

An open letter to Mrs. Hillary White from LifeSiteNews.com

Dear Mrs. White,

I apologize for answering only now your “general plea for information regarding the last meeting of the Pontifical Academy for Life.” Knowing that LifeSite has been deeply involved in the reporting on Monsignor Fisichella’s L’Osservatore Romano (OR) article of 15 March 2009, you would have deserved an answer much quicker. I waited with my answer because I knew that you had already received a very open answer to your inquiry, signed by five highly respected members of the PAV, in which the most essential points touching on this affair are already stated and much information was given so that any additional response would seem to be superfluous.

Nonetheless, I now wish to answer your question as well, adding some points or expressing them in my own words. Frankly speaking, I also hesitated to contact LifeSite once again after the contacts with the press last year because, after the Clarification of the Congregation of the Doctrine of Faith (CDF) was published, the whole matter seemed to be settled and the decision over the Presidency of the PAV now lies exclusively in the hands of the Holy Father. Moreover, it seemed inappropriate for a layperson to express criticism to the press of an archbishop President of the PAV who is our Pope’s appointee. For similar reasons, also an act of publically demanding the resignation of the President of PAV during the General Assembly, or urging him publically to resign, common in secular political life, seemed out of place here.

But after much reflection and prayer, and remembering the decisive role Laity’s critique of the Arianism of the majority of Catholic bishops played during one of the greatest crises in Church history in the prevention of the fatal Arian heresy, and the crucial role the young girl Catherine of Siena’s criticisms even of the Pope played in the reform of the Church of her time, it seemed to me right and necessary not to remain silent, also towards the Press, about an extremely important doctrinal matter and one that puts many lives of unborn babies and souls in peril and hence is of utmost practical, ethical, and spiritual consequence. Moreover, since the Press had been badly misinformed about the meeting of our Assembly, I thought the time for silence was over.

As you know, I had reached the same conclusion when the original OR article of Mons. Fisichella was published roughly a year ago in his name as President of PAV, but thereby *eo ipso* also in our (the PAV’s members’) name, such that all of us had a responsibility and obligation towards speaking out for the truth in private and in public. I felt then not only free, but even obligated to speak out for the truth and for other unborn babies, whose lives were put at risk through what amounted to a bishop’s condoning acts of abortion under tragic circumstances, thus abandoning

his flock and feeding it with pernicious errors rather than with truth. For these and no other reasons, such as motives of personal spite, I felt then obliged to disassociate myself publically as member of PAV from what our President had written.

In a similar way, the most recent events, and especially the false image given to the press, as the “letter of the five” made clear, constitute strong grounds for my reasons for keeping complete silence about the whole matter ceasing to exist. I feel again free and even, like my fellow Academicians, obliged to speak out publically after Mons. Fisichella gave the press to understand that there reigns perfect harmony among the PAV members regarding the issues raised in his article. Also the way, in which our President interprets the fact that CDF has (unfortunately, I believe, and for reasons explained by my fellow Academicians) prefaced its “clarifications” by stating that it is responding to letters received “following the manipulation and distortion of an article by His Excellency Archbishop Rino Fisichella, President of the Pontifical Academy for Life,” **calls for a rectification.**

For while it is in no way untrue that Mons. Fisichella’s article has been abused and manipulated so as to draw the conclusion that the Church teaching on all procured abortion including therapeutic abortion has changed, it remains totally clear that the false affirmations rejected clearly in the “Clarifications” (issued by the CDF) are indeed contained in archbishop Fisichella’s own OR article and not *merely* in misinterpretations or manipulations of his words, as Archbishop Fisichella himself interpreted things, thus evoking the impression that the *Clarifications* reconfirmed and vindicated his article and his persistent refusal to take back any of his statements. (Also the *Clarifications* never say this or claim that they *only* speak on such manipulations and not also on the article itself; rather the opposite is obvious). I wish therefore to go back to the origins of our debate, and pick out especially four assertions of Mons. Fisichella’s article which in my conviction stand in direct conflict with Church teaching as expounded in the *Clarifications* and which he has never revoked, even after having stated in his inaugural address to the PAV Meeting 2010 his full unity with those *Clarifications* and after having distributed them among us:

1. ***Assertion versus Negation that Procured Abortion is an Intrinsically Evil Act:*** The literal wording of Monsignor Fisichella’s article stated that the moral law itself about therapeutic abortion is unclear, with the clear implication that the therapeutic abortion in the case of the poor 9 year old Brazilian girl could not justly be declared intrinsically morally wrong, let alone a heinous crime:

How should one act under these circumstances ? A difficult decision for the doctor and for the moral law itself. Decisions such as this, although the individual circumstances differ, are played out repeatedly in resuscitation rooms, where the

doctor stands alone with his conscience in the act of having to decide on the best course of action.

