

Was *Humanae Vitae* based upon the Majority or the Minority Report of the Papal Commission?

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Many Catholics are aware of the process undergone by the encyclical *Humanae Vitae* on its way to being released by Pope Paul VI in 1968. A "Papal Commission" to study the issue of birth control was established in 1963 by Pope John XXIII and later was expanded by Pope Paul VI. In 1966 the commission released two reports: a "Majority Report" and a "Minority Report." Both reports—but especially the Majority Report which recommended a change in the Church's teaching—were circulated to the public, getting wide publicity in both Catholic and secular publications. Catholics who were paying attention were aware that a large majority of the Papal Commission, including 9 of the 12 bishops and cardinals, had approved the Majority Report's recommendation that couples be allowed to make their own decisions regarding birth control.

Based on this chronology, most people have jumped to the conclusion that Pope Paul VI rejected the Majority Report and adopted the Minority Report. For example, Fr. Gregory Baum, a *peritus* at Vatican II (now laicized), responded immediately and negatively to the encyclical and stated in his article in *Commonweal*, "The pope's decision went against the majority report of his own study commission." *National Catholic Reporter*, a known opponent of the traditional teaching and a vehicle for publication of the Majority Report, gave a largely sympathetic reading to the encyclical, while stating that it gives the impression that, "members of the majority group in the papal birth control commission were mistaken if they thought their mission was to reexamine and reinterpret the church's traditional stand."

Caught up in the emotion of the moment, commentators from both the Left and the Right tended to focus only on the single aspect of the pope's ultimate conclusion. Reading contemporary responses to the encyclical gives one the strong impression that many of these writers never actually read the encyclical. In their minds it was a yes or no decision, and the pope said "No." Nothing else mattered. Fr. Bernard Häring wrote a response entitled "The Encyclical Crisis" which gives clear indications that he had not more than glanced at the encyclical in order to add a few quotes to an essay that was already written long before *Humanae Vitae* was published.

Having the advantage of 35 years of hindsight, we are now able to read the actual texts of the 3 documents more dispassionately than was possible in the revolutionary year of 1968. Doing so produces an unmistakable conclusion at variance with the popular belief. Placing the actual texts of the 3 documents (Minority Report / Majority Report / *Humanae Vitae*) side by side makes clear that the encyclical borrowed its phrases, concepts, structure and approach to the problem from the Majority Report. In contrast, *Humanae Vitae* shares little or nothing in common with the Minority Report which defended the traditional teaching of the Church.

Later in this article we will examine crucial points at which *Humanae Vitae* took positions at variance with the conclusions of the Majority Report. The encyclical itself says, "The conclusions at which the commission arrived could not, nevertheless, be considered by us as definitive." But when we examine the process used, when we see the line of thinking that forms the basis for the respective conclusions, we see that they correspond with the positions taken by the Majority Report, not those of the Minority Report.

Minority Report: Catholic Tradition

The Minority Report begins by posing a straightforward question, "Is contraception always seriously evil?" Then it defines its terms and goes on to ask, "What answer has the Church given to this question up

to now?" answering itself, "A constant and perennial affirmative answer is found in the documents of the magisterium and in the whole history of teaching on the question."

It then lists and quotes recent papal statements by Popes Pius XI, Pius XII and John XXIII. It also lists an abundance of statements by national episcopal conferences and prominent bishops from many different nations and time periods. It calculates that even before the modern era when birth control became a pressing issue, the Holy See pronounced on this issue 19 times between 1816 and 1929, always with the same conclusion—that contraception is always seriously sinful. It quotes from John T. Noonan's history of contraception to the effect that the opinion has always been absolutely constant throughout every time period.

Thus we see traditional Catholic theology at work in the Minority Report. This is the way that the magisterium operated for many centuries, and this is the style of theology that critics of *Humanae Vitae* accuse the encyclical of perpetuating. But the reality is that the encyclical contains not one quotation from any of the documents that were cited by the Minority Report. The historical survey which the Minority Report considered indispensable groundwork is entirely swept away by *Humanae Vitae*.

