

Divorce and the **Catholic Church**



Frequently Asked
Questions



Contents

Introduction

- 
- 
- 
- 
1. Why is marriage so important to the Church? Is it always 'for keeps'?
 2. Why do some couples feel that they are no longer able to 'live' their marriages?
 3. How should spouses respond to challenges in marriage?
 4. Should couples try to stay together for the sake of their children?
 5. How can the Church declare that some marriages are invalid and the couple free to marry again? Isn't annulment just 'Catholic divorce'?
 6. Who should approach the Church tribunal?
 7. What is involved in the Church tribunal process? Is it expensive?
 8. What if one spouse refuses to cooperate with the tribunal process?
 9. Can a couple who have married or remarried outside the Church obtain the Church's blessing?
 10. What is the connection between marriage and the Eucharist?
 11. Does divorce automatically exclude someone from Communion?
 12. Can a divorced and remarried person receive Communion?
 13. May a couple just 'follow their conscience' in these matters?
 14. Is the Eucharist always denied to those who have remarried without the Church's blessing?
 15. What is the role of the priest in assisting persons to make conscientious judgements in this area?
 16. In what ways can those who are divorced and remarried still share in the life of the Church?

Divorce: FAQs

Please direct all enquiries about this pastoral document to the Secretariat for Pastoral Life

GPO Box 368 CANBERRA ACT 2061 T: (02) 6201 9845 F: (02) 6247 6083 E: pastoral.life@catholic.org.au www.acbc.catholic.org.au

© Australian Catholic Bishops Conference ISBN 978-1-86420-278-6



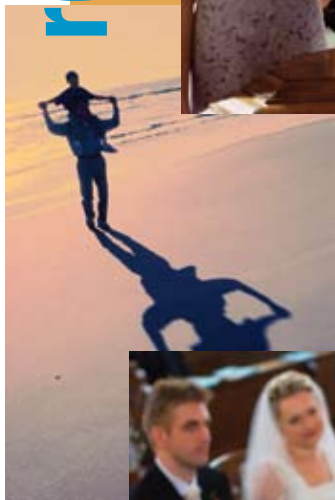
Introduction

Introduction

This document is a companion to ***Marriage in the Catholic Church: Frequently Asked Questions*** published in 2006 by the Bishops Committee for the Family and for Life of the Australian Catholic Bishops Conference. In that document we described marriage as a God-given vocation by which a man and a woman give themselves to each other in a life-long partnership. It is an opportunity to experience a love that leads to a deeply fulfilling way of life. Marriage expresses a love that mirrors the love of God and is a path to holiness, to being saints. It is a sign and source of hope and support for others and is celebrated by the Church as a sacrament.

Because it responds to the deepest human aspirations, it follows that breakdown of marriage has a profound potential for hurt and disillusionment. Hardly any family in modern society would not be deeply touched by the pain of members or relatives experiencing marital breakdown.

relationships



These concerns are compounded when they impact on another sacrament, namely the Eucharist. One of the great joys of the Church is the continuing presence of Jesus in Holy Communion – a gift that draws the body of believers, his body, into closer union for the sake of the world.

Because the sacraments deal with relationships – our relationships with each other and with Christ – misunderstandings can translate into very deep hurts. As a Church we have a responsibility to develop the great way of life to which we are all called while at the same time responding with all our hearts to the complexities of human relationships and actions. It is not easy, and, being human, we sometimes fail.

This small booklet is an attempt to explain some of the principles underlying the Church's approach to issues around divorce, remarriage and the Eucharist. It is hoped that it provides encouragement and guidance to all who are grappling with the pain of divorce and, in particular, with its implications for their life as members of the body of Christ, the Church.



1. Why is marriage so important to the Church? Is it always ‘for keeps’?

When a man and a woman marry they commit themselves to each other for the rest of their lives. This unique promise embodies the deepest longing of the human heart – to give oneself in total, mutual and faithful love to another. On the basis of this promise, life-long marriage is able to bring forth the very best in human beings because it is the source of so much hope and joy, and the context in which many people must also respond to the challenges and suffering of the human condition. For this reason the Second Vatican Council described marriage as “an intimate partnership of life and love” which was “established by the Creator and endowed by him with its own proper laws” (*Gaudium et Spes* 48). What a marriage is derives not just from social conventions but “from the very nature of man and woman as they came from the hand of the Creator” (*Catechism of the Catholic Church* 1603). God’s plan, from the beginning of creation, was that man and woman become “one flesh” as a sign of communion between persons (*Gen* 2:24). The sexual union of husband and wife seals and celebrates their marriage promises and their willingness to welcome new human life.

