

"*Humanae Vitae*" at 20

New Insights Into an Old Debate

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IN CERTAIN respects 20 years is a long time. While it's not quite a generation, there exists a whole cohort of adult Catholics who were not alive during the sixties or who were too young to be aware of the tumult the issuance of *Humanae Vitae* engendered. Catholics of this generation are an assorted lot. Some have grown up with the awareness that although the current Pope has regularly reiterated the Church's condemnation of contraception, most adult Catholics live quite comfortably in opposition to it. They have heard of *Humanae Vitae*, but few have read it or feel in the least bit compelled to live by it. Many have been through marriage preparation courses that have encouraged them to become aware of all birth control options. They have done so and have decided to use one of the usual forms of contraception.

Other young adult Catholics have come to accept the validity of the Church's teaching on contraception and cannot understand how a doctrine they think to be fully plausible and elevating of the dignity of marriage should have come to be so widely denigrated and ignored. They think natural family planning is an eminently sensible and workable means of responsible parenthood and cannot understand the resistance of so many Catholics to the Church's teaching on contraception.

The Catholics most perplexed by the present situation are converts who have had good instruction. They joined the Church in part because of its more distinctive and challenging doctrines and practices, such as the sacraments and the saints, and the teachings on marriage. They find it curious that so few priests and parishes provide good instruction on morality in marriage. Indeed, it is not easy to find such instruction. Recently a student group at a major Catholic university in the midwest wanted a speaker to explain the

Church's teaching on contraception. They were most astonished to find that in a theology department of over thirty, not one professor could be found who was willing to give a public lecture explaining and defending the Church's teaching on contraception. What do we know about *Humanae Vitae* twenty years later that would explain these reactions of young Catholics, that would explain this reality on Catholic campuses?

THERE HAS BEEN an interesting reversal in strategy by both those for and against contraception. Prior to *Humanae Vitae*, those who advocated change in the Church's teaching found fault with natural law reasoning and suggested that a greater awareness of personalist values supported the use of contraception. Those who maintained that the Church could not change its teaching relied largely upon natural law principles. But in recent years, those who advocate a revision in traditional Catholic moral theology concentrate largely on making some crucial changes in natural law reasoning and rarely provide extended explanations of personalist values and their bearing on contraception. Those who defend the teaching of *Humanae Vitae* have not abandoned natural law defenses and, indeed, have labored to dispel false interpretations of natural law theory. The interesting switch is that many opponents of contraception have worked hard to show that personalist values, far from justifying the use of contraception, serve to provide additional reasons why contraception is immoral. Most distinguished for work in this regard is Pope John Paul II.

But before we show how Pope John Paul II's work is situated in the modern debate, let us get a sense of the situation surrounding the issuance of *Humanae Vitae*.

Many young people are surprised to learn that the Church's teaching against contraception has *not* been a controversial teaching throughout Church history. Indeed, all of Christendom was quite united on the immorality of contraception until 1930, when the Anglican Church approved the use of contraception in marriage. In 1931, Pope Pius XI wrote his famous encyclical *Casti Connubii*. Pius XII, in the forties and fifties, occasionally referred to contraception in his addresses to various learned societies, but he was not defending a teaching under attack. Indeed, there was virtually no movement within the Catholic Church advocating change. Society at large seemed to share to a large extent the Church's opposition to contraception: until the early sixties, the sale and use of contraceptives was illegal in several states, by virtue of laws written largely by Protestant legislators.



The first slight indications that a change in Church teaching might be warranted occurred in the late fifties at about the time when the contraceptive pill began to be considered safe and effective. Not until 1963 did a few influential articles appear in serious theological journals advocating a change in Church teaching. With the opening of the Second Vatican Council Pope John XXIII convened a small commission to advise him on these questions. After John's death, Pope Paul VI greatly expanded what was called the Commission for the Study of Problems of Population, Family, and Birth, until eventually it grew to approximately 60 members, including three married couples. This commission was at the heart of the tumult over contraception in the sixties. Karol Wojtyla (now Pope John Paul II) was a member of this commission but was unable to attend the meetings. He did contribute to a response by several Polish theologians and bishops to the reports coming out of the commission, which may have influenced the writing of *Humanae Vitae*. In his biography of Pope John Paul II, Paul Johnson reports that Paul VI was reading Karol Wojtyla's *Love and Responsibility* at the time he wrote *Humanae Vitae*. This may account in part for the Pope's remarkable insights into *Humanae Vitae*--his own ideas may have been a source for some of the claims of the encyclical.

commission were leaked to the press, individuals abandoned life-long support of the Church's teaching on contraception, and, in general, the existence and momentum of the commission led many to believe that Paul VI would come to find some forms of contraception compatible with the Catholic view of marriage. Robert Kaiser's book, *The Politics of Sex and Religion*, though disgruntled and even polemical, nonetheless makes for fascinating reading about the dynamics of the commission. George A. Kelly, disgruntled for opposite reasons, also provides an account in his book, *The Battle for the American Church*.

