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# Amoris Laetitia

## Joy, Sadness and Hopes\*

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“Οὕτως γὰρ ἠγάπησεν ὁ θεὸς τὸν κόσμον ὥστε τὸν υἱὸν αὐτοῦ τὸν μονογενῆ ἔδωκεν ἵνα πᾶς ὁ πιστεύων εἰς αὐτὸν μὴ ἀπόληται ἀλλ’ ἔχη ζωὴν αἰώνιον.

For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life.” (John 3:16)

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### Abstract

The present essay begins, in its first section, with a mention of the wealth of beautiful thoughts that *Amoris Laetitia* (*AL*) enriches us with, and of the wonderful core of the message of *AL*, the merciful love of God for every human being expressed in the words of Christ cited above. It then concentrates on a small portion of the assertions of *AL*, but which are likely to have the strongest effect and give cause for concern and sadness.

The second part concerns the question who the couples in “irregular situations” are, to whom *AL* wants to grant access to the sacraments, and whether admitting them (without repentance and will to change their life) to sacramental absolution of sins and Eucharist is compatible with the Gospel, Church doctrine and human reason. Four fundamentally different answers that dominate the current discussion as to who these couples admitted to the sacraments are according to *AL* are discussed critically, to show that a clear statement about which of them is true and which are blatantly false, desperately is needed to avert chaos:

1. No “irregular couples” at all?
2. All “irregular couples”?
3. Some, carefully examined, couples in irregular situations?
4. “Irregular couples” who have not celebrated marriage in the Church but only entered a “marriage of conscience,” which *AL* for the first time in the history of the Church permits and recognizes?

Since the second reply authorizes any sacrilege and transforms the holy Temple of God into a temple of Satan, this reply cannot be the one the Pope intends to give. But as it is nonetheless proposed by high dignitaries in the Church and the Pope has remained silent about it, it seems necessary to break this silence and to reject this second blasphemous response in the sharpest possible terms.

The third answer is most likely the one meant by Francis. It asserts that the couples admitted to the sacraments must be subjected to a thorough discernment in order to see whether they are so ignorant or blind for their sin that they, subjectively speaking, are not committing grave sin. One first objection to this view is that it makes the silent assumption that the adulterer or a murderer blind to his sin is innocent. This fails to recognize that often ethical value-blindness is rooted in evil acts and attitudes and the subject is responsible for his blindness such that he is even a worse sinner than the one who clearly knows his sin and recognizes his guilt. Another main objection to this solution is that any sorting out of “good people in irregular situations” of adultery, homosexual acts, etc., who are subjectively in the state of grace (despite of the fact that they live “objectively in serious sin”), is unachievable and wholly exceeds the capacity of the individual priest and of the affected couples. Distinguishing such pure soul-sinners who would not need repentance nor conversion to receive the sacraments, from “evil adulterers” and homosexuals, who can be admitted to the sacraments only after a repentance and conversion, leads to countless new problems that make this solution cause of chaos in the Church.

While the fourth answer and the proposal of “marriages of conscience”, in which the judgment of the individual could replace the Church tribunals in certain situations, is presented with great sympathy as a potentially truly charitable innovation and recognition of the dignity of the personal subject and of the legitimate rights of conscience by Pope Francis, the essay shows that also this humane and merciful-looking admission of couples in extraordinary situations to the sacraments and the recognition of their marriages as sacraments infringes against the teaching and tradition of the Church, as well as against rationally evident principles of Justice and the Good. Hence ultimately only the first reply that is that of the Polish bishops’ Conference and was approved for them by the Pope on August

28-29, 2016, is left, which means Pope Francis effectively didn't change anything about the discipline of the sacraments for various reasons, one of them being absolutely cogent: that any other response deviates from the Gospels and Church teaching and tradition.

The third part of the essay discusses a number of statements which would seem wrong, at least in their immediate sense, even heretical. It is chiefly on this doctrinal level that the radical break purported by Spaemann of *AL* with Church teaching and tradition occurs: a break with the teachings of the Gospel and the Church on the moral order, on intrinsically wrong and disorderly actions, on the divine commandments and our ability, with the help of grace, to comply with them; on the indissolubility of marriage and the sanctity of sacraments of the Eucharist and marriage, on the sacramental discipline and pastoral care of the Church, which derives from the word of God and the Church's 2000th tradition, on the threat of eternal damnation (hell) and the necessity of faith in Christ for eternal salvation.

Since the relevant statements are contrary to most basic elements of the Church's doctrine, their abdication, and at least a revocation of their false senses, in which they will be understood by most readers, is directly requested from the Pope.

The fourth part, using many examples from the history of the Church, shows the full compatibility with the Catholic tradition and teaching of appropriately and reverently proposed criticisms of utterances of bishops and the Pope, also when they come from lay people. The great gift of infallibility does not extend to all magisterial or public statements of the Pope, many of which are fallible. From St. Paul, Emperor Constantine, Athanasius, Saint Catherine of Siena up to the present, we find many cases in which such critical scrutiny of Church pronouncements, including those of non-infallible statements of the Pope, by laypersons or lesser magisterial authorities was of im-

mense significance for the good of the Church. The essay addresses a dramatic appeal to the Pope for clarification and correction in theory and practice.

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## Preliminary remark

Since the unauthorized publication of a privately circulating draft of my article on *Amoris Laetitia* (Las lágrimas de Jesús sobre la *alegría del amor*), I decided to publish its correct and approved version in several languages. Before publishing this article, I have written a personal letter to his Holiness Pope Francis. The letter is just as little as this article directed “against the Pope”. As a Catholic, I rather believe that Pope Francis, as the Vicar of Jesus Christ on Earth, is the successor of Saint Peter, the rock, on which Jesus Christ built His Church, the “Holy Father”. In addition, I expressed to Pope Francis my full devotion towards his mission and duty of the supreme Magisterium of the Church, as earthly representative of our single teacher Jesus Christ, in the Holy, Catholic, and Apostolic Church, the “pillar of truth.” I say this here to dispel any impression as if I wanted attack the Pope, undermine his authority, or deny his legitimacy. Much rather, my critique intends to serve and to assist him in his task to teach the truth.

## 1 Introduction

### 1.1 The joy over *Amoris Laetitia*

Throughout the entire world, many voices have responded to the post-synodal apostolic exhortation *AMORIS LAETITIA*<sup>1</sup> (*AL*) with joy and praise for the latest document by Pope Francis. And its text contains no doubt many beautiful thoughts and deep truths that lift up the reader’s mind to the beauty and happiness of true love, glorify God and delight the reader. In particular, the text exudes the merciful love of God and of the Pope for all persons in all situations of economic or moral poverty and of material and spiritual wealth, of sin and of virtue. The

text contains treasures of wisdom. I wish to emphasize especially here that *Amoris Laetitia* - like Jesus Christ Himself in His conversation with Nicodemus in which he bequeathed to us a summary of the Gospel – puts at the heart of the message of Jesus Christ the infinite love and mercy of God with which He loved and redeemed us, and revealed their immensity through the incarnation, the passion, death and resurrection of His Only Begotten Beloved Son. With the whole Catholic World, I share the joy over all these aspects and over other precious parts of the doctrine of *AL* on marriage, the gift of life and the monstrous evil of abortion.

## 1.2 Grief over *Amoris Laetitia* and asking for clarifications and corrections

But notwithstanding the joy over this beautiful message of *AL* and all its praise by many bishops, Cardinals and lay people, I think that some passages of *AL*, *particularly* those that are likely to have the greatest effect, are cause of great concern and even of deep sadness, not only because some of them can easily lead to misunderstandings and in their consequence to abuse, but also because others - at least apparently – stand in sharp conflict with the word of God and the teaching of the Catholic Church on the moral order, on intrinsically wrong and disordered actions, on the divine commandments and on our ability to keep them with the help of divine grace, on the indissolubility of marriage, on the sanctity of the sacraments of the Eucharist and marriage, on eternal damnation (hell), and on the sacramental discipline and pastoral care of the Church that derives from the Word of God and from a 2000 year old sacred tradition of the Church.

Therefore, having chosen for The International Academy of Philosophy and for my life the motto, *diligere veritatem omnem et in omnibus, to love all truth and to love it in everything*, I feel

the duty, as a philosopher and as a Catholic, to communicate the reasons of this sadness not only to the Pope personally, but also to all Catholics and all readers of this essay. I hope that many of them will implore the Pope with the fire of the love of God and of each and every immortal soul to clarify some passages in *AL* and to correct others.

Not only, then, on the basis of the duty to correct the unauthorized publication of the first draft of this article, but also due to the fact that *Amoris Laetitia* is a public document, and not a private announcement, I would like to submit the present final version of my thoughts on it not only to the Holy Father in a personal letter, but also to publish them in an article. Because I deeply believe that some vague statements that expose themselves to opposing interpretations urgently require clarifications, while other statements in *AL* that are, at least in their formulation, false or clearly seem to contradict the teaching of the Church, require with the same urgency corrections.

By publishing these critical thoughts, I follow, on the feast of the Holy Apostles Peter and Paul, the example of Saint Paul, who has criticized publically St. Peter, the first Pope instituted by Jesus himself *as rock on which he would build His Church*, an example that Saint Thomas presents to all of us as a model of our actions under certain circumstances, and as a serious obligation even when such open criticism raises public scandal or makes some bishops feel that it affects their dioceses negatively. Because truth holds here the absolute primacy.<sup>2</sup>

The passages of *AL* that in my opinion urgently require clarifications and sometimes corrections are mostly hidden in a few lines of the text or in footnotes in the eighth chapter.

Some formulations used in *AL* seem dangerously ambiguous, cry out for clarification, others - and thus I take a step beyond what Bishop Athanasius Schneider writes in his sublime open letter to Pope Francis about *Amoris Laetitia* that certainly would

deserve a deeply meditated response from Pope Francis<sup>3</sup> – I consider clearly wrong and I think ought to be revoked by the Holy Father himself. I’m starting with an urgent request for clarification and some proposals to achieve clarity.

## **2 Is the admission of couples in “so-called irregular situations” to the sacraments compatible with the teaching of the Church? Philosophical and theological clarifications and distinctions**

The Pope granted some couples in “irregular situations” the admission to the sacraments, a move considered already before by Cardinal Ratzinger. (But several very serious reasons, formulated by Ratzinger himself and by the Holy Pope Johannes Paul II, prompted his Eminence Cardinal Ratzinger as Prefect of the Congregation for the Doctrine of the faith, and then as Pope Benedict XVI, to retract this proposal, which he had made as Archbishop of Munich<sup>4</sup>).<sup>5</sup>

### **2.1 Who are the “couples in irregular situations” who are invited by the Church to gain access to the sacraments? Clarifications**

Therefore we must further ask, who are these “couples in irregular situations”, who may be admitted to the sacraments according to footnote 351 of *AL*?<sup>6</sup> This clarification is certainly missing in footnote 351 and in the rest of the document, with the result that some Episcopal Conferences such as the Filipino and the German ones, give such an interpretation of *AL* and such an answer, that Cardinal Müller recently quite rightly addressed a

warning to the German bishops of the high risk of a schism in the German Church that would not be less severe than that of the 16th century. Therefore I asked his Holiness passionately in my letter addressed to the Pope, to remove the confusion that arose in many parts of the Church from “wild” interpretations of *Amoris Laetitia* and to provide for us a clarification of several central points.

I myself want to make in the following a modest attempt to shed light on this question, through an analysis of four very different and partly radically opposite answers to our question that determine the current debate.

### **2.1.1 No “couples in irregular situations” (adulterers, promiscuous and gay couples)?**

This response is that of Monsignor Livio Melina, Archbishop Chaput of Philadelphia, Cardinal Burke and others. They have said that *AL* didn’t change anything in the Catholic sacramental discipline (although *AL* has obviously *tried* to change something of the sacramental order).<sup>7</sup>

I therefore think that this first answer to our question cannot be an interpretation *of the text* of *AL*, but rather is a judgment about its character, style, value, rank, and effect. Thus Cardinal Burke, in no uncertain terms, stated that *AL* was not a magisterial document, but merely the written expression of personal post-synodal reflections of the Pope.

Cardinal Burke and others have added that a mere stroke of the pen in a single footnote, in virtue of its lack of appropriate form, is incapable to change a sacramental discipline and a tradition of 2000 years of the Catholic Church’s sacramental pastoral praxis, or to change the Catechism of the Catholic Church and the *Codex iuris canonici*. In these texts the Church clearly and unequivocally expounds its sacramental discipline that prohib-

its any person who lives privately in mortal sin, or publically in objectively seriously sinful ways (in an “irregular situation”) to receive Holy Communion and sacramental absolution, without previous conversion, confession and decision to change his life.

In addition, many of the eleven and the five Cardinals who authored two recently published books, as well as cardinal Müller in his new book,<sup>8</sup> offer a far stronger reason as to why AL has not changed the sacramental discipline of the Church: They have explained, citing *Familiaris Consortio* 84 and other Church documents, that the non-admission to the sacraments of divorced and remarried persons is not a matter of a changeable decision, but part and logical consequence of the constant and unchanging teaching of the Church.<sup>9</sup> If they are right, *AL* indeed would not have altered the doctrine of the sacrament and the sacramental practice of the Church in any way, whatever its form would have been. “Irregular” couples who feel no remorse and have not received sacramental absolution of their sins, or, when for serious reasons they cannot separate, have not accepted to lead a life of complete abstinence from promiscuity, homosexual or adulterous relationships, are not permitted to receive the Holy Eucharist.

Archbishop Charles J. Chaput, who expressed himself in the same sense, has been berated for this reason by the Mayor of Philadelphia publically, in an unqualified form and with incredible rudeness, denying him even the status of a Christian. In the meantime, the Polish Bishops’ Conference adopted the same position and received the approval of the Pope for doing so on August 28, 2016, even though the reason for this papal approval seems to derive from introducing a cultural relativism into the Church by saying that each local Church could take their own decision regarding this question and no universal Catholic response is necessary, so as if the question whether a certain act is sinful or not, a sacrilege or not, morally right or wrong, and the moral teaching of the Church could ever be a mere expression of

different national cultures and tastes.

