

“CHARITY BUILDS UP” (1 COR 8:1)  
—BUT WHICH CHARITY? ON  
VÍCTOR MANUEL FERNÁNDEZ’S  
THEOLOGICAL PROPOSAL

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“Only a charity that builds up in harmony with the architecture of faith allows the Church to offer fruitful hope to the people of God in our troubled times.”



Shortly after his appointment as the new prefect of the Dicastery for the Doctrine of the Faith, Víctor Manuel Fernández complained in an interview about the criticism he had received for a book he wrote as a young priest. Cardinal Fernández was right to ask that his theology be assessed on the basis of his broad academic production. In this article I examine his most important theological contributions.<sup>1</sup> The task is of particular interest because of the responsibility that Pope Francis has entrusted to Cardinal Fernández to help him in his task of guarding the deposit of faith and promoting its knowledge and study.

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1. This article was approved for publication at the end of November 2023.

Fernández has written countless books to help pastors and to accompany the faithful in prayer. I will leave aside this enormous production to focus on his more theological texts. The main works are a handbook on the theology of grace<sup>2</sup> and a reasoned exposition of Christian spirituality.<sup>3</sup> There are also numerous articles published in specialized journals that cover topics such as biblical exegesis, theological anthropology, moral theology, theological method, the Trinity, ecumenism, etc.<sup>4</sup> In selecting the topics, I have been helped by Fernández's own description of his theology.<sup>5</sup>

As I will show, Fernández rightly points to the centrality of charity in the whole of Christian doctrine. The question I would like to ask is the following: What is Fernández's vision of charity? If, as St. Paul says, "charity builds up" (1 Cor 8:1), what is the architecture of charity so that it can build up communion among the people of God?

I begin by identifying the central inspiration of Fernández's proposal. Then, I will look at some of its implications for contemporary theological debate.

#### 1. THE PEOPLE AS THE "IMMEDIATE UNAVOIDABLE CONTEXT" OF THEOLOGY

The two inspiring ideas of Fernández's vision are the following: a) the importance of doing theology "from the people"; and b) the primacy of charity, with the insistence that charity's main external acts are acts of mercy. Both ideas come from a pastoral concern to present the faith to the simple and to accompany them on their journey in the fragility of their situation.

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2. Víctor Manuel Fernández, *Gracia. Nociones básicas para pensar la vida nueva* (Buenos Aires: Agape, 2010).

3. Víctor Manuel Fernández, *Teología espiritual encarnada. Profundidad espiritual en acción* (Buenos Aires: San Pablo, 2004).

4. A good selection can be found online at the Repositorio Institucional of the Pontificia Universidad Católica de Argentina, available at [https://repositorio.uca.edu.ar/browse?type=author&authority=rp01030&authority\\_lang=es](https://repositorio.uca.edu.ar/browse?type=author&authority=rp01030&authority_lang=es).

5. Víctor Manuel Fernández, "Algunos rasgos de una teología," in Marcelo González and Carlos Schickendantz, eds., *A mitad de camino. Una generación de teólogos y teólogas argentinos* (Córdoba, Argentina: Publicaciones de la Universidad Católica de Córdoba, 2006), 99–118.

Fernández develops a theology “from the people,” inspired by theologians such as Lucio Gera and Rafael Tello.<sup>6</sup> He claims that the Christian people, especially the simple and the poor, possess a special insight into the truths of faith, even though they have little speculative or rational power. There are forms of knowledge of God that elude scholars and that simple people are better able to grasp through lived experience of the divine mystery. Fernández claims to have found this idea in the sapiential perspective of St. Bonaventure, which he studied for his doctoral thesis at the Catholic University of Argentina.

It is important to emphasize that Fernández’s theology of the people distances itself from Marxist-inspired liberation theology. Fernández criticizes liberation theologians for not recognizing the wisdom of the people, since, according to Marxism, the people are alienated and in need of instruction for the class struggle.<sup>7</sup> For Fernández, on the contrary, the people possess a wisdom that is the original source of theological knowledge. Therefore, the theologian is called to approach the poor and to discover in them a profound sense of transcendence, as manifested, for example, in popular piety.

This appreciation of the people’s context leads Fernández to write that, instead of *sensus fidelium*, it would be better to speak of *sensus populi*.<sup>8</sup> The reason for this change is that with the expression *sensus fidelium* the “believers” can see themselves as separate from one another and thus lose the knowledge that comes from their unity as a people. For there are elements of knowledge that are not accessible to the isolated person but only to the person in relationship with the whole culture.

With regard to Fernández’s position, it should be pointed out that, although there is indeed a communitarian dimension to the knowledge of the faithful, the expression *sensus populi* alone is insufficient, since it ignores the centrality of faith. It would be better to speak of a *sensus populi fidelis*, that is, a sense of the faithful people. Otherwise, the sociological vision of the people

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6. For what follows, cf. Víctor Manuel Fernández, “El ‘sensus populi,’ Legitimidad de una teología ‘desde’ el Pueblo,” *Teología (Buenos Aires)* 72 (1998): 133–64.

7. Fernández, “El ‘sensus populi,’” 153.

8. *Ibid.*, 162.

could take precedence over revelation as the foundation for our knowledge of God. For the people as such are not a source of theological knowledge. Not having sufficiently clarified this point exposes Fernández's theology to certain risks, which, as we will see, he does not entirely escape.

Inspired by this theology from the people, Fernández wrote a commentary on the notification of the Congregation for the Doctrine of the Faith (CDF) on the works of liberation theologian Jon Sobrino.<sup>9</sup> The CDF objects to Sobrino's claim that theology cannot have the experience of the poor as its ultimate foundation, since theology is based on revelation received in faith. Fernández agrees with this judgment and reiterates that the foundation of theology is revelation. However, he is not entirely satisfied with the response of the CDF and highlights again the role of the people. According to him, the people, though not constituting the ultimate foundation of theology, are its "immediate and inevitable context."<sup>10</sup>

How do we evaluate this proposal? It is important to note that for Fernández the context is not something accidental but deeply determines the knowledge of the object studied. His description of the *sensus populi* goes in this direction, for he proposes not so much a theology of the people but a theology *from* the people. Fernández holds that our knowledge is placed in a context and decisively influenced by it.

