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Contraception, NFP, and the Ordinary Magisterium: An Outline for a Seminar

Germain Grisez

FIRST POINT *to be shown*: The received Catholic teaching on the morality of contraception has been proposed infallibly by the ordinary magisterium. (This has been argued at length in: John C. Ford, S.J., and Germain Grisez, "Contraception and the Infallibility of the Ordinary Magisterium," *Theological Studies* 39 [June 1978], pp. 258-312. A summary without much of the detail was published by Russell Shaw in the July 1978 *Homiletic and Pastoral Review* and reprinted in the winter 1978 *International Review of Natural Family Planning*.)

1. Since about 1963 it has been widely assumed that the received Catholic teaching on the morality of contraception cannot have been infallibly proposed, since it has not been infallibly *defined*.
 - a. Many who wished to see changes in Catholic teachings propagated the idea that any teaching that has not been defined can be contradicted.
 - b. Those defending the received teaching on the papal commission did not argue explicitly that it had been infallibly proposed. Those seeking change paid little attention to the weight of the constant and very firm teaching of the ordinary magisterium.
 - c. In 1966-1968, attention was directed toward the expected papal determination. When this was announced to the press, Msgr. Lambruschini insisted on the point that *Humanae Vitae* contains no *definition*; he drew the conclusion that the teaching could change at some future time.
 - d. Those defending *Humanae Vitae* invoked *Lumen Gentium*, 25, for

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the point that papal teaching that is not *ex cathedra* demands religious assent; they failed to raise and urge the point that the teaching contained in *Humanae Vitae* might nevertheless be infallibly proposed.

- e. Many theologians and some bishops explicitly argued or implicitly assumed that since *Humanae Vitae* contains no solemn definition, it contains no infallibly proposed teaching.
2. However, the entire complex of Christian faith and life that the Catholic Church believes and lives and hands on through the centuries is sealed with the gift of divine truth and continuously safeguarded by the living Lord Jesus who always is present with the Church by the Holy Spirit.
 - a. The entire complex of Christian faith and life that the Catholic Church hands on is nothing other than what she has received through the apostles from our Lord, who truly revealed and communicated divine truth and life to his disciples and who truly gave them the power to hand on divine truth and life to all who are willing to receive it.
 - b. Divine truth and life is absolutely and unfailingly true and holy.
 - c. So whatever the *whole* Catholic Church receives and hands on is necessarily true and holy.
 - d. Solemn definitions are marked with infallibility in a recognizable way, because when they are given it is clear that they express what the *whole* Catholic Church has received and will hand on. The *anathema* attached to a solemn definition means that anyone who does not accept it withdraws from the Church and returns to the nonbelieving world.
 - e. But even without a solemn definition it can be clear that certain aspects of Christian truth and life (as it concretely exists at a given moment) have been received and handed on by the *whole* Catholic Church. When disagreements arose and heresies broke out, Catholic teachers from the beginning always appealed to *what we* (bishops) *all received*. Thus, when all Catholic bishops agree on a point within their competence as bishops and propose this point as certainly true to their people, then the *whole* Church accepts and hands on this point. It is recognizable as part of the complex that God has given us through Christ.
 3. In *Lumen Gentium*, 25, Vatican II articulates the conditions under which the bishops dispersed throughout the world participate in the infallible proclamation of Christ's teaching:

Although the bishops individually do not enjoy the prerogative of infallibility, they nevertheless proclaim the teaching of Christ infallibly, even when they are dispersed throughout the world, provided that they remain in communion with each other and with the successor of Peter and that in authoritative teaching on a matter of faith and morals they agree in one judgment as that to be held definitively.

The history of this text and its note, which cites several earlier documents, makes clear its meaning.

