

SUMMARIVM PARTIS SECUNDAE, quae continet commentaria in sex puncta generaliora in Relatione Finali et in Schemate Documenti de Responsabili Paternitate, cum quibusdam Appendicibus explanatoriis.

1. De praesentatione inadaequata positionis minoritatis in Relatione Finali. Appendix I dat accuratius summarium hujus positionis.
2. De praesentatione inadaequata puncti centralis in p. 10 Relationis Finalis. Appendix II explicat et conatur rectificare hanc deficientiam. Minoritas non simpliciter vult retinere statum quo; potius vult retinere principium fundamentali de intrinseca illiciteitate contraceptionis, et simul vult diversas ameliorationes hujus doctrinae tum theorectice tum pastoraliter.
3. De Ecclesia dubitanti in hac re:
  - a. Si Ecclesia agnoscitur esse in statu dubii de doctrina transitionali (et majoritas hoc agnoscit), quomodo potest S. Pontifex nunc auctoritative declarare doctrinam totaliter oppositam esse certo veram?
  - b. Quid praecise fuit legitime dubitatum in Concilio (Gaudium et Spes, n. 51, nota 14)? Substantia doctrinae Casti Conubii, vel quaestiones aliquae marginales? Hic inseritur Appendix III explicans cur "pillula" non differat essentialiter ab aliis contraceptivis.
  - c. Ad quodnam dubium solvendum Commissio creata est: dubium de ipsa substantia doctrina? Negative respondi in articulo quodam cujus exemplar hic includitur ut Appendix IV.
4. Ex praesentibus documentis: aut fidelibus imponitur obligatio in conscientia adhibendi contraceptiva artificialia in multis adjunctis; aut ista "criteria objectiva" non sunt obligatoria, sed sunt merae clarificationes largiores et prudentiales, -- juxta placita eorum qui non admittunt Ecclesiam esse competentem ad obligandas conscientias fidelium in rebus concretis.
5. Notabilis videtur omissio in Relatione Finali de problematibus demographicis; nempe: Etiam si Ecclesia nunc permetteret contraceptionem juxta placita majoritatis, hoc fere nullius utilitatis esset (juxta demographum principalem Commissionis) ad solvenda problemata globalia populationis excessivae.
6. De aequivocationibus in tractatione abstinentiae periodicae, quasi ~~haec~~ doctrinae admissio logice duceret ad permissionem contraceptionis, et quasi periodica abstinentia non differat essentialiter (moraliter) a contraceptione. Appendix V tractat priorem, Appendix VI alteram ex his questionibus.

PARTE SECONDA. OSSERVAZIONI GENERALI SULLA "RELATIO FINALIS"  
E SULLO "SCHEMA DOCUMENTI DE RESPONSABILI PA-  
TERNITATE".

1. La posizione della minoranza viene descritta in modo inadeguato nella "Relatio finalis". Questo era inevitabile, date le circostanze. L'unica maniera per assicurare una equa presentazione sarebbe quella di consentire ad ognuna delle parti la redazione di un proprio rapporto finale e di concedere ad ognuna un eguale spazio per farlo. Dal momento che alla minoranza non è stato concesso di presentare alla sessione dei Vescovi e alla santa Sede stessa il proprio rapporto, mi permetto di accluderlo qui, nella speranza che esso possa completare le spiacevoli deficienze della "Relatio finalis" alle pagine 10, 11 e 12. Esso reca il titolo "Minority, Appendix I".
2. A pagina 10 della "Relatio finalis" il riassunto essenziale delle due posizioni opposte è talmente inadeguato, che io mi permetto di accludere qui un documento chiarificatore: "The Inadequacy of the Statement of the Issue in the Relatio finalis, p.10". Esso porta il titolo "Minority, Appendix II".
3. LA questione dello "Status dubii in Ecclesia".
  - a) Il 23 Aprile 1966 la maggioranza dei teologi della Commissione ha espresso con voto che "Constat Ecclesiam versari hodie in statu dubii utrum doctrina tradita de intrinseca malitia contraceptionis vera sit". Il 25 Giugno 1966 i medesimi teologi, tramite i Cardinali e i Vescovi, chiedono alla santa Sede di accettare il loro "Schema documenti de responsabili paternitate" e di dichiarare autoritativamente che la contraccezione è ora permessa e persino obbligatoria.

In altre parole, benchè la Chiesa, secondo la maggioranza, si sia trovata in stato di dubbio fino al presente (per un periodo di forse cinque o dieci anni), il santo Padre viene richiesto di dichiarare con certezza e con autorità che la Chiesa non è più in dubbio: non nel senso che i dubbi relativi alla dottrina tradizionale siano ora stati eliminati, ma nel senso che l'insegnamento tradizionale era errato. In base a che cosa dovrebbe il santo Padre capovolgere così completamente l'insegnamento cattolico? Unicamente sulla base degli argomenti e della documentazione offerti dalla maggioranza di questa Commissione. Nessuna altra base infatti può venire offerta.

Quei teologi in realtà dicono: "La Chiesa dubita su questo punto. Ma noi non dubitiamo. Ecco le nostre ragioni per assicurare che la contraccezione è permessa, e talora anche obbligatoria. Sulla base di queste ragioni il santo Padre dovrebbe dichiarare autenticamente che la Chiesa non soltanto non ha più dubbi sulla dottrina tradizionale, ma che è certa dell'opposto".

Le implicazioni di questo modo di ragionare dovrebbero venire sottoposte alla discussione di ecclesiologi competenti, prima che il santo Padre le assuma come direttiva di comportamento (vedi sopra PARTE PRIMA, p;6).

b) Secondo il mio parere, tutta la questione dello "Status dubii in Ecclesia" non è stata ponderata a sufficienza, per diversi motivi. Io richiamo l'attenzione su questo soltanto: in maniera abbastanza generica si è presunto che i dubbi attuali, riscontrati fra i fedeli, presso la gerarchia e il concilio (Gaudium et spes, n.51 nota 14), e anche presso lo stesso santo Padre (inducendoli dalla sua affermazione del 23 Giugno 1964 e dal fatto che egli costituì la Commissione), fossero dubbi intorno alla sostanza stessa della dottrina della Casti Connubii.

Ma in realtà esiste un'altra spiegazione, non discussa a sufficienza, e cioè che <sup>la</sup> dottrina sostanziale della Casti Connubii non venne seriamente messa in dubbio dalla Ecclesia docens, anche se alcuni individui, e forse molti, possono aver mosso dubbi al riguardo. Io non ricordo che la Commissione abbia fatto riferimento alla lettera del Segretario di Stato al Cardinal Ottaviani in data 23 Novembre 1965, la quale rendeva nota alla Commissione teologica l'insistenza del santo Padre perchè la Casti Connubii venisse rispettata.

A mio parere, il vero oggetto del dubbio, sia in Gaudium et spes n.51 nota 14, sia nell'istituzione della Commissione, verteva sul quesito se determinate nuove scoperte o nuovi metodi (p.e. la "pillola") realmente costituissero quella contraccettione, che la Chiesa ha sempre condannato. Attualmente difatti, fra gli esperti della Commissione, sia della maggioranza che della minoranza, quasi non c'è dubbio che la pillola differisca dagli altri metodi di contraccettione per ciò che riguarda gli aspetti morali di rilievo. Si veda il documento annesso: "An 'pillula' posset permitti quin alia" etc., sotto il titolo "Minority, Appendix III".

c) Molti fanno confusione fra ciò che veramente era dubbio durante il concilio e il dubbio che è sorto dalla reazione della Commissione. La Commissione si è comportata secondo il presupposto che la sostanza dell'insegnamento della Chiesa, quale è dichiarato solennemente nella Casti Connubii, venga sottomessa a revisione radicale e anche a contraddizione. Quando io non credevo che questo fosse un presupposto legittimo (e ancora dubito che lo sia), scrissi un articolo "More on the Council and Contraception", che annetto qui, sotto l'indicazione "Minority, Appendix IV".

- 4) Ex Relatione Finali (p. 17 ad fin.) simul cum "Schema Documenti de Responsabili Paternitate" (pp. 8, 9) et "Indications Pastorales" (Dupuy), passim, consequitur:

Aut (1): Sancta Sedes ipsa nunc imponet obligationem in conscientia adhibendi, in aliquibus saltem casibus, contractiva artificialia;

Aut (2): Ista "objectiva criteria" in documenta majoritatis non sunt vera et obligatoria criteria sed "clarificationes largiores" indicativae seu prudentiales, sed non obligatoriae.

Ad Primum. Relatio et Schema (locis cit.) exhibent efficacitatem methodi contractivae tanquam criterium objectivum juxta quod conjuges dirigi debent in ordine ad agendum. Aliis verbis requirunt ut seligatur methodus efficacior (juxta necessitates etc.) Iamvero, saepe saepius in Commissione conati sunt ostendere inefficacitatem practicam tum abstinenciae completae tum periodicae; ergo, juxta eos, sola methodus vere efficax saepe esset contractivio artificialis. Ac proinde, accepto principio responsabilis paternitatis obligatoriae, accepta obligatione procreandi simul cum obligatione non procreandi nimis, accepta necessitate actus conjugalis ad amorem fovendam et ad familiam salvandam: consequitur obligatio regulandi nativitates per methodos efficaciores; ergo per contractionem artificialem.

In Commissione, Exc. Dupuy respondit huic objectioni dicendo nullam talem obligationem imponi quia Ecclesia relinquet fideles liberos ad seipendam quamcumque methodum. De facto tamen, si criteria exhibita in his documentis sunt vera criteria obligatoria, fideles non erunt liberi, nam obligantur ad efficacitatem et saepe sola methodus efficax est contractivio artificialis. Praeterea, cum omnes Catholici debent adjuvare conjuges in munere suo procreationis responsabilis, omnes debent adjuvare eos, quando necessarium est, et, juxta modum unicuique proprium, in praxibus anticonceptionalibus. Logice, Sorores religiosae quae nosocomia maternitatis dirigunt, promptas se exhibere debent ad docendas (per medicos, etc.) methodas contractionis artificialis et ad talia instrumenta supplenda in pharmaciis suis.

