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The Arian crisis and the current
controversy about *Amoris laetitia*:
a parallel*

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Abstract

In this article a parallel is drawn between the Arian crisis
in the fourth century and the present controversy about

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Amoris Laetitia (*AL*): despite the differences in the theological contents, the two crisis are similar for the grave circumstance that, in both cases, a large part of the Catholic hierarchy seems to back, or at least not to object to, a doctrine that contradicts the constant teaching of the Church and the Word of God itself. So the defence of the faith must now involve, as it did in the fourth century, the difficult necessity of resistance to magisterial documents: the documents of the filo-arian Synods issued under Emperor Constantius and in parallel, the documents of the last Synods about family and the Apostolic Exhortation that followed. In both groups of documents, I show how the heterodox doctrines are ably masked by ambiguous language and formulas: so it is an additional but necessary duty that of unmasking the real intentions behind formulations that can at first sight appear innocuous.

1 Prologue

The following reflections take their origin from a curious enough coincidence. At the beginning of April 2016, at the theological Faculty of the Catholic University of Chile started a study group about the Arian controversy, in the context of an investigation project. During the first meeting of this group, we were reflecting about the extraordinary speed with which the controversy begun by Alexandrian presbyter Arius in 318 or 319, only apparently terminated with his condemnation by the metropolitan Bishop Alexander, rapidly spread in Palestine and shortly inflamed the whole of the Eastern Roman Empire, convincing Emperor Constantine to convoke the First Ecumenical Council in order to resolve the problem. Apparently, it was only about one or two imprudent sentences about the relation of the Divine Son with the Father, but they were such as to lay bare profound doctrinal

differences among the episcopacy, and gave way to a controversy that had long before been latent.

Precisely in those days of April 2016, the Apostolic Exhortation *Amoris Laetitia* was published, and shortly afterwards I casually came to read Prof. Roberto De Mattei's article titled: "First reflections about a catastrophic document" ("Prime riflessioni su un documento catastrofico" published in his website *Corrispondenza romana*). Although the title could sound at first glance somewhat alarmistic, on careful reading its content, far from being exaggerated, was quite lucid, precise and insightful. Then came the reactions from Card. Burke and Card. Mueller and the controversy started. It didn't take long before one could conclude that, just as in the days of Arius, the fire that was spreading was of vast proportions, in spite of the modest appearances of being based only on a couple of imprudent notes in a long document; notes which the Pope even declared he didn't remember (!).

So it came natural to me to start comparing the two controversies. And when, a few days afterwards, the letter by Bishop Athanasius Schneider in official reaction to the papal document was published, I precisely found there a hint to the same parallel, that concluded with a paraphrase of the famous sentence by S. Jerome, that referred to the triumph of Arianism in 360, modified as follows:

"Ingemuit orbis et divortium in ecclesiam catholicam introductum esse miratus est".¹ ("The world lamented, and was surprised at the introduction of divorce in the Catholic Church").

This was sufficient confirmation that the present crisis was really of grave proportions, not at all inferior to the ancient one,

¹(Schneider 2016).

and in many aspects more insidious. Hence came the necessity of analyzing it in a wider historical context, in order to grasp its significance, and at the same time in order to gather suggestions and reflections from that old experience that could be useful in the present circumstances.

We will begin with a brief overview of the Arian controversy, from its beginnings to perhaps its most critical moment, the Council of Constantinople in 360. We will then reflect on some fundamental similarities between this controversy and the current crisis in the Church, unleashed during the present Pontificate and felt most acutely this year. The two moments can be viewed as an analogy, as suggested by Bishop Schneider, given that in both cases a significant pronouncement by the Magisterium is perceived by many Catholics as in conflict with traditional doctrine, in particular with recent and important Magisterial documents. In both cases one also perceives a “deafening silence” of the ecclesiastical hierarchy (with exceptions of course) in the face of the respective pronouncements.

In terms of content, the two crises are certainly different: in the first crisis, the matter under dispute was purely *theological*, relating as it did to the foundation of Christian doctrine on a triune God, whereas the second matter is about *moral theology* and centrally concerned with the matter of marriage. However, the key common characteristic of both crises is, I believe, the fact that both concern a pillar of the Christian message, the destruction of which would strip that message of its very essence: in the first crisis, by attacking the doctrine on God and Christ, and in the second (over and above the specific matter of marriage), as emerging unanimously from the most penetrating criticisms of *Amoris laetitia*, by attacking the doctrine on the sacraments and, still more fundamentally, the very roots, not only of Christian moral doctrine, but of the natural morality which constitutes the theoretical foundation thereof.

