

## Minority Papal Commission Report

*The document published here presents the views of the conservative minority among the theologians who took part in the final session of the papal birth control meeting last spring. It is the longest of the three major papers and was described by N.C.R.'s translators as the most difficult to interpret. Its authors are Father John Ford, U.S. Jesuit on the faculty of the Catholic University, Washington; Father Jan Visser, Dutch Redemptorist who is rector of St. Alphonsus college, Rome; the Rev. Marcelino Zalba, Spanish Jesuit, a teacher of moral theology at the Gregorian University, Rome; and Father Stanley de Lestapis, S.J., sociologist and author, Vanves, France.*

### A. The State of the Question

The central question to which the Church must now respond is this: *Is contraception always seriously evil?* All other questions discussed are reduced in the final analysis to this simple and central question. If a clear answer is given to this question, other questions can be solved without great theological difficulty. The whole world, the faithful as well as the non-believers, wish to know what the Church will now have to say on this question.

*Contraception* is understood by the Church as any use of the marriage right in the exercise of which the act is deprived of its natural power for the procreation of through the industry of men. *Contraceptive sterilization* is related to the definition of contraception just given. It may be defined theologically as any physical intervention in the generative process (*opus naturae*) which, before or after the proper placing of generative acts (*opus hominis*), causes these acts to be deprived of their natural power for the procreation of life by the industry of man.

*Always evil.* Something which can never be justified by any motive or any circumstance is always evil because it is intrinsically evil. It is wrong not because of a precept of positive law, but of reason of the natural law. It is not evil because it is prohibited, but it is prohibited because it is evil. Homicide may be used as an example, inasmuch as the direct killing of an innocent person can be justified by no motive and no circumstance whatsoever. Understanding "something which is always evil" in this sense, the faithful are now asking the Church: is contraception always seriously evil?

### B. What Answer Has the Church Given to This Question up to Now?

A constant and perennial affirmative answer is found in the documents of the magisterium and in the whole history of teaching on the question.

(1) First of all, some more recent documents of the pontifical teaching authority may be cited, namely, the encyclical *Casti Connubii* of Pius XI (1930); the *Allocution to Midwives* of Pius XII (1951); the encyclical *Mater et Magistra* of John XXIII (1961).

Pius XI, *Casti Connubii* (par.54, 56, 57):

But no reason, however grave, may be put forward by which anything *intrinsically* against nature may become conformable to nature and morally good. Since, therefore, *the conjugal act* is destined primarily *by nature* for the begetting of children, those who in exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and *intrinsically vicious*...

Since, therefore, openly departing from the *uninterrupted Christian tradition* some recently have judged it possible solemnly to declare another doctrine regarding this question, the Catholic Church, to whom God has entrusted the defense of the integrity and purity or morals, standing erect in the midst of the moral ruin which surrounds her, in order

that she may *preserve the chastity of the nuptial union from being defiled by this foul stain, raises her voice in token of her divine ambassadorship and through our mouth proclaims anew: any use whatsoever of matrimony exercised in such a way that the act is deliberately frustrated in its natural power to generate life is an offense against the law of God and of nature, and those who indulge in such are branded with the guilts of a grave sin...*

If any confessor or pastor of souls, which may God forbid, leads the faithful entrusted to his into these errors or should at least confirm them by approval or by guilty silence, let him be mindful of the fact that he must render a strict account to God, the Supreme Judge, for the betrayal of his sacred trust, and let him take to himself the words of Christ: "They are blind and leaders of the blind: and if the blind lead the blind, both fall into the pit."

Pius XII, *Allocution to Midwives*, 1951:

In his Encyclical *Casti Connubii* of Dec. 31, 1930, our predecessor, Pius XII, of happy memory, solemnly restated the basic law of the conjugal act and conjugal relations. "Every attempt on the part of the married couple during the conjugal act or during the development of its natural consequences, to deprive it of its inherent power and to hinder the procreation of a new life is immoral. No 'indication' or need can change an action that is intrinsically immoral into an action that is moral and lawful."

This prescription holds good today just as much as it did yesterday. It will hold tomorrow and always, for it is not a mere precept of human right but the expression of a natural and Divine Law...

Let our words be for you equivalent to a sure norm in all those things in which your profession and apostolic task demands that you work with a certain and firm opinion...

Direct sterilization, that which aims at making procreation impossible as both means and end, is a grave violation of the moral law, and therefore illicit. Even public authority has no right to permit it under the pretext of any "indication" whatsoever, and still less to prescribe it, or to have it carried out to the harm of the innocent...

Other addresses of Pius XII should be noted in which till the end of his life he explicitly and implicitly reiterated that contraception was always gravely evil. Note, for example, his address to the Roman Rota (1941); to Catholic doctors (1949); to families (1951); to histopathologists (1952); to the Society of Urologists (1953); to a symposium of geneticists (1953); to the Congress for Fertility and Sterility (1956); to the Society of Hematologists (1958).

John XXIII, *Mater et Magistra*, 1961, writes as follows:

Hence, the real solution of the problem (over-population) is not to be found in expedients which offend against the divinely established moral order or which attack human life at its very source, but in a renewed, scientific and technical effort on man's part to deepen and extend his dominion over nature...The transmission of human life is the result of a personal and conscious act, and, as such, is subject to the all-holy, inviolable and immutable laws of God, which no man may ignore or disobey. He is not therefore, permitted to use certain ways and means which are allowable in the propagation of plant and animal life. Human life is sacred—all men must recognize that fact. From its inception it reveals the creating hand of God. Those who violate his laws not only offend the Divine Majesty and degrade themselves and humanity, they also sap the vitality of the political community of which they are the members. (par. 189, 193, 194).

2) The answer of the Church in the present century is also illustrated by *declarations of the bishops* either (a) *collectively* speaking in a particular region or (b) speaking *individually*

in their own diocese.

