The Papal Commission on Birth Control—revisited

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The Papal Commission on Population, the Family, and Birth-rate met in Rome from 1963 to 1966. After these years of deliberation a Majority Report, written by Rev. Henri de Riedmatten, O.P., Chairman of the commission, counseled that the received Catholic and magisterial teaching of Casti connubii on the immorality of contraception be changed. Dr. Germain Grisez and Fr. John C. Ford opposed this decision and issued a Minority Report which basically was ignored by the secular press. In 1968, Pope Paul VI issued his most famous encyclical Humanae vitae, reaffirming the traditional magisterial teaching. In 2011, 44 years later, Dr. Grisez released several documents relating to these events. Following an Introduction, the author divides the work into four sections. First, the paper addresses the four part "materials prepared for Cardinal Ottaviani." Next he develops the contribution of Karol Cardinal Wojytla et al. Concerning the principles of conjugal life in 1966. Finally he provides a conclusion as to how the above topics promote natural family planning (NFP) and the constant teaching of the Catholic Church; then an addendum.

Keywords: birth control comission, majority report, minority report, natural family planning

Introduction

Pope John XXIII convened the Papal Commission on Population, the Family, and Birth Control in 1963. Originally, he appointed six members to the commission; shortly thereafter he expired. When the conclave elevated Paul VI to the papacy he continued the commission's work and ultimately expanded it to seventy two members, including not only clerics and theologians, but also medical physicians, sociologists, psychologists, and lay people.

In 1960, the birth control pill had been released for use. In retrospect, at that time a question existed as to whether the birth control pill was a true contraceptive in that it separated temporally the

ingestion of the pill and the coital act which no other method of birth control did. Another major question the commission faced was whether the teaching of Pius XI's *Casti connubii* was reformable or irreformable.

Of course, 2 years after the commission completed its work and issued its final report, which became known as the "Majority Report," Pope Paul VI issued his most famous encyclical, *Humanae vitae* on July 25, 1968, completely rejecting the advice of the majority of those who served on the Papal Commission, and upholding the teaching of *Casti connubii*. Thus Paul VI upheld the constant magisterial teaching of the Catholic Church regarding the moral evil of artificial birth control.

At the time the commission met (from 1963 to 1966) the Moral Theologian, John C. Ford, S.J., with the collaboration of Dr. Germain Grisez authored a "minority report" which upheld the constant and unequivocal teaching that the use of artificial birth control is morally an intrinsically evil act. This minority report, while leaked to the world, was blown away by the howling winds of the secular press which supported the change.

Fast forward 44 years. In 2011, Dr. Grisez decided to release several documents relating to these times and events. He stated that his reasons for doing so were twofold. First, he never considered them to be secret and secondly he believed that after all this time these documents could not hurt the Church and very well might do her good. (One finds these documents at http://www.twotlj.org/Ford. html and then click on articles in red.)

The list comprises eleven documents. The tenth document, divided into four parts, is titled Materials Prepared by Ford and Grisez at the Request of Cardinal Ottaviani, Parts I through IV, and were completed in the summer of 1966. Cardinal Ottaviani passed these documents through to Paul VI who used them in the preparation of Humanae vitae. This paper will focus on these four parts of the tenth document, as they demonstrate unequivocally the position of the minority group on the questions under consideration by the commission. The documents, however, do pose a problem in that they are not only in English, but others also in Latin, Italian and even French. But there are enough of the various texts in English to provide the uninitiated valuable insights.

PART I

To set the stage it would be well to quote in its entirety the opening paragraph of Dr. Grisez's comments in Part 1 which sets the tone of their position.

A person rendered unconscious by a sudden and unexpected blow awakens very often with a question on his lips: "What happened? What hit me?" In a similar way one who reads the Rapport Final of the Pontifical Commission for the study of the problems of Population, Family and Birth-rate will rub his head and wonder: "What is happening to the Church? What is hitting us?" One knows that the experts and members of the Commission are intelligent, sincere and good men and that they have worked long and devotedly in an effort to fulfill the Holy Father's request for advice. How could these persons, including the vast majority of the non theological experts, a substantial majority of the theological section, and a solid majority of the Cardinals and Bishops—How could they have come to this conclusion? [emphasis in the original]. This memorandum tries to answer this question by supplying a sketch of the occasion and the underlying reasons for the conclusion.

