

Veritatis Splendor and *Amoris Laetitia*: Neither Lamented nor Celebrated Discontinuity

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Introduction

THE YEAR 2018 of our Lord is very noteworthy for Catholic moral theology. Providentially, we are celebrating the silver and golden anniversaries of two key magisterial documents: twenty-five years for *Veritatis Splendor* (VS) and fifty years for *Humanae Vitae* (HV).¹ In light of these anniversaries, I propose to reflect on the contemporary debate around the correct interpretation of *Amoris Laetitia* (AL).

The rival interpretations of the last document, AL, could be gathered into three major groups.² The first group *celebrates* AL's alleged

¹ All quotations from magisterial or curial documents and papal addresses are taken from the translations available on the Vatican's website. To avoid an excess of footnotes, I will make parenthetical references to both Scripture and the magisterial documents. All scriptural quotes are taken from the New Revised Standard Version, Catholic Edition.

² This grouping does not claim to be exhaustive. Nor does it deny different nuances and degrees within each group. However, the division itself is helpful to illustrate my main point. I would also like to clarify why this division does not include those members of the hierarchy who have expressed their doubts to the Holy Father. By definition, those who *doubt* about which interpretation of AL is correct have not yet formulated an *opinion*. Thus, they are not included in any of these three groups. The state of *doubt* consists in, when faced with an alternative, not having arguments for or against. Those who have an opinion, instead, *have arguments for one of the alternatives*. The other possibilities would be that of *nescience*, *ignorance*, *error*, and *evidence*. Our intellect is in nescience or invincible ignorance when it does not know and does not have the capacity

discontinuity with previous moral magisterium, especially with VS and *Familiaris Consortio* (FC). Within this division, discontinuity is another word for *rupture*. It does not mean “organic evolution.” Insofar as it entails a *direct opposition* between these documents, it clearly proposes “a before and an after.” Thus, a strict follower of VS could not be, at the same time, a strict follower of AL. To this group belong those who *have already dissented*, not only from John Paul II, but also from Paul VI’s HV. In this way, the proportionalist moral theology condemned by VS seems to be making a “comeback.” Its “corpse,” as it were, is being “dug up.” It is being “resuscitated” by this whole controversy.³

The second group instead *laments* such an alleged discontinuity. Their lamentation is mainly motivated by their *fidelity to the truth*. But it is also due to their *inability* to reconcile AL’s texts with those from VS and FC. In this manner, discontinuity is *not* forcefully defended. It is only lamented, and reluctantly.

The relationship of these two groups, nevertheless, is quite interesting. They feed on each other. The second group’s mourning and lament is fueled and augmented by those who celebrate discontinuity and cause confusion among the faithful. The second group laments the way AL was written, especially its openness to potential misinterpretation. Yet, their public lament defeats their own cause. It adds to the public celebration of the first group. It confirms the reason for their joy, discontinuity. Therefore, these two groups do not offer much of a way out of the quarrel. It would seem as if *tertium non datur*.

However, against appearances, there is a *de facto* third option, another logical alternative that constitutes a third group that provides “a way out” unto the future, some light at the end of the tunnel. Indeed, some have emphatically taught that AL offers no revolution, no change in doctrine. It may offer some *organic evolution*, a certain *novum* in the pastoral realm, but without rupture or contradiction to the truth declared in the past. They argue that AL could and should

to know about something. This is not the case with respect to the true interpretation of AL. However, one could be (vincibly) ignorant about the right interpretation of AL if one does not know but has the power to know it. Another possibility is that of error. A theologian, for instance, could confuse what is false for what is true when it comes to AL’s interpretation. Lastly, the human intellect could be in the state of perfect act when it reaches certainty based on objective evidence.

³ See Charles J. Chaput, “The Splendor of Truth in 2017,” *First Things*, October 2017, firstthings.com/article/2017/10/the-splendor-of-truth-in-2017.

be read in *continuity* with VS and FC.⁴ Cardinal Müller, when he was still the head of the Sacred Congregation for the Doctrine of the Faith, took this third option, and he is not alone. Many other bishops have done the same. Just to name a few, we could speak of Spain's Cardinal Cañizares and, in the United States, we have Philadelphia's Archbishop Chaput, as well as the local ordinary in Denver, Archbishop Aquila.

Considering the title for this article, it is quite clear that I am going to argue in favor of a version of this third option. The thesis that I will defend is this: both lamented and celebrated discontinuity are hermeneutically flawed interpretations of AL, inconsistent with the very letter of the document.

I intend to reach my goal in three steps, resembling the way articles from Aquinas's *Summa theologiae* [ST] proceed: first, the arguments against (or objections); second, the *responsio* (or the *corpus*); and only then, the reply to the arguments or objections proposed at the beginning.⁵ Accordingly, I will begin by going over the difficult texts that have caused the lamented or celebrated hermeneutics of discontinuity. Then, I will propose a correction to the way in which these texts were read. I will base that correction, above all, on Karol Wojtyła's teachings regarding the correct interpretation of magisterial documents. Thereby, I will establish a parallelism between the correct ways of reading the Second Vatican Council and AL. Lastly, I will revisit the difficult texts previously mentioned, offering an interpretation of organic continuity that shows the *novum* proposed by Pope Francis.

Lamented or Celebrated Texts

The lamented and celebrated texts by the first and second group seem to be concerned with five interrelated questions: (1) Does accompaniment mean gradualness of the law? (2) Is there a double status of moral truth, one for general rules and another for concrete behaviors determined by circumstances and one's moral conscience? (3) Does attention

⁴ See José Granados, Stephan Kampowski, and Juan José Pérez-Soba, *Accompanying, Discerning, Integrating: A Handbook for the Pastoral Care of the Family According to Amoris Laetitia*, trans. Michael J. Miller (Steubenville, OH: Emmaus Road, 2017).

⁵ All English quotations from the *Summa theologiae* [ST] itself will be taken from *The Works of St. Thomas Aquinas* [Latin–English], vols. 13–20, ed. J. Mortensen and E. Alarcón (Lander, WY: The Aquinas Institute, 2012).

to circumstances entail the possibility of exceptions to the doctrine of intrinsically evil acts? (4) Is one's conscience capable of granting such exceptions in special circumstances? (5) Does AL propose a tolerated concubinage in which communion could be given, in certain special cases of diminished subjective culpability, to the unrepentant divorced person who lives in a second union and remains sexually active? These five questions amount to three objections to the organic continuity between AL and VS: (1) the gradualness of the law, (2) the double status of moral truth, and (3) the argument from diminished subjective culpability in favor of giving communion to the divorced and remarried.⁶

Some of those who lament or celebrate discontinuity believe, with Italian journalist Sandro Magister, in a certain "conspiracy theory." Such a theory argues that the premises in our first and second objections were already planted at the 2014 and 2015 synods. The story goes that Pope Francis wanted to reach an affirmative answer to the last question, concerning communion for the divorced and remarried. However, to avoid more chaos, Magister reports that Francis instructed Archbishop Bruno Forte to insert the needed premises in the *relatio synodi*. The plan, according to Magister, was that AL could later draw the desired conclusions with one added advantage: the capacity to claim a certain collegial agreement about them.⁷ Be that as it may, if one answers the first and second questions in the affirmative, then affirmative answers to the third through fifth questions are also in place. But does AL, in fact, take this direction? Our response must be grounded in the texts from the document, not in rumors, suspicions, or sensationalist media reports.

Accompaniment as Gradualness of the Law

Accompaniment is one of the most central notions to AL's chapter 8. However, it could be interpreted as "gradualness of the law." AL proposes "a gradualness in the prudential exercise of free acts on the

⁶ In reality, the third and fourth question, those about circumstances and conscience, are only an offshoot of the second, about the double status of moral truth.

⁷ Magister reports the following conversation between Pope Francis and Archbishop Bruno Forte when the latter was heading the two synods as secretary: "If we talk explicitly about communion for the divorced and remarried, you have no idea what a mess these guys will make for us. So let's not talk about it directly, you get the premises in place and then I will draw the conclusions" (magister.blogautore.espresso.repubblica.it/2017/03/20/archbishop-forte-professor-melloni-and-the-undigested-four-cherries/?refresh_ce).

part of subjects who are not in a position to understand, appreciate, or fully carry out the objective demands of the law” (§295). Those who lament or celebrate *discontinuity* might soon refer to FC §9. John Paul II teaches there that married people “cannot however look on the law as merely *an ideal* to be achieved in the future: they must consider it as a command of Christ the Lord to overcome difficulties with constancy.” Yet AL repeatedly use the word *ideal* (over thirteen times) to refer to the law.⁸ Hence, those who lament or celebrate discontinuity would soon zero in on VS §103 and its condemnatory words against proportionalism: “It would be a very serious error to conclude that the Church’s teaching is essentially only an ‘ideal’ which must then be adapted, proportioned, *graduated* to the so-called concrete possibilities of man, according to a ‘balancing of the goods in question.’”

