

HOW TO THINK ON THE "HUMANAE VITAE" AND ITS OBLIGATION ON CATHOLICS

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Pope Paul's recent Encyclical *Humanae Vitae* reiterating the condemnation of all artificial contraceptives, including the anovulant pill, has, if one believes press reports, triggered off a worldwide spate of controversy. The Holy Father himself had foreseen that his decision would be met with criticism and rejection. The hostile movement of dissent, if one is again to believe the press, is spear-headed by priests and theologians. All of which leaves the Catholic layman, quite understandably, confused.

Are all Catholics bound in conscience by the Encyclical? Can you explain to me the reason given by the Pope for his decision? These are the two questions that plague the layman most of all.

In writing these comments, let me state at the outset that I have no wish to engage in controversy. I do not wish to prove anyone wrong, nor do I wish to add fuel to the fire. I have no intention of generating more heat, but I do wish to generate a bit of *light* to dispel the confusion.

To say that I have no wish to engage in polemics does not require me to straddle the fence comfortably. To say that I don't intend to prove anyone wrong, does not mean to say that I do not intend to arrive at any conclusions. That would be sheer waste of time and lack of considerateness for my readers. I do mean to arrive at some conclusions and to persuade the reader that such conclusions are reasonable, or even more reasonable than their opposites. But I mean to accomplish this without engaging in polemics.

The title — *How to think on the Humanae Vitae and its obligation on Catholics*—expresses with precision my purpose, which is not

to tell the reader *what* to think, but to show him *how* to think. This will involve testing contrary statements together with their presuppositions and implications. By doing this, the reader will learn *how* to pick his way through the maze of controversy. If he succeeds in doing this, he will find that he has arrived at formulating certain tenable conclusions, just as the man who succeeds in picking his way through the woods finds that he has finally arrived home.

The procedure suggested just now involves three stages. The first stage is to establish the areas of agreement between those who are against and those who are for the Encyclical. I shall call the former *dissenters* and the latter *assenters*. In the press they are respectively identified as *liberals* and *conservatives*. However, since *liberal* usually evokes approval and praise, while *conservative* usually brings disapproval and opprobrium, if we are to pursue our quest dispassionately with an eye to sober truth, I think it wise to avoid these and other similarly emotionally loaded terms, which are liable to becloud the issues and sway the judgment of reason.

Knowing the things on which people agree serves to eliminate the issues on which they falsely seem to disagree, and to define the issues on which they truly disagree. Often people debate mightily over things on which they would find themselves in agreement, if they cared to scratch a little below the surface, or they waste their effort over issues that are not really pertinent to the problem at hand. Clear thinking requires that we eliminate pseudo issues and pseudo conflicts from the start to enable us to concentrate on the real issues and conflicts. This constitutes the second stage.

The third stage brings us to the resolution of the conflict. A debate can be conducted reasonably only if there be some common ground between the disputants and the point at issue is clearly defined. The conflict can then be resolved by appealing to some principle or criterion on which both sides agree and showing the conclusions or implications to which both parties are logically committed by virtue of the ground on which they commonly stand.

This procedure is not polemical, since its focus is not on the disagreements (although it does not gloss these over), but on the agree-

ments. It generates light because it resolves the conflict and reconciles the disputants by shrinking the area of disagreement through the broadening of the original area of agreement.

In short, I aim at clarifying for my readers the implications to which they are necessarily committed by the positions they take whether for or against the Encyclical. Every clear thinking and reasonable man should be explicitly aware of the positions to which he is committed in upholding a certain view or opinion. To the extent that I succeed in my aim, I shall be offering my readers the opportunity and the means of reviewing their ideas if they find that some of their current views are inconsistent with other things that they hold to be true or reasonable.

Let us now begin with the first problem: Are all Catholics bound in conscience by the *Humanae Vitae*? Following the method just outlined, let us first find the grounds common to both dissenters and assenters.

