

Mercy as the *Habitus* of a Self-Giving Love

This article is based on a statement regarding the Synod on the Family compiled by a research group at the Faculty of Catholic Theology of the University of Innsbruck.¹ The arguments of this statement, which appear as a second part of this article, will be introduced by a focus on the significance of mercy as the fundamental option for a pastoral and missionary renewal of the Church as envisioned by Pope Francis, with an emphasis on anthropological, ecclesiological and doctrinal considerations.

A Few Notes on a Theology of Mercy

It would be advisable for the Episcopal Synod of autumn 2015 to keep in mind the words which Pope John XXIII had used in his opening speech to summarize figuratively the challenges of the Second Vatican Council. This is especially important in the context of the Synod's central theme of "mercy": "a step forward towards a doctrinal penetration and a formation of consciences" ("*un balzo innanzi verso una penetrazione dottrinale e una formazione delle coscienze*").² For, even though the term "mercy" has not been neglected in traditional theology, it still lacks significance in the theology and doctrine of the Church today. Indeed, the reformatory ideas of Pope Francis seek a profound, even an epochal renewal, as already accentuated by Cardinal Walter Kasper.³

¹ For further information on this research project (Religion, Violence, Communication and World Order) see <http://www.uibk.ac.at/rgkw/>.

² English translation at <http://conciliaria.com/tag/gaudet-mater-ecclesia/>; John XXIII, "*Gaudet mater ecclesiae*"; Italianische, lateinische und deutsche Fassung der Eröffnungsansprache, in *Johannes XXIII: Prophetie im Vermächtnis*, ed. Ludwig Kaufmann and Nikolaus Klein (Fribourg: Exodus, 1990), 116-150, esp. 136.

³ Walter Kasper, *Barmherzigkeit: Grundbegriff des Evangeliums, Schlüssel christlichen Lebens*, 4th ed. (Freiburg im Breisgau: Herder, 2014). Interpreted with regard to the themes of the Episcopal Synod in Walter Kasper, *Das Evangelium von der Familie: Die Rede vor dem*

When elements of the Church that are apparently self-evident yet often go unnoticed, attain structural significance, a profound *metanoia* becomes necessary. In my opinion, the central theme of “mercy” leads the Roman Catholic Church to a paradigmatically new interpretation of the Gospel and the mission of the same Church.⁴

“Misericordia”: First Explications and its Possible Neurobiological Background

Today the term *miseriordia* is translated into German as *Barmherzigkeit* (mercy), but until a few years ago, it used to be translated by the word *Mitleid* (compassion).⁵ The latter term has however fallen into disuse and has been replaced by the English loan word “compassion” which has invested the term with a new significance and theological depth.⁶

Apart from these semantic subtleties, the term *miseriordia* expresses a fundamental behavioural attitude across all cultures and accounts for a principal resource of ethics and law.⁷ The term *miseriordia* as “compassion” has nevertheless undergone an ambivalent development in modern philosophy since Spinoza, especially in the German tradition. Immanuel Kant rejects it because of its ambivalence as a driving force for moral questions. Arthur Schopenhauer, on the other hand, bases his entire ethics on it. Friedrich Nietzsche connects the resultant attitude – which he perceived as a product of a slave morality – to the “misery” behind the Judeo-Christian tradition. According to him, this

Konsistorium (Freiburg: Herder, 2014).

⁴ While the Eastern Orthodox Church is far more rooted in this tradition, the Roman Catholic Church can be interpreted rather as a Church of the “*ordo*.” In this tradition, it is important to maintain an ideal order as the basic orientation. The responsibility for a merciful solution for singular cases, which is also treated here, has developed into dispensation in the Roman Catholic tradition. If, however, dispensation becomes a general rule, as in the concrete case of marriage annulments, the paradigm gets into severe difficulties.

⁵ The German edition of *Summa Theologica* (*STh*) of Aquinas translates the phrase cited repeatedly by Pope Francis (*STh* II-II 30.4) with *Mitleid* (compassion); see Thomas Aquinas, “*Die Liebe* (1. Teil): II-II 23-33,” in *Die Deutsche Thomas-Ausgabe: Vollständige, ungekürzte deutsch-lateinische Ausgabe der Summa Theologica*, ed. Albertus-Magnus-Akademie, Walberberg (Graz: Styria, 1959), vol. 17A.

⁶ The term introduced in the discussion by Johann Baptist Metz has become particularly important in practical theology, see Lothar Kuld, *Praxisbuch compassion: Soziales Lernen an Schulen; Praktikum und Unterricht in den Sekundarstufen I und II* (Donauwörth: Auer, 2004).

⁷ *Die Religion in Geschichte und Gegenwart* (*RGG*), 3rd ed. (Tübingen: Mohr, 1960), 4:1022-1024, s.v. “Mitleid”; *Lexikon für Theologie und Kirche* (*LThK*), 3rd ed. (Freiburg: Herder, 1993), 2:13-17, s.v. “Barmherzigkeit”.

tradition fuses with this “virtue” a resentment of the weak against the strong, becoming thus a synonym for the Christian rejection of life. God the Son himself suffered and died due to compassion.⁸ Such a view, however, fails to sufficiently acknowledge the totality of basic human capabilities, which necessarily includes the ability of compassion. It seems to me that in this respect modern neurological studies might indeed offer new insights.