The commission met during the Second Vatican Council. There was much debate about whether it was appropriate for the Vatican Council to speak directly to the issue of contraception. The writing of the relevant portions of *Gaudium et Spes* in itself provides an intriguing mini-drama. To make a complicated story short, Paul VI intervened in the writing of the document and had inserted into it the famous footnote 14. This footnote cites the very passages of *Casti Connubii* that condemn contraception, but at the same time notes that Paul VI was reserving final judgment for himself until the work of the commission was done. This further flamed speculation that a change in Church teaching was possible. John Noonan, a consultant to the commission, provided historical background to the Church's teaching on contraception, which he later published in his book *Contraception* (1965). While he observed in his book that the history of Church teaching on contraception shows that "the teaching on contraception is clear and apparently fixed forever," he gave the clear impression that the Church could change its teaching on contraception, a suggestion buttressed by an article he wrote about usury and contraception. Noonan argued that a change in the Church's teaching on contraception would be little different from its changing its teaching on usury.

The original mandate of the papal commission seemed to be limited to discerning the morality of the Pill, for it was a form of contraception that did not obviously interfere with the integrity of the marital act. But the commission quickly began to conceive its purpose as being a reconsideration of the Church's condemnation of contraception. Events surrounding the commission were dramatic. Private documents of the

That there was a growing expectation that the

Church would change its teaching is manifested by the number of books and articles appearing at that time advocating change. For instance, we find books entitled *Contraception and Holiness*, by Archbishop Roberts and *The Experience of Marriage*, edited by Michael Novak. Novak's book is a compilation of essays by married laypeople who reported the damage that too many children or that the use of the rhythm method had on their marriages. Few attempted to defend the Church's teaching. Most notable was the pioneering work of Germain Grisez, *Contraception and the Natural Law*. Still, few strictly theological explorations were written on either "side."

THE BEST PLACE to find the state of the theological arguments at the time is in the documents of the Papal Commission. These were published in both the *National Catholic Reporter* and the *Tablet* in the spring of 1966. The majority on the commission had voted in favor of a change in Church teaching. They wrote two reports, known as the Majority Report and the Majority Rebuttal. (I shall conflate them and speak of both as the Majority Report.) The Minority Report arguing that a change in Church teaching was impossible reportedly carried the signatures of only three theologians. It seems unlikely that these documents were ever meant to be made public, but they were leaked to the press, evidently with the purpose of forcing the Pope's hand in issuing the encyclical.

The Majority Report asserted that the natural law arguments against contraception given in *Casti Conubii* were "vague," "imprecise," and "unpersuasive." It argued that God has given man greater dominion over nature than has previously been acknowledged. It claimed that humans have the obligation to regularize their fertility and that to do so it is morally permissible to make use of technology. The key argument was that it is not necessary for each marital act to remain open to procreation so long as the "totality" of the acts are so open. The Report also asserted that "Infertile conjugal acts constitute a totality with fertile acts and have a single moral specification." Although many theologians since have concurred with this position, it is important to note that the Majority Report really gave no thorough argumentation for its position. Several theologians, dissenters among them, have noted that theological arguments made in the Majority Report were not of the quality to warrant overturning centuries of Church opposition to contraception.

The Minority Report, on the other hand, stressed

the constancy of Church teaching on contraception and argued that a change would be disastrous for Church authority. It gave several reasons why the Church teaches that contraception is a serious moral wrong. These reasons are based primarily on an understanding of the human act of sexual intercourse as the mode whereby human life, given special status by God, is generated. And the Minority Report insisted that a change in the teaching on contraception would warrant a change in other teachings about sexuality, such as masturbation. These arguments were not fully developed in the Report, but remain crucial concerns for those testing the justifiability of dissent on this issue.

Humanae Vitae does not examine the arguments pro and con on contraception; it does not weigh the arguments of the Majority and Minority Reports. Indeed, many have argued that this encyclical does not provide sufficient argumentation for the claims it advances. But it was not intended to offer such argumentation; it was intended to *clarify* Church teaching, not provide an extended defense of that teaching. It relies upon a whole history of moral analysis developed over the centuries, and indicates what use it makes of this tradition by citations in the footnotes. Anyone who wishes to understand thoroughly the encyclical should read closely the material cited in the footnotes.

