

Antoni Bartoszek
Uniwersytet Śląski w Katowicach
<https://orcid.org/0000-0002-8756-3767>

Wojciech Surmiak¹
Uniwersytet Śląski w Katowicach
<https://orcid.org/0000-0003-4468-9279>

Theological and moral basis for the pastoral accompaniment of non-sacramental unions in the light of statements of the Congregation/Dicasteria for the Doctrine of the Faith

Teologicznomoralna podstawa duszpasterskiego
towarzyszenia związkom niesakramentalnym i jego
formy w świetle wypowiedzi Kongregacji/
Dykasterii Nauki Wiary

Abstract

There is an ongoing discussion in the Catholic Church community concerning the shape of the pastoral care of people living in new marriages whose validly concluded sacramental marriage has broken down in the civil sense as a result of a court decision on divorce. This issue has been repeatedly addressed by the teachings of the Church, including the Congregation for the Doctrine of the Faith transformed into the Dicastery for the Doctrine of the Faith in 2022.

¹ Financing Source Information: The research activities co-financed by the funds granted under the Research Excellence Initiative of the University of Silesia in Katowice.

This article aims to be a voice in this debate. Its objective is to answer the following questions: on what foundation should the pastoral care of people living in the marital situation indicated here be built and what specific shape should it take?

Achieving this goal became possible thanks to application of the method of theological sciences, through the analysis of sources specific to theology. Pastoral care itself is carried out in the Church, which has theological foundations. Among the multitude of sources, the documents of the Congregation/Dicastery for the Doctrine of the Faith directly or indirectly relating to the issues discussed in the article were selected as the main ones. These main sources were supplemented by other Church teaching documents and theological studies.

The research conducted led to the belief that the pastoral care of people living in irregular unions should be provided in love built on truth: in love open to every person, inclusive as far as the life of the Church community is concerned, in love built on truth, i.e. on a theological and moral foundation that cannot be omitted. Every specific form of pastoral care for this type of people should meet these requirements.

Keywords: marriage, irregular unions, pastoral accompaniment, discernment, truth, love.

Abstrakt

We wspólnocie Kościoła katolickiego trwa dyskusja o kształcie duszpasterstwa osób żyjących w nowych związkach małżeńskich, których ważne zawarte małżeństwo sakramentalne uległo rozpadowi w sensie cywilnym, orzeczonym decyzją sądu o rozwodzie. Problematykę tę podejmowało niejednokrotnie nauczanie Kościoła, w tym Kongregacja Nauki Wiary, przekształconą w 2022 roku w Dykasterię Nauki Wiary.

Niniejszy artykuł pragnie być głosem w tej debacie. Postawiono tutaj jako cel odpowiedź na pytania: na jakim fundamencie powinno być zbudowane duszpasterstwo osób żyjących we wskazanej tu sytuacji małżeńskiej oraz jaki konkretny kształt powinno ono przybierać?

Osiągnięcie tego celu stało się możliwe dzięki zastosowaniu metody nauk teologicznych, poprzez analizę źródeł specyficznych dla teologii. Samo bowiem duszpasterstwo realizowane jest w Kościele, który posiada fundamenty teologiczne. Spośród wielości źródeł wybrano jako główne dokumenty Kongregacji/Dykasterii Nauki Wiary, wprost lub pośrednio odnoszące się do omawianej tu problematyki. Te główne źródła zostały uzupełnione o inne dokumenty nauczania Kościoła oraz o opracowania teologiczne.

Prowadzone badania doprowadziły do przekonania, że duszpasterstwo osób żyjących w związkach niesakramentalnych powinno być prowadzone w miłości zbudowanej na prawdzie: w miłości otwartej na każdego człowieka, włączającej w życie wspólnoty Kościoła, w miłości zbudowanej na prawdzie, czyli na fundamencie teologicznomoralnym, od którego nie można abstrahować. Każda forma szczegółowa duszpasterstwa tego typu osób powinna te właśnie warunki spełniać.

Słowa kluczowe: małżeństwo, związki niesakramentalne, towarzyszenie duszpasterskie, rozeznavanie, prawda, miłość.

Introduction

“Non-sacramental unions” is a broad concept. It may refer to young couples who, without entering into a sacramental marriage, live together in a cohabiting relationship or only in a civil union. It can also refer to couples in a same-sex relationship. However, most often, the term “non-sacramental union” is used to describe a relationship between a man and a woman in which at least one partner has been through a civil divorce and the couple now lives in a new civil union. This group of couples will be the focus of the following analysis.

The fundamental questions posed in this research are: What should be the basis for pastoral accompaniment of people living in such unions? What should pastoral care for individuals in these relationships look like? How should the sacramental life of these individuals be shaped?

Since the questions pertain to pastoral theology and its foundations, the research will be conducted using theological methods, based on appropriate sources. The primary source for this research will be the statements of the Congregation for the Doctrine of the Faith, which was transformed into the Dicastery for the Doctrine of the Faith in 2022. Both documents that directly address this issue, as well as those whose conclusions or reasoning can be applied to the topic of non-sacramental unions, will be analysed. Other Vatican documents outside of the Congregation/Dicastery will also be considered. This research will follow the path indicated by the encyclical *Veritatis Splendor*: “In cooperation with the hierarchical *Magisterium*, theologians must strive to shed ever greater light on the biblical foundations, ethical meanings, and anthropological motivations that underpin the moral doctrine and vision of man proclaimed by the Church” (John Paul II, 1993, no. 110).