Dr. Grisez collaborated with Father John C. Ford, S.J., one of the eminent moral theologians of the twentieth century. Born in 1902 Fr. Ford joined the Society of Jesus in 1920 was ordained in 1932 and earned not only a S.T.L. but also a S.T.D. During the 30s, 40s, and 50s he taught Moral Theology extensively in several institutions in Rome and the US. In 1964 Pope Paul VI appointed him a member of the Papal Commission on Population, the Family and Birth-rate and it was in this capacity that he and Dr. Grisez collaborated in composing the four part Materials Prepared by Ford and Grisez at the request of Cardinal Ottaviani. Fr. Ford died in 1989 but not before being awarded the Cardinal O'Boyle Award for the Defense of the Faith by the

Fellowship of Catholic Scholars at Boston, Mass. on September 24, 1988.

Ford and Grisez titled Part 1 of the materials as a "Memorandum Concerning the Mentality of Those Who Would Approve Contraception." Dr. Grisez was its primary author and he approached the problem through many concepts which explained the thinking of the majority.

The majority found no single mentality satisfactory to substantiate their position of accepting contraception. Their theological and ethical theories differed considerably and sometimes were contradictory with one another while they tried to develop a theory of a "responsible procreative community."

Dr. Grisez's Comments on the Opinions of the Majority

- (a) Sociologic factors; that family limitation is necessary.
- (b) Opinion that morality should be a matter of personal responsibility.
- (c) Emphasis on conjugal love; abstinence is unreasonable and harsh; e.g. love = the sexual act.
- (d) Development in methods; infertile period vs. new methods of contraception e.g. "the pill."
- (e) Spirit of the (Second Vatican) Council; promising "great change."
- (f) Lack of understanding of conjugal chastity; and its necessity according to the natural law.
- (g) Inadequate arguments as to why the Church teaches what she does.
- (h) Prolongation of the debate; the impression that contraception was about to be approved.

All of the above led to confusion on the part of the faithful while those in favour of change received virtually unlimited publicity. The majority even brought Pius XI's solemn encyclical *Casti connubii* into

question and left the impression that *Casti* connubii was (1) either infallible, (2) not infallible but true, or (3) not true.

THE ARGUMENT OF THE MAJORITY

- (a) History is fundamental and the dialogue must be between the Church and the world.
- (b) Sexual abstinence in marriage is impossible or undesirable.
- (c) Contraception attacks no real value but only a biologic process.
- (d) When contraception contributes to the marital good on the whole it becomes allowable. The total orientation towards the "responsible procreative community" determines the moral quality of contraceptive acts.
- (e) Contraception is good because it is in accord with love.

There follow seven pages of theological, philosophical, and psychological musings and materials to support (a)–(e) above.

PART II

Part II, written by Fr. Ford is primarily in Latin but there a few pages which give a clear idea of his thinking. He titled one section, in English: *The Inadequacy of the Statement of the Issue in the Rapport Final*. In this section he expressed the following in his criticism:

- The issue concerns the repudiation of the traditional teaching as solemnly proclaimed by Pius XI and Pius XII.
- 2. A better development of the virtue of conjugal chastity is necessary.
- 3. More compassionate pastoral norms are needed.
- 4. An effort by the Church, itself, towards perfecting further the use of the infertile period.

- 5. What is needed is a reaffirmation of the teaching that is clearer, firmer, and more helpful in its instruction.
- 6. The minority would agree with Pius XII when he said: "this precept is as valid today as it was yesterday and it will be so tomorrow and always, for it is no mere prescription of human law but a precept of law which is natural and divine."

Furthermore, in Part II Fr. Ford authored an article that the magazine *America* published on April 16, 1966, and titled "More on the Council and Contraception." On page 554 of this article he quoted the following:

accordingly, the moral character of the conduct, when there is an issue 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 whole-heartedly. 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 the explanation of the divine law.

It goes without saying that Paul VI in *Humanae vitae* used this position as one of the basic teachings of the Catholic Church.

PART III

Fr. Ford and Dr. Grisez titled Part III of their efforts *The Church and Contraception*. It consisted of thirteen questions which they asked and proceeded to answer each of which on one sheet of paper. These questions follow along with a short synopsis of each.