The interpretation of those who lament or celebrate AL’s discontinuity seems to imply that there are different gradual sets of laws *adapted* to the subjective possibilities of different kinds of Christians.⁹ At the lowest level, one would have a set of minimum laws valid for all, but peculiar to the *average* Christian. One could include in these laws precepts such as not to kill the innocent, not to oppress and steal from the poor, not to abuse children, and so on. With respect to these basic laws, a decisive break with sin and a realistic purpose of amendment would be requested to admit anyone to the sacraments. However, there would be another set of more “refined” laws that are more pertinent to those who are in a higher spiritual state of development in the Christian life. These other, more perfect laws would amount to a future “ideal,” a sort of utopic standard beyond the reach of the majority. These laws would contain more sophisticated things, such as not to be proud, slothful, or envious, not to masturbate, not to use contraception, and so on.

Considering the weakness of the average Christian, or even more the frailty of the person who is coming back to the Church as a “field hospital,” the gradualness of the law would require a certain *lax attitude* with respect to the utopic ideal. It could not be upheld too rigidly. This laxity would be *essential* to being merciful and would consist in granting *exceptions* to the moral law. At the same time, this “mercy” would entail that not everybody in the Church is required to have a real purpose of amendment about sins, dictated by these higher and more sophisticated laws, in order to be admitted to the sacraments.

⁸ See AL §§34, 36, 38, 119, 148, 157, 200, 230, 292, 297, 303, 307, 308.

⁹ I am drawing here from what is said in FC §34.

An authentic conversion in which there is an interior detachment from every evil would not be needed.¹⁰ One could simply commit to *improve*, while still intending to continue committing individual sinful acts. Hence, the gradual movement is placed not in the ascent toward the good, but rather *in the renunciation of sin*. For this reason, the gradualness of the law is usually associated with one version of the double status of moral truth: the power of one's conscience to find exceptions to general rules about intrinsic evil acts, such as adultery. These exceptions would be "granted" in defense of a more "realistic" understanding of the capacities of the moral agent. In this way, the gradualness of the law *adapts to and excuses* the moral agent to the point that he or she does not even have to comply with the moral law in question.

The Double Status of Moral Truth and Circumstances

AL calls for pastoral attention to the circumstances of those who are weak and do not live up to the *ideal* of the Gospel of marriage. Pope Francis reminds everyone that "there is a need to avoid judgments which do not take into account the complexity of various situations" (§296). Following this same logic, AL applies this principle to the divorced and remarried: "The divorced and remarried who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment" (§298).¹¹

Beyond a doubt, AL emphasizes the circumstances that surround a moral act. Pope Francis invites pastors to take them into consideration. The responsibility of a grave action can be lessened by many kinds of circumstances that have to do with either ignorance or violence.¹² Hence, pastors should pay attention to them and follow the logic of mercy, rather than that of a disheartening and legalistic approach to pastoral care. This point is *not* contentious. The real question posed by those who lament or celebrate discontinuity is *not* found here.

¹⁰ "The pastoral 'law of gradualness,' not to be confused with the 'gradualness of the law' which would tend to diminish the demands it places on us, consists of requiring a decisive break with sin together with a progressive path towards total union with the will of God and with his loving demands" (Pontifical Council for the Family, *Vademecum for Confessors Concerning Some Aspects of the Morality of Conjugal Life*, § 9).

¹¹ See also Pope Francis, *Evangelii Gaudium*, §44 and §47.

¹² See *ST* I–II, q. 6, aa. 4–8.

The real question concerns *the power of circumstances* in moral action. AL speaks of circumstances in their relationship with general rules: “It is true that general rules set forth a good which can never be disregarded or neglected, but in their formulation they cannot provide absolutely for all particular situations. At the same time, it must be said that, precisely for that reason what is part of a practical discernment in particular circumstances cannot be elevated to the level of a rule” (§304). This same point is applied *to the natural law itself*: “Natural Law could not be presented as an already established set of rules that impose themselves *a priori* on the moral subject; rather, it is a source of objective *inspiration* for the deeply personal process of making decisions” (§305). To elucidate his point, Pope Francis appeals to Aquinas in *ST I–II*, q. 94, a. 4, where Thomas asks whether the natural law is the same for all. The Angelic Doctor explains there that, “in matters of action, truth or practical rectitude is *not the same for all, as to matters of detail, but only as to the general principles*.”

Circumstances can transform the moral quality of *some* moral acts. They can turn a morally good act into a morally bad one. For instance, the consummation of marriage is a morally good act in kind. It could be done with the intent of having a family. But the circumstances of “where” and “when” are also important. A public place, like a park, in the middle of the day, can transform an otherwise morally good conduct into a really bad action. According to AL, can circumstances do the same with a morally *bad* action? Can they transform morally bad conduct into a morally good or indifferent action? Does attention to circumstances entail the possibility of exceptions to the doctrine of intrinsic evil actions? Those who lament or celebrate discontinuity answer *positively* to these questions.

The hermeneutical key behind such a conclusion is that of *situation ethics*, which views itself as *the* only alternative to legalism and antinomism that respects the commandment of love. “The situationist follows a moral law or violates it according to love’s need.”¹³ Situation ethics accuses the traditional Catholic morality based on the natural and revealed law of being blind to the *needed exceptions* to universal norms, according to particular circumstances. However, situation ethics admits that not all Catholic moral theologians are strict and pure legalists. Out of common sense and respect for the commandment of love as the fulfillment of law (see Rom 13:10 and Gal 5:14),

¹³ Joseph Fletcher, *Situation Ethics: The New Morality* (Louisville, KY: Westminster John Knox Press, 1997), 26.

some admit casuistry and *exceptions* to general rules, even to rules about negative precepts concerning grave matter. Indeed, for situation ethics, “casuistry is the homage paid by legalism to the love of persons, and to realism about life’s relativities.”¹⁴ Nevertheless, the error of casuistry would consist in deducing the particular from universal laws. The only true universal laws would be those of love and of following one’s conscience to do what is right, as it varies according to the different circumstances. As Joseph Fletcher puts it, “our obligation is relative to the situation, but obligation in the situation is absolute.”¹⁵

Catholic theologians influenced by this “new morality” can, on the one hand, uphold the truth of the passages from Scripture that condemn adultery (e.g.: Exod 20:14; Lev 20:10; Deut 5:18; Matt 5:32; 15:19; 19:9; 1 Cor 6:9). They are valid *in general*. However, they argue, there can be exceptions to general rules, such as this one, in different and special existential situations.

Read within the parameters of legalism as interpreted by situation ethics, AL §304 is in direct opposition to VS §56. A strict follower of the former could not be, at the same time, a strict follower of latter.¹⁶ John Paul II censured, in the latter text, this *double status of moral truth*: “Beyond the doctrinal and abstract level, one would have to acknowledge the priority of a certain more concrete existential consideration. The latter, by taking account of circumstances and the situation, could legitimately be the basis of certain exceptions to the general rule and thus permit one to do in practice and in good conscience what is qualified as intrinsically evil by the moral law.”

The Double Status of Moral Truth and Conscience

AL strongly appeals to moral conscience for the pastoral praxis of the Church: “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” (§303). This incorporation

¹⁴ Fletcher, *Situation Ethics*, 19.

¹⁵ Fletcher, *Situation Ethics*, 27.

¹⁶ This would also amount to a direct opposition to the Council of Trent: “No one however much he be justified, should consider himself exempt from the observance of the commandments; and no one should say that the observance of the commandments is impossible for the man justified” (Heinrich Denzinger, *Enchiridion Symbolorum* [DH], 43rd ed., ed. Peter Hünermann, English edition ed. Robert Fastiggi and Anne Englund Nash [San Francisco: Ignatius Press, 2012], no. 1536 [p. 380]).

acknowledges the need for *formation*: “Every effort should be made to encourage the development of an enlightened conscience, formed and guided by the responsible and serious discernment of one’s pastor, and to encourage an ever greater trust in God’s grace.”

