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Preparatory document  
for the extraordinary synod of bishops in 2014:  
the questions

## Responses of 17 professors of moral theology and pastoral theology

*At our suggestion, members of the Association of German Moral Theologians and of the Conference of German-speaking Pastoral Theologians have discussed the questionnaire, using a Wiki that allows the collective, simultaneous production of texts through the internet.*

*The Wiki was activated by the Department of Theology in Fulda from November 23 to December 9, 2013. The results were emailed to the members of both theological associations requesting their support through their signature.*

### **1 – The Diffusion of the Teachings on the Family in Sacred Scripture and the Church’s Magisterium**

**a) Describe how the Catholic Church’s teachings on the value of the family contained in the Bible, *Gaudium et spes*, *Familiaris consortio* and other documents of the post-conciliar Magisterium is understood by people today? What formation is given to our people on the Church’s teaching on family life?**

The details of what Scripture and tradition have to say about the role of the family are little known; however, in general, the Church is associated with a family friendly attitude. Most baptized consider *Gaudium et spes* as a symbol for the positive attitude towards life in the Church’s teachings – even without knowing GS 47-52 in particular.

Unfortunately, the “Charta of the Rights of the Family” (1983) is also little known. In our opinion, this document would provide a good introduction to the Church’s teachings on the family.

In general, the language of magisterial documents is such that it is difficult to understand for the baptized. Thus the willingness to engage in their understanding is low. The relevant issues are discussed in family

circles, educational events and sermons, in the best of cases not in the sense of the communication of deductive theories, but in an inductive way that is based in experience.

Dioceses offer numerous marriage preparation classes and pastoral offers for couples and families. They are well accepted by the baptized, provided they emphasize the personal dimension of marriage and family (and thus are close to the spirit of *Familiaris consortio*).

**b) In those cases where the Church's teaching is known, is it accepted fully or are there difficulties in putting it into practice? If so, what are they?**

Most baptized have a positive attitude towards the unity, indissolubility and sacramentality of marriage. But the Church's position on so-called artificial contraception is practically not accepted.

In our view, the Church's teaching often lacks in its relation to experience. This would increase the willingness to realize it. For in the everyday life of the faithful it becomes increasingly clear that marriage alone does not guarantee the monopoly for sexual practice, nor does it a secure framework in which children could be conceived and raised, or the social and communicative stability of life.

Marriage is the ideal form of the human decision for the other, grounded in grace. This ideal form is appreciated, but not realized or even desired by all.

**c) How widespread is the Church's teaching in pastoral programmes at the national, diocesan and parish levels? What catechesis is done on the family?**

There are no pastoral programs in this regard, only individual measures and offers. Family catechesis in the context of the catechesis of the sacraments is concerned with different issues; marriage preparation classes are not sufficiently developed.

**d) To what extent — and what aspects in particular — is this teaching actually known, accepted, rejected and/or criticized in areas outside the Church? What are the cultural factors which hinder the full reception of the Church's teaching on the family?**

It is widely recognized that the Magisterium supports forms of relationship of binding solidarity. However, negative attitudes with regard to contraception, homosexual relationships and divorced, remarried persons increasingly obscure the positive aspects of the Church's teaching in public.

People who experience plurality as a positive value in areas outside the Church (professional, social and biographic) are not satisfied when the Church proposes only celibacy and marriage as legitimate forms of life. In the light of the Gospel, the question should be examined whether other forms of life could be relieved of the verdict of sin.

## **2 – Marriage according to the Natural Law**

**a) What place does the idea of the natural law have in the cultural areas of society: in institutions, education, academic circles and among the people at large? What anthropological ideas underlie the discussion on the natural basis of the family?**

The notion of natural law does not play any role in public discourses, and it is also widely rejected in law in this country. However, since Benedict XVI's speech in the German Bundestag in 2011, discussions in moral theology have reflected a renewed interest in the relationship between ethics, human sciences and theology, which occasionally show patterns of natural law thought.

**b) Is the idea of the natural law in the union between a man and a woman commonly accepted as such by the baptized in general?**

The baptized quite simply reject natural law thought in the sense of “biological metaphysics” (M. Nussbaum).

With regard to gender relations, most baptized use negotiation ethics that aim for consensus between the partners. The idea of general, anthropologically plausible propositions regarding the purpose of the nature of man and woman plays a subordinate role.

**c) How is the theory and practice of natural law in the union between man and woman challenged in light of the formation of a family? How is it proposed and developed in civil and Church institutions?**

The validity of natural law is “challenged” (in the sense of “negated”) with respect to the free self-determination of human beings, which increasingly also includes the natural dimensions of human existence which were regarded as intangible decades ago. Civil and Church institutions widely refrain from references to natural law thought.