AREAS OF AGREEMENT

1. The problem of birth control was one of the most important items on the agenda of Vatican II. Pope Paul VI took it out of the deliberations of the Council and announced that he was reserving the decision on the matter to himself alone. No one raised a protest. Both dissenters and assenters agreed on having the Pope have the final say on the burning problem. This could only mean that both sides agreed on the principle that *the Pope had the final authority in the Church to decide the question one way or another.*

It is further interesting to note that at the time no reservations were raised by either side against the Pope's future ruling. If my memory serves me right, no one made the reservation that the Pope's decision would be acceptable only if it conformed to the sentiments or opinion of the majority. Nobody proposed that the Council reserve the right to review the Pope's decision, if it proved unpalatable. No reservations tending to limit or curb the Pope's supreme authority were made at the time.

Each of the contending parties was supremely confident that its position was correct, yet they both agreed to submit their positions for final review and decision by the Pope *without reservations.* This could

only mean that the Holy Father's supreme authority in faith and morals was accepted without reservations by each and every one. After all the principle that the Holy See holds the *Primacy of authority* in matters of faith and morals is a basic article of Catholic belief.

2. Both dissenters and assenters further agree on the principle that the Pope possesses not only supreme, but also *infallible* authority in matters of faith and morals. For instance, a declaration reportedly signed by leading American Catholic theologians states that a Catholic may reject it and still remain within the Church precisely because it is not an infallible pronouncement. The implication is that, although it is not, it could very well have been an infallible papal pronouncement.

Needless to say, all Catholics are agreed on the principle of papal infallibility. After all, it is a dogma of faith solemnly defined by Vatican I.

3. Similarly, all Catholics concede, both dissenters and assenters, that papal authority and papal infallibility are *divine*, that is, that their immediate source is none other than God.

It is easy to see this with respect to infallibility. Men are fallible; consequently, the proper root of papal infallibility cannot be the faithful themselves, but only God, who is essentially infallible.

With respect to papal authority, we should recall to mind the distinction between the *man* and the *office*. Papal authority is vested in the Pope, but it is a prerogative, not of the man, but of the office *viz.* of the *Chair of Peter*. Men elect the man who is to sit on the Chair of Peter, but the Office of the Papacy, the Chair of Peter has not been instituted by men, but by Our Lord Jesus Christ, the Son of God. The Office of the Papacy is not like the Office of the President of the Philippines. The Filipino people not only elect the man who is to hold the office, but they are also the authors or of institutors of the Office of the President of the Philippines through their constitutional delegates. Thus, the immediate source of the authority of the Office of the President of the Philippines is the Filipino people. Not so with the Papacy: it was not instituted by either the Church or the faithful, but by Christ Who entrusted the care and the rule of His flock to Peter.

4. When the dissenters affirm that Catholic may disagree with the *Humanae Vitae* and still remain within the Church precisely because it is not an infallible pronouncement, they imply that no Catholic may disagree with an infallible pronouncement and still remain within the Church. In other words, even the dissenters affirm that an infallible papal pronouncement binds each and every Catholic in conscience, so much so that any Catholic who deliberately repudiates it has no option but to renounce the Faith and leave the Church.

Dissenters and assenters then both agree on the principle that the exercise of infallible Papal authority binds all Catholics in conscience.

5. Now, it is a well-known fact that since *Humanae Vitae* was published, numerous dissenting voices were raised around the world by both clergy and laymen alike. It is also common knowledge that Pope Paul has received calmly and mildly all criticisms levelled against his decision, including those couched in intemperate tones. It is a matter of record that the tenor of the Encyclical makes no claim to an infallible pronouncement. Neither does the Holy Father hurl *anathemas* or threaten *excommunication* against any of the dissenters, nor has he declared them guilty of *heresy*.

In other words, *the Pope has neither explicitly nor implicitly claimed to be making an infallible definition.* This is, then another point of agreement: *Pope Paul VI did not choose to exercise his infallible authority.* He could have, but he did not. This is not a matter of principle, but a historical *fact*.

To summarise briefly: Both dissenters and assenters concede the following principles: the Pope is personally vested with supreme authority over the whole Church; this authority is divine, and in certain cases infallible; where infallible papal authority is involved, it is binding in conscience on every Catholic.

There is also consensus on the fact that in the *Humanae Vitae* the Pope did not exercise his infallible authority.

The Pseudo Issues

With these areas of agreement clearly in mind, it should now be possible to rule out certain false issues that only sow confusion.