So far, what AL proposes is very *standard* in moral theology. However, after saying the uncontroversial truth that conscience does not consist only in acknowledging when an action is morally evil, AL §303 argues that conscience “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*.”

Those who lament or celebrate discontinuity see in this passage a direct contradiction to VS §56. Speaking there about that double status of moral truth, John Paul II explained: “A *separation*, or even an *opposition*, is thus established in some cases between the teaching of the *precept*, which is valid *in general*, and the *norm of the individual conscience*, which would in fact make the final decision about what is good and what is evil. On this basis, *an attempt is made to legitimize so-called ‘pastoral’ solutions contrary to the teaching of the Magisterium*, and to justify a ‘creative’ hermeneutic according to which the moral conscience is in no way obliged, in every case, by a particular negative precept.”

Diminished Subjective Responsibility and Tolerated Concubinage

If accompaniment means a gradualness of the law, if concrete circumstances have the power of changing morally bad conduct into a morally good action, and if conscience has a creativity such that there is a double status for moral truth, if all these things are indeed taught by AL, there would be *undeniable discontinuity* with VS. Nevertheless, even if all these premises are not upheld, one could still retain that AL §305 and footnote 351 suggest a rupture with FC §84 and *Sacramentum Caritatis* (SC) §29’s magisterial teachings: “It is possible that *in an objective situation of sin*—which may not be subjectively culpable, or fully such—a person can be living in God’s grace, can love and can also grow in the life of grace and charity, while receiving the Church’s help to this end” (AL §305). AL specifies in the already infamous footnote 351 some ways in which the Church could help: “In certain cases, this *can include the help of the sacraments*. Hence, ‘I want to remind priest that the confessional must not be a torture chamber, but rather an encounter with the Lord’s mercy’ (*Evangelii Gaudium* §44). I would also point out that the Eucharist ‘is not a prize for the perfect, but a powerful medicine and

nourishment for the weak' (*Evangelii Gaudium* §47)" (footnote 351).

Those who lament or celebrate discontinuity interpret this text to mean that, in certain cases, communion could be given to the unrepentant divorced person who lives in a second union and remains sexually active. Therefore, AL would be promoting a new state of people in the Church: *tolerated concubinage*. One explanation would be that *double status of moral truth*. Another explanation, complementary but somewhat independent from the previous one, would be the diminished *subjective culpability* of some divorced and remarried people who are still sexually active within their second union. If it is determined in certain cases that these people are not subjectively guilty of mortal sin (even if their sin is grave matter), giving them the Eucharist would be of help to them.

Those who lament or celebrate discontinuity would corroborate the latter interpretation by pointing to a passage from AL §301: "The Church possesses a solid body of reflection concerning mitigating factors and situations. 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." The Angelic Doctor's authority is invoked here as well: "Saint Thomas Aquinas himself recognized that someone may possess grace and charity, yet not be able to exercise any one of the virtues well; in other words, although someone may possess all the infused moral virtues, he does not clearly manifest the existence of one of them, because the outward practice of that virtue is rendered difficult."

Is this the real argument of AL §305? If so, is it in continuity with VS? How could one reconcile it with the following words from FC §84? "The Church reaffirms her practice, which is based upon Sacred Scripture, of not admitting to Eucharistic Communion divorced persons who have remarried."

In conclusion, it is *possible* to read AL in discontinuity—that is, in opposition and rupture—with VS, FC, and SC. Such a reading would be based on an understanding of accompaniment as gradualness of the law and as a resurgence of that double status of moral truth characteristic of the proportionalist moral theology condemned by VS. Accepting that double status, special circumstances have the power to alter the moral quality of adultery into something else. Moral conscience would be capable of granting exceptions to that kind of behavior. Communion could be given, in certain special cases, to the unrepentant divorced person who lives in a second union and remains sexually active.

A Parallelism Between Vatican II and AL

At the end of his pontificate, Pope Benedict XVI said that, in his experience, there were two very different versions of Vatican II. One was the real and objective Council that took place *in aula*. Another “council,” so to speak, was the one presented by the media. The first one was found in the text of the documents. It was an expression of faith. It was an authentic *fides quaerens intellectum* (faith seeking understanding). It was a gift from the Holy Spirit. However, as we know, while many people talked about Vatican II and its “spirit,” few studied its documents in depth. Few people knew the objective and authentic Council. Instead, the second version of Vatican II, that presented in the media, was the most commonly known. It did not correspond to the objective texts. It had a very different hermeneutic than that of “faith seeking understanding.” Its hermeneutic was *worldly*. It was *not one of faith*. Rather, this version of the Council was made *political*. It concentrated on a power struggle between different trends in the Church.¹⁷ That was its main hermeneutical key.

Three Versions of Amoris Laetitia

Inspired by Pope Benedict’s testimony, I would like to propose a parallelism between Vatican II and AL. In my experience, there are *three* different versions of the apostolic exhortation. The first version is the one present in the objective text itself. It is an expression of “faith seeking understanding.” That is its proper hermeneutical key. This authentic version is the one that will remain in the future of the Church. I am convinced that this version is in *organic continuity* with VS. However,

¹⁷ “I would now like to add yet a third point: there was the Council of the Fathers—the real Council—but there was also the Council of the media. It was almost a Council apart, and the world perceived the Council through the latter, through the media. Thus, the Council that reached the people with immediate effect was that of the media, not that of the Fathers. And while the Council of the Fathers was conducted within the faith—it was a Council of faith seeking *intellectus*, seeking to understand itself and seeking to understand the signs of God at that time, seeking to respond to the challenge of God at that time and to find in the word of God a word for today and tomorrow—while all the Council, as I said, moved within the faith, as *fides quaerens intellectum*, the Council of the journalists, naturally, was not conducted within the faith, but within the categories of today’s media, namely apart from faith, with a different hermeneutic. It was a political hermeneutic: for the media, the Council was a political struggle, a power struggle between different trends in the Church” (Benedict XVI, Meeting with the Parish Priests and the Clergy of Rome, February 14, 2013).

unfortunately, just as happened with the actual texts from Vatican II, very few have calmly read and carefully studied the actual text of AL. Still fewer have studied the objective text with a receptive spirit of faith, setting aside the “noises” from the media and the theological controversies that surrounded the two recent synods on the family.

Another different version of AL is the one in the media. This is the version most people know and talk about. Just like the Vatican II of the media, this second version of AL has also turned *political*. It has resuscitated the old power struggle between different trends in the Church. This political power struggle has also become the *worldly* key of interpretation of the document.

However, I believe that there is something like a *third* version of AL. This version is the one that most interests me. It results from reading the objective document with a narrowed hermeneutical key, “filtrating,” as it were, the text through the reports of the media and the resuscitated power struggle just mentioned. In my opinion, this third version has caused some serious thinkers to lament and others to celebrate AL’s *discontinuity* with VS. It roughly corresponds to the interpretation presented above.

Moreover, this third version has also made it difficult to receive Pope Francis’s claim according to which “everything written in *Amoris Laetitia* is Thomistic, from beginning to end.”¹⁸ Few have taken his words to mean that, when a passage from AL is unclear, one should consult the Angelic Doctor for *clarification*. Instead, many have interpreted the Pope’s words within the power struggle publicized by the media during the two recent synods. Many have “filtrated” the Pope’s statements through the filter of Cardinal Reinhard Marx’s interviews. As is known, Cardinal Marx explained to the media that the German group of bishops at the synods made a very important study of Aquinas before agreeing with Cardinal Kasper’s proposal that communion could be given, in certain special cases, to the divorced and remarried.¹⁹

¹⁸ Pope Francis, Address at the Opening of the Pastoral Congress of the Diocese of Rome, June 16, 2016.

¹⁹ For Cardinal Kasper’s proposal, see Walter Kasper, *The Gospel of the Family*, trans. William Madges (New York: Paulist Press, 2014). One should also take into consideration his longer treatment of mercy in *Mercy: The Essence of the Gospel and the Key to Christian Life*, trans. William Madges (New York: Paulist Press, 2014). For a good evaluation of Kasper’s proposal see Juan Jose Perez-Soba and Stephan Kampowski, *The Gospel of the Family: Going Beyond Cardinal Kasper’s Proposal in the Debate on Marriage, Civil Re-marriage, and Communion in the Church*, trans. Michael Miller (San Francisco: Ignatius Press, 2014).