The Minority Report had set the stage for the discussion by presenting sizable quotations of the most relevant passages from Pius XI's *Casti Connubii* and Pius XII's *Allocution to the Italian Midwives*. Neither of these seminal documents is quoted in *Humanae Vitae*. Ironically, Pope Paul VI himself had intervened into the proceedings of Vatican II to insist that these documents must be quoted in the marriage section of *Gaudium et Spes*. A compromise was accepted by which they were merely listed in footnotes, and the same compromise is seen in *Humanae Vitae*. These documents are footnoted but are not allowed to speak.

Casti Connubii is footnoted only as one document among many in lists that include documents from several pontificates. There is never the slightest acknowledgement that Pius XI's landmark encyclical was the law of the Church at the time that *Humanae Vitae* was published. Even the Majority Report felt obliged to acknowledge the authoritative status of the encyclical and to address some of *Casti Connubii*'s arguments and conclusions which differed from its own. In contrast, *Humanae Vitae* simply ignores it.

Minority Report: Catholic Philosophy and Theology

The Minority Report follows up its summary of the unanimous teaching history of the Church with a short rebuttal of "unsatisfactory explanations" offered by those who wish to marginalize prior teachings, and then constructs a point-by-point list of the arguments comprising "Why Does the Church Teach that Contraception is Always Seriously Evil?" In other words, having explained the "what" of Church teaching, now it moves on to the "why." This section examines:

- The fundamental teaching of the fathers of the Church regarding *human acts* (which is not the same as strictly biological acts).
- The essential link between the inviolability of sex and the inviolability of life itself.
- The theological foundations predating Aquinas regarding the nature of the person and the nature of his relationship with God.
- The scholastic development of the argument by which we understand the malice of a direct and active intention contrary to a fundamental human good.
- The confirmation of these arguments by the magisterium moving them beyond the realm of philosophy and making them concrete moral teachings that are binding on the conscience.

Once again we see traditional Catholic theology in action. The authors of the Minority Report have diligently researched and then brought together and synthesized the Catholic philosophy and theology

which has undergirded the Church's perennial teaching. After all, the Church had good and substantial reasons to teach for 2000 years that contraception is always seriously evil. The Minority Report presents and explains those reasons.

Humanae Vitae is silent regarding the philosophy and theology presented by the Minority Report. The encyclical never mentions St. Augustine, for example, whose teaching on marriage provided the basis and the outline of the authoritative *Casti Connubii*. Demoted from the pride of place he used to occupy, he doesn't even merit a mention in a footnote of *Humanae Vitae*. Equally notable by his absence is St. Thomas Aquinas whose name appears in a single footnote but who is never quoted.

The traditional concepts brought forward in this part of the Minority Report are missing from the analysis contained in *Humanae Vitae*. The inviolability of all human acts related to the generative processes, the link between the sacredness of life itself and sacredness of related generative processes, the malice which is derived from the violation of chastity and the incitement to concupiscence, the direct intention to violate the intended purpose of a fundamental human good, and the disorientation by which an individual subordinates the good of the species to his own pleasure, none of these concepts which are explained in the Minority Report find a place in the encyclical.

Traditional terms such as "chastity," "concupiscence," "teleology," "primary purpose," even relatively generic terms such as "species" and "inviolability" never make an appearance in the encyclical (the word "chastity" appears once in an unrelated context). A single sentence must bear the burden of representing all these traditional concepts, "Just as man does not have unlimited dominion over his body in general, so also, with particular reason, he has no such dominion over his generative faculties as such, because of their intrinsic ordination towards raising up life, of which God is the principle." This sentence summarizes some of the traditional teaching, and the situation would be very different if the entire encyclical had been written in this vein. But one sentence cannot transmit all of Catholic tradition on an important moral issue, especially when that sentence is buried in a paragraph which begins with a discussion of marital rape.

