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## +Kasper's Critics

by Michael Sean Winters

Distinctly Catholic

The conservative knives are out for Cardinal Walter Kasper. At CatholicCulture.org, Phil Lawler warns about the "dangers" of Kasper's comments on the issue of admitting divorced and remarried Catholics to communion. Lawler worries that Kasper, unable to change Church teaching, is proposing ideas that will nonetheless undermine Church teaching and he urges conservatives to resist any narrative that suggests the fix is in, and Kasper's proposals are going to be accepted by the Synod on the Family and the Holy Father.

At Crisis magazine, Samuel Gregg attacks Cardinal Kasper for being inconsistent when he is not being Machiavellian. After rehearsing what Gregg perceives as contradictions in Kasper's public statements, he writes:

*Through contemplating this contradiction, I've reluctantly come to the conclusion that Cardinal Kasper and many other German-speaking bishops are willing to do whatever they think it takes to change the Church's doctrine on marriage in ways that, while nominally retaining the principle of marriage's indissolubility, effectively nullify the principle's content à la the church of England. And that suggests that, for all their protestations to the contrary, some of these bishops don't believe in true marriage's indissolubility. This in turn puts them at odds with part of the divine law specified by Christ Himself.*

There is a leap in logic there, a leap that leads Gregg to guess at Kasper's motives in a way that makes the German cardinal look like a master manipulator, hiding the fact that he and his brother German bishops "don't believe in true marriage's indissolubility" with a campaign that Gregg confidently asserts "puts them at odds with part of the divine law specified by Christ himself." That is quite a charge.

What is going on here? Are critics like Lawler and Gregg simply the kind of Christians whom Pope

Francis regularly castigates for being overly focused on "the rules" and, just so, in alert to the promptings of the Spirit? I don't think so. I think conservatives like Lawler and Gregg are, in this instance, reflecting a perennial spiritual concern, a concern for stability and fidelity to what they have come to know as our tradition. I will grant that neither man does a very good job articulating and defending this concern, a concern that is altogether understandable and even laudable, mixing it up with the odd mix of not laudable defensiveness and judgmentalism. There is a kind of conservative Catholic these days who really gets a thrill from telling other people who find themselves in difficult situations "too bad" and "nail it to the cross." I write "these days" but then I remember the parable of the two men at prayer, the holy man who sits up front and says before God, "I thank the Lord that I am not like other men," and I realize that this temptation to pride is not unique to "these days." It is, like gnosticism, one of the perennial temptations of the spiritual heart.

Still, the concern for pastoral stability and fidelity to the Gospel is a genuine and important concern and not just for conservatives. Far too many of my fellow Catholics on the left have given ample evidence that they believe everything is up for grabs, that in attending to the signs of the times there is no danger of conflating the times with the Gospel, and that if you want to know what the Spirit is calling the Church to at this moment, you can just check in with some trendy academic theologians, published here at NCR or at Commonweal or at America. This is the liberalism in religious matters that John Henry Newman rightly condemned. This kind of liberalism has no anchor nor perceives the need for an anchor. It, too, is a perennial spiritual danger. I remember reading a book about a protest on behalf of women's ordination at Holy Trinity Church. The leader of the protests had been asked by his young daughter why Mommies can't be priests and he was concerned about his inability to respond. He decided to start standing thru the eucharistic prayer to demonstrate his displeasure. He explained his actions by noting there was a time when women could not be lawyers or doctors either. This confuses a sociological data point with a theological argument. I do not know if the issue is the ordination of women or admitting the divorced and remarried to communion or the ban on artificial contraception, but I do voice the hope that the Church will always find within herself the ability to say "No, we can't do that" on some issue, if only to remind all of us that the Church is not play-dough in our hands, amenable to our shaping it according to our whims and wills. This, I think "and hope" is what animates Lawler and Gregg and other critics of Cardinal Kasper.