2 Overview of the Arian controversy from its premises to the Council of Constantinople in 360

With its dramatic vicissitudes, the Arian crisis wreaked havoc in the Christian world for fifty-five years, from AD 325 to 380.²

Of course, the Trinitarian and Christological controversy is of more remote origin: broadly speaking, it is as old as the Church itself which, from its very origins, concerned itself with the question of the mysterious supernatural identity of Jesus Christ, and his relations with the Father. In effect, on the one hand, through his words and actions, Jesus of Nazareth claimed for Himself prerogatives which were clearly divine, to the point of affirming “The Father and I are one” (John 10,30), on the other, in his one-to-one dialogue with the Father, he reveals the presence in God of more than one Person. However, while both these aspects could be intuitively grasped, in the faith, by every Christian from the beginning, it was more difficult to express them “scientifically” in a systematic manner and with an appropriate terminology. In this enterprise, from the second century onwards a broad distinction can be drawn between a “Judaeo-Christian” trend, which centred the personality of the Christ in his human, incarnate dimension, and a “Greco-Christian” trend which, influenced by Middle Platonist thinking, configured more sharply the personal existence or divine *hypóstasis* of the Christ as *Logos*. While on the one hand, the first trend jealously guarded the unity in God (known as *monarchia*, “one principle”), but risked diminishing the personality of the Word, the second, in its specific, although valuable, thinking on the *hypóstasis* of the

²For the historical reconstruction we rely essentially on: (Simonetti 1975). We part from Simonetti in some doctrinal qualifications, which however we won't have the opportunity to discuss here.

Logos, was to a degree under the Platonic influence in ascribing to Christ a kind of subordination to the Father.

During the second century, the problem intensified and was posed in more technical terms, due in particular due to the influence of Origen. Although the sources for this period are somewhat scarce, we have interesting testimonies on the controversy from various parts of the Christian world. We will now focus on two of these which are of particular significance.

The first is what is known as the controversy of the two Dionysiuses: during the Pontificate of Pope Dionysius (259-268), the Bishop of Alexandria, also bearing the name Dionysius, was accused by some in his Diocese of having spoken of the Son as inferior, even to the degree of a *created being* of the Father, employing the simile of the carpenter who builds a boat and others of the same kind: clearly an anticipation of the Arian doctrine. Having been corrected by the Bishop of Rome, who insisted on the divine *monarchia*, Dionysius of Alexandria retracted the opinions which had caused scandal, and from that time on the Alexandrian See remained steadfast in its rejection of Arian and pro-Arian positions.

The other episode relates to the second great metropolis of the Eastern Roman Empire, Antioch of Syria. Here, in 268, a Council condemned Bishop Paul of Samosata who, among other things, was a powerful Minister of the Queen of Palmyra, Zenobia, who, during those years, had in fact declared Syria to be independent of the Roman Empire. Paul of Samosata proposed a Monarchian doctrine of *adoptionist* stamp in which it is possible to perceive the Judaeo-Christian influence, that considers Christ as a simple, albeit special, man, in whom, at a certain moment, is introduced the *Logos* (Word) or *Dýnamis* (Power) of the Father: a *Dýnamis* that, in divine eternity, is merely an impersonal power of the Father, but is, in a second moment, a kind of extension or projection of the Father in order to perform the

salvific economy, that is, with a view to the Incarnation. Hence the person of the *Son* is not, properly speaking, the second person of an eternal Trinity, but the historic person of Jesus, from the moment at which he receives the indwelling of the divine Power, in the same way as the glory of Yahvé enters the Temple of Jerusalem: a simile which finds a strong foothold in the Gospel of John, in which Jesus identifies his body as the true Temple (John 2,21). The position of Paul of Samosata clearly presages that of Marcellus of Ancyra, who was to have an important role in the Council of Nicaea. It is in particular to be noted that, according to some testimonies, the Council of Antioch in 268, which condemned and deposed Paul, had among other things proscribed the use of the term *homoousios*,³ because this unity of substance made it impossible to conceive of several *hypostasis* in God.

The term *homoousios* was, as we know, in fact the warhorse of the Council of Nicaea in 325: a term which, decidedly rejected by Arius, in fact made it possible to condemn him together with two bishops loyal to him. The precedent of Paul therefore offers a sound explanation for the persistent suspicion which, from Nicaea onwards, hung over the term *homoousios*, which had proved useful in condemning Arius, but was felt by many to be clearly Monarchian in origin, supported at the Council by Marcellus of Ancyra and Eustathius of Antioch and strongly upheld by the Emperor Constantine on the advice of the Western bishops (in particular Ossius of Cordova) who, in the eyes of the Eastern faction, were supporting a position which, if not actually Monarchian, was at least pro-Monarchian. We must not forget that, from the viewpoint of the Eastern bishops, anyone who had not yet adopted the terminology of the *Three Hypostases*,

³We have no direct testimony that the term itself was used, but probably a reference was made to the “one ousía”.

heavily imposed in the East under the Origenian influence, was *ipso facto* suspected of Monarchianism, a suspicion definitively confirmed by the fact that the Nicene Creed was immediately followed by the anathema condemning anyone who speaks of “more than one *ousía* or one *hypóstasis*” in God. Considering therefore *ousía* as a synonym of *hypóstasis*, the Council specifically prohibited the doctrine on the three hypostases, regarded as essential by many Eastern bishops, in particular the boldest and most highly educated, trained in the tradition of Origen. However, while the specifically Arian faction was of restricted size, the Origenian school, which could not tolerate this situation, was far larger. Therefore, the Council, convened by the Emperor to restore religious peace and remedy the conflict, the scale of which had certainly been underestimated by Constantine, instead unintentionally intensified it, thereby, one might say, creating the spark which provoked the war which had lain dormant for decades and was now given an opportunity to come out into the open. Representatives of the various schools, who had hitherto remained separate, or at the most only been able to confront one another in the context of local disputes, were now able to interact for the first time in an Ecumenical Council which, although the first of this series and, as an innovation, not therefore yet enjoying the canonical *status* to be accorded in the centuries which would follow, was certainly already perceived by contemporaries as different, superior and more binding than a simple regional council.⁴

