

Is Pope Francis a Heretic?

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Introduction

For many Catholics, asking whether Pope Francis is a heretic may seem to be strange, even irreverent. But some prominent people are asking that precise question. Still, it remains a strange question because, on the one hand, Pope Francis is arguably one of the most loved and admired popes in history. His latest approval rating among Catholics in the United States is 84 percent, the envy of any politician. On the other, he has been accused of misleading the faithful on serious moral issues, and by some people of outright heresy. Some of these critics are bishops, including four cardinals.

Establishing heresy requires more than an accusation. In the Catholic Church at least, to be a heretic one must persist in refusing to accept a dogma of the Church. It is true that most critics of Pope Francis do not accuse him of heresy. They do, however, have trouble accepting his style and approach to things. I think it is important then to describe how his style is different from that of the two previous popes. Of course, we also need to look more closely at the accusations, most of which are related to his Apostolic Exhortation, *Amoris Laetitia*, which summarizes what the bishops thought about marriage at their most recent synod meetings. Next, I will explain how moral teachings and their application have been understood in the Catholic tradition. Finally, I will offer some reflections that help put this controversy into a larger context.

I should admit at the outset that I have a perspective on these issues that is not neutral. But as a student of theology and the history and tradition of the Church, I hope to bring some clarity to what is going on by sorting out the issues, the misunderstandings, and the practice of the Church in making moral judgments. Charges of heresy are a big stick, and they are being wielded these days with little regard for their possible destructiveness. Those making these charges feel that the pope himself is being destructive. The issues, therefore, are serious.

Pope Francis' Style

First there is the matter of Pope Francis's style. St. John Paul II was a social philosopher, and *Emeritus* Pope Benedict is a distinguished theologian. Pope Francis is a pastor who typically starts from the situations of individual persons. Philosophers and theologians typically emphasize truths that we all hold in common, and do so at a general level of principle. Martin Schlag, an Austrian *Opus Dei* priest, who is currently participating

in one of our Institute's current research projects on the economy, believes that Pope Francis uses a "pastoral hermeneutics," meaning that he tries to explain the Church teachings not as a philosopher or a theologian, but as a pastor, one especially concerned about the poor. As a consequence, Pope Francis delves into "specific questions more than his predecessors did" (*Crux*, 10-24-2017). For example, when Pope Benedict wrote about the economy, he talked mainly about the hierarchy, whom he advised not to get directly involved in politics. On the other hand, Pope Francis talks about the people of God, ordinary believers, and the political and economic oppression they suffer. While Pope Benedict carefully avoided saying anything specific, Pope Francis doesn't hesitate to speak about the situation of individual people. Without denying the doctrine, Pope Francis starts from the particulars of individuals. It should not be concluded, however, that the two previous popes, starting from above, did not care about individual people in difficult situations. It is a matter of emphasis, not either/or. That said, the doctrine of the indissolubility of marriage, which plays a key role in these most recent controversies, has ramifications for faithful Catholics who, often through no fault of their own, are left facing a future of choosing between a new marriage and the Eucharist

Besides approaching complex moral issues as a pastor, a second factor is very much in play in this controversy: it is about how authority should function in the Church. I think it would be fair to say that Pope Francis has been trying to decentralize authority without losing a center of authority. In *Evangelii gaudium*, he writes that he does not :

"believe that the papal *magisterium* should be expected to offer a definitive or complete word on every question which affects the church and the world. It is not advisable for the pope to take the place of local bishops in the discernment of every issue which arises in their territory. In this sense, I am conscious of the need to promote a sound 'decentralization.'"

And again, in the third paragraph of *Amoris laetitia*, Francis writes that "Not all discussions of doctrinal, moral, or pastoral issues need to be settled by interventions of the [papal] *magisterium*." This approach is confusing for Catholics who expect the pope to give a final answer to every controversial issue in the Church. This pope favors honest and open debate about issues, and has encouraged the bishops attending the synods in Rome to express their opinions and differences in bold but respectful ways. Those differences were widely reported in the media. Admittedly, this approach can also cause confusion when, for example, one bishop interprets *Amoris laetitia* in a way that requires Catholics in a second irregular marriage to live as brother and sister if they are to receive communion, while a bishop in a neighboring diocese thinks that there may be grounds in a specific case discerned carefully with the local pastor to readmit these people to communion. Such differences of interpretation scandalize those who believe that a law, taken literally, should be applied in the same way to every concrete situation.