#1 In which historical perspective are the facts more intelligible to a Christian? Those who favour contraception say the Church Fathers who rejected it were influenced historically by pagan philosophy who, as heretics, repeatedly attacked procreation (cf. #11 below). The present crisis and dispute has been necessary to awaken us, to force us to go forward towards the fulfillment of the Christian ideal of marital love and conjugal chastity.

#2 Does realism demand the approval of contraception? The majority believed it is inevitable and necessary. It will be practiced. Non-believing humanists and the Protestant faithful promoted this thinking.

#3 Should the Church accept contraception to meet the population problem? The Church never condemned contraception for demographic reasons but rather because it prevented "the beginning of the life of a new person." Gaudium et Spes #87 refers to the "solution" imposed by governmental authority. The Church could support research into the perfection of the use of the infertile period that promotes authentic conjugal love.

#4 Is coitus necessary for conjugal love? Coitus does not always express or cultivate love though that is the ideal. Coitus can be mutual exploitation as well as mutual self-donation and can be contrary to self mastery and the virtue of conjugal chastity which is necessary to sincerely cultivate.

#5 How does eroticism differ from true sexual love? What is truly necessary is the sincere cultivation of chastity, a virtue which integrates sexuality into Christian marriage and family life. This virtue develops not without effort, education, grace, and confidence in God.

#6 What does contraception really attack? A person who wishes to prevent the beginning of the life of a new person must interfere in some way with the normal generative

process. Thus to prevent conception is to prevent a person—to prevent a person from coming to be in the family of man, to push away the finger of God lest His touch give life. *That is what contraception really attacks*. (Underlining in the original)

#7 Does personalism require contraception? Christian personalism is anti-egoistic and anti-dualistic. The human person is a body. To violate the biological relationship therefore is to violate a personal relationship while to engage in conjugal intercourse is to enact a sacred symbol.

#8 Is conjugal intercourse essentially different from what it used to be? The majority on the commission seem to be saying that conjugal intercourse is not the same today as it was in all the previous centuries as do the majority of Protestant Theologians in the 20s and 30s, but they do not say how. On the other hand, Pius XI in Casti connubii, Pius XII in 1951 and John XXIII in Mater et Magistra maintained there is no difference.

#9 Does contraception differ essentially from the use of the infertile period? Quoting this question directly we read: "it has been said that a couple who use the infertile period have intercourse at that time precisely to prevent the beginning of a new life. Their positive means are the use of a thermometer and the charting of temperature. But this objection is nugatory. Having intercourse during the infertile period does not prevent the beginning of a new life; the couple do not have intercourse to prevent conception but for the sake of some other good. The "pill" or some mechanical or chemical device does prevent conception, but these are not themselves the conjugal act. Rather they are interventions in the conjugal act. Using a thermometer *does not prevent* conception. The couple who use the infertile period do nothing that would deprive even a single conjugal act of its power of generating a new life. Thus, while a couple may avoid

conception *by omitting* to have intercourse during the fertile period, they may not [deliberately] *prevent* conception."

#10 Why must a sterile couple respect the integrity of the conjugal act? A sterile couple is required to maintain the integrity and dignity of the marital act as traditional Catholic thought always considered contraception against personal dignity as does artificial insemination. The attack on the integrity of the conjugal act was seen as a perversion. The meaning of the marital act is willed by God and by nature and because of this a contraceptive act is not a marital act.

#11 Is the majority position consistent with itself? The majority theologians argued that contraception is an act in itself morally indifferent because man has dominion over nature. This view is similar to the attitude towards the human body and human sexuality one finds in Gnosticism, Manichaeism, and Catharism as well as in modern Puritanism. Further they argue that the principal of totality can be applied.

#12 Is contraception justified by the total good of the "responsible procreative community?" The majority is proceeding on the assumption that the single contraceptive act is morally indifferent and receives its morality from the motives of those engaging in it. But the end does not justify the means. The main ethical objection to contraception is that it is incompatible with a right will and involves in every case an overt choice and act, whether that act is performed 5 min, 5 h, or 5 months before the conjugal act. Thus the contraceptor sets his will against the good of the beginning of the life of a new person.

#13 How can so many be in error in thinking that contraception is licit? Many people, even priests, theologians, and even certain bishops believe that contraception should be morally allowable. Further, non-believers hold an entire world view and accept humanist views. The media, additionally, kept fanning the flames of

change to accept contraception. Of course the alternative to contraception is abstinence which means practicing the virtue of chastity. The issue is one of faith—whether grace is really sufficient.

