

**ASIAN
HORIZONS**

Vol. 7, No. 1, March 2013

Pages: 188-203

COMMUNION FOR THE DIVORCED AND REMARRIED?

Sean Wales, CSsR[♦]

Cape Town, South Africa

Introduction

In what seems like a final “testament” Cardinal Martini offered three vital elements in the renewal of tired old Church of Europe: Conversion, the Word of God and the Sacraments. Speaking of the Sacraments he clothed his words in a vivid example:

A woman, for instance, is abandoned by her husband and finds a new companion, who takes care of her and her three children. This second love succeeds. If this family is discriminated against, not only is the mother cut out [from the Church] but also her children. If parents feel that they're outside the Church, and don't feel its support, the Church will lose the future generation.

Before Communion we pray, “Lord, I am not worthy...” We know we're not worthy. Love is a grace. Love is a gift. The question of whether the divorced can receive Communion ought to be turned around. How can the Church reach people who have complicated family situations, bringing them hope with the power of the sacrament?¹

[♦]**Sean Wales, CSsR** holds a Licentiate in theology from the Angelicum (Rome) and a Licentiate in philosophy from Heythrop. He did MA in philosophy at Warwick University, England and taught both at Hawkstone Hall and at the Franciscan Study Centre (both in England). In South Africa he taught philosophy at St Joseph's theological Institute. Subsequently he worked as a Parish Missioner and then as Provincial of the Redemptorists in South Africa. Currently he is parish priest of a large parish in the southern suburbs of Cape Town, South Africa. Email: walescssr@gmail.com

¹Published on *National Catholic Reporter* (<http://ncronline.org>), September 4th 2012, translated by John L. Allen Jr.

Martini was one of those, like many of the early Fathers of the Church, gifted with academic brilliance, inspired ecclesial leadership and refined pastoral sensitivity. That he could also communicate easily and freely with a world-wide audience and with the Press was not insignificant in his long life. His final remarks in that last interview stand as a challenge for us today:

What can you do for the Church?

In this reflection perhaps we can deepen our appreciation of the question of Communion for the remarried divorced and see if it is in fact an achievable goal.

State Of The Question

There is no need to underscore the extent of the problem of Catholics in irregular marriage situations and the expectations of many that some pastoral approach can mitigate the spiritual hardships faced by so many.

Before going into some of the strands which might produce some fruit it is perhaps best to be clear about the Church's official position—expressed most clearly in *Familiaris Consortio* 1981 by Blessed John Paul II.

Together with the Synod, 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 favour 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.

However, the Church affirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist. Besides this, there is another special pastoral reason: 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.²

The Orthodox Approach

Marriage is a Sacrament conferred on the partners in the Body of the Church through the blessing of the priest, it pertains to the eternal life in the Kingdom of God, it is therefore not dissolved by the death of one of the partners 'but creates between them—if they so wish and if "it is given to them" (Mt 19:11)—an eternal bond'.³

Orthodox Christians understand marriage as a grace which, while offered, may not be "received", may be received but neglected, or may be lost through sin. Hence the Orthodox tradition tolerates separation and allows remarriage. While always encouraging fidelity and endurance of marriage the Orthodox praxis is based on the New Testament evidence of "exceptions"

a) 'except for fornication': Mt 19:9

b) 'But if the unbelieving partner separates, let it be so; in such a case the brother or sister is not bound. It is to peace that God has called you': I Cor 7:15

Orthodoxy never conceives the Gospel as a system of legal obligations/duties: it is commitment, a pledge of the Kingdom to come.

In the East the Holy Roman Empire continued on and remained the focus of marriage legislation—with its provisions for divorce and remarriage. Marriages therefore were regulated by the State but celebrated by the Church. The East was opposed to divorce—in principle as strongly as the West—but lived with exceptions. The belief (and practice) grew of acknowledging that marriage could be ended

by death (or permanent insanity, disappearance or abandonment),

by adultery (secret abortion, endangerment of spouse's life, forced prostitution).⁴

²John Paul II, *Familiaris Consortio* No.84

³John Meyendorff, *Marriage: An Orthodox Perspective*, Crestwood, New York: St Vladimir's Press, Third revised edition, 1984, 54.