1. Let me refer again to the manifesto that declares that, since *Humanae Vitae* makes no infallible pronouncements, any Catholic is free to reject it and still remain within the Church.

The issue implicit here is that the assenters contend that *Humanae Vitae* is binding on every Catholic to such degree and extent that rejection of the Encyclical necessarily entails rejection of the Church itself.

That this is a false issue is obvious from the 5th point of agreement. The assenters concede, unless they wish to be more poppish than the Pope, that infallible authority is not involved in *Humanae Vitae*. They also concede that neither heresy nor excommunication are involved. Hence, Catholics who repudiate the Encyclical are not guilty of heresy, which would place them outside the Faith itself. Nor are they liable to excommunication, which would throw them out of the Church.

Consequently, there is no disputing the fact that a Catholic may reject the Encyclical and still remain a Catholic. This is not a point at issue, since both sides concede it.

2. There is also the charge that in forbidding and condemning all kinds of artificial contraceptives, specifically the steroid anovulant pill, the Pope had unipersonally reversed the majority opinion of his own Commission of experts.

The issue implicit in his charge is that Pope Paul was bound to follow the Papal Commission's majority opinion. And by being bound I mean that the Pope had no right or authority to disregard, much less to reverse, the opinion of the majority.

Now one can hold this view only if one is unmindful of both a principle and a fact.

The principle is one conceded by all, viz. that in the Church the supreme authority is held by the Pope, and not by any Commission created by him. No body created by papal authority can either have more authority than the Pope, or have authority over the Pope. The reason is clear: a body created by the Pope derives its authority, purpose and scope from the Pope's authority; hence, it can neither have more authority than, nor authority over, the Pope.

The fact is the historical fact that the Papal Commission created by John XXIII and subsequently expanded by Paul VI was simply a

consultative or *advisory* Commission; it was not created to decide, but to *advise* the Holy Father, on the question. In the words of Pope Paul VI, the Commission's purpose and scope was "the gathering of *opinion* . . . and furnishing opportune elements of *information*" to the Magisterium. (*Humanae Vitae*, no. 5; underscoring mine).

But the reader may insist. Granted that the Pope was not bound to follow the majority opinion, was it not more reasonable for him to adopt it? They were all experts. Twenty pairs of eyes see better than one. What makes the Pope think that he alone is in a better position to see the truth than all the others?

The honest answer to this is that if we consider the Pope on the same level as his advisers or experts, that is to say, on a purely human level, pitting his purely human mind against the human minds of the others, it would not be reasonable to argue that he alone was in a better position than all the others. Even if one were to admit, as I think one ought to, that finding the truth is not a matter of counting noses democratically, that would only mean that the majority opinion is not necessarily the true one, but it does not by any stretch of the imagination mean that the minority is in a better position to arrive at the truth than the majority.

What, then, puts the Pope in a better position? Only one thing: the *divine assistance* promised to him in virtue of his office, but not to his advisers.

Here the reader might insist: All right, if the Pope has divine assistance, what need has he of advisory Commissions? If he has God's help, surely he can dispense with all human help.

The answer to this requires the distinction between *divine revelation* and *divine assistance*. By revelation God tells man the truth, man has nothing to do but listen. In the case of mere assistance God does not tell man the truth; He only infuses light into his mind to enable him to find and recognize the truth. Since man is not simply told the truth, he has to exert effort, research, gather material, study, evaluate and judge, but divine light will be there to help him in evaluating and making his judgment. Since the Pope was guaranteed, not revelation, but simply divine assistance, if he is not to be recreant to his duty, he

cannot afford simply to wait to have the truth revealed to him. Instead, he must do his homework diligently, that is to say, research, consult, study, in short, employ all human means at his disposal in the search for truth, but comforted with the knowledge that in all these indispensable human endeavours God's helping hand is there to shore up his human deficiencies.

Now we can understand why the Pope creates human commissions to help him. They are part of the human means available at his disposal, part of doing his homework is to listen to sage and expert advice. Yet it is the Pope alone who has been guaranteed divine assistance in judging and recognising the truth in all material turned up by human study and research. This is the reason why the Pope is called on to deliver his personal judgment on the matter. This is a task that he cannot delegate to others. Whatever opinions and views are arrived at by others commissioned by the Pope, all such opinions and views are to be submitted finally to the personal judgment of the Vicar of Christ.