The Pope's words could be interpreted through the filter of this mediatic report, in which case, they end up becoming an attempt to manipulate Aquinas for political purposes. They turn into a mere attempt to "baptize" or to give "lawful magisterial citizenship" to Cardinals Marx's and Kasper's theological opinions. Such would take place, according to this interpretation, thanks to the authority of Saint Thomas.

However, I personally believe that it is *impossible* to reach Kasper's conclusions after a serious and hermeneutically correct study of Aquinas. The only way to do so, in my view, is by picking and choosing some of Thomas's statements without paying *any* attention to the internal coherence of his thought. Yet, could it be that Pope Francis means exactly what he said? Could it mean that the objective version of AL is not in contradiction with the thought of Thomas Aquinas?

The Principle of Integration

Because of the strong parallelism between AL and Vatican II, the correct hermeneutical approach to Pope Francis's apostolic exhortation must be based on what Wojtyła calls the *principle of integration*. This principle is quite providential for our times. It was *the* key to John Paul II's interpretation of Vatican II during the *whole* of his pontificate, in a time when there was a confusion very similar to the one we are experiencing today.²⁰ Thus, this same principle can be the best way out of the controversy between those who lament or celebrate AL's *discontinuity* with VS. It can be the *faith-filled* hermeneutical grounds on which to argue in favor of AL's *organic continuity* with VS. Wojtyła writes: "[The principle of integration is] an *organic* cohesion expressing itself simultaneously in the *thought* and *action* of the Church as a community of believers. It expresses itself, that is, in such a way that on the one hand *we can rediscover and, as it were, re-read the Magisterium of the last Council in the whole previous Magisterium of the Church, while on the other we can rediscover and re-read the whole preceding Magisterium in that of the last Council.*"²¹

Wojtyła's principle is certainly faith-filled. It is not a worldly and political hermeneutical key. It was the best way to get out of the confusion created by the media and by the power struggle between

²⁰ See Angel Perez-Lopez, *Procreation and the Spousal Meaning of the Body: A Thomistic Argument Grounded in Vatican II* (Eugene, OR: Pickwick, 2017), 11–29.

²¹ Karol Wojtyła, *Sources of Renewal: The Implementation of the Second Vatican Council*, trans. P. S. Falla (San Francisco: Harper & Row, 1980), 40–41 (emphasis added).

conservatives and liberals. Cardinal Wojtyła was *not* naïve.²² He knew very well that the Holy Spirit does not abandon the Church in her magisterium, despite human weakness.²³ Thus, without denying such weakness, he proposes to go *beyond* politics. Both liberals and conservatives should leave politics aside and adopt an attitude of faith, following the principle of integration:

In judgments passed on the work necessary for the Council and on the Church's activity in the post-Conciliar period, *undue emphasis* was laid on divisions and differences between so-called *integralists* and *progressives*, while too little was said about the fact that both groups, in their responsibility towards the Church, must be unswervingly guided by the principle and demands of its identity, and that *they must both therefore respect the principle of integration* which is a precondition of the Church's identity.²⁴

Pope Benedict XVI expressed a very similar principle when he argued in favor of the hermeneutic of “reform and renewal” over against the hermeneutic of discontinuity and rupture.²⁵ Following Wojtyła's principle of integration and Benedict's hermeneutic of reform and renewal, we should rediscover and, as it were, reread AL's teachings in light of previous magisterial pronouncements. In turn, we should also rediscover and reread previous magisterial teachings in light of AL. Considering this principle, what I have called AL's “third version” is intrinsically *vitiating*. It is a *false* version of the document, resulting from a *flawed* hermeneutical principle. Allow me to draw the following comparison to illustrate this last point.

Imagine that today someone proposes to discern the *magisterial value* of *Gaudium et Spes* (GS). However, the proposed method of interpretation is not reading GS in light of the previous councils, but instead adopting as GS's *chief hermeneutical key* Cardinal Suenens's

²² See: Cándido Pozo, “Juan Pablo II y el Concilio Vaticano II,” *Scripta Theologica* 20 (1988): 405–37; Angelo Scola, “Gli interventi di Karol Wojtyła al Concilio Ecumenico Vaticano II. Esposizione ed interpretazione teologica,” in *Karol Wojtyła: filosofo, teologo, poeta* (Vatican City: Libreria Editrice Vaticana, 1984), 289–306.

²³ See Robert Skrzypczak, *Karol Wojtyła al Concilio Vaticano II* (Verona, IT: Fede & Cultura, 2011).

²⁴ Wojtyła, *Sources of Renewal*, 41 (emphasis added).

²⁵ See Benedict XVI, Address to the Members of the Roman Curia, December 22, 2005.

theological opinions and the discussions they generated back in the day, in the sessions when GS was being drafted. Although that enterprise would have a certain *historical* value, it would be *inadequate* to ascertain the magisterial value of the Pastoral Constitution.

If something is not said in GS, we do not assume that the Church in her magisterium agrees with Suenens or with the discussions recorded in the *acta*.²⁶ If a passage says something unclear or ambiguous, we do not assume that it is siding with the Cardinal's controversial proposals. Rather, in cases of doubt or ambiguity, we appeal to previous magisterial teachings in such a way that, when the document is silent, we presuppose that the previous doctrine is still current; and when the document is unclear or open to different interpretations, we read it in light of previous magisterial teachings. In other words, we follow Wojtyła's principle of integration.

Cardinal Suenens agreed with the theologian Herbert Doms²⁷ and proposed to abolish the traditional doctrine according to which procreation is the primary end of marriage. Do we believe that GS offers such a change? The document is *silent* about the matter. Nowhere can one read in the text of GS such a change. Nevertheless, there are passages which *could* be misinterpreted in that direction. Since we need clarification, we appeal to previous magisterial teachings. Wojtyła was part of the commission for GS and knew very well the controversies and the "noise" Cardinal Suenens's theological opinions created. However, already exercising his magisterial office as Pope, John Paul II confirms exactly the methodology inherent in the principle of integration. Thus, in his celebrated theology of the body, he clearly affirms that the traditional doctrine according to which procreation is the primary end of marriage was present at Vatican II and is still valid today.²⁸

To be sure, some of the participants who sided with Cardinal Suenens at Vatican II did not share that view. Yet, despite their own position, GS is to be read in another light different from their own proposals and controversies: it should be read considering the principle of integration. To lament GS's discontinuity with the previous

²⁶ See Horacio Antúnez, "Karol Wojtyła y *Gaudium et spes*: Historia de Juan Pablo II en la elaboración de la Constitución Pastoral" (PhD diss., Pontifical University of the Holy Cross, 2005).

²⁷ See Herbert Doms, *The Meaning of Marriage*, trans. G. Sayer (New York: Sheed and Ward, 1939).

²⁸ See John Paul II, *Man and Woman He Created Them: A Theology of the Body*, trans. and ed. Michael Waldstein (Boston: Pauline Books & Media, 2006), 127. See also Perez-Lopez, *Procreation*, 239–68.

magisterium would not make much sense to us today. Rather, we celebrate its continuity with the past. We also see in it an *organic evolution and continuity* of our understanding of the deposit of faith. Likewise, when a passage in AL raises a question, the question should always be answered not by appealing to a worldly hermeneutics, but rather by adopting the principle of integration. AL could and *should* be interpreted in continuity and harmony with previous magisterial teachings. The corollary implication is also quite clear. As a matter of fact, AL could be interpreted in discontinuity, disharmony, and rupture with previous magisterial teachings. As we know, some interpreters are already following that path. But such a potential interpretation is, in reality, a *misinterpretation*.

Revisiting Texts

The replies to the objections previously raised affirm an *internal coherence* to AL's objective text. For this reason, any sound interpretation of a given passage must square with its *literal meaning*. It must also be compatible with *all* the other affirmations of the apostolic exhortation. There cannot be plain contradiction *within* the document.

Additionally, the replies to the objections mentioned before are also based on the principle of integration. Thus, I will read past magisterial teachings *into* AL and AL *into* past magisterial teachings. This will always happen when AL is silent on a given issue. As is obvious, in such cases, the previous magisterial teachings on the matter remain valid and normative. The same principle will also be applied when the literary genera of the apostolic exhortation does not offer the desired theological precision that belongs to other styles of writing. Hence, if one passage is unclear and clarity cannot be found *within* the document itself due to its *pastoral* nature, we must appeal to previous teachings to elucidate its *exact* meaning.