The semantic field of “mercy” refers not only to an anthropological but also to a fundamental terminology. “Mercy” is not an isolated human capability. It is rooted in the human ability to empathize, and comprehend fully the circumstances and the misery and suffering of others as well as their joys and hopes.⁹ This peculiar ability of humans¹⁰ is decisive in human social relationships and of fundamental importance for individual development.¹¹ Empathy is at the basis of the human person, because it makes it not only possible for humans to establish an external connectivity with others, but enables other persons to exercise influence on the empathizer, pervading and determining him/her “perichoretically.” The term *perichoresis* determines the possibility of reciprocal existence of the persons of the Trinity in one another and, on a more basic level, the triple dimension of our biological constitution.¹² A person does not only relate to others but is also capable of being determined by others within his or her own intentions and conscience. We can adopt another person within ourselves and thus alter ourselves and our behaviour accordingly. The result derives from fundamental neurobiological structures of our brain: the mirror neurons.¹³ Thanks to this complex system, we do not relate to the world and to

⁸ For an overview of the philosophical discussion see Lothar Samson “Mitleid,” in *Historisches Wörterbuch der Philosophie* ed. Joachim Ritter et al., (Basel: Schwabe, 1971-2007), 5:1410-1416; Richard Hauser, J. Stöhr, “Barmherzigkeit,” in *ibid.*, 1:753-755.

⁹ See Joachim Bauer, *Prinzip Menschlichkeit: Warum wir von Natur aus kooperieren*, 6th ed. (Munich: Heyne, 2013).

¹⁰ I will not pursue the question whether animals can have the ability of empathy. According to the actual state of knowledge, it is probable. Empathy is the basis for the possibility of socialization (see *ibid.*, 227-228). Bauer reports astonishing experiences of socialization in connection with a whale.

¹¹ Without this ability, we might fall back on autism or narcissism. According to Bauer, it is not possible to establish a gender difference in this intuitive understanding (*ibid.*, 197). He argues for complementarity.

¹² From a biological view, three fundamental features constitute the human as a social being: the motivational systems of the brain, the disorder and losses of important interpersonal relationships activating biological stress systems, and the system of the mirror neurons that allows us to relive what we can observe in others. This system is the foundation of social response (*ibid.*, 71-73).

¹³ Co-operation is decisive for life that seeks survival and dissemination, not repression or

others retrospectively, but develop in our imagination different possible worlds with which we could theoretically co-operate. We internalize the experiences of others. That is why humans can be understood as social and co-operative beings.¹⁴

This ability implies, however, the danger of mimetic rivalry. According to René Girard, mimetic rivalry affects every form of human culture and leads to the development of different reactive mechanisms. The most frequent reactive mechanism consists in humans flocking together in a larger group against others, in order to exclude and destroy them socially or literally.¹⁵ Nevertheless, violence is not an “ontological attribution of humans,” but is rather a reaction to rival exclusion and social death. The human is thus a social being determined by his or her own ambition and resultant structures.¹⁶

Mercy as a Fundamental Property of God’s Actions

Pope Francis repeatedly quotes Thomas Aquinas: “In itself mercy is the greatest of the virtues, since all the others revolve around it and, more than this, it makes up for their deficiencies. This is particular to the superior virtue, and as such it is proper to God to have mercy, through which his omnipotence is manifested to the greatest degree.”¹⁷ This statement shall be examined briefly with reference to other statements from Aquinas regarding mercy. I will then attempt to connect the question of God’s personal dimension with insights from modern neurobiology.

Thomas examines God’s merciful actions in the context of justice. Two aspects seem to be especially important to him, as he always discusses mercy within the context of an appropriate order. First, it is necessary to regard the relation

elimination. Bauer therefore considers Darwinism, rather than the theory of evolution, as an ideology, Bauer, *Das kooperative Gen: Abschied vom Darwinismus* (Hamburg: Hoffmann und Campe, 2008).

¹⁴ Joachim Bauer’s important findings include his interpretation of aggression and violence. Aggression as neurobiological stress behaviour emerges whenever social relations are broken, injured or suppressed. The human brain rewards social co-operation, but not violence; see Bauer’s interpretation of Stanley Milgram’s experiments in *ibid.*, 71-72, and in general Bauer, *Schmerzgrenze vom Ursprung alltäglicher und globaler Gewalt*, 3rd ed. (Munich, Blessing, 2011).

¹⁵ For a comprehensive introduction to Girard, see Wolfgang Palaver, *René Girards mimetische Theorie: Im Kontext kulturtheoretischer und gesellschaftspolitischer Fragen*, 3rd ed. (Vienna, LIT, 2008).

¹⁶ See also the depth psychology oriented analysis of the human need for salvation with reference to Jesus Christ from a position of depth psychology in Monika Renz, *Erlösung aus Prägung: Botschaft und Leben Jesu als Überwindung der menschlichen Angst-, Begehrens- und Machtstruktur* (Paderborn: Junfermann, 2008).

