



REGARDING *AMORIS LAETITIA*: ITS LANGUAGE, ITS RECEPTION, SOME CHALLENGES, AND AGNOSTICISM OF SOME OF THE HIERARCHY

Sobre a Amoris laetitia: sua linguagem, sua recepção, alguns desafios e o agnosticismo de uma parte da hierarquia

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ABSTRACT: Five years after its promulgation, the apostolic exhortation *Amoris Laetitia* is continuing to shape the church by reforming its pastoral ministry in particular, its work in marriage and family life. This essay looks at the key contents of the lengthy document by considering the rich language it uses as well as the varied imaginative modes of reception by bishops, theologians, and lay leaders. It investigates a sustained criticism that argues for further reform, though in line with the basic arguments of *Amoris Laetitia*. It notes, nonetheless, that in the United States some of the episcopacy display an indifference to the magisterial teaching and concludes suggesting that that indifference needs to be investigated.

KEYWORDS: Synod. Discernment. Accompaniment. Hierarchicalism.

RESUMO: Cinco anos após sua promulgação, a exortação apostólica *Amoris Laetitia* continua a configurar a Igreja mediante a reforma de seu ministério pastoral, em particular a incidência deste no casamento e na vida familiar. Este artigo analisa o conteúdo central do longo documento, considerando a rica linguagem que ele usa, bem como os variados modos criativos de recepção por parte de bispos, teólogos e líderes leigos. O artigo investiga uma crítica recorrente que argumenta a favor de mais reformas, mas em consonância com os argumentos básicos da *Amoris Laetitia*. O artigo observa, no entanto, que nos Estados Unidos alguns membros do episcopado mostram indiferença a esse ensinamento do Magistério e conclui indicando que tal indiferença precisa ser investigada.

PALAVRAS-CHAVE: Sínodo. Discernimento. Acompanhamento. Hierarquicalismo.

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This essay is in four parts. In the first part, I develop a major gift from *Amoris Laetitia*: a new language of accompaniment, conscience, and discernment all in the context of an ethics of mercy. Then I turn to its reception which provides a new process of evangelizing and community building that assists the church to respond to the signs of the times. Third, I examine a variety of critical yet supportive voices that argue that the papal exhortation has not yet (sufficiently) recognized the voices of others. In other words, *Amoris Laetitia*, which is considered a landmark magisterial document for welcoming many who have been long unrecognized by the pastoral ministry of the church, still leaves marginalized significant other members of the community. Finally, some of the church's hierarchy has exhibited a significant, scandalous disinterest in or resistance to this magisterial teaching. Its non-reception mirrors, on first glance, the laity's non-reception of *Humanae vitae*, though this recent non-reception is doubly damaging because the non-receivers this time are the pope's own brother bishops and the burdens placed on the laity by *Humanae vitae* are significantly different than those placed on the hierarchy by *Amoris Laetitia*. The essay concludes on the issue of hierarchicalism so as to argue that the toxic culture within the hierarchy that generated clericalism is far more problematic yet somewhat evident in the pervasive episcopal resistance to *Amoris Laetitia*. The Pope's mandate to begin a year study on March 19, the feast of St. Joseph, on *Amoris* must be combined then with a critical conscience examination of the impoverished state of some of our leadership who purport to be accompanying the people of God.

1 Merciful Language

In his Apostolic Exhortation, *Amoris Laetitia*, Pope Francis has significantly advanced the reform of the church's pastoral ministry that he initiated with his first apostolic exhortation, *Evangelii Gaudium* (2013). Through an appreciation of the language he has introduced in *Amoris* we can better understand the hermeneutics for pastoral ministry that he is proposing.

The language of Pope Francis has been so revolutionary that two major journalists edited a book called *A Pope Francis Lexicon* (MCELWEE; WOODEN, 2018). The *Lexicon* was an introduction to understanding these basic concepts, most of which come from Ignatian/Jesuit ways of proceeding. Mindful of how language allows us to develop reforms of any tradition, here I look at seven words from the exhortation that are indispensable for moving forward.¹

¹ I originally developed these ideas on hermeneutics last year in "Sete palavras e sete exemplos sobre a *Amoris Laetitia*,". In: ALMEIDA, Miguel (Ed.). *Alegria e Misericórdia: a teologia do Papa Francisco para as famílias*. Lisbon: Frente e Verso, 2020. p. 83-102.

Amoris Laetitia represents a change in pastoral practice, that is, in the living out of the church's own identity. The word "pastoral" is key because the church lives out her identity by her pastoral practice. Here a new understanding of the church itself is emerging as deeply pastoral: nothing less is at stake.

The word "pastoral" connects *Amoris* to Vatican II, a pastoral council that effectively grounds the initiatives of the pope. Defining the Council as pastoral meant, as John O'Malley explains, that the council was dealing with the very meaning of the church (O'MALLEY, 2010). The council's key documents were about the living out of revealed faith in the church. Moreover, since the *Letter to the Ephesians*, we believe that marital relations reflect the life of Christ's commitment to the church, and therefore as we understand marriage better, we understand how Christ relates to the church and vice versa. With *Amoris*, then, a turning point arises that insists that we measure the truthfulness of the church by whether it is genuinely Christ-like in its ministerial life with families.

