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NOTES ON SOME INTERPRETATIONS OF *AMORIS LAETITIA*

Summary: After the Post-Synodal Apostolic Exhortation *Amoris laetitia* of the pope Francis there emerged many different, and sometimes conflicting, interpretations of the pastoral indications contained within the document. The question regards the admission to the sacrament of Eucharist for the divorced living in a new union. According to some authors, the document changes the sacramental discipline valid till now, while others see the continuity with the previous teaching of the Church on that matter. The essay analyses in particular the arguments in favor of the change, adding some critical notes, and comes to the conclusion that the problem calls for a further clarification.

Keywords: Eucharist, marriage, divorce, conscience, moral norm.

Recently, the Magisterium of the Church has devoted much attention to marriage and the family. Let us just think of the extraordinary doctrinal and pastoral vision which left us St. John Paul II, not incidentally called “the Pope of the family”. In the situation in which the family as an indissoluble union between man and woman open to procreation was considered by many as already surpassed, John Paul II had the courage to act as “a sign of contradiction”, putting the family in the center of his teaching and his pastoral activity. In his various interventions the Pope showed the beauty of the family as a “communion of persons,” which through the mutual self-gift constitutes their new identity – a communion identity.

A pastoral document

Pope Francis followed, as it were, in the footsteps of St. John Paul II, convening at the very beginning of his pontificate two synods – an ordinary and an extraordinary one – dedicated to the question of the family. Following these two events and their final reports the pope published a document, in which he sum-

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marized and developed further the fruits of the synods. It is the Post-Synodal Apostolic Exhortation *Amoris laetitia*, signed on March 19, 2016 and published on April 8.

As it has been rightly pointed out by several commentators, the intention of the pope Francis in publishing his exhortation was not so much doctrinal as pastoral. For example, in his ample reflection on the *Amoris laetitia* in the section entitled “A radically pastoral exhortation” Antonio Spadaro SJ writes: “Speaking of the family and to the families, the problem is not to change the doctrine, but to enculturate the general principles so that they can be understood and practiced.”¹ Other authors, who do not necessarily share all the interpretations of Father Spadaro, also agree on this point. By a way of example, we cite the professors Juan José Pérez Soba, Stephan Kampowski and José Granados.² In the document of the Pope they all see an urgent invitation to “pastoral conversion” that puts the family in the center of the Church and also sees in it the subject of pastoral action. In his first comments after the publication of the papal document prof. Livio Melina speaks of the new pastoral perspective for the Church and indicates four points which according to the Pope’s vision are essential for the renewal of the pastoral action: 1. The central role of education to love (chap. VII). 2. The clear teaching on love and marital fertility, starting from the encyclical *Humanae vitae* of Pope Paul VI. 3. Approval of the pastoral centrality of the family in the Church: the family is not only the object of pastoral care, but rather – and perhaps above all – its active subject. 4. The sacramental character of Christian life: Christianity is based on a historical event of God who became man. This event also transforms the flesh of man. “Not the pastoral plans elaborated in an office can save us, and even less those who are trying to adapt the Christian morality to the mentality of the Western world, immersed in the crisis of meaning” but the encounter with the person of Christ and – as regards our theme – his Gospel of the family.³ Finally, I would like to mention the opinion of card. Walter Kasper in which he categorically affirms: “*Amoris laetitia* does not give up one iota of the traditional teaching of the Church. But at the same time this document changes everything, because it puts it in a totally new perspective.”⁴

The fact that everyone agrees on the pastoral and not doctrinal character of the pontifical document, also highlighting its continuity with the long tradition

¹ A. Spadaro SJ, *Amoris laetitia. Struttura e significato dell’Esortazione apostolica post-sinodale di Papa Francesco*, “La Civiltà Cattolica” vol. 2, 2016, p. 127.

² Cfr. J. Granados, S. Kampowski, J.J. Pérez Soba, *Amoris laetitia. Accompagnare, discernere, integrare: Vademecum per una nuova pastorale familiare*, Cantagalli, Siena 2016.

³ L. Melina, *Il preside dell’Istituto Giovanni Paolo II: “L’esortazione è un documento positivo, non c’è alcun cambiamento”*, “Il Foglio” 11.04.2016.

