

May 1969

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Recommended Citation

Mangan, Joseph T. (1969) "Understanding the Voice of the Vicar of Christ: A Commentary on "Humanae Vitae"," *The Linacre Quarterly*. Vol. 36: No. 2, Article 10.

Available at: <https://epublications.marquette.edu/lnq/vol36/iss2/10>

UNDERSTANDING THE VOICE OF THE VICAR OF CHRIST

A Commentary on "Humanae Vitae"

Rev. Joseph T. Mangan, S.J.

"Sons of Israel, listen to the word of Yahweh" (*Hosea* 4/1). Hosea in Old Testament times thus indicated the fact that God had commissioned the prophets to voice the word of Yahweh to His people. Jeremiah did the same saying, "Then Yahweh put out his hand and touched my mouth and said to me: 'There! I am putting my words into your mouth'" (*Jeremiah* 1/9).

Comparably Christ in the New Testament also commissioned men with a special calling in His Church to speak His word and the Word of His Heavenly Father to the People of God. "I will give you the keys of the kingdom of heaven; whatever you bind on earth shall be bound in heaven; what-

ever you loose on earth shall be loosed in heaven" (*Mt.* 16/19, 20), was the way He expressed the commission to Peter, the Prince of the Apostles and to Peter's successors. After His Resurrection He commissioned all of His Apostles, and through them their successors. "As the Father sent me, so am I sending you" (*John* 20/21). He told them. And again, "All authority in heaven and on earth has been given to me. Go, therefore, make disciples of all nations; . . . teach them to observe all the commands I gave you. And know that I am with you always; yes, to the end of time" (*Mt.* 20/18-30).

Today the successors of Peter and the other Apostles exercise this commission through what is called "ordinary teaching" which may or may not be infallible and "extraordinary teaching" which also may or may not be infallible. Throughout the centuries of the Church's existence the Popes and Bishops under the guidance of the Holy Spirit have usually exercised this commission through ordinary non-infallible teaching. But no matter

which way these men choose to exercise their commission, in a special way they are speaking Christ's word and the word of Our Heavenly Father to us.

When, therefore, the Council Fathers of Vatican II spoke in union with the Pope to the People of God, they in a special way spoke the word of God to us. And when Pope Paul VI speaks to all the People of God and to all men of good will as formally and as solemnly as he does in the Encyclical, *Humanae Vitae*, he is speaking not as a private theologian but as the successor of St. Peter, the Vicar or Christ, and the supreme teacher of the universal Church. Speaking thus within his competency, Pope Paul in a special way is speaking God's word to us.

He even promised two years ago, on February 12, 1966, in an address on "Marriage, Family and Children," that he would propose moral norms on marital morality only if he were conscientiously certain that he was interpreting the certain will of God to us. "The Magisterium of the Church," he said, "cannot propose moral norms until it is certain of interpreting the will of God. And to reach this certainty the Church is not dispensed from research and from examining the many questions proposed for her consideration from every part of the world."

That Pope Paul has this most important responsibility so to teach, whether by infallible or non-infallible doctrinal statements, is confirmed by traditional Catholic doctrine and especially by Vatican II in article 25 of the *Dogmatic Constitution on the Church*.

"In matters of faith and morals, the Bishops speak in the name of Christ and the faithful are to accept their teaching and adhere to it

with a religious assent of soul. This religious submission of will and mind must be shown in a special way to the authentic authority of the Roman Pontiff even when he is not speaking *ex cathedra*. That is, it must be shown in such a way that his supreme magisterium is acknowledged with reverence, and the judgments made by him are sincerely adhered to, according to his manifest mind and will" (emphasis added).

The more to insure that his teaching would come under the guidance of the Holy Spirit, Pope Paul made a thorough scientific, historical, sociological, and doctrinal study. He sought the help of the People of God of all states of life and of all relevant scientific disciplines. Especially he consulted the Bishops of the Church and during the Vatican Council he asked them to submit in writing whatever views they had on questions of marital morality.

He proceeded with tantalizing slow deliberation. He did not want to speak prematurely. He did not want to speak in too legalistic a manner. He was acutely and compassionately aware that if he had to reaffirm in substance the traditional teaching of the Church on marriage morality, this would mean Our Heavenly Father is asking many sacrifices, of many married couples, especially of the poor, and contrary to the concrete hopes some had been led to conceive and rely on in recent years. He was aware that this interpretation of the divine law would not be received easily by all and that to many it would appear even impossible to put into practice.

