

## Pope Francis' Moral and Pastoral Approach in *Amoris*

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In the introductory paragraphs of the post-synodal Apostolic Exhortation on Love and Family, *Amoris Laetitia*, Pope Francis plainly sets out his moral and pastoral approach.<sup>1</sup> He asks the Church to meet people where they are - to accept them in the concrete circumstances and complexities of their lives. He pleads the Church to respect people's consciences and their discernment in moral decisions and underscores the importance of considering norms and mitigating circumstances in pastoral discernment.

The Apostolic Exhortation is mainly a document that reflects on family life and encourages family persons in their struggle to be faithful to the Lord. But it is also the Pope's reminder that the Church should avoid simply judging people and imposing rules on them without considering their struggles. The goal of the Exhortation is to help families—in fact, everyone—experience being touched by an unmerited, unconditional, gratuitous mercy of God and know that they are welcome in the Church.

In the introduction of the Exhortation itself Pope Francis makes it clear that although unity of teaching and practice is certainly necessary for the Church, it does not preclude various ways of interpreting some aspects of that teaching or drawing certain consequences from it. Each country or region, moreover, can seek solutions better suited to its culture and sensitive to its traditions and local needs.<sup>2</sup> In his address at the end of the Synod of the 2015, he also drew attention to different contexts where what is lawful in one place is deemed outside the law in another. “What seems normal for a bishop on one continent is considered strange and almost scandalous – almost! – for a bishop from another; what is considered a violation of a right in one society is an evident and inviolable rule in another; what for some is freedom of conscience is for others simply confusion.”<sup>3</sup>

Stating this, the Pope referred to declarations of his predecessors, included the contributions of Synods on the family held in 2014 and 2015 and also quoted a number of declarations of bishops' conferences of various countries for references.<sup>4</sup> Using insights from the Synod of Bishops on the Family and from Bishops' Conferences from around the world, Pope Francis affirms Church teaching on family life and marriage and strongly emphasizes the role of personal conscience and pastoral discernment, urging the Church to appreciate the context of people's lives when helping them make good decisions<sup>5</sup>

Though much of AL incorporated “the propositions voted upon by the Bishops at both 2014 and 2015 Synods as much as possible, as we see from the abundant references he makes to them in the footnotes of AL”,<sup>6</sup> Pope Francis calls his pastoral and moral approach as something new with regard to the pastoral practice in the way pastoral care is to be extended

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<sup>1</sup> *Amoris Laetitia* (hereafter AL) AL 3

<sup>2</sup> *Ibid.*

<sup>3</sup> Pope Francis' Address at the end of the Synod of Bishops 2015

<sup>4</sup> Episcopal conferences of Spain, Korea, Argentina, Mexico, Columbia, Chile, Australia, Latin American and Caribbean Bishops, Italy and Kenya

<sup>5</sup> AL 199

<sup>6</sup> Vimal Tirimanna, “Two Critical Questions Frequently Asked About *Amoris Laetitia*” in *VJTR*, 80, 2016, pp. 919-920

as help and encouragement to those in difficult marital situations or in irregular unions and to families in their daily commitments and challenges.<sup>7</sup> The Pope asks for a compassionate pastoral concern to such persons since they continue to be members of the Church and brothers and sisters of God's household. In addition he encourages everyone to be a sign of mercy and closeness wherever family life remains imperfect or lacks peace and joy.<sup>8</sup> In addition to these, the introductory section of *Amoris Laetitia*'s significant account and vision of conscience and communal discernment (including more input and collaboration from the laity) on moral matters that is consistent with the exhortation's pastoral practice mentioned above. Further, Pope Francis' call in his *Evangelii Gaudium* for "a Church which is bruised, hurting and dirty because it has been out on the streets," suggest that the moral and pastoral practice of the Church should be more attentive to the realities and complexities of life in the concrete rather than in the abstract.<sup>9</sup> "The result is a challenging reappraisal that expects moral theologians to promote a genuine culture of discernment in the church."<sup>10</sup>

Details of Pope Francis' new moral and pastoral approach can be seen especially in Chapters Six and Eight of *Amoris Laetitia*. In Chapter Six one can see the Pope's pastoral perspectives (AL199-258) and in Chapter Eight he writes about the need of accompanying, discerning and integrating weakness (AL 291-312).

### ***1. Pastoral Perspectives***

In the sixth chapter Pope Francis treats various pastoral perspectives that are aimed at forming solid and fruitful families according to God's plan. Stating about the pastoral perspectives, the Pope affirms that it is not enough to present a set of moral rules, but present values that are clearly needed today.... In practice is to be determined, he writes, not by "a new set of general rules, canonical in nature and applicable to all cases," but by "a responsible personal and pastoral discernment of particular cases."<sup>11</sup>

Thus, in family planning, though the decisions should be reached in dialogue and respect for the other and considerations proceeding from *Humanae Vitae* and *Familiaris Consortio* are in place as also the role of a formed conscience as taught by *Gaudium et Spes* (n. 50)<sup>12</sup>, people undergoing a crisis in their married life or people in difficult or critical situations do not seek pastoral assistance, since they do not find in them, a sympathetic, realistic and 'individual-case-by-case-concerned' approach.<sup>13</sup> This follows from Pope's Francis' different approach from that of *Familiaris consortio* of John Paul II and *Humanae Vitae* off Paul VI: "... the final report does not follow John Paul II in going further and repeating like him, Paul VI's insistence that "each and every marriage act must remain open to the transmission of life."<sup>14</sup>

Further, *The Final Report* spells out "generative responsibility" in a way that echoes but without citing an examination of conscience for married people proposed in 1977.<sup>15</sup> It put

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<sup>7</sup> AL 4

<sup>8</sup> AL 5

<sup>9</sup> AL 3

<sup>10</sup> Conor M. Kelly, "The Role of the Moral Theologian in the Church: A Proposal in Light of *Amoris Laetitia*" in *Theological Studies*, 2016, Vol.77(4), p.923.

<sup>11</sup> AL 201

<sup>12</sup> AL 222

<sup>13</sup> AL 234

<sup>14</sup> Gerald O'Collins, "The joy of love (*Amoris Laetitia*): The Papal Exhortation in its Context" in *Theological studies*, vol.77, no.4 December 2016, p. 912.

