

MARRIAGE AND THE FAMILY
WITHIN THE SACRAMENTALITY
OF THE CHURCH:
CHALLENGES AND PERSPECTIVES*

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“The new openings for a pastoral approach based on mercy must take place within the continuity of the Church’s doctrinal tradition, which is itself an expression of divine mercy.”



INTRODUCTION

The upcoming Extraordinary Synod of Bishops on the theme of the family is sparking unprecedented interest in the Church due to the urgency and gravity of the pastoral problems concerned as well as the hopes and expectations expressed in response to preparatory consultations.

* This address was originally presented at the Opening Act of the Judicial Year of the Ecclesiastical Tribunal of Valencia (Valencia, Spain, 27 March 2014).

Already during Vatican Council II, the Pastoral Constitution *Gaudium et spes* placed marriage and the family at the forefront of the urgent issues of our age.¹ Since the publication of the encyclical *Humanae Vitae*, the 1980 Synod on the family, and John Paul II's rich teaching on this subject,² the Church has not ceased to follow with growing concern the evolution of mores and mentalities away from the heritage transmitted by biblical revelation and the Christian tradition.

Pope Francis has compared the Church's mission in the contemporary world to a "field hospital" that treats the many wounded strewn about a battlefield.³ The image perfectly describes the situation of marriage and the family, which for several decades has experienced a serious deterioration not only on the level of couples' lived experience but also in legislation contrary to the traditional values of the family, promoted by groups of lobbyists who favor the dominant relativistic mentality.

At the present time, this far-reaching phenomenon is accompanied by others: the complexity of marital situations, the slowness of juridical processes for examining the validity of unions, the example of the Orthodox tradition, and the spread of unofficial practices due to pastoral concern. Alongside this, there is the wave of hope set into motion by the preaching of Pope Francis. The combination of these factors demands, on the part of pastors, reflection and creative initiatives that respond to the new challenges of evangelization.

I share this hope and conviction, in the belief that through the debates currently taking place, the Holy Spirit will show us paths of renewal in fidelity to the Catholic tradition.

1. Cf. Vatican II, Pastoral Constitution on the Church in the Modern World, *Gaudium et spes* (hereafter *GS*), part 2, ch. 1.

2. John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. Michael Waldstein (Boston: Pauline Books and Media, 2006); Apostolic exhortation *Familiaris consortio* (hereafter *FC*) [The Role of the Christian Family in the Modern World] (1981); Apostolic letter *Mulieris Dignitatem* [On the Dignity and Vocation of Women] (1988); *Letter to Families* (1994).

3. Interview of Pope Francis by Antonio Spadaro, SJ in August 2013. Text available at: http://www.vatican.va/holy_father/francesco/speeches/2013/september/documents/papa-francesco_20130921_intervista-spadaro_en.html.

Tradition does not mean immobility, but rather the path taken by a living organism that changes and adapts without losing its identity.⁴

Within this perspective, I for my part believe that a renewed pastoral approach to marriage and the family must make better known the heritage of the Council and the adequate hermeneutic of it given to us by St. John Paul II. The Council laid the foundations for a new vision of sacramental theology beginning with a broadened notion of “sacrament,” applied analogically to the Church. This foundational perspective renews the relationship between the seven sacraments and the Church, particularly with regard to marriage and the family. This is why, as at the Council, we need to begin anew from Christ, the “Light of Nations,” not only in order to re-think the pastoral care of the family but more broadly, to reconceive *all* of the Church’s pastoral care from the perspective of the family.⁵

My paper will take note of this shift from the perspective of sacramental theology in order then to focus on the organic link between the sacrament of marriage and the sacramentality of the Church. In conclusion, I will mention certain criteria for marital nullity in the context of a renewed pastoral approach centered on mercy that remains coherent with respect to the indissolubility of marriage.

4. “The religion of souls is as the development of bodies. The latter unfold and expand their proportions with the years and yet remain the same” (Vincent de Lérins, *Tradition et progrès. Le Commonitorium* [Paris: Desclée de Brouwer, 1978], XXIII, 76). Cf. also John Henry Newman, *An Essay on the Development of Christian Doctrine* (South Bend, IN: University of Notre Dame Press, 1989).