He wanted to speak in a fatherly, Christlike way, pastorally rather than judgmentally, to all the faithful and to all men of good will. Yet he knew that to remove the confusion that had arisen he would have to speak clearly

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without ambiguity what the truth of God and the will of God really is. He would not be enacting a merely ecclesiastical law, nor promulgating a merely papal norm of morality. He would instead be promulgating an authentic authoritative interpretation of the divine natural law binding on all members of the Church. Although he would be the one promulgating this interpretation, the binding force of the interpretation would come from the divine natural law itself. He also knew that he would not have to rely on philosophical argumentation alone, but that the Holy Spirit would be guiding him and strengthening him in a special way to make the right interpretation. To this end he devoted many hours of thought, study, consultation and prayer. His was an overpowering responsibility.

THE ENCYCLICAL ITSELF

Pope Paul VI in the Encyclical, *Humanae Vitae*, has written a message of faith regarding the dignity of life, love, and the human person. In it he explains and defends conjugal morals in their integral wholeness. "The problem of birth," he says, "is to be considered in the light of a total vision of man and of his vocation, not only of his natural and earthly vocation, but also of his supernatural and eternal vocation." Drawing on the positive insights of Vatican II and of his own letter of February 12, 1966, he emphasizes the divine, spiritual, and human personalistic aspects of marriage in the context of total, joyful love-commitment between husband and wife. He highlights also the fact that his friendly marital relationship tends of its nature toward the mutual personal perfection of the couples very being.

When he takes up the question of contraception, he addresses himself to all the objections which have been voiced in the past few years contrary to the Church's traditional teaching. Granted that he has not responded philosophically in depth to all the objections, he has conscientiously evaluated all the responsible insights of the various experts and promulgated his resulting interpretation of the divine natural law.

Vatican II says that such teaching must be accepted by the faithful according to the Pope's "manifest mind and will." Now according to Pope Paul's manifest mind and will, the teaching in *Humanae Vitae* is clearly authoritative doctrinal teaching binding on all members of the Church. Furthermore, the whole tone and tenor throughout the Encyclical indicates that he is speaking about matter that is certainly grave. Finally, he explains that the faithful should accept this teaching "... not so much because of the reasons adduced but principally because of the guidance of the Holy Spirit which is given in a special way to the pastors of the Church that they may clarify the truth" (*Encyclical*, No. 28).

Actually one's acceptance of *Humanae Vitae* flows gracefully and logically from one's acceptance of the teaching of Vatican II. We have already referred to the oft quoted passage from article 25 of *The Dogmatic Constitution On the Church*, which says that the Roman Pontiff's teaching must be accepted, even when he is not speaking *ex cathedra*. *The Pastoral Constitution on the Church in the Modern World*

teaches that the members of the Church "may not undertake methods of regulating procreation which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law" (No. 51). Finally, *The Declaration on Religious Freedom* declares: "In the formation of their conscience, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church. The Church is by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that Truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origin in human nature itself. (No. 14). These are only a few of the relevant passages indicating how an acceptance of Vatican II leads logically to an acceptance of the teaching in *Humanae Vitae*. Others will appear in their proper places during the rest of this article.

PASTORAL CONSIDERATIONS

"Follow your own conscience"? Frequently enough one hears or reads even after the Encyclical that in deciding whether to practice contraception and what method to use one needs only to follow his own conscience. Although it is true that the sincere judgment of one's conscience here and now in a given situation is the decisive criterion of the formal morality of the specific action contemplated, still this judgment must be made, according to Vatican II, by "... a conscience faithfully conformed to the divine law itself and ... submissive toward the Church's teaching office, which authentically interprets that law in the

light of the Gospel. That divine law reveals and protects the integral meaning of conjugal love, and impels it towards a truly human fulfillment" (*Pastoral Constitution on the Church in the Modern World*, §50).

When the expression, "follow your own conscience," is used it sometimes seems to mean in the context, simply because your conscience tells you to do it." This meaning of course is based on false ethics and false theology, and needs to be corrected. It is based on exaggerated subjectivism, as the late John Courtney Murray, S.J., has aptly remarked in his commentary on the *Declaration on Religious Freedom*, "... the Declaration nowhere lends its authority to the theory for which the phrase (freedom of conscience) frequently stands, namely that I have the right to do what my conscience tells me to do, simply because my conscience tells me to do it. This is a perilous theory. Its particular peril is subjectivism — the notion that, in the end, it is my conscience, and not the objective truth, which determines what is right or wrong, true or false" (*Abbott* footnote 5, p. 679).