1. The teaching on admission to the sacraments presented in the 1994 Letter.

In 1994, the Congregation for the Doctrine of the Faith issued “Letter to the Bishops of the Catholic church concerning the reception of Holy Communion by the divorced and remarried members of the faithful (Congregation for the Doctrine of the Faith, 1994). The document expressed pastoral concern for

those who, after divorce, entered into a new marriage. At the very beginning of the letter, the following remark was made: "Pastors are called to help them experience the charity of Christ and the maternal closeness of the Church, receiving them with love, exhorting them to trust in God's mercy and suggesting, with prudence and respect, concrete ways of conversion and sharing in the life of the community of the Church" (Congregation for the Doctrine of the Faith, 1994, no. 2). It was therefore about an attitude full of love, showing paths of conversion and a way of life within the Church community. The letter reminds us that "genuine mercy is never separated from the truth" (Congregation for the Doctrine of the Faith, 1994, no. 3). This idea was later developed in Pope Benedict XVI's encyclical *Caritas in Veritate*: "Love... must be understood, authenticated, and practiced in the light of truth" (Benedict XVI, 2009, no. 2). The 1994 letter of the Congregation referred to pastoral proposals that were being suggested at the time in some Church communities: "In recent years, in various regions, different pastoral solutions in this area have been suggested according to which, to be sure, a general admission of divorced and remarried to Eucharistic communion would not be possible, but the divorced and remarried members of the faithful could approach Holy Communion in specific cases when they consider themselves authorised according to a judgement of conscience to do so." (Congregation for the Doctrine of the Faith, 1994, no. 3). The document then outlined the specific pastoral solutions that emerged during that period: "In recent years, in various regions, different pastoral solutions in this area have been suggested according to which, to be sure, a general admission of divorced and remarried to Eucharistic communion would not be possible, but the divorced and remarried members of the faithful could approach Holy Communion in specific cases when they consider themselves authorised according to a judgement of conscience to do so. In some places, it has also been proposed that in order objectively to examine their actual situation, the divorced and remarried would have to consult a prudent and expert priest. This priest, however, would have to respect their eventual decision to approach Holy Communion, without this implying an official authorisation. In these and similar cases it would be a matter of a tolerant and benevolent pastoral solution in order to do justice to the different situations of the divorced and remarried." (Congregation for the Doctrine of the Faith, 1994, no. 3). Such solutions shifted the emphasis towards highlighting the importance of individual conscience. While recognizing the value of respecting a person's conscience is always worthwhile, it must also be remembered that there is the possibility of an erroneous conscience, whose judgments are not made in accordance with the truth.

It is evident that these proposals are also resurfacing in contemporary times (Kupczak, 2018, pp. 46–47). Specifically, certain forms of pastoral accompaniment are being suggested, the outcome of which would, in some cases, involve granting permission to receive the holy sacraments. Such a solution was proposed, among others, by Cardinal Walter Kasper in 2014 during a speech at the consistory of cardinals preceding the synod on the family (Kupczak, 2018, p. 43). It should also be noted that proposals for exceptional solutions for individuals living in non-sacramental unions have periodically emerged throughout the history of the Church. The Congregation was aware of this when it wrote: “Even if analogous pastoral solutions have been proposed by a few Fathers of the Church and in some measure were practiced, nevertheless these never attained the consensus of the Fathers and in no way came to constitute the common doctrine of the Church nor to determine her discipline. It falls to the universal *Magisterium*, in fidelity to Sacred Scripture and Tradition, to teach and to interpret authentically the *depositum fidei*.” (Congregation for the Doctrine of the Faith, 1994, no. 4). In the context of the Congregation’s reference to the Church Fathers, Fr. Kupczak highlights a particular way of interpreting patristic teaching: “Given the tendency in today’s theology to absolutize patristic data at the expense of further theological development and the later *Magisterium* of the Church, the statement by the Congregation for the Doctrine of the Faith that individual testimonies of the Fathers ‘were never approved by the Fathers and in no way constituted the universal teaching of the Church’ seems to be an important hermeneutical guideline in studying the authentic teaching of the Church” (Kupczak, 2018, p. 53).

In the context of those pastoral proposals, while simultaneously being aware of various pastoral solutions from the past, the 1994 Letter contains the following confirmation: “With respect to the aforementioned new pastoral proposals, this Congregation deems itself obliged therefore to recall the doctrine and discipline of the Church in this matter. In fidelity to the words of Jesus Christ, the Church affirms that a new union cannot be recognised as valid if the preceding marriage was valid. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. Consequently, they cannot receive Holy Communion as long as this situation persists” (Congregation for the Doctrine of the Faith, 1994, no. 4). This document, alluding the authority of Jesus, referred to His statement in the conversation with the Pharisees: ‘Whoever divorces his wife and marries another commits adultery against her. And if she divorces her husband and marries another, she commits adultery’ (Mark 10:11-12). It

also pointed to the teachings of the Council of Trent (Council of Trent, 1988, can. 7) and the Catechism of the Catholic Church (Catechism of the Catholic Church, 1994, no. 1650).