⁴ W. Kasper, *Amoris laetitia. Bruch oder Aufbruch?*, „Stimmen der Zeit” vol. 11, 2016, p. 732.

of the Church's teaching on marriage and family, is important. It means that we should interpret this document in the light of what the Church has taught so far. In other words: we cannot accept as correct any interpretation which directly or indirectly puts into question any essential points in the teaching of the previous Magisterium. Moreover, as far as I know, all – or nearly all – commentators of the exhortation claim that we are dealing with the continuity and not a breach with the previous Magisterium, although not all of them understand continuity in the same way. Even Robert Spaemann, who in his first comment – in an interview with the Catholic News Agency – spoke of a breach, has later changed his position. In the text published in the German newspaper “Die Tagespost” the philosopher writes: “One should only speak of a breach when a Pope clearly and explicitly teaches something by formally invoking his apostolic authority – so not casually in a footnote – that contradicts the aforementioned doctrinal tradition.”⁵ According to Spaemann, what we find in the exhortation is instead open to different – even opposite – interpretations and should be further clarified. This of course does not refer to all the text of the exhortation that offers many valuable reflections on human love, its fragility and on the need for the Church to accompany and integrate in the ecclesial life also those people who live in the so-called “irregular” situations.

But here we find a point that sparked the controversy. It is the admission to the sacramental communion of divorced people who are bound by a valid marriage bond and then remarried civilly. For centuries, the sacramental discipline of the Church has excluded these people from access to the holy communion, since their state of life remains in contradiction with the indissolubility of marriage, taught by the Lord. As known, the Post-Synodal Exhortation *Familiaris consortio* of John Paul II opened to such persons the opportunity to receive the Eucharist under condition that they renounce from sexual love acts proper to spouses, that is, that they live in complete continence (n. 84). This teaching was subsequently reaffirmed by the *Reconciliatio et paenitentia* of John Paul II (n. 34) and the *Sacramentum caritatis* of Benedict XVI (n. 29). *Amoris laetitia* does not contain any clear declaration about this problem. The pope has repeatedly emphasized that care must be taken of the people with respect to their concrete situations, but he never clearly says that divorced and remarried persons may be admitted to sacramental communion – only the note 351 could suggest such a possibility. In paragraph 305, the Pope says: “Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin – which may not be subjectively culpable, or fully such – a person can be living in God's grace, can love and can also grow in the life of grace and charity, while

⁵ R. Spaemann, *Die Kirche ist nicht grenzenlos belastbar*, „Die Tagespost“ 16.06.2016.

receiving the Church's help to this end", then adding in the note that "in certain cases, this can include the help of the sacraments" (note n. 351). It is in these statements that some authors see openness to communion for divorced and remarried persons (of their arguments we speak in what follows), even if the Pope does not say so explicitly and does not specify the conditions under which such an admission could be justified.

Moreover, in paragraph 300, the Pope says: "If we consider the immense variety of concrete situations such as those I have mentioned, it is understandable that neither the Synod nor this Exhortation could be expected to provide a new set of general rules, canonical in nature and applicable to all cases". If so – other authors emphasize – if the pope does not want to give any "new comprehensive legislation", this means that the previous legislation remains in force, i.e. that of which speak the documents mentioned above. Still other authors note that it is hardly conceivable that a centuries-old doctrine of the Church on the sacramental discipline can be changed in a footnote (or even in a private letter or interview of the pope that may suggest such a change). Moreover, they see in this discipline not only a practical and therefore accidental measure, subject to change, but a necessary expression of the indissolubility of marriage.

But let us look more closely at some arguments in favor of the interpretation that sees in the exhortation a change of the previous sacramental discipline.

Objective norm and mitigating circumstances

In two articles published in the "L'Osservatore Romano" professors Rocco Buttiglione and Rodrigo Guerra defend the thesis that there is a "creative fidelity" between the magisterium of John Paul II and that of Pope Francis precisely with regard to the question that interests us here, that is the admission of remarried divorcees to communion. In particular, the text of Rocco Buttiglione has found considerable resonance, given his world-wide reputation as an expert in the philosophy of Karol Wojtyła and the magisterium of John Paul II. In his comment⁶ Buttiglione supports the argument that the *Amoris laetitia* does not change the law of God, but merely human law that accompanies it, proposing a new pastoral strategy in a world that has changed. In our world (especially in the Western world) divorce has become a widespread phenomenon, even among Catholics. If people live in "irregular situations" and feel excluded from the Church's life, since they have no access to the Holy Communion, as a result they eventually leave the Church and so we risk – this is the thesis of Buttiglione

⁶ Cfr. R. Buttiglione, *La gioia dell'amore e lo sconcerto dei teologi*, "L'Osservatore Romano" 20.07.2016.

