

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

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

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

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

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

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

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State of the Question

More on the Council and Contraception

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The final document, therefore, as

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

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

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

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

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

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

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

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

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

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

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

Toward the end of the Council, in

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

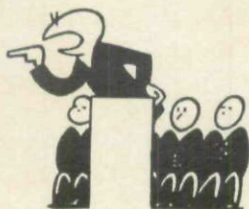
In other words, he spoke of the questions still being studied in terms compatible with the idea of "witness, growth, explanation and application." But he spoke of the teaching of Pius XI and Pius XII on conjugal chastity in terms incompatible with the idea of radical revision.

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

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

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

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



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

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

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

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

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