

FIDUCIA SUPPLICANS AND SAME-SEX UNION: A CANONICAL APPRAISAL

Chimaobi Clement Enefu

Abstract

Canonical authority in the Catholic Church is not only legislative. It is equally interpretative and as well directive, as clearly stated by canon 16. It is more an obligation, not just when ecclesiastical laws are promulgated, but also when there are topical ecclesiological challenges such as the ripples occasioned by the publication of the Declaration *Fiducia Supplicans* on December 18, 2023. With the working instruments of Canon Law, a broader spectrum of explanation can be established, in order to offer a certain clarity. This article aims at analyzing the contours of the Declaration *Fiducia Supplicans* issued by the Dicastery for the doctrine of the faith, while putting into perspective its nature, coherency and applicability or reception. Canon Law and its custodians remain at the service of the Church and of humanity at large.

Keywords: *Fiducia Supplicans*, Canon Law, Same-Sex, Marriage

Introduction

On December 18, 2023, the Prefect of the Dicastery for doctrine of the faith (DDF), Cardinal Victor Manuel Fernández, published a Declaration titled “*Fiducia Supplicans*”– On the Pastoral Meaning of Blessings¹. Altogether, the title, the typology adopted in the publication of the pontifical document and the issuing dicastery are all indicative of the central character and content of the Declaration. In the words of its “Presentation”, the text says that “the Declaration was submitted to the Holy Father for his review and he approved it with his signature”². In other words, the Declaration was signed by the prefect of the Dicastery for the Doctrine of the Faith and co-signed by His Holiness Pope Francis. Notwithstanding, since its publication, *FS* has been greeted with overwhelming reactions, both in support and against, particularly as regards the blessings of “couples in irregular situations, and same-sex couples” (cf. *FS*, Presentation). This point constitutes the subject-matter of our article.

Even though the objective of *FS* is centered on Blessings, the focus of our canonical appraisal is on the aspect of the possibility to legitimately bless same-sex couples without contravening the law of the Church as contained in the codified and extra-codified sources³. Considering the unprecedented reactions occasioned by this

¹ DICASTERY FOR DOCTRINE OF THE FAITH, Declaration *Fiducia supplicans*: On the Pastoral Meaning of Blessings, *Ex audentia die* of Francis, 18 December 2023, available on https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_ddf_doc_20231218_fiducia-supplicans_en.html, consulted December 20, 2024. Hereafter will be denoted as *FS*.

² *Ibid.*, Presentation.

³ While the codified source refers principally to the actual Code of Canon Law promulgated in 1983, the extra-codified sources refer to other legislative texts promulgated by the Roman Pontiff through publication typologies like *motu proprio* and other pontifical documents.

Declaration all over the world⁴, it will be of paramount importance to synthesize the corpus of *FS* (1). Without attempting to multiply the varied inter-disciplinary analyses it has attracted, we intend to dwell on a fundamental inquiry on whether same-sex union could in any way be equated to a canonical or sacramental marriage (2). Following such inquiry, could it then be of any canonical obligation to pastorally bless any *christifideles* who, presenting themselves as same-sex couples, solicit the priestly blessing of an ordained minister? (3). We hope, in this way, through an objective canonical analysis of the Church's documents, to make a little contribution in a bid to clearing the doubts on whether the Catholic Church has changed her doctrine on marriage as a union only possible between a man and a woman. To such a couple exclusively, the ritualized nuptial blessings could be validly and licitly given.

Canonical synthesis of *Fiducia Supplicans*: Corpus of the Declaration

The cardinal point of the Declaration could be summarized along the lines of the proximate and remote causes which motivated its publication (A). With a particular focus on the subject-matter of Blessings, which it seeks to broaden their pastoral meaning (B), the possibility of spontaneously blessing all those who, irrespective of their irregular unions, approach the priest could henceforth be envisaged (C), without any intention of transforming into a sacrament the union itself.