⁴cf. Kenneth R. Himes, O.F.M. and James A. Coriden, "The Indissolubility of Marriage: Reasons to Reconsider," *Theological Studies* 65 (2004) 472-473.

The two significant Eastern figures prominent in the exceptions-debate (which allowed divorce and remarriage):

St Basil (330-379): He interpreted 'porneia' as adultery and allowed the innocent partner to divorce and remarry; his 'pastoral compassion' led him to accept the adulterer back after a long period of penance without requiring the cessation of the second union or reconciliation with first spouse. When husbands were abandoned by their wives (in Caesarea) St Basil allowed the husbands to remarry and treated leniently those already remarried "pardon will be granted to him to receive communion in the Church."⁵

St John Chrysostom (347-407): He held that marriage is dissolved through adultery and that after fornication, the husband ceases to be the husband.

The influence of such Greek Fathers can be seen in the development of the Orthodox views of marriage (and its endurance). Would it be a thinkable thought to apply the famous "Ratzinger formula" devised to deal with papal primacy to the Eastern theology of marriage?

Rome must not require more from the East with respect to the doctrine of primacy than what had been formulated and was lived in the first millennium...Rome need not ask for more. Reunion could take place in this context if, on the one hand, the East would cease to oppose as heretical the developments that took place in the West in the second millenniumwhile on the other hand the West would recognize the Church of the East as orthodox and legitimate in the form she has always had" (1976).⁶

In the West with the collapse of the Roman Empire and Roman Law, the Church filled the vacuum with Church Law and marriage law developed in a different direction from the East.

The dominant influence in the West was St Augustine (354-430). Translating 'Musterion' as 'sacrament' rather than 'mystery' (Eph 5:32) helped shape the development of understanding of marriage in the West in terms of "This is a great Sacrament". Augustine is often proposed as the unique voice in the shaping of the Western tradition

⁵Quoted by Peter L'Huillier in "The indissolubility of Marriage in Orthodox Law and Practice," Chapter 5 of *Catholic Divorce: The Deception of Annulments*, ed., Pierre Hegy and Joseph Martos, New York, London: Continuum, 2000, 112.

⁶Cf Joseph Ratzinger, *Principles of Catholic Theology*, San Francisco: Ignatius, 1987, 199.

of the exceptionless marriage norm. But consider this quotation from *De Fide et operibus*:

The man who puts away his wife taken in adultery and marries another should not, it seems, be equated with those who put away their wives and remarry outside the case of adultery. In the divine scriptures, it is not at all clear whether the person who is permitted without any doubt to put away his adulterous wife is himself considered an adulterer if he marries another, and in my opinion he commits a pardonable error (*venialiter*).⁷

After the Great Schism (1054) many traditions developed differently as between East and West. What is significant for a Catholic understanding of the question is that when the first massive attempt at reunion of East and West (The Council of Florence 1438) was made, the Pope did not question the Eastern tradition concerning marriage. In reply to his request that the East should abolish divorce (and therefore remarriage) the Eastern Fathers replied: "marriages in the East are only dissolved with valid reasons."⁸

The same sensitivity to Eastern theology/praxis about marriage, divorce and remarriage was shown by the Council of Trent. The prohibition of divorce for any reason (proposed in canon 7 of Session XXIV) was submitted to a revision precisely because of the custom of the Greeks (which had long been practiced in the Venetian Republic).⁹ The canon was adjusted to take account of the Greek practice, thus respect was shown to an immemorial custom.

So it has rested: the two lungs of the Church breathe slightly differently regarding the praxis of marriage: for both the very meaning of the sacrament entails (at least) life-long fidelity and commitment but the Eastern lung allows of exceptions though never recognising a second or third marriage as sacramental.

As well as relying on 'immemorial custom' the Greek lung stresses the role of 'Oikonomia'.

