

Responding to the Five Dubia from Amoris Laetitia Itself

Asking for clarifications when there is perceived confusion is the privilege of all the faithful, especially members of the College of Cardinals. The question, though, is whether the dubia correspond to the actual text of the post-synodal exhortation itself



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This April will mark the second anniversary of the public appearance of Pope Francis's post-synodal exhortation, *Amoris laetitia*, which is officially dated March 19, 2016. Probably no response to the exhortation has received as much attention as the five dubia (doubts or questions) submitted to Pope Francis by four Cardinals on September 19, 2016 and made public two months later. I have no doubt that the four prelates—Cardinal Walter Brandmüller, Cardinal Raymond L. Burke, the late Cardinal Carlo Caffarra, and the late Cardinal Joachim Meisner—submitted their dubia with the most sincere intentions. Asking for clarifications when there is perceived confusion is the privilege of all the faithful, especially members of the College of Cardinals. The question, though, is whether the dubia correspond to the actual text of *Amoris laetitia* itself.

About 14 years ago I was present for a lecture given by the late U.S. Supreme Justice Antonin Scalia. Justice Scalia spoke about how to interpret the U.S. Constitution, and he provided an insight that has remained with me. In order to properly interpret the Constitution, he noted, it's important to pay attention not only to what the text says but also to what it doesn't say. The late Justice's point was that we should not read rights into the Constitution that are not there.

In considering the dubia over *Amoris laetitia* [AL], my mind returns to the approach recommended by Justice Scalia toward the U.S. Constitution. We must consider what the text says and what it does not say. We must also avoid reading things into the text that are not there. With this hermeneutic in mind, it's really not that difficult to answer the five dubia. In what follows, I will present my responses to the dubia based on the text of the exhortation itself.

The Five Dubia:

1. It is asked whether, following the affirmations of *Amoris laetitia* (300-305), it has now become possible to grant absolution in the sacrament of penance and thus to admit to holy Communion a person who, while bound by a valid marital bond, lives together with a different person more uxorio without fulfilling the conditions provided for by *Familiaris Consortio*, 84, and subsequently reaffirmed by *Reconciliatio et Paenitentia*, 34, and *Sacramentum Caritatis*, 29. Can the expression "in certain cases"

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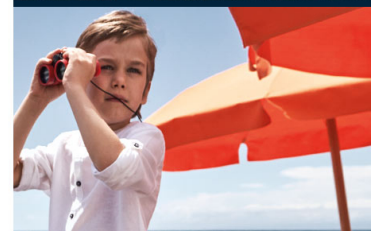
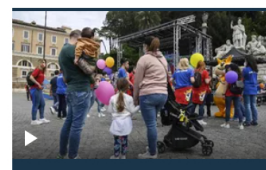
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found in Note 351 (305) of the exhortation Amoris Laetitia be applied to divorced persons who are in a new union and who continue to live more uxorio?

Answer: In principle, no. In AL there are no changes in regard to the requirements of priests and penitents with respect to the Sacrament of Penance. In AL, 3 Pope Francis indicates that the exhortation does not represent an intervention on the part of the magisterium to introduce new teachings on “doctrinal, moral or pastoral” issues. Nowhere in AL does Pope Francis give explicit permission for divorced and civilly “remarried” Catholics to receive Holy Communion who are not observing continence. The “certain cases” in footnote 351 would seem to apply to special situations when there is moral certainty that the prior bond was invalid, but there are no proofs available to demonstrate this invalidity. In such cases, the discernment of a priest confessor is needed who must take responsibility before God for any counsel given to the divorced and remarried Catholic. Any access to Holy Communion must be in a reserved manner to avoid scandal.

2. After the publication of the post-synodal exhortation Amoris Laetitia (304), does one still need to regard as valid the teaching of St. John Paul II’s encyclical Veritatis Splendor, 79, based on sacred Scripture and on the Tradition of the Church, on the existence of absolute moral norms that prohibit intrinsically evil acts and that are binding without exceptions?

Answer: Yes. In AL, 304, Pope Francis makes it clear that “general rules set forth a good that can never be disregarded or neglected.” In AL, 311 he also reaffirms the need to uphold “the integrity of the Church’s moral teaching” and to give special care “to emphasize and encourage the highest and most central values of the Gospel.”

3. After Amoris Laetitia (301) is it still possible to affirm that a person who habitually lives in contradiction to a commandment of God’s law, as for instance the one that prohibits adultery (Matthew 19:3-9), finds him or herself in an objective situation of grave habitual sin (Pontifical Council for Legislative Texts, “Declaration,” June 24, 2000)?

Answer: Yes: Pope Francis makes it clear in AL, 301 that the “demands of the Gospel” are not being compromised. Instead, he’s merely pointing out that in some cases there are mitigating factors that might affect culpability (which is something affirmed already in the Catechism of the Catholic Church, 2352).

4. After the affirmations of Amoris Laetitia (302) on “circumstances which mitigate moral responsibility,” does one still need to regard as valid the teaching of St. John Paul II’s encyclical Veritatis Splendor, 81, based on sacred Scripture and on the Tradition of the Church, according to which “circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act ‘subjectively’ good or defensible as a choice”?