It is here that Fernández's proposal could be problematic, were he to consider revelation and the experience of the people as two parallel sources. Would this not imply putting social experience, which can be contaminated by sin and error, on a similar level with the revealed Word? What do we do in the case of a conflict between the two? In a later article Fernández clarified that the people's context cannot be considered "determining for theology,"<sup>11</sup> but he insisted on the people being the immediate and unavoidable context of theology.

I agree with Fernández that it is important to consider the context of theology. However, I think an important qualification

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9. Víctor Manuel Fernández, "Los pobres y la teología en la notificación sobre las obras del P. Jon Sobrino," *Teología (Buenos Aires)* 92 (2007): 143–50.

10. *Ibid.*, 148.

11. Víctor Manuel Fernández, "Pensar desde los pobres," *Revista Universitas* 6 (2011): 49–53.

is necessary: revelation itself already provides a context. The true immediate and inescapable context of Catholic theology is given by the Church as the body of Christ, which in turn is rooted in the Eucharist and in the network of relationships that the Eucharist establishes. Moreover, since the Eucharist includes in itself the order of creation, the immediate context of theology is also given by the “human ecology” established by God at the beginning, the cornerstone of which is the “one flesh” of man and woman. This is the universal context that underlies every other particular cultural context. The context of each culture must be taken into account, but only in a secondary way, depending on the immediate primary context, which is marked both by the Eucharist and by the integral human ecology established when God created male and female and united them in one flesh (cf. Gn 1:27, 2:24). This is the way to preserve the unity of the Catholic vision, which would otherwise vary at its core from culture to culture, from social class to social class.

Although Fernández has made it clear that the context of the people can never take precedence over revealed faith, the influence of his theology “from the people” seems to have led him to consider some conflicts between this context of the poor people and Catholic doctrine. What are these conflicts? The first has to do with the difficult situation in which the poor live, so that among them “some aspects of Christian morality are poorly or imperfectly developed.”<sup>12</sup> The second concerns some errors, on the part of simple people, about elements of the doctrine of the faith. We will see later how Fernández positions himself in the face of these conflicts. First, it is necessary to review briefly the notion of charity that Fernández deals with, since he presents it as a way out of those conflicts.

## 2. THE PRIMACY OF FRATERNAL CHARITY

Fernández’s theology “from the people” invites him to postulate the primacy of charity as the key to the moral life and to the spirituality of the faithful. In this way, Fernández places himself in the best line of the Catholic moral tradition. Moreover,

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12. Fernández, *Teología espiritual encarnada*, 35.

Fernández draws on the Thomistic analysis of charity.<sup>13</sup> What is Fernández's reading of Aquinas?

Fernández sees charity as a participation in the trinitarian dynamism, which he understands above all as an ecstasy, that is, a "going out of oneself." For this reason, when he speaks of charity, Fernández concentrates on fraternal love as our way of moving out toward our neighbor. In addition to this focus on charity as a fraternal ecstasy, Fernández insists mainly on charity as sustaining the poor in their concrete material needs. Let us take a closer look at these issues.

## 2.1

On the one hand, Fernández defends the idea that, according to St. Thomas, mercy to our neighbors is "the highest of the virtues with regard to external works."<sup>14</sup> Therefore, while charity's center is our union with God, its main outward manifestation is mercy toward our neighbor. Fernández uses this principle to argue, as we will see in our next section, that in moral discernment the works of mercy take precedence over other commandments. Two critical observations must be made about this priority given to fraternal works of charity.

First, for Aquinas the acts of mercy surpass the acts of all other virtues that "relate to our neighbor" (*ST* II-II, q. 30, a. 4 co.). However, the acts of mercy are not the greatest with respect to other external acts that refer to God. In fact, St. Thomas teaches that martyrdom, in which one offers one's life for the love of God (*ST* II-II, q. 124, a. 3 ad 2), is the external act in which charity is best manifested (*ST* II-II, q. 124, a. 3 co.).

Second, if we read the full context of Fernández's quotation in support of his claim regarding the primacy of mercy, we see that Aquinas, when asked whether mercy is the greatest of the virtues, answers that it is not. St. Thomas only affirms that mercy can be considered the greatest virtue in passing and

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13. Víctor Manuel Fernández, "La dimensión trinitaria de la moral. II. Profundización del aspecto ético a la luz de *Deus caritas est*," *Teología (Buenos Aires)* 87 (2005).

14. *Ibid.*, 135, citing Thomas Aquinas, *Summa theologiae* [= *ST*] II-II, q. 30, a. 4 ad 2.

in reference to the virtues possessed by God, not the virtues possessed by man. For in man the virtue (that is, charity) that unites us to God, from whom we receive all that is good, takes precedence over mercy. Therefore, it is not possible to rely on St. Thomas to repeat, with reference to human persons, that mercy is the greatest of the virtues. For Aquinas, the virtue of obedience, inasmuch as through it we offer our will to God, is greater than all the moral virtues, including mercy (*ST II-II*, q. 104, a. 3).<sup>15</sup>

## 2.2

This leads us to a second feature of Fernández's vision, which, in describing charity, insists that its main external manifestation is to help our neighbors improve their material needs. For example, when Fernández presents St. Thomas's thought on the effects of charity, he insists on benevolence and almsgiving as the proper acts of charity that depend directly on this virtue.<sup>16</sup>

Now, there is an important omission here, for mercy is not focused mainly on caring for the material needs of our brothers and sisters but on helping them to live in union with God, which also includes external acts like fraternal correction (*ST II-II*, q. 33).<sup>17</sup> This was already St. Augustine's view of mercy (*De civitate Dei* 10.6), which St. Thomas follows. Charity is ordered toward the communication of the greatest good to one's neighbor, that is, to unite one's neighbor to God. Precisely for this reason we are called to love our neighbors as ourselves—not *more* than ourselves. To love our neighbors means to desire for them

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15. It is interesting how Fernández takes for granted that the hymn to charity in 1 Corinthians 13 refers to brotherly love: Víctor Manuel Fernández, "Una nueva imaginación de la caridad," in R. Ferrara and C. M. Galli, eds., *Navegar mar adentro: Comentario a la carta Novo millennio ineunte* (Buenos Aires: Paulinas, 2001), 89. This is far from obvious. The famous biblical scholar Heinrich Schlier, for example, writes that in 1 Corinthians 13 charity refers to the love of God manifested in Christ, which enables us to love God and our brothers and sisters. In fact, it is from God that charity hopes all things and believes all things (1 Cor 13:7). See Heinrich Schlier, "Über die Liebe. 1 Korinther 13," in *Die Zeit der Kirche* (Freiburg: Herder, 1956), 186–93, 186–87.