He even said that it was an act of mercy and life-saving, given the alleged danger the girl had been in and the terrible abuse the girl had suffered and the pains she might have had to suffer in the future. All of this implies that it was even a good act under the circumstances. All of these and similar statements are in full tune with a moral theological position that has been widespread among many Catholic moral theologians for decades and still is held by many, mainly among those theologians who opposed *Humanae Vitae*. This ethical view is called proportionalism or consequentialism. According to it, there are no intrinsically morally wrong acts which to commit is sinful under all circumstances. There is no *intrinsically* wrong act at all, according to this opinion, that could not be justified by its consequences, i.e., if it's foreseeable good consequences outweigh the bad ones. This position, which also I have criticized in many articles and an unpublished book, would undermine the basis not only of Church doctrine but of Socratic ethics and of morality itself, and was clearly condemned in Pope John Paul II's Encyclical *Veritatis splendor*, which taught unambiguously that this position (defended by Fuchs, Demmer, Böckle, Schüller, and many other Catholic moral theologians), is gravely false and contrary to Catholic ethical teaching.

The clear statement of the *Clarifications*, contrary to Archbishop Fisichella's depicting the abortions as licit if not even as good under the circumstances, states the radical falsity of this consequentialist teleological ethics and is hence in full tune with *Veritatis Splendor* and its teaching of "moral absolutes," repeating specifically and unambiguously the teachings of *veritatis Splendor* and of *Evangelium Vitae* that *all* procured abortions, *including therapeutic abortions*, are *intrinsically and gravely morally wrong*. We will see this more clearly in the next point.

2. ***Does Procured Abortion Incur Automatic Excommunication Latae Sententiae or is Excommunication Undeserved by Abortionists because They are Moved by Pity?*** The clear text of the OR article of Mons. Fisichella said that the physicians and all other persons involved in the abortion of the girl's expected twins should never have been excommunicated: "... others deserve excommunication, not those who have permitted you to live". (In reality, the abortionist doctors were, rather than having been excommunicated by the then archbishop of Olinda y Recife, Don José Cardoso Sobrinho, *only declared* to be automatically *excommunicated*, which is a simple statement of *Canon Law* and of what Pope John Paul II writes in *Evangelium Vitae*).

Evangelium Vitae and the *Clarifications* state unambiguously the opposite, namely that abortion is intrinsically wrong just as cursing, lying, fornication, masturbation, contraception, and many other acts, but not only that: “therapeutic” or any other abortion (the Recife case was NOT therapeutic abortion) is so gravely wrong that in *every case* of being committed it deserves the greatest Church punishment, excommunication, that is the exclusion of a person from the sacraments and the salvific community of the Church: In other words, excommunication *latae sententiae* falls on all those persons who carry out an abortion or cooperate with it, because abortion, from the first moment of conception on, is murder, and not only murder but a particularly grave form of murder committed against the most helpless and innocent human persons. To claim that they did not incur or deserve excommunication because they were life-savers of the girl (which incidentally was not the case because the girl was in no danger), thus clearly contradicts Church teachings and the beautiful text of the *Clarifications*:

“Since the first century, the Church has declared the moral evil of every procured abortion. This teaching has not changed. It remains unchangeable. Direct abortion, that is, willed as an end or as a means, is gravely opposed to the moral law: 'Thou shalt not kill a child by abortion, neither shalt thou slay it when born' (Didache, 2,2). 'For God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life in a manner which is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are abominable crimes' (Second Vatican Council, Gaudium et Spes, 51).

"Formal cooperation in an abortion constitutes a grave offense. The Church punishes this crime against human life with a canonical penalty of excommunication: 'A person who procures a completed abortion incurs a latae sententiae excommunication' (CIC, can. 1398), 'by the very commission [ipso facto] of the delict' (CIC, can 1314) and under the conditions foreseen by the law (cfr. CIC, canons 1323-1324). ... This puts in evidence the gravity of the crime committed, the irreparable damage caused to the murdered innocent, to his parents, and to all society."