Therefore, as a reaction against the Council, guided by Eusebius of Nicomedia and having succeeded in attracting the sympathies and support of the Emperor, the Origenian faction was

⁴This was in fact from the outset the objective of a universal Council: to bring together representatives from the Church as a whole, to arrive at decisions which could not be later called into question.

able to depose not only the key Monarchian proponents, but also Athanasius, the Alexandrian Bishop who openly defended *homoousios* and was condemned on charges of a disciplinary nature at the Council of Tyre in 335. After the death of Constantine in 337, approval was granted in the East under Constantius II for a new formula of faith at the Council of Antioch in 341, known as the *Dedication Council*. In this formula, which was intended to replace that of Nicaea, attention must be drawn to the condemnation of radical Arianism on the one hand (the Son is not a created being) and the attempt to liken the Son to the Father as closely as possible, while avoiding the term *homoousios* and emphasising the doctrine of the *three hypostases*, whose unity resides not in unity of substance, but in reciprocal *harmony* (greek *symphonía*).

Conversely, in the West, two years later, in 343, a new Ecu-
menical Council was convened in *Serdica* (today Sofia), at the wishes of Constans, Emperor of the West: but the Eastern bishops refused to participate in common sessions with the Western bishops due to a divergence of opinions concerning the depositions of Athanasius and Marcellus, previously reinstated by a Council in Rome, a measure regarded as hasty and arbitrary by the Eastern bishops. The outcome was therefore *two* different formulas of faith, followed by reciprocal excommunication of the two opposing factions.

The Eastern faction essentially reproduced the formula of 341, merely adding certain anathematisms, in particular one prohibiting references to “three gods”. The Western bishops too avoided direct citation of the term *homoousios*, probably to avoid the accusation of monarchianism: however, they maintained the substance thereof through periphrasis, referring to the single *ousia* or *hypóstasis of the Father and the Son*. It must be noted that the Western faction, together with Athanasius and Marcellus, firmly believed the Nicene Creed of 325 to be definitive, and

hence did not consider a new declaration of faith on the matter to be necessary.

The doctrinal stalemate created between the East and West after Serdica was confirmed in the following years: after a failed attempt at rapprochement⁵ (after which the Western faction agreed only to condemn the Monarchian Photinus, follower of Marcellus), the Eastern faction met again at the *First Council of Sirmium*, where the 341 formula of Antioch was basically confirmed (*First Formula of Sirmium, 351*). However, the political situation changed radically with the death of the Emperor Constans and the consequent reunification of the Empire under his brother Constantius. It was natural that the Emperor should also aim at a religious reunification, but unfortunately he set about achieving this purpose through pressure and intimidation. Through the Councils of Arles and Milan, dominated by his pro-Arian ecclesiastical councillors, he persuaded almost all of the Western Episcopate to a fresh condemnation of Athanasius and arrested and deported the new Pope, Liberius, who persisted in resisting him. However, although the disciplinary situation had been “settled” by force, it proved more difficult to arrive at a true union in doctrinal terms.

For this purpose, a new Council was convened in *Sirmium in 357*, entirely in the hands of the so-called Illyrian trio (Valens, Ursacius and Germinius), who were openly pro-Arian. They considered themselves to have a free hand in imposing a formula far

⁵It is the interesting formula known as “Long exposition” (ékthesis makrotichós), a document presented in 345 by a delegation of oriental bishops to the Emperor Constans, in the attempt of reaching a conciliation: it is significant that they renounce here even to one of their favorite terms, hypostasis, substituting to it *prósopon* and *pragma*, weaker and more imprecise terms, and refer to the Son’s true generation from the substance of the Father: therefore it constitutes the most moderate among oriental formulas and the nearest to Nicea; but, as to Divine unity, the Orientals stick to Origen’s doctrine of harmony (symphonía) among the Divine Persons.

more pro-Arian than those approved by the Eastern Episcopate hitherto. This led to the introduction of the *Second Formula of Sirmium*, which proposed a far more marked subordination of the Son to the Father. It fell short of openly proposing the classical Arian terms on the “creation” of the Word *ex nihilo*, and its non-eternity (“erat quando non erat”), but neither did it condemn them, as had happened in the past. It is clear that the Father “is greater” than the Son (John 14,28), and John 10,30 (“ego et Pater unum sumus”) is omitted: but, above all, it explicitly *condemned the Nicean term, homoousios, and also the newly-coined term, homoiousios* (“similar in *substance*”), to which a section of the Origenian faction was turning. The formula hence documents a *rift in the anti-Nicaean faction* and is clearly a victory for the more pro-Arian trend against the more moderate faction which we have called “Origenian”. In the midst of this more moderate faction, a trend had emerged to the effect that, while not yet accepting *homoousios*, recognition was given to the importance and value of the term *ousía* (substance) to clarify the Trinitarian problem in conceptual terms. A still more interesting observation is that, having gained power, the pro-Arians were therefore obliged to give their doctrine a positive form, hence to some extent exposing themselves to its refutation in clearer and more precise terms. Aëtius, for example, had in those years formulated his own *Anomoean*⁶ doctrine; the second formula of Sirmium is, in a certain sense, also an “act of tolerance” towards that doctrine, which is not excluded. In addition, at that precise moment the pro-Arians achieved two major successes: the surrender of Ossius who, debilitated by old age, was persuaded to subscribe to the formula, causing grave scandal in the West, but who could not be persuaded to subscribe