16. Fernández, "La dimensión trinitaria de la moral. II," 135.

17. See *ibid.*, 136–37, where only works of material assistance to one's neighbor are mentioned.

the greatest good that we desire for ourselves, which is union with God.

Of course, this orientation toward God does not diminish the importance of helping our neighbors in their material needs. The point is only that helping our neighbors has its proper place within the *ratio formalis* of charity, which is union with God. Consequently, this material help does not have the paradigmatic value that Fernández ascribes to it, so that it would take precedence over the fulfillment of other commandments. In fact, the fulfillment of the commandments is necessary for our union with God.

If, as Fernández does, we give priority to charity as fraternal love (even only in terms of external works), and not as a radical union with God, it is possible, as we will see, to find conflicts either of charity with some commandments of God's law, or of charity with the proclamation of some teachings of the Church. Moreover, this primacy of fraternal charity affects the understanding of the sacraments (structured around the Eucharist, the sacrament of charity) and of the Church that is born of these sacraments. Let us now examine these four aspects: (3) the moral law; (4) the confession of faith; (5) the sacramental nature of the Church; and (6) the consequences for ecclesiology.

### 3. CHARITY AS A CRITERION VIS-À-VIS THE MORAL CONFLICTS CAUSED BY HUMAN WEAKNESS

The theology "from the people" shows Fernández's concern to deal with human fragility and weakness. Fernández highlights the conditioning factors, some of which stem from poverty, that make it difficult to fulfill the entire moral law. However, Fernández adds, in the midst of this poverty, the poor find a spirituality that brings them close to God, even surpassing other Christians who are more faithful to the commandments.

Fernández seeks to defend this conclusion without denying the value of the Church's moral teaching. Just as his proposal for a popular theology distances itself from the theology of liberation by valuing popular piety, so his moral proposal seeks to distance itself from the liberal theology of dissent from Catholic moral teaching, which according to Fernández is typical of



Europe but not of Latin America.<sup>18</sup> How, then, does Fernández maintain both the validity of objective norms and the possibility of a living relationship with God in conflict with some of those norms? Fernández suggests two ways.

### 3.1

First of all, he attaches great importance to the factors that exempt us from moral responsibility. Fernández relies on a common Catholic doctrine, citing the *Catechism* (1735, 2352b). The doctrine holds that there is a difference between an objectively grave sin (such as adultery or contraception) and the guilt before God of the person who commits it. There are indeed factors that mitigate or even eliminate responsibility, either through ignorance of the law or through weakness in fulfilling it, partially caused by a deficient education, affective wounds, social conditioning, etc.

Fernández offers an original interpretation of this principle. For him, it expresses the uniqueness of each person before God. As he says, speaking of the multiple spiritualities present in the Church, “The Church herself recognizes this disproportion between her objective teaching and the mysterious path of each person when she says that one can speak of ‘grave sin, understood objectively,’ but without being able to judge subjective imputability.”<sup>19</sup> The objective moral law, then, has a general value for everyone, while subjective responsibility accounts for “the mysterious path of each person.” This separation between the objective and the subjective sphere allows Fernández to claim, on the one hand, that he defends the traditional morality of the Church and, on the other, that everyone has his own way to God, even if this way is in some cases in conflict with God’s commandments.

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18. Víctor Manuel Fernández, “Vida trinitaria, normas éticas y fragilidad humana. Algunas breves precisiones,” *Universitas* 6 (2011): 61–71, at 70; “El capítulo VIII de *Amoris Laetitia*. Lo que queda después de la tormenta,” *Medellín* 43 (2017): 449–68.

19. Víctor Manuel Fernández, “De la multiplicidad de espiritualidades a las cumbres de la vida espiritual,” *Vida pastoral* 244 (2003), available at <https://repositorio.uca.edu.ar/bitstream/123456789/7854/1/multiplicidad-espiritualidades-cumbres-vida-espiritual.pdf> (translation mine).

Now, how has this lack of imputability been interpreted in Catholic moral theology? In the first place, these situations of lack of imputability for a sin are a serious deficiency of the person—not a reflection of each person’s unique and unrepeatable vocation. The lack of imputability is due to ignorance of the evil committed or to the absence of freedom to choose the good. Even if one is not the cause of this dramatic situation, it is a misfortune that one cannot be held responsible for what one has done. Let us recall that, as Paul Ricoeur has shown, a key characteristic of the “capable man” is precisely the imputability of his actions.<sup>20</sup>

Moreover, this lack of responsibility cannot be due simply to the difficult situation in which the person finds himself, but to the deprivation of knowledge and/or freedom. Now, Fernández seems to include among these factors that mitigate responsibility also circumstances external to the person, such as, for instance, the difficulty of separating from a second husband with whom one has contracted a civil marriage and with whom one has children.<sup>21</sup> Here we are already moving from excusing a person for lack of subjective disposition to excusing him for the circumstances in which he lives. Let us look at this latter possibility.

### 3.2

The second way proposed by Fernández to excuse the fulfillment of some commandments is based on the consideration of fraternal love as a criterion that is superior to any other moral commandment. According to Fernández, subjective conflicts of duties can arise, and then love of neighbor is the norm to be followed at all times, without exception.<sup>22</sup> To sustain this opinion Fernández postulates that the virtue of charity could directly determine the rationality of an action, without reference

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20. Paul Ricoeur, *Parcours de la reconnaissance. Trois études* (Paris: Stock, 2004), 157–64.