"In the depths of his conscience," says Vatican II, "man detects a law which he does not impose upon himself, but which holds him to obedience ... For man has in his heart a law written by God. To obey it is the very dignity of man; according to it he will be judged ... " (*Pastoral Constitution on the Church in the Modern World*, No. 16). In the Encyclical Pope Paul is leading us to an awareness of this law of God written in our hearts. What the confessor should strive to do, when the

opportunity presents itself, is to help the married couple develop a right conscience according to the objective moral order established by God as the Encyclical directs in article 10. "The responsible exercise of parenthood," it continues, "implies, therefore, that husband and wife recognize fully their own duties toward God, towards themselves, towards the family and towards society, in a correct hierarchy of values."

Has a solidly probably opinion developed contrary to the teaching of Humanae Vitae on the immorality of contraception? The answer to this question must be in the negative. As I see the matter, when a reputable theologian or theologians teach any doctrine as solidly probably and usable in practice, the presumption is that they have solid reasons for their opinion. This presumption, however, can be removed through scholarly investigation.

If we investigate this presumption, we investigate what is called intrinsic probability, the solid basis of extrinsic probability. In making this investigation we first consider the opinion under discussion to determine whether or not it has solid reasons in its favor when the opinion is looked at in itself. Then we must look at the opinion in the light of the evidence and solid reasons for the contrary opinion.

If the evidence and solid reasons make the contrary opinion certain, the first opinion is recognized as being without intrinsic probability, which also means that the presumption in favor of the reputable theologians' opinion is removed. That is precisely what happens when the contrary opinion is the certain teaching of the universal Magisterium of the Church.

Surely when the Church's teaching is non-infallible doctrine a competent theologian through his scholarly investigations conceivably might find new evidence not yet considered by the universal Magisterium. If this new evidence were decisive for him, it is conceivable that he would be forced by the evidence to withdraw his assent from the Church's specific teaching. But recognizing the fallible nature of his own judgment he could not legitimately set himself up as an authority competing with that of the Magisterium. He could not, therefore, legitimately teach his opinion as safe in practice for the faithful.

Now, the doctrine contained in *Humanae Vitae* although not necessarily infallible is the certain teaching of the Magisterium. As a matter of fact, no new evidence has been presented for any contrary opinion. Consequently there is no foundation today for any probable opinion contrary to the teaching of *Humanae Vitae* and safe in practice.

"Good Faith Solution"? In his administration of the sacrament of penance the priest frequently has occasion to instruct his penitent in matters brought up in the confessional. This instruction might be very necessary, if for example the penitent judged that some morally good action of his was sinful. On other occasions the confessor might judge such instruction not necessary but pastorally salutary. In the pursuit of his office the confessor supplies information, helps the penitent correct an erroneous conscience, leads him to form a correct conscience. Whenever he becomes aware of a deficiency in the penitent's conscientious judgments, he will ordinarily help the penitent remove the deficiency.

This will be true also when the deficiency is an erroneous judgment that an objectively immoral action is morally lawful;

The priest-confessor is an official representative of Our Heavenly Father of Christ, and of the Church. As such he must instruct according to the Church's doctrines and precepts properly promulgated. If the penitent is in a state of doubt and asks for clarification of the truth, the confessor must give the Church's teaching and not his own private judgments. If the penitent is in a state of confusion, his state is similar to the state of doubt, and the priest must clarify the penitent's understanding of the truth according to the Church's teaching.

It is also possible that the penitent sincerely and in good faith will take a moral or theological position that is untenable in the light of certain Catholic doctrine. His state is ordinarily judged to be that of a man with invincible ignorance. Knowledge that the person should have is missing, for example, in the matter we are discussing the responsible adult Catholic should know of his obligation to accept the doctrinal teaching of *Humanae Vitae*.

According to Josef Fuchs, S.J. (*Theologia Moralis Generalis*, 1965, p. 183), "That is usually called an invincibly erroneous conscience whose judgment of the act to be placed is out of conformity with objective truth, which lack of conformity the person acting neither knows nor suspects from the factors to be weighed." Noldin (*Summa Theologiae Moralis*, Vol. I, 1962, n. 49) gives a slightly different definition, "Ignorance is morally invincible, if it cannot be removed

through moral diligence." Without asserting that these two definitions are irreconcilable, it does seem that they do not say precisely the same thing.