- a. The communion that is required is that they in fact are functioning as Catholic bishops. There is no need for a strictly collegial act in which the bishops self-consciously unite to act.
 - b. Matters of faith and morals include the whole of Christian truth and life. If one has a theory of revelation on which some permanent and universal elements of this whole need not have been included in revelation, such elements can nevertheless fall under infallible teaching insofar as they are important to articulate and protect what is revealed in a strict sense.
 - c. The agreement that is needed is moral unanimity. If this condition is met at some time, the consensus cannot be nullified by future dissent. The consensus of future bishops is not necessary for the Church to have taught infallibly or to do so now. If it were, the Church never could teach infallibly, for one would have to wait until the parousia to find what the *whole* Church believes and teaches.
 - d. A teaching can be proposed as one to be held *definitively* without being *defined*. Some teachings are put forward as provisional or tentative, as optional or merely probable. But a teaching proposed as certain, a moral norm proposed as one that the Church has not made and cannot change and that both the bishops and the faithful must accept and try to live with—such a teaching is a certain judgment: one to be held definitively.
4. The conditions for the infallible proclamation of Christ's teaching were met over a period of many centuries by the received Catholic teaching on contraception (and, in general, by received Catholic moral teaching concerning many kinds of acts such that "those who do such things will not inherit the kingdom of God!").
- a. The received Catholic teaching on contraception and on other matters pertaining to sex and innocent life was held and handed on not only by Roman Catholic bishops but even by most other Christians into the nineteenth century, in some cases even up to the present.
 - b. The received Catholic teaching on contraception certainly is a matter of Christian morality. The attempt to limit "Christian morality" to a few very general principles, such as the law of charity, is very recent, and it is altogether without foundation in Scripture, the Fathers, and the faith and life of all Christian communities until very recently.
 - c. Catholic bishops were morally unanimous in their teaching on contraception. This unanimity was expressed not only by many explicit acts

of teaching but also by the unanimity of the moral-theological textbooks used in Catholic seminaries until 1963. The seminary textbook was the *normal* way in which a Catholic bishop exercised his teaching office, for by sending those who would teach, preach, and hear confessions in his diocese to a seminary to be instructed from *approved* textbooks, a bishop handed on the received teaching to each new generation of the faithful. The emphatic and repeated teaching of the Holy See during the past century is an important expression of and contribution to the morally unanimous teaching of the Catholic bishops as a whole.

d. The teaching certainly was proposed as one to be held definitively.

It was presented not as a matter of discipline but as a point of divine and natural law. It was proposed as certain, as a point on which no contrary opinion was admitted to be allowable as probable. A deliberate choice to act against the norm was repeatedly characterized as a grave sin. And in many cases the teaching on contraception was *proposed as a divinely revealed* moral truth. (Whether the basis for this last claim was correct or not is beside the point; the point is that when bishops said—normally by way of approved textbooks—that God had revealed that contraception is a sin, they clearly meant their teaching to be held definitively.)

5. There are many objections that often are made against the preceding argument. The following are some of the more common ones.

a. The teaching on contraception is only a matter of natural law, and so it is not revealed and cannot be infallibly taught. *Answer:* Matters of natural law can be revealed; matters not revealed in the strictest sense can be infallibly proposed.

b. The teaching was developed to defend certain values; it can be changed now to better protect these values (John Noonan). *Answer:* Noonan's history of the teaching contains many serious errors, especially his claim that Catholic teaching demanded procreative intent for a mutually holy act of marital intercourse. Christian moral teaching was not developed to defend values in the instrumental way he imagines; his whole theory is based on a consequentialist ethics that was only invented in modern times by persons who did not accept one or another part of the complex of received Christian moral teaching.

c. The Church has changed equally firm moral teachings—for example, in the case of usury. *Answer:* It is not clear that the essential teaching on usury *that met the conditions articulated above* ever changed. Noonan himself denied that it did when he was writing his book on usury. (In general, objections along these lines either ignore that there are conditions that must be fulfilled for an infallible teaching or they imply an attack upon infallibility as such.)

d. Many who hold offices as Catholic teachers—theologians or bishops—currently reject the received teaching. *Answer:* And many accept it. But more basically: A consensus of dissent has no guarantee of infallibility. Those who initially claimed to dissent only on contraception have gone on to dissent on many other points of Catholic teaching. And many faithful Catholics, including a few bishops, are honestly confused.

Conclusion: A candid examination of the facts of history shows that the constant and very firm Catholic teaching on the morality of contraception did meet the conditions necessary for a teaching infallibly proposed by the ordinary magisterium. For centuries the whole Catholic (and even separated Christian) Church held and handed on the same teaching. Faithful Catholic couples tried to live up to this moral teaching and considered themselves sinners when they failed to do so. The scandal at present is chiefly in the fact that some who hold office—as theologians or as bishops—as Catholic teachers reject this teaching (and almost always many others) of Christian morality. But in the Arian period of the fourth century, many and possibly even the majority of those who held office as Catholic teachers accepted and collaborated for the heretical position. Arianism sought to reduce our Lord to a merely human savior. Today, all of the many varieties of secular humanism seek to reduce humankind redeemed by Christ and called to share in divine life to merely human powers of life and fulfillment. But secular humanism, although currently accepted widely even among persons who hold offices as Christian teachers, is false: “We are God’s children now” (1 John 3:2). This faith of ours is a power that already has conquered the unbelieving world.