21. Fernández, “El capítulo VIII de *Amoris Laetitia*,” 455.

22. Fernández, *Gracia. Nociones básicas*, 164.

to prudence.<sup>23</sup> Fernández argues that charity is able to specify the immediate end of some of our moral actions (as in the acts of mercy), which take precedence over other actions that are immediately specified by prudence and by the rest of the virtues. Thus, in the case of a subjective conflict, charity would have to be followed even without considering prudence and the other virtues.

What can we say with regard to this proposal? We must answer that charity certainly transforms our prudence and broadens its horizons, but not in such a way that charity does not integrate the creaturely order of our being that is witnessed to by prudence. Thus, for example, it is not possible for charity to directly specify our actions without the mediation of prudence and the other virtues.<sup>24</sup> That is to say, charity acts through prudence and the other moral virtues (*ST I-II*, q. 65, a. 3) precisely because charity takes on all that is human in order to bring it to God. If charity were to work without taking into account the fullness of our humanity, it would deny our origin in the Creator and therefore could not unite us to him. Recall, for example, that, according to Aquinas, even the act of martyrdom, commanded by charity, is specified by a moral virtue, that is, by fortitude (*ST II-II*, q. 124, a. 2). If this is the case for the most excellent of Christian acts, how could it not be the case for the rest of our actions?

It is true that Fernández's views on this point are not always consistent. In an article published in 2006 he seems to argue that the acts directly specified by charity (understood to be the acts of mercy) could justify actions against other commandments, as in the case of contraceptive acts.<sup>25</sup> Even if a person lives in an objective contradiction to a moral norm, he would still participate in the

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23. See Fernández, "La dimensión trinitaria de la moral. II," 144–47.

24. Cf. Antonio Spadaro and Víctor Manuel Fernández, "Vita e dottrina della fede. Un dialogo con mons. Víctor Manuel Fernández," *La Civiltà Cattolica*, September 16, 2023, available at <https://www.laciviltacattolica.it/articolo/vita-e-dottrina-nella-fede/>.

25. Fernández, "La dimensión trinitaria de la moral. II," 150: "In this case [that of a woman who must maintain periods of continence against her husband's will], an inflexible refusal to use condoms would place compliance with an external norm above the serious obligation to care for loving communion and conjugal stability, which charity demands *more directly*" (emphasis original; translation mine).

trinitarian dynamism of self-transcendence, so that we should not speak of sin but of “imperfect self-transcendence.”<sup>26</sup> In 2011 he clarified that he was not suggesting that charity could change the objective immorality of an act against the commandments but was only referring to situations of diminished imputability. In these situations, so Fernández’s clarification goes, charity could still help the person to get closer to God *in the midst* of an evil act but not *through* that evil act. Later, in an interview Fernández gave to *La Civiltà Cattolica* in 2023, he insisted again on the capacity of charity to specify directly the rationality of an action independently of prudence and the other virtues. Does he mean, against what he wrote in 2011, that the specific acts of charity allow for the justification of actions against some commandments in case of conflict with these acts of charity?<sup>27</sup>

But let us return to Fernández’s stated goal of helping fragile people grow gradually in fidelity to the Gospel. It is difficult to see why, in order to achieve this end, it is necessary either to assume a lack of responsibility in the person or to abandon the coherence between charity and the rest of the precepts of the law. In either case, by living contrary to the precepts of God’s law, man harms himself and diminishes his capacity to love. This diagnosis does not prevent the Church from using a pedagogy that, with sensitivity and patience, helps the person to embark on a path of healing. A doctor, for example, may have to avoid saying the word “cancer” to a patient’s face right away, but he cannot deceive himself or the patient by telling him not to worry because the patient does not feel subjective pain or because he has a share, however imperfect, in health. Nor does the correct diagnosis prevent the physician from setting the patient on the path to recovery. On the contrary, knowledge of the disease and its treatment is the basis for opening a gradual path to healing. Let us now consider the value of Christian doctrine in this journey of man toward his healing in God.

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26. Fernández, “La dimensión trinitaria de la moral. II,” 159.

27. Spadaro and Fernández, “Vita e dottrina della fede”: “Perché la carità fraterna, in quanto comandamento principale che si compie tramite la virtù della carità, interviene anche nell’ambito dell’azione e provvede di razionalità il discernimento, posto che questa virtù ha atti esterni propri che diventano *paradigmi, riferimenti necessari in ogni discernimento*” (emphasis original).

#### 4. CHARITY AND CHRISTIAN DOCTRINE: WHICH ARCHITECTURE?

The context of theology “from the people” also influences the way in which Fernández understands revelation and our access to it. He is interested in showing how in the simple people a deep knowledge of God can coexist with imperfections in the knowledge of the doctrine of faith.

He begins by affirming that people, through experience, can attain a familiarity with divine things that could surpass that of the learned theologians. This is an important insight that allows Fernández rightly to insist on charity as a source of knowledge and of the importance of knowing God through connaturality with him. The ability of the simple to know God has been emphasized throughout the theological tradition. Both St. Augustine and St. Thomas, for example, praised the knowledge of God of the common people, which is greater than the knowledge of all the ancient philosophers.<sup>28</sup>

From this distance between the learned and the simple Fernández infers a distance between what is believed (*fides quae*) and the attitude of the believer (*fides qua*).<sup>29</sup> According to Fernández, there is a priority of the *fides qua*, that is, of the believer’s trusting openness to God himself who reveals, over the *fides quae*, which is the revealed truth itself. Is there any basis for this conclusion?

Fernández claims to rely on St. Bonaventure. However, in the text quoted by Fernández, St. Bonaventure classifies different aspects of faith as a disposition of man, that is, different aspects of the *fides qua*. Bonaventure does not question the precedence of what is revealed (*fides quae*) over our dispositions to accept it (*fides qua*). Fernández is right in saying that without the *fides qua* we cannot be saved, for “even the demons believe—and shudder” (Jas 2:19, RSVCE). But a healthy disposition of faith (*fides qua*) is only such if one accepts the primacy of the *fides quae*,

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28. Cf. Augustine, *De vera religione* 4.6 (CCL 32, 192); Thomas Aquinas, “Sermon *Attendite*,” in *The Academic Sermons*, trans. Mark-Robin Hoogland (Washington, DC: The Catholic University of America Press, 2010), 195–213, at 202.

