

# JOSEPH RATZINGER'S LITURGICAL THEOLOGY: ILLUMINATING THE ISSUE OF COMMUNION FOR THE DIVORCED AND REMARRIED

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“[M]arried Catholics actively participate in the offering of the Mass and receive communion always *as the living sacramental sign of what they are receiving.*”



Recent decades have been marked by an especially fiery debate in the Catholic Church over the question of admitting civilly divorced and remarried Catholics (whose first sacramental marriage is valid) to eucharistic communion.<sup>1</sup> This issue was central

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1. For a sense of the debate, see the following articles for surveys of the developments on this topic in theological literature over the past decades: Ladislav Orsy, “Intolerable Marriage Situations: Conflict Between External and Internal Forum,” *The Jurist* 30 (1970): 1–14; Robert T. Kennedy and John T. Finnegan, “Select Bibliography on Divorce and Remarriage in the Catholic Church Today,” in James J. Young, ed., *Ministering to the Divorced Catholic* (New York: Paulist Press, 1979), 260–73; James H. Provost, “Intolerable Marriage Situations Revisited,” *The Jurist* 40 (1980): 141–96; James H. Provost, “Intolerable Marriage Situations: A Second Decade,” *The Jurist* 50 (1990): 573–612; John P. Beal, “Intolerable Marriage Situations Revisited: Continuing the

during the two synods of bishops on marriage and the family in 2014 and 2015. After Pope Francis's publication of the post-synodal apostolic exhortation *Amoris laetitia* in March 2016, the debate has only heated up given divergent interpretations of the exhortation and its bearing on Church doctrine and pastoral practice. Some may be surprised to know that those supportive of opening a pathway for admission in certain cases appeal to none other than Joseph Ratzinger, the late Pope Benedict XVI. In fact, in Cardinal Walter Kasper's pivotal address to the Extraordinary Consistory of Cardinals in February 2014, an address that set the groundwork for the synods, he cited Ratzinger as being an inspiration for his proposal that would admit divorced and remarried Catholics to communion in certain special cases.<sup>2</sup> Kasper was referring to a now well-known essay that Ratzinger published in 1972.<sup>3</sup>

As a young priest and professor of theology, Ratzinger published this essay in a multi-author volume, presenting an argument for access under specific, emergency situations.

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Legacy of James H. Provost," *The Jurist* 63 (2003): 253–311. An abbreviated version of this article was presented at the conference "Catholicity as Gift and Task: The 50th Anniversary of *Communio*," St. Bernard's School of Theology and Ministry, Rochester, New York, September 30–October 2, 2022.

2. Kasper refers to Ratzinger's 1972 position three times (once in the address itself and twice in Excursus 1): "The early Church gives us a suggestion that can serve as a way out of the dilemma, to which Professor Joseph Ratzinger referred already in 1972" (in the address); "Joseph Ratzinger proposed taking up the position of Basil in a new way. That appears to be an appropriate solution, one that also underlies my current reflection" (in Excursus 1). See Walter Kasper, *The Gospel of the Family*, trans. William Madges (Mahwah, NJ: Paulist Press, 2014), 30, 36, 38. For a helpful study of developments in recent decades related to proposals favoring the admission of the divorced and remarried to communion, as well as an analysis of Cardinal Kasper's 2014 argument, see Nicholas J. Healy, "The Merciful Gift of Indissolubility and the Question of Pastoral Care for Civilly Divorced and Remarried Catholics," *Communio International Catholic Review* 41, no. 2 (Summer 2014): 306–30.

3. Joseph Ratzinger, "Zur Frage nach der Unauflöslichkeit der Ehe: Bemerkungen zum dogmengeschichtlichen Befund und seiner gegenwärtigen Bedeutung," in *Ehe und Ehescheidung: Diskussion unter Christen* [Marriage and divorce: Debate among Christians], ed. Franz Henrich and Volker Eid (Munich: Kösel Verlag, 1972): 35–56. For an English translation, see Joseph Ratzinger, "On the Question of the Indissolubility of Marriage: Remarks on the Dogmatic–Historical State of Affairs and Its Significance for the Present," trans. Joseph Bolin, March 25, 2011, available at <https://www.pathsfofve.com/pdf/ratzinger-indissolubility-marriage.pdf>.

Ratzinger adamantly defended the indissolubility of marriage but drew on certain writings of the early Church Fathers that appear to permit a more lenient approach to admission to communion. He concluded that this pastoral approach “appears to be no less than just and to be fully in line with the Church’s tradition.”<sup>4</sup> Kasper already began to appeal to Ratzinger’s argument in the 1970s, including in his 1977 book on marriage.<sup>5</sup> Over forty years later, in 2014, Pope Emeritus Benedict XVI intentionally revised his 1972 essay as part of the publication of the fourth volume of his collected works in German bringing it in line with the Magisterium’s teaching barring access to communion for the divorced and remarried in all cases.<sup>6</sup> This raises the question, why the retraction?

To answer this critical question, one must follow the developments in Ratzinger’s public position, a progression that Kasper ultimately fails to acknowledge. First, Ratzinger participated in the 1977 International Theological Commission on the sacrament of marriage, whose final document spells out in detail the teaching that the divorced and remarried are not to be admitted to the Eucharist on sacramental and christological grounds.<sup>7</sup> Second, Ratzinger was appointed by John Paul II as general relator for the 5th General Assembly of the Synod of Bishops on the

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4. Ratzinger, “On the Question of the Indissolubility of Marriage,” section 4. (For the original, see Ratzinger, “Zur Frage nach der Unauflöslichkeit der Ehe,” 56.)

5. Walter Kasper, *Zur Theologie der christlichen Ehe* (Mainz: Matthias-Grünewald Verlag, 1977). See the English translation: *Theology of Christian Marriage* (New York: Crossroad, 1981).

6. Joseph Ratzinger, *Gesammelte Schriften*, vol. 4: *Einführung in das Christentum. Bekenntnis, Taufe, Nachfolge* (Freiburg: Herder, 2014). See Sandro Magister, “In the Synod on the Family Even the Pope Emeritus Is Speaking Out,” *Chiesa Espresso Online*, December 3, 2014, <http://chiesa.espresso.repubblica.it/articolo/1350933bdc4.html?eng=y>.

7. International Theological Commission, “Propositions on the Doctrine of Christian Marriage—Christological Theses on the Sacrament of Marriage” (1977), [https://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_1977\\_sacramento-matrimonio\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1977_sacramento-matrimonio_en.html). Alternatively, see *International Theological Commission: Texts and Documents 1969–1985* (San Francisco: Ignatius Press, 1989), 163–83, esp. sections 5.1–5.5, and christological theses nos. 11, 12, and 15. Ratzinger was a member of the International Theological Commission from 1969 until 1977 and subsequently served as president while he was prefect of the Congregation for the Doctrine of the Faith.

family in 1980. He delivered the *relatio*, or keynote address, and introduced the issue of the increasing number of civilly divorced and remarried Catholics, many of whom desire to participate more fully in the Church's life. He stated that the synod would need "to show the correct approach to pastors" in what is one of the most difficult pastoral matters facing the Church.<sup>8</sup> The discussions during the synod certainly influenced Ratzinger's thought: he was one of the principal authors of the draft of *Familiaris consortio*, having helped to write the propositions that formed the basis for the post-synodal apostolic exhortation.<sup>9</sup> After the synod, Ratzinger, then Archbishop of Munich-Freising, immediately wrote a detailed pastoral letter to the priests in his archdiocese (prior to the publication of *Familiaris consortio*), summarizing the main teachings of the synod, including the exclusion of divorced and remarried Catholics from eucharistic communion unless they repent and live in a manner not contradicting the indissolubility of marriage.<sup>10</sup>

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8. As cited in Giovanni Caprile, *Il Sinodo dei vescovi: quinta assemblea generale (26 settembre–25 ottobre 1980)* (Rome: La Civiltà Cattolica, 1982), 755. See also Seán O'Riordan, "The Synod on the Family, 1980," *The Furrow* 31, no. 12 (December 1980): 759–77; Jan Grootaers and Joseph A. Selling, *The 1980 Synod of Bishops "On the Role of the Family": An Exposition of the Event and an Analysis of Its Texts* (Leuven, Netherlands: Peeters, 1983).

9. Specifically, "Proposition 14" formed the basis for *Familiaris consortio* 84, which addressed the question of the divorced and remarried. See Provost, "Intolerable Marriage Situations: A Second Decade," 58–86.