Also in the book unavailable in English, *Remaining in the Truth of Christ*,<sup>10</sup> Cardinal Müller for example (Translation mine from Spanish) writes:

“To Divorced and remarried couples [without an annulment of their marriage] cannot be granted access to the sacraments. (For a double motif: (a) ‘because their [...] life situation is objectively contrary to the union of love between Christ and the church, that is actualized in the Eucharist’ and (b) ‘would people in this situation be admitted to the Eucharist, the faithful would fall into error and confusion about the teaching of the Church about the indissolubility of marriage’. A reconciliation through the sacrament of penance, which opens the way to the Eucharistic communion, is only possible through remorse about what happened and ‘the resolve for a way of life that does not contradict the indissolubility of marriage’. This means that, if for serious reasons the new union cannot be broken off, for example due to the upbringing of children, the husband and the wife ‘must commit themselves, to live in complete continence’ [...]. In the Apostolic exhortation *Sacramentum Caritatis* of February 22, 2007 Pope Benedict XVI., taking off from the work of the previous Synod on the Eucharist, gives a new impetus. N. 29 of the document deals with the situation of divorced and remarried Catholics. Also for Benedict XVI it is ‘a difficult and complex pastoral problem’. He reinforces the ‘practice of the Church, grounded in Sacred Scripture (cf. MK 10, 2-12) to disallow to divorced remarried faithful to receive the sacraments’, but at the same time,

the Pope implores priests ‘to pay special attention to those affected’ with the desire that they, as far as possible, live a Christian life-style through the participation to the Holy Mass, although without reception of communion, through listening to the word of God, Eucharistic adoration, prayer, participation in community life, the conversation with a priest or spiritual companion of their confidence, works of charity and penance as well as through fulfilling the task of bringing up children, maintain a Christian lifestyle”.<sup>11</sup>

Likewise, the Cardinals Willem Jacobus Eijk, Carlo Caffarra, and others say substantially the same, offering many arguments and in-depth explanations. These Cardinals are undoubtedly right that a biblically justified sacramental discipline and doctrine of the Church, in force for 2000 years, that includes the ban on receiving the Holy Sacrament of the Eucharist and sacramental absolution without reversal of one’s way of life, cannot have effectively been changed by a few casual and unclear sentences in *AL*.

Hence, in fact none of the sacramental discipline of the Church has changed through *AL*. This is of course especially and in an unconditional manner the case if the doctrine of the sacrament and sacramental discipline of the Church comes from the Word of God and the immutable doctrine and interpretation of the Word of God through the Church.

As a judgment on the actual effect *AP* had (or lack thereof), the Cardinals Burke and others are undoubtedly right. The sacramental discipline has not changed, because it was presented repeatedly by the magisterium of the Church as part and result of the unchangeable truth of revelation. Moreover, even if *it could be changed*, neither this tradition, nor the catechism nor CIC could be changed with the stroke of a pen or a footnote.



If you ask, however, about the intention of the Pope and the announcement of changes, it is certainly not true that *AL* proposes no changes of sacramental discipline. With Rocco Buttiglione, it seems to me untenable to claim that *AL* has not tried to change the order of the sacramental discipline.

To determine whether these changes or at least some of them are compatible with the word of God and the constant teaching of the Church, we take a look at the remaining three and very different answers to the question: Which couples “in irregular situations” has *AL* entitled to receive the sacraments?

### **2.1.2 All “irregular” couples: divorced, adulterous, lesbian and homosexual couples?**

Many interpret the couples who objectively speaking live in serious sin, but now are by *AL* invited to the Eucharistic table, in a form that is the contrary opposite to the first response: “All who live in a concubinage, all divorced and remarried, adulterers and adulteresses, lesbian and gay, bisexual and other couples, should be admitted to the sacraments without any barriers.” Father Antonio Spadaro SJ, the Philippine Bishops’ Conference, through its President,<sup>12</sup> and many German bishops, but also U.S. bishops such as the Archbishop Cupich of Chicago have interpreted *AL* in the same direction. Something similar is true of Cardinal Schönborn, who in an interview goes so far as to say that Pope Francis has, at least with regard to the reception of the sacraments, eliminated any difference between “regular” and “irregular” couples.<sup>13</sup>

This interpretation of couples that are allowed to the sacraments, and may expect to draw from them help and grace not just contradicts *Familiaris Consortio*, 84.<sup>14</sup> It is not the mere contradictory opposite and negation of what FC and numerous other documents teach. No, it is the radical, contrary and abso-

lute opposite of traditional teaching.

If instead of none, now *all* adulterers, those living in concubinage, gay and lesbian couples, etc. are invited to receive the sacraments, there are really no more limits, just as Father Spadaro assures us. Why should the sacraments then not be administered to those persons, couples, nurses and doctors who have been excommunicated automatically by committing, asking for, or aiding in, abortions?

Aligning the pastoral discipline of the sacraments to this second interpretation would have huge and horrible consequences: one would desecrate the Holy Temple of God, nay transform it into a Satanic Temple and an eerie site of Eucharistic sacrileges and blasphemies of any kind.

In the face of such an interpretation of *Amoris Laetitia*, which is in sharp contradiction to the repeated call of Pope Francis for Eucharistic adoration, it is, I think, most urgently necessary that the Pope himself make it clear that this is not at all what he or any Pope says, but emerges from a very incorrect interpretation and ignoring of the meaning of *AL*.

Given the fact, however, that this interpretation has been proposed by Bishops' Conferences, Father Spadaro, Cardinals and Archbishops including Archbishop Cupich, who was raised recently to a member of the Congregation for bishops, requires a very clear and speedy papal declaration that this interpretation of the words of *AL* is a radical misunderstanding. Such a declaration is most urgent and necessary if total chaos should be avoided.

This is true even more clearly in view of the fact that offering the most holy sacraments to *all* irregular couples (even in the case that this understanding of *Al*, as I believe, is incorrect) *seems* to be supported by the following words of *AL* 297 itself:

“Here I am not speaking only of the divorced and re-

married, but of everyone, in whatever situation they find themselves.” (*AL* 297)

If you also take into account the silence of the Holy Father in response to this interpretation by the Philippine bishops and bear in mind the fact that Father Antonio Spadaro SJ was a close collaborator in the elaboration of the text of *AL*, you can hardly doubt what he said about *AL* (*unless the Holy Father rejects this interpretation explicitly, which to do all bishops and believers humbly should ask him*): “Francis – he writes confident – has lifted for the so-called ‘irregular’ couples all ‘barriers’ of the past.”<sup>15</sup>

The silence of Pope Francis about Father Spadaro’s interpretation reinforces the impression that he supports the second interpretation, according to which *AL* admits *all* couples to the sacraments. This interpretation of the papal silence imposes itself especially when you consider that the Pope does not generally let everything go without intervening. For example, he recently immediately and publicly corrected the impression created in many persons that Cardinal Sarah’s encouragement of priests, expressed in an important public lecture at a liturgical congress, better said, after a meditation on the deepest aim of the holy liturgy (the glorification of God), to consider celebrating the holy mass more frequently towards the East (*versus Deum*), announced a change of the liturgical norms of Paul VI., according to which holy Mass should be celebrated normally *versus populum*. (In reality, this norm was never absolute, and had also been partially modified by the *motu proprio* of Pope Benedict XVI. extending the right to celebrate mass in the extraordinary rite to all priests). This immediate public critical reaction (that I regret deeply), of the Pope to a mere (and very noble) proposal (that falls entirely into the Cardinal’s area of competence) by Cardinal Sarah, who only suggested something anyway allowed to priests

under the actual standards for liturgical celebration, shows that Francis in no way lets anything take its course unhindered.

Against this background, the complete silence of Pope Francis on the second and scandalous interpretation of the “couples admitted to the sacraments” can easily make the world really believe that this silence on the scandalous second interpretation of *AL* that it grants “*all* couples in irregular situations” (who objectively live in a state of serious sin), without any distinction, access to the sacraments, meets with pontifical consensus and approval.

The same applies to the Pope’s silence after the interview of Cardinal Schönborn in *Corriere della Sera*, in which Cardinal Schönborn, whom the Pope called the most competent exponent of *AL*, made the unbelievable and outrageous claim that *Amoris Laetitia* has “entirely eliminated the distinction between “regular” and “irregular” couples”.<sup>16</sup> Thus Cardinal Schönborn attributes – at least in this remark – to *AL* having put the marriage between a man and a woman on the same level with couples who live in concubinage, in adulterous or homosexual relations.

If the Pope does not say a word about this claim, everyone is led to think that the Papal silence on this interpretation signifies papal ascent according to the classical principle “he who keeps silent, seems to agree” (*qui tacet, consentiri videtur*). Without a speedy reaction of the Pope on these interpretations, the whole world must believe that Francis supports this second interpretation of “couples in irregular situations” (in a state of serious sin).

Pope Francis seems to encourage this second interpretation of the couples who are admitted to the sacraments, even more by his recent appointment of Archbishop Cupich as a member of the Pontifical Congregation for the bishops. For Archbishop Cupich defends this second interpretation regarding the admission to the sacraments more radically than any other American Bishop, nay

he even gives Holy Communion publicly to politicians who are automatically excommunicated for their support of abortion and defended this act and his interpretation of *AL* by calling this document a radical “rule changer,” and by claiming that it’s a good thing to distribute holy communion to public advocates of abortion, a crime punished by excommunication. (To make things even worse, Cupich prohibited, as was reported, to the priests of his diocese to participate in a March for life and in public prayers for the abolition of abortion laws).

I urge therefore all Catholics to supplicate the Holy Father in the name of God and of men to reject forcefully such false and scandalous interpretations of *AL* and to implore him that he make such a clear statement very soon, in order to prevent a spiritual disaster and sacrilege without limits in the sanctuary of God and to curb or reverse as much as possible a huge confusion rampant among priests and the faithful.

It cannot be that a Pope teaches this! And it is also not what I believe he in fact teaches. However, I think that for the diminution of total chaos that has emerged in the Church in consequence of this interpretation and of its high-ranking advocates who suggest that this is what the Pope affirms, and in view of his long silence, it is very necessary and urgent that the Pope himself excludes this second answer in the strongest possible terms and that he publicly declare in a *commentary on AL*: “It is wrong to claim that all those who live together in cohabitation outside of marriage, all adulterous, homosexual, lesbian, and otherwise ‘irregular’ couples are invited to the Lord’s table, unless they first convert!”

I think that an interpretation of the text of *AL* as propounding the second interpretation of the couples admitted to the sacraments *is untenable* not only because it simply cannot be that a Pope teaches such horrendous things against the entire tradition of sacramental discipline, but also because Pope Francis

talks in some passages in *AL* of an examination and discernment that should best occur in contact with a priest and precede the receiving of the sacraments by “irregular couples”.

This brings us to the third understanding of those “couples in irregular and objectively sinful situations”, who should now be admitted to the Lord’s Table:

**2.1.3 Some few (or many) “irregular” couples, who live in objectively sinful situations - only after a personal exam of conscience to determine (with the help of a priest or alone) whether they are subjectively speaking committing serious sins?**

According to this third interpretation of *AL*, defended, for example, by Rocco Buttiglione and others, the invitation to the sacraments would be addressed just to those couples who objectively live in adultery or in other serious sins, but due to their limited ethical awareness or weakness of will they would not be evil but “good adulterers” or, more generally speaking, “only objective and not subjective sinners” who, due to their subjective state of “sinners in the state of grace” are invited to the reception of the sacraments by *AL*. For these persons, the sacraments may be an aid for them on their way in the spirit of the Gospel. To such cases, then, the invitation to receive the sacraments would be addressed; it would be limited to some, perhaps only a few, couples “in irregular situations”.<sup>17</sup>

**2.1.3.1 A Fallacy to be avoided**

In *Amoris Laetitia* and their defenders, such as Rocco Buttiglione and Rodrigo Guerra López, one could detect a certain logical fallacy when it comes to adopting the view that many ‘couples in irregular situations’, though they live objectively in serious

sin, are innocent for subjective reasons. We could formulate this fallacy in the following way:

1. To commit a mortal sin requires the realization that one's own behavior is a serious sin.
2. Many divorced remarried Catholics do not realize that they are committing a grave sin if they remarry (without annulment of the first marriage).
3. Therefore many divorced remarried Catholics commit no serious sin by remarrying.
4. Therefore, (if they did not commit other grave sins) they live in the state of grace and you should allow them to receive the sacraments without the Church asking for their previous repentance and conversion.

The fallacy is based on an equivocation of the expression "knowledge" in the first and the expression "do not recognize" in the second premise and consists in the fallacy of a tacit (false) presupposition.

The implied wrong presupposition is that a sinner is not morally responsible for his lack of knowledge or for his ignorance and cannot be guilty, at least not seriously guilty, for his own moral value blindness, and therefore anyone who does not recognize his own sin as such, cannot commit a grave sin.

Sure, it's true, what the *Catechism of Catholic Church* says:

"1859 Mortal sin requires full knowledge and complete consent. It presupposes knowledge of the sinful character of the act, of its opposition to God's law. It also implies a consent sufficiently deliberate to be a personal choice."<sup>18</sup>

But the same number 1859 of the *Catechism* continues:

"Feigned ignorance and hardness of heart do not diminish, but rather increase, the voluntary character

of a sin.”<sup>19</sup>

The next paragraph adds that about the most central contents of the moral law nobody can be thought to be wholly ignorant:

“1860 Unintentional ignorance can diminish or even remove the imputability of a grave offense. But no one is deemed to be ignorant of the principles of the moral law, which are written in the conscience of every man.”<sup>20</sup>

These include the moral prohibition of adultery and murder, etc. If it is true, however, that there is an intuitive knowledge accessible to every man (“inscribed in every human heart”), one cannot assume a non-culpable ignorance about the evils of murder or adultery, especially since there’s not an innocent ignorance of the natural moral law, “written by God into every man’s heart”. Rather, as 1860 of the Catechism adds: “Self-inflicted ignorance and hardening of the heart [cf. mk 3.5-6; LC 16,19-31] do not diminish, but rather increase, the voluntary character of a sin.”<sup>21</sup>

Therefore the 2nd premise of the syllogism is false, since man under normal conditions, because the natural moral law is “written” in everybody’s heart / conscience, knows in an original manner of the wrongness of his acts (this belongs to his natural moral ratio), wherefore his blindness is the consequence of seriously immoral acts and does not give him any excuse.

That’s why the Bible says in *Romans* 1:21-23:

“For although they knew God, they neither glorified him as God nor gave thanks to him, but their thinking became futile and their foolish hearts were darkened. 22 Although they claimed to be wise, they



became fools 23 and exchanged the glory of the immortal God for images made to look like a mortal human being and birds and animals and reptiles.” (Romans 1:21-23. New International Version)<sup>22</sup>

Dietrich von Hildebrand has shown by profound philosophical investigations that moral value blindness is not an innocent thing that excludes having responsibility for a wrong you are doing if you are blind for its disvalue. He distinguishes four types of moral value blindness that, for various reasons, are culpable.

One of the different forms of ethical value blindness comes from repeated and unrepented evil deeds that have a blunting effect on the sinner’s ethical consciousness and moral conscience. For example, repeated adultery that we do not disavow in repentance nor respond to in the resolution of not committing it any more, obscures our ethical knowledge, such that the value of marital fidelity does not seem beautiful to us any longer, nor the disvalue of adultery seriously ugly or wrong. Can we conclude that a person who has thus become blind to the evil of adultery does not commit a grave sin committing adultery but rather lives in a state of grace? Not at all, because he is responsible for his blindness.