29. Fernández, “El ‘sensus populi,’” 141.

that is, of what is revealed by God, which always takes precedence over our acceptance of his revelation. For, as St. Augustine argues (*Confessions* 1.1), if we err in the knowledge of God, we might turn to someone other than him.

The alleged priority of the believer's disposition over objective doctrine is argued by Fernández to allow an intimate knowledge of God to coexist with errors in the confession of faith. He seeks support for this affirmation in Aquinas, who, according to Fernández, teaches that there can be a greater perfection in faith in terms of adherence to God, even if there are errors in the explicit reasoning.<sup>30</sup> However, St. Thomas affirms that this greater adherence can occur with an implicit faith but not with an erroneous faith.<sup>31</sup> In fact, according to Aquinas, if one disbelieves one article of faith, he has no faith whatsoever (ST II-II, q. 5, a. 2).

It is interesting that, in this context of the acceptance of faith, Fernández again invokes the principle of the subjective nonimputability of some sins, with the repeated citation of the *Catechism* (1735, 2352b). We see thus a parallel between the excuse of actions contrary to the objective moral law and the excuse of "imperfections of faith."

This primacy of lived experience over the content of the faith helps explain why Fernández can claim that Catholic doctrine changes throughout history without Christian experience itself changing. Fernández insists that the formulas of faith are always limited because our knowledge is conditioned, and God is always greater than our understanding. It can therefore happen that the deepening of our knowledge of the faith can lead us to deny earlier formulations of the same faith.<sup>32</sup>

Fernández's proposal here contrasts with St. John Henry Newman's vision of the development of doctrine. According to Newman, "logical continuity" is one of the notes that distinguish

30. Fernández, "El 'sensus populi,'" 160.

31. In ST II-II, q. 2, a. 6 ad 2, the text adduced by Fernández, St. Thomas accepts that an error may be justified in the simple, but only when there is no persistence in the error, and when it concerns very subtle questions of theology ("de minimis articulis fidei").

32. Fernández, "El capítulo VIII de *Amoris Laetitia*," 461.

a healthy development from a corruption.<sup>33</sup> For Newman it is clear that not every development can be explained by mere logic, because what develops is a living idea. But it is also clear to Newman that development must include logic, so that a formulation cannot contradict previous formulations. Another of Newman's insights is that every true development necessarily involves the preservation of past teachings.<sup>34</sup>

In reality, faith in the Incarnation is faith that the mystery of God has become accessible to man and that his Word can be formulated in human language, as happened through the preaching of Jesus. For this reason, what the Church has taught remains valid through time, so that no new formulation can contradict what was taught in an earlier formulation. Let us recall the Dogmatic Constitution *Dei Filius* of the First Vatican Council: "That understanding of its sacred dogmas must be perpetually retained, which Holy Mother Church has once declared; and there must never be recession from that meaning under the specious name of a deeper understanding."<sup>35</sup> For this reason, the council condemns anyone who claims that "at some time, given the advancement of knowledge, a sense may be assigned to the dogmas propounded by the Church which is different from that which the Church has understood and understands" (*DH* 3043).

However, Fernández accepts changes in doctrine that do not follow the same line as previous doctrines. He gives several examples: slavery, the possibility of salvation outside the Church, and religious freedom.<sup>36</sup> However, one could argue that there is a coherent development in all these cases. Let us take slavery as an example. Fernández cites the papal bull *Romanus pontifex* of 1455, which allowed the king of Portugal to take slaves. Fernández affirms that the Church later changed her teaching on this point,

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33. John Henry Newman, *An Essay on the Development of Christian Doctrine* (Notre Dame: Notre Dame University Press, 1989), 383–99.

34. *Ibid.*, 419–36.

35. H. Denzinger, *Enchiridion Symbolorum, definitionum et declarationum de rebus fidei et morum*, ed. Peter Hünermann (Freiburg i.B.: Herder, 1991), n.3020 (hereafter cited as *DH*). The translation is from H. Denzinger, *The Sources of Catholic Dogma*, trans. Roy J. Deferrari, 30th ed. (St. Louis: Herder, 1957).

36. Fernández, "El capítulo VIII de *Amoris Laetitia*," 461.

which is an important one because it concerns human dignity.<sup>37</sup> In fact, as far as slavery is concerned, there is a continuous Magisterium of the Church that condemns it in its extreme manifestations, including the slave trade. The bull cited by Fernández is an exception in the specific case of the war against the Muslims. Suffice it to think of the teachings of John VIII in 883 (*DH* 668), the bull of Paul III in 1537 confirming an edict of Emperor Charles V prohibiting the enslavement of Indians (*DH* 1495), or a constitution of Gregory XVI in 1839 listing other earlier papal documents against slavery (*DH* 2745–46).<sup>38</sup>

Certainly, Fernández accepts the need for a certain continuity of doctrine. He affirms that in the case of slavery there is continuity with regard to the general principle of human dignity, while there are fundamental changes in the way this dignity is conceived.<sup>39</sup> However, if revealed doctrine refers only to such broad concepts, how could it offer man a way of salvation? What use is a general doctrine of human dignity that later errs in central aspects for the preservation of that dignity?

Defending this stronger continuity does not mean accepting a rigid “fixism” that denies any development of Christian doctrine, as Fernández fears.<sup>40</sup> The key is to distinguish between genuine development and corruption, and a crucial element of this distinction is the adherence not only to general concepts or ideas but to everything that has been definitively proposed by the Magisterium. Let us recall the two objects of the Church’s infallibility. On the one hand, it is necessary to believe firmly, with the assent of faith, all that the Church teaches us as revealed. On the other hand, it is necessary to accept firmly, with faith in the divine assistance of the Church, all that the Church teaches

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37. *Ibid.*

38. For a commentary on this bull, see John T. Noonan Jr., *A Church That Can and Cannot Change: The Development of Catholic Moral Teaching* (Notre Dame: University of Notre Dame Press, 2005), 62–67. The author, like Fernández, asserts that the Church has changed its teaching on important moral issues. For a critique of Noonan’s position, see Cardinal Avery Dulles, “Development or Reversal?” *First Things*, October 2005, available at <https://www.firstthings.com/article/2005/10/development-or-reversal>.

