

**Socjeta' Maltija ghal Civilta' Nisranija
- Pro Malta Christiana -
Research and Studies Commission**

**IS ADULTERY NO LONGER A SIN?
Notes on the Maltese Bishops'
Criteria for the Application of
Chapter VIII of *AMORIS LAETITIA***

**With a Message of Praise
by His Excellency Bishop Athanasius Schneider**

**Appendici bil-Malti:
Kura Pastoralj jew Rivoluzzjoni Pastoralj?**

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**Message of Praise from His Excellency
Most Reverend Athanasius Schneider
O.R.C., Auxiliary Bishop of Astana,
Kazakhstan**

From: Athanasius Schneider, Auxiliary Bishop of
Astana, Kazakhstan.

Date: Wednesday, September 11, 2019.

Subject: Re: Booklet on Maltese Bishops and *Amoris
Laetitia* and letter to Bishop Schneider

To: Mr. Juan Miguel Montes, Director, Rome Bureau
for the Societies for the defense of Tradition,
Family and Property (TFP).

Dear Mr. Montes,

I read the text of the *Pro Malta Christiana* booklet and consider its content doctrinally sound and that it conforms to the safe Catholic theological tradition.

I augur a good and successful diffusion of this booklet, and hope that it will prove to be a light in the darkness of the doctrinal confusion in these days.

With cordial greetings in Christ,

+ Athanasius Schneider
Auxiliary Bishop of Astana.

Preface

There is little doubt that the family in Malta and around the world finds itself in a profound crisis of unimaginable proportions. On April 18, 2005, in his homily for the Mass “Pro Eligendo Romano Pontefice” prior to the Conclave that elevated him to the Papacy, Cardinal Joseph Ratzinger warned of a “dictatorship of relativism”. This relativism’s threat to the Catholic Faith has increased in recent years, with a full-scale onslaught against the indissoluble bond of Christian marriage between a man and a woman over the years, and Malta has proved to be no exception.

What is perhaps worse, the dictatorship of relativism aims to change the Church’s immutable dogmatic and moral doctrines in order to destroy the Christian concept of the order of things willed by God the Creator. The neo-modernists infiltrated within the Holy Church promote the erroneous belief that Truth evolves, with God continuously revealing Himself through culture and history. These enemies of the Faith claim that Our Lord Jesus’ clear words simply reflected the culture of his time, and must now be reinterpreted to accommodate our very different culture today.

The neo-modernists among the Catholic clergy around the world – many of whom are very highly placed in the hierarchy – have consistently manipulated the use of the flexible meaning of words or catch phrases, resulting in shifting the faithful from the Church’s traditional morality to a sinful opposite. Sadly, this is exemplified very well in the document entitled *Criteria for the Application of Chapter VIII of Amoris Laetitia* issued by the Bishops of Malta and Gozo in January 2017.

This document encapsulates the Maltese episcopate's interpretation of the Post-Synodal Apostolic Exhortation *Amoris Laetitia* (*The Joy of Love*) published under the authority of the Supreme Pontiff Pope Francis on 19th March 2016. The Bishops of Malta and Gozo have thus outlined the new framework in terms of a pastoral policy for Catholics residing in the Maltese islands, and who are living in adultery with persons other than their legitimate spouses.

Regrettably, this new pastoral approach, as outlined in the foregoing Bishops' document, conflicts and is clearly and unquestionably at variance in several respects with the traditional Catholic teaching and pastoral policy on marriage and the family advocated by the Church over its two-thousand year existence.

The Maltese Bishops' *Criteria* present a canonically and ecclesiological false view that an individual's assessment of his or her own readiness to receive Holy Communion by "feeling at peace with God" controls the priest's decision to administer the sacrament. This directly repudiates Canons 915 and 916 of the Code of Canon Law, which state clearly that persons known to be divorced and remarried are objectively in a state of manifest grave sin.

Moreover, such affirmations by the Maltese Bishops promote the primacy of human conscience over God's Law, something wholly unacceptable for any true Catholic. This must be seen in the light of Catholic doctrine which has always taught that conscience must be upright and rightly formed, and hence fully in line with Christian truth.

This booklet entitled *Is Adultery No Longer a Sin?* analyzes the Maltese Bishops' interpretation of the eighth chapter of Pope Francis' post-Synodal Exhortation *Amoris Laetitia* in

the light of traditional Catholic moral and social doctrine. It thus takes the immutable teaching of the Catholic Church as the basis for its analysis and conclusions. While far from being an exhaustive study, it provides sufficient argumentation and depth to show that the Maltese bishops' document is clearly flawed from both the doctrinal and pastoral standpoints in several respects.

The Maltese Society for Christian Civilisation – Pro Malta Christiana, which is publishing this study, is a civic and cultural entity of Catholic inspiration, dedicated to promoting and defending the three pillars of Christian Civilisation, namely Tradition, Family and the right to private Property in light of the traditional magisterium of the Roman Catholic and Apostolic Church. We consider it an obligation of conscience to raise the alarm – prudently but firmly – in defense of the Christian social order in our country, so gravely threatened by the infiltration of heterodox propositions and “teachings”.

In doing so, we avail ourselves of a right all Catholics enjoy under Canon Law. In publishing this work, *Pro Malta Christiana* is hence fulfilling its statutory Christian duty towards God, His Church and the Maltese nation.

Following St. Paul's example (cf. Galatians 2:11), this work calls for a respectful filial resistance on the part of Maltese and Gozitan Catholics against the Maltese Bishops' new pastoral “orientation” concerning the divorced and re-married Catholics and their access to the Sacrament of Holy Communion. We resist publicly out of love and respect for our Bishops and the Supreme Pontiff. True loyalty consists in telling our venerable clergy not what they want to hear, but what they need to hear in the light of the true faith, and consequently all gestures, statements, and politico-pastoral

strategies that clash with the *depositum fidei* and Church Tradition must be resisted by all Catholics consistent with their faith.

We dedicate this work to her who has crushed all heresies, the Blessed Virgin Mary, Queen of Malta, confident in the promise made by the Mother of God at Fatima: “*Finally my Immaculate Heart shall Triumph*”.

Philip M. Beattie

President,

Maltese Society for Christian Civilisation – Pro Malta Christiana

Sliema, October 13, 2019

102nd Anniversary of the last apparition of Our Lady at Fatima

Code of Canon Law

“ Can. 212 - §2. The Christian faithful are free to make known their needs, especially spiritual ones, and their desires to the pastors of the Church.

“Can 212 - §3. In accord with the knowledge, competence and preeminence which they possess, they (the faithful) have the right and even at times a duty to manifest to the sacred Pastors their opinion on matters which pertain to the good of the Church, and they have a right to make their opinion known to the other Christian faithful, with due regard for the integrity of Faith and Morals and reverence towards their pastors, and with consideration for the common good and the dignity of persons.”

1. The Background to the post-Synodal Apostolic Exhortation *Amoris Laetitia*

On 8 October 2013, His Holiness Pope Francis announced that an Extraordinary General Assembly of the Synod of Bishops would be convened to discuss “The Pastoral Challenges of the Family in the Context of Evangelization”. The Synod is a solely consultative assembly that has no Magisterial weight in and of itself. The Preparatory Document for this Synod was published on 11 May 2013 by the Pontifical Council for the Family. In line with Pope Francis’ express wishes, the Extraordinary Assembly of the Bishops took place in the Vatican from 5 to 19 October 2014. This assembly was designed to prepare the Ordinary Assembly to be held in Vatican City between 4 and 25 October 2015. The Synod on the family was hence divided into two phases with a one year period in between.

The Synod’s organizers wished to have a concrete vision of the situation of the family in contemporary society in order to initiate a new theological and pastoral reflection. The *Relatio Synodi* – the final document of the 2014 Synod – affirms the importance of “listening” in its Introduction, “in order to look at the reality of the family today in all its complexities, both lights and shadows”.¹

Prior to the 2014 Synod, a Questionnaire annexed to the Preparatory Document was sent to all the Catholic Bishops of the world as well as to several Catholic organizations with the aim of collecting suggestions formulated by

1. Pontifical Council for the Family. (2014); *The Pastoral Challenges of the Family in the Context of Evangelization*, *Relatio Synodi*, Introduction no. 4.

the “people of God”. Regrettably, authoritative scholars expressed numerous concerns about this Questionnaire, “... showing that it excluded many realities and problems, even important ones, while presenting a partial or exaggerated version of others. In essence, the image of the family that arises from the answers seems to resemble less the real one than the one the secularist culture propagates through the mass media”.²

In her procedures, the Church has always started from the Truths of the Faith, drawn from the Word of God and from Tradition, and then developed a pastoral policy to achieve it in reality in order to guide souls toward eternal salvation. The Synod’s tendency however, was to do the opposite. That is it started from concrete situations in order to develop a pastoral policy and discipline accommodated to them.³ Indeed during the Synod’s deliberations, a current of liberal bishops led by Cardinal Walter Kasper pushed incessantly for wider tolerance for the reception of Communion by divorced and “remarried” Catholics. Over the course of the synodal process, it became increasingly clear that a not inconsiderable number of synod fathers wished to undermine or alter Catholic teaching on marriage and the family.⁴

2. Most Rev. Aldo di Cillo Pagotto, Most Rev. Robert Vasa, Most Rev. Athanasius Schneider; *Preferential Option for the Family: 100 Questions and Answers relating to the Synod*, Edizioni Supplica Filiale, 2015, p.14.

3. *Ibid.*, p.23.

4. Matthew McCusker, *Key doctrinal errors and ambiguities of Amoris Laetitia*, address to the Rome Life Forum, May 16, 2016; <https://www.lifesitenews.com/opinion/key-doctrinal-errors-and-ambiguities-of-amoris-laetitia>.

2. Can the Pope, the Synod of Bishops, or national Bishops' Conferences change Church doctrine on matters relating to faith and morals?

Neither the Pope, nor the Synod of Bishops nor any other Church authority has the legal or moral competence to change the doctrine of the Church. This was made abundantly clear by Pope Saint Paul VI: **“Since the Church did not make either of these laws, she cannot be their arbiter – only their guardian and interpreter. It could never be right for her to declare lawful what is in fact unlawful, since that, by its very nature, is opposed to the true good of man”**.⁵

And Cardinal Velasio De Paolis further affirms: “A doctrine which lasted for centuries and has constantly been reaffirmed by the Church cannot be changed without risking the credibility of the Church”.⁶

The Pope as Roman Pontiff may change the **discipline** of the Church in matters of marriage and family, but this is subject to the **strict condition** that any disciplinary changes he may implement **must always be consistent with the revealed Truth of the Catholic faith** and the salvation of souls. Additionally: **“Many key points of moral theology, such as the doctrine on sacramental marriage, are of direct divine institution and therefore**

5. Pope Saint Paul VI, encyclical *Humanae Vitae*, 25 July 1968, No.18, in di Cillo Pagotto et.al, (op.cit), p.12.

6. Valasio De Paolis, *I divorziati risposati e I Sacramenti dell'Eucaristia e della Penitenza*, Keynote Address at the Regional Ecclesiastical Tribunal of Umbria, 8 January 2015, p.24.

cannot be changed by any ecclesiastical authority, not even by the Supreme Pontiff.”⁷

Furthermore, it is erroneous to assert that the prohibition of Holy Communion for persons living in adulterous relationships as found in the Code of Canon Law (can. 915) could be changed in future by a new discipline, as the Pontifical Council for Legislative Texts makes clear: “ **The prohibition found in the cited canon, by its nature, is derived from divine law and transcends the domain of positive ecclesiastical laws; the latter cannot introduce legislative changes which would oppose the doctrine of the Church**”.⁸

For his part, Pope St. John Paul II makes clear the following: “It seems quite clear that the non-extension of the Roman Pontiff’s power to ratified and consummated sacramental marriages is taught by the Church’s Magisterium as a doctrine to be held definitively.”⁹

7. di Cillo Pagotto et.al (op.cit), p.12. Bold emphasis is ours.

8. Pontifical Council for Legislative Texts., *Declaration concerning the Admission to Holy Communion of Faithful Who are Divorced and Remarried*; 24 June 2000, No. 1, in di Cillo Pagotto et.al, (2015) op.cit, p.44.

9. St.John Paul II, *Address to the Tribunal of the Roman Rota*, 21 January 2000; in di Cillo Pagotto et.al, (op.cit), p.12.

3. The Apostolic Exhortation *Amoris Laetitia* and the Reaction in the Catholic World

On 8 April 2016, Pope Francis published the Apostolic Exhortation *Amoris Laetitia* (*The Joy of Love*), thereby marking the end of the synodal process launched in October 2013.