Furthermore, I am going to take very seriously Pope Francis's words about the Thomism of AL. I will do so by placing myself outside the "noise" of worldly hermeneutics and the theological controversies that surrounded the last two synods on the family. Instead, I will adopt a filial attitude of faith seeking understanding within the context of the due *obsequium religiosum* that this kind of document deserves.²⁹ In this manner, following all these hermeneu-

²⁹ See Second Vatican Council, *Lumen Gentium*, §25; Congregation for the Doctrine of the Faith, *Donum Veritatis*, §23 and §§31–38. It would be important to review, within this context, Paul VI's *Paterna cum Benevolentia*.

tical directives, I will try to show that the resulting interpretation of the difficult passages already identified is in continuity not only with VS, FC, and SC but also with Aquinas.

Gradualness of the Law and Gradual Exercise of Prudence

The first difficulty proposed by those who lament or celebrate AL's discontinuity with VS concerned the nature of accompaniment. It assumed that it meant a certain "gradualness of the law." If accompaniment is gradualness of the law, it also follows that AL grants circumstances the power to alter the moral quality of an intrinsically evil act. Consequently, it would be possible to give communion to the divorced and remarried who are still sexually active. There were two arguments in favor of identifying accompaniment with the gradualness of the law. First, the objective demands of the moral law are often referred to by AL as an "ideal." Second, AL §295 argues that those who cannot fulfill the whole objective demands of the moral law—natural and revealed—can have a *gradual exercise of prudence*.

To the *first argument*, we must respond that AL's usage of "ideal" is not problematic. It is in perfect continuity with VS. John Paul II also referred to the objective demands of the moral law with the word "ideal." VS §16 explains that the rich young man "has followed *the moral ideal* seriously and generously from childhood."³⁰ Hence, there is nothing wrong with using the word "ideal" for the moral exemplar. According to Aquinas, an exemplar is one particular kind of idea.³¹ The problem would have been to say that the objective moral law is a *future* ideal, somehow *unrealistic* and *utopist* for the human person, *invalid* for the present.³² However, AL *never* affirms such a thing. In fact, the apostolic exhortation clearly states the *opposite*. The Latin normative text uses the term *exemplar* in this Thomistic sense.³³

AL §295 directs the reader to FC §9 and §34 to clarify precisely that there is no gradualness of the law. Pope Francis says in a lapidary manner here: "This is *not* a 'gradualness of the law.'" The Pope continues: "The law is itself a gift of God which points out the way,

³⁰ See also: FC §46; John Paul II, *Evangelium Vitae*, §88, §98.

³¹ See ST I, q. 15, a. 3. For the role of the exemplary ideas as metaphysical foundations of the moral norm, see Karol Wojtyła, *Person and Community: Selected Essays*, trans. Theresa Sandock (New York: Peter Lang, 1993), 73–94.

³² See FC §9 and VS §103.

³³ I am grateful to Dr. John Grabowski for pointing out to me this felicitous coincidence.

a gift for everyone *without exception*; it *can* be followed with the help of grace.” Later on, he clarifies that, “given that gradualness is *not in the law itself* [AL here cites FC §34], this discernment can *never* prescind from the Gospel demands of truth and charity, as proposed by the Church” (AL §300). It could not be otherwise. Not even love dispenses one from observing God’s commandments. “We know that we love the children of God, when we love God *and obey his commandments*. For this is the love of God, *that we keep his commandments*. And his commandments are *not burdensome*. For whatever is born of God overcomes the world” (1 John 5:2–4).

The response *to the second argument* on the gradual exercise of prudence as gradualness of the law is based on AL §300. We also find a response here to that other difficult passage in §303 concerning conscience and discernment, because the exercise of prudence is exactly what discernment means.³⁴ A gradual exercise of prudence is a gradual discernment. This discernment could ask of one to do something that is *not yet the full objective ideal*. However, not to act on the full objective ideal is not the same as to *contradict* the ideal. If the moral ideal in question is conjugal chastity, I can do *good* things that lead me there. But, I can *never* do something in good conscience that *contradicts* that virtue. Moral discernment, according to §300, can *never* prescind from the objective and ultimate norm of morality.

The act perfected by the virtue of prudence is the act of conscience, the act of *practical reason* whereby we judge the morality of an action that is already performed or is about to be performed.³⁵ Prudence perfects conscience.³⁶ This perfection consists, among other things, in empowering the rational forum of conscience with the capacity to conform to the universal and objective norm of morality. For this reason, in reality, AL §300 is reiterating what is taught by VS §60: “The dignity of this rational forum [the forum of conscience] and the authority of its voice and judgments derive from the truth about moral good and evil, which it is called to listen to and to express.

³⁴ For an excellent monographic study on prudence in Thomas Aquinas see Santiago Ramírez, *La Prudencia* (Madrid, ES: Biblioteca Palabra, 1981).

³⁵ See *ST* I, q. 79, a. 13.

³⁶ See: Ralph M. McInerny, “Prudence and Conscience,” *The Thomist* 38 (1974): 291–305; Graziano Borgonovo, *Soggetto Morale e Chiesa: Lutero, Erasmo, Newman, e Guardini a Confronto* (Casale Monferrato, IT: Edizioni Piemme, 2000); and Ramón García de Haro, *La Conciencia Moral* (Madrid, ES: Ediciones Rialp, 1978).

This truth is indicated by the ‘divine law,’ the universal and objective norm of morality.”³⁷

True prudence can *never* contradict the Gospel demands of truth and charity. Obviously, AL is not talking here about “the prudence of the flesh” (Rom 8:6). That is simply *false* prudence. It can make one a “good” robber or a “prudent” thief, but it is not really prudence. It can never make someone good as a human being. Nor is AL talking about the “prudence” or skillfulness that makes one a “prudent” businessman or a “good” soccer player. Rather, the prudence referred to by AL §295 is *moral* prudence. It is the intellectual and moral virtue that takes counsel and commands how to reach the moral goal of our lives.³⁸ For this reason, §300 is not only in direct harmony with VS §60; it is also very Thomistic. In saying that true discernment *never* contradicts the law of the Gospel, AL §300 is affirming what Aquinas taught about true or moral prudence: “It cannot be in sinners.”³⁹

Consequently, those who lament or celebrate discontinuity in proposing that accompaniment is gradualness of the law or that conscience grants exceptions to intrinsically evil acts based on AL §295 or §300 are simply wrong. Their interpretation is flawed. It is inconsistent with the very letter of the document, with the principle of integration, and with the Thomistic foundation of the apostolic exhortation. What AL proposes, instead, is to see the law as a path, as *Torah*, as an instruction that is a gift of grace and a call to responsibility. In this path of the moral law, we cannot leave people by the wayside by granting them exceptions. Rather, we need to accompany them in this walk, helping them to stay on track in their journey

³⁷ AL §300 is also in organic continuity with SC §29: “Pastoral care must not be understood as if it were somehow in conflict with the law. Rather, one should begin by assuming that the fundamental point of encounter between the law and pastoral care is love for the truth: truth is never something purely abstract, but ‘a real part of the human and Christian journey of every member of the faithful.’”

³⁸ In this sense, we need to move beyond Kant, who identified this sort of skillfulness with prudence. Martin Rhonheimer, however, explains: “This ‘prudence of the flesh,’ however, is no virtue, even if it is accompanied by a great deal of skillfulness. It is not prudence because it does not help one become a better human being; it is a counterfeit, bearing only the name of prudence. True prudence, nevertheless, is always the ‘skillfulness’ of reason for the good” (*The Perspective of Morality: Philosophical Foundations of Thomistic Virtue Ethics*, trans. Gerald Malsbary [Washington, DC: Catholic University of America Press, 2011], 224).

³⁹ ST II–II, q. 47, a. 13, corp.

toward God. The point of departure in accompaniment is the grace of conversion, for which one needs to pray while making room for the weak in the Church so that the Gospel may be proclaimed to them. The goal, as AL §160 teaches, is the holiness of a virtuous life: “Such perfection is possible and accessible to *every* man and woman.”⁴⁰ The gradualness of the law destroys every accompaniment. It centers neither on the grace of conversion nor on holiness. It leads people astray. It is anti-pastoral.

The Double Status of Moral Truth and the Call to Conversion

The second difficulty we identified at the beginning of this article had to do with the double status of moral truth. There are two versions of it. The first had to do with the power of circumstances and the attention we need to give to them before we pass judgment on the moral situations in which those who are weak find themselves when they do not conform to the objective demands of the Gospel (see AL §296 and §298). The second had to do with the power of moral conscience. Since we have already dealt with the latter, we will concentrate now on the power of circumstances.