Answer: Yes. Pope Francis never says that circumstances or intentions ever transform an intrinsically evil act into a good and defensible choice. He merely acknowledges that pastors of souls need to exercise discernment in judging the culpability of people in different situations.

5. After Amoris Laetitia (303) does one still need to regard as valid the teaching of St. John Paul II’s encyclical Veritatis Splendor, 56, based on sacred Scripture and on the Tradition of the Church, that excludes a creative interpretation of the role of conscience and that emphasizes that conscience can never be authorized to legitimate exceptions to absolute moral norms that prohibit intrinsically evil acts by virtue of their object?

Answer: Yes. In AL 303, Pope Francis never gives permission to engage in intrinsically evil acts. He merely points out that conscience can recognize that God is calling someone to make an offering or sacrifice that moves in the direction of the good even if it is not yet what is fully expected. In AL, 305, he notes such “small steps” in the right direction are often “more pleasing to God than a life that appears outwardly in order, but moves through the day without confronting great difficulties.”

These are my responses to the five dubia. I know some people will claim I am reading Amoris laetitia in an overly naïve or simplistic manner or that I am not being critical enough. I disagree. I am responding to the dubia based on what the exhortation says and what it does not say according to the rigorous way Justice Scalia read the U.S. Constitution. I am aware that people have read things into Amoris laetitia that are not there, and I am also aware that others claim that Pope Francis is making changes to Catholic moral teaching in an indirect way by means of calculated ambiguity. The dubia, however, appeal to specific sections of the exhortation. Therefore, the only proper way to respond is by looking at what these sections say and what they do not say and to look at other passages of the exhortation that shed further light on the intentions of the Holy Father.

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Others no doubt will appeal to the papally endorsed Guidelines of the Bishops of the Buenos Aires region as proof that Pope Francis wishes to allow Holy Communion for divorced and civilly “remarried” Catholics who are not living in continence. No such proof, though, is present because n. 6 of those Guidelines merely opens the “possibility of access to the sacraments of Reconciliation and the Eucharist” for Catholics living in some complex circumstances when a declaration of nullity was not able to be obtained.

Since no change has been made to the Sacrament of Reconciliation by either Pope Francis or the Buenos Aires Bishops, we must assume that those who confess their sins also manifest a “purpose of amendment” as required by canon 987 of the CIC. To suggest that no purpose of amendment is required is to read into the Buenos Aires Guidelines something that is not there. Some might object that the Guidelines are silent on the purpose of amendment so we can’t assume that it is required. Such an argument based on silence, however, is extremely weak. It is as weak as the argument that Pope Francis, in footnote 351 of AL, is giving permission to divorced and civilly remarried Catholics to receive Holy Communion without living in continence. Footnote 351, however, only says that—for those living in irregular situations—the assistance offered by the Church can, in certain cases, “include the help of the sacraments.” Because no change in the doctrine or discipline of the sacraments has been made by Pope Francis we must assume—in both justice and charity—that the help of the sacraments conforms to the doctrine and discipline of the Church.

The Feb. 15, 2018 issue of La Civiltà Cattolica contains a transcript of the conversation Pope Francis had with some Jesuits on Jan. 16, 2018 in Santiago, Chile. In this conversation, Pope Francis states: “If you look at the panorama of reactions to Amoris laetitia you will see that the strongest criticisms of the exhortation are against the eighth chapter: ‘Can a divorced person receive communion, or not?’ But Amoris laetitia goes in a completely different direction; it does not enter into these distinctions. It raises the issue of discernment. This was already at the heart of the great classic Thomist morals. So the contribution that I want from the Society is to help the Church grow in discernment.”

I think we should take the Holy Father at his word. In Amoris laetitia, he does not enter into the distinctions over who can receive Holy Communion and who cannot. Instead, he wishes that greater attention be given to discernment. He’s absolutely clear that “this discernment can never prescind from the Gospel demands of truth and charity, as proposed by the Church” (AL 300). These words show that Pope Francis does not intend any change in Catholic doctrine or discipline but only a change in the pastoral approach toward those who have failed to live up to the demands of the Gospel. As Cardinal Müller has noted, the only proper interpretation of Amoris laetitia is the orthodox interpretation, i.e. one “in the line of holy Scripture, apostolic Tradition and the definite decisions of the papal and episcopal magisterium, which is continuous up to now” (National Catholic Register, Oct. 9, 2018).

I know much attention has been given to the five dubia of the four Cardinals, and some people are upset and angry that Pope Francis has not responded to them. I can’t speak for the Holy Father, but it might be that he has not responded because he believes there is no need to do so. The responses to the dubia can be found within Amoris laetitia itself—in what it says and what it does not say. Perhaps the only dubium that might need further clarification is the first. The pastoral guidelines offered by Cardinal Vallini for the Archdiocese of Rome and those offered by the bishops of the Buenos Aires region, however, would seem to be sufficient for understanding the mind of the Holy Father on the matter.

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