The encyclical does pay rather special attention to one argument which is still popular--that the principle of totality justifies the use of contraception. This argument agrees that marriage is ordained to children and that it is therefore essential for a marriage to be open to children. But the argument goes on to claim that *every* marital act need not be open to procreation *if* the totality of the acts of marriage are open to procreation.

IN RESPONSE to this argument, *Humanae Vitae* cites (in a footnote) two speeches by Pope Pius XII directed to the medical community. At the time some were using the principle of totality to justify removing vital organs from dying humans in order to transplant them into those who had a chance for survival. These persons argued that the good of the part (the dying man) could legitimately be sacrificed for the good of the whole (the human community or another member of the community). Pius XII replied with the important distinction between an organic whole and a moral whole. The body, he notes, is an organic whole, and therefore it is permissible to amputate limbs for the sake of the whole organism. The state or human com-

munity, however, is not an organic whole; human beings do not exist for the sake of such a whole, but each has his own intrinsic worth and cannot be sacrificed for the sake of the whole.

To apply this to contraception, one must ask, if one alleges the permissibility of sacrificing the nature of single acts of intercourse for the whole, what whole would this be? Does not each act have its own intrinsic worth? Consider the claim that acts of intercourse must be with one's spouse only. If it is necessary only that the totality of one's acts, and not every act, be with one's spouse, then by this reasoning adultery would be permitted.

Few of those who were arguing for a change in Church teaching in the sixties thought they were arguing for a complete revolution in moral theology and ecclesiology. Most believed themselves to be arguing in accord with principles of traditional Catholic moral theology and believed their request for change to be for only a slight change. Many opponents of change, however, saw at the time that approval of contraception, even in limited cases, would not be any slight change. Ten years after *Humanae Vitae* Father Charles Curran admitted:

One must honestly recognize that "the conservatives" saw much more clearly than "the liberals" of the day that a change in the teaching on artificial contraception had to recognize that the previous teaching was wrong.

Opponents of contraception also argued that a change on this issue would justify change in all of the Church's teaching on sexuality, if not in its whole teaching on morality. Few now argue that these were idle worries. Again, Father Curran is most candid in admitting that theologians have thrown into question the major teachings of the Church:

Catholic theologians frequently deny the existing teaching of the hierarchical magisterium on such issues as contraception, sterilization, artificial insemination, masturbation, the generic gravity of sexual sins. Newer approaches have recently been taken to the question of homosexuality. . . . All these questions in the area of medical and sexual morality are being questioned today.

Still, many theologians at the time were arguing that a change in Church teaching on contraception would be simply a justified historical development. All eagerly awaited the Pope's decision. After having set up another commission to advise him on how to handle

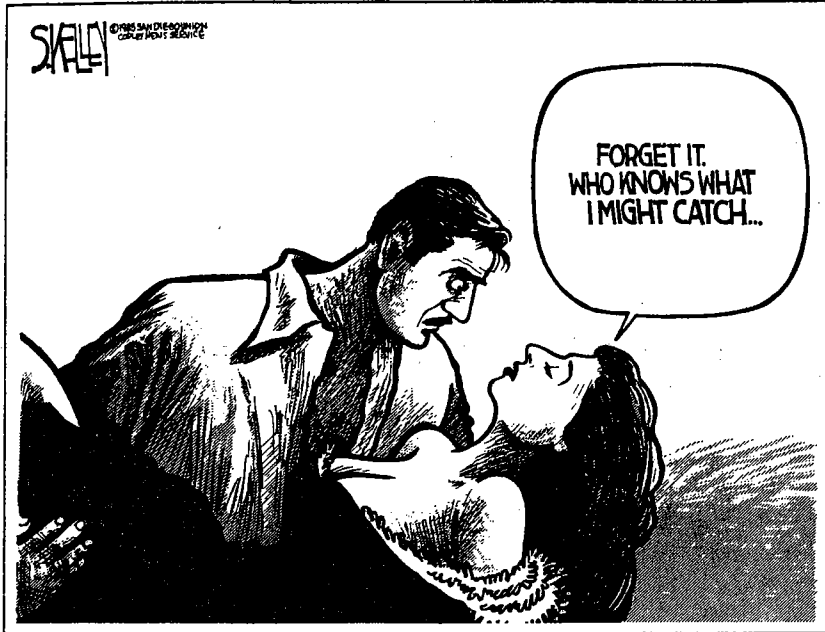
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the report of the first commission, Paul VI waited nearly two years after the publication of the commission reports before he issued *Humanae Vitae*. In the interim, of course, the expectation that a change would occur only grew greater. When *Humanae Vitae* appeared with its total condemnation of contraception, the cries of protest were immediate and aggressive. Never before had a papal statement met with such a reception. The response of Charles Curran was, perhaps, most notable for its promptness and public dimensions. In a press conference called within 24 hours of the release of *Humanae Vitae*, he announced that he had the names of 87 theologians who disagreed with the encyclical. This list, reportedly, eventually grew to over 600. The support for *Humanae Vitae* was not visible or vocal. There were a few heroic supporters, such as Msgr. Austin Vaughan, president of the American Theological Society, who stated:

I don't think it is possible that what has been laid down in this document could be anything else than what the Holy Spirit, who guides our use of our resources with his providence, wants and expects of us as Catholics, at this moment in the plan of salvation, apart from what the direction the course of that plan might take in the future. If it were, the guidance of the Holy Spirit, promised to the magisterium, according to the *Constitution on the Church* would be an illusion.

Cardinal O'Boyle in Washington, D.C., made a noble attempt to discipline renegade priests who refused to teach or counsel in accord with *Humanae Vitae*, but he received little support from the rest of the American hierarchy. Most of the bishops' conferences throughout the world, including that of the U.S., issued statements in support of *Humanae Vitae*--though some, notably the French and Canadian bishops, issued statements that certainly fell short of full support.

The tumult has certainly not died down. *Humanae Vitae* has been called many things: a "watershed," an



“albatross around the Church’s neck,” “a prophetic statement,” a “litmus test,” and “that damn encyclical.” The Church’s teaching against contraception seems to be the Church teaching most difficult for laypeople to accept and the one theologians are most reluctant to defend.

Does the widespread rejection of *Humanae Vitae* by laypeople and by theologians indicate that compelling arguments have been offered for the morality of contraception? Does it indicate that the Church is for some perverse reason refusing to yield to the dictates of logic and reason? Have those who have defended the document failed to supply valid and convincing counterarguments to the dissenters? Although these questions can be answered with a confident “no,” we are still very much at the beginning or, at best, at the middle of this debate. It is a debate that has extended far beyond the Church’s teaching on contraception.

Although nearly all admit that *Humanae Vitae* is at the center of much of the dispute among moral theologians today, and maybe even the source of much of the dispute, relatively little scholarly criticism has been directed towards it. Articles offering full and thorough defenses of Church teaching are much easier to find than articles criticizing it. This is not, of course, because defenders vastly outnumber the critics. Rather, it is because the critics generally ignore *Humanae Vitae*, or dismiss it in passing.

How can the neglect of *Humanae Vitae* be explained? Right after it was issued, many theologians were quick to register their dissent, but few explained

where they found the teaching defective. Most were concerned to establish that they had a “right” to dissent, and wrote on problems of authority and dissent, on questions of ecclesiology, and on conscience. Such concerns remain a part of the debate today. One of the most important points of controversy has been whether or not the document advances a teaching that is infallible. In 1978 John Ford and Germain Grisez published an article arguing that the teaching has been proclaimed so constantly throughout Church history that it must be an infallible teaching. A recent book in Italian by Father Ermenegildo Lio argues that *Humanae Vitae* uses language that meets the criteria established by the Church as suitable for an infallible pronouncement. The dissenters, of course, emphatically reject the suggestion that *Humanae Vitae* is infallible

teaching. Yet John Paul II recently referred to the Church’s condemnation of contraception as part of the “permanent patrimony” of the Church.

Charles Curran and Bernard Haering were among the few who engaged in any kind of sustained critique of the arguments of *Humanae Vitae*. Curran’s arguments are truly a wholesale attack on traditional natural law theory. In brief, he claims that natural law theory is based on a static view of nature and does not exhibit the historical consciousness developed in the modern age; that natural law is “physicalistic”; and that natural law reasoning is “a priori” and deductive rather than “a posteriori” and inductive. He does a close analysis of *Humanae Vitae* to show how all of these deficiencies in natural law theory are present there. Most modern theologians have not abandoned this basic critique of traditional natural law, though their arguments for the legitimacy of each of these charges now differ considerably. And it is well that they have, for any natural law theorist who reads Father Curran’s portrayal of the theory will find how little he is able to recognize the portrayal as accurate.

Traditional natural law theorists find Curran’s portrayal of natural law to be a caricature. They point out that since they certainly consider human intentions in their analysis of moral acts, theirs is not a physicalistic analysis. They add that since they think each man must undergo a transformation of his “nature” in order to be moral, theirs is not a static view of nature. Finally, they deny that theirs is an “a priori”