This Apostolic Exhortation is the concluding document of the synodal process. According to Matthew Mc Cusker, Deputy International Director for the Society for the Protection of Unborn Children (UK), a number of statements in *Amoris Laetitia* directly contradict the authoritative teaching of the Catholic Church, and includes further statements that undermine it without directly contradicting it.¹⁰ Chapter Eight (*Accompanying, Discerning and Integrating Weakness*) of this document in particular, came under fire from McCusker and several other Catholic scholars, both clerical and lay, for the way Catholic doctrine is undermined, with this chapter including: “..... the most erroneous sections of this document”.¹¹

It is the eighth chapter of the papal document that opened the possibility for civilly “remarried” divorcees to receive Holy Communion on a “case-by-case basis”. Four Cardinals respectfully raised *dubia* on the subject, but the pope never responded. According to Chilean researcher Jose Antonio Ureta,: “Dozens of bishops, priests, religious, theologians, and laymen have taken a public stand in defense of traditional Catholic doctrine” in the wake of

10. Matthew McCusker, (op.cit), 3/14.

11. Ibid, 3/14.

Amoris Laetitia's publication, "a front of resistance unseen in Church history for centuries".¹²

Matthew McCusker (cited above) contends that it is in Chapter Eight that one finds Pope Francis' implied conclusion: "that in paragraph 297, and its accompanying footnote 329, *Amoris Laetitia* not only seems to suggest tolerating adultery but actually suggests that adulterous acts might in some cases be necessary for the good of children. And in order to achieve this end the Apostolic Exhortation distorts the teaching of *Familiaris Consortio* and *Gaudium et Spes*".¹³

According to the renowned Brazilian Catholic moral theologian and researcher Luiz Sergio Solimeo; "Regretfully, in its insinuations, ambiguities, omissions and one-sidedness, instead of buttressing the sacred institution of marriage and the family, *Amoris Laetitia* contributes to their disintegration. Some have pointed out that *Amoris Laetitia* also has many good things. In this, however, one must always remember that good comes from the integrity of a cause and is corrupted by any defect. Evil and error, when mixed with good and truth are more harmful than

12. Jose Antonio Ureta; *Pope Francis' "Paradigm Shift": Continuity or Rupture in the Mission of the Church?* The American Society for the Defense of Tradition, Family and Property, (2018), Pennsylvania, p.101.

13. Matthew McCusker, (op.cit), 5/14. Chapter 8, para 297, Footnote no.329 of *Amoris Laetitia* in reference to divorced Catholics living in adulterous situations reads: "**In such situations, many people, knowing and accepting the possibility of living "as brothers and sisters' which the Church offers them, point out that if certain expressions of intimacy are lacking, "it often happens that faithfulness is endangered and the good of the children suffers"**".

when alone”.¹⁴

The Brazilian researcher continues thus: “Ultimately AL (*Amoris Laetitia*) accepts the “Kasper thesis”, not just in note 351 of paragraph 305, but throughout the Exhortation’s confused and ambiguous line of reasoning. Leaving aside the document’s sociologism, its theological-moral argumentation is based on the principle that Divine Law and Natural Law cannot be applied universally to all persons because these Laws have to be adapted to the specific circumstances of the lives of each individual and their subjective consciences. AL downplays the normative character of Natural Law, presenting it only as a “source of objective inspiration for the deeply personal process of making decisions (No.305).”¹⁵

Jose Antonio Ureta, cited earlier, has presented the perennial teaching of the Church on marriage and the family which is violated – both implicitly and explicitly - by *Amoris Laetitia*: “The Church’s centuries-old discipline denies Holy Communion for civilly “remarried” divorcees. They are in an objective state of mortal sin. Their fault is further aggravated by scandal if their adulterous situation is public and notorious. Whatever their subjective intentions may be, such persons are objectively in a state of “manifest grave sin”. Consequently they cannot receive the Holy Eucharist. To receive Holy Communion they must first repent of their

14. Luiz Sergio Solimeo. *Because of its Grave Errors “Amoris Laetitia” Should be rejected*; May 4, 2016; <http://www.tfp.org/because-of-its-grave-errors-amoris-laetitia-should-be-rejected>. According to Pope Leo XIII: “There can be nothing more dangerous than those heretics who admit nearly the whole cycle of doctrine, and yet by one word, as with a drop of poison, infect the real and simple faith taught by our Lord and handed down by Apostolic Tradition.” (Leo XIII, encyclical *Satis Cognitum*, June 29, 1896, No.9).

15. *Ibid*, 4/21.

sins and abandon their illicit relations. If “remarried” divorcees cannot leave the house where they live with the adulterous partner because, for example, they must raise their children, then they must commit to living chastely, i.e., under the same roof, but not in the same bed.”¹⁶

In September 2016, a “Declaration of Fidelity to the Church’s Unchangeable Teaching on Marriage and to Her Uninterrupted Discipline” was launched internationally. Its 36,049 signatories included three cardinals, nine bishops, 636 diocesan and religious priests, 46 deacons, 25 seminarians, 51 lay religious, 150 cloistered and active nuns as well as 458 academics. Earlier, in July 2016, forty-five Catholic theologians and scholars sent a missive to every Cardinal and the prefect of the Congregation for the Doctrine of the Faith together with a “Theological Critique” of *Amoris Laetitia*, stigmatizing many of the Apostolic Exhortation’s passages with a theological censure. Eleven propositions were censured as heretical, five as erroneous to the Faith and three as false.¹⁷

In the same year (2016), Cardinals Walter Brandmuller, Raymond Burke, and the later deceased Carlo Caffarra and Joachim Meisner interpellated Pope Francis with five doubts (*dubia*) concerning *Amoris Laetitia*’s chapter eight. An urgent request for an audience with the pope was made through this interpellation, which elicited no response from Pope Francis.

A year later, on September 24, 2017, sixty-two Catholic priests and intellectuals from twenty nations made public a letter they had sent to Pope Francis, and entitled *Correctio filialis de haeresibus propogatis* (Filial correction

16. Jose Antono Ureta (2018), op.cit, p.101.

17. Ibid.

due to the propagation of heresies). After publication, additional signatories joined, for a combined total of 250 distinguished individuals. This Filial Correction affirmed that the pope – through his Apostolic Exhortation *Amoris Laetitia* – upheld seven heretical positions on marriage, moral life and the reception of the sacraments, thereby promoting the diffusion of such heretical opinions within the Church.

In the wake of the doctrinal confusion caused by the publication of *Amoris Laetitia* and the subsequent publication on the Vatican website of the criteria drawn up by the bishops of the Buenos Aires region of Argentina for the implementation of the Apostolic Exhortation, three Bishops of Kazakhstan published a “Profession of Immutable Truths about Sacramental marriage” on 31 December 2017, feast of the Holy Family.

In this document, the Kazakh shepherds affirm that the norms issued by the Argentine bishops: “... caused a considerable and ever increasing confusion among the faithful and the clergy..... (And they are) a means of spreading the ‘plague of divorce’ even in the life of the Church”. The Kazakh bishops’ document further states that, “It is not licit (*non licet*) to justify, approve, or legitimize either directly or indirectly divorce and a non-conjugal stable relationship through the sacramental discipline of the admission of the so-called ‘divorced and remarried’ to Holy Communion, in this case a discipline alien to the entire Tradition of the Catholic and Apostolic faith”.¹⁸

18. Cf. Catholic News Agency. *Kazakh bishops affirm indissolubility of marriage – and its implications*; January 2, 2018; <https://www.catholicnewsagency.com/news/kazakh-bishops-affirm-indissolubility-of-marriage-and-its-implications-64517>.

4. **A Summary of the Constant and Immutable teaching of the Catholic Church on Marriage, Adultery, Divorce and the Sacraments**

As Rev. Father Robert Dodaro has observed: “The New Testament records Christ as condemning remarriage after divorce as adultery. In Gospel passages that treat of divorce, the condemnation of remarriage is always absolute (see Mt 5:31-32; 19:3-9; Mk 10:2-12; and Lk 16:18; cf. Lk 5:31-32). Saint Paul echoes this same teaching and insists that it is not his, but Christ’s: ‘to the married I give charge, *not I but the Lord*’ (I Cor 7:10; emphasis added)”.¹⁹

The Old Testament’s condemnation of adultery could not be clearer: “Thou shalt not commit adultery” (Exod 20:14). While divorce was permitted to the Jews in the Old Testament, in his reply to the Pharisees Jesus makes clear that this was only tolerated by God as a concession to “your hardness of heart..... but from the beginning it was not so” (Mt 19:8; cf. Mk 10:5-6). Our Blessed Lord makes it very clear that the indissolubility of marriage between a man and a woman is founded on a divine law that overrides contemporary Jewish norms concerning divorce: “What therefore God has joined together, let not man put asunder” (Mk 10:9).²⁰

Our Lord goes even further: “Everyone who divorces his wife and marries another commits adultery, and the one who marries a woman divorced from her husband commits adultery” (Lk 16:18).

19. Robert Dodaro OSA (ed); *Remaining in the Truth of Christ: Marriage and Communion in the Catholic Church*; 2014, Ignatius Press, San Francisco, p.13.

20. Cf. Robert Dodaro (op.cit), p. 14.

This has always been the immutable teaching of Holy Church from the earliest times as evidenced in Saint Augustine's writings: "In the sacrament it is provided that the marriage bond should not be broken, and that a husband or wife, if separated, should not be joined to another even for the sake of offspring"²¹

In more recent times, the neo-pagan mentality that promoted divorce was fulminated in the encyclical letter *Casti Connubii* authored by Pope Pius XI on the 31 December 1930, concerning Christian Marriage. In that document, Pope Pius states that not even the divinely instituted power of the Church, "....can ever affect for any cause whatsoever a Christian marriage which is valid and has been consummated, for as it is plain that here the marriage contract has its full completion, so, by the will of God, there is also the greatest firmness and indissolubility which may not be destroyed by any human authority".²²

In the same document Pope Pius condemns the subjective consciences of the individual Catholic living in an adulterous relationship and who find it hard to live in full accordance with the Church's teaching on marriage and the family. This stands in opposition to *Amoris Laetitia's* contention that achieving full continence in a relationship between persons in an adulterous union is merely "an ideal to aspire to" but which, at times, and in various situations, due to human frailty, may not be fully achievable.

Contrary to what the Maltese Bishops assert in their *Criteria for the Application of Chapter VIII of Amoris Laetitia* which permit persons in adulterous relationships to receive Holy

21. St. Augustine., *De Gen. ad litt.*, lib. IX, cap. 7, n.12.

22. Pius XI, encyclical *Casti Connubii*, 31 December 1930; in *Seven Great Encyclicals*, 1963, Paulist Press, N.Y.,p.87.

Communion if they subjectively feel - following a process of “discernment” - they “are at peace with God”²³, Pius XI affirms: **“Wherefore, let the faithful also be on their guard against the overrated independence of private judgment and that false autonomy of human reason. For it is quite foreign to everyone bearing the name of Christian to trust his own mental powers with such pride as to agree only with those things which he can examine from their inner nature, and to imagine that the Church sent by God to teach and guide all nations, is not conversant with present affairs and circumstances;.....”**²⁴.

The inadmissibility of divorced and “remarried” Catholics receiving Holy Communion was confirmed by Pope St. John Paul II in the Apostolic Exhortation *Familiaris Consortio* issued on November 22, 1981 with these words:

“However the Church reaffirms her practice, which is based on sacred scripture, of not admitting to Eucharistic communion divorced persons who have remarried. 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. Besides this, there is another special pastoral reason: If these people were admitted to the Eucharist, the faithful would be led into error and

23. Dan Hitchens, *Malta’s Bishops tell the remarried: take Communion if you feel at peace with God*; Catholic Herald, 13 January 2017; <https://catholicherald.co.uk/news/2017/01/13/maltas-bishops-tell-the-remarried-take-communion-if-you-feel-at-peace-with-god/>

24. Pius XI, *Casti Connubii*, (op.cit), no.104, p.108.

confusion regarding the church's teaching about the indissolubility of marriage".²⁵

The late Pontiff further added that: "Reconciliation in the sacrament of penance, which would open the way to the Eucharist, can only be granted to those who, repenting of having broken the sign of the covenant and of fidelity to Christ, are sincerely ready to undertake a way of life that is no longer in contradiction to the indissolubility of marriage".²⁶

In September 1994, the Congregation for the Doctrine of the Faith sent a *Letter to Catholic Bishops concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful*. The *Letter* reaffirmed the Church's teaching on the subject of communion for divorced and remarried Catholics thus: "In fidelity to the words of Jesus Christ, the Church affirms that a new union cannot be recognized as valid if the preceding marriage was valid. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God's law. Consequently, they cannot receive holy communion as long as this situation persists".²⁷

The notion that a divorced and remarried person, convinced in conscience of being able to receive the Eucharist, could do so rightly was condemned by the same Congregation with these words: "Pastors and confessors, given the gravity of

25. St. John Paul II, Apostolic Exhortation *Familiaris Consortio*, November 22, 1981; in Robert Dodaro (ed), op.cit, p. 257.