From its etymological roots this word refers to the management, arrangement and running of a household. In Lk 16 it is used with reference to the crafty steward and in 1 Cor 9:17 to stewardship. In Eph 3:9 it is used with reference to stewardship of the mystery and of

⁷As quoted in Olivier Rousseau's article, "Divorce and Remarriage: East and West," *Concilium* (April 1967) 128.

⁸L'Huillier, "The indissolubility of Marriage...", 116.

⁹cf. Rousseau, "Divorce and Remarriage...", 132-133

how the mystery is to be dispensed. In the Church of the East 'oikonomia' came to refer to the way the sacraments are ordered, how penitents are to be received. All this ecclesial 'economy' must reflect the divine 'economy'.

It seems to many in the Western tradition that a benign reading of 'oikonomia' offers a pastorally sensitive approach to a wide range of contested issues. Fr Bernard Häring writes:

We shall enter fully into the ecumenical dynamism of our own Church if both individually and as a community we make our own and internalize as much as possible the Orthodox Churches' spirituality of economy, in our personal piety, in catechesis, in preaching, in our spirituality stamped by Eucharistic worship.¹⁰

When Oikonomia is translated into canonical/moral contexts it can find expression in Epikeia. This Greek word ("reasonableness") has a very respectable history also in the Western tradition. It refers to a benign interpretation which regards a law as not applying in a particular case because of circumstances unforeseen by the lawmaker. The lawmaker cannot foresee all possible cases that may come under the law, and it is therefore reasonably presumed that, were the present circumstances known to the lawmaker, the act would be permitted. Häring claims the authority of St Alphonsus Liguori for this view: "This epikeia has its place not only in human laws but also in natural laws where, because of the circumstances, the action could be free from malice."¹¹

It is also held that epikeia holds good "in the case of a law or regulation being unreasonably harsh or even damaging if it were followed literally."¹²

The use of epikeia in the Oikonomia of marriage is not uncontested. A detailed critique of this approach was published in the *Osservatore Romano* by Angel Rodriguez Luno.¹³

The reason for starting with the strand of the Orthodox practice is that it is a tradition "of immemorial standing" and a way of dealing with marriage which the Western Church already acknowledges.

¹⁰Barnard Häring, *No Way Out? Pastoral Care of the Divorced and Remarried*, Slough: St Paul Publications, 1989, 53.

¹¹Barnard Häring, *No Way Out?*, 70-71 and footnote 10.

¹²Barnard Häring, *No Way Out?*, 71.

¹³L'Osservatore Romano, 26.11.1997

There would therefore seem to be no insurmountable obstacle to including the same or similar approach in exceptional circumstances.

Indissolubility

It is incontestable that Catholic Church teaches both the unity and the indissolubility of marriage. The *Catechism of the Catholic Church* talks about the “unequivocal insistence on the indissolubility of the marriage bond” (1615). Under the rubric of “The Goods and Requirements of Conjugal Love” we read:

“The love of the spouses requires, of its very nature, the unity and indissolubility of the spouses’ community of persons which embraces their entire life: ‘so they are no longer two, but one flesh’” (1644).

“The deepest reason is found in the fidelity of God to his covenant, in that of Christ to his Church” (1647)

The history of marriage—even in the West—is not quite so absolute:¹⁴

* Pauline Privilege; the right to remarry of persons who are already married, convert to Christianity and find that their non-Christian marriage partner either wishes to separate or will not let them practice their religion in peace (1Cor 7:12-15).

* One spouse entering a monastery frees the other to remarry (7th/8th centuries).

* A married slave gained freedom and was permitted to remarry if the other spouse remained enslaved.

* The spouse of a person held hostage (or taken as plunder) was free to remarry if the missing person was unlikely to return.

* Pope Gregory II advised St Boniface that in dealing with a man whose wife was no longer well enough to engage in sexual intercourse, it was permissible for him to remarry as long as he did not neglect to provide material support for his first wife.

* Petrine Privilege:

Pius XI: an unbaptized man divorced from Episcopalian wife and who wished to be baptized was given permission to marry a Catholic woman (1924).

¹⁴The examples are taken from Himes and Coriden, 476.