10. Joseph Ratzinger, "Der Erzbischof von München und Freising: Brief an die Priester, Diakone und an alle im pastoralen Dienst Stehenden," Pressereferat der Erzdiözese München-Freising, Munich (December 8, 1980). (An Italian translation of this essay is provided in Caprile, *Il Sinodo dei vescovi*, 583–94.) Ratzinger wrote this letter knowing Pope John Paul II's central conclusion on the matter, articulated in his final homily at the close of the synod. While affirming that civilly divorced and remarried Catholics are not separated from the Church and should be helped with pastoral care, John Paul II concluded that they are not to be admitted to the sacrament of penance, and thus to eucharistic communion, unless they convert and live in a manner that is not opposed to the indissolubility of marriage. In practice, this means separating from the second union, or, if this proves impossible, to undertake living in full continence (abstaining from the acts proper to spouses). In his pastoral letter, Ratzinger reiterated this teaching of excluding the divorced and remarried from eucharistic communion. However, some ambiguities are present in the letter: for instance, Ratzinger permits access to communion in the special case—the so-called "conflict" case—where a person is subjectively certain that his or her first marriage was not objectively valid, but it is not

Third, in 1991, the canon lawyer Fr. Theodore Davey published an article in *The Tablet* arguing for an opening to communion for the divorced and remarried based on an “evolving pastoral practice” that appeals to the “internal forum.”<sup>11</sup> To endorse his position, he zeroed in on Ratzinger and other theologians who “have helped to formulate these norms by their writing.”<sup>12</sup> In response, Ratzinger wrote a letter to the editor to critique Davey, retract what he called the “suggestion” (*Vorschlag*) he made in his 1972 essay, declaring it untenable, and affirm the authority of the Magisterium, which “spoke decisively on this question in the person of the present Holy Father in *Familiaris consortio*.”<sup>13</sup> It is crucial to notice that this was the first public and clear retraction of his 1972 position—a retraction he described as being necessary given his fidelity to the Magisterium, “to whose judgement I would submit.”<sup>14</sup> Fourth, as prefect of the Congregation for the

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possible to prove this in the Church’s tribunal (for example, due to the lack of juridic evidence) and hence an annulment is not given. Pope John Paul II did not mention this allowance in his closing homily. However, Ratzinger’s permission in this special case was given *prior* to the publication of *Familiaris consortio*, which would have confirmed definitively that John Paul II does not support this exception. For the contrast between Ratzinger’s pastoral letter and the apostolic exhortation published later, see Provost, “Intolerable Marriage Situations: A Second Decade,” 586–87. For John Paul II’s closing homily, see “Homily at the Conclusion of the V General Assembly of the Synod of Bishops” (Vatican City, 25 October 1980), [https://www.vatican.va/content/john-paul-ii/it/homilies/1980/documents/hf\\_jp-ii\\_hom\\_19801025\\_conclusion-sinodo.html](https://www.vatican.va/content/john-paul-ii/it/homilies/1980/documents/hf_jp-ii_hom_19801025_conclusion-sinodo.html).

11. Theodore Davey, “The Internal Forum,” *The Tablet*, July 27, 1991: 905–06. See Kevin T. Kelly, *Divorce and Second Marriage: Facing the Challenge*, 2nd ed. (Kansas City, MO: Sheed & Ward, 1997), 178–82.

12. *Ibid.*

13. Joseph Ratzinger, “Letter to *The Tablet*,” *The Tablet*, October 26, 1991: 1311. See Kelly, *Divorce and Second Marriage*, 183–85.

14. In the letter to *The Tablet*, Ratzinger asserts that Theodore Davey had misrepresented the statements that Cardinal Seper, the prefect of the Congregation for the Doctrine of the Faith, had made in 1973 regarding the internal forum. He shows that Seper’s appeal to internal forum solutions was referring to remarried couples who had committed to complete abstinence (as referenced later in *Familiaris consortio*, 84) because the obligation to separate could be fulfilled due to serious reasons (such as the raising of new children). It is important to note that Ratzinger appeals at the end of his letter to the nuptial correspondence between the Christ–Church and husband–wife unions: “In closing, echoing the words of the International Theological Commission, I

Doctrine of the Faith (hereafter CDF), he issued a letter to all bishops in 1994 confirming John Paul II's teaching in *Familiaris consortio* as binding.<sup>15</sup> Fifth, demonstrating his concern for this sensitive and important issue, he wrote a follow-up letter in 1998 to offer a theological response to criticism that arose after the publication of the 1994 CDF letter.<sup>16</sup> Once again, he affirmed

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would underscore that what is at stake in respect to the teaching of the indissolubility of marriage is nothing less than the Church's fidelity to the radicalism of the Gospel. "This severity does not derive from a purely disciplinary law or from a type of legalism. It is rather a judgement pronounced by Jesus himself (Mk 10:6ff.). Understood in this way, this harsh norm is a prophetic witness to the irreversible fidelity of love that binds Christ to his Church. It shows also that the spouses' love is incorporated into the very love of Christ (Eph 5:23–32)" (Ratzinger, "Letter to *The Tablet*," 1311).

15. CDF, "Letter to the Bishops of the Catholic Church Concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful" (Rome, 14 September 1994), [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_14091994\\_rec-holy-comm-by-divorced\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_14091994_rec-holy-comm-by-divorced_en.html). Ratzinger uses strong language to confirm the binding nature of John Paul II's declaration in *Familiaris consortio*, 84: "The structure of the exhortation and the tenor of its words give clearly to understand that this practice, which is presented as binding, cannot be modified because of different situations" (CDF, "Letter to the Bishops of the Catholic Church Concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful," 5). This 1994 CDF letter was responding to the controversy that ensued from the July 1993 pastoral letter of three German Bishops of the Upper Rhineland (Oskar Saier, Walter Kasper, and Karl Lehmann), who permitted access to communion for certain divorced and remarried individuals who have followed a process of discernment of personal conscience (guided by their pastor). An English translation of their pastoral letter can be found in Kelly, *Divorce and Second Marriage*, 90–97.

16. CDF, "Concerning Some Objections to the Church's Teaching on the Reception of Holy Communion by Divorced and Remarried Members of the Faithful" (1998), [https://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19980101\\_ratzinger-comm-divorced\\_en.html](https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19980101_ratzinger-comm-divorced_en.html). This text is the third part of Cardinal Ratzinger's introduction to vol. 17 of the series produced by the CDF: "Documenti e Studi," in *On the Pastoral Care of the Divorced and Remarried* (Vatican City: Libreria Editrice Vaticana, 1998), 20–29. The 1998 CDF letter is different in nature from the 1994 letter. The 1998 letter summarizes research that responds to the main objections voiced by some in the Church to the 1994 letter, which is the official CDF letter. In the 1998 letter, Ratzinger is clear that the teaching is exceptionless: "In other words, if the prior marriage of two divorced and remarried members of the faithful was valid, under no circumstances can their new union be considered lawful and therefore reception of the sacraments is intrinsically impossible. The conscience of the individual is bound to this norm without exception" (3). However, he does indicate that further study is required in the

the Church's teaching and asserted that pastoral solutions cannot "stand in opposition to the statements of the Magisterium"—"only the truth can be pastoral."<sup>17</sup> Finally, as Pope Benedict XVI, he affirmed yet again the Church's teaching in various addresses, and, most decisively, in his post-synodal apostolic exhortation *Sacramentum caritatis*, where he connected the 2005 Synod of Bishops on the Eucharist with *Familiaris consortio*, defending the primary theological reason why admission is not possible:

The Synod of Bishops confirmed the Church's practice, based on Sacred Scripture (cf. Mk 10:2–12), of not admitting the divorced and remarried to the sacraments, since their state and their condition of life objectively contradict the loving union of Christ and the Church signified and made present in the Eucharist.<sup>18</sup>

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"conflict" case where a member of the faithful is not granted a declaration of nullity but is subjectively certain in his or her conscience that the previous sacramental marriage (now irreparably broken) had never been valid (3). In his 1994 CDF letter, he indicates that new revisions to the *Code of Canon Law* offer "new ways to demonstrate the nullity of a previous marriage, in order to exclude as far as possible every divergence between the truth verifiable in the judicial process and the objective truth known by a correct conscience" (9). Despite his indication that further study is required, he defends that the Church's ecclesial tribunal is the sole competent judge with respect to the determination of the validity of marriage for Catholics in the external forum because of the fundamental public ecclesial character of marriage.

17. CDF, "Concerning Some Objections to the Church's Teaching on the Reception of Holy Communion by Divorced and Remarried Members of the Faithful" (1998). Ratzinger makes these comments in reference to John Paul II's *Veritatis splendor*, 56. This reveals the manner of his thinking inside of and in conformity with the teaching office of the Church.