3. ***Merciless or Merciful Excommunication?***

According to Mons. Fisichella's OR article the act of excommunication or the reminding of the objective consequence of procured abortion, excommunication, was merciless:

unfortunately, the credibility of our teaching has been undermined, appearing to many as insensitive, incomprehensible and without mercy. It is true that Carmen carried within her another life, innocent like her own, although the fruit of violence, which has been terminated; however, this is not sufficient grounds for pronouncing a judgement as heavy as a meat-cleaver.

In contrast, the CDF Clarification state after having expounded excommunication as automatic consequence (*latae sententiae*) of abortion: “*The Church does not intend to limit the domain of mercy in this manner.*” This is not only so because the Church always invites sinners and criminals of all sorts to confess and repent their sins and, in case of excommunication, to be reinstated in the Church community but the act of excommunication is itself an act of mercy if abortion *in truth* is an abominable crime. It is an act of mercy for the children who would be mercilessly slaughtered, and is an act of mercy towards the abortionist, who is thereby reminded of the gravity of his crime instead of letting him rush mercilessly to an eternal punishment, as Saint Catherine of Siena states in a wonderful rejection of false mercy in words that God spoke to her:

His general cruelty is to see himself and other creatures in danger of death and damnation through privation of grace, and so cruel is he that he reminds neither himself nor others of the love of virtue and hatred of vice.

Dialogues, Treatise of Divine Providence'

and they are deluded by their own sensitive self-love, or by their desire for lordship and prelacy, and they correct not the faults they should correct in others, because the same or greater ones are their own. They feel themselves comprehended in the guilt, and they therefore lose all ardor and security, and, fettered by servile fear, they make believe not to see. And, moreover, if they do see they do not correct, but allow themselves to be bound over with flattering words and with many presents, and they themselves find the excuse for the guilty ones not to be punished. In such as these are fulfilled the words spoken by My Truth, saying: 'These are blind and leaders of the blind, and if the blind lead the blind, they both fall into the ditch.

Saint Catherine, Dialogues

Oh, miserable my soul! When the man ought to apply the flame of divine charity, and burn out the fault with holy punishment and correction inflicted by holy justice, he flatters and pretends that he does not see.

(To the Anziani and Consuls and Gonfalonieri of Bologna)

4. **Conscience based on Truth or Conscience Alone?** Fisichella presented the question of the double abortion as if doctors stood in the face of a decision for or against abortion alone with their conscience:

Due to her very young age and precarious health, her life was seriously in danger as a result of her pregnancy. How should one act under these circumstances ? A difficult decision for the doctor and for the moral law itself. Decisions such as this, although the individual circumstances differ, are played out repeatedly in resuscitation rooms, where *the doctor stands alone with his conscience in the act of having to decide on the best course of action* (emphasis mine JS). However, no one makes a decision of this kind nonchalantly ; even to think so is unjust and offensive. The respect due to the professionalism of the physician must always be borne in mind and one should not make any negative judgement without first considering the conflict generated. The physician carries within him his history and experience; a choice such as that of having to save a life, in the knowledge that he is placing a second life seriously at risk, is never arrived at easily.

The statement of Mons. Fisichella in his never retracted OR article is that the question whether or not to abort is a lonely decision of each physician. Thus he states not only that the doctors who killed the twins just have followed their conscience, which assertion might be true and might save their souls before the judgment seat of the Lord (though we have absolutely no indication that they were not routine murderers who precisely did *not* follow their conscience). Rather, Fisichella also implies that if this were so that truly the doctors just followed their moral conscience, their actions could not be called morally wrong.

In sharp contrast to this view stands Church Teaching and the text of the *Clarifications*. While not spelling out explicitly the Church teaching on the nature of conscience, the *Clarifications* clearly imply a different conception of the relation between moral conscience and moral rightness or wrongness of acts. For while authentic conscience (that must not be confused, as Cardinal Newman noted, with one's own whimsical wants and wishes) is the supreme *subjective criterion* or measure of moral acts, *it is in no way autonomous* in the sense that it ought not be *formed by the truth*. In more plain language, that a thief or murderer may have acted in good conscience, neither makes theft and murder objectively morally right, nor excuses the thief or murderer from failing to seek the truth about the human person and the moral law as an objective standard that ought to underlie the voice of his conscience. Conscience is not an oracle that can tell is whether abortion is right or wrong. Conscience should be based on the truth that abortion is

always and intrinsically wrong and only when based on the truth and at least seeking the truth it is truly conscience.