The Letter also referred to the apostolic exhortation *Familiaris Consortio*. Concerning its teaching, it was written: "At the same time it confirms and indicates the reasons for the constant and universal practice, "founded on Sacred Scripture, of not admitting the divorced and remarried to Holy Communion. The structure of the Exhortation and the tenor of its words give clearly to understand that this practice, which is presented as binding, cannot be modified because of different situations." (Congregation for the Doctrine of the Faith, 1994, no. 5). The Congregation also recalled the justification provided in *Familiaris Consortio* for the decisions affirmed in the exhortation: "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 his 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." (Congregation for the Doctrine of the Faith, 1994, no. 4).

Further on, the Congregation referred to another passage from the exhortation: 'The faithful who persist in such a situation may receive Holy Communion only after obtaining sacramental absolution, which may be given only "to those who, repenting of having broken the sign of the Covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage. This means, in practice, that when for serious reasons, for example, for the children's upbringing, a man and a woman cannot satisfy the obligation to separate, they 'take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples'" (Congregation for the Doctrine of the Faith, 1994, no. 4). The Letter then added a statement not present in the exhortation, referring to those who have made the decision to live in continence: 'In such a case they may receive Holy Communion as long as they respect the obligation to avoid giving scandal.' (Congregation for the Doctrine of the Faith, 1994, no. 4).

At the same time, the Letter reminded that a subjective conviction of the invalidity of a previous marriage is not sufficient. It is necessary to submit this subjective judgment to objective verification by a Church tribunal: 'The discipline of the Church, while it confirms the exclusive competence of ecclesiastical tribunals with respect to the examination of the validity

of the marriage of Catholics, also offers new ways to demonstrate the nullity of a previous marriage, in order to exclude as far as possible every divergence between the truth verifiable in the judicial process and the objective truth known by a correct conscience.' (Congregation for the Doctrine of the Faith, 1994, no. 9).

The Letter also notes that 'Among other things, the exhortation reminds pastors of the duty to properly discern, in the spirit of love for the truth, various situations and urges them to encourage divorced persons living in new unions to participate in different areas of Church life' (Congregation for the Doctrine of the Faith, 1994, no. 4). As can be seen, even at that time, the necessity of practicing discernment in individual so-called irregular marital situations was clearly emphasized. The concept of 'discernment' was already present in pastoral practice and was very important in its implementation. Attention was drawn to it, among other things, by the encyclical *Veritatis Splendor*, issued a year earlier, which was created precisely to provide, above all, Catholic bishops with the criteria for pastoral discernment. The encyclical itself presented the purpose of its creation as follows: 'For the first time, the Church's *Magisterium* presents here the fundamental elements of this doctrine more broadly, indicating the criteria for pastoral discernment, necessary for resolving complex and often key practical and cultural problems' (John Paul II, 1993, no. 115).

The 1994 Letter emphasized above all that the Church's teaching presented in this way: 'This does not mean that the Church does not take to heart the situation of these faithful, who moreover are not excluded from ecclesial communion. It is concerned to accompany them pastorally and invite them to share in the life of the Church.' (Congregation for the Doctrine of the Faith, 1994, no. 6). It called for committed concern for those living in non-sacramental unions, pointing to specific means for building their bond with the Church community: 'The faithful are to be helped to deepen their understanding of the value of sharing in the sacrifice of Christ in the Mass, of spiritual communion, of prayer, of meditation on the Word of God, and of works of charity and justice.' (Congregation for the Doctrine of the Faith, 1994, no. 6).

2 Teaching on pastoral practices presented in the most recent statements of the Congregation/Dicastery for the Doctrine of the Faith

The analysed Letter of the Congregation for the Doctrine of the Faith dates back to 1994. Thirty years have passed since its publication. This fact raises the question of its relevance today. The most recent statement from the Dicastery for the Doctrine of the Faith on this matter is the Response to a Series of Questions Posed by H.E. Cardinal Dominik Duka OP Regarding the Administration of the Eucharist to Divorced Persons Living in a New Union, dated September 25, 2023. Before delving deeper into this document, it is worth noting two important statements, which, although not issued by the Congregation/Dicastery for the Doctrine of the Faith, are of profound doctrinal importance.

In the 2007 apostolic exhortation *Sacramentum Caritatis*, which was the fruit of the Synod of Bishops on the Eucharist, Benedict XVI wrote the following: 'The Synod of Bishops confirmed the Church's practice, based on the Holy Scripture (cf. Mk 10:2-12), of not admitting to the sacraments those who are divorced and have entered into new unions, because their state and way of life objectively contradict the unity of love between Christ and the Church, which is expressed and realised in the Eucharist' (Benedict XVI, 2007, no. 29). At the same time, the Pope encouraged providing pastoral care to those living in non-sacramental unions. He also reminded the faithful about the possibility of declaring sexual continence as a condition for opening the way to Holy Communion: 'In cases where the nullity of the marriage bond has not been established and where there are objective circumstances that make cohabitation irreversible, the Church encourages these faithful to commit to living their relationship in accordance with God's law, as friends, as brother and sister; in this way, they may return to the Eucharistic table, provided they meet the conditions set by proven Church practice' (Benedict XVI, 2007, no. 29). The continuity of teaching is clearly maintained.