⁶From the greek word anómōios (*not-similar*): according to this doctrine, the Son is not even *similar* to the Father.

to the condemnation of Athanasius; then also the surrender of Pope Liberius, who instead subscribed to the condemnation of the Alexandrian Bishop, arousing the outraged censure of Saint Hilary. In a letter (*Pro deifico timore*), Liberius tells us he had subscribed to a formula published in Sirmium. However, it is not easy to establish whether this relates to the first formula, dated 351 and moderate, or the second formula, dated 357 and decidedly pro-Arian.

In addition, the See of Antioch fell prey to the radical Arian position through the efforts of the new Bishop, Eudoxius, who called to himself the *anomeans* Aétius and Eunomius.

However, this appropriation of the Antiochene See by radical Arianism and the resultant propaganda triggered an intense reaction in certain bishops in Asia Minor, primarily Basil of Ancyra, who convened a Council in Ancyra, at which *anomoeism* was expressly condemned, insisting on the *likeness* of the Son to the Father *according to the substance*.

For the first time in an Eastern (non-Monarchian) text, the need to use the technical term “substance” to describe the full likeness of the Son to the Father emerged, although the distinction of the persons was retained. Basil of Ancyra and his faction even persuaded Constantius to reject *anomoeism*, even approving a *homoiusian document which was added to the formula of Antioch in 341 (Third Council of Sirmium, 358)*. Liberius also signed it, and returned to Rome shortly afterwards. The *Anomoeans* were deposed and exiled.

However, in order to define the situation, there was a perceived need for a new Ecumenical Council. The pro-Arians gained the concession that the new Council would be divided into a Western section, in Rimini, and an Eastern section, in Seleucia (in Isauria). In addition, they gained the concession that a preliminary formula would be drawn up, which would serve as a model: this formula represented an ambiguous comprom-

ise between *homoiousians* and *anomoeans*, and was known as the *Dated Creed* (22 May 359), and also as the *Fourth formula of Sirmium*: “the Son is like the Father in all things, according to the Scriptures”: use of the term *ousía* is specifically excluded. No one was truly satisfied with this and there were attempts by both parties to introduce clarifications. However, ultimately the few bishops present signed it, including Basil of Ancyra.⁷

We thus arrive to the *Council of Rimini for the Western faction* (May 359), attended by more than 400 bishops; of these, there were only around 80 from the pro-Arian faction, but the pro-Arian leaders, being close to Constantius, took the initiative and invited all to sign the Sirmium formula of May 22, and in particular to proscribe use of the term *homoousion*, a cause of discord. However, the Western faction, being suspicious, preferred to adhere to the Nicene Creed: hence the validity of the Nicene Creed, “to which nothing must be taken away and nothing added”, was solemnly reaffirmed, and in addition explicitly defended the use of the term “substance”.⁸ A delegation of 20 members was then sent to Constantius, who unfortunately surrendered to Imperial pressure: isolated in a fortress in Thrace the delegation signed the formula of Nike and reinstated the pro-Arians. This formula repeated the *Fourth formula of Sirmium*, but was still more Arian given that, instead of “like *in all things*”, it merely said “like *according to the Scriptures*”, implicitly reaffirmed three *hypostases* and explicitly three *prósopa*. Shortly afterwards, all the bishops present at Rimini were ordered to sign it: Constantius had given the instruction that, if the number of those refusing to sign was less than 15, they would certainly

⁷Prior to subscribing, Basil introduced synonyms for *ousía*, namely *hypostasis*, *hyparxis*, *einai*. However, the fact that he associated his signature with those of the pro-Arians somewhat weakened his prestige.

⁸“Substantiae quoque nomen et rem, a multis sanctis scripturis insinuatam mentibus nostris obtinere debere sui firmitatem”.

be sent into exile. The bishops began to give way, but around 20 Gallic bishops resisted, guided by Phoebadius of Agen. Finally, they were permitted to add various anathematisms of an anti-Arian nature, and so they signed. Thus the Council ended: “*bono initio foedo exitu consummatum*” (Sulpicius II, 44).

The *Council of Seleucia* began in September and was attended by only 160 bishops, a surprisingly low number. There were few *Homoousians*, almost all Egyptian. However, they formed a coalition with the *Homoiousians*, who were the majority: 105 according to Hilary. On the other side, the *Anomoeans* ranked themselves with the more moderate *Homeans* (= Acacians), a coalition hence in the minority. Initially, seeing themselves as minority, the pro-Arians withdrew from the Council and the majority faction subscribed to the formula of Antioch of 341. However, the following day, the Imperial plenipotentiary Leona convened a further meeting of all bishops and read out a new formula which closely imitated that of 22 May 359, but eliminating the phrase “like to the Father who begat him, according to the Scriptures”. The formula of 341 was accepted, but with *explicit condemnation of the terms Homoousion and Homooiousion*, and also, on the other side, the *Anhómoion*. Finally, the Fourth Formula of Sirmium was also accepted. In brief, this was a re-interpretation of the formula of 341 based on new pro-Arian developments. As in the formula of Nike, the Sirmian qualification *katá pánta*, “like to the Father *in all things*”, viewed by the pro-Arians as an excessive concession, was removed.

