Family Life Council, Inc., in response to certain aspects related to the Synod on the Family, including the "Lineamenta", would like to provide the statement below for the thoughtful and prayerful consideration by interested parties.

The statement was prepared by Family Life Council, Inc.'s Vice President and General Counsel, Ron Wallenfang.

Sincerely, in Jesus and Mary,

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STATEMENT (Jan. 16, 2015):

Family Life Council, Inc. is a State of Wisconsin (USA) non-profit Corporation that seeks to use its limited resources to promote the inculcation of Catholic values in society generally and including, most especially, the Church's teaching on Life, Marriage and Family.

We write to share our concern about any move to validate the reception, by divorced and remarried persons, of the Sacraments of Holy Eucharist and perhaps Penance, beyond those well-defined situations, such as annulments, where it is presently allowed. Leaving the theological issues to those with more expertise than ours, we wish to address the adverse practical implications of any change, especially any move to authorize receipt of the Sacraments when there are, say, “extenuating circumstances”, or some similarly undefined phrase.

This presents problems of definition, problems of abuse, and problems of principle, whether there are specific standards written or whether the issue is subject to case-by-case determination.

A.  Problems of Definition

Whether “extenuating” circumstances are defined or left for case-by-case evaluation, their determination will be the source of both confusion and abuse.  To illustrate with just one example, consider excuses based on “fault”, i.e. my ex-spouse is the wrongdoer and left me with no choice.  Codifying such an excuse would be fraught with danger.  Obviously, more would be required than the bare assertion of one party that this is the case.  Often enough each of the “exes” would blame the other.

Is this question to be decided by a diocesan tribunal?  Based on what evidence and under what standards?  For a substantive example, could a mental or physical disability be at least in part a source of fault?  For a procedural example, is the other ex-spouse to be interviewed or otherwise consulted?

Whatever the answer to these and numerous other questions, there will always be a certain bias toward accommodating a petitioner, where there are indefinite standards.

B.  Illustration of Problems of Abuse

Any attempt to define and codify the standards to be used in determining whether there are extenuating circumstances will not prevent abuse.  Such standards will be difficult to formulate, because their relationship to the validity of a claim of extenuating circumstances is only tangential, and will depend on many surrounding circumstances.  Since the conditions are not intrinsic to the relief sought, they are likely to be bent in favor of accommodating the petitioner.  Thus it was that “stringent” former restrictions on, say, contraception and abortion, were quickly whittled away by various governments and churches.

For a good case history, consider the Anglican communion’s 1930 Lambeth Conference Resolution 15, which provided what the authors insisted was  a narrow permission for the use of artificial birth control.  Here is the text of the resolution:

**“Resolution 15**

**The Life and Witness of the Christian Community-Marriage and Sex**

Where there is clearly felt moral obligation to limit or avoid parenthood,the

method must be decided on Christian principles.  The primary and obvious method is complete abstinence from intercourse (as far as may be necessary), in a life of discipline and self-control lived in the power of the Holy Spirit.  Nevertheless in those cases where there is such a clearly felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that the other methods may be used, provided that this is done in the light of the same Christian principles.  The Conference records its strong condemnation of the use of any methods of conception control from motives of selfishness, luxury, or mere convenience.  Voting: For 193; Against 67.”

There were Anglican Bishops at the time who saw the practical as well as doctrinal problems with this resolution.  Most notable is the dissent of Bishop Charles Gore, who foresaw what was about to happen in the real world:

            “I observe that the Bishop of London says that he agrees with the conclusion of another bishop who, ‘reading the resolution as a whole, thinks the balance appears quite definitely on the side of strictness.’  I fear that this is practically the exact opposite of the truth.  I think the clause which sanctions certain methods a  ‘regrettable necessity’ in certain cases (to use the bishop’s expression) is the only clause which is likely to have any considerable effect: and I cannot doubt that the effect will be disastrous.”

What a prophetic statement by Bishop Gore, whose entire dissent can be found at:

Lambeth on Contraceptives-Project Canterbury

Anglicanhistory.org/gore/contra**1930**.html

More specific to the issue of divorce and remarriage, consider the prescience of G.K. Chesterton in his book, The Superstition of Divorce, written at the time when agitation for “liberalizing” access to divorce was just getting underway.  Advocates of the change mainly wanted to talk about life with a homicidal maniac.  Chesterton saw that it would soon enough be expanded to cover life with, say, a dull conversationalist, and indeed in many places it’s come to be available on demand, requiring no excuses at all.  Opening the Sacraments to those divorced and remarried persons who can plead extenuating circumstances will seriously undermine Catholic teaching in regard to the indissolubility of marriage.  In the eyes of the laity, indissolubility will come to be seen as the ideal rather than a commandment.

C.  Problems with Case-by-Case determinations

Leaving the matter for case-by-case resolution by, say, an individual pastor, will hardly clarify matters.  They will necessarily, when compared to a tribunal, be untrained in the subject, and will often have a personal relationship with a petitioning parishioner, that will provide a compelling temptation to go along with the request, except in the clearest of cases.  Moreover, word will quickly get around of those pastors who are the most accommodating of such request, and they will soon be the recipient of most or all of them.

Worse yet is leaving the matter to the conscience of the individual remarried divorcee, with no independent determination at all.  In all probability, even if there is a machinery for independent determination, this approach is likely to be taken by a good many of its “beneficiaries”, granting to themselves that there are extenuating circumstances, and claiming that the Church thus sanctions their conduct.  One can easily foresee that secular and some sympathetic Catholic writers will facilitate this process.  Equally foreseeable is the effect this will have on the laity’s understanding of the indissolubility of marriage.

D.  Problems of Principle

Even assuming there is theological warrant, which we doubt but which is not our area of expertise, there are compelling practical principles which weigh against any change in Church teaching or discipline on issues like divorce and remarriage and same sex attractions.  For example, there is an argument for change based on “mercy” as against mere “casuistry” in following longstanding Church teaching.

Whether within the Church, within the government, within a place of employment or anywhere else, one thing people quickly learn is how to “game the system.”  Whatever the good motives of those who wish to accommodate only special cases, the practical effect of any proposed change based on an indefinite criterion portends unlimited use of that criterion.

“Mercy” vs. “Casuistry” is the kind of rhetoric that can be used to undermine every rule there is.  It is disconcerting.  The idea that failure of a marriage may be free from personal fault harks back to an argument of a generation ago that endorsed marriage until death - the death of the marriage.  It is as if the success of the marriage is somehow independent of the conduct of the partners.  Or as if lack of “mercy” on the part of the partners toward each other is to be blocked out of the picture.

There’s a lot of meditation missing here.  Marrying the wrong spouse, whether with your eyes open, or as a result of changes over the years is a tragedy, no question.  But was Christ unaware of that when he rejected the idea of changing spouses?  We think it has to be included within a large category of other misfortunes in life: cancer, other illnesses, accidents, unemployment, natural disasters, wars and what have you.  By purely human reckoning, it all seems so unfair, as we try to divine God’s purpose in sending along such challenges.  But there it is, and it applies to marital problems, same sex attractions, and a great many other things.  To dismiss application of established teaching as a question of casuistry is itself a real injustice.

E.  Conclusion

Any change in the standards for the application of Church reaching regarding divorce and remarriage or same sex attractions should be rejected.

Countless men and women who have found themselves separated from their spouses for whatever reason have persevered in upholding their marriage vows in the face of all manner of adverse circumstances, and that is the witness that the Church needs to uphold.