Were we to follow the definition given by Fuchs, we could hardly say that any responsible adult Catholic would not even suspect that he has an obligation to accept the teaching of *Humanae Vitae*. Following the definition of Noldin, however, we would more easily be able to find a responsible adult Catholic who after using moral diligence to uncover objective truth, still maintains his position contrary to the teaching of *Humanae Vitae*.

Evidence from many sources points to the fact that Catholics in their response to *Humanae Vitae* fall into at least four classes: those who accept the teaching of the Encyclical; those who are in doubt and ask for guidance; those who are simply confused and don't know what to do; and, finally, those who are taking a position contrary to that teaching but presumably in good faith. With the first three groups we should try to help them develop a deepening understanding in faith of the dignity of life, love, and the human person in the light of the Encyclical's teaching. The doubting and confused we should lead to an acceptance of the Encyclical, even though they do not see the decisive nature of the individual argumentation; for, as Fuchs says (*Op. cit.*, p. 180), "He who acts illicitly under doubt, contracts that species of sin which he feared to be in the act."

Those who sincerely and in good faith have taken a position contrary to the Encyclical merit special concern. "The case of a conscience invincibly

erroneous," says Fuchs (*Op. cit.*, p. 185), "should be avoided as far as possible. This is true because it is a 'per accidens' case, an abnormal case, one which contains error. He who does not sufficiently avoid it is culpable." Ordinarily, the priest-confessor will dutifully assist the penitent to remove the error from his conscientious judgment. But it is also commonly recognized that there are cases in which the priest-confessor silently will refrain from trying to remove that error.

Here is the way Holdin (*op. cit.*, Vol. III, n. 386) explains the matter:

"The penitent with invincible ignorance should be corrected, if there is hope of immediate or eventual benefit, and no real danger of greater harm resulting. If there is no hope of benefit from the correction, ordinarily it should be omitted and the penitent should be left in good faith. For, of two evils the lesser is to be tolerated to prevent the formal sin which the penitent otherwise would commit, since it is foreseen that the penitent would not accept the confessor's correction.

"Sometimes, however, the penitent must be corrected, even though no real benefit for him can be anticipated. This will be true as often as greater evil would follow from the omission of than from the making of the correction, as would be the case, if the ignorance would cause greater harm or public scandal. An example of this would be that of the penitent who because of the confessor's silence in the matter of contraception would defend and teach contraception as lawful."

The sanction for refusal to accept the correction presumably would be denial of absolution. The practical question today, then is: whether the confessor has the right to absolve someone, even if he is in good faith, who intends to pursue a course of conduct which the Magisterium of the Church has authoritatively declared gravely prohibited according to the divine natural law.

Before answering this question let us examine the climate in which this decision must be made. According to the publicized statements of some reputable theologians, of some Bishops, and of some loyal and responsible laity, these members of the Church seem to deny or interpret away in practice the Encyclical's binding force, if in the penitent's judgment the Encyclical's arguments are not philosophically decisive. Some of these "authorities" seem to have set themselves up as a competing authority, which, they say, the faithful legitimately may choose to follow rather than that of the Vicar of Christ. The Roman Pontiff seems to be teaching one thing; they seem to be teaching the opposite. Because of this confusing climate, it is obviously more difficult for married couples to make a correct conscientious judgment to accept and in practice live according to the teaching of *Humanae Vitae*.

In my judgment, it is inaccurate and contrary to the teaching of Vatican II to assert, as some theologians have done, that "It is common teaching in the Church that Catholics may dissent from authoritative, non-infallible teaching of the Magisterium when sufficient reasons for so doing exist." Furthermore, to my knowledge, as this article goes to press, there has been published no attempt even to substantiate this assertion theologically.

Nor can I agree completely with Karl Rahner, S.J. In the September, 1968, issue of *Stimmen der Zeit* (and in English translation in the *National Catholic Reporter*, September 18, 1968) he has published a quiet, carefully reasoned article explaining his ideas on the application of "good faith" judgments to justify the non-acceptance

of *Humanae Vitae* in theory and in practice. To my mind he seems to interpret the application of "good faith" so broadly as to practically nullify the binding effect of the Magisterium's ordinary doctrinal teaching. Presupposing the objective truth of the Encyclical's teaching, he maintains that if after mature deliberation Catholics find themselves unable to accept that teaching, they should not feel subjectively guilty or accuse themselves of formal disobedience to the Church. In practice, he says, they may follow their conscientious decision without feeling obliged to submit their judgment for the approval of a confessor. He is very careful to stress that "the formal authority of the Magisterium must not be overrated with regard to its effectiveness." But he presents no defense against the opposite possibility, namely that the formal authority of the Magisterium may be underrated with regard to its effectiveness. Nowhere does he defend as true that a Catholic has any obligation to accept in theory and in practice ordinary non-infallible doctrinal teaching of the Magisterium, when his subjective judgment does not see the argumentation offered as decisive. Practically he seems to estimate the magisterial authority in its ordinary teaching as no more than that of an outstanding private theologian of the caliber of Rahner himself.