Marriage is also the natural basis of the family and thus of the care of children and the continuation of human society. Properly understood, marital love “demands indissolubility and faithfulness in definitive mutual giving” (John Paul II, *Familiaris Consortio*: Apostolic Exhortation on the Family (1981) 13).

marriage *matters*

united

Catholics consider marriage to be a *sacrament* – an effective, visible sign of God’s grace – which tells of God’s faithful and creative love and makes it real in that couple’s lives. As a sacrament of the Church, ‘holy matrimony’ consecrates human love, sexuality and procreation to a higher purpose. It unites the couple to God and makes them a sign of his covenant with his people. It identifies the couple with Christ who has made their marriage a sign of his faithful and unbreakable love for his Church. It makes their family a ‘domestic church’.

Although divorce had been permitted with Judaism, Christ restored God’s original order of creation with its high ideals for marriage and family. Christ gave married couples the example and the strength to live marriage in “the reign of God” (Catechism 1615). As St Paul says: “Husbands, love your wives as Christ loved the Church and gave himself up for her, that he might sanctify her.” (Eph 5:25). Just as God’s covenant with his people is ‘for keeps’, so, Jesus insisted, Christian marriage is indissoluble: “what God has united, man must not divide” (Mt 19:6).



by God



2. Why do some couples feel that they are no longer able to ‘live’ their marriages?

Every marriage is unique, for no two people are the same, and the strains upon and ultimate failure of any particular marriage involves its own set of factors, including the decisions and conduct of those concerned. Yet there are obvious economic, cultural and social pressures affecting marriages today.

In the face of such pressures, the Church urges married couples to focus their lives around their exclusive commitment to their spouse, and to love and care for the new, immediate and extended family that their marriage brings about. The “grace proper to the state of matrimony is intended to perfect the couple’s love and to strengthen their indissoluble unity” so they may “help one another to attain holiness in their married life and in welcoming and educating their children” (Catechism 1641).

A marriage is as much a journey of faith and trust, as it is of love. A complete marriage is (normally) the adventure of sharing all the stages of one’s adult life – youthful romance, parenthood, middle- and older-age – with the one person to whom one dares to entrust one’s heart. Like every *life-long commitment*, marriage is a journey into the unknown, which involves constantly letting go of the past to embrace the future; it is a journey into the truth of who one is, and the truth of who one’s spouse is. Christians recognise in this journey the Easter pattern of death and resurrection, and the mystery of Jesus Christ in their lives. Indeed, many couples find that it is only when they have reached a point of weakness, crisis or failure – of crucifixion – in their marriage that they truly surrender to God’s grace present in the sacrament, and then begin to live their marriage at a new depth.

While the current acceptability of divorce has enabled some individuals, especially women, to escape from destructive situations, it has also made it easier for many people to leave their marriage for less serious reasons. The Church urges people to remember that the stable, life-long commitment of marriage will protect the integrity of a couple’s sexual intimacy and enable their union to symbolise the faithful love of Christ for his Church.

3. How should spouses respond to challenges in marriage?

It is often difficult to see things in perspective when a relationship is strained. Couples must repeatedly remind themselves that challenges are also the potential growth points in their relationship. Sometimes they will cope well enough. When their relationship is in real difficulty, however, couples should seek help. In many parts of Australia, Church agencies such as Centacare, lay groups such as Retrouvaille, and parish priests and laity are there to provide support when marriages are under pressure. Sadly, couples often delay getting help until their relationship has all but disintegrated.

In some cases couples report falling 'out of love'. They may remain amicable towards one another, they may love and care for their children, they may continue a more or less normal domestic life – but the connection with the other as the most important person in their life has significantly diminished. There are no easy answers in such cases. Perhaps one or both of the spouses have changed so much that the whole pattern of their relationship must be rebuilt. Perhaps the apparent diminishment of love is the final manifestation of flaws in the relationship that existed from the beginning.