5. Cf. Marc Ouellet, *Divine Likeness: Toward a Trinitarian Anthropology of the Family*, trans. Philip Milligan and Linda M. Cicone (Grand Rapids, MI: Eerdmans, 2006); *Mistero e sacramento dell’amore. Teologia del matrimonio e della famiglia nella missione della Chiesa* (Rome: Lateran University Press, 2007); and *La vocazione cristiana al matrimonio e alla famiglia nella missione della Chiesa* (Rome: Lateran University Press, 2005). Cf. also Alain Mattheeuws, *Les “dons” du mariage: Recherche de théologie morale et sacramentelle* (Brussels: Culture et Vérité, 1996); Giorgio Mazzanti, *I sacramenti, simbolo e teologia*, vol. 1, general introduction (Bologna: EDB, 1997); Carlo Rochetta, *Il sacramento della coppia* (Bologna: EDB, 1996); Dionigi Tettamanzi, “La famiglia nel mistero della Chiesa. Fecondità teologico-pastorale di *Familiaris consortio* trent’anni dopo,” *La rivista del clero italiano* 12 (2010): 822ff.

I. VATICAN II AND THE ECCLESIOLOGICAL SHIFT
IN SACRAMENTAL THEOLOGY

The Catholic tradition presents the seven sacraments as the “means of salvation” that communicate Christ’s grace to man. St. Thomas Aquinas bases his explanation of the logic of the sacraments on the steps and conditions of human life: birth, growth, food, state of life, reconciliation, illness, and death. This rich perspective has been impoverished in modern times because grace has been increasingly understood as a kind of sacramental carbon copy of nature, at times with no reference to Christ except as efficient cause.

We have thus become habituated to thinking of the sacraments anthropocentrically, in function of individual human needs and without an organic connection to the Church, except as the *condition* of belonging to the institution founded by Christ.

The development of ecclesiology in the twentieth century, culminating in the great constitutions of Vatican Council II, opens new perspectives by considering the mystery of the Church beginning with the notion of sacrament: “The Church, in Christ, is in the nature of sacrament—a sign and instrument, that is, of communion with God and of unity among all men.”⁶ This original and profound vision of the Constitution on the Church is rooted in the biblical notion of *mysterion*⁷ and takes up again the orientation of the Constitution on the Sacred Liturgy, *Sacrosanctum concilium*:

The liturgy daily builds up those who are in the Church, making them a holy temple of the Lord. . . . At the same time it marvelously increases their power to preach Christ and thus show forth the Church, a sign lifted up among the nations (cf. Is 11:12), to those who are outside, a sign under which the scattered children of God may be gathered together (cf. Jn 11:52) until there is one fold and one shepherd (cf. Jn 10:16).⁸

6. Vatican Council II, Constitution on the Sacred Liturgy, *Sacrosanctum concilium* (hereafter SC), 2.

7. Cf. G. Bornkamm, “*Mysterion*,” in *Grande Lessico del Nuovo Testamento*, vol. 7 (Brescia: Paideia, 1971); Carlo Rochetta, *Sacramentaria fondamentale. Dal “Mysterion” al “Sacramentum”* (Bologna: EDB, 1989); Louis Bouyer, *Mysterion. Dal mistero alla mistica* (Vatican City: Libreria Editrice Vaticana, 1998).

8. SC, 2.

By enlarging the notion of sacrament and applying it to the Church as “sign and mystery of communion,” the Council confers on the sacraments an intrinsically ecclesial sense that deepens the previous perspective, centered on the salvation of individuals.

To conceive of the Church as a sacrament is to redefine her relationship to the world in terms of a visible sign of communion and mediation of grace, thus clarifying the meaning of her mission and the nature proper to her institutions. In this perspective, all the sacraments can be reconceived not only as responses to anthropological needs but also as the organic articulations of a body, which constitute the Church’s sacramentality with respect to the world. The sacraments thus acquire a missionary dimension, since they constitute the Church’s visibility in the eyes of the nations.

