theology, was affirmed by John Paul II in *Familiaris Consortio*¹⁹ and applied by Pope Benedict XVI in his comments on HIV/AIDS prevention.²⁰ It is based on the insight that moral development is a step-by-step process that may not happen all at once. Moral education therefore requires a ‘patient realism’²¹ in educators and pastors. Pastoral practice informed by this principle does not merely proclaim eternal truths, but accompanies a person, meeting each where she or he is now, and encourages them to take a small step, the next step. It’s a delicate

balance: going to where a person actually is, and at the same time hanging on to the moral ideal.

Despite its firm roots in the tradition, some worry that the principle of gradualness slides all too easily from ‘the law of gradualness’ to ‘the gradualness of the law’, for this approach does not ask a person to leap forward in one go to the fullness of what the Church teaches. When used with discretion, however, gradualness maintains both the objectivity of the moral law and the equal objectivity of a person’s actual situation, which may prevent immediate and complete change. Francis, in *Evangelii Gaudium*, had put it memorably: ‘A small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order but moves through the day without confronting great difficulties.’²² In *Amoris Laetitia* Francis points out once again that the principle of gradualness, when employed with discernment, can help us to conform ourselves to what God wants, not in the abstract, but in the concrete and often somewhat chaotic situation in which we may find ourselves. For, through conscientious discernment, we can recognise with confidence what ‘for now’ God is asking.²³

Gradualness is an attitude that sees both the shades and the lights in morally messy situations, and therefore coheres well with discernment’s comfort with complexity. For example, the pope refers to second marriages that are ‘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.’²⁴ One might also think here, for example, of the relationship that Dorothy Day, the peace activist and co-founder of the [Catholic Worker Movement](#) to whom Pope Francis paid tribute in his speech to the United States Congress,²⁵ had prior to entering the Catholic Church. While she eventually made the decision in conscience to leave a partner to whom she was not and could never be married, looking back she recognised that the love that had characterised that relationship had helped her come closer to God and even to take the final step of being received into the Church. Francis states forthrightly, ‘I sincerely believe that Jesus wants a Church attentive to the goodness which the Holy Spirit sows in the midst of human weakness’.²⁶

No doubt the trust Francis places in the capacity of individuals and pastors to make their own discernment will cause anxieties that he is communicating a kind of ‘I decide what is right for me’ mentality. Francis is aware of the danger. For true pastoral discernment, both genuine discretion and love for the Church and her teaching must be present. Nor is it about abandoning the general principles of morality that are known by reason and taught by the magisterium. However, as Francis points out, and a close reading of Thomas Aquinas’s moral theology confirms, moral judgment mediates between general principles and the astute perception of particular circumstances. Morality is not mathematics, and while the Church affirms some universal, exceptionless prohibitions, it is always necessary to apply moral principles in a way that fits the particularities of the case, and to do that requires good judgement. As Francis puts it, ‘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.’²⁷ Francis advocates neither a rigid legalism nor a lax permissiveness, but rather a principled sensitivity to the particular.

The final panel of Francis’s triptych is that of the virtue of *mercy*, and the closely related idea of integration or inclusion into the community. ‘Mercy’ in contemporary English suggests something to do with mitigating the harshness of a judicial procedure, a kind of clemency or leniency. Yet what Francis has in mind is something much richer and more important. As moral theologian James Keenan SJ explains, mercy is ‘the willingness to enter into the chaos of another, to answer them in their need.’²⁸ It is what the Good Samaritan, for example, exemplifies in the parable. Francis considers it ‘timely’²⁹ and even ‘providential’³⁰ that the discussion about the family takes place in the Holy Year of Mercy. The Church should follow the example of Christ who went in search of everyone without any exception: ‘She knows that Jesus himself is the shepherd of the hundred, not just of the ninety-nine.’³¹ To manifest mercy in pastoral practice is not to dilute the Gospel message. For, ‘We put so many conditions on mercy that we empty it of its concrete meaning and real significance. That is the worst way of watering down the Gospel.’³² He has characteristically strong words for attitudes of judgementalism or superiority, and warns against a ‘closed heart of one used to hiding behind the Church’s teachings’.³³ His

hope is for a Church that is ‘a sign of mercy and closeness wherever family life remains imperfect or lacks peace and joy.’³⁴ Above all, he advocates ‘a pastoral discernment filled with merciful love’.³⁵

The divorced who have entered a second union

We have looked at the principles that underlie Francis’ treatment of moral and pastoral issues; now it is time to turn to a particular question to see what they look like in practice. One of the key difficulties that led to the Synods on family life was how to respond to members of the Church who are divorced and have married again civilly. How best can they be offered pastoral care? One hotly contested issue has been the question of whether those in a second marriage should be admitted to Holy Communion; another, whether the advice to such people to live as ‘brother and sister’ (i.e. without sexual relations) is realistic or helpful. Francis, we have seen, insists that a solution in the form of a general norm will not be adequate to the polyhedral nature of the issue. Instead, he employs the triptych of discernment, gradualness and mercy to offer something better than a general rule.