Within the pastoral teaching of Vatican II is an appreciation for the "local" church. Before the council, we understood the Church to be universal, that is, that the church was the same everywhere. The clearest example was that the liturgy or mass was in Latin, everywhere. But with the council we let local churches celebrate their liturgies in their local languages. In this change we realized that Catholics are not interested in a church that is "either/or," that is either universal or local, but rather "both/and," that is both universal and local. In fact, the council was mindful to speak of the church as universal in its local life. It is for this reason that we need to see how the local church responds to the call of *Amoris*.

In December 2015 the late Cardinal Karl Lehman declared that Pope Francis has "given the bishops' synod back its freedom". Arguing that "the church's synodal structure must be strengthened at all levels," Lehmann noted that Pope Francis has made repeated appeals for a synodal church. For Lehmann this notion of synods was "more important than possibly holding a Third Vatican Council" (PONGRATZ-LIPPITT, 2015).

On the fiftieth anniversary of the Synod of Bishops, Pope Francis stated, "The journey of synodality is the journey that God wants from his church in the third millennium [...] A synodal church is a listening church, aware that listening is more than hearing. It is a reciprocal listening in which each one has something to learn" (WOODEN, 2015). By listening in the synod, the church can discern, and thus our third word "synod" leads us to the fourth, "discernment." The two words are intimately connected.

The paradigm of moral discernment is found in the church's first synod, the Council of Jerusalem, as described in Acts 15 (KEENAN, 2018a, p. 199-212). The account is very much foundational for any understanding of synodal gatherings. Acts 15 begins with a problem: people from Judea are teaching: "Unless you are circumcised according to Mosaic custom you cannot be

saved" (Acts 15:1). But the Gentiles are asking, is this really necessary? Is circumcision necessary for salvation? How is the church to resolve this?

We cannot here enter into all the intricacies of the Council of Jerusalem, but by that synod, the church in Jerusalem was led to discernment by and through the Holy Spirit. There was engagement and testimonies all in the context of prayer and eventually the discernment was completed effectively when the decision was promulgated and received. Like the issue of circumcision being entertained by the apostles at Jerusalem, in our time the cardinals brought to the synods the questions of marriage, divorce and remarriage. Finally, through the synods' search for an answer from the Spirit, the church hears in Pope Francis' exhortation a call to move ahead.

Conscience is the fifth word. We remember these words from *Amoris Laetitia*: "We have been called to form consciences, not to replace them" (AL, para. 37). The Pope is underlining the primacy of conscience affirmed, as the voice of God living in us, by *Gaudium et Spes*. Still, we should note that the first experience of conscience is a strange one: we discover a voice in ourselves that is troubled, unsettling, and guilty! To have a conscience is to recognize one's own guilt. A guilty conscience helps us to see that not everything we pursue is good; therein develops our indebtedness to conscience, the humble willingness to submit our choices to this capacity to judge (KEENAN, 2015, p. 129-147).

Make no mistake about it: conscience is not infallible. In fact, as Vatican II's *Gaudium et Spes* reminds us, we frequently err. *But we can get to the truth only through conscience*. Humility, then, is constitutive of the Christian quest for moral truth, because in truth we are always learning and opening ourselves to correction. For Catholic Christians, this process is assisted by prayerful participation in the life of the church, particularly by attention to the preaching of God's word and the reception of the sacraments.

There is another extraordinary text from *Amoris* to consider. Herein is the room to assess effectively what is the best that one can do, "the most generous response," mindful that it could be shy of the normative standard. This carefully crafted paragraph is a ministerial accompaniment of a person's own conscientious assessment that what they can attain is exactly what needs to be recognized, no more, no less. The text is very important:

We can add that individual conscience needs to be better incorporated into the Church's praxis in certain situations which do not objectively embody our understanding of marriage. Naturally, every effort should be made to encourage the development of an enlightened conscience, formed and guided by the responsible and serious discernment of one's pastor, and to encourage an ever greater trust in God's grace.

Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize with sincerity and honesty what for now is the most generous response which

can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits, while yet not fully the objective ideal. In any event, let us recall that this discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized. (AL, para. 303)

Unequivocally, the heart of *Amoris Laetitia* is the church's eloquent respect of people's consciences.

"Accompaniment" is the sixth word. As history helped us to see that synods are well rooted in early pastoral practices, history helps again in understanding moral discernment and accompaniment as, in fact, an ancient practice. Let me give you one example from history.

Hugh Connolly's study of the originality of the Irish practice of confessing sin from the 6th century notes that:

Confessions were usually made to a spiritual guide known as an *anamchara*, an Irish word which literally means soul-friend. The soul-friend was esteemed within the monastic system. An ancient Irish saying comments that 'anyone without a soul-friend is like a body without a head.' Every monk was expected to have an *anamchara* to whom he could make a manifest his conscience (*manifestation conscientiae*)." (CONNOLLY, 1995, p. 14)

The practice spread. The role of the soul-friend was not just to discern or judge for the other; rather, the *anamchara* was a guide to accompany the individual through the trials of life. The encounter between the soul-friend and the individual aimed at a dialogue that "was neither contractual nor constraining but which bore testimony, instead to a God who was always willing to forgive" (CONNOLLY, 1995, p. 15-16). The dialogue therefore was a "healing" one. For this reason the *anamchara* was to be hospitable, welcoming the weary penitent on their journey so that the individual could manifest their conscience. The *anamchara* is, then, a fellow-pilgrim on the "same pilgrim path" (CONNOLLY, 1995, p. 178). The hospitality that the *anamchara* offered was solidarity, so that the pilgrim maintained the journey. In many ways the *anamchara* was a person who knew suffering, who "comes through the fire of real suffering and self-sacrifice while at the same time, growing ever more open to the saving forgiving grace of Christ, and one who always reserves in his heart, a sincere hospitality for the stranger, the fellow-pilgrim, the fellow-sufferer" (CONNOLLY, 1995, p. 181).