To this fundamental perspective of the Church, as the sacrament of salvation as a mystery of communion, we must add the nuptial dimension of sacramental theology. This dimension has its source in revelation itself, as well as in the ecclesial tradition to which the *Catechism of the Catholic Church* bears witness:

The entire Christian life bears the mark of the spousal love of Christ and the Church. Already Baptism, the entry into the People of God, is a nuptial mystery; it is so to speak the nuptial bath (cf. Eph 5:26–27) which precedes the wedding feast, the Eucharist. Christian marriage in its turn becomes an efficacious sign, the sacrament of the covenant of Christ and the Church. Since it signifies and communicates grace, marriage between baptized persons is a true sacrament of the New Covenant.⁹

The sacramentality of the Church is thus based on the nuptial relationship between Christ and the Church, which St. Paul mentions in the letter to the Ephesians in order to establish the sacramental value of conjugal love between a man and a woman. The other sacraments are also articulations of this nuptial relationship, but we will not enter into the details of this so as to consider more closely marriage within the sacramental structure of the Church and her mission.

9. *Catechism of the Catholic Church*, no. 1617 (cf. *DS* 1800; *CIC*, canon 1055, §2).

II. THE PLACE OF MARRIAGE WITHIN THE SACRAMENTALITY OF THE CHURCH

It was both providential and prophetic that Vatican Council II reaffirmed the value of marriage and the family at a moment when the secularization of cultures and societies was gradually giving rise to an unprecedented anthropological crisis. Anticipating the gravity of this crisis, the Council undertook a “new evangelization” of marriage and the family before this term was even coined. It began anew from Christ and unveiled the beauty of the family as domestic church. Pastoral care in the Church is still far from putting into practice this gospel of the family promoted by the Council and proclaimed anew by the apostolic exhortation *Familiaris consortio*.

A. A Christology of marriage: The starting point

The Council’s novelty was in fact to reformulate the traditional doctrine of marriage and the family on the basis of a Christology of marriage articulated in the Pastoral Constitution *Gaudium et spes*:

Our Savior, the spouse of the Church,¹⁰ now encounters Christian spouses through the sacrament of marriage. He abides with them in order that by their mutual self-giving spouses will love each other with enduring fidelity, as he loved the Church and delivered himself for it (cf. Eph 5:25).¹¹

Going beyond a juridical conception of the marriage contract, the Council reconceived the sacrament in terms of an “encounter with Christ,” the Bridegroom of the Church, who “abides with” spouses and gives them a share in his own love. The Pauline “as” expresses the spouses’ participation in Christ’s love and is equivalent to the Johannine “as” in Jesus’ priestly prayer in John 17. It means much more than a likeness through imitation. It in fact affirms an authentic participation of the spouses in the very love of Christ for the Church. The following

10. Cf. Mt 9:15; Mk 2:19–20; Lk 5:34–35; and Jn 3:29, as well as 2 Cor 11:2; Eph 5:27; Rv 19:7–8, 21:2, 9.

11. GS, 48.

passage bears witness to this: “Authentic married love is caught up into divine love and is directed and enriched by the redemptive power of Christ and the salvific action of the Church.”¹² This same idea had already been expressed in paragraph 11 of the Constitution *Lumen gentium*: “in virtue of the sacrament of Matrimony by which they signify and share the mystery of the unity and faithful love between Christ and the Church, Christian married couples help one another to attain holiness in their married life.”

We note in passing that the sacrament of marriage is not limited to helping the spouses to realize the natural ends of their union, that is, the unity of the spouses and the procreation and education of children. It raises human love to the dignity of a sacramental sign, that is, a visible reality that bears in itself the invisible reality of divine Love, committed in a covenant relationship with the humanity in Jesus Christ. Hence the description of marriage as a vocation to holiness—a conjugal and familial holiness that concretely reveals and incarnates in the world the true nature of the Church as Bride of Christ:

The Christian family springs from marriage, which is an image and a sharing in the partnership of love between Christ and the Church; it will show forth to all men Christ’s living presence in the world and the authentic nature of the Church by the love and generous fruitfulness of the spouses, by their unity and fidelity, and by the loving way in which all members of the family cooperate with one another. (GS, 48)

The Council thus reformulated the doctrine of marriage and the family in a christological perspective, thereby conferring on the family a properly ecclesial status. By virtue of the specific gift of the sacrament (1 Cor 7:7), we can justifiably call the family a “domestic church,”¹³ as did certain Fathers of the Church.