– that faith will not be passed on to new generations and we will see the ever greater dechristianization of Western societies. (It is of course difficult to verify this hypothesis, because it concerns the future; anyway, we may note that in the societies with a Protestant majority the process of secularization and the gradual abandonment of the Christian faith is even greater than in the Catholic ones. Evidently, the causes must be sought elsewhere, not only in the doctrine on marriage and the corresponding sacramental discipline.) In this situation Pope Francis proposed – according to Buttiglione – a new pastoral strategy. It is here that the Italian philosopher sees his creative continuity with John Paul II. The Polish pope in his exhortation *Familiaris consortio*, and in the new Code of Canon Law lifted the excommunication that had been previously imposed on divorced and remarried persons, thus breaking with a long tradition, changing a practical measure that no longer worked, i.e. it did not fulfill its function to prevent divorces among Catholics. The situation has changed, our societies are not as homogeneous as before, the number of divorces increases, and for these reasons the excommunication has ceased to perform its function of defending the indissolubility of marriage. John Paul II then removed the excommunication, and, indeed, encouraged the pastoral care of divorced people, even if he did not admit them to the Eucharist because of the objective situation of sin in which they live. Now Pope Francis would make a step further, encouraging taking into account subjective limitations of the people and the mitigating circumstances that may diminish the moral responsibility of the individual who lives in an objective situation of sin. The confessor should evaluate these circumstances, and could possibly give absolution, thus admitting the person concerned to sacramental communion. Unfortunately, Buttiglione does not say, what these extenuating circumstances are. The question is rather important, because the confessor must have some criterion by which to judge the situation of the person concerned. If this criterion is no longer the objective situation of sin – as claimed by Buttiglione – which up to now has prevented the sacramental absolution without the intention on the part of the penitent to change it (for example according to the rule proposed by *Familiaris consortio*), then what other criteria should be considered? It seems to me that without a more concrete specification of mitigating circumstances we leave everything to the discretion of confessors, of which some might be more rigorous, others more liberal. Perhaps to some only just the desire to approach Holy Communion by a remarried person will be enough (a hypothesis is not too far-fetched, given the mentality that exists also in a part of the clergy in the West). Such a situation would create confusion rather than clarity with regard to the teaching of the Church on the indissolubility of marriage.

There is still another point to consider in the Buttiglione's proposal. The Italian philosopher is right saying that the excommunication for divorced and remarried was a disciplinary measure that in a changed situation could be taken away. The question that arises is this: Can we consider the rule prohibiting divorced and remarried persons access to the Eucharist a mere disciplinary measure? I think the opinion of John Paul II was different. Furthermore, according to the teaching of the encyclical *Veritatis splendor* "circumstances or intentions can never transform an act intrinsically evil for its object into an act subjectively honest or defensible as a choice" (n. 81), and one of these acts according to the Polish pope is adultery. Buttiglione of course knows that and mentions this teaching in his text: "No situation can make good an intrinsically evil act, but circumstances can increase or decrease the moral responsibility of those who perform it". The pope, however, says more, namely, that an act intrinsically evil by its object cannot become subjectively defensible as a choice – and this remains valid despite mitigating circumstances.

Creative continuity with the magisterium of John Paul II?