Of all the heated disputes which followed, we focus attention on that which we believe to be most significant in doctrinal terms on the likeness of the Son to the Father: the *Homoousians* and *Homoiousians* insisted that this was a question of a *likeness* according to the *substance*, the *Homeans* according to the *will* (in essence, this was the Origenian thesis of the *symphonía*). At the end, disregarding the Imperial delegate,

the *Homousian-Homeusian* majority anathemised the *Homoean-Anomoean* minority and concluded the Council, commissioning a delegation to inform the Emperor. However, Constantius openly favoured the anomeans with their formula of compromise; hence, encouraged by news of the capitulation of the Western bishops in Rimini, which occurred at that time, compelled the delegates at the Council to sign the formula of Rimini, that is the “*homoios* (= similar) *according to the Scriptures*” (31 December).

On 1 January 360, Constantius solemnly opened the year boasting of having restored religious peace, to ratify which he convened a new *Council in Constantinople*. The approved formula closely imitated the formula of Nike (= Rimini), but with an important difference: the prohibition on the use of *ousía* was extended to the use of *hypóstasis*, hence implicitly discrediting the formula of 341, hitherto regarded as the most authoritative in the East.

However, the fact that the *Homeusians* had finally signed the formula of Rimini did not prevent them from being severely punished on disciplinary charges: beginning with Basil of Ancyra, all faction leaders were exiled.

The Rimini-Constantinople document was then sent to all bishops in the East for signature, under pain of exile.

Hence, *like according to the Scriptures* remained the sole formula accepted throughout the Christian world. As noted by St Jerome:

“Ingemuit totus orbis et arianum se esse miratus est”.⁹

⁹(Hieronymus 1845, Adv. Lucif. 19.).

3 Parallel with the current crisis

3.1 Parallel in doctrinal documents

In terms of doctrinal documents, the parallel element most deserving of attention is the characteristic of *ambiguity* in the pro-Arian formulas in the years 357-360. In effect, their heretical nature is due not so much to assertions in themselves erroneous, but assertions of a generic nature, encompassing both a moderately anti-Nicean interpretation and a decidedly pro-Arian position. Although holding power, the pro-Arian minority does not venture to put forward a position too clearly in opposition with the traditional view. It does not expressly state that the Son is inferior to the Father; indeed, in some documents it expressly condemns *anomoeism*, although employing a generic term, *like* to the Father, which could lend itself to differing degrees of subordinationism. In short, although holding the reins of power, it seeks to conceal itself.

By analogy, the famous Chapter VIII of the current Apostolic Exhortation does not openly deny the indissolubly to marriage, but indeed explicitly affirms it. However, it denies in practice the necessary consequences ensuing from matrimonial indissolubility. But it does so through a meandering and convoluted discourse, using *wording which covers a range of diverse positions, some more extreme, others more moderate*. For example, it says that “in certain cases” persons in “so-called irregular” unions could be granted “the help of the sacraments”. What these cases are is not stated, so the text is open to at least four interpretations, the more restrictive of which are obviously incompatible with the broader ones. In the interest of clarity of interpretation, it is therefore useful to classify them according to their various degrees of breadth, beginning with the most restrictive and ending with the broadest:

- I) *Interpretation of the “hermeneutic of continuity”*: according to the principle of hermeneutic of continuity, the expression “in certain cases” should be interpreted as referring to specific cases indicated in documents of already existing Magisterium, such as *Familiaris consortio (FC)*, which states that absolution and Eucharistic communion can be given in cases in which the cohabitants promise to cohabit as brother and sister. This interpretation is based on a fundamental hermeneutic principle, which may appear irrefutable; but is unfortunately contradicted by footnote 329, which explicitly states that this behaviour (namely cohabitation as brother and sister) is potentially damaging and hence to be avoided.¹⁰
- II) “In certain cases” can be interpreted in a broader sense as referring to the *subjective certainty of the nullity of the previous marriage* (assuming that, for particular reasons, it is not possible to prove this in a tribunal).¹¹ In such cases it could certainly be possible that, in the secret of conscience, there is no fault in the new union: this could be viewed, in terms of moral doctrine, as in accordance with *FC*. Yet there remains a fundamental difference in ecclesiological terms: Eucharist is a sacramental, public act, in which it is not possible to take into consideration a reality which is inherently invisible and publicly unverifiable.

¹⁰During the last month of September, this interpretation “of continuity” was refuted by an interpretative document issued by the bishops of the diocese of Buenos Aires, explicitly approved in a letter signed by the Pope. This document, however, came up to be only a draft, not approved by the whole episcopacy of the diocese, and was later withdrawn from its official website. However, it was afterwards published in the *Osservatore Romano*. This event too, then, shows the character of tortuosity and ambiguity that this papal document has inaugurated.

¹¹*AL* 298 (Francis 2016), where it cites *Familiaris Consortio* 84 (John Paul II 1981), which considers this particular case.

