

**Making Sense of the Synod on the Family**

**CPLS DIRECTOR RESPONDS  
TO CARDINAL KASPER'S  
MISINTERPRETATION OF  
SCRIPTURE AND  
THE "DEVELOPMENT OF DOCTRINE"**

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**A Critique of Cardinal Kasper's Latest Arguments**

**By Monica Migliorino Miller**



**The final report from the Synod is out.** Those concerned about the hijacking of the faith in a heterodox direction can breathe a sigh of relief as the new report scraps language in the draft that appeared to approve of, or find “value” in, the homosexual “orientation” and also because it does not take up the issue of Holy Communion for the divorced and remarried. This proposal in the final version [failed to gain the needed two thirds support](#) of the bishops. This does not necessarily mean that this hugely troublesome proposal will simply be shelved in some dark closet of the Vatican. We must be prepared to provide well-reasoned arguments against what may be called the Cardinal Kasparian agenda. It’s not too early to put those arguments forward in anticipation of next year’s Ordinary Synod. This article responds to two recently articulated arguments in favor of admitting divorced and remarried Catholics to Holy Communion.

It is clear that Cardinal Walter Kasper, joined by a majority of German bishops and other European prelates, did all he could to facilitate this major pastoral change. While Kasper acknowledged there can be no change in Church doctrine on the indissolubility of sacramental marriage—there is no way of getting around the fact that were such a pastoral change ever to be made it would undermine Catholic teaching on marriage and legitimize adulterous unions contrary to the teachings of Christ.

The initial Interim Report or *relatio post disceptationem*, ignited serious controversy due to its vague terminology, ambiguous articulation of moral doctrine, a near failure to mention sin or the need for conversion, and its apparent willingness to accommodate the Gospel to the spirit of the age with an emphasis on the so-called “law of gradualism.” Msgr. Charles Pope in his [fine critique of gradualism](#) explains:

Gradualism is a way in which we meet people where they are and seek gradually to draw them more deeply into the true life of a Christian. All of us who have journeyed toward Christ realize that we have not always been where we are today, and that future growth is necessary. Growth usually happens in stages and by degrees, ideally leading us more deeply to Christ.

### **Matthew 19 and the “Law of Gradualism”**

A major argument of the Interim Report holds that the law of gradualism would permit the divorced and remarried, without benefit of annulment, to receive the Eucharist. No matter where this whole thing is headed, it is important to understand the way in which the Kasper faction argues this position—a theological position that affects not only the issue of Holy Communion for the divorced and remarried but many other Catholic moral teachings, such as co-habitation, artificial birth control and homosexual unions to mention just three that were taken up by the draft report and still linger in the final Synod report.

The report justifies its peculiar reliance on the “law of gradualism” by seriously misinterpreting and misapplying Matthew 19: 3-9—Christ’s teaching on marriage in His exchange with the Pharisees. The passage states:

Some Pharisees came to Jesus, testing Him and asked, “Is it lawful for a man to divorce his wife for any reason at all?” And He answered and said, “Have you not read that at the beginning the creator made them male and female and declared ‘for this reason a man shall leave his father and his mother and cling to his wife, and the two shall become one.’ So they are no longer two, but one flesh. What therefore God has joined together let no man separate.” They said to Him, “Why then did Moses command divorce and the promulgation of a divorce decree?” He said to them, “Because of your hardness of heart Moses permitted you to divorce your wives; but from the beginning it has not been this way. I now say to you, whoever divorces his wife, (lewd conduct is a separate case), and marries another woman commits adultery and the man who marries a divorced woman commits adultery.”

Focused on the “law of gradualism,” the draft report comments on this passage by stating: “Jesus Himself, referring to the primordial plan for the human couple, reaffirms the indissoluble union between man and woman, while understanding that ‘Moses permitted you to divorce your wives because your hearts were hard. But it was not this way from the beginning’ (Mt 19:8). In this way, He shows how divine condescension always accompanies the path of humanity, directing it towards its new beginning, not without passing through the cross.”