A. Remote and Proximate Motivations behind Fiducia Supplicans

In its 45-point Declaration, *FS* explicitly claims to offer “a specific and innovative contribution to the pastoral meaning of Blessing, permitting a broadening and enrichment of the classical understanding of blessings, which is closely linked to a liturgical perspective”⁵. This is situated in the context of the Holy Father Pope Francis' response to the *Dubia* of some cardinals, who precisely asked if same-sex couples could be blessed in the Church⁶. Also, in a more extensive clarification on a previous

⁴ Several episcopal conferences all over the world issued statements following the publication of *FS*, declaring their rejection of the Declaration: CATHOLIC NEWS AGENCY, “African bishops: ‘No blessing for homosexual couples in the African Churches’”, January 11, 2024, available on <https://www.catholicnewsagency.com/news/256517/african-bishops-no-blessing-for-homosexual-couples-in-the-african-churches>, consulted on January 22, 2024; CATHOLICVOTE, “Catholic Leaders Call Bishops Around the World to Reject *Fiducia Supplicans*”, February 2, 2024, available on <https://catholicvote.org/catholic-leaders-call-bishops-around-the-world-to-reject-fiducia-supplicans/>; NATIONAL CATHOLIC REPORTER, “Across Eastern Europe, bishops reject Vatican's opening to same-sex blessings”, January 5, 2024, available on <https://www.ncronline.org/news/across-eastern-europe-bishops-reject-vaticans-opening-same-sex-blessings>; LA CROIX INTERNATIONAL, ““*Fiducia supplicans*” and the non-reception of a non-synodal document”, February 1, 2024, available on <https://international.la-croix.com/news/signs-of-the-times/fiducia-supplicans-and-the-non-reception-of-a-non-synodal-document/19100>.

⁵ Cf. *FS*, Presentation.

⁶ In their second *dubium*, the cardinals asked the Pope about the assertion that the widespread practice of blessing same-sex unions is in accordance with Revelation and the Magisterium (ccc. 2357). The Church's position on marriage, the Holy Father said, is that it is “an exclusive, stable, and indissoluble union between a man and a woman, naturally open to procreation”, one that has a “unique essential constitution that requires an exclusive name, not applicable to other realities”. However, he added, one must not forget about pastoral charity, and pastoral prudence, which should discern whether there are forms of blessing that “do not convey a mistaken concept of marriage” (Published on the Dicastery for the Doctrine of the Faith's website on Monday, 2 October, 2023, and

“*Responsum ad dubium*” of the Congregation for doctrine of the faith published on 22 February 2021⁷. While recognizing the varied reactions that these responses provoked, *FS* reiterates with Pope Francis that “the great blessing of God is Jesus Christ...a blessing for all humanity, a blessing that has saved us all” (n°1), (and we can add, with no exception, Jew, Gentile, slave, freeborn, black and white alike, on humanity as the family of God on earth).

More proximately, both at its preparatory period as the universal Church reflected on its *Instrumentum laboris*⁸, as well as during its plenary sessions, the Synod on synodality⁹ witnessed a direct opportunity to raise all the “*questions qui fâchent*”¹⁰. One of the questions being on the possibility of approving and/or blessing same-sex couples, members of the Church, who also, are sons and daughters of Abraham¹¹. Even though it was a consultative ecclesial assembly, with a primary objective of deliberation¹², it turned out to be a forum whereby growing concerns especially on morality and ethics confronting the contemporary society also needed to be x-rayed by the representatives of the faithful from all over the world. Of course, as the supreme head of the Catholic Church, the Holy Father has an obligation to uphold the doctrine of the Church, as well as responding to the concerns expressed by all and sundry. While the Post-synodal Apostolic Exhortation is still being expected, seven months now after the synod was concluded, the Holy father allowed and authorized the Declaration of the DDF¹³. This

also available on VATICANNEWS, Pope Francis responds to *dubia* submitted by five cardinals, <https://www.vaticannews.va/en/pope/news/2023-10/pope-francis-responds-to-dubia-of-five-cardinals.html>, consulted January 27, 2024).

⁷ Congregation for the doctrine of the faith, “*Responsum* of the Congregation for the Doctrine of the Faith to a *dubium* regarding the blessing of the unions of persons of the same sex”, available on https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20210222_responsum-dubium-unioni_en.html, consulted on January 25, 2024.