(a) The German bishops, 1913, (and from this followed their "Instruction for Confessors" several years later); the French bishops, 1919; the bishops of the United States of America, 1920; the Belgian bishops, 1920; the bishops of India, 1960; the bishops of the United States of America, 1959; the bishops of England, 1964; the bishops of Honduras, 1966. In Spain, 1919, there were eight dioceses in which conjugal onanism was a reserved sin.

(b) Here are several examples of pastoral letters of this century; Rutten, Liege, 1907; Mercier, Malines, 1909; Cologne, 1913; Cardinal Bourne, Westminster, 1930; Cardinal Montini, Milan, 1960; Cardinal Gracias, Bombay, 1961. More notable was the declaration of Cardinal Bourne, immediately after the Lambeth Conference of 1930, because of the fact that he publicly denounced the (Anglican) bishops of the Lambeth Conference as if they had abdicated all title whereby they could pretend to be "authoritative interpreters of Christian morality."

It must be noted that the Holy See between 1816 and 1929, through the Roman curia, answered questions in this matter 19 times. Since then it has spoken almost as many times. In the responses given, it was at least implicitly supposed that contraception was always seriously evil.

(3) History provides fullest evidence (cf. especially the excellent work of Professor John T. Noonan, *Contraception*, Harvard University Press, 1965) that the answer of the Church has always and everywhere been the same, from the beginning up to the present decade. One can find no period of history, no document of the church, no theological school, scarcely one Catholic theologian, who ever denied that contraception was always seriously evil. The teaching of the Church in this matter is absolutely constant. Until the present century this teaching was peacefully possessed by all other Christians, whether Orthodox or Anglican or Protestant. The Orthodox retain this as common teaching today.

The theological history of the use of matrimony is very complicated. It evolved very much in the course of the centuries up to the Second Vatican Council. Teachings which have slowly evolved this way are especially: concerning the nature of sexual concupiscence; the teaching of the malice (venial) of the use of matrimony without the procreative intention or from motives of concupiscence; the teaching about the positive value of the sexual element in the use of matrimony, and as it involves conjugal love. Then too, human sexuality and its genuine value is now being treated more positively. The history of this evolution is by no means simple.

On the contrary, the theological history of contraception, comparatively speaking, is sufficiently simple, at least with regard to the central question: Is contraception always seriously evil? For in answer to this question there has never been any variation and scarcely any evolution in the teaching. The ways of formulating and explaining this teaching have evolved, but not the doctrine itself.

Therefore it is not a question of a teaching proposed in 1930 which because of new physiological facts and new theological perspectives ought to be changed. It is a question rather of a teaching which until the present decade was constantly and authentically taught by the Church.

### *C. Unsatisfactory Explanations of the Origin and Evolution of the Church's Teaching*

Among those who wish to change the doctrine (or who declare that it has already evolved), are those who appeal to various past circumstances, as if the malice of contraception was rooted in these circumstances and was to be explained by them. Further, they argue that since these circumstances have entirely changed, the teaching itself can legitimately be changed. Examples of this kind of argumentation follow.

(1) Some say that the foundation of this teaching was the following biblical text: "increase and multiply." The malice of contraception would then be in the violation of this affirmative precept, but theologians and the Church have considered contraception as a

violation not of an affirmative precept, but a negative precept which obliges always and everywhere: "Let no one impede human life in its proximate causes," or "let no one violate the ordination of this act and processes to the good of the species."

Theologians have never said "Homicide is always evil because God has said, 'Increase and multiply'; but because He has said, 'You may not kill the innocent.'" Similarly they have not said that contraception is evil because God has said, "Increase and multiply"; but because they have considered it in some way analogous to homicide. This analogy was constant in tradition up until the eighteenth century and still more recently it was invoked by the hierarchy of Germany (1913) and India (1960). Through the course of the centuries the malice of contraception has lain in the violation of the essential ordination of the generative faculty to the good of the species. It has been expressed in various formulations. But in every age it is clearly evident that contraception especially offends against the negative precept: "One may not deprive the conjugal act of its natural power for the procreation of new life."

(2) Some say that the Church condemned contraception because of demographic needs, the necessity among rural people for larger families, the high morality rate among the newborn, etc. So they argue, since these situations no longer exist, the foundation of the teaching has been removed and the teaching itself ought to be set aside.

As an answer to this, it must be said that both St. Augustine and St. Thomas taught that our earth was already sufficiently populated. There is no proof that such considerations as these cited in this paragraph have had any effect on the teaching of the Fathers, or theologians, or the magisterium.

(3) Some say that older theologians had prohibited contraception because they falsely supposed that the procreative intention is always required in order that the use of matrimonial rights might not be considered sinful. In answer: clearly the necessity of procreative intention was regularly insisted upon, lest there be committed a *venial* sin of sexual concupiscence, and without a doubt this teaching confirmed the condemnation of contraception. But it is impossible to understand how the *serious* evil of contraception could then be cited as an *insignificant* failure in the matter of chastity. Among theologians contraception was a damnable vice, an anticipated homicide, a serious and unnatural sin. Now to explain its malice by appealing to a defect in the procreative intention would be as inept as to say that a murderer merits capital punishment *because* he used another's instrument without permission in committing the homicide. It is not the teaching concerning the malice of contraception which has evolved now but rather the teaching of sexual concupiscence in the use of matrimony.

(4) Some say that the teaching of the Church was founded on the false supposition that all conjugal acts are procreative by their very nature, whereas the facts of physiology show that very few of them are actually fertile or productive of new life. In answer to this, it must be said that the older thinkers knew that many conjugal acts are actually sterile, e.g., during pregnancy and old age. Moreover, a legitimate conclusion from the facts now known would be this: there are fewer acts which are as a matter of fact capable of producing new life; therefore, there are fewer acts against which a person in acting contraceptively would incur the specific malice of contraception. But the facts do not invite us to intervene contraceptively, now that we have a more accurate knowledge about fertility; rather they invite us to have a greater respect for them.