A humble conscience needs a good interlocutor. Rightly, we will need more and more *anamchara* to accompany our members as they in conscience begin to think anew of how they are called to be disciples with one another in a church that is not fearful of gathering in synods.

The last word is mercy, which I define as the willingness to enter into the chaos of another. Mercy is keenly found in the Good Samaritan parable (Luke 10:29-37) where many preachers and theologians saw the narrative (in

miniature) of our redemption by Christ. Starting with Clement of Alexandria, Origen, Ambrose, and finally, Augustine, the Good Samaritan parable was told allegorically like this: the man who lies on the road is Adam, wounded (by sin), suffering outside the gates of Eden. The priest and the Levite (the law and the prophets) are unable to do anything for Adam. Along comes the Good Samaritan (Christ), a foreigner, one not from here, who tends to Adam's wounds, takes him to the inn (the church), gives a down payment of two denarii (which are the commandments of love of God and neighbor), and promises to return for him (the second coming) when he will pay in full for the redemption and take him with him into his kingdom.

Christ, the first teacher of mercy, is the original *anamchara*.

2 Receiving Amoris Laetitia

Arguably, the great hesitancy to *Amoris* concerns the significant but unanswered issue of chapter eight, concerning if and when divorced and remarried Catholics may receive communion. Since *Amoris* was promulgated, some of the hierarchy were the first to resist it, in particular, the famous four doubts that were raised by the four cardinals. (TORINELLI, 2016). But those doubts were answered many times over, most significantly by two theologians: Jesuit Alain Tomasset and Dominican Jean Miguel Garrigues.² Similarly, hierarchy responded to the doubts as well.

More significant than responding to the doubting cardinals are the initiatives by bishops on how to interpret and implement chapter eight, for their dioceses and for the Church around the world. Several initiatives are particularly noteworthy. The Buenos Aires bishops wrote to their priests regarding how to interpret it and in response the pope made it the authentic explication of the teaching (WOODEN, 2017). Cardinal Francesco Coccopalmerio, President of the Pontifical Council for Legislative texts, wrote his book on how to canonically interpret chapter eight (COCCOPALMERIO, 2016). Similarly, Archbishop Charles Scicluna and Cardinal Mario Grech of Malta offered their positive interpretation of the chapter (SAN MARTIN, 2017).

Still, there are eight other chapters to the exhortation and therefore we should see how others have received the entire exhortation.

One of the most imaginative ways of receiving *Amoris Laetitia* was when Bishop Robert W. McElroy, following Pope Francis, hosted a landmark synod in 2016 to see how his diocese of San Diego, California, should discern its

² See Alain Thomasset and Jean-Miguel Garrigues, *Une morale souple mais non sans boussole* (Paris: Les éditions du Cerf, 2017).

ways of implementing *Amoris Laetitia*.³ It provided an enormous catalyst for further development of pastoral ministry in that diocese. They have established a new model for couples' marriage preparation that is catechumenal in nature and they also offer "mentor couples" to accompany the engaged couple through their engagement and the early years of marriage.

Other initiatives focused on how to accompany pastorally married couples in search of a more explicit engagement of the papal exhortation. Effectively, some dioceses are appointing their own *anamchara* to accompany those in "irregular situations." For instance, four years ago, the bishop of Rouen established a precedent when he proposed to his diocese seven priests as "missionaries of Mercy," mandated to "specially" welcome divorced people who are in a new relationship with the objective of enabling them "to examine their consciences in complete discretion in the light of the Word of God" (LESEGRETAIN, 2016). Today, four French dioceses have such priests. *La Croix* tells the story of a widower and a divorcee receiving communion recently for the first time in their parish after 17 years of marriage after being accompanied by such a priest (DE MAUPEOU, 2019). They were active in the parish, the wife working for 16 years as a chaplain bringing communion to the sick, though never receiving communion herself, until finally through *Amoris* and an *anamchara*, they were welcomed back to communion.

In a number of instances, bishops sought to extend their engagement of the document while at the same time bringing in more resources so as to better mine the riches of *Amoris*. In particular, bishops have turned to Catholic universities so as to study the exhortation. In Paris, the rector of the Institut Catholique, Philippe Bordeyne, hosted a study day⁴ so as to train people to assist in discerning about marriage and family life. At the study day Cardinal André Vingt-Trois set the tone: "The Church's mission is not to provide pre-ordained solutions for every situation but rather to draw on the wealth of its tradition in order to assist people to understand how God's call is relevant to their particular situation and how God enables us to respond" (HOFFNER, 2016).