39. Fernández, “El capítulo VIII de *Amoris Laetitia*,” 461.

40. *Ibid.*



definitively in order to safeguard and explain the revealed deposit (*Lumen gentium*, 25). Thus, for example, there is no doubt about the theological status of statements that ask for our definitive assent without asking for the assent of faith. This is what theology has called the secondary object of the Magisterium, as stated in the second paragraph of the Profession of Faith when assuming ecclesiastical office (*Ad tuendam fidem*, 3–4).

Having pointed out these problems in Fernández's vision, it is important to return to his stated goal of bringing the simple into contact with God. Does he fear that the custody of doctrine and of its continuity will conflict with the pastoral care of the people? If so, we must answer that this fear is unfounded. The defense of the doctrine of faith is not to be seen as an instrument of dominion or power over others. On the contrary, Christian doctrine gives us the wisdom of an architect capable of building a welcoming home. As Pope Francis taught in his encyclical *Lumen fidei*, love without truth cannot last and cannot provide a stable foundation for our lives (37). Doctrine contains the architecture of human relationships so that they can build a true and fruitful communion with God and with others. A cornerstone of this architecture is found in the sacraments, which we will now consider.

##### 5. THE SACRAMENTAL FRAMEWORK OF THE CHURCH

Fernández's concern for the sacraments is also influenced by his theology from the people. What happens when simple people, who find in the sacraments an important expression of religiosity, are deprived of them because they do not live fully in accordance with the commandments?

At the end of an article devoted to the character imprinted by the sacrament of confirmation, Fernández suggests that, since this character is imprinted even in the person who receives the sacrament in mortal sin, those who live in situations gravely contrary to Catholic morality could be admitted to this sacrament and thus benefit from the possession of its character.<sup>41</sup>

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41. Víctor Manuel Fernández, "El carácter del sacramento de la confirmación," *Teología* (Buenos Aires) 42 (2005): 27–42.

To justify this proposal, Fernández adds his repeated emphasis on the factors that limit the responsibility of an evil act. Since we do not know whether the person is in a state of grace or not, it is possible to administer the sacrament even if the recipient is objectively living in a way that is contrary to God's law.

However, the practice proposed by Fernández is contrary to what the Church has always maintained. From the earliest centuries, prebaptismal scrutinies have been used to determine a person's readiness to live the Christian life.<sup>42</sup> In order to prepare for baptism by improving the candidate's moral habits, a long catechumenate was foreseen. This patience bore fruit so that, with the help of God's grace that acts even before the reception of the sacrament, the life of the catechumen was ready to receive the Gospel, like good soil that receives the seed. We have an example in St. Augustine, who in his *On Faith and Works* asks whether it is possible to admit to baptism those who live in adultery. Augustine answers that it is not possible, because the profession of faith includes the acceptance of the morals of the Church as an integral part of that same faith.

St. Thomas also asks this question in reference to baptism. Is it possible to baptize someone who remains attached to sin without repenting of it? The answer is negative, and the reason is, on the one hand, that the administration of baptism would do violence to this candidate, imposing on him a model of life that he does not want to accept (*ST III*, q. 68, a. 4 ad 3). Besides, this administration of baptism would create a falsehood in the sacramental signs, visibly staging the opposition between the character impressed by Christ and the way of life of this person (*ST III*, q. 68, a. 4). This contradiction would harm the common good of the Church, since the sacrament is not only a private gift but contains the visible common language of the profession of faith in Jesus.

What can we say about Fernández's reference to conditions that mitigate responsibility as a reason to change the Church's sacramental discipline? Can a person be admitted to the sacraments, given that he could be in a state of grace, even though objectively he lives in sin and does not want to abandon

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42. Cf. Alan Kreider, *The Patient Ferment of the Early Church: The Improbable Rise of Christianity in the Roman Empire* (Grand Rapids: Baker Academic, 2016).

this situation? It turns out that these mitigators of responsibility belong to the private forum of man before God, but this forum is not the sacramental forum, which always has a public scope.

Let us take the sacrament of penance, which is a precondition to receiving the other sacraments when a baptized person is in grave sin. The fact that a person is guiltless before God does not mean that he can receive sacramental absolution if he does not repent of an objective sin against God's law, because sacramental absolution does not only effect interior reconciliation with God but also reconciliation with his visible Church (*Lumen gentium*, 11). As Karl Rahner has shown, the sacramental forum is not identical with the private forum of conscience.<sup>43</sup> In the sacramental forum the sinner comes out of his private vision and places himself before Christ in the person of the priest. If the forum of penance were the forum of conscience, there would be a self-absolution of the penitent. Thus he would remain closed in on himself and easily fall back into the sense of guilt so prevalent in today's society.

In this light, what is the meaning of the principle that guilt can be diminished or indeed absent, even in a situation of objective sin? When the Church affirms that it is possible for a person not to be guilty before God even if that person lives in sin, what she is saying is that beyond all ecclesiastical disciplines and practices remains God's judgment, which he reserves for himself because "everything is naked and exposed to the eyes of him to whom we must render an account" (Heb 4:13). That is, this principle of nonimputability refers to what is beyond the discipline and practice of the Church. Therefore, it does not make sense to appeal to it, as Fernández does, in an attempt to change the practice of the Church. In other words, in order to change the

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43. Karl Rahner, "Forgotten Truths Concerning the Sacrament of Penance," in *Theological Investigations*, vol. 2 (Baltimore, MD: Helicon Press, 1966), 135–74, at 144n17: "Events which take place in the sacramental forum effect directly happenings in the 'sphere of conscience' (as simply all sacraments do). They do not, however, take place only in the 'private' sphere of internal conscience, but in the visible Church." "And this binding of the Christian in mortal sin by the Church takes place in the dimension of the visible Church, which differs indeed from the 'forum externum' but which nevertheless is really a sphere of the visible order because it is precisely that dimension of the Church in which the sacraments are effected as 'visible' signs of grace" (*ibid.*, 148).

discipline, Fernández invokes a principle whose function is to point to what is beyond all discipline.

