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Debating ‘Amoris Laetitia’: A Look Ahead

NEWS ANALYSIS

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It was officially the Jubilee of Mercy, with its attendant graces. But 2016 was more the “Year of *Amoris Laetitia*” (The Joy of Love). Its ongoing reception may well produce a year ahead of increasing acrimony and division.

In the 1990s, St. John Paul II convened a series of continental synods to prepare for the Great Jubilee of 2000. The subsequent post-synodal apostolic exhortations took the titles *Ecclesia in Africa*, *Ecclesia in America*, *Ecclesia in Oceania*, etc. When the last one was released in 2003, *Ecclesia in Europa*, I joked in the Vatican press hall that perhaps a boxed set could be issued under the omnibus title *Ecclesia ad Nauseam*.

Amoris Laetitia has not even reached its first anniversary and yet a certain tedium is setting in. In the last months of the year, the debate over *Amoris Laetitia* became increasingly heated. How did it come to be that way? And what can be expected in 2017?

The Issue

The controverted section of *Amoris Laetitia* is Chapter 8, which deals with the pastoral care of those who are in “irregular” situations, most specifically those Catholics who have been sacramentally married, civilly divorced and now are living in a new conjugal union, either common-law cohabitation or civil marriage. They are living conjugal lives while being validly married to someone else. The traditional pastoral practice of the Church has been that such couples may not receive absolution in the sacrament of confession unless they are willing to cease that conjugal relationship — either by separation, or, if that is considered impossible, by abstaining from conjugal relations. Without at least an intention to do so, there would be lacking the required purpose of amendment, and perhaps even contrition.

Without sacramental absolution, the person would not be able to receive Communion, being guilty of extra-marital sexual relations, which are always objectively grave sins. In addition, given that receiving holy Communion has a nuptial dimension — Christ the Bridegroom offering himself to his Bride, the Church, in total and indissoluble fidelity — the divorced and civilly remarried present a counter sign to the communion of Christ and the Church.

Since at least the 1970s, principally in the German-speaking world, there has been a sustained effort to modify the Church's pastoral practice to allow such couples to receive absolution and Communion without a required intention to change their situation. Most prominently associated with Cardinal Walter Kasper, the proposal was authoritatively rejected as incompatible with Catholic doctrine by St. John Paul II and Pope Benedict XVI, and thus expressed in the Catechism of the Catholic Church.

Synods on the Family, 2014-2015

Pope Francis held up Cardinal Kasper as a model theologian at his very first Angelus address on March 17, 2013, four days after his election. In February 2014, he invited Cardinal Kasper to address the College of Cardinals, wherein Cardinal Kasper argued for a change in the Church's practice. When the cardinals emphatically rejected Cardinal Kasper's proposal as contrary to the Catholic faith, the Holy Father himself came to the embattled cardinal's defense, indicating that the subject would be on the agenda for two synods on the family in October 2014 and October 2015. In August 2015, Pope Francis indicated in an elliptical way that he did not hold to the clear teaching of St. John Paul II in *Familiaris Consortio* (1981) and *Reconciliatio et Paenitentia* (1984), along with Pope Benedict's *Sacramentum Caritatis* (2007). He quoted the relevant texts, but deliberately omitted their conclusive teaching on the points in question.

Supporters of Cardinal Kasper's position attempted to get the synod of 2015 to endorse a modification of the settled teaching. The synod fathers refused to do so. They were not permitted the opportunity to vote clearly on whether the teaching of St. John Paul II was to be upheld in its entirety. They voted instead on a more ambiguous desire to include such couples in "fuller participation in the life of the Church." In the relevant sections of the synod's [final report](#), the words "sacrament" and "holy Communion" do not appear.

Pope Francis was not pleased at the synod's outcome, concluding the gathering with a blistering address that characterized those who opposed Cardinal Kasper's proposal as

desiring to throw “stones” at the suffering and vulnerable. The seeds of rancor and division that would flower in the subsequent year were sown in that fierce denunciation by the Holy Father of those who disagreed with him.

Why Does It Matter?

Is the opposition to Cardinal Kasper’s proposal an ideological adherence to small-minded rules by pastors who are like the Pharisees, who Jesus himself denounced in the kind of incendiary language Pope Francis employs? Is the desire to be more “lenient” opposed only by those whom Pope Francis characterizes as preferring “a more rigorous pastoral care which leaves no room for confusion” (*Amoris Laetitia*, 308)? What do those who disagree with the Holy Father think is at stake?