Or a person has a strong attachment to the subjectively satisfying of a special kind, such as sex, drugs, alcoholic beverages, or fine food, but at the same time he is no cynic who does not care about sinning; rather, he does not consciously want to sin. This combination of factors (an, although limited, will not to do evil, a strong attraction to a morally not permitted pleasure) easily results in “a blindness of subsumption,” in which a person does no longer subsume his own behavior under adultery or murder but gives it other nicer titles or names. In other words, a given person no longer sees those moral claims that forbid him to live out his actual passions or vices. (Hildebrand calls this the

value-blindness of *Verdunkelung*, of obscuring and rendering confused one's perception of moral values and disvalues). This value knowledge is becoming dark and obscure because of a particular passion to which a person has a disordered attraction.<sup>23</sup>

Can we infer that an adulterer who has become blind or unconscious of his committing a serious moral evil, committing adultery, therefore lacks the necessary knowledge to commit a serious sin and hence lives in a state of grace? Not at all, because he is responsible for the attitudes, especially the limited will to do the good, that led to his blindness.

A person can also become victim of a "constitutive partial value blindness", not seeing any more certain higher moral values or lesser moral disvalues that are objectively speaking more difficult to see; for example he continues to see the value of honesty and the disvalue of stealing but not the value of generous giving and the evil of stinginess; he sees the moral evil of murder but not that of seriously insulting another person in words; or he can see the moral disvalue of adultery but not that of promiscuity. Can we infer that he is innocent for his remarrying after a divorce and lives in a state of grace because he is lacking the knowledge that is a condition for committing a grave sin? Not at all, because he is responsible for the limited fundamental morally good attitude that makes him see only extreme cases of immoral actions, and makes him blind for lesser but still serious moral evils.

Paola Premoli de Marchi has expounded in an excellent book, which presents the results of her deep, brilliant and highly differentiated analysis, the role of free will and free attitudes for the intellectual consent to the truth.<sup>24</sup>

For all the reasons expounded, it would be a logical fallacy to conclude from the high proportion of remarried divorcees who see nothing wrong in their actions and are blind to their own sins, that they are innocent or 'live in the state of grace'; for if at the

root of their ethical value blindness lie seriously wrong morally evil attitudes or repeated and unrepented immoral actions, they may also subjectively live in serious sin even if they do not actually perceive, because of their value-blindness, the gravity of their sin.

### **2.1.3.2 Is the “discrimination” between “bad adulterers or homosexuals” and “innocent / good adulterers or homosexuals” sustainable and concretely applicable?**

Is the distinction between “bad adulterers or homosexuals” and “innocent / good adulterers or homosexuals” correct and, above all, can it be applied? Even if the distinction may be justified in theory, attempting to apply it concretely, falls, I believe, into insurmountable impossibilities and difficulties. Who should or can, on “a case for case basis,” distinguish cases of good and innocent adulterers or homosexuals from bad adulterers or homosexuals - those that are in the state of grace from others who live in serious sin? The priest? On what basis?

*AL* says (though not very unambiguously), that the distinction between “subjective good adulterers” (in the state of grace) and “bad adulterers” who live in actual mortal sin and therefore, according to the code of Canon law, are not admitted to the sacraments (if they persist in their illegitimate living together) should be made in accordance with a priest or confessor.

Question: How can this work? Should a priest call innocent some couples who live together in adultery, and tell them they may receive sacramental absolution and Holy Eucharist without any need for conversion and without any will to end their adulterous relationships, without repentance and without intention to change their lives or without any decision to live together from now on as brother and sister? And should the same priest tell

other couples, in contrast, that they are real adulterers, never can validly receive the sacraments without having the firm intention to refrain from sinful adulterous relationships and to live in complete abstinence? Are not the dissonance and the private and public scandal obvious that would occur if various adulterers living in cohabitation, lesbian or gay couples, receive such contrasting responses from the same priest?

Is it not likewise entirely clear that only a priest who had a direct vision of souls, could make such a distinction?

Is it not further evident that many couples in “irregular conditions” would seek a “merciful” priest who would give them (invalid) sacramental absolution and that, if he wasn’t granting it, they would denounce such a confessor or even file “ecclesiastic lawsuits” against him and other “cruel” priests “who are sitting on the bench” of Moses? Are the disastrous pastoral consequences of such discrimination and disagreement among the priests resulting from such a “new order”, which has aptly been called by Spaemann “chaos as a principle”, not readily apparent?

Since it is obvious that no priest can make such distinctions, do you relegate then such a judgment to the conscience of each individual? But is not any deferring to the single couple or individual the judgment about themselves and their living in a state of grace, even though they knowingly live in what objectively is a serious sin, a pastoral disaster?

### **2.1.3.3 Is there no risk of sacrileges present when couples in promiscuous, homosexual, adulterous, or bigamous relationships receive the Holy Communion and sacramental absolution for their sins without intention to change their lives?**

If the Holy Father Pope Francis wants to allow that civilly remarried couples may receive the sacraments, why is there never then in *AL* even a single word of warning of the real threat to commit sacrileges, if adulterous, bigamous, or homosexual couples receive Holy Communion? Why is then not even once on 260 pages the word of Scripture mentioned, that “no adulterers will enter into the Kingdom of heaven”? Why is also in this context no word of confirmation found of what Paul says: that he who “eats the body and drinks the blood of Christ unworthily, eats and drinks his own judgment?”<sup>25</sup> Would it not be merciful to call to the “irregular” couples this truth to mind, rather than telling them that they are “living members of the Church”?

If by a change in the sacramental discipline the Church would allow that couples who objectively are living in so serious a sin, that until recently they would have been excommunicated, may receive the sacraments, then total silence on the real danger “to eat and to drink one’s own judgment” is incomprehensible.

This very serious, indeed terrible, danger certainly exists when couples living in adultery or other serious sins, such as the cohabitation and homosexual relationships, receive Holy Communion. And if the words of Scripture say that there is such a danger to souls, not to mention it with one syllable or flatly to deny it, invites couples who live in an objective contradiction to the Church to remain in this contradiction. And if, on top of this, they are assured that “no one will be condemned for ever,” this is not an act of mercy. What could it be other than an act of cruelty? Much crueler than not mentioning to a passenger who

boards a ship, that he could easily fall to his death because this ship has a large hole?

I think it therefore necessary that the Holy Father himself reminds all of us that we should guard against this danger.

What concerns the observation of Pope Francis that not every divorced and remarried Catholic lives subjectively in serious sin, but could instead, because of his ignorance, have acted with a clean conscience and hence live in the state of grace, I do not deny this. Nor do I deny that receiving the Holy Communion could be spiritually fruitful for such a person.

But we must not lose sight of two things: we cannot assume that this “moral innocence” is the normal case of a divorced and remarried couple and it must be clear that neither an “ordinary priest” nor an individual can know this, or claim it to be the case, with even the lowest level of support of his truth claim. Therefore, everyone who lives in objectively serious sin, ought to live and to act as if he would also subjectively live in sin.

#### **2.1.3.4 Appeal to the conversion of sinners, or assurance that they are living members of the Church?**

Certainly, it is true and can be a great comfort to these couples to believe and to know that God’s mercy is always present and ready to forgive and to tell them “*I too do not judge you.*” But the following words of Jesus should never be forgotten: “*go and sin henceforth no longer*”. Otherwise, if the conversion of sinners is missing, a (bad) civilly married divorced person no longer is “a living member of the Church” and does not walk “on the way of life and the Gospel”. If he has not converted and repented his sin, the word of the father of the prodigal son applies to him: “Your brother was dead”, though the way to the confession and penance is always open to him. And for those who elect this way,

the word applies “Your brother lives”.

### **2.1.3.5 Why risk a sacrilege and a public scandal rather than teaching divorced and remarried believers that they truly live subjectively without mortal sin and in the State of grace, the gift of spiritual communion is for them?**

Further, in order to avoid the great evil of a sacrilege and of public scandal, without the divorcees (and without ecclesiastic confirmation of the nullity of their first marriage) married again losing a sacramental grace open to them, one could teach couples who are perhaps, due to the purity of their conscience, in the state of grace, the possibility of “spiritual communion”. They could maybe receive spiritual communion. These can represent no sacrilege nor give a public scandal.

Stirred by some remarks made by Cardinal Kasper, a controversy has arisen in the Church whether anyone who can receive a “spiritual communion” and has, as prerequisite thereof, to live in a state of grace, can just as well receive the sacrament of the Eucharist. The equation between the sacramental and the spiritual communion, at least inasmuch as their prerequisites are concerned, proposed by some participants in this debate, requires a clarification. Professor emeritus Johannes Stöhr has made a valuable contribution in this direction.<sup>26</sup>

Without offering here a differentiated theological explanation, for which I lack the competence and which would exceed the scope and the objective of this essay, I want to make only the following comments. With Stöhr, we can distinguish different meanings or ideas of “spiritual communion”:

1. A first meaning of that term that Stöhr calls the main sense of “spiritual communion” is a kind of internalization of the

sacramental communion: a permanent internal community with Christ after the worthy reception of the sacramental communion – an enduring spiritual union with the Eucharistic Lord, with lasting effects in the soul. This meaning of spiritual communion presupposes the sacramental communion but requires a superactual love for Christ and repeated acts of devotion. This sublime meaning of spiritual communion is obviously not applicable to divorced and remarried persons who are excluded from the sacraments of confession and of the Eucharist.

2. Quite different from this is the desire of a person to receive the sacramental communion when this is not possible for compelling external reasons - e.g. due to illness, professional duties, absence of a priest or Church, having forgotten to keep the Eucharistic fast, etc. This “spiritual communion” does not entail the same physical proximity to Christ as the reception of the sacrament, but as mere “wish for the sacrament” would be distinct as well from the fourth sense of “spiritual communion” that I will add to the three valuable ones of Stöhr.
3. Sometimes one calls “spiritual communion” the desire of a person to communicate, although an objective internal obstacle prevents a worthy sacramental communion. This notion of “spiritual communion” can also entail the unchristian notion that the “spiritual communion” in this sense would be a kind of substitute for the sacramental communion even though the person who wishes to receive communion lives in a state of mortal sin. Stöhr criticizes, quite correctly, this idea of a fictional and impossible “spiritual communion-substitute for a sacramental one”.<sup>27</sup>

I would add to the distinctions of Stöhr a further meaning of ‘spiritual communion’, whose justification Stöhr apparently does not admit, if one considers what he says under 2. of his cited article.



4. “Spiritual communion” could mean more than the mere desire for the sacramental communion, when this is impossible for external reasons. It can also be understood as a kind of spiritual mystical communion, which, while it in no way coincides with the real bodily presence of Christ in the sacramental communion, as Stöhr correctly notices, is nonetheless much more than a mere desire. One cannot exclude that God, similarly to the “baptism of desire” where the form and matter of the sacrament do not exist, can give to a soul a quasi sacramental and spiritual union with Him that might even, under certain circumstances, bestow more grace to a person who “spiritually communicates” than to another person who receives the Eucharist but communicates with a lukewarm heart, or merely from habit and convention.

One might see in the measure of the love of the person who communicates (sacramentally or spiritually), in his *opus operantis*, an important factor for the measure of grace received. If a “man of longing as Daniel” receives a spiritual communion, he might receive more grace and a deeper union with God than another person who communicates sacramentally but with less longing and less love. And no man can determine or measure the boundaries of the union with God, that an omnipotent and all-loving God is able to grant a person who communicates spiritually. (The Church believes something similar in the case of sacramental absolution and confession that can in some circumstances be replaced by a pure repentance out of love, as in the case of the good thief crucified with Jesus).

According to Rocco Buttiglione, the persons meant by Pope Francis as recipients of Holy Communion are first and foremost those who, although objectively living in the state of mortal sin, nonetheless live, due to the imperfection of their ethical cognition and weakness of will, in the state of grace. And that there are such persons cannot be disputed and is not only asserted in *AL*

but also by Thomas Aquinas. And these persons, and even more clearly those who live (though in disobedience to the Church) in a ‘marriage of conscience’ in ‘irregular situations’ (treated under 2.1.4 below) that do not necessarily exclude, however, the validity and sacramental character of their marriage, might very well receive the gift of spiritual communion. Prerequisite for this is of course that they do not knowingly and voluntarily commit a mortal sin. And such persons, who should, in view of the danger of sacrilege (in the case that their confessor and they themselves judge their inner state falsely), stay away from sacramental communion, could, without any danger of public scandal and sacrilege (that require the physical real presence of the Lord), receive the grace of a spiritual mystical communion.

On the other hand, divorced persons who married again and live both objectively and subjectively in a state of serious sin, are not ‘living members of the Church’, unless they renounce their sins of adultery or homosexual acts and receive God’s absolution from their sin. And they cannot validly and worthily receive sacramental absolution or the Eucharist nor spiritual communion.

Moreover, the admission of both those who live subjectively and those who live only objectively in a state of mortal sin, to the sacraments would cause a public scandal and reduce in them as well as in others who observe this, a diminishment of the reverence due to the Blessed Sacrament.

For these and the reasons described in the next section, we should ask the Holy Father to revoke the admission to the sacraments of all couples who live objectively in serious sin, also those who for subjective reasons live in the state of grace and can receive “spiritual communion”.

**2.1.4 Are there divorced remarried believers who outwardly do not live in a sacramental marriage, did not receive a certification of the nullity of their marriage, and therefore cannot celebrate their wedding in the Church, but still entered into a “marriage of conscience” which the Church could recognize as a true sacrament of marriage and admit those who received it to the sacraments?**

A fourth answer to the question which “irregular” couples are supposed to be admitted to the sacraments, and whether their admission to the sacraments could be considered compatible with the constant teaching of the Church, and even with the truth of the first response, is the following, who live externally considered in “irregular situations” but neither objectively nor subjectively in a state of serious sin. *AL* 298 (and also *FC* 84) refers to them:

“There are also the cases of ... “those who have entered into a second union for the sake of the children’s upbringing, and are sometimes subjectively certain in conscience that their previous and irreparably broken marriage had never been valid” (*FC*, 84).<sup>28</sup>

We can illustrate this fourth category of cases in which the access of the affected “couples in irregular situations” to the sacraments, although dangerous, might seem a good thing at least by three examples:

1. There are first those couples who honestly (and truthfully) are convinced that their first marriage was invalid but due to certain circumstances cannot celebrate their second wedding in the Church, because they have no access to a church tribunal (or even a church). This inability to present their case to a Church

tribunal may be based on the fact that they are living in a country in which the Church does not exist or is vigorously persecuted, or on an island where there is no church or priest, etc.<sup>29</sup>

The impossibility to contact a church tribunal can also be due to extreme poverty that does not allow investing in a long journey for the hearing before a distant ecclesiastic tribunal, or assuming the costs of an ecclesiastical annulment process. Thus one might be inclined to admit couples to the sacraments who are honest and convinced by strong reasons of the nullity of a first marriage, after a sincere soul-searching and, if possible, after a conversation with their confessor. (Pope Francis has already largely removed such obstacles for the poor, by proposing that the Church tribunals offer their investigations into a potential nullity of marriage free of charge). This merciful act eliminates the injustice that only those who could pay substantial amounts could eventually get a confirmation of the nullity of their marriage.