12. Ibid.

13. Cf. *Lumen gentium*, 11; Decree on the Apostolate of Laypeople *Apostolicam actuositatem*, 11. The expression has its origin in St. Augustine and St. John Chrysostom: “. . . cum tota domestica vestra ecclesia” (Augustine, *De bono viduitatis liber*, PL 40, cap. 29, col. 450); “Domum enim vestram, non parvam Christi Ecclesiam deputamus” (*Epistola* 188, cap. 3, PL 33, col. 849); “Ecclesián poiesón sou tén oikian” (John Chrysostom, *In Genesim sermo* VI, cap. 2, PG 54, col. 607).

This is not simply a rhetorical term; it is founded historically on the New Testament notion of the “*oikos*,”¹⁴ which describes the experience of the first Christian communities. It is also founded dogmatically on the intimate bonds uniting Baptism, Eucharist, and marriage.

This appellation nonetheless requires a deeper theological reflection that would reveal its pertinence and fruitfulness in the ensemble of the Church’s sacramentality. As “sign” and “mystery of communion,” the Church expresses herself particularly in the eucharistic assembly, which is an encounter with the Risen Christ. She also expresses herself in the institutional relationships between the Church and states, in missionary and charitable activity, and in the struggle for justice and solidarity. Finally, she expresses herself through the presence of families, who are oases of communion for a people journeying through the desert in the footsteps of Christ.

B. Giving a foundation to the family, the domestic church

I highlighted the idea of the spouses’ participation in Christ’s love for the Church. This is the core of the gospel of the family, its power and its beauty, which has its source in Baptism and unfolds in the natural and supernatural properties of conjugal love: unity, fidelity, fruitfulness, and indissolubility. Let us pause here on the relationship between Baptism and marriage, which is the foundation of the ecclesial status of the family.

Baptism is an act of the gift of self to Christ in faith, following upon the presentation of the Church, whose faith embraces and guarantees the stammering and fragile faith of her children. Christ responds to this gift with his own gift, which impresses the seal of his filial life on the soul of the baptized. Once confirmed by the seal of the Holy Spirit and introduced into the eucharistic assembly, the baptized participate sacramentally in the trinitarian communion as members of the Body of Christ, the Church.

Now, this exchange of gifts between Christ and the Church, which unfolds in the process of Christian initiation, is

14. Cf. Ouellet, *Divine Likeness*, 39–41.

called to a crowning on the occasion of sacramental marriage. The act of the spouses' mutual self-gift, from the initial exchange of consent to consummation through bodily union, takes place within an act of faith. That is, it takes place within a gift of self to Christ, to whom the spouses already belong through their Baptism; they confirm this belonging on the occasion of their sacramental marriage.

What really happens in this exchange of gifts that is sacramental marriage? The Church offers to Christ the baptized couple in their act of mutual self-giving in faith. Christ, the Bridegroom of the Church, responds with a nuptial gift, a charism of the Holy Spirit (1 Cor 7:7), which seals this union with an indissoluble seal that is nothing other than the presence of the absolute and irreversible Love of the divine Bridegroom. This exchange of gifts between Christ and the Church through the spouses, who are its beneficiaries, radically modifies their personal and ecclesial status. They were autonomous individuals living an authentic love, but they become a sacramental couple through Christ's nuptial Love, which they receive as a gift. This Love dwells in their own love, sanctifying it, purifying it, and making it humanly and ecclesially fruitful. The spouses may have come simply to seek a blessing on their love, and they receive a hundredfold, for Christ "abides with them" and saves them. He does so by handing back to them the wholeness of their love now complemented by an ecclesial mission: that of loving one another "in the Lord" (1 Cor 7:39), giving to the world a living witness of Christ's Love in the daily life of their family, the domestic church.

I am not speaking here of an "ideal" offered to the spouses in order to motivate their faithful and fruitful love. I am speaking of the couple's belonging to Christ as a body belongs to the head, as the spouses belong to one another. This belonging expropriates them from themselves as totally autonomous individuals in order to give them to one another within a third reality: the sacramental couple, whose identity is constituted by the grace of consecration (*quasi consecrati*)¹⁵ and sanctification described above.