III) “In certain cases” can be interpreted, still more broadly, as referring to a *lesser or even non-existent subjective responsibility*, due to ignorance of the rule, lack of capacity to comprehend it, or even “force majeure”, in which a given special circumstance can be so strong as to “compel” cohabitation *more uxorio*, which would hence not constitute a grave fault; indeed, according to the document, the abandonment of cohabitation could incur a still more grave fault.¹² Here we already run into more serious problems of moral theology. Ignorance and lack of capacity to understand may in effect limit personal responsibility: yet it is incongruous, not to say contradictory, to invoke them in this discourse, in which a process and guided discernment are envisaged, processes which should be specifically designed to overcome ignorance and lack of capacity to understand.¹³ With regard to force majeure, it is certainly not obvious, but indeed contrary to the entire tradition, and major dogmatic pronouncements,¹⁴ that this can justify failure to adhere to divine law. It is true that it cannot a priori be excluded that there may be particular circumstances in which the situation can change the moral species of an act which is externally the same, even conscious and intentional: for ex-

¹² AL 301:

“The limits do not depend simply on possible ignorance of the rule. While fully aware of the rule, a person may have great difficulty in understanding the values inherent in the moral rule or may find himself in concrete circumstances which prevent him from acting differently and taking other decisions without incurring further fault”.

¹³Unless such defects are attributable to a pathological lack of capacity to understand, congenital or acquired, in which case we would be entering a scenario of nullity.

¹⁴In particular, of the Council of Trent, as all commentators have recalled.

ample, where the act of removing an object from someone could be construed, not as a theft, but as an act to help a person in an emergency, or an act designed to prevent a greater evil. However, even assuming, for the sake of argument, that this can be applied to adultery, a decisive impediment to a justification of this kind is the characteristic of *permanency* of objectively negative conduct which, even if it were justifiable in a specific moment of emergency, cannot be justified in a stable situation, consciously chosen. At all events validity must always be accorded – as in the previous case – to the ecclesiological principle that under no circumstances can something which, by its very nature, belongs to the secret of conscience, be rendered magically visible at the public level.

- IV) “In certain cases”, according to the broadest interpretation of all, can be extended *to include all those cases* – those which are real, concrete and frequent which we generally have in mind – *in which there is an unhappy marriage, which fails due to a series of misunderstandings and incompatibility and is followed by a happy cohabitation stable over time, with reciprocal fidelity, etc.* (cf. *AL 298*). In such cases, it would appear that the practical result, in particular the *duration* and *felicity* of the new union by comparison with the brevity and/or unhappiness of the previous union, is interpreted as a kind of confirmation of the goodness, and hence legitimacy, of the new union: in this context (*AL 298*), any consideration of the validity of the previous marriage, lack of capacity to understand or force majeure, is absent. In effect when, a little further on (*AL 300*), consideration is given to the type of discernment required in such cases, it becomes still clearer that the matters under discussion in the examination of conscience and associated repentance will be none other than good or bad conduct in

the face of the unsuccessful marriage and the good outcome of the new union.¹⁵ It is clear that the “repentance” which is the concern here is in no way related to the new union in the presence of a previous lawful union;¹⁶ but relates instead to: a) the conduct during the previous crisis, b) the consequences (not more clearly defined) of the new union on the family and the community.¹⁷ It is hence manifest that the document intends *to push beyond those cases in which there is subjective certainty of the invalidity of the previous bond, cases of ignorance, difficulty in understanding, force majeure or presumed inability to comply with the law.*

It is now sufficiently clear that the valid benchmark for a judgment on the “lawfulness” of the new union is ultimately its practical success and visible happiness, as against the lack of success and unhappiness of the previous marriage: this assumed “lawfulness” is obviously a pre-requisite for the reception of sacramental absolution and the Eucharist. The inevitable consequence is that

¹⁵ *AL* 300:

“In this process, it will be useful to undertake an examination of conscience, through moments of reflection and penitence. Remarried divorced persons should ask themselves how they conducted themselves vis-a-vis their children when the conjugal union entered a crisis; whether there were attempts at reconciliation; what is the situation of the abandoned partner; what consequences does the new relationship have on the rest of the family and the community of the faithful; what example does this offer to young people who are required to prepare for matrimony” (*AL* 300).

¹⁶ We see here an unequivocal expression of the doctrine of Cardinal Kasper on this matter: (see Kasper and Madges 2014).

¹⁷ In the absence of further clarification, it is legitimate to conclude that these relate to the visible “success” of the new union, previously underlined in section 298.

the previous marriage is implicitly, but publicly, now regarded as devoid of effect and hence dissolved: therefore, we note that, by this kind of “pastoral care” marriage is in fact declared *dissoluble*. Hence, although the Catholic Church continues in words to affirm its indissolubility, in fact *divorce* is introduced.¹⁸

It is also clear that, if the success of the new marriage is sufficient to establish its lawfulness, *this includes justification of virtually all cases of a new union*: in fact, if the new union were thought to be devoid of success, there would be no incentive to justify it and one will then be open to a further union, in the hope of greater success. This, and nothing else, is precisely the logic of divorce.¹⁹

From this it can be further deduced that the discussion on cases we can term “intermediate”, namely those situated between the traditional position and the broadest position, which, as we say, virtually extends to all cases, while on the one hand allows many “moderates” to recognise themselves in one or the other gradation and hence potentially has a reassuring effect, it is, on the other hand, in practical terms, ultimately of little relevance. In essence, in fact, the document, by its generic formulation, provides *carte blanche* to resolve the vast majority of real situations on the basis of a rather simple criterion and one in line with the predominant mentality of our civilisation: in other words, to

¹⁸“Everyone was surprised to find that divorce had been accepted in practice” (“Ingemuit orbis et se divortium in praxi accepisse miratus est.”) (Schneider 2016). The supporters of the hermeneutic of continuity admit that, if their interpretation were not true, the inevitable consequence would be the introduction of divorce.