18. *Sacramentum caritatis*, 29. In addition to this primary "theological" reason, John Paul II identifies a second "pastoral" reason for the nonadmission: "Besides this, there is another special pastoral reason: if these people were admitted to the Eucharist, the faithful would be led into error and confusion regarding the Church's teaching about the indissolubility of marriage" (*Familiaris consortio*, 84). In the 1994 and 1998 CDF letters and in *Sacramentum caritatis*, Ratzinger reaffirms John Paul II's articulations in *Familiaris consortio* regarding both the condition for readmission to communion and the concession for those not able to satisfy the obligation to separate for serious reasons, such as the raising of children, where a commitment to live continently is required: "Reconciliation in the sacrament of Penance which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the Covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage. This means, in practice, that when, for serious reasons, such as

Given the above progression, we can infer the probable reason why Ratzinger amended his 1972 essay in 2014: he was indirectly faulting his confrere, Cardinal Kasper, of misrepresentating his thought by citing his 1972 essay in support of Kasper's own argument, when clearly Ratzinger's thought had not only evolved but arrived long ago at the explicit rejection of his own 1972 position.<sup>19</sup> Ratzinger desired to declare to the Church with clarity his position on this decisive issue. But did Ratzinger's change in position result exclusively from his fidelity to the Magisterium, or were the seeds of the change in fact already lying within his own thought?

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for example the children's upbringing, a man and a woman cannot satisfy the obligation to separate, they 'take on themselves the duty to live in complete continence, that is, by abstinence from the acts proper to married couples'" (*Familiaris consortio*, 84). For Benedict XVI's addresses on the matter, see, for example, "Meeting with the Clergy of the Dioceses of Belluno-Feltre and Treviso" (Auronzo di Cadore, 24 July 2007), as quoted in Pontifical Council for the Family, *Compendium on the Family and Human Life* (Vatican City State: Libreria Editrice Vaticana, 2015), 355–56; "Evening of Witness Address at the 7th World Meeting of Families" (Milan, 2 June 2012), [https://w2.vatican.va/content/benedict-xvi/en/speeches/2012/june/documents/hf\\_ben-xvi\\_spe\\_20120602\\_festa-testimonianze.html](https://w2.vatican.va/content/benedict-xvi/en/speeches/2012/june/documents/hf_ben-xvi_spe_20120602_festa-testimonianze.html).

19. It would venture too far outside the scope of this essay to analyze comprehensively Kasper's proposal and compare it to the view expressed by Ratzinger in 1972. However, Ratzinger's 1972 position shares many characteristics and assumptions with Kasper's 2014 proposal. For instance, 1) *Ratzinger affirms the doctrine of the indissolubility of marriage*: "The marriage of baptized persons is indissoluble. This is a clear and unambiguous directive of the faith of the Church of all centuries, a faith nourishing itself from the Scriptures. It is a categorical directive, that is not at the disposal of the Church." 2) *Exceptions are justified to avoid greater evils*: "The Church . . . cannot stop preaching the faith of the New Covenant, but it must often enough begin its concrete life a bit below the threshold of the scriptural word. Thus it can in clear emergency situations allow limited exceptions in order to avoid worse things." 3) *Assumption that the first marriage is irreparably severed*: "Where a first marriage broke up a long time ago and in a mutually irreparable way . . . [and] for moral reasons the abandonment of the second marriage is inadmissible." 4) *The divorced and remarried person is capable of repentance and living a new union in a spirit of faith without fulfilling the obligation to separate*: "A marriage consequently entered into has proven itself over a longer period as a moral reality and has been filled with the spirit of the faith." 5) *Assumption that it is possible to have no continuing obligations to the first spouse and children from the marriage*: "No similar commitments [moral obligations to the children, to the family, and the spouse] from the first marriage exist." 6) *Abstinence from sexual relations (living as brother and sister) is presumed to be practically impossible in some cases*: "Practically speaking abstinence presents no real possibility." For all the quotations above, see Ratzinger, "On the Question of the Indissolubility of Marriage," section 4.



We propose that the answer to this question lies in Ratzinger's *liturgical* theology. By thinking his theology of the liturgy (and hence also his sacramental theology and ecclesiology) *from within*, we will argue that his personal change of view from his 1972 essay was not only influenced by subsequent magisterial events but flowed from the logic of his *own* theology.<sup>20</sup> In a sense, Ratzinger needed to change his position on this question in order to be faithful to *himself*. Thus, we hypothesize that he was *both* influenced by the Magisterium *and* found within his own liturgical theology the exact position of the Magisterium. Ratzinger's central theological aim was to illuminate the "essence of the liturgy," namely, worship as the right way of relating to and glorifying God. One can rightly ask from within his liturgical theology, is admission to communion for the divorced and remarried congruous with the essence of the liturgy?

Our examination will revolve around Ratzinger's affirmation that the subject of the liturgy is *Christus totus*—the liturgy is only *one* action that includes the *actio Christi* and the action of the "living subject" of the Church as Christ's body and bride. Ratzinger's interrelated notions of the Eucharist as the "causal principle" of the Church and of Christ's sacrifice as the total self-gift of his person (which inherently includes the participation of the Church) bring into relief the Eucharist's *nuptial* character and thus its intrinsic relationship with the sacrament of marriage. This analysis will allow us to perceive that given a divorced and remarried person's objective state—living conjugally with a person

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20. Ratzinger acknowledges the influence of the Magisterium on him vis-à-vis this issue. In the official biography of Joseph Ratzinger/Benedict XVI, Peter Seewald asks the pope emeritus on April 14, 2015, why he had revised the text of his 1972 essay. Benedict XVI answered, "I have said, as it stands it could be wrongly interpreted. I can't put forward an ambiguous text. It is not a question of a new position, but a clarification. I tried to sum up what I said in the family council—that was after the 1980 family synod at which John Paul II appointed me as relator general" (Peter Seewald, *Benedict XVI: A Life*, vol. 2: *Professor and Prefect to Pope and Pope Emeritus, 1966–The Present*, trans. Dinah Livingstone [London: Bloomsbury Continuum, 2021], 72–73). At first glance, his comment—"it is not a question of a new position, but a clarification"—may seem to be contradictory, implying that the new revised version of the essay was *not* a new position. However, the subsequent sentence elucidates the proper meaning: it is not a new position for him only as of 2014, but he revised his own position already in 1980–81 under the influence of the Synod on the Family.

who is not one's spouse—receiving communion would not be a proper form of worship because it would contradict the essence of what the Eucharist both *is* and *symbolizes*. To grant admission would violate the objective symbolic resonance between the Christ-Church union and the husband-wife union, established by God and manifested sacramentally in the Eucharist. The primary goal of our examination is to demonstrate that Ratzinger's liturgical theology offers a profound contribution toward this heated debate.<sup>21</sup> The article is divided into three sections: 1) key concepts from Ratzinger's liturgical theology; 2) drawing out the implications regarding the divorced and remarried; 3) Ratzinger's indications on how to recuperate the intelligibility of this pastoral discipline.

#### 1. KEY CONCEPTS FROM RATZINGER'S LITURGICAL THEOLOGY

In volume 11 of his *Collected Works*, Ratzinger states that his central theological aim is to renew a proper understanding of the essence of the liturgy.<sup>22</sup> He continually highlights the intrinsic link between covenant, faith, and worship. Recollecting a key principle of the early Church Fathers, Ratzinger affirms the unity of God the Creator and God the Redeemer: “The goal of creation

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21. Given the scope of this paper, we will not examine *Amoris laetitia* nor the variety of its interpretations. However, the liturgical, sacramental, and ecclesial theology outlined in this paper certainly contributes toward defining the theological ground from which interpretations of Pope Francis's exhortation should be evaluated.

22. “The liturgy . . . became the center of my theological efforts. . . . I was concerned, not about specific problems of liturgical studies, but always about anchoring the liturgy in the foundational act of our faith and, thus, also about its place in the whole of our human existence” (Joseph Ratzinger, *Collected Works*, vol. 11: *Theology of the Liturgy: The Sacramental Foundation of Christian Existence*, ed. Michael J. Miller, trans. John Saward et al. [San Francisco: Ignatius Press, 2014], xvi [hereafter cited as *CW*]). This expansive volume, which begins with a reprint of *The Spirit of the Liturgy*, is a valuable resource for Ratzinger scholarship because it assembles into one volume numerous writings, articles, lectures, and homilies spanning forty years (1964–2004). Revealing how dear liturgical theology was for Ratzinger, he explicitly requested to inaugurate the publication of his collected writings with vol. 11 on the liturgy. See *CW*, 604.

is the covenant, the love story of God and man.”<sup>23</sup> This covenant is a relationship that includes two dimensions governed by a logic of gift: “God’s gift of himself to man, but also man’s response to God.”<sup>24</sup> Man’s response is indispensable. The response is essentially love, where loving God means *believing* in him, *consenting* to the union he gives, and *worshiping* him. Ratzinger defines “worship” (*latria* offered to God alone) as simply “the right way to relate to God.”<sup>25</sup> God himself reveals how he desires to be worshiped: liturgy receives its form from God and is ordered to him, so that he may be glorified.<sup>26</sup> For Ratzinger, the right way of glorifying God is the essence of “orthodoxy”: “Recall that in the word ‘orthodoxy,’ the second half, ‘-doxa,’ does not mean ‘idea’ but, rather, ‘glory’: it is not a matter of the right ‘idea’ about God; rather, it is a matter of the right way of glorifying him, of responding to him.”<sup>27</sup> Therefore, the Eucharist “aims at being pleasing to God”—that glory may be given to God, the Creator and Redeemer.<sup>28</sup>

Ratzinger sees the liturgy as grounded in the Paschal mystery. Thus, the nature of the Eucharist can only be understood through the lens of Christology and trinitarian theology. The question “what is the liturgy?” is answered by contemplating the question “who is Jesus Christ?” rooted in the triune mystery. The sacramental economy is only intelligible in light of the Incarnation. The Eucharist, as the source and summit of all the sacraments, is not the abstract, general presence of God, but the presence of the Incarnate God-man Jesus Christ mediated by the Church in history.<sup>29</sup> Ratzinger situates the meaning of the

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23. *CW*, 12–13.