<sup>15</sup> Final Report (hereafter FR) no.63.

three questions to married couples: “In agreement with my spouse, have I given a clear and conscientious answer to the problem of birth control? Have I prevented a conception for egotistic motives? Have I brought a life into the world without a sense of responsibility? These questions tested the loving and responsible decision of the two spouses. But nothing was asked about the methods used to prevent what they together judge would be an “irresponsible” pregnancy. Such a decision was left to their conscientious agreement.<sup>16</sup> Pope Francis spends a whole chapter on married love being made fruitful through responsible parenthood.<sup>17</sup> In the name of “Natural Law”, while Pope Paul VI’s *Huanae vitae* based its opposition to contraception on a largely biological “Physicalist,” moral viewpoint, *Familiaris Consortio* in John Paul II’s theology of body states that sexuality is “an interpersonal language wherein the other is taken seriously in his or her sacred and inviolable dignity”, Pope Francis does not follow their “Natural Law” approach. Pope Francis takes as his starting point the actual experience of married life – an approach that resembles the experiential method that Vat II adopted in *Gaudium et Spes*.

Pope Francis is nothing if not realistic about “current realities” that confront and condition married and family life today.<sup>18</sup> Care and respect need to be shown for those suffering, especially the poor, from unjustly endured separation, divorce or abandonment, or those maltreated by a husband or wife to interrupt their life together. Those, who are divorced and have entered into new unions, must also be made to feel as part of the Church<sup>19</sup>. Mixed marriages, with disparity of cults, need special pastoral care since those marriages provide occasions for inter-religious dialogue<sup>20</sup>. While those with homosexual orientation are to be shown pastoral concern, homosexual marriages have no grounds to be seen as analogous to God’s plan for marriages and the family.<sup>21</sup> All these persons remain, the Pope insists “part of the ecclesial community,” and “should be made to feel part” of it, and should be encouraged to participate in the life of the community”.<sup>22</sup> This requires that the whole Church, and not just her official pastors, become open to discerning a great variety of irregular situations and ready to “help each person [In such irregular situations] find his or her proper way of participating in the ecclesial community”.<sup>23</sup>

Regarding the norms of sexual morality, Pope Francis certainly sees the need for a humane and ethical analysis of the state of sexual intimacy, personal commitment, erotic longing, and gender rights and encourages the young people to be sexually responsible, especially since the mature use of contraceptives could avoid a later choice about abortion. He solves this dilemma with the so-called pastoral solution, which allows us to quietly defy Vatican dogma when the situation seemed to call for it. In the confessional booth or in the Parish priest’s parlour, the parish priest could encourage his parishioners to decide for themselves, by helping them to examine their own consciences, whether the doctrine of the Church applied to them in their particular circumstance. (*Gaudium et Spes* of Second Vatican Council, taking up the theme of responsible parenthood, had said, “The parents themselves, and no one else, should ultimately make this judgment in the sight of God.”)

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<sup>16</sup> Gerald O’Collins, *Art.cit.*, p.912.

<sup>17</sup> AL 165-198

<sup>18</sup> AL 31-57

<sup>19</sup> AL 242-3

<sup>20</sup> AL 248

<sup>21</sup> AL 251

<sup>22</sup> AL 243, 246

<sup>23</sup> AL 297

“Who am I to judge?” With those five words, in reply to a reporter’s question about the status of gay priests in the Church, Pope Francis stepped away from the disapproving tone, the explicit moralizing typical of Popes and bishops. The phenomenon of same sex orientation cannot simply be dismissed as an aberration of individuals. The biological and social causes that are alleged to be behind this have to be seriously looked into. If the persons concerned are differently sexually oriented from birth or due to social upbringing and if they are not to be blamed for this, what does the Great Mystery expect us to do? Even if they have personally contributed to this and are not able to get out of it what do we do with them? What provisions have we made for the transgender, who may be a microscopic minority, but are still people created in God’s image?<sup>24</sup> What are we to say to voices of science that say sexual orientation is neither a personal choice nor a matter of social conditioning but rests in the deepest ontological make-up of the individual and thus forms part of the mystery of human nature which is good.<sup>25</sup>

Pope Francis elaborated his thinking about homosexuals in an interview.<sup>26</sup> Pope Benedict had defended the “dignity” of all peoples, including homosexuals, but called homosexual acts “an intrinsic moral evil.” Saying that “the inclination itself must be seen as an objective disorder,” he barred the admission of gay men to seminaries, even if they were celibate, and denounced the idea of gay marriage. Pope Francis has not altered the impossibility of gay marriage in the Church, but his tone is very different. “A person once asked me, in a provocative manner, if I approved of homosexuality,” he said. “I replied with another question: ‘Tell me: when God looks at a gay person, does he endorse the existence of this person with love, or reject and condemn this person?’ We must always consider the person.”<sup>27</sup>

Pope Francis makes quite clear his two central convictions. On the one hand, he insists that the Church must continue to propose the full ideal of marriage and clearly express her objective teaching. The integrity of the Church’s moral teaching requires nothing less than that. On the other hand, to those who press for a more rigorous pastoral care which leaves no room for confusion, the pope responds that if we put so many conditions on [God’s] mercy that we empty it of its concrete meaning and real significance, we will be indulging in the worst way of watering down the Gospel.<sup>28</sup>

Repeatedly, Pope Francis argues that the Church’s purpose was more to proclaim God’s merciful love for all people than to condemn sinners for having fallen short of ideal, especially those having to do with gender and sexual orientation. His break from his immediate predecessors—John Paul II, and Benedict XVI, is less ideological than intuitive, an inclusive vision of the Church centred on an identification with the poor. From this vision, theological and organizational innovations can follow.

Pope John Paul and Pope Benedict XVI used the Catholic tradition as a bulwark against the triple threat of liberalism, relativism, and secularism. But Pope Francis views the Church as a field hospital after a battle.<sup>29</sup> “The thing the Church needs most today is the ability to heal wounds and to warm the hearts of the faithful,” he said. “It is useless to ask a seriously

<sup>24</sup> George Therukaattil, “Desired Norms v/s Absolute Norms” in *Light of Truth*, December 1-15, 2015, p .11.