26. Ibid., p.259.

27. Congregation for the Doctrine of the Faith. *Letter to the Bishops of the Catholic Church concerning the Reception of Holy Communion by the Divorced and Remarried Members of the Faithful*; September 14, 1994, No.4; in Robert Dodaro (op.cit), p.269.

the matter and the spiritual good of these persons as well as the common good of the Church, have the serious duty to admonish them that such a judgment of conscience openly contradicts the Church's teaching".²⁸

This same teaching was again reaffirmed by Pope Benedict XVI in the Post-Synodal Apostolic Exhortation *Sacramentum caritatis* of February 22, 2007. The document states – in line with traditional Catholic doctrine – that: "... 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.....".²⁹

Pope Benedict's document demonstrates that where objective circumstances make the ceasing of cohabitation between adulterous persons impossible, these members of the faithful are encouraged:" to commit themselves to living their relationship in fidelity to God's law, as friends as brother and sister; **in this way they will be able to return to the table of the Eucharist**, taking care to observe the Church's established and approved practice in this regard". Such a path, Pope Benedict adds can never: "..... involve the blessing of these relations, lest confusion arise among the faithful concerning the value of marriage".³⁰

28. Ibid (No.6), p.273.

29. Benedict XVI, Apostolic Exhortation *Sacramentum caritatis*, February 22, 2007 in Robert Dodaro (ed), op.cit, p. 293.

30. Ibid., p.295.

Finally, the *Catechism of the Catholic Church* makes clear (No. 1650) that **absolution to divorced-and-remarried Catholics is conditional on their acceptance and commitment to living in complete continence.** The same *Catechism* affirms: “Contracting a new union, even if it is recognized by civil law, adds to the gravity of the rupture: the remarried spouse is then **in a situation of public and permanent adultery**” (No.2384).

5. The “Maltese Disaster”: The Maltese Bishops’ Criteria for the Application of Chapter VIII of *Amoris Laetitia*

The Maltese Disaster is the title of Canon Law Professor Dr. Edward Peters’ Blog³¹ which alludes to the *Criteria for the Application of Chapter VIII of Amoris Laetitia*, published jointly by the Bishops of Malta and Gozo in January 2017. The Maltese prelates’ document has come in for scathing criticism from several quarters as it allegedly gives: “..... **the most liberal approval for Communion to date from a bishops’ conference in response to Pope Francis’ apostolic exhortation *Amoris Laetitia*.** The Maltese bishops’ “Criteria for the Application of Chapter VIII of ‘Amoris Laetitia’” was called a disaster, a lowering of the bar, and the sinking of a ship”.³²

The Rev. Father John Zuhisdorf, for his part, categorized the Maltese bishops’ document as “The Maltese Fiasco”³³.

In one of the more controversial passages of the Maltese bishops’ *Criteria*, Archbishop Charles Scicluna of Malta and Bishop Mario Grech of Gozo state in No.10:

31. Cf. Edward Peters. *The Maltese Disaster*. <https://canonlawblog.wordpress.com/2017/01/13/the-maltese-disaster/>; January 13, 2017. In 2010, Dr. Peters was appointed a Referendary of the Apostolic Signatura by Pope Benedict XVI.

32. Lisa Bourne. *Maltese bishops’ guidelines ‘can only be called disastrous’*; Life Site News, Tuesday January 17, 2017; <https://www.lifesitenews.com/news/maltese-bishops-guidelines-can-only-be-called-disastrous>.

33. Rev. Fr. John Zuhisdorf. *The Maltese Fiasco – The Movie?*; Fr. Z’s Blog, 18 January 2017; <http://wdtprs.com/blog/2017/01/the-maltese-fiasco-the-movie/>.

“ If as a result of the process of discernment, undertaken with ‘humility, discretion and love for the Church and her teaching, in a sincere search for God’s will and a desire to make a more perfect response to it’ (AL 300), a separated or divorced person who is living in a new relationship manages, with an informed and enlightened conscience, to acknowledge and believe that he or she are at peace with God, he or she cannot be precluded from participating in the sacraments of Reconciliation and the Eucharist (see AL, notes 336 and 351).³⁴

In No. 11 of the same document, we read:

“During this discernment process, we should examine with these people, how “their participation can be expressed in different ecclesial services”, particularly within “the liturgical, pastoral, educational and institutional frameworks” (AL 299). One should not exclude that these people be considered suitable to be godparents”.³⁵

A small selection of authentically Catholic responses to the Maltese *Criteria* (and to these passages in particular) follows:

Canon Lawyer Edward Peters: “In my view the Maltese Bishops have effectively invited the Catholics entrusted to them (lay faithful and clergy alike) to commit a number of objectively gravely evil acts. That their document was moreover, published in *L’Osservatore Romano*, exacerbates matters for it deprives Vatican representatives of the ‘plausible deniability’ that they could have claimed (and might soon enough wish they could claim), as it becomes

34. Most. Rev. Charles Scicluna, Most. Rev. Mario Grech. *Criteria for the Application of Chapter VIII of Amoris Laetitia*, January 2017, p.7.

35. *Ibid.*, p.7.

known that **the Maltese bishops went beyond what even Amoris**, if interpreted narrowly, seemed to permit.

“The Maltese bishops have fallen *completely* for the canonically and ecclesiologically false view (.....) that an individual’s assessment of his or her own readiness to *receive* holy Communion (see c.(anon) 916) controls the minister’s decision to administer the sacrament (see c.(anon) 915). In Malta now, anyone who approaches for the sacraments should be recognized as being “at peace with God”. Objective evidence to the contrary is simply no longer relevant. **Canon 916 is thus eviscerated, Canon 915 is effectively repudiated.**

“The Maltese bishops do not seem to know what the word “conjugal” means. They think that non-married people *can* practice “conjugal” virtues and that they can decide about whether to engage in “conjugal” acts. Nonsense and, coming from bishops, inexcusable nonsense at that. Non-married people can have *sex*, of course, but Catholic pastoral integrity does not hold such sexual acts on par with the physically identical, but truly *conjugal* acts as performed by married persons.

“The Maltese bishops, by extending their document to the sacrament of Reconciliation, have basically instructed their priests not to withhold absolution from divorced-and-remarried Catholics who refuse to repent of their “public and permanent adultery” (CCC 2384.....) even to the point of abstaining from sexual (nb *sexual* not “conjugal”) relations. Incredibly such a directive raises the spectre of green-lighting sacrilegious confessions and the commission of solicitation in confession..... No priest should want either on his conscience, let alone both.

“The Maltese bishops even managed to take swipes at Baptism and Confirmation by opening the door to divorced-and-remarried Catholics serving as godparents contrary to the expectations of canon 874 §1, 3°. See *CLSA New Comm* (2001) 1062-1063”.³⁶

Rev. Father Gerald E. Murray J.C.D.: “Thus Maltese Catholics who are living in adulterous second marriages are now being **told by their bishops** that they can engage in gravely sinful behavior that is publicly known and **not be denied Holy Communion when they “acknowledge and believe” that they are “at peace with God”**.”

“What did Our Lord ever say that gave the bishops the impression that being at peace with God includes committing acts that are explicitly and strictly forbidden by God? Did Our Lord tell the woman caught in adultery “Go and sin no more, unless you have convinced yourself that you are exempt from obeying the Sixth Commandment, and the adulterous behavior in your case is pleasing, not displeasing, to God and therefore should be embraced as good for you by the rest of the Church community, including any spouse aggrieved by this behavior”. No, He simply said: “Go and sin no more” (Jn 8:11).

“How should Maltese priests who hear confession respond from this point on to divorced and remarried Catholics who seek absolution without a firm purpose of amendment? Are they to cooperate in what is plainly an act of non-repentance of adulterous behavior, as in the case of a man who tells the priest in confession that he plans to continue committing acts that he was taught were mortally sinful but now, thanks to this new document, he believes he is at peace with God?

36. Edward Peters, 2017 (op.cit), 1/3, 2/3. Bold text is the cited author’s.

“..... Clearly, this is scandalous and destructive of faith and morals”.³⁷

Rev. Father John Hunwicke: “In his Mutual Enrichment blog, English scholar Father John Hunwicke addressed how the Maltese bishops’ guidelines were an example of how AL (*Amoris Laetitia*) could be exploited to circumvent Catholic doctrine while giving the impression of preserving it. The Maltese bishops had, he wrote, “just spectacularly confirmed the suspicion that led (him) to write in December “that the more heterodox members of the episcopate, in their need to force an extreme hermeneutic onto the grey areas of *Amoris Laetitia*, would have to rely exclusively upon the footnotes.”³⁸

Philip F. Lawler, Editor Catholic World News: “Thus have the Maltese bishops taken a commanding early lead in the rigorous-discernment-process (RDP) race. As soon as you read the document, you could see the RDP envisioned in the Kasper proposal, and mentioned in AL, would quickly become a rubber-stamp process. Cardinal Kasper himself finessed the question of what the RDP would entail, refusing to answer questions about how it would actually work. That finesse proving successful, Pope Francis followed suit.

“When I was a child, there was a priest in our parish (...) who could say the old Mass in 11 minutes: Sunday Mass, complete with sermon, in under 15. He was very popular with a lot of parishioners for that reason. The Maltese bishops are now doing the same thing for the RDP. You knew there would be priests who would be quick to give

37. Rev. Fr. Gerald E. Murray. *Meltdown in Malta*, The Catholic Thing; January 18, 2017; <https://www.thecatholicthing.org/2017/01/18/meltdown-in-malta/>. Bold emphasis is our’s.

38. Lisa Bourne, (2017), op.cit., 3/4.

the green light; now they're almost giving it pre-emptively.

“Is there a term for the branch of theology that seeks to define the *absolute minimum* that is required for getting into heaven? The Soteriology of the Anchor Man? There's big money in that field; it's bound to be popular. If you stop and think about it, it's hard to 'accompany' someone through a narrow gate.

“Last week I argued that a lazy or feckless priest will be tempted, under the new dispensation suggested by *Amoris Laetitia*, to wave divorced/remarried Catholics through the Communion Line without any real examination of conscience. That goes double for the divorced/remarried people themselves. Not many lay Catholics read the fine print of bishops' documents. They read the headlines, and the headlines say that they should go to Communion if they feel at peace. More often than not, I fear, the (Maltese bishops') “discernment process” will end there.”³⁹

Catholic Journalist and Vatican insider Sandro Magister: “It is no coincidence that the bishops of Malta, when they conclude in writing that the divorced and remarried who live *more uxorio*,: “cannot be precluded from participating in the sacraments of Reconciliation and the Eucharist” do not find any other suitable citation within *Amoris Laetitia* apart from two sibylline footnotes, which Francis even stated he did not remember writing.”⁴⁰

39. Philip F. Lawler, *The Maltese Bishops lower the bar: Something lost in Translation?*; Life Site News, Wed, Jan 18, 2017, 1/3 and 2/3. <https://www.lifesitenews.com/opinion/the-maltese-bishops-lower-the-bar-something-lost-in-translation>.

40. Sandro Magister. *La navicella di Malta si unisce alla flotta del papa*, 14 January 2017; settimanecielo.it. Cited in <https://anticattocomunismo.wordpress.com/2017/01/14/amoris-laetitia-lepiscopato-di-malta-tradisce-il-vangelo/>. Our translation.

Also noteworthy is the article published on January 14, 2017 by respected Italian journalist **Marco Tosatti**, entitled: *Malta, i vescovi hanno di fatto cambiato il Catechismo* (“**Malta, the bishops have de facto altered the Catechism**”). In this article, Tosatti asserts that “it is evident” that the Maltese bishops’ disposition that divorced and remarried Catholics, following a process of discernment are not to be precluded from having access to the sacraments, “is in clamorous contradiction with the Catechism of the Catholic Church, currently in force, which states in No. 1650: ‘Today there are numerous Catholics in many countries who have recourse to civil *divorce* and contract new civil unions. In fidelity to the words of Jesus Christ - “Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery”¹⁶⁰ the Church maintains that a new union cannot be recognized as valid, if the first marriage was. If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God’s law. Consequently, they cannot receive Eucharistic communion as long as this situation persists. For the same reason, they cannot exercise certain ecclesial responsibilities. Reconciliation through the sacrament of Penance can be granted only to those who have repented for having violated the sign of the covenant and of fidelity to Christ, and who are committed to living in complete continence.”⁴¹

41. Marco Tosatti. *Malta, i vescovi hanno di fatto cambiato il Catechismo*, 14 January, 2017; marcotosatti.com. Cited in <https://anticattocomunismo.wordpress.com/2017/01/14/amoris-laetitia-lepiscopato-di-malta-tradisce-il-vangelo/>. Our translation.