Pius XII: A baptized man and an unbaptized woman got a dispensation (disparity of cult) to marry. They later divorced. The unbaptized woman became a Catholic and got permission to marry a Catholic man (1947).

John XXIII: An unbaptized man married to a Protestant woman. Subsequently they divorced. The unbaptized man wants to remain unbaptized but got permission to marry a Catholic woman (1959).

In the light of the diversity/development, the Church in the West uses two approaches:

Instead of talking about divorce/remarriage (as in the East), it explores the validity of the first marriage and has put in place elaborate canonical rules and structures (marriage tribunals, Roman Rota) to deal with "hard cases".

It also redefines the absolute indissolubility of marriage in terms of "*ratum et consummatum*". However this does not solve all the problems as what constitutes "*ratum*" is still in dispute (marriage between baptized and non-baptized?).

Contract or Covenant?

What is it that is declared to be indissoluble? From Trent to Vatican II the simple answer was the marriage bond and the bond was understood as a life-long contract, irrespective of the emotions, circumstances, etc. of the partners. The language of contract leans heavily towards the legalistic, financial, dynastic aspects of a union.

Even so, as we have seen, the mere fact of making a contract did not remove the possibility of sin, of breaking the contract or of setting it aside.

With Vatican 2 there is a substantive shift in the Western theology of marriage: to use a sort of theological short-hand, from Contract to Covenant.

Whereas a contract is a minimalist legal device, a covenant is a maximalist union in love "intimate partnership of Life and Love."¹⁵

Whereas a contract is focussed on rights and obligations ("rendering the debt"), a covenant of love is personalistic and focuses on gifting one another.

¹⁵*Gaudium et Spes*, 85.

It has been suggested that the Western Church has not yet fully worked through the implications of the paradigm shift in Vatican II's insights into Christian marriage. Both *Familiaris Consortio* (1981) and the new Code of Canon law (1983) have elements of both the contractual aspect of marriage and of the covenantal vision.

The case for revisiting the absolute indissolubility of marriage is set out in an article by Kenneth Himes and James Coriden¹⁶ and rebutted rather vigorously by Peter Ryan and Germain Grisez in the same journal.¹⁷

Given the history of "exceptions" in both Eastern and Western traditions, there would seem to be room for a compassionate approach to "hard cases" without diminishing the 'gold standard' set out in the *Catechism of the Catholic Church*.

Ratzinger/Benedict XVI

In 1972 Fr Ratzinger was Professor of Dogmatics and the History of Dogma at the University of Regensburg. In that year he published an article On the Question of the Indissolubility of Marriage¹⁸ in which he examined the Patristic tradition, the Decrees of Gratian, Luther and Trent on the question of indissolubility of marriage and offered some conclusions.

He sets the standard high: "The Fathers in East and West are from the very beginning in complete agreement on the total impossibility of the separation of a Christian marriage that could lead to remarriage during the lifetime of the spouses."¹⁹

But then he immediately introduces another level—below the threshold of the classical teaching—recognising "a concrete pastoral application, a more elastic practice which was not indeed seen as entirely in conformity with the true faith of the Church, but which also could not be absolutely excluded." In this regard he quotes Origen (185-254):

Now contrary to what is written, even some of the rulers of the Church have permitted a woman to marry while her husband was living. In this they act contrary to Scripture, not indeed altogether

¹⁶In *Theological Studies* 65 (2004)

¹⁷72, 2011.

¹⁸cf. <http://www.paths of love.com/texts/ratzinger-indissolubility-marriage>

¹⁹<http://www.paths of love.com/texts/ratzinger-indissolubility-marriage>, 2.

senselessly—unreasonably—for we may suppose that this procedure was permitted...in order to avoid worse things.²⁰

He also quotes Basil who prescribes a longer Church penance for a second marriage and then tolerates it.

By the 12th century there was a movement associated with Gratian ('father' of Canon Law) to codify Church law and to balance the high standards of Augustine against the wide permissiveness of Pope Gregory II, who allowed husbands with wives who were unable 'to render the debt' or even with partners who were unfaithful (especially in cases of incest) to remarry. Gratian described some of the aberrations of the Pope as "temporary permission" or "a missionary temporary arrangement" in the context of gradual transformation from paganism to Christianity.