To use this passage to justify a New Covenant “gradualism” is to totally corrupt the sense of Christ’s teaching. Even if there is a legitimate place for “pastoral gradualism” this passage does not confirm it.

Certainly, it is true that God, beginning with the Hebrew people gradually disclosed His divine plan for salvation and thus Judaism is a preparation for the fullness of the

Covenant. One can say there is a kind of economy of gradualism within salvation history.

Yet, this is not what is being taught in the Pharisees' confrontation with Jesus. The Kasper faction tries to exploit the fact that, based on the authority of Moses, there was a compromise with the human condition and thus concludes that gradualism is itself divinely ordained in the plan of redemption and normative for the Christian dispensation. This is certainly the point of the remark, "He shows how divine condescension always accompanies the path of humanity."

Christ's dialogue with the Pharisees is hardly an endorsement of gradualism. Rather, Christ rejects the compromise of Moses who, based on the Jews' "hardness of heart," allowed the practice of divorce. To the consternation of the Pharisees, who hope Christ will contradict the great prophet and thus be discredited, Christ repudiates Moses and locates the doctrine of marriage from before the time of sin, before "hardness of heart" entered the human condition. Christ insists that the new dispensation, the era of grace will have no room for basing the law on "hardness of heart." Bible scholar Gerald Lemke points out, when Christ replies to the Pharisees "Your hardness of heart" the word "your" indicates that Christ makes a distinction between the expectations of the Old Law and those of the New—that such "hardness of heart" has no place among the true followers of Christ.

Just as Christ rejects Moses' "divine condescension"—his allowance for divorce—neither can the synod fathers use this passage to advocate a "divine condescension" that legitimizes Holy Communion for divorced and remarried couples which is contrary to what we might call Christ's "Law of the Beginning." Moses made a concession to the evil conditions of his time—a concession Jesus nullifies by going back to The Beginning. It would appear that the Kasper faction, when it comes to certain moral behaviors will, like Moses, concede to the evil conditions of our own times.

### **Kasper's Relativistic Pastoral Applications**

On October 15 Kasper gave an [impromptu interview](#) to *National Catholic Register* reporter Edward Pentin and two other journalists. He referred to the Gospels of Matthew and Mark in response to Pentin's question: "But people feel the Church's teaching is going to be undermined by your proposal if it passes, that it is undoing 2000 years of Church teaching. What is your view of this?" Kasper responded:

Well nobody is putting into question the indissolubility of marriage. I think it wouldn't be a help for people, but if you look to this word of Jesus, there are different synoptic gospels in different places, in different contexts. It's different in the Judeo-Christian context and in the Hellenistic context. Mark and Matthew are different. There was already a problem in the apostolic age. The Word of Jesus is clear, but how to apply it in complex, different situations? It's a problem to do with the application of these words.

Kasper states that the indissolubility of marriage is not being questioned. Then he points to the "words of Jesus" as recorded in the synoptic gospels and tries to argue that there

are differences between Jesus' words in these texts and that they are applied differently according to a Judeo-Christian, namely Palestinian culture, versus the Hellenistic or Greco-Roman culture. The "Word of Jesus is clear"—in other words the doctrine is settled about the indissolubility of marriage, but the *meaning* of the doctrine and its *application* varies according to time, place and circumstances. Kasper advances the idea that a relativism of doctrinal application is already there from the start of the Church—even from the "apostolic age."

First of all—there is little to no difference between the Gospels of Mark and Matthew on the subject of divorce and remarriage. All one need do is compare the texts of Matthew 19: 3-9 with Mark 10: 2-12. Mark's is even stronger as it leaves out the verse found in Matthew: "lewd conduct is a separate case." Mark is not interested in clarifying cases where a man and woman are living together (irregular sexual unions) as to whether they may separate and then contract marriage with a different partner. The difference Kasper proposes between these gospels does not exist.