One application of the principle of mercy is the task of integrating and including the civilly remarried in the life of the Church. Francis insists, for example, ‘It is important that the divorced who have entered a new union should be made to feel part of the Church. “They are not excommunicated” and they should not be treated as such, since they remain part of the ecclesial community.’³⁶ The ‘logic of pastoral mercy’³⁷ is the ‘logic of integration’³⁸ or inclusion, and Francis, following the Synod Fathers, speaks of the necessity of going beyond the ‘various forms of exclusion currently practised in the liturgical, pastoral, educational and institutional framework’ of the Church. The civilly remarried in particular ‘need to feel not as excommunicated members of the Church, but instead as living members, able to live and grow in the Church and experience her as a mother who welcomes them always, who takes care of them with affection and encourages them along the path of life and the Gospel.’³⁹

Concerning the contested issue of communion, it is necessary here to read the text with some care. I therefore offer a full quotation, with the footnote in square brackets:

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. [In certain cases, this can include the help of the sacraments. Hence, “I want to remind priests that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy” (Apostolic Exhortation *Evangelii Gaudium* [24 November 2013], 44: AAS 105 [2013], 1038). I would also point out that the Eucharist “is not a prize for the perfect, but a powerful medicine and nourishment for the weak” (*ibid.*, 47: 1039).] Discernment must help to find possible ways of responding to God and growing in the midst of limits.⁴⁰

Here, Francis stops short of positively affirming that reception of communion for the civilly remarried is acceptable; yet it seems to me equally clear that, applying the principles of discernment, integration and gradualness, he leaves it open as a possibility *in certain cases*. With regard to gradualness, his point is that a person in such a situation can be growing in God’s grace, and therefore clearly not in ‘a state of mortal sin’ as the old moral manualists would have had it; and that it would therefore be wrong to deny such a person the assistance of the sacraments which the Church can offer, including that of the Eucharist. With regard to discernment, the need is to recognise mitigating factors, and the difference between objective sin and subjective culpability, as well as what the realistic ‘next step’ for such a person is. As he puts it a little earlier in the document, referring to “irregular” situations’:

A subject may know full well the rule, yet have great difficulty in understanding “its inherent values”, or be in a concrete situation which does not allow him to act differently and decide otherwise without further sin.⁴¹

One can imagine that a person in a second marriage could be in such a situation, in which separation might be just such a ‘further sin’, against the second spouse and against the children.

What I am suggesting, then, is not that Francis is advocating communion for the civilly remarried *tout court*, but rather that he is giving space for a discernment informed by mercy to be open to it in some cases. “Which cases, exactly?”, the legalist will ask, having failed to hear what the Pope is actually saying. This is the point: it is impossible to define all the possible factors and considerations fully in a general way in an exact formula. There will certainly be cases where it is important to challenge a person who is behaving in an unacceptable manner. But what is required is a discernment informed both by a love for the Church and its teaching, and by a capacity informed by mercy and wisdom to sense the way forward for this person here and now.

What about the traditional advice to the remarried, affirmed by John Paul II in *Familiaris Consortio*, that they should live ‘as brother and sister’, i.e. without sexual relations? The importance of the topic and the subtlety of Francis’ answer make it necessary to quote in full:

The divorced who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment. 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”. [JOHN PAUL II, Apostolic Exhortation *Familiaris Consortio* (22 November 1981), 84: AAS 74 (1982), 186. In such situations, many people, knowing and accepting the possibility of living “as brothers and sisters” which the Church offers them, point out that if certain expressions of intimacy are lacking, “it often happens that faithfulness is endangered and the good of the children suffers” (SECOND VATICAN ECUMENICAL COUNCIL, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 51).]⁴²

Once again, Francis is not giving a blanket permission, but creates the space for personal and pastoral discernment. The Church can offer as a possible way forward staying together for the sake of the children, but living ‘as brother and sister’, and those who do so, often at some personal cost, are to be commended. Yet Francis notes that some will make the obvious reply that a lack of sexual relations can be a grave threat to a partnership, since, as the Church’s teaching emphasises, sexuality has a unitive role in a loving relationship. It could therefore be one of those cases in which mercy, discerning what is possible ‘for now’, might indicate a different route for pastoral advice than the traditional *frater-soror* solution.