But then *Humanae Vitae* discovers an *entirely new* justification to maintain the prohibition of artificial contraception. Having passed over in silence the body of Church teaching that was presented in the Minority Report, Pope Paul VI believed that the explanation below would adequately replace the wisdom of St. Augustine, St. Thomas Aquinas, Pope Pius XI, etc.:

That teaching, often set forth by the magisterium, is founded upon the inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning.

Thus the encyclical wagers that by theorizing an "inseparable connection" between "two meanings," it will provide all the foundation and justification that is needed to convince not only Catholics but "all men of good will." of the truth that the Church offers to teach. For the purposes of this article we needn't investigate further the adequacy or inadequacy of this new philosophy. We need only conclude that once again the encyclical utterly rejected the approach taken by the Minority Report.

Minority Report: "The Church Cannot Change Her Answer to this Central Question

The Minority Report, having explained the "what" and the "why" of Church teaching, now proceeds to explain the reasons this teaching is irreformable. In a refreshingly direct statement, the report concludes, "The Church cannot change her answer *because the answer is true.*" [Emphasis in the original] It then adds that the truth of this teaching must be seen as part and parcel of the teaching authority of the Church:

It is true because the Catholic Church, instituted by Christ to show men a secure way to eternal life, could not have so wrongly erred during all those centuries of its history. The Church cannot substantially err in teaching doctrine which is most serious in its import for faith and morals, throughout all centuries or even for one century, if it has been constantly and forcefully proposed as necessarily to be followed in order to obtain eternal salvation.

The report next points out the disastrous implications of any attempt to change the teaching. Here is where the argument, which of its own nature has crucial implications in the lives of nearly all Catholics, also substantially impacts the very nature of the Church:

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

The Minority Report concludes that ultimately this issue of irreformability is the strongest and most crucial point in the entire argument regarding birth control. According to the Minority Report, the bottom line is this, “The truth of this teaching stems from the fact that it has been proposed with such constancy, with such universality, with such obligatory force, always and everywhere, as something to be held and followed by the faithful.”

Humanae Vitae never takes this line of argument. We have already seen the way that the encyclical declined to present traditional justifications for the prohibition of birth control, while creating and presenting a novel justification of its own. And we have seen how never having made an explicit presentation of prior teachings, the encyclical cannot pronounce them irreformable. *Humanae Vitae* contains no statements about the “constancy,” “universality,” or “obligatory force” of historic pronouncements by the teaching authority of the Church.

In fact *Humanae Vitae* goes further, and judges past teaching to be in some degree irrelevant to the current discussion. The first 6 sections of the encyclical all deal with the changed circumstances encountered in modern life. Section 1 says, “With the recent evolution of society, changes have taken place that give rise to new questions which the Church could not ignore.” Section 2 catalogs a long list of new developments:

The changes which have taken place are in fact noteworthy and of varied kinds... rapid demographic development... world population is growing more rapidly than the available resources... increased exigencies both in the economic field and in that of education, often make the proper education of a larger number of children difficult today... the manner of considering the person of woman and her place in society, and in the value to be attributed to conjugal love in marriage... stupendous progress in the domination and rational organization of the forces of nature, such that he tends to extend this domination to his own total being: to the body, to psychical life, to social life and even to the laws which regulate the transmission of life.

Virtually all the demographic arguments are conceded to those who are lobbying on behalf of birth control. Section 4 then goes on to say that “Such questions required from the teaching authority of the Church a new and deeper reflection upon the principles of the moral teaching on marriage,” drawing the implication that only new developments in the doctrine of the Church can answer these new developments in the world. There is nothing inherently objectionable about a “deeper reflection” on a moral issue by the magisterium, but we see that at the outset of the encyclical, the heaviest emphasis is placed upon changed circumstances and even changed values, while there is no mention of the issue of irreformability which the Minority Report proposed as the single most fundamental argument.