Ad Secundum. Confitendum tamen est aliquos ex Majoritate verisimiliter non velle ista criteria objectiva esse vera et obligatoria criteria, sed potius "largiores clarificationes" quae non obligant conscientiam fidelium in casibus concretis, nam non videntur admittere Ecclesiam habere competentiam ita obligandi conscientias. Inter auctores "Schematis Documenti de Responsabili Paternitate" sunt qui favent sequenti positioni, uti dictum est in Relatione Secretarii Generalis de Sessione Generali, p. 52, March 1965 habita:

"Functio Magisterii, deinde, in materia morali non consistit in definiendis modis agendi [comportements, behaviors] nisi ex titulo prudentiae. Sicut Evangelio, ei quoque competit aliquas largiores clarificationes suppeditate. Sed non posset edicta facere qualia ligarent conscientias ad modos agendi praecisos, quod esset procedere contra ipsum respectum vitae, quae est valor absolutus."

Cum haec fuit opinio unius saltem ex auctoribus praesentis Schematis, et cum praeterea ipse est auctor paginarum mimeographiarum quibus (annis 1963-1964) fideles hoc modo instructi sunt:

"De fait, l'Eglise ne porte que sur les contraceptifs que deux jugements: a) ils doivent -- une fois legittimement choisis - etre efficaces; b) ils ne peuvent deteriorer la signification profonde de l'etre conjugal."

ex his omnibus concludo quod verisimiliter aliqui ex majoritate non intendunt ista criteria objectiva esse ullo modo criteria quae obligant conscientias fidelium in casu concreto.

5) In Relatione Finali, ubi de Sectione Demographica, omissio, ut mihi videtur notabilis, habetur. Nemp̃ non indicatur quod etiamsi Ecclesia nunc permetteret contraceptionem juxta placita "Schema Documenti" et Relationis, hoc fere nullius utilitatis ad solvenda problemata globalia populationis.

- a) Juxta majoritatem, ecclesia debet permittere condom, diaphragma, onanismum per retractionem, pillulam, abstinentioniam periodicam. Non debet et non potest permittere: i) I.U.D. quia probabiliter sunt abortiva; ii) abortum, ut patet (quamvis aliqui ex majoritate permetterent abortum therapeuticum in difficillimis casibus ad matrem salvandam); iii) programma contraceptiveum a gubernio impositum; iv) programma generale sterilizationis.
- b) Iamvero, juxta dicta Professoris Barrett (die 21 Junii in sessione Episcoporum) solummodo isti methodi quas Ecclesia non posset permittere essent verae utilitatis in solvendis praesentibus problematibus demographicis in regionibus principalibus munit. Neque pillula, neque condom, neque diaphragma, neque abstinentionia periodica possent notabiliter influere in desideratum deminutionem populationis -- speciatim si excluditur interventum gubernii.
- c) Ergo, etiamsi Sancta Sedes nunc permetteret id quod majoritas proponit, hoc fere nullius utilitatis esset ad solvendum globale problema populationis.
- d) Praeterea, quinque sextae (5/6) partes mundi non sunt Catholici et non audiunt doctrinam ecclesiae in hac re, et plerumque putant se esse ad methodos contraceptivos introducendos. Et, tamen, usque adhuc hae methodi parum conferunt ad problema solvendum. Solummodo programmata, a guberniis plus minusve imposita, in quibus abortus et sterilizatio fortiter inculcantur, sicut, e.g. in Japonia et Korea, felicem aliquem successum obtinuerunt.

6. Sulla questione della astinenza periodica. Nello svolgimento delle discussioni della Commissione, e anche nello Schema documenti responsabilis paternitatis (pp.7 e 8), era considerato da alcuni come ammesso che l'approvazione, data dalla Chiesa, all'uso del periodo infecondo, per regolare la concezione e la nascita, fosse un passo importante nel processo di evoluzione o di "approfondimento", attraverso il quale la Chiesa è ora giunta a un punto tale da vedere che la contraccizione stessa va approvata. Questo a sua volta veniva basato sulla opinione che non c'è differenza morale essenziale fra continenza periodica e contraccizione artificiale. Per questo motivo ho ritenuto necessario aggiungere due altre appendici: l'una mostra che l'ammissione della continenza periodica in nessun modo era un momento di una evoluzione, che logicamente conduca alla contraccizione (è quella sotto il titolo "Minority, Appendix V"); l'altra mostra la differenza morale essenziale fra ritmo e contraccizione (è quella sotto il titolo "Minority, Appendix VI").

## SUMMARIIUM POSITIONIS MINORITATIS

### I. Status Quaestionis.

Centralis questio cui Ecclesia nunc respondere debet haec est: Contraceptio estne semper graviter mala? Omnes aliae quaestiones discussae tandem aliquando solvi possunt solummodo quando haec centralis quaestio solvitur.

Contraceptio ab Ecclesia (Casti Connubii) imprimis intelligitur: quilibet matrimonii usus, in quo exercendo, actus, de industria hominum, naturali sua vitae procreandae vi destituitur.

Semper malum significat intrinsece malum, sicut tortura infamulae.

### II. Quodnam responsum hucusque dedit Ecclesia huic quaestioni?

Responsum affirmativum constans, perenne et sine ulla haesitantia. Invenitur hoc responsum in documentis Magisterii et in tota historia.

1. Imprimis citantur aliqua documenta recentiora Magisterii pontificii: Pius XI, Casti Connubii, AAS 22 (1930), 559-560.

Pius XII, Allocutio ad Obstetrices, AAS 43 (1951), 843:

Decessor Noster Pius XI f. r. in Encyclica "Casti Connubii" die 31 Decembris anno 1930 data, rursus ac sollemniter promulgavit primariam legem de actu et intima consuetudine coniugum: quamlibet matrimonii abusioem in exercendo actu coniugali et in eius consequentiis, eo spectantem ut actus ipse naturali sua vi de industria destituatur et arceatur novae vitae generatio, turpem esse et inhonestam; pariter nullam "indicationem" vel necessitatem efficere posse, ut actus natura sua inhonestus turpisque, fiat licitus et honestus...

Hoc praescriptum hodie plane viget, sicuti antea, idemque et in posterum semper vigeat, cum sit praecceptum non tantum iuris humani, sed etiam deducatur ex lege naturali et divina...

Notae sunt aliae allocutiones Pii XII in quibus, usque ad mortem, explicite et im licite reiteravit: contraceptionem esse semper malam, et graviter.



Ioannes XXIII, Mater et Magistra, AAS 53 (1961) 446-447 haec habet:

"Nimirum igitur ut quaestio quae affertur (de superpopulatione) enodate dissolvatur, non ea profecto via consilii est invenienda, qua, praeter morum disciplinam a Deo statutam, item humanae ipsius vitae procreatio violetur. . ."

2. Responsum Ecclesiae in praesenti saeculo etiam illustratur adductis exemplis declarationum episcoporum sive a) collective pro regione, sive b) singillatim pro dioecesi sua, loquentium.

a) Episcopi Germaniae, 1913 (et post paucos annos sequebatur "Instructio pro Confessariis"); Episcopi Galliae, 1919; Episcopi U.S.A., 1920; Episcopi Belgii, 1920; Episcopi Indiae, 1960; Episcopi U.S.A., 1959; Episcopi Angliae, 1964; Episcopi Hondurenses, 1966; In Hispania, 1919, fuerunt octo dioeceses in quibus onanismus coniugalis fuit peccatum reservatum.

b) Aliqua exempla Litterarum Pastoralium huius saeculi: Rutten, Liège, 1907; Mercier, Malines, 1909; Coloniensis, 1913; Card. Bourne, Westminster, 1930; Card. Montini, Milano, 1960; Card. Gracias, Bombay, 1961.

Notandum Sanctam Sedem inter 1816 et 1929, per Curiam Romanam 19 vicibus edidisse responsa in hac materia. Post hoc tempus totidem fere vicibus ulterius locuta est. In his responsis suppositum saltem implicitum semper fuit: contraceptio est semper graviter mala.

3. Historice constat, plenissima evidentia, responsum Ecclesiae semper et ubique idem fuisse, ab initio usque ad praesens decennium.

Non est, igitur, quaestio de doctrina in 1930 proposita. Pius XI historicam veritatem testatus est quando hanc doctrinam Christianam appellavit "iam inde ab initio traditam neque umquam intermissam."

#### III Cur Ecclesia hanc doctrinam semper tradidit?

1. Non ut simplicem reactionem contra diversas doctrinas infidelium; non quia <sup>a</sup> Patres et theologi acceperunt philosophiam Stoicam de natura, et de hominis relatione ad naturam; non quia, derelinquendo principia evangelica, sequebantur aliquam philosophiam "naturae" nunc obsoletam; non quia ignorabant alios actus conjugales esse steriles, alios fertiles; non quia putaverunt contraceptionem violare obligationem producendi prolem; non quia timuerunt depopulationem hujus mundi.
  
2. Sed quia, reflectendo in principia Evangelica de natura vitae humanae et de natura castitatis Christianae, videbant (omnes, quicumque de hac re scripserunt) contraceptionem ut violationem tum vitae humanae, tum castitatis Christianae. Apostoli <sup>praedicaverunt</sup> ~~denunciarunt~~ castitatem mundo pagano ubi pauci appretiaverunt, pauciores coluerunt hanc virtutem. Sane, nullus locus Novi Testamenti explicite inculcat malitiam contraceptionis. Evangelia et Epistolae vero docent quomodo homo suam vitam corporalem praecise sexualem dirigere debeat, si ad vitam aeternam pervenire possit. Iamvero ex eo momento quo contraceptio nominabatur in litteratura Christiana, nullus Pater, nullus theologus citari potest qui non agnoscebat, quasi spontanee et ~~sine~~ sine ulla haesitantia, contraceptionem esse violationem castitatis Christianae et violationem vitae humanae incipientis; et quidem gravem. Nam ad hoc illustrandum, eam appellaverunt "homicidium anticipatum," vel invocaverunt analogiam cum homicidio, quae analogia invenitur constanter apud Patres, theolo<sup>g</sup>os et in iure canonico saltem per annos mille ducentos, neque unquam totaliter derelicta est, siquidem etiam in hoc vigesimo saeculo, aliqu<sup>a</sup> documenta ecclesiastica eam adhuc retinent.

