

Living Family Life Differently.

Biblical Challenges and a new Openness towards Long-term Models of Partnership – On the Way to a Life of Fulfilment Together

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Discussions and arguments about the family always take place in a specific context or against a contextual background. This was apparent at both the Extraordinary General Assembly of the Synod of Bishops in October 2014 and the XIVth Ordinary General Assembly of the Synod of Bishops in October 2015, which was attended by 270 bishops from all parts of the universal Church. Ute Eberl, an auditor from Germany at the Extraordinary Family Synod in 2014, wrote the following about her experience of the Synod: 'Present, as I was, at the heart of the universal Church it became clear to me that I listen with very special ears. These are the ears of a woman from an open society with a liberal constitutional order, the ears of a person from a Reformation country, one with a highly professional Catholic welfare organisation, with a social security system in which full-time lay people perform their duties.'⁴⁷⁶ Looking back at the Ordinary General Assembly of the Synod of Bishops in 2015, in which he participated as an auditor, Michael Sievernich wrote that 'questions take on a different character in an inter-cultural context'. This was illustrated, for instance, by 'marriage and family traditions in Africa'⁴⁷⁷ and inter-

⁴⁷⁶ Cf. Eberl, Ute, "Schaut in die Wohnzimmer der Familien, nicht in ihre Schlafzimmer", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 333–340, here: 333f.

⁴⁷⁷ While some of the comments made about the African view of marriage and the family before and during the Synods might appear awkward from a Western European perspective, they may approximate more closely to the biblical understanding of marriage, since the purpose of marriage – as stated in the Bible and elsewhere – was the birth of children, especially of sons, who had the right to a major social function in biblical times. Cf. Eltrop, Bettina, "Zahlreich wie die Sterne: Gedanken zu Ehe/Familie/Beziehungen in der Bibel", in: *Das Magazin*, No. 14 (2015) 3, 5–7, here: 6.

religious marriage traditions in Asia'.⁴⁷⁸ In these contexts the Catholic Church was attempting to conceptualise unity in diversity and put it into practice.

Views on (marriage and) the family vary considerably. They can be greatly influenced by a cultural background in which monogamy or polygamy are the rule, for instance, or where the system of descent is matrilineal or patrilineal. The circumstances of one's personal life can also have an impact. Single or married Christians may well have different opinions and this is equally true of men and women with their varying perspectives on life. Just how diverse these views are was made very clear by the numerous comments made in the run-up to the two synods; these highlighted the challenges facing the universal Church in the age of globalisation.⁴⁷⁹ A good illustration was the meeting held by SECAM (the Symposium of Episcopal Conferences of Africa and Madagascar) in preparation for the Extraordinary General Assembly of the Synod of Bishops.

Views on marriage and the family in Africa

In June 2014 over 80 participants from 18 African countries came together in Cotonou (Benin) at the invitation of the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM) to discuss questions relating to the family in Africa.⁴⁸⁰ Its purpose was to take stock openly and honestly of the social challenges confronting families in Africa and of the impact that social developments are having on their everyday lives at the start of the third millennium. It was specifically intended that highly controversial issues in Africa, such as promiscuity, pre-marital sex, polygamy and homosexuality, should not be swept under the carpet. Statements made by African bishops, particularly as regards homosexuality, had previously caused considerable irritation in Europe and elsewhere. This was because they

⁴⁷⁸ Sievernich, Michael, "Die Bischofssynode zur Familie", in: *Stimmen der Zeit*, No. 234 (2016) 2, 87–98, here: 88.

⁴⁷⁹ Cf. Vellguth, Klaus, "Durch Veränderungen herausgefordert: Ein afrikanisches Vorbereitungstreffen zur Familiensynode", in: *Herder Korrespondenz*, No. 68 (2014) 8, 427–431; Varayilan, Preetha, "Das Konzept der 'Joint Family'", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 371–376; Idem: "Das Konzept der 'Joint Family': Das Familienverständnis im indisch-hinduistischen Kulturkreis", in: Augustin, George/Kirchdörfer, Rainer (eds.), *Familie: Auslaufmodell oder Garant unserer Zukunft?*, Freiburg 2014, 364–380.

⁴⁸⁰ On the following cf. Vellguth, Klaus, "Durch Veränderungen herausgefordert: Ein afrikanisches Vorbereitungstreffen zur Familiensynode", op. cit.

expressed positive views about a tightening of the legislation relating to homosexual acts and classified homosexuality as 'unnatural' and 'un-African'. The choice of Cotonou as the venue for the meeting was of symbolic significance. It was in Benin that Benedict XVI put his signature to the Post-Synodal Apostolic Exhortation *Africae Munus*, in which (following on from *Ecclesia in Africa*) the model of the family is presented as the ecclesiological model of the Church in Africa. The high regard in which this Post-Synodal Apostolic Exhortation is held in Africa was illustrated not least by the fact that the Apostolic Nuncio in Benin, Brian Udaigwe, emphasised the significance of the family as the nucleus of society. In doing so he referred to *Africae Munus*, which describes the family as the 'sanctuary of life' and 'a vital cell of society and of the Church': 'It is here that the features of a people take shape; it is here that its members acquire basic teachings. They learn to love inasmuch as they are unconditionally loved, they learn respect for others inasmuch as they are respected, and they learn to know the face of God inasmuch as they receive a first revelation of it from a father and a mother full of attention in their regard.'⁴⁸¹

SECAM described its meeting to discuss 'Africa at the Extraordinary Synod on the Family: Organic Pastoral Solidarity and Contribution' as a 'workshop' to make it clear that it wished to have an open and candid exchange of views on the challenges confronting families in Africa from an anthropological, cultural-scientific and pastoral perspective. Its purpose was not to any produce hastily formulated responses. Gabriel Mbilingi, Archbishop of Lubango (Angola) and President of SECAM, referred to Pope Francis who, in *Evangelii Gaudium*, had driven a helpful wedge between too close an association between the Church's Magisterium and the formulation of definitive truths.⁴⁸²

In his welcoming address Antoine Ganyé, the Archbishop of Cotonou and Chairman of the Bishops' Conference of Benin, spotlighted the challenges to the traditional concept of the family in Africa as a result of divorce, promiscuity, polygamy, same-sex partnerships,

⁴⁸¹ Pope Benedict XVI., Post-Synodal Apostolic Exhortation *Africae Munus* on the Church in Africa in Service to Reconciliation, Justice and Peace, 19 November 2011, No. 42, http://w2.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20111119_africae-munus.html (16.03.2017).

⁴⁸² Cf. Pope Francis, Apostolic Exhortation *Evangelii Gaudium* on the Proclamation of the Gospel in Today's World, https://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html (16.03.2017).

etc. In view of the transformation processes affecting the family in Africa he drew attention to two needs: a) to inculturate the Gospel into specific social surroundings, which requires flexibility from the Gospel, and b) to harness the power of the Gospel in order to change society. This is not only a hermeneutical challenge; it also implies accepting a paradox which always exists whenever theological thinking does not revolve around a single central point in concentric circles, but is arranged elliptically around two focal points which are not identical but are crucial for the elliptical shape.

Diversity of families in Africa

During the African bishops' workshop repeated reference was made to *the* situation of families in Africa, as if it were in some way uniform. In fact, the social conditions facing families in Africa are extremely varied. The reality of family life in Africa at the start of the third millennium has little to do with the concept of the family which many Church circles still regard as their personal monopoly. This concept has its roots in 19th century Europe, when it came to be seen as a normative ideal in the wake of urban growth and the emergence of a middle class in Europe. A statistical survey has revealed, for example, that in South Africa today only one child in three grows up in a family with both its biological parents. It is a fact that families in Africa can assume very varied forms. Just this year in Kenya, for instance, new family legislation has come into force which gives equal status to a marriage between a man and a woman and the traditional African polygamous form of marriage in which a man has several wives (but not to the polyandrous form of marriage in which a woman has several husbands). This legislation also includes rules governing Muslim and Hindu marriages. While many countries (including Benin) prosecute homosexuality as a criminal offence, South Africa has now legally sanctioned rainbow marriages between same-sex partners. The definition of the family agreed by the bishops in the USA has even been incorporated in the work aids used by the South African Catholic Bishops' Conference (SACBC). It reads: 'A family is an intimate community of life and love, bounded together for life by blood, marriage or adoption.'

The notion of what constitutes marriage in Africa can hardly be described as uniform. Bony Guiblehon, an ethnologist from the Ivory

Coast, came across a total of 40 different forms of family in the course of his research work in Africa, as a result of which he was able to identify various economic, social and personal relations. Guiblehon suggested that it was better to talk of families in the plural than of family in the singular. The very varied nature of family life in Africa raises the question of which family structure the image of the Church as the Family of God applies to and whether, over the past quarter of a century, that image has been interpreted in very different ways because of the varying notions of the family that exist and/or the experience that has been gathered in a range of different contexts.

The Nigerian cardinal John Onaiyekan pointed out that the divorce rate is climbing in Africa and that the duration of marriages is shortening. He did not agree with Walter Kasper who, using the argument of *epikeia* or *oikonomia*, recently (again) advocated a pastoral solution for Catholics in Europe and the USA in the light of the Church's re-assessment of its previous attitudes to re-married divorcees. Onaiyekan expressed the view at the SECAM meeting in Cotonou that the Church's well-known positions – particularly as regards the (non-)admission of re-married divorcees to Holy Communion – should be observed and upheld for marriage and the family in Africa. He considered the hasty adoption of theological positions formulated in the local churches in Europe to be the result of globalisation. He regarded this as problematical for Africa in that a dominant culture was attempting to foist its own values on others.

The African concept of marriage and the family is deeply rooted in indigenous culture, without knowledge of which it is hard to understand some of the stances taken on marriage and the family at the Cotonou gathering. The middle-class European concept of marriage is that of a legal contract between two individuals, while the Church's sacramental understanding of marriage is that it is metaphorical or sacred in character. By contrast, the African notion of marriage is embedded in an ontological and cosmological understanding which extends well beyond the bridal couple. In fact, it is backward-looking in that it incorporates the ancestors of the bridal couple and forward-looking in that it integrates any offspring they may have. This incorporation in an inter-generational cosmology has to do with the fact that the primary purpose of marriage and the family in Africa is the transmission of life. Mathieu Ndomba (Congo-Brazzaville) pointed out that in this respect

there was an inter-cultural point of departure shared by the traditional African and the Christian understanding of marriage. On the other hand – and this was made very clear in Benin – polygamous lifestyles are fully in keeping with the traditional African concept, which explains why polygamy is still the customary lifestyle of a man (or, in the case of matrilineal cultures, a woman) in many regions of Africa today. Apart from its social and economic dimensions, the purpose of polygamy is that a man (in patrilineal cultures) and a woman (in matrilineal cultures) should transmit life to the next generation.

In the Western concept of the family the emphasis is very much on the individual and it does not encompass any sense of responsibility for inter-generational relations (for example, the effect ecological developments may have). The cosmological concept of the family in Africa has a different focus and is a helpful auxiliary to the Western notion. Given the African approach to marriage, the challenge for the Church consists in integrating the sacred character, the community-related cosmological concept and the dynamic character of the traditional African understanding of marriage into its own sacramental idea of marriage. The metaphorical references which resonate in the traditional Catholic understanding of marriage offer a wide range of starting points here. The significance which attaches to the (still pending) inculturation of the Christian concept of marriage was made very plain in Cotonou when a representative from Nigeria listed a whole host of marriage ceremonies that take place in his country. First of all, the traditional wedding ceremony is held in the village community. Great store is still set by such a traditional wedding ceremony in rural regions of Nigeria. It is followed by a civil law ceremony and finally a church wedding ceremony. If a church wedding is not embedded in some kind of inter-cultural understanding, it can quickly degenerate into an appendix of a festive culture which is firmly anchored in African tradition.