24. *CW*, 14.

25. *CW*, 10.

26. *CW*, 8.

27. *CW*, xv.

28. *CW*, 333.

29. The nature of the sacraments flows from the “historically bound character of man’s encounter with God” (*CW*, 167). God wills for the encounter with him to be mediated in a historical time and place via his Church as the body of Christ, and for this mediation to take place in a “human” way: corporeal, fraternal (always in relation), and historical. See *CW*, 166–68.

liturgy within the meaning of the cosmos as a whole. Ultimately, the goal of worship and the goal of creation are one and the same: *divinization*, the incorporation of man into Christ's body, which allows for his participation in the divine nature.<sup>30</sup> Furthermore, this divinization of man has the goal of gathering up all creation. The *telos* and purpose of the world and Christ's entering history is that "God may be all in all."<sup>31</sup>

### 1.1. *The single subject of the eucharistic liturgy: Christ and his body, the Church*

One of Ratzinger's most profound contributions to contemporary liturgical theology is his appropriation and deepening of the Second Vatican Council's description of *who* is offering the holy sacrifice of the Mass. The Constitution on the Sacred Liturgy, *Sacrosanctum concilium*, affirms that the subject of the liturgy is "the Mystical Body of Jesus Christ, that is, by the Head and His members," and therefore every celebration of the Eucharist "is an action of Christ the priest and of His Body which is the Church."<sup>32</sup> Following the council, Ratzinger affirms that although the eucharistic liturgy is most essentially an "*actio Dei*," it is the "whole Christ" (*Christus totus*)—Christ with his body the Church—who offers the eucharistic sacrifice.<sup>33</sup> The Church's participation in the sacrifice of the Mass is always a derivative participation in Christ's priesthood, but it is a *real* participation.<sup>34</sup>

While affirming the essential primacy of the priest acting *in persona Christi*, nonetheless the celebrant is neither the priest alone nor the congregation alone, but the *whole Church*.<sup>35</sup> The people of God, corporately joined as one body, are "co-celebrants of the liturgical event," and, as such, a genuine sense

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30. *CW*, 15.

31. *Ibid.* Cf. 1 Cor 15:28.

32. *Sacrosanctum concilium*, 7. Cf. *Catechism of the Catholic Church*, §1069–70.

33. *Sacramentum caritatis*, 36–37. Cf. *CW*, 107, 468.

34. Ratzinger is clear that it is God himself who acts in the liturgy and does what is essential—it is a result of his initiative and carried out by his power. The Church's role is fundamentally participatory (*CW*, 107).

35. *CW*, 467–68.

of “active participation” of all the congregation is not only fitting but essential.<sup>36</sup> The implication of Ratzinger’s ecclesiology is that the liturgy is only *one* action:

The point is that, ultimately, the difference between the *actio Christi* and our own action is done away with. There is only *one* action, which is at the same time his and ours—ours because we have become “one body and one spirit” with him. The uniqueness of the eucharistic liturgy lies precisely in the fact that God himself is acting and that we are drawn into that action of God.<sup>37</sup>

### 1.2. *Christ’s sacrifice: A personal gift of self*

Ratzinger affirms the Church’s traditional teaching that Christ’s eucharistic mode of presence is fittingly called “transubstantiation” and that the essential nature of the Mass is a sacrifice. But he deepens these notions by examining them through the lens of self-gift: Christ’s sacrifice (and thus what constitutes his real presence) has the form of a *personal gift of self*.<sup>38</sup> Christ’s filial acceptance of death on the Cross reveals the teleological fulfillment of all Old Testament sacrifices: as a *personal* act of love, “sacrifice has become gift.”<sup>39</sup> Jesus

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36. Ibid. Ratzinger emphasizes that participation in the eucharistic offering as Body of Christ only occurs *corporately*. Without dissolving the distinction between each member of the congregation, the participants are not “unrelated individuals,” but they are joined together into a *single acting subject*, unified in the communion of the Holy Spirit with Christ. Ratzinger calls the Church a unified, “living subject” where the members of the faithful are unified to such a degree that the Church’s action truly becomes one (*CW*, 104).

37. *CW*, 108.

38. Notice that Christ’s incarnate life and death are a gift that represent the superabundant fulfillment of the covenant between God and Israel, which was already a gift. As Ratzinger states, “The ‘covenant’ is not a two-sided contract but a gift, a creative act of God’s love” (Joseph Ratzinger, *Many Religions, One Covenant: Israel, the Church, and the World* [San Francisco: Ignatius Press, 1999], 50).

39. *CW*, 32. It is crucial to recognize the Abrahamic and Mosaic covenants with Israel—including the law commanding sacrifices (Ex 19–24)—as the Old Testament background that renders intelligible the worship of the Christian eucharistic liturgy in the new covenant. Fulfilling the type of Abraham’s sacrifice (“God himself will provide the lamb,” Gn 22:8) and the Passover lamb of the Exodus, Christ becomes the true “Paschal lamb,” not only as a replacement but as a true representative. By giving himself to death on the Cross and by

is this gift in his person.<sup>40</sup> The words of institution at the Last Supper spoken in anticipation of his death transform it into an “event of love”—body and blood are given and poured out.<sup>41</sup> The Church, as body and bride, is born of this sacrifice, and she actively participates in it as the fulfillment of worship.<sup>42</sup> How does this occur? In the Mass, the “once for all” and the “always” coincide: “In the Eucharist we are caught up and made contemporary with the Paschal Mystery of Christ.”<sup>43</sup>

### 1.3. *The Eucharist: The causal principle of the Church*

Ratzinger calls the Eucharist the “causal principle of the Church.”<sup>44</sup> He insists on the reciprocal relation between the Eucharist and the Church, because it was Christ’s redeeming sacrifice on the Cross that made the Church his body and bride, and the Eucharist makes present this sacrifice.<sup>45</sup> Ratzinger asserts that this dynamic causality is so real that one can say, “The Church is built up in the Eucharist; indeed the Church *is* the Eucharist. To receive Communion means becoming the Church, because

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rising to new life, Christ’s living body becomes the new Temple, “the place of true worship to God,” which brings to an end the old Temple of Israel. Christ’s body inaugurates the “place” of the new covenant with the living God (*CW*, 22, 25).

40. See *CW*, 14.

41. Ratzinger defines Christ’s sacrifice most fundamentally in terms of personal martyrdom, as “the complete self-giving of the person,” which is what the Last Supper institution narrative anticipates (*CW*, 215).

42. *Sacramentum caritatis*, 11–12.

43. *CW*, 33. As an act of divine love, “the exterior act of being crucified is accompanied by an interior act of self-giving,” which allows Christ’s “once for all” sacrificial death on the Cross to transcend time and become an “always” in the sacrament of the Eucharist (*CW*, 33).

44. *Sacramentum caritatis*, 14.

45. Ratzinger asserts that the Church as the body of Christ is “the expression of the true nature of the Church,” where we perceive “the inner interlacing of the Eucharist and ecclesiology.” The basis of the Church as Christ’s body is the Eucharist: “In the Eucharist we receive the Body of the Lord, and thus, become one body with him” (*CW*, 339). Cf. *Sacramentum caritatis*, 14.

it means becoming one body with him.”<sup>46</sup> At every Mass, the Church is made “contemporary” with Christ’s sacrifice by being integrated into Christ’s self-gift, into his act of self-oblation: “More than just statically receiving the Incarnate Logos, we enter into the very dynamic of his self-giving.”<sup>47</sup>

A key point emerges here: the participation of the Church as bride is not an optional accessory; it is essential to the constitution of the sacrament of the Eucharist. The bride is the one for whom the gift was given as an act of trinitarian love.<sup>48</sup> As Ratzinger asserts, Christ did not want to remain as Christ alone (*solus Christus*), but “he wanted to create a Body for himself, to find a bride—he sought a response.”<sup>49</sup> As Ratzinger summarizes pithily, “God gives that we may give.”<sup>50</sup> This reveals that the Church’s participation in the self-offering of Christ is not only a receiving, but the mode of receiving is *a receiving in order to offer back*. Therefore, according to Ratzinger, the Mass is a representation (a presence) of Christ’s once-and-for-all sacrifice on the Cross, but this includes the Church in offering the sacrifice and in what is offered.<sup>51</sup> This means that the Church (and each of her

46. *CW*, 340.