The Vatican Secretary of State, Cardinal Pietro Parolin, refers (*National Catholic Register*, 1-11-18) to Francis' approach as a "paradigm shift," illustrating it with the example of an inverted triangle. Rather than teachings descending upon the rest of the Church from the papacy, he thinks Francis begins from the bottom of the triangle, where the ordinary faithful live, and then helps them through a process of accompaniment, to live the doctrine as best they can, given their circumstances. Francis's critics think that when he starts from the bottom, he never gets to the top. For them, he ends up denying the indissolubility of marriage.

The idea of a "paradigm shift" should be clarified. The great historian of Christian doctrine, the late Jaroslav Pelikan, described the development of doctrine "not as a standing broad jump, which begins at the line of where we are now; it is a running broad jump through where we have been to where we go next" (*The Vindication of Tradition*, p. 81) In other words, what was understood before is now included. According to Cardinal Kasper, "in a larger and ampler understanding of things" (*Crux*, 3-7-18). Understood in this way, a paradigm shift is not a rejection of previous teaching, but a development of it.

Third and finally, the political context of the United States also helps explain why some Catholics are critical of this pope. The Republican and Democratic parties are polarized on many issues. When Barack Obama was president (2008-2016), many of the bishops persistently and loudly condemned abortion and campaigned for religious freedom. They presumed the strong support of St. John Paul II and Pope Benedict, both widely perceived as conservative popes. Many of these bishops did not support the Affordable Care Act that president Obama signed into law, nor did they speak often about the needs of the poor, or protecting the environment, or economic inequality.

By the end of Pope Francis' first year, it was clear that some of his priorities were not the same as those of his two predecessors. Depending on the viewpoints of individual Catholics, that difference in emphasis stunned or refreshed many in the United States. Francis stated Catholics that abortion was not the only important issue, and stressed that the rights of immigrants, refugees and those who lived in poverty, especially those hidden away in the peripheries of the world, were also important. These issues were also an integral part of the Catholic vision of the moral life. He did not hesitate to address the issues of the environment and climate change, again, politically charged issues in the U.S. He criticized unfettered capitalism and the arms industry. Those Catholics who were very much at home with the previous two popes believed that opposing abortion and gay marriage should be the top priorities for the Catholic Church in the United States. The shift in emphasis by Francis made these Catholics feel as though the rug had been pulled out from beneath them. Defenders of Pope Francis argue that he has simply taken a more comprehensive approach rooted in Catholicism, still condemning abortion and gay marriage while at the same time affirming the rights of immigrants, the needs of the poor, and criticizing an economy that

excludes and kills. Part of the difficulty then is that in the United States, as in probably many countries, the political views of some Catholics influence their understanding of Catholicism more than their Catholicism influences their political views.

The Accusations

Having looked at some of the issues related to the style of Pope Francis, we can now consider what is at the heart of the current debate about whether remarried Catholics without an annulment can be readmitted to the Eucharist. Canon Law (915) states that “Those...obstinately persevering in manifest grave sin are not to be admitted to Holy Communion.” Though not referring specifically to couples in irregular marriages, this canon is often invoked by Francis' critics. In 2000, the Vatican issued a document which insisted subjective good faith did not change the objective character of the teaching, and therefore made no difference to the binding effect of Canon 915. But in *Amoris Laetitia*, Pope Francis has taken a different approach. He has stated that “Because of forms of conditioning and mitigating factors, it is possible that in an objective situation of sin—which may not be subjectively culpable, or fully such—a person can be living in God’s grace, can love and can also grow in the life of grace and charity, while receiving the Church’s help to this end.” The pope then added, “I understand those who prefer a more rigorous pastoral care which leaves no room for confusion. But I sincerely believe that Jesus wants a Church attentive to the goodness which the Holy Spirit sows in the midst of human weakness....” Later in my remarks, I will refer again to conscience, and how it and discernment play important roles in this controversy.

In 2016, the most prominent critic of Pope Francis, the American Cardinal Raymond Burke, joined by three of other cardinals, submitted to Pope Francis a private document, a *dubia*, which contained five questions about the Pope’s teaching on communion for remarried Catholics. They claimed that Pope Francis had caused tremendous confusion in the Church, and asked for clear yes or no answers to their five questions. Receiving no response from the Pope, Cardinal Burke made the document public a year later. For Burke, the key issue was Pope Francis' apparent denial of the Church’s teaching on the indissolubility of marriage and a failure to show proper respect for the Eucharist—or as the headline of one article put it: Pope Francis has elevated "communion for adulterers to 'authentic *magisterium*.'" In short, these critics demand that Pope Francis either defend his teaching or retract it.