Despite this generous support couples received by the Pope, there may be cases where a poor person is not able to convince the Church judges and therefore is dependent on the expensive services of a lawyer, since the Church offers not everywhere free legal services, such as in some dioceses. In such cases, if a high degree of objective evidence and subjective certainty of the invalidity of the first marriage is present, it may seem justified to claim the mentioned exception from sacramental discipline and to enter into a “marriage of conscience” without ecclesiastic confirmation of nullity. Such couples in “irregular situations”, one might think, should be admitted to the sacraments.

As a matter of fact, it could be argued that in such a case the Church might not merely allow access to the sacraments, but assume that a valid and sacramental marriage between a baptized man and a baptized woman had occurred, as Pope Francis says,<sup>30</sup> despite of the fact that the wedding took only place according

to civil law or even outside any civil order, for example on an island. In fact, one could argue: in order that such an “irregular marriage” is not an act of disobedience towards the Church, but a valid marriage according to the canons of the *CIC*, the Pope could change the canonical law and adapt it to these cases.

Proponents of this fourth way to interpret those couples “in irregular situations”, which should be admitted to the sacraments according to *AL*, could argue that introducing such a change in Canon law and to “canonize” an “irregular marriage of conscience” in such cases, the Pope would bring back the original discipline of the sacrament of marriage into Canon law, when the Church recognized a sacramental marriage that just came about through the expression of the mutual matrimonial consent between a man and a woman. The many canonical rules for (a) a permitted and (b) a valid Catholic marriage and (c) the many rules of ecclesiastical nullity processes were created in the course of history to prevent abuses, but they are not immutable. Then, according to this view, if the Holy Father, for certain very accurately described conditions, were to revise the code of Canon law and declare that a valid marriage only needs the constitutive essential elements and can be freed from historical baggage, this would be a great positive contribution of the Magisterium of Pope Francis, always under the assumption of clarity and precision of the doctrine and Canon law. Similarly valuable adjustments of Canon law should according to this view also be made for the two following cases of couples in “irregular situations”, to whom the Church could grant access to the sacraments.

2. The second case would be that of a person whose marriage objectively was invalid for reasons recognized in Canon Law, but who would not have any objective proof of the truth of his statement about the reason for the invalidity of the first marriage – on the basis of objective reasons of the nullity of the marriage (for example due to an absolute “no!” of a partner to have children

at the moment of the marriage vows), and whom the Church tribunal does not believe. This distrust of the Church judges may have its cause in the lack of credibility of the plaintiff in the eyes of the judge or in his or her lack of eloquence, or in the fact that the other marriage partner is lying and is a brilliant and emotional speaker, who convinced the Court of the falsehood of the complaint, or in one of thousand other reasons. In this case, it might seem good to allow a “marriage of conscience” and to think that the access of such couples to the sacraments entails no sin or risk of sacrilege, although they cannot have a public church wedding due to the rejection of the nullity complaint through the Church. One could go further and say that such a union would be a valid and sacramental marriage outside the normal order of the visible church.

3. The third case would be one where one partner, also sincerely convinced of the invalidity of his marriage, keeps waiting for a decision of the Church tribunal that (despite the rule that a judgment of the first instance in an annulment process should be forthcoming within one year) does not arrive in 2, 5, or 10 years time, or does not even arrive after 18 years (as this happened to a famous Austrian dramatist in the 19th century).

One could argue that it would be legitimate in such a case, that a married man or woman files for a civil divorce and, on the basis of a “judgment of his conscience”, enters a new civil marriage bond. Again it seems right that the Church in such a case would not only admit a divorced and remarried couple to the sacraments but would consider this second marriage as a sacrament, even though his marriage would only be a civil one or realized outside any civil order (e.g. on a desert island), but on the ground of a conscious and free mutual matrimonial consent.

Someone could propose that the Church should look at such couples, at least after she would have changed the Canon Law, as sacramentally married and of course admit them to the sac-

raments.

A reform of the Canon Law to adapt to such cases would no doubt require clear rules (for example that such a “marriage of conscience” due to negligence of the Church Tribunal, on the ground of the conscience of the person who seeks the Declaration of invalidity, could solely take place after a certain number of years without decision of the ecclesiastical court). With such a change in Canon Law, the Pope, so to speak would transfer the authority of judges about the nullity of the first marriage, an authority normally held only by the Church Tribunal, to the judgment of the conscience of the plaintiff. In this case, the Church could not merely permit such a marriage but also recognize such a marriage as being a valid and sacramental one, and declare it to be such from the moment on that the Church would have fixed for its recognition. The ecclesiastic marriage annulment process would then have to be declared terminated from the date on in which such “irregular” marriage would be recognized. (Because if in such a case the ecclesiastic process would run further, a possible contradiction between the judgment of the Church Tribunal and the judgment of conscience would lead to further serious conflicts and apories).

So could we not say that in this and similar cases divorced and remarried couples “in irregular situations” should be admitted to the reception of the sacraments and in good conscience contract a “marriage of conscience”? And that they could not only, due to their subjective conscience, live in the state of grace, but that their marriage objectively is a sacramental marriage? In this way, divorced and remarried Catholics (without ecclesiastical declaration of the nullity of their previous marriage) could return to the sacraments. Would this not be, so one might ask, a very good and merciful innovation accomplished by *AL* that would give many couples a genuine gift of mercy and give us good cause to delight in *AL*?

This fourth answer to the question as to who would be those couples “in irregular situations”, that might be admitted to the sacraments, at first glance contradicts the first one that *no couple in irregular situation* should be admitted to the sacraments but, upon deeper reflection, does not do so. You might think (as I did): To admit divorced and remarried (without ecclesiastical declaration of the nullity of their previous marriage) couples of this fourth type to the sacraments would just concede to the moral conscience of the individual a right that hitherto was only reserved to the Church tribunals: to declare a marriage null and void.

Giving to the individual in such situations the right to declare a marriage null, these couples would only “seemingly be irregular”, but in reality they would be “regular couples in the extraordinary mode”, to call it so. So, are there such “irregular regular couples”?

#### **2.1.4.1 Admission to the sacraments of the fourth kind of “couples in irregular situations” contradicts the clear teaching and some anathemas of the Church, and their sound reasons**

You might think (I thought so until a few weeks ago) that none of these three cases of “marriages of conscience” falls under the strong reasons for which the quoted Cardinals, with *Familiaris Consortio*, state that the Catholic discipline of the Eucharist is not a variable positive law, nor a purely pastoral decision to prohibit to divorced and remarried couples (without ecclesiastical declaration of nullity) access of to the sacraments, but a religious practice that is based on the Gospel itself. Approval of the “marriages of conscience” and their ecclesiastic recognition as sacramental marriages seems to be a merciful step and a legit-



imate simplification of the annulment processes of the Church, or an acceptable solution in the case of a negative decision of a Church Tribunal known to be unjust.<sup>31</sup>

But despite the appearance of these beautiful and liberating aspects of *AL*, there are serious objections that justify the conclusion that a Church approval of “marriages of conscience” and the admission of those who live them to the sacraments is not compatible with the teaching and constant practice of the Church. Why?

1. The Council of Trent condemned the opinion that the conscience of the individual (the internal Forum) could be a judge about the invalidity of the first marriage, if it says in the XXIV session: “who says that marriage affairs do not belong before ecclesiastical judges be anathematized.”
2. This teaching was solemnly reaffirmed by many Popes up to Benedict XVI.<sup>32</sup>
3. Marriage is also on a purely natural level a public reality with an effect on the life of the family; moreover, it is the Foundation of the society. Therefore, there are no “purely private” or “purely internal” solutions to the question of the continued existence of a marriage. This applies even more to the sacrament of marriage.
4. The marriage between a baptized man and a baptized woman is a sacrament. The reception of each sacrament is a religious and hence never a purely private act. It is therefore the task of the Church to assess the validity of the sacraments according to objective criteria.
5. Moreover, a leaving the solution of this question to the conscience of the individual can easily lead to wrong decisions and injustices. Think of a man who is tempted to commit adultery. He could easily decide in a personal examination, perhaps based on an erroneous conscience, that his marriage was not valid, and he was free to get divorced and to marry

a second wife, without this corresponding to the truth.

6. The truth about a marriage cannot easily be brought to light by individual priests either without conducting a rigorous investigation, for which a specific process is indispensable. This is exactly the task of a church court, the functioning of which is therefore not replaceable.
7. In addition, the spouse and the family have their rights. Therefore the consequences of unwarranted judgments about the non-existence of a valid marriage causes easily harm to the integrity of the sacrament, to the spouse, children and the whole community.
8. Finally, leaving the decision on the invalidity of a marriage to the conscience of the individual or even to a single priest would give rise to chaos. If one spouse or one priest rejects the invalidity of the marriage, the other spouse or another priest, however, affirms it, or if a couple pretends to be married without this being true, the life of the Church would suffer by confusion and aggravation of some of her members.<sup>33</sup>

If it thus clearly seems that also the described cases of “marriages of conscience” cannot be allowed or recognized by the Church as sacramental marriages, without contradicting the express teachings of the Church, some of which are even dramatically declared through anathemas of anyone who denies them, and if leaving it to the individual conscience to declare a marriage invalid is inadmissible, the only answer to our question which “irregular couples” can be admitted to the sacraments is the first one: none.<sup>34</sup> Moreover, if this does not follow just from some changeable decisions of the Church but from the Gospel and immutable Church teaching, also no Pope can deviate from this doctrine and practice of the Church. Therefore, one ought to plead with the Pope that he retracts any statement that all or some couples in such “irregular situations” are admitted to the sacraments.

### 3 Corrections (withdrawal) of some theses in *Amoris Laetitia*

Notwithstanding all filial devotion, I owe, as a Catholic, to the person and the Magisterium of the Pope, I am still convinced that some of the statements in *AL* are wrong and even (in some cases) objectively heretical, such that they should be revoked by the Holy Father himself, to whom the primary care for the truth and the good of the Church and for the unspoiled handing down to all of us the immense treasure of the irrevocable and infallible doctrine of the Church is entrusted. However, as there is in almost all of these judgments in *AL* a certain ambiguity and furthermore, none of these teachings of Pope Francis are consistently and continuously defended by him, I think that the judgment of some who call Francis a “heretical Pope” or even refuse to recognize him as our true and legitimate Pope, is not justified. I am confident, that, if Pope Francis, as a true Pope and successor of Saint Peter, discovers a contradiction between some of his statements and the teachings of the Church, he immediately would revoke these theses. And I hope that he will do so in the following cases.

#### 3.1 A denial of adultery as “wrong in itself”, never allowed and much less in certain situations mandatory? Is an intrinsically evil act of adultery a lesser evil than an infidelity in an adulterous relationship (a second “civil marriage”)?

It is hard to deny that *AL* contains teachings or at least formulations that, taken in their literal and obvious sense, directly contradict the Gospel, *Veritatis Splendor* and the constant tradition and teaching of the Church and therefore should not only

be clarified, but revoked.

Some passages, although they sound very similar to some words of the Gospel, give a very different sense to the most beautiful and most merciful words of Jesus, by detaching them from the stern admonitions of Jesus that accompany them. Others seem to reject, at least at a first glance, some eternal and immutable ethical truths which already Socrates has recognized and some parts of the doctrine of the faith and of the Church's sacramental discipline. Therefore, there is in my opinion a grave danger that an avalanche of very harmful consequences for the Church and souls could result from those sentences if they are not quickly revoked.

*AL* seems to deviate from "natural law", from the teaching of the church about marriage, *Veritatis Splendor*, and from the logical consequences of the continuous teaching of the church about the indissolubility of marriage, when the Apostolic Exhortation says, it could be bad if a divorced and remarried (without ecclesiastic declaration of the nullity) woman does not allow her new partner to have adulterous sexual relations with her, if this rejection of adulterous relations with the new partner could lead him to infidelity towards her; the same would of course apply to a man.

*Amoris Laetitia* moves even much farther away from *Familiaris Consortio* when it says that a life in adultery of such a couple of divorcees may not only be the consequence of an erring conscience, that can coexist with the state of grace of the subjectively not seriously sinful sinner (which is possible), but that such an adultery can also be the result of a *knowledge* of God's will for certain couples, so as if it could indeed be God's will that a divorced and remarried person (without ecclesiastic declaration of nullity) continue sinning and maintain adulterous relationships. In *AL* 303 we read:

“Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one’s limits, while yet not fully the objective ideal. In any event, let us recall that this discernment is dynamic; it must remain ever open to new stages of growth and to new decisions which can enable the ideal to be more fully realized.” (*AL* 303)

If the meaning of this text is that we can realize that God’s will for us may be an adultery (i.e. to live as divorced and married-again couple not like brother and sister, as the Church in such situations requires), this clearly stands in contradiction to some canons of the Council of Trent.<sup>35</sup>

I would not like to deny that also within a basically wrong (adulterous) relationship between a man and a woman there can be human and natural moral values, even though the given couple is adulterous and bigamous, nor that fidelity within an adulterous relationship is better than base promiscuity and infidelity. I am also not suggesting that “faithfulness in the life of an adulterous couple makes no sense”. However, I would say that a sexual act of infidelity in an extramarital or adulterous relationship such as between Anna Karenina and Wronski<sup>36</sup> can never be a morally greater evil than the “faithful” sexual relations of an adulterous couple themselves. In fact, such a “cheating”, if it occurs in an adulterous relationship or in a “civil marriage of adulterers” is, at least from a moral perspective, a much lesser evil than a sexual act between a faithful partner in an adulterous relationship of remarried divorcees (without ecclesiastic declaration of the nullity

of their previous marriage). For this act is an adultery, violates a sacramental bond, has the aspect of “bigamy” and the “pretense of a new marriage” that is much worse than a “simple adultery.” None of these grave evils can be found in a cheating that occurs between a couple of adulterers.

All of this is still the Church’s teaching, which in the past punished a new civil marriage against the existing bond of sacramental marriage with excommunication, and also today sees any adulterous relationship and any civil remarriage as a grave sin, and is without any doubt today not less opposed to it than it has been before.

In particular: To break a sacramental bond of marriage cannot be equated with breaking the from the outset invalid bond of an “adulterous marriage”. An “adultery” against a partner in a civil marriage violates no sacramental bond of marriage that does not exist between remarried divorcees.

In such an infidelity you hurt only a human bond (which, in the case of adultery, religiously and morally speaking, if it includes sexual intercourse, represents an inherently bad and invalid union).

Therefore, in general, to find “positive values” in homosexual and adulterous relationships, or to say that the Church welcomes such couples, contains a grain of truth but runs the risk to cause a darkening of the highest and real values and dims the sight of disorders and perversions in human and sexual relations.

If a relationship, according to the words of our Lord, is an adultery, it is objectively in all situations and generally bad, unless the couple live as brother and sister” (in which case their love may have a high value).

