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Guest Voices

A couple gets married in Stockholm in this 2013 file photo. (CNS/EPA/Fredrik Sandberg)

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Marking the 50th anniversary of *Humanae Vitae* ("Of Human Life"), the encyclical on the regulation of birth, a number of people are going to be "celebrating" the work of Pope Paul VI, whom they believe resolutely defended and preserved the "traditional teaching of the church." As most people who have studied the unfolding of the *Humanae Vitae* event know, the commission that Pope John XXIII called into being, and that Paul VI supported and expanded with experts and laypersons, advised that the teaching on birth control be allowed to evolve, and that the church accept that the use of some forms of family planning, namely contraception, could be justified.

In Paragraph 6 of *Humanae Vitae*, Paul VI rejected the findings of his commission on the grounds that "certain criteria of solutions had emerged which departed from the moral teaching on marriage proposed with constant firmness by the teaching authority of the Church." As a professor of moral theology, I have spent upward of four decades searching for that "constant teaching," only to find that, like many other moral teachings of the church, such as those about usury, slavery, and religious freedom, it has been in a continuous state of evolution.

'Humanae Vitae': The maturing of church teaching

"Decisive moments in history shape the lives of individuals and institutions, for good or ill," writes psychologist Sidney Callahan in the foreword to Robert McClory's 1995 book *Turning Point: The Inside Story of the Papal Birth Control Commission, and How* Humanae Vitae *Changed the Life of Patty Crowley and the Future of the Church*.

"For good or ill." On whichever side one falls on that question, few would dispute the assertion by Callahan and McClory, a longtime NCR correspondent who died in 2015, that Pope Paul VI's issuing of *Humanae Vitae* in July 1968 was a history-shaping moment.

This essay is part of a multipart series by NCR contributors to map the influence of *Humanae Vitae*, the impact this teaching on birth control has had in the Catholic community and where it might be pointing us in the future.

—Dennis Coday, NCR editor

If there ever was a clearly definable position on birth control in official teaching, there was an equally clear perception that it needed to be revised, if not completely

replaced. The existence of the papal commission on birth control (1963-66), the fact that *Gaudium et Spes* (the Pastoral Constitution on the Church in the Modern World, 47-52) indicated that the issues needed to be studied (see Part II, Chapter 1, Note 14), and the general sphere of anticipation throughout the church before the promulgation of the encyclical, demonstrated that the "classical" arguments with regard to birth control were no longer functional.

Paul VI therefore introduced a new argument in his approach, claiming, "This teaching, often set forth by the magisterium, is founded upon the inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning" (*Humanae Vitae*, 12). In the literature that followed this teaching, it came to be labeled the "inseparability principle." As a researcher and professor of a course on sexual and conjugal ethics, it was incumbent upon me to try to locate where this teaching had been "often set forth by the magisterium."

If one follows the preference of the Vatican for (only) the last 150 years, one would presume that "official teaching" emanates primarily, if not exclusively, from the papal "office." Accepting that premise, historical study reveals that no pope had even remotely approached the subject of marriage until Pope Leo XIII promulgated his encyclical *Arcanum Divinae Sapientiae* in 1880. This first papal description of marriage doesn't include a single word about any "meanings" of marriage or the "marriage act." There is nothing about contraception or even a hint about sexual or conjugal morality, other than the idea that marriage is characterized by "unity and perpetuity." Sex isn't even mentioned in the entire document.

In the first half of the 20th century, the first concrete words about marriage promulgated by papal authority had nothing to do with pastoral or theological teaching. They grew out of the process of codifying canon law and described the legal understanding of marriage as having a primary purpose — procreation and education of children — and a secondary purpose — mutual support and an aid for dealing with concupiscence (sexual desire). There are no "meanings" here and certainly no "inseparable connections," for there was nothing to be "connected." The secondary ends of marriage were neither attached to the primary end nor were they insisted upon or even necessary to establish the validity of a marriage.

When Pope Pius XI promulgated *Casti Connubii* in 1930, he condemned the use of contraception because he thought, or at least strongly insinuated, that the Anglican Communion had endorsed the idea carte blanche at its Lambeth Conference of the same year. No one investigated that presumption at the time because the report of that conference was immediately put on the Index of Forbidden Books. Even theologians needed explicit permission from their bishop to study the Anglican "teaching," and that permission was hard to come by.

Pius XI's understanding of marriage was dependent upon two things, the ideas of St. Augustine and canon law. The former taught that there were three reasons why Christians (as opposed to the doctrine of the Manicheans, who condemned marriage) considered marriage to be a good thing: because it produced children, because it supported fidelity within the relationship and because it was a mystery that symbolized the relationship between Christ and the church. Canon law taught that there was a primary and a secondary end (in Latin, *finis*) of marriage. Note that these were ends of marriage and not ends of sexual intercourse. Nor was there anything "inseparable" about the two ends.

It was Pius XI who introduced into papal teaching the notion that contraception — which he understood exclusively as the interference with the act of intercourse — was intrinsically against nature (*intrinsece contra naturam*). At the same time, because new theories about being able to predict (in)fertility had just become available, he taught that a couple who knew that a particular act of intercourse performed with the knowledge that it could not result in conception were allowed to engage in this activity because that act also served the secondary ends of marriage. In other words, this was an act that had nothing to do with the primary end of marriage, procreation. This was also the very first time that any official teaching drew a connection between sexual intercourse and "cultivating mutual love" (*Casti Connubii*, 59). It is remarkable that the first mention of sex and love together took place precisely as a manner of justifying intercourse known to be infertile.