It is not unworthy reception of Communion in and of itself. That happens in most parishes every Sunday in great numbers, as the practice of sacramental confession has become quite rare in many places. Many people receive Communion who are in an objective state of mortal sin. It would be serious for pastoral practice to recommend that people receive the Eucharist when they shouldn’t, but the existing norm is that it happens without anything being said about it at all.

Marriage is the key issue. Is it possible to be in a conjugal relationship with someone other than a validly married spouse that would be pleasing in the eyes of God? Is it possible to know 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,” as *Amoris Laetitia* puts it (303)?

If that were to be the case, then the inseparable link between marriage and sexual relations — such that only in a valid marriage are such relations morally licit — would be split asunder in principle. The opponents of Cardinal Kasper’s proposal see that the heart of the sexual revolution is the separating of those things that the Christian tradition has always insisted God intended to be kept together — sex and love, sex and marriage, sex and procreation.

If the Church were to teach that there were circumstances in which a couple who were not validly married to each other were morally permitted to engage in sexual relations, a great unraveling would begin. What, then, about couples who think that the “complexity of one’s limits” does not permit marriage in the first place? It should be remembered that when the

Anglican Communion first permitted a departure from the Christian tradition on sex and marriage, it was the much more limited case of occasional use of contraceptives by some married couples. Cardinal Kasper's proposal goes much further than that.

The logic of the proposal not only threatens marriage, but applies to any situation in which a person, aware of the gravity of a sinful action, intends to continue on that course nevertheless. In November, the bishops of Atlantic Canada, explicitly citing the pastoral example of Pope Francis, issued a statement in which the possibility was foreseen of a priest offering absolution and viaticum to a person deliberately intending to proceed to an assisted suicide.

A Rush to Nonjudgment

Dated for the feast of St. Joseph (March 19) and the anniversary of the installation of Pope Francis, *Amoris Laetitia* was released on April 8. It came very quickly. Despite being the longest papal document ever published in the entire history of the Church, the first draft arrived at the Congregation for the Doctrine of the Faith (CDF) from the papal household in early December 2015, barely six weeks after the conclusion of the second synod. Given that such post-synodal apostolic exhortations often appear two years after the relevant synod, the rush to get such a long and complex document to press was remarkable. It meant that widespread consultation in the drafting was avoided.

What, then, does *Amoris Laetitia* say? Pope Francis strongly suggested that what the Church had taught in the past no longer held, but he did not explicitly teach that. Indeed, following the style of the synod's final report, he did not explicitly mention holy Communion for "irregular" couples at all.

As I wrote then, "from the first pages of *Amoris Laetitia* to the last, the exhortation evidently yearns to declare what it never declares: that the teaching on marriage and holy Communion can change. Indeed, the most critical line on the question is buried in a footnote, almost as if the editors hoped no one would notice."

Could it be that the explicit teaching of three previous apostolic exhortations and the Catechism could be overturned by an exhortation that never directly addresses the specific issue?

When the Holy Father and others insist that no discrete doctrine was changed in *Amoris Laetitia*, they are correct. That the Holy Father would like the teaching to change can be reasonably inferred from *Amoris Laetitia*, but he does not teach that, and reading the pontifical mind is not determinative for establishing a magisterial teaching.

Hence, at the press conference for the presentation of *Amoris Laetitia*, Cardinal Christoph Schönborn of Vienna, the Pope's favored interpreter of his exhortation, said that the famous Footnote 351 did not change anything. It spoke of the "help of the sacraments," but that did not imply changing *Familiaris Consortio*.

The following month, Cardinal Gerhard Müller, prefect of the CDF, gave a major address in Madrid that insisted that all interpretations of *Amoris Laetitia* had to be in strict continuity with the three apostolic exhortations that preceded it, as well as the Catechism. During an airborne press conference in which he was asked about Footnote 351, Pope Francis said that he did not remember it.