Second point to be shown: Natural family planning by periodic abstinence from marital intercourse during times believed to be fertile need not be adopted as a mere technique of contraception. Couples can choose to abstain from sexual intercourse during times considered fertile without making the contraceptive choice that is condemned by Catholic moral teaching.

1. Catholic moral teaching does not classify periodic abstinence from marital intercourse as contraception, even when abstinence is practiced with the express intention of avoiding pregnancy.
 - a. People always have known that abstinence from sexual intercourse is sufficient to avoid pregnancy. There is no evidence that Christian teaching ever rejected abstinence to avoid pregnancy provided that the couple (i) abstained by mutual consent, (ii) did not seek orgasm apart from intercourse, and (iii) wished to avoid pregnancy because they considered themselves morally obliged to avoid it.
 - b. When the periodicity of fertility became known during the present

century, questions were raised whether abstinence during the fertile period *alone* must be rejected—that is, as equivalent to contraception. Catholic teaching of popes and bishops agrees in the negative: periodic abstinence by a couple having serious reasons to avoid pregnancy can be licit. Sexual intercourse by such a couple during a time considered infertile can be virtuous provided that it is done for some upright motive.

c. It is important to notice that no pope or bishop ever has taught that the choice of periodic abstinence as a method of avoiding pregnancy always is morally blameless. It generally has been said or implied that the choice to practice periodic abstinence *can* be immoral. I think that one way it can be immoral is if a couple decide to prevent conception and then adopt periodic abstinence for merely technical reasons—for example, because pills are dangerous, barrier methods are distracting and unpleasant, most methods are less effective than abstinence, and so forth.

d. That type of behavior condemned as contraceptive involves some positive performance done in anticipation of marital intercourse, or during it, or while it is having its natural consequences—a performance carrying out a choice to impede procreation. It makes no difference whether the impeding of procreation is considered to be a good in itself (an end) or is accepted as a necessary means to some further end. (See *Humanae Vitae*, section 14.)

e. It thus follows that on Catholic teaching, there is not a contraceptive act unless there are two choices: a choice to engage in sexual intercourse and a choice to impede procreation, which one thinks (and fears) might follow if something is not done to prevent it. (This point helps to clarify what it means to say that “each and every marital act must remain open to life.” The idea is not that every marital act is biologically fertile but that the acts contraceptors are interested in—the ones they think might be fertile—are not to be interfered with by intervention against life at its moment of communication.)

2. The difficulty of explaining clearly the distinction between the morality of avoiding pregnancy by periodic abstinence and the immorality of preventing pregnancy by contraceptive intervention does not tell against the received Catholic teaching on the morality of contraception.

a. While Christian teaching on sexual abstinence (1-a above) probably does meet the conditions for infallible teaching of the ordinary magisterium, the more recent teaching on *periodic* abstinence to avoid pregnancy perhaps does not. Thus, if such periodic abstinence could not be distinguished from the morally condemned contraception, the implication would not be that contraception is acceptable but that periodic abstinence to avoid pregnancy is not acceptable in Christian married life.

- b. Not only in dogma but also in Christian morality, much that is accepted and handed down is difficult to explain clearly. To concede any aspect of Christian faith and life on this basis is to abandon Christianity in favor of a religion within the limits of reason alone.
- c. The whole Catholic community that considered the matter—the popes and those bishops, priests, and married couples who thought about it—during the 1950-1960 period with very few exceptions was completely faithful to the traditional teaching on contraception (not always in practice, of course), yet convinced that periodic abstinence was somehow different and could be morally accepted. This consensus is a genuine instance of *sensus fidei*.
3. An analysis of the choices involved shows that the use of contraceptives and the use of periodic abstinence to avoid pregnancy *need not* have the same moral significance, insofar as the self-determination with respect to the good of a possible new human life is concerned.
- a. Generally, proponents of contraception argue the identity of contraception and avoiding pregnancy by periodic abstinence with reasoning that involves an elementary logical fallacy: “Both allow a couple to engage in intercourse while avoiding pregnancy; therefore, they are morally equivalent.” This is to argue:
- All C is PA All contraception is for the avoidance of pregnancy.
All A is PA All (systematic) abstinence is for the avoidance of pregnancy.
All A is C All (systematic) abstinence is contraception.
- This argument can be seen to be invalid by comparing it with another in the same form:
- All S is PA All suicide is an effective way to avoid further pain.
All N is PA All narcotics are an effective way to avoid pain.
All N is S All uses of narcotics are cases of suicide.
- There happens to be more to the morality of an action than the effect that one wishes to achieve or prevent by carrying it out.
- b. Since the contraceptive act is distinct from the act of marital intercourse that it accompanies, one who chooses to contracept adopts a proposal the whole content of which is to impede the handing on of life (any hoped-for good effect will follow only if this purpose is first attained). Thus, those who choose to contracept self-determine themselves in a stance of opposition to the handing on of human life—therefore, set themselves *against the personal good* of human life.
- c. Those who choose to abstain from marital intercourse to avoid pregnancy and who believe that they are morally obliged to avoid pregnancy need not self-determine themselves in an anti-life stance. The non-