Matriarchal or bilinear structures instead of a gender approach

In a series of presentations female participants from Kenya, Rwanda, Uganda and Burkina Faso addressed the situation of women in the African family and African society – it is they, after all, who form the backbone of the family. Reflecting on the commitment and dedication shown by women in Africa, *Africae Munus* says: 'Women

in Africa make a great contribution to the family, to society and to the Church by their many talents and unique gifts.⁴⁸³ Nevertheless, as Veneranda Mbabazi from Uganda pointed out, women in Africa are still treated as second-class citizens. They do most of the family chores and yet they receive scant recognition for raising children, running the household and working outside the home to earn money. It is mostly husbands who make the key decisions affecting the family, and wives must accept them. The distribution of roles is still largely inflexible. In many parts of Africa, men involved in the rearing of children are regarded with suspicion. The situation in a number of rural areas in Uganda can serve as an example. If men get involved in the upbringing of their children, it is said, word will quickly get around that they are 'bewitched in some way'. Traditional male and female domains continue to exist in Africa, which means that women are excluded from any position of power. Very few women are involved in politics. Only two African countries (Liberia and the Central African Republic) have a government headed by a woman. It was therefore all the more important, delegates thought, that there should be a reappraisal of the role of women in African families and in African society.

Gender approaches of the kind discussed in Europe, for instance, tended to be viewed critically by the bishops and theologians gathered in Cotonou, although it was striking how often reference was made to the works of Marguerite Peeters. Some of the female speakers thought gender approaches betrayed African values, showed disrespect for the femininity of women and posed a threat to their traditional role as procreators and mothers. Others, pointing to the origins of the gender approach, criticised it as a Western concept forced on Africa as a part of 'Western cultural imperialism'. Responding to this criticism Béatrice Faye, a nun and philosopher from Senegal, suggested that, rather than Africa taking over the Western gender approach, the focus should be laid instead on the matriarchal structure of society as an intrinsically African concept. Illustrating her remarks by reference to ethnic groups in Ethiopia, Ghana, Ivory Coast, Togo, Benin, Congo, the Central African Republic and Sudan, she demonstrated that matriarchal or matrilineal social structures are to be found in all parts of Africa and that their positive impact could represent a specifically

⁴⁸³ *Africae Munus*, No. 55.

African contribution to the discussion at the bishops' Synod on the Family. These structures rested on a concept of the family, she said, in which women are the head of the family, the relationship between the mother and her child is seen as the foundation of society, and women as mothers are entitled to a key role in advancing society and transmitting social values. Responding to Béatrice Faye's remarks, a female representative from the Democratic Republic of Congo recalled a pastoral letter written in 1998 by SECAM entitled 'The Church in Africa: Church as the Family of God', in which reference was made to the existence of bilinear traditions in Africa in addition to matrilineal and patrilineal traditions. The experience of bilinearity could constitute a specifically African contribution to the renewal of the family, she said. Indeed, it might even be better than matrilinearity.

Homosexuality in Africa

It is to the credit of the Church in Africa that it endeavoured not simply to embrace non-African ideas and present them later on at the synodal discussions in Rome as intrinsically African contributions, but rather to consider the situation of families in Africa from its own perspective. Moreover, it attempted to pinpoint contributions that were distinctly African, e.g. inner-family relations between women and men. But how should these endeavours be assessed if, in a discourse deliberately construed as 'specifically African', concepts were raised which – from a European perspective – were very hard to digest and painful into the bargain? Richard Rwiza, Senior Lecturer in Moral Theology at the Catholic University of Eastern Africa in Nairobi, who attended the SECAM meeting in Benin, addressed the question of how a rainbow marriage should be seen from an African perspective. In doing so, he deliberately took up one of the questions Pope Francis had asked local churches to consider in the run-up to the Extraordinary General Assembly of the Synod of Bishops. In his remarks on homosexuality Rwiza 'played it safe' by keeping within the boundaries clearly defined by the Magisterium. He cited theories whereby homosexual inclinations are deemed congenital or acquired, distinguished between sexual orientation and sexual practices, and referred to the Church's teachings that are inspired by a divine will which is discernible in nature. According to Rwiza, it was the pastoral task of the Church to draw the attention of people in Africa to the perversity of homosexuality. Astonishingly, the remarks the Kenyan

moral theologian made at the SECAM meeting were accepted (almost) without objection.

What initially seems surprising from a European perspective can be understood if consideration is given to the traditional African approach to marriage. The traditional African concept of marriage, which is essentially about the transmission of life, is undeniably at odds with the idea of a same-sex marriage, which is not entered into for the purposes of procreation. The SECAM meeting in Cotonou showed that, as regards the controversial issue of same-sex partnerships, adopting or confirming certain positions just to do justice to the matter in inter-cultural terms is not an option. Rwiza prefaced his presentation by stating that everything had already been said on how homosexuality should be assessed – after all, the Magisterium had made its opinion on the issue abundantly clear. Such an attitude might initially indicate a lack of problem awareness when seen from a European perspective. In the interests of inter-cultural dialogue, however, Europeans need to be willing to think again about homosexual issues (not with a view to Europe but to Africa) and to try and grasp the cultural ideas that underlie seemingly unpalatable statements. For only an extension of traditional cultural concepts might possibly induce a re-assessment of certain forms of partnership and marriage from an African perspective. Admittedly, that is asking a great deal, particularly of all the participants in the debate who have suffered from the discrimination inflicted on homosexuals in Europe and the USA and whose wounds are only gradually healing.

Tolerating unfamiliar views and standpoints in the Universal Church Discussion

In response to the position on homosexuality set out in Cotonou let me make what is admittedly an aporetic remark on the relationship between statements of substance and the culture of formal dialogue in the universal Church discourse. Should it not be accepted, or at least tolerated, that a position on homosexuality long since thought to have been overcome in Europe is now being advocated by representatives of local African churches and meets with general approval? Can Cardinal John Onaiyekan's assertion that homosexuality (like feminism) has no roots in African culture but is rather a Western concept be considered out of place from a European point of view

(and almost embarrassingly so)? That would prompt the question of whether context-based approaches are only acceptable as long as they fit into one's own theological reference system or reinforce it with the relevant arguments. How far must you go as a representative of contextual theology (in an endeavour to overcome Eurocentrism in theology) if the issue is that of granting local churches the right to their own theological positions no matter how odd they might appear? Does contextual theology stretch only as far as one's own Western theological thinking and margin of tolerance? What does esteem for local churches with their specific contextual perspectives and theologies mean when it comes to a dialogue on an equal footing at the Synod of Bishops and in a universal Church, the majority of whose members live in the southern hemisphere and have done so for quite some time now? These are questions triggered indirectly by Rwiza as a result of his approach, which in Europe would be considered 'barely acceptable'. Finding answers to them will certainly take time.

Strengthening Africa's voice

It is to the credit of the new SECAM leadership under Archbishop Gabriel Mbiligi that the Symposium of Episcopal Conferences of Africa and Madagascar should have held a pan-African theological workshop in the run-up to Synod of Bishops in Rome in order to explore the prospects for an African theology of the family. In this respect the Church in Africa would appear to have learned its lesson from the Federation of Asian Bishops' Conferences (FABC) and, above all, from the Latin American Episcopal Council (CELAM), whose representatives have attracted attention in the past for the clear stand they have taken at bishops' synods and for their ability in doing so to draw on positions set out in documents compiled at the continental level. In Cotonou, Paul Béré, a Jesuit from the Ivory Coast, recounted the experience of African theologians attending the 2013 Synod on 'The New Evangelisation for the Transmission of the Christian Faith', at which bishops from Latin America were able to refer to the Aparecida Document and thus lend added weight to the vote they cast. With this in mind and in view of the need for the African Church to speak with one voice, it would have been good if more bishops from Africa had attended the SECAM workshop. Quite clearly, SECAM does not (yet) have the status or backing that CELAM and FABC enjoy among bishops. In addition,

the linguistic division of Africa into Anglophone, Francophone and Lusophone zones has been instrumental in the fragmentation of the Church on the continent – even though the SECAM presidium has taken great pains to ensure that all three language groups are equally represented in the Secretariat. Cotonou was an important step, nonetheless. A final document based on the presentations and discussions in Benin was compiled at the end of the meeting and the African bishops had it with them when they set out for the Synod of Bishops in Rome to address the issue of family life in Africa, the challenges facing families there and the momentum Africa can provide for future family concepts and structures. Cardinal Onaiyekan has attended several synods and is well aware of the importance of pan-African networking in discussions at such gatherings. In his view, the Cotonou Document was crucial in enabling the African Church to give a significant stimulus, inspired by African culture, to the debate on family issues.

Global dialogue on the agenda

The African bishops attending the synod highlighted the situation facing families on their continent and broadened the discussions conducted in Rome by including such everyday topics as polygamy, androgamy, traditional marriage ceremonies, etc. They thus spotlighted specifically African aspects of family life which, from the point of view of European theologians and bishops, had previously been considered an 'exotic marginal phenomenon' (and one that had been overcome, it was thought). They also voiced criticism, expressing their incomprehension or rejection of attempts made by bishops and theologians from Europe and the USA to bring about a more open-minded approach in the Church's attitude towards homosexuals and pastoral ministry to them. The meeting in Cotonou, carefully arranged by Louis Portella Mbuyu, Bishop of Kinkala (Congo-Brazzaville), foreshadowed the encounter between very different worlds that would take place when bishops from all over the world came together in Rome in October 2015 to attend the Extraordinary General Assembly of Bishops and discuss family issues. The art in such an encounter between different cultural worlds is not to try and formulate the better arguments and present them to others who find them incomprehensible or to approach fellow believers with the maximum assertiveness (behind which there might lurk a 'hidden cultural arrogance').

On the contrary, it consists rather in communicating hermeneutically with the requisite intercultural empathy and, in so doing, to risk one's own position being called into question by what might initially even be shocking alternative views (especially on such sensitive issues as marriage and the family).

The Church has embarked on a long journey to overcome its own (essentially European) provinciality and develop into a universal Church. After the Second Vatican Council, Karl Rahner cautiously stated that the Council was 'engaged in an initial approach, groping its way forward to find itself, the first official realisation of the Church as a universal Church'. The Church took a big step forward down the road to a universal Church when, in 2013, it chose a non-European Pope for the first time ever in its over 2,000-year history. But now the Church must learn to find its way around on the often winding and not always smoothly asphalted paths of the universal Church. The Church regards itself as the family of God – and in Cotonou the African bishops and theologians made repeated reference to African ecclesiology. For a family to 'function' in practice it must be able to tolerate dissent, develop a culture of debate and repeatedly renegotiate roles in order to satisfy the needs and development of its members. When the Church came together as the family of God in Rome in October 2015, it was precisely these qualities that its African members called for, since they are indispensable if the Church as a family is not to founder on the diversity of its members but to flourish instead.

The above description of the preparations made by the African bishops for the Extraordinary General Assembly of the Synod of Bishops in 2014 illustrates just how important it is to take account of the cultural background and specific circumstances which influence individual thoughts and comments. The remarks that now follow document the perspective of a married Catholic from Western Europe.

The family is a highly valued institution in Germany. Three-quarters of the population see a family as their main purpose in life.⁴⁸⁴ The percentage of adults for whom a family is crucial to their happiness

⁴⁸⁴ Cf. Köcher, Renate, "Veränderte Einstellungen zur Familie", in: idem (ed.), *Allensbacher Jahrbuch der Demoskopie 2003–2009* (Vol. 12), Berlin/New York 2009, 659–663, here: 659.

has increased steadily over the past twenty-five years from under 50 per cent to almost 80 per cent.⁴⁸⁵ According to Allensbach, an opinion polling institute, over fifty million Germans think it is 'extremely important to lead an active family life'.⁴⁸⁶ Contradicting the views of those who think that the onset of post-modernism marks the end of the era of the family, sociologists such as Franz-Xaver Kaufmann, Robert Hettlage, Rosemarie Nave-Herz and Laszlo A. Vascovics point to the ongoing relevance of the family and the high regard in which it is held in German and Western European societies.⁴⁸⁷

At first sight, the value Western European society attaches to the family at the beginning of the third millennium would appear to be greater than the esteem accorded to the family in both the Old and the New Testament. In actual fact, the concept of the family which is upheld as a family idyll in middle-class circles in Western European society does not exist in the Bible.⁴⁸⁸

The family in the Bible: Between challenge and imposition

The remarks made about the family in the Holy Scriptures are extremely varied. Accounts of the family in the Old Testament are predominantly etiological in character and encompass traditions that include polygynous relations, hierarchically structured partnerships, endogamous practices (in which marriages only take place within one's own social group), etc.⁴⁸⁹ In addition, the Old Testament gives expression to fundamental values in family life, such as respect for one's mother and father, care for aged parents⁴⁹⁰, the inviolability of marriage, care for the offspring resulting from a marriage as well

⁴⁸⁵ Cf. Bundesministerium für Familie, Senioren, Frauen und Jugend (ed.), *Familienreport 2012, Leistungen, Wirkungen, Trends*, Berlin 2012, 12.