⁸ N° B1 :2 of the *Instrumentum laboris*, available on <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2023/06/20/230620e.htm> and also on https://www.synod.va/content/dam/synod/communion/phases/universal-stage/il/ENG_INSTRUMENTUM-LABORIS.pdf, consulted on January 27, 2024.

⁹ The plenary sessions of the Synod on Synodality was in Rome between 4th and 29th October 2023 (See Synod 2021-2024, accessible on <https://www.synod.va/en/news/a-synodal-church-in-mission.html>, consulted on January 28, 2024).

¹⁰ A popular French saying which could be translated as “disturbing or provocative questions, which people usually shy away from” in a bid to avoid hurting other people’s feelings.

¹¹ Luke 19 :9.

¹² Unlike the diocesan synod which is considered a judicial organ of the diocese with the diocesan Bishop as the sole legislator (canon 466), the universal synod of Bishops has “the function to discuss the matters proposed to it and set forth recommendations. It is not its function to settle matters or to draw up decrees, unless the Roman Pontiff has given it deliberative power in certain cases; in this event, it rests with the Roman Pontiff to ratify the decisions of the synod” (canon 343).

¹³ It should be recalled that, as confirmed by *Praedicate evangelium (PE)*, that the task of the Dicastery for the Doctrine of the Faith is to help the Roman Pontiff and the Bishops to proclaim the Gospel throughout the world by promoting and safeguarding the integrity of Catholic teaching on faith and morals. It does this by drawing upon the deposit of faith and seeking an ever deeper understanding of it in the face of new questions (art. 69). The Dicastery consists of two Sections: Doctrinal and Disciplinary, each coordinated by a Secretary who assists the Prefect in accordance with the specific area of its competence (art. 70). The Doctrinal Section encourages and supports study and reflection on the

approach has some merits as being of *ad experimentum* format in order to further shape and deepen the reflections and directions which the post-synodal Apostolic Exhortation will eventually bring up on the sensitive pastoral subjects.

B. Broadening the Pastoral Meaning of Blessings

FS sets out boldly “to broaden and enrich the meaning of blessings” (n° 7). Such ambition is not new in the history of the Christian faith. One of Jesus Christ’s inaugural manifestos of his mission in the world was that “I did not come to abolish the law, but to fulfill it” (Mtt. 5:17). From that mindset, he went away from the existing traditional approaches which his people had known for ages, and introduced the spirit behind a truer worship of God in spirit and in truth (Jn. 4: 23-24). Similarly, as an instrument of service to the Holy Father (*PE*, n° II, 1), the DDF did neither come to contradict the catechetical instruction of the Pope nor of traditional doctrine of pastoral blessings in the Church. Rather, the dicastery found it necessary responding to an urgent invitation which the former occasions had given out, and further expounding its possible horizons. It is the Church’s conviction that the Advocate whom the Lord promised to His faithful (Jn. 14: 15-31), surely continues to inspire, to reveal and to teach especially in the changing circumstances and context of the contemporary time. Central to this ambition is the separation and/or exclusion of non-liturgical blessings from the sacramentals, in order to avoid confusion.

Focusing on the central place of blessings with its recipients as people, objects of worship and devotion, sacred images, places of life, of work, and suffering, the fruits of the earth and human toil, and all created realities that refer back to the Creator, it could further be understood better from both its liturgico-ritual and theologico-pastoral backgrounds. Put differently, the distinction between liturgical blessings (according to prescribed rites) and non-liturgical blessings (without structured ritual formula) is particularly significant. From the second category of blessings, *FS* makes a notable and innovative contribution to the pastoral understanding of blessings, which makes it possible to enlarge and enrich the classical understanding of blessings that was strictly based on liturgical perspective. While this new understanding allows the priest to bless couples in irregular situations and same-sex couples who engage in sexual relations, the Declaration still reaffirms that “a blessing requires that what is blessed be conformed to God’s will, as expressed in the teachings of the Church” (n° 9). Since “the Church has always considered only those sexual relations that are lived out within marriage to be morally licit, the Church does not have the power to confer its liturgical blessing when that would somehow offer a form of moral legitimacy to a union that presumes to be a marriage or to an extra-marital sexual practice” (n° 11). What is then the nature of the non-liturgical blessings which could be given to couples in irregular situations? This