Another author who speaks of creative fidelity to Pope John Paul II is prof. Rodrigo Guerra.⁷ According to Guerra, the teaching of the Church on morality does not change with *Amoris laetitia*, "but it is necessary that this true and immutable doctrine, to which we must give obedience, be developed and exposed according to the needs of the changing times in which we are living. This is *Amoris laetitia*: organic development with creative fidelity". In his text Guerra speaks explicitly of admission to the Eucharist of divorced and remarried persons (and here he seems to agree with the interpretation of Buttiglione), but also more generally of the moral responsibility of the person. Guerra sees rightly the great merit of the philosopher Karol Wojtyła in placing emphasis on the subjectivity of the human person, so as to become its profound analyst. Guerra says: "A purely objectivist view of the human person is not enough to appreciate what is irreducible in a concrete person. It is necessary to look carefully at the fundamental human experience to find inside it the vast and rich world of subjectivity and consciousness". From this observation the Mexican philosopher draws a conclusion concerning our topic: "As an example, think of how some identify, in a more or less univocal way, complex and diverse 'irregular' situations, in which some couples may live, with the mortal sin, thereby closing the door of their access to the Eucharist. To affirm implicitly or explicitly that every 'irre-

⁷ Cfr. R. Guerra, *Dalla riflessione di Karol Wojtyła all'esortazione "Amoris laetitia"*. *Fedeltà creativa*, "L'Osservatore Romano" 23.07.2016.

gular' situation is by definition a mortal sin and thereby deprives of sanctifying grace those who live it, seems to be a serious mistake that is not in conformity with the Gospel, with the natural law and with the authentic teaching of St. Thomas Aquinas". To say that a person is deprived of sanctifying grace is really difficult; Guerra rightly reminds here the teaching of St. Thomas. But the same argument also applies in the opposite direction, that is, as we cannot say that a person who lives in an "irregular" situation is devoid of sanctifying grace, equally we cannot say that such a person is not devoid of it. We do not have any tools or any empirical procedure by which we could check the state of grace. Indeed, according to the great theological tradition even the person concerned cannot know it with ultimate certainty. What we know both from outside and from inside are our acts (of course, from the inside we can also know our intentions). As we mentioned above, of some acts we can say that they never should become the object of our choice, independent of our intentions and actual circumstances. Recalling this teaching of moral theology in the encyclical *Ecclesia de Eucharistia*, John Paul II says: "The judgment of one's state of grace obviously belongs only to the person involved, since it is a question of examining one's conscience. However, in cases of outward conduct which is seriously, clearly and steadfastly contrary to the moral norm, the Church, in her pastoral concern for the good order of the community and out of respect for the sacrament, cannot fail to feel directly involved. The *Code of Canon Law* refers to this situation of a manifest lack of proper moral disposition when it states that those who 'obstinately persist in manifest grave sin' are not to be admitted to Eucharistic communion" (n. 37). Of course, as Guerra says, one must always take into account the concrete situation of the person, his/her subjectivity, as well as any circumstances that might be mitigating. But there is a boundary that separates due attention to the subjectivity from moral subjectivism. Certainly, the intention of Guerra is not to embrace the subjectivism. But sometimes intentions do not correspond to the truth of things, and some distinctions remain merely verbal.

A historical note

Let me add at this point a short historical note. Guerra begins his comment on the Exhortation *Amoris laetitia* by recalling the debate held in Lublin (and not in Cracow, as he erroneously maintains) after the publication of the book Karol Wojtyła *The Acting Person*. The debate, which was subsequently published in a large volume of the yearbook *Analecta Cracoviensia*, was attended both by professors from the Catholic University of Lublin, where Wojtyła held

the Chair of Ethics, and philosophers from other research centers. Reading this debate, we see that the work of Wojtyła became an occasion for a debate which was serious and rich in the philosophical content. It concerned both the possibility of combining in a coherent vision Thomism and phenomenology, and various aspects of the anthropology developed by Wojtyła. I think that even today reading this debate can provide intellectual satisfaction because of its philosophical level. Therefore, my protest was sparked by the contention of Guerra that professors developing the Thomistic tradition “were not used to deal with things in themselves and were used only to repeat a canon of philosophical orthodoxy”.