PART IV

Part IV consists of five pages of reflections by Dr. Grisez on the "Schema Documenti de Responsabili Paternitate" followed by thirteen pages in Latin by Fr. Ford on the "Relatione Finali"—the Final Report. In addition, there are several pages dedicated to Dr. John T. Noonan's discussion on the early Church's injunction against usury and how that changed to justify a similar course regarding the practice of contraception.

Dr. Grisez's Five Pages

- 1. Dr. Grisez writes that it would be well to establish a new office within the Vatican to (a) study how the virtue of chastity can be more generally and more perfectly achieved and (b) to study the perfection of the use of the infertile period including actual scientific research to this end.
- 2. With respect to government intervention, Dr. Grisez maintains that the document is very weak in that (a) it does not forbid governments from offering abortion and sterilization and (b) only makes a vague allusion to "jura parentum circa procreationem et educationem." Further, there is no demand that governments should offer morally acceptable means including the teaching of the use of the infertile period. Government intervention is dangerous also because it could promote methods which are probably abortifacent.
- 3. The Schema Documenti argues that the solution to the problems of married

- couples is contraception. But the whole of Catholic sexual and conjugal morality is not structured to accommodate the approval of contraception and if approved would impose a severe strain on Catholic and conjugal morality. Further the experience of Protestants who have accepted contraception suggests strongly that this "solution" would be a losing battle and new programs for the aid of marriages that are breaking up would be necessary.
- 4. The majority opinion is that (a) that man's dominion over nature is primary and (b) the command to increase and multiply is secondary. This represents an inversion of Holy Scripture. Further, the majority seems to look upon the sexual characteristics of man and the human faculty of reproduction as a mere part of the earth which is to be subdued.
- 5. The chief argument of the majority in favour of contraception really has been that abstinence is too difficult for a married couple and that it is wrong to expect heroism of the average person; that Christians may rightly consider themselves dispensed from any precept they find too difficult to fulfill.

Fr. Ford's Thirteen Pages

Fr. Ford, in his comments in Latin, maintains that the Majority Report is deficient in making the case for the acceptance of contraception and that these are strange opinions on the part of the majority; that once one accepts contraception as valid morally, it becomes easier to admit abortion, sterilization, infanticide, suicide, mutual masturbation, or any other evil. In other words, it would put the Church on the slippery slope. We are merely supporting the reasonableness of the teaching of the Magisterium and the Church's teaching from the beginning.

ARCHBISHOP KAROL CARDINAL WOJTYLA'S CONTRIBUTION

In 1966 Karol Cardinal Wojtyla and a group of moral theologians in Krakow, Poland wrote a treatise "Concerning the Principles of Conjugal Life" (Karol Cardinal Wojtyla et al. 2012). While extensive, it outlines in great detail the current teaching of the Church and Paul VI's *Humanae vitae* and is neatly divided into topics and subtopics which simplifies the understanding of the work.

It begins with The Natural Law as the Foundation for the "Condemnation of Contraception by the Magisterium of the Church" pointing out that there are Moral Theologians who would defend contraception, and those who would uphold the traditional position. They then list some conclusions of the above based on the Natural Law.

Next they discuss the "Principals Governing the Development of a Theological Thesis on the Question of Contraception." To this end, they point out that the Church has the right and the duty to so ordain, as it involves the objective Moral Order and is a product of the Ordinary Magisterium which can rule infallibly. Then they ask is the teaching changeable or unchangeable and point to Casti connubii of Pius XI, the allocution to midwives of Pius XII, and John XXIII's Mater et Magistra. They thus reach the conclusions that: (1) the Church condemns contraception, (2) the teaching is consistent, (3) a norm of the natural order, and (4) it is objectively certain.

The group then proceeds to assert "The Justification of the Church's Condemnation of Contraception." This leads to a discussion on the human person, his/her dignity and flourishing as a creature of God who belongs to the world and all that that entails; that the power of transmitting life is a gift of God; that the

dignity of the human person precludes that he/she never be treated as an object; that persons are called to develop and perfect themselves as one goal of living.

Next the group discusses "conjugal love and the good of the family." The virtues of justice and love govern relations among persons and require the cultivation of the virtue of chastity requiring self-mastery, self-gift, and disinterestedness which lead to generosity, patience, self-control, and sexual maturity.