⁴⁸⁶ Quoted from Püttmann, Andreas, "Wertschätzung und Wandel von Familie – Empirische Kenntnisse in christlicher Perspektive", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 99–113, here: 99.

⁴⁸⁷ Cf. Schockenhoff, Eberhard, "Die Zukunft der Familie: Anthropologische Grundlagen und ethische Herausforderungen", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 69–92, here: 71.

⁴⁸⁸ Cf. Eltrop, Bettina, op. cit., 5.

⁴⁸⁹ Cf. Fischer, Irmtraud, "Menschheitsfamilie – Erzelterfamilie – Königsfamilie: Familien als Protagonisten von Welt erzeugenden Erzählungen", in: *Bibel und Kirche*, No. 70 (2015) 4, 190–197.

⁴⁹⁰ Cf. Elßner, Thomas R., "Das dekalogische Elterngebot: Eine Hinführung", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 237–252.

as open-mindedness and honesty between conjugal partners.⁴⁹¹ An examination of the statements made in the New Testament produces a wide range of findings.⁴⁹² First of all, historical research has shown that, in ancient times, many people did not live in extended families but in a group of nuclear families and that the personal circumstances in these nuclear families often changed following the death of the marriage partners (due to their low life expectancy), divorce and remarriage.⁴⁹³

What is striking first of all is the almost negligible interest of the Evangelists in Jesus' family.⁴⁹⁴ Moreover, wherever the family is presented in the New Testament as being of patrilineal descent (Luke 2:4) or as a household (Luke 10:5; 19:9, Acts 10:2 et al.), there is distinct criticism of the institution of the family, which has prompted some to advance the thesis that Jesus advocated an 'anti-family ethos'.⁴⁹⁵ Asked about his own family (his mother and brothers and sisters) who have come to see him, Jesus replies almost brusquely to the Synoptists: "Who are my mother and my brothers?" (Mark 3:33; cf. Matthew 12:46; Luke 8:19-21), by which he means to say that, in his eyes, it is not one's personal family that counts but the spiritual family. Jesus feels at home not in his biological family but in this *familia dei*, in which *koinonia* can take place. A similar logic applies when the Synoptists talk about the seriousness of Christ's disciples. Here again, the biological family relationship is subordinated to spiritual succession when Jesus proclaims: 'Anyone who comes to me without hating father, mother, wife, children, brothers, sisters, yes and his own life too, cannot be my disciple.' (Luke 14:26; cf. Matthew 10:37-39).

⁴⁹¹ Cf. Kasper, Walter, "Die Zukunft der Familie aus christlicher Sicht", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 181–198, here: 184.

⁴⁹² For what follows cf. Vellguth, Klaus, "(Jede) Familie ist einmalig: Familie in der multioptionalen Gesellschaft", in: Augustin, George/Proft, Ingo (eds.), *Ehe und Familie: Wege zum Gelingen aus christlicher Perspektive*, Freiburg 2014, 71–88; Idem, "Gelingende Ehe stärken oder gescheiterte Ehe anprangern? Anmerkungen im Vorfeld der außerordentlichen Bischofssynode", in: *Anzeiger für die Seelsorge*, No. 123 (2014) 10, 5–8.

⁴⁹³ Cf. Gerber, Christine, "Nicht nur Vater-Mutter-Kind: Familien in der Welt des Neuen Testaments", in: *Bibel und Kirche*, No. 70 (2015) 4, 198–203.

⁴⁹⁴ Cf. Häfner, Gerd, "Zwischen Vorbehalt und Wertschätzung: Ehe und Familie im Neuen Testament", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 321–325, here: 321.

⁴⁹⁵ Cf. Söding, Thomas, "Gottes Kinder in Gottes Familie: Neutestamentliche Modelle und Impulse", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 264–279, here: 265; Bohlen, Reinhold, Stichwort 'Familie', in: *Lexicon of Theology and the Church* (LTHK, Vol. 3), Freiburg/Basel/Rome/Vienna 1995, 1169.

Similarly, the vocation stories emphasise that following Jesus in discipleship is more important than personal family ties. Zebedee, for instance, leaves his father (Matthew 4:22, cf. Mark 1:16-20; Luke 5:1-11; John 1:35-51). Elsewhere it is reported that someone wished to fulfil his duty to the family and bury his dead father before following Jesus. Apparently demonstrating very little sympathy for the nurturing of family structures, Jesus replies: 'Follow me, and leave the dead to bury their dead'. (Matthew 8:22, cf. Luke 9:57-60). Other passages can be interpreted as a call by Jesus to break with one's own family. The Gospel according to Matthew contains the following words of Jesus: 'And everyone who has left houses, brothers, sisters, father, mother, children or land for the sake of my name will receive a hundred times as much, and also inherit eternal life.' (Matthew 19:29; cf. Mark 10:17-31; Luke 18:18-30). The evangelist also supplies the logion which is far from confirming any suspicion that he might overestimate the value of the family for Jesus: 'For I have come to set son against father, daughter against mother, daughter-in-law against mother-in-law.' (Matthew 10:35; cf. Luke 12:53).⁴⁹⁶ In view of these quotations from the New Testament and the almost trivial statement that the status of a *norma normans non normata* is reserved not for the value of the family but for the biblical tradition or the followers of Jesus – and bearing in mind, too, that Pope Francis has recently pointed time and again to the importance of the hierarchy of truths – the upholding of the family in whatever cultural form cannot be all too hastily construed as a primary biblical principle.⁴⁹⁷ In the event of a conflict it is not family ties which are sacrosanct but the call of faith.⁴⁹⁸ The middle-class nuclear family is far from constituting a biblical ideal. The bible itself mentions numerous different ways in which people can live together. It refers to patchwork situations, siblings living together, illegitimate children and sustainable relationships between surviving family members as well as quarrels, jealousy and

⁴⁹⁶ It should be pointed out that the New Testament does also provide examples of successful marriage and a happy family life: Elisabeth and Zacharias, Mary and Joseph, the Apostles and their wives, Timothy and his family, etc. Cf. Söding, Thomas, "Gottes Kinder in Gottes Familie: Neutestamentliche Modelle und Impulse", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 264–279.

⁴⁹⁷ See also the statement that marriage belongs 'not to the order of salvation but to God's merciful order of creation and preservation' (quoted from Lehmann, Karl/Pennenberg, Wolfhart, *Lehrveranstaltungen – kirchentrennend?*, Vol. 1, Freiburg/Göttingen 1986, 145).

⁴⁹⁸ Cf. Söding, Thomas, op. cit., 266.

the possibility of families failing.⁴⁹⁹ In light of the biblical fact that the gospels do not paint an idyllic picture of the family, creating rather a post-modern impression with their descriptions of conflicts, ruptures and dissociation,⁵⁰⁰ Andreas Püttmann's response to the family fetish cultivated in the Church today has a touch of sarcasm about it: 'It should be perfectly obvious, but it needs to be said again and again: Christianity is not a family religion nor is it a fertility cult. It was founded by a childless single and, in the Catholic denomination, is led by childless singles.'⁵⁰¹

Meeting requirements and making adjustments: The family in Church documents

Although the Bible shows that the family as an institution is dealt a few hefty blows in the New Testament, it is accorded much higher status in later Church documents.⁵⁰² This is readily apparent in the documents issued in the 20th and 21st centuries. The Pastoral Constitution *Gaudium et Spes* has a separate chapter on Marriage and the Family⁵⁰³ which was the subject of a highly controversial debate in the Council Hall.⁵⁰⁴ The document first looks at marriage and family in the modern world,⁵⁰⁵ emphasises the holiness of marriage and the family,⁵⁰⁶ points to the sacramental significance of conjugal

⁴⁹⁹ Cf. Breit-Keßler, Susanne, "Familie heute", in: *Lebendige Seelsorge*, No. 65 (2014) 2, 74–8, here: 75; Sattler, Dorothea, "Ein 'Geschenk des Himmels' aber keine 'Göttliche Stiftung'? Die Replik von Dorothea Sattler auf Susanne Breit-Keßler", in: *Lebendige Seelsorge*, No. 65 (2014) 2, 88 – 89.

⁵⁰⁰ Cf. Kügler, Joachim, "Wie heilig war die Heilige Familie? Von einem Asylantenkind, das seinen Stiefvater früh verliert und von seiner Mutter nicht verstanden wird ...", in: *Bibel und Kirche*, No. 70 (2015) 4, 211–214, here: 214.

⁵⁰¹ Püttmann, Andreas, "Wider das Familienhurra in der Kirche", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 311–316, here: 314.

⁵⁰² For more on the historical development of the Church's understanding of marriage and on the statements made by the Second Lateran Council, the Council of Florence, the Council of Trent and Pope Pius' Encyclical on Christian Marriage *Casti Connubii* (1930) see Sattler, Dorothea, "Die Ehe: Theologische Anliegen in römisch-katholischer Perspektive", in: *Theologische-Praktische Quartalschrift*, No. 163 (2015) 4, 347–351, here: 349.

⁵⁰³ GS 47–52.

⁵⁰⁴ Cf. Sander, Hans-Joachim, "Theologischer Kommentar zur Pastoralconstitution über die Kirche in der Welt von heute *Gaudium et spes*", in: Hünermann, Peter/Hilberath, Bernd Jochen, *Herders Theologischer Kommentar zum Zweiten Vatikanischen Konzil* (Vol. 4), Freiburg/Basel/Vienna 2005, 581–886, here: 770.

⁵⁰⁵ GS 47.

⁵⁰⁶ GS 48.

love,⁵⁰⁷ highlights the importance of the fertility of marriage⁵⁰⁸ and of responsibility for safeguarding life⁵⁰⁹, and closes with thoughts on the concerns of all for the fostering of marriage and the family.⁵¹⁰ However, it is not just in this prominent publication but elsewhere, too, that the documents of the Second Vatican Council turn to the subject of marriage and the family.⁵¹¹ It is not possible here to discuss in detail the individual statements made by the Council, which need to be seen in the context of their time.⁵¹² Instead of a detailed analysis I will focus on two key aspects of the statements made in the Pastoral Constitution and the Council documents. It is interesting to note, firstly, that the Council documents consistently mention marriage and the family in the same breath (which is a problematical issue) and, secondly, that conjugal affection is placed at the very heart of its understanding of marriage (which is an important step towards an appropriate contemporary interpretation of conjugal partnership).

This makes it perfectly clear that, at the time of the Council in the mid-1960s, it was more or less taken for granted that marriage and the family were synonymous with the middle-class nuclear family,⁵¹³ which had come to be established as the normative ideal of the family from the mid-19th century onwards in the wake of urban

⁵⁰⁷ GS 49.

⁵⁰⁸ GS 50.

⁵⁰⁹ GS 51.

⁵¹⁰ GS 52.

⁵¹¹ LG 1, LG 11, LG 35 and LG 41; GS 12, GS 61, GS 67 and GS 87; AA 10, AA 29; GE 3, GE 6, GE 8. Cf. Vorgrimler, Herbert, "Die pastorale Konstitution über die Kirche in der Welt von heute 'Gaudium et spes'", in: Rahner, Karl/Vorgrimler, Herbert (eds.), *Kleines Konzilskompendium: Sämtliche Texte des Zweiten Vatikanischen Konzils*, Freiburg/Basel/Vienna 2008, 423–448, here: 434.