Indeed, dealing with things in themselves is not the exclusive privilege of phenomenologists, and assigning to thomists an attitude in which truth is not the conformity of reason with reality, but with the system of St. Thomas – as Guerra literally says – is not only misleading but also unfair. Some of these philosophers – I recall here only the names of Mieczysław Albert Krąpiec and Stanisław Kamiński, both friends of Wojtyła – in an original way developed Thomistic thought, giving to Thomism the form of a methodologically advanced philosophical system. There is no place here for entering into details, so let us recall only that in his own proposal of philosophical anthropology, characteristically entitled *I-man* (does it not say that the starting point here is human subjectivity?) Krąpiec took some of the concepts developed by Wojtyła, and his method could be described as an attempt to move from phenomenon to foundation, which is a method, which was later encouraged by John Paul II in his encyclical *Fides et ratio*. Therefore, is it fair to say – as Guerra does – that “everything in Wojtyła seemed to them (ie. to the thomists) unsatisfactory: the method, language, approach”? The claim that for Krąpiec and his school “the truth of reason is compatibility with St. Thomas” does not have much in common with reality, while it says a lot about the prejudices of its author.

Universal norms and moral conscience

Fr. Antonio Spadaro S.I. in the article mentioned above substantially agrees with the interpretation of Guerra, but also adds a few notable points. According to the author *Amoris laetitia* is an evolution of the Magisterium particularly with regard to the pastoral care of the people who are in the so-called irregular situations. His article provides a good overview of the content of the papal document, summarizing it chapter by chapter. Several times the author points out that the Pope addresses the real people and does not want to propose an abstract ideal, that his document “is nourished not with abstractions or ideal projections,

but with pastoral attention to the reality.”⁸ Due to the wealth of reality, the attention to the diversity of situations in which concrete persons live, requires a certain understanding of the validity of moral norms. In Spadaro’s opinion the norms concerning human behavior do not have the same certainty as the truths of speculative reason. Referring to St. Thomas, the author points out that because the practical reason deals with contingent things of the moral sphere only, the general principles are valid without exception, whereas particular rules allow for exceptions, precisely because a general rule cannot take into account the particularities of each specific case.⁹ Even the concept of *intrinsece malum* should not be understood in the sense of a norm that allows no exceptions; it should not suppress the discussion of complex circumstances and situations of life. According to the author, even the exhortation *Familiaris consortio* with its proposal for persons divorced and remarried civilly, who want access to the Eucharist (to live in complete continence), would make an exception to the norm prohibiting the breakup of the marital bond.¹⁰

What can be said about this argument? In my opinion, it goes beyond the problem of access to the sacramental communion of divorced and remarried persons and in doing so it proves too much. In a way, the encyclical *Veritatis splendor* was published precisely in defense of the concrete norms that do not allow for exceptions and against theories that deny the possibility to formulate such norms (proportionalism, teleologism). In paragraphs 79–83, the Pope defends the concept of *intrinsece malum* understood in the sense of the universal rule, with no exceptions. Among other things the Pope clearly states: “One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species – its ‘object’ – the deliberate choice of certain kinds of behavior or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned” (n. 79).

Let us note that the Pope does not speak here of the “objects” of determinate actions taken in the abstract, but the deliberate choice of a particular behavior. It seems to me that the argument of Fr. Spadaro concerning universal norms and the meaning of *intrinsece malum* is directly opposite to the above statement. Moreover, although in this place we cannot enter into a detailed discussion of this point, the problem is more general and its nature is more philosophical than theological. We can formulate it as follows: if we accept the personalistic norm (*persona est affirmanda propter seipsam* as generally valid, i.e. not allowing for

⁸ A. Spadaro SJ, *Amoris laetitia*, p. 117.

⁹ *Ibidem*, p. 123.

¹⁰ *Ibidem*, p. 120, footnote 11; 122.

exceptions, and I think all the authors cited here share this view), are we not bound to accept at least some particular norms as equally valid? Certainly, already the philosopher Karol Wojtyła taught us that ultimately a concrete person escapes any attempt of definition (i.e. “limitation” according to the etymology of the word “definition”). Also, the situations in which real people live are too diverse to formulate concrete positive norms that would apply to them without exception. The task of formulating a norm for the concrete case is given to moral conscience. Instead, we can say that a certain kind of acting goes in each and every case against the good of the person. So, there are universal negative norms that do not allow for exceptions, that is, they say that some choices cannot be morally justified in any concrete case. Let us recall the words of Pope John Paul II: “The negative precepts of the natural law are universally valid. They oblige each and every individual, always and in every circumstance. It is a matter of prohibitions which forbid a given action *semper et pro semper*, without exception, because the choice of this kind of behavior is in no case compatible with the goodness of the will of the acting person, with his vocation to life with God and to communion with his neighbor. It is prohibited – to everyone and in every case – to violate these precepts. They oblige everyone, regardless of the cost, never to offend in anyone, beginning with oneself, the personal dignity common to all” (*Veritatis splendor*, n. 52). As I said, the issue requires further discussion, but I think we can and we must defend the thesis that there is a contradiction between the affirmation of the universal validity of the personalistic norm and the denial of equal validity (without exception) of some particular norms.