15. Pius XI affirms that the spouses are "fortified and as if consecrated" (*Casti connubii*, I, 3). This affirmation is taken up again in GS, 48; John Paul II, *FC*, 56; and idem, *Vita consecrata*, 62.

The family thus acquires the status of a domestic church only on the basis of this exchange of gifts, which accomplishes in the spouses' very flesh the mystery of the Covenant between Christ and the Church. If Baptism is the fundamental condition for this, the Eucharist is its privileged locus, as the permanent celebration of the nuptial mystery par excellence of Christ and the Church.

C. The authentic witness of the Eucharist, a nuptial mystery

Baptism and the Eucharist are in fact two constitutive and complementary moments of the nuptiality of the Church, which provides the context for the sacramentality of marriage. Through the exchange of consents "in the Lord" and bodily consummation, which actualizes the original and sacramental "one flesh" willed by the Creator and confirmed by Christ the Redeemer (cf. Gn 2:24; Mt 19:5; Mk 10:8), the couple aspires to an "intimate community of . . . life and love"¹⁶ that is happy and worthy of the Church's nuptiality.

Within this framework, the couple's reception of the Eucharist expresses their vital belonging to Christ and the Church—a belonging also nourished by periodic recourse to the sacramental absolution of their faults. The sacramental couple thus belongs intrinsically to the eucharistic mystery, since the grace proper to Christian spouses is the content of this sacrament: Christ's Love for the Church unto death and Resurrection. Marriage is the sacrament of precisely this Love, which is indestructible and victorious over every fault. The Christian couple therefore has direct access to the sacrament of the Eucharist by virtue of the spouses' sacramental identity.

This intrinsic link not only makes the frequent reception of Holy Communion recommendable to the spouses, with a view to keeping the obligations inherent in their marital commitment; it commands their openness to and respect for Christ's commitment in their regard, with all its demands. By receiving sacramental Communion, the couple says "Yes" again to the Covenant of Christ and the Church, which contains, sustains,

16. *FC*, 13; cf. *GS*, 48.

sanctifies, and saves the covenant of the spouses. They are called to serve a Love greater than their own love, mysteriously present in them despite the vicissitudes of human life.

Christ thus prolongs his witness of faithful and fruitful love in the existence of the sacramental couple, whatever the ups and downs of their marital life. If sanctifying grace may at times be lacking in the couple's encounter with the Eucharist, the conjugal bond (*res et sacramentum*) remains a basic, objective given that continues to bear witness to Christ's fidelity to his Church even in the case of an effective separation of the spouses.

Hence there is an impossibility of another sacramental marriage for civilly divorced persons who have left their first union.¹⁷ Such a possibility would directly contradict the irreversible commitment of Christ the Bridegroom in the first union. Consequently, the act of eucharistic Communion is also excluded, for it expresses in the first place a "Yes" to Christ's witness of nuptial love in our regard, within the enveloping nuptiality of the Church. Such an act in the situation of remarriage would, we might say, impose on Christ a sacramental sign contrary to his own witness. This is why the Church has always maintained a limit with regard to divorced and remarried Catholics, without excluding them from the community, from participation in the eucharistic assembly or from community activities.¹⁸

In the present circumstances, should this limit be overcome in the name of a renewed pastoral approach of mercy? This is the question that many are asking right now, and that we must approach in the light of the ecclesial dimension of the sacraments.

III. OPENINGS FOR A PASTORAL CONVERSION CENTERED ON MERCY FOR TODAY'S FAMILIES

The upcoming Synod of Bishops will have the task of examining the situation of today's families and offering pastoral orientations capable of strengthening couples who have remained faithful in the face of contrary pressures, healing those wounded by a failure of love, and helping families in irregular situations who nonethe-

17. Cf. Mt 19:9; Mk 10:11–12; Lk 16–18; 1 Cor 7:10–11, 39.

18. Cf. *FC*, 84; Benedict XVI, *Sacramentum caritatis*, 27–29.

less aspire to a life of authentic grace.

Among these persons are, obviously, the divorced and remarried. They are still numerous, though statistically in decline due to the present evolution affecting marriage as a social value and the loss of the sense of marriage as the union of a man and a woman. Many people today no longer marry, but rather limit themselves to cohabiting for a shorter or longer period of time determined by sentiments and life's circumstances.