47. *Sacramentum caritatis*, 11. Appropriating a term of Hans Urs von Balthasar, Ratzinger rightly calls the liturgy a “theo-drama” (*CW*, 108).

48. Ratzinger explains that through the ordained priest the prayer of the Church becomes merged into the prayer of the “I” of Jesus Christ, who offers himself to the Father by offering himself for the salvation of his bride. Christ’s self-gift is a trinitarian event where Jesus’ obedient “yes” to his death on the Cross lies within his eternal “yes” to the Father. Another way of saying this is that Christ’s gift of self is done in a filial mode—a *giving* that is an *allowing oneself to be given* by the Father in the Holy Spirit. And this filial mode of obedience is what opens up the path of salvation for man. Therefore, the Eucharist is most fundamentally a revelation of trinitarian love. See *CW*, 33.

49. *CW*, 132.

50. *CW*, 264. Again, we see that the Old Testament background of Abraham’s sacrifice becomes the hermeneutic key to understand the Church’s participation in the sacrifice of the Mass. God provides the lamb so that Abraham may offer it. God himself gives to man (this secures the primacy of his initiative), so that we may give in turn (participating in God’s prior giving).

51. Once more, Ratzinger is appropriating a key proclamation of the Second Vatican Council: “The faithful, in virtue of their royal priesthood, join in the offering of the Eucharist. . . . Taking part in the Eucharistic sacrifice, which is the fount and apex of the whole Christian life, they offer the Divine Victim to God, and offer themselves along with It. Thus both by reason of the

members) does not have a merely passive role but an *active* one (“participating in the mystery ourselves”).<sup>52</sup> The active participatory role is a constitutive part of the causality that “makes” the Church and allows her to “make” the Eucharist as a sacrament.<sup>53</sup>

#### 1.4. *The nuptial form of the covenant and the Eucharist*

The integration into Christ’s self-gift involves not only participating in the offering but also receiving its fruit: the reason and end for the gift is a *nuptial union* with his Church. To grasp this, we must examine its Old Testament foundation. In Ratzinger’s 1977 book *Daughter Zion*, he unfolds what he calls “the Old Testament’s theology of woman,” the scriptural basis for the “feminine principle” that marks Israel’s identity.<sup>54</sup> Ratzinger shows how Yahweh’s covenantal love for Israel is marital through and through:

The covenant relation of Yahweh to Israel is a covenant of marital love. . . . For this reason the covenant, which forms the very basis of the existence of Israel as a nation and the existence of each individual Israelite, is expressed interpersonally in the fidelity of the marriage covenant and in no other way. Marriage is the form of the mutual relationship between husband and wife that results from the

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offering and through Holy Communion all take part in this liturgical service, not indeed, all in the same way but each in that way which is proper to himself” (*Lumen gentium*, 11).

52. *CW*, 266 (emphasis modified).

53. “The Eucharist is Christ who gives himself to us and continually builds us up as his body. Hence, in the striking interplay between the Eucharist which builds up the Church, and the Church herself which ‘makes’ the Eucharist, the primary causality is expressed in the first formula: the Church is able to celebrate and adore the mystery of Christ present in the Eucharist precisely because Christ first gave himself to her in the sacrifice of the Cross. The Church’s ability to ‘make’ the Eucharist is completely rooted in Christ’s self-gift to her” (*Sacramentum caritatis*, 14).

54. Joseph Ratzinger, *Daughter Zion: Meditations on the Church’s Marian Belief*, trans. John M. McDermott (San Francisco: Ignatius Press, 1983), 21. Ratzinger has a robust theology of covenant and sees it as pivotal to the whole of the Christian faith. He unwaveringly defends the unity of the Old and New Testaments and illuminates the continuity and discontinuity (as fulfillment) between Israel and the new covenant Church, composed of both Jews and Gentiles.



covenant, the fundamental human relationship upon which all human history is based. It bears a theology within itself, and indeed is possible and intelligible only theologically.<sup>55</sup>

In *Deus caritas est* Ratzinger concludes in a similar line: “Marriage based on exclusive and definitive love becomes the icon of the relationship between God and his people and vice versa.”<sup>56</sup> Ultimately, the Old Testament feminine principle is fulfilled in the person of Mary, who is both virgin mother and bride, the “type” of the Church which is the fulfillment of Israel.<sup>57</sup> With her *fiat*, she consents to God’s gift of redemption, which reaches its climax on the Cross.

For Ratzinger, the theology of the Cross, the Eucharist, and marriage intersect: “In the theology of Saint Paul, conjugal love is a sacramental sign of Christ’s love for his Church [Eph 5:21–32], a love culminating in the Cross, the expression of his ‘marriage’ with humanity and at the same time the origin and heart of the Eucharist.”<sup>58</sup> Christ’s sacrifice is thus a nuptial self-gift, made to bring about an intimate “one body . . . one spirit” union between

55. Ratzinger, *Daughter Zion*, 22–23. God’s covenant, expressed by the imagery of “bridal love,” reveals the uniqueness of Yahweh, who truly desires to draw his bride to himself. Despite the asymmetry, “the true nature of *this* God must seem to create a two-sidedness that is totally unexpected” (Ratzinger, *Many Religions, One Covenant*, 50–51).

56. Ratzinger highlights the symbolic correspondence between a monotheistic God and monogamous marriage because the union shares an analogous structure: “exclusive and definitive” (*Deus caritas est*, 11).

57. Ratzinger traces how the barren, powerless women of the Old Testament (Sarah, Rachel, Hannah) become the locus for the revelation of God’s power and promise to give life. Where normally in the Old Testament fertility was viewed as a blessing and infertility as a curse, at key moments unfolding God’s promise “all is reversed: the infertile one ultimately turns out to be the truly blessed” (*Daughter Zion*, 18). There is a “fruitful infertility” at play (*ibid.*, 23). Thus, he states, “Israel herself, the chosen people, is interpreted simultaneously as woman, virgin, beloved, wife and mother. The great women of Israel represent what this people itself is” (*ibid.*, 21). Far from creating a contradiction, these symbolic elements reinforce each other and present a rich tapestry of meaning pointing to a “feminine principle” associated with Israel. This feminine principle reaches its fulfillment in Mary, who is both virgin mother and bride, the type of the Church: “She is in person the true Zion, . . . the true Israel in whom Old and New Covenant, Israel and Church, are indivisibly one” (*ibid.*, 42).

58. *Sacramentum caritatis*, 27.

the eternal bridegroom and his Church (1 Cor 6:16–17; cf. Eph 5:21–32).<sup>59</sup> This is what is expressed sacramentally in the Eucharist.<sup>60</sup> What this means is that the Eucharist, as “the sacrament of charity,” has an intrinsic relationship with the sacrament of marriage: the union between Christ and the Church “corresponds to the union of man and woman in marriage.”<sup>61</sup> The nuptial union of the Eucharist is that to which the imagery of marriage between Yahweh and Israel always pointed.<sup>62</sup> Now in the new covenant, husband and wife, joined by the grace of sacramental marriage, are the living sign—as embodied persons—of Christ and the Church’s “one flesh” union, which the Eucharist truly makes present.<sup>63</sup>

## 2. IMPLICATIONS REGARDING THE DIVORCED AND REMARRIED

Having identified key principles of Ratzinger’s liturgical theology, we will now apply them and draw out the implications with

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59. See Ratzinger, *Many Religions, One Covenant*, 61.

60. “Not without reason did the Church Fathers interpret the passion and cross as marriage, as that suffering in which God takes upon himself the pain of the faithless wife in order to draw her to himself irrevocably in eternal love” (Ratzinger, *Daughter Zion*, 29; cf. *Sacramentum caritatis*, 28).

61. *CW*, 88. Cf. *Sacramentum caritatis*, 27. “The spousal mystery, announced in the Old Testament, of the intimate union of God and man takes place in the Sacrament of the Body and Blood of Christ” (*CW*, 88).

62. “The imagery of marriage between God and Israel is now realized in a way previously inconceivable: it had meant standing in God’s presence, but now it becomes union with God through sharing in Jesus’ self-gift, sharing in his body and blood” (*Deus caritas est*, 13).