At the end of his contribution Spadaro speaks of the fundamental role of moral conscience as the irreplaceable instance in the evaluation of a moral action of the subject. This point is also touched upon in the article of Card. Walter Kasper. The Cardinal, however, reminds that conscience can also be erroneous and that in some cases the error may be invincible. In this context Card. Kasper speaks of people who are not convinced of the validity of an objective norm which appears to them far from reality. Of course, it is difficult to check in such a case, what the actual reason for the difficulties is, as it can also come from the lack of openness of a person to the objective truth. Philosophy and modern psychology have sufficiently explored the phenomenon of “false consciousness” to be able to say that not always what is declared by the subject expresses his/her true motivations. This of course does not mean that moral conscience can be invincibly erroneous, but it reminds us that things are sometimes more complex than declarations.

In his paper Card. Kasper says that from these assumptions the Pope’s document does not draw any determinate practical consequences, and leaves open the question of admission to the communion of divorced and remarried per-

sons.¹¹ This seems to me an important statement. Card. Kasper sees positively the decision of the Pope – to leave the question open – even though he himself – as we know also from his other writings – is rather in favor of admission of the divorced and remarried to the Eucharist. According to him it is better to leave some questions open to promote the unity of the Church.¹² However, let us note that not all the authors are of the same opinion. Many express concerns that when as a question of such importance is left open, it may put in jeopardy exactly the unity of the Church. In fact, divergent pastoral strategies in different countries can put in doubt the objectivity of the moral doctrine itself. In my opinion, this concern is unfounded.

Conclusion

In this short text I mentioned only some interpretations of the exhortation *Amoris laetitia*. They are of course not all that exist and that would be worth mentioning. In conclusion, however, it seems to me important to point out one thing. The interpretations, and also the practical suggestions already given by some bishops, are quite divergent. The mere fact that there are different interpretations expressed by the people of good will and intellectual honesty means that the document requires further reflection. The fundamental task for all of us consists in reading it both in its novelty and in its continuity with the great tradition of moral and sacramental theology.

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¹¹ W. Kasper, *Amoris laetitia. Bruch oder Aufbruch?*, p. 728. In German: "Das Schreiben gibt kein Patentrezept an die Hand, das es in Wirklichkeit auch gar nicht geben kann (vgl. AL 298). Es lässt die konkrete Frage der Zulassung zur Absolution und Kommunion offen".

¹² "Damit ist der Papst dem Weg einer bewährten Tradition des Lehramts gefolgt, manche strittige Fragen nicht übers Knie zu brechen, sondern sie um der Einheit der Kirche willen offen zu lassen", *ibidem*.

Na marginesie kilku interpretacji *Amoris laetitia*

Streszczenie: Po opublikowaniu posynodalnej adhortacji apostolskiej *Amoris laetitia* papieża Franciszka pojawiły się różne, czasami ze sobą sprzeczne interpretacje wskazań duszpasterskich, które są zawarte w tym dokumencie. Problem dotyczy możliwości dopuszczenia do sakramentu Eucharystii osób rozwiedzionych, który zawarły powtórny związek małżeński. Według niektórych autorów wspomniany dokument zmienia dotychczasową dyscyplinę sakramentalną, podczas gdy inni autorzy twierdzą, że w mocy pozostaje dotychczasowe nauczanie Kościoła w tej kwestii. Autor analizuje przede wszystkim argumenty wysuwane na rzecz twierdzenia o zmianie dotychczasowego nauczania, przedstawiając swoje uwagi krytyczne w odniesieniu do nich, i dochodzi do wniosku, że problem wymaga dalszego wyjaśnienia.

Słowa kluczowe: Eucharystia, małżeństwo, rozwód, sumienie, norma moralna.