Selective Footnotes, Missing Encyclical

Amoris Laetitia takes a curious editorial approach for a document of unprecedented length. It does not engage forthrightly the controverted issue at hand, but rather avoids a direct discussion. This is evident in the use of footnotes, which are both ambiguous and misleading. Several key footnotes do not in fact support the text where they appear, citing only portions of passages to pervert their plain meaning.

Yet the most astonishing editorial decision of *Amoris Laetitia* is not the deceptive footnotes that appear, but the encyclical that does not appear. There is not a single reference, in the main text or even in the footnotes, to *Veritatis Splendor*.

St. John Paul II's 1993 encyclical on the foundations of Catholic moral teaching is the principal magisterial document on the moral life since the Council of Trent. Ignoring *Veritatis Splendor* is like writing about the nature of the Church and not making reference to the teaching of Vatican II's dogmatic constitution on the Church, *Lumen Gentium*.

The reason for the startling omission is evident.

While it might be possible to square the general approach of *Amoris Laetitia* with the specific teaching of *Familiaris Consortio* (see Buenos Aires guidelines), the approach to the moral life proposed in *Amoris Laetitia* is at odds with the teaching of *Veritatis Splendor*.

Indeed, the third part of *Veritatis Splendor*, entitled “Lest the Cross of Christ Be Emptied of Its Power,” warns precisely against the view that the demands of the moral life are too difficult and cannot be lived with the help of God’s grace. Chapter 8 of *Amoris Laetitia* appears to be exactly what St. John Paul II had in mind in writing *Veritatis Splendor*. It does appear to empty the cross of Christ of its power.

The drafters of *Amoris Laetitia* persuaded Pope Francis that it was better to pretend that *Veritatis Splendor* had never been written. That was a mistake (see the following on the *dubia* of the four cardinals).

Magisterium by Stealth

After the spring interventions by Cardinals Schönborn and Müller, it appeared that *Amoris Laetitia* had maintained the status quo, except that those pastors who ignored *Familiaris Consortio* and the Catechism would now do so claiming that it was what Pope Francis *really wanted*, though he did not say so.

Over the summer, the predictable outcome of deliberate ambiguity came to pass. The German bishops said that those in “irregular” situations could approach the sacraments. The Polish bishops said they couldn’t. The Vatican did not step in to clarify. There seemed to be an effort to leave the whole matter behind.

Just before leaving for World Youth Day in St. John Paul II’s Kraków, Pope Francis said in his video message that he looked forward to symbolically handing *Amoris Laetitia* to the youth of the world. By the time he got to Poland, that idea was dropped, and the entire World Youth Day proceeded with nary a reference to *Amoris Laetitia* by the Holy Father.

Instead, Pope Francis opted for something more clandestine. It was arranged that the Buenos Aires bishops would propose guidelines for the implementation of *Amoris Laetitia* and send them to the Pope. He then wrote a private letter to the bishops approving them, adding that there were “no other interpretations.” It was magisterium by stealth — except that ambiguous magisterial documents cannot be officially clarified by private papal letters leaked to the press by those close to the Holy Father.

What did the Buenos Aires guidelines propose? Only the narrowest path possible, and something quite far from Cardinal Kasper's original proposal. The bishops basically followed an argument proposed by professor Rocco Buttiglione, a collaborator with St. John Paul II, and praised by Cardinal Blase Cupich of Chicago.

Buttiglione raises the case of a person who wishes to refrain from conjugal relations, but doing so would cause the other party to leave the irregular union, perhaps to the detriment of the children. In such a case, the person is not desiring the sinful behavior, and therefore is not culpable of it. Yet that argument is not new, and not really what *Amoris Laetitia* seems to suggest. It is an approach long adopted already by confessors in matrimonial situations where, for example, one spouse wishes to refrain from contraception while the other insists upon it.

Cardinals Ask for Clarity

When official texts are unclear, there is a long-standing practice of submitting questions — *dubia* — to the competent authority for clarification. Often this is done for liturgical matters. Can a pastor mandate that his congregation receives holy Communion only on the tongue or only in the hand? (No.)

In September, four cardinals submitted five questions (*dubia*) to the Holy Father, asking him to clarify that the teaching of *Familiaris Consortio* and *Veritatis Splendor* had not been changed by *Amoris Laetitia*. Interestingly, only one of the five questions dealt with the former, while four dealt with what *Amoris Laetitia* refused to deal with, namely *Veritatis Splendor*. In November, after the Holy Father chose not to answer the *dubia*, the four cardinals released them publicly, creating a firestorm of attention.