6. The Maltese Bishops and the Universality of Catholic Doctrine and Discipline: “What is prohibited in the archdiocese of Philadelphia is permitted in Malta”

In light of the Maltese bishops’ *Criteria*, together with the reaction to *Amoris Laetitia* by national bishops’ conferences around the world, we have reached an unheard of state of affairs, when it comes to applying the Church’s universal teachings on divorced and remarried Catholics.

On April 25, 2017, the late Cardinal Carlo Caffarra wrote to Pope Francis, requesting a papal audience on behalf of the *dubia* Cardinals. The objective of the meeting request was to secure papal clarifications and answers in terms of the questions sent to Pope Francis seven months previously. This letter was in the pope’s hands by May 6 of that year and no response to the request for a papal audience was ever given to the sorely missed cardinal. On 20 June 2017, Cardinal Caffarra’s letter was published worldwide for the reflection of “the whole people of God”.⁴²

Noted Vatican affairs journalist Sandro Magister observed: “But in the meantime it is also useful to point out that, during the 45 days that have passed between the delivery of the letter to the pope and its publication, **the Babel of interpretations of “Amoris Laetitia”** - but not only

42. Sandro Magister. *Another Letter From the Four Cardinals To the Pope. This Too With No Response*, L’Espresso-Settimo Cielo, June 20, 2017, <http://magister.blogautore.espresso.repubblica.it/2017/06/20/another-letter-from-the-four-cardinals-to-the-pope-this-too-with-no-response/>.

this - has continued to grow”.⁴³ Magister’s online article demonstrates this “Babel of interpretations” in practice:

“The following facts can be presented in this regard:

- In Poland, the episcopal conference has announced that in October it will publish guidelines for the application of “Amoris Laetitia” that will hold firm, without exception, the teaching of John Paul II on the divorced and remarried, who will be able to receive communion only if they resolve to live “as brother and sister.”
- In Italy, the episcopal conference of the region of Sicily has published “Pastoral guidance” on the eighth chapter of “Amoris Laetitia” that provides for “practical solutions distinguished according to the situations,” including absolution and communion for the divorced and remarried who live “more uxorio.”
- In Belgium too, the bishops with a “Pastoral letter” have given the go-ahead to communion for the divorced and remarried, even if simply “decided in conscience.”
- In Argentina, in the diocese of Reconquista, Bishop Ángel José Macín, installed there by Pope Francis in 2013, has publicly celebrated the full readmission into the Church of around thirty divorced and remarried couples that continue to live “more uxorio,” giving them communion - he said - at the end of a collective course of preparation based on the indications of “Amoris Laetitia” and of the subsequent letter written by the pope to the bishops of the region of Rio de la Plata.
- Also in Italy, the theologian Maurizio Chiodi has published in the latest issue of the authoritative “Rivista

43. Ibid. Bold text is ours.

del Clero Italiano” an essay in which he argues in the light of “Amoris Laetitia” for the possibility of communion for the divorced and remarried on the basis of “a theory of conscience beyond the alternative of the norm.” The “Rivista del Clero Italiano” is published by the Catholic University of Milan, under the direction of three bishops: Gianni Ambrosio, Franco Giulio Brambilla, and Claudio Giuliadori. And Chiodi was appointed by the pope a few days ago as an ordinary member of the renovated Academy for Life.

- Again in Italy, in Turin, the Catholic priest Fredo Olivero has confirmed that the interconfessional group “Breaking bread” in which he participates meets once a month to celebrate the Eucharist now according to the Catholic ceremony and now the Protestant, all of those present receiving communion. He has said that he is sure this is the true “personal thinking” of Pope Francis, according to what he said on November 15, 2015 during his visit to the Lutheran church of Rome. He added that the dogma of transubstantiation must be reinterpreted in a “spiritual” vein, and that according to Jesus the Mass can be celebrated by anyone, not only an ordained minister. Fr. Olivero made this disclosure in the latest issue of “Riforma,” the weekly of the Waldensian Church.
- And finally, at the Vatican, it turns out that has been set up a commission charged with “reinterpreting” in the light of “Amoris Laetitia”, the encyclical of Paul VI “Humanae Vitae” on contraception. The members of this commission are Pierangelo Sequeri, head of the Pontifical John Paul II Institute for Studies on Marriage and Family, Angelo Maffei, head of the Paul VI Institute in Brescia, and Philippe Chenaux, a professor of Church history at the Pontifical Lateran University. The coordinator is Gilfredo

Marengo, a professor of theological anthropology at the aforementioned institute founded by John Paul II and a longstanding supporter of revisionist ideas.”⁴⁴

It seems inescapable to conclude that the Maltese bishops’ interpretation of *Amoris Laetitia* has not only added to this doctrinal and disciplinary confusion, but has also served to provide one of the most – if not the most – radical interpretations of this papal exhortation.

In this respect, Cardinal Caffarra’s April 25, 2017 letter to Pope Francis has highlighted the doctrinal confusion that has resulted from such varying interpretations, with a direct reference to the *Criteria* published by the bishops of Malta and Gozo:

“Despite the fact that the Prefect of the Doctrine of the Faith has repeatedly declared that the doctrine of the Church has not changed, numerous statements have appeared from individual Bishops, Cardinals, and even Episcopal Conferences, approving what the Magisterium of the Church has never approved. Not only access to the Holy Eucharist for those who objectively and publicly live in a situation of grave sin, and intend to remain in it, but also a conception of moral conscience contrary to the Tradition of the Church. **And so it is happening – how painful it is to see this! – that what is sin in Poland is good in Germany, that what is prohibited in the archdiocese of Philadelphia is permitted in Malta.** And so on. One is reminded of the bitter observation of B. Pascal: “Justice on this side of the Pyrenees, injustice on the other; justice on the left bank of the river, injustice on the right bank.”⁴⁵

44. Ibid.

45. Ibid. Bold text added to the original.

7. Could Receiving the Eucharist possibly become a spiritual medicine that promotes full conversion of adulterous persons?

The Maltese bishops affirm that persons in an “irregular (marital) situation” can live in God’s grace and can also grow in the life of grace and charity while receiving the Church’s help to this end (AL 305). “This discernment acquires significant importance since, as the Pope teaches, in some cases this help can include the help of the sacraments (see AL note 351).”⁴⁶ This is not in accordance with Catholic teaching and Tradition. Indeed, as Bishops di Cillo Pagotto, Vasa and Schneider point out:

“Those who receive the Eucharist are not merely taking a spiritual medicine but actually the Body and Blood of Christ and must be worthy to do so by being in a state of grace. But the divorced and remarried are objectively in the state of mortal sin. So, if they receive Communion they risk committing a sacrilege and their Communion would not be a medicine but rather a spiritual poison. If a celebrant admits such a sacrilegious Communion, either he does not believe in the Real Presence of Christ or in the fact that being divorced and remarried is a situation of mortal sin.

““I therefore desire to affirm that in the Church there remains in force, now and in the future, the rule by which the Council of Trent (De Eucharistia, canon XI) gave concrete expression to Apostle Paul’s stern warning when it affirmed that, in order to receive the Eucharist in a worthy manner, “one must first confess one’s sins, when

46. Scicluna, & Grech, (op.cit), paragraph 7, p.6.

one is aware of mortal sin (1 Cor 11, 29)” (St. John Paul II, *Ecclesia de Eucharistia*, 17 April 2003, No.36).”⁴⁷

47. Di Cillo Pagotto, Vasa & Schneider, (op.cit) pp.44-45.

8. “Discernment” and “Accompaniment” in the Maltese Bishops’ *Criteria*

The Maltese Bishops have insisted that the Maltese guidelines stipulate that divorced-and-remarried Catholics should go through a serious process of discernment before reaching any decision as to whether they feel “at peace with God”. In the Introduction to the Maltese *Criteria*, in addressing Maltese and Gozitan priests, the Maltese prelates state:

“Through accompaniment and honest discernment, God is able to open up new routes for these (divorced) persons (in a new union), even if their previous journey may have been one of “darkness”, marked with past mistakes or sad experiences of betrayal and abandonment”.⁴⁸

The bishops’ *Criteria* states that they have: “the duty to exercise the “art of accompaniment” and to become a source of trust, hope and inclusion for those who request to see Jesus (see Jan 12, 21), especially for those persons who are most vulnerable (see AL, 291, 296, 308; EG 169)”.⁴⁹

According to Italian Catholic scholar Guido Vignelli, by definition discernment is the ability to make a judgment or choose a behavior according to the requirements of an existing situation. Vignelli notes that discernment not only requires knowledge of a person in his particular situation, but also: “...and especially, in reference to an upright criterion of judgment and an objective standard of assessment aiming to achieve the *justum*, i.e. an ethical truth. On the other hand, this requires distinguishing

48. Scicluna & Grech, (op.cit), p.1.

49. Ibid., No.1, p.2.

between various persons and situations that have to be judged differently, a perception that is often criticized now as *discrimination*.

“One cannot discern without judging. The famous evangelical prohibition of judgment (see Luke 6:37) only affects rash judgment, which often proves to be wrong and unfair because it seeks to scrutinize a person’s inner conscience. Here it is not a question of judging consciences, but ideas and actions”.⁵⁰

In this respect, whilst discussing the accompaniment of persons in irregular or morally illicit situations, the Maltese bishops affirm that: “Our role is not simply to.... substitute their conscience. Our role is patiently to help them to form and enlighten their own conscience, in order that they themselves may be able to make an honest decision before God and act according to the greatest good possible (see AL 37).”⁵¹

Bishops Scicluna and Grech add the following, omitting – for reasons best known to themselves – that persons in irregular situations who cannot separate must not engage in conjugal acts proper to married persons as taught by Catholic doctrine (more recently evidenced by Pope Benedict XVI’s clear teaching):⁵²

“Throughout this discernment, an adequate distinction should be made between one situation and another, because not all cases are the same. “One thing is a second

50. Guido Vignelli. *A Pastoral Revolution: Six Talismanic Words in the Ecclesial Debate on the Family*; (2018); The American Society for the Defense of Tradition, Family and Property, Pennsylvania, pp.41-42.

51. Scicluna & Grech, (op.cit), No. 2, p.3.

52. Cf. Benedict XVI, *Sacramentum caritatis*, No.29.

union consolidated over time, with new children, proven fidelity, generous self-giving, Christian commitment, a consciousness of its irregularity and of the great difficulty of going back without feeling in conscience that one would fall into new sins. The Church acknowledges situations ‘where for serious reasons, such as children’s upbringing, a man and woman cannot satisfy the obligation to separate’.⁵³

“Throughout the discernment process, we need to weigh the moral responsibility in particular situations with due consideration to the conditioning restraints and attenuating circumstances. Indeed, “factors may exist which limit the ability to make a decision,” (AL 301) or even diminish imputability or responsibility for an action. These include ignorance, inadvertence, violence, fear, affective immaturity, the persistence of certain habits, the state of anxiety, inordinate attachments, and other psychological and social factors (see AL 302; CCC 1735, 2532).”⁵⁴

The Maltese bishops subsequently cite *Amoris Laetitia* to assert a proposition that violates the Catechism of the Catholic Church⁵⁵ and which has been condemned as heretical by at least 250 moral theologians, Catholic intellectuals and clergymen:⁵⁶

“As a result of these conditioning restraints and attenuating circumstances, the Pope teaches that **“it can no longer simply be said that all in those in any ‘irregular**

53. Scicluna & Grech, (op.cit), No.5, p.4.

54. Ibid., No.7, p.5-6.

55. *Catechism of the Catholic Church*, No.2384: “Contracting a new union, even if it is recognized by civil law, adds to the gravity of the rupture: the remarried spouse is then in a situation of public and **permanent adultery**”.

56. Cf. *Correctio filialis de haeresibus propogatis*, July 16, 2017, p.4. www.correctiofilialis.org.

situation are living in a state of mortal sin and are deprived of sanctifying grace” (AL 301). “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 grow in the life of grace and charity, whilst receiving the Church’s help to this end” (AL 305).