(5) Others say that the teaching of the Church is based on an obsolete medieval notion of "nature," according to which nature would order its own processes to its own natural ends, fixed by the "intention of nature," and of God. Contraception, as something going against the order established by nature, would be considered intrinsically evil because it is "contrary to nature."

In answer to this: the teaching of the Church was first fully formulated and handed down constantly for several centuries before scholastic philosophy was refined. Secondly, in no way does it derive from any philosophy of nature (of the scholastics, stoics or others) in

which the natural physical order is the *general criterion* of morality for man. Thirdly, theology (just as scholastic philosophy) does not say that the physical ordering of things to their natural end is inviolable with respect to being "natural." It does attribute a special inviolability to this act and to the generative process precisely because they are generative of new *human life*, and life is not under man's dominion. It is not because of some philosophy which would make the physical order of nature as such the criterion of the morality of human acts.

#### *D. Why Does the Church Teach that Contraception Is Always Seriously Evil?*

If we could bring forward arguments which are clear and cogent based on reason alone, it would not be necessary for our commission to exist, nor would the present state of affairs exist in the Church as it is.

(1) The fathers, theologians, and the Church herself has always taught that certain acts and the generative processes are in some way specially inviolable precisely because they are generative. This inviolability is always attributed to the act and the process, which are biological; not inasmuch as they are biological, but inasmuch as they are human, namely inasmuch as they are the object of *human acts* and are destined by their nature to the good of the human species.

(2) This inviolability was explained for many centuries by the Fathers, the theologians and in canon law as analogous to the inviolability of human life itself. This analogy is not merely rhetorical or metaphorical, but it expressed a fundamental moral truth. Human life already existing (*in facto esse*) is violable. Likewise, it is also in some sense inviolable in its proximate causes (*vita in fieri*). To put it in another way: just as already existing human life is removed from the dominion of man, so also in some similar way is human life as it comes to be; that is, the act and the generative process, inasmuch as they are generative, are removed from his dominion. In the course of centuries, scholastic philosophy explained this inviolability further and grounded it in the essential ordination of the act and the generative process to the good of the species.

(3) The substratum of this teaching would seem to presuppose various Christian conceptions concerning the nature of God and of man, the union of the soul and the body which creates *one* human person, God as the Supreme Lord of human life, the special creation of each individual human soul. Moreover, the value of human life is presupposed as a fundamental good, which has in itself the reason for its inviolability, not because it is of man but because it is of God. The quasi-sacredness of natural human life (recall the quotation from John XXIII) is extended in the teaching of the Church to the acts and generative processes in as much as they are such. At least this is the way the matter must be conceived if we wish to understand the ancient traditional analogy to homicide and the severity with which the Fathers, the theologians and all faithful Christians have constantly rejected contraception.

Nor should one exclude from his view that malice in contraception which is derived precisely from violated chastity: first, because chastity is understood as regulating the total generative process; and secondly, because (especially in antiquity) the conjugal act which proceeded from unexcused concupiscence was considered for this reason to be venially sinful.

(4) The philosophical arguments by which the teaching of the Church is attacked are diversely proposed by diverse people. Some see the malice principally in the fact that procreation itself (that is, that act and the generative process) is a certain fundamental human good (as truth, as life itself is such a good). To destroy it voluntarily is therefore evidently evil. For to have an intention, directly and actively contrary to a fundamental human good, is something intrinsically evil. St. Thomas spoke of this good, in discussing the matter referring to "man in his proximate potency."

Others derive its malice also from the disorientation whereby the act and the process,

which are destined for the good of the species, are essentially deprived of their relation to this good of the species, and are subordinated to the good of the individual. Pius XII developed this argument.

(5) But note: First, the question is not merely or principally philosophical. It depends on the nature of human life and human sexuality, as understood theologically by the Church. Secondly, in this matter men need the help of the teaching of the Church, explained and applied under the leadership of the magisterium, so that they can with certitude and security embrace the way, the truth and the life.

Pius XI spoke to the point in *Casti Connubii*:

But everyone can see to how many fallacies an avenue would be opened up and how many errors would become mixed with the truth, if it were left solely to the light of reason of each to find it out, or if it were to be discovered by the private interpretation of the truth which is revealed. And if this is applicable to many other truths of moral order, we must all the more pay attention to those things which appertain to marriage where the inordinate desire for pleasure can attack frail human nature and easily deceive it and lead it astray...

For Christ Himself made the Church the teacher of truth in those things also which concern the right regulation of moral conduct, even though some knowledge of the same is not beyond human reason.

#### *E. Why Cannot the Church Change Her Answer to This Central Question?*

(1) The Church cannot change her answer because this answer is true. Whatever may pertain to a more perfect formulation of the teaching or its possible genuine development, the teaching itself cannot be substantially true. It is true because the Catholic Church, instituted by Christ to show men a secure way to eternal life, could not have so wrongly erred during all those centuries of its history. The Church cannot substantially err in teaching doctrine which is most serious in its import for faith and morals, throughout all centuries or even one century, if it has been constantly and forcefully proposed as necessarily to be followed in order to obtain eternal salvation. The Church could not have erred through so many centuries, even though one century, by imposing under serious obligation very grave burdens in the name of Jesus Christ, if Jesus Christ did not actually impose those burdens. The Catholic Church could not have furnished in the name of Jesus Christ to so many of the faithful everywhere in the world, throughout so many centuries, the occasion for formal sin and spiritual ruin, because of a false doctrine promulgated in the name of Jesus Christ.

If the Church could err in such a way, the authority of the ordinary magisterium in moral matters would be thrown into question. The faithful could not put their trust in the magisterium's presentation of moral teaching, especially in sexual matters.