¹⁹This provides a perfect explanation of why, on the flight from Lesbos, in response to the question of whether divorced and remarried persons could receive the Eucharist, the Pope replied: “I could say: *yes, period.*” He then referred, for further explanation and analysis, to the exegesis of Cardinal Schoenborn: from which it emerges, clearly, that it is a question of explanations, not of the essential content of what is being said.

repeat it once more, perfectly in line with the ideology of divorce.

Returning to our parallel, this brings rather vividly to mind the policy of the Emperor Constantius in seeking a sufficiently generic term with the intention of pleasing multiple different positions. The generic nature of the term “like to the Father according to the Scriptures” perfectly corresponds to the generic nature of the formula “in certain cases [...] Sacraments may be given”, which we find in the current document. In theory, almost every position can here be recognised. In consequence, the situations are also analogous in terms of the practical result. Equally, almost the entirety of the Episcopate of the Empire signed the formula of Rimini / Constantinople in 359-60, and today also, the vast majority of the Episcopate has accepted the new document without comment, although aware that it in fact legitimates a series of positions which are mutually incompatible, and some manifestly heretical. Many bishops and theologians salve their consciences by asserting, both in public and to themselves, that saying that “in certain cases divorced and remarried persons can receive the sacraments” is not of itself erroneous and can be interpreted in a hermeneutic of continuity as in line with the previous Magisterium. By the same token, the ancient bishops believed it was not of itself incorrect to say “the Son is like to the Father according to the Scriptures”. Certainly, in both cases, although a broad range of positions can be recognised in the formula if it is considered in isolation, at the same time, in the context of the respective documents, it is clear that the orthodox position, truly in line with the previous Magisterium, is precisely the position that is decidedly excluded: in the case of the formula of Rimini-Constantinople, through the explicit prohibition on the use of the Nicean term *homoousios* and also the more moderate *homoiousios*; in the case of *Amoris Laetitia*: through the recantation of *Familiaris Consortio* on the abstention from cohabitation *more uxorio* as a pre-requisite for access to the sac-

raments; through the elimination of previously clear boundaries between certainty of conscience and the sacramental ecclesiological rules; through the perverse use of the Gospel precepts of mercy and non-judgement, invoked in support of the contention that it is not possible, in the Church, to impose general censure on specific, objectively unlawful, behaviours; and, last but not least, through harsh criticism of those who advance the supposedly “narrow-minded” and “hypocritical” claim of invoking precise juridical norms to judge individual cases, which instead, according to the document, should be left strictly to personal discernment and guidance.

Hence, although with the good intention of respecting a hermeneutic principle which is certainly valid, that of continuity with previous documents, there is a risk of overlooking a principle still more important and evident: the immediate context in which a proposition is formulated.

If one does not read the individual assertions in the document in isolation, but in their full context, and the document in turn in its immediate historic context, one readily discovers that the general *mens* which guides it is, in essence, the notion of *divorce* (in addition to the now widespread notion of not imposing clear boundaries between a lawful marriage and an “irregular union”). The document employs generic formulas to attract to its orbit positions of themselves more moderate, but in reality the true intention, expressed skilfully but explicitly, is broader and can, as we have seen, include virtually all cases of second unions, explicitly excluding from the sacraments only those responsible for excessively scandalous behaviour.²⁰ In a parallel way, Constan-

²⁰ *AL* 297:

“if a person flaunts an objective sin as if it were part of the Christian ideal, or wishes to impose something other than the teaching of the Church, that person cannot claim the right to give catechesis or preach, and in this sense there is something

tius also condemned the *Anomoean* position, which affirmed the lack of likeness of the Son to the Father, a position which, by an extensive majority, was considered too radical and deviant from Biblical data.

In conclusion, on the “hermeneutic of continuity”: we would not wish, in our observations, to claim to be able to judge the correct intention of those who commendably strive to apply it: certainly their aim, which is to maintain orthodox practice when confronted with such a difficult document and strive to prevent a schism, is laudable and may be agreed with. However, unfortunately, the soundness of the aim does not appear to correspond with either the lawfulness or adequacy of the means: not the lawfulness, given that something is affirmed which, in the secrecy of conscience, is (if not by all, certainly by many) in essence held to be false. It is believed that, by this means, of itself unlawful, it is possible to achieve a good and higher end, that is to uphold an orthodox ecclesiastical practice, and at the same time prevent a greater evil, namely to enter into open contradiction with the Roman Pontiff, a situation decidedly problematic for a Catholic. Unfortunately, one runs the risk of falling into “situational morality”, that is precisely the feature of this document which one would wish to neutralise.²¹ Moreover, we also believe this means to be manifestly inadequate: in fact, this far-fetched interpretation will certainly not achieve the outcome of convincing anyone who is not already solidly convinced of the merit of retaining tra-

which separates him from the community” (*AL* 297).