realization of the procreative good need only be accepted as an incidental effect of a choice to abstain in response to a moral demand.

- d. The intercourse engaged in during periods believed infertile is not contraceptive intercourse. At this time the couple cannot be choosing to engage in procreative activity (which they believe impossible), nor can they be choosing to prevent procreation (for the same reason). Time is not analogous to space here, for while one who uses a contraceptive (sometimes) puts a spatial barrier between ovum and sperm, those who practice periodic abstinence *do not put* a temporal barrier between—the situation is one that is given by nature, not one they create by art.
4. It is difficult and perhaps impossible for those who are morally committed to contraception to understand the difference between contraception and morally acceptable periodic abstinence. It can be difficult but it is not impossible for those who reject contraception firmly to understand this distinction.
- a. In matters that bear upon morality, one's moral commitments make a significant difference in one's ability to understand. Sin darkens the intellect in a very simple way: it requires one to accept assumptions on which the sin—if it is not going to be repented—can be justified to a conscience that is naturally oriented toward basic human goods.
 - b. The primary assumption underlying the justification of contraception is that regular marital intercourse is necessary—for example, that without it love will cool and the couple will find it hard to get along. (This assumption often rests on a more basic assumption that regular orgasm is necessary for everyone, or at least for every male beyond puberty.) Given the assumption that regular marital intercourse is necessary and the premise that sometimes there is a moral obligation to avoid pregnancy, it follows that *something must be done to prevent conception*. At this point, whether one intervenes to impede procreation or adopts a system of periodic abstinence *for the same purpose*, one has self-determined oneself in an anti-life stance. Thus, those morally committed to contraception can imagine periodic abstinence only within a framework that would render it immoral, and so they cannot understand the difference between contraception and morally acceptable periodic abstinence.
 - c. A Christian view of marital sexual activity does not accept the primary assumption required to justify contraception. On the Christian view, regular marital intercourse is not necessary (and much less is regular orgasm necessary for all). Having been begotten by the Father to be a divine child and brother of the Lord Jesus, a Christian has the power of the Holy Spirit to live in all respects as a child of God—for example, to lay down one's life for the faith. Sexual abstinence can be unpleasant, but

its difficulty is not of the same order as being boiled in oil or fed to the lions.

d. On a Christian view, there are various good reasons to engage in marital intercourse: (i) to express and experience the faithful union created by the marital commitment, (ii) to cooperate with the Creator in giving life to new persons who will be eligible to live forever in heavenly joy, (iii) to signify and concretely contribute to the building up of the communion of Christ and his bride, the Church. There also are many good reasons at times for not engaging in marital intercourse: (i) separation for some good cause, (ii) lack of privacy, (iii) lack of energy, (iv) illness, (v) a moral reason for avoiding pregnancy, and so on. To choose to engage in marital intercourse for any one or more of the good reasons, when there is no good reason not to engage in it, is virtuous and holy for a Christian couple. To choose to abstain when there is any good reason not to engage in marital intercourse also is virtuous for a Christian couple. Moreover, the latter choice also fosters marital love, for it demands and expresses such love and elicits deeper communion by sharing in some difficulty.

Conclusion: Natural family planning by periodic abstinence need not be morally equivalent to contraception. But if techniques of periodic abstinence are taught as methods of birth prevention, outside the context of a Christian view of marital sex, natural family planning can be adopted by a choice that is morally the same as the adoption of any other contraceptive method. In such a case, experience indicates that "rhythm doesn't work." Therefore, the spiritual and moral formation of couples who undertake natural family planning is essential if this is to be carried on as an exercise of Christian marital chastity, and even if it is to be effective in practice.