(2) Our question is not about the irreformability of *Casti Connubii*. The teaching of the Church did not have its beginning in *Casti Connubii*, nor does it depend on the precise degree of authority with which Pius XI wished to teach the Church in this matter would have its own validity and truth even if *Casti Connubii* had never been written. (When it was published, all saw in it not something new but the true teaching of the Church.) Our question is a question of the *truth* of this proposition: contraception is always seriously evil. The truth of this teaching stems from the fact that it has been proposed with such constancy, with such universality, with such obligatory force, always and everywhere, as something to be held and followed by the faithful. Technical and juridical investigation into the irreformability and infallibility of *Casti Connubii* (as if once this obstacle had been removed, the true doctrine could be found and taught) distracts from the central question

and even prejudices the question.

(3) One can subtly dispute about many questions: e.g., whether the teaching is infallible by reason of the wording of *Casti Connubii*; whether the Church can teach something infallibly or define what is not formally revealed; whether the Church can teach authoritatively in an obligatory fashion the principles of the natural law, whether infallible or not. But after all this, in practice we know what the Church can do from the things which she has always done, either implicitly by some action, or explicitly by invoking her power, derived from Christ Himself, of teaching the faithful in moral matters.

In dealing with this question, to dispute in a subtle way whether the teaching is technically "infallible by a judgment of the magisterium" is empty-headed (*supervacaneum*). For if this doctrine is not substantially true, the magisterium itself will seem to be empty and useless in any moral matter.

#### *F. New Notions of the Magisterium and Its Authority*

(1) What has been commonly held and handed down concerning the nature, function and authority of the magisterium does not seem to be accepted by everyone today. For among those who say that the teaching of *Casti Connubii* is reformable and who say that contraception is not always intrinsically evil, some seem to have a concept which is radically different about the nature and function of the magisterium, especially in moral matters. Thus, in the report of our commission's general session (plenary), March 25-28, 1965, pages 52-53, we read the following presentation of certain members' opinions:

I. Nature is not something totally complete, but is in some sense "making itself." We cannot attain it except by taking an overall view, because a fixed concept of nature does not exist...

II. The principle of continuity does not refer to precise judgments about the manner of acting ("*comportements*") as if they were once and for all determined for everyone. Rather it refers to the permanent values which must be protected, discovered and realized. Consequently, continuity refers neither to the formulations nor to concrete solutions. It suffices in a particular moment if the judgment on a moral matter is true "for the moment," (*geschichtsgerecht*, historically valid)...

IV. The function of the magisterium, therefore, does not consist in defining ways of acting ("*comportements*") in moral matters, unless one is speaking of prudential guidance. For its proper role, as for the Gospel, is to provide those broader clarifications which are needed. But it could not publish edicts of such a nature that they would bind consciences to precise ways of acting; that would be to proceed against that respect for life which is an absolute value...

It is no surprise, then, that theologians in the contemporary Church have no difficulty either in acknowledging the Church to have erred or in explaining what now they call erroneous as something historically true and valid for the time in which it took place, or even in denying to the magisterium of the Church the power the consciences of the faithful in current concrete cases, especially touching on the question of natural law.

(2) Those who proceed along the more traditional way in this matter cite various documents of the Holy See. Here are a few examples:

(a) Pius XII in his address *Magnificate Dominum* (1954):

The power of the Church is never limited to matters of "strictly religious concern," as they say. Rather the entire matter of the natural law, its institutions, interpretation, application, inasmuch as it is a question of moral concern, are in her power. For the

observance of the natural law out of respect for the ordination of God looks to the way by which man must move along to his final supernatural end. The Church is already in this way the guardian and leader of men toward his end which is above nature. The Church, from the Apostles down to our times, has always maintained this manner of acting and will today, not just by way of guide and private council, but by the mandate and authority of the Lord.

(b) John XXIII, in his encyclical *Peace on Earth* (1963), where he is speaking of social matters and the authority of the Church to apply the principles of the natural law:

Let no one object to the fact that it is right and duty of the Church, not only to safeguard the teaching of faith and morals, but also to interpose her authority among her sons in the area of external affairs, when it is necessary to determine how that teaching may be made effective.

(c) The Second Vatican Council, in the *Constitution on the Church in the Modern World*, no. 25, reaffirms the obligatory character of the teaching authority of the supreme pontiff when he teaches authentically, even if not infallibly.

Furthermore, among those who think that the Church today can now say "contraception is not seriously evil," there seem to be some who conceive human nature as something continually and essentially evolving. There are some who will admit no intrinsic evil as necessarily connected with any external human action. There are some who permit suicide, abortion, fornication and even adultery in certain circumstances. There are some who, equivalently at least in these matters, defend the principle that the end justifies the means. There are some who promote situation morality, and a morality of relativism, or the "new morality." There are some who deny or doubt that the teaching authority of the Church can teach moral truth of the natural law infallibly. There are some who seem to deny that the teaching authority of the Church can oblige the consciences of the faithful in a concrete and individual case in any moral matter. The conclusions in our area of interest, derived from such principles, must be examined accurately, so that we may see to what further conclusions they will finally push us.

#### *G. A Brief Summary of Recent Doctrinal Development*

(1) With regard to sexual acts and their natural consequences, it is possible to do the following:

- (a) practice continence;
- (b) an imperfect or incomplete act, including *amplexus reservatus*;
- (c) intervene in the *operation of nature without a mutilation*, for example, by using the pill for contraception;
- (d) intervene in the *operation of nature by a irreversible surgery*, for instance, through sterilization;
- (e) intervene in *man's operation (opus hominis)*, by depriving the act itself of procreative power, as through onanism;
- (f) intervene against the embryo, considering it not yet animated by a rational soul;
- (g) intervene against the fetus, animated by a rational soul, by abortion properly so-called;
- (h) intervene against a newly born deformed child.