understanding of faith and morals and the progress of theology in different cultures in the light of sound doctrine and contemporary challenges, in order to offer a response, in light of the faith, to the questions and arguments arising from scientific advances and cultural developments (art. 71), (See POPE FRANCIS, Apostolic Constitution *Praedicate Evangelium*, On the Roman Curia and its services to the Church in the World, accessible on https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html).

concerns blessings which people could request spontaneously from a priest, and which are appreciated from the point of view of pastoral popular devotion outside of the Holy Eucharist and other sacraments. Therefore, care should be taken that the language, the manner, and the rhythm are differentiated from liturgical actions. As it is true of all other forms of blessing, the spontaneous blessing has equally the perspective of an ascending dimension, “when one becomes aware of the Lord’s gifts and his unconditional love, even in sinful situations—particularly when a prayer finds a hearing—the believer’s heart lifts its praise to God and blesses him” (*FS*, n° 29).

C. Possibility of Spontaneous Blessing of Same-Sex Couples

While the doctrinal meaning of Blessing has not changed and while acknowledging the nature of “blessings as sacramentals, leading us to grasp God’s presence in all events of life and remind us that, even in the use of created things human beings are invited to seek God, to love Him, and to serve Him”, the Declaration projects a categorization drawn from examples of the sacred scriptures. Both from the Old Testament the New Testament, the scriptural meaning of the priestly blessings could be qualified by a “special liturgical rite” (n° 11, *FS*), and a “spontaneous” form of blessing (n° 28, *FS*). It is specifically this last point, “to avoid confusion”, that brings to the fore a preoccupying quest on the implication of such blessing, no matter what qualification it is given. One of such concerns is that, while pastorally imparting “spontaneous blessings” on individuals who are in unions that are considered irregular in the Church, like same-sex unions, would it not amount to arrogating the status of a canonical acceptance to such a union, if not giving a sacramental form of marriage to such? It is a biblical fact that Christ blessed Zacchaeus with his presence, which prompted the latter to denouncing his misdeeds in the execution of his public function (Lk. 19: 1-10). While such a scriptural scenario could be used to argue for spontaneous priestly or ministerial blessing for any and everybody who comes for it, at the same time, it is doubtful to expect the same contrition outcome on the part of same-sex couples today, who do no longer consider it as against the will of God, or against natural law the union which they create among themselves, and much less as sinful, like in the case of Zacchaeus.

At the wake of the publication of *FS* on December 19, 2023, an example made waves over the media; whereby Fr. James Martin, a Jesuit priest in New York who has long advocated for LGBTQ inclusion in the Church and widely known for his defense of homosexual Catholics, was photographed blessing a gay couple in his Church. He went on to express his joy saying: “the Church is saying to me as a priest: you can do it now (bless same-sex couples) - with certain limitations, as long as it doesn’t seem like a marriage – which I couldn’t do yesterday. And what it is saying to same-sex couples is that: we value you, and we want God to bless you as individuals and we hear you...”¹⁴ This is one of those tendencies which definitely the Declaration occasions even with its varied explanations. However, the possibility of such a blessing reiterates that it should

¹⁴ CALLERY, James, “Pope Francis formally approves letting priests bless same-sex couples - but reaffirms marriage is between a man and a woman”, *Mail Online*, December 19, 2023, available on <https://www.dailymail.co.uk/news/article-12877387/Pope-Francis-formally-approves-letting-priests-bless-sex-couples-reaffirms-marriage-man-woman.html>, consulted on January 27, 2024.