A pastoral approach centered on mercy must have as its first interest saving man and woman from a fear of committing themselves, which poses a great obstacle to their search for happiness. Only a new proclamation of Christ the Savior can liberate humanity from the void of meaning represented by a fear of loving as the Creator established this love and the Redeemer restored it. We must remember here the heritage of John Paul II, the pope of the family. The Synod could at last adequately disseminate this rich inheritance through an organic pastoral approach to Christian initiation, marriage preparation, and the accompaniment of families.

As for those divorced and remarried persons who aspire to a regularization of their participation in the life of the Church, they must by all means be warmly welcomed in their openness to undertake a path of conversion, penitence, and spiritual growth. With careful respect for the diversity of situations and of responsibility in cases of marital breakdowns that lack an adequate juridical solution, such persons must be helped to restore their life of union with Christ in their new circumstances, within the limit imposed by the truth of the Church's sacraments.

A. The wide reach of non-sacramental mercy

This causes them pain, but such pain can be limited by a renewed proclamation of God's mercy, which extends beyond a properly sacramental framework. Christ was sent among us to reconcile the world with God through his Cross, death, and Resurrection. The world is already reconciled with God through the accomplishment of Christ's Paschal Mystery. The Church's mission is to bear witness to this event by proclaiming the kerygma and administering the sacraments. She does not, however, have an

exclusive and exhaustive “management” of mercy. To the contrary, the Church is but a sign raised before the nations, testifying that this divine mercy concerns all of mankind.

The Church thus proclaims a truth already acquired, and with sacramental signs, confirms this mercy that is greater than the signs and even greater than the frontiers of the Church. We must say and say again to divorced remarried persons who have repented of their faults and are incapable of abandoning their new union: God’s mercy reaches them intimately in their new situation. We cannot, however, give them authorization to give public witness through eucharistic Communion.

We have alluded above to the reason for this limit on the sacramental level. What is at stake is the truth of Christ’s witness. The divorced remarried person’s new situation does not permit him authentically to express this witness because his new union is in contradiction with the love of Christ, who was faithful to death. It is not a lack of mercy on the part of the Church if she does not authorize sacramental absolution and eucharistic Communion, even after an authentic conversion of the divorced and remarried person. What is at stake is Christ’s fidelity to his own witness, which the Church does not feel free to modify lest she betray the truth that is the foundation of the indissolubility of marriage.

This painful limit does not hinder mercy from genuinely reaching the heart and soul of persons in irregular situations. Maintaining such a limit is not equivalent to declaring that these couples live in mortal sin or that they are denied Holy Communion for this moral reason. They can sincerely repent and obtain forgiveness, yet they remain unable to enjoy the consolation of the sacramental sign. The reason for this limit, I repeat, is not first moral; it is sacramental. Their second marriage remains an objective obstacle that does not allow them to participate in truth in the public witness to the sacramentality of Christ and the Church.

B. Spiritual communion and sacramental Communion

The divorced and remarried can nonetheless humbly ask for the grace to be united to Christ even without sacramental signs. The core of sacramental grace can be communicated to these couples in the form of “spiritual communion,” which is not a pale sub-

stitute for sacramental Communion, but rather a dimension of the latter. Every sacramental Communion in Christ's Body and Blood must first be an expression of a spiritual communion, that is to say, of the state of grace that eucharistic Communion nourishes and intensifies. Apart from this spiritual communion, the apostle St. Paul reminds us that "anyone who eats and drinks without discerning the body eats and drinks judgment upon himself" (1 Cor 11:29).

The Church's proclamation of mercy must, then, first clarify this point and reaffirm that divorced and remarried persons have access to this spiritual dimension of sacramental Communion. Moreover, she must broaden the meaning of sacramental Communion in light of the openings Vatican Council II created regarding the sacramentality of the Church. There is in fact an inseparable link between communion in Christ's eucharistic Body and communion in his ecclesial Body. We cannot say "Amen" to the Body of Christ we receive in Holy Communion without at the same time welcoming his ecclesial Body, without a commitment to charity toward all the members of this Body. From this perspective, the faithful must be helped to appreciate all the facets of sacramental Communion, for example, participation in the liturgical assembly, which allows them to offer Christ's sacrifice with others, as well as the fellowship experienced in the community's activities or in initiatives for the poor.