²¹It can perhaps be said that “honest dissimulation” is lawful in cases of particular confusion or emergency. Probably: yet we believe that a situation which can be termed “of confusion” or uncertainty ended with the ending of last summer, in particular after the silence of the Pope on the broader interpretations of his document such as those given by Card. Schoenborn and Father Spadaro, and the approval given in a signed letter for the instruction given to the bishops by the Diocese of Buenos Aires.

ditional practice; will lead to a division among those who oppose the erroneous doctrine, exposing those who openly denounce it to the unjust criticism of being ill-intentioned and schismatic, and finally as an outcome still more serious, will anyway contribute to the approval of a text – again we refer specifically to Chapter VIII of *Amoris Laetitia* – which, being extremely weak and ill-founded in both theological and pastoral terms,²² can only be supported through the passive acceptance and timid silence of the majority of Bishops. It is worth recalling that, at the Council of Rimini in 359, the Emperor Constantius gave orders for the immediate exile of any person who did not sign the formula of faith, *but only if the recalcitrant bishops were less than 15 in number*. The bishops present numbered around 400. Yet, as a sound politician, Constantius estimated that a percentage of about 5% refusals would be sufficient to render the repressive measure hideous and counter-productive. Unfortunately, those courageous enough to oppose it numbered less than 15, and were therefore promptly exiled. Today, we can legitimately conclude that if, within the College of Cardinals and Episcopal Conferences, clear and well-founded doctrinal disagreement with the present document were expressed, even by only one section of the bishops, and the Pope were asked for a rectification, it would,

²²Bibliography about the evident defects and fallacies of the document, above all Chapter VIII, is already so vast, that only to mention it completely would require another article. We only mention the long article by Josef Seifert (cf. Seifert 2016). But the refutation of *AL*'s theological and pastoral errors is already previous to the publication of the document, which was already being prepared during the first Synod on the Family (2014) and in the period before the Synod of 2015. This refutation can be read in the brilliant exposition of the book, already famous as “of the Five Cardinals” (published simultaneously also in Italian, French, German and Spanish): (Dodaro 2014). It was certainly no coincidence that this book, sent to the Bishops during the Synod, was swiftly removed from the Bishops' own mail boxes by “superior orders”. A mysterious theft.

by analogy, be entirely impolitic to attempt to silence or purge the dissidents, and the destiny of this document, or at least of Chapter VIII, would change radically over a short period of time.

It would be sufficient, as written by Aleksandr Solzhenitsyn in a famous pamphlet (“Live Not By Lies”),²³ *to cease collaborating with the lie*.

3.2 Parallel in historical development

From the viewpoint of the historical development of the heresy, an evident parallel is to be noted: in preparation during the second half of the third century, the Arian heresy came to open light at the beginning of the fourth. Once out in the open, it was condemned by the Council of Nicaea, a condemnation, however, widely rejected in the East. Though, the rejection of Nicaea was initially more moderate and Arianism proper was only tolerated as a lesser evil. However, little by little, this tolerance allowed it to gather strength, to the point where, given the favourable political circumstances and also its superiority in terms of political manoeuvring, it gained power. Having gained power however, it nevertheless felt a need for concealment, not expressing itself frankly and directly, but indirectly, and relying on pressure and political intimidation. However, the very fact that, although a minority, it imposed itself on a fearful and undecided majority, exposed it to a confutation far stronger and clearer from the more orthodox and aware section of the Episcopate which, gradually but inexorably, prepared for their final defeat over the two decades which followed.

By analogy, with regard to the current heresy, which, from the name of its principal proponent, we may call “Kasperian”, we have witnessed its slow preparation, beginning in the second half

²³(cf. Solzhenitsyn 1974).

of the XX century. Once out in the open, it was condemned in documents issued by John Paul II, such as *Veritatis Splendor* and *Familiaris Consortio*. However, these documents were rejected more or less openly and radically by a section of the Episcopate and by learned theologians, and orthodox practice has been disregarded in vast and important sections of the Catholic world. This rejection has been extensively tolerated, both in theory and in practice. Hence it has gathered strength to the point where, given the favourable political and political-ecclesiastical circumstances, it has reached a position of power. However, although in power, the heresy is not expressed frankly and directly, but through Synodal activities which are not entirely clear (2014-2015), resulting in an apostolic document, which is exemplary for its tortuosity. But the very fact that this position has showed up in a Magisterial document is now arousing moral indignation and a much stronger and more dynamic intellectual reaction, calling for those with the necessary intellectual tools to rethink orthodox doctrine, in order to reach a deeper and clearer formulation, and so prepare for a definitive condemnation not only of the errors in the doctrine of matrimony, but also of all the other errors connected with it, that infect the sacramental and moral doctrine of the Church.

This also makes it possible, which is no mean feat, to put to the test, recognise and in many ways unite those who, truly and solidly, adhere to the Deposit of Faith.

This is precisely the stage at which we can say we find ourselves at this moment: it has scarcely begun, and promises to be not without obstacles. We cannot predict its duration, but must have the certainty of faith, that God would not allow this grave crisis, were it not for the superior good of souls. It will certainly be the Holy Spirit who will give us the solution, enlightening this Pope or his successor, maybe even through the convening of a new Ecumenical Council. However, in the interim, each of

us is called, in humility and prayer, to give his testimony and contribution. And the Lord will certainly hold each of us to account.

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