⁵¹² Cf. *ibid.*, 436. Somewhat later Hans-Joachim Sander, looking back at the terminology used, expresses a critical view, saying that 'this was not appropriate to the language needed to find one's pastoral bearings in the problematical field of marriage' (Sander, Hans-Joachim, *op. cit.*, 771).

⁵¹³ It was of no consequence that this model of marriage and the family had evolved in specific circumstances. In the 19th century, the length of time married couples spent together without children mostly amounted to no more than a few years, whereas nowadays couples can often enjoy a period of 20 to 30 years together in which they do not have to tend to the upbringing of children. Moreover, since not all women survived the birth of their children, many men married a second time. 'When we talk [...] nowadays about lifelong marriage, we are referring to an institution which, in this form, is so far unparalleled in the history of mankind.' (Jost, Ingrid, "Ehe als Lebensentscheidung im Kontext gesellschaftlicher Veränderungen und persönlicher Entwicklung", in: Schneider, Theodor (ed.), *Geschieden – wiederverheiratet – abgewiesen? Antwortende Theologie*, Freiburg 1995, 143–153, here: 144.

growth and the advent of a middle class in Europe.⁵¹⁴ At that time society witnessed the emergence of a specific family model that went hand in glove with an official Church concept of the family. This found expression inter alia in the inclusion of the Feast of the Holy Family (which in some regions had been celebrated since the 17th century) in the Church's liturgical calendar in 1921.⁵¹⁵

This ideal of the family which arose in the 19th century was prominent in the discussions that took place in the Council Hall. However, the Council document makes it clear that, even at the time the Council was held, the legitimacy and plausibility of this ideal were encountering certain problems, if the disparaging mention of 'polygamy, the plague of divorce, so-called free love and other disfigurements'⁵¹⁶ is anything to go by. However, these phenomena were not seen as seriously calling into question the traditional model of marriage and the family which the Church considered to be the norm. On the contrary, they were belittled. The ideal posited in contrast to such developments was that of a 'Christian marriage and family' which centred around the affection and love of the conjugal partners. However, it is possible to detect a key *aggiornamento* here in the Church's understanding of marriage which is initially not geared explicitly to the creation of offspring.

A diagnosis similar to the analysis made of the Church's understanding of the family at the time of the Second Vatican Council emerges from the Post-Synodal Apostolic Exhortation *Familiaris Consortio* published by Pope John Paul II sixteen years after the Council. In this document from the year 1981 it is again stated in one and the same breath that 'marriage and the family constitute one of the most precious of human values'. In fact, a whole chapter is devoted to 'The Plan of God for Marriage and the Family'. Before that, however, the exhortation says with regard to the 'bright spots and shadows' for the family today: 'On the one hand, in fact, there is

⁵¹⁴ Cf. Weber, Ines, "'Geht Vaters Karriere immer vor?': Eheliche Beziehungsweisen in den 60er Jahren des 20. Jahrhunderts", in: *Theologische-Praktische Quartalschrift*, No. 163 (2015) 4, 379–389.

⁵¹⁵ Cf. Koch, Kurt, "Heilige Familie: Urbild und Kraftquelle der christlichen Familie als Hauskirche", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 215–236, here: 215. The Second Vatican Council laid down that the Feast of the Holy Family should henceforth be held on the 'liturgically prominent' Sunday between Christmas and the New Year.

⁵¹⁶ GS 47.

a more lively awareness of personal freedom and greater attention to the quality of interpersonal relationships in marriage, to promoting the dignity of women, to responsible procreation, to the education of children. There is also an awareness of the need for the development of interfamily relationships, for reciprocal spiritual and material assistance, the rediscovery of the ecclesial mission proper to the family and its responsibility for the building of a more just society.⁵¹⁷ Tribute is paid here to social developments in respect of marriage and the family, the reason for which – and here we can see John Paul II's hand at work – is formulated as follows: 'At the root of these negative phenomena there frequently lies a corruption of the idea and the experience of freedom, conceived not as a capacity for realizing the truth of God's plan for marriage and the family, but as an autonomous power of self-affirmation, often against others, for one's own selfish well-being.'⁵¹⁸ According to this formulation, it is only natural that there should be a confrontation between God's plan, on the one hand, and individual human beings concerned with their own welfare, on the other, who are denigrated as being self-centred. The question is whether such a confrontation is acceptable or whether it might not be more helpful in theological terms to assume there is a harmony rather than a dichotomy between a divine plan and individual human welfare involving a life lived to the full (John 10:10).

Benedict XVI pursues the connection between marriage and the family – a consistent feature of Church documents in the 20th and 21st centuries – in his Post-Synodal Apostolic Exhortation *Sacramentum Caritatis*, in which he talks of the good that can be expected 'from marriage and from the family founded upon marriage' and insists that marriage and the family are institutions which must be fostered and defended.⁵¹⁹ Pope Francis likewise refers first of all to the connection between marriage and the family.⁵²⁰ Walter

⁵¹⁷ John Paul II, Apostolic Exhortation *Familiaris Consortio* on the Role of the Christian Family in the Modern World, No. 6, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html (16.03.2017).

⁵¹⁸ Ibid.

⁵¹⁹ Benedict XVI, Post-Synodal Apostolic Exhortation *Sacramentum Consortio* on the Eucharist as the Source and Summit of the Church's Life and Mission, Nos. 27–29, http://w2.vatican.va/content/benedict-xvi/en/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis.html (16.03.2017).

⁵²⁰ Pope Francis, Encyclical Letter on Faith, 29.June 2013, No. 52f., <http://w2.vatican.va>.

Kasper abided by this tradition when saying the following to the Extraordinary Consistory of the Cardinals in Rome on the family: 'The Good News of the family goes back to the very beginnings of mankind. It is God's gift to the human race. The institution of marriage and the family is held in esteem in all human cultures. It is understood as a long-term relationship between a man and a woman and their children.'⁵²¹

The challenge posed by social change

Family life in Germany today manifests itself in many different ways and it is no longer possible to talk of a natural link between marriage and the family. Almost 59 per cent of adult Germans give 'married, living together' as their family status, 23 per cent 'single', eight per cent 'widowed' or 'divorced' and two per cent 'married, separated'.⁵²² Although this model of marriage as a long-term relationship and the basis for a family still predominates, it has long ceased to be the only possible form of family life. It has forfeited its monopoly position in the post-modern era. There are many reasons for this. They range from flight and migration via industrialisation (with its separation of the places where people live and work), the decline of the house community, processes of freedom, personalisation and individualisation, and the emergence of gender issues to a range of other economic, sociological and cultural factors.⁵²³ It is plain to see that the Church concept of marriage and the family (as a package in which first a wedding takes place so that the marriage can then produce children) is now endorsed by only a minority of Catholics in Germany. Very revealing in this respect is a survey conducted by the German Bishops' Conference on questions of family pastoral care and sexual morality prior to the Extraordinary General Assembly of the Synod of Bishops in October 2014. It showed that great importance is attached to a successful life in a stable relationship which is monogamous,

va/content/francesco/en/encyclicals/documents/papa-francesco_20130629_encyclicallumen-fidei.html (16.03.2017).

⁵²¹ Kasper, Walter, *Das Evangelium von der Familie: Die Rede vor dem Konsistorium*, Freiburg/Basel/Vienna 2014, 17.

⁵²² Cf. TNS Infratest Sozialforschung 2011, quoted from Püttmann, Andreas, "Wertschätzung und Wandel von Familie – Empirische Erkenntnisse in christlicher Perspektive", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., Freiburg 2014, 99–113, here: 101.

⁵²³ Cf. Kasper, Walter, *Die Zukunft der Familie aus christlicher Sicht*, in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 181–198, here: 182f.

long-term and binding.⁵²⁴ However, a majority of the faithful do not go along with the Church's statements on sexual morality: 'As regards a whole series of convictions about sexual morality, which for a long time were regarded as distinctly Catholic, the majority of believers now think along different lines to the official Church teaching.'⁵²⁵ When it comes to marriage, Catholics have much more pluralistic ideas than would appear at first sight in Church documents. The German Bishops' Conference, for example, noted that 'The Church's statements on pre-marital sexual relations, homosexuality, re-married divorcees and birth control either meet with very little acceptance or are explicitly rejected.'⁵²⁶ Overall, the survey shows that many Christians, 'including practising Christians, find the teachings of the Church remote from the world and everyday life.'⁵²⁷

The social transformation of the concept of the family (as well as the separation of possible forms of family from the prior necessity of marriage) goes hand in hand with a development in the understanding of marriage in which Paul Michael Zulehner sees three fundamentally different trends. Whereas people with a secular image of marriage see in it an institution geared primarily to the well-being of the conjugal partners and linked to personal love,⁵²⁸ others favour an institutional image of marriage which is rooted in religion and associated with the indissolubility of marriage. Yet others are influenced – as a mixture of the two aforementioned concepts of marriage – by a personal, religious image of marriage which focuses on the love of the conjugal partners and, in principle, accepts the failure of marriage as a possi-

⁵²⁴ Cf. Breit-Kefßler, Susanne, op. cit., 78.

⁵²⁵ Orth, Stefan, "Bischofssynode: Ergebnisse der Umfrage veröffentlicht", in: *Herder Korrespondenz*, No. 68 (2014) 3, 115–117, here: 115.

⁵²⁶ Die Deutschen Bischöfe, Die pastoralen Herausforderungen der Familie im Kontext der Evangelisierung: Zusammenfassung der Antworten aus den deutschen (Erz-)Diözesen auf die Fragen im Vorbereitungsdokument für die III. Außerordentliche Vollversammlung der Bischofssynode 2014, Bonn 2014, 2.

⁵²⁷ Kasper, Walter, op. cit., 183.

⁵²⁸ Helmut Schelsky regards it as a naïve misunderstanding on the part of late middle-class European society 'that its idea of marriage, which has largely forfeited its social function and is reduced to the intimacy of a purely personal relationship in which priority in choosing a partner or marriage is given to sexual and erotic needs, should be taken as the original model of marriage.' In this context he points out that marriage and the family were originally intended to provide care and security for any offspring and comes to the conclusion that 'stability in relations between the sexes therefore appears to derive essentially from non-sexual matters' (Schelsky, Helmut, quoted from Splett, Jörg, "Ehe als Sakrament", in: Augustin, George/Kirchdörfer, Rainer, op. cit., 280–287, here: 281).

bility but does not see marriage as having anything to do with religion. Symptomatic of advocates of this approach to marriage is the view that God does not bind people to the marriage promise they once made if their love fails.⁵²⁹ This puts a very fundamental question mark against the Church's understanding. The broadening of the concept of marriage gives rise not least to questions such as how the failure or the end of a marriage should be assessed and how the individuals affected should be treated.

The challenge of a Jesuanic approach to remarried divorcees

The Würzburg Synod (1971-75) questioned the Church's position on remarried divorcees and issued the following reminder: 'Those affected suffer, but ministers often find no satisfactory means of providing pastoral succour in the Church regulations. [...] The German Bishops' Conference therefore requests that the urgently required clarification be pursued and a vote on this matter be forwarded to the Pope as soon as possible. Furthermore, the Synod requests the Pope to arrive at a solution which is satisfactory in pastoral terms. This should respond to the purpose of the requests in which pastoral aid is needed in the question of conscience facing divorced Catholics who have remarried and the priests advising them.'⁵³⁰

The request made by the Würzburg Synod initially went unheard in Rome. In derogation of the assessment of most Catholics in Germany, the Canon Law which came into force in 1983 stipulates that divorcees cannot marry a second time by virtue of the *iure divino* governing the bond of marriage (Can. 1085). Remarried divorcees are not entitled to receive holy communion (Can. 916) and may not be admitted to holy communion (Can. 915).⁵³¹ The Catechism of the

⁵²⁹ Cf. Zulehner, Paul Michael, "Differenzierung ist nötig: Was Katholiken über die Ehe denken", in: *Herder Korrespondenz*, No. 68 (2014) 3, 129-134, here: 131.