<sup>25</sup> From the Statement of Indian Theological Association of 2015

<sup>26</sup> Interview with Antonio Spadaro, S.J., of the Jesuit journal *La Civiltà Cattolica*, in August,2013 (later published in English in the magazine *America* )

<sup>27</sup> Interview with *America Magazine*, Sept. 30, 2013

<sup>28</sup> Gerald O’Collins, *Art.cit.*, p.920, cf. AL 307-311

<sup>29</sup> AL 291

injured person if he has high cholesterol and about the level of his blood sugars! You have to heal his wounds. Then we can talk about everything else. Heal the wounds.”<sup>30</sup>

Pope Francis violated a set code of Catholic ethical and philosophical discourse when, in an open letter to the prominent Italian journalist and atheist Eugenio Scalfari, in September, he wrote, “I would not speak about ‘absolute’ truths, even for believers. . . . Truth is a relationship. As such, each one of us receives the truth and expresses it from within, that is to say, according to one’s own circumstances, culture, and situation in life.” When Spadaro asked Francis about “the great changes in society, as well as the way human beings are reinterpreting themselves,” Francis got up to retrieve his well-thumbed breviary. He read from a fifth-century saint’s writings on the laws governing progress: “Even the dogma of the Christian religion must proceed from these laws. It progresses, solidifying with years, growing over time.” Then Francis commented, “So we grow in the understanding of the truth. . . . There are ecclesiastical rules and precepts that were once effective, but now they have lost value or meaning. The view of the Church’s teaching as a monolith to defend without nuance or different understanding is wrong.”<sup>31</sup>

Pope Francis has not overthrown the traditional teachings of the Church, as many Catholics had either hoped or feared that he would, in this post-Synod exhortation. Instead he has sought to carve out ample room for a flexible pastoral interpretation of those teachings, encouraging pastors to help couples apply general moral principles to their specific circumstances.

## **2. *Accompanying (Guiding), Discerning and Integrating Weakness***

The eighth chapter of Pope Francis’ Exhortation is an invitation to mercy and responsible personal and pastoral discernment in situations that do not fully match what the Lord proposes. Pope Francis begins the eighth Chapter on irregular situations by saying, “The way of the Church is not to condemn anyone for ever; it is to pour out the balm of God’s mercy on all those who ask for it with a sincere heart...No one can be condemned for ever, because that is not the logic of the Gospel!”<sup>32</sup> Pope Francis goes on to talk about accompanying and integrating into the life of the Church the baptized who are divorced and civilly remarried.

According to me, the eighth Chapter of *Amoris Laetitia* is very sensitive. It is an invitation to mercy and pastoral discernment in particular cases, one which would recognize that, since ‘the degree of responsibility is not equal in all cases;’ the consequences or effects of a rule need not necessarily always be the same.<sup>33</sup> Pope Francis’s emphasis on mercy toward the divorced and remarried does not only mean that those people will more freely partake of Communion. It also means that the doctrine of the indissolubility of marriage, however much it is still held up as an ideal, will not grip the moral imagination of the Church as it once did.<sup>34</sup> Such a progression has already occurred in Catholic attitudes about contraception. Once the vast majority of the faithful took for granted their right and duty to weigh situation against principle—and decided, mostly, that the principle did not apply—it was only a matter of time before the hierarchy itself did the same. That is the significance of Pope Francis’ own

<sup>30</sup> The Pope Francis Interview: “A New Balance” for the Church in *The New Yorker*, Sept. 19, 2013

<sup>31</sup> Gerald O’Collins, *Art.cit.*, p.920,

<sup>32</sup> AL 291

<sup>33</sup> AL 300

<sup>34</sup> George Therukaattil, “Post-Synodal Apostolic Exhortation *Amoris Laetitia*” in *Light of Truth*, May 1-15, p.11

conclusion, offered in February on his flight back from Mexico, that the Zika-virus pandemic requires a change in the Church's policies on contraception. In that drastic situation, the principle of "*Humanae Vitae*" simply does not apply. As has happened before, the private forum had become public. Official Church teaching on birth control may never change, but its meaning will never be the same. Moral discernment belongs to the people.

In addressing the fragile, complex or irregular situations, Pope Francis emphasizes three important fundamental tasks in Church's pastoral praxis: guiding or accompanying, discerning and integrating weakness. Here the Pope himself identifies as the core of his message. Pope Francis shows his true character as a pastor: encouraging, guiding, questioning, cajoling, sympathizing, instructing, helping readers to gain a deeper appreciation for the Church's understanding of sacramental marriage. He upholds the ideal of Christian marriage, recognizes that no fallen human lives up to that ideal, and offers the support of the Church to all those who are willing to continue the lifelong struggle to grow in love.

Moreover, the Pope recognizes, and clearly states, that the Christian understanding of marriage is the only reliable antidote to a host of ills that plague contemporary society, especially in the West. Particularly in the second chapter of *Amoris Laetitia*, he rightly insists that at a time when marital breakdown has reached epidemic proportions, Catholics must not allow themselves to be deterred from delivering the message that our society needs to hear—even while he recognizes that the message is unpopular, and those who proclaim it may face mounting hostility. It is a matter accompanying those who have breached the marriage bond; he compares the Church's task to that of a field hospital. (AL 291). It is a matter of reaching to everyone, of needing to help each person find his/her proper way of participating in the ecclesial community, and thus to experience being touched by an unmerited, unconditional and gratuitous mercy of God.<sup>35</sup>

Quoting the synod Fathers, Pope Francis states that the Church does not disregard the constructive elements in those situations which do not yet or no longer correspond to her teaching on marriage, which is a sacrament that unites a man and wife and grants them the grace to become a 'domestic church' and a leaven of new life for society.<sup>36</sup> Marriage unions that are *de facto* irregular are to be dealt with as Jesus dealt with the Samaritan woman, with mercy and reinstatement. Pope Francis here follows the 'law of gradualness' in pastoral care as proposed by John Paul II.<sup>37</sup> "In making his call in *Amoris laetitia* to practice a responsible discernment of particular cases – a discernment which involves not only the couples themselves but also their bishop, parish priest, and /or other spiritual guides – the pope appeals at length to passages from Thomas Aquinas, *Familiaris Consortio*, the Catechism of the Catholic Church, the International Theological Commission, and other sources. They all provide help towards discerning, on an individual basis, appropriate access to the sacraments of reconciliation and Eucharist for the divorced and civilly remarried (AL 300-312). The key theological argument for accepting such an access comes from ancient Christian teaching about forgiving, healing and nourishing power of the Eucharist".<sup>38</sup> Pope Francis never says in so many words that "in some, justifiable circumstances, those in a second marriage may receive the sacrament of reconciliation and Eucharist." To say that would clash with his

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<sup>35</sup> AL 297

<sup>36</sup> AL 292

<sup>37</sup> *Familiaris Consortio*, n.34. This is not a 'gradualness of law' but gradualness in the prudential exercises of free acts on the part of subjects who are not in a position to understand, appreciate or fully carry out the objective of the law.