¹⁷ *STh* II-II 30.4 as quoted in *Evangelii Gaudium*, no. 37.

between mercy and justice. Mercy does not suspend justice but “in a sense is the fullness thereof.”¹⁸ Mercy balances justice and is at the same time protected by it from a dissolution of order.¹⁹ Mercy alone does not create order. It requires justice. The second aspect regards a certain hierarchical order regarding mercy. In Pope Francis’ quote from Aquinas, this hierarchical order is “particular to the superior virtue (*maxime superioris*).”²⁰

This does not imply a form of condescension. It rather demonstrates that mercy has to prove itself in external actions towards others. Merciful action needs to possess a certain power and to be determined inwardly by a particular attitude. The innermost motivation for mercy, however, is love (*caritas*). According to Aquinas, the substance of Christianity is to be found in mercy as an external manifestation; but its internal motivation through love (*caritas*) is fundamental.²¹ Since charity likens us to God by uniting us to Him in the bond of love, we become internally similar to God through love, and similar to Him externally through mercy.²²

According to Aquinas, God has no real direct relation to His creation (“*ratione tantum*”). Aquinas therefore develops the Doctrine of God from a “transhistoric” position. His doctrine illustrates the basic relation of God to the historical world within an eternal present and an unmoved presence of the complete reality of being itself, which carries and moves as “*actus purus*” everything that is and will be, but is at the same time not moved by it. The divine perfection consists, according to Scripture, in *caritas*. It is thus not surprising that Aquinas does not mention *miserericordia* in the first part of the *Summa* as an attribute of God, but considers it as a standard for justice.²³ God’s concern for humankind is determined inwardly by His essence, which is love; His outward action is always a form of gratuitous mercy. Since the fact that “God is personal” pervades and influences all creatures intentionally, comprehending and leading them through creation itself, the presence of the almighty and omniscient God is

¹⁸ *STh* I 21.3 ad 2.

¹⁹ “*Iustitia sine misericordia crudelitas est; misericordia sine iustitia mater est dissolutionis.*” Thomas Aquinas, *Super Evangelium S. Matthei lectura*, 5:2.

²⁰ *STh* II-II 30.4.

²¹ “*Ad secundum dicendum quod summa religionis Christianae in misericordia consistit quantum ad exteriora opera. Interior tamen affectio caritatis, qua coniungimur Deo, praeponderat et dilectioni et misericordiae in proximos.*” *STh* II-II 30.4 ad 2.

²² “*Ad tertium dicendum quod per caritatem assimilamur Deo tanquam ei per affectum uniti. Et ideo potior est quam misericordia, per quam assimilamur Deo secundum similitudinem operationis.*” *STh* II-II 30.4 ad 3.

²³ *STh* I 21. See also “*Miserericordia*” in *Corpus Thomisticum*, <http://www.corpusthomicum.org/tlm.html#miserericordia>.

characterized (*ad extra*) by his mercy. Knowledge might thus become a means of enabling freedom and autonomy for His creatures. Love always seeks complete happiness of the others. According to Aquinas, the mystery of the incarnation and passion of Christ reveals to humanity the right way to follow this challenge.

It is thus important here to look at the kenosis of the Word of God (Phil 2:7) as an example of God's love in action. With this kenosis, we experience the historical form of mercy. The incarnation of the Word of God reverses the almost self-evident ontological hierarchy of God and humans. This "wondrous exchange" ("*admirabile commercium*"), as the Eastern Fathers called it, does not suspend the ontological difference between God and creature, but reverses our common understanding of hierarchy. Without going into details, I would like to mention three aspects of this reversal in the testimonies of the New Testament. Jesus Christ's way of preaching and acting implies a new notion of God that demands an entirely new order. Christ himself interprets his work and his inner motivation accordingly (Mt 11:25-30).

The first aspect regards the proclamation of the Kingdom of God. This includes an all-embracing call without any constraints. Its realization distinguishingly determines Jesus' actions in different situations.²⁴ The second aspect refers to Jesus' notion of God, which, in my opinion, is illustrated in an exceptional way in the Parable of the Prodigal Son.²⁵ In this parable, the merciful father waits for the son and runs out to meet him in joy at his return. With Jesus, however, God does not only await humankind, but also follows them into the deepest abyss. Jesus' life and death revealed this notion of God and sustained it even during the crucifixion when He pleaded with his father for forgiveness for his executioners, thus continuing to project the image of a merciful God (Lk 23:34). The third aspect is revealed symbolically in Christ's washing of the disciples' feet. This act can be perceived as a "prophetic gesture" for all sacraments, ministries and Church actions. It illustrates the meaning of service and mercy. This act does not give a "concrete" answer, but reinterprets its "realization." Whether an action is of real service and merciful cannot be decided by the person who performs it, but must be ratified by those who experience it. Because of this, Jesus surrenders himself to us humans and to his Church.²⁶

²⁴ Raymund Schwager illustrated Jesus' ministerial journey as a drama in five acts displaying the paradigmatic actions and situations. Raymund Schwager, *Jesus in the Drama of Salvation: Toward a Biblical Doctrine of Redemption* (New York: Crossroad, 2009).

²⁵ See Eduard Schweizer, *Jesus, das Gleichnis Gottes: Was wissen wir wirklich vom Leben Jesu?*, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 1996).

²⁶ For a basic understanding of the meaning of "tradition," see Hansjürgen Verweyen, *Gottes letztes Wort: Grundriß der Fundamentaltheologie*, 4th ed. (Regensburg: F. Pustet, 2002), 201-210.