Just as grace is not bound to the sacramental order in the case of non-Christians or other Christians, in the case of the faithful who suffer from a sacramental handicap, God's mercy is nonetheless active in their lives. These faithful continue to bear witness to Christ's absolute fidelity precisely by abstaining from Holy Communion, out of respect for the divine Partner who did not break the first union despite the couple's failure. To want to receive Communion at any price would mean to force this divine Partner to participate in a false witness.

Except in truly exceptional cases in which the juridical path for a recognition of nullity is impossible but pastoral conviction of such nullity exists, I do not see how, in the case of persons authentically married and then divorced and remarried, a path of penitence would make possible access to absolution and sacramental Communion. It seems to me of capital

importance that exceptional cases involve only the sphere of a conviction of nullity, and exclude that of a real conversion after the failure of a first, sacramental marriage.¹⁹ There is no conversion that can change the primary effect of the sacrament, the conjugal bond, which is indissoluble because it is linked to the witness of Christ himself. To act otherwise would mean to profess the indissolubility of marriage in word and to deny it in practice, thereby sowing confusion in the People of God, especially in those persons who have sacrificed opportunities to rebuild their life out of fidelity to Christ.

The new openings for a pastoral approach based on mercy must take their place within the continuity of the Church's doctrinal tradition, which is itself an expression of divine mercy. It is so even in the limits imposed upon the reception of the sacraments, for the Church, the Bride of Christ, cares about the happiness of her children; and she knows that this happiness is to be found nowhere but in the truth of the Covenant. It is from this latter that her pastoral approach of mercy stands or falls.

In the Church's pastoral creativity vis-à-vis the problems of marriage and the family, she must broaden the perspective of sacramental Communion in function of the sacramentality of the Church. She must reaffirm the possibility of a life of authentic grace even without full participation in the sacramental order; and invite persons in all kinds of irregular situations not to distance themselves from the community, but rather to commit themselves to it fraternally and to remember always that "charity covers a multitude of sins" (1 Pt 4:8). She must also remind them that communion in the Eucharist can take place through other forms of eucharistic devotion, which nourish spiritual communion: processions, eucharistic adoration, visits to the Blessed Sacrament, etc. In brief, let us not allow ourselves to be caught in an overly narrow vision of Communion in the case of divorced and remarried persons. At

19. I limit myself here to identifying the sphere in which exceptions are possible. Much work would have to be done to give examples, specify the criteria and procedures, and determine the conditions and responsibilities for the pastoral decisions these imply. As should be apparent from this last statement, identifying this sphere is in any case not equivalent to shifting the resolution of such cases into the "private forum."

the same time, let us seek to facilitate the resolution of cases of nullity.

C. Criteria for the invalidity of sacramental marriage

Today the work of marriage tribunals is more essential than ever for discerning cases in which a marriage is invalid, through an examination of the truth of the conjugal bond that is the basis for a recognition or lack of recognition of nullity. This work must be carried out with objectivity and impartiality, in an authentically pastoral spirit that keeps in mind the Church's fidelity to the mystery of the Covenant and the supreme law of the salvation of souls.

On numerous occasions, Pope Benedict XVI raised the question of the relation between faith and the sacrament, since in today's pastoral situations we often encounter baptized persons who do not believe. How are we to determine the limit to which the absence of faith invalidates the sacrament? Does it always suffice for the persons requesting marriage to be baptized and to have a vague intention to "do what the Church does"? This is a complex question that merits attention and a search for appropriate criteria.