This discernment acquires significant importance since, as the Pope teaches, in some cases this help can include the help of the sacraments (see AL note 351).⁵⁷

The Maltese bishops thus propose a pastoral theology that runs the serious risk of postulating the primacy of pastoral policy over doctrine, of conscience over the Law, and of listening over teaching. The Maltese bishops’ diagnostic method of discernment to analyze problematic situations clearly leads to judgment of such persons’ intent rather than their action. “Thus by evaluating according to subjective and situational criteria, this pastoral discernment risks confusing the fake with the sincere, the emotional with the rational, the exception with the rule, and, in practice, allowing all behavior, however unjustified in theory”.⁵⁸

The Maltese Bishops’ text describes “irregular” situations whose problematic nature requires circumstantial diagnosis and therapy. To a significant extent, this is illustrative of a linguistic deception by defining a situation with a euphemistic adjective (irregular) that cloaks its original illicit or immoral aspect, which would allow an ethical evaluation. According to the Maltese bishops’ line of thought, the Church must listen to persons in “irregular”

57. Scicluna & Grech, (op.cit), No. 7, p.6.

58. Guido Vignelli, (op.cit), p.42.

situations as much as possible, valuing their diversity, even if it questions family, moral and religious certainties. This “discernment” - by giving it a right of citizenship and power in the Church - is a factor likely to instill relativism and permissiveness.

Indeed, the primacy of listening over teaching which is insinuated throughout the entire *Criteria* document issued by the Maltese bishops, clearly translates into a parallel and consequent primacy of “discernment” over judgment, posing the rhetorical question: “Who am I to judge?”

By stating that they do not wish to “substitute their conscience”⁵⁹ but merely to “help them to form and enlighten their own conscience”⁶⁰, the Maltese bishops elevate the primacy of conscience over the Law as stated earlier: not only over ecclesiastical rules but also over Divine Law.

Herein lie grave risks as Vignelli points out: “Indeed, if laws have been replaced by existential requirements, then the moral Law now depends on the conscience, that is, on being known and consented to by an individual, or ultimately, a community. Actions that are evil *per se* or *states* of sin no longer exist, but only actions and situations that one’s conscience evaluates according to temporal and spatial criteria”.⁶¹

The fact that the Maltese bishops entreat such persons to make an “honest examination of conscience” throughout this process of discernment, does not invalidate the

59. Scicluna & Grech, (op. cit), No.2, p.3.

60. Ibid.

61. Vignelli, (op.cit), p.16.

argument that the Maltese bishops have left the decision as to whether or not these subjects are “at peace with God” in the final analysis, to the subjects themselves.

In terms of what the Maltese bishops term “accompaniment”, this means to follow someone, to keep him company or protect him. In the Catholic perspective, the only valid accompaniment is the one that leads man to God along the way of salvation, which is Jesus Christ. Therefore the shepherd must guide his flock by making it “walk worthy of the vocation in which you are called” (Eph, 4:1), that is in a saintly way.⁶²

Such an accompaniment ought to be vigorous in line with classical pastoral policy. This was made clear by **Pope Pius VII**, a pontiff who was not known for his severity: **“Rather than employing sweet and temporizing words, a parish priest should sternly exhort cohabiters not to commit such a grave crime and not to sin against the Divine Law”**.⁶³

By virtue of omissions in the Maltese bishops’ *Criteria*, it is unclear as to whether the process of accompaniment they propose will lead to contrition, penance and amendment of life for persons they refer to as living in “irregular situations” in line with immutable Catholic teaching, or a simple “enlightening of conscience”: “...in order that they themselves may be able to make an honest decision before God and act according to the greatest good possible”,⁶⁴ albeit after an “examination of conscience through moments of reflection and repentance.”⁶⁵

62. Vignelli, (op.cit), p.51.

63. Pius VII, Brief *Etsi fraternatis*, Aug. 10, 1803. In Vignelli (2018) op.cit, p.50.

64. See footnote 37.

65. Cf. Scicluna, & Grech, (op.cit), paragraph 6, p.5.

If such persons repent as the bishops intimate, no clear answer is provided by the Maltese shepherds to the question: “Are they fully committed to cease all sexual relations with their current partner this ensuring complete repentance?” On the contrary the Maltese shepherds make clear that there are situations where a state of permanent adultery may be countenanced for the “sake of the good of the children” of an adulterous union.

Additionally, the “accompaniment” proposed by the Maltese bishops implicitly assumes that the pastor does not lead the flock as its guide, but rather follows them, as a fellow traveler. It is thus implicitly insinuated that the Church has no right to teach the “pilgrim” in an “irregular situation” the way to go, nor seek to force him to follow it, but should limit herself to discovering the right way with him, and then follow him, sharing his fate.

This is very different from an authentically Catholic accompaniment where the shepherd is duty bound to bring about the conversion of sheep gone astray by ensuring that they make an about face and return to the path leading to the sheepfold. In other words, the Church is obliged - when dealing with people in error or sin - to admonish them,;“....offering the bitter but healing medicine of reproach”.⁶⁶

Saint Augustine teaches what fundamentally ought to characterize true “accompaniment”. His teaching is in stark contrast with the Maltese bishops’ notions on “accompaniment”:

66. Vignelli, (op.cit), p.55.

“Do not imagine that you.... then love your neighbor when you do not rebuke him: this is not charity, but mere feebleness. Let charity be fervent to correct, to amend”.⁶⁷

Furthermore, the Maltese Bishops insinuate that keeping all the Commandments of God – especially that which forbids adulterous sexual unions – may not always be humanly possible, thereby echoing what is stated in *Amoris Laetitia*⁶⁸.

Moreover, the entire tone of the Maltese bishops’ document is based on the premise that: “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” (AL 305). This calls for more prudent instruction in the law of gradualness (see AL 295) in order to discern the presence, the grace and the working of God in all situations, and help people approach closer to God, even when “not in a position to understand, appreciate, or fully carry out the objective demands of the law” (AL295).⁶⁹

Pope Saint John Paul II indeed shows that when it comes to observing God’s commandments, there can be no “**shades of grey**” as the Maltese bishops appear to imply:

“The *negative precepts* of the natural law are universally valid. They oblige each and every individual, *always and in every circumstance.... without exception*, because the choice

67. St. Augustine. *Homily 7 on the First Epistle of John*, trans. H.Browne, in *Nicene and Post-Nicene Fathers*, 1st Series, Vol. 7, ed. Philip Schaff (Buffalo, NY: Christian Literature Publishing Co., 1888), 11. Rev. and ed. Kevin Knight for New Advent; in Vignelli, 2018, (op.cit), p.56.

68. See for example, *Amoris Laetitia*, paragraph 297, footnote 329.

69. *Ibid*, paragraph 8, p.6. Bold emphasis is ours.

of this kind of behaviour is *in no case compatible* with the goodness of the will of the acting person, with his vocation to life with God and to communion with his neighbour. It is prohibited — *to everyone and in every case* — to violate these precepts. *They oblige everyone, regardless of the cost...*⁷⁰.

Moreover, by adopting certain statements from *Amoris Laetitia* on the human impossibility of keeping divine Commandments, Bishops Scicluna and Grech contravene fundamental Catholic doctrine which states, according to the Council of Trent:

“If someone says that the commandments of God are impossible to observe even for a man who is justified and established in grace, let him be anathema”.⁷¹

The same teaching was reaffirmed by Pope St. John Paul II in the Apostolic Exhortation *Reconciliatio et paenitentia* in 1985. Additionally the Maltese bishops’ reference to the “law of gradualness” distorts the teaching of Pope St. John Paul II in the Apostolic Exhortation *Familiaris Consortio* (1981) who himself used the term in said document. Whilst he acknowledged that people will make only gradual progress toward a life of virtue, the late Pontiff wrote that married persons:

“(They) cannot however look at the law as merely an ideal to be achieved in the future: they must consider

70. St. John Paul II., encyclical letter *Veritatis Splendor*, 6 August 1993, no.52; cited in Christopher A. Ferrara., *Jimmy Akin: Technically Speaking, Pope Still Catholic*, 8 May 2019; <https://remnantnewspaper.com/web/index.php/articles/item/4462-akin>. Italicized text is the author’s.

71. Council of Trent, session 6, canon 18; (DH 1568). In *Correctio filialis* (2017), op.cit, p.18. Bold emphasis is ours.

it as a command of Christ the Lord to overcome the difficulties with constancy. And so what is known as the “law of gradualness” or step-by-step advance cannot be identified with “gradualness of the law”, as if there were different degrees or forms of precept in God’s law for different individuals and situations”.⁷²

72. St. John Paul II, Apostolic Exhortation *Familiaris Consortio* (1981), no.34; In Philip F. Lawler, *Lost Shepherd: How Pope Francis is Misleading his Flock*, (2018), Regenery Gateway, Washington D.C., p.99.

9. The Maltese Bishops and Situation Ethics

It is painful for us as lay persons who venerate our Catholic clergy to have to affirm – without fear of contradiction – that the document issued by the Maltese Bishops (to which the entire text of AL’s Chapter VIII is annexed) is permeated by, or rather repeats the old errors of “Situation Ethics”, that denies the universal application of Moral Law. Indeed, as Luiz Sergio Solimeo has observed: **“Situation” is AL’s “key word”, and it is used eighty-eight times in the papal exhortation**.⁷³ **In the Maltese Bishops’ nine-page *Criteria*, the words “situation” or “situations” are used eleven times.**

The “Situation ethics” proposed by Bishops Scicluna and Grech have been condemned on several occasions by the popes. For example Pope Pius XII, in his 1952 address to the World Federation of Female Catholic Youth said:

“(These new morals) could be called “ethical existentialism”. (They) are not based on universal moral laws such as the Ten Commandments but on concrete and real conditions or circumstances in which one must act and according to which the individual conscience must judge and choose.

“(The) new ethics is so contrary to the Catholic faith and principles, that even a child who knows the catechism will realize it”⁷⁴

73. Luiz Sergio Solimeo, May 4, 2016, op.cit.

74. Pius XII, “*Speech to the Conference of the World Federation of Female Catholic Youth*”, *Discorsi e Radiomessaggi di sua Santità Pio XII*, April 18, 1952, Tipografia Poliglotta Vaticana, Vol. XIV, 72, 75.. (our translation).

The Maltese bishops appear to be oblivious to the 1956 condemnation of “Situation Ethics” by the (then) Congregation of the Holy Office,⁷⁵ mentioned in St. John Paul II’s Encyclical *Veritatis Splendor* in a footnote. In this encyclical, St. John Paul II gives an authentic explanation of the role of conscience thus:

“Conscience thus formulates *moral obligation* in the light of the natural law: it is the obligation to do what the individual, through the workings of his conscience, knows to be a good he is called to do *here and now*. The universality of the law and its obligation are acknowledged, not suppressed, once reason has established the law’s application in concrete present circumstances. The judgment of conscience states ‘in an ultimate way’ whether a certain particular kind of behavior is in conformity with the law; it formulates the proximate norm of the morality of a voluntary act, “applying the objective law to a particular case”” (No.59)⁷⁶.

What is perhaps worse, a careful reading of Bishops Scicluna and Grech’s document shows that their *Criteria* document **totally avoids mentioning**: “ a fundamental principle of Catholic Morals, that is the concept of *intrinsic evil*, that is acts that are bad in themselves, independently of the circumstances, as taught by the whole Catholic moral tradition. The Encyclical *Veritatis Splendor* of John Paul II, briefly recalls the fundamental principle of morals:

“81. In teaching the existence of intrinsically evil acts, the Church accepts the teaching of Sacred Scripture. The

75. Note 105: Supreme Sacred Congregation of the Holy Office, *Instructions on “Situation Ethics” Contra Doctrinam* (Feb 2, 1956): AAS 48 (1956), 144.

76. St. John Paul II, encyclical *Veritatis Splendor*, August 6, 1993, No.59. http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_06081993_veritatis-splendor.html.

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.”⁷⁷

Indeed, in the same encyclical *Veritatis Splendor*, St. John Paul II demonstrates that acts of adultery in themselves cannot be good in any case, no matter the circumstances or intentions with which they are practiced: “An intention is good when it has as its aim the true good of the person in view of his ultimate end. But acts whose object is “not capable of being ordered” to God and “unworthy of the human person: are always and in every case in conflict with that good”⁷⁸

Moreover, in the Maltese bishops’ document, (as well as in *Amoris Laetitia* on which the Maltese *Criteria* are based) on the other hand,: “...we see conscience presented as reaching a conclusion that deems a particular action, that is *not* in conformity with the objective law, can not only be tolerated, but can even be what God desires. The paragraph (303 of AL) thus reflects the approach of situation ethics, which rejects universal and binding moral norms and denies that there are certain acts which are intrinsically evil and can never be committed in any situation”.⁷⁹

77. Ibid., in Luiz Sergio Solimeo, (op.cit), 8/21. Bold text is the cited author’s.

78. St. John Paul II. *Veritatis Splendor*, (op.cit) No. 82.

79. Matthew McCusker, May 9, 2016, op.cit, 7/14.

Furthermore, the contention made by the Maltese bishops that: “On the other hand, there are complex situations where the choice of living “as brothers and sisters” becomes humanly impossible and give rise to greater harm (see AL, note 329)”⁸⁰ is totally inadmissible from the standpoint of traditional Catholic doctrine as reaffirmed by St. John Paul II in *Familiaris Consortio*, Pope Benedict XVI in *Sacramentum caritatis*, and is a clear expression of the “situation ethics” that has been roundly and consistently condemned by the Church.