The Paris model of a Catholic university and the local church working together toward the consideration and reception of *Amoris* is significant and has been imitated elsewhere. For instance, in Belgium, the well-known center on marriage and family at Leuven University, INTAMS, having published a collection on marriage and family in the aftermath of the two synods, hosted an international symposium inviting hierarchy and theologians and published a very important collection.⁵

³ For details on the synod, see <https://www.sdcatholic.org/diocese/synodonthefamily.aspx>.

⁴ One can listen to the nine major lectures from the study day at the Institut Catholique's dedicated page of their website: <http://www.icp.fr/a-propos-de-l-icp/actualites/revivez-la-journee-d-etudes-autour-d-amoris-laetitia-qui-s-est-tenu-a-paris-le-17-octobre-55455.kjsp>.

⁵ See Thomas Knieps-Port le Roi and Aldegonde Brenninkmeijer-Werhahn, (Eds.), *Authentic Voices, Discerning Hearts: New Resources for the Church on Marriage and Family* (Münster: LIT Verlag, 2016).

In the United States, I wrote an article three years ago about how the churches of Italy, France, Germany, Austria, Malta, Argentina and South Africa were all creatively receiving the exhortation (KEENAN, 2017, p. 193-212). I wrote the article because I wanted to contrast these initiatives with the situation in the United States. The leadership of the United States' episcopal conference has notably refused and still refuses to simply put the papal exhortation on their meeting agenda. Remarkably, the United States conference has not discussed the document at any of their meetings over the past five years, despite the fact that episcopal members have asked for it to be on the conference's agenda.

After sending my text to Cardinal Blase Cupich of Chicago, he asked if my university, Boston College, would sponsor with him a three-day conference. We invited twenty bishops to participate in the conversation, including Cardinal Kevin Farrell from the Vatican Dicastery on Laity, Family, and Life, and two other cardinals and many archbishops and bishops. The meeting, called *Amoris Laetitia: New Momentum for Moral Formation and Pastoral Practice*, was a great success and was well covered in the Catholic media. Subsequently we published the collected talks, that included the addresses of Cardinals Cupich and Farrell, as well as Cardinal Wilton Gregory of Washington, D.C., Archbishop Scicluna, Bishop McElroy, and Bishop Franz-Josef Overbeck of Essen, Germany, and theologians and other church leaders.⁶ Afterwards the cardinals asked me to host three more one-day conferences at three different universities across the country, Boston College, Notre Dame University, and Santa Clara University. Another 47 bishops participated in these conferences.⁷

Noteworthy too has been the work of individual bishops, like Coccopalmerio and Scicluna, who have used their leadership and their capacity to write well on church matters in effectively assisting in the church's reception of *Amoris*. Two other significant churchmen in this exceptional category are Cardinal Walter Kasper, the acclaimed theologian who has written an accessible text called *The Message of Amoris Laetitia: Finding Common Ground* (KASPER, 2019) and Cardinal Cupich, who, in the annual Von Hügel Lecture, delivered a prophetic text at St. Edmund College, Cambridge University on February 9, 2018, entitled "Pope Francis' Revolution of Mercy: *Amoris Laetitia* as a New Paradigm of Catholicity." Wisely, Cupich developed the argument of a new paradigm so as to highlight a significant shift in the overall hermeneutics of pastoral ministry (CUPICH, 2018).

Like Cupich, theologians too note how the shift in language and hermeneutics from law to conscience, censorship to accompaniment, and receiving

⁶ See Grant Gallicho and James F. Keenan (Eds.) *Amoris Laetitia: New Momentum for Moral Formation and Pastoral Practice* (Mahwah: Paulist Press, 2018). See also <https://www.americamagazine.org/faith/2017/10/06/listen-families-amoris-laetitia-bishops-and-theologians-say>.

⁷ See <https://www.ncronline.org/news/people/7-takeaways-hosting-amoris-laetitia-theology-seminars-47-us-bishop> and <https://www.lastampa.it/vatican-insider/en/2018/02/13/news/47-bishops-to-take-part-in-theology-seminars-on-amoris-laetitia-1.33979658>.

teaching to active discernment ought to impact not only pastoral ministry but other areas of church life as well. For instance, shortly after its promulgation, Conor Kelly wrote a landmark piece suggesting that the role of the moral theologian was now significantly changed by the exhortation. His argument concerns how the matter of discernment affects not only the reception of a teaching but also ought to inform the teachers of the church that they in articulating or interpreting church teaching also need to discern before they define (KELLY, 2016, p. 922-948).

Kelly and Cupich inform us then, effectively, that this teaching is not one among many but in fact promotes a shift in how the church will teach, how its ministers will minister, and how its theologians will reflect. Thus, the question of its reception is larger than just the issue of receiving its teaching on marriage: it is about the reform of pastoral ministry and theology. It is for this reason, as we will see when we turn to the fourth section of this paper, that episcopal agnostic reactions to the exhortation are problematic.