The pre-matrimonial canonical examination explores the future spouses' intention to commit themselves while acknowledging the ends proper to marriage, which correspond to the "goods" defined by the tradition after St. Augustine: fidelity (*fides*), procreation (*proles*), and indissolubility (*sacramentum*). A formal rejection of these finalities makes it impossible to authorize the celebration of the sacrament. In this case, the spouses' consent would be invalid because it would not correspond to the nature of the marriage contract and thus of the sacrament. In this regard, St. John Paul II clarified in 2003 that "an attitude on the part of those getting married that does not take into account the supernatural dimension of marriage can render it null and void only if it undermines its validity on the natural level on which the sacramental sign itself takes place."²⁰

Pope Benedict XVI nonetheless invited us to continue reflecting on the *bonum coniugum*. He demonstrated the impor-

20. John Paul II, Address to the Roman Rota (30 January 2003).

tance of charity founded on faith for the authentic realization of this good of marriage: “there is in the resolve of Christian spouses to live a real *communio coniugalis* a dynamism proper to faith, for which the *confessio*, the sincere personal response to the announcement of salvation, involves the believer in the impetus of God’s love.”²¹ The absence of living faith affects this participation and thus the *bonum coniugum*. In certain cases, it can even invalidate the consent: “for example, in the hypothesis of subversion on the part of one of them, because of an erroneous conception of the nuptial bond, of the principle of equality, or in the event of the refusal of the conjugal union that distinguishes the marriage bond, together with the possibly concomitant exclusion of fidelity and of the practice of conjugal relations in *humano modo*, a truly human manner.”²²

Ecclesiastical tribunals are familiar with these criteria of discernment, but the question of the relation of faith to the sacrament merits further study. Ought a minimum of faith on the part of the fiancés be required for the validity of the sacrament? Is the fact that they are asking to marry enough for us to judge that they “intend to do what the Church does”? There is no abstract answer to these questions, for each case must be treated on its own.

Keeping in mind the Church’s role in the celebration of the sacraments, mentioned above, I would say that the negative path suffices: that is, to refuse access to the sacrament (or later, to recognize the nullity of the marriage) if the fiancés do not acknowledge themselves to be members of the Church through their baptism, declare themselves openly to be unbelievers, and/or show no interest in following a certain path of preparation beyond a meeting considered a purely juridical formality. The pastoral dialogue with those asking for marriage, conducted with respect and cordiality, must then help them to understand the Church’s obligation with regard to the truth of the sacraments of faith.

In any event, we must not underestimate the evangelizing potential represented by a couple’s request that their marriage

21. Benedict XVI, Address to the Roman Rota (26 January 2013).

22. Ibid.

be celebrated in the Church. Few human situations are as favorable to the proclamation of the Gospel and to an encounter with Christ as the event of the love between a man and a woman, which allows them to experience something of the mystery of the God who is Love.

CONCLUSION

The issue of marriage has held the Church's attention ever since Vatican Council II, because the future of evangelization passes through the family.

John Paul II often expressed this conviction, which is based on the role of marriage and the family in the sacramentality of the Church. Her mission, as Christ's Body and Bride, is to spread the communion of the Trinity, allowing it to permeate humanity. The Church's sacramentality is articulated around the seven sacraments. They structure the Covenant-relationship between Christ and the Church as a nuptial mystery, the fruitfulness which flows from the celebration of Baptism and the Eucharist.

The domestic church founded on the sacrament of marriage takes its place within this ecclesial "architecture" of sacramental theology. The family is evangelized and evangelizing to the extent that the beauty of her "community of life and love"²³ allows the witness of trinitarian Love to shine through it, a little like the splendor of the Cathedral of the *Sagrada Família* in Barcelona. The great church draws the gaze of the whole world, as people are fascinated by its beauty and originality. Let us, then, openly and courageously proclaim our conviction that the family is the great resource for achieving an authentic pastoral conversion in a Church that is entirely missionary.

In every family founded on sacramental marriage, Christ and the Church prolong their divine and human witness of a love that is indissolubly faithful and fruitful. The fragilities, faults, and failures of many couples today are all the more reason for a renewed proclamation of the gospel of the family and for a pastoral approach based on mercy, which brings peace, reconciliation, and many kinds of healing to all families.

23. *FC*, 13.

Spurred on by the current debates, the merciful charity of pastors will be all the more efficacious and consoling if it is based unambiguously on the truth of the Covenant: the absolute fidelity of Christ and the Church, given in every sacramental marriage as the pledge of happiness and joy for humanity.

“What God has joined, let no man put asunder!” (Mt 19:19; Mk 10:9).—*Translated by Michelle K. Borras.* □

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