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L'ÉDITORIAL

The tribulations of moral theology

A worrying sign of the crumbling of convictions and even of the theological skills of Roman personnel in terms of « moral of life » was seen recently in the surprising response of 10 December last from the Congregation for the Doctrine of the Faith in regards to a case of hysterectomy (see document and commentary below).

Humanæ vitæ had constituted in 1968 a sort of miracle in the mist of an ecclesiastical situation where doctrinal liberalism seemed to breached all levees. Paul VI settled the debate – sadly after four years of reflexions – against the opinion of the majority of the members of the commission he had instituted to work on the issue, in favour of continuity, rejecting as contrary to natural law all action that would have for a goal or mean to render procreation impossible.

But it is mostly the very firm teaching of John Paul II which has allowed the development of a sort of *Humanæ vitæ* world. Specifically, a moral teaching has developed in a series of texts whose writing has been supervised by the Congregation for the Doctrine of the Faith directed by Cardinal Ratzinger. As if, under the ice cap, a little water ran which kept alive, explained and applied – with some stylistic concessions of the times – the moral Magisterium of Pius XI and Pius XII.

In this regards, the instruction *Donum vitæ* of 22 February 1987 is exemplary. It responded to issues of the day and rejected the moral possibility of artificial fecundation, including « homologous » fecundation (that is between spouses), and artificial insemination, including « homologous ». The Encyclical *Veritatis splendor*, of 6 August 1993, « dealing with certain fundamental questions regarding the Church's moral teaching », then undertook an important speculative work notably explaining *Donum vitæ*'s reminder on the significance of natural law « as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body. »

The development of these documents was only made possible by the work of a group of intellectuals in Rome (Lateran University, Santa Croce) and in other places (Spain, France, America), at the same time their publication stimulated a theological reflexion on this subject. John Paul II created three agencies with the goal of giving audience and authority to this moral line « on life » : a Pontifical Council on the Family, in 1981 (its most prominent president was Canadian Cardinal Édouard Gagnon) ; the Pontifical Institute John Paul II, on the studies of Mariage and Family, in 1981, dependent on the Lateran University and with extensions in Valencia, Washington, Liechtenstein, etc... which was first directed by Carlo Caffarra, future cardinal ; and finally, the Pontifical Academy on Life, whose first President was Professor Jérôme Lejeune.

Starting in 1986, Carlo Caffarra, with the help of Cardinal Gagnon, organised around the John Paul II Institute, a series of international congress, unambiguous, which constituted as many occasions for the moralists of this school of thought to meet in Rome, in front of an audience composed, for a large part, of what was to become the Pontifical University of the Holy Cross and of the movement *Communione e Liberazione*.

This world of philosophers and moralists (Caffarra, Angelo Scola, future cardinal, Fr. Ramon Garcia de Haro, Mgr Fernando Ocáriz, Rocco Buttiglione, Stanislaw Grygiel, Servais Pinkaers, op, the Austrian Josef Seifert, the American Germain Grisez, Mgr Livio Melina) was paradoxically the expression of the pontifical teaching and at the same time the minority within

a liberal theology, of which the core, in moral, was focussed on the symbolic revindication of communion to remarried divorcees and the critic of *Humanæ vitæ*. Revindication and critic that an abundance of notes and documents issued by the Congregation for the Doctrine of the Faith did not stop (such as, in 1989, the promulgation of a Profession of Faith and a Pledge of fidelity, and the 1990 instruction on ecclesial vocation of the theologian).

This political weakness can explain certain intellectual flaw in the moral on Life. On the one hand, in order to « put through » the traditional moral doctrine that it defended and applied to new issues, some of these authors were using a personalist conceptualisation which made their thesis weaker. In this regards, they were imitating Karol Wojtyła who reinterpreted the theology of marriage with its theology of the body, while being able, that is true, to very firmly uphold this end of marriage that is procreation. On the other hand, they eventually manifested a will, though a bit naive, to restore moral afresh, eliminating all the XVI century casuistic tradition of saint Alphonsus Liguori, in the name of a return to saint Thomas. Saint thomas who, however, in many instances, looks at « cases » and makes reference to opinions in authority (not to mention that historically, in the nineteenth century, the victory of the Roman school of moral, identified with saint Alphonsus, had replaced Gallican rigorism by joining with the Roman neo-Thomism).