It is often said that we live in an age of moral relativism. I am not sure that is precise. It is true that some people champion values that do not cohere with the traditional values we have inherited from our Catholic tradition. Equality is quite obviously the most revered value of our day, invoked to justify many things unknown to our tradition. Of course, from its earliest days, the Church also embraced equality as a value, it just did not allow that one value to trump all others. There is a free market in moralities these days, which is the one kind of free market Sam Gregg does not like. If you doubt my point, just consider how moralistic and judgmental many of the guests on MSNBC sound.

If not moral relativism, then what? I think it is more precise to say we live in a time of moral pluralism, in which different moral points of view come into sharp conflict at times, and at other times find avenues for shared moral perspective and effort. We do not have to apologize as Catholics for our distinctly Catholic moral vision, but we should not expect others to apologize for their different moral vision. We need to generate, to borrow a phrase from Pope Francis, a culture of encounter. We need to presume the integrity and good will of those whose moral vision differs from our own. Think of how different the Church's engagement on the issue of same-sex unions would have been if Church leaders had actually sat down with gay couples and asked them about their desires for legal security in their relationships, rather than condemning them for "attacking marriage." At the end of the day, no amount of dialogue will reconcile what are incommensurable human values, but I suspect a whole lot of human anxiety and conflict can be avoided if we understand our age in terms of pluralism rather than relativism.

Nowhere is this more important than in the debate about divorced and remarried Catholics. Let us take an example. In the essay linked to above, Lawler writes:

*The Church can never accept a 2nd marriage. The Catholic teaching on the indissolubility of marriage is based not merely on the traditions of the Church or the inferences of theologians, but on the clear and unmistakable words of Jesus Christ: "And I say to you: whoever divorces his wife, except for unchastity, and marries another, commits adultery." [Mt: 19:9] Traditions can be adapted and inferences can be redrawn, but the words of Christ cannot be contradicted. To accept a 2nd marriage is to accept adultery. It is true that Jesus refused to condemn the woman caught in adultery, but it is also true that He cautioned her to "sin no more."*

I will guess that, if we are strictly to follow the words of the Lord Jesus, the phrase "except for unchastity" would apply to most people seeking a divorce. More importantly, there is an adjective missing, an important adjective, from Lawler's factual claim: Western. The Eastern Church accepts, not a second sacramental marriage but blesses a second union, believing that God's mercy can accommodate these situations and so should God's Church. True, as Lawler states, that "the words of Christ cannot be contradicted," but Christ also gave his apostles the power of the keys. As one priest friend says on this issue, "If you have the keys, you might as well use them." But, more to the point, the Orthodox tradition is just as apostolic as our tradition, it is just much less legalistic. There is not only pluralism among traditions, there is pluralism within traditions, and within the Christian tradition, there is explicit pluralism on this issue. There is also a lot more pluralism within the Western tradition than many of the advocates for maintaining our current theological and canonical limits admit.

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I do not know how the deliberations of the Synod will play out. I do know that more is at work here than the particular issue of how to deal with divorced and remarried Catholics and instead of jumping all over each other, it behooves us to listen to the concerns of each other, the deepest concerns, and recognize their value *per se*. Lawler and Gregg are not wrong to be worried that if the current practice, still more the teaching, of the Church were to change on this issue, some people would think we live in a catch-as-catch-can world where everything is up for grabs. Others are not wrong to point out that an equally apostolic Church has developed a different practice and approach to this issue, and that fact alone suggests there might be more than one valid approach to the issue. Most of all, everybody needs to believe that the Spirit is still at work in the Church today, just as we must admit the Spirit was at work in the Church when Trent set forth our current theology of marriage, and when the canonists changed significant applications of that teaching in devising the 1917 Code of Canon Law. Most importantly, we must all acknowledge

that when we attend to the signs of the times, on this or other issues, we must do so through the lens of the Gospel. And, at the heart of the Gospel is the person of Jesus who always reconciled the demands of justice and truth with the promise of mercy in ways that we humans find difficult to do or even to understand. But, that is what we are called to do on this issue of the divorced and remarried, reconcile the demands of justice and truth with the promise of mercy. It is not easy to do. It is not made easier when we impugn Cardinal Kasper's motives or fail to acknowledge the truth of arguments with which we disagree.

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