These shifts appear, for instance, in the work of collections arguing similarly that a paradigm shift in pastoral theology, moral theology, and ecclesiology has occurred. The titles of each of these collections tells the story: from Belgium, Thomas Knieps-Port Le Roi's *A Point of No Return?: "Amoris Laetitia" on Marriage, Divorce and Remarriage*;⁸ from Italy, Antonio Autiero's *Per una nuova Cultura Pastorale: Il Contributo di Amoris Laetitia*;⁹ from Germany, Stephan Goertz and Caroline Witting's *Amoris laetitia: Wendepunkt in der Moralthologie?*;¹⁰ from India, Shaji George Kochuthara's *Amoris Laetitia: Transforming Pastoral Theology and Transforming the Church*;¹¹ from Nigeria, Stan Chu Ilo's *Love, Joy, and Sex: African Conversations on Amoris Laetitia and Gospel of Family in a Divided World*;¹² and from the United States, Thomas Rausch and Roberto Dell'Oro's *Pope Francis on the Joy of Love: Theological and Pastoral Reflections on Amoris Laetitia*.¹³ As in these collections, so too in published monographs, the same new strategy is underlined, from Louis Cameli's *A New Vision of Family Life: A Reflection on Amoris laetitia Liturgy Training Publications*¹⁴ to Andrea Grillo's *Meravigliosa complessità*:

⁸ Thomas Knieps-Port Le Roi (Ed.), *A Point of No Return?: "Amoris Laetitia" on Marriage, Divorce and Remarriage* (Münster: LIT Verlag, 2017).

⁹ Antonio Autiero (Ed.), *Per una nuova Cultura Pastorale: Il Contributo di Amoris Laetitia* (Milan: San Paolo 2019).

¹⁰ Stephan Goertz and Caroline Witting (Ed.), *Amoris laetitia: Wendepunkt in der Moralthologie?* (Freiburg: Herder, 2016).

¹¹ Shaji George Kochuthara (Ed.) *Amoris Laetitia: Transforming Pastoral Theology and Transforming the Church* (Bangalore: Dharmaram Publication, 2021).

¹² Stan Chu Ilo (Ed.), *Love, Joy, and Sex: African Conversations on Amoris Laetitia and Gospel of Family in a Divided World* (Eugene, OR: Cascade Books, 2019).

¹³ Thomas Rausch and Roberto Dell'Oro, ed., *Pope Francis on the Joy of Love: Theological and Pastoral Reflections on Amoris Laetitia* (Mahwah: Paulist Press, 2018).

¹⁴ Louis Cameli, *A New Vision of Family Life: A Reflection on Amoris Laetitia* (Chicago: Liturgy Training Publications, 2018).

*Riconoscere l'“Amoris laetitia” nella società aperta.*¹⁵ Clearly those receiving *Amoris Laetitia* recognize the significance of Pope Francis' summons to the church to change significantly its style of pastoral ministry and to open its own consideration of moral investigations to a much more complex though more morally objective, that is, truthful resolution.

These are examples of how creatively bishops, theologians, pastoral leaders, and educational institutions have welcomed strategically and imaginatively *Amoris Laetitia* as a reforming initiative that seeks to transform the church by supporting and privileging Catholic marriages and families as they try to live out their own call to Christian Discipleship. Having considered these splendid modes of reception, let us now turn to the two other issues that are outstanding: the faithful but critical arguments of theologians that *Amoris* begins to open up a much needed discourse, but it must embrace others who still remain beyond recognition and the painful agnosticism of some of the hierarchy who think they are waiting out the summons but in fact are displaying the toxic practices of hierarchicalism.

3 Faithful Challenges

In this section I want to echo the voices of those theologians who have raised critical questions about the insufficiency of *Amoris*. These arguments come in two types. The first type is basically concerned with how different constituents in the church are not adequately recognized by the church. Recognition, arguably one of the most significant political acts for any type of engagement, is the fundamental concern of most theologians who criticize the exhortation. The second form, expressed by Michael G. Lawler and Todd A. Salzman, is much more comprehensive and investigates and proposes the more recently developed hermeneutics of social teaching as a more integrating, objective, and comprehensive one than that used in sexual teaching.

In her remarkable essay, “Presuming a Place for Everybody,” Lorraine Cuddeback claims that in translating the *Relatio* of the final synod of 2015 to the exhortation, *Amoris*, Francis sanitized the experiences of persons with disabilities. This attentiveness to their experiences, Cuddeback argues, is necessary so as “to move beyond the paradigm of charity” and “to admit to the church’s own complicity in the enduring stigma and prejudice that people with disabilities” have suffered against. Cuddeback argues that until this shift happens, “the person with a disability becomes a tool, an instrument that teaches a lesson, rather than being allowed to be human in their own right” (CUDDEBACK, 2016). We need to expose their personhood that we so often “charitably” objectify with condescending care.

¹⁵ Andrea Grillo, *Meravigliosa complessità: Riconoscere l'“Amoris laetitia” nella società aperta* (Assisi: Cittadella Editrice, 2017).

Cuddeback notes that David Perry, in *Crux*, has argued similarly. Perry argues that people with disabilities and their parents need less charity which risks making the person an object of condescension and more advocacy for rights. Arguing that the rights of disabled people are overlooked in ways similar to those who are immigrants, Perry also suggests that we need a better theology for recognizing persons with disabilities.