Falling out of love

In discerning the way forward, couples should first strive to continue in their marriage. Professional help from priests, counsellors and others at an early stage may help a couple to restore their lines of communication and rekindle their love. A fervent effort should be made to develop the practice of daily prayer and of frequently seeking spiritual nourishment through the reception of the sacraments of Eucharist and Reconciliation. Above all, spouses should remember that “Christ dwells with them and gives them the strength to take up their crosses and so follow him, to rise again after they have fallen, to forgive one another, to bear one another’s burdens, to be subject to one another out of reverence for Christ” (Catechism 1642).

To reach old age in the company of one’s spouse, family and friends, is a unique joy that can only be known by those who have persevered through the difficult times. Such marriages clearly witness to the importance of an unbroken fidelity that has been purified and ennobled (Familiaris Consortio 77). Persevering in marriage is above all a manifestation of the grace of the sacrament, of the “mystery” whereby two become “one body”, just as Christ is one with his Church in an unbreakable bond of love and fidelity.



Seek *help*





4. Should couples try to stay together for the sake of their children?

The emotional and economic costs of divorce are considerable, and the impact on children, especially young children, is usually negative. Parental separation exposes children to a range of risks now well-documented by social researchers. Provided the situation is not too destructive, children fare better when their parents remain together even in less than perfect marriages. From a Christian perspective, such efforts matter enormously and the graces which result can assist all family members on their road to holiness.

In cases where there has been infidelity or where love and communication have declined, forgiveness and reconciliation should be the first priority. The grace of the sacrament of Reconciliation should be sought as the way to rebuild the relationship to a new and stronger level. Separation should be considered as a last resort after all other efforts at reconciliation have proved unsuccessful.

If there is continuing domestic abuse, or physical or emotional violence, it is important that individuals protect themselves and their children, by separating if necessary. Sometimes it will be appropriate to take the further step of obtaining a civil divorce, so as to finalise custody, property and maintenance arrangements, and to seek clarification from the Church's marriage tribunal of the validity of the marriage. It is important that Catholics recognise that, in itself, divorce is not a sin.

5. How can the Church declare that some marriages are invalid and the couple free to marry again? Isn't annulment just 'Catholic divorce'?

Marriage is governed by both civil and Church laws. A civil divorce does not, however, affect the sacramental reality of marriage. For two baptised persons, a valid sacramental marriage is 'indissoluble' and no one can cancel that bond, not even the Church. Jesus' teaching is clear: "what God has united, man must not divide" (Mt 19:6). It follows that no one can enter a new marriage while he or she is bound by a valid marriage already entered into: such a person is not 'free to marry'.

Yet, although civil divorce does not end a sacramental marriage, it may raise questions in people's minds: was it in fact a valid marriage in the first place? Was it a true marriage that failed to be fully lived out or was it an incomplete marriage that finally revealed itself to have been flawed from the beginning?



The Church believes that marriage involves many elements, *all* of which are important for it to be valid or complete in the eyes of God. The conditions for a valid marriage concern a person's freedom to marry, their readiness to make a marriage commitment, their understanding of – indeed their very capacity to understand and live out – what marriage involves, their openness to having children, the proper process for witnessing a marriage, and so on. In the case of a marriage between two Christians, there are certain additional requirements regarding how the marriage is celebrated. Only if *all* these aspects are fulfilled will the marriage be a valid one.

In the light of these important questions, the Church has established tribunals to examine whether a divorced couple's marriage did truly constitute a sacramental marriage. The goal of this canonical process is straightforward: "to verify the truth of the conjugal bond" (Pope Benedict XVI, Address to Roman Rota 2006). If the Church's tribunal discerns that despite a wedding ceremony and many of the features of a marriage, a complete and valid marriage did not occur, the tribunal may issue a declaration that a person is free to marry.

annulment... ...careful discernment

If, on the other hand, the Church's tribunal discerns that despite subsequent troubles in the relationship all the necessary features of a valid marriage were present from the beginning, then the marriage was valid and neither party is free in the eyes of the Church to remarry.