3. Doctrina de malitia contraceptionis est fructus reflectionis Christianae in naturam hominis ejusque vitam corporalem, in originem vitae humanae corporalis, in sexualitatem humanam, in conjugium Christianum, in actum conjugalem ejusque castitatem, quae omnia considerabantur praecipue prout in Sacra Scriptura exhibebantur. Inter alia, Christiani tenebant, ut nos hodie tenemus: ~~De~~ Deum esse solum Dominum vitae humanae et hanc vitam esse specialiter sacram et inviolabilem. Uti nuperrime declaravit Joannes XXIII in Litt. Enc. Mater et Magistra (AAS, 53 [1961] 446): "Etenim <sup>"Etenim</sup> Hominum vita pro re sacra est omnibus ducenda: quippe quae inde a suo exordio, Creatoris actionem Dei postulet." Insuper tenebant, ut nos hodie tenemus: parentes, in exercitio actus conjugalis, esse cooperatores, in opere creationis novae vitae, proxime Deo Creatori conjunctos (hinc procreatores)<sup>1</sup>, donum vitae transmittentes novo homini. Agnoscebant praeterea, omnem hominem componi ex spiritu et corpore conjunctos in personam vere et singulariter unam; hoc corpus, humanum et personale, esse templum Spiritus Sancti, quod templum, violata castitate conjugali, ipsum violaretur. Neque Patres, neque theologi, neque magisterium Ecclesiae, neque <sup>s</sup>populum Dei unquam dubitaverunt contraceptionem esse violationem hujus templi, atque violationem vitae humane<sup>2</sup> incipientis. Hanc violationem Corpus Juris (post S. Augustinum) appellavit crudelem libidinem, in quantum contra castitatem, libidinosam<sup>vero</sup> crudelitatem<sup>vera</sup>, in quantum contra vitae humanae inceptionem.

Quomodo cognoscimus hanc doctrinam esse veram?

1. Essentialiter et principaliter hoc cognoscimus ex rationibus theologicis: primo ex auctoritate Magisterii; deinde ex traditione doctrinali constanti et numquam intermissa; tandem ex doctrina universali theologorum qui sunt testes istius traditionis. Praeterea, rationes quasdam subsidiarias adducimus, philosophico-theologicas, quae ostendunt rationabilitatem hujus doctrinae quando consideratur dependenter ab illa "sapientia quam a Deo illuminata, semper docebat" (Paulus VI, Allocutio ad C.I.F., Feb. 12, 1966). Veritas doctrinae nobis constat ipso facto quod semper proponebatur fidelibus ut tenenda et in praxim sub gravi deducenda. Nam Ecclesia hanc doctrinam fidelibus proposuit, tum ante tum post sollemnem promulgationem Casti Connubii, constantia, universalitate, insistentia quae in aliis rebus vix unquam parallelem habuerunt.

2. Casti Connubii tamen ist punctum supremum in hac traditione, eamque confirmat modo singulari. Pondus speciale tribuendum est Casti Connubii propter sequentia: a) Proponit hanc doctrinam verbis valde sollemnibus et declarat eam "doctrinam christianam"; Et b) Proponit hanc doctrinam in contextu confrontationis publicae et sollemnis cum episcopis Ecclesiae Anglicanae, quos accusatorie indigitat tanquam "a christiana doctrina iam inde ab initio tradita neque unquam intermissa manifesto recedentes"; c) Protestatur verbis explicitis invocando suam legationem divinam contra eam ipsam doctrinam quae nunc a quibusdam proponitur; Hoc facit terminis absolutis, independenter a quibuslibet motivis vel circumstantiis, independenter ab egoismo vel hedonismo, urgens legem divinam quae in ipsa natura humana fundatur, non in natura humana prout tunc temporis, 1930 existebat;

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f) appellat ad ordinem naturalem, non alicujus seriei actuum ad "communitatem procreativam," sed singulorum actuum, declarans graviter ~~enimvero~~ culpabilem quemlibet matrimonii usum qui privat vel unum actum ejus vi naturali procreativa; g) observantiam hujus legis divinae urget sub poena peccati mortalis, ac proinde ad vitam aeternam necessariam, bene notis frequentissimis applicationibus hujus legis in vita cotidiana christianorum innumerabilium, bene notis quoque eorum difficultatibus, quandoque gravissimis, ex hac observantia oriundi; h) hanc observantiam inculcans indubitanter et inhaesitanter (quamvis in aliis rebus multo minoris momenti ecclesia solebat magna cautione procedere; i) imponens gravissimam monitionem confessariis et pastoribus qui ~~aliter~~ fideles in hac re in errorem ducunt.

3. Nostra positio igitur non fundatur simpliciter in hoc quod accipimus ut verum quidquid Magisterium decursu historiae fidelibus unquam proponebat, sed potius, tenemus: hanc doctrinam particularem, hoc modo singulari constanter ~~perspectam~~ traditam et sollemniter propositam non posse esse substantialiter falsam.

Ecclesia Catholica a Domino Nostro Jesu Christi <sup>a</sup>fundat<sup>a</sup> est ut hominibus monstraretur via vera et segura ad vitam aeternam. Ecclesia non potuit errare tam pessime per tot saecula, vel etiam per unum saeculum, imponendo sub poena peccati mortalis, in re frequentissime occurrente, onera gravissima, in nomine Jesu Christi et in "signum legationis divinae" nisi Jesus Christus de facto imponere voluit haec onera. Ecclesia non potuit praebere fidelibus innumerabilibus, ubique terrarum, per omni saecula, occasionem fere constantem peccati formalis et ruinae spiritualis, propter falsam doctrinam in nomine Jesu Christi promulgatam.

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Si Ecclesia ita pessime errare potuisset, actum est de auctoritate Magisterii ordinarii in rebus moralibus. Ex hoc nunc non posset amplius sibi vindicare respectum, fiduciam et obedientiam fidelium praesertim in rebus sexualibus. Si talis doctrina, tali modo proposita non est substantialiter vera, Magisterium ordinarium Ecclesiae ex hoc nunc deveniret essentialiter mutatum et plus minuse supervacaneum.

4. Inter eos qui nunc dicunt Casti Connubii esse reformabilem, et qui existimant contraceptionem non esse semper malam, sunt aliqui theologi Catholici qui iam nunc videntur concipere auctoritatem et functionem Magisterii, praesertim in rebus moralibus, modo radicaliter novo. Legimus in relatione Sessionis Plenariae hujus Commissionis, Mar. 25-28, 1965, p. 52, sequentes opiniones aliquorum membrorum Commissionis: --

"I. Natura non est aliquid totaliter factum, est 'se faciens'. Nequimus eam attingere nisi prospective, quia non existit conceptus fixus naturae...

"II Principium continuitatis non refertur ad enuntiationes praecisas de modis agendi [comportements, behaviors] semel determinatis pro omnibus. Refertur ad valores permanentes qui protegendis, amovendis, realizandi sunt; consequenter continuitas refertur neque ad formulationes neque ad solutiones concretas. Sufficit si in momento actuali enuntiatio de re morali sit verum 'pro momento', 'geschichtsgerecht' [congruenter ad historiam]...

"IV. Functio Magisterii, deinde, in materia morali non consistit in definiendis modis agendi [comportements, behaviors] nisi ex titulo prudentiae. Sicut Evangelio, ei quoque competit aliquas largiores clarificationes suppeditare. Sed non posset edicta facere, qualia ligarent conscientias ad modos agendi praecisos, quod esset procedere contra ipsum respectum vitae, quae est valor absolutus...

Quod ad decisionem auctoritativam de contraceptione quam S. Pontifex in hac re editurus est, theologus quidam haec habet:--

"Cum conscientia Ecclesiae tam profunde in hac re [contraceptio] dividatur, cum praeterea solutio nullo modo in revelatione contineatur, normae auctoritativae quas ipse Papa, tanquam Magister Universalis, debito tempore proponet, non erunt inter pretationes definitivae legis divinae, in omnibus circumstantiis obligatoriae, sed potius praebunt directivum [guide] indispensabile et pretiosum pro conscientia christiana." Gregory Baum, O.S.A. "Birth Control -- What Happened?" Commonweal, (24 Dec. 1965,) p. 371.

Non est mirandum, igitur, si aliqui theologi in Ecclesia hodierna non habent difficultatem sive agnoscendo Ecclesiam erravisse, sive explicando quae nunc erronea vel obsoleta vocantur tanquam historice vera et valida pro tempore in quo edita sunt, sive etiam denegando Magisterio Ecclesiae potestatem obligandi conscientias fidelium in casibus concretis occurrentibus, praesertim ubi lex naturalis tractatur.

Quomodo rationabilitas hujus doctrinae indicatur?

1. Patres, theologi et ipsa Ecclesia semper docuerunt actum et processum generativum esse speciali sensu inviolabilia ut generativa. Hanc inviolabilitatem tribuerunt actui et processui biologico, non ut biologico seu animali sed quatenus humana sunt, quatenus actibus humanis subsunt, quatenus humanae generationi inserviunt. Universalis agnitio hujus inviolabilitatis est factum historiae; non est theoria. Quando hoc factum describitur ut "cultus fertilitatis" vel ut "supersitiosum tabu", talis descriptio non removet factum. Si haec agnitio inviolabilitatis est biologismus, Ecclesia ipsa accusanda est biologismi, non solum theologia moralis recentior.