not be part of regular Church rituals or liturgies, and should not be confused with marriage, which is still defined as a sacrament between a man and a woman. “Ultimately, a blessing offers people a means to increase their trust in God”, sates *FS*. “The request for a blessing, thus, expresses and nurtures openness to the transcendence, mercy and closeness to God in a thousand concrete circumstances of life, which is no small thing in the world in which we live” (*FS*, n° 21). If “transcendence and closeness to God” could be obvious on the part of same-sex couples who request for such God’s blessing from the hand of a priest, in what manner do they also anticipate His “mercy”, for a state of life they do not find sinful? This remains one of the hard-challenging elements of such possibility. At this juncture, it is very essential to make the distinction between “blessing same-sex couples” and “blessing same-sex unions”. While the former falls into the mindset of the Declaration, the latter does not correspond to it. A closer reading of *FS* reveals that it describes the legitimacy of blessing persons, example couples, in lifestyles the Church warns against. And it goes further to say in n° 5 that “the Church does not have the power to impart blessings on unions of persons of the same sex”. Against this background, it could be asserted that Fr. Martin in the aforementioned example blessed the persons of his couple friends and not their union. From this concrete example, is there not a clearer distinction between a same-sex union and a canonical marriage?

Is Same-Sex Union a Canonical (Sacramental) Marriage?

Put differently, could the same-sex union be “sacramentalized”¹⁵ by any form or matter? Or rather, will any act of blessing persons who ask for it, but in this instance, presenting themselves as same-sex couples, not imply tacitly, a canonization of such irregular union for which they come together? Would such an act not be contradictory of the previous emphatic stance of the 2021 *Responsum ad dubium* whereby the Holy Father, through the then Congregation for the doctrine of the faith categorically said that “God does not bless sin”?¹⁶ We also see that in most of the reactions coming from both episcopal conferences and individuals all over the world after the publication of *FS*, a fear resonates as to the risk of indirectly or subtly making irregular unions as sacramental marriages when the priestly blessing is imparted on them. There are other cultural, sociological and territorial consequences making it difficult for the new Declaration to be applied in varied geographical contexts. As a matter of fact, the same-sex couples coming together (as a couple) requesting for blessing at the hand of the priest are not doing so on themselves as individual persons, but as a couple, and so purporting a form of legitimate marriage entirely. In other words, they seek a blessing for a union which is considered irregular by the Church and as well unacceptable to many opinions, if not criminalized in some others. In such a case, such mindset

¹⁵ The term « sacramentalized » is used here in the sense of arrogating to the status of a sacrament any act which ordinarily is not a sacrament. This could be made possible either through the matter and/or the form, which come together in any sacramental formula.

¹⁶ LUIS F. CARD. LADARIA, “*Responsum of the Congregation for the Doctrine of the Faith to a dubium regarding the blessing of the unions of persons of the same sex, 15.03.2021*”, available on <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/03/15/210315b.html>, consulted on January 31, 2024.

obviously demonstrates the lack of the expected disposition of a sinner turning his gaze to God seeking for His mercy.

Precisely on our question above, the code of Canon Law cast into a juridic language an essential theological statement from *Gaudium et spes*, n° 48:

The intimate partnership of married life and love has been established by the Creator and qualified by His laws, and is rooted in the conjugal covenant of irrevocable personal consent. Hence by that human act whereby spouses mutually bestow and accept each other a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their off-springs as well as of society, the existence of the sacred bond no longer depends on human decisions alone. For, God Himself is the author of matrimony, endowed as it is with various benefits and purposes.

This teaching follows a scriptural foundation as it supports the evangelical conviction: that thus a man and a woman, who by their compact of conjugal love “are no longer two, but one flesh” (Matt. 19: ff) come together in marriage. Following suit from these roots, the supreme legislator in the 1983 code of Canon Law promulgates the marriage pact into law saying:

The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life and which is ordered by its nature to the good of the spouses and the procreation and education of offspring, has been raised by Christ the Lord to the dignity of a sacrament between the baptized¹⁷.