We see that Fernández's view of the sacraments fails to grasp how they are constitutive of the relational and public being of the Church. This lack has implications for other areas of Fernández's thought, especially for ecumenical dialogue, as well as for dialogue with Judaism and other religions. Let us look into these ecclesiological implications.

## 6. CHARITY AND THE UNITY OF THE CHURCH

First, there is Fernández's attempt to explain the fourth part of *Domínus Iesus* (on the universal mediation of the Church) in a way that is more acceptable to Protestants. *Domínus Iesus* teaches that Protestant communities cannot be called "church" in the proper sense because they lack the Eucharist. Fernández attempts to reinterpret this statement by suggesting that the term "church" be used analogically.<sup>44</sup> The principal analog (*princeps analogatum*) would not be the Catholic Church but the future eschatological Church that will gather all believers. The analogous concept of "church" would then apply primarily to all other ecclesial communities, for the Spirit is at work in them. Only in a second moment does Fernández consider a more restricted concept of "church," corresponding to those communities that share the Catholic faith regarding the Eucharist, since they have the fullness of the means of salvation. The first analogical use of "church" is primordial for Fernández because it does not refer to the order of the mediation of grace (the Eucharist) but to the order of grace itself (the Spirit that works through charity).<sup>45</sup>

There are several questionable points in Fernández's proposal that do not seem compatible with the teaching of *Domínus Iesus*. First of all, Fernández does not mention that the eschatological fullness has already been anticipated in the Catholic Church, so that it is not just a fullness to come.

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44. Fernández, "Una nueva imaginación de la caridad."

45. According to Fernández, speaking of the union with Protestants, "If in the order of mediations there is division, this division *does not exist in the order of grace itself*, present in all Christian communities" (*ibid.*, 101, emphasis original, translation mine).

Yet Fernández quotes *Ut unum sint* 14, where this anticipation is explicitly affirmed.<sup>46</sup> Then, when Fernández speaks of an analogous understanding of “church,” he applies the word also to Protestant communities, whereas, according to *Dominus Iesus*, it is the Eucharist, from which the Church is born, that allows for the name “church” to be applied. This is because in *Dominus Iesus* the Eucharist is not confined only to the order of the mediation of grace but it contains the structural order of grace itself. To use Fernández’s own terminology we could say that the Eucharist is not only a means for salvation but the “immediate and inevitable context” that makes it possible for us to love in the manner of Christ, according to his new commandment (Jn 13:34).

As we see, Fernández maintains a vision of the sacraments only as the means of salvation that lead to union with God through charity. Therefore, even if the fullness of these means does not exist outside the Catholic Church, the ultimate fruit that these means achieve can exist. What is important in his view is not so much the means of salvation but the salvation itself, through which we are united with all those who already live in grace.<sup>47</sup>

What is missing from these affirmations is that the grace received by those outside the Catholic Church comes to them through the mediation that the Church already has in fullness. For there is no way to obtain the charity of Christ that does not pass through the body of Christ. Thus, Fernández affirms that “there is a real possibility of salvation outside the Catholic Church and its doctrinal and normative framework.”<sup>48</sup> However, definitive salvation implies the acceptance, even if implicit, of the doctrine confessed and put into practice by the Catholic Church. Union in charity is also union in truth, for “he who loves me will keep my word” (Jn 14:23).

I share Fernández’s vision that a theology of charity is crucial to understanding the unity of the Church. Fernández

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46. Ibid.

47. Fernández, *Gracia. Nociones básicas*, 200–01.

48. Víctor Manuel Fernández, “La caridad ecuménica a 500 años de la reforma” (lecture at the Meeting of Delegates of Ecumenism and Interreligious Dialogue, Buenos Aires, 2017), available at <https://www.accioncatolica.org.ar/wp-content/uploads/2017/09/La-caridad-ecumenica-Mons.-Victor-Fernandez.pdf>.

speaks of “ecumenical charity,” which consists in mutual love and respect and in the common exercise of works of charity. What needs to be added is that this “ecumenical charity” is not the goal of ecumenism but only the beginning of a journey in which such ecumenical charity will take shape in a common confession of the truth and in a common sacramental practice. To say it once again, the common confession of faith and the sacraments are not only paths to a charity that goes beyond them, but they constitute the architecture or structure of charity, without which charity is formless and disembodied.

To understand Fernández’s ecclesiology it is also interesting to focus on how he views the relationship between Christianity and Judaism.<sup>49</sup> Fernández maintains that there are two readings of the Old Testament, both of which come from God: the christological reading found in the New Testament and the reading of Judaism after Christ (a reading that excludes Christ as the fulfillment of Scripture).<sup>50</sup> For this reason, Fernández rejects the scheme of promise–fulfillment between Old and New Covenant, proposing instead a relationship of “irreducible complementarity” between the ways in which Christianity and contemporary Judaism approach Scripture, and affirms that one can speak of “Christian fullness” only with great caution.<sup>51</sup> Fernández goes so far as to say that St. Paul in his letters does not require the Jews to confess Jesus now in order to receive salvation.<sup>52</sup>

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49. Víctor Manuel Fernández, “La complementarité irréductible. L’herméneutique biblique après la Shoah,” *Nouvelle Revue Théologique* 128 (2006): 561–78.

50. Ibid., 575: “On peut synthétiser cette proposition comme suit: *le noyau permanent des textes de l’AT a développé dans les traditions juives une autre voie, indépendante de son orientation explicite vers Jésus, et ce noyau est lui aussi fruit des Livres sacrés dans l’Histoire*. Il s’est nourri de sa lecture propre des événements, de la méditation, de l’enseignement et de la transmission populaire dans le contexte du peuple juif au cours de ces deux mille dernières années. Ce développement est une véritable richesse qui *procède de Dieu lui-même* puisqu’il ne part pas d’un contenu faux ou contraire à la Révélation ni d’un livre quelconque, mais du noyau permanent des textes révélés” (emphasis original).