2. Constanter a tempore Patrum usque ad saeculum decimum septimum, et minus frequenter usque ad praesens saeculum, haec inviolabilitas explicabatur a Patribus, theologis, Corpore Juris, et in Catechismo Concilii Tridentini, appellando ad simplicem analogiam cum inviolabilitate ipsius vitae humanae. Sicut vita humana in facto esse habebatur sacra et inviolabilis, ita ejus inceptio, seu ejus fieri habebatur sacra et inviolabilis. Hinc violatio procreationis (contraceptio) comparabatur homicidio, quamvis clare distinxerint notiones abortus et contraceptionis. In Medio Aevo contraceptio rejiciebatur (quin negaretur analogia cum homicidio) utpote "contra naturam" humanam. Magis deinde invaluit formulatio "contra finem primum matrimonii et ejus actus." Tamen, variantibus decursu historiae istis formulationibus, ipsum factum principale semper historice verum manet: ecclesiam semper agnovisse specialem inviolabilitatem horum actuum et processuum qua generativorum.

3. Argumenta philosophica adhibita ad ostendendam rationem hujus inviolabilitatis aliter et aliter proponuntur. E.G. Contraceptio



ostenditur mala quia violat ordinem sexualitatis ad bonum speciei, i.e. ad bonum totius familiae humanae; in hunc ordinem homo non habet dominium. Vel hodie arguunt, ut videtur satis consequenter: contraceptionem falsificare essentialiter significationem amoroso-unitivam actus conjugalis.

Sed fundamentalius arguitur ex eo quod contraceptio est violatio inceptionis vitae humanae. Haec inceptio est ipsum fieri vitae, ac proinde est aliquid continuum cum vita ipsa, sicut abire in iter est aliquid continuum cum ipso itinere iam incepto. Sicut bonum vitae est bonum humanum fundamentale et inviolabile, sic ipsum fieri ~~hujus~~ hujus vitae, quatenus continuum cum illa, participat hujus inviolabilitatis. Ergo attentatus contra fieri novae vitae ostenditur per simplicem analogiam esse malum. Contraceptio vero necessario importat voluntatem deliberate contrariam huic bono fondamentali (inceptioni hujus vitae) nam voluntas voluntas contraceptiva dirigitur ad privandum actum generativum deliberate positum vi sua naturali procreandi novam vitam. Hinc est quod contraceptio dicebatur ~~επιτομή~~ "homicidium anticipatum" saltem per mille ducentos annos, et usque ad praesens saeculum. Nam graviter offendit contra bonum humanum fundamentale quod analogice cum ipsa vita humana comparatur.

a)

Notanda: Ut aliquid ostendatur immorale non requiritur injuria sive actualis sive potentialis cujusque personae; sufficit si valor inviolabilis violatur. b) Haec argumentatio supponit vitam humanam esse inviolabilem quia "Deus Dominus vitae" est; non primario quia vita pertinet ad personam suae dignitas et iura ad vitam sunt absoluta qua personalia. Si res ita se haberet suicidium et euthanasia quandoque licita esse possent, nam fiunt cum consensu personae, et consentienti non fit injuria. c) Praeterea, occisio hominis non occidit praecise personam, nam persona est immortalis. Id quod oc-

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ciditur est vita humana biologica personae. (Sed nemo dicit malitiam  
suicidii fundari in "biologismo"). d) Non est exaggeratio si dici-  
tur voluntas contraceptiva non longe distare a voluntate abortiva,  
quamvis ejus malitia essentialiter minor sit. Attamen qui existimat  
se posse disponere de ~~in~~ceptione vitae, de vita in fieri, facile  
transire potest ad ulteriora. Inter Catholicos defensores contra-  
ceptionis aliqui iam defendunt abortum therapeuticum in certis cas-  
ibus difficilioribus.

VI Quaenam argumenta adducuntur ad permittendam contraceptionem?

Praesentationem horum argumentorum relinquimus iis qui ea ad mittunt (defendunt). Interim breviter dicimus: --

1. Dogmatice, nobis videntur haec argumenta non satis attendere competentiam Magisterii in lege divina-naturali declaranda.

2. Nimis facile appellant ad sensum fidelium, qui vago modo explicatur et applicatur. Nec satis attenditur distinctio, in Concilio Vaticano II reaffirmato inter Ecclesiam docentem et discentem.

3. Exaggeratur momentum genitaliter sexuale in amore conjugali, et exaggeratur necessitas orgasmi conjugalis ad amorem conjugalem exprimendum et praeservandum.

4. Criterium moralitatis actus conjugalis in doctrina traditionali asseritur esse mere biologicum vel fere totaliter biologicum; quod falsum est.

5. Abstinencia periodica asseritur esse methodus contraceptiva; et quod contradicit documentis ecclesiae, terminologiae bene stabilitae theologorum. Praeterea negligit essentialem differentiam moralem inter contraceptionem et abstinenciam periodicam in hypothesis quod contraceptio est intrinsece mala et quod haec malitia derivatur ex violatione processus et actus generativi.

6. In argumentatione revisionistarum, vel contraceptio supponitur esse actus intrinsece indifferens -- quod est petitio principii; vel, e contra, contraceptio, ceteroquin admissa ejus malitia moralis, declaratur fieri bona<sup>a</sup> eo quod actus contraceptivus incorporatur in serie actuum, quae tota series ordinatur ad bonum aliquod superius, nempe ad bonum communitalis procreatricis. Sed tali argumentatione

quicumque actus, quantumvis malus, e.g. tortura infantulae, vel totius stirpis exterminatio (genocidium) justificari posset. Necesse est solummodo ut invenias bonum proportionate magnum, et seriem actionum in quam actus iste malus incorporari posset; his verificatis liceret tortura infantulae, vel genocidium. Sed talia sane nunquam admitterent revisionistae. Potius igitur dicendum eos supponere implicite contraceptionem esse indifferentem; quod est petitio principii.

7. Inter theologos qui in Ecclesia hodie defendunt contraceptionem sunt aliqui qui videntur concipere humanam naturam ita evolutioni subjectam ut "non exstet conceptus fixus naturae" (Relatio, Mar. 1965. p. 52); aliqui qui vix admittunt malitiam intrinsecam cujuscumque actionis externae, et qui aequivalenter defendunt principium quod finis justificat media, docendo finem "specificare" media; aliqui qui videntur admittere in certis adjunctis suicidium, abortus, fornicatio, masturbatio et adulterium; aliqui qui negant competentiam quamcumque in ecclesia docendi obligatorie in re morali pro casu individuo et concreto, vel saltem quando lex naturalis agitur, etc.

VII.

CONSECTARIA EX MUTATA DOCTRINA

Quoad doctrinam moralem in materia sexuali

Magna maioritas theologorum, qui autumant non absolute ~~illicitam~~ <sup>illicitam</sup> esse contraceptionem in singulis actibus conjugalibus, tamquam fundamentum opinionis ponit principium totalitatis, sed hoc principium intelligunt in sensu speciali. Doctrina traditionalis etiam admittit principium totalitatis quatenus partes unius personae ad totam istam personam ordinantur; tenet tamen, quod omnis et singulus actus conjugalis de sua natura habet aliquem ordinem specificum<sup>m</sup> intrinsece proprium, in quantum natura sua et ordinatur ad totum complexum procreationis, et eo modo ordinatur ut sit actus ditionis vitae (geste de procreation in stricto sensu). Hoc specificum, intrinsece illi proprium positive tollere, etiam propter aliud bonum superius, esset adhibere media mala ad finem bonum.

Ex derelicto hoc principio traditionali derelinqueretur etiam criterium fundamentale et hucusque inconcussum multorum actuum, qui ab Ecclesia semper considerati sunt peccata gravia contra castitatem:

a) quoad relationes sexuales extra-conjugales illorum quorum conviventia ordinatur ad bonum procreationis in toto complexu. Ita procantes, qui proxime accesserunt ad matrimonium, sed non possunt illico illud contrahere propter obstacula; item concubinari qui nec nubere possunt nec ab invicem separari propter prolem educandam.

Notandum quod hae consequentiae non sunt imaginariae, sed de facto iam defenduntur a catholicis oraliter et scripto; et, uti videtur, non illogice si relinquitur principium specificae ordinationis cuiusvis actuationis genitalis liberae ad procreationem stricto sensu.

b) quoad actus sexuales in ipso matrimonio, v.g. copulam oralem, analem. Obiciunt quidem quod tales actus erunt mali, quia non observant intrinsecam ordinationem actus coniugalis ad unionem amorem. Respondetur: constat plures coniuges experiri copulas supra-descriptas tamquam vere unionem amorem; nec apparet in hac opinione cur unio amorosa unice realisari deberet per utriusque organa sexualia. Idem applicandum esset ad masturbationem mutuam inter coniuges saltem pro casu quo copula haberi nequit; vel etiam ad masturbationem solitariam coniugis, absente altero coniuge et cum affectu maritali.

c) Imo etiam liceitati masturbationis iuvenilis facile porta aperitur ex causa remotae praeparationis ad harmoniosam vitam sexalem in matrimonio realisandam; in quantum nempe a multis psychologis iudicatur phasis normalis in crescentia iuvenili ad plenam formationem sexalem.

d) Sterilizatio directa subsidarie erit permittenda satis logice; quamvis enim sterilizatio stricto sensu communiter gravior interventus iudicetur quam usus simplicis praeservativi, plures tamen theologi innovatores (et videtur satis logice) admittunt iam liceitatem etiam illius interventus ad finem contraceptivum.

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2. Plures tamen theologis qui contraceptionem tenent non esse intrinsece malam, ad hanc conclusionem venire videntur ex principio magis generali: illo scilicet quod negat actibus externis humanis omnem moralitatem intrinsecam absolutam. In hoc adhibent principia "finis specificat media", et "inter duo mala minus est faciendum".

Ex hoc principio admissio graviora mala adhuc expectanda videntur, quae forsitan fautores principii non intendunt, de facto tamen ab aliis trahuntur. Ita v.g. masturbatio in bonum aequilibrum personalis, aut homosexualitas eorum qui anormali inclinatione afficiuntur et sola simili amicitia ad aequilibrium adduci possunt; item usus mediorum abortivorum vel abortus directe provocatus ad salvandam matrem.

Quoad valorem ad dignitatem magisterii ecclesiastici.