(2) Interventions (a) to (d) do not corrupt the act in itself; (c) and (d) intervene in the natural operation (*opus naturae*), but before the beginning of any kind of new life. Intervention (e) has to do with *man's operation (opus hominis)*, namely, through onanism which is against the operation of the spermata. Interventions (f) and (g) touch on the *fertilized ovum*. The medieval doubt now reappears when a person asks whether it is



animated by a rational soul at the moment of fertilization or later; or perhaps when the differentiation of the placenta and the embryo begins after nidation.

(3) Until not the Church has condemned human interventions in genital activity from (c) on, whether it was a question of impeding or frustrating the natural power of conjugal intercourse. After a few years, some theologians allowed intervention (c). Then some allowed (d) for special cases. Many with ease allow even (e) at least when it is not a question of a condom impeding intimate union. Some seem prepared to admit (f) if it can be established with certainty that the rational soul does not come into existence at the moment of fertilization. Further it would seem that (g) is *not absolutely* excluded by all. And indeed, this seems logical. On that account, there should be a careful indication of the previous steps just described.

### Philosophical Foundations and Arguments of Others and Critique (*Not all approved everything, or proposed things in the same way.*)

#### A. *Synthetic Presentation*

(1) The immutable principles of the natural law seem to come down to:

(a) subjection to God;

(b) reverence for the human person—often only in its spiritual element, and in a partial fashion;

(c) the duty of promoting earthly culture by humanizing nature. When these values are preserved, man's intervention in nature is not limited *a priori* by any absolute boundaries. This holds for one's own organism, when all superstitious reverence for biological integrity has been eliminated. Parts, organs, functions of man are conceived as contra-distinct from him. They are subordinated to him because of cultural values, almost as are plants and animals. So now they approve masturbation as being useful therapeutically; sterilization to avoid danger to life from use of the genital function in marriage; and action taken against the fetus so that at least the one giving birth will live. Their *basic reasoning*: in the complexity of these interventions, true existential values are sought through the best method available at the time.

(2) *Human nature and the particular norms of morality* are conceived of as adaptable and perfectible historically, so that they admit of *true changes*. They do not mean merely new applications and new modes of proceeding where the natural quality of such actions may depend on extrinsic conditions. Then, when man's fecundity and morality have been modified, his sexual activity ought not to be changed, but rather the moral norm laid down for it in *Casti Connubii*, by taking away natural procreativity from generative acts. To the extent that this frustration affords personal utility, it bestows value and is considered rightly ordered.

(3) *The teaching authority of the Church ought not to impede the development of culture* by limiting the control of nature or by defining methods of action. Experience will show what is good, or what is evil, in the concrete situations, as the experiencing subject here and now discovers. So then, (a) the magisterium, taught by the experience of past errors, may not propose as infallible whatever is not clearly in revelation; (b) conscious of its limitations, it will not impose as the norm of the natural law what the greater number of the faithful sense as uncertain but it will dictate reasonable criteria for a given time (this is the way to interpret the declaration of *Casti Connubii*). These criteria are changeable and should be changed according to the progress of culture; (c) in the study of nature the magisterium will leave methods of action up to the discretion and responsibility of scientists, by not impeding the investigation of Catholics as it has often done in the past, with the loss of some influence in the world. ("Methods" they understand not merely in their technical aspect, but inasmuch as science show them to be more apt for humanitarian ends, and thus moralizes

them through the intention, for example, as it moralizes conception by ordering it to the regulation of births.)

(4) *As moral criteria of the methods for exploring nature*, for bettering them and making them more humane, the following should be considered:

(a) The basic intention of the person acting, which must be worthy of man and enriching his values. This is to be considered in the total complex of his action—not necessarily in single actions, standing by themselves, but subordinated to higher finality.

(b) The means to accomplish this are not to harm immediately the dignity or the rights of others, that is, they are not to use others as a means to bring about what they value. Otherwise means are morally indifferent and are to be specified by the intention of the person acting.

(c) Damage which might be caused by physical necessity in interventions whose effects can be known and decided in advance should be as minimal as possible.

(d) That method of action should be used which is the more humanitarian for a given situation.

(5) *The significance and morality of sexuality in marriage.*

(I) The following points, acknowledged by everyone, do not enter into the present discussion:

(a) the importance of sexuality for the perfecting and ordering of human existence, inasmuch as it is sexual;

(b) the dignity of conjugal love and its beneficial influence on the procreative society;

(c) the fittingness and definite moral necessity of more frequent carnal acts for couples to keep up their conjugal harmony and enthusiasm for having and educating offspring;

(d) the nobility of this act, holding a mean between its contemporary exaltation and the pessimistic evaluation of it in the past;

(e) the obligation of responsible paternity, attentive to the future education of children according to the condition of the family and of society;

(f) any judgment about the number of children to be made personally by the spouses themselves.

(II) The question is whether frequent copulation in marriage is necessary, even obligatory, to bring about and maintain the maximum values of the couple, the children and the family—not out of any egotistic hedonism, nor from a lack of moral generosity or continence, but from an incompatibility between their duty and need of expressing conjugal love and at the same time of avoiding children in that very expression. The existence of sterile days does not afford a sufficient solution for modern society—because of the conditions of life, biological anomalies, psychological disturbances, the repression of spontaneity, the dangers to fidelity, etc. Recourse must be had to artificial ways of frustrating the natural generative power, by limiting its specific natural power, even if, normally and deliberately, it is ordered to the species and granted in marriage for the species. Therefore the use of contraceptives in marriage for the purpose of regulating children is presumed to be moral because it is specified by an honest intention, harmonizes the psychosomatic relationships between the spouses, is beneficial for their moral life and is of service to the procreative society. Some think it is evil, because it distracts something from the powers of nature, but it is a lesser evil, to be accepted humbly by fallen man rising with difficulty towards perfection. Others think it simply is good, indeed the optimum existential good possible for the present, fully legitimate because of the values and complex intention indicated above.