Rahner does seem to see a real danger from what he is saying, since he cautions against what he considers an unwarranted conclusion, viz, the conclusion that the Church's Magisterium should either speak with its highest and infallible authority or simply remain silent. For, if the teaching is presented as ordinary non-infallible doctrinal teaching, it would carry no

more weight than that of a renowned private theologian, which as such certainly would have its own positive value. To my mind, Karl Rahner has underrated the value of the Magisterium's teaching authority and excessively extended the "good faith" application.

Another theologian, a friend and colleague of mine, Father John F. Dedek (*Chicago Studies*, Summer 1968, pp. 221-224), with practical insight, has called attention to the important distinction between theoretical and evaluative knowledge in his analysis of a penitent's situation today, who although acting contrary to the teaching of *Humanae Vitae* may have an erroneous conscience. I would like to suggest a nuanced addition to Father Dedek's analysis, an addition which in fact may be only a nuance of emphasis.

In applying the distinction to the present state of the question on contraception, I judge that we must consider two levels at which the distinction could be valid: at the philosophical level of decisive argumentation, and at the level of magisterial authority which according to Catholic doctrine authentically interprets the divine law with binding force on all Catholics.

To my mind, the penitent could have evaluative knowledge of his obligation to accept in theory and in practice the teaching of *Humanae Vitae*, although he does not appreciate as decisive the argumentation offered. This will depend on his proper understanding of his commitment to accept ordinary non-infallible Catholic doctrine. Before I could accept as valid the judgment that a penitent who is acting

contrary to the Encyclical's teaching has an invincibly erroneous conscience, I would want to estimate the matter at this level of magisterial authority especially, and not only at the level of philosophical argumentation.

This would mean that the penitent who in grave matter is lacking evaluative knowledge whether habitually or only actually in the concrete situation is according to traditional terminology acting without the sufficient reflection and therefore without the full consent of the will requisite for grave sin.

THE PASTORAL ROLE OF THE PRIEST

One of the primary duties of the confessor is to achieve and manifest a Christlike, compassionate understanding of the penitent and his problems of daily Christian living. One of the primary duties of the priest-representative of Christ and His Church is to teach Catholic doctrine clearly and without ambiguity. One of the primary duties of the priest with regard to *Humanae Vitae* is by word and example to educate the faithful to a proper understanding and an acceptance of the Encyclical's teaching. All of these duties need to be and can be reconciled with one another.

Some national hierarchies have come out publicly in favor of at least a "good faith" application to an invincibly erroneous conscience, when couples after sincere prayerful study and because of the present acute controversy feel they cannot accept the Encyclical's teaching. It seems unreal, then, to argue that for a confessor to grant absolution to such a penitent, determined in good faith to continue acting contrary to *Humanae Vitae*, would involve grave scandal. But at the

same time we can expect the confessor to manifest his disapproval and give reasons for it and to make sure that nothing he says leaves the impression he is approving the certainly illicit practice. Gradually through education in and outside of the sacrament of penance we may be able to lead the faithful to a full understanding of their obligation to abide by the Encyclical's teaching.

Pope Paul himself in the Encyclical compassionately recognizes the difficult practical problems of conscience and of daily living facing married couples today. He even mentions that "... to many the teaching of the Church will appear to be even impossible to observe . . ." (*Encyclical*, No. 20). Following the Pope's own observation, it seems that the confessor may tolerate such a judgment in favor of the penitent's continuing use of contraceptives without present subjectively grave sin. Therefore, although a couple accepts the teaching, they may sincerely judge it simply impossible for them to observe in practice. Again the confessor cannot approve of the behavior and he must explain that the reason he is giving absolution is their sincere judgment of impossibility of observance.

In both the above cases, the "good faith" situation hopefully will be only temporary, that is, until the educative process can enlighten all the faithful to abide by the teaching of *Humanae Vitae*. If we do not put a strong emphasis on the duty to lead the faithful to an acceptance of the Encyclical's teaching, the Bishops and priests by their silence, if not by their guidance, may lead the faithful to ignore the voice of the Vicar of Christ, and therefore to ignore the word of Christ in today's world.