**d) In cases where non-practising Catholics or declared non-believers request the celebration of marriage, describe how this pastoral challenge is dealt with?**

The issue is extensively discussed in pastoral care and theology. It is true that the sacramentality of the whole Church is obscured when people, who do not believe in it, enter into sacramental marriage as the expression God’s relationship with humanity. But if all creation is sacramental, because it was called to life for the sake of the covenant (K. Barth), then one cannot deny all sacramental dignity to the marriage of non-believing baptized persons. Thus there is a very strong option to decide these matters on a by-case basis.

### **3 – The Pastoral Care of the Family in Evangelization**

**a) What experiences have emerged in recent decades regarding marriage preparation? What efforts are there to stimulate the task of evangelization of the couple and of the family? How can an awareness of the family as the “domestic Church” be promoted?**

The forms of marriage preparation that promote reflective and communicative competence (e.g. EPL) explicitly support the formation of marriage in a sacramental form, but they are not the standard of marriage preparation. The expectation that the family is the domestic Church presumes that religious socialization and family belong together. This can be supported by marriage catechesis, but it cannot simply be presupposed.

**b) How successful have you been in proposing a manner of praying within the family which can withstand life’s complexities and today’s culture?**

Most families do not pray over their meals together anymore, let alone use other more explicit forms of prayer (possible exceptions are particular liturgical seasons such as Advent and Christmas). The practice of bedtime prayer with small children is likely to be common if a parent puts them to bed.

**c) In the current generational crisis, how have Christian families been able to fulfill their vocation of transmitting the faith?**

Most parents feel overwhelmed by the task to transmit the faith and consequently are cautious. The situation does not become easier when the children grow up because as young people become older, they are increasingly critical towards faith, theology and Church.

With regard to the so-called “generational crisis”, we do not perceive the discussions between children/adolescents and their parents as a controversy about basic principles. The vocal rebellions of

earlier decades are obviously over. However, conflicts about inheritances often pull families apart.

**d) In what way have the local Churches and movements on family spirituality been able to create ways of acting which are exemplary?**

Families who are members of a spiritual movement often find spiritual support in it. The tools, suggestions for services and calendars that are provided by ecclesial associations (such as the Katholische Landvolkbewegung) are important for some families. Measures in the context of preparation for first communion also promote family spirituality.

Catholic schools – which continue to be well accepted – also develop forms of spirituality that occasionally take the shape of family spirituality.

**e) What specific contribution can couples and families make to spreading a credible and holistic idea of the couple and the Christian family today?**

The specific contribution of couples and families to the credible testimony for this form of life is quite simply their persistent existence under conditions that are neither particularly marriage nor family friendly.

**f) What pastoral care has the Church provided in supporting couples in formation and couples in crisis situations?**

The counseling services of local Churches and Caritas are highly valued for their competence. There is more space for development in order to provide services that help with succeeding in one's life, offer support in crisis and beyond.

#### **4 – Pastoral Care in Certain Difficult Marital Situations**

**a) Is cohabitation *ad experimentum* a pastoral reality in your particular Church? Can you approximate a percentage?**

Cohabitation *ad experimentum* is a relevant pastoral reality. Most couples have sexual experiences before marriage and probably most baptized cohabited before their marriage.

In general, the number of non-married couples is increasing.

**b) Do unions which are not recognized either religiously or civilly exist? Are reliable statistics available?**

Yes.

For many members of the Church, the sacrament of marriage is no longer a form of life that reflects their self-understanding and faith. Data from sociological surveys is available to the German Conference of Bishops (DBK).

**c) Are separated couples and those divorced and remarried a pastoral reality in your particular Church? Can you approximate a percentage? How do you deal with this situation in appropriate pastoral programs?**

Yes, they represent an important pastoral reality, and many remarried Catholics participate in the life of the Church, often including reception of communion, in some cases also the sacrament of reconciliation.

Currently, the most important pastoral program is the “Handreichung zur Begleitung von Menschen in Trennung, Scheidung und nach ziviler Wiederverheiratung” (Manual for the Accompaniment of Separated, Divorced and Civilly Remarried Persons) from the Archdiocese of Freiburg, which aims at making Jesus' humane and respectful attitude the measure of pastoral care for the divorced and remarried. It includes in a constructive way numerous ideas from the moral theological discourses of the last two decades.

**d) In all the above cases, how do the baptized live in this irregular situation? Are aware of it? Are they simply indifferent? Do they feel marginalized or suffer from the impossibility of receiving the sacraments?**

See 4c).

Numerous Catholics suffer from the impossibility of receiving the sacraments after their divorce and remarriage. Some receive communion in spite of the prohibition and experience this as invigorating.

Indifference towards the impossibility of receiving the sacraments is a form of reactive alienation from the Church.