⁵³⁰ Cf. Gemeinsame Synode der Bistümer in der Bundesrepublik Deutschland, Beschlüsse der Vollversammlung, Offizielle Gesamtausgabe I, Freiburg im Breisgau 1976, Beschluss Ehe und Familie 3.5.3.1., 452f. http://www.dbk.de/fileadmin/redaktion/Synoden/gemeinsame_Synode/band1/synode.pdf (01.07.2016).

⁵³¹ The Second Vatican Council saw marriage less as a contractual relationship and more as a communion of life and love (incorporating the bond of marriage, cf. GS 49). In 1983 CIC, elements of a contractual relationship reappear: marriage is a covenant which a man and a woman enter into for the rest of their days, is indissoluble for the duration of their lifetime, intended for the welfare of the spouses and their personal communion, valid even in the event of childlessness, and a sacrament in the Christian understanding of the term.

Catholic Church is also formulated in this spirit: 'Divorce is a grave offence against the natural law. It claims to break the contract, to which the spouses freely consented, to live with each other till death. Divorce does injury to the covenant of salvation, of which sacramental marriage is the sign. Contracting a new union, even if it is recognized by civil law, adds to the gravity of the rupture: the remarried spouse is then in a situation of public and permanent adultery.' (2384)

In view of the Church's understanding of marriage⁵³² and given the treatment of Catholics who have undergone a divorce and then remarried under civil law, praise is due to the many German bishops, first and foremost Walter Kasper, who for years now have been working with great dedication to bring about a theological and ecclesiastical reorientation in this matter.⁵³³ As far back as 1993, Karl Lehmann, Walter Kasper and Oskar Seier, the three bishops from the Upper Rhine province, published a sensational joint pastoral letter. Proceeding from the position formulated in *Familiaris Consortio* whereby the situation of remarried divorcees objectively contradicts the teachings of the Church and they are, therefore, not (officially) admitted to communion as a general principle, they described it as the duty of the Church to establish whether a) blame has been incurred for the failure of the marriage; b) reconciliation with the first partner is ruled out; c) compensation must be made for any injustices suffered; d) obligations must be fulfilled in respect of the first marriage partner and any children from the first marriage; e) the failure of the first marriage has caused a public nuisance; f) the second marriage has become a new moral reality and is lived out in the Christian faith; and g) celebration of the sacraments is desired. The bishops from the

⁵³² This understanding of marriage is greatly influenced by Jesus' prohibition of divorce (Matthew 5:32; 19:19; Mark 10:11f.; Luke 16:18), which – as Paul confirms – can be traced back to Jesus himself (1 Corinthians 7:10f.). Any assessment of Jesus' prohibition of divorce must bear in mind that it should be interpreted in the context of the proclamation of God's eschatological rule. Cf. Knapp, Markus, Glaube – Liebe – Ehe: Ein theologischer Versuch in schwieriger Zeit, Würzburg 1999, 45f.

⁵³³ Cf. Foitzik, Alexander, "Wiederverheiratete: Vorstoß von Kardinal Kasper", in: *Herder Korrespondenz*, No. 68 (2014) 4, 169–171. This endeavour is all the more necessary in that the Magisterium pointed out in earlier writings, one-sidedly but quite unequivocally, that remarried divorcees are objectively in conflict with the Church and cannot be admitted to communion. See, for example, the statements made by John Paul II, Apostolic Exhortation *Familiaris Consortio* on the Christian Family in the Modern World, No. 84, http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio.html (16.03.2017).

Upper Rhine raised the bar very high, in other words, and they came to the following conclusion in respect of pastoral practice: If, following such an examination, remarried divorcees are convinced that they are entitled to join in communion, this must be accepted by the priest. The outcome, therefore, was not official acceptance by the Church but rather ‘toleration’.⁵³⁴ While this practice may not be identical with the rules of Canon Law, it can be justified nonetheless by reference to the principle of *epikeia*. The Congregation for the Doctrine of the Faith in Rome, headed by Joseph Ratzinger, responded to the pastoral letter of the three German bishops and in its reply referred, on the one hand, to the Apostolic Exhortation *Familiaris Consortio* and, on the other, to Jesus’ logion (Matthew, 19:6). The conclusion it reached was that remarried divorcees – pursuing their own subjective convictions – must not be admitted to communion. In the letter of the Congregation for the Doctrine of the Faith to the bishops of the Catholic Church on communion for remarried divorcees (15 October 1994) reference is made to ‘objective Church teachings’ as the decisive criterion, this being preferred to a demonstration of greater official Church recognition of, and trust in, a sincere conscientious decision on the part of believers.⁵³⁵ The Congregation said that the only way to be admitted to the sacraments was by a possible nullity of the marriage, which was in keeping with the Church policy pursued by Cardinal Ratzinger and John Paul II, who emphasised the principle of the indissolubility of marriage.⁵³⁶

⁵³⁴ Responding to this logic, Bertram Stubenrauch has elaborated a line of argument with respect to the treatment of remarried divorcees which is based on penance (poenitentia), healing (remedium) and faith (fides): ‘The objective blame for the injury done to the marriage must be admitted by an act of confession and repentance. The consequence of this is an adequate period of repentance followed by sacramental absolution. There is thus a documented record that divorced and remarried Christians who are aware of their guilt and ask for forgiveness are not separated from God nor in any way in mortal sin.’ (Stubenrauch, Bertram, “Wiederverheiratete Geschiedene und die Sakramente: Ein Denkspruch zur dogmatischen Diskussion”, in: *Stimmen der Zeit*, No. 232 (2014) 5, 346f.)

⁵³⁵ Cf. Böhnke, Michael, “Signale der Barmherzigkeit”, in: *Lebendige Seelsorge*, No. 66 (2015) 5, 382–383.

⁵³⁶ Cf. Lüdicke, Klaus, “Evolution oder Revolution? Der neue kirchliche Eheprozess”, in: *Herder Korrespondenz*, No. 69 (2015) 10, 509–512, here: 511f.; Schick, Ludwig, “Die wiederverheirateten Geschiedenen und das Unbehagen ...”, in: *Fides et ius* (Festschrift G. May), Regensburg 1991, 178f. As regards nullity of marriage proceedings, the popes had repeatedly stressed in their addresses to the Roman Rota that the failure of an attempt to achieve a declaration of nullity represented the ‘truth of marriage’. This is a burden for canons: ‘Seen from this perspective, the main task of the ecclesiastical courts was to ascertain the objective facts pertaining to the canonical grounds for nullity – a task that was almost

In his speech entitled 'The Good News of the Family', which Walter Kasper gave to the Consistory in Rome in February 2014, he returned to the pastoral letter he had co-written 21 years previously and pleaded for a pastoral balance between laxity and rigorism in the Church which would enable Christians who have divorced and re-married under civil law to (co-)celebrate the sacrament of penance and communion after a period of reorientation.⁵³⁷ Following the example of Joseph Ratzinger, Kasper returned to the early Christian tradition of dealing with the 'fallen' in such a way that – having already been 'shipwrecked' once in their lives – neither the community of the Church nor the 'rescue plank' of communion should be denied them.⁵³⁸ After his speech to the Consistory and discussion of it, Kasper issued the following plea: 'Many steps need to be taken if we are to arrive at a – hopefully unanimous – decision. The first step consists in finding our voice again in matters of sexuality, marriage and the family and in overcoming the unbending, resigned speechlessness that afflicts us in the current situation. The question of what is permitted and what is forbidden is not going to help us move forward. The issues of marriage and the family, among which that of remarried divorcees is just one – albeit very pressing – question, form part and parcel of the wider issue of how people can find happiness and fulfilment in their lives.'⁵³⁹ Kasper thus integrates the question of how to treat remarried divorcees into a 'hierarchy of values', which is closely aligned to the hierarchy of values the Canon Law describes when it talks of the *suprema lex salus animarum*.⁵⁴⁰

impossible to resolve in view of the fact that, in the Church's understanding, marriage is the result of an act of volition by both partners and can be invalid on the grounds of internal reservations.' (Lüdicke, Klaus, op. cit., 510). In terms of Canon Law, at least, Pope Francis has taken an important step towards a more appropriate canonical and pastoral approach to nullity of marriage proceedings by simplifying the latter with the help of the motu proprio *Mitis Iudex Dominus Iesus* for the Latin Church and the motu proprio *Mitis et misericors Iesus* for the Oriental Churches. The duplex sentential conformis (dual Canon Law ruling) was annulled in the run-up to the 2015 Family Synod; this will help to expedite nullity of marriage proceedings.

⁵³⁷ Cf. Kasper, Walter, *Das Evangelium von der Familie: Die Rede vor dem Konsistorium*, Freiburg/Basel/Vienna 2014, 54– 67.

⁵³⁸ Cf. Ratzinger, Joseph, "Zur Frage der Unauflöslichkeit der Ehe: Bemerkungen zum dogmengeschichtlichen Befund und seiner gegenwärtigen Bedeutung", in: Fries, Heinrich/ Eid, Volker, *Ehe und Ehescheidung*, Munich 1972, 35–56; Dünzl, Franz, "Ein Impuls aus der Kirchengeschichte des Altertums zur Umfrage zur Bischofssynode 2014", in: *Lebendige Seelsorge*, No. 65 (2014) 2, 126–127.

⁵³⁹ Kasper, Walter, *Das Evangelium von der Familie: Die Rede vor dem Konsistorium*, Freiburg/Basel/Vienna 2014, 86f.

⁵⁴⁰ Can. 1752.

Walter Kasper is guided in his approach by the principle of *oikonomia*, a fundamental spiritual and pastoral attitude which sees the challenge for the Church community as being to accompany people through life who have revealed their weakness, even though the ecclesial community itself is aware of its own weakness. In this context *oikonomia*⁵⁴¹ represents the opposite of *akribeia* (strict adherence to the Gospel) and hints at what might be an appropriate Church approach to Christians who have experienced the painful failure of their marriage but maintain a basic trust in the value of marriage. After all, the fact that Christians marry a second time under civil law, despite the suffering they have gone through as a result of the failure of their first marriage, shows that they still hope to find in marriage the happiness that they long for.⁵⁴²

This theological issue has been discussed in a resolute, combative and controversial manner. As regards the admission of remarried divorcees to the sacraments of the Church, the representatives of a rigid Church practice have responded to the appeal to open up the debate by pointing to biblical tradition. However, the biblical position is less unequivocal than might appear at first sight. The rule that marriage is indissoluble is traced back to the New Testament transmission of the word of Jesus who – as the Synoptists have unanimously handed down – expressed his disapproval of the practice of divorce referred to in the Book of Deuteronomy (Deut 24:1-4). This provided for divorce in cases in which ‘a man has taken a wife and consummated the marriage; but she has not pleased him and he has found some impropriety of which to accuse her’ (Deut 24:1). The Old Testament rule on divorce is based on a private law understanding of marriage (Tobit 7:14)⁵⁴³ and could be interpreted in such a way

⁵⁴¹ The *oikonomia* principle of the Orthodox Churches entails strict observance of Canon Law rules, but it also countenances the possibility of deviation from these rules, allowing God's mercy to prevail. In the Orthodox Churches a second or even a third marriage is concluded in accordance with the principle of *oikonomia*. Cf. Schuppe, Florian, *Die pastorale Herausforderung: Orthodoxes Leben zwischen Akribeia und Oikonomia: Theologische Grundlagen, Praxis und ökumenische Perspektiven*, Würzburg 2006, 391–406.

⁵⁴² On the question of whether a second civil law marriage might also be sacramental character in character see: Ruster, Thomas, “Ehe und Öffentlichkeit: Was bedeutet die Entscheidung zum Sakrament?”, in: *Lebendige Seelsorge*, No. 65 (2014) 2, 110–115, here: 115.