(6) *The concrete application to contraception* is made in this manner. Considered in itself contraception does not attain the ideal fullness of values. But it is not intrinsically evil. (Intrinsic evils are denied to creatures in man's horizontal plane.) In the concrete it is commonly licit and obligatory in marriage where the necessity of regulating children exists. No means and methods of obtaining this regulation are a priori immoral. In practice those are to be preferred which here and now better respect the complex finality of the action in

humanitarian and existential values (the expression of love, the service to the procreative society, the more secure exclusion of undesired children, the intimacy and spontaneity of carnal gestures, the liberation of one's self or one's spouse's from distress, tension, etc.) (7) *The principal arguments to legitimize contraception*. These vary from one to another whenever something new is proposed.

(a) In order to *supersede the traditional teaching*, they say that the traditional teaching, from an ignorance of biology, supposed that each individual conjugal act was by its nature ordained to children, and therefore erroneously thought that the order of nature was violated through use of an artificial means. They argue that Pius XI would not condemn such resort to artifice except when used for an arbitrary, egotistic-hedonistic reason vitiating the acts of nature; not when used for legitimate motives of expressing conjugal love in union, which contemporary investigations reveal prevails. They argue that this same Pontiff was not dealing with individual actions destined to the service of biological life of a future offspring but with the whole complex of conjugal life. About this, what he said is most rightly affirmed. They argue that the traditional teaching concerning contraception, since it was never defined (and cannot be defined because it is not in revelation), must be reformed, once the falsity has been demonstrated of its foundation with regard to children, as to the primary end of marriage (one out of every two hundred acts can be said to be generative) and with regard to false interpretation of Genesis 38: 8-10, and once its pessimism, stemming from an ignorance or a poor interpretation of sexual values, has been overcome.

(b) *On the level of experience*, they argue that, by the testimony of the best doctors and married couples in modern life, periodic continence has been demonstrated to be impossible in itself, uncertain of biological regulation, harmful for the psychological life of the spouses, dangerous for conjugal fidelity and for the efficient regulation of offspring.

(c) *In the order of arguments from reason*, some insist on a dispensation from the principle of the lesser evil which often permits man in his fallen condition not only to consider but even to choose the lesser evil, even without physical necessity but with great moral fittingness. Others reject this prior consideration as injurious to the generosity of many couples and speak rather of the perplexity which persuades many to save the greater conjugal-family good, by sacrificing the lesser good of the physiological integrity of the act, as often and as easily as this can be repeated. Others, more generally, apply the principle of totality which permits the renunciation even of members and functions of organic life (*a fortiori*, therefore of their particular acts), not only for the health of the body or its functions, but even for the greater good of the person, both in the physical order and in the psychic order (cf. lobotomy). It follows that in conjugal life, through the physical evil of contraception, a psychic good may be obtained—the good of eliminating anxiety over a dangerous maternity, various obsessions, the inhibition of spontaneous love, etc. Some think that this principle probably applies also to the quasi-personal husband-wife union, so that the husband for the good of the wife, may impede the natural generative power of free genital action—for example, if she might conceive when she is weak or sick. And vice-versa, the wife may do so, lest her husband suffer tension by reason of conjugal continence, etc.

## B. A Critique of This Position

(1) The *notion of the natural law* remains uncertain, changeable, withdrawn from the magisterium. For some, it may never be revealed; for others, only for a very special reason, in the rarest of cases, it proposes some relationship of man to God or to other men in acceptable arguments as definitive. (It is asserted that this never happened in history, certainly not in the solemn declaration of *Casti Connubii*.) This view does not do justice to protect either the competence which the Church has so many times vindicated for herself for the interpretation of the natural law, nor the Church's effective capacity of discerning the moral order established by God, which is so often obscure to fallen man.

(2) *Nature* seems to be understood as a complex of physical and psychic powers in the world, granted to the dominion of man, so that he can experience them, foster change, or frustrate them for his own earthly convenience. Numbered among these are the organs, powers, acts of man himself, without excepting such "superpersonal" functions as the specifically genital actions ordered to the species. All these things, and in particular man's own psycho-physical parts, are conceived of as having been entrusted to the "embodied spirit" which is man, so that he may humanize them through his culture in a given set of physical possibilities. Therefore he can frustrate his own biological, sexual function, even, when voluntarily aroused, because it is subject to reason for the bettering of the human condition. Such earthly, cultural naturalism and utilitarian, exceedingly humanistic altruism, seem to allow insufficient place in human life for the action of the Holy Spirit and for his mission of healing sin. Neither is it evident what are the great demands on virtue which are often affirmed in this new tendency.

(3) Many things seem to be mixed up and confused when there is affirmed the mutability of nature in the human person according to the evolution of history. The essential distinction between mutations which are dependent on extrinsic conditions and the stability of principles deduced by right reason is ignored. Changes which are dependent on extrinsic conditions may permit or require contradictory moral actions in diverse situations, though under the same moral principle. One may cite, for example, heart surgery, which is now licit, but which once amounted to homicide. But the principles of right reason are deduced from a consideration of the essential relations of human nature, which constitute the norm of morality. For example, the different and complementary genitality of the sexes determines the right use of the generative function in Adam and Eve as in Titus and Sempronia. Many of the alleged changes in human nature are brought out by false reasoning and false interpretations of history, we can show; for example, that slavery became intrinsically evil usury was permitted.

(4) The *authenticity of the magisterium* seems to be substantially violated:

(a) by *restricting its mission and power* beyond the limits vindicated by the Church for herself through the actions of several Pontiffs and through the First and Second Vatican Councils; and by reducing her competence so that she is deprived of her necessary authority to remain a light to the nations, teaching effectively the moral order established by God even when this is not clearly shown in Sacred Scripture and in apostolic tradition. Such is now claimed about onanism. Why should their contemporary solution be admitted any more than the statements of Pius XI or XII?