**e) What questions do divorced and remarried people pose to the Church concerning the Sacraments of the Eucharist and of Reconciliation? Among those persons who find themselves in these situations, how many ask for these sacraments?**

Together with the couples concerned, one could ask about the degree of the congruence of the baptized with the received sacraments so that the sacramentality of the Church does not suffer. This is a decision of the Church which could be made in favor of those divorced and remarried who would like to receive the sacraments and participate actively in the life of their parish.

**f) Could a simplification of canonical practice in recognizing a declaration of nullity of the marriage bond provide a positive contribution to solving the problems of the persons involved? If yes, what form would it take?**

The examination of the nullity of marriage, i.e. whether fundamental preconditions of marriage were lacking so that there was no chance for love that would carry across one's whole life, can be an offer of the Church that in individual cases allows a sensible, if painful new perspective of one's life. However, for most persons concerned the declaration of nullity of the marriage is irrelevant because they do not perceive the nullity of their marriage, but rather its failure, and because they hope for a life beyond this failure.

Thus the Church's canonical practice with regard to marriage does not replace their own responses to situations in which after the failure of a seriously lived marriage a perspective of hope is opened up in the shape of a new partner.

**g) Does a ministry exist to attend to these cases? Describe this pastoral ministry? Do such programs exist on the national and diocesan levels? How is God's mercy proclaimed to separated couples and those divorced and remarried and how does the Church put into practice her support for them in their journey of faith?**

Pastoral ministry exists only in the form of individual accompaniment. Because of differences with the current magisterial teaching, this practice is made public only in exceptional cases. Church institutions and associations offer discussion groups and seminars for divorced and remarried persons that are well received.

## **5 – On Unions of Persons of the Same Sex**

**a) Is there a law in your country recognizing civil unions for people of the same-sex and equating it in some way to marriage?**

Yes, there is such a law and it is supported by broad social consensus.

**b) What is the attitude of the local and particular Churches towards both the State as the promoter of civil unions between persons of the same sex and the people involved in this type of union?**

The Catholic Church in Germany criticizes the broad legal equality of homosexual couples with married couples, but tries to stand up against the discrimination of homosexuals (cf. KKK 2358). The public perceives this as contradictory.

In individual pastoral care and in some particular Church initiatives, homosexuals experience acceptance and appreciation, but harsh rejection in other spheres of the life of the Church.

**c) What pastoral attention can be given to people who have chosen to live in these types of union?**

There is “pastoral attention” in many forms, but it is not enough. An official statement should signal clearly to persons in same-sex civil unions that faithfulness, dependability and solidarity are not worth less in the eyes of the Church because shown by gays and lesbians. This does not require a pre-decision for the equality of their unions with marriage.

**d) In the case of unions of persons of the same sex who have adopted children, what can be done pastorally in light of transmitting the faith?**

Fundamentally, the transmission of faith is not more difficult for same-sex couples than for heterosexual couples. If homosexuals ask for baptism for their child, one should appreciate that they intend to raise their child according to the Credo. Children can never be refused the sacrament because they grow up in the context of a homosexual partnership (cf. “Evangelii Gaudium”, 47).

Regarding the communal spirituality in such a constellation, it is important to use the metaphors of mother and father for God in a differentiated manner. Moral teaching that is not idealistic, but anchored in the theology of grace, would also be helpful.

## **6 – The Education of Children in Irregular Marriages**

**a) What is the estimated proportion of children and adolescents in these cases, as regards children who are born and raised in regularly constituted families?**

The proportion is large and becoming ever larger. According to our estimates, less than a third of all children is growing up with parents who are connected with each other in a sacramental marriage.

**b) How do parents in these situations approach the Church? What do they ask? Do they request the sacraments only or do they also want catechesis and the general teaching of religion?**

They request the baptism, although it is often interpreted as a blessing. Increasingly, one can observe spiritual curiosity and the desire for spiritual guidance, but this leads rarely to the request for formal catechesis.

**c) How do the particular Churches attempt to meet the needs of the parents of these children to provide them with a Christian education?**

There are no particular programs for these cases. However, the seminars offered for divorced and remarried persons by the Church also discuss this issue (see 4g).

**d) What is the sacramental practice in these cases: preparation, administration of the sacrament and the accompaniment?**

The emphasis is on what connects “these cases” with children in regular marriages.

## 7 – The Openness of the Married Couple to Life

**a) What knowledge do Christians have today of the teachings of *Humanae vitae* on responsible parenthood? Are they aware of how morally to evaluate the different methods of family planning? Could any insights be suggested in this regard pastorally?**

*Humanae Vitae* is associated with the “prohibition of the pill” by the Church, without a detailed evaluation of natural law argumentation.

See 2).