1. Si Ecclesia nunc admitteret iam non valere doctrinam tam traditionaliter admissam transmissam, adeo sollemniter usque ad ultimos annos, valde timendum erit ne graviter laedatur eius auctoritas in fere omnibus, moralibus et dogmaticis. Paucae enim veritates morales tam constanter et definitive enunciatae sunt sicut haec, quae nunc tam festinenter in contrarium mutanda proponitur.

2. Quod tamen plus est, haec mutatio grave vulnus inferret dogmati de assistentia Spiritus Sancti Ecclesiae promissa in conducendis fidelibus recta via ad salutem. De facto enim doctrina "Casti Connubii" sollemniter proposita est contra doctrinam Lambeth Conference 1930 ab Ecclesia "cui ipse Deus morum integritatem honestatemque docendam et defendendam commisit....in signum legationis suae divinae....per os nostrum". Dicitur quidem a multis, qui mutationem propugnant, quod doctrina Ecclesiae falsa non erat pro istis temporibus, nunc autem mutanda sit propter mutatas condiciones his-

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toricas. Hoc tamen videtur perhiberi non posse, nam ecclesia anglicana praecise id docebat, et propter ea iam tunc motiva, quae Ecclesia catholica sollemniter negabat, nunc autem admittere debet. Certo talis modus loquendi populo videretur speciosus praetextus. Alii propterea autumant Ecclesiam melius admissuram esse suum errorem, sicut recenter iam fecit in aliis circumstantiis. Hic tamen agitur non de rebus marginalibus (ut v.g. in casu Galilaei), sed de re valde substantiali, quae profunde incidebat in vitam practicam Christianorum, eo modo ut innumeri fideles in peccata formalia sine peccato materiali a Magisterio exponebantur. Ecclesiae, quae tam graviter in re tam gravi in suo munere conducendi animos erravit, defecisse assistentiam Spiritus Sancti serio censeri deberet.



# THE INADEQUACY OF THE STATEMENT OF THE ISSUE IN THE RAPPORT FINAL

"S'opposer à tout changement dans la doctrine, c'est réaffirmer purement et simplement la malice intrinsèque de la contraception. Quatre d'entre nous maintiennent qu'aujourd'hui le Magistère ne saurait adopter une autre position. Les quinze autres membres de la section de théologie pensent au contraire que le Magistère peut et doit, sans rien sacrifier des principes essentiels de la continuité doctrinale, dire que l'utilisation d'un procédé contraceptif dans le but de priver un acte ou une série d'actes conjugaux de leur force procréatrice, n'est pas intrinsèquement mauvaise. En conséquence, elle prend sa moralité de la totalité de l'acte humain dans lequel elle s'intègre, sans y apporter d'elle-même un élément de moralité." (Rapport Final, p. 10)

This statement of the central issue deserves close examination, both for its intrinsic importance, and because it is an example of a certain inadequacy that affects the entire report.

(1) "S'opposer à tout changement dans la doctrine, . . ." The issue is not concerned with incidental change by way of normal and legitimate development. No one is opposed to that. The issue is concerned with the repudiation of the traditional teaching, and the promulgation of a new precept that would directly contradict the precept which the Church solemnly promulgated through the mouths of Pius XI and Pius XII, and that undoubtedly has been the common teaching in the entire Catholic Church from the beginning until at least 1961. In addition to a reaffirmation of the precept, there certainly should be: 1) a clarification of the difference between contraception, abortion, rhythm, and the use of drugs to regulate ovulation without suppressing it; 2) a better explanation of the fundamental precept, with the integration of sound personalist views in accord with the teaching of Gaudium et Spes; 3) a shift in emphasis to a clear and helpful stress on the development of the virtue of conjugal chastity, with definite suggestions on how to develop this virtue; 4) the presentation of pastoral norms that are as compassionate as possible, taking into account human weakness; 5) a cautious opening for theological investigations that would develop the traditional precept without contradicting it, perhaps in regard to the regulation of abnormal fertility and in regard to the subjective factors that mitigate guilt; and 6) a practical effort by the Church itself to find a way of perfecting even further the use of the infertile period. This last step would involve the Church in a completely new line of action: the design and contracting of scientific research projects aimed at solving a human problem. It would be as radical a step as was the establishment of the first Catholic hospital.

(2) ". . .c'est réaffirmer purement et simplement la malice intrinsèque de la contraception." But what is wanted is not a "pure and simple" reaffirmation. Rather, a reaffirmation that is clearer, firmer, and more helpful--one that will not only tell couples what is wrong, but also guide them to fulfill what is right. One may note how starkly this position is presented, with no explanation and no supporting phrases. The statement is so brief, in fact, that it is elliptical. Logically, there should be included, after the word "simplement" words such as: "the precept that the Church always has promulgated, namely that concerning. . ." For, properly speaking, it is a precept that is promulgated and reaffirmed, not the malice itself.

(3) "Quatre d'entre nous maintiennent qu'aujourd'hui le Magistère ne saurait adopter une autre position." The word "quatre" is underlined, although one would suppose that the reasons offered would be the important thing, not merely the number of those assenting to a certain view. More important, the phrasing suggests that these four half-expect a change and simply have not yet seen their way clear to agreeing with the majority. This is far from the truth. The theologians of the minority would agree with Pius XII when he said: "This precept is as valid today as it was yesterday, and it will be so tomorrow and always, for it is no mere prescription of human law, but a precept of law that is natural and divine."

(4) "Les quinze autres membres de la section de théologie pensent au contraire que le Magistère peut et doit, sans rien sacrifier des principes essentiels de la continuité doctrinale, dire que l'utilisation d'un procédé contraceptif dans le but de priver un acte ou une série d'actes conjugaux de leur force procréatrice, n'est pas intrinsèquement mauvaise." The statement of the majority's position is much more ample. The phrase, "sans rien sacrifier. . ." is argumentative; this is precisely what the minority denies, and such a disputed point should not be included in the very statement of the issue. To do so is to prejudice the entire discussion. In any case, at the end of this sentence, the issue has been sufficiently stated. However, to stop here would leave a clear impression of what is actually the case--namely, that the majority thinks that the Church can and ought to change the precept it promulgates with regard to the morality of contraception.

(5) "En conséquence, elle prend sa moralité de la totalité de l'acte humain dans lequel elle s'intègre, sans y apporter d'elle-même un élément de moralité." This additional sentence states what would be a consequence of the majority position if that position were true. Unfortunately, both its position and the fact that it is emphasized by underlining tends to distract attention from the main issue.

An "pillula" posset permitti quin alia contraceptiva permitterentur?

Resp.: Negative, propter tres rationes.

1. Eadem malitia contraceptiva invenitur in casu "pillulae" contraceptive adhibitae et alia contraceptiva, nempe: deliberata privatio actus conjugalis per industriam humanam, vi ejus naturali procreandi novam vitam. In utroque casu datur positio deliberata actus conjugalis sumul cum deliberata aggressionem contra inceptionem istius novae vitae quae secus ex hoc actu haberetur vel quae haberi posse existimatur. Ad hoc malitiam nihil refert utrum physica integritas actus conjugalis ipsius praeservetur necne; malitia non est ipsa physica integritate violanda, sed in voluntate quae aggreditur inceptionem vitae, sive haec aggressio habetur in opus hominis vel in opus naturae.
2. Tota traditio theologica Ecclesiae semper rejecit contraceptionem etiam per pharmaca oraliter sumpta. De facto, in hac re documenta et testimonia historica magis explicita sunt contra sterilizationem (etiam temporaneam) per potiones etc. quam contra onanismum simplicem. Cf. Noonan, Contraception, Index, sub verbo ~~Contraceptive methods...ingredients used~~ "Contraceptive methods...ingredients used" etc.
3. Confirmatur: Fere omnes theologi qui imprimis (ante duos vel tres annos, 1963, 1964) existimaverunt se posse admittere ~~2p2h~~ "pillulam" quin deberent admittere contraceptionem generaliter, hodie vident hoc non posse fieri; logice coguntur ulterius progredi et admittere alia contraceptiva; vel coguntur reverti ad doctrinam Ecclesiae et Pii XII quae rejecit "pillulam" adhibitam ad inhibitionem ovulationis in ordine ad conceptionem praeveniendam.

religious Affairs Department of the AJC, Rabbi Marc H. Tanenbaum. What did he think of the *Look* article, "How the Jews Changed Catholic Thinking," which implied that the AJC had been wheeling and dealing to influence Vatican II? What about alleged Jewish domination of communications and the arts? If Christians do not blame all Jews for the death of Christ, why do some Jews insist on holding Christians collectively responsible for the atrocities at Auschwitz?

Rabbi Tanenbaum attempted no facile debater's reply to these questions. In the long run, he said, they can be answered only through combined Jewish-Christian scholarship, through an appreciation of Jewish history, and through an understanding of how far Vatican II has advanced beyond the fortress mentality of Vatican I.

If the AJC did not definitively answer "What is a Jew?" it is because the Jew is a living witness to a tradition—

now separated broadly into Orthodox, Conservative, Reconstructionist and Reform group—that is above all flexible. To one, the Messiah is a shadowy figure, like an elusive rainbow pointing to a golden vision of perfection, or he is an individual who eventually will be recognized when he proves his claims to all the people. To another, the Messianic hope will be fulfilled not in the hereafter—or Jews put much less emphasis than Christians on heaven and hell—but in the perfection of society. To one, God may be an impersonal force; to another, the eternal Thou. To one, an atheist is no Jew; to another, the Jew remains forever a member of the covenant even though he rejects it.

When the two hundred Jesuit seminarians returned to their theology courses, perhaps they did not have a new collective image of the American Jew, but out of the dialogue had come understanding. The passion of Jews for social justice and their accompanying

lack of sharp distinction between clergy and laity may have some lessons for Catholics. We understand better our ethical debt to the Jewish tradition, the Church's obligation as the Body of Christ to witness to the claims of the Messiah, His resurrection, His new presence in the secular world. Although the fear of profaning the sacred through "worldly" activity may remain in the Christian tradition, some have suggested that John F. Kennedy, symbolically in his person and intellectually in his inaugural address laced with Old and New Testament allusions, combined the main currents of Hebraic existentialism and Christian Hellenic rationalism in his insistence that we struggle to break the poor world's bonds of misery *because it is right* . . . "knowing that here on earth God's work must be our own."