Ratzinger's conclusion at this stage is significant: "emergency solutions in the concrete pastoral practice cannot be entirely excluded." Such emergency solutions remain "below the threshold of the dogmatic statement, which remains untouched."

In any event history is unanimous that no second marriage (East/West) while a spouse is still alive can be sacramental. It is a "tolerated marriage" and admission to the other sacraments is permitted by way of *oikonomia*.

In his reflection on Trent, Ratzinger follows Fransen (the expert on the Council of Trent) in acknowledging that Trent did not condemn the eastern practice or theology of marriage. Ratzinger has no problem in proclaiming the "reality" (the ideal?) while allowing "a certain marginal unclarity" to coexist just below the radar.

In his conclusions Ratzinger rejects phenomenologism (which reduces a person to consciousness) with its implication that a marriage can die if the love dies or the consent dies.

But he also recognises that the "hardness of heart" of the Old Covenant remains unchanged. He argues that the Church cannot stop preaching the faith of the New Covenant "but it must often enough begin its concrete life a bit below the threshold of the scriptural word. Thus it can, in clear emergency situations, allow limited exceptions in order to avoid worse things. He makes a concrete proposal at the end of the article:

²⁰<http://www.paths.of.love.com/texts/ratzinger-indissolubility-marriage>, 3.

Where a first marriage broke up a long time ago and in a mutually irreparable way, and where, conversely, a marriage consequently entered into has proven itself over a longer period as a moral reality and has been filled with the spirit of the faith, especially in the education of the children (so that the destruction of this second marriage would destroy a moral greatness and cause moral harm), the possibility should be granted, in a non-judicial way, based on the testimony of the pastor and church members, for the admission to Communion of those who live in such a second marriage.²¹

The next year (1973) Cardinal Seper (head of CDF), speaking about people in irregular unions, drew attention to “the Church’s approved practice in the internal forum.”

In 1991, in an exchange in the *Tablet* with Fr Theodore Davey on the internal forum the now Cardinal Ratzinger distances himself from his 1972 article in the light of *Familiaris Consortio* (1981). The implementation of his proposals in pastoral practice “would of course necessarily depend on their corroboration by an official act of the Magisterium to whose judgement I would submit.”²² But the use of the internal forum and/or epikēia precisely envisions situations which the magisterium cannot take into account.

The famous intervention of the three German bishops (Kaspar, Lehman and Saier) in 1993 involved Cardinal Ratzinger as head of CDF and despite differences of opinion the matter was allowed to rest. Working from the principle that neither exaggerated strictness nor weak flexibility are appropriate, the German bishops argued that the general principles of Church law (Canon Law) can only remain general and cannot address often very complex individual cases. They argued that “a pastoral dialogue can help those involved to reach a personal and responsible decision according to the judgment of their own conscience that must be respected by the Church and the congregation.” The German bishops also distinguished between admission to the Eucharist and approach to the Eucharist: while they saw little possibility (then) of official admission, they strongly encouraged individual approaches by those who had made a serious and conscientious decision. After a serious dialogue with the CDF, both the bishops and the Vatican seemed to be content with the

²¹<http://www.paths of love.com/texts/ratzinger-indissolubility-marriage>, 8.

²²Cf. *Tablet* October 26th 1991, 1310-1311.

understanding that “beneath the threshold of the binding teaching” there remains room for pastoral flexibility.²³

In 1998 the CDF published a book²⁴ which contains several very closely argued articles on many of the issues concerning indissolubility, admission of the divorced and remarried to the other sacraments. It also contains an introduction by Cardinal Ratzinger in which he treats many of the current issues with great care.

a) On NT passages which seem to hint at exceptions:

magisterial documents do not intend to present the biblical foundations of the teachings on marriage in a complete and exhaustive way... the teaching of the Church on indissolubility of marriage is faithful to the words of Jesus... Jesus’ words on the indissolubility of marriage overcome the old order of the Law with the new order of Faith and Grace.