Those who lament or celebrate discontinuity believe that AL ascribes to circumstances the power to transform a morally bad action into a good, or at least an indifferent, one. There were two crucial texts in this regard: AL §304 and §305. Based on these texts, could a priest grant exceptions to intrinsically evil moral acts, such as adultery, based on extraordinary circumstances? Paying attention to the internal logic of AL, the answer must be a categorical *no*. For instance, the general rule “do not commit adultery” sets forth the good of *conjugal chastity*. This good, according to the literal meaning of AL §304, can *never* be disregarded. It can *never* be neglected. But to give permission in one particular situation to commit adultery would be to disregard and to neglect the good of conjugal chastity. Hence, AL §304 cannot be proposing such a course of action. As AL §300 already said, “discernment can *never* prescind from the Gospel demands of truth and charity, as proposed by the Church.”

AL §304 *is* saying, however, that no general rule can ever exhaust the many different concrete ways in which one can “incarnate,” as it were, conjugal chastity. No rule can do that because the virtue of conjugal chastity needs the discernment of prudence. Without

⁴⁰ See also AL §§62, 297, and 316, as well as footnote 170.

prudence, there is no moral virtue at all.⁴¹ And, as Thomas Aquinas explains, part of prudence is circumspection, attention to *circumstances*.⁴² Conjugal chastity meant for Saint Joseph and the Virgin Mary something very concrete and not contained in a general rule. Yet, it was somewhat different from what conjugal chastity meant for Aquila and Priscilla, or for Saint Gregory and his wife Saint Nonna (parents of Saint Gregory Nazianzus), or for the parents of St. Thérèse of Lisieux (St. Louis Martin and St. Marie-Azélie Guérin Martin). These particularities cannot be a general rule for everyone. The only thing that is contained in a general rule is a perimeter, a boundary, a clear *limit* beyond which there is no chastity. Thus, the general rule “do not commit adultery” contains such a limit. Yet, it loses most of the richness contained *within* the territory, the perimeter, the province, as it were, of the virtue of conjugal chastity.

AL §304 cannot be separated from AL §297. The latter clearly states that, if a person has incurred an objective sin, we have to be *understanding* but, at the same time, we cannot abandon this person in that profound state of misery, for that would be contrary to mercy: “Such a person needs to listen once more to the Gospel message and *its call to conversion*.” As the document clarifies a little later, “to show understanding in the face of exceptional situations *never* implies dimming the light of the fuller ideal, or proposing less than what Jesus offers to the human being” (AL §307). Pope Francis also warns about priests giving exceptions. AL calls us to “avoid the grave danger of misunderstandings, such as the notion that any priest can quickly grant ‘exceptions’” (AL §300).

Not only is this reading of AL §304 consistent with the letter of the paragraph; it also respects the internal coherence of the document, the principle of integration, and AL’s Thomistic foundations. There is continuity, therefore, with VS §67: “The negative moral precepts, those prohibiting certain concrete actions or kinds of behavior as intrinsically evil, do not allow for any legitimate exception. They do not leave room, in any morally acceptable way, for the ‘creativity’ of any contrary determination whatsoever. Once the moral species of an action prohibited by a universal rule is concretely recognized, the only morally good act is that of obeying the moral law and of refraining from the action which it forbids.”

⁴¹ See *ST* II–II, q. 47, a. 14.

⁴² See *ST* II–II, q. 48, a. 1. See also Daniel Westberg, *Right Practical Reason: Aristotle, Action, and Prudence in Aquinas* (Oxford: Clarendon, 1994).

AL §304 and §305 need to be read together with §297, §300, and §307. Then, all of them also square perfectly with VS §104, where we read: “Appropriate allowance is made both for God’s mercy towards the sinner who converts and for the *understanding* of human weakness. Such *understanding never* means compromising and falsifying the standard of good and evil in order to adapt it to particular circumstances. . . . What is unacceptable is the attitude of one who makes his own weakness the criterion of the truth about the good, so that he can feel self-justified, without even the need to have recourse to God and his mercy.”

Moreover, there is also an *organic continuity* among AL, FC, and SC on this very point. FC §84 also explains clearly that “pastors must know that, for the sake of truth, they are obliged to exercise careful *discernment of situations*.” There are different degrees of responsibility in the case of the divorced and the remarried. For this reason, as AL §298 clearly says, “the divorced and remarried who have entered a new union, for example, can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications leaving no room for a suitable personal and pastoral discernment.”

Pope Francis is in strict continuity here with John Paul II: “There is in fact a difference between those who have sincerely tried to save their first marriage and have been unjustly abandoned, and those who through their own grave fault have destroyed a canonically valid marriage. Finally, there are those who have entered into a second union for the sake of the children’s upbringing, and who are sometimes subjectively certain in conscience that their previous and irreparably destroyed marriage had never been valid” (FC §84).⁴³ However, none of these circumstances have the power to justify adultery. AL *never* affirms such a thing. On the contrary, it affirms that the Gospel of marriage and Jesus’s teachings on adultery can *never* be abandoned.

Furthermore, the Thomistic background of AL does not allow for the lamented or celebrated interpretation of discontinuity. In his discussion of natural law, Aquinas affirms that it is not the same in

⁴³ Benedict XVI also called our attention to mitigating circumstances and to the need for discernment, as it is important in one’s pastoral approach to the divorced and remarried: “The Church’s pastors, out of love for the truth, are obliged to discern different situations carefully, in order to be able to offer appropriate spiritual guidance to the faithful involved” (SC §29).

all men and women with respect to the *positive* precepts.⁴⁴ However, there are *negative* precepts that are valid for all and under every circumstance. The reason for this teaching has everything to do with prudence and discernment. In the positive actions commanded by the natural law, one needs to pay attention to circumstances in order to establish the *medietas* of virtue, what is the mean between extremes. However, there are actions that have no such *medietas*. Their very name signifies their intrinsic evil nature: “Certain actions and passions by their very name imply vice: . . . envy and actions such as adultery, theft, murder. All of these and their like are evil in themselves and not only in their excess or defect. Hence in such things a person cannot be virtuous no matter how he acts, but he always sins in doing them. . . . Without qualification sin is present whenever any of these is present, for each of them implies an act opposed to what is right.”⁴⁵

What AL *does* propose is to get beyond legalism. The latter goes against the Gospel of mercy. Indeed, as VS §23 explains: “Love and life according to the Gospel cannot be thought of first and foremost as a kind of precept, because what they demand is beyond man’s abilities. They are possible only as the result of a gift of God who heals, restores and transforms the human heart by his grace.” Legalism views something as good *because it is prescribed*. Conversely, something is morally evil only because it is prohibited (*mala quia prohibita*).⁴⁶ Hence, the authority can dispense from the law. However, AL understands that something is prescribed *because it is good*. Thus, it makes no sense to grant exceptions or permissions to negative precepts of the moral law. The latter are always the limit beyond which one encounters sin. No one can give another permission to sin.

Consequently, those who lament or celebrate discontinuity in proposing that circumstances have the power to justify adultery based on AL §304 or §305 are simply wrong. Their interpretation is

⁴⁴ ST I–II, q. 94, a. 4, corp. For an extended study on the natural law that answers very effectively the proportionalist errors, see Martin Rhonheimer, *Natural Law and Practical Reason: A Thomist View of Moral Autonomy*, trans. Gerald Malsbary (New York: Fordham University Press, 2000).

⁴⁵ Thomas Aquinas, *In II eth. lec. 7*, no. 329, in *Commentary on the Nicomachean Ethics*, trans. C. I. Litzinger (Notre Dame, IN: Dumb Ox Books, 1993). See also Servais Pinckaers, “A Historical Perspective on Intrinsically Evil Acts,” in *The Pinckaers Reader: Renewing Thomistic Moral Theology* (Washington, DC: Catholic University of America Press, 2005), 185–235.

⁴⁶ See Rhonheimer, *Natural Law and Practical Reason*, 475.

flawed. It is inconsistent with the very letter of the document, with the principle of integration, and with the Thomistic foundation of the apostolic exhortation.

Subjective Responsibility and the Logic of Mercy

The last difficulty pointed out at the beginning of the present article concerned whether or not AL §305 and footnote 351 permitted Holy Communion to be given, in certain special cases, to those divorced and remarried who are sexually active but whose culpability is lessened by circumstances. The first way to answer this objection is to appeal to the internal logic of the document itself. Within this logic, the Church is like “a field hospital.” Moreover, as we already know, John Paul II and Pope Francis *accept the law of gradualness*. But both plainly *reject the gradualness of the law*. If a person has incurred an objective sin, “such a person needs to listen once more to the Gospel message and *its call to conversion*” (AL §297).