In other words, it can only be a valid covenant if only it exists between a man and a woman. Furthermore, in expounding the doctrine on matrimonial consent, and reaffirming the valid existence of such a union between only a man and a woman, canon 1057, §2 reiterates that: “matrimonial consent is an act of the will by which a man and a woman mutually give and accept each other through an irrevocable covenant in order to establish marriage”. While commenting on the above canonical provision, John P. Beal explains:

Matrimonial consent is an act of the will exchanged between a man and a woman. The phrase “a man and a woman” replaces the phrase “both parties” of canon 1081, §2 of the 1917 code (which was obviously ambiguous). The change was prompted by a desire to underscore the personal dimension of consent. Consent is no longer exchanged by impersonal contractants but between a concrete man and a concrete woman for the purpose of establishing an irrevocable covenant. This phrasing is also closer to classical Roman law definitions of marriage by Modestinus (*Digeste*, 23.2.1) and Ulpian (*Instructiones* 1.9.1), both of which speak of “a man and a woman”. There is no evidence that this phrasing was meant to respond to the contemporary phenomenon of

¹⁷ Canon 1055, §1.

“same-sex marriages”. Nevertheless, the new wording does suggest that an exchange of consent between persons of the same sex is not truly “marital”, and does not, therefore, give rise even to the semblance of marriage.¹⁸

We could therefore conclude that intrinsically, the conception or the notion of “same-sex marriage” is contradictory in itself, even grammatically. This is because, even in the discovered laws of electrical charges through which electricity is generated, you can only “marry” opposite components of a compound circuit, for them to produce the desired energy¹⁹. In the same manner, the idea of same-sex marriage lacks fundamentally the essential elements that make for a true marriage union. Attentive to this reality, both the doctrinal teaching and legislative authorities of the Church insist on transmitting the traditional understanding of a canonical marriage. Most recently, Pope Francis reiterates this teaching while being careful not to discriminate against those who feel different kinds of marital orientations:

The Church has a very clear understanding of marriage: an exclusive, stable, and indissoluble union between a man and a woman, naturally open to procreation. Only this union can be called "marriage." Other forms of union realize it only in "a partial and analogous way" (Amoris Laetitia 292), so they cannot be strictly called "marriage."²⁰

Even with the above understanding, does an ordained minister have a canonical obligation to bless whoever comes to him for it?

Canonical Obligation to Bless the *Christifideles*

In its sections on the obligations and rights of all Christ’s faithful (*christifideles*), the code of Canon Law, precisely in canon 213, states that “the Christ’s faithful have the right to be assisted by their pastors from the spiritual riches of the Church, especially by the word of God and the sacraments”. To this end, canonical doctrine teaches that according to this right, the administration of sacraments, the preaching of the Word and the means of obtaining sanctity are to be organized according to the needs of the faithful in such a way that all may enjoy these spiritual goods according to their own vocation. This right also evokes the obligation of justice whereby the minister is expected to satisfy the spiritual wants and needs of the faithful. Juridically then, it will be a breach of this right of the faithful to do anything which might unduly delay the reception of the sacraments and the benefits of the sacramentals, or to force the recipients to receive them in forms not determined by law. As well, pastoral practices which make modes

¹⁸ BEAL JOHN P., “Marriage”, Beal John P, et al., *New commentary on the Code of Canon Law*, Bangalore, Theological Publications in India, 2003, p. 1251.

¹⁹ Charles Augustin de Coulomb became famous in the world of physics through the law he discovered (Coulomb’s law in physics), which says that “like charges repel and opposite charges attract” (LING, Samuel J. et al, *University Physics volume 2*, Houston Texas, OpenStax, 2016, section 5.3).

²⁰ VATICANNEWS, Pope Francis responds to dubia submitted by five cardinals, n° 2, a, available on <https://www.vaticannews.va/en/pope/news/2023-10/pope-francis-responds-to-dubia-of-five-cardinals.html>, consulted on January 30, 2024.

compulsory that are not binding in law or rather prevent an exercise of the right which is in conformity with the law constitute an abuse of the right in question here²¹.

