“Responsum ad Dubia: Harmonizing Veritatis splendor and Amoris laetitia through a
Conscience-informed Casuistry” by James T. Bretzke, S.J., bretzke@bc.edu
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The 5 Dubia of the 4 Cardinals

1. It is asked whether, following the affirmations of Amoris Laetitia (nn. 300-305), it has now become possible to grant absolution in the sacrament of penance and thus to admit to Holy Communion a person who, while bound by a valid marital bond, lives together with a different person more uxorio without fulfilling the conditions provided for by Familiaris Consortio n. 84 and subsequently reaffirmed by Reconciliatio et Paenitentia n. 34 and Sacramentum Caritatis n. 29. Can the expression “in certain cases” found in note 351 (n. 305) of the exhortation Amoris Laetitia be applied to divorced persons who are in a new union and who continue to live more uxorio?

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

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

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

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

References to Veritatis splendor in the 5 Dubia of the 4 Cardinals

VS #79. One must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species — its "object" — the deliberate choice of certain kinds of behaviour or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all persons concerned. The primary and decisive element for moral judgment is the object of the human act, which establishes whether it is capable of being ordered to the good and to the ultimate end, which is God. This capability is grasped by reason in the very being of man, considered in his integral truth, and therefore in his natural inclinations, his
motivations and his finalities, which always have a spiritual dimension as well. It is precisely these which are the contents of the natural law and hence that ordered complex of "personal goods" which serve the "good of the person": the good which is the person himself and his perfection. These are the goods safeguarded by the commandments, which, according to Saint Thomas, contain the whole natural law.\footnote{130}

\textbf{VS #81} In teaching the existence of intrinsically evil acts, the Church accepts the teaching of Sacred Scripture. The Apostle Paul emphatically states: "Do not be deceived: neither the immoral, nor idolaters, nor adulterers, nor sexual perverts, nor thieves, nor the greedy, nor drunkards, nor revilers, nor robbers will inherit the Kingdom of God" (1 Cor 6:9-10). If acts are intrinsically evil, a good intention or particular circumstances can diminish their evil, but they cannot remove it. They remain "irremediably" evil acts; \textit{per se} and in themselves they are not capable of being ordered to God and to the good of the person. "As for acts which are themselves sins (\textit{cum iam opera ipsa peccata sunt}), Saint Augustine writes, like theft, fornication, blasphemy, who would dare affirm that, by doing them for good motives (\textit{causis bonis}), they would no longer be sins, or, what is even more absurd, that they would be sins that are justified?".\footnote{134} Consequently, circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act "subjectively" good or defensible as a choice.

\textbf{VS #56} In order to justify these positions, some authors have proposed a kind of 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 \textit{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. 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. No one can fail to realize that these approaches pose a challenge to the \textit{very identity of the moral conscience} in relation to human freedom and God's law. Only the clarification made earlier with regard to the relationship, based on truth, between freedom and law makes possible a \textit{discernment} concerning this "creative" understanding of conscience.


- \textit{Intrinsecus malum in se} Intrinsically evil in itself
- \textit{Intrinsece inhonestum} (cf. \textit{Humanae vitae}, #14) Intrinsically unworthy ("dishonest")
- \textit{Finis operis/Finis operantis} End of the work (moral object); end of the agent (intention)
- \textit{Finis operis semper reductur in finem operantis} The moral object always comes down to (consideration) of the intention of the agent.
For this reason, a pastor cannot feel that it is enough simply to apply moral laws to those living in “irregular” situations, as if they were stones to throw at people’s lives. This would bespeak the closed heart of one used to hiding behind the Church’s teachings, “sitting on the chair of Moses and judging at times with superiority and superficiality difficult cases and wounded families”. [349] Along these same lines, the International Theological Commission has noted that “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”. [350] Because of forms of conditioning and mitigating factors, 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. [351] Discernment must help to find possible ways of responding to God and growing in the midst of limits. By thinking that everything is black and white, we sometimes close off the way of grace and of growth, and discourage paths of sanctification which give glory to God. Let us remember that “a small step, in the midst of great human limitations, can be more pleasing to God than a life which appears outwardly in order, but moves through the day without confronting great difficulties”. [352] The practical pastoral care of ministers and of communities must not fail to embrace this reality.

Footnotes #348--#352

348 In another text, referring to the general knowledge of the rule and the particular knowledge of practical discernment, Saint Thomas states that “if only one of the two is present, it is preferable that it be the knowledge of the particular reality, which is closer to the act”: Sententia libri Ethicorum, VI, 6 (ed. Leonina, t. XLVII, 354.)

349 Address for the Conclusion of the Fourteenth Ordinary General Assembly of the Synod of Bishops (24 October 2015): L’Osservatore Romano, 26-27 October 2015, p. 13.


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