For this listening process to take place, this person needs to be involved in some way in the life of the Church (see AL §211). It would be incorrect to forbid all divorced and remarried people any kind of participation. They are *not* excommunicated. The same would apply to those who are thieves, adulterers, envious, or proud. Their sins are mortal *ex genere suo*. Yet, the Church is always ready to welcome them in her mercy and to call them to conversion. Depending on circumstances, the degree of responsibility in each case could be different. Objectively speaking, those sins are all grave matter. Subjectively speaking, it is quite difficult to determine the exact degree of responsibility of each moral agent. It would be rash and even dangerous for a priest to judge the state of grace of another.⁴⁷

Until here, there are no signs of discontinuity whatsoever. John Paul II also said in FC §84: “I earnestly call upon pastors and the

⁴⁷ See Thomas Aquinas, *Super Rom 2*, lec. 1, no. 174, in *Commentary on the Letter of Saint Paul to the Romans*, trans. Fabian R. Larcher, ed. J. Mortensen and E. Alarcón, Works of St. Thomas Aquinas [Latin–English] 37 (Lander: The Aquinas Institute, 2012). Trent also explains that “no one can know with a certitude of faith that cannot be subject to error that he has obtained God’s grace” (DH, no. 1534). St. Thomas explains that there are three ways in which a person may know he or she is in the state of grace. First, one could know it by private revelation. Second, by oneself, one can never know with certitude that he or she is in that state. Third, without a private revelation, one can only conjecture by signs such as being conscious of delighting in God, despising worldly things, and not being aware of having committed a mortal sin. See *ST* I–II, q. 112, a. 5, corp.

whole community of the faithful to help the divorced, and with solicitous care to make sure that they do not consider themselves as separated from the Church, for as baptized persons they can, and indeed must, share in her life.” Pope Benedict XVI even used the word *accompaniment*, just as Pope Francis did when talking about this same reality: “The divorced and remarried continue to belong to the Church, which *accompanies* them with special concern and encourages them to live as fully as possible the Christian life through regular participation at Mass, albeit without receiving communion, listening to the word of God, Eucharistic adoration, prayer, participation in the life of the community, honest dialogue with a priest or spiritual director, dedication to the life of charity, works of penance, and commitment to the education of their children” (SC §29).

At this point of the reasoning, AL begins to address the special situation of those who are divorced and remarried. The document invites pastors to look at the circumstances around each case. Without denying the objective evil involved, there can be a situation in which separation is not good for the children who are the fruit of the second union. AL §305 is very reminiscent here in its language to FC §84, which also affirmed: “The Church, which was set up to lead to salvation all people and especially the baptized, cannot abandon to their own devices those who have been previously bound by sacramental marriage and who have attempted a second marriage. The Church will therefore *make untiring efforts to put at their disposal her means of salvation.*”

Both AL §305 and FC §84 affirm that the divorced and remarried should receive the help of the Church, *even the help of the sacraments*. Now, attending to the internal logic of AL, the needed help from the Church must *begin with listening to the Gospel message*, with a call to *conversion*, and with the sacrament of *reconciliation*. That is in fact the path pointed out by the disputed footnote 351. Those who accept the Gospel’s call to conversion (see AL §297) are to receive the sacrament of reconciliation (see AL §305). AL reminds priests, in this context, that this sacrament should welcome the penitent and facilitate an encounter with God’s mercy. Once this encounter has taken place, thanks to an authentic purpose of amendment, then the Eucharist could be given. At that time, the Eucharist can be true and effective medicine.⁴⁸ AL is *silent* about the concrete merciful ways in which

⁴⁸ This is also the path delineated by Aquinas in *ST* III, q. 80, a. 6, and III, q. 90, a. 4.

the confessor should address the situation. Hence, according to the principle of integration, any priest should presuppose that what FC §84 and SC §29 taught remains in place.

There can be *no absolution without purpose of amendment*.⁴⁹ This purpose of amendment, in certain cases, entails the separation of those living in a second union. In others, separation is not possible for the good of the children. Then, living as brothers and sisters is *the* path to take, making sure that no scandal is given. In any case, only after absolution can the Eucharist be an effective medicine for the weak because “there are medicines which, if taken prematurely, do more harm than good.”⁵⁰ We can never forget Saint Paul’s words: “Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be answerable for the body and blood of the Lord. Examine yourselves, and only then eat of the bread and drink of the cup. For all who eat and drink without discerning the body, eat and drink judgment against themselves” (1 Cor 11:27–29).

Where can these wounded members of the Church find the needed strength and grace to resolve to live in continence, as brothers and sisters? As I have argued somewhere else, according to AL’s teachings, for validly married people, the answer must be found in *the spirituality of the bond and the conjugal charity* that is the specific effect of the sacrament of matrimony (see AL §211).⁵¹ This can also be true in the case in which one of the spouses has been unjustly wronged. The marital bond exists (until the death of one of the spouses) to grant the needed graces to live in that state of life. Thus, it also contains the needed graces to live in continence and be a remedy for concupiscence. Such continence can be lived, out of love for Christ, as a fulfillment of the spousal meaning of our bodies. For this to happen, one needs to foster supernatural friendship with God.

Hence, as FC §84 explains: “[The divorced and remarried] should be encouraged to listen to the word of God, to attend the Sacrifice of

⁴⁹ This principle is also the key to reading adequately the sixth criteria of the document from the Argentinian Bishops of the Pastoral Region of Buenos Aires concerning the application of *Amoris Laetitia*’s chapter 8 (See w2.vatican.va/content/francesco/es/letters/2016/documents/papa-francesco_20160905_regione-pastorale-buenos-aires.html).

⁵⁰ Granados, Kampowski, and Pérez-Soba, *Accompanying*, 79.

⁵¹ See my “Conjugal Charity and the Pastoral Care of the Conjugal Bond in *Amoris Laetitia*,” *Scripta Fulgentia* 26, no. 51–52 (2016): 83–119.

the Mass, to persevere in prayer, to contribute to works of charity and to community efforts in favor of justice, to bring up their children in the Christian faith, to cultivate the spirit and practice of penance and thus implore, day by day, God's grace. Let the Church pray for them, encourage them and show herself a merciful mother, and thus sustain them in faith and hope." As AL §305 delineates in organic continuity, we need to accompany them from their sin toward conversion, from conversion to the sacrament of reconciliation, and from the sacrament of reconciliation to that of the Eucharist.

Now, what about the argument constructed with AL §301 and AL §305 about the mitigated *subjective* responsibility of the weak person who commits adultery? This argument is clever and it has a certain independence from what has been said thus far. However, it does *not* lead to the conclusion that communion can be given to the *unrepentant* divorced and remarried person who still wants to be sexually active. AL §305 sends those people to *confession first*. To be sure, no one can really determine with total precision the exact degree of responsibility of a person who is sinning in grave matter. "The judgment of one's state of grace obviously belongs to the person involved, since it is a question of examining one's conscience."⁵²

In case of reasonable doubt, one should always confess before receiving communion. But confession requires an *authentic purpose of amendment not to sin again*. This is the real point. The subjective responsibility of *past* sins may have been affected by circumstances. Instead, the question here is about *future* sins. Since AL is silent on this topic of future sins, the only way to proceed is to be governed by previous doctrine. There cannot be absolution without conversion and break with sin. As the *Catechism* and the Council of Trent clearly explain: "Among the penitent's acts contrition occupies first place. Contrition is 'sorrow of the soul and detestation for the sin committed, together with *the resolution not to sin again*.'"⁵³

The purpose of AL §301 is not to grant communion to the divorced and remarried. Rather, it is an important consideration so that confessors are understanding and do not transform the confessional

⁵² Pope John Paul II, *Ecclesia de Eucharistia*, §37.

⁵³ *Catechism of the Catholic Church* (New York: Doubleday, 1997), §1451 (emphasis added). See also: the Council of Trent in DH, nos. 1551 and 1676; *Code of Canon Law Annotated. Latin-English Edition*, ed. E. Caparros, M. Theriault and J. Thorn (Montreal: Wilson & Lafleur Limitee, 1993), 959 and 987.

into a torture chamber.⁵⁴ Since AL §305 never says that communion could be given to those who are unrepentant and have not gone to confession, the valid teaching still remains that the reason why they need to go to confession is *not their subjective responsibility of past sins*. Rather, the reason given by FC and SC, which is never abolished or even discussed by AL, is their *objective situation*. Subjectively, they may be more or less culpable. Yet, objectively, their situation contradicts Christ's union with the Church and the Eucharist itself.