We need not to reemphasize the relationship between “blessings” and the sacraments as presented previously in this article. What is worthy of note here is the obligatory character which the legislator attaches to the act by which the pastor is required to give spiritual assistance in all its forms to the *christifideles*. In the same vein, it is also a right and duty on the part of the faithful to receive this blessing in its legitimate limits. As a matter of fact, this binding canonical provision does not exclude blessing as a sacramental (in the understanding of *FS*) from such spiritual assistance. Not only that this means that no Christian faithful should be denied the sacramental blessing when he or she asks for it, the same canonical provision explicitly personalizes this right. In this sense then, the blessing is imparted to the individual person, for the nourishment of his or her soul, and not for the validation of the state in which he or she is in.

In addition, if all Christ’s faithful have an obligation and duty to participate in the sacraments and other salvific means (canon 210), does it not invariably imply that same obligation on the ministers through whom the varied sacramental means could be accessed? As this interrogation opens up a dialogue between legal (canonical) obligations and pastoral necessities, it becomes a priority to look for a reconciliation ground. A quick temptation might be to ask what Jesus could have done if He was in the contemporary context where we are today²²; will He feel obliged to, according to canonical recommendations, bless same-sex couples who approach Him for blessings or will He refuse them? No matter what the answer would be, the Gospels are also clear about how Jesus, even though welcomed, embraced and accommodated every tendency and *questions qui fâchent* of His time, never stopped at nothing to denounce the sinful acts and lifestyle which He noticed in people²³. The concluding tones of the Gospel passages do not give the impression that the beneficiary of such Jesus’ encounter opposed the caution to reject his or her sinful acts and come out from them. They were indeed turning point moments for those beneficiaries. If the result was the contrary, the Gospel would have reported it somehow, just like it did of the rich young man, whose “face failed and went away sad” when Jesus told him to go sell all the things he possessed and come back to follow Him, as he sought to know what he could do so as to enter the kingdom of God (Mtt. 19: 22; Mk. 10:22).

Conclusion

²¹ HERVADA, Javier, « The people of God », CAPARROS (E.), AUBE (H.), (dir.), *Code of Canon Law annotated*, Québec-Canada, Collection Gratianus series, 2004, p. 173.

²² The Gospels have several examples of where Jesus neither discriminated against “publicly acclaimed sinners” nor rejected and/or refused them access to Him.

²³ To the invalid man he met at the pool of Bethsaida, Jesus said: « Go and sin no more » (Jn. 5:14); In the account of the woman taken in adultery, Jesus said: “Neither do I condemn you. Go and sin no more” (Jn. 8:11). These evangelical accounts demonstrate that, even though Jesus will always open His arms to the “sinner”, but He will at the same time, remind or caution the sinner to reject his sinful acts.

As we dare to canonically appraise the “Pastoral meaning of Blessings”, the object of the Declaration *Fiducia supplicans*, it is equally essential to put into perspective the sense behind the Blessing for it to truly achieve the purpose for which it is meant for, that is, seeking the face of God. Even though Jesus had also cautioned in a different context that “it is not right to take the children's food and throw it to the dogs” (Mtt. 15:26; Mk. 7:27), but we can be guided by its literary sense, notwithstanding the fact that the dogs could eat the leftovers that fall from their masters’ table. Acknowledging the limits of this analogy, would it not still suffice as a precautionary advice as to the safeguard of the etiological sense behind Blessing as “seeking the face of God”, whether qualified as sacramental or spontaneous? It is like the situation when a mentally derailed person gently comes to the altar to receive Holy communion; even with the canonical obligation to spiritually assist anyone who legitimately comes for it (canon 213), but pastoral prudence and precautionary wisdom always informs the eucharistic minister not to give the Holy communion to this person, not as an act of denial, but in respect to the coherency in the fact that the person may not know what he or she receives. Meanwhile, to some who ask “must the DDF issue the Declaration *FS* and more so on the delicate question of acceptance of same-sex union in the catholic Church”, such a question is undoubtedly legitimate. A quick answer could be in the proverbial rhetorical form of, must we throw the bad water with the child? That pushes our reflection to seek the positive elements of the Declaration. Among which is the setting of the limits on any form of blessing to be given to same-sex couples, while maintaining the traditional teaching that marriage is only and can only be between a man and a woman in the Church. Perhaps for those in doubt in the face of contemporary evolutions and the various calls for reforms in the Church, such setting of limits comes at a most topical time in history.