All this work of moral resistance was overthrown by the implementation by pope Bergoglio of the Martini program, from which the first intention was to reconsider the « rigorism » of pope Wojtyła. The bolt broke open with *Amoris Lætitia*, whose principle of mercy is applicable to all other hot topics of moral.

As a result, authors and professors of moral on Life were profoundly undermined and their marginality became then official. Some adopted the new line (Buttiglione), others attempted to read it in the most traditional way possible.

All found themselves mostly inaudible.

Thus, history here repeats itself. For, what is happening today to pope Wojtyła's moral theology has happened, all things being equal, to the ecclesiology of pope Pacelli, half a century ago. The theologian and their circle who had participated in the elaboration and the writing of the ecclesiological magisterium of Pius XII (*Mystici Corporis, Humani generis*, among others), was cast aside by the theology of Congar and Rahner, a theology that considers there are ecclesiology outside the Church. Indeed, already in the minority under Pius XII, and exposed to the hostility of the new theology in all its various tendencies, this Roman school – including : Sebastiaan Tromp, Cardinal Ottaviani, Fr Gagnebet, op, Pietro Parente, Antonio Piolanti, rector of the Lateran and director of the review *Divinitas*, etc. – this Roman school was downgraded and dismissed in the very first hours of the Council. ◆

Father Claude Barthe

► The evaporation of *Humanæ vitæ*

Right after the death of John-Paul II, during the pontificate of Benedict XVI, we already no longer spoke of the Encyclical of July 1968. But, under Pope Francis, the places where its doctrine was still alive and nurtured have fallen into new sets of hands. Monsignor Livio Melina, important personality of the curia under Wojtyła as well as Ratzinger, of solid moral doctrine, President of the John Paul II Institute of study on marriage and family, was quite abruptly put to the side and replaced by Monsignor Pierangelo Sequeri, who was not a moralist, but on the other hand a musician and a musicologist... Furthermore, *Amoris Lætitia* introduced dissensions among the personal of the Institute. To everyone's surprise, the philosopher Rocco Buttiglione, professor emeritus, modified his convictions. In a public debate, his confrere Joseph Seifert, let's say to be brief, criticised him on the following theme : until now, 2000 years of christianity, neither fornication nor adultery had ever been quali-

fied as conformed, in certain cases, to the will of God.

At the Council on the Family, the change of line was achieved, for it was directed since 2012 by Monsignor Vincenzo Paglia, chaplain of San Egidio, later the postulator to the cause of Bishop Romero, one of these surprising nominations of Benedict XVI. In August 2016, he became president of the Pontifical Academy on Life and Great Chancellor of the John Paul II Institute (till then the Great Chancellor of the Institute was the Cardinal-vicar of Rome). As to the Council on the Family, it was absorbed by a Dicastery for the Laity, the Family and Life, which the American Kevin Farrell, now a cardinal and presently Camerlengo of the Holy Roman Church, was nominated Prefect.

Paglia and Farrell are second cutters. The strongmen of the new moral doctrine, those who prepared *Amoris Lætitia*, are : the very influential Cardinal Lorenzo Baldisseri, General Secretary of the Synod of the Bishops ; Archbishop Bruno Forte, Archbishop of Chieti, twice Special Secretary of the synodal assembly ; Mgr Marcello Se-

meraro, Bishop for the Suburbicarian seat of Albano, Secretary of the group of cardinals in charge of advising the Pope in the reform of the Curia, very close to the very powerful Cardinal Stella, Prefect of the Congregation of the Clergy ; and most of all, the thinker par excellence of the new vision of the Church, Father Antonio Spadaro, sj, director of the *La Civiltà Cattolica*. One could have feared that in 2018 a new re-interpretation of the encyclical of Paul VI takes place for its fiftieth birthday. A working group had been formed, with Mgr Pierangelo Sequeri, Mgr Angelo Maffei, President of the Paul VI Institute of Brescia ; and most of all, Mgr Gilfredo Marengo, professor of theological anthropology at the Institute John Paul II.

The latter, in an article from *Vatican Insider*, dated 23 March 2017, « *Humanæ vitæ et Amoris lætitia* », was wondering if the « *controversial game – birth control pill yea or nay – like the one today – communion to the divorcees, yea or nay – was not the simple manifestation of an uneasiness and a tension lying much deeper in the life of the Church, [...] Each time the*

Christian community falls into error and proposes life models out of theological ideals too abstract and artificially constructed, the community conceives its pastoral action as the schematic application of a doctrinal paradigm ».

