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Dear Father Kerper: A few months ago I saw on television that Pope Francis married two flight attendants on an airplane in Latin America. This troubled me. Two years ago when I wanted a priest to officiate at my wedding at a country club, I was told that Catholic weddings must be in a church. No exceptions. My priest refused and I had to settle for a Justice of the Peace. How is it that some people get their own way and others don't? Has the pope changed the rules or just disobeyed the laws? I am totally confused.

Your question and comments sincerely express a common frustration felt by many Catholics: the enforcement of rules appears to be haphazard. While you couldn't receive the sacrament of matrimony in the country club of your choice, two lucky Catholics had a quick wedding on an airplane. Indeed, this seems unfair.

We need to look at two unusual factors here. First, the absolutely unique position of the Holy Father in terms of church law. And second, the pastoral "style" of Pope Francis, specifically his practice of "discernment" according to the method of St. Ignatius Loyola, founder of the Jesuits.

Let's start with church law. You asked whether the Holy Father had changed or broken the rules. Neither happened.

Unlike any other bishop, the Bishop of Rome — the pope — is also "the pastor of the universal Church on earth." (cf. Canon 331) As such, "he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely." (cf. Canon 331)

To put it another way, every bishop exercises authority only within his own diocese and nowhere else. For example, the Bishop of Manchester cannot grant dispensations or promulgate rules in, say, the Diocese of Portland. In the case of the airborne wedding, no bishop could have granted a "dispensation from place" other than the bishop of the geographic territory underneath the airplane and the pope, as "the pastor of the universal Church." In effect, the Holy

Father is the pastor of every baptized Catholic regardless of residence; his authority extends over every inch of Planet Earth.

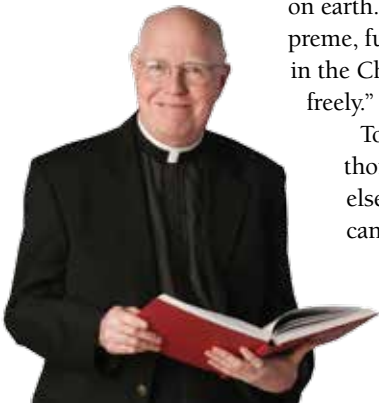
Like every Catholic, the two flight attendants were bound by Canon 1118, which requires that the marriages of two Catholics or one Catholic and a baptized non-Catholic "to be celebrated in a parish church." This law, however is not absolute. In certain cases, the local bishop may issue a dispensation from the law, even permitting a wedding in "another suitable place," including non-religious venues, such as airplanes.

Pope Francis, then, did not violate or change canon law. Rather, he exercised his power as "universal pastor" to dispense the flight attendants from observing Canon 1118, which has not changed.

Now let's examine the process that caused the Holy Father to act so quickly. Here we have an excellent example of "pastoral discernment," which Pope Francis spoke of during two conversations with Jesuits in Chile in Peru last January.

The Holy Father said: "We are used to a 'Yes you can; or No you can't' mentality... This is a way of thinking for doing theology generally. It is a way of thinking based on a limit. And we bear the consequences."

One disastrous consequence is the tendency to believe that every predicament — such as whether to marry two people on an airplane — can be settled by checking the rule book. It can't. After all, the rule makers can never foresee every element of particular situations. For example, who could have imagined that the reigning pope would someday meet two people on an airplane who wanted to receive the sacrament of matrimony? And who would have foreseen a pope so



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accessible and so attuned to the pastoral needs of people that he was willing to do what no one has done before?

In this highly unusual case, Pope Francis acted as “universal pastor,” seeing the whole picture, not just the law.

While I certainly can't pretend to know the mind of Pope Francis, here is my guess as to how the Holy Father's “pastoral discernment” unfolded:

STEP 1: Pope Francis personally encountered the potential bride and groom on the airplane. No one pre-arranged this, except perhaps the Holy Spirit.

STEP 2: While speaking with the Holy Father, they revealed that they had been married civilly, but not sacramentally. The church wedding, which they had truly desired and planned, never happened because an earthquake destroyed their parish church.

STEP 3: The Holy Father, after some discussion, satisfied himself that they had done the proper preparation for marriage, were now in a stable relationship that had already produced two children, and clearly wanted to follow the reasonable norms of the Church. Even though the usual documentation and sworn answers on the formal pre-nuptial questionnaire were lacking, the Holy Father ascertained that everything was in order. Of course, this quick evaluation could have been wrong, but discernment by its very nature always requires some risk-taking.

STEP 4: Recognizing the hectic lives of flight attendants, the Holy Father may have thought: “Better to do this now in a very strange setting than to risk keeping them in an invalid marriage forever for the sake of paperwork and a perfect Catholic ceremony.” And so he took a leap of faith: he spontaneously offered to witness their marriage on the airplane, an act that some would surely regard as dangerously irregular, even scandalous.

What some see as the pope's reckless disregard for canon law and tradition actually follows the law. Canon 1752, the final point of the Code, states: “The salvation of souls, which must always be the supreme law in the Church, is to be kept before one's eyes.”

Pastoral discernment, then, begins by gazing upon the person who has some spiritual need or suffers from being trapped in a sinful or “irregular” situation. The overall spiritual condition of the person, not the law, is the beginning and end of all discernment. Why? Because no law can see the goodness that may already reside within the person. From a strictly legal standpoint, the flight attendants were clearly lawbreakers, not only of Church law, but also of the Sixth Commandment. As such, the Holy Father could have reprimanded them. Instead, he saw and affirmed the essential foundations of marriage that they already had — a stable monogamous relationship opened to life; he then guided them into the fullness of the sacrament of matrimony.

Through an act of delicate and risky pastoral discernment, Pope Francis beautifully fulfilled the law of love, moving a young couple closer to eternal salvation. ■



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