Section 5 then discusses the establishment of the Papal Commission which produced the two reports we are now studying, and it states that the commission's purpose was "the gathering of opinions on the new questions regarding conjugal life." Once again, there is an emphasis on what's new and different, and on current opinions rather than past pronouncements. The establishment of the Papal Commission in 1963 was perhaps the one new circumstance which most greatly changed opinions regarding the Church teaching on contraception. A general expectation was created that changes to the traditional doctrine would be forthcoming since a commission would hardly be needed to do no more than repeat "what has been taught always and everywhere."

Finally Section 6 announced that Pope Paul did not consider himself bound by the conclusions of the Papal Commission (for which we can be thankful), but that he would give a new reply to the question. Of course the magisterium is free to give a new reply to an old question, but we cannot avoid noting the encyclical's complete rejection of the Minority Report's policy of reliance upon the irreformability of past teaching.

Minority Report: Generosity Lacking

We may also note at least one instance in which the Minority Report failed to present and defend tradition, even if it did so no more egregiously than the did the encyclical. This is in the matter of fruitfulness where the Minority Report denies that "the foundation of this teaching was the following text: 'Increase and multiply.'" But the authors overlook *Casti Connubii* which did in fact present this very text as foundational:

Thus amongst the blessings of marriage, the child holds the first place. And indeed the Creator of the human race Himself, Who in His goodness wishes to use men as His helpers in the propagation of life, taught this when, instituting marriage in Paradise, He said to our first parents, and through them to all future spouses: "Increase and multiply, and fill the earth."

In describing the *bona* (goods) of marriage, Pope Pius XI gave priority to children, the primary purpose of marriage, and in listing the sins opposed to these *bona*, he placed contraception as a sin against the good of fruitfulness:

And now, Venerable Brethren, we shall explain in detail the evils opposed to each of the benefits of matrimony. First consideration is due to the offspring, which many have the boldness to call the disagreeable burden of matrimony and which they say is to be carefully avoided by married people not through virtuous continence (which Christian law permits in matrimony when both parties consent) but by frustrating the marriage act.

In defense of the authors of the Minority Report we can say that they are looking at the issue from the restricted viewpoint of what makes contraception seriously sinful. A mere lack of generosity is not ordinarily a mortal sin. Hence their point has some validity, but in the bigger picture they risk losing sight of the genuinely Catholic view of marriage which was articulated so well by the pontiffs of their own century. Meanwhile, one cannot help noticing the irony in the fact that the only apparent support for the argument that Pope Paul VI accepted the Minority Report is that both documents lack any focus on fruitfulness and generosity in accepting children.

Majority Report: "Responsible Parenthood"

Having seen the way that the traditional approach of the Minority Report was rejected virtually in its entirety, we can now turn to the Majority Report. The official title in Latin of the document which has come to be known as the "Majority Report" is *Schema Documenti de Responsabili Paternitate*, meaning

"Schema for a Document on Responsible Parenthood." The document commences by mentioning "responsible parenthood" in its very first sentence. (Taking this phrase from the Vatican II document *Gaudium et Spes*, while acknowledging that *Gaudium et Spes* had left the issue unresolved.) It concludes the introductory section by saying, "In the present study, dealing with problems relating to responsible parenthood, the Holy Father through his ready willingness to enter into dialogue has given it an importance unprecedented in history." The authors have thus framed the issue this way: marriage is to be viewed within the new, non-traditional context of "responsible parenthood," and then a decision will be reached whether birth control can be reconciled with this new concept, rather than with the tradition of the Church.

A quick perusal of *Humanae Vitae* turns up 7 uses of the phrase "responsible parenthood," plus a similar usage in the very first sentence of the encyclical. Section 10, consisting of 6 paragraphs, deals exclusively with the concept of "responsible parenthood." It begins "Hence conjugal love requires in husband and wife an awareness of their mission of "responsible parenthood," which today is rightly much insisted upon, and which also must be exactly understood." *Humanae Vitae* thus goes so far in its support of the defining concept of the Majority Report as to see "responsible parenthood" as "the mission" of marriage and to claim that an understanding of "responsible parenthood" is now required for "conjugal love."