In some cases, it is obvious that an essential element of a valid marriage was absent – for example, if a Catholic marries in a civil wedding ceremony without the Church's blessing or if a person marries someone who is already married. In other cases the absence of an element may be less obvious to outsiders or even to the couple themselves at the time, but nonetheless an essential element really was missing: for example, if one spouse was unduly pressured into marrying; or if one spouse clearly had no intention of remaining faithful or of welcoming children; or if one spouse was psychologically unable to commit. In these cases, the Church tribunal – after a thorough investigation and in the light of all the evidence available to it – may judge that an *essential* element was, from the beginning, not sufficiently present for a valid marriage. In that case it may declare the marriage 'null' and the individuals 'free to marry'. This is very different to a 'divorce' which recognises that there was a marriage (in the eyes of the state) but that it has now been cancelled. In some cases where a marriage is not sacramental, for example when a party to a marriage was not baptised, or where the marriage was not consummated, the Church is able to dissolve the marriage. The Church tribunals deal with these cases as well.

Although Church tribunals grant many declarations of nullity and freedom to marry, not all applications are successful. In some cases, a person's marriage may have ended civilly but be determined to be valid in the eyes of the Church, and no declaration of freedom to marry can be made. Even in such difficult circumstances, marriage can still signify the creative work of God, the demands of a love which forgives and redeems, and the hope of a future encounter with Christ (Familiaris Consortio 13).

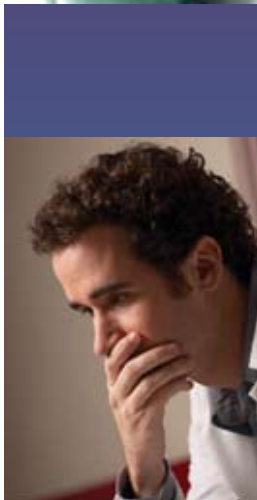
6. Who should approach the Church tribunal?

Many people who might possibly be helped by approaching a Church tribunal to test the validity of their previous marriage do not do so. Some simply do not know about the tribunal process or do not care and go ahead and remarry without the Church's blessing. For others, the process seems too long and complicated or they assume it will be costly. Some fear it could re-open old wounds or involve a judgement of them or of their former marriage. Still others believe that if an annulment is granted, their children will be illegitimate, a view that is simply untrue. In some cases, of course, people are right to believe that their former marriage was valid. However, in other situations there may well be grounds for a judgment of invalidity in cases where this is not at first obvious.

The Church encourages those whose marriages have irretrievably failed to consider approaching a representative of the marriage tribunal with whom they might explore the question of whether their marriage was truly valid and therefore still binds them. It is best to do this soon after one's civil divorce is finalised, and well before one begins to consider further relationships which may lead towards another marriage. In addition, the choice of those divorced individuals who elect to live a single (celibate) life following the failure of their marriage must also be respected. They continue to witness to the sacrament of marriage under very difficult and sometimes heroic circumstances.

Irrespective of whether they are baptised or not, *anyone* who has been married previously needs a declaration from a Church authority in order to be free to marry in the Catholic Church. In some straightforward cases, the application to a tribunal can be organised by the parish priest or by the priest who has been asked to witness the marriage. In other cases, where an applicant needs to approach the tribunal directly, a priest will be able to explain how and where to do this.

The question of whether a prior marriage was valid can arise for non-Catholics as well as Catholics. Even for non-Catholic Christians and for non-Christians the validity of marriage depends upon both persons being free, ready and able to marry, as well as understanding what a marriage involves and following the appropriate process for getting married. These matters are complex and, as stated above, any Catholic who has been married before and is considering remarrying should talk with a priest about their circumstances.



7. What is involved in the Church tribunal process? Is it expensive?

Some marriages are invalid for straightforward legal reasons and the tribunal procedure in these cases is quick and the cost minimal. When the reasons are more complex or less obvious, an inquiry needs to be undertaken. The process begins with the applicant telling the story of their marriage to a representative of the tribunal. For some this will be a healing experience in itself. Based on this initial interview, the applicant will be advised whether there are probable grounds for a declaration that the marriage was invalid.