Better theologies of disability and the family would open pathways to witness and embrace our shared humanity, regardless of the functioning of our bodies and minds, and understand that all of us need the opportunities to be both actors and be acted upon as we pursue a good life in our communities. (PERRY, 2016a)

In a subsequent article, Perry argues that the Pope needs, as he says, to do more than to kiss the disabled (PERRY, 2016b).

Noting that 4.5 million Catholics in the United States are affected by the excommunication teaching over divorce and remarriage, Anna Floerke Scheid shares childhood experiences of her belonging to an “irregular” family, commenting on just how alienating present practices in the church are, profoundly impacting parents and children. The trauma of her parent’s divorce was painful enough; the annulment was even more devastating. She writes:

“Divorce was an excruciating experience. The ‘declaration of nullity’ stating that my parents’ marriage had never been valid was confusing, and distressing.” She adds, “My own family might have avoided added sorrow if annulments just weren’t necessary for my parents who wanted to receive communion.”

As she suggests, try explaining to a child that an annulment does not mean that the children of the annulled have suddenly become bastards. Moreover the language of “irregular” is itself problematic. Scheid writes,

Calling so many families ‘irregular’ echoes (and perhaps generates?) the stigma that I experienced given my family’s history of divorce and remarriage. Being called ‘irregular’ makes me feel a bit like a leper. ‘Irregular’ – even mitigated by quotation marks – makes me inferior and *lesser* than all those regular families. My “irregularity” marks me” (SCHEID, 2016).

For LGBTQ Catholics, the teaching was welcome in terms of an operative hermeneutics that “could” engage them, but their experiences were not at all engaged or welcomed. From the United Kingdom, Megan Cornwall, in an interview with Martin Prendergast, identified as “an LGBT rights advocate,” quotes him as citing his observation that there were “no condemnations, no quoting of language of ‘intrinsic disorder,’ a nuance around the use of language like same-sex attraction, which some of us find offensive, an actual recognition of homosexual orientation, which is very significant in a document of this status,” but then asks, when the church finally engages the experience of gay people, “how are you going to apply those very important principles about conscience, internal forum, not judging people, not throwing stones at people?” (CORNWALL, 2016).

In a similar way, Andy Beuchel responds to *Amoris* welcoming the difference in tone and language but noting the lack of resolution, let alone any indication of how the church intends to move forward with LGBTQ Catholics. So as to open up those discussions, he proposes the words, voice, and experiences of the thirteenth century Beguine, Mechthild of Magdeburg, so as to show how such engagement might help not only queer people and their community, but queer conversations might assist the church in how it might refashion itself appropriately (BUECHEL, 2020, p. 94-111).

Finally, in a comprehensive essay, Annie Selak proposes the use of narrative as it is found in the field of law to help the church better convey the experiences of others and therein give voice to them. Her essay serves for me as a summation of the concerns for the foregoing *and* proposes a strategy for moving forward. Selak wisely comments on the auditors and experts that it is “striking that the married couples appear to be unrepresentative of mainstream Catholics, given their affiliation with...largely conservative movements” (SELAK, 2019, p. 97). By using narrative, Selak believes not only that the church could better represent others’ voices but that they could accommodate also those positions which are in dissent so as to more truthfully convey the actual nature of the church. This is a very significant proposal.

Turning to Lawler and Salzman, we first see that these two theologians have long noted the anthropological and methodological divide between Catholic Social Teaching (CST) and Catholic Sexual Teaching (CSeXT) (LAWLER; SALZMAN, 2018, p. 634). They contend that Pope Francis is effectively integrating the two hermeneutics both anthropologically and methodologically, but that such an integration depends on giving priority to the newer CST hermeneutics. Moreover they believe that the Pope needs to take additional steps both for a more harmonious integrated hermeneutics and, more importantly, to provide a more integrated and credible response to contemporary ethical issues. In a significant assessment of the eventual implementation of *Amoris* these authors write:

There seems to be a surprising unawareness on the part of the Pope and bishops worldwide of how patriarchal culture, gender norms, familial relations, socio-economic, and political factors impact reproductive decisions in marriages. This unawareness is a reflection of the fundamental methodological distinction between CST and CSeXT, the former prioritizing subject-orientation by offering moral principles and criteria for personal judgment of an informed conscience following careful discernment, the latter prioritizing object-orientation by offering absolute moral proscriptive norms for obedience. An integrated methodological approach that prioritizes subject-orientation would offer a general principle, responsible parenthood, for example, and allow a married couple to work out how to realize this principle through a discerning conscience that considers all the relational, social, contextual, and gender circumstances. (LAWLER; SALZMAN, 2018, p. 650)

Effectively, Lawler and Salzman are integrating sexual teachings into their natural social context and see that, while the pope is tending in

that direction, he needs to continue the course, appreciating, however, the impediments in earlier approaches that did not let us recognize what contemporary Catholics actually encounter on account of teachings singularly rooted in the ineffective and fairly oppressive earlier hermeneutics.