The relativistic cultural application he images on the subject of whether to honor or violate sacramental marital bonds isn't there either. Consider Saint Paul's teaching which precedes the finished gospels of Matthew and Mark. Working in that Hellenistic culture, he repeats the Christian ban on divorce which he indicates is not his doctrine but a command of the Lord's: "A wife must not separate from her husband. If she does separate she must either remain single or become reconciled to him again. Similarly, a husband must not divorce his wife" (1 Cor. 7: 10-11). This is expected of a Christian couple as in the next verse Paul takes up the situation of non-Christian marriages—marriages between a baptized spouse and one who is not. Here we see a pastoral application known as the "Pauline privilege" in which under certain circumstances the Christian party may remarry but only because the first marriage was not a sacrament.

### **Adultery and the "Development of Doctrine"**

Kasper also attempts to make a case for allowing Communion to the divorced and remarried based on what is called: "development of doctrine." Pentin asked him:

#### **The teaching does not change?**

**Kasper answered:** The teaching does not change but it can be made more profound, it can be different. There is also a certain growth in the understanding of the Gospel and the doctrine, a development. Our famous Cardinal Newman had spoken on the development of doctrine. This is also not a change but a development on the same line. Of course, the Pope wants it and the world needs it. We live in a globalized world and you cannot govern everything from the Curia. There must be a common faith, a common discipline but a different application.

Kasper says marriage is indissoluble. And he is correct: the Church can never change teaching in the sense of reversing it; but can only refine it. Christ taught "What I say to you is: everyone who divorces his wife ... forces her to commit adultery. The man who marries a divorced woman likewise commits adultery" (Mt. 5: 32). To admit the divorced

and remarried to the Eucharist would mean that they are legitimately married. But Christ says they are not. No “development of doctrine” can make sin not sin by calling a legitimate marital bond non-marital, and thus non-binding on the spouses. The one-flesh unity is an ontological reality over which the Church has no power. Thus there can be no “development of doctrine” on this question. To admit divorced and remarried Catholics to Communion is to permit those objectively committing adultery to receive the Eucharistic Christ which constitutes a spiritual contradiction and a false mercy to them.

Led by the Spirit the Church can grow in awareness of what constitutes a sacramental bond. Changes have already occurred regarding the nature of matrimonial consent, changes reflected in Canon Law and applied in annulment cases for decades. This is one example where legitimate changes can be made for the sake of lightening the burden for those in broken marriages. We may expect more revisions in this direction from next year’s Ordinary Synod.

The law of gradualism has its place in the pastoral activity of the Church, but I think we have to be honest. Jesus was not all that gung-ho about it. It is true that Jesus, in a sense, gradually led the sinful woman at the well into full acceptance of his divine, messianic identity (Jn. 4: 1-42) and even capitalized on whatever, as the draft report described, “positive elements” were present in the “imperfect forms” by which she could be led. But more often Christ places great demands on his followers, requiring a full, undivided discipleship.

Consider the Christ who says: “If your right eye is your trouble, gouge it out and throw it away! Better to lose part of your body than to have it all cast into Gehenna” (Mt. 5: 29); “Whoever puts his hand to the plow but keeps looking back is unfit for the reign of God” (Lk. 9: 62); “Lest you eat the flesh of the Son of Man and drink His blood you have no life in you” (Jn. 6: 53); “He who does not take up his cross and come after me is not worthy of me” (Mt.10:38); and “How narrow is the gate that leads to life...” (Mt. 7: 14) are only a small example of the all or nothing scope of the Gospel.

The Church will now prepare for the next phase of the Synod—with a full year of debate and discussion. Whatever merit the pastoral “law of gradualism” possesses, the Church is called to rouse hearts to follow the Lord, help people learn to love Him, and provoke conversion of heart. Jesus did not give up His life for the Kasparian church of the low gospel. Christ died so that his people can actually live that Gospel in its fullness, in an out-pouring of grace as members of His Bride and the Kingdom of God.

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