Those who wished to overturn the traditional moral norm on birth control decided to make the concept of "responsible parenthood" the foundation of their efforts. The expressed purpose of this language was to look at marriage in a new way; it might then transpire that this new way would be seen to be compatible with contraception. Remarkably, *Humanae Vitae* adopted this language which was prejudicial to the traditional teaching of the Church, although in doing so it's analysis of the concept develops a more fundamental moral structure than did the Majority Report:

In the task of transmitting life, therefore, they are not free to proceed completely at will, as if they could determine in a wholly autonomous way the honest path to follow; but they must conform their activity to the creative intention of God, expressed in the very nature of marriage and of its acts, and manifested by the constant teaching of the Church.

Majority Report: A "Deeper Understanding"

Following the chapter on "Responsible Parenthood," the Majority Report next addresses, "On the Continuity of Doctrine and its Deeper Understanding." The chapter title explains the plan: continue to use language suggesting continuity with past tradition, while maintaining that the reversal of previous teaching represents a "deeper understanding." In this section the report comes close to an outright affirmation of contraception:

The large amount of knowledge and facts which throw light on today's world suggest that it is not to contradict the genuine sense of this tradition and the purpose of the previous doctrinal condemnations if we speak of the regulation of conception by using means, human and decent, ordered to favoring fecundity in the totality of the married life and toward the realization of the authentic values of a fruitful matrimonial community.

At first glance this sounds like traditional Catholic teaching. But looking more closely we see three phrases, each progressively more threatening:

- "regulation of conception"
- "human and decent means"
- "favoring fecundity in the totality of the married life"

"Regulation of conception" is a relatively new concept. All previous magisterial teachings had favored

generosity, the acceptance of children from God, and reliance on Divine Providence. It is true, however, that this phrase had made its way into the Vatican II document *Gaudium et Spes*, so there was some basis for its use, within a strictly limited context. The teaching of the Church, which had been often emphasized in recent years, continued to stress the requirement of "grave reasons" even for a natural limitation of birth.

"Decent and human means" starts to enter into a dangerous area of ambiguity. What is meant by "decent and human," and why are these means not specified more exactly? It is clear that the Church has only ever authorized one means for regulation of conception and that is continence, either permanent or periodic, periodic continence being permitted only in special circumstances. All other means are forbidden. When the Majority Report replaces the prior teaching of the Church with such a generalization, the intention becomes clear. They have effectively subverted the clear and definite teaching with vague but innocuous-sounding language that opens the door to artificial contraception.

With "favoring fecundity in the totality of the married life" we have crossed over the line into forbidden territory. This is a theory that was directly and specifically condemned in the past, and which would be condemned again in *Humanae Vitae*. The concept the authors are proposing is that you can use birth control during some periods of your marriage as long as you accept some children at some other time. But this is like saying that you can steal at some times as long as you are generally honest, or that you can lie on some occasions as long as you generally tell the truth. In short, this represents an overturning not only of the teaching on birth control, but of the moral order in relation to every potential sin.

Once we accept the "totality" argument, then any individual acts are no longer sins, *per se*. As ridiculous (and un-Catholic) as that sounds, that is precisely what occurred when the "fundamental option" became the rage in moral theology. The only sin was to turn radically away from God, it was said. Individual actions such as lying, stealing, fornication, etc. were no longer seen as sins. So we see how a simple phrase like "the totality of married life" contributed to the loss of the very concept of "sin."