4 The Scandalous Agnosticism of Some of the Hierarchy

Here we have then a major magisterial document, with rich language and innovative approaches outlined, that seeks to care and heal alienated Catholics, bringing them closer to the sacraments and the church to a new level of renewal. Moreover we have seen ingenious methods of reception, from actual synods, to new forms of ministerial accompaniment, to theologians and episcopal leaders partnering in new ways at universities so as to advance the teachings of *Amoris Laetitia*. Furthermore, we have seen an excitement among these church and theological leaders about ministry such that most theologians around the world see this as a promising paradigm for the church, in its ministry and in its evangelization. Indeed, even those who have not yet been significantly recognized want to be recognized by the church. Even those who were ignored ask for the loving gaze of the church to turn toward them and to hear their voices. The willingness of the laity, like the willingness of theologians and these charismatic episcopal leaders, is surely an indication of the great promise of the papal apostolic exhortation.

Moreover, I could add how more conservative theologians, such as Rocco Buttiglione, have found great theological hope in this document.¹⁶ Or how relatively new theologians, like David Elliot, see that the document occasions much in terms of providing moral formation.¹⁷

In light of all this promise, in a time that the church is seeking a new evangelization, what instrument could better occasion that new evangelization than this document and its new magisterial approach?

Yet, if you ask any Catholics today for their position on *Amoris Laetitia* I suggest that only in a rare instance and at a rare location would they would know what you are talking about. Despite the books, conferences, lectures, panels, etc., after five years, the document is hardly known.

Why? I suggest that the fault lies with an agnostic reception by many of the hierarchy.

¹⁶ See Rocco Buttiglione, "The Joy of Love and the Consternation of Theologians: Some Comments on the Apostolic Exhortation *Amoris Laetitia*". *L'Osservatore Romano*, Vatican (July 19, 2016). In: <http://www.osservatoreromano.va/en/news/joy-love-and-consternation-theologians>.

¹⁷ See David Elliot, "Irregular Unions and Moral Growth in *Amoris Laetitia*". *Journal of Moral Theology*, Emmitsburg, v. 8, n. 2, p. 31-59, 2019.

The curious phenomenon here is the moment: the hierarchy, both globally and locally, has been rightly struggling with its historic, problematic shepherding of the sexual abuse crisis. All around the world, episcopal mismanagement and at times stonewalling only exacerbated an already shameful and sinful moment in contemporary church history that hurt, harmed and often destroyed the lives of innocent and vulnerable people. Here the pope has provided a new framework for pastoral ministry that is welcoming, not judgmental, accompanying and empowering. It aims to reunite the alienated and over-burdened by promoting the experience of the Eucharist precisely through a more merciful appreciation of communion. Rejecting the premise that those “entitled” to the Eucharist are those who played by the rules and are not “barred” from the Eucharist, the pope reminds us of the sinners at the Last Supper who partook humbly of the gift of the Lord’s body and blood. Reminding us that none are worthy, the pope offers an occasion for an encounter for learning the struggles of married and family life honestly, without judgment but with respect. He proffers the discerning voice of the Spirit to lead us forward rather than to retrench to old, more harmful ways. With the Spirit, the pope offers us a way forward.

Though a few cardinals expressed their reactionary doubts, many hierarchy have not expressed anything. They have been notably silent about it, whether this is an active resistance like the stonewalling silence during investigations on sex abuse or a tired I-am-overworked silence that begs understanding while the diocesan leader fails to lead the diocese.

I think the record shows the success of those dioceses that have received *Amoris Laetitia* with programming for families, for parents, and for couples so as to support them in a myriad of ways with accompaniment, respect of conscience, the sacraments, and community-building instruction and action, with a dynamic opening toward the future. Where the exhortation has been actively received, the church is being renewed.

Inasmuch as the church needs very much to be renewed, it needs very much *Amoris Laetitia*, but the obstacle is the silence of our episcopal leadership, their agnosticism.

Let me add further, that while this agnosticism is found in many, though not all, episcopal structures around the world, we here in the United States find it particularly acute. I am finishing this article just after President Trump has been impeached for inciting an insurrection. The silence of our hierarchy on the presidency of Donald Trump has been alarming for these increasingly problematic four years, a studied silence that lasted even now as hopefully his presidency ends. Their silence with Trump is extraordinarily a complicit one that became all the more evident when the elected president of the United States Catholic Conference of Bishops, Los Angeles Archbishop José Gomez, issued a warning and established a task force regarding the Catholicism of our incoming president Joseph Biden. One journalist, Randal Balmer, asked “In what moral universe does Biden require a Catholic task

force when Trump got a free pass?" (BALMER, 2020). The former editor of the *National Catholic Reporter*, Tom Roberts, described it as "A tragic end to the US bishops' long descent into partisan politics" (ROBERTS, 2021).