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MINORITY, APPENDIX 12

State of the Question

by John C. Ford, S.J.

## More on the Council and Contraception

Any serious attempt to explain the meaning of the conciliar text on marriage must be based on the text itself, and on the three *schemata* from which it is immediately derived, in conjunction with the *relationes* (reports) and the *expensio modorum* (evaluation of amendments), which accompany the *schemata*. The reports and the evaluation of amendments are official explanations of the proposed texts, furnished to the Fathers by the Theological Commission (which, with the help of a sub-commission, wrote the text), to help the Fathers understand its meaning before voting on it. There were three such *schemata* on marriage studied at the fourth session of the Council: the preliminary text (May 16, 1965) with its reports; the revised text (Nov. 16, 1965) with its reports; and the final text (Dec. 2, 1965) with its evaluation of amendments.

Although the topic of contraception had been extensively discussed in com-

Our earlier article (2/26)  
by John L. Thomas, S.J.,  
occasioned this statement  
by a moral theologian  
who was active in the  
deliberations of Vatican II

mission between October, 1964, and May, 1965, the preliminary text was very vague and wishy-washy on this subject; and this despite the fact that an earlier text, presented in the Aula on Oct. 29, 1964, had condemned, according to the official reporter for the sub-commission, any interference that would corrupt or vitiate the conjugal act. It is not surprising, therefore, that serious objections were immediately registered against the preliminary text by those Fathers who feared that its near-silence, in the context of the times and of the document, would seem to give consent to contraception.

The context of the times was the existence in the Church of an articulate contraceptionist movement, which had become ever more articulate since the previous October. The context of the document was this: In a paragraph (now No. 51) that recognized sympathetically the pastoral problems of married couples in the responsible regulation of family size, that excluded immoral solutions of these problems, and that rejected specifically abortion and infanticide as immoral solutions, the preliminary text said next to nothing and was woefully indeterminate on the pastoral problem of problems: contraceptive birth control. Hence the strong objections by some of the Fathers.

Now, whatever the precise meaning of Paul VI's statement of June, 1964, and whatever the precise nature of the questions that the Council was allegedly "forbidden by the Pope to discuss," these objectors and the many Fathers who agreed with them were convinced

that the Pope and the Church would not and could not repudiate the basic doctrine of *Casti Connubii*. To them (and in my opinion they constituted a large majority of the Council Fathers) such an outcome was simply not in the cards.

The commission's problem, therefore, was to correct the text to satisfy these objectors: otherwise there was too much risk that the Council, not to mention the Pope, would not accept the text at all. On the other hand, they had to correct it without prejudging "certain questions" that were considered "reserved" for further study. What were these questions?

On Oct. 28, 1964, Cardinal Agagianian, who was presiding in the Aula, announced that certain questions (not further specified) were not to be discussed publicly in the Aula; but he thereupon invited the Fathers to send in their written interventions on these questions, assuring them that these would be taken into account in framing the next text. On the following day, again in the Aula, the reporter for the chapter on marriage explained that the text he was then presenting avoided all mention of the pill, because this was a matter reserved by the Pope, and a public discussion of it in the Aula would not solve it.

The question of the pill is the only specific problem I have seen mentioned, in the documents available to me, as being reserved by the Pope, and of which one may say that its discussion, at least in the Aula, was forbidden by the Pope. It was quite clear, however, toward the end of the Council in November, 1965, that there was general agreement not to discuss the question of "primary-secondary"; perhaps this, too, was because of the Pope's wishes. Finally, I was informed by a learned peritus of rather liberal tendencies, who had been at the Council from the beginning, that there were three and only three "reserved" questions: the pill; "primary-secondary"; and the question of a possible refinement or evolution of the basic doctrine of *Casti Connubii*. I have been unable to verify this in the documents so far available to me.

I have been able to verify only the following points: that some questions were not to be discussed publicly in the Aula; that all the Fathers were publicly

invited to discuss in writing the questions that were not to be discussed publicly; that a few Fathers did discuss contraception in general in the Aula; that contraception was extensively discussed in the Theological Commission; that the pill was explicitly announced in the Aula to be a reserved question; and that the various documents refer on several occasions to certain questions being reserved, without specifying further what these questions are.

Consequently (but I say this subject to correction by other documents or facts that I have not been able to find), I believe it is contrary to fact to say that the Pope forbade the Council to discuss contraception, or that the Council did not discuss contraception.

The Theological Commission tried to solve the problems raised by the silence or near-silence of the preliminary text by proposing that two sentences be added to the text, the first of which (according to the commission's report) included the physical act as one of the basic moral criteria of the morality of conjugal intercourse. That is why I italicized this part of my letter to AMERICA (1/22). It was immediately relevant to the morality of contraception, and to the exposition of the following sentence as dealing with contraception. An excursus on the history of conjugal intimacy from St. Augustine on is irrelevant to the point at issue here.

The second sentence was added (the report told the Fathers) to meet the objection that silence would give rise to doubts as to what the moral law called for in practice; in other words, to prevent anyone from thinking that by silence on contraception the Council was giving consent to contraception. The Council, thus instructed by the Theological Commission, voted overwhelmingly for the revised text (November, 1965) in which these sentences were now included.

But the sentences were still not strong enough to satisfy some of the Fathers, and several of them offered further amendments. The subcommission rejected many of these, including those that demanded a specific footnote reference to *Casti Connubii*'s condem-

nation of contraception. This last was not rejected, however, on the grounds that such a reference would be a substantial change in the approved text, or would introduce a new and crucial issue, or an issue that the Council had not been permitted to discuss. The subcommission accepted other amendments that somewhat strengthened the two sentences, so that they finally took the form they now have:

"Accordingly, the moral character of the conduct, when there is question of reconciling conjugal love with the responsible transmission of life, does not depend solely on a sincere intention and a weighing of motives, but should be determined by objective criteria derived from the nature of the person and the nature of his acts, which [criteria] preserve in the context of true love the integral meaning of mutual donation and human procreation; and this cannot be achieved unless the virtue of conjugal chastity is cultivated wholeheartedly. Relying on these principles, children of the Church are not permitted, in the regulation of procreation, to follow paths that are disapproved by the Magisterium in its explanation of the divine law."

I recognize the probability that some of the revisionists among the experts and others on the Theological Commission wanted to make these statements as weak as possible, and would have dropped both sentences entirely if they could. But then would the Council and the Pope accept the text? There were many others, including the Holy Father, who wanted the statements made still stronger. The objective meaning of the sentences cannot be determined by investigating the possible intentions of any one group, or any combination of groups, within the commission or within the Council. At all events, nobody wanted the sentences couched in such strong terms that the "reserved" questions would be pre-judged, because everyone knew there were such questions, in particular the pill. Everyone was aware also that a special papal commission, outside the Council, was studying the whole birth control question *in extenso*—though many people were still calling it "the pill commission." This was one of the facts of life for the Council Fathers, with or without a footnote reference to the state-



ment of June 23, 1964, to remind them of it.

With all this supposed, I maintain that these two sentences, in their wording, in their context, in their history, and as officially explained by the Theological Commission, and even apart from the footnote reference later added at the insistence of the Pope, deal with contraception and prohibit it. If they do not prohibit contraception, what do they prohibit? Periodic continence? Complete continence? Abortion and infanticide, specifically rejected just two sentences previously? They can refer only to contraception, in my opinion—at least that contraception condemned by the basic doctrine of the Church.

It was only after the above events had taken place that the Holy Father himself intervened and offered four amendments, some of which were aimed at strengthening the statements quoted above. His purpose was clearly and very forcefully stated in the letter of Nov. 23, in which the Secretary of State communicated the papal intervention to the Theological Commission. The Holy Father wanted the text to include clear and open references to the basic doctrine of *Casti Connubii* and the *Allocution to the Midwives* as being the doctrine of the Magisterium, and he wanted to prevent doubts and reticence about this basic doctrine from seriously harming the Church. The letter was particularly strong in repudiating the opinion of those who were spreading the word that *Casti Connubii* and the *Allocution to the Midwives* are obsolete, and emphatically reasserted the validity of these documents. This letter is part of the official acts of the Council, as yet not available to the public; but its contents have already been published in a distorted form.

Among other things, the Holy Father asked for the insertion of the phrase *artes anticonceptionales* (contraceptive arts) near the beginning of the chapter, in No. 47, and for the addition of a footnote reference to the specific pages of *Casti Connubii* that contain the solemn condemnation of contraception, and a footnote reference to the *Allocution to the Midwives*. These were to be added to the sentences quoted above.

The response of the commission to these papal recommendations was as follows: They added the footnote references to *Casti Connubii* and the *Allocution to the Midwives*, mentioning in the *expensio modorum* that in doing so they had taken careful account of the Pope's recommendations. But they added, with his permission, a reference to his statement of June 23, 1964, and the explanation that "certain questions" (not the whole question) had been passed on to the special birth control commission by order of the Pope. With regard to *artes anticonceptionales* (contraceptive arts), the Theological Commission stated that "contraception" and "onanism" were already in the text, "at least substantially," but objected to "contraceptive arts" on other grounds, saying that this phrase would seem to prohibit periodic continence; that it would confuse scientists and others who distinguish between anticonceptives, contraceptives and aconceptives; and that therefore it might be misunderstood as condemning anticonceptives without condemning contraceptives.

In order to avoid these inconveniences, the Theological Commission, after long discussion, and with the permission of the Holy Father, proposed finally to the Council, as a substitute expression, the more general phrase "illicit practices against generation." The *expensio modorum* explained this substitution to the Fathers of the Council, before their final vote, as including contraception in its condemnation of illicit practices, but excluding periodic continence. In the commission discussions it had been pointed out by one Father (though this point was not called to the attention of the Council) that "illicit practices against generation" was preferable because it would include the new intrauterine devices, whether they turned out to be abortifacients or not.