⁵⁴³ There was no religious element to marriage. It was a private-law covenant concluded in oral or written form, as a result of which control over a woman passed from her father to her husband. She consequently moved from her parents' home to that of her husband, although she did not become his property (and so could not be sold, pawned, bequeathed or forced

that a woman's marriage depended on the will and arbitrariness of her husband, who could dissolve it any time. At the time of Jesus there were two interpretations of the Jewish law on divorce. The more restrictive Shammai position was that, in accordance with Old Testament rules, a man could only release his wife from their marriage if she had an infectious disease or a mental illness, had committed adultery or remained without child. The more liberal Hillel position, in which reference was made to the Book of Deuteronomy, permitted the release of the wife from her marriage in other than these cases.⁵⁴⁴ Marriage was thus a relationship which could be terminated at any time and therefore meant fundamental existential uncertainty for the wife. In many instances it will have meant her 'meekly submitting' to the will of her husband in order not to be 'disowned' by him. This interpretation of the law, which essentially rendered women defenceless, was based on an asymmetrical understanding of marriage that was widespread in ancient times. Jesus opposed it (Matthew 5:13f.; Matthew 19:3-11; Mark 10:2-12; Luke 16:18), offering women with no defence against the arbitrariness of their husbands a position characterised instead by social solidarity. He was concerned that relations between men and women should be just and fair.⁵⁴⁵ Jesus' disciples were reportedly startled by what he had to say, which in their ears sounded very radical.

Nonetheless, like John the Baptist, of whom it is said in the Holy Scriptures that his criticism of Herod's marriage practice cost him his head, Jesus will have called for a stricter marriage practice than was customary at his time.⁵⁴⁶ Mark adds an important passage to what Jesus said by explicitly mentioning the possibility of a woman being the cause of a divorce: 'A wife also commits adultery if she releases her husband from the marriage and marries someone else.' Paul takes up the prohibition on divorce transmitted in the Synoptic gospels, although he does take account of the real possibility of

into prostitution). Cf. Bons, Eberhard, Stichwort "Ehe" (im Alten Testament), in: *Lexikon für Theologie und Kirche* (Vol. 3), Freiburg 1995, 469–470.

⁵⁴⁴ Cf. Reckinger, François, "Die Gnade der unauflöselichen Ehe", in: *Forum Katholische Theologie*, No. 31 (2015) 3, 161–177, here: 162.

⁵⁴⁵ Sattler, Dorothea, "Die Ehe: Theologische Anliegen in römisch-katholischer Perspektive", in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 347–351, here: 348.

⁵⁴⁶ Klieber, Rupert, "Zweitausend Jahre 'christliche Ehe': (Kirchen-)Historische Befunde und theologische Folgerungen", in: *Stimmen der Zeit*, No. 233 (2015) 10, 670–682, here: 670.

separation, noting that, after their separation, a husband and his wife should not remarry: ‘To the married I give this ruling, and this is not mine but the Lord’s: a wife must not be separated from her husband – or if she has already left him, she must remain unmarried or else be reconciled to her husband – and a husband must not divorce his wife.’ (1 Corinthians 7:10-11) By not entering into a new relationship the partners keep open the option of reconciliation and a resumption of their marriage.

In addition to marriage at the level of a personal relationship there is another aspect in Christian sacramental theology which must be considered in assessing whether it is possible or sensible to terminate a marriage by divorce.⁵⁴⁷ At the time of the prophet Hosea the notion arose that God’s relationship with his people is, figuratively speaking, a marriage (Hosea 11:1-11).⁵⁴⁸ This analogous concept was taken up and developed in particular by Jeremiah and Ezekiel – which is likely to have contributed to a drop in the number of divorces among strictly religious Jews.⁵⁴⁹ In the New Testament this analogous, metaphorical view of marriage is transferred to Christ’s relationship with the Church. The Letter to the Ephesians describes Christian marriage as a communion of love and as an allusion to the connection between Christ and the Church, in which it also shares.⁵⁵⁰ Following up on this, *Familiaris Consortio* says that the situation of divorced persons who have remarried ‘objectively contradicts that union of love between Christ and the Church which is signified and effected by the Eucharist’,⁵⁵¹ which means that they cannot be admitted to Eucharistic Communion.

⁵⁴⁷ Cf. Schockenhoff, Eberhard, “Die Unauflöslichkeit der Ehe und die zivilen Zweitehen von Getauften”, in: *Stimmen der Zeit*, No. 234 (2016) 2, 99–114, here: 101. As regards the dissolubility of marriage, theologians distinguish between a personal reason as to why marriage entails total devotion (Can. 1057 § 2 CIC), a creation and alliance theology reason (cf. Matthew 19:6), a Christological and ecclesiological reason (cf. Ephesians 5:21) and a social or pastoral theology reason as to why marriage is of such fundamental value for society and why people who are married bear responsibility for their partner and children.

⁵⁴⁸ Cf. Sattler, Dorothea, “Die Ehe: Theologische Anliegen in römisch-katholischer Perspektive”, in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 347–351, here: 348.

⁵⁴⁹ Cf. Reckinger, François, op. cit., 163.

⁵⁵⁰ Cf. Broer, Ingo, Stichwort “Ehe” (im Neuen Testament), in: *Lexikon für Theologie und Kirche* (Vol. 3), Freiburg 1995, 470–471; Koch, Kurt, *Heilige Familie: Urbild und Kraftquelle der christlichen Familie als Hauskirche*, in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 215–236, here: 221.

⁵⁵¹ *Familiaris Consortio* 83.

Two problems arise with respect to this rooting of the Christian understanding of marriage in the Letter to the Ephesians. On the one hand, the metaphorical connection in the Letter to the Ephesians is mentioned in the same breath as the demand that women should subordinate themselves to men. The introductory passage reads: 'Wives should be subject to their husbands as to the Lord, since, as Christ is head of the Church and saves the whole body, so is a husband the head of his wife; and as the Church is subject to Christ, so should wives be to their husbands, in everything.' (Ephesians 5:22-24) Today, nobody would regard this demand made in the Letter to the Ephesians as an adequate description of the contemporary reading of the relationship between men and women at the beginning of the 21st century. Only recently the Pontifical Bible Commission noted that its document entitled 'Inspiration and Truth in Interpretation of Sacred Texts' incorporates contemporary ideas, in particular with regard to the fifth chapter of the Letter to the Ephesians. 'A number of biblical passages are an invitation to think about [...] what is eternally valid and what needs to be put into perspective because it is bound to a culture, a civilisation or the categories of a certain period in time.'⁵⁵² The Pontifical Biblical Commission is referring here specifically to the social status of women and that there is no biblical justification for the subordination of women to men, especially in the manner formulated in the Letter to the Ephesians.⁵⁵³ It is obvious that contemporary, context-dependent and culture-related ideas were incorporated in the text of the New Testament which cannot be considered intrinsically Christian. Such principled open-mindedness concerning the possibility that period-related ideas were incorporated into the text should also apply to the following nine verses of the Letter to the Ephesians, in which an analogy is drawn between a Christian marriage as a relationship of love between two people and the relationship between Christ and the Church, to which the sacramental nature of marriage⁵⁵⁴ articulated at the Council of Trent refers: 'Husbands should love their wives, just as Christ loved the Church and sacrificed himself for her to

⁵⁵² Päpstliche Bibelkommission, *Inspiration und Wahrheit der Heiligen Schrift: Das Wort, das von Gott kommt und von Gott spricht, um die Welt zu retten*, published by Sekretariat der Deutschen Bischofskonferenz, Bonn 2014, 132.

⁵⁵³ Cf. Brockmöller, Katrin, "Die Schrift wächst mit den Lesenden": Einblicke in den großen Garten der Bibelpastoral", in: *Anzeiger für die Seelsorge*, No. 125 (2016) 3, 6–9, here: 7.

⁵⁵⁴ Cf. Kasper, Walter, *Die Zukunft der Familie aus christlicher Sicht*, in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 181–198, here: 191.

make her holy by washing her in cleansing water with a form of words, so that when he took the Church to himself she would be glorious, with no speck or wrinkle or anything like that, but holy and faultless. In the same way, husbands must love their wives as they love their own bodies; for a man to love his wife is for him to love himself. A man never hates his own body, but he feeds it and looks after it; and that is the way Christ treats the Church, because we are parts of his Body. This is why a man leaves his father and mother and becomes attached to his wife, and the two become one flesh. This mystery has great significance, but I am applying it to Christ and the Church. To sum up: you also, each one of you, must love his wife as he loves himself; and let every wife respect her husband.'

The love between a man and a woman – according to this passage from the Letter to the Ephesians – can also provide a 'foretaste' or 'pre-sentiment' of the loving relationship between God, who is love himself,⁵⁵⁵ and human beings as well as between God and his Church.⁵⁵⁶ Since this is analogous language, a distinction must be made, if we are to proceed exegetically and not eisegetically and thus obviate any difficulties, between the *analogatum primum*, the *analogatum secundum* and the *tertium comparationis*. For the analogous language refers exclusively to the *tertium comparationis*. In the Letter to the Ephesians the relationship between men and women would be the *analogatum primum* and the relationship between Christ and the Church the *analogatum secundum*. These are linked linguistically by the *tertium comparationis*, which is described in verse 25 as the emotional nature of love: 'Husbands should love their wives, just as Christ loved the Church [...].'⁵⁵⁷ If the sacramental nature of marriage is traced back to this analogy, the sacramental dimension would then have to refer to the *tertium comparationis*. However, if no love exists (any more) between the marriage partners, the analogous statement (which consistently refers to the *tertium comparationis*) would be deprived of its meaning or rendered meaningless in the truest sense of the word.

Thomas Aquinas says that (by analogy) the visualisation of the love of God is also a characteristic feature of marriage, together

⁵⁵⁵ Cf. 1 John 4:12.

⁵⁵⁶ Cf. Gerl-Falkovitz, Hanna-Barbara, *Liebe und Ehe im Horizont des Göttlichen: Ein Blick auf Weltreligionen*, in: Schelsky, Helmut, quoted from Splett, Jörg, "Ehe als Sakrament", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 329–346, here: 344.

with the transmission of life to children and conjugal friendship.⁵⁵⁷ However, how can God's love (as the *analogatum secundum*) be made visible if love or conjugal friendship (as the *analogatum primum*) no longer exist? If the marriage has perhaps long since degenerated into accumulated incomprehension, allocations of guilt, injuries, hardened attitudes and hostilities? In terms of sacramental theology, the starting point here ought not to be marriage as it exists but the ideal notion of it – which is not identical with the real experience people have of marriage, of one that is perhaps failing or has foundered on the ideal.

If we are talking about marriage as a sacrament, it is more appropriate not to see it as a monolithic, indestructible ideal, but to recognise the reality of marriage as a process which both husband and wife can experience as a source of strength and as a gift. One factor that speaks in favour of marriage being experienced as a source of strength and as a gift is that it becomes more resilient with each day of successful togetherness that passes. The sign function can thus gain in strength in the course of a marriage. In this sigmatic, process-oriented context Rupert Klieber uses the term 'sacrament in progress'.⁵⁵⁸ He shows that, in the first century, an individual marriage practice evolved in response to the Church ideal of marriage. Augustine, for example, regards re-marriage as *venialiter* (forgiveable), while the example of the Emperor Charlemagne (747-814), who was married a total of five times, shows that in the first century the Church did not necessarily object to multiple marriage. The Eastern Churches devised pragmatic and practical ways of dealing with remarried divorcees by distinguishing between the Christian ideal and real life and countering the *akribeia* with a *sympatheia*. Klieber deduces two things from the practice of the Eastern Churches, which worked for a period of just under 1,900 years in full Church fellowship with Rome: 'Firstly, that the exclusively Latin theologumenon of the bond of marriage which only death can dissolve is not the sole legitimate conclusion that can be drawn from what is written in the Bible. Secondly, that concessions in the teachings on the indissolubility of marriage made as a result of human weakness do no harm.'⁵⁵⁹

⁵⁵⁷ Römelt, Josef, "Danke für Freundschaft, für Freundschaft in der Familie und für die (christliche!) Familie", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 317–318, 317.

⁵⁵⁸ Klieber, Rupert, op. cit., 670.

⁵⁵⁹ Ibid., 675.