Mercy as a Distinctive Feature of the True Church of the God of Jesus Christ

In the statements which form the second part of this article, some specific points will be raised that would befit a Church characterized by mercy. In this first part, I want therefore to refer briefly to the unity of ecclesiology and the Trinitarian creed. This unity represents the heart of “*communio-ecclesiology*.”²⁷ I will illustrate this inner connection with a brief interpretation of article no. 8 of *Lumen Gentium* (*LG*).²⁸

In the first chapter of this dogmatic constitution, the Church is established as a kind of sacrament or sign of intimate union with God, and of the unity of all humankind (*LG*, no. 1) in the mystery of the presence of the Trinitarian God’s saving will. Article no. 8, which concludes the first chapter, displays the fundamental and, in a certain sense, the trans-historical structures of the true Church of Jesus Christ. This Church of Christ is based on five dimensions that sustain and complement each other and are vital for the human testimony of the Trinitarian God within history.

The first dimension refers to the unity of institution (*societas, compago*) and spiritual community (*communitas spiritualis; corpus mysticum*) and determines the Church as a complex reality. The visible and the invisible elements, the human and the divine, the institutionally hierarchical worldly dimension, and the heavenly dimension shall not be considered as two distinct realities, but should be seen in their interconnection. It is only in this complex structure, that the Church can be understood through a certain analogy to the incarnation of the Word. The visible historical-institutional body of the Church is thus conducive to its salvific mission. This characteristic of the Church should also be the starting point behind every reform: Does the visible structure and organization of the Church correspond to its salvific mission? Is this visible worldly body fulfilling its function as the sacrament of unity with God and of a unity of the people?

²⁷ It is no coincidence that Walter Kasper advocated a realization of mercy as an ecclesiological guiding principle. He also wrote a comprehensive outline of a “*communio-ecclesiology*,” in Walter Kasper, *Die Kirche Jesu Christi: Schriften zur Ekklesiologie I*, Walter Kasper gesammelte Schriften, vol. 11 (Freiburg: Herder, 2008).

²⁸ For a detailed interpretation see Roman A. Siebenrock, “‘Geht die Kirche immerfort den Weg der Buße und Erneuerung,’ (*LG*, no. 8): Betrachtung eines zentralen Konzilstextes zum Selbstverständnis der Kirche,” in *Ermütigung zum Aufbruch: Eine kritische Bilanz des Zweiten Vatikanischen Konzils*, ed. Philipp Thull (Darmstadt: Wissenschaftliche Buchgesellschaft, 2013), 48–58. To me, the interpretation of this article seems important, since the idea of “gradualness” derives from this very article.

The second dimension in *Lumen Gentium* no. 8 establishes the visible body of the Church as a hierarchical order while acknowledging the fundamental dignity of all Church members. Within this hierarchical order, which is characterized by a common creed and a participation in the sacraments, article no. 8 carries only a reference to the “Successor of Peter” and all the bishops in union with him.²⁹

The third dimension illustrates the relation of the historical Church to its holy origin in Jesus Christ, and to the Church’s “outside” connections through the presence of “*plura elementa sanctificationis et veritatis*” beyond the Church’s own visible structure (*compago*), as impelling forces towards Christian unity. The difference between the one and the only Church of Christ, which “subsists” – a much discussed term – in the Catholic Church, and the acknowledgement of true gifts of the Church of Christ outside its own structure, forms the basis of all discourse on the “law of gradualness.” “Gradualness” cannot however be understood properly without the next two dimensions of ecclesial characteristics, which unfortunately have been hardly noticed in the debate which followed the promulgation of “*Dominus Iesus*,” the declaration by the Congregation for the Doctrine of the Faith on the unicity and salvific universality of Jesus Christ and the Church.

The fourth dimension in article no. 8 of *Lumen Gentium* introduces a kenotic Christology as a criterion for all ecclesiological activity as salvific communication. Its vocabulary is presented in an almost comprehensive manner: “*in paupertate et persecutione*”; kenosis (Phil 2:6-7) as “*forma servi*”; as well as “*humilitas*,” and “*abnegatio*.” What is decisive in Christ’s mission towards the poor should similarly be decisive for the Church, since in the poor and in the weak, the Lord himself is visible. The true and only Church of Jesus Christ is determined by that unity, but, with an important difference. While Christ “knew nothing of sin,” the Church proceeds on its way as a Church of sinners. That is why the Church is always in need of conversion, penance and renewal, not only by its individual members, but also in its visible constitution. All institutions and sacraments belong to an aeon that will eventually pass.³⁰

The fifth dimension in *Lumen Gentium* no. 8 characterizes the Church as a historical reality. The true Church of Jesus Christ is not only in need of renewal,

²⁹ It is not without importance that *LG*, no. 8 uses neither the term “roman” nor “Pope.”

³⁰ “However, until there shall be new heavens and a new earth in which justice dwells, the pilgrim Church in her sacraments and institutions, which pertain to this present time, has the appearance of this world which is passing and she herself dwells among creatures who groan and travail in pain until now and await the revelation of the sons of God,” *LG*, no. 48. This rarely noticed sentence on the eschatological dimension of the Church should not be neglected for it establishes the catholic dimension in history.

but is on a pilgrimage through time in a continuous need for renewal, following a path between afflictions and hardships that assail her from within and from without “amid the persecutions of the world and the consolations of God.” Through its faith, the Church can only rudimentarily profess the mystery of the Paschal Lord until He returns in glory.