By some as yet unexplained mishap, the specific page reference to *Casti Connubii* was omitted from the printed text distributed to the Fathers on Dec. 2; but before they voted on it on Dec. 4, the mistake was publicly called to their attention in the Aula, by direction of the Holy Father, and this exact page reference now appears in the text as promulgated at the end of the Council.

The final document, therefore, as

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promulgated, not only contains in the footnote this significant page reference to the solemn condemnation in *Casti Connubii*; the text itself was explained to the Fathers by the Theological Commission as condemning contraception, first in No. 47, in the phrase "illicit practices against generation," and secondly in the sentence on "paths disapproved by the Magisterium," which was added, the commission said, to satisfy the objections of those who feared that silence (on contraception) might seem to give consent to it.

But what about footnote 14?—which cites not only *Casti Connubii* and the *Allocation to the Midwives*, but also the statement of Pope Paul in June, 1964. It is argued that since that statement announced a profound and wide-ranging study of every aspect of the birth control problem, it amounted to a declaration (or even a sort of promise?) on the part of Pope Paul that he considered the basic doctrine of *Casti Connubii* subject to contradiction, or repudiation, or radical revision. Therefore the inclusion of a reference to this statement in the footnote took all the starch out of the reference to *Casti Connubii*, and canceled out any force it might otherwise have as a reaffirmation of basic doctrine.

**M**ay I give my reasons for considering this interpretation of the 1964 statement and of the footnote untenable?

The text of the 1964 statement neither says nor implies that the doctrine of *Casti Connubii* is open to contradiction or radical revision. Study of a doctrinal or moral teaching of the ordinary Magisterium, no matter how wide or deep the study, does not imply, and cannot be presumed to imply, that such teaching is liable to radical revision. These studies could, for example, be aimed at a better understanding of the teaching, or a better formulation of it, or a more precise application of it to new facts, or a more satisfactory explanation of its reasonableness, or a new examination of the possibilities within it for refinement and growth. It would be gratuitous, even in the case of the secular sciences, to presume that an over-all study of an established position necessarily contemplates as ac-

ceptable the repudiation of the position. But in the case of a doctrine of the Church that had recently been solemnly proclaimed in a papal encyclical as "the Christian doctrine handed down uninterruptedly from the very beginning," it is little short of absurd to assume that now, only 35 years later, another Pope is publicly announcing that he has appointed a commission to study whether the teaching may be repudiated or not.

Such an interpretation is particularly farfetched in the case of Pope Paul VI, speaking in the historical context of Rome and Roman opinion in June, 1964.

At that moment, the problem that occupied everybody's mind in Rome was the pill and the teaching of Pius XII on the pill. The question had become acute during the previous six months because of articles by Janssens, van der Marck and Reuss. The idea of forsaking the teaching of *Casti Connubii*, though undoubtedly discussed and promoted elsewhere, was not seriously entertained by Roman authorities. I doubt if it even entered their heads. It is noeworthy also that the statement itself does not say that the norms of Pius XI (*Casti Connubii*) are valid and obligatory—that was taken for granted—but that the norms of Pius XII, whose peculiar contribution was the condemnation of the contraceptive use of the pill, were valid and obligatory.

I spent the first week of June, 1964, in Rome, interviewing cardinals, bishops, priests and others on the contraception question, trying to find out what the Council might be expected to do about it. Everybody spoke in terms of the pill, and the special difficulty of discussing so technically complicated a problem in the Council Aula. I also had a personal interview with His Holiness concerning the contraception problem. The principal subject discussed was Pius XII's statement on the pill. But in contending that Pope Paul's statement, about two weeks later, was concerned principally with the pill, and did not contemplate the possibility of any radical revision of *Casti Connubii*, I do not rely on anything the Holy Father said in that interview. He said nothing at all about it. To show, however, that the pill dominated the minds of all, the spe-

cial papal commission was frequently referred to in Rome as "the pill commission"—a usage that continues to this day. One of the cardinals to whom Pope Paul's statement of June 23 was addressed wrote to me on June 26 and said that the Holy Father had just spoken to them "about the pills," and that now we would have to wait and see what the special commission would say "about this question."

Everything in the statement and circumstances is compatible with the interpretation that it dealt primarily with the pill, though the pill was not explicitly mentioned; nothing in the statement or circumstances supports the idea that the proposed studies opened up for radical revision the traditional teaching of the Church. This interpretation has been vigorously publicized by Catholic revisionists, who have thus raised false, unjustified hopes in the minds of many Catholics. The disappointment of these hopes explains in part, I think, how anyone could now be so ready to accuse the Vicar of Christ, most offensively, of "high level buck-passing."

I know of nothing, furthermore, in the previous or subsequent acts of His Holiness to give color to the radical-revisionist interpretation of his address. Quite the contrary. As Pro-Secretary of State to Pius XII, he had vigorously insisted (in 1953) on the sacred and inviolable character of life and its transmission, calling it a crime to defraud nature's intentions. In 1960, as Archbishop of Milan, his Easter pastoral on the family upheld the doctrine of *Casti Connubii* in uncompromising terms. On Nov. 11, 1964, he startled his hearers by the force with which he defended the authority of the ordinary Magisterium, as exercised by the supreme Pontiff, to bind the consciences of the faithful. Even his statement to the papal commission, March 27, 1965, which, because of the broadness of its terms and the vagueness of its formulation of the problem, could be interpreted as an unlimited opening wide of the doors, points to the traditional teaching of the Church as a more important and more illuminating factor than the data of the profane sciences (physiology, psychology, medicine, etc.) being studied by the commission.

Toward the end of the Council, in

communicating his views to the Theological Commission, he was still more uncompromising on the necessity of upholding the basic doctrine of *Casti Connubii*. One of his favorite themes has been the continuity of the doctrine taught by the ordinary Magisterium. About a month after the closing of the Council (Jan. 12, 1966), he spoke publicly of the continuity of the Council's teachings with the traditional teaching of the Church: "We must not sever the teachings of the Council from the doctrinal heritage of the Church, but on the contrary discern how they find their place there, how they are consistent with it, and how they give it witness, growth, explanation and application." A month later (Feb. 12, 1966), he interpreted some of the conciliar chapter's teachings on marriage, love, parenthood and conjugal chastity. He reaffirmed his June, 1964 position that the norms of Pius XII are still valid and binding. He mentioned, again without specifying, questions that could not be handled by the Council and so remain to be studied. And he inculcated, without mentioning contraception but in language that can hardly be interpreted not to include it, the Church's difficult teaching on "the virtue of conjugal chastity, emphatically marked out by His Holiness Pius XI and restated by Pius XII."

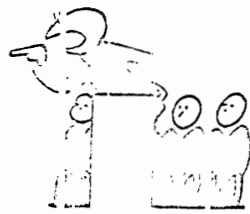
In other words, he spoke of the questions still being studied in terms compatible with the idea of "witness, growth, explanation and application." But he spoke of the teaching of Pius XI and Pius XII on conjugal chastity in terms incompatible with the idea of radical revision.

From all the above, I do not conclude that Pope Paul's understanding of the conciliar texts dealing with birth regulation or his intention with regard to the footnote references necessarily coincide in all particulars with the meaning attached to these by the Council when it voted for them. I have merely tried to show at this point that he did not contemplate radical revision in June, 1964, in November, 1965 or in February, 1966.

I believe, however, that his understanding of the text, and especially of the footnote references, has an important bearing on their true meaning for this reason: Without the Pope's signa-

ture, there would be no conciliar text at all. The Pope has an absolutely unique position as Vicar of Christ, and as the only Bishop whose agreement and consent is essential to the very existence of the conciliar documents as authentic teaching of the Church. Must not the meaning of the document be studied in light of this basic theological datum? Furthermore, to be practical, if the meaning of conciliar texts is really ambiguous, or becomes so as a result of persistent misrepresentation, it will be Pope Paul and his successors whose interpretations, arrived at with the help of the teaching Church, will be binding on the faithful.

It seems to me, too, that his intention with regard to the footnote references to *Casti Connubii* and the *Allocution to the Midwives* has particular weight as a criterion of their true meaning, because these references were an amendment that he himself proposed and insisted on, while the reference to the June statement was proposed by the Theological Commission and consented



to by him. Furthermore, the Theological Commission entered a special note in the *expensio modorum* advising the Fathers that it had reverently and sedulously taken into account the recommendations of the Holy Father in dealing with this amendment and certain others.

In the light of all these considerations, I cannot accept the judgment that I have "advanced a quite arbitrary interpretation of the conciliar text and footnote," or that I give the footnote a "curiously arbitrary interpretation." Whether right or wrong, I do not believe I have been arbitrary. My interpretation is based on the text itself, its context, its history, and on those official documents that I was able to consult. I cannot pose as an expert on the text, however, because I have not been able to see all the materials that, we hope, will eventually become available. I

reiterate, therefore, that the text does say something about contraception, understood as the basic doctrine of *Casti Connubii*, and forbids contraception—and this even apart from the important footnote; and that with the footnote, this conclusion is reinforced. And I reiterate that, in my opinion, there is no basis in the text or the footnote for saying that the whole question of contraception is left open to debate among Catholics.

But I could come to this conclusion, and make some sense out of a matter complicated by many intangible factors, only by distinguishing between a basic doctrine of the Church, not subject to radical revision, and a possible development of the doctrine by way of "growth, explanation and application." I do not know, and I doubt if anybody could know, how far such development might eventually lead us, but I do not believe the "certain questions" remaining to be studied are insignificant or mostly semantic. Fr. Gerald Kelly and I, in *Marriage Questions* (Vol. II of *Contemporary Moral Theology*), did not say that no change is possible in the Church's teaching on contraception; we said that no substantial change was possible (p. 277), leaving room for a development that would be theologically legitimate, and pointing out at considerable length one direction we hoped that development might take. But I do not consider it theologically legitimate, or even decent and honest, to contradict a doctrine and then disguise the contradiction under the rubric: growth and evolution. Furthermore, I do not believe that the present state of intolerable pastoral confusion, brought on in large part by writings that publicize superficial views and propagate false hopes, results in any real amelioration of the agonizing personal problems of married couples, or makes any real contribution to the doctrinal problems with which the Magisterium is now confronted. Legitimate growth and radical revision cannot live together. It seems to me that the edifice of theology and the edification of the Mystical Body deserve better treatment than they are getting.