In 2016, Pope Francis issued the apostolic exhortation *Amoris Laetitia* the Pope clearly emphasizes the continuity of the Church's teaching in it. He writes: 'It is not to be expected that the Synod or this exhortation will provide a new set of general canonical rules applicable to all cases' (Francis, 2016, no. 300). Instead, Francis calls for thorough pastoral accompaniment: 'What is possible is simply a renewed encouragement to undertake a responsible personal and pastoral discernment of particular cases' (Francis, 2016, no. 300).

In the context of the entire teaching presented here, it is necessary to refer to the aforementioned response that the Prefect of the Dicastery for the Doctrine of the Faith gave to Cardinal Duka in 2023: “As the Holy Father reminds us in his letter to the delegate of the Buenos Aires pastoral region, *Amoris Laetitia* is the result of the work and prayer of the entire Church, the reflection of two synods, and the Pope himself. This document is based on the teaching of previous Popes, who recognized the possibility of divorced persons in new relationships receiving the Eucharist, provided they ‘decide to live in complete continence, that is, to refrain from acts proper to married couples,’ as proposed by John Paul II; or ‘commit to living their relationship... as friends,’ as proposed by Benedict XVI. Francis upholds the proposal of complete continence for divorced and remarried persons in new relationships but acknowledges that it may be practically difficult for them. Therefore, in certain cases, after appropriate discernment, he allows for the sacrament of reconciliation to be administered even when it is not possible to remain faithful to the continence proposed by the Church” (Dicastery for the Doctrine of the Faith, 2023, no. 3). Thus, we have the upheld proposal of full continence for divorced persons in new relationships, while at the same time allowing, in certain circumstances and after discernment, the sacrament of reconciliation to be administered, even if these persons are not faithful to continence. This points to a process of discernment and the possibility, in specific cases, of being admitted to the sacraments (Majorano, 2018, pp. 70–71).

Cardinal Fernández’s response also includes the following remark: “All priests have the duty to accompany those who are interested in embarking on the path of discernment. It is the priest who receives the person, listens attentively, and shows the maternal face of the Church, accepting their sincere intentions and good will to dedicate their entire life to the light of the Gospel and the practice of love. However, each person, individually, is called to stand before God and reveal their conscience to Him, along with their capabilities and limitations. This conscience, accompanied by the priest, is illuminated by the Church’s teachings and called to be formed, so that it may properly assess and make a sufficient judgment to discern the possibility of receiving the sacraments” (Dicastery for the Doctrine of the Faith, 2023, no. 5). One could say that this statement highlights both the importance and integrity of the pastor’s conscience, as well as the significance of each individual’s conscience. Pastoral accompaniment is always a meeting of two consciences. Both the conscience of the pastor (priest) and the conscience of the person in a non-sacramental relationship should be open to the truth of the Gospel.

The question arises whether these proposals represent a continuation or a change in the Church's teaching, including the one presented in the previous analyses. Pope Francis has repeatedly emphasized that the Church's teaching is in no way being changed. Therefore, Cardinal Fernández's statement should be interpreted in the spirit of the unchanging nature of this teaching.

3. The Gospel foundations of pastoral accompaniment and discernment

The entire presentation indicates that the Church has been encouraging pastoral accompaniment for many years. One could say that the foundation of this accompaniment is already presented in the Gospel message. Jesus taught the crowds, formed His disciples, and held individual conversations, which to-day could be called spiritual discernment (Fumagalli, 2017, pp. 115–117). In this context, it is worth recalling two events.

The first event is Jesus' conversation with the Pharisees regarding divorce (cf. Mt 19:3–9). Referring to the beginning, meaning the creation of man in the complementarity of two as male and female, Jesus affirms the indissolubility of marriage (cf. Mt 19:6), opposes divorce (cf. Mt 19:8), and, as we would say today, opposes the tendencies to liberalize marriage law, calling remarriage adultery, thus indicating its disorder (cf. Mt 19:9). The methodology of referring "to the beginning," that is, to the creation of man and indirectly to natural law, inscribed in the personal structure of man, was very clearly emphasized by John Paul II in his catecheses *Man and Woman He Created Them* (John Paul II, 1986, pp. 9–23). The affirmation of the indissolubility of marriage from the 19th chapter of the Gospel of Matthew, as well as in the parallel texts (cf. Mk 10:11–12, Lk 16:18), and St. Paul's statement from the First Letter to the Corinthians (cf. 1 Cor 7:10–11) have always been recognized by the Church's tradition as key biblical arguments for indissolubility. In the light of this truth, pastoral activity was carried out.