There are certainly instances in the Bible of the distinction made between knowledge of an ideal aspiration and ways of dealing with a specific reality or practice. While the Synoptics have handed down Jesus' logion on the dissolubility of marriage, the Gospel according to John talks of a non-judgmental and humane practice pursued by Jesus himself. When an adulteress was to be stoned in accordance with the law, Jesus intervened and put the Pharisees and scribes in their place, reminding them that failure to live up to ideal was part and parcel of the human condition. Thus the different nuances in the biblical transmission make it clear 'how the tension between the law and fragile, guilt-laden human beings can be withstood.'⁵⁶⁰

If the Church is really interested in questions of sacramentality, its non-Jesuanic practice, which is not guided by the reality of fragile, guilt-laden human existence, is casting a shadow on its own sacramental nature. Its actions prevent Jesus Christ, who is above any inhumane casuistry and judgmental adherence to the law, from appearing as the true light of the world. On the contrary, the Church is failing to live up to its own aspiration to be 'in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race',⁵⁶¹ because it clings to ideal concepts and elevates them to the status of an 'all or nothing' principle rather than taking people as they are and the reality of their lives as its starting point, as Pope Francis recently advised in his Apostolic Exhortation *Evangelii Gaudium*.⁵⁶²

But there are alternatives to such an approach. The social doctrine of the Russian Orthodox Church can be cited as an example of an awareness of Church ideals, on the one hand, and of the reality of human failure, on the other. Its response to the tension between the two reveals a keen sense of responsibility. In its understanding of marriage the Orthodox Church is guided by the statements of the Old Church, but at the same time it regards pastoral care as essential.⁵⁶³

⁵⁶⁰ Schmäzle, Udo, "Es geht um Heilung: Für eine alternative Pastoral zum Umgang mit wiederverheirateten Geschiedenen", in: *Herder Korrespondenz*, No. 68 (2014) 7, 348–353, here: 352.

⁵⁶¹ LG 1.

⁵⁶² EG 233.

⁵⁶³ Cf. Moga, Joan, "'Verbinde sie in Eintracht, kröne sie zu einem Fleische ...': Aspekte orthodoxen Eheverständnisses", in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 356–360, here: 357; Schuppe, Florian, op. cit., 391–406.

The Russian Orthodox Church, therefore, advocates the ideal of a lifelong marriage and says with respect to the pastoral priorities of the Church: 'In the event of various conflicts between marriage partners the Church regards its pastoral duty as being to use every means it has to preserve the unity of the marriage and prevent a divorce (instruction, prayer, participation in the sacraments).⁵⁶⁴ Only after the ideal has been stated and the task of a pastoral ministry aimed at strengthening and preserving the marriage has been underlined is mention made of the actual possibility of a divorce and a second marriage.'⁵⁶⁵

Sabine Demel outlines a pastorally oriented Canon Law perspective for dealing with people whose marriage has failed and who would like to marry a second time.⁵⁶⁶ She begins by observing that, although the principle of the indissolubility of marriage is adhered to in Canon Law (Can. 1056), certain marriages can be dissolved in practice (Can. 1141 and 1142-1150). She goes on to point out that, in future, marriage itself ought not to be annulled (since it is indissoluble) but only its legal effects. Hence the first marriage (which continues to exist as an important part of the life history of at least two people) would remain in place, while the path to a second marriage would be opened. This would depend, firstly, on the admission of both partners that their marriage has irretrievably failed and, secondly, on a credible assurance by the partner who re-marries that he or she has come to terms with the failure of the marriage. A procedure of this kind would appear to make sense as regards the ability of the persons concerned to have relationships, for 'if there is acceptance of individual responsibility and possible blame, the chances are increased of a new perspective being discovered and of a new partnership not failing again for the old reasons. Many couples, men and women, are very willing to address these issues, because there is nothing more they want than for their possible second relationship and the rest of their lives to be a success.'⁵⁶⁷

⁵⁶⁴ Quoted from: Klieber, Rupert, op. cit., 675.

⁵⁶⁵ Cf. Thesing, Josef/Uertz, Rudolf (eds.), *Die Grundlagen der Sozialdoktrin der russisch-orthodoxen Kirche*, St. Augustin 2001.

⁵⁶⁶ Cf. Demel, Sabine, "Gott und die Liebe – die Kirche regelt's", in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 361–367.

⁵⁶⁷ *Handreichung für die Seelsorge zur Begleitung von Menschen in Trennung, Scheidung und nach ziviler Wiederverheiratung in der rzdiozese Freiburg*, <http://www.familienseelsorge-freiburg.de/html/wiederheirat452.html> (30.04.2016).

A theological opening of this kind is not intended to call the sacramental nature of marriage into question. On the contrary, both the sacramental marriage and family life should be strengthened by the fact that they rest on the notion of human salvation and not the ideals of bygone ages.

The challenge of family pluralism

It was pointed out at the beginning of this article that in pluralistic societies the family can take on many different forms (since it is no longer the sole means of establishing a primarily economic partnership aimed at providing the 'biologically requisite long-term care for any offspring'⁵⁶⁸). This does not really come as a surprise. What is astonishing, however, is the reduction of the term 'family' in Church documents to mean a husband and wife and their children. At first glance it would appear that such a narrow interpretation excludes all those who have a different form of family life: as a patchwork family,⁵⁶⁹ a single-parent family, an (intentionally or unintentionally) childless family, a rainbow family, a non-marital partnership, etc. Ultimately, however, who is really excluded by such a narrow interpretation of what constitutes a family depends on your perspective. In an age in which Church-related religiousness is the social norm such a narrow interpretation of the family would exclude all those whose type of family does not correspond with this concept of marriage and the family. In a secular age in which large parts of society no longer accept a narrow interpretation of the family, however, the Church excludes itself from society. To avoid such a self-excommunication on the part of the Church, the theological understanding of the family needs to develop in way which enables it to see the pluralism of the present day as a source of richness: 'There must be moral recognition of any circumstances in which values such as friendship, reliability, loyalty, mutual support and responsibility can be put into practice.'⁵⁷⁰

⁵⁶⁸ Schelsky, Helmut, op. cit., 281.

⁵⁶⁹ Cf. Schmalzl, Klaus, "Paare in Patchworkfamilien – Herausforderungen und Chancen", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 350–354.

⁵⁷⁰ Schockenhoff, Eberhard, "Liebe auf Abwegen? Zum Verhältnis von Sexualität und Liebe in intimen Beziehungen", in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 339–346, here: 346; Cf. idem, "Der Auftrag der Versöhnung", in: *SKZ*, No. 13 (2012), 230–237, here: 237.

It may be argued that the Church's clear-cut stance, which lacks majority support in society, is not an act of direct self-exclusion but one of disassociation. While it is true that the Gospel may be compatible with a culture, it is by no means correct to claim that it conforms to that culture. The New Testament, in particular, offers no evidence that any crucial significance attaches to safeguarding the institution of the family (as it was constituted at that time). So there is no need for the Church to cling anxiously to its model of the family, which has developed since the second half of the 19th century in Europe and enjoys almost normative status in the eyes of the Church. Since 1945, social relations (in Western Europe) have changed so radically that, perhaps for the first time in human history, everyone can choose their own marriage partner irrespective of any social restrictions. Marriage has lost its significance as a social or economic partnership of convenience. At the same time, the duration of a marital partnership has lengthened considerably thanks to medical progress and the resulting greater life expectancy.⁵⁷¹

The first thing that needs to be clarified in any consideration of the status and condition of the family in a multi-optional society is what is actually meant by the term 'family'. A useful aid when contemplating the diverse nature of the family today is an approximate sociological explanation which states that 'family' describes a long-term relationship based on partnership, marriage, civil union, descent or adoption. This makes it clear that, in this post-modern age, the semantic designation 'family' is very fuzzy. When confronted with the term, some people will think first of the traditional extended family, in other words a network of relationships involving persons who are related to each other but do not share their everyday life. Others will think of the middle-class nuclear family with a father, mother and children (living in the household), although the mere use of the terms 'father' and 'mother' indicates that the focus is on children in this concept of the family. Yet others will interpret starting a family to mean that they and their partner wish to have a binding relationship. The fact that half of all marriages now end in divorce leads to the formation of other kinds of family, such as patchwork families and single parents with their children. Rainbow families, too, offer security in a family setting. Pluralism, perhaps the outstanding feature of this secular or

⁵⁷¹ Cf. Klieber, Rupert, *op. cit.*, 672; Gerber, Christine, *loc. cit.*

multi-optional age,⁵⁷² is now an established feature of family life at the beginning of the 21st century. The picture is no less varied if we look at the different functions of the family in modern society. These range from the socialisation function to the economic function⁵⁷³ and the political function. In addition, sociologists point to a legal, a religious and a 'leisure and recreation' function of the family.

This pluralist family jumble is the result of a trend – particularly since the 1960s – towards greater individualism in society, of a shift in values, economic emancipation (primarily of women), a reappraisal of sexuality and marriage and the functional reorientation of the family along the lines of a hedonistic project (or as a major element in a project of individual hedonism, of which Paul Michael Zulehner writes: 'There is every likelihood of it failing – not as the result of any moral nastiness, but because of the remorseless search for the supreme joys of love in a short period of time.'⁵⁷⁴). Even though those who favour a more 'traditional' kind of family might find it hard to adjust to some of the family types which have emerged over the past fifty years, it would be wise not to dismiss them too hastily (or to glorify the traditional family form either). In both its earlier traditional form and its current pluralistic manifestations the family offers an environment in which people can enjoy immense happiness but also experience tremendous suffering, from which they find it hard to detach themselves. The aphorism coined by Karl Kraus whereby 'family bonds have a ring of truth about them' has a dramatic note in this context.

Given that the family is said to be in crisis, the question arises as to whether this might not present an opportunity – or in theological terms a *kairos* – since it is in a crisis, as opposed to a latent period, that a culturally productive force resides. However, if the family is allegedly in crisis, the first thing to clarify is whether the family as such, or perhaps merely a particular social form of marriage, is affected – a form which may be connected with a specific culture.⁵⁷⁵ The Church

⁵⁷² Cf. Taylor, Charles, *Ein säkulares Zeitalter*, Frankfurt a. M. 2012; Tiefensee, Eberhardt, "Auf dem Weg in eine universale Diaspora", in: *Lebendiges Zeugnis*, No. 57 (2002) 1, 44–58, here: 56.

⁵⁷³ Cf. Rosenberger, Michael, "Ehe als Freundschaft", in: *Lebendige Seelsorge*, No. 65 (2014) 2, 116–120.

⁵⁷⁴ Zulehner, Paul Michael, op. cit., 132.

⁵⁷⁵ Cf. Augustin, George, "Religion im säkularen Zeitalter: Das Phänomen der Säkularisierung und der Dialog mit den Kulturen", in: Idem/Sailer-Pfister, Sonja/Vellguth, Klaus (eds.),

can face up to the diversity of family forms that now exist, acknowledge them and then (help to) influence them. An important first step down that road is to overcome taboos and begin an open dialogue on issues which have not so far been the subject of a transparent discussion. The imposition of taboos has led to mental congestion marked by uncertainties, cover-ups, emotional controversies, and immature and offensive attitudes.⁵⁷⁶

Relieving this mental congestion and rejecting outdated concepts of the family will alleviate the situation for the Church because, if it broadens its concept of the family, it can renounce a position which will become ever less tenable in a pluralistic society. If, on the other hand, the Church abides by its conviction that social institutions such as the family (in a specific social form) are, in terms of their formal expression, manifestations not determined by a particular age or culture but ordained and influenced by God, it will run the risk at some stage of being treated by the public 'with tolerance, equanimity and friendliness like an old person whose senile ramblings do not frighten anyone but rarely amuse them either.'⁵⁷⁷ To use a comparison from the world of sport, the Church would put itself offside by desperately holding on to a concept of the family which originates from a certain period in the past but is now coming apart at the seams. Or, to put it theologically, the Church would excommunicate itself from society if it were to adhere to outdated family concepts.

The challenge of pastoral care for marriage and the family

No matter how open-minded it might be with regard to different models of the family, the Church can still present a human partnership based on a long-term relationship of affection as an ideal. The public will listen to the Church if it puts greater emphasis on the positive concepts and realities of family life. This will enable it to integrate rather than to dissociate itself and make critical remarks which only

Christentum im Dialog: Perspektiven christlicher Identität in einer pluralen Gesellschaft (FS Risse), Freiburg 2014, 145–168, here: 166.