Now the reader will understand why the Pope writes: "The conclusions at which the Commission arrived could not, nevertheless, be considered by Us as definitive, nor dispense Us from a personal examination of this serious question..." (*Ibid.*, no. 6)

It is this divine assistance guaranteed to the Pope in the ordinary discharge of his Pastoral Office that is the foundation of the Catholic belief in the infallibility of the Ordinary Magisterium. It is precisely *this divine assistance which gives the Pope his advantage over others*, no matter how much wiser and more expert they may be.

3. Then there are many who assert that the licitude or illicitude of the pill should be left to the individual consciences of the couple concerned. This is a crisis of conscience and a crisis of conscience can be resolved only by the conscience concerned.

If a man did something which he sincerely thought was wrong, he would be guilty of wrongdoing, even if perchance the thing done was the right and proper thing to do. Again, if a man did something truly wrong but in the sincere belief that it was the right thing to do, he would not be guilty of wrongdoing either. Does this not mean that

the only thing that matters is a sincere conscience or sincere belief in the rectitude of what one is doing? Does this not mean also that if a Catholic couple sincerely believes that in their particular situation it is all right to take the pill, then they may do so despite the Pope's decision to the contrary?

What are we to say of this position? I think that it contains a part of the truth, but not the whole truth. The crucial term here is the term *sincere*.

When is a belief truly and honestly sincere? When a man holds it simply because he wants to? I would say that such a belief is best described by the term *arbitrary*, not by the term *sincere*.

The least we can say of a sincere belief is that a man holds it because he is convinced or persuaded of the thing he believes in. In other words, it is grounded on *reason sufficiently solid* to command conviction or persuasion. Otherwise we are back at arbitrary belief.

When a man present reasons or arguments for his belief, he does so in the confident that his reasons can be scrutinised and tested by minds other than his own. To say that the reasons you present can be tested by other men is the same as saying that your reasons are subject to *objective* criteria, tests or norms. In short, a sincere belief, far from being purely subjective, requires *objectivity*. Without objective grounds or guarantees, sincerity degenerates into pure and simple arbitrariness.

If men are to behave reasonably, they must be able to say *why* they behave as they do, they should be able to *justify* their behaviour. But the moment they say why or attempt to justify themselves, they are giving objective grounds for their conscience. Hence, the *whole* truth in this matter is that the only adequate and sufficient rule for right moral behaviour is the *individual objective conscience*. By *objective* conscience I mean a judgment or belief concerning the rightness or wrongness of a certain behaviour that is supported by reasons capable of being tested by criteria equally valid for others; such criteria must, by the very nature of the case, be objective criteria.

That this issue between subjective conscience and objective norms or criteria of behaviour is a pseudo issue should be clear not only from

the analysis just given, but also from the attitudes of both dissenters and assenters. The dissenters have no wish to assert pure and unmitigated subjectivism in morals; indeed, they feel that such a charge is a misrepresentation of their position. On the other hand, the assenters who uphold the objective norms of morality similarly uphold the necessity of applying these norms to subjective individual behaviour, and in this latter field they uphold the exclusive competence of individual conscience.

How does this relate to the Encyclical? A truly sincere belief of conscience, as pointed out, is supported by or based on reasons that can be weighed by objective tests. Now, one of the objective tests of human behaviour is a ruling or pronouncement by the legitimate authority. Take for instance the legal age required for valid election to the Senate of the Philippines. The Constitution says: 40 years at the time of his election. The phrase admits of two interpretations: either the day when the candidate is voted for, or the day when the whole process of election is completed. Both sides adduce reasonable or objective grounds for their interpretation. Hence, Mr. Aquino could sincerely present his candidacy and fight for it, and the Nacionalistas could as sincerely press for his disqualification and the annulment of his candidacy. Now, suppose that when the case was brought to the Supreme Court, the tribunal had promptly taken the bull by the horns and come out with the decision that "time of his election" meant the day when the voting is held; in this supposition, I say, could candidate Aquino continue to pursue his candidacy in all sincerity? Obviously no. Why not? Because the Supreme Court which is empowered to interpret the Constitution had made a definite pronouncement on the matter ruling against Aquino's interpretation.