<sup>38</sup> Gerald O'Collins, *Art.cit.*, p.919.

refusal, in the light of “the immense variety of concrete circumstances,” to produce “a new set of general rules”.<sup>39</sup> He would need to spell out those circumstances and produce detailed legislation that took account of reasons for the collapse of the first marriage, length of time since the second marriage was civilly contracted, the number of children involved, and so forth. He leaves such “discernment” to the local authorities.<sup>40</sup>

### 3. *Pastoral Discernment*

As far as pastoral discernment with regard to “irregular” situations is concerned the Pope states: “There is a need ‘to avoid judgements which do not take into account the complexity of various situations’ and to be ‘attentive, by necessity to how people experience distress because of their condition.’”<sup>41</sup> The pastoral solution of Pope Francis lies in this realm of “particular situations,” where, as the Pope insists, “constant love” must prevail over judgmentalism. Every situation and mitigating factors or circumstances may be different, and so a subtle pastoral and moral discernment is required to see how general principles apply to it. For centuries, the assumption of the Catholic hierarchy was that lay people were not capable of such discernment, but, with Francis, that is no longer true. “The Joy of Love” is directly addressed to the laity, who is encouraged to pursue conscientious moral discernment by consulting not only pastors but one another. The married people know the ins and outs of married life better than married people.

What Pope Francis proposes about discerning and mercifully helping those in “irregular” married situations invites us to remember past changes in church teaching and practice and open to new ones. Any list of such developments and even reversals (which do not encompass the essentials of faith professed in the Creed) concern, for instance, what happened to official teaching about slavery, torture, death penalty, religious freedom, sharing prayer with other Christians and with followers of other faiths (*communicatio in sacris*), and the anointing of the sick.... Pope Francis has done something similar, albeit not identical, by opening the door for the divorced and civilly remarried, after due discernment and in appropriate circumstances, to receive the sacrament of reconciliation and Eucharist.<sup>42</sup>

The change that Pope Francis has wrought on the Catholic imagination is one that moral theologians never imagined would come from a Pope. Pope Francis says: “I understand those who prefer a more rigorous pastoral care which leaves no room for confusion.” But Pope Francis’ approach is different. He “sincerely believes that Jesus wants a Church attentive to the goodness which the Holy Spirit sows in the midst of human weakness.” The point, of course, is that the Church, too, is marked by human weakness, as this halting progress toward reform so clearly shows. But here, again, the goodness is what counts. Pope Francis is inviting the Church to leave behind the tidy moralism of the pulpit and the sacristy in order to do “what good she can, even if in the process, her shoes get soiled by the mud of the street.”<sup>43</sup> He has taken to heart the significant warning of Jesus, “It is not those who are well who need the physician, but those who are sick” (Lk 5:31). He obviously hopes that others who minister in the Church—bishops, priests, moral theologians, confessors and pastoral counsellors—will follow Jesus’ example. Pope Francis cites the 2014 Synod, saying, “the

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<sup>39</sup> AL 300

<sup>40</sup> EG 16

<sup>41</sup> AL 296

<sup>42</sup> Gerald O’Collins, *Art. cit.*, p.920

<sup>43</sup> Interview with Pope Francis by La Croix by Guillaume Gubet and Sebastien Maillard, Vatican city December 26, 2016

Church must accompany with attention and care the weakest of her children, who show signs of a wounded and troubled love, by restoring in them hope and confidence”. To this extent the synod was a success as the entire community of the Church was “directly or indirectly involved in the discerning and decision-making process, listening and dialoguing and trying to understand the different viewpoints emerging from diverse cultures and contexts, challenging and being challenged, being faithful to the tradition and being open to the challenges of the present day self-understanding of humans, discovering the limitations of yesterday’s solutions for today’s problems, searching for what the Spirit is saying to the Church today.”<sup>44</sup>

#### 4. *Conscience*

Admitting the tension between gospel’s high ideal for family life and the inevitable imperfections of reality, and hence called to live in the ‘already’ but ‘not yet’ tension, the Exhortation seeks to help all families, including those in so-called “irregular” situations by emphasizing the primary responsibility of conscience for the moral life, indicating that the crux of the moral life is discernment in one’s particular context. Pope Francis’ Exhortation significantly develops a new vision of conscience and moral discernment that empowers the faithful to attend to the voice of God echoing in their depths on all moral matters. What the Pope has offered us is what James Bretzke would call a ‘thick description’ of what formed and informed conscience in the concrete.<sup>45</sup> “Although Bretzke connects this assertion to *Amoris Laetitia*’s suggestions for a married couple’s decisions about “responsible parenthood,” the place where the primacy of conscience is most apparent in the Exhortation’s consideration is in the possibilities for including divorced and remarried Catholics more fully in the life of the Church. After citing the traditional teaching that concrete factors can influence subjective culpability for the agent who commits an objectively illicit act, Pope Francis explains that the “individual conscience needs to be better incorporated into Church’s praxis in certain situations which do not objectively embody our understanding of marriage.”<sup>46</sup> This is why Pope Francis proposes an “examination of conscience” to help divorced and re-married Catholics to determine their subjective culpability for the end of their previous marriage and their immediate responsibilities to their new partner.<sup>47</sup>

Pope Francis’s vision of conscience and the process of its examination establish the basis for his widely quoted assertion of “development of doctrine”,<sup>48</sup> which admits the possibility of readmission to the Eucharist for divorced and remarried Catholics, albeit on a case-by-case basis. It is in this context we should read *Amoris Laetitia*’s hotly debated passage: “... 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 grow in the life of grace and charity, while receiving the Church’s help to this end”.<sup>49</sup> The footnote adds, “In certain cases, this can include the help of the sacraments,” and includes explicit references to confession and the Eucharist.<sup>50</sup> This statement and its oblique, accompanying foot note make it clear enough that an individual may have committed an objectively sinful action and yet he/she may not be

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<sup>44</sup> George Therukaattil, “Desired Norms v/s Absolute Norms” in *Light of Truth*, December 1-15, 2015, p .11.