Others have also publicly criticized the pope. Perhaps best known in the United States is Ross Douthat, a convert to Catholicism and a regular columnist for the *New York Times*. In an article he wrote for the *Atlantic* magazine, he asked whether the Pope would break the Church, and cause a schism. More recently (*Crux*, 1-26-2018), Douthat said that he thought that Francis was at times careless and dismissive about doctrine and doctrinal continuity that, according to Douthat, goes all the way back to the person of Jesus Christ, who in Luke stated "whoever divorces his wife and marries another commits adultery" (Lk 16:18). Douthat

claims that what Pope Francis teaches about the indissolubility of marriage evacuates it of all meaning in practice. Next week Simon and Schuster will publish Douthat's book, *To Change the Church: Pope Francis and the Future of Catholicism*.

Also in the United States, Fr. Thomas Weinandy, a Capuchin theologian and director of U.S. Bishops' Conference committee on doctrine, published a letter that accused the pope of several abuses, including an "intentional lack of clarity...[that] risks sinning against the Holy Spirit, the Spirit of truth." He complained that the pope seems to "censor and even mock those who interpret Chapter 8 of AL in accord with Church tradition as Pharisaic stone-throwers who embody a merciless rigorism." He also decried the pope's appointment of bishops who support his views. The day after Weinandy published his letter, he was fired by the bishops.

In England, a group of 62 theologians, academics and priests, signed a twenty-five page document that argued that Pope Francis' papacy was in crisis because it has been influenced by the thought of Martin Luther and "modernism," a theological movement condemned in 1907 by Pope Pius X.

Finally, this year several other bishops publicly criticized the pope's teaching about the possibility of divorced and remarried Catholics receiving communion, including three bishops of Kazakhstan, the *Emeritus* bishop of Riga, Latvia, two Italian archbishops, and a Swiss bishop (auxiliary bishop of Chur). In Poland, a group of 140,000 Poles signed a petition asking the Polish bishops to defend the Catholic teaching on marriage and not succumb to "German errors," which is presumably a reference to several German bishops, especially Cardinal Walter Kasper, who strongly support the pope's position.

At its nastiest, some criticism border on hatred of the pope. One prominent English priest told a reporter (article in the *Guardian*—10-27-17) that "We can't wait for him to die. It's unprintable what we say in private. Whenever two priests meet, they talk about how awful Bergoglio is...." The priest then told the reporter, "You mustn't print any of this, or I'll be sacked."

I could, of course mention still more critics, but it should be obvious that for nearly all of them the controversy is over the correct understanding of the Church's teaching on the indissolubility of marriage. They believe that Pope Francis has in effect denied that doctrine. Others, as I have mentioned don't like his style or find it confusing, or both.

Clarifications: Approaches and Catholic Morality

One of the primary sources of misunderstanding between the pope and his critics is how to understand the moral law and its application to specific cases. Many of Pope Francis' critics think of moral doctrines as absolutes to which there can be no accommodations. For them, everyone who divorces and remarries without an annulment lives in adultery. Pope

Francis, however, following Thomas Aquinas, believes that while the general law remains valid, there may be, in strictly limited instances, different applications of the law. Aquinas recognized the importance of taking into consideration the concrete circumstances of individual when he wrote (*Summa Theologiae*, I-II, q/ 94, art. 4) that

"Although there is necessity in the general principles, the more we descend to matters of detail, the more frequently we encounter defects.... In matters of action, truth or practical rectitude is not the same for all as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all... The principle will be found to fail, according as we descend further into detail."

Discerning the details is not just a cognitive exercise. It requires experience on the ground, as moral theologian James Keenan points out (*Theological Studies*, March 2018, Vol. 79, No. 1, p. 132). To apply a law justly requires both a knowledge of the law and an examination of the circumstances that an individual lives in. This knowledge of individual lives, what might be called "the existential context," is learned by riding on the bus, kissing the feet of young people in prison, visiting refugees and being in the midst of people's actual struggles. Francis called bishops and priests to be in the midst of their flocks, to know the smell of their sheep. Pastors who do so rarely idealize the moral life, including marriage. "I am a sinner," said Pope Francis when a reporter asked who he was. There is no perfect family or marriage.