63. Ratzinger repeatedly references 1 Corinthians 6:17—“he who is united to the Lord becomes one spirit with him”—showing that this “one flesh” nuptial love is a real union which nonetheless preserves distinction. “But this union is no mere fusion, a sinking in the nameless ocean of the Divine; it is a unity which creates love, a unity in which both God and man remain themselves and yet become fully one” (*Deus caritas est*, 10). “Of course, this ‘being one body’ has to be thought of along the lines of husband and wife being one: one flesh, and yet two; two, and yet one. The difference is not abolished but is swallowed up in a greater unity” (*CW*, 340). Ratzinger also highlights the nuptial dimension of the heavenly liturgy and thus the eschatological dimension of the Mass: the Eucharist is a foretaste of the eternal wedding feast of the lamb, described in Revelation 19:7–10, because the bridegroom is already present (*CW*, 88).

respect to the question of communion for the divorced and remarried.<sup>64</sup> The sacrament of baptism effects a real incorporation of the baptized person into Christ's body through a transformation rightly described in Titus 3:5 as a "regeneration" that fundamentally gathers the whole of one's existence and inserts it into Jesus Christ. When a Christian man and woman marry "in Christ," their consent, which establishes a new "one flesh" marital bond occurs *inside* of their incorporation into Christ. They are giving themselves to each other as part of Christ's body. Ratzinger teaches that this makes the married couple "intrinsically linked to the eucharistic unity of Christ and the Church," and, by grace, automatically makes them the sacramental sign of this unity—the "great mystery" spoken of by St. Paul (Eph 5:21–32).<sup>65</sup> This *objective* sacramental role is made possible because the husband and wife's marital love receives its "form" from Christ and the Church's marital love as archetype (with its corresponding essential properties by analogy).<sup>66</sup> *Symbolic* correspondence is grounded in analogous *formal* correspondence.

For all Catholics, "active participation" in the one action of the holy sacrifice of the Mass includes offering themselves as part of the one subject—the *Christus totus*. Full participation certainly necessitates being in a subjective state of communion with Christ (and thus not being in a state of culpable mortal sin), but for Catholics who are sacramentally married it means even more. They have a unique, added sacramental role, namely, that of being the living, visible sign (embodied in their persons present at the liturgy) of what is being enacted and signified on the altar: Christ the bridegroom's indissoluble, exclusive, faithful,

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64. By its nature, drawing out the implications will involve extending beyond Ratzinger's written word. However, every attempt will be made to remain faithful to his key principles outlined in the previous section: the essence of worship and the liturgy, the nature of the Church as Christ's body and bride, her active participation in offering and receiving the gift of Christ's sacrifice, and the nuptial character of the union that results.

65. "The Eucharist inexhaustibly strengthens the indissoluble unity and love of every Christian marriage. By the power of the sacrament, the marriage bond is intrinsically linked to the eucharistic unity of Christ the Bridegroom and his Bride, the Church (cf. Eph 5:31–32)" (*Sacramentum caritatis*, 27).

66. Clearly, Christ's love for the Church is infinitely greater than human marital love. Thus, the correspondence between the two loves is by *analogy*, understood as a similarity within an even greater dissimilarity.

and fruitful union with the Church, his bride.<sup>67</sup> This is an objective sacramental role that cannot be suppressed because, if they are validly married, it is active and perdures so long as their “one flesh” marital bond exists (that is, until the death of one of the spouses).<sup>68</sup> This sacramental role is continually active at every moment of the spouses’ life, but it is intensified in a special way during the moment when the archetypal “form” of conjugal love is being made present: in the Eucharist. Put another way, married Catholics actively participate in the offering of the Mass and receive communion always *as the living sacramental sign of what they are receiving*. The whole Church is the recipient of this public, sacramental sign, as part of the mystery of the Eucharist.<sup>69</sup>

Catching sight of the Eucharist’s nuptial dimension and the husband and wife’s role as sacramental signs illuminates the core reason for not admitting divorced and remarried Catholics to communion: their current objective state (living in a conjugal way with a person who is not their spouse) contradicts the essence of what the Eucharist both *is* and *symbolizes* (an indissoluble,

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67. As the Second Vatican Council proclaims, “Christian spouses, in virtue of the sacrament of Matrimony, whereby they signify and partake of the mystery of that unity and fruitful love which exists between Christ and His Church (cf. Eph 5:32), help each other to attain to holiness in their married life and in the rearing and education of their children. By reason of their state and rank in life they have their own special gift among the people of God (cf. 1 Cor 7:7)” (*Lumen gentium*, 11).

68. The objective sacramental role is included in the irrevocable mutual consent that “made” the marriage in the first place because what is consented to—conjugal love—always already has a eucharistic foundation: “The mutual consent that husband and wife exchange in Christ, which establishes them as a community of life and love, also has a eucharistic dimension” (*Sacramentum caritatis*, 27).

69. The fundamentally *public* character of marriage is key: by marrying as part of Christ’s body, baptized Christians become the sacramental sign of Christ and the Church’s union at the exact moment of consent, because the marital vows express the truth of the form of conjugal love. From that moment forward (until the death of one of the spouses, which dissolves the marital bond), the Church has a “right” to this sacramental signification, as the living reminder of the analogous form of Christ’s love for the Church. The sacramental sign is built upon and gathers up the substratum of the sexually differentiated bodies of man and woman as persons. The equally *public* character of receiving eucharistic communion must be contemplated in relation to the public character of the marriage as well as the sacramental sign that the spouses are in their embodied persons.

exclusive nuptial union). To receive communion would violate the objective symbolic resonance between the Christ–Church union and the husband–wife union, established by God and manifested sacramentally in the Eucharist.<sup>70</sup> The violation would occur because the sacramental sign (that the person is as husband or wife) is still “speaking” the truth of the marital bond of the first (and only) valid sacramental marriage, yet the person is presenting himself in the liturgy as united to another “spouse.”

Essentially, if one who is divorced and remarried were to receive communion, it would introduce a contradiction into the liturgy. They would at once be saying “yes” to the form of conjugal love being enacted in the Eucharist, while simultaneously saying “no” (given their current way of life) to that same form active in their marriage with their first and only spouse. It would be at once a “yes” and “no” to Christ. This is precisely the reasoning given by the International Theological Commission in 1977: “In receiving the divorced and remarried to the Eucharist, the Church would let such parties believe that they can, on the level of signs, communicate with [Jesus Christ] whose conjugal mystery they disavow on the level of reality.”<sup>71</sup> It is paramount to recognize that the reason given in the magisterial pronouncements by both John Paul II and Benedict XVI for not admitting divorced and remarried Catholics to communion is *not* primarily related to their subjective moral culpability but to the objective state that contradicts what is being signified and effected in the Eucharist.<sup>72</sup> Many theologians and pastors miss this crucial point.

As we saw earlier, for Ratzinger the liturgy is the enactment of *orthodoxy*, “the right way of glorifying [God], of responding to him.”<sup>73</sup> This orthodoxy includes receiving

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70. The implication of permitting eucharistic reception to the divorced and remarried is clear: to grant that human marriages can be “dissolved” is to grant by analogy that Christ’s love for the Church can also be dissolved; *indissolubility* is lost. Alternatively, if one acknowledges that the (first) valid marriage still exists, while also recognizing the second union, then *exclusivity* is lost. Indissolubility and exclusivity stand or fall together, and both have christological and ecclesiological inferences by analogy.

71. International Theological Commission, “Propositions on the Doctrine of Christian Marriage,” 12.

72. Cf. *Familiaris consortio*, 84; *Sacramentum caritatis*, 29.

73. *CW*, xv; cf. *CW*, 98.

and conforming to the symbolic meaning God has given his sacraments. If worship is simply the right way of glorifying and relating to God, then receiving communion in a second marriage would signify a false way of relating, an improper form of worship. Ensuring proper worship of God is one of the Church's obligations and the reason she stipulates criteria for eucharistic reception. The nonadmission is not a positive ecclesial punishment that is imposed and thus can also be lifted in some cases. Rather, the sacramental discipline derives from the *objective* nature of the sacraments of Eucharist and marriage and their inseparable connection. For validly married Catholics, their "active participation" in the liturgy includes offering up their bodies as "a living sacrifice" with a specific sacramental role to image Christ's love for the Church.<sup>74</sup> This sacramental role cannot be suppressed so long as the marital bond exists.<sup>75</sup>

Ratzinger would contend that this issue is fundamentally a *liturgical* matter (while simultaneously a sacramental, ecclesial, and ethical one). A recurring theme in his liturgical writings is the difference between the liturgy understood as *given and received*, as opposed to fabricated and created.<sup>76</sup> Ratzinger maintains that

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74. Rom 12:1. Ratzinger describes the "making contemporary" of Christ's sacrifice in the Mass as a "logicizing" of my existence in the form of proper worship where I become inserted into the liturgy such that my active participation is "my interior contemporaneity with the self-giving of Christ." This is how we are truly united with Christ. Our whole earthly existence—"our bodies"—"become 'a living sacrifice,' united to the Sacrifice of Christ (cf. Rom 12:1)" (*CW*, 34). For married Catholics, their bodies (manifesting their whole person) have been transformed into sacramental signs.