Now as the five signatories of the answer to your question have pointed out already, His Excellency Archbishop Fisichella has not retracted or even modified any of his assertions made in the article, neither after our first letter to him, nor after the intrinsically excellent “Clarifications” of the CDF, nor at the last Assembly. Not enough with this, he has distributed the “clarifications” signaling full accord between them and his positions. All this was based on his reading of the first paragraph in which the CDF appears to sanction what he had written.

Now even though Mons. Fisichella did attack fiercely and, I am sad to say, unjustly and unqualifiedly those of us who had signed the mentioned two letters, I still had not abandoned all hope that we and the whole PAV could find a *peace in the truth*, given that Monsignor Fisichella had in his introductory speech confessed his full harmony with the “Clarifications.” This fact gave me some hope to have found a way in which we could settle this dispute between the President and us quickly, truthfully and peacefully, neither through a foul compromise nor through cowardly silence, but through a *Communio et Pax in Veritate*, a peace based on truth.

Such a peace is not a mere tranquility, but a *tranquility of order*, as Saint Augustine defines peace. Therefore it required in our case a common assent to truth. Now I wrote a text that could serve to express such a *pax in veritate* and asked Monsignor Fisichella politely, in order to settle all our differences and to restore authentic tranquility of order, to sign the declaration of adherence to the CDF Clarifications himself, to distribute it to the rest of the PAV members, and to send it to the Holy Father. The text I proposed was nothing more than a declaration of filial adherence to Church Teaching and of renewal of our oath we had to take before being accepted into the PAV, which is not conceived as a wild and motley group of scientist who come up with all kinds of statements opposed to Church teaching, but is an Academy explicitly serving the understanding and spreading of the magnificent *Evangelium Vitae* pronounced by the Church.

I showed this text to Mons. Fisichella before carrying out my intention to distribute it and suggested to him, if he kindly agreed, to distribute it together among all PAV members. He refused, as I was told. When I saw that there was no chance that Mons. Fisichella would approve of our seeking to find a most desirable common grounds (in the face of the sort of public scandal of the confusions and divisions resulting from the article), and that also the Directors of the PAV did not support my proposal, I withdrew the text and

might have (in spite of his unjust attack on such admirable and gentle a fighter for the respect for life as Professor Luke Gormally, an attack that objectively called for a rebuttal) never spoken of this to anyone let alone published a word on it, had Mons Fisichella remained silent and not forced the five signatories of the letter, and now me as well, by his press release (made after the quiet Assembly meeting) that affects us as much as him, to speak out. This press release says effectively that we and the CDF were all in complete harmony with him, thus interpreting our prudential and reverential silence in front of a Papal appointee, our respect for his own wishes as to how to run the meeting, and his will not to distribute the joint statement I proposed, as well as our patient waiting for the Pope's decisions regarding the Presidency of the PAV, as a consent with his positions, which in a fully justified way provoked the response of the five authors who answered your inquiry.

It could well be that Mons. Fisichella rejected the distributing and signing of the text I proposed to him for various legitimate (though in my opinion mistaken) reasons. But after the series of events described by the five signatories of the previous answer to your queries and his consistent evasion of declaring his distance from grave errors pro-lifers and pro-abortionists *saw* in his article, it is to be feared that Mons. Fisichella truly remains firmly and immovably with his article's positions, not even regretting privately in the PAV let alone publically the tremendously damaging consequences and the interpretations of his words that read as justifying therapeutic abortion in cases where great harm could result from a birth. (If he had not intended to write this, he could and should at least express his deep regret over this interpretation and reformulate his position so as to exclude any of his statements as an attempt to justify "therapeutic abortion" in hard cases.)

Since it is almost impossible to avoid drawing this conclusion, I do fully agree with the authors of the letter you received from five distinguished members of the PAV, who included the author of the most penetrating theological analyses of Mons. Fisichella's article, Mons. Michel Schooyans, that in my view, notwithstanding that a decision is solely in the Pope's authority, Mons. Fisichella is absolutely unfit for being President of PAV.