(b) by *confusing the consensus of the faithful* (of the Universal Church), of all who profess the common faith existing in all people of God, with the belief of the faithful (*Ecclesia discens*, the Church learning) which works together to illumine the hierarchy (*Ecclesia docens*, the Church teaching) in the quest for religious truths and in judging obscure and uncertain matters.

(c) by *taking away from the magisterium the authority* to discern the requirements of the natural law and to teach authoritatively when a large part of the faithful are in doubt. In this they approach the mentality of other Christian churches and offend against the genuine hierarchical constitution of the Church of Christ.

(d) by *not recognizing the differences* among the assents (to be given to truth) other than the difference between the infallible faith concerning things which have been revealed, and the assent of prudence concerning declarations reformable according to the developments of time, as is often the case in social matters. Thereby they ignore Catholic doctrines in the area of human actions which are plainly certain and morally irreformable, not to speak of theological conclusions constantly proved valid and of those things which some call "ecclesiastical faith." If contraception were declared not intrinsically evil, in honesty it would have to be acknowledged that the Holy Spirit in 1930, in 1951 and 1958, assisted Protestant churches, and that for half a century Pius XI, Pius XII and a great part of the Catholic hierarchy did not protect against a very serious error, one most pernicious to

souls; for it would thus be suggested that they condemned most imprudently, under the pain of eternal punishment, thousands upon thousands of human acts which are now approved. Indeed, it must be neither denied nor ignored that these acts would be approved for the same fundamental reasons which Protestantism alleged and which they (Catholics) condemned or at least did not recognize. Therefore one must very cautiously inquire whether the change which is proposed would not bring along with it a definitive depreciation of the teaching and the moral direction of the hierarchy of the Church and whether several very grave doubts would not be opened up about the very history of Christianity.

(5) As for the *reasoning used* to justify contraception, among other things it seems:

(a) To lack the fundamental distinction between the sexual condition of man and the free and voluntary use of the genital faculty. This latter is a particular aspect of man's sexual condition, about which in marriage a determined right is obtained. In theological tradition, this right is limited according to the natural ends of the generative faculties.

(b) If the specific use of this faculty can be turned aside in marriage from the generative finality, in the service of either the individual spouses, or of the family itself, or of a consort, why not outside of marriage? More of this later.

(c) Biology is said to have revealed both the falsity of the ordering of each and every conjugal act toward generation, and the constant natural unitive quality of this act (which from the very beginning has been clear enough!), so that one might conclude that it is licit to contradict the generative power in order to satisfy the unitive tendency.

But (I) this conclusion is not at all apparent. For if an act is rarely generative, then one must exert care that it might produce its effect, while the expression of union which is constantly present could be more easily omitted in particular cases (for example, to procure fecundation artificially if it could not otherwise be obtained). There is a confusion between *inchoate procreativity*, which man actuates through a deliberate act, and *effective procreation*, which depends upon nature and has been removed from human deliberation by the Creator.

(II) There can be no contradiction between what Catholic teaching wished to signify through the term 'procreation-education' and which from the 16th century was commonly designated as a primary end of marriage, and the biology and physiology of the sexual act freely exercised. Any other finality, legitimately determining its use, must observe that integrity.

(III) Finally, it is not apparent how a freely placed act can be perfective of human nature, but at the same time be voluntarily mutilated and changed in its natural power, even if that frustration be for another good end. Indeed, that good can be obtained in another way—this is something which the contraceptive theory is always silent about—for conjugal love is above all spiritual (if the love is genuine) and it requires no specific carnal gesture, much less its repetition in some determined frequency. Consequently, the affirmed sense of generosity and the absence of hedonism are suspect, when we find the intimate love of the whole person between a father and daughter, a brother and sister, without the necessity or carnal gestures.

One final question might be asked: are not these men essentially limited by the influence of their time and culture and region and by organized propaganda so that they bring to the problem only a partial, transitory and vitiated vision, one that even now is not a fair response to the mind of very many people?

## Consequences if the Teaching of the Church is Changed

### *A. As It Would Pertain to Moral Teaching in Sexual Matters*

The great majority of theologians who argue that contraception is not absolutely illicit in individual conjugal acts posit the *principle of totality* as the basis for this opinion. This

means that every partial good must be ordered to the good of the whole, and in a case of a conflict of interest a partial good must be sacrificed for the good of the whole. However, this principle is applied to the case differently by different people.

(I) A great number seem to admit that each and every sexual act is ordered by nature and ought to be ordered by man to procreation in its total complexity, i.e., understood as to include education. But education, in order that this might take place in a human way, requires a harmonious and balanced way of life by the parents and the whole family. This, in turn, requires an undisturbed and spontaneous sexual life between the spouses. Therefore, individual conjugal acts ought to be ordered to this whole complex. A partial good, namely, the ordering of individual acts to procreation, can be sacrificed for the good of the whole, even if this does positively remove their procreative force.

Traditional teaching obviously admits the principle of totality and demands that the sexual act not take place except in relation to the whole reality of procreation and education. However, it maintains that each and every conjugal act of its very nature has a certain *specific, intrinsic, proper order*, inasmuch as by its nature it is both ordered to the whole reality of procreation, and in that way is ordered as an act of bestowing life (a creative action in the strict sense). To place an action which removes this specific ordination, intrinsically proper to it, even for the sake of a higher good, is to act contrary to the nature of things.

Once one has set aside this traditional principle, one would also be setting aside a fundamental criterion, up until the present time unshaken in its application to many acts which have always been considered by the Church to be serious sins against chastity.