Both John Paul II and Benedict XVI acknowledge that there can be mitigating factors and situations. But the divorced and remarried cannot receive communion (without repentance and confession) because of their *objective situation*: "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 §84). Moreover, FC also points at the great potential for scandal: "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." Pope Benedict XVI also reaffirmed this same teaching. The Eucharist expresses God's irrevocable and indissoluble love for the human person. On the basis of Mark 10:2–12, SC §29 explains the Church's practice "of not admitting the divorced and remarried to the sacraments, since their state and their condition of life *objectively contradict* the loving union of Christ and the Church signified and made present in the Eucharist."

AL §305 never denies such a teaching. It never affirms anything to the contrary. And it never grants permission to give communion to these people without their going first to confession. Moreover, precisely because AL is Thomistic, it will never contradict Aquinas's lapidary affirmation that "one may not commit adultery for any good."⁵⁵ As the Angelic Doctor clearly explains, some human actions "have deformity inseparably attached to them, such as fornication, adultery, and others of this sort, which can in no way be done in a morally good way."⁵⁶

⁵⁴ For a detailed analysis of the factors that affect the imputability of a moral action, see Angel Rodríguez Luño and Enrique Colom, *Chosen in Christ to Be Saints: Fundamental Moral Theology* (Rome: EDUSC, 2014), 194–202.

⁵⁵ Aquinas, *De malo*, q. 15, a. 1, ad 5. See also *ST* I–II, q. 100, a. 8, and II–II, q. 33, a. 2.

⁵⁶ Aquinas, *Quodlibet* IX, q. 7, a. 2.

Consequently, those who lament or celebrate discontinuity in proposing that AL §305 accepts a new state in the Church of tolerated concubinage are simply wrong. Their interpretation is flawed. It is inconsistent with the very letter of the document, with the principle of integration, and with its Thomistic foundation.

The Pastoral *Novum*

What is AL's real purpose in emphasizing a certain graduality in one's moral conversion, the important role of circumstances, the need for a well-formed conscience and prudence, and the real impact of mitigating factors that lessens one's responsibility in moral evil? I am convinced that AL's chapter 8 is proposing a *novum* in its emphasis on the pastoral attitudes of accompaniment, discernment, and integration.

In a certain sense, this pastoral *novum* is best illuminated by the contrary attitudes from which we need to repent. I would call them *the attitudes of abandonment, legalistic lack of prudence, and uncharitable attitude of exclusion*. In this manner, I think that Pope Francis emphasizes the graduality in one's moral conversion, the important role of circumstances, the need for a well-formed conscience and prudence, and the real impact of mitigating factors that lessens one's responsibility in moral evil in order to accomplish two goals: first, to promote the positive attitudes of accompaniment, discernment, and integration; second, to call to conversion those who are "infected" by the negative attitudes of abandonment, legalistic lack of prudence, and uncharitable attitude of exclusion.

A pastor has *the attitude of abandonment* when he simply drops the truth on the weak and then *walks away*. He uses the moral law to rashly judge the state of grace of the penitent. Then, due to the pastor's lack of investment, the weak person is dismissed unaided, without any further accompaniment. The incipient and still growing desire to come back to the Church is not nurtured. It is not encountered by a fatherly pastor who goes out of his own house to see if that would be the day his prodigal son finally returns. Thus, the attitude of abandonment springs from a lack of evangelical zeal rooted in one's love for God and neighbor. It leads to a *preservationist* pastoral approach in which the Church offers some services and rules for those who want to come and are already strong enough to comply with the requirements.

Related to the attitude of abandonment is that of a *legalistic lack of discernment*. For the pastor who has the attitude of abandonment,

the exception-less negative precepts of the law, and not the virtues, contain *the whole of his pastoral ministry*. His governing prudence is drastically impoverished to a false version of discernment, limited to the application of universal laws to particular situations. The pastoral work centered on the virtues requires more time and involvement. One does not really discern whether or not God is calling him to commit adultery or another grave sin. However, much discernment is needed to understand the exact way in which God is calling one to grow in a given virtue. For this reason, the pastoral work centered on the virtues requires a pastor who is a discerning father.

The Church's pastoral work cannot be limited to an immediate juridical solution. Of course, juridical solutions are important. But when the whole of pastoral work is limited to them, we have no time to dedicate to sinners. We have no time to *accompany* them in their journey of *repentance*. To accompany the weak, we need a point of departure and a point of arrival. The point of departure is wherever a sinner finds himself. The point of arrival is the holiness of a virtuous life *via* moral conversion. To accompany someone is to dedicate time to another, to walk with him, and to help him to discern and to grow in the journey toward a virtuous life. A good pastor would *never* lead his sheep beyond the limits of the negative commandments to the precipice of sin. However, although the negative precepts of the law indicate where the road ends and where the precipice begins, they do not contain the full path. The line that marks where the perimeter ends does not contain in itself the vast territory *within* the perimeter. The positive things to do in the life of virtue are countless. Discernment is always needed here. There is no law that could contain them all.

A pastor has an *uncharitable attitude of exclusion* when sinners and weak people have no room in the Church that he shepherds. They are neglected, abandoned, and considered a disposable burden. This attitude is the logical conclusion resulting from abandoning the weak and adopting an approach of legalistic lack of discernment. The pastor who is sick with the attitude of uncharitable exclusion is quick to "excommunicate" the weak. Spiritual acedia possesses such a pastor.⁵⁷ Instead of having the joy of searching for the lost sheep, the joy of the Gospel, this pastor is infected by one kind of grave and sinful spiritual sadness that directly harms his pastoral charity and paralyzes his

⁵⁷ See: ST II-II, q. 35; Dom Jean-Charles Nault, *The Noonday Devil: Acedia, the Unnamed Evil of Our Times* (San Francisco: Ignatius Press, 2015).

missionary spirit. Thus, he is quick to condemn others and exclude them from the life of the Church without taking into account the complexity of their existential and concrete situations.

In my opinion, AL's pastoral *novum* is a program of conversion for pastors (and other pastoral work agents in the Church) based on the joy of the Gospel. It is a path of "pastoral conversion."

Conclusion

Both lamented and celebrated discontinuity are hermeneutically flawed interpretations of AL. Such discontinuity leads to inconsistent conclusions with the very letter of the document, with the principle of integration, and with AL's Thomistic foundation. AL's guiding principle is the logic of mercy (see AL §309). To be merciful is to exercise one particular kind of love of benevolence as specified by its object. It consists in willing a good for another that alleviates or destroys his or her misery, everything that is an obstacle to their salvation.

AL is not saying that, in some cases, the unrepentant divorced and remarried persons could receive communion. In fact, that would be diametrically opposed to the logic of mercy. Instead of alleviating or destroying their misery, that practice will sink them even further into the abyss of their sins. Any pastor who practices that approach is *not* being merciful. Rather, he is being a *mercenary* who takes an easy solution that, instead of leading the sheep and accompanying them to Christ, *abandons* them to the wolves. He is falling into *the attitude of abandonment*. He is giving up the task of *true discernment within the perimeter of virtue*, within the realm of life and happiness. He is leading people to the precipice of death. He is *excluding* them from the joy of God's Kingdom. Precisely because AL promotes true accompaniment and discernment, it does not suggest a tolerated concubinage in the Church with access to the sacrament of the Eucharist. In reality, no pope or bishop has authority to do such a thing. Aquinas explains: "The apostles and their successors are God's vicars in governing the Church which is built on faith and the sacraments of faith. Wherefore, just as they may not institute another Church, so neither may they deliver another faith, nor institute other sacraments."⁵⁸

In conclusion, the new pastoral path outlined by Pope Francis in AL is a path in *organic continuity* with VS. It is a pastoral path of conversion from the attitudes of abandonment, the legalistic lack of

⁵⁸ ST III, q. 64, a. 2, ad 3.

discernment, and the uncharitable exclusion of the weak from the Church. AL proposes a pastoral path of true mercy and for merciful pastors who repent from the ways in which they lack pastoral charity. *Pace* those who lament or celebrate discontinuity, AL does *not* propose a pastoral path for mercenaries. N-V