**b) Is this moral teaching accepted? What aspects pose the most difficulties in a large majority of couple’s accepting this teaching?**

The distinction between so-called “natural” and so-called “artificial” methods of contraception is considered irrelevant in an intentionalist paradigm in ethics. Thus questions regarding birth control and parenthood in general are resolved in the dialogue between the partners and if necessary, in consultation with a medical expert.

*Humanae Vitae* has not been positively received. *Familiaris consortio* with its personalist approach (see FC 32) has greater chances to communicate the position of the Church. However, there are fundamental reservations that are well-grounded in human sciences against the focus on acts in Catholic sexual ethics, which requires that *all* finalities of sexuality should be considered in *each* sexual act.

**c) What natural methods are promoted by the particular Churches to help spouses put into practice the teachings of *Humanae vitae*?**

The Dioceses use considerable resources to introduce a small interested minority of baptized to the methods of natural family planning such as “Sensiplan®”.

**d) What is your experience on this subject in the practice of the Sacrament of Penance and participation at the Eucharist?**

Even the most committed Catholics don’t perceive their practice of artificial contraception as a conflict with their involvement in the Church which might lead to changes in their sacramental practice. “Without subjective arrogance and premature condescension” (Königsteiner Erklärung), they seem to be able to justify their position before God’s judgment.

The sacrament of reconciliation is received by only few persons, but in a more reflected and intensive manner than some decades ago. But this is true in general and independent from conflicts that could result from the conflict with *Humanae Vitae*.

**e) What differences are seen in this regard between the Church’s teaching and civic education?**

“Civic education” does not include the natural law reasoning of so-called artificial contraception, see 2a). However, there are overlaps between “civic education” and the Church’s teaching with regard to the conscious, autonomous and responsible use of one’s Bodiliness.

**f) How can a more open attitude towards having children be fostered? How can an increase in births be promoted?**

Most people at the age of reproduction desire children. But many don’t perceive the conditions for couples with children as good enough, in particular with regard to the conciliation of work and family.

Following its rich pedagogic tradition, the Church should enlarge its subsidiary child-care institutions, including short-term care.

The conciliation of family and work is not balanced enough in most relationships and there is much space for improvement.

## 8 – The Relationship between the Family and the Person

**a) Jesus Christ reveals the mystery and vocation of the human person. How can the family be a privileged place for this to happen?**

The family is perceived and sanctified as a privileged place for the vocation of the human person when it is consciously and personally desired and shaped as such.

**b) What critical situations in the family today can obstruct a person's encounter with Christ?**

One such critical situation occurs if the “agent of the sphere of faith” in the family becomes incredible because s/he is caught in double standards or self-contradictions. It is necessary to call for an honest involvement with oneself, one's own doubts and the areas of conflict between Church and faith.

**c) To what extent do the many crisis of faith which people can experience affect family life?**

A crisis of faith as an serious crisis of the person also affect the family in which s/he lives. But if the partners struggle for their faith together, such a crisis of faith can of course also have its positive aspects.

## 9 – Other Challenges and Proposals

**What other challenges or proposals related to the topics in the above questions do you consider urgent and useful to treat?**

We propose a fundamental, new evaluation of the issue of marriage and family that does not depart from an idealized reality. For Catholic sexual ethics, this means to appreciate more than has been the case so far the nudity and vulnerability of the individual as experienced in sexuality. It would be possible to develop a Christian sexual ethics of vulnerability with at least these three dimensions:

- a *caring (“palliale”)* dimension to protect that which is fragile. As a “pallial” ethics, Christian sexual ethics has to beware of the insisting focus on acts in its moral tradition and demand discretion and protection from the glaring light of normativity. Marriage could then be understood as an institution that protects this fragility, not as an institution of obligation. Such Christian sexual ethics would have to show again and again the need for interpersonal boundaries that counter late romantic rhetoric of fusion. Finally, this pallial dimension creates possibilities for an ethics of pregnancy as a phase of life in which parents and child are exceedingly vulnerable.

- an *emancipatory dimension* that liberates and opens new perspectives when vulnerability has become violation. As an emancipatory ethics, Christian sexual ethics has to take the side of those who lose in relationships, the ones who are left and hurt to the core. It rejects all forms of sexual violence.

- a *reflexive dimension* that accepts vulnerability and counters the banalization and routinization of sexuality. As a reflexive ethics of vulnerability, Christian sexual ethics know the ontological value of vulnerability. The joy of intimacy can be experienced only when it is possible to be vulnerable without being violated.

Sexual ethics of nudity and vulnerability react to the abyss of suffering through sexualized violence, which the Church has seen in the past years. Here it becomes painfully obvious that the Christian moral teaching that limits sexuality to the context of marriage cannot look closely enough at the many forms of sexuality



outside of marriage.

Furthermore, we are of the opinion that more programmes and input is needed to support the reflective and communicative competences of partners. Marriage preparation as a communicative process should be promoted.

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(Translated from German by Stefanie Knauss)