Hence, *FS* dares to think out of the box of “traditional catechism teaching” of the Church. We are in an era whereby it is no longer sufficient to give a “yes or no” answer to an inquiry. Is it not equally a moment whereby faith is questioned by reason so as to better understand it? Therefore, when the Declaration meets with a tough resistance or with several opposing views, all these could conjugate into that collective search for which Jesus envisaged the presence of His Holy Spirit: “the Advocate, the Holy Spirit, whom the Father will send in My name, He will teach you all things, and bring to your remembrance all that I said to you” (Jn. 14:16).

Finally, it should be noted that the success already of *FS* does not lie in its implementation. It rather lies in the questions that it has provoked. Just like the aftermath of the publication of the encyclical letter *Humanae vitae*, by Pope Paul VI in July 1968, the Declaration *FS* has come to reiterate the nature of the Church as prophetic in the world, whose voice, even against her own traditions never shies away from challenging the *christifideles* to acting Christ-likely in all things. In a similar vein, the rejection of *FS* by most episcopal conferences in Africa equally has its own merit, without putting into question the communion that exists between the Church in Africa and Rome. In such contexts, it could be both a cultural taboo and a criminal offence for the State authority when there is a manifestation of same-sex ideology in an active form, be it in the name of marriage or any kind of stable community of life. And so, to avoid

unnecessary conflict with State legislations, the most prudent step to take is to stay clear of all forms of confusion, a total rejection of *FS*. Such opposition equally has its own merit in concord with the provisions of canon 26, and without prejudice to canon 22.

Chimaobi Clement Emefu, PhD

Faculte de Droit Canonique

Institut Catholique de Paris

References

BEAL John P., “Marriage”, Beal John P, et al., *New commentary on the Code of Canon Law*, Bangalore, Theological Publications in India, 2003, 1952 p.

CALLERY, James, “Pope Francis formally approves letting priests bless same-sex couples - but reaffirms marriage is between a man and a woman”, *Mail Online*, December 19, 2023, available on <https://www.dailymail.co.uk/news/article-12877387/Pope-Francis-formally-approves-letting-priests-bless-sex-couples-reaffirms-marriage-man-woman.html>, consulted on January 27, 2024.

CONGREGATION FOR THE DOCTRINE OF THE FAITH, “*Responsum* of the Congregation for the Doctrine of the Faith to a *dubium* regarding the blessing of the unions of persons of the same sex”, available on https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20210222_responsum-dubium-unioni_en.html, consulted on January 25, 2024.

DICASTERY FOR DOCTRINE OF THE FAITH, Declaration *Fiducia supplicans*: On the Pastoral Meaning of Blessings, *Ex audentia die* of Francis, 18 December 2023, available on https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_dff_doc_20231218_fiducia-supplicans_en.html, consulted December 20, 2024.

DICASTERY FOR DOCTRINE OF THE FAITH, “Pope Francis responds to dubia submitted by five cardinals”, <https://www.vaticannews.va/en/pope/news/2023-10/pope-francis-responds-to-dubia-of-five-cardinals.html>, consulted January 27, 2024.

HERVADA, Javier, « The people of God”, CAPARROS (E.), AUBE (H.), (dir.), *Code of Canon Law annotated*, Québec-Canada, Collection Gratianus series, 2004, 2066 p.

LING, Samuel J. et al, *University Physics volume 2*, Houston Texas, OpenStax, 2016, section 5.3.

LUIS F. CARD. LADARIA, “*Responsum of the Congregation for the Doctrine of the Faith to a dubium regarding the blessing of the unions of persons of the same sex, 15.03.2021*”, available on <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/03/15/210315b.html>, consulted on January 31, 2024.

POPE FRANCIS, Apostolic Constitution *Praedicate Evangelium*, On the Roman Curia and its services to the Church in the World, accessible on <https://www.vatican.va/content/francesco/en/apost-constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html>.