### 3.2 Is it ever allowed to use an adultery as a means, to prevent other evils?

In fact, the Synod and Pope Francis are no doubt right that we should flee in the face of the infinite mercy of God, from “closed hearts”:

“305. For this reason, a pastor cannot feel that it is enough simply to apply moral laws to those living in ‘irregular’ situations, as if they were stones to throw at people’s lives. This would bespeak the closed heart of one used to hiding behind the Church’s teachings, ‘sitting on the chair of Moses’ and judging at times with superiority and superficiality difficult cases and wounded families” (*AL* 305)

But of course this warning must not be applied against the 2000year old teaching of the Church and the teaching of Sacred Scripture about the intrinsically evil nature of adultery and other acts, a truth grandiosely expressed and defended in the Encyclical *Veritatis Splendor* by Pope John Paul II, a crucial document of the magisterium of the last century, never quoted nor resumed nor followed in *AL*. This consistent teaching of the Church and of the Gospel on intrinsically wrong acts has per se nothing, absolutely nothing to do with the Pharisaic, loveless attitude of judges, rebuked by *AL*. For while this truth can be abused by the pharisaical attitude described in *AL*, the abolition of the doctrine on intrinsically evil acts in favor of a false mercy would radically contradict the beauty of Christian mercy and lead to a pseudo-mercy.

Yes, it is true that Jesus says to the adulteress who deserves death according to the law of Moses, after none of their accusers considers himself free of sin and wishes to stone her, this most

beautiful word: “*I, too, will not condemn you.*” But Jesus adds: “*go forth and henceforth sin no more!*”

Pope Francis, Christ’s vicar on Earth, however, citing the Synod, says to the adulteress, she could, in certain situations, continue sinning, should not feel excommunicated, but feel as “living member of the Church”, nay she could recognize in her conscience that it is, for her, the will of God that she continue sinning:<sup>37</sup>

“Such persons need to feel not as excommunicated members of the Church, but instead as living members, able to live and grow in the Church and experience her as a mother who welcomes them always, who takes care of them with affection and encourages them along the path of life and the Gospel.” (*AL*, 299).

It is no doubt true what the Pope says in *AL 299* (since the change of in Canon law of 1983): Divorced and remarried couples (without ecclesiastical declaration of the nullity of their previous marriage) are not excommunicated, as they have been before. In fact they are not. Excommunication is the most severe ecclesiastic penalty, with which only some very serious sins, and today less than previously, are punished by the Church. Excommunication can be automatic (such as in the case of those who perform an abortion or help in it). Or it may be expressly imposed by an act of the Bishop or Pope. Adultery to my knowledge was never punished with excommunication. But the adultery of the divorced and remarried (without ecclesiastical declaration of the nullity of their previous marriage) was punishable with excommunication under the Codex iuris canonici of 1917 and before.<sup>38</sup> Canon 2356 CIC 1917 considered civil remarriage of divorcees as bigamy (and objectively, that is what it is as long as the bond of the first marriage still exists).<sup>39</sup>



If the quoted words of *AL* mean what many interpreters think they mean, namely that divorced and remarried couples may know that their action is adultery and a grave sin, and despite this knowledge commit adultery, while at the same time living in the state of grace, this would be contrary to Holy Scripture and the Church's dogmatic doctrine.<sup>40</sup>

Definitely a remarriage, while the first marriage is still existing, represents objectively a grievous sin, and he who commits it consciously and willingly, cannot receive the Holy Eucharist in a grace-bestowing way, nor can he receive a valid sacramental absolution (without repentance and firm resolution, no longer to commit this sin). Therefore, if for serious reasons (such as the physical or spiritual well-being of the children from a second marriage) the divorced and remarried couple does not each have to return to their true spouse, they have to live together "like brother and sister", as the Church keeps teaching since 2000 years, and as was restated clearly in *Familiaris Consortio*.

### **3.3 Are there moral obligations valid for all, or do we have to assume a "situation ethics" and an ethical proportionalism?**

Has not the Church, through the encyclicals of Pope John Paul II *Veritatis Splendor* and *Evangelium Vitae*, taught a valid and also philosophically knowable universal ethics? Has it not clearly taught that certain acts are always and in every situation prohibited to us?<sup>41</sup> Or do we have to accept a "situation ethics" and an ethical proportionalism that justifies any action under certain circumstances, and particularly if its good effects seem to outweigh the bad ones? Are there, instead of strict commandments, only "ethical ideals", we need only gradually to correspond to?

Has not the Council of Trent dogmatically formulated the truth that every Christian, with the help of grace and the sacra-

ments, will receive the strength to fulfill the commandments of God, and are not thus divine commandments directed, with their obligatory claim, to each and every man in any situation?<sup>42</sup> Or do they oblige only a few of us at a certain morally advanced stage of our lives? Are thus, for example, the divine commandments against adultery only ideals or *Zielgebote* that not everyone can meet - *distant and unfulfillable ideals we have to strive for but often cannot fulfill but can only gradually obey?* AL 301 seems to embrace precisely this second alternative:

“Hence it can no longer simply be said that all those in any ‘irregular’ situation are living in a state of mortal sin and are deprived of sanctifying grace. *More is involved here than mere ignorance of the rule. A subject may know full well the rule, yet have great difficulty in understanding ‘its inherent values’ or be in a concrete situation which does not allow him or her to act differently and decide otherwise without further sin.*” (AL 301)<sup>43</sup>

God gives His unconditional Ten Commandments. Jesus tells the woman taken in adultery, and every one of us, without any conditions: *you shall not commit adultery!*

Pope Francis seems to teach that these commandments are expression of the ideal (*Zielgebote*), which only a few can obey, as if the divine commandments were mere “Evangelical Councils’ (as is celibacy or poverty) for some of us who are looking for a higher perfection, and not strict, general and binding commandments for all. If he really teaches what he seems to teach, namely that there are situations in which we cannot avoid a sin without committing another sin, the Pope teaches heresies condemned by the Council of Trent.<sup>44</sup> Buttiglione seeks to apply a masterful dialectics to interpret such sentences in a correct sense but fails

totally doing so. It is thus entirely impossible to interpret these sentences in a true sense. Therefore, it is absolutely necessary to revoke them.

Unconditionally, God says: you shall not commit adultery!

*AL* says, or at least suggests, that when the woman who has committed adultery cannot separate from the adulterer (for example when the separation of the civilly wedded couple could harm children), it might also occur that she cannot live with him a celibate life “as his sister” (which always has been demanded by the Catholic Church in such situations). Why not and when not? *AL* teaches that if this “lifestyle” leads an adulteress to her own “infidelity” or to that of her partner, it might be better (in the face of such danger of infidelity between two adulterers) that the adulterous woman does not live with her second husband “as his sister”, but would have intimate relations with him. In other words, the woman in such a case should rather have sexual relations with her man than to live together with him as “brother and sister” (in complete abstinence).

In order to justify this shocking claim, *AL* cites a Council text that refers (1) to *marriages*, not to “irregular situations,” and (2) *does precisely reject the thesis* defended in *AL* that the threat of (even of real marital) infidelity justifies committing an intrinsically disordered act. Hence apart from the first disproportion between *AL* and the Council text, the text Pope Francis quotes from *Gaudium et Spes* precisely does *not* accept that it is legitimate in a marriage to use contraception, in order to avoid marital infidelity that might result from temporary abstinence, a temptation of which already the Apostle Paul speaks. (The Council text quoted by Pope Francis specifically refers to a temporary abstinence in obedience to the teaching of the Church on birth control, later unfolded 1968 in *Humanae Vitae*).

It is for both of these reasons (1 and 2) more than strange to quote this Council text in defense of the radically opposite

judgment.

*Amoris Laetitia* says (citing *Gaudium et Spes*) in 298:

“One thing is a second union consolidated over time, with new children, proven fidelity, generous self-giving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations ‘where, for serious reasons, such as the children’s upbringing, a man and woman cannot satisfy the obligation to separate’” (*AL* 298)

*Amoris Laetitia* explains in footnote 329:

“John Paul II, Apostolic Exhortation *Familiaris Consortio* (22 November 1981), 84: AAS 74 (1982), 186. In such situations, many people, knowing and accepting the possibility of living ‘as brothers and sisters’ which the Church offers them, point out that if certain expressions of intimacy are lacking, ‘it often happens that faithfulness is endangered and the good of the children suffers’ (Second Vatican Ecumenical Council, Pastoral Constitution on the Church in the Modern World *Gaudium et Spes*, 51).” (*AL* footnote 329)

But the Council (*Gaudium et Spes*) continues that it is never allowed, in order to avoid marital infidelity, to commit any intrinsically immoral act, be it an act of contraception, be it one of adultery.

*AL*, despite the fact that it speaks of adulterous relationships and not the Holy Sacrament of marriage, seems, in clear contrast,

to imply that it is justified in these situations to commit the intrinsically wrong act of adultery, citing *Gaudium et Spes* in a sense totally contrary to its meaning. I quote once again the passage from *Amoris Laetitia* 301 already quoted in a different context:

“A subject may know full well the rule, yet have great difficulty in understanding ‘its inherent values’ or be in a concrete situation which does not allow him or her to act differently and decide otherwise without further sin.” (*AL* 301)<sup>45</sup>

I think that the entire Church should supplicate our beloved Pope Francis in the name of Jesus Christ to revoke these formulations that are contrary to the sacred teachings and dogmas of the Church and to the Holy words of Christ that will never perish!

### **3.4 Is it true that “no one will ever be condemned for ever”? Why should adulterers and other couples in “irregular” situations be invited to receive the sacrament with the promise that “no one will ever be condemned forever”?**

In all his mercy Jesus warns us 24 times explicitly and personally, and more than twice as often through the rest of the Holy Scripture of the Old and New Testaments, of the threat of eternal damnation we will unfailingly suffer if we remain until our last end in serious sin. His Vicar on Earth Francis tells us in *AL* 297:

“no one can be condemned for ever, because that is not the logic of the Gospel! Here I am not speaking only of the divorced and remarried, but of -everyone, in whatever situation they find themselves.” (*AL* 297)

Although it is not clear in the context what exactly the Pope means with “No one can be condemned for ever,” it is almost inevitable to understand the text in the sense that there is no risk of eternal damnation or hell for anyone, although this text could refer back to AL 296:

“The Church’s way, from the time of the Council of Jerusalem, has always been the way of Jesus, the way of mercy and reinstatement. . . . The way of the Church is not to condemn anyone for ever; it is to pour out the balm of God’s mercy on all those who ask for it with a sincere heart. . . . For true charity is always unmerited, unconditional and gratuitous”.  
(AL 296)

But in the light of all the beautiful words about divine mercy as a model for the Church, it is obvious that Pope Francis does not admit even the slightest possibility of a “condemnation by the Church forever”.

Therefore, if Pope Francis does not explain it as a misunderstanding of the interpretation of *AL*, you cannot help seeing in the text a denial of the true danger of eternal condemnation (hell) proclaimed in the Gospel and the Church’s dogmatic doctrine.<sup>46</sup> With many other interpreters of *AL*, I do not see any other reasonable interpretation of the quoted words except that this passage denies eternal damnation for anyone, which would be in direct contradiction to the Gospel and was rejected by various dogmas and canons of the Church as heresy and which also contradicts the frequent mentions of the devil and a speech to the mafia by Pope Francis in which affirms the real danger of hell.<sup>47</sup>

But certainly this truth should also be taught in the Pope’s public teaching and not solely as if it were only important to

frighten the mafia. Above all, it should not be denied or questioned in an official text of the Pope. And also if Buttiglione were right saying that this text does not deny eternal damnation of anyone, (without offering any other sense), *as long as this text clearly* (even though only apparently, and not as it would be meant by the Pope) *seems* to deny the truth of the Gospels and does not deny dogma of the Church, *this interpretation should be clearly repudiated by the Pope.*<sup>48</sup>

### **3.4.1 How can the affirmation of the danger forever to be damned contradict the logic of the Gospel?**

As the Scripture warns us and speaks of eternal damnation over 50 times, it is not clear how *AL* can assert that it goes against the logic of the Gospel to assert that some will be eternally damned. It can only violate the “logic of the Gospel” to deny this horrible threat.

Pope Francis says to the adulterers in *AL* 297: “No one can be condemned for ever, because that is not the logic of the Gospel!”

Jesus says to the adulterers, through the mouth of his Apostle, that none of them will be saved, and thus that every one of them will be damned forever (if he does not convert):

“Or do you not know that wrongdoers will not inherit the kingdom of God? Do not be deceived: Neither the sexually immoral nor idolaters nor adulterers nor men who have sex with men 10 nor thieves nor the greedy nor drunkards nor slanderers nor swindlers will inherit the kingdom of God.” (New International Version: 1 Corinthians 6:9-10)

Jesus likewise, through the mouth of one of his apostles, tells each one of us and every adulterous man and woman:

“So then, whoever eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty of sinning against the body and blood of the Lord. 28 Everyone ought to examine themselves before they eat of the bread and drink from the cup. 29 For those who eat and drink without discerning the body of Christ eat and drink judgment on themselves.” (New International Version: 1 Cor. 11:27-29)

In other words, if adulterers or other persons who are living in serious sin, receive the Holy Communion, this is a sacrilege, and committing such, you put your soul in peril of eternal damnation.

Pope Francis, not once in *AL* mentions the risk of sacrilege or the possible peril for the souls of those who live in adultery and receive unworthily Holy Communion. Instead he says that under certain circumstances which are to be decided, case by case, persons, even though they know the teaching of the Church, live in adultery or other “irregular” conditions, may be admitted to sacramental absolution and Holy Communion without changing their life and without ceasing to live in adultery, and without any danger to be condemned forever (*AL* 306).