<sup>45</sup> James T. Bretzke, “In Good Conscience,” in *America*, April 8, 2016,

<sup>46</sup> AL 303

<sup>47</sup> AL 300

<sup>48</sup> Gerald O’Connell, “Pope Francis’ Exhortation on the Family an ‘Organic Development of Doctrine’,” *America*, April 8, 2016

<sup>49</sup> AL 305

<sup>50</sup> Al 305, n 351



completely morally responsible on a subjective level. This is in complete agreement with the traditional Catholic understanding of sin.<sup>51</sup> “Thus it is not surprising that *Amoris Laetitia* turns to the *Catechism of the Catholic Church* when listing “mitigating factors and situations” (AL 301) that diminish, and in some cases remove, subjective culpability for an objectively sinful act (AL 302).”<sup>52</sup> Also, Pope Francis follows here the traditional teaching on conscience that the evil done as a result of invincible ignorance or a non-culpable error of judgement may not be imputable to the agent. Only that Pope Francis is incorporating this consideration on conscience into the question of sacramental inclusion of divorced and remarried Catholics.

Incorporation of these considerations on conscience takes on new significance. Pope Francis’ discussion on conscience is not simply a restatement of traditional teaching on the effects of an erroneous conscience on moral culpability. Exhortation’s other comments on conscience reveals that something ‘more’ is going on for a genuine reassessment on the role of conscience. In the first sentence in paragraph 303 of *Amoris Laetitia* indicates a development: “Yet conscience can do more than recognize that a given situation does not objectively correspond to the overall demands of the Gospel.” The reference here is to the aspect of conscience that judges an agent’s actions, either during the process of deliberation that precedes an action or as part of a moral analysis that occurs after the fact.<sup>53</sup> This judgement, in keeping with Thomas Aquinas’ definition of conscience as “knowledge applied to an individual case,”<sup>54</sup> determines whether or not an individual’s course of action aligns with the more general moral norm that would typically govern similar situations. “The way Pope Francis describes the operation in this sentence in *Amoris Laetitia* sounds specifically like operation of a guilty conscience when it recognizes *ex post facto*, a disconnect between one’s action and the proper moral order.”<sup>55</sup> The well-known moral theologian John Mahoney attests to this aspect of conscience in the experience of many Catholics approaching the confessional, where a guilty conscience has historically been the focal point of conversation between penitent and priest.<sup>56</sup>

So, although the notion of conscience as *judgement* was a consistent element in the traditional moral teaching, it is not, as *Amoris Laetitia* proposes, an adequate, sufficient description of conscience. Conscience can do ‘more’; it “can also recognize with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one’s limits, while not yet fully the objective ideal”.<sup>57</sup> This description of conscience is not an ‘act’ or juridical conception, but a more personalist account that resonates with the dynamic understanding of conscience found in the writings of contemporary moral theologians.<sup>58</sup>

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<sup>51</sup> Thomas Aquinas, *Summa Theologiae*, I-II, q 88, a 2, c

<sup>52</sup> Conor M. Kelly, “The Role of the Moral Theologian in the Church: A Proposal in Light of *Amoris Laetitia*” in *Theological Studies*, 2016, Vol.77(4), p.925

<sup>53</sup> Timothy O’Connell, “An Understanding of Conscience,” in *Conscience: Readings in Moral Theology No.14*, ed. Charles E. Curran, New York: Paulist 2004, pp. 25-38

<sup>54</sup> Thomas Aquinas, *Summa Theologiae*. ST1, q 79, a 13,c.

<sup>55</sup> Conor M. Kelly, *Art.cit.*, pp. 926-927.

<sup>56</sup> John Mahony, *The Making of Moral Theology: A Study of Roman Catholic Tradition*, Oxford: Clarendon, 1987, pp.30-31

<sup>57</sup> AL 303

<sup>58</sup> James Keenan, “To follow and Form Over Time: A Phenomenology of Conscience” in *Conscience and Catholicism: Rights and Responsibilities, Institutional Responses*, ed. David D DeCosse, Maryknoll, N.Y.: Orbis, 2015, pp.1-15

This is also consistent with the famous definition of *Gaudium et Spes*: Conscience is the most secret core and sanctuary of a man where he is alone with God, Whose voice echoes in his depths.<sup>59</sup> Pope Francis presupposes this definition when he writes that conscience is indeed the place of encounter with the divine, wherein God directly speaks to the soul and illuminates the correct path in the midst of conflicting demands and moral obligations.<sup>60</sup> This is a significant advance and progress over the magisterial understanding of conscience suggesting another step in the process of ‘development’ of the tradition.<sup>61</sup> Though this definition of conscience is contested,<sup>62</sup> nevertheless it provides the basis for a clearer understanding of what it means to claim that conscience can do more than judge. The surrounding paragraphs in *Amoris Laetitia* connect it to the larger issue of moral discernment.<sup>63</sup> This shows that the personalist understanding of conscience in *Amoris Laetitia* of Pope Francis is a facet of personal moral discernment, and not just an identifier of rules to apply.<sup>64</sup>

### 5. Moral Discernment

Moral discernment as *Amoris Laetitia* presents demands careful moral adjudication of an individual in his/her situation in all its complexity. Pope Francis asserting what Aquinas says that general norms will fail as we descend more and more into details. Basing on this teaching of Aquinas, the Pope writes: “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. At the same time, it must be said that, precisely for that reason, what is part of a practical discernment in particular circumstances, cannot be elevated to the level of a rule”.<sup>65</sup> Thus, Pope Francis writes in the Exhortation that the moral life of Christian “is not defined by simple rules in black and white but incarnated richly in shades of gray”.<sup>66</sup> And so, a Christian is not called to a set of rules but, rather, to a *relationship* with God. He/she is called to “find possible ways of responding to God and growing in the midst of limits”.<sup>67</sup> The Pope thus re-evaluates Christian moral life in decidedly personalist terms and calls for a process of moral discernment, ‘what for now is the most generous response which can be given to God’ by an individual in his/her particular situation in all its complexities. Pastors, therefore, need to help people not simply follow rules, but to practice “moral discernment,” which implies prayerful decision making before God.