In our discussion of "responsible parenthood" we saw *Humanae Vitae* adopt the language of the Majority Report, so also in this section we can see that the encyclical agrees with the Majority Report's proposal that a "deeper understanding" should replace the "continuity of doctrine." In our prior comparison of the encyclical with the Minority Report we saw how the encyclical spent its first six sections discussing the new situation we are facing, the result of which should be what it calls "a new and deeper reflection upon the principles of the moral teachings on marriage," thus echoing the approach of the Majority Report while rejecting the reliance on "irreformability" which was the hallmark of the Minority Report.

With respect to the 3 arguments proposed by the Majority Report, we see that *Humanae Vitae* agrees with each in varying degrees. Regarding "regulation of conception," the encyclical is quite positive. It even placed the term in its title. (The title "*Humanae Vitae*" is merely the first 2 words of the Latin text, while the title applied by the Vatican is: "On the Proper Regulation of the Propagation of Offspring.") In Section 19 the Church tells the readers that it intends to "strengthen them in the path of honest regulation of birth, even amid the difficult conditions which today afflict families and peoples." Sections 20, 21 and 24 likewise make use of the phrase, "regulation of birth" which had been emphasized in the Majority Report. Thus we see former teachings of the Church regarding generosity, fruitfulness and reliance on Divine Providence transformed into a new policy which promotes the "regulation of birth" provided it be done by "proper means."

Which leads us to our next concept from the Majority Report, "decent and human means." Once again the encyclical adopts the basic concept, although in this case it does not do so blindly. *Humanae Vitae* is eager to promote "birth regulation" as long as it is done by the proper means. But while the Majority Report was satisfied to leave unstated the precise criteria for determining which means are "decent and

human," the encyclical is not nearly so negligent:

The Church is coherent with herself when she considers recourse to the infecund periods to be licit, while at the same time condemning, as being always illicit, the use of means directly contrary to fecundation, even if such use is inspired by reasons which may appear honest and serious.

A major emphasis of *Humanae Vitae* is to praise the use of "natural rhythms immanent in the generative functions" in order to limit procreation while condemning "artificial" methods of birth control. "The honest practice of regulation of birth" is promoted as a positive good. There remains a remnant of the prior teaching regarding the restrictions on use of even natural means, with references to "serious motives" and "plausible reasons," but Section 21 implies that the discipline of periodic continence can result in numerous advantages.

The result over the intervening years since the release of *Humanae Vitae* is that the practice of Natural Family Planning has come to be promoted as "Catholic birth control." Although the method differs from artificial birth control, the same goal and the lifestyle of family size limitation is often promoted. A noted Catholic priest and author has made the claim that conception of new life is inferior and even sub-human when not accomplished through Natural Family Planning. The derogatory term "providentialist" has become a label used by Catholic promoters of NFP to stigmatize those Catholics who still adhere to traditional Catholic teaching.

Thirdly let us see how the encyclical analyzes birth control within "the totality of the married life." Here the encyclical draws a line. It addresses the "principle of totality" at the outset of the encyclical and later is willing to accept a "correct understanding of the principle of totality." But in between it sets limits to the application of the principle. While it's true that *Humanae Vitae* once again follows the outline of the Majority Report, it refuses to accept all the conclusions and insists upon Catholic moral teaching in concrete applications:

To justify conjugal acts made intentionally infecund, one cannot invoke as valid reasons ... the fact that such acts would constitute a whole together with the fecund acts already performed or to follow later, and hence would share in one and the same moral goodness... Consequently it is an error to think that a conjugal act which is deliberately made infecund and so is intrinsically dishonest could be made honest and right by the ensemble of a fecund conjugal life.

The "principle of totality" can never encompass acts which are intrinsically evil, says the encyclical, unlike the Majority Report which extended the principle so far as practically to eliminate the concept of evil from individual acts. This was an important stand that put a halt to the rush towards "situation ethics" by Catholic moralists. *Humanae Vitae* insured that such views could not be presented as authentically Catholic.