Their relationship with Trump is not incidental to their agnosticism to *Amoris Laetitia*. So as to further concretize this agnosticism, I visited each of the thirty-two archdiocesan web pages to see how they receive the apostolic exhortation. In a number of instances we can find a warm reception. About *Amoris* there were over two hundred and sixty entries on Cardinal Cupich's Chicago Archdiocesan page (<https://www.archchicago.org/>); six full categories of programmatic information at Cardinal Wilton Gregory's Washington Archdiocesan page (<https://adw.org/>); forty-five references on Archbishop Charles Thompson's Indianapolis Archdiocesan page (<https://www.archindy.org/>); and, six interesting events on Archbishop Gregory Aymond's New Orleans page (<https://www.arch-no.org/>). Though not an archbishop, it is worth noting eight full categories of updated programs on Bishop McElroy's San Diego diocese (<https://www.sdatholic.org/>). The Archbishop of Louisville Joseph Kurtz reports hosting a theological dialogue on it (<https://www.archlou.org/>) and the Archbishop of Kansas City Joseph Naumann hosted a retreat for married couples on it (<https://archkck.org/>). I found a speech affirming the teaching on Cardinal Joseph Tobin's Newark Archdiocesan page (<https://www.rcan.org/>) and similar remarks to his priests on Archbishop William Lori's Baltimore page (<https://www.archbalt.org/>). A few others had multiple press clippings on *Amoris*. Otherwise the remaining ones were *Amoris* light. Of the thirty-two territorial archdioceses, eighteen had nothing remarkable on them but perhaps two or three news references to *Amoris*: Anchorage, Atlanta, Boston, Cincinnati, Denver, Detroit, Dubuque, Hartford, Milwaukee, New York, Oklahoma City, Omaha, Portland, St. Louis, Saint Paul and Minneapolis, San Antonio, San Francisco, and Santa Fe. Notably, four had no searchable reference whatsoever to the document: Los Angeles, Mobile, Seattle, and Portland.

It does seem reasonable, as a Catholic, to expect that the ordinary receives papal magisterial teaching and that the act of reception looks more like what we saw from the Buenos Aires bishops or the archbishop of Paris or the bishop of Rouen or others in Germany, Austria, or elsewhere. For whatever reason, the inactivity and the silence is disturbing and hopefully Pope Francis' summons to start a year-long study of *Amoris Laetitia* on March 19th will yield a more resonant response. After all, it is hard to think of our hierarchy having a harder time than now, though as Roberts notes, it is of their doing.

5 Hierarchicalism

About eighteen months ago I was invited by Archbishop Scicluna to Malta to speak on the causes of the sex abuse crisis and I proposed a new concept

that I think was at its heart, hierarchicalism (KEENAN, 2018b, p. 129-142).¹⁸ The culture of the hierarchy is even more problematic and unknown than clerical culture or clericalism. Assuredly, just as clericalism is different from a culture that promotes servant priests, similarly hierarchicalism is different from the culture that promotes servant bishops.

What most priests and bishops know well is that the formative pathways for future bishops are generally speaking different from those for average priests. Early on, future bishops do not do most of their theology studies in their local or regional seminaries. Rather, they are sent to Rome for theology and examined in Rome in a variety of ways and there, in their national colleges, they are offered hierarchal “allurements” that most priests do not receive: dinner with visiting bishops, meetings with other bishops, the possibility of being appointed the bishop’s contact in Rome, receiving the bishop’s confidences, being welcomed back whenever returning home. There is a “grooming” that happens that is radically different from anything that happens to other seminarians. They are being selected for another club.

Hierarchicalism is *that* culture then precisely emerging at the center of the more recent sexual abuse scandal of the past few years. Just as clericalism emerged as a source for the scandals from 2002, hierarchicalism emerges today when we begin to look at the numerous bishops who have been investigated and/or removed for their role in the scandals. By focusing on hierarchy, rather than clergy, the scandal finally exposes the real source of this crisis: hierarchicalism in all its brutality and profound lack of accountability.

We now see how the hierarchical culture has exercised its power and networking capabilities in the cover-up of their own actions. What we are only beginning to see is that hierarchicalism and its lack of accountability and ability to act with impunity will be harder to dismantle than clericalism and in fact will guarantee the survival of clericalism, for the former is the father and promoter of the second.

We need then to distinguish the two, not because clericalism is not problematic, it is, but because we have to better understand the problems of the culture more isolated and protected than the clergy’s and certainly more complex, insular, and powerful than we know or acknowledge. For the sake of the hierarchy themselves and for the sake of the church, we need to dismantle the cloak of hierarchicalism, and I believe that the reception of *Amoris* is a constitutive step in that direction, because therein the bishop has the opportunity to lead his priests and lay ministry in a ministry that accompanies rather than dominates, that does not use

¹⁸ See also Tom Robbins, “Hierarchy and the need for a ‘culture of vulnerability’” (An Interview with James Keenan). *National Catholic Reporter*, Kansas, May 22, 2019. In: <<https://www.ncronline.org/news/accountability/ncr-connections/hierarchy-and-need-culture-vulnerability>>.

the Eucharist as a tool for reform or worse, a political weapon, but as a gift for sinners, and that remains throughout vulnerable to the needs of others as Jesus is.

We have for too long talked about everything but the bishop when addressing the crises within the church, but now finally we cannot avoid it. As the yearlong study of *Amoris* begins, let us invite our bishops not to examine only the irregularities of the laity, but rather their own irregularities and let us invite them into a richer form of leadership, where they can, like a good *anamchara*, vulnerably welcome us into communion.¹⁹

Acronyms

AL = *Amoris Laetitia*

CST = Catholic Social Teaching

CSeXT = Catholic Sexual Teaching

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¹⁹ Special thanks to Aidan O'Neill, my extraordinary assistant, who not only helped me in editing and researching this essay but also in collecting the data from the archdiocesan websites.

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