Francis's defenders not only point to what Thomas Aquinas wrote about moral principles as they descend into matters of detail, they also explain how Pope Francis is not creating a rupture or a revolution in Church teaching. Cardinal Christophe Schönborn, a Dominican theologian and the leader of the archdiocese of Vienna, a student and long-time confidant of Benedict XVI and the general editor of the *Catechism of the Catholic Church*, reminds critics of Pope Francis that St. John Paul II wrote in his document "Family in the Modern World" that "pastors must know that, for the sake of truth, they are obliged to exercise careful discernment of situations" (No. 79). Schönborn believes that JP II "saw a difference between those who had tried sincerely to salvage their first marriage and were abandoned unjustly and those who had destroyed a canonically valid marriage through their grave fault." Schönborn continues explaining that JP II had in mind those people who "have entered a second marital union for the sake of bringing up their children and who sometimes are subjectively certain in their consciences that the first marriage, now irreparably destroyed, was never valid" (*America*, Aug. 15-22, 2016, p. 25). Schönborn recalls asking Cardinal Ratzinger in 1994, then the head of the Congregation of the Doctrine of the Faith and later Benedict XVI, whether the old practice that existed before the Second Vatican Council was still valid--that practice of "internal forum" through which, after careful discernment with one's confessor, permission to receive the sacraments for those in an irregular marriage might be granted, provided that no scandal was given. Schönborn recalls

Ratzinger's response: "There is no general norm that can cover all particular cases. The general norm is very clear, and it is equally clear that it cannot cover all the cases exhaustively" (*America*, p. 26). Consequently, in Schönborn's view, we cannot automatically speak of a situation of mortal sin in the case of a second marriage.

I am aware that in the New Testament there are clear statements of moral principles, such as condemning those who destroy one marriage and enter another. I have already cited Cardinal Schönborn's explanation of the discernment that is needed for the proper application of a moral principle. Another Cardinal, Francesco Coccopalmerio, the president of the Pontifical Council for Legislative Texts, also spoke about the importance of a "less rigid" understanding of these issues than that proposed by many of Francis' critics. He spoke about Catholics who are in irregular marriages, want to change, but are unable to do so for serious reasons. In an interview last year, he said: "Think of a woman who lives with a married man. She has three little children. She has already been with this man for 10 years. Now the children think of her as a mother. He, the partner, is very much anchored to this woman, as a lover, as a woman. If this woman were to say: 'I am leaving this mistaken union because I want to correct my life, but if I did this, I would harm the children and the partner,' then she might say: 'I would like to, but I cannot'" (*National Catholic Register*, 3-1-17). On the ground, such details can make one rethink how those moral principles should be applied. In such a situation, the Cardinal believes a person could be given absolution and communion, because two things are clear: first, the person is already detached from evil, and second, the person can't materially change her situation.

These cardinals and Pope Francis are concerned about caring for people in these difficult situations. Accordingly, they teach that under strict conditions, it is possible for some people in irregular second marriages to receive communion. According to the Catholic tradition, moral theology stands on two feet: the general principle and the prudential application of that principle to specific cases (*Crux*, 7-15-2017).

Putting the Controversy into Perspective

It would be helpful at this point to put this controversy into a longer historical context. History helps people avoid absolutizing the present. On the one hand, for Catholics, dogmatic beliefs are forever: for example, the creed and the sacraments. But other teachings, which at different times in history were thought to be forever, have turned out not to be forever. Take for example the Church's teaching on capital punishment, clearly a matter of life or death. If you visit the Criminology Museum in Rome, you will find a guillotine which in 1816 was given as a gift by the French to the Papal States. That instrument of death decapitated by papal decrees scores of convicted criminals (before that, executioners in the papal states used either the noose or the axe). The Vatican used the guillotine right up to July of 1870; it stopped when Italian revolutionaries stripped the papacy of its states and power to

impose capital punishment. Today, the Church opposes the death penalty, except in very rare cases when a society's safety is at risk. Most recently, Pope Francis wants capital punishment to end, without any exceptions. In a period of less than 150 years, the Vatican has gone from executing criminals to opposing all executions. I could, of course, offer many other examples of teachings that were thought to be forever fixed, but were changed, such as religious freedom, the separation of Church and State, the universal call to holiness, and the continuing validity of the covenant God made with the Jews. But discussion of these changes needs to be reserved to another time.