If the applicant is judged to have a case for invalidity and decides to proceed, he or she will be asked to nominate a number of people – e.g. family, friends, and colleagues – who can confirm the story of the beginnings, course and decline of the relationship. The applicant's former spouse is also invited to give his or her perspective on what happened. All these 'witnesses' are interviewed privately, and written statements are prepared. There are no public or open court sessions, no cross-examinations or face-to-face meetings between the parties.

Based on these interviews and written statements, a tribunal official prepares a written dossier summarising the case, which is then presented to the tribunal for a decision. Tribunal officials include laypeople as well as priests. The tribunal's task is to discern whether the marriage was valid or not.

Sometimes people are surprised when they hear that a couple whom they thought had been happily married for many years have received an annulment. It may even make them doubt the tribunal process. However, the inner life of a marriage is usually known to very few people and sometimes not even understood by the couple themselves. The rigour of the tribunal process provides reassurance that its decisions are well founded and reliable. Evidence both for and against the validity of the marriage is always considered. Every case where an annulment is considered appropriate is subject to a review process. As Pope Benedict recently stated, this canonical process is not there to complicate life or to sharpen tensions, but only to serve the truth that is part of the human and Christian journey of each of the faithful (Address to Rota 2006).

In Australia the tribunal process can take up to 18 months, but is often quicker than this. The process is not usually expensive, but most tribunals ask applicants who are able to do so to contribute to the administrative costs involved. The total payment asked, which is always much less than the actual cost, can be paid by instalments as the process unfolds. No applicant will be turned away simply because they can't make the payment; special consideration will always be given.

to serve
the Truth

8. What if one spouse refuses to cooperate with the tribunal process?

It helps if both spouses support the tribunal process. At times, however, one spouse may be either indifferent or actively antagonistic towards the process. Sometimes this is due to hostility to the Church or to the former spouse. At other times it is due to a misapprehension that a declaration of invalidity implies some kind of judgment on that spouse, e.g. that he or she did not strive to make the marriage successful. However, a declaration of invalidity only means that a marriage – despite the love and efforts of the couple – did not have all the elements essential to marriage in the eyes of the Church.

Clearly, the tribunal process moves more smoothly when sufficient witnesses, including the former spouse, are readily available. These witnesses are needed, not because the tribunal doubts the honesty of the applicant's account, but simply to ensure there is objective evidence to warrant its judgment. Family and friends often provide valuable corroboration of how an essential element was not present in a marriage from the beginning.

The tribunal thus relies on due processes, written statements, and corroborating evidence. Sometimes, however, there can be a shortage of witnesses – due to the passage of time, or because people don't want to get involved, etc. In these cases, it is usually still possible for the tribunal to reach a decision, based on the applicant's account and character references. In principle, therefore, the tribunal process is open to all applicants irrespective of the number of witnesses on which he or she is able to rely.

due
process



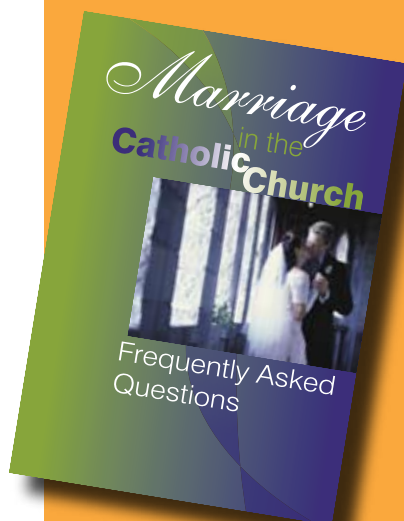
9. Can a couple who have married or remarried outside the Church obtain the Church's blessing?

If a Catholic has married outside the Church (e.g. in a civil ceremony), and neither spouse has been married before, there is usually no obstacle to their obtaining the Church's blessing. The couple should approach their parish priest, and arrange with him for their marriage to be witnessed, celebrated, and registered in the Church. This is a step which is strongly encouraged. In publicly witnessing to Christian marriage as an indissoluble and faithful covenant that is open to children, such couples assist in evangelising the wider culture. In making such a declaration before God and his Church, couples invoke the grace they need to live their vocation and publicly profess not only their love, but also their faith and hope.