This is without a doubt the radical opposite of the Gospel and of the opinion of St. Sister Maria Faustyna Kowalska, the Apostel<sup>49</sup> of God’s mercy:

*At the end of October 1936 sister Faustina writes in her diary:*

“Today, I was led by an Angel to the chasms of hell. It is a place of great torture; how awesomely large and extensive it is! The kinds of tortures I saw: the first torture that constitutes hell is the loss of God; the second is perpetual remorse of conscience; the third is that one’s condition will never change; the fourth is the fire that will penetrate the soul without



destroying it, a terrible suffering, since it is a purely spiritual fire, lit by God's anger; the fifth torture is conditional darkness and a terrible suffocating smell, and despite the darkness, the devils and the souls of the damned see each other and all the evil, both of others and their own; the sixth torture is the constant company of satan, the seventh torture is horrible despair, hatred of God, vile words, curses and blasphemies. These are the tortures suffered by all the damned together, but that is not the end of the sufferings. There are special tortures destined for particular souls. These are the torments of the senses. Each soul undergoes terrible and indescribable sufferings, related to the manner in which it has sinned. There are caverns and pits of torture where one form of agony differs from another. I would have died at the very sight of these tortures if the omnipotence of God had not supported me. Let the sinner know that he will be tortured throughout all eternity, in those senses which he made use of to sin. I am writing this at the command of God, so that no soul may find an excuse by saying there is no hell, or that nobody has ever been there, and so no one can say what it is like. I, sister Faustina, by the order of God, have visited the abysses of hell so that I might tell souls about it and testify to its existence. I cannot speak about it now; but I have received a command from God to leave it in writing. The devils were full of hatred for me, but they had to obey me at the command of God. What I have written is but a pale shadow of the things I saw. But I noticed one thing: that most of the souls there are those who disbelieved that there is a hell. When I came to return from there,

I could hardly recover from the fright. How terribly souls suffer there! Consequently, I pray even more fervently for the conversion of sinners. I incessantly plead God's mercy upon them. O my Jesus, I would rather be in agony until the end of the world, amidst the greatest sufferings, than offend You by the least sin."<sup>50</sup> (Diary 741)

We live in a world and period in the history of the Holy Church in which there is a great risk to lose sight of this truth about the danger of eternal damnation and of "being damned forever"; the biblical texts on this topic that are often read during mass, are almost always reinterpreted in homilies in terms of the need for social justice, etc., or are even declared incompatible with God's mercy, or they are treated with complete silence. But if God loved the world so much that he sent his Only Beloved Son and let him undergo the bitterest suffering and death, in order to save us from hell, and if God let His own Son warn us frequently of the peril of eternal damnation, would it then not be merciful, if the Pope, who speaks so often of the devil and to the mafia spoke of hell, would also in his teaching and writing not really, or at least apparently, deny, but clearly convey this truth of the Gospel?

The assertion of *AL*: "No one can be condemned for ever, because that is not the logic of the Gospel!", in conjunction with many ecumenical and interreligious words in which Pope Francis seems to belittle entirely the difference between believing in God versus being an atheist, being a Christian or a Muslim, believing in a living and personal God as opposed to some pantheist beliefs, arouses the further suspicion in the innocuous reader that the Pope denies the truth of the Gospel of the necessity of faith in God and in Jesus Christ for eternal salvation (though we may hope that an honest search for truth and obedience to one's con-

science and an innocent ignorance about God and Christ may be excused by God or even reckoned as implicit acts of faith, as *Lumen Gentium* teaches. But this does not deny the dramatic importance faith or its refusal have for a person *capable* of them, for whom the faith in God, in Christ, in the Catholic Church, are literally necessary for salvation). Therefore the appearance of denying these truths ought to be dispelled. Only the Pope himself through clear statements can eliminate these impressions and suspicions in many readers.

I cannot but point out in this context that Jesus Christ, precisely after his summary of the core of the Gospel, the mystery of God's infinite mercy, says that some "will be doomed forever". John 3:16-17 summarizes the most sublime mystery of God so:

"For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life. 17 For God did not send his Son into the world to condemn the world, but to save the world through him." (John 3:16-17 New International Version)

But immediately afterwards, Jesus strongly expresses this danger of "condemnation forever" in sort of "scandalous terms" - namely as a punishment not only for sins against charity, but also for sins against faith:

"Whoever believes in Him is not condemned, but whoever does not believe stands condemned already because they have not believed in the name of God's one and only Son." (John 3:18-19 New International Version)

It is not only due to what Pope Francis says and to what he does not say in *Amoris Laetitia* that many get the impression

that he denies both eternal damnation and the necessity of faith for our salvation, but also due to his response to the atheist Dr. Eugenio Scalfari who asks the Pope “whether the Christian God forgives him, who neither does believe in Him nor even keeps looking for the faith”. In his response, the Pope speaks beautifully of the infinite mercy of God and on *Lumen Gentium*, the Council document of Vatican II, in which the possibility is mentioned, that the atheist, obeying the voice of his conscience, can be saved. But the Pope apparently made no mention whatsoever in his reply to Scalfari of the quoted words of Jesus in the Gospel of Saint John 3:18 nor of other clear statements of Scripture to the same effect, or of the dogmas of the Church on the necessity of faith and baptism for eternal salvation, while in the same conversation with Nicodemus, to which Pope Francis refers, Jesus does not only speak of the necessity of faith but also of baptism for salvation:

“3 Jesus replied, ‘Very truly I tell you, no one can see the kingdom of God unless they are born again.’  
4 ‘How can someone be born when they are old?’  
Nicodemus asked. ‘Surely they cannot enter a second time into their mother’s womb to be born!’  
5 Jesus answered, ‘Very truly I tell you, no one can enter the kingdom of God unless they are born of water and the Spirit.’” (John 3:3-5 New International Version)

In the light of these truths of faith, many argue, the Pope should not only not directly deny this doctrine but, out of love for the immortal souls, clearly teach this necessity of faith and baptism for our eternal salvation (even if *Lumen Gentium* teaches that God may also save a person who innocently fails to believe and does not receive baptism). The words of Christ on the necessity of faith for our salvation apply to all of us who have received

this invitation. And the peril of eternal condemnation (eternal damnation) as well is a danger for each of us. The faithful expect that Pope Francis preach not a different Gospel than that of Jesus Christ, and that he tell us in the same clear words of Jesus Christ and of the Church that there is the threat of eternal damnation, and therefore it simply is not true that “No one can be condemned for ever, because that is not the logic of the Gospel!”

Even if the interpretation of the words “No one can be condemned for ever” as denial of hell (how many interpret them) is a misreading of *AL* (as the quoted words of the Pope to the Mafiosi indicate), it is urgently required to make a clarification and correction, explaining that and why an interpretation of the quoted text from *AL* is mistaken.

### 3.5 Corrections or just clarifications?

In my opinion it is not possible as some excellent Cardinals and Bishops (among them the Cardinals Burke<sup>51</sup> and Müller), and some laymen (such as Rodrigo Guerra and Rocco Buttiglione)<sup>52</sup> suggest, to understand these few, but very significant words in *Amoris Laetitia* in harmony with the words of Christ or the teachings of the Church. But if Pope Francis means a completely different sense of these words than the one they *seem* to possess and if the Pope himself understands his teaching in accordance with the tradition and teachings of the Church, like the aforementioned Cardinals and lay people think, we can only plead with the Pope and ask him to say this clearly and unequivocally, and to reject the false wording and the false interpretations of *AL* and to explain without ambiguity that they are misinterpretations!

When on the contrary what has been referred to by Spaemann as an obvious radical break of *AL* with the Gospel, with *Familiaris Consortio* and *Veritatis Splendor*, is really what Pope

Francis wanted to say, then we could only beseech him to follow the glorious example of his predecessor John XXII who, the day before his death, with the bull *Ne super his* retracted his own false doctrine that the souls separated from the body (the *animae separatae*) in the hereafter prior to the Last judgment neither enter heavenly bliss, nor the torments of hell, a doctrine which clearly contradicts the presuppositions of the Catholic and Orthodox liturgy with their many invocations of Saints during the liturgy and in numerous other rites, hymns, and prayers. Pope Benedict XII, his successor, condemned this teaching even more forcefully as heresy in the bull *Benedictus Deus*. May Pope Francis not leave it to a successor or a Council after his death but condemn these statements himself.

#### **4 Is it not a scandal that I, a “miserable layperson”, criticize a Papal document?**

Pope Francis, as Vicar of Jesus Christ on Earth, could ask himself: How can a mere “miserable layperson” criticize the Pope?

As a first answer to this question, I wish to cite from Saint Catherine’s letter to Pope Urban VI:

“Most holy father, have patience when you are talked to about these things. For they are only said to you for the honour of God and for your salvation, as a son ought to speak who loves his father tenderly, and cannot bear that anything should be done which should turn to the loss or shame of his father; but watches constantly, with intent earnestness, because he sees well that his father, who has to rule a large family, can see no more than one man sees. So if his lawful sons were not earnest in caring for his honour and

welfare, he would be deceived many a time and oft. So it stands, most holy father. You are father and lord of the universal body of the Christian religion; we are all under the wings of your Holiness: as to authority, you can do everything, but as to seeing, you can do no more than one man; so your sons must of necessity watch and care with clean hearts and without any servile fear over what may be for the honour of God and the safety and honour of you and the flocks that are beneath your crook. And I know that your Holiness is very desirous of having people to help you; but you must be patient in listening to them.”<sup>53</sup>

I would also like to repeat the reason St. Thomas gives for such criticism, when he comments on Paul’s rebuke of the first Pope:

“The occasion of the rebuke was not slight, but just and useful, namely, the danger to the [teaching of] the truth of the Gospels. [literal translation of this sentence J.S.] Hence he says: Thus was Peter reprehensible, but I alone, *when I saw that they*, who were doing these things, *walked not uprightly unto the truth of the Gospel*, because its truth was being undone, if the Gentiles were compelled to observe the legal justifications, as will be plain below. That, they were not walking uprightly is so, because in cases where danger is imminent, the truth must be preached openly and the opposite never condoned through fear of scandalizing others: ‘That which I tell you in the dark, speak ye in the light’ (Mt 10:27); ‘The way of the just is right: the path of the just is right to walk in’ (Is

26:7). The manner of the rebuke was fitting, i.e., public and plain. Hence he says, *I said to Cephas*, i.e., to Peter, *before them all*, because that dissimulation posed a danger to all: ‘Them that sin, reprove before all’ (1 Tim 5:20). This is to be understood of public sins and not of private ones, in which the procedures of fraternal charity ought to be observed.”<sup>54</sup>

The Pope is not infallible when he does not speak *ex cathedra*. Several Popes (as John XXII, Honorius I) have taught errors or made wrong pastoral decisions such as excommunicating entire cities because their prince led a war against the Pope. Saint Thomas is undoubtedly right when he says that to criticize our bishops and our Pope, if we see them deviate from the truth or do damage to the Church – out of love for God and for the souls of men is our sacred duty and corresponds to the call of mercy with so many souls. This obligation has been recognized in the Church since its first beginnings.

Paul resisted the first Pope Peter with harsh and powerful words because of his deviation in his practical decision from the truth and from the will of God. The Emperor Constantine the Great, ecclesiastically considered a layman, convened in 325 the first Council of Nicaea, the first Ecumenical Council in church history. He took very active part in it, which took place under his leadership, described himself as the “bishop of bishops” and moved the majority of the bishops who had become infected with the Arian heresy to agree to the Orthodox teachings of the true divinity of Jesus Christ and swayed them to accept the formula of *homoousios*, that “the Son is of one being (of one essence, consubstantial) with the father.” In this way a layperson’s influence was absolutely decisive for the Nicene Creed that rejected the Arian heresy that Christ is only *homoiousios* (similar to) the father. Thus a layperson’s critique of a majority of bishops (and



the Pope's later heresy) was a main cause for preserving a key doctrine of the whole Christian faith. Saint Athanasius, at that time just deacon, was, together with his bishop Alexander, the leading opponent of the Arian heresy at the Council of Nicaea and a leading supporter of Emperor Constantine's position during this council; the Coptic Church even believes that the deacon Athanasius wrote the text of the Nicæan Creed.

Shortly after the end of the council, in which he had played such a glorious role for the Church, emperor Constantine became friendly towards the Arian heresy and wanted to create a sort of compromise between Arians and Nicæan Christians. Saint Athanasius, who had been a leading opponent of the Arian heresy at the Council of Nicaea, withstood the Emperor Constantine, who tried to force a settlement of the Eastern and Western Churches on a "middle line". His Semi-Arianism was accepted and more strongly defended by Constantine's son Constantius II, who ruled after the death of his father. Because Athanasius opposed any compromise with Arianism, Emperor Constantius II convened an ad hoc Council (a Synod) at Arles, practically forcing the present bishops to excommunicate Athanasius. At that time Pope Liberius raised fierce opposition to this Synod and to the excommunication of Athanasius (the Church later did not recognize this Synod). In consequence of this the emperor Constantius II deposed and exiled Pope Liberius, who during his exile changed his attitude towards Arianism, perhaps fearing death threats or strongly desiring to return as Pope to Rome.

Pope Liberius signed a declaration (the "first sirmian formula?") that made concessions to the Arian or Semi-Arian heresy that denied or called into question the true divinity of Jesus Christ, or at least did not contain the formula established at the Council of Nicaea, the Homoousios. As Pope Liberius saw the criticism of Athanasius of his heresy or near-heretical compromise,<sup>55</sup> he unjustly excommunicated Athanasius. Denzinger, with Athanasius

himself and a few witnesses from the epoch, seems to assume the authenticity of the excommunication Bull (the letter)<sup>56</sup> by Pope Liberius. Against the repeated (altogether 7) banishments and excommunications of Athanasius also the laity raised their voices and both errors have been corrected.<sup>57</sup>

Today the Catholic Church and Orthodox Church, as well as some Protestant Churches, who owe partially the maintaining of the Christian faith to the Emperor Constantine, but in view of the latter's later apostasy much more to Saint Athanasius, celebrate the feast of the twice excommunicated and twice rehabilitated St. Athanasius and of the Council of Nicaea.

Laymen resisted Pope Honorius, who was later convicted of heresy because he committed the monothelitic heresy.<sup>58</sup>

Saint Catherine of Siena, doctor of the Church and (co-) patroness of Europe, criticized sharply, but with a sweet tone full of love and humility, the Popes Gregory XI and Urban VI.<sup>59</sup> Laymen protested against the heresy of Pope John XXII.

So there are many sublime examples of the love of the truth and of the Church. We simply cannot remain silent, if we see that we, a Bishop or even Peter has fallen into an error or mistake. Pope Francis himself urged us, right at the beginning of his pontificate, to do exactly this rather than to flatter him or lie to him or defend false statements by sophistical justifications to the Catholic world. We take his words to heart, but only out of love for Jesus and his Holy Church and humbly. In order for us all together to glorify God *in veritate*.

To sum up: If it is not possible, as it seems impossible, to interpret the mentioned and other assertions in *AL* in continuity with the perennial Magisterium of the Church, we strongly hope and expect that as soon as Pope Francis, the Vicar of Jesus Christ on Earth, realizes that almost any reader of *AL* understands the mentioned parts and formulations of *AL* in an erroneous sense that contradicts the Holy Scriptures and the teachings of the

Church, he will rectify them, exclude false interpretations of the statements of *AL* that threaten to devastate the Church and reject some with great determination. Failure to do so will lead more Episcopal Conferences (besides the Philippine Conference) to adopt a reading of *AL* that is pastorally wrong or doctrinally erroneous, misleading countless persons in matters that touch their innermost self and eternal destiny. As the Pope himself, and not malicious journalists or interpreters of what Pope Francis has said or written, made the mentioned, greatly misleading or outright false statements, I consider it an absolute duty of every Catholic, and especially of every Cardinal, bishop and priest, to humbly but passionately ask the Pope to replace errors with the truth, false interpretations by right ones, and objectively confused by clear statements. So that the word of Scripture, and of the dogmatic Constitution *Lumen Gentium*, that the Church is the “solid pillar of truth” and the Pope, when he teaches in accordance with the Gospel and the Church, our highest teacher of truth, shines forth in its brilliance.