Moral discernment as proposed by Pope Francis does not abrogate the need for moral norms and principles, nor does it lead to relativism. “Instead, this conception of the moral life as an ongoing relationship with God presumes the clear identification of an absolute and unchanging ideal.”<sup>68</sup> This moral discernment, according to the Pope, is a dynamic and ongoing process which must remain ever open to new stages of growth and to new decisions

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<sup>59</sup> GS, no,16

<sup>60</sup> AL 303

<sup>61</sup> Conor M. Kelly, *Art.cit.*, pp. 927-928

<sup>62</sup> Edward Pentin, “Moral Theology and *Amoris Letitia*: Some Expert Assessments,” in *National Catholic Register*, April, 22, 2016.

<sup>63</sup> AL 304-306

<sup>64</sup> Conor M. Kelly, *Art.cit.*,p. 928

<sup>65</sup> AL 304

<sup>66</sup> AL 305

<sup>67</sup> AL 305

<sup>68</sup> Conor M. Kelly, *Art.cit.*,p. 929

which can enable the ideal to be more fully realized.<sup>69</sup> Thus the main task of a Christian is to discern the demands of God in the midst of his/her complex relationships and relationships, rather than mere applying of the rules to the particular situation. What the Pope wants to emphasize here is that Church must find ways “to make room for the consciences of the faithful, who very often responds as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations”.<sup>70</sup>

This is not to downplay the objective ideal which is to be clearly and persuasively presented to critique one’s actions, and to show ways of living that expressly contradict the ideal and to reinforce the value of seeking the ideal in the first place. The Pope says that holding on to doctrine, principle, norms and ideal should not be in their letter, but in their spirit; “not ideas but people; not formulae but the gratuitous of God’s love and forgiveness”.<sup>71</sup> Having said that, the Pope speaks about the desired relativism of the law, warning against two specific temptations to which Jesus’ followers are susceptible. He refers to the first of these as a “spirituality of illusion,” whereby we walk alongside Jesus, but avoid being bothered with the problems of others. “A faith that does not know how to root itself in the life of people remains arid and, rather than oases, creates other deserts.” Jesus turned the law upside down... the law of Sabbath, breaking it for humans.... against ritual purity. He said that it was not what goes inside but what comes from the mouth that defiles.<sup>72</sup>

The Pope thus challenged those who find false security in the laws and regulations which are good in themselves but not good enough to channelize God-experience to the people who are certain that the God revealed in Jesus Christ is compassion itself. According to him, the Church should not relativize the demands of the Gospel but at the same time she should not absolutize her laws so that she disfigures the Compassionate face of God revealed in Jesus Christ. Basing his arguments upon the evidence of real people and not on depersonalized abstractions, the Pope was following Jesus, for whom what mattered was people and their needs; everything else was relative.<sup>73</sup>

Rather than looking to real problems of real people as divorced/remarried and homosexuals, the ‘self-righteous’ who oppose them deal with abstractions. The Church needs to meet with people where they are, not where they wish them to be. The mercy for which they yearn is not one of pity but of comprehension of the truth of *who* and *how* they are.

Thus Pope Francis is against a rigid dogmatism that attempts to answer every possible question with sweeping pronouncements; rather he says that we ‘must leave room for the Lord’ which means accepting uncertainty at times. In fact, *Amoris Laetitia* outlines moral life more in terms of a process of moral discernment amidst doubt and uncertainty. “If God is understood to be as mysterious and infinite as the Christian tradition proclaims, and if conscience – the place where this infinite mystery speaks to the human heart on a personal level – is the true arbiter of moral discernment, then there must be some place for surprise and for new development along the way.”<sup>74</sup>

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<sup>69</sup> AL 303

<sup>70</sup> AL 37

<sup>71</sup> Pope Francis, “Conclusion of the Synod of Bishops, Address of His Holiness Pope Francis” (Synod on Family, Rome, October 24, 2015)

<sup>72</sup> George Therukaattil, “Desired Norms v/s Absolute Norms” in *Light of Truth*, December 1-15, 2015, p .11.

<sup>73</sup> *Ibid.*

<sup>74</sup> Conor M. Kelly, *Art.cit.*,p. 931

Addressing the question of contingency in moral life will rightly require statements of certain kind of absolute norms. But what *Amoris Laetitia* states is only that absolute norms and prohibitions should not be the focus in moral life. The Exhortation's emphasis on conscience that the chief locus of moral reflection is not the general but the particular, indicates that majority of moral decisions will take place in an area where absolutes do not directly apply. Moral absolutes do not admit contingency and uncertainty. So, in moral questions that admit variety, uncertainty and doubt, moral absolutes are of no help for moral discernment. Hence the number of moral absolutes must be as few as possible and only as a last resort. Also, the determination of absolute norms should involve community and communal insights and a *process* of moral and pastoral discernment.<sup>75</sup>

Given this modified relationship between absolute norms and personal moral discernment in particular contextual complexities, "*Amoris Laetitia* places greater weight on individual consciences and adds substantial responsibility to the process of discernment".<sup>76</sup> This is the challenge of moral discernment that calls for serious, communal deliberations about the normative ideals of Christian moral life and the variety and flexibility in specificity that may be permitted in relation to those ideals.<sup>77</sup>

## 6. *Culture of Moral Discernment*

*Amoris Laetitia*'s discussion of conscience and discernment offers resources for a concrete vision of moral life that aims at the creation of a culture of moral discernment in the Church. By shifting the focal point of morality from rules for judging to a personal relationship with God, the document places greater weight on individual conscience and adds substantial responsibility to the process of moral discernment. When emphasis is laid on discernment of conscience in particular cases, there is the possibility of error in moral matters. One could either make the wrong decision about the legitimacy of difference in interpretation or mistakenly identify the wrong norm. "Faith in the guidance of the Holy Spirit can help to ameliorate fears of error,...but this still does not eliminate the possibility of error because misinterpretation and self-deception are still possible."<sup>78</sup> For protection against this possibility of error, traditionally, the Catholic Church had relied on the Magisterium to provide assurance against error, asserting that the Holy Spirit protects the institutional church from falling into error. But we see that in history the possibility of error even as magisterial teachings are reversed on certain moral matters.