If a couple have married outside the Church, and at least one spouse has been married before, they will need to determine with the help of their parish priest, or of a Church tribunal, whether it is possible for their marriage to be blessed by the Church. In some cases the process will be straightforward, in others it may take longer.

In both of these situations, a word of caution is in order. It is not uncommon for couples to seek to have their marriages recognised by the Church, right at the time when they are experiencing difficulties in their marriage. The Church's blessing can seem to offer a quick fix for the strains in a relationship. A priest should therefore take time with the couple to ensure that a sacramental marriage in the Church, with all its implications, really is the right step for them to take at this time. There may be a need for a sensitive pastoral response involving further spiritual and catechetical formation pertaining to the understanding of marriage and of its true vocation and mission. The companion document ***Marriage in the Catholic Church – Frequently Asked Questions*** can be useful in this process.

Blessing



10. What is the connection between marriage and the Eucharist?

When a Catholic receives Holy Communion, he or she says, “Amen” or “Yes” to their belief that they are receiving the Body of Christ, and “Yes” to their desire to belong to the Body of Christ, and to serve that Body faithfully in word and deed. Most Catholics live out their faith in and through their marriage commitment and their family responsibilities. Indeed, marriage and the Eucharist have a special connection as ‘sacraments of the body’, celebrations of the spousal love of Christ, and sources of the unity of those who receive them (Eph 5:28-30; Catechism 1617-1621).

In both sacraments we experience the ‘marital’ love that Christ has for his Church and in which he gives his very body in love. In response, those who receive the Eucharist give themselves to Christ; while a married couple make a reciprocal gift of themselves to each other. Marriage unites the spouses (and their families) and communicates the grace to sustain them in their marriage covenant; the Eucharist unites those present and likewise sustains them in their Christian calling.

Both the Eucharist and Marriage are also transformative. In the Eucharist we experience not only the transubstantiation of the gifts of bread and wine into Christ’s body and blood, but also the transformation of the participants into the likeness of Christ as they receive those gifts into their body and soul. Marriage similarly changes the spouses as they offer themselves “so that the two may become one flesh” and, through that union, in due course the two become three or more in the gift of family life. Through receiving each other body and soul they express a reciprocal love and fruitfulness which transforms their identities and relationship.

Thus both the Eucharist and Marriage transmit and nourish unity, life and love. They also make manifest the unbreakable determination of God to continue to do this for humanity and to continue to call us to do so for each other. By identifying themselves with Christ in his Marital and Eucharistic self-giving, even unto death, Christians in general and spouses in particular share in the selfless sacrifice and communion of Christ.

The unity of husband and wife and of their families as a domestic church is a sacred sign of the unity of the Church.

Families then gather to celebrate a broader and deeper unity at the Eucharist with the wider Church. The Eucharist is a celebration of the Church’s identity as “one body” sharing one faith and baptism in its Risen Lord. It is the sacrament of unity that brings us into communion with the rest of the Church and reflects and strengthens that communion where it already exists.



One Body

11. Does divorce automatically exclude someone from Communion?

No. Divorce does not of itself exclude a Catholic from receiving the Eucharist (Holy Communion). As in all cases, a person's right to receive the Eucharist depends on his or her willingness to live up to the teachings of Christ and to share in the mission of the Church. This means that those who are separated or divorced – like unmarried Catholics – are called to refrain from sexual union and to fulfil their responsibilities as Christians and possibly as parents (Familiaris Consortio 83). For any who fail in this regard, the sacrament of Reconciliation (Confession) offers the forgiveness of Christ with all the spiritual benefits of then receiving the Eucharist.

Eucharist



12. Can a divorced and remarried person receive Communion?

Unless a Church tribunal has declared freedom to marry, a divorced person is presumed to be still bound by the previous marriage. If a couple – at least one of whom is divorced but not free to marry – enter into a marriage, then neither spouse is permitted to receive the Eucharist. The new civil marriage is presumed to be in conflict with an existing sacramental bond, and so also in conflict with the sacramental significance of the Eucharist. Those who choose such a state – however closely drawn they feel toward each other and God – have broken unity with the Church and with the Church's understanding of both the Eucharist and Marriage.