However, it must also be recognized that the encyclical is happy to accept the "principle of totality" in relation to generosity and fruitfulness, provided that there are no individual actions which are "intrinsically dishonest." The encyclical takes a stance in agreement with the Majority Report's declaration, "The opposition is really to be sought between one way of acting which is contraceptive and opposed to a prudent and generous fruitfulness, and another way which is in an ordered relationship to responsible fruitfulness and which has a concern for education and all the essential human and Christian values." In fact, the Majority Report's two uses of the word "fruitfulness" in the above sentence are two more than you will find in the entirety of *Humanae Vitae*.

Majority Report: "Demographic Policy"

The Majority Report concludes with a section called "Demographic Facts and Policy," and based on the contents of the report so far, a reader might anticipate dire talk of overpopulation. Instead this section exhibits a generous Catholic spirit of appreciation for new life.

Here is an instance in which the Majority Report demonstrates more of a genuinely Catholic spirit than the encyclical. While *Humanae Vitae* worries that "Fear is shown by many that world population is growing more rapidly than the available resources, with growing distress to many families and developing countries," the Majority Report offers in contrast, "The increase of inhabitants cannot in any way be said to be something evil or calamitous for the human race." Ignoring the gloom and doom of papal documents like *Populorum Progressio* which is referenced in *Humanae Vitae*, the report finds satisfaction in increased populations, "The greater number of men pertaining to a certain nation and constituting the whole human race spread over the globe is the foundation of all social sharing and cultural progress."

Those who criticized *Humanae Vitae* for disagreeing with the Majority Report would have seen if they had read it more diligently that the encyclical actually goes beyond the Majority Report in support of some novel arguments, especially demographic ones, even if it did not agree with all the conclusions.

Concrete Moral Norms

Having seen some of the ways in which the encyclical *Humanae Vitae* followed the outline of the Majority Report while virtually ignoring the Minority Report, let us also point out some places where the encyclical diverged from the path taken by the Majority Report. The ultimate conclusion of the Majority Report comes down to this:

In fulfillment of its mission the church must propose obligatory norms of human and Christian life from the deposit of faith in an open dialogue with the world. But since moral obligations can never be detailed in all their concrete particularities, the personal responsibility of each individual must always be called into play. This is even clearer today because of the complexity of modern life: the concrete moral norms to be followed must not be pushed to an extreme.

The Majority Report never comes out and says that contraception is morally permissible. Instead it leaves the outcome in a fog of discreet ambiguity, proposing a "decision to be made by spouses about the number of children," while recommending "a more conscientious fulfilling of their vocation to fruitfulness in the consideration of a whole complex of values which are involved here."

It must be pointed out that *Humanae Vitae* refused to accept this ambiguity, and instead the encyclical proposed some of "the concrete moral norms" from which the Majority Report shied away:

It is not licit, even for the gravest reasons, to do evil so that good may follow therefrom; that is, to make into the object of a positive act of the will something which is intrinsically disordered, and hence unworthy of the human person, even when the intention is to safeguard or promote individual, family or social well-being.

The encyclical went beyond the Majority Report and took the additional step of firmly stating that artificial contraception is objectively wrong. One critical sentence more than any other distinguishes *Humanae Vitae* from the Majority Report:

Nonetheless the Church, calling men back to the observance of the norms of the natural law, as interpreted by their constant doctrine, teaches that each and every marriage act must remain open to the transmission of life.

A second sentence is equally clear,

Similarly excluded is every action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible.

One senses here the presence of the Holy Spirit preserving the Church from error. The essential truth remained firm, although it may have been surrounded by novel language and concepts that are not found in Catholic Tradition. We have much for which we should be grateful, although we must also recognize our obligation to continue working to restore the entire Tradition of the Catholic Church, in the moral realm by restoring the full teaching on marriage that was presented by the Magisterium over many centuries, as well as in the areas of liturgy, devotion, ecclesiology and the Kingship of Christ.