51. Ibid., 571.

52. Víctor Manuel Fernández, “Le meilleur de la Lettre aux Romains procède du judaïsme de Paul,” *Nouvelle Revue Théologique* 124 (2002): 403–14, at 406: “Il [Paul] n’impose pas aux Juifs l’exigence de confesser maintenant Jésus . . . [Paul] évite d’exiger que les Juifs confessent maintenant Jésus comme

These affirmations are difficult to reconcile with the New Testament proclamation of the fullness of the Old Testament only in Christ, in whom all the promises have been fulfilled. A reading of the Old Testament that excludes its fulfillment in Christ cannot come from the God and Father of our Lord Jesus Christ so as to be a complementary reading to the Christian one. To be sure, this confession of Christ as the fulfillment of the Old Testament promises does not preclude the Jewish people's continuing importance in God's plan. But it makes clear that their salvific path is ordered toward the confession of Jesus Christ's death and Resurrection, and not only to the acceptance of Christ when he comes at the end of time.<sup>53</sup>

In these matters of ecumenical and interreligious dialogue, one idea weighs heavily on Fernández's mind, namely the idea that, just as the Christian faith fertilizes cultures, it is also receptive to being enriched by them. Fernández coins the neologism "introculturation" (*introculturación*) to refer to this receptive dimension of faith.<sup>54</sup> On the one hand, there is inculturation of the faith, which enters the evangelized culture. On the other hand, there is also an "introculturation," in which the faith receives contributions from the surrounding culture. This is true even of the secularized culture of postmodernity. How should we assess this proposal?

To be sure, when faith is lived in a culture, that culture can enrich the way of living faith. On the other hand, the relationship is not symmetrical, since it is faith that saves and purifies the culture, not the other way around—a point that Fernández does not make sufficiently clear. In other words, there is no symmetry between inculturation and "introculturation," as if it were a meeting of equals in which each enriches the other. In fact, the Christian faith generates its own culture, the primary matrix of which is the Eucharist, which inherits the main elements of the Old Testament culture. This eucharistic culture is capable of assimilating other cultures by giving them its own eucharistic

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condition pour obtenir le salut."

53. Cf. Karl-Heinz Menke, *Jesus ist Gott der Sohn. Denkformen und Brennpunkte der Christologie* (Regensburg: Pustet, 2012), 113–14.

54. Víctor Manuel Fernández, "L'introculturation de la spiritualité. Encore un néologisme indispensable," *Nouvelle Revue Théologique* 125 (2003): 613–25.

form, which is the only salvific form.<sup>55</sup> Otherwise, the confession of faith in Christ as the only Savior and in the universal mediation of grace by the Church could be called into question.

CONCLUSION: WHAT KIND OF CHARITY  
BUILDS UP THE CHURCH?

The foregoing analysis of Víctor Manuel Fernández's works has shown his ability to formulate some crucial questions the Church needs to face today. Fernández starts from the perception of the importance of popular faith and from the desire to help men develop a spiritual journey toward God. He rightly emphasizes the role of charity in grasping the core of Christian morality and as the key to articulating the whole of Catholic doctrine.

At the same time, some important questions have emerged. Fernández's insistence on the value of the people as the immediate context of theology does not take into account that a more fundamental theological context is given by the body of Christ, born from the Eucharist and rooted in the human ecology established by the Creator. This goes hand in hand with Fernández's vision of the sacramental structure of the Church, which he sees as a means leading to salvation in charity but not as the architecture of embodied charity. The consequences can be felt in Fernández's flawed approach to key areas of Catholic doctrine, such as the Eucharistic identity of the Church and the confession of faith in Jesus Christ as the one and universal mediator.

In addition, Fernández develops a conception of charity that focuses horizontally on the corporal works of mercy without emphasizing that these works are acts of charity only in the context of helping to bring our neighbor to God. Fernández's reduced vision of charity is in potential conflict with living according to the divine commandments, since following the commandments could make it difficult to achieve various forms of well-being. This potential conflict is resolved because, according to Fernández, charity could operate independently of prudence and the other virtues, so that, in the event of a conflict,

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55. This is why Joseph Ratzinger was able to develop the concept of "interculturalization." See his "Fede, religione e cultura," in *Fede, verità, tolleranza. Il Cristianesimo e le religioni del mondo* (Siena: Cantagalli, 2003), 57–82.



the actions directly informed by charity would take precedence. But this independence from the moral virtues means that charity fails to include the whole of the person's humanity in the path to salvation.

Finally, while Fernández rightly emphasizes that charity helps us to know God in a connatural way, he unfoundedly concludes that this knowledge can coexist with errors in the profession of Catholic doctrine. In this way, he fails to see how doctrine testifies to the architecture of charity, thus helping to build the Christian life in true and stable love. This failure helps to explain how Fernández can claim that doctrine evolves in a different line from previous explicit teachings of the Church, without this evolution implying a change in the lived experience of the faith.

We can conclude that Fernández is right to focus on the virtue of charity. This is the center of the Gospel and a guiding thread for all theology. By centering on charity, the Church can offer a maternal face to a wounded world. The question we have asked is, which charity? The charity described by Fernández lacks articulation with the moral order, the doctrine of faith, and the sacramentality of salvation in the Church. These are essential dimensions that make charity concrete and incarnate in our life. Without them, charity lacks an architecture and thus loses its capacity to build up the people of God.

As prefect of the Dicastery for the Doctrine of the Faith, Fernández, in his service to the pope, will be confronted with many of the issues I have touched on above regarding the way of living the Gospel in today's postmodern society. I have presented the main tenets of his vision and pointed out its shortcomings in the hope of stimulating a theological discussion on the important questions he raises. My intention is also to contribute to Fernández's pastoral concern, since these shortcomings not only touch on doctrinal issues but also hinder the Church's ability to accompany those in need of healing and renewal in Christ. Only a charity that builds up in harmony with the architecture of faith allows the Church to offer fruitful hope to the people of God in our troubled times. □

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