The teaching that those who marry outside the Church should not receive the Eucharist is not a judgment about personal guilt or sinfulness; it is a judgment about what conduct is objectively in keeping with Church teaching and what states of life are in keeping with the meaning of the Eucharist as the sacrament of the Church's unity. The consequences of a marriage without the Church's blessing is that a couple distances themselves from the life of the Church. There is an obvious conflict with the Church's understanding of the sacramental significance of both Marriage and the Eucharist. Given the significance of both for the lives of the faithful, the Church has consistently observed the practice of not admitting to Eucharistic Communion divorced Catholics who have re-married without the blessing of the Church (Familiaris Consortio 84).

In the reception of the Eucharist, all Catholics should frequently consider how they should live their lives. No Catholic should approach the Eucharist with a casual attitude or without repenting of any sinful conduct. Catholics should always consider carefully how well they have prepared themselves when they wish to receive the Body and Blood of Christ in the Eucharist.



13. May a couple just 'follow their conscience' in these matters?

Despite the Church's teaching, in recent years many Catholics who have married or remarried without the Church's blessing have then approached the altar to receive Holy Communion, sincerely believing they are entitled to do so. In some instances priests or laity have actually encouraged them to make their own 'private' conscience judgments in this regard. This is a misunderstanding of conscience.

For Catholics, the formation of conscience includes trying to understand an issue in the light of the Church's teaching. Precisely because one is a member of the Church, one should give allegiance to the Church's teaching; so, in this instance, those who have married or re-married without the Church's blessing should strive to understand why the Church does not permit them to receive the Eucharist.

Furthermore, as we have emphasised, marriage is never just a private, personal event; it has significance both for the wider society, and – in the case of Catholics – for the Church community. Even though no one, including the Church, is able to judge the personal guilt or innocence of another person, it would be wrong for people to think of their marriage and of their participation in the Eucharist as 'private' matters over which they have sole control.



Conscience

14. Is the Eucharist always denied to those who have remarried without the Church's blessing?

In preceding answers we have explained why a declaration from the Church's tribunal is the normal means by which a divorced person becomes free to marry in the Church and, if remarried, to receive the Eucharist. There will be exceptional situations where access to or resolution by a tribunal will be impossible or where a couple, having repented of any previous fault, now live 'as brother and sister' and receive Holy Communion without risk of public scandal.

More common, however, are cases where a couple either refuse to approach a tribunal or have done so and been unsuccessful, but who believe they cannot reasonably separate or refrain from genital intimacy. Such a couple may experience great inner conflict or 'perplexed conscience' due to the clear teaching of the Church, on the one hand, and their own yearning to receive Holy Communion, on the other. The role of the priest

or adviser in such situations must be to help people face up to and rightly resolve any such perplexity rather than pretend it away. The Church recognises that Christ's unequivocal insistence on the indissolubility of the marriage bond "may have left some perplexed and could seem to be a demand impossible to recognise... (but) it is by following Christ, renouncing themselves, and taking up their crosses that spouses will be able to 'receive' the original meaning of marriage and live it with the help of Christ" (Catechism 1615).

Though they cannot receive the sacrament of the Eucharist such couples are called "to walk with Christ" through "a dialogue of faith" and "advance together towards the conversion required by Baptism, and especially through prayer and liturgical celebrations" (Pontifical Council for the Family, Pastoral Care of the Divorced and Remarried 1997). They should be invited to a deeper immersion in other aspects of the life of the Church, such as attendance at Mass, reading of Scripture, Eucharistic adoration, personal prayer and participation in the charitable and other works of the Church. With respect to such people the Church wishes to "pray for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope" (Familiaris Consortio 84).



15. What is the role of the priest in assisting persons to make conscientious judgements in this area?

While priests cannot make moral decisions for others nor endorse decisions which are in conflict with the mind of the Church, they can assist them in the process of understanding the clear teaching of the Church. In this document and its companion ***Marriage in the Catholic Church: Frequently Asked Questions*** such information is offered precisely for sharing with such parishioners and others. Rather than some distant ideal never or only very gradually to be achieved, the Catholic vision of a fulfilled life must be offered in all its richness so that people may strive to conform their lives to it (Familiaris Consortio 34).