However, if the authors of the letter indicate that they hope or expect the Holy Father will give him another task for which his abilities better qualify him, I feel obliged to add a very open remark: Even though Monsignor Fisichella has a brilliant mind, a superb education in a great number of areas, an extraordinary linguistic talent which allows him to speak in all languages of the PAV, and many other strengths which show an extraordinary preparation for higher tasks, I would think that his direct statement against

the clear teachings of two Encyclicals and against the dogmatic declaration of *Evangelium Vitae* that *any kind of abortion* and in *all cases*, is gravely wrong, would make it impossible to nominate him as bishop of a diocese, let alone of a Diocese linked to a Cardinal's hat and rank. While I am obviously not the Pope and not even a Monsignor, but a *misero laico*, a lousy layman, as my dear friend Cardinal Caffarra used to call me in half-jest, I feel it to be nevertheless my duty to remind the highest Church authorities, that not politics, not efficiency with achieving legal changes desired by the Church, or preventing undesirable ones, not high intellectual gifts and talents, but only an unshakeable and courageous commitment to the full extent of Catholic teaching can qualify a person for such influential and responsible positions for the flock for which Christ has laid down his life, and no human respect or clerical bonds, no clerical habits, but solely the truth ought to prompt the Church to name a man in a bishop's seat to be a successor of the holy Apostles and the highest representative of the Magisterium after the Pope and Councils of the Church. I would add: If I were a bishop and had the most brilliant and knowledgeable seminarian of the world asking me to ordain him as a priest after having held similar views about abortion, I would never ordain him to be a priest and if I were to do so, would fear for my eternal salvation.

Needless to say, not spite or resentment prompt the six of us to write what we wrote with a bleeding heart, not a fanatic interest in battles and in-fights but only an unconditional commitment to the truth which we have sworn to defend. And I still hope that Mons. Fisichella, for whom I pray daily by name, will come to see this and will enter into a community and peace based on truth.

In this spirit, and the spirit of his beautiful sermon on Christ's word *Epheta* to the blind man he gave us in the Mass at the tomb of our venerable founder, Pope John Paul II, I have conceived the attached text on *COMMUNIO ET PAX IN VERITATE* in the sincere hope that all of us PAV members will again be united in the unwavering respect for any human life. As an expression of my hope I leave the name of archbishop Fisichella in the text exactly as I had submitted it to him to propose to all the PAV members:

COMMUNIO ET PAX IN VERITATE

TEXT 1 PROPOSED TO THE GENERAL ASSEMBLY OF THE PONTIFICAL ACADEMY FOR LIFE FOR PRESENTATION TO THE HOLY FATHER

We, the President and Members of the Pontifical Academy for Life, express unanimously our full and whole-hearted adherence to the perennial teachings of the Catholic Church concerning the respect for human life and procured abortion including therapeutical abortion, as they have been recently explained in the *Chiarificazione della Congregazione per la Dottrina della Fede sull' aborto procurato* del 11 July 2009.

We also express our profound gratitude to His Holiness Pope Benedict XVI, and to His Eminence Cardinal Levada and his collaborators, for the gift of these new clarifications of the old and unchangeable teachings of the Holy Church, whose luminously clear and solemn declaration by His Holiness Pope John Paul II, especially in his Encyclicals *Evangelium Vitae*, and *Veritatis Splendor*, are revered by us as a Magna Charta of the Pontifical Academy for Life. Considering that Pope John Paul II has solemnly invoked the authority of Saint Peter for this teaching, we accept it as binding in faith.

At the same time, at the end of our General Assembly meeting on natural law and bioethics, we have come to conclude that the mentioned clarification not solely expresses authoritatively Church Teaching that as such is only recognized as binding by Catholics but at the same time gives a splendid expression to the “Natural Law” with respect to bioethics in its purity, an “eternal moral law” inscribed into the heart of every human person unadumbrated by intellectual and moral blindness. In other words, we hold that every human person, inasmuch as she opens her mind in a spiritual *Epheta* to the truth, can know these things and that thus Catholic moral teachings expresses truths, moral principles, morally relevant goods, values, and

norms that are open in principle to every human reason and rooted in the objective nature and dignity of human life.

Finally, we wish to take this clarification as an occasion to renew our solemn pledge and oath taken upon becoming members of this Academy, to promote an unconditional, uncompromising, and unambiguous respect for human life during all its stages from conception on to actual human death, and to adhere to all Catholic Church Teachings on this issue which we recognize to be of crucial importance for the Church and for the whole of humanity. Thus renew our pledge to work passionately towards the goal of that “culture of life” which our beloved and venerable founder Pope John Paul II cast into the audacious words of the Church Father Saint Ireneus:

HOMO (TOTALITER) VIVENS EST GLORIA DEI, where we should not forget the magnificent continuation of this text: ET VITA HOMINIS VISIO DEI EST, the true life which each of us hopes to attain and lead our neighbors towards.