He admits that “Later theological reflection has clarified that only marriages between baptized persons are a sacrament in the strict sense of the word and that absolute indissolubility hold only for those marriages falling within the scope of Christian faith.”²⁵

b) Concerning the Porneia clauses Ratzinger acknowledges “There is no unanimity among exegetes on this point.” Many maintain that it refers to invalid marital unions, not to an exception to the indissolubility. In any case, “the Church cannot construct her doctrine and praxis on uncertain exegetical hypotheses.”²⁶

c) Acknowledging the ambiguity of patristic tradition, the same point is suggested: if the patristic examples are conflicted and obscure how can we build on that? He admits “individual Fathers, Leo the Great among them, sought pastoral solutions for rare borderline cases.” He is rather critical of the Greek development which has become more and more liberal (even to talking about a ‘theology of divorce’). He relies on the overwhelming tendency among the Fathers, towards accepting the indissolubility of marriage.

²³Cf. *Origins*, 23 & 24 (1994).

²⁴*Sulla pastorale dei Divorziati risposati: Documenti, commenti e studi*, Libreria Editrice Vaticana, 1998. Ratzinger’s Introduction was reprinted in *L’Osservatore Romano* 5th August 2012. cf. <http://www.osservatoreromano.va/portal/dt?JSPTabContainer.setSelected=JSPTabCcontaine...>

²⁵Ratzinger, Introduction: *Sulla pastorale dei Divorziati risposati*, 1.

²⁶Ratzinger, Introduction: *Sulla pastorale dei Divorziati risposati*, 2.

d) Dealing with the question of Epikeia he argues that it cannot be applied to divine law. What then of the Pauline and Petrine Privileges? These are presented as clarifications of the conditions required for absolute indissolubility. However in a telling paragraph Ratzinger deals with the reality that even the marriage tribunals can err: “Here it seems that the application of epikeia in the internal forum is not automatically excluded from the outset.” As the judicial forum concerns ecclesiastical law epikeia remains a possibility. Ratzinger concludes “This question demands further study and clarification. Admittedly, the conditions for asserting an exception would need to be clarified very precisely, in order to avoid arbitrariness and to safeguard the public character of marriage, removing it from subjective decisions.”²⁷

e) On the much debated question of furthering or retarding Vatican 2’s vision of marriage: Ratzinger does not accept the choice between “contract” and “covenant”. “One must not forget that with the covenant, the element of contract is also contained and indeed placed in a broader perspective.” Then Ratzinger introduces a fascinating new dimension to the whole debate:

Further study is required, however, concerning the question of whether non-believing Christians—baptized persons who never or who no longer believe in God—can truly enter into a sacramental marriage. In other words it needs to be clarified whether every marriage between two baptized persons is ipso facto a sacramental marriage.²⁸

f) Ratzinger’s Introduction concludes with a sensitive acceptance of the importance of Church language in marital matters but also with an insistence on the place of truth in pastoral practice: “A pastoral approach which truly wants to help the people concerned must always be grounded in the truth. In the end only the truth can be pastoral.”

As Benedict XVI, Ratzinger introduced another angle on the exception he described in 1998. Speaking to the clergy in the diocese of Aosta about the question of the marriage of baptized Christians without faith he said: “those who were married in the Church for the sake of tradition but were not true believers, and who later find themselves in a new and invalid marriage and subsequently convert,

²⁷Ratzinger, Introduction: *Sulla pastorale dei Divorziati risposati*, 3.

²⁸Ratzinger, Introduction: *Sulla pastorale dei Divorziati risposati*, 3.

discover faith and feel excluded from the Sacrament are in a particularly painful situation.” He said that he felt that the first marriage was invalid but that the whole matter “must be studied further.”²⁹

Conclusion

By way of conclusion, it is clear that there is nothing new in any of the above: the praxis of the Orthodox Church carries the qualifier “from time immemorial”; the subtleties of pastoral solutions (erstwhile ‘casuistry’) have an equally long history in the Western Church; the refinements in the theologies of the Sacrament of Matrimony are on-going; the concern for the extended family introduces an element of evangelization into the pastoral ministry with the divorced and remarried.