Priests can play a vital role in offering pastoral support and guidance to couples who are divorced and remarried. It is important to stress, however, that conscience is a person's "most secret core and sanctuary" where, alone before God, the person takes responsibility for their own moral decisions (Vatican II, *Gaudium et Spes* 16). Thus no priest can take from couples the responsibility to make their own morally upright decisions in this area. Where the Church *can* best help is in assisting individuals to conform their conscience to truth. Only an experienced and prudent conscience, formed and informed by sound principles, will be a reliable guide in the face of an emotionally difficult situation such as this.

A priest or other advisor can assist people to make conscientious decisions: firstly, by listening to a person's own understanding of their situation and grasp of the moral demands upon them; secondly, by helping that person clarify their situation and reflect on the relevant issues at stake; thirdly, by ensuring that they understand the relevant doctrine and norms such as the Church's teaching on the indissolubility of marriage and the relationship between Marriage and the Eucharist.

The goal of such a dialogue with a priest or advisor is for a person to identify for themselves what is the 'next step', even if it is not the final step, that ought to be taken so that a person comes into right relationship with God and the Church.

Often priests or advisors will do best to encourage a Catholic who has remarried or is contemplating remarriage after divorce to approach the Church tribunal in order to establish whether their previous marriage is still binding in the eyes of God and the Church and, if it is, to appreciate the implications of a second marriage for their life in the Church.



Informed decision

16. In what ways can those who are divorced and remarried still share in the life of the Church?

The Church's pastoral response to those who are divorced and remarried must not be reduced to the refusal of admission to the Eucharist. As Pope John Paul II wrote, divorced and remarried people should "not consider themselves as separated from the Church, for as baptised persons they can, and indeed must, share in her life". No human situation is outside of the Lord's grace, and holiness is to be found in the concrete circumstances of our lives. In many instances, the declaration of the Church tribunal will enable the validation of an irregular marriage.

When validation is not possible, however, there can be real suffering for Catholics who are divorced and remarried and who accept that they are not free to receive Holy Communion. Those people who conscientiously decide that their present situation is incompatible with receiving Holy Communion can be seen to demonstrate an heroic fidelity to God's presence in their current situation. They challenge the rest of the faithful to reflect on *their* preparedness to receive Communion and on the importance of not taking the Eucharist for granted. This fidelity, like all fidelity, will not be without its eternal reward. In fact, such fidelity will often attract graces needed to find a way to be reunited with the Eucharistic family.

The Catholic Church recognises that as a community we must be sensitive to the situation of those who are separated, divorced and/or remarried, seek to support them in appropriate ways and, in many cases, to learn from them. We also need to recognise that to a greater or lesser extent we all have brokenness in our relationships. We all are in need of repentance at different times of our lives. In many cases, those who are grappling with failed relationships are an

inspiration, and demonstrate courage and commitment, to the rest of the community. We encourage them to persevere in prayer, penance and love for God and neighbour, to come to the celebration of the Mass and to Eucharistic adoration, and to participate in their parish community. As Christ calls them – and all Christians – to an ever-deeper conversion, repentance and pursuit of holiness, we stand with them in prayer and solidarity.



Concluding Comments

The Bishops of Australia exhort all pastors and faithful to support in every way pastorally possible those who are divorced, and to encourage them to the fullest possible participation in the life of the Church consistent with their state in life.

The Church assures them of the continuing love of Christ and his desire for an ever-deeper communion with them.

Prayer

God our Father,
We thank you for your gift of life.
Sustain and support us as we live through divorce and separation.
Hold us gently as we struggle with the understanding and realisation
of the hurt and disappointment.
God of tenderness, reassure and encourage us to turn to you in prayer
so that we may come to know the depth and fullness of your love.

Jesus our Saviour,
We thank you for your gifts of forgiveness and reconciliation.
Guide and challenge us to honour and respect
the complexities of the human heart.
Grant us open and forgiving hearts so that we may be a real and visible sign
of your love and forgiveness in the world.
Jesus, our hope, be with us as we live the pain of divorce and separation.

Holy Spirit, our comfort,
We thank you for your gift of love.
Inflame our hearts so that we may be strengthened, inspired and recreated
to move into a new phase of our life in faith, hope and love.
Holy Spirit let us never forget the eternal promise of God's everlasting love.

Amen

Divorce: FAQs