Even if Vatican Council II does not speak explicitly of mercy, it seems justifiable to interpret “mercy,” in the context of Thomas Aquinas’ explanation of the term, as the essential feature of the Church’s ministry and actions. Since for Aquinas, “mercy” represents the completion of “justice,” the actions of the Church, like those of Jesus Christ, should have as their primary intention a demand to exercise justice to all humans, both neighbours and all others whom we encounter. To exercise justice, however, means to serve others in a way which makes it possible for them to find and to follow their way to salvation and bliss even if their lives and circumstances might look hopeless. Christ seems to be recognizable in so many apparently desperate situations in which he offers people a way out of the mesh of precepts and laws. Christ’s behaviour is guided by the principle: “The Sabbath was made for man, not man for the Sabbath” (Mk 2:27). Such behaviour does not abolish the Law, but rather guides it to its inner fulfilment and completion (Mt 5:17-18).

The Church has been guided by the Holy Spirit in its understanding of the Gospel and in its faithfulness to Tradition; it is trusted with the knowledge of its meaning in history and of the possibility of living according to the Gospel and being true to the people in their misery and afflictions. The Church can never remain static but, true to its origins and its history, needs to continue ahead on the path of continuous renewal, development and change. “In a higher world it is otherwise, but here below to live is to change, and to be perfect is to have changed often.”³¹ In this historical process, the risk of corruption can never be excluded; and hindrance of essential development can at times constitute a form of corruption.³² Facing challenges is always a sign of a continuous dynamism within the Church. In my opinion, the development behind the two episcopal synods exemplifies the Church’s struggle. The following statement by the Faculty of Theology of the University of Innsbruck should be understood in this context as a contribution towards this struggle as an appropriate way forward for the Church today.

³¹ John Henry Newman, *An Essay on the Development of Christian Doctrine*, 14th ed. (London: Longmans, Green, 1901), 40.

³² Newman developed different tests to establish this. The test of a continuing life force especially illustrates the necessity of development, since this force only determines an idea as being full of life, *ibid.*, 400-418.

A Plea for a Courageous Development of the Doctrine: A Statement by the Faculty of Theology of Innsbruck regarding the Fourteenth Ordinary Episcopal Synod (2015)³³

The increasing concern of the Church regarding marriage and the family cannot be overstated in view of the manifold difficulties encountered in marital life, and its constitutive significance for human society. The Church's concern regarding economic constraints and political and cultural circumstances is without doubt a premise for a return to a missionary attitude that makes it possible to recognize Christ's work even "outside customary models." We felt obliged to issue the following statement so that the Fourteenth Episcopal Synod may be concluded with beneficial and convincing alignments. Such statements can never be comprehensive or sufficiently differentiating, including our statement. We therefore wish to concentrate critically on discrepancies and deficiencies, and positively, on a few particular guiding principles.

We support a courageous development of doctrine and pastoral care through a theology of the signs of the time (*Gaudium et Spes* [GS] nos. 4,11; esp. 49,51). If sexuality, marriage and the family are interpreted theologically within the context of the covenant, this encourages a reinforcement of Christian marriage as a sign of belief, as well as an appreciation of sexuality as something essentially positive (GS, nos. 47-52; *Lineamenta*, no. 17). Sexuality does indeed affect all human communication in a multitude of culturally developed forms of expression. These forms of expression, however, are currently within the process of great transformation and thus, at times, deviate from traditional forms and convictions. Sexuality and violence, a desire for closeness and vulnerability, are often closely connected. We propose to examine the question raised by Cardinal Christoph Schönborn on the "gradualness" of the sacrament of matrimony concerning the quality of communication, which enables and determines different ways of life. Even temporary and fractured forms can serve as possible "mustard seeds."

³³ Nicht allein die katholische Christenheit erwartet "einen Sprung vorwärts". Plädoyer für eine mutige pastorale Lehrentwicklung. (Stellungnahme zur XIV. ordentlichen Bischofssynode "Die Berufung und Sendung der Familie in Kirche und Welt von heute" vom 4. – 25. Oktober 2015). Original German text at <http://www.theologie-und-kirche.de/>.

***The “Skeleton in the Closet”: To Speak Openly;
Sexuality still under the Verdict of Sin***

The claim of the Church of being an “expert in humanity” (*Lineamenta*, no. 1) compels it to recognize a sign of the times in the cultural development of the last decades, which has liberated sexual practices from the aura of unchastity. A differentiated doctrinal commitment has thus become an absolute necessity! Such a statement should not, however, be an affirmation of the Church’s *status quo*, which is way too ambivalent, but should rather aim at a situation in which faith and the humanization of living conditions support each other in the light of the Gospel (see *GS*, no. 11; for this particular question: *GS*, no. 49, 51). Worldwide changing acceptance of sexual practices is manifest even within Christian churches, including the Catholic Church. *The Catechism of the Catholic Church (CCC)*, for instance, exhorts acceptance of homosexual people “with respect, compassion, and sensitivity” – despite its emphasis on the objective disorder of their alignment. “Every sign of unjust discrimination in their regard should be avoided” (*CCC*, no. 2358). And even though divorced and remarried people remain in a situation that is contradictory to the law of Christ (*CCC*, no. 1650), the Catechism determines that “priests and the whole community must manifest an attentive solicitude [towards them], so that they do not consider themselves separated from the Church” (*CCC*, no. 1651). In our opinion, this represents a positive development of doctrine and a practice which should be continued. The current situation has led to such a massive discrepancy between life experiences and doctrine, that it has affected the credibility of our Church. We could overcome this situation if we look at it as a transitional stage, which needs to be developed further in order to reach a convincing outcome.