This extraordinary claim made in footnote 329 of AL⁸¹ – and reiterated by the Maltese bishops – is gravely wrong for three reasons:

- a) Sexual acts outside marriage are intrinsically evil and it is never justifiable to commit an intrinsically evil act, even in order to achieve a good end;**
- b) One cannot speak of “faithfulness” when referring to a union that itself violates the fidelity due to the original marriage. By applying the word “faithfulness” or “fidelity”, *Amoris Laetitia* and the Maltese Bishops’ *Criteria* confer a degree of legitimacy on adulterous unions;**
- c) To imply that the children that are the fruit of an adulterous union might suffer because their parents live chastely infers that it can sometimes be**

80. Most Rev. Charles Scicluna, Most Rev. Mario Grech, January 2017, op.cit, p.7.

81. Note 329 of *Amoris Laetitia* states: “In such situations, many people, knowing and accepting the possibility of living ‘as brothers and sisters’ which the Church offers them, point out that if certain expressions of intimacy are lacking, ‘it often happens that faithfulness is endangered and the good of the children suffers’”.

beneficial to children that their parents continue to commit adultery. The clear implication here is that it might sometimes be appropriate to tolerate, or perhaps even encourage adultery.

10. The Maltese Bishops and Eternal Condemnation

The Maltese bishops' *Criteria* regrettably fail to make the required distinction between the natural and the supernatural orders, between sin and virtue, good and evil. One can arguably state that the spirit of the Maltese bishops' document; "... favours the whole miasma of secularist doctrines and dominant hedonism".⁸²

Perhaps the gravest affirmation these bishops implicitly endorse – made in AL – is that: "No one can be condemned forever, because that is not the logic of the Gospel!"⁸³ This affirmation stands in stark contrast with elementary Christian doctrinal norms and: "(It) suggests that if a person remains "forever" that to say, for years, in a stable state of sin, he can no longer be "condemned" as a sinner. As if a long period of time in sin could make it legitimate! Also, **at least implicitly**, AL denies the existence of Hell, or the eternal consignment to it. The words of Our Lord are clear though: "Depart from me, you cursed, into the everlasting fire which was prepared for the devil and his angels"⁸⁴.

82. Luiz Sergio Solimeo., (op.cit), 14/21.

83. *Amoris Laetitia*, No.297.

84. Luiz Sergio Solimeo., (2016), op.cit, 14/21. Bold emphasis is ours.

11. The Maltese Bishops and the Theory of the “Fundamental Option”

The theory of the fundamental option is closely related to the question of situation ethics. This theory separates individual moral acts from a person’s overall moral orientation. It further holds that a person can commit specific acts of grave immorality while remaining fundamentally oriented to God and in a state of friendship with Him.

This is precisely what paragraphs 301 and 303 of *Amoris Laetitia* clearly imply, with parts of paragraph 301 directly cited in the Maltese bishops’ document.

From an authentically Catholic perspective: “Historic Catholic theology would say that those sins which do not change our fundamental option are venial sins and that those sins which do change it are mortal sins. Whenever a person commits a mortal sin, he has changed his fundamental option and chooses to be against God; he loses the state of grace. But this is not the way fundamental option theorists present their system. They typically claim that one can commit acts such as adultery, homosexuality, and masturbation, which the Church has always regarded as mortal sins, without changing one’s fundamental option.

“The effect of fundamental option theory, when it is presented this way, is to minimize people’s awareness of mortal sin and the danger it poses to their souls. It was this teaching which undermines what the Church always

has taught concerning sin, that the pope (John Paul II) condemned (*Veritatis Splendor* 65-70).”⁸⁵

Thus the “fundamental option” implicitly promoted by the Maltese bishops is at variance with traditional Catholic teaching as explained in St. John Paul’s encyclical, *Veritatis Splendor*:

“According to the logic of the positions mentioned above, an individual could, by virtue of a fundamental option, remain faithful to God independently of whether or not certain of his choices and his acts are in conformity with specific moral norms or rules. By virtue of a primordial option for charity, that individual could continue to be morally good, persevere in God’s grace and attain salvation, even if certain of his specific kinds of behaviour were deliberately and gravely contrary to God’s commandments as set forth by the Church.

“In point of fact, man does not suffer perdition only by being unfaithful to that fundamental option whereby he has made ‘a free self-commitment to God’. With every freely committed mortal sin, he offends God as the giver of the law and as a result becomes guilty with regard to the entire law (cf. Jas 2:8-11); even if he perseveres in faith, he loses ‘sanctifying grace’, ‘charity’ and ‘eternal happiness’. **As the Council of Trent teaches, ‘the grace of justification once received is lost not only by apostasy, by which faith itself is lost, but also by any other mortal sin’.**”⁸⁶

85. Catholic Answers. *What is Fundamental Option Theory?*, <https://www.catholic.com/qa/what-is-fundamental-option-theory>.

86. St. John Paul II. *Veritatis Splendor*, (1993), op.cit., No.68.

12. Can there be Error in a doctrinal Document by a Bishop or a nation's Bishops Conference?

In a Pastoral Letter, entitled *Problems of the Modern Apostolate* issued in 1953, Msgr. Antonio de Castro Mayer, Bishop of Campos, Brazil explained thus: "... and that (the Magisterium) of each bishop being fallible, albeit official, the possibility of one or another bishop falling into error is within the realm of human frailty; and History records some of these eventualities".⁸⁷ For his part, the Brazilian Catholic scholar Arnaldo Vidigal Xavier da Silveira has made the following observation:

"Out of reverence for the Sacred Hierarchy, many of the faithful hesitate to admit that doctrinal episcopal documents can contain some error (this hesitation no longer exists in regard to disciplinary measures). Although this attitude is often born from a true love of the Church, it can nevertheless lead Catholics to difficult and even insoluble situations, placing their very faith at risk."⁸⁸

Xavier da Silveira proceeds: "Many are the reasons which sacred theology furnishes us in defense of the thesis that, in principle, there can be errors in those documents of the Magisterium which do not fulfill the conditions of infallibility. Such reasons are indeed so many and of such weight that we deem it sufficient to call attention to some

87. Most Rev. Antonio de Castro Mayer, *Carta pastoral Sobre Problemas do Apostolado Moderno*, Campos, R.J., Brazil: Boa Imprensa Ltda., 1953, p.119. (Our translation)

88. Arnaldo Vidigal Xavier da Silveira. *Can Documents of the Magisterium of the Church contain Errors? Can the Catholic Faithful Resist them?* The American Society for the Defense of Tradition, Family and Property, 2015, Pennsylvania, p.106.

of them in order to give the reader a summary view of the matter.⁸⁹

“Also the bishops, when they speak alone or together, can err – unless in a Council or outside of it, they solemnly define a dogma with the Supreme Pontiff. The principle that the bishops are never infallible in pronouncements which they make is an unquestionable point in the doctrine of the Church.⁹⁰

In a footnote to his work, Xavier da Silveira further elucidates the following: “On the possibility, admitted by all Catholic authors, of bishops and even entire episcopates falling into error and even into heresy, see: Christianus Pesch, SJ, *Praelectiones Dogmaticae* (Friburgi – Brisgoviae: Herder, 1898), 1:259-261; Hugo Hurter SJ, *Theologiae Dogmaticae Compendium* (Innsbruck – Parisiis: Wagneriana-Bloud et Barral, 1883), 1:263; Michael D’Herbigny, *Theologica de Ecclesia* (Paris: Beauchesne, 1921), 2:309; Herve’, *Man. Theol. Dogm.*, 1:485; Salaverri, *De Ecclesia*, 1:682.”⁹¹

We believe that sufficient explanation has been given in this booklet that the *Criteria* formulated by the Maltese Bishops in 2017 by virtue of the ambiguities, omissions and errors stated therein, are pastorally and doctrinally flawed, and the following conclusion imposes itself:

“....when evident reasons show that a bishop, some bishops in concert, or even the whole episcopate of a country or a part of the globe, have fallen into error, nothing authorizes one of the faithful to embrace this error on the basis of the

89. Ibid., p.111.

90. Cf. Vatican Council II, Dogmatic Constitution *Lumen Gentium*, in Xavier da Silveira, (2015), op.cit, p.111.

91. Xavier da Silveira, (2015), op.cit, p.112.

allegation that it is not licit for him to disagree with those who have been placed by Our Lord at the head of His flock. It will be licit for him, or even a duty, to disagree with such Episcopal teachings. Such disagreement, according to the circumstances, could even be public".⁹²

92. Ibid., p.112.

13. Addressing the *Dubia* to Bishops Scicluna and Grech

In light of what has been presented by the bishops of Malta and Gozo in their *Criteria*, and in view of the scandal the publication of said document has caused internationally, it is legitimate to request clarification, and to ask our shepherds five essential questions. These are the same questions addressed to Pope Francis by Cardinals Brandmuller, Burke, Caffarra and Meisner in a letter dated September 19, 2016. With humility and reverence for our bishops, we feel entitled under Canon Law to address these five *Dubia* to our nation's prelates – applied accordingly to their *Criteria for the Application of Chapter VIII of Amoris Laetitia*.

If Malta's shepherds are convinced of the rectitude of their doctrinal position, then they should have little difficulty in giving clear replies to this filial request for clarification:

1. It is asked whether, following the affirmations of *Amoris Laetitia* (300-305), and referenced in the Maltese bishops' *Criteria*, it has now become possible to grant absolution in the sacrament of penance and thus to admit to holy Communion a person who, while bound by a valid marital bond, lives together with a different person *more uxorio* without fulfilling the conditions provided for by *Familiaris Consortio*, 84, and subsequently reaffirmed by *Reconciliatio et Paenitentia*, 34, and *Sacramentum Caritatis*, 29. Can the expression "in certain cases" found in Note 351 (305) of the exhortation *Amoris Laetitia* be applied to divorced

persons who are in a new union and who continue to live *more uxorio*?

2. After the publication of the Maltese Bishops' *Criteria*, does one still need to regard as valid the teaching of St. John Paul II's encyclical *Veritatis Splendor*, 79, based on sacred Scripture and on the Tradition of the Church, on the existence of absolute moral norms that prohibit intrinsically evil acts and that are binding without exceptions?
3. After the Maltese bishops' *Criteria*, is it still possible to affirm that a person who habitually lives in contradiction to a commandment of God's law, as for instance the one that prohibits adultery (Matthew 19:3-9), finds him or herself in an objective situation of grave habitual sin (Pontifical Council for Legislative Texts, "Declaration," June 24, 2000)?
4. After the affirmations in the Maltese bishops' *Criteria* on "conditioning restraints and attenuating circumstances"⁹³ which mitigate moral responsibility, does one still need to regard as valid the teaching of St. John Paul II's encyclical *Veritatis Splendor*, 81, based on sacred Scripture and on the Tradition of the Church, according to which "circumstances or intentions can never transform an act intrinsically evil by virtue of its object into an act 'subjectively' good or defensible as a choice"?
5. After the Maltese bishops' *Criteria*, does one still need to regard as valid the teaching of St. John Paul II's encyclical *Veritatis Splendor*, 56, based on sacred Scripture and on the Tradition of the Church, that

93. Scicluna & Grech, (op.cit), No.7, p.6.

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?

It is earnestly hoped that these islands' shepherds will formulate the necessary clarifications and answers requested of them in due course, which would constitute authentic pastoral care of the faithful.

14. Is it proper for Laymen to censure their Ecclesiastical Pastors?

St. Thomas Aquinas deals specifically with the right, and eventually even the duty of taking a public position, in extreme cases, against doctrinal decisions by the ecclesiastical authority. **According to the Angelic Doctor: “if the faith were endangered, a subject ought to rebuke his prelate even publicly”.**⁹⁴

It may be argued that the decisions communicated in the Maltese bishops' Criteria are of a *disciplinary*, rather than a doctrinal nature, and hence there is no case to be made for publicly interpellating the ecclesiastical authorities in Malta and Gozo on matters that are essentially disciplinary. Such an objection has little validity in as much as the authorization given for Holy Communion to adulterers in the Maltese islands stems from doctrinal considerations set forth by the Maltese bishops' in their *Criteria*.

Furthermore, it is incorrect to state that lay persons have no business in, or responsibility of censuring a statement or statements opposed to faith, as such a responsibility belongs only to the Pope and bishops.