Contrary to popular opinion, Pius XI did not give approval to the practice that came to be known as "periodic continence." In fact, there was a significant amount of controversy about whether a couple could restrict their engagement in sexual intercourse to those periods known to be infertile. In general, European moral theologians and canonists favored the admission of the practice, while North American moral theologians and canonists fought against it because they believed it contradicted the primary purpose of marriage.

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It was Pius XII who opined that periodic continence was justifiable as long as the couple had a "serious reason" to avoid having children. In his "Address to the Italian Midwives" in 1951, he named those serious reasons as medical, eugenic, economic or social. Thus, the intention to avoid having children, even for the duration of the marriage, was acknowledged and became part of the official teaching about marriage. This does not mean that Pius XII in any way lessened the exclusive primacy of procreation as the end of marriage. Nor did he consider that the "unity" of the couple was some kind of inseparable end or meaning of sexual intercourse. As he wrote, "The other ends of marriage, although part of nature's plan, are not of the same importance as the first. Still less are they superior. On the contrary, they are essentially subordinate to [the primary end]."

Pius XII repeated his position several times during his papacy. But the fact that papal teaching had approved of a legitimate intention to avoid conception, even for the duration of the marriage, inevitably led to questions about the ban on contraception. When it became possible simply to suppress ovulation with the birth control pill, it appeared that a solution had been found that had nothing to do with individual acts of sexual intercourse.

Pope Paul VI is carried in procession on the "sedia gestatoria," a ceremonial throne, in this undated photo. (CNS/Catholic Press Photo/Giancarlo Giuliani)

Although *Gaudium et Spes* did not directly address the question of regulating fertility it did:

- Reduce the status of the teaching on the ends of marriage to a historical reference;
- Put forth a theological understanding of the sacrament of marriage based on the model of "covenant" (in contrast to the notion of a "contract" in canon law);

- Present its understanding of marriage to be based upon conjugal love (49) and separately developed its understanding of the fruitfulness of marriage along the lines of responsible parenthood (50);
- Clearly state (51) that whatever approach would be used to deal with the regulation of fertility needed to be based not upon a biological norm or natural law, but rather upon an understanding of the "human person integrally and adequately considered" (*Expensio Modorum*, 104).

Gaudium et Spes contains nothing even resembling the "inseparable meanings of sexual intercourse." This was not surprising since no such idea had ever been put forth in the official teaching of the church. When *Humanae Vitae* introduced the idea about an "inseparable connection of meanings" in the marriage act, few people noticed that it was something that had never been stated before. During the papacy of John Paul II, the new teaching became enshrined as a new orthodoxy (*Familiaris Consortio*, 32, and the Catechism of the Catholic Church, 2366).

After the 2005 death of John Paul II, the posthumous attention given to his works included several translations of his early writings that had previously been available primarily, and in some cases only, in Polish. Combing through this literature with freelance researcher Michael Barberi, we located newly available material that shed light on the former Archbishop Karol Wojtyla's work, including a commission he called together in Krakow in 1966 to study the findings of the so-called "Birth Control Commission." Combining an analysis of what came to be called the "Krakow Memorandum" with a closer look at Wojtyla's early work, such as *Love and Responsibility*, originally published in Polish in 1960, we found that key ideas in *Humanae Vitae* are nearly verbatim repetitions of Wojtyla's thought.

It was no secret that Paul VI and Wojtyla were friends and that the archbishop shared the Krakow Memorandum with the pope before the encyclical was published. Both this and some ideas already present in *Love and Responsibility* are nearly literally represented in *Humanae Vitae*, including the "inseparability principle." This discovery sheds light on the effort that John Paul II put into two of his most important works on marriage and on morality, *Familiaris Consortio* and *Veritatis Splendor*. The development of his "theology of the body" follows the same pattern as his early works, using pre-Vatican II ideas to construct his teaching on sexual and conjugal morality.

A banner referencing "Humanae Vitae," the 1968 encyclical of Blessed Paul VI, is seen in the crowd at the conclusion of the beatification Mass of Blessed Paul celebrated by Pope Francis in St. Peter's Square at the Vatican Oct. 19, 2014. (CNS/Paul Haring)

The crisis visited upon conjugal morality after *Humanae Vitae*, and the failed renewal of moral theology after Vatican II, was not caused by any lack of attention to traditional teaching on the part of "some theologians" (*Veritatis Splendor*, 75). It was brought about by the introduction of non-traditional, inventive ideas as a substitute for the classical natural law approach, which had lost its ability to address issues in sexual morality.

Clearly some people like these innovative ideas, introduced to shore up the weakened arguments of traditional sexual morality. The ideas' popularity even strengthens the observation that the traditional approaches to the subject needed to be upgraded, changed and, in some way or other, revised.

If the truth be known, and it is easily available to anyone who is willing to study the actual, traditional teachings, what was being put forth to save the traditional conclusions is anything but traditional reasoning.

The real traditional teaching had been overwritten. The experience of the past 50 years seriously questions the success of that effort. At this point, what is important to realize is that if the teaching of *Humanae Vitae* is set aside, no damage whatsoever will have been done to the real traditional teaching. If the current occupant of the papal office takes that step, he will have confirmed that the purpose of tradition itself is to move forward, not backward.

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