"The equality of man and woman in marriage" occupies the next subject of discussion. They are equal in dignity, equal in the right of contracting marriage, but also marked by the differences in the spouses. They are fully equal in their right to their own vocation. Their sexual difference does not justify burdening either of the spouses with a greater responsibility. Man and woman obviously differ in their sex and pregnancy and childbirth are uniquely a burden for the woman and should cause the man to accept a greater responsibility. Contraception makes no contribution to the woman's personal rights and if used she becomes the occasion for the male's enjoying pleasure and can lead to sexual slavery.

The Consequences of Original Sin; "This interior disorder (Original Sin) is evident in the realm of the sexual instinct which is, without doubt, one of the strongest of human instincts."

The number of children called into existence cannot be left to chance and among other things must be in accord with the divine law as expressed by the Magisterium of the Church and requiring objective criteria, generosity (*Humanae vitae*, n. 10), and the practice of marital chastity. The Documents of Vatican II project a deeper and more detailed teaching on the motives for responsible parenthood. Vatican II states that any intervention in the structure of the coital act results in its truncation and

does it violence. Each person is called to seek maturity and grow towards perfection. This can demand outstanding courage for its constant fulfillment and abstinence from the act when love demands it.

The solution stems from the fact that it is possible to regulate births by abstaining from fertile conjugal acts. In short a medical conclusion has been reached. Medically speaking we have today a method of spacing births which is unobjectionable and voluntarily practiced and consists in abstaining from conjugal relations during the fertile phase of the woman's menstrual cycle.

Some people believe that methods using periodic continence are contraceptive, e.g. differing only in a time constraint. But by using a contraceptive one demonstrates an unwillingness to give up genital intercourse at any time. Further, sexual relations on infertile days are normal and willed as such remaining respectful of the dignity and full meaning of the sexual life. Recourse to contraceptives is often the result of an inability to overcome impulses. Therefore, continence is a condition of psycho-sexual maturity while abstinence can be a sign of truly mature love.

Pastoral problems come under three headings: (1) Education (2) Pastoral Matters, and (3) The Laity. Education must be informed by respect for the other, respect for the body, and respect for the realities of sex, especially in speaking to young people while classes for marriage preparation are extremely important. With respect to Pastoral Matters the ministers of the Church must inform the faithful about the principles of morality and also all the means of facilitating moral behavior in life. The laity has a primary and irreplaceable role in introducing a regulation of births worthy of the human person. A special role belongs to doctors, nurses, and midwives.

Conclusion

What does all of this have to do with Natural Family Planning? One might validly ask such a question. Given the above, it becomes clear that the Magisterium does not oppose family planning. The Church teaches that the chosen method hold the power of our fertility in profound dignity and respect in the practice of some modern method of natural family planning. Further she teaches that no kind of intervention may be introduced into the coital act. This eliminates, therefore all artificial methods and promotes the virtues of chastity and periodic continence. The selections cited above demonstrate that methods were then available which held the Natural Law in the kind of dignity and respect our sexuality deserves. Interesting to me as a physician and clinician is that these documents refer frequently to the "temperature test" referring to the fact that post-ovulatory infertility can be confirmed by the rise in basal body temperature. However, there is not one mention, in any of these materials, of the role which cervical mucus plays in defining the limits of the fertile phase of a woman's reproductive cycle; not only post-ovulatory but also pre-ovulatory. Of note also is that Dr. John Billings began his development of the Ovulation Method in 1953 and by 1964 had published his first edition of his "Ovulation Method." Why the omission of these significant observations is lacking in these 1966 papers escapes me. Admittedly, NFP is just a tool. But it is the virtues and values which it teaches experientially which promote its use.

ADDENDUM

In June 1978, one month prior to the tenth anniversary of *Humanae vitae*, Ford and Grisez (1978) authored an article,

based on Lumen Gentium, n. 25, that, to say the least, brought the argument to the surface. Although the article received little attention the first two sentences in the last paragraph read: "our final conclusion is this. We think there is an extremely strong case for the position that the received Catholic teaching on the immorality of contraception has been infallibly proposed by the ordinary Magisterium" (p. 312). Given this position, is not it time for Catholic physicians to bite the bullet and start recommending NFP only in their practices, especially since the many dangers of the oral contraceptive are known? (Peck and Norris 2012) For those who might have more interest in these matters one might suggest that he/she delve into the original articles themselves.

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BIOGRAPHICAL NOTE

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