Gilfredo Marengo is actually coming from Communion and Liberation. He has always acted with his friend Nicola Reali, professor of pastoral theology at the University of Lateran, a superior intellectual mind. A book from Nicola Reali, *Lutero e il diritto. Certezza della fede e istituzioni ecclesiali*, « Luther and law. Certitude of faith and ecclesial institutions » (Marcianum Press, 2017), tried to show that Luther's thinking was not at all to break the unity of the Church, but only to provoke her to a renewal. And most of all, that Luther did not consider the certitude of faith as a subjective belief,

but estimated as necessary the adhesion to the ecclesial institution. More catholic than Luther, there isn't... For *Humanae vitae* the planned operative mode was simple : out of the archives of the Pontifical Commission, which worked from 1964 to 1966 on birth regulations, were about to be exhumed some working documents, meetings relations, and correspondence with the episcopal conferences that favoured contraception. This commission, we remember, had concluded, at a large majority, on the legality of contraception and had particularly favoured the non-infallibility of the previous teachings of the Magisterium on the very same subject. This majority which included members and experts considered as conservative, such as cardinal Joseph-Charles Lefebvre, Archbishop of Bourges, and Father Labourdette, op, had, in the end, not

been followed by Paul VI, who, ever so tortured, had eventually renewed the magisterial condemnation, but without never deciding to make it irrefutable.

But all of this was known. Therefore, *La nascita di un'enciclica* (Libreria Editrice Vaticana, July 2018), which presented the result of the work of G. Marengo eventually only had but a low impact (we learned very little : a first project, *De nascendi prolis*, « rigorous statement of moral doctrine », had been modified to become more pastoral). In fact, the official relativisation of *Humanae vitae* is no longer needed. This reminder of natural law, totally ignored by couples, abandoned by priests, and to which confessors give absolutely no considerations, has now become as obsolete a document as *Humani generis* or *Quanta cura*.

Pio Pace

DOCUMENTS

Congregation for the Doctrine of the Faith : Response to a question on the liceity of a hysterectomy in certain cases

On July 31, 1993, the Congregation for the Doctrine of the Faith published Responses to Questions Proposed Concerning « Uterine Isolation » and Related Matters. These responses, which retain all of their validity, consider the removal of the uterus to be morally licit when there is a grave and present danger to the life or health of the mother, and hold as illicit, insofar as they are methods of direct sterilization, the removal of the uterus and tubal ligation (uterine isolation) with the intention of making impossible an eventual pregnancy which can pose some risk for the mother.

In recent years some very specific cases have been submitted to the Holy See also concerning the hysterectomy, which, however, present a different issue from that which was examined in 1993, because they regard situations in which procreation is no longer possible. The question and the response, ac-

companied by an Illustrative Note, that are now being published refer to this new particular case and complete the responses given in 1993.

Question : When the uterus is found to be irreversibly in such a state that it is no longer suitable for procreation and medical experts have reached the certainty that an eventual pregnancy will bring about a spontaneous abortion before the fetus is able to arrive at a viable state, is it licit to remove it (hysterectomy) ?

Response : Yes, because it does not regard sterilization.

Illustrative Note :

The question regards some extreme cases, recently submitted to the Congregation for the Doctrine of the Faith, that constitute a different issue from that which was given a negative response on July 31, 1993. The element that renders the present question essentially different is the certainty reached by medical experts that in the case of a pregnancy, it would be spontaneously interrupted before the fetus arrives at a state of viability. Here it is not a question of difficulty, or of risks of greater or lesser importance, but of a couple for which it is not possible to procreate.

The precise object of sterilization is to impede the functioning of the reproductive organs, and the malice of sterilization consists in the refusal of children : it is an act against the bonum proles. On the contrary, in the case considered in the question, it is known that the reproductive organs are not capable of protecting a conceived child up to viability, namely, they are not capable of fulfilling their natural procreative function. The objective of the procreative process is to bring a

baby into the world, but here the birth of a living fetus is not biologically possible. Therefore, we are not dealing with a defective, or risky, functioning of the reproductive organs, but we are faced here with a situation in which the natural end of bringing a living child into the world is not attainable.