Conclusions

We can conclude that despite the statements of participants in the debate over *Humanae Vitae*, Pope Paul VI did not accept the Minority Report, nor did he reject the Majority Report, but in fact he accepted as much of the Majority Report as could be considered not in outright contradiction to defined doctrine, while incorporating virtually nothing from the Minority Report. Since the Minority Report consisted of the “What” and the “Why” of Catholic teaching over the centuries, this means that *Humanae Vitae* contains very little of the traditional Catholic teaching on the issues of marriage and birth control.

The Minority Report relied most heavily upon the issue of “irreformability,” predicting that any substantial change in a teaching which has been “proposed with such constancy, with such universality,” must lead to the inevitable result that “the magisterium itself will seem to be empty and useless in any moral matter.” While the word “prophetic” is often used to describe the encyclical *Humanae Vitae*, perhaps the Minority Report more accurately deserves that title. *Humanae Vitae*, although maintaining some of the ultimate conclusions, substantially altered the traditional teaching by wiping the slate clean of centuries of doctrine and then proposing an entirely new way to view marriage and procreation, and we have witnessed precisely the result that was predicted by the Minority Report: the magisterium has come to seem “empty and useless” in moral matters.

One might question why we should care about the type of arguments used in *Humanae Vitae*, and be tempted to make the claim, “As long as the law remains the same, the arguments used to support it are irrelevant.” There are several reasons why we should challenge this view:

1. For the past 35 years the Church has failed to convince even its own bishops and priests using the line of thinking contained in the encyclical. As far as convincing the lay faithful, she has barely even tried. The actual prohibition has been ignored and relegated to irrelevancy because it is clearly not in harmony with the ultimate destination of the line of thought expounded in the Majority Report, a line of thought with which *Humanae Vitae* claims substantial agreement.

2. For the teaching of the Church to be faithful to tradition and effective in instructing the laity, it must do much more than say, "Don't use artificial contraception." It must present an entire Catholic way of life. God did not say, "Thou shalt not use artificial contraception," He said, "Be fruitful and multiply." In the last year of his pontificate (1958), Pope Pius XII delivered a beautiful "Address to Large Families" which extols a genuinely Catholic family life. Thus we see an unbroken line of teaching lasting from Adam right up to our own lifetimes, a line which was not continued in *Humanae Vitae*.

3. The Church possesses an intellectual inheritance consisting of a coherent philosophy based upon a solid foundation of Natural Law, a foundation whose removal threatens every aspect of the Church's teaching. Liberal critics claimed with reason that the encyclical bypassed appeals to Scripture and Tradition while attempting to establish its teaching on a natural law basis, yet it did not offer coherent natural law arguments. Although these criticisms may have sometimes had less than sincere motives, in justice we must admit that they are valid. We have seen in actual practice the way in which the loss of credibility on this issue has undermined the Church's credibility on every issue. That historical fact is not in dispute. But the often-noted exterior and visible loss of faith in the authority of the Church is in reality the outward manifestation of a philosophical crisis.

4. "The salvation of souls is the ultimate rule." When we see hundreds of millions of Catholics rejecting this teaching of the Church and falling into a state of mortal sin that leads to eternal damnation, how can our hearts not burn within us with zeal to save these unfortunate souls? When millions of Catholics stand upon the edge of the precipice ready to fall over into perdition, *something* must be done to save them; we cannot claim to be satisfied with the *status quo*. Although we say that the circumstances demand drastic action, they can never demand anything immoral or un-Catholic, no matter what outcome we desire. But could there possibly be anything immoral or un-Catholic about returning to Tradition? Could it be immoral or un-Catholic to teach what St. Paul taught, what St. Augustine taught, what St. Thomas Aquinas taught, what Pope Pius XI taught? Would not, in fact, a return to Tradition be the only moral and Catholic course of action, and the only course of action with any hope of success for the salvation of souls? "Oh Lord, grant that they may quickly return to their Father's house lest they die of wretchedness and hunger."