The second event is Jesus' encounter with the woman at the well (cf. Jn 4:1–26). This conversation has always been recognized by Christian tradition as a gradual leading of the woman toward openness to grace. At the pinnacle of the conversation, when the woman directly expresses her request for living water, Jesus gently points out her marital situation: "The woman said to Him, 'Sir, give me this water, so that I won't get thirsty and have to keep coming here to draw water.' He told her, 'Go, call your husband and come back.' 'I have no husband,' she replied. Jesus said to her, 'You are right when you say you have

no husband. The fact is, you have had five husbands, and the man you now have is not your husband. What you have just said is quite true” (Jn 4:15-18). Considering the realities of Israel at the time, it should be emphasized that Jesus asked about her husband at that moment to avoid creating an ambiguous situation. The woman’s acceptance of “living water” from Jesus could suggest the beginning of a relationship that would be expected to lead to marriage (Mędala, 2010, p. 463). However, Jesus guides the conversation in such a way that the woman becomes more aware of her marital situation. It turns out that the woman had previously had five husbands, who either died or left due to divorce, and she is now in a disordered marital situation. The text does not explicitly say whether the woman put her life in order after meeting Jesus. However, some exegetes interpret that after the six men in this woman’s life, a seventh will appear (seven being the number of perfection in the Bible): the one and true husband (Mędala, 2010, p. 464). Certainly, this part of the conversation points to a close connection between receiving grace and one’s marital situation (Melina, 2024, pp. 238–239).

Jesus entrusted the mission of teaching to the Apostles, assuring them of His presence within the community: “Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit. Teach them to observe all that I have commanded you. And behold, I am with you always, until the end of the age” (Mt 28:19-20). The Apostles took on this mission in the power of the Holy Spirit (cf. Acts 2:14). The Apostles also received the authority to forgive and retain sins (cf. Jn 20:22-23), and indeed carried out this mission as a “ministry of reconciliation” (cf. 2 Cor 5:18-20). All of this gave rise to the mission of spiritual discernment within the sacrament of penance, known as the sacramental internal forum (Grillo, 2016, pp. 36–37). At the same time, it should be added that discernment can also take place outside the sacrament of penance, in pastoral conversations in the external forum, and in cases involving secret impediments, in the non-sacramental internal forum (Erdő, 2006, p. 20).

4. The Theological-Moral Shape of Spiritual Discernment

In the spirit of continuity and consistency with the Church’s teaching, it is worth considering the position of the Dicastery for the Doctrine of the Faith on the pastoral care of those in new relationships. First and foremost, it should be emphasized that this position refers to Pope Francis’ frequently reiterated call for personal and pastoral discernment (Chiodi, 2018, pp. 53–57). The Pope

highlighted this discernment in the context of married life, particularly in the exhortation *Amoris Laetitia*. He stressed the need for “a renewed invitation to responsible personal and pastoral discernment of individual cases” (Francis, 2016, no. 300).

As part of individual discernment, several specific situations can be identified where, after discernment, it is possible to administer the sacraments. Annotation 351 of the aforementioned exhortation (*Amoris Laetitia*) discusses such possibilities (Francis, 2016, no. 305). The first situation is one in which, for various reasons, it is possible to fulfill the obligation of separation for those living in a relationship. The obligation of separation is mentioned, somewhat incidentally, in the exhortation *Familiaris Consortio*, stating “when it is not possible to fulfill the obligation of separation” (John Paul II, 1981, no. 84). The question that arises is: when could such a separation occur? It is actually possible only at the very beginning of the existence of a new relationship, practically during its formation (Szczołdry, 2017, p. 255). Making individuals aware that they should not enter into a permanent irregular situation may warn them against building a non-sacramental relationship. This could perhaps also serve as an encouragement to remain separated in the context of an existing sacramental marriage, which does not close the path to receiving Holy Communion. Certainly, the obligation to raise children from the second relationship prevents its termination (Eijk, 2023, p. 494).

The second situation is related to the approaching end of life. In such cases, it is possible to receive the sacrament of confession, where the penitent entrusts their entire life, including the time spent in an irregular relationship, to God’s mercy. In this instance, sacramental absolution is possible, as the past is being entrusted to God. The situation is different when euthanasia is requested. A planned euthanasia is an event yet to occur. Sacramental absolution for a person previously living in a non-sacramental relationship opens the way to the anointing of the sick and receiving Holy Communion.

The third situation is the case mentioned in the exhortation *Familiaris Consortio*, referring to individuals who have made a permanent decision to abstain from acts specifically characteristic to marriage (Bricout, 2023, p. 214). The Congregation, in its 1994 letter, added a note about the necessity of avoiding scandal. This is an important clarification, as scandal can arise for two reasons. First, someone might be scandalized by the fact that a person living in a non-sacramental relationship receives Holy Communion. Therefore, it was usually recommended that such individuals not receive Communion in communities where they were known. Second, even when it was known within the community that it was possible for those living in abstinence to receive

Communion, there was occasionally some uneasiness associated with merely continuation of the relationship, even without sexual intimacy. Continuing in a new relationship, though not violating the principles of chastity, raised the question of the principle of justice being violated by entering into the new relationship. These concerns required clarification that there is always an obligation to avoid scandal.