What is new is the sociological reality that divorce, if not the norm, is certainly normal in many societies. Such a background cannot but have implications for our pastoral outreach.

The coming together of different aspects of this whole question—the Orthodox approach, the debate about exceptions in the context of indissolubility and the Pope’s own acknowledged need for further study of critical emergency situations—together have a cumulative effect that a positive way forward is available.

At the popular level the discussion can easily become emotive. Yet, all acknowledge that what Benedict XVI called the painful plight of many divorced and remarried Catholics cannot be left to the leisure of the theologians. These urgent pastoral problems are not going to disappear; they keep us focussed on the many people who feel abandoned even by the Church. There must be a way forward for those who ask,

“What mother would deny her child food—no matter what wrong the child may have done? How can the Church deny her unhappy children the food necessary to live a holy life?” Can it be enough to answer: “The Pope is studying the matter?”

²⁹cf. At the School of Pope Benedict XVI: “Communion for the Faithful Who Are Divorced and Remarried” (Meeting of the Pope with diocesan clergy of Aosta 25th July 2005).

When others ask: “Why is there one and only one unforgivable sin (entering an irregular second union?)”³⁰ is it enough to answer “because the Church says so”?

The life experience of many people confirms the idea that relationships can die long before the physical death of the people involved. Can such an idea find expression in our theologies of marriage?

The pastoral questions are as numerous and as piercing as the number of people who have been hurt by marriage.

What is missing from the whole debate?

One of the most significant advances in modern systematic (dogmatic) theology was the recovery of the Resurrection. Theologians like Durrwell spearheaded the biblical insights into the meaning of the Resurrection. There was a whole new flowering of theology rooted in the transformative nature of the Resurrection. This had huge consequences for spirituality, for renewal and transformation (e.g. the Second Vatican Council).

But the splendour of the Resurrection does not seem to have reached moral theology. With the exception of Oliver O’ Donovan’s “Resurrection and Moral Order: An Outline for Evangelical Ethics,” very little Resurrection light has been shed on moral theology.

Brian Johnstone’s magisterial article “Transformation Ethics: The Moral Implications of the Resurrection”³¹ and Anthony Kelly’s *The Resurrection Effect*³² both attempt to carry on the conversation. Gerald O’Collins’s chapter on the impact of the Resurrection on moral theology in his *Believing in the Resurrection*³³ is in the same vein. These authors are beginning a conversation which could be as far reaching as the earlier biblical or dogmatic conversations.

If the Resurrection is indeed the saturating event of Christianity, it must have immense implications for how we live our lives, how we

³⁰Richard McCormick: “Divorce, Remarriage and the Sacraments,” in *Sexuality, Marriage and Family. Readings in the Catholic Tradition*, ed., P.I. Odozor, University of Notre Dame 2001, 390-391.

³¹In *The Resurrection. An interdisciplinary Symposium on the Resurrection of Jesus*, ed., Davis, Kendall and O’Collins, Oxford University Press, 1997, 339-360.

³²Anthony J Kelly, *The Resurrection Effect. Transforming Christian Life and Thought*, Maryknoll, New York: Orbis Books, 2008.

³³Gerald O’Collins, SJ, *Believing in the Resurrection. The Meaning and Promise of the Risen Jesus*, New York/Mahwah, NJ: Paulist Press, 2012, 154-171.

hold together the various polarities life and revelation present to us. How the indissolubility of marriage and the admission to the source of Resurrection life, the Risen Lord in the Eucharist, would look in a transformed ethics, we can as yet but speculate.

If the Eastern lung of the Church can breathe happily and usefully while holding in tension Christ's idea of Christian marriage and compassion for those hurt by love, then perhaps it is offering us a way forward. We already hold in tension elements like faith and reason, flesh and spirit, time and eternity. Surely we can hold together in creative tension fidelity to God's dream for marriage and compassion for those in difficult circumstance.

In adhering to the truths of the Gospel (or the Church) we cannot ignore the Truth of the Gospel, Jesus, the Compassion of the Father, made flesh.