We are convinced that a broad and realistic outlook regarding the situation of marriage and the family today can only be successful in terms of a missionary renewal, if the omnipresent topic of “sexuality” is repropounded and not omitted (in the *Lineamenta*, sexuality is mentioned explicitly only in no. 9). This omission, however, does not mean that the Church has liberated itself from the burden of tradition where sexuality is generally considered as being under the influence of sin. On the contrary, this omission seems to bolster both this dated doctrine and the cultural prejudices against Catholicism. As a result, the Church has lost its authority of guidance in all questions regarding the subject. It is exactly this traditional pattern of a sexual life legitimized only through the sacrament of marriage which is causing major problems in today’s pastoral activities regarding the integration of divorced and remarried people; otherwise it would not be comprehensible why those who are living “as brother and sister” are considered as being exempted from these sanctions. The Church’s attitude

towards homosexuals raises similar problems, just as the pastoral preparation for marriage does, it being altogether detached from reality. Clarification is therefore necessary!

Only after the Church has liberated itself from this “skeleton in the closet,” would it be possible for her to speak again convincingly about chastity, and to explain the significance of voluntary renunciation of intimate sexuality (celibacy). A change in the fundamental *habitus* of the Church does not mean an abandonment of all the Church’s teaching on sexual morality because of the pressure of statistics. It does, however, challenge us all to consider the sacrament not exclusively within the limits of morality. We are called upon to look at it anew as a source of mercy and as a gift in the multitude of human destinies, and recognize it as God’s commitment and as His gift of “abundant” life (Jn 10:10).

If the family in itself should be the main focus of family pastoral care (*Lineamenta*, no. 29), it should be mandatory for the episcopate to consider the *sensus fidei* of all members of the family (adults, adolescents and even children) when aiming at realistic standards, as well as the dogmatic approach of those who exercise pastoral care, in the spirit of the present Bishop of Rome. According to Thomas Aquinas (*STh* II-II 30.4, quoted from *Evangelii Gaudium*, no. 37), “mercy” means – as Cardinal Kasper illustrated – the exceptional way in which God’s almightiness (in which love and justice are one) manifests itself in history. Jesus Christ described his heart’s motives accordingly (Mt 11:28-30). If God’s almightiness reveals itself in Jesus Christ as benevolence and mercy, then all the teachings and actions of the Church of Jesus Christ have to be a testimony of this divine mercy.

The Gift of the Sacrament: “ein geschenktes Wir” as a Sign for the Presence of the Kingdom of God and as a Criterion for “Gradualness”

We advocate an interpretation of the sacrament of matrimony as a representation of the communion in the Kingdom of God and thus as basic ecclesiology. By adopting the conciliar idea of the family as “domestic church” (*Lineamenta*, no. 12, 16 and *passim*; *LG*, no. 11), the Synod would be taking an important step towards a strengthening of the analogy between the Church itself and its basic principles, the sacraments.

The significance of the reference in the *Lineamenta* to the *semina verbi* for a theological appreciation of different ways of life in non-Christian cultures cannot be underestimated (*Lineamenta*, no. 22, with reference to *Ad Gentes* [AG], nos. 11,13 and the appreciation of a “natural marriage” on the basis of a theology

of the covenant). Nevertheless, it is surprising that the text of the *Lineamenta* omits any reference to “sacramental gradualness” that was so intensely debated in the Extraordinary Synod on the basis of *Lumen Gentium*, no. 8, and was considered by most Synod members as a theological breakthrough, though this “sacramental gradualness” is implied in the *Lineamenta* as the different stages in life (*Lineamenta*, nos. 24-28 and 41ff). If we remain consistently on the path indicated by this line of thought, it might be possible that all the necessary steps in the pastoral care for those people who are living in an “irregular” relationship, can be taken without the risk of offending them or of giving the impression of resorting to attempts at ingratiation. Such steps will rather function as a detour from the “traditional road.” In this regard, we would like to present the following orientation.

The idea of *gradualness* is connected with the mission of the Church. In its practices (institutional and spiritual), the Church emblematically represents the presence of Christ and of his Kingdom. However, the only Church of Christ is, according to *Lumen Gentium*, no. 8, not simply identical with the Catholic Church, but “subsists” (“*subsistit*”) in it. With this differentiation, the Roman Catholic Church can establish *ad extra* its acknowledgment of multiple elements of sanctification and truth outside its own structure and, *ad intra* its continuous need for reformation; the Church keeps evermore on the path of penitence and renewal, following Jesus Christ who as the humble and poor Messiah preferentially approached the poor and the weak (*LG*, no. 8). The “gradualness” within and outside an officially acknowledged marriage or cohabitation has to be measured on the communicative character of the Kingdom of God which allows a truly human development to take place. The *Compendium on the Social Doctrine of the Church*, no. 220 states: “The gift of the sacrament conjugal love, that comes from the love of Christ himself, makes the Christian spouses witness a new social order, inspired by the Gospel and the Paschal Mystery.” This new social order can also be found in the marriage vows. We can perceive and acknowledge that people are living this new social order even in other forms of relations: Honour the other partner, respect him/her and be true to him/her in good times and bad, in sickness and in health, till death do us part.