In the face of this, a culture of communal discernment becomes all the more important. Besides, epistemic humility in moral matters demands that we converse, especially those with whom one might disagree. This would offer a valuable opportunity to re-examine one's moral conclusions. In fact Aquinas proposed this sort of solution to the issue of error in 'contingent particular cases' asserting that when matters are considered by several with greater clarity, since what one takes note of escapes the notice of another.<sup>79</sup> Even Aristotle's classical resource of the virtue of prudence for the determination of right conduct<sup>80</sup> in particular

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<sup>75</sup> *Ibid.*, p. 932 Emphasis mine.

<sup>76</sup> *Ibid.*, p. 933

<sup>77</sup> *Ibid.*

<sup>78</sup> Conor M. Kelly, *Art.cit.*, p. 941.

<sup>79</sup> *ST I-II*, q 14, a 3, c.

<sup>80</sup> Aristotle *Nichomachean Ethics*,1140a24-1141b23

situations must be ‘taught by others’ if it is going to develop properly.<sup>81</sup> All these show that *Amoris Laetitia*’s insight of a culture of communal discernment is the only right response and necessary check against the danger of error in moral judgement. In addition, such a culture would provide a degree of accountability, which is essential because, again, according to *Amoris Laetitia*, if “discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized”.<sup>82</sup>

One possible objection to communal discernment could be that in communal conversations about the process of responding to God in a way that departs from the ideal may seem to invite other people’s conscience to make decisions that an individual should make for himself/herself. To this objection *Amoris Laetitia* in line with traditional moral theology states that conscience is to be *formed* in conversation with the community of faith and its dictates are properly developed with a genuine concern for the social implications of personal actions.<sup>83</sup> “Incorporating communal discernment into the conscience’s process of reflection and judgements therefore ensures that conscience functions responsibly while also combating the risks of errors.”<sup>84</sup>

Unfortunately traditional moral theology more readily proposed a prophetic approach that concentrated on ‘safety’ and certainty rather than nuance. But *Amoris Laetitia* proposes a pilgrim perspective that acknowledges the eschatological not yet alongside the prophetic already. When facing ethical decisions in their pilgrim lives on earth, the faithful discover that there not many resources or common language for them in the Church to adjudicate those decisions, nor explain the processes behind their decisions so that their moral choices have to be made alone. Here what is needed in the Church is the creation of a culture of communal moral discernment. “If the Catholic Church had an authentic culture of moral discernment, then the faithful would have a tool kit of resources to help them sort through the contingencies and complexities that make decisions of conscience so intimately particular. Catholics would then be prepared for the type of nuanced discernment that *Amoris Letitita* suggests is at the heart of the Christian moral life.”<sup>85</sup> The faithful will have then a shared resource “so that they would be able to discuss openly the means of discernment used in a particular decision of conscience and others would be able to reflect on that process and contribute to it in a way that might mitigate the potential for error”.<sup>86</sup>

On the discussion of conscience and discernment Pope Francis admitted that one could discern in conscience “with sincerity and honesty what for now is the most generous response which can be given to God... while not yet fully the objective ideal”.<sup>87</sup> Here there is the greater risk of error because the distance from the ideal can be easily coloured by self-deception. Then again, the presence of a culture of moral discernment can be a help to the faithful.

For all these reasons, the pursuit and goal of creating a culture of moral discernment that *Amoris Letitita* proposes is appropriate. This goal cannot remain as a mere abstraction, if we

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<sup>81</sup> Daniel J Daly, “The Relationship of Virtues and Norms in *Summa Theologiae*,” in *The Heythrop Journal* 51,2010, pp.221-223.

<sup>82</sup> AL 303

<sup>83</sup> AL 37, 303, 304, cfr also, Bernard Haering, *Free and Faithful in Christ*, Vol. I, New York: Seabury, 1978. pp.265-270

<sup>84</sup> Conor M. Kelly, *Art.cit.*, p. 943

<sup>85</sup> *Ibid.*, p. 944

<sup>86</sup> *Ibid.*

<sup>87</sup> AL 303

are to respond to Pope Francis' invitation to change the role of conscience in our lives. So, we propose a few suggestions for the creation of a culture of moral discernment:

*First*, moral theology should rescind from questions about absolute moral norms and avoid the production of rules. "A space for rules, not just absolute, is still consistent with Pope Francis's stated emphasis on individual conscience, for he has insisted that the need to attend to consciences in difficult cases 'in no way detracts from the importance of formulae – they are necessary – or from the importance of laws and divine commandments'".<sup>88</sup> *Second*, moral theology should define the role and meaning of the ideal in the Christian moral life. If moral life is to be recast in terms of ideals and growth as *Amoris Laetitia* has proposed, "Church will need a clearer sense of how one is supposed to respond to ideal in good conscience."<sup>89</sup> And when the faithful face conflicting situations, where they have no alternative option, they may make use of 'the principle of lesser evil' which many contemporary moral theologians propose – tolerating an action that falls short of the ideal emphasizing the virtuous role of regret in the pilgrim life of the faithful. "With this stance and its practical application, moral theologians will be able to incorporate *Amoris Laetitia's* emphasis on the primacy of conscience in a way that preserves the function and value of the ideal as a genuine guide in the moral life".<sup>90</sup> *Third*, more importance is to be given to ethical question that arise in people's ordinary lives. This has already arisen with today's virtue ethics with its emphasis on virtue as a question in every part of the lives of the faithful. This is a direct corollary of the commitment to a culture of moral discernment because the process of discerning is a practice, like all practices, is strengthened and refined with repeated application.<sup>91</sup> This will encourage the faithful to examine the moral importance of their everyday decisions so that they will cultivate the practice of communal moral discernment.

By embracing this goal and task of creating a culture of moral discernment, moral theology will respond to the invitation of Pope Francis to form consciences of the faithful. This will adequately honour the dignity of conscience, which, as the voice of God echoing in the depths of the human heart, deserves the high esteem that a culture of moral discernment affords.