75. The sacramental signification perdures even in cases where the marriage is dysfunctional, or the spouses are undergoing grave conflict or living in long-term separation. Certainly, in these cases the signification of Christ and the Church's union is obscured and obfuscated, but it perdures precisely because the marital bond continues to exist, held securely in God's hands in good times and in bad. Receiving the consent of husband and wife, it is God who joins together the spouses, and he remains indissolubly faithful to the "one flesh" union, even when the spouses' relationship encounters difficulties and even appears to be all but dead from a human perspective: "So they are no longer two but one. What therefore God has joined together, let not man put asunder" (Mt 19:6). To affirm that the sacramental signification can be annihilated is to deny God's maintenance of the marital bond and his fidelity in providing ceaselessly the graces necessary to live out the sacramental marriage, even in the most difficult circumstances.

76. See, for example, *CW*, 323.

the liturgy is *given* by God, hence its objective form must be *received*: “Only respect for the liturgy’s fundamental unspontaneity and pre-existing identity can give us what we hope for: the feast in which the great reality comes to us that we ourselves do not manufacture but receive as a gift. . . . This means ‘creativity’ cannot be an authentic category for matters liturgical.”<sup>77</sup> To admit the divorced and remarried to communion based on a subjective determination of a person’s conscience would be to introduce a new *subjective* principle into the Church and her liturgy, which could be described as a type of self-made “creativity.” This creativity would be imposed on the liturgy, violating its nature by rejecting the symbolic correspondence between marriage and the Eucharist. However, the rejection of the symbolic order built into the liturgy amounts to inverting who is giving and who is receiving the liturgical form.

Much of Ratzinger’s contemplation related to questions of liturgical reform centers on the primacy of the liturgy’s *objective* logos (nature) as willed by God, over and above the subjective dimension. As he asserts, “*Logos* has precedence over *ethos*. When this is reversed, Christianity is turned upside down.”<sup>78</sup> Arguments in support of pastoral leniency aimed at opening up access to communion for the divorced and remarried tend to invert this order: ethical considerations, such as mitigating circumstances that reduce a person’s subjective culpability for entering a new union, determine the starting point from which the question of pastoral discipline related to eucharistic reception is approached. But with this inversion the sacramental and metaphysical dimension (which in fact grounds and encompasses the ethical dimension) is relegated to second place: *ethos* precedes *logos* in this case. Ratzinger would certainly insist that the objective logos of the sacrament is primary and must be received as given, including the Eucharist’s nuptial form and the role that Christian husbands and wives have as sacramental signs of it.

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77. *CW*, 104. Cf. *CW*, 103: “The greatness of the liturgy depends . . . on its unspontaneity”; *CW*, 323: “[The] liturgy cannot be ‘made.’ This is why it has to be simply received as a given reality . . . in a form binding on the whole Church.” These remarks are made in terms of the liturgy’s form expressed in a rite, but the principle holds true for the sacramental dimension and nuptial symbolism of the Eucharist.

78. *CW*, 97.

Only the whole Church can celebrate the one, common Eucharist.<sup>79</sup> Because it is common, “no one may rightfully pick out ‘his own’ Eucharist.”<sup>80</sup> Just as the faith of the Church is the one faith “of all times” held by the “we” of the Church, so the liturgy is the worship of all times.<sup>81</sup> It follows that in the Church, no age, no generation, let alone no individual, is isolated.<sup>82</sup> This is why the question of receiving communion implicates the whole Church. Ratzinger’s ecclesiology suggests that to admit the divorced and remarried to communion based on a subjective determination would, in a sense, raise the individual above the community of the Church. But as Ratzinger avers, “The Eucharist is not aimed primarily at the individual.”<sup>83</sup> When the focus shifts to the individual, considered in isolation from the whole body of Christ, the liturgy becomes “self-made” and a novelty is imposed (as a distortion) not only on a particular local congregation, nor even on the Church of the present day, but on the Church of all times.<sup>84</sup>

Respect for Christ and his body is the reason why the Church must be the objective judge of whether a member of the faithful is able to be admitted to communion. Commenting on St. Paul’s exhortation that “anyone who eats and drinks without discerning the body eats and drinks judgment upon himself” (1 Cor 11:29), Ratzinger offers this poignant reminder,

Anyone who wants Christianity to be just a joyful message in which there can be no threat of the judgment is distorting it. Faith does not reinforce the pride of a sleeping

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79. *CW*, 342.

80. Joseph Ratzinger, *Called to Communion: Understanding the Church Today*, trans. Adrian J. Walker (San Francisco: Ignatius Press, 1996), 79.

81. This “we” of the Church includes multiple temporal and spatial dimensions: the communion of all Catholics throughout the world in the present age, the Church of all times spread across the centuries, and finally the Church of the communion of saints already partaking in the heavenly liturgy. All these are one Church: “In this Body, past, present and future interpenetrate” (Ratzinger, *Called to Communion*, 99). “In the sacrament [of the Eucharist], the entire continuum of history is present—past, present and future” (*CW*, 184).

82. Ratzinger, *Called to Communion*, 99.

83. *CW*, 53.

84. *CW*, 204.



conscience, the vainglory of people who make their own wishes the norm for their life, and who thus refashion grace so as to devalue both God and man, because God can then in any case only approve, and is only allowed to approve, everything.<sup>85</sup>

Ratzinger speaks of eucharistic participation for all the faithful in terms of martyrdom. The martyr's laying down of his life becomes a *sacrificial gift*, a participation in Jesus' sacrificial giving of his life to the point of death on the Cross. Analogously, at every Mass the faithful are called to present their whole selves, their "bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship" (Rom 12:1). How does this happen? Christ draws us into *his* act of sacrifice such that it becomes ours, but *as ours*.<sup>86</sup> Through self-surrender, the Christian offers up his will and joyfully subordinates it to be in union with God's will. Since God's will is the locus of truth itself, this involves a movement from slavery to genuine freedom.<sup>87</sup> Ratzinger takes St. Paul's logic to its full depths: when Christians offer their bodies in this way "as a living sacrifice" in truth, they become "one body with Christ," so much so that Ratzinger asserts they "become a Eucharist with Christ."<sup>88</sup>

This call to become a "living sacrifice" continues to be addressed to the divorced and remarried. If eucharistic participation for all the faithful takes the form of "martyrdom," then the participation of a currently unrepentant divorced and remarried Catholic takes on a particular shape: participation in the Mass *without* receiving communion, in order to uphold the truth of the Eucharist, their marital bond, and the inseparable link between the two. A key point emerges here: not admitting the divorced and remarried to the Eucharist actually affirms their baptismal incorporation into Christ—they have a place in the communion

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85. *CW*, 346.

86. *CW*, 350.

87. Cf. Rom 12:2: "Do not be conformed to this world but be transformed by the renewal of your mind, that you may prove what is the will of God, what is good and acceptable and perfect."

88. *CW*, 350.

of the Church.<sup>89</sup> The nonadmission secures the possibility of a presence at the Mass that does not violate right worship. Put another way, nonadmission is a condition for “active participation” in the liturgy for an unrepentant divorced and remarried Catholic, even if this active participation is not full at the moment. In this line, Ratzinger repeatedly references the possibility of the divorced and remarried offering a “spiritual communion” in the specific sense of a communion “of longing and yearning.”<sup>90</sup>

Furthermore, man becomes free in his relationship with God when he submits to the form determined by God.<sup>91</sup> The liturgy “is God’s descent upon our world, the source of real liberation. He alone can open the door to freedom.”<sup>92</sup> In this case, not receiving communion actualizes one’s freedom and opens oneself to a pathway of conversion to recover one’s right relation with and proper worship of God. The limited form of participation is what calls one home to repentance, reconciliation, and full participation.

Ratzinger is not insensitive to the plight of the divorced and remarried, particularly those who have been abandoned unjustly by their spouse. He calls their situation “one of the great sufferings of today’s Church” and urges that they must not only know that the Church loves them, “but it is important they should see and feel this love, . . . to feel that they are not ‘excluded’ even though they cannot receive absolution or the Eucharist; they should see that, in this state too, they are fully a part of the Church.”<sup>93</sup> Pastoral approaches must be governed by mercy and compassionate accompaniment. However, Ratzinger believes

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89. “Yet the divorced and remarried continue to belong to the Church, which accompanies them with special concern and encourages them to live as fully as possible the Christian life through regular participation at Mass, albeit without receiving communion” (*Sacramentum caritatis*, 29).

90. *CW*, 269. See also the 1994 and 1998 CDF letters.

91. “Humble submission to what goes before us releases authentic freedom and leads us to the true summit of our vocation as human beings” (*CW*, 97). “Liturgy *always* imposed an obligatory form; . . . the obligatory character of the essential parts of the liturgy also guarantees the true freedom of the faithful” (*CW*, 323).

92. *CW*, 105.