Such a differentiated self-conception of the Church leads necessarily to a “gradualness” in all its spheres. This might also be the reason why there is always a dynamic tension between the sacramental realization of the Church in marriage, and its factual and thus deficient realizations, present within and outside the socially institutionalized marriage. An attitude based on this model of communication allows for a different approach to unmarried couples, focusing primarily on those aspects that are good and true, free from theological

idealizations that are increasingly detached from concrete reality and result in a painful narrowing of the ecclesial-pastoral position.

“Gradualness” – if understood as the condition of being somehow detached from the sacramentally realized holiness of the Church – affects not only all members of the Church but also its structures. We are all “at the same time holy and always in need of being purified,” (*LG*, no. 8) and remain thus called towards the path of holiness (*LG*, chap.5). *Gradualness*, interpreted as a gradually different realization of the Gospel in our lives, does not necessarily lead to relativism. Through “gradualness,” norms do not become redundant, only because Christians are at the same time holy and always in need of being purified and will thus never conform fully to the requirements of the Gospel; neither does “gradualness” prohibit regulation on the reception of the sacraments. Nevertheless, the Synod is being requested to ask not only how far Christians do meet norms and try to do so despite continuous failure, but also how far they are able to do so.

Courage for an Unusual “Experience of Christ’s Mercy” in the Readmission of Divorced and Remarried People to the Sacraments.

Churches are bound to follow God’s words as they are handed down to us through Holy Scripture. This innermost essence of theology and of the life of the Church (*Dei Verbum* [*DV*], no. 24) is always seen through the tradition and the concrete life of the pilgrim people of God. In the controversy with his contemporaries, Jesus refers to the renewal of creation and decidedly advocates the nature of marriage as being absolutely binding (Mt 19:1; *Lineamenta*, no. 14). Jesus’ resolute position and Saint Paul’s analogy of Christ and his Church in relation to marriage (Eph 5:21-33) have throughout history always constituted a challenge for Churches, even though these Churches have found different solutions in the face of the experience of marital failure, guilt and disappointment. In this regard, the practices of the Orthodox churches, which have never been rejected by the Roman Catholic Church (see e.g. the Council of Trent in Heinrich Denzinger, *Enchiridion Symbolorum*, ed. Peter Hünermann [*DH*] no. 1807) should be especially studied and attentively considered.

The prohibition of separation, as presented by Jesus, was even in the Catholic Church never legally instituted (*Code of Canon Law* 1983 [*CIC/1983*] canons 1141-1155). Separation is thus not only feasible, but in specific cases even necessary. Moreover, divorced and remarried couples who are living in a “Joseph marriage” can be admitted to the Eucharist – in what in our opinion constitutes a rather precarious “solution.”

One basic theological question, namely that of marriage annulments, should here be mentioned conclusively, since this approach is currently considered as offering a possible solution and thus strongly recommended by the Roman-Catholic Church (*Lineamenta*, nos. 48-49). Let us consider the following: As experience has shown, many couples are not really able to really comprehend this rather legalistic solution even though they choose it out of pragmatic reasons. The actual procedure of marriage annulment often works counterproductively and is not at all conciliatory. Since having lived together for years as a “married couple” might have no significance whatsoever in the phase of annulment, we consider the lack of understanding for these regulations as a testimony of the “*sensus fidei*.” For an adequate theology of the sacrament can never obliterate the memory of a past relationship; the responsibility for each other during and after the parting needs to be emphasized. The practice of annulment prohibits such an approach and thus undermines the affirmation of the indissolubility of marriage.

In this context, we should remember the dogmatic problem raised by the gnostic Epistle of Barnabas regarding God’s covenant with Israel. According to this Epistle, the covenant at Sinai has never actually been realized (chap. 14). The Church has always been dismissive of this position; with the theory of substitution, however, the Church itself developed an interpretation, which was almost as precarious. It was not until the Second Vatican Council that a more responsible solution was identified. It is necessary to keep this in mind, since even today we have good reasons to interpret marriage in the context of the covenant. The Church is thus familiar with the idea of a “somehow failed covenant” which is joined by a new one without making the old one redundant. The Council resorted here to the logic of the Epistle to the Romans (Rom 9-11); this Epistle considers failure as an integral part of a dramatic process of seeking truth and does not charge the people concerned with the burden of fault.

Therefore, what is true for the question of the foundation of the Church should also be true for the sacraments, even though a second cohabitation cannot be considered a sacrament as long as the former marriage vows still last. Nevertheless, the second “life covenant” is surely not without blessing and mercy if it is characterized by the above-mentioned character of testimony. Christ’s faithfulness pertains not only to the pious and the just, but also to the sinner that we always are. Due to this faithfulness alone, the Church and every single member of it can profess to be holy and called to holiness, no matter in which precarious and entangled situations one might find oneself.