## 7. Conclusion

In fine, Pope Francis' Apostolic Exhortation *Amoris Laetitia* is profound reflection on the mission of families to embrace God's vision for marriage and on how the Church can offer healing for those who are struggling in their journey of faith. It is a pastoral triumph. It asks the Church to meet people where they are, to consider and take into account families and individuals in all their complexity of various situations, to respect their consciences when it comes to moral decisions. It offers rich resources for the creation of a culture of dynamic moral discernment to practise 'discernment' that implies prayerful decision making.<sup>92</sup>

When we evaluate Pope Francis' pastoral and moral approach in *Amoris Laetitia*, we can say that he "has treaded the sound and sane middle path (*via media*) in applying Church doctrine to present day realities. It has not changed the doctrine but applied that doctrine to pastoral

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<sup>88</sup> Pope Francis , "Conclusion of the Synod of Bishops" quoted by Conor M. Kelly, *Art.cit.*, p. 945

<sup>89</sup> Conor M. Kelly, *Art.cit.*, p. 946

<sup>90</sup> *Ibid.*, p.947

<sup>91</sup> *Ibid.*

<sup>92</sup> George Therukaattil, "Post-Synodal Apostolic Exhortation *Amoris Laetitia*" in *Light of Truth*, May 1-15, p.11.

realities using the traditional Catholic moral concepts/principles of the Church...has highlighted and brought back some of the basic, common sense gospel doctrines... such as 'no one can be condemned for ever, because that is not the logic of the Gospel' (AL, No:297); we cannot think everything to be black or/and white (AL, No:305)".<sup>93</sup> And though baseless criticisms and allegations have been hurled at it even by ecclesiastics of the highest rank in *Amoris Laetitia's* efforts to link doctrine to pastoral needs, "in the last analysis, a conscientious Christian cannot forget that all doctrines are for persons and not persons for doctrines as their Master so prophetically taught them long ago (Mk.2:27)."<sup>94</sup>

Pope Francis' pastoral and moral approach in *Amoris Laetitia* is not strictly *revolutionary*, it is certainly *evolutionary*. It does prod this pilgrim church, which has been sitting in wayside for 35 years, forward. With this Exhortation, Pope Francis continues to shift the structure of authority in the Church. His repeated message is: Don't look to Rome and rule books for all the answers. ("Not all discussions of doctrinal, moral or pastoral issues need to be settled by interventions of the magisterium.") Find answers that fit your tradition and your local situation. ("Each country or region, moreover, can seek solutions better suited to its culture and sensitive to its traditions and local needs.") Trust yourselves. ("The Spirit guides us towards the entire truth.") Francis is again calling *for an adult Church*.

Overall, Pope Francis' moral and pastoral approach in *Amoris Laetitia* is one of understanding, compassion and accompaniment. It is no different from that of Jesus whose Vicar, he is on earth. Jesus proposed a demanding ideal "but never failed to show compassion and closeness to the frailty of individuals like the Samaritan woman or the woman taken in adultery".<sup>95</sup> The details his moral and approach, as we have seen in the Exhortation derives from his vision of a pastoral and merciful Church, "the fertile Mother and Teacher, who is not afraid to roll up her sleeves to pour oil and wine on people's wound; who doesn't see humanity as a house of glass to judge or categorize people. This is the Church, One, Holy, Catholic, Apostolic, and composed of sinners, needful of God's mercy... It is the Church that is not afraid to eat and drink with prostitutes and publicans. The Church that has doors wide open to receive the needy, the penitent and not only the just or those who believe they are perfect! The Church that is not ashamed of the fallen brother and pretends not see him, but on the contrary feels involved and almost obliged to lift him up and encourage him to take up the journey again and accompany him toward a definitive encounter with her Spouse, in the heavenly Jerusalem".<sup>96</sup> All this comes from the Pope's vision of a pastoral and merciful Church that encourages everyone to experience the "joy of love".<sup>97</sup>

Such a compassionate pastoral concern to those in difficult and struggling situations may not solve all moral problems, but Pope Francis with his Apostolic Exhortation *Amoris Laetitia* has heralded a new moral and pastoral vision, approach and praxis in the Church that certainly would witness to a God who loves unconditionally and whose mercy has no limits.<sup>98</sup> But such an approach would certainly move the entire discipline of moral theology out of the

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<sup>93</sup> Vimal Tirimanna, "Two Critical Questions Frequently Asked About *Amoris Laetitia*" in *VJTR*, 80, 2016, pp. 941-942

<sup>94</sup> Ibid. P.943

<sup>95</sup> AL 38

<sup>96</sup> From Pope's Concluding Speech of the Synod on Family quoted in *Smart Companion India*, November 2014, p.12

<sup>97</sup> George Therukaattil, "Post-Synodal Apostolic Exhortation *Amoris Laetitia*" in *Light of Truth*, May 1-15, p.11

<sup>98</sup> Errol D' Lima, "Compassionate Pastoral Concern For Those In Difficult Marital Situations" in *VJTR*, 80, 2016, p.915

confines of a static approach to a dynamic one to grapple with conflict situations and moral dilemmas in our life, because it is open to and dialogue with the concrete human situations and historicity.

In conclusion, Pope Francis' moral approach and "logic of pastoral mercy" of listening with sensitivity and compassion confirms the phenomenological and existential reflection on our existence and the Scriptural understanding of moral life as responding to the unbounded and unconditional mercy God in the many, complex happenings of our existence rather than adhering to a pre-determined pattern. It shows that we are not only responsible in the sense that we are answerable for our actions but also and pre-eminently in the sense that we are persons who respond in a conscientious way to the demands laid upon us by God and our fellowmen and the world in concrete situations. It deciphers a lifestyle for us based on the compassionate love and praxes of Jesus and offers us a fresh vision of Gospel values and principles. It provides a kind of "framework within which we can make moral judgments as compassionate and responsible persons so that our lives becomes best possible mediations of the Gospel values to the temporal realities and relations and guides us in establishing a pattern of moral life as authentic disciples of Jesus."<sup>99</sup>

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<sup>99</sup> George Therukaattil, *Compassionate Love-Ethics, Vol. I Fundamental Moral Theology*, Kochi: Karunikan Books, 2014, p. 52