Indeed, while the task of pronouncing doctrinal censures is the responsibility, in the first instance of the Sovereign Pontiff and of the bishops, and of all who have external jurisdiction, the Church's recognized theologians add that: “private individuals may also use their Christian intelligence to evaluate and qualify books and propositions in regard to orthodoxy and to the usages. This is a right and, to a certain

94. St. Thomas Aquinas, *Summa Theologiae*, II-II, q.33, a.4, ad 2.

extent, a duty for each individual, the purpose of which is to maintain, defend and disseminate the faith.....”⁹⁵

95. Quilliet, ‘Censures Doctrinales’, col. 2102. Cf. Xavier da Silveira, (2015), op.cit, pp. 45-46.

15. Conclusion. Remaining in the Truth of Christ: Loyalty and Charity dictate Filial Resistance

As the late St. John Paul II stated in *Familiaris Consortio*, it is the task of the apostolic ministry to ensure that the Church remains within the truth of Christ, whilst leading the faithful to “... an ever more mature evangelical discernment”.⁹⁶ One indispensable condition for enriching such a discernment by the faithful is to protect the deposit of the faith by holding fast to what the Church has traditionally taught over the past two thousand years.

We view with tremendous sadness how gravely erroneous certain passages found in the Maltese bishops’ *Criteria for the Application of Chapter VIII of Amoris Laetitia* are. We believe wholeheartedly that said passages - which have been faithfully cited and extensively analysed in this publication - are at the very least, not in full accordance with the Church’s immutable Magisterium on Marriage and the Family. In some areas, it may be argued that based on the evidence presented herein, our bishops’ teaching stands in flagrant discordance with divine law and Catholic doctrine.

As Catholics who love the Papacy, the Holy Church and the episcopate, we thus feel bound in conscience to publicly resist this new pastoral orientation offered by the present Archbishop of Malta and the Bishop of Gozo on the question of divorced and remarried Catholics’ access to the sacrament of holy Communion.

96. St. John Paul II, *Familiaris consortio*, (1981), op.cit, No. 5.

Our consciences are Catholic, formed according to the teachings of the Holy Church, and hence our public resistance to the Maltese Bishops' actions on the specific matters discussed herein is not a vulgar opposition merely for the sake of opposing our shepherds. This public resistance is licit under Canon Law which gives laymen a degree of liberty of action. As laymen we know we are not subject to the disciplinary obligations that bind ecclesiastics.

Consequently we feel entitled to sustain a discussion or polemic with our venerable episcopate of the Maltese islands, in view of the proximate threat to the Catholic faith their 2017 *Criteria*, we believe presents. This is why we present the five *dubia* sent to Pope Francis, duly adapted to the Maltese bishops' *Criteria*, and we respectfully ask from our bishops unequivocal clarifications in relation to them.

This publication thus constitutes a filial invitation to our pastors for meaningful dialogue, a dialogue between the bishops as superiors and the laymen who have produced this work as inferiors to be sure, but a request for dialogue nonetheless. In view of our bishops' new pastoral orientation that emphasizes "welcoming", "inclusivity" and "listening", we trust that our pleas do not fall on deaf ears, as they have in the past.⁹⁷

As Jose Antonio Ureta has pointed out: "It does not take a master in ecclesiology to understand that papal authority and infallibility have limits and that the duty of obedience to the pope and bishops is not absolute across the board."⁹⁸ We also know – and we state this without fear

97. Cf. Bruce Walker. *Scicluna stonewalls Maltese Catholic lay organization*, ChurchMilitant.com, June 3, 2019.

98. Jose Antonio Ureta., (op.cit), p.156.

of contradiction – **that the Apostolic Exhortation *Amoris Laetitia* (nor for that matter the Maltese bishops’ Criteria for its application) does not form part of the Church’s infallible magisterium. Neither document fulfills all the conditions required for infallibility.**

Indeed, we take comfort in how the First Vatican Council defined papal infallibility, whilst solemnly stating in the constitution *Pastor Aeternus*: “For the Holy Spirit was promised to the successors of Peter not so that they might, by His revelation, make known some new doctrine, but that, by His assistance, they might religiously guard and faithfully expound the revelation or deposit of faith transmitted by the apostles.”⁹⁹ The same charge of guarding the deposit of the faith is also binding on the bishops of Malta and Gozo.

Jose Ureta magnificently summarizes the correct interpretation of what the essence of the Church’s “living magisterium” truly consists of:

“There is no doubt that the breath of the Holy Spirit shall “renew the face of the earth” (Ps. 103:30) and lead the Church to the fullness of truth (see John 16:13). He will do so using the Church’s living magisterium, especially papal magisterium, to mediate and make current Her unchangeable divine teaching. However, the Holy Spirit does not do this by teaching new truths. Instead, He helps the Church delve deeper into those same revealed words that never pass away (see Matt. 24:35). Therefore the magisterium does not contain or propose any novelty. Rather it reiterates and deepens in new ways the perennial truth contained in Scriptures and Tradition: *non nova sed*

99. First Vatican Council, *Pastor Aeternus*, July 18, 1870; session 4, ch.4; in Jose Antonio Ureta (2018), op.cit, p.156.

nove (not new things, but in a new way). **Accordingly, in the exercise of the magisterium, there can never be even the slightest shadow of contradiction between old and new truths since the truths contained in the deposit of the faith are unchangeable.**"¹⁰⁰

As we believe that a proximate danger for the faith in Malta and Gozo has been posed, a mere obsequious silence or private resistance on our part is not sufficient. Obedience to God's will is paramount. Charity, the salvation of souls and true loyalty to the episcopate in Malta and Gozo demand that we make clear our position. **Hence at this sad juncture, in face of the new pastoral orientation promoted by the bishops of Malta and Gozo on Marriage, the Family, access to the sacraments and the bishops' request that it is accepted by the faithful, we declare firmly: *Non possumus*.**

Until such time comes to pass, when we are provided with clear answers that satisfy our consciences as Catholics that the Maltese bishops' teaching on matters treated in this work is fully orthodox – meaning in complete accord with traditional Catholic doctrine - the members of the *Maltese Society for Christian Civilisation – Pro Malta Christiana* will continue to publicly resist the current orientation on these matters shown by our shepherds.

100. Jose Antonio Ureta., (op.cit), p.157. Emphasis in bold text is ours.

Appendici – Kura Pastoralj jew Rivoluzzjoni Pastoralj?

Fit-8 t'Ottubru, 2013 il-Qdusija Tieghu Papa Frangisku sejjah għal Assemblea Straordinarja Ġenerali ta' Sinodu tal-isqfijiet biex ikunu diskussi "L-isfidi Pastoralj tal-Familja fil-kuntest tal-Evangelizzazzjoni." Dan is-Sinodu kien biss assemblea konsultattiva u m'għandu ebda piż magisterjali. Id-dokument finali tal-2014, *Relatio Synodi* jafferma l-importanza tas-"smiegh" fl-introduzzjoni, "sabiex iħares lejn ir-realta' tal-familja llum fil-kumplessitajiet kollha tagħha minn kull aspekt....." ¹⁰¹

Qabel is-Sinodu tal-2014, Kwestjonarju megħmuż mad-Dokument Preparatorju kien mibgħut lill-isqfijiet tad-dinja kif ukoll lil bosta organizzazzjonijiet Kattolici bl-għan li jingabru suggerimenti mingħand "il-poplu t'Alla." Sfortunatament, mghallmin awtoritarji wrew numru t'affarijiet konċertanti rigward dan il-Kwestjonarju, li: "...juri li jeskludi ħafna realtajiet u problemi, anka dawk importanti, filwaqt li jipprezenta verżjoni parzjali jew esagerata t'oħrajn. ...Fl-essenza, l-immagħni tal-familja li tidher minn twegibiet tixbaħ inqas lil dik reali imma iktar lil dik it-tip li l-kultura sekulari tippromwovi fuq il-mezzi tax-xandir." ¹⁰²

Fil-proċeduri tagħha, l-Knisja dejjem bdiet mill-Veritajiet tal-Fidi, skont il-Kelma t'Alla u t-Tradizzjoni, u wara

101. Pontifical Council for the Family. (2014); *The Pastoral Challenges of the Family in the Context of Evangelization, Relatio Synodi*, Introduction no. 4.

102. Most Rev. Aldo di Cillo Pagotto, Most Rev. Robert Vasa, Most Rev. Athanasius Schneider; *Preferential Option for the Family: 100 Questions and Answers relating to the Synod*, Edizioni Supplica Filiale, 2015, p.14.

żviluppat il-pastorali biex tilhaq l-għan tas-salvazzjoni eterna tal-erwieh. It-tendenza tas-Sinodu, mill-banda l-oħra, ghamlet l-oppożt. Jiġifieri beda minn sitwazzjonijiet konkreti sabiex jiżviluppa l-pastorali u d-dixxiplina li takkomoda lilhom.¹⁰³ Fl-Iskrittura naqraw li l-Kelma t'Alla, ma tinbidilx skont iż-żmien. (Ara Mt 5:18) F'dan ir-rigward il-Kardinal Velasio De Paolis jgħid li "Id-Duttrina li ilha għal sekli sħaħ u li kienet ri-affermata b'mod kostanti mill-Knisja ma tistax tinbidel mingħajr ma jkun hemm ir-riskju rigward il-kredibilita' tal-istess Knisja."¹⁰⁴

Fit-8 t'April, 2016, il-Papa Françisku ppublika l-Eżortazzjoni Apostolika *Amoris Laetitia* u hekk immarka t-tmien tas-Sinodu li kien beda f'Ottubru, 2013. Kapitlu Tmienja (*Akkumpanjament, Dixxerniment u Integrazzjoni fid-Dgħufija*) ta' dan id-dokument b'mod partikolari, kien ikkritikat ferm minn bosta mgħallma Kattoliċi, kemm dawk klerikali, kif ukoll lajċi, għall-mod ta' kif id-Duttrina Kattolika tidher tiddgħajjed u tennew li "... hi l-iktar sezzjoni żbaljata tad-dokument."¹⁰⁵

La l-Papa, la l-isqfijiet tas-sinodu w l-ebda awtorita' oħra tal-Knisja m'għandha l-kompetenza legali w morali biex tbiddel id-duttrina tal-Knisja. Il-Papa San Pawlu VI tenna b'mod ċar: "Ladarba l-Knisja ma waqqfet ebda minn dawn il-liġijiet, hi ma tistax tkun l-arbitru tagħhom, iżda biss dik li tħarishom u tinterpretahom. Ma jista qatt ikun tajjed

103. Ibid., p.23.

104. Valasio De Paolis, *I divorziati risposati e I Sacramenti dell'Eucaristia e della Penitenza*, Indirizz fit-Tribunal Ekkleżjali t'Umbria, 8 Jannar 2015, p.24.

105. Matthew McCusker, *Key doctrinal errors and ambiguities of Amoris Laetitia*, address to the Rome Life Forum, May 16, 2016; <https://www.lifesitenews.com/opinion/key-doctrinal-errors-and-ambiguities-of-amoris-laetitia>; 3/14.

li hi tiddikjara sew dak li fil-fatt mhuwiex, ladarba skont in-natura tal-fatt, hu oppost tal-gid veru tal-bniedem.”¹⁰⁶

Il-Papa ghandhu s-setgha ibiddel id-dixxiplina fuq affarijiet ta' żwieg u familja iżda dan jista' jsir strettament b'konsistenza mal-Verita' rivelata tal-fidi Kattolika w ghas-salvazzjoni tal-erwieħ, partikolarment fid-dawl tal-fatt li d-duttrina tas-Sagrament taż-Żwieg hi mfassla direttament minn istituzzjoni divina. Ghaldaqstant, l-ebda awtorita' ekkleżjali, lanqas il-Papa ma jista' jbidel hwejjeg duttrinalli relatati maz-zwieg u l-familja. Ghalhekk hu żball li jingħad li l-projbizzjoni tal-Ewkaristija għall-persuni li jgħixu f'adulterju, jista' fil-futur jinbidel (Kodiċi tal-Liġi Kanonika 915).

Erbgħa Kardinali għamlu mistoqsijiet lil Papa (*dubia*) rigward l-Ewkaristija lil persuni ddivorzjati li jinsabu f'relazzjoni ġdida imma l-Papa qatt ma wiegħeb. Fil-paragrafu 297 u n-noti li jakkumpanjawh (329), jidher li mhux biss l-adulterju qiegħed ikun tollerat iżda wkoll li azzjonijiet adulteri`, huma neċessarji għall-gid tat-tfal f'xi każijiet. Skont riċerkatur kattoliku miċ-Ċili, Jose Antonio Ureta, “Hafna isqfijiet, saċerdoti, religjużi, teologi u lajċi ddefendu d-Duttrina Kattolika Tradizzjonali hekk kif kienet ippublikata ‘Amoris Laetitia’, “front ta' reżistenza li ma deherx għal sekli sħaħ fl-istorja tal-Knisja.”¹⁰⁷

106. San Pawlu VI, enċiklika *Humanae Vitae*, 25 Lulju 1968, No.18, f'di Cillo Pagotto et.al, (2015), p.12.

107. Jose Antonio Ureta; *Pope Francis' "Paradigm Shift": Continuity or Rupture in the Mission of the Church?* The American Society for the Defense of Tradition, Family and Property, (2018), Pennsylvania, p.101.