(a) The *case of extra-martial sexual relationships* of those whose living together is ordered to the good of procreation understood as a total complex. So demanding might be those who are close to marriage but could not contract it at the moment because of difficulties, yet nevertheless feel bound to foster and make as secure as possible their future harmonious conjugal life together. Similarly demanding might be those who wish to test their mutual adaptability and their sexual compatibility for the good of the family. So also might be those in concubinage who neither can marry nor be separated from one another because of the children to be educated. This education also demands the harmonious home life of the parents and, of course, a peaceful sexual life.

It should be noted that these consequences are not imaginary, but actually are being defended by some Catholics in speech and in writing. It would seem that they are not illogical, once one abandons the principle of the specific ordering of each free, generative action to procreation in the strict sense.

(b) The *case of sexual acts in marriage*, for example, oral and anal copulation. They object that such acts as these will remain evil because they do not observe the intrinsic ordination of the conjugal act to a loving union. It could be answered, first of all, that it is not apparent why an ordination to procreation in the strict sense would not be required in every act, but nevertheless there would be required an ordination to loving union, as a good never to be sacrificed in single acts for the good of the whole. Then too, it stands to reason that some spouses experience the above described forms of intercourse as true amorous union. Nor is it apparent in this opinion why a loving union must be realized uniquely through the sexual organs of each. The same ought to be applied to mutual masturbation between the spouses, at least in the case where they cannot have intercourse. Or to the solitary masturbation of one spouse in the absence of the other, yet done with a certain martial affection, or as a means of releasing nervous pressure because of a long imposed abstinence with possible damage to the peace and education of the family (for example in the case of the illness of one spouse).

(c) Even further *the door is opened easily to the licitness of masturbation* among youths on the ground that it could be a remote preparation for realizing a harmonious sexual life in marriage. Many psychologists judge this to be a normal phase in adolescence for sound sexual formation and maintain that its forced suppression could cause much wrong in such

formation.

(d) *It is equally logical that direct sterilization would be permitted* as well. For although sterilization in the strict sense is commonly judged as a more serious intervention than the use of certain preventive means, nevertheless several newer theologians (and it seems quite logical) already admit the licitness even of this kind of intervention for a contraceptive end, in the case where the definitive removal of the fecundity of conjugal acts through the use of merely contraceptive media would not allow the couple to have sufficient security and tranquility.

We admit that the illicity of several of the abuses mentioned above is evident from Sacred Scriptures (as also for several of those to be spoken of later). However, the exegetes generally agree that in those places there is not being stated the positive law for Christians, but simply the restatement of precepts of the natural law. Therefore we return to the same question: on what kind of basis does the prohibition of the natural law rest? In other words, by the law set forth in Sacred Scripture, is not a general prohibition for acting sexually against the good of procreation included?

(2) However, many theologians, who maintain that contraception is not intrinsically evil, seem to come to this conclusion from a more general principle: that, namely, which denies *all absolute intrinsic morality* to external human acts, in such a way that there is no human act which is so intrinsically evil that it cannot be justified because of a higher good of man. In stating this, they apply the principle that "the end specifies the means" and that "between two evils the lesser is to be chosen." They say that this specification and choice also include those things which are commonly called intrinsically evil.

If this principle is admitted, it would seem that more serious evils can yet be expected. Perhaps the promoters of the principle do not intend this. Nevertheless, these conclusions are actually drawn by others. Thus, for example, it could be concluded that masturbation is for the good of personal equilibrium, or homosexuality good for those who are affected with abnormal inclinations and seek only friendship with the same sex for their balance. The same could be done for the use of abortives or of abortion directly induced to save the life of the mother.

## B. *The Value and Dignity of the Church's Teaching Authority*

If the Church should now admit that the teaching passed on is no longer of value, teaching which has been preached and stated with ever more insistent solemnity until recent years, it must be feared greatly that its authority in almost all moral and dogmatic matters will be seriously harmed. For there are few moral truths so constantly, solemnly and, as it has appeared, definitely stated as this one for which it is now so quickly proposed that it be changed to the contrary.

What is more, however, this change would inflict a grave blow on the teaching about the assistance of the Holy Spirit promised to the Church to lead the faithful on the right way toward their salvation. For, as a matter of fact, the teaching of *Cast Connubii* was solemnly proposed in opposition to the doctrine of the Lambeth Conference of 1930, by the Church "to whom God has entrusted the defense of the integrity and purity of morals...in token of her divine ambassadorship...and through Our mouth." Is it nevertheless now to be admitted that the Church erred in this her work, and that the Holy Spirit rather assists the Anglican Church!

Some who fight for a change say that the teaching of the Church was not false for those times. Now, however, it must be changed because of changed historical conditions. But this seems to be something that one cannot propose, for the Anglican Church was teaching precisely that and for the very reasons which the Catholic Church solemnly denied, but which it would now admit. Certainly such a manner of speaking would be unintelligible to the people and would seem to be a specious pretext.

Other claims that the Church would be better off to admit her error, just as recently she

has done in other circumstances. But this is no question of peripheral matters (as for example, the case of Galileo), or of an excess in the way a thing is done (the excommunication of Photius). This is a most significant question which profoundly enters into the practical lives of Christians in such a way that innumerable faithful would have been thrown by the magisterium into formal sin without material sin. But let there be consulted the serious words of Pius XI in his "Directive to priests who are confessors and who have the care of souls" (1930). Also let there be consulted the words of Pius XII in his "address to the cardinals and bishops on the occasion of the definition of the dogma of the Assumption of the Blessed Virgin Mary" (1950):

This way (namely, of liberation from the law of God) can never be taken because it is hurtful and harmful even when it is a question of someone who wishes to bring help to men in difficult situations of conjugal life. Therefore it would be pernicious to the Church and to civil society, if those who had care of souls, in teaching and in their way of life, would knowingly remain silent when the laws of God are violated in marriage. These laws always flourish, whatsoever the case may be.

For the Church to have erred so gravely in its grave responsibility of leading souls would be tantamount to seriously suggesting that the assistance of the Holy Spirit was lacking to her.