Finally, we want to address briefly the question of what meaning the sacrament of marriage and the marriage vows could preserve, even if the relation between the couple might fail due to various circumstances. This question is mainly absent in traditional marriage theology and pastoral care. *Lineamenta*, no. 51,

however, emphasizes the necessity of dealing with the question of an adequate attitude towards divorced and remarried people. The Kingdom of God, which has already started in us, will find its completion in the eschatological perfection. The judgement of reconciliation on us will not be a payoff, but the realization of full humanity with its fractures, injuries and faults in the emergence of God's glory. Bride and groom promise each other not only to be true "till death do us part," but also to love each other, to respect each other, and to honour each other "all the days of my life." Whoever takes this statement seriously on the ground of his or her belief, cannot omit the dimension of eternal life. Every decision taken in freedom aims at eternity; it is based on the hope of finding fulfilment through God's mercy in the judgement of reconciliation.

If marriage and all relationships within and outside the Church could be understood accordingly, the anticipated *communio sanctorum* can manifest itself even today in reconciliation, recognition and solidarity for everyone and especially for those entrusted to pastoral care. Only within the *metanoia*, can we all be part of the promise of a new life in God. The gift of the Eucharist and the community of the faithful are, however, indispensable for our pilgrimage in this world, supporting Christian life and nourishing all reconciliation. How can the Church attend to people, on their way of reconciliation from their precarious and fractured life paths, if it radically rejects their plea for the bread of life?

In his sermon to the new cardinals on 15 February 2015, Pope Francis pointed out that the history of the Church has been characterized by a logic of integration and a logic of exclusion. Jesus lived a logic of integration. "In healing the leper, Jesus does not harm the healthy. Rather, he frees them from fear. He does not endanger them, but gives them a brother. He does not devalue the law but instead values those for whom God gave the law." A responsible readmission of divorced and remarried people to the Eucharist does not devalue Jesus' words. The mercy of the sacrament of marriage is visible even in broken and separated relations – in the encouragement for reconciliation, for respect and for a common responsibility for children and former social contacts. Whoever is familiar with the conflicts in and after a broken relationship – which are always founded in an entanglement of intimacy and vulnerability – might have an idea of the missionary testimony of the Gospel of reconciliation, which such people could give us even while experiencing failure. Therefore, the readmission of divorced and remarried people who reveal to us such a testimony of reconciliation, and who assume responsibility for each other in the new relationship is not contradictory to Christ's words. It is rather a testimony of his efficacious mercy in a world marked by sin. Such a testimony, however, rightfully demands participation in the sacrament of reconciliation and of new life.

A general exclusion of divorced and remarried people from the sacrament appears thus to be more of a sociological mechanism for the shaping of identity through exclusion, which does not correspond with the Christian spirit. In the Church, the mentality of judging people living in “structural sin” (causing a public nuisance, since they are living in open adultery), is apparently very often still taken for granted. Is this helping, or is it hindering the propagation of the Gospel? Should not this situation be reconsidered for the sake of an adequate pastoral care?

At the end of the afore-mentioned sermon, Pope Francis summarizes the logic of a general integration with the following words, which should be firmly kept in mind during the coming Synod: “We will not find the Lord unless we truly accept the marginalized! May we always have before us the image of Saint Francis, who was unafraid to embrace the leper and to accept every kind of outcast. Truly, dear brothers, the Gospel of the marginalized is where our credibility is at stake, is discovered and is revealed!”

Pastoral Questions have Doctrinal Significance

In his sermon on 15 February 2015, Pope Francis referred to a fundamental pastoral principle with dogmatic significance. The Episcopal Synod in autumn 2015 will thus not “only” be about a family pastoral ministry, but it will also deal with the general question of the doctrinal significance of pastoral considerations.

The fresh pastoral approach of the Second Vatican Council seems not to be at stake. This approach became manifest in the pastoral constitution *Gaudium et Spes*, which was approved fifty years ago after intensive deliberations. In this constitution, it was decreed by the highest Magisterium that pastoral questions have constitutive, and not only applicative significance, for the Church. The pastoral constitution (*Gaudium et Spes*) is thus just as important and valid as the constitutions on sacred liturgy (*Sacrosanctum Concilium*), on the Church (*Lumen Gentium*) and on divine Revelation (*Dei Verbum*).

A great part of the debates which followed the Council have focused on the question of the dogmatic significance of a “pastoral council.” Even though this question was answered by the Magisterium, its consequences have not yet attained a general acceptance in the Church today. Under the current pontificate, these consequences have become even more acute. The topical problems at the Second Vatican Council correspond amazingly with the problems of the 2014 Extraordinary Episcopal Synod, where one side sees pastoral activity as the stage where doctrinal principles are applied, while the other side insists that pastoral activity is a venue for the discovery of the Gospel and its applicability in contemporary times.

As Pope Francis states: “Vatican II was a re-reading of the Gospel in the light of contemporary culture.” In this context, the *Lineamenta* of the coming 2015 Episcopal Synod refer to a necessary realism, which should help avoid any decisions which are detached from the Gospel. Such decisions would lead to “a formulation of pastoral care based simply on an application of doctrine.” The Second Vatican Council developed a pastoral orientation of mercy, which echoes Jesus in his path of a wholehearted compassion for humans in misery (*miseri-cordia*). In the context of this pastoral orientation of mercy, it is necessary for the Church to support this realism with theological arguments.

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