I do not want to extinguish the fiery furnace of love and infinite mercy of God that Christ has ignited in the heart of Pope Francis, but only ask that, instead of a false mercy and untruth, a *joy, love and mercy in veritate* will be announced in the Church of God.

## Endnotes

<sup>1</sup>(cf. Francis 2016).

<sup>2</sup>Aquinas writes in his commentary on Galatians: Caput II, Lectio III .:

“The occasion of the rebuke was not slight, but just and useful, namely, the danger to the [teaching of] the truth of the Gospels. [literal translation of this sentence J.S.] Hence he says: Thus was Peter reprehensible, but I alone, *when I saw that they*, who were doing these things, *walked not uprightly unto the truth of the gospel*, because its truth was being undone, if the Gentiles were compelled to observe the legal justifications, as will be plain below. That, they were not walking uprightly is so, because in cases where danger is imminent, the truth must be preached openly and the opposite never condoned through fear of scandalizing others: ‘That which I tell you in the dark, speak ye in the light’ (Mt 10:27); ‘The way of the just is right: the path of the just is right to walk in’ (Is 26:7). The manner of the rebuke was fitting, i.e., public and plain. Hence he says, *I said to Cephas*, i.e., to Peter, *before them all*, because that dissimulation posed a danger to all: ‘Them that sin, reprove before all’ (1 Tim 5:20). This is to be understood of public sins and not of private ones, in which the procedures of fraternal charity ought to be observed.” (Thomas 1953, Caput II, Lectio III.) Translation: F.R. Larcher, O.P.

<sup>3</sup>(Vgl. Schneider 2016).

<sup>4</sup>(cf. Ratzinger 1972, p. 54).

<sup>5</sup>(cf. Ratzinger / Benedikt XVI. 2014b), The second paragraph of the conclusions has been radically changed in the version of 2014, which

has been published in the complete works of Ratzinger / Pope Benedict XVI. (cf. Ratzinger / Benedikt XVI. 2014c), (cf. Ratzinger / Benedikt XVI. 2014a), (cf. Corbett O.P. et al. 2014).

<sup>6</sup>AL footnote 351:

“In certain cases, this can include the help of the sacraments. Hence, ‘I want to remind priests that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy’ (Apostolic Exhortation *Evangelii Gaudium* [24 November 2013], 44: AAS 105 [2013], 1038). I would also point out that the Eucharist ‘is not a prize for the perfect, but a powerful medicine and nourishment for the weak’ (ibid., 47: 1039)” (Francis 2016, fn. 351).

<sup>7</sup> This follows already purely logically from footnote 351 which admits to the sacraments some couples who have been, until now, absolutely excluded by the Church from the reception of the sacraments.

<sup>8</sup>(cf. Müller 2016), (cf. also Aymans 2015).

<sup>9</sup>(cf. Dodaro 2014a).

<sup>10</sup>(cf. Dodaro 2014a; Dodaro 2014b).

<sup>11</sup>(Müller 2014, pp. 121-123), Transl. J.S.).

<sup>12</sup>In a statement of 9 April, signed by the President of the CBCP, Archbishop of Lingayen Dagupan, Monsignor Socrates Villegas, the Archbishop urges his bishops and priests to open up completely and not to await guidelines on how to implement AL:

“After collective discernment, your bishops will come up with more concrete guidelines on the implementation of the Apostolic Exhortation. But mercy cannot wait. Mercy should not wait. Even now, bishops and priests must open welcoming arms to those who have kept themselves out of the Church because of a sense of guilt and of shame. The

laity must do no less. When our brothers and sisters who, because of broken relations, broken families and broken lives, stand timidly at the doors of our churches – and of our lives – unsure whether they are welcome or not, let us go out to meet them, as the Pope urges us to, and assure them that at the table of sinners at which the All-Holy Lord offers himself as food for the wretched, there is always room. *O res mirabilis manducat Dominum pauper, servus et humilis.* . . . O wonderful reality that the poor, the slave and the lowly should partake of the Lord. This is a disposition of mercy, an openness of heart and of spirit that needs no law, awaits no guideline, nor bides on prompting. It can and should happen immediately” (Villegas 2016).

<sup>13</sup>(cf. Schönborn 2016 - 6 luglio, 2016).

<sup>14</sup>*FC* 84:

“However, the Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist. 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. 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 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” (John Paul II 1981, Nr. 84).

<sup>15</sup>(Spadaro S.I. 2016 – 23 aprile, p. 119), (Transl. J.S.). Sandro Magister describes the position of Father Spadaro thus (my translation of JS):

“Francis - he writes confident - has lifted for the so-called ‘irregular’ couples all ‘barriers’ of the past, in what concerns the ‘sacramental discipline’: this term ‘so-called’ is not father Spadaro’s, it is the Pope’s own and is, according to the judgment of the church historian Alberto Melloni, ‘worth the whole exhortation’, because ‘this term alone absolves the aforesaid and turns them into recipients of the Holy Eucharist. [Magister adds:] and the standard requires that the presentation Spadaro has made of it [AL] in ‘La Civiltà Cattolica’, was shown to Francis before its publication. Another reason for believing that this exegesis of the document by the Pope has been authorized before and reveals therefore its real intentions” (Magister 2016 – 12 abril).

Alberto Melloni says:

“Francisco says that those priests who have dealt out holy communion to divorced and remarried, have disobeyed the rules, but acted according to the Gospel” (Magister 2016 – 12 abril).

<sup>16</sup>This remark corresponds exactly to the interpretation that according to *AL* there is no limit or restriction whatsoever to the couples who are allowed receiving the sacraments.

<sup>17</sup>About such divorced remarried couples and their possible admission to the sacraments, Joseph Ratzinger has published 1972 an article which contains somewhat similar proposals to those made by *AL*, but Ratzinger (Benedict XVI.) has withdrawn them under the impact of

serious objections and thus Cardinal Ratzinger / Pope Benedict XVI. has again reaffirmed the Church's official teaching on this matter. See note 2 to this article. Cardinal Bertone summarizes and states this teaching in its entire complexity, but at the same time with remarkable clarity and succinctness, as it was presented recently by Popes John Paul II and Benedict XVI. (Bertone 2016). Bertone resumes the ecclesiastical Eucharistic doctrine and discipline in eight theses:

1. "Divorced and remarried believers are in a situation which is objectively contrary to the truth of the Gospel about the indissolubility of marriage.
2. Devout and remarried divorcees should, as members of the Church, experience in the ecclesial community the love of Christ and the maternal closeness of the Church to them.
3. Baptized believers and remarried divorcees are called upon to participate in the life of the Church, as far as this is compatible with their situation.
4. On the basis of their objective situation the Church may not authorise devout remarried divorcees to receive Eucharistic communion.
5. On the basis of their objective situation, remarried divorced believers cannot exert certain services in the Christian community.
6. If the remarried divorced believers live separately or in complete continence, they can be admitted again to the sacraments.
7. When devout remarried divorcees are subjectively convinced of the invalidity of their previous marriage, they must resolve this situation through the external Forum (Church Tribunal).
8. Believing remarried divorcees may never lose the hope of eternal salvation: 'By acting in this way, the Church professes her own fidelity to Christ and to His truth. At the same time she shows motherly concern for these children of hers, especially those who, through no fault of their own, have been abandoned by their legitimate



partner. With firm confidence she believes that those who have rejected the Lord's command and are still living in this state will be able to obtain from God the grace of conversion and salvation, provided that they have persevered in prayer, penance and charity." (FC) (n. 84) (Bertone 2016).

Bertone continues on this point:

"The Church reaffirms her practice based on the Scripture, not to admit remarried divorcees to the Eucharistic supper however." (FC, n. 84). This standard has in any way punitive or discriminatory character, nor is it a mere disciplinary law of the Church, which could be changed. Rather it is an expression of an objective state of affairs, which makes it even impossible to receive the Eucharistic communion. *Familiaris Consortio* presents this dogmatic reason of Church practice in very precise terms: "However, the Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried. They are unable to be admitted thereto from the fact that their state and condition of life objectively contradict that union of love between Christ and the Church which is signified and effected by the Eucharist." (FC, n. 84). A second pastoral reason is added to this main reason: '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.' (FC, n. 84)" (cf. Bertone 2016).

<sup>18</sup>(*Catholica* 1997a, no. 1859).

<sup>19</sup>(*Catholica* 1997a, no. 1859).

<sup>20</sup>(*Catholica* 1997a, no. 1860).

<sup>21</sup>The Latin text is even clearer: “Sed nemo legis moralis putatur ignorare principia quae in conscientia cuiuslibet hominis sunt inscripta.” (Catholica 1997b, no. 1860).

<sup>22</sup>(cf. also Waldstein 2010).

<sup>23</sup>(cf. Hildebrand 1982, 2006).

<sup>24</sup>I refer to her masterwork: (Premoli De Marchi 2002). That goes in many ways beyond the classical work on the subject: (Newman 1973).

<sup>25</sup>The only, very beautiful, application of the words of the warning of the Apostle Paul, that we must examine ourselves before eating the most Holy Body and drinking the most holy blood of Jesus Christ in *AL* 186 refers to social justice:

“The Eucharist demands that we be members of the one body of the Church. Those who approach the Body and Blood of Christ may not wound that same Body by creating scandalous distinctions and divisions among its members. This is what it means to ‘discern’ the body of the Lord, to acknowledge it with faith and charity both in the sacramental signs and in the community; those who fail to do so eat and drink judgement against themselves (cf. v. 29). The celebration of the Eucharist thus becomes a constant summons for everyone ‘to examine himself or herself’ (v. 28), to open the doors of the family to greater fellowship with the underprivileged, and in this way to receive the sacrament of that Eucharistic love which makes us one body. We must not forget that ‘the mysticism’ of the sacrament has a social character” (Francis 2016, no. 186).

<sup>26</sup>J. Stöhr writes:

“The question about the meaning and importance of a spiritual communion begins again to be discussed by a wider public after some controversial remarks of the Car-

dinals J. Cordes and W. Kasper, published in the press, have become known. [...] A reasonable treatment of the subject has to avoid conceptual confusion and ambiguity.” (Stöhr 2015, p. 185).

<sup>27</sup>(Stöhr 2015, pp. 196-198), (cf. also Keller 2014).

<sup>28</sup>(John Paul II 1981, no. 84).

<sup>29</sup>If it is a *first marriage*, the Church can in such circumstances recognize it as secret sacramental marriage, but asks for a public Church wedding at the first opportunity.

<sup>30</sup>AM 75:

“Canon Law also recognizes the validity of certain unions celebrated without the presence of an ordained minister. The natural order has been so imbued with the redemptive grace of Jesus that ‘a valid matrimonial contract cannot exist between the baptized without it being by that fact a sacrament’. The Church can require that the wedding be celebrated publicly, with the presence of witnesses and other conditions that have varied over the course of time, but this does not detract from the fact that the couple who marry are the ministers of the sacrament. Nor does it affect the centrality of the consent given by the man and the woman, which of itself establishes the sacramental bond. This having been said, there is a need for further reflection on God’s action in the marriage rite; this is clearly manifested in the Oriental Churches through the importance of the blessing that the couple receive as a sign of the gift of the Spirit.” (Francis 2016, no. 75).

<sup>31</sup>A further analysis of “simplified annulment processes” should consider some critical voices on the *motu proprio Mitis Iudex*. These voices are warning against the consequences of:

(a) the partial removal of the “double church tribunal judgment”, and

- (b) the reduction of the role of the “bond advocate”,
- (c) the new form of the “short process” before the bishop,
- (d) the introduction into the “rules of procedure” of new cases that allow for a “short process”(title V): article 14 § 1.
- (e) And especially the adding at the end of the list an “etc.” open for any content.

Some voices say that the sum of these elements do not only tend to transform a declaration of invalidity of marriage into a “Catholic divorce”, but into a “Catholic short-divorce”. (cf. Boni 2016a,b,c). This article shows that *Mitis Iudex* has puzzled distinguished canonists and given them the impression that the Church is moving towards support of divorces.

<sup>32</sup>Pope Pius VI. stated that

“issues that include the validity of a marriage belong exclusively before the ecclesiastical judge, because they involve the validity of sacraments. [Pius VI., *Deessemus Nobis* (1788), (Denzinger 1997, DH 2598).]

Also the recent Magisterium has explicitly rejected any solution of questions of validity of marriage “before the forum internum”. Thus the Congregation for the Doctrine of Faith has, with the express consent of Pope Johannes Paul II., written to the Bishops of the Catholic Church about the reception of the Eucharistic communion (September 14, 1994): *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* [Annus Internationalis Familiae (14. September 1994): (Ratzinger 1994), AAS 86 (1994), 974-979. In this letter, the Church, in accordance with the Council of Trent and many documents of the Magisterium, has again rejected solving “questions of the nullity of marriage before the forum internum” (AAS 86 (1994) 974-979). In this letter we read:

“6. Members of the faithful who live together as husband and wife with persons other than their legitimate spouses may not receive Holy Communion. Should they

judge it possible to do so, pastors and confessors, given the gravity of the matter and the spiritual good of these persons(10) as well as the common good of the Church, have the serious duty to admonish them that such a judgment of conscience openly contradicts the Church's teaching(11). Pastors in their teaching must also remind the faithful entrusted to their care of this doctrine. This does not mean that the Church does not take to heart the situation of these faithful, who moreover are not excluded from ecclesial communion. She is concerned to accompany them pastorally and invite them to share in the life of the Church in the measure that is compatible with the dispositions of divine law, from which the Church has no power to dispense(12). On the other hand, it is necessary to instruct these faithful so that they do not think their participation in the life of the Church is reduced exclusively to the question of the reception of the Eucharist. The faithful are to be helped to deepen their understanding of the value of sharing in the sacrifice of Christ in the Mass, of spiritual communion(13), of prayer, of meditation on the Word of God, and of works of charity and justice(14).

7. The mistaken conviction of a divorced and remarried person that he may receive Holy Communion normally presupposes that personal conscience is considered in the final analysis to be able, on the basis of one's own convictions(15), to come to a decision about the existence or absence of a previous marriage and the value of the new union. However, such a position is inadmissible(16). Marriage, in fact, because it is both the image of the spousal relationship between Christ and his Church as well as the fundamental core and an important factor in the life of civil society, is essentially a public reality.

8. It is certainly true that a judgment about one's own dispositions for the reception of Holy Communion must be made by a properly formed moral conscience. But it is equally true that the consent that is the foundation of

marriage is not simply a private decision since it creates a specifically ecclesial and social situation for the spouses, both individually and as a couple. Thus the judgment of conscience of one's own marital situation does not regard only the immediate relationship between man and God, as if one could prescind from the Church's mediation, that also includes canonical laws binding in conscience. Not to recognise this essential aspect would mean in fact to deny that marriage is a reality of the Church, that is to say, a sacrament." (Ratzinger 1994)

<sup>33</sup> These and similar teachings of the Church and recent Popes are radically called into question by Cardinal Schönborn in his interpretation of *AL*: (cf. Schönborn 2016 - 6 luglio, 2016).