93. See Benedict XVI, “Evening of Witness Address at the 7th World Meeting of Families.”

that spiritual progress can be made in patience and humility precisely by not receiving communion, a progress that would not occur if one unjustly grasped at the Eucharist.<sup>94</sup> The suffering involved in the yearning for communion “is the bond which unites him to the saving love of Christ,” and it is what leads to a “growth of love” that moves the person toward repentance.<sup>95</sup>

Ratzinger often emphasizes the positive role of suffering in pushing us to reach spiritual maturity.<sup>96</sup> He also warns against any attempts at redemption which bypass the Cross.<sup>97</sup> True liberation only comes by living in reality, and living in accord with the truth of reality often involves suffering.<sup>98</sup> At the same time,

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94. Joseph Ratzinger, *Behold the Pierced One: An Approach to a Spiritual Christology*, trans. Graham Harrison (San Francisco: Ignatius Press, 1986), 94–98.

95. *Ibid.*, 96. “Thus, from both sides, the sacrament and the visible communion which it builds and nourishes are both present and indispensable. Here too, therefore, the ‘healing of love’ takes place, which is the ultimate aim of Christ’s Cross, of the sacrament and of the Church. We can understand how, paradoxically, the impossibility of sacramental communion, experienced in a sense of remoteness from God, in the pain of yearning which fosters the growth of love, can lead to spiritual progress” (*ibid.*).

96. Addressing specifically the pain of the divorced and remarried Catholic who is not permitted “full communion in the sacraments of the Church,” Pope Benedict XVI responded, “In our generation, in our culture, we have to rediscover the value of suffering in general, and we have to learn that suffering can be a very positive reality which helps us to mature, to become more ourselves, and to be closer to the Lord who suffered for us and suffers with us.” But he immediately emphasized the need for all in the Church to love and support the divorced and remarried members of the faithful, to “help these people recognize that they are loved by Christ and are members of the Church despite their difficult situation” (“Meeting with the Clergy of the Dioceses of Belluno-Feltre and Treviso,” as quoted in Pontifical Council for the Family, *Compendium on the Family and Human Life*, 356). “There is no human life without suffering, and he who is incapable of accepting suffering is refusing himself the purifications that alone allow us to reach maturity” (Ratzinger, *Called to Communion*, 155).

97. “Flight from suffering is flight from life. The crisis of the Western world . . . [includes a philosophy that tries] to redeem man by bypassing the cross. In acting against the cross, they act against the truth” (Joseph Ratzinger, *Eschatology: Death and Eternal Life*, trans. Michael Waldstein [Washington, DC: The Catholic University of America Press, 1998], 103).

98. “Man finds himself only in that measure in which he accepts truth and justice as the locus of real living. . . . While faith does not deliberately seek out suffering, it knows that without the Passion life does not discover its own wholeness” (*ibid.*, 101).

hope is always present in God's mercy and faithfulness: "Yet any one of us who is suffering and struggling can be certain that 'God is greater than our hearts' (1 Jn 3:20) and that whatever my failures, I may be full of confident trust, because Christ suffered for me, too, and has already paid the price for me."<sup>99</sup> For the divorced and remarried Catholic who sincerely yearns for Jesus Christ in the Eucharist, his suffering is induced by the commitment to live according to the reality of the present moment, yet it is also the pathway to spiritual progress and true liberation.

### 3. RATZINGER'S INDICATIONS ON HOW TO RECUPERATE THE INTELLIGIBILITY OF THIS PASTORAL DISCIPLINE

Ratzinger identifies in our modern times an increasing unintelligibility of the sacraments and even a hostility toward them that either makes them meaningless or relegates them to the magical or mythical realm.<sup>100</sup> At the root of this misunderstanding is what he calls *the loss of the symbolic sense of the world*. The whole created world is governed by what Ratzinger calls a "sacramental principle"—by which he means "the *transparency* of the sensible toward the spiritual . . . and eternal."<sup>101</sup> The capacity for symbolic manifestation is part of the structure of *being* itself. He states succinctly, "Things are more than things."<sup>102</sup> Things are signs that point to meaning beyond themselves, and with rational man there is a "transparency of the human towards the divine."<sup>103</sup> The sacramental principle reaches its apex in the seven Christian sacraments. The sacramental principle reaches its apex in the seven sacraments in the order of grace.

The symbolism alive in the liturgy flows from the sacramental principle: the words spoken, actions performed, and objects employed are symbols or signs. The physical elements (such

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99. *CW*, 346.

100. *CW*, 169.

101. *CW*, 158, 162.

102. *CW*, 161.

103. *CW*, 159.

as vestments, liturgical objects, art, architecture, bodily gestures) and even the embodied persons themselves become wordlike: the symbolic meaning embodied in them is able to “speak.” Modernity, however, brings with it a denial of the sacramental principle, caused by two philosophical heresies: idealism and materialism, both of which sever the connection between the material and spiritual dimensions.<sup>104</sup> Both are one-sided, reductive extremes (based on faulty ontologies) where one loses not only the unity of man as soul and body, but also the symbolic density of the physical world in general.

Recognizing the loss of the symbolic sense of the world can help us to understand why the Church’s teaching regarding nonadmission of the divorced and remarried to communion seems so incomprehensible to many modern Catholics. We have a symbolic blindness; we find it difficult to see the symbolic density of marriage, the Eucharist, or their reciprocal symbolic resonance.<sup>105</sup> With this blindness, it is inconceivable to many that admission to Communion should be barred based on an objective symbolic role. Ratzinger’s reflections suggest that the only way to recuperate the intelligibility of this particular teaching is by recovering a sense of the symbolic structure of the world in general and of the symbolic nature of the seven sacraments specifically. What is needed is what he calls a “liturgical education,”

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104. See *CW*, 154, 165–66. According to Ratzinger, the “idealist heresy” proposes a conception of man as a pure autonomous spirit who constructs himself through his choices (will and freedom). Correspondingly, all that is not spirit is discounted, and separation of the material and the spiritual world is asserted. The “materialist heresy” (or “Marxist heresy”) not only interprets all being as matter but “classifies all matter as mere material for human labor.” In the latter case, man is reduced to *homo faber*; he considers all things in relation to functions of work. But Ratzinger argues that the impact is the same with both heresies: “the symbolic perspective and man’s ability to see the eternal fall by the wayside” (*CW*, 165–66).

105. Two things result from our symbolic blindness. First, as moderns we find it difficult to believe truly that the sacrament of marriage is capable of rendering the husband and wife to be a living sign of Christ’s union with the Church; and second, even if we intellectually acknowledge this role of Christian marriage, we do not have the eyes to “see” it in each particular Catholic couple (even couples in conflict or those who are separated at the moment). On the side of the Eucharist, a similar opaqueness can sometimes prevail—we find it difficult to perceive what the Eucharist is and the union it makes present sacramentally (the nuptial union of the divine bridegroom and his bride).

one that helps the faithful understand what is taking place in the eucharistic liturgy metaphysically and symbolically, assisting the faithful to recover the ability to perceive “the transparency of the human towards the divine.”<sup>106</sup>

We also need to recover the ability to perceive the transparency of the pastoral to the doctrinal, two dimensions that are intrinsically interconnected and inseparable. It is perhaps the connection between pastoral discipline in individual cases and doctrine that Ratzinger realized he had not upheld in his 1972 essay. We have argued here that the seeds for his change in position relative to this question were in fact already in the sound principles of his own liturgical theology. Ratzinger needed to change his position in order to be faithful to himself. However, his change is also a beautiful example of a truly Catholic approach to theology: thinking deeply *inside* of and *with* the living tradition of the Church, both past and present—in this case, opening himself to be molded by the pontificate of John Paul II and the Magisterium’s reflections on this crucial issue during the past decades, to the point where he himself would become the leading bearer of the Magisterium’s proclamation. Furthermore, his retraction not only stands as a defense of the liturgy’s essence but as an affirmation of the indissoluble link between mercy and truth. It is this link to which Ratzinger pointed at the end of his 1998 CDF letter:

Concerning the position of the Magisterium as regards the question of divorced and remarried members of the faithful, it must be stressed that the more recent documents of the Church bring together the demands of truth with those of love in a very balanced way. If at times in the past, love shone forth too little in the explanation of the truth, so today the danger is great that in the name of love, truth is either to be silenced or compromised. Assuredly, the word of truth can be painful and uncomfortable. But it is the way to holiness, to peace, and to inner freedom. *A pastoral approach which truly wants to help the people concerned*

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106. The recovery of the symbolic sense of the world will be arduous and lengthy because of the extent to which the two philosophical errors of idealism and materialism pervade the consciousness of modern man. However, any gains in this recovery and catechetical efforts toward a liturgical education would certainly help Catholics understand why so much is at stake with the question of communion for the divorced and remarried.

*must always be grounded in the truth.* In the end, only the truth can be pastoral. “Then you will know the truth, and the truth will set you free” (Jn 8:32).<sup>107</sup>



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107. Congregation for the Doctrine of the Faith, “Concerning Some Objections to the Church’s Teaching on the Reception of Holy Communion by Divorced and Remarried Members of the Faithful,” 5 (emphasis added).