The latest statement from the Dicastery, while maintaining the proposal for the obligation of abstinence, simultaneously draws attention to the fact that in some cases, this requirement may prove to be too difficult. In doing so, the Dicastery indirectly refers to a holistic vision of the human person. Every human being is a body-psyche-spirit unity, a unity that should never be disregarded. The proposal of maintaining abstinence is not only difficult to accept but practically impossible to implement. The rightful acknowledgment of this difficulty means that, in the name of a holistic (integral) vision of the human person, such a pastoral proposal should not be made to individuals in the prime of life. If it is made and initially accepted by a couple, and then it turns out that its realization is very difficult, dilemmas arise concerning the validity of confession, and questions about the next confession emerge. Therefore, the Dicastery's document points to the possibility of "celebrating the sacrament of reconciliation" (Dicastery for the Doctrine of the Faith, 2023, no. 3). It is also worth emphasizing that one can always be admitted to confession, even when there is a high probability that absolution cannot be granted. While the decision to withhold absolution may be psychologically challenging, it can be spiritually healing.

In pastoral practice, the principle presented by *Familiaris Consortio* regarding living in abstinence is primarily applied to elderly or ill individuals, for whom the matter of sexual relations naturally fades, and who also remain at home permanently, thus minimizing the risk of scandal (Góralski, 2016, pp. 69–70).

In all other situations – outside of cases where separation is possible, the danger of death, situations where abstinence results from health conditions, or in rare cases where a couple declares abstinence and avoids scandal – those living in non-sacramental relationships, unable to fulfill the requirement of a firm purpose of amendment by breaking from an irregular situation, should not be admitted to Communion. If discernment takes place during confession, absolution must be postponed. If discernment occurs in a pastoral conversation, the Church's teaching on abstaining from receiving Communion should be reminded. The faithful have the right to be informed of this teaching. It is the responsibility of the pastor's conscience to convey

this teaching. This is why the Dicastery wrote: “All priests have the duty to accompany those interested in embarking on a path of discernment” (Dicastery for the Doctrine of the Faith, 2023, no. 5). A pastor cannot exempt himself from proclaiming the teachings of Christ and the Church. At the same time, the Dicastery points to the conscience of the faithful: “The conscience, accompanied by the priest, is enlightened by the teachings of the Church and called to formation, so that it can properly assess and make a sufficient judgment to discern the possibility of receiving the sacraments” (Dicastery for the Doctrine of the Faith, 2023, no. 5).

The mentioned judgment of conscience can be interpreted in two ways. In one interpretation, it may be understood as the final authority in determining good or evil. The *Veritatis Splendor* encyclical warns against such an understanding: “In certain cases, a division or even opposition is introduced between the doctrine expressed by a general commandment and the norm of individual conscience, which would practically constitute the final authority in determining good and evil. On this basis, so-called ‘pastoral solutions’ that are contrary to the teaching of the *Magisterium* are justified, along with a ‘creative’ hermeneutic whereby a particular negative norm would not be binding on conscience in all cases” (John Paul II, 1993, no. 56). Cardinal W.J. Eijk also warns against the danger of “so-called pastoral solutions” that contradict Church teaching (Eijk, 2023, pp. 492–493). In the second interpretation, consistent with Church Tradition: “The judgment of conscience is the ‘final’ authority that determines the conformity of a particular behaviour with the law; it formulates the direct norm of the morality of a voluntary act, and thus makes the ‘application of objective law to a particular case’” (John Paul II, 1993, no. 59). Conscience is always the final authority because it is the closest to the person (Ernst, 2017, p. 124).

It may happen, therefore, that a pastor, based on his conscience, does not allow a person to receive Holy Communion. He can do this in an external conversation or by postponing absolution. However, the faithful, autonomously, may decide that they can receive Holy Communion. The pastor, although knowing – whether from internal or external forum knowledge – that this is a sacrilegious Communion, generally cannot refuse to administer Holy Communion. He certainly cannot refuse to administer Communion when the decision to deny it was made in the internal forum. In pastoral practice, Communion is also not refused when the decision to deny it occurred during a conversation outside of confession. Such practice is usually justified by respect for the person’s good name. However, in such situations, the pastor should certainly, as part of ongoing spiritual accompaniment, revisit the

teaching on the indissolubility of marriage. There may, of course, be situations where the minister should refuse to administer Holy Communion, for example in the case of a declared excommunication or public serious scandal. These situations will generally not arise in the context of people living in second civil unions.

At this point, it is important to add a very significant statement: the decision to deny Holy Communion should in no way end the process of accompaniment. Such a decision should, in fact, initiate a further, intensive process of accompaniment, consisting of pastoral conversations and meetings. In certain cases, such a meeting might take the form of a confession, even if absolution cannot be given.

5. Forms of pastoral accompaniment within the community

Based on the analyses so far, it is worth outlining the elements of pastoral accompaniment for people living in non-sacramental unions. First and foremost, it should be clearly emphasized that the pastor should be present within the community for which he is responsible. In the practice of the Church in Poland, three basic forms of accompaniment to parish communities emerge. Two pertain to the so-called external forum, and one to the so-called internal forum.