<sup>34</sup> I do not wish to exclude absolutely that the cited Canon of the Tridentine Council could be interpreted differently as a disciplinary and not an immutable doctrinal one that would forbid absolutely that a Pope could change the Canon Law such as to recognize the described marriages of conscience as sacramental ones. Nor do I wish to deny that – if, and only if, the first marriage was truly invalid – the described “marriages of conscience”, though they entail a disobedience to the Church, might objectively be valid marriages, as *AL* implies.

<sup>35</sup> Council of Trent, Session 6:

“Canon XXI. If any one saith, that Christ Jesus was given of God to men, as a redeemer in whom to trust, and not also as a legislator whom to obey; let him be anathema.” (Denzinger 1997, Dz. 1571).

Council of Trent, session 24:

“Canon II. If any one saith, that it is lawful for Christians to have several wives at the same time, and that this is not prohibited by any divine law; let him be anathema.”

(Denzinger 1997, Dz. 1802).

“Canon V. If any one saith, that on account of heresy, or irksome cohabitation, or the affected absence of one of the parties, the bond of matrimony may be dissolved; let him be anathema.” (Denzinger 1997, Dz. 1805).

“Canon VII. If any one saith, that the Church has erred, in that she hath taught, and doth teach, in accordance with the evangelical and apostolical doctrine, that the bond of matrimony cannot be dissolved on account of the adultery of one of the married parties; and that both, or even the innocent one who gave not occasion to the adultery, cannot contract another marriage, during the life-time of the other; and, that he is guilty of adultery, who, having put away the adulteress, shall take another wife, as also she, who, having put away the adulterer, shall take another husband; let him be anathema.” (Denzinger 1997, Dz. 1807).

See also: PS. 5:5; PS: 18:8-9; Sirach 15:21; Hebrews 10:26-29; JAS. 01:13; 1 Jn 3:7; Leo XIII, Encyclical *Libertas Praestantissimum*, ASS 20 (1887-88): 598 (Dz. 3248); Pius XII, *Decree of the Holy Office situation ethics*, DZ. 3918; 2nd Vatican Council, Pastoral Constitution *Gaudium et Spes*, 16. John Paul II, *Veritatis Splendor*, 54: AAS 85 (1993): 1177; *Catechism of the Catholic Church*, 1786-87.

<sup>36</sup>To refer to the Novel *Anna Karenina* of Tolstoi.

<sup>37</sup>*AL* expresses this in the text we have already been quoting from:

“303. Recognizing the influence of such concrete factors, we can add that individual conscience needs to be better incorporated into the Church’s praxis in certain situations which do not objectively embody our understanding of marriage. . . Yet conscience can do more than recognize that a given situation does not correspond objectively to the overall demands of the Gospel. It can also recognize

with sincerity and honesty what for now is the most generous response which can be given to God, and come to see with a certain moral security that it is what God himself is asking amid the concrete complexity of one's limits, while yet not fully the objective ideal."

<sup>38</sup>Miranda Guardiola, Auxiliary Bishop of Monterrey writes:

"the code of Canon law of 1917 spoke of the divorced and remarried (without ecclesiastical Declaration of nullity) as public, infamous, unworthy sinners, bigamists who would have to be excommunicated according to the degree of severity... (c. 855, par 1 and 2356)" (Guardiola 2015).

<sup>39</sup>Also the new *Code of Canon* law of 1983 states: "Bigamous are those who remarry civilly while the marriage with another person is still valid and remains." The former CIC ordered that divorced and remarried couples (without ecclesiastic declaration of the nullity of their previous marriage) are to be warned that their act will bring the penalty of excommunication upon them if they live together like man and wife after having received this warning.

<sup>40</sup>MK 10:11-12; Ex. 20:14; Mt. 05:32, 19:9; Luk. 16:18; 1 Cor. 10-11; 7: Hebrews 10:26-29; Council of Trent, 6th session, can. 19-21, 27; XXIV session, Canon 5 and 7; the rates of 62-63 "*Laxists*" condemned by Pope innocent XI (DZ 2162 / 63); Alexander VIII, *Decree of the Holy Office about the "philosophical sin"* DZ. 2291; John Paul II, *Veritatis Splendor*, 65-70: 85 AAS (1993): 1185-89 (Dz. 4964-67).

<sup>41</sup>Evangelium Vitae (no. 62):

"This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium. No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed



by the Church” (John Paul II 1995, no. 62).

As for abortion procured in certain difficult and complex situations, the clear and precise teaching of Pope John Paul II applies:

“It is true that the decision to have an abortion is often tragic and painful for the mother, insofar as the decision to rid herself of the fruit of conception is not made for purely selfish reasons or out of convenience, but out of a desire to protect certain important values such as her own health or a decent standard of living for the other members of the family. Sometimes it is feared that the child to be born would live in such conditions that it would be better if the birth did not take place. Nevertheless, these reasons and others like them, however serious and tragic, can never justify the deliberate killing of an innocent human being” (John Paul II 1995, no. 58).

<sup>42</sup>Council of Trent: VI session, Canon 21 (Dz. 1571); XXIV session, Canon 2 (Dz. 1801); XXIV session, 5 (Dz. 1805), 7. See also: Psalm. 5:5; 18:8-9; Sirach 15:21; Hebrews 10:26-29; Sant. 01:13; 1 John 3:7; Pope Innocent XI condemned movements of the “*Laxists*”, 62-63 (DZ 2162 / 63); Clemens XI, Constitution *Unigenitus*, against the errors of Pasquier Quesnel, 71 (Dz. 2471); Leo XIII *Libertas Praestantissimum*, ASS 20 (1887-88): 598 (Dz. 3248); Pius XII, *Decree of the Holy Office on situation ethics*, DZ. 3918; 2nd Vatican Ecumenical Council, Pastoral Constitution *Gaudium et Spes*, 16. John Paul II, *Veritatis Splendor*, 54: AAS 85 (1993): 1177; *Catechism of the Catholic Church*, 1786-87.

<sup>43</sup>AL 301. This contradicts what the Council of Trent teaches: VI session 18 (dz. 1568). Also: Gen 4:7; Deut. 30: 11-19; Sirach 15: 11-22; MK 8:38; Luk. 9:26; Hebrews 10:26-29; 1 John 5:17; Zosimus, 15 (or 16) Synod of Carthage, canon 3 on grace, DZ. 225; Felix III or Synod of Orange, DZ. 397; Council of Trent, V. session Canon 5. VI. session, Canones 18-20, 22, 27 and 29; Pius V, Bull *ex omnibus Afflictionibus*, about the errors of Michael du Bay, 54, (Dz. 1954); Pope Innocent X, Constitution *Cum Occasione*, about the errors of

Cornelius Jansen, 1 (Journal of laws 2001); Clemens XI, Constitution *Unigenitus*, about the errors of *Pasquier Quesnel*, 71 (Dz. 2471); John Paul II, Apostolic exhortation *Reconciliatio et Poenitentia* 17: 77 AAS (1985): 222; *Veritatis Splendor* 65-70: AAS 85 (1993): 1185-89 (Dz. 4964-67).

<sup>44</sup>See the brilliant, unpolemical article that criticizes these and many other elements in *Amoris Laetitia* by asking simple questions: Giovanni Scalese (2016).

<sup>45</sup>The reference to the risk of infidelity in *Gaudium et Spes* refers only to marriage and not, like *AL*, to infidelity in extramarital affairs or between remarried divorcees. I do not know any religious text (apart from *AL*), that praises the loyalty between two adulterers as a virtue and regards their infidelity to each other as even a bigger and more serious evil than their adultery.

<sup>46</sup>Mt 25:46. Even Mt. 7:22-23; LK. 16:26; Jn 17:12; APOC. 20:10; 16. Synod of Toledo (Dz. 574); 4. Council of the Lateran, DZ. 801; Benedict XII, Constitution *Benedictus Deus*, DZ. 1002; Council of Florence, *Laetentur Caeli* Decree DZ. 1306; John Paul II, letter to the Congregation for the doctrine of the faith, *Recentiores Episcoporum*, AAS 71 (1979): 941; Catechism of the Catholic Church, 1033-37.

<sup>47</sup>I found only an informal report on a spontaneous commentary of Pope Francis when he met with victims of the mafia and addressed a speech to them. If this report is correct, Pope Francis accepts the reality of hell and does not deny it. I found, however, no place in the official texts of the Magisterium of Pope Francis, but only the mentioned report in the Boulevard daily paper Bild of the 23.03.2014:

“Pope Francis (77) has prayed for the victims of organized crime and prompted mafiosi to repent. ‘Change your life, please, turn to God, cease to do evil’, said Francis to the Mafiosi. Just as John Paul II did already in 1993, Francis also came together with mafia victims and relatives of people murdered by mafiosi. ‘I beg you on my knees, it’s for your own good. The life that you lead, brings no

satisfaction, no joy, no happiness’, said the Pope during the divine service. Because power and money, ‘which you hoarded up from your dirty business and mafia- crimes, is bloody money and bloody power which you cannot take with you to the other life’. Mafiosi should repent, ‘because still there is time for you not to end in hell; and hell awaits you, if you continue this way’” (Bild 2014 – 22.03.).

<sup>48</sup>See also the excellent article by Bishop Andreas Laun: (Laun 2013 – 13.11.).

<sup>49</sup> Since Pope Francis, in a most praiseworthy decision, raised Saint Maria Magdalena to the honor of being the (temporally) first among the Apostles and awarded to her feast the rank of a feast of an apostle, it will be soon common usage to call holy or pious women “apostles” (or, in German “Apostelin”, in Spanish *apostola*).

<sup>50</sup>(Faustina 2005, booklet II, 741).

<sup>51</sup>(cf. Burke 2016 - April 17th).

<sup>52</sup>(cf. Buttiglione 2016 - 19 luglio; Guerra López 2016 - 22 luglio), See the excellent critique of Buttiglione’s article: (cf. Gahl 2016).

<sup>53</sup>(Catherine 1905).

<sup>54</sup>(Thomas 1953, Caput II, Lectio III.) Translation: F.R. Larcher, O.P.

<sup>55</sup>One has to admit that these stories of the heresy and the excommunication of Saint Athanasius by Pope Liberius touch various “Quaestiones Disputatae” as the following highly scholarly article explains very well: (cf. Kroll et al. 1926, Sp. 98-101), (cf. also Enciclopedia-Católica-Online 2013), (cf. also Enciclopedia-Católica-Online 2013). See also the Catholic Encyclopaedia article that discusses critically the pro and con arguments as to whether the letter *studens paci* was a forgery. (Cf. also Daly 2015, ch. 10). Since I lack professional historical knowledge, I prescind from a definitive opinion about the historical

truth concerning this matter.

<sup>56</sup>The letter of excommunication by Pope Liberius against Athanasius “*Studens Paci*” was (really or allegedly) written in the spring of the year 357 to the Eastern bishops:

“*Studens paci et concordiae Ecclesiarum, posteaquam litteras caritatis vestrae de nomine Athanasii et ceterorum factas ad nomen Julii bonae memoriae episcopi accepi, secutus traditionem maiorum presbyteros urbis Romae Lucium, Paulum et Helianum e latere meo ad Alexandriam ad supradictum Athanasium direxi, ut ad urbem Romam veniret ut in praesenti id, quod de Ecclesiae disciplina existit, in eum statueretur. Litteras etiam ad eundem per supradictos presbyteros dedi, quibus continebatur, quod si non veniret, sciret se alienum esse ab Ecclesiae Romanae communione. Reversi igitur presbyteri nuntiaverunt eum venire noluisse. Secutus denique litteras caritatis vestrae, quas de nomine supradicti Athanasii ad nos dedistis, sciatis his litteris, quas ad unanimitatem vestram dedi, me cum omnibus vobis et cum universis episcopis Ecclesiae catholicae pacem habere, supradictum autem Athanasium alienum esse a communione mea sive Ecclesiae Romanae et a consortio litterarum et ecclesiasticarum.*”

(Denzinger 1997, Dz. 138).

<sup>57</sup>(cf. Graber 1973).

<sup>58</sup>There is rich literature on Monothelism (by Greek *monos* - unique and *thelein* - willing), according to which Christ has two natures - a divine and a human - but only one will, and on the involvement of Pope Honorius in this heresy. A fact is that the Synod of Constantinople 680-81 formally condemned as heresy Monothelism that had been declared a heresy already in 649. At the meeting of March 28, 681, Monothelism was formally anathematized and Pope Honorius I was solemnly condemned as heretic and his writings were burned.

<sup>59</sup>Catherine writes in a wonderful letter (74) to Pope Gregory XI:

“In the name of Jesus Christ crucified and of gentle Mary, mother of God’s Son. Very loved and reverend father in Christ Jesus, I Caterina, servant and slave of the servants of Jesus Christ and your poor wretched unworthy daughter, am writing to you in his precious blood. I long to see you the sort of true gentle shepherd who takes an example from the shepherd Christ, whose place you hold. He laid down his life for his little sheep in spite of our ingratitude. The hounding, the wrongs, the scorn, the insults of the people he had created and so greatly blessed did not keep him from working out our salvation. No, as one in love with the Father’s honor and our salvation he ignores his own suffering and conquers our malice with his wisdom and peace and kindness. Just so I am begging you, I am telling you, my dear babbo, in the name of Christ crucified, to conquer with kindness, with patience, with humility, with gentleness the wrongdoing and pride of your children who have rebelled against you their father. You know that the devil is not cast out by the devil but by virtue.” (Catherine 1376).

Her love does not exclude a most sharp rebuke of the Pope: *In urging Gregory XI to leave Avignon and re-establish the Papacy in Rome she wrote:*

“If you want justice, you can execute it. You can have peace, withdrawing from the perverse pomps and delights of the world, preserving only the honour of God and the due Authority of Holy Church. Also you have to offer peace to those who ask you for it. Then, since you are not poor but rich – you who bear in your hand the keys of Heaven, to whom you open it, it is open, and to whom you shut it, it is shut – if you do not do this, you would be rebuked by God. I, if I were in your place, should fear lest divine judgment come upon me. Therefore I beg you

most gently on behalf of Christ crucified to be obedient to the will of God, for I know that you want and desire no other thing than to do His will, that this sharp rebuke fall not upon you: ‘Cursed be thou, for the time and the strength entrusted to thee thou hast not used.’ I believe, father, by the goodness of God, and also taking hope from your holiness, that you will so act that this will not fall upon you.” (Catherine 2016).

Also to Pope Urban VI, who called her to Rome, she wrote letters, in which she advised him with great wisdom. He increasingly turned stubborn and cruel. Had he more listened to her, perhaps the Great Schism and the Antipope, whom the holy Vincent Ferrer supported, would not have come. (Butler 1864, cf.). See also the text of her letter to Urban VI that I quote at the very beginning of this section 4 of my article.

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