Soon after *Amoris Laetitia* was released, it was suggested that the submission of *dubia* to the Holy Father or to the CDF might serve to clarify the ambiguities. One cardinal who would eventually sign the *dubia* rejected that approach in May. What changed? The cardinals have not said, but two developments over the summer might have prompted them. First, the contradictory guidelines emerging from different bishops. Second, the Buenos Aires gambit, using press leaks of private letters as a sort of ersatz magisterium. It threatened to undermine the gravity of the magisterial authority of the Church itself, a maneuver more suggestive of the machinations of a political spin doctor rather than a responsible exercise of the Church's

teaching authority. As Cardinal Raymond Burke told Raymond Arroyo of EWTN, a “worldly spirit” had entered the Church.

Silence and Attack

The *dubia* of the four cardinals might be considered something of a fool’s errand. They have asked for clarity about a document that was deliberately written to be ambiguous. They have asked whether *Amoris Laetitia* is compatible with *Veritatis Splendor*, when the former was written specifically as if the latter did not exist. They have asked for a reaffirmation of traditional doctrine on marriage and sexuality when the entire synod process was driven by a desire to avoid talk of doctrine as much as possible. And so it was not surprising that the Holy Father chose not to respond directly to the cardinals’ questions.

There are, however, other ways that a pope might speak indirectly, usually through his principal collaborators.

Perhaps most remarkable in the year of *Amoris Laetitia* are the voices that have gone silent.

The usual voices that one might expect to further explicate the argument of *Amoris Laetitia* have not done so. The congregations for the faith and for liturgy — most relevant to the doctrinal and sacramental questions involved — have not offered a word in support of Chapter 8 of *Amoris Laetitia*.

The official papal spokesman, Greg Burke, has given the teaching of *Amoris Laetitia* a wide berth, not seeking to engage a question that greatly occupies the very press hall he presides over.

Around the world, while there have been both notable voices supportive and critical, the norm from bishops has been next to nothing of substance. Just as *Amoris Laetitia* pretends that *Veritatis Splendor* does not exist, perhaps a majority of bishops have taken a similar practical approach to *Amoris Laetitia*, acting as if Chapter 8 did not exist.

The most vigorous support has come from secondary spokesmen who have not been above attacking the motives and good faith of those who oppose the approach of *Amoris Laetitia*. The Holy Father’s unofficial but authoritative spokesman, Jesuit Father Antonio Spadaro, has tweeted and written about those who raise questions “in order to create difficulty and division,” implying that the cardinals’ *dubia* do not “seek [answers] with sincerity.”

The Holy Father's biographer, Austen Ivereigh, went further, accusing those who ask whether *Amoris Laetitia* contradicts *Veritatis Splendor* of being “dissenters ... [who] question the legitimacy of the Pope's rule.”

Those who reasonably express concern that *Amoris Laetitia* seeks an accommodation with the sexual revolution that is contrary to the words of Christ in the Gospels are dismissed contemptuously: “But even as they insist that there is a debate to be had, a case to answer, a matter to be settled, the train is leaving the station, and they are left on the platform, waving their arms.”

Ivereigh argues that the *Amoris Laetitia* debate, surrounded though it is by ambiguities and contradictory interpretations, is over and the Church needs to move on.

Why the haste for a document that is less than a year old?

Because the longer *Amoris Laetitia* remains under examination and discussion, the more clear it will be that the arguments of the critics, well developed in the Tradition of the Church, require arguments in response, similarly grounded.

To date, the defenders of *Amoris Laetitia* have not offered arguments as much as undemonstrated assertions and appeals to authority. Without a convincing argument to demonstrate why *Amoris Laetitia* does not run afoul of *Veritatis Splendor*, which it *prima facie* does, attacking those who raise questions remains only a short-term political tactic.

The magisterium is not, over the long term, shaped by such tactics.

We live, though, in the immediate term, where such tactics have their impact.

The year after the year of *Amoris Laetitia* will thus be one of greater acrimony and division, with those close to the Pope questioning the integrity of those who insist that, indeed, the cross of Christ has not lost its power and, in fact, remains that which makes possible the joy of love — even in the 21st century.

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