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Acceptatio continentiae periodicae ab Ecclesia non fuit passus  
praeparatorius ad acceptationem contraceptionis

1) "Schema Documenti de Responsabili Paternitate", (S.D.pp.7, 8) ponit periodicam abstinenciae acceptationem in linea evolutionis praeparatoriae ad contraceptionem et dicit: hanc acceptationem continere "separationem inter actum sexualem explicite intentum et effectum ejus reproductivum voluntarie exclusum. Traditio semper reiecit et nunquam admitti potest quod separatio illa quaeratur cum intentione anti-conceptionali ex motivis vitiatis ab egoismo et hedonismo."

2) Prima illa sententia est falsa. a) In abstinencia periodica actus sexualis deliberate intentus nullo modo separatur ab eius effectu reproductivo. Ex hypothesi non habet effectum reproductivum, nam est sterilis. Habetur explicita intentio exercendi actum qui cognoscitur non habere effectum reproductivum, sed actus intentus non separatur ab effectu quem non potest habere et non habet. b) Praeterea, permissio matrimoniorum senum et sterilium, permissio actus sexualis durante praegnantia, etc. communiter in ecclesia agnita est per saecula ante modernam questionem de liceitate abstinenciae periodicae oriebatur. Acceptatio abstinenciae periodicae non introducta est a Pio XII; per saltem centum annos ante Allocutionem ad Obstetrices, permissibilitas adhibendi hoc systema agnoscebatur tanquam probabilis in operibus theologorum, et in responsis dicasteriorum Romanorum.

3) Secunda haec sententia est falsa in eis quae innuit. Verum est traditionem semper rejecisse separationem intentionalem inter actum sexualem et effectum reproductivum quem actus existimabatur habere. Praeterea, existimaverunt multos plures actus esse tales, i.e. potentialiter reproductivos; et nunquam permiserunt destructionem integritatis physicae etiam actuum; cognitorum ut sterilium. Sed traditio haec omnia semper rejecit sive fiebant egoistice et hedonistice sive non; sive fiebant ex bono motivo vel ex malo motivo. Non existit scintilla evidetiae quae sustineret thesim quod ratio vel fundamentum condemnationis contraceptionis tanquam graviter peccaminosae fuit hedonismus vel egoismus - peccata (quae, ceterum, ex magna parte solummodo venialia habebantur).

4) Admittenda est in ecclesiae doctrina de usu matrimonii evolutio notabilis in decursu saeculorum, quae debetur praecipue evolutioni doctrinae de concupiscentia sexuali. Consequenter evolutio habetur doctrinae de amore sexuali ut valo re positivo. Finalitas unitiva-amorosa et personalis in sexualitate humana nunc agnosci potest. In hoc vera evolutio habetur. Pars hujus evolutionis est explicita approbatio systematis abstinenciae periodicae. Sed haec approbatio nullo modo est passus aliquis in via ad contraceptionem admittendam. Nam abstinencia periodica essentialiter differt moraliter a contraceptione. Impossibile est evolutionem doctrinae agnoscere in simplici contradictione doctrinae (nisi forte in aliquo systemate philosophico Hegeliano).

¶ Datur essentialis differentia moralis inter contraceptionem et abstinentiam periodicam

1) Si contraceptio praesumitur non esse intrinsece mala (quod regulariter praesumitur in argumentatione aliquorum membrorum majoritatis) tunc non datur differentia essentialis moralis. Nam in hac hypothesisi tum contraceptio tum rhythmus sunt moraliter indifferentia ex objecto, et eorum moralitas judicanda esset ex motivis et circumstantiis. Sed praesumere contraceptionem non esse intrinsece malam esset petitio principii.

2) Si contraceptio praesumitur esse mala quia violat praeceptum affirmativum procreandi, i.e. "Crescite et multiplicamini" (quod saepe praesumitur in argumentatione aliquorum membrorum majoritatis), tunc non daretur essentialis differentia moralis inter contraceptionem et rhythmum. Nam tunc prohibito contraceptionis non urgeret quando obligatio affirmativa procreandi cessaret. Sed hoc iterum praesumit contraceptionem non esse intrinsece malam, et est petitio principii. Juxta doctrinam Ecclesiae (ut in Casti Connubii exhibitam) contraceptio est mala quia violat negativum praeceptum: Ne intervenias in actum conjugalem ad deprivandum eum vi naturali quam habet procreandi novam vitam. Ne unquam hoc facias.

3) Aliter omnino res se habet si praesumimus (et omnino fas est sic praesumere) contraceptionem esse intrinsece malam; ejusque malitiam inveniri praecise in interventu humano in actus (et processus) humanos sexuales ut generativos, i.e. eo fine ut vi naturali procreativa destituantur. In hac hypothesisi, differentia moralis essentialis inter contraceptionem et rhythmum est clare evidens. Nam in rhythmum, nullus actus destituitur vi sua naturali procreativa. Ex hypothesisi actus sexuales exerciti non habent talem vim. Sunt steriles propter naturalem periodicitatem mulieris. Aliis verbis, qui utitur tempore sterilitatis (cum ratione proportionata) non peccat contra affirmativum praeceptum procreandi, quia ex hypothesisi excusatur ab hac obligatione; neque peccat contra negativum praeceptum (ne destituas actum vi sua procreativa) quia actus, ex hypothesisi est sterilis de se, et non habet vim procreativam.

4) Hoc punctum requirit ulteriorem explicationem; nam multi dicunt: Physica actio sterilizandi est actio moraliter indifferens, quod apparet etiam ex documentis ecclesiasticis, et ex eo quod variae operationes chirurgicae sterilizantes permittuntur. Praeterea, (dicunt), intentio non habendi prolem est intentio moraliter indifferens, quia systema rhythmici licite adhibetur cum "intentione" non habendi prolem. Cur igitur non licet combinare actionem indifferentem cum intentione indifferenti et, ob rationes rationabilitantes, inducere sterilizationem cum intentione contraceptiva?

Respondetur afferendo primo exemplum, deinde explicando illud. Supponamus hominem qui intra annum debet mori ex cancro doloroso. Vult mori. Si explodit sclopetum in caput suum reus est suicidii quia violat negativum praeceptum "Ne occidas". Si recusat omnem cibum et potum et exinde moritur, reus est suicidii, quia violat

affirmativum praeceptum: "Adhibeas media ordinaria ad vitam praeservandam". Sed si recusat operationem chirurgicam, valde expensivam, quia vult mori (et fortasse vult istam pecuniam relinquere pro sustentatione uxoris, etc.) non est reus suicidii, quia non datur praeceptum affirmativum obligans eum ad media extraordinaria adhibenda ad praeservandam vitam suam.

Ex quo exemplo apparet differentia sat momentosa inter imputabilitatem moralem effectus qui proprie causatur a mea actione, et effectus mere resultantis ex mea omissione. In primo casu (si agitur de praecepto negativo legis naturalis) adest immoralitas intrinseca ponendi actionem semper et pro semper prohibitam. Sed in secundo et tertio casu moralitas omissionis judicatur prout adest vel non adest praeceptum affirmativum ponendi actionem aliquam ne effectus (mors) sequatur. Hinc theologi, tractando imputabilitatem effectuum actuum humanorum, semper clare distinguunt effectus qui positive causantur ab actione, et effectus qui negative resultant ex omissione. Exinde est quod in nostra materia loquuntur de mediis positivis contraceptivis, et negant media positiva adesse in abstinentia periodica. Ex qua terminologia tot equivocationes! Sic etiam, theologi distinguunt inter effectum mere volitum et effectum proprie sensu voluntarium.

Ex quibus dictis sat clare apparet differentia moralis inter casum mulieris quae physice, positiva actione sua, intervenit ad processum generativum interrumpendum, et casum mulieris quae omissionibus suis, etiam systematicis, curam habeat ne concipiat. Intentio physici et effectivi interventus, non potest esse bona (in suppositione quod actus et processus ut generativi sunt inviolabiles). "Intentio" non concipiendi, omittendo actiones ad quas ponendas nulla datur obligatio, potest esse bona vel mala juxta circumstantias, finem, et media ad finem adhibita.

Quod forte amplius illustratur hoc modo: Nemo diceret mulierem quae totaliter abstinet ab actibus conjugalibus exercere contraceptionem ("practices contraception"), etiamsi hoc modo agit ne concipiat. Tamen quando eadem mulier utitur matrimonio temporibus sterilibus systematice, sunt qui dicunt eam habere intentionem contraceptivam et exercere contraceptionem. Cur? Quia tunc, aiunt, utitur matrimonio sexualiter eo modo ex quo conceptio non possit consequi, et praecise propter hanc rationem; ergo contraceptive. Sed non-conceptio ab hac muliere volita nullo modo resultat ex usu matrimonii tempore sterili; resultat ex non-usu in tempore fertili. Aliis verbis, intentio non-conceptionis in systemate rhythmici, ostenditur non esse contraceptivus, et aliis criteriis moraliter judicari debere.

Tandem aliquando, status mentis contraceptionistae directe et active contrariatur inceptioni hujus novae vitae individuae. Nam contraceptionista intra se dicit: "Volo praevenire quantum possum inceptionem istius vitae individuae quae, praecise propter meum actum generativum positum, intervenienti speciali actu creativo Dei, existeret, nisi hunc actum ego destituo ejus vi procreativa." Talis status mentis essentialiter differt moraliter a statu mentis eorum qui utuntur tempore sterili propter genuinos valores matrimonii. Neque hi, neque illi qui ex motivis virtuosius continentiam perfectam in matrimonio colunt, dirigunt voluntatem suam active contra inceptionem vitae.