Some may object that this whole approach of gradualness, mercy and discernment, runs the risk of watering down the teaching of the Church on the indissolubility of a consummated, sacramental marriage. Yet what Francis shows is that an approach that does not integrate these principles itself can imperil true fidelity to the living tradition of the Church. ‘Understanding in the face of exceptional situations never implies dimming the light of the fuller ideal, or proposing less than what Jesus offers to the human being’.⁴³ Once again we see Francis’ approach to the difficult questions facing the Church in the contemporary world: one that is simultaneously deeply faithful to the tradition, uncompromisingly honest and realistic about the current situation, and refreshingly imaginative and creative in its response.

A transposition into a different key

It would be a shame if the media (including the Catholic media) were to read this powerful new document against the background of the polemical ‘progressive versus conservative’ narrative which plagued coverage of the Synods themselves. This is a rich and complex piece of teaching. It is also a breath of fresh air. It contains an acknowledgement of the positive contribution of the women’s movement which betokens a more positive *rapprochement* with feminism.⁴⁴ Above all, however, a patient and attentive reading, which the pope recommends,⁴⁵ will offer hope and insight to many; families, pastors and the Church as a whole will benefit from what Pope Francis is saying.

It is impossible in a short space to deal adequately with every aspect of Pope Francis' *Amoris Laetitia*. I have tried to show how Francis insists that the Christian teaching on marriage must always begin with a positive and attractive vision. I have argued that, with regard to situations that do not correspond to the Church's ideal, Francis allows a breathing space for a formed conscience and for the pastoral triptych of discernment, gradualness and mercy. We looked briefly at the question of those who are divorced and have entered a second union.

The media will want to know: does Francis change the doctrine of the Church? I would say that Francis does not *change* the content of church teaching on marriage and family; he *transposes* it from the key of law to that of virtue, and makes the primacy of love clearer once again. He does not abandon the rules of the Church, but it is clear now, as it was when he first took office and washed the feet of a Muslim girl in a prison on Holy Thursday, that for Pope Francis, as it should be for us, the first and living rule is the person of Jesus Christ, his humility, his gentleness, his joy and his love.

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¹ Pope Francis, *Amoris Laetitia* (2016): http://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf

² *Amoris Laetitia* (henceforth AL), §5.

³ AL, §323

⁴ AL, §99

⁵ AL, §100

⁶ AL, §100

⁷ AL, §89

⁸ AL, §59

⁹ AL, §300

¹⁰ 'A Big Heart Open to God', *Thinking Faith* (19 September 2013): https://www.thinkingfaith.org/articles/20130919_1.htm

¹¹ AL, §298

¹² AL, §308

¹³ AL, §305

¹⁴ AL, §304

¹⁵ 'A Big Heart Open to God'

¹⁶ AL, §300

¹⁷ AL, §3

¹⁸ AL, §37

¹⁹ Pope John Paul II, *Familiaris Consortio* (1981): http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html

²⁰ Pope Benedict XVI, *Light of the World* (Ignatius Press, 2010)

²¹ AL, §271-273

²² Pope Francis, *Evangelii Gaudium* (2013), §44: http://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html

²³ AL, §303

²⁴ AL, §298

²⁵ Pope Francis, Address to the United States Congress (24 September 2015): https://w2.vatican.va/content/francesco/en/speeches/2015/september/documents/papa-francesco_20150924_usa-us-congress.html

²⁶ AL, §308

²⁷ AL, §304

²⁸ James Keenan SJ, 'The scandal of mercy excludes no one', *Thinking Faith* (4 December 2015): <https://www.thinkingfaith.org/articles/scandal-mercy-excludes-no-one>

²⁹ AL, §5

³⁰ AL, §309

³¹ AL, §309

³² AL, §311

³³ AL, §305

³⁴ AL, §5

³⁵ AL, §312

³⁶ AL, §243

³⁷ AL, §307-12

³⁸ AL, §299

³⁹ AL, §299

⁴⁰ AL, §305

⁴¹ AL, §301

⁴² AL, §298

⁴³ AL, §307

⁴⁴ AL, §54

⁴⁵ AL, §7