Second, it is unfortunate that this debate over remarried people receiving communion has become the focus of the media. In a 2016 news conference, a frustrated Pope Francis said:

When I called the first synod, most of the media were concerned with one question: Will the divorced and remarried be able to receive communion? Since I am not a saint, this was somewhat annoying to me, and even made me a bit sad. Because I think: those media that say all these things, don't they realize that's not the important issue? Don't they realize that the family, all over the world, is in crisis? And the family is the basis of society! Don't they realize that young people don't want to get married? Don't they realize that the declining birth rate in Europe is enough to make us weep? Don't they realize that the shortage of jobs and employment opportunities is forcing fathers and mothers to take two jobs and children to grow up by themselves and not learn how to talk with their mothers and fathers? These are the big issues (*Crux*, 10-23-17).

I would add that in the United States, there's been a 52 percent decrease in the number of Catholic marriages since 1993, though our Catholic population has increased by 30 percent. Divorce remains a major issue as well (*America*, 1-26-18). Fr. John Wauck, a communications professor at the Pontifical University of the Holy Cross in Rome lamented that this controversy has trapped the Church in a "divisive internal debate," a "quintessentially in-house matter," that prevents the Pope from leaving the sacristy and going into the world to where many other broken people are in need of a "field hospital" (*Crux*, 3-13-18). Cardinal Chaput of Philadelphia said that the pope's encyclical "offers great wisdom," and is saddened that all the controversy has "obscured much of the good in the document" (*Crux*, 11-9-17). Personally, I found the pope's reflections in chapter 4 on St. Paul's description of love in 1 Corinthians 13 profound, concrete and moving.

Third, Pope Francis has emphasized the importance of discernment and the role of conscience. In chapter two, the pope stresses the importance of conscience:

We find it difficult to present marriage...as a dynamic path to personal development and fulfillment.... We also may find it hard to make room for the

consciences of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations. We have been called to form consciences, not replace them.

What, it might be asked, replaces conscience? The belief that there is no need for a prudential application of a moral principle to a specific moral situation. The belief that the law is clear, there can be no exception. The Church has taught that doing one's best to form one's conscience, one must follow it, even if on a subjective level a person's judgment may be objectively wrong. Conscience is not infallible; it can be wrong. But one is obligated to follow one's conscience even if it is wrong. I tell my students that they alone must make up their minds, but they should never make them up alone. It is not a matter of either forming one's conscience or following it. It is a matter of both forming and following it, and the forming of it continues throughout life--that process is never-ending. Who among us has not with the passage of time come to the conclusion that something we thought was just fine we have now come to realize was foolish and wrong? That is why I also tell my students that wisdom is treasuring a tradition when you are young, and openness to change when you are old.

Finally, cable television and social media have over-simplified many issues, and sensationalized them in the process. At the end of a lecture I gave many years ago in Cleveland Ohio, a former student of mine and then a district attorney asked me, "How can we keep hope given the state of the world?" I asked him, "How do you know that state of the world?" He replied, "I see what's reported on television and in newspapers; it's really depressing." I asked him, "Why would you assume that what you read in newspapers and watch on television gives you an accurate picture of what is going on in the world?" There is much good, very much good, that is never reported. We need to put these controversies in perspective, and realize as severe as they may seem at any one time, the Church has been in much greater crises than at present, and has not only survived but flourished.

Conclusion

Is then, Pope Francis, a heretic? In my judgment, no. But I understand why some people could think he is. He represents a clear shift in style from the previous two popes. The relative emphasis he gives to issues is also different, but not opposed, to the emphases of his two predecessors. There is a continuity in the midst of the change. Just this past week, *Emeritus* Pope Benedict, commenting on a recently published set of eleven books about Pope Francis, wrote that they "reasonable demonstrate that Pope Francis is a man with profound philosophical and theological formation and are helpful to see the interior continuity between the two pontificates, even with all the differences in style and temperament" (*Vatican News*, 3-12-18). He also rightly criticized one of the books that suggested that he and John Paul II cared only about laws and not about the difficult concrete moral situations people face.

I hope that because of this evening's presentation, you will appreciate more the challenges the pope has had in shifting from a primarily rule-based understanding of morality, to one that gives equal attention to the actual concrete situations people live in. What Francis is about is not an either/or, but rather an appropriately Catholic both/and, both moral principles and the prudential application of them. The moral principle is clear; the prudent application of that principle to specific cases requires prudence and may not always be the same.

Thank you for your attention.

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