The first fundamental form is the pastor's service in the parish office. The parish office – in the light of what has been said so far and in the light of Pope Francis' constant teaching – cannot have a purely administrative character (Francis, 2013, no. 47). It is the primary place for fulfilling the Church's mission. It is here that fundamental, person-oriented teaching about the sacraments takes place, for example, regarding baptism, the Eucharist, confession, and marriage. It is also where spiritual discernment about allowing or not allowing access to the sacraments takes place. The second form of accompaniment to the parish community is the regular pastoral visit, traditionally called 'kołęda' (the annual house blessing). During this visit, the pastor encounters a wide variety of situations. The 'kołęda' is a time of intense discernment. It is, in fact, an avant-garde form of implementing Pope Francis' call for pastoral accompaniment (Bartoszek, 2023, pp. 359–360). Just as with the work in the parish office, individual discernment, not communal, also takes place during the 'kołęda' visit. These two forms of general parish accompaniment for marriages and families can be modified in various ways. For example, some pastors hold individual conversations with the parents of children preparing for their First

Holy Communion. During such individualized conversations, pastors become familiar with the marital situations of the parents and explain the Church's teaching on the matter. The third form of accompaniment to the parish community is the ministry in the confessional. Its intensity increases during the pre-holiday seasons and involves hours of accompanying the parish community, always with individual discernment. A pastor who carries out these three services with zeal, dedication, patience, and love fulfills the essential task of individual accompaniment.

There is also the possibility of expressing the need to organize communities specifically for people living in non-sacramental unions. In fact, such communities exist in some local Churches. The existence of these communities is certainly a confirmation that the Church is open to people living in non-sacramental unions. However, a few remarks should be made in this regard.

Firstly, the creation of specialized pastoral care for those in non-sacramental unions should be preceded by pastoral care for those living in separation or alone after divorce². Promoting pastoral care for such individuals is an important signal to the broader Church community. It shows that the Church supports those whose marriage, in human terms, has broken down, but who, due to the validity of the sacramental marriage, do not enter into a new relationship. In this way, they give testimony, in the extreme conditions of their lives, to the indissolubility of the sacramental bond. Secondly, the creation of communities for people living in non-sacramental unions should not be based on alternative pastoral solutions, such as allowing access to Holy Communion, without considering the theological and moral foundations outlined here. Thirdly, it is worth inviting people living in non-sacramental unions to participate in other church communities, such as prayer groups, Bible study circles, and charitable groups. "Baptized persons who have divorced and entered into a new civil union should be more fully integrated into Christian communities in the various ways possible, avoiding all occasions of scandal" (Francis, 2016, no. 299). Again, the caution against causing scandal is emphasized (Buttiglione, 2018, pp. 143–148). Similarly, the Dicastery speaks about the pastoral care of those living in non-sacramental unions: "the process of accompaniment is not necessarily exhausted in the sacraments, but may be oriented toward other forms of integration into the

² A unique group in this regard is the one operating at the parish of St. Jadwiga in Chorzów: "The Ministry for those living in separation and the divorced who have not entered into new relationships" <https://www.jadwiga.info/informacje-o-parafii/grupy-parafialne/> (Accessed: 2 April 2024).

life of the Church” (Dicastery for the Doctrine of the Faith, 2023, no. 4). All of this is meant to demonstrate that these individuals belong to the church community.

Conclusion

The analyses carried out above have shown that pastoral accompaniment for individuals living in non-sacramental unions should always be based on the foundation of truth, particularly the truth about the indissolubility of marriage as a sacrament. The truth about the indissolubility of marriage, affirmed by our Lord, is a great good for humanity and for the Church. It serves spouses, families, and children. Therefore, it must be diligently safeguarded.

At the same time, it is well known that a significant number of people today live in non-sacramental unions. The Church should approach these individuals with a pastoral care that is fully open and inclusive. Pastoral accompaniment can take various forms. Essentially, it should be integrated into the overall framework of regular parish ministry. Pastors, with zeal and love, should carefully discern each individual marital situation. If, in the case of certain couples, it is not possible to administer Holy Communion, pastoral actions should continually emphasize and demonstrate that these individuals are not excluded from the life of the Church. They are invited and obligated to participate in the Eucharist, to listen to and reflect on the word of God, to pray, and to be actively involved in the life of the Church, as well as in the Christian upbringing of their children.

It is also worth noting that the analyses presented here could serve as a contribution to shaping pastoral care at the level of local Churches in several interconnected areas: preparing young people for the sacrament of marriage, pastoral care for married couples, and accompanying individuals living in non-sacramental unions. These analyses may also be helpful in assisting the diocesan ordinary in establishing certain criteria useful for pastoral accompaniment of individuals living in non-sacramental unions (Francis, 2013, no. 300; Dicastery for the Doctrine of the Faith, 2023, no. 1).

Data wpłynięcia: 2024-02-26;

Data uzyskania pozytywnych recenzji: 2024-08-01;

Data przesłania do druku: 2024-12-18.