Fit-13 ta' Jannar, 2017, l-isqfijiet ta' Malta ħargu d-dokument bl-isem ta' *Kriterji Għall-Applikazzjoni ta' Kapitlu VIII tal-Amoris Laetitia*. Dan id-dokument jinkludi certi passaggi li jikkontradixxu t-tagħlim tal-Knisja, bbażat fuq il-Kelma t'Alla, li kif jgħidilna Ġesu' Kristu stess, *"Tassew ngħidilkom, li sa ma jkunu għaddew is-sema u l-art anqas l-iżgħar ittra jew tikka waħda mill-Liġi ma titneħħa sa ma jkun seħħ kollox."* [Mt:5:18].

Fejn l-isqfijiet ta' Malta jtenu li permezz ta process ta' "dixxerniment", u li wieħed "iħossu fil-paċi m'Alla", jista' dak li jkun jersaq għas-Sagramenti tar-Rikonċiljazzjoni u l-Ewkaristija, mingħajr ma jhalli l-ħajja t' adulterju pubbliku li jkun qiegħed jgħix fih, insibu li l-Kelma t'Alla tgħid mod ieħor. Fil-Ktieb tal-Eżodu naqraw fuq l-Għaxar Kmandamenti fosthom: *"La tagħmilx adulterju."* (Eż:20:14). Fit-Testament il-Gdid, ikompli jidwi l-istess messaggġ divin. Missierna fil-fidi, San Pawl, fl-ewwel Ittra lill-Korintin jikteb: *"Lil dawk li huma mizzewwġin nordnalhom, mhux jien, iżda l-Mulej, li l-mara ma għandhiex tħalli lil żewġha."* [1Kor:7:10].

Dan it-tagħlim hu komuni wkoll fl-Evangēliji fejn f'Luqa naqraw: *"Kull min jibgħat lil martu u jizzewwēg oħra jagħmel adulterju, u min jizzewwēg waħda mibgħuta minn żewġha jagħmel adulterju."* [Lq:16:18] L-istess messaggġ insibuh f'(Mark 10:2-12), (Mattew 5:31-32) u (Mattew 19:3-9).

Sa mill-ewwel żminijiet tal-Knisja naraw fil-Kitbiet ta' Santu Wistin dwar dan it-tagħlim li ma jinbidilx, "L-għaqda tas-Sagrament taż-Żwieġ m'għandiex tkun imkissra, u r-raġel jew il-mara, jekk separati, m'għandhomx jingħaqdu f'relazzjoni oħra, lanqas għat-tnissil tal-ulied."¹⁰⁸

108. Santu Wistin., *De Gen. ad litt.*, lib. IX, cap. 7, n.12.

Bosta huma l-Encikliċi u dokumenti ufficjali ohra tal-Knisja li jikkontradixxu dak li jghidu l-isqfijiet Maltin fil-*Kriterji Għall-Applikazzjoni ta' Kapitlu VIII tal-Amoris Laetitia*, fosthom l-Enciklika *Casti Connubii* li l-Papa Piju XI ħareġ fil-31 ta' Diċembru 1930, fejn fiha jistqarr li: "lanqas l-istituzzjoni tal-Knisja ma tista tkisser l-indissolubilita' taż-Żwieġ". Għall-kuntrarju, l-isqfijiet Maltin fil-*Kriterji Għall-Applikazzjoni ta' Kapitlu VIII tal-Amoris Laetitia* jippermettu l-Ewkaristija lil dawk f'relazzjoni adultera, skont kif iħossuhom m'Alla wara proċess ta' 'dixxerniment'. Papa Piju XI jtenni li l-fidili għandhom ikunu attenti fejn jidhol: "...il-ġudizzju privat u l-awtonomija falza tar-raġuni umana."¹⁰⁹

Il-Papa San Ġwanni Pawlu II jikkonferma fil-kitba ta' *Familiaris Consortio (Nov 22, 1981)* l-inammissibilita' għall-Ewkaristija għad-divorzjati li jinsabu f'relazzjoni ġdida. Isostni li "l-fidili jkunu esposti għall-iżball u l-konfużjoni rigward l-indissolubilita' taż-Żwieġ". Fl-istess document, hu jikteb 'Il-Knisja tfakkar fil-prattika tagħha, bbażata fuq l-Iskrittura Mqaddsa, dik li ma tagħtix l-Ewkaristija lil persuni ddivorzjati li jinsabu f'relazzjoni ġdida. Huma ma jistgħux jiġu ammessi minħabba l-kontradizzjoni tal-għaqda tagħhom mal-unjoni ta' mħabba ta' Kristu mal-Knisja."¹¹⁰

F'Settembru tal-1994, il-Kongregazzjoni tad-Duttrina tal-Fidi bagħtet ittra lill-isqfijiet Kattoliċi rigward l-Ewkaristija lil persuni ddivorzjati u f'relazzjoni ġdida. F'din naraw li r-relazzjonijiet ġodda ma jistgħux jitqiesu bħala validi jekk iż-Żwieġ (Sagrament) kien validu. Sakemm is-sitwazzjoni

109. Piju XI, enciklika *Casti Connubii*, 31 Diċembru 1930; f' *Seven Great Encyclicals*, 1963, Paulist Press, N.Y., p.87.

110. San. Ġwanni Pawlu II, Eżortazzjoni Apostolika *Familiaris Consortio*, Novembru 22, 1981; f' Robert Dodaro (2014), op.cit, p.257.

tippersisti, huma ma jistgħux jirċievu l-Ewkaristija. Ir-rġhajja spiritwali huma mitluba jammonixxu lil dawk li jaslu għal ġudizzju tal-kuxjenza li jikkontradixxi t-tagħlim tal-Knisja.¹¹¹

Ta' min ifakkar li il-kanoni numru 915 tal-Kodici tal-Ligi Kanonika ghadha valida, u dak li hu mnizzel fil-*Katekizmu tal-Knisja Kattolika*, numru 1650 ghadu *in vigore*: “Jekk id-divorzjati jergghu jizzewgu civilment, dawn jinsabu f’sitwazzjoni li oggettivament tmur kontra l-Ligi t’Alla. Ghalhekk, ma jistgħux jitqarbnu sakemm din is-sitwazzjoni tippersisti. Għall-istess raguni, dawn il-persuni ma jistgħux jeżercitaw certi responsabbiltajiet ekklezjali. Ir-Rikonciljazzjoni permezz tas-sagrament tal-Qrar tista tinghata biss lil dawk li jindmu għall-vjolazzjoni tas-sinjal tal-patt u tal-fedelta’ lejn Kristu, w huma komessi li jghixu hajja ta’ kontinenza shiha”.

Aghar minn hekk, id-dokument ta’ l-Isqfijiet Maltin jippromwovi l-izbalji duttrinali tal-*Etika tas-Sitwazzjoni* (“Situation Ethics”), kuncett li jagħmel appell individwalistiku u soggettiv għac-cirkostanzi konkreti ta’ mgieba jew agir partikolari, biex jigu ggustifikati decizjonijiet li jopponu il-ligi naturali jew ir-rieda t’ Alla. Mhiex koincidenza li dawn il-*Kriterji* tal-Isqfijiet Scicluna u Grech jsemmu il-kelma “sitwazzjoni” jew “sitwazzjonijiet” 11 il-darba f’dokument ta’ 9 pagni. L-isqfijiet Maltin donnhom nsew illi L-*Etika tas-Sitwazzjoni* giet solemnement ikkundinata mill-Kongregazzjoni Suprema tas-Sant’Uffizju¹¹² fl-istruzzjoni *Contra Doctrinam*, mahruġa

111. Kongregazzjoni tad-Duttrina tal-Fidi. Itra lill-Isqfijiet tal-Knisja Kattolika *rigward l-Ewkaristija lid-divorzjati li jinsabu f’relazżjoni ġdida*; Settembru 14, 1994, No.4; f’ Robert Dodaro (2014), op.cit, p.269.

112. Illum il-Kongregazzjoni għad-Duttrina tal-Fidi.

fit-2 ta' Frar, 1956.

Minn naha tieghu, il-Papa Piju XII – kuntrarjament ghal dak li jistqarru l-Isqfijiet Scicluna u Grech – iddikjara fl-1952:

“Is-sinjal distintiv ta’ din il-moralita’ hu li m’huwiex effettivament bazat fuq ligijiet morali universali, bhal per ezempju l-Ghaxar Kandamenti, izda fuq kundizzjonijiet jew cirkostanzi rejali u konkreti li fihom l-irgiel jridu jagixxu, u skond dawn ic-cirkostanzi il-kuxjenza tal-individwu jrid jaghrbel u jaghzel. Haga bhal din hija unika, u tkun applikabbli darba biss ghal kull azzjoni umana. Ghalhekk id-decizjoni skond il-kuxjenza, kif jsostnu il-promoturi ta’ din l-etika, ma tistax tigi kmandata minn idejat, minn principji u mill-ligijiet universali. (...) l-adulterju w l-fornikazzjoni, l-abbuz taz-zwieg, id-dnub solitarju, is-serq, – dan kollu hu gravement ipprojbit mill-Legizlatur Divin. L-ebda ezaminazzjoni hija necessarja. Jkun x’jkun is-sitwazzjoni tal-individwu, m’ghandhu ebda triq hlief li jobdi. (...) din l-etika gdida, forsi minghajr ma tinduna, tagixxi skond il-principju li l-ghanijiet jiggustifikaw il-mezzi.”¹¹³

Fid-dawl ta’ dan kollu, wasalna fl-assurdita’ fejn: “....dak meqjus bhala dnub fil-Polonja hu kkunsidrat tajjeb fil-Germanja, filwaqt li dak li hu projibit fl-arcidjocesi ta’ Philadelphia huwa permissibbli f’Malta” (Ittra tal-mibki Kardinal Carlo Caffarra lil Papa Frangisku, 25 ta’ April, 2017).

113. Papa Piju XII. *Soyez les bienvenus; Diskors lill-Partecipanti fil-Kungress tal-Federazzjoni Dinjija ta’ Xebbiet Kattolici*, 18 ta’ April, 1952; f’:<https://rorate-caeli.blogspot.com/2017/05/pius-xiis-condemnation-of-situation.html>.

Ghaldaqstant nindirizzaw l-Isqfijiet taghna b'uhud mill-istess mistoqsijiet – adattati ghall-*Kriterji* tal-Isqfijiet Maltin - li gew mibghuta lill-Papa minn erbgha kardinali:

- Wara l-hrug tal-*Kriterji Għall-Applikazzjoni ta' Kapitlu VIII tal-Amoris Laetitia*, għadu possibli li ngħidu li persuna li tgħix f'kontradizzjoni għall-Kmandamenti t'Alla, bħas-sitt Kmandament li jipprojbixxi l-adulterju, tinsab fi dnuv gravi?
- Fid-dawl tal-istqarrijiet tal-Isqfijiet Maltin fil-*Kriterji* tagħhom fuq “sitwazzjonijiet li jtaffu ir-responsabbilta morali”, għadu validu it-tagħlim tal-Papa San Gwanni Pawli II fl-enciklika *Veritatis Splendor*, n.81, u bbazat fuq l-iskrittura mqaddsa u t-tradizzjoni tal-Knisja, li jtenni li: “cirkostanzi jew intenzjonijiet ma jistghu qatt jbiddu att intrinsikament hazin minhabba l-oggettiv tiegħu f'att 'soggettivament' tajjeb jew f'att li wiehed jista jiddefendi bhala ghazla?”

L-ubbidjenza lejn ir-rieda t'Alla tigi l-ewwel u hija importantissima. Il-karita' genwina, s-salvazzjoni tal-erwieh u l-lealta' tagħna lejn l-episkopat f'Malta w Għawdex jirrikjedu li nagħmlu l-pożizzjoni tagħna ċara. B'hekk, quddiem it-talba tal-Isqfijiet Maltin biex it- tagħlim espress fil-*Kriterji* tagħhom jkun accettat mill-fidili, nistqarru: ***Non possumus.***

Sakemm it-tagħlim tal-Isqfijiet Maltin fuq dawn il-kwistjonijiet msemija hawn ma jigix iccarat u jtfassal skond id-duttrina awtentika u tradizzjonali kattolika, se nkomplu nirreżistu pubblikament l-orjentazzjoni fuq dawn l-affarijiet, hekk kif ġejna murija mir-rgħajja tagħna.