The medical procedure should not be judged as being against procreation, because we find ourselves within an objective context in which neither procreation, nor as a consequence, an anti-procreative action, are possible. Removing a reproductive organ incapable of bringing a pregnancy to term should not therefore be qualified as direct sterilization, which is and remains intrinsically illicit as an end and as a means. The problem of the criteria to evaluate if the pregnancy could, or could not, continue on to the state of viability is a medical question. From the moral point of view, one must ask if the highest degree of certainty that medicine can reach has been reached, and in this sense the response given is valid for the question, as it has been proposed in good faith.

Furthermore, the response to the question does not state that the decision to undergo a hysterectomy is always the best one, but that only in the above-mentioned conditions is such a decision morally licit, without, therefore, excluding other options (for example, recourse to infertile periods or total abstinence). It is the decision of the spouses, in dialogue with doctors and their spiritual guide, to choose the path to follow, applying the general criteria of the gradualness of medical intervention to their case and to their circumstances.

The Sovereign Pontiff Francis, in the Audience granted to the undersigned Prefect of the Congregation for the Doctrine of the Faith, has approved the above response and ordered its publication.

Rome, from the Offices of the Congregation for the Doctrine of the Faith, December 10, 2018.

Luis F. Card. Ladaria, S.I.
Prefect
+ Giacomo Morandi
Titular Archbishop of Cerveteri
Secretary

This response raised much concerns

The question concerned a case of hysterectomy causing the woman to become sterile. The Congregation for the Doctrine of the Faith mentions it had in the past responded with a classical argument (cf : Pius XII, 8 October 1953 ; *Humanae vitae*, n. 15) by distinguishing :

- The case when the condition of the uterus constitutes a real grave danger for the life or for the health of the mother : the ablation then is said licit.
- The case when the hysterectomy is used to prevent any more pregnancy : it is said illicit, as it constitutes then a direct sterilisation.

In this way, the CDF based its response on the principles of Double effect : it is permissible, under certain conditions (for a proportionate motive), to perform an action from which a good and willed effect follow, even if this action can cause

an evil effect. Thus, if it is possible to intend a legitimate goal (the health of the mother gravely compromised) by a mean (hysterectomy) which also causes sterilisation, it is not licit to use this mean with the direct intention of causing sterilisation. The good effect must be caused directly by the action and not by the mean of the evil effect, as it is required of us in the epistle to the Romans 3:8 : « And not rather let us do evil, that there may come good ? »

In the response dated 10 December 2018, the CDF does not consider the health of the spouse, but likely, without saying it expressively, the inconvenience – indeed considerable in terms of psychological health – the repetitive miscarriages, the uterus being irreversibly in a condition to reject embryos. In this case, the CDF makes a totally different argument than the one that would integrate the principles of Double effect. Since the embryos can never reach a stage of viable birth, the CDF applies a syllogism which seems quite hazardous : the finality of the procreation process is to give life to a creature ; yet, the birth of a live foetus is not possible biologically ; thus, there is no real procreation.

Yet, life is produced by the sole conception, « life not yet born » (*Evangelium vitae*, n. 44). Because the teaching of the Church reminds us that, no matter the philosophical discussion about the moment of the animation of the embryo, the life of a human being (which must be absolutely respected) exists at the moment of each conception (instruction *Donum vitae*, 22 February 1987). Whatever the stage of cellular development, embryos are humans fruits of the procreation between a man and a woman. And the moment they are animated, these beings are destined to eternity, even though they were to see not the light of day : limbo, according to traditional doctrine, or paradise, according to the arguable hypothesis of a 2007 document of the International Theological Commission.

In other words, the CDF, in the case when conception would unlikely reach the birth of a viable child, legitimates a sterilisation intended to prevent the acts of marriage to produce its effects. In this case, says the CDF, the sterilisation of the woman, in the intention of performing without risk to her health the acts of marriage, is morally acceptable.

But then, why the sterilisation of the woman wouldn't be acceptable also – by sterilisation or contraception – in all the other cases when the physical or moral health of the spouse, the balance in the marriage, the financial situation, etc... could make the birth a new child undesirable ? In other words, doesn't the response of the CDF tend to invalidate the doctrine of *Humanae vitae* ? (one will notice that the approbation given by the pope is not in specific form, which means that the response does not abrogate any of the former documents of the same subject).

The reasoning of this response is quite awkward. But, the more astonishing is that the responses classical moralists would have given are indicated, nonetheless, by the Congregation for the Doctrine of the Faith, but only under the mention « Other options » : in engaging in the acts of marriage, the consideration of infertile periods or of a total abstinence from these acts.

Father Claude Barthe ◆