translated: Michalina Trybuś

References

- Bartoszek, A. (2023), 'Owiedziny duszpasterskie, czyli kolęda. Uzasadnienie i pogłębienie', in Celary, I. (ed.) *Liturgia culmen et fons vitae missionisque Ecclesiae*. Katowice: Księgarnia Św. Jacka, pp. 347–365.
- Benedict XVI (2007) *Adhortacja apostolska Sacramentum caritatis*. Available at: https://www.vatican.va/content/benedict-xvi/pl/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis.html (Accessed: 2 April 2024).
- Benedict XVI (2009) *Encyklika Caritas In veritate*. Available at: https://www.vatican.va/content/benedict-xvi/pl/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate.html (Accessed: 2 April 2024).
- Bricout, H. (2023) 'I sacramenti, per nutrire la vita matrimoniale e familiare', in Chiodi, M. Yáñes, M. (ed.) *Pratiche pastorali, esperienze di vita e teologia morale. Amoris laetitia tra nuove opportunità e nuovi cammini*. Milano: San Paolo.
- Buttiglione, R. (2018) *Przyjacielska odpowiedź krytykom Amoris laetitia*. Translated by M. Chojnacki. Kraków: Wydawnictwo WAM.
- Catechism of the Catholic Church* (1994), Poznań: Pallottinum.
- Chiodi, M. (2018) *Coscienza e discernimento. Testo e contesto del capitolo VIII di Amoris Laetitia*. Milano: San Paolo.
- Congregation for the Doctrine of the Faith (1994) *List do biskupów Kościoła katolickiego na temat przyjmowania Komunii św. przez wiernych rozwiedzionych żyjących w nowych związkach*. Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_14091994_rec-holy-comm-by-divorced_pl.html (Accessed: 2 April 2024).
- Council of Trent (1988) 'Sesja XXIV (1563)', in Głowa, S., Bieda, I. (ed.) *Breviarium fidei*. Poznań: Księgarnia Św. Wojciecha, pp. 502–506.
- Dicastery for the Doctrine of the Faith (2023) *Risposta a una serie di domande, proposte da S. Em. il Card. Dominik Duka OP, riguardo all'amministrazione dell'Eucaristia ai divorziati che vivono in una nuova unione*. Available at: https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_pro_20230925_risposte-card-duka_it.html (Accessed: 2 April 2024).
- Eijk, W.J. (2023), *Więź miłości*. Translated by I. Ostrowska. Kraków: Wydawnictwo Esprit.
- Erdö, P. (2006) 'Forum wewnętrzne i forum zewnętrzne w prawie kanonicznym'. Translated by P. Szyszeń, in Skorupa A. (ed.) *Forum externum i forum internum w prawie kanonicznym. Między sumieniem a prawem. Materiały Międzynarodowej Konferencji Naukowej 9–10 maja 2005 r. w Lublinie*. Lublin: Wydawnictwo KUL, pp. 11–35.
- Ernst, S. (2017) 'Situazioni „irregolari” e colpa personale in Amoris laetitia. Una frattura con la tradizione dottrinale?', in Goertz S., Witting C. (ed.) *Amoris laetitia. Un punto di svolta per la teologia morale?*. Milano: San Paolo.

- Francis (2013) Available at: https://www.vatican.va/content/francesco/pl/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (Accessed: 2 April 2024).
- Francis (2016), *Adhortacja apostolska Amoris laetitia*. Available at: https://www.vatican.va/content/francesco/pl/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia.html (Accessed: 2 April 2024).
- Fumagalli, A (2017) *L'amore in Amoris laetitia. Ideale, cammino, fragilità*. Milano: San Paolo.
- Góralski, W. (2016), *Adhortacja apostolska Amoris laetitia papieża Franciszka*, Płock: Płocki Instytut Wydawniczy.
- Grillo, A. (2016), *Le cose nuove di "Amoris Laetitia". Come papa Francesco traduce il sentire cattolico*, Assisi: Cittadella Editrice.
- John Paul II (1981) *Adhortacja apostolska Familiaris consortio*. Available at: https://www.vatican.va/content/john-paul-ii/pl/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html (Accessed: 2 April 2024).
- John Paul II (1993) *Encyklika Veiritatis splendor*. Available at: https://www.vatican.va/content/john-paul-ii/pl/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html (Accessed: 2 April 2024).
- Kupczak, J. (2018) 'Walter Kasper i Joseph Ratzinger o komunii dla osób rozwiedzionych i w wtórnych związkach', *Teologia i Moralność*, 13,1, pp. 39–60.
- Kupczak, J. (2018) *Źródła sporu o Amoris laetitia*. Kraków: Wydawnictwo W drodze.
- Majorano, S. (2018) 'Coscienza e discernimento alla luce di Amoris laetitia', in Cipressa, S. (ed.) *La teologia morale dopo l'Amoris laetitia*, Assisi: Cittadella Editrice.
- Melina, L. (2024) *Le discernement dans la vie conjugale*. Paris: Pierre Tèqui Éditeur.
- Mędala, S. (2010) *Ewangelia według Świętego Jana. Wstęp. Przekład z oryginału. Komentarz. Część I, Częstochowa: Edycja Świętego Pawła.*
- Parafia św. Jadwigi w Chorzowie Grupy*. Available at: <https://www.jadwiga.info/informacje-o-parafii/grupy-parafialne/> (Accessed: 2 April 2024).
- Szczodry, M. (2017), 'Kwestia sumienia w posynodalnej adhortacji Amoris laetitia papieża Franciszka', in Chojnacki, G. (ed.) *Miłość jest nam dana i zadana. Komentarz do posynodalnej adhortacji „Amoris laetitia” papieża Franciszka* (Studia i rozprawy, no 46), Szczecin: Wyd. Naukowe Uniwersytetu Szczecińskiego.