⁵⁷⁶ Faber, Eva-Maria, "Ein ernsthafter Prozess", in: *Lebendige Seelsorge*, No. 66 (2015) 5, 341–343, here: 343.

⁵⁷⁷ Große-Kracht, Hermann-Josef, "Selbstbewusste öffentliche Koexistenz: Überlegungen um Verhältnis von Religionen und Republik im Kontext moderner Gesellschaften", in: *Jahrbuch für christliche Sozialwissenschaften: Religionen im öffentlichen Raum: Perspektiven in Europa*, Münster 2003, 225–272, here: 228.

serve to polarise. In truth, there is much that is positive about the disintegration of outdated family concepts. Family models nowadays are varied and colourful – they pave the way to new freedoms. The bond between marriage and the family is in a process of irreversible dissolution. This has to do, amongst other things, with the fact that in the early 21st century sexuality need no longer be restricted to the protective institutional confines of marriage in order to provide social and economic security for a woman and her children.⁵⁷⁸ Hence it is all the more important for the Church to adopt a positive attitude to the numerous different family situations today, to accept them as a fact of life and to encourage people to opt in favour of a love-based, long-term family unit. This involves overcoming tendencies towards a one-sided fixation on Church statements relating to marriage and the family.⁵⁷⁹ At least as important as the development of theological guidelines on the family are recognition and support for men and women who have started a family in the belief that it will prove a success. Another challenge facing the Church is to develop a ‘spirituality of marriage’ (and not a ‘spirituality of marriage and the family’).⁵⁸⁰ This spirituality should not be ‘remotely devout’ but encompass the entire human existence, the whole human being with all his yearnings, needs, desire for acceptance, security and community, ideals, weaknesses and failures.

The *oikonomia* to which Walter Kasper referred implies that the Church should not concern itself primarily and exclusively (in a deficit-oriented way) with the approach that should be adopted to Christians whose marriage has failed. Rather it should focus its energies first and foremost on providing support for people in a framework of pastoral care so that marriage and the family prove resilient in both good times and bad and can be experienced as a source of happiness.⁵⁸¹ This

⁵⁷⁸ Cf. Hieke, Thomas, “Vom Gesetz zurück zum Kern des Ideals: Für einen menschlichen Umgang mit Ehe, Familie und Sexualität”, in: *Bibel und Kirche*, No. 70 (2015) 4, 225–228.

⁵⁷⁹ Cf. Bode, Franz-Josef, “‘Die Fixierung auf das Sexuelle überwinden’: Interview mit Franz-Josef Bode über die Familiensynode”, in: *Herder Korrespondenz*, No. 69 (2015) 8, 402–405.

⁵⁸⁰ Cf. Knapp, Markus, “Die Ehe als christliche Lebensform: Überlegungen zur Ehespiritualität”, in: *Geist und Leben*, No. 83 (2010), 433–444.

⁵⁸¹ Cf. Brantzen, Hubertus, “Schlüssel an der tiefsten Stelle im Rhein: Zwölf Schwerpunkte gegenwärtiger Ehe- und Familienpastoral”, in: *Anzeiger für die Seelsorge*, No. 123 (2014) 2, 27–31; Benkert, Robert, “Einen heiligen Raum betreten: Paarkommunikationstraining als Beitrag zur Ehepastoral”, in: *Anzeiger für die Seelsorge*, No. 123 (2014) 2, 11–14;

would do justice to the fact that a marriage – within the meaning of a condensed consensus theory⁵⁸² – cannot be reduced to the moment of the wedding ceremony and treated as something static.⁵⁸³ Marriage preparation and marriage guidance courses must be devised to help Christians conduct a successful partnership. Communication environments must be set up within the Church where Christians can talk candidly about their very different experiences of marriage. Where in the Church are the publicly accepted courses for couples in which partners can learn how to talk to each other about what has (so far) been left unsaid and so kept secret? Only when the Church attracts attention to itself, not by condemning life forms, experiences and narratives but by offering up-to-date and helpful courses for married couples, will it do justice to its sacramental dimension – as a sign and an instrument which emphasises God’s unconditional benevolence.

The practical commitment of the Church to the (diverse forms of) family is the acid test for its affirmative declaration of belief in the family. It is not enough if family pastoral accompaniment only begins when a marriage or family is in crisis and threatens to contradict the Church ideal – a tendency discernible in the final report of the 2015 Synod of Bishops on ‘The vocation and mission of the family in the Church and in the contemporary world’.⁵⁸⁴ The emphasis in Part III, Chapter III entitled ‘The Family and Pastoral Accompaniment’ is on families in difficult situations. While this is undoubtedly important, such considerations must be supplemented by highlighting ways in which the Church can make families resilient at an early stage, irrespective of any normative requirements, so that they are prepared

Schockenhoff, Eberhard, “Die Zukunft der Familie: Anthropologische Grundlagen und ethische Herausforderungen”, in: Augustin, George/Kirchdörfer, Rainer, op. cit., 71–81; Bartsch, Martin, “Auf dem Weg zur kirchlichen Trauung: Die Chancen einer Ehevorbereitung in der Pastoral”, in: *Anzeiger für die Seelsorge*, No. 123 (2014) 2, 15–18; Hilberath, Bernd Jochen, “Konfessionsverschieden oder konfessionsverbindend? Ökumenische Ehepastoral zwischen Zuspruch und Vorbehalt”, in: *Anzeiger für die Seelsorge*, No. 123 (2014) 10, 19–23; Wilbertz, Norbert, “Traumpaar, Märchenhochzeit und was dann? Bedingungen gelingender Paarbeziehung aus Sicht eines Eheberaters”, in: *Lebendige Seelsorge*, No. 65 (2014) 2, 96–101.

⁵⁸² Cf. Sattler, Dorothea, “Die Ehe: Theologische Anliegen in römisch-katholischer Perspektive”, in: *Theologisch-praktische Quartalschrift*, No. 163 (2015) 4, 347–351, here: 350.

⁵⁸³ Cf. Marx, Reinhard, “Entziehe dich nicht deinen Verwandten!”, in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 199–214, here: 203.

⁵⁸⁴ Sekretariat der Deutschen Bischofskonferenz, *Die Berufung und Sendung der Familie in Kirche und Welt von heute*. Texte zur Bischofssynode 2015 und Dokumente der Deutschen Bischofskonferenz, Bonn 2015, 69–86.

for, or spared, potentially difficult situations. While pastoral ministry to individual families needs strengthening, the Church must also publicly endorse various forms of family in which important social services are performed. This has to do with a fair distribution of the burdens society is obliged to shoulder. Families in their diverse forms carrying out inter-generational services, such as child-rearing and care for the elderly, must not be exposed as a result to the risk of poverty or left alone with the opportunity costs. On the contrary, they must experience the solidarity of society or receive compensation for the social duties they perform.⁵⁸⁵

Since the very beginning of the Church, the family has been a preferred environment for the transmission of the faith and is called upon to 'be a school of the faith and thus a house church in the true sense of the word'.⁵⁸⁶ With that in mind, the Church must decide first and foremost whether its main interest is to stick to a model of the family which arose at a certain period in time or whether its primary concern is to pass on the faith and to evangelise. If the family is the setting in which children develop a sense of basic trust, receive their initial exposure to religion, ask their first questions about the meaning of life and experience, and are unreservedly accepted as individuals, the issue at hand – given the changed facts of family life – cannot be to desperately try and exert monopoly control over a certain model of the family (and to excommunicate itself from other family constellations in the process).⁵⁸⁷

The challenge of a Universal Church Discourse on family issues

This article has looked at the challenges posed by social change, a Jesuanic approach to remarried divorcees, family pluralism, pastoral ministry for married couples and pastoral care for the family, all of which have been examined from a specific Western European perspective. When it comes to a universal Church discourse on such a crucial issue as that of successful models for long-term partnership – on the way to a life of fulfilment together – it is important to bear in mind that

⁵⁸⁵ Cf. Nothelle-Wildfeuer, Ursula, "Familien gerecht werden im 21. Jahrhundert: Christlich-sozialethische Perspektiven", in: Augustin, George/Kirchdörfer, Rainer (eds.), op. cit., 114–129; Schockenhoff, Eberhard, op. cit., 79f.

⁵⁸⁶ Koch, Kurt, op. cit., here: 234.

⁵⁸⁷ Cf. Marx, Reinhard, op. cit., 211.

the mental responses to it depend in part on the individual concerned. If thought is given to the state of Christian families and the prospects and challenges they face, one's own biographical experience and, in particular, the development of one's own personality in the process of inculturation will inevitably exert a determining influence. In other words, statements on the issue of the family are always governed by a personal perspective, they are shaped by one's own cultural context and by the personal experience gathered in the course of life in a family. 'Family is never abstract, it is always practical. Every individual has his or her own specific personal experience in mind when conversation turns to the family',⁵⁸⁸ Reinhard Marx says. If, for example, you have grown up in a nuclear family whose members have treated each other with love and respect and it has proved possible over the years to maintain good personal relations, your approach to the issue of the family will be very different from that of someone who has experienced little security or perhaps strife, envy and hate, etc. in the family they grew up in.

On the other hand, statements about the family depend on the object, i.e. on what is really meant by the family in a specific cultural context. Each individual's understanding of the family is influenced by cultural, anthropological, religious and sociological factors. Statements about the family in a matrilineal context will differ from those in a patrilineal culture; remarks in a community-oriented setting will be different from those in a highly individualised society. This is because the semantic concept of the family describes a different fact in different contexts; it conjures up different associations as regards the object described, its identity-forming character and its community-building function.

All this demonstrates how difficult it is to structure a universal Church discourse on issues relating to the family as a model of long-term partnership.⁵⁸⁹ But that does not dispense with the need to face up to this polyphonic discourse, to formulate personal positions, accept otherness and benefit from what is unfamiliar. A special challenge consists in leaving scope for what is different, to open up

⁵⁸⁸ Ibid., 200.

⁵⁸⁹ Cf. Buch, Alois/Buch, Petra, "Weltkirche im synodalen Prozess. Beobachtungen und Notizen zur Familiensynode", in: *Forum Weltkirche*, No. 135 (2016) 2, 13–17.

spaces for it without denying one's own position and attitudes. There is also a need to develop processes within the universal Church debate which can provide clarification, amongst other things, of the extent to which the variety of family models of long-term coexistence can subsist alongside each other and how the Church can operate and foster different models in different contexts. The Extraordinary General Assembly of the Synod of Bishops in 2014 and the Ordinary General Assembly of the Synod of Bishops in 2015, both of which were devoted to family issues, made it clear that, at the outset of the third millennium, the focus should not be on sustaining Church uniformity but rather on accepting ecclesial polyphony in key questions of the Christian faith and human coexistence within the Church. In all likelihood regional approaches and responses will need to be developed which can coexist in a certain heterogeneity. In the age of globalisation it is probably advisable not to be too hasty in formulating canonical regulations on marriage and the family within the universal Church but rather to give regional bishops' conferences the scope to develop suitable solutions relating to canonical dispositions. In this respect it is encouraging that Pope Francis should have emphasised in the introduction to his Apostolic Exhortation *Evangelii Gaudium* that he is 'conscious of the need to promote a sound 'decentralisation'.^{590 591}

It is a challenge to let the polyphony of family realities ring out in a concert in which different instruments contribute to the overall sound. Moreover, numerous rehearsals are needed (in which there must be room for the wrong notes to be played) before any such polyphony can succeed. Above all, a considerable sense of rhythm is needed to orchestrate the different players involved in such a concert. The two family synods have made a promising start. The Church has discovered itself to be a sometimes heterogeneous family journeying together in the age of globalisation and learning how to be a new kind of Church – one which sees itself as the family of God and lives differently.

⁵⁹⁰ EG 16.

⁵⁹¹ Cf. Hilberath, Bernd Jochen, "Das Konzil verwirklichen! Papst Franziskus' ekklesiologische Agenda", in: *Diakonia*, No. 47 (2016) 2, 87–93.