Is the *Humanae Vitae* similar to the pronouncements of private lawyers and constitutionalists, or is it similar to a pronouncement by the Supreme Court? In the former case, the Encyclical would leave the question of sincerity open; Catholics would still be free to follow what they sincerely believed in conscience whether for or against the Encyclical. In the latter case, the Encyclical would affect the sincerity of those who choose to go against it, just as the supposed Supreme Court

decision would adversely affect Aquino's sincerity if he chooses to disregard the tribunal's ruling.

The Real Issues

Having now cleared the ground of the more important pseudo issues, I shall now try to define the real issues.

1. Let me refer once more to the statement already mentioned that, since the Pope has made no infallible pronouncement, Catholics may reject the Encyclical and still remain within the Church. This statement can be equivalently couched in the form of two questions, thus:

a. Does *Humanae Vitae* bind all Catholics in conscience under pain of heresy?

b. Does *Humanae Vitae* bind all Catholics in conscience under pain of excommunication?

From all the above it is clear that the answer to both questions is no. *Humanae Vitae* does not bind Catholics in conscience either under of heresy or under pain of excommunication.

But there is a third alternative: Does *Humanae Vitae* bind all Catholics in conscience *under pain of mortal sin*? To make clear the distinction between heresy and excommunication on the one hand, and mortal sin on the other hand, consider this example: Catholics are told to abstain from meat on Fridays. If you eat meat on a Friday you are neither a heretic nor are you excommunicated, but as a Catholic you go to confession for having committed a mortal sin.

Similarly, then the question for Catholic consciences is the following: if a Catholic couple takes the pill, we all are agreed that they are liable neither to heresy nor to excommunication; but are they in a state of grace or are they in mortal sin? Catholics are rightfully disturbed over the prospect of heresy and excommunication, but they are also rightfully disturbed over the prospect of mortal sin. After all the majority of Catholics who go to confession do not accuse themselves of either heresy or of having incurred excommunication, but simply for having committed a mortal sin.

Does *Humanae Vitae* bind Catholics under pain of *mortal sin*? This is the true issue. But one hardly sees the issue couched in these

terms. If my memory does not fail me, I have yet to read a press report quoting a dissenter raising the issue, not of being outside the Church (heresy or excommunication), but simply the issue of mortal sin.

The assenters affirm that Catholic consciences are bound by *Humanae Vitae* under pain of mortal sin. The dissenters maintain that Catholics are still free. This requires them to deny that Catholics are bound in conscience, period. Such a sweeping statement includes all possible alternatives, viz. Catholics are not bound in conscience either under pain of heresy, or of excommunication, or of mortal sin. This last alternative—under pain of mortal sin—is, I repeat, the only relevant issue at present.

The assenters affirm that Catholic consciences are bound by *Humanae Vitae* is an official decision by the Head of the Church, in other words, because it is invested with the *authority* of the Papal Office.

On the other hand, the dissenters claim that Catholics are still free to decide whether or not to take the pill precisely because the Pope has failed to utter an *infallible* pronouncement. They concede, in other words, that the Encyclical has authority, but it has no infallibility, and this lack of infallibility makes it non-binding.

2. Hence a second issue: In virtue of what does a papal pronouncement bind Catholics in conscience under pain of sin?

Assenters: in virtue of *authority*, and *not* of infallibility.

Dissenters: *not* in virtue of authority, but in virtue of *infallibility*.

Note that this second issue is more fundamental than the first. The solution of issue no. 1 depends on the solution given to issue no. 2. If we concede that the pronouncements of the Holy See bind simply because of authority, then all that is required to solve issue no. 1 is to find out whether *Humanae Vitae* is an authoritative pronouncement. However, if papal pronouncements bind precisely in virtue of infallibility, the solution to issue no. 1 will require not only the presence of authority but also the presence of infallibility.

Solution of Issues

Let us, then, consider issue no. 2 in the first place: In virtue of what does a papal pronouncement bind Catholics in conscience under pain of sin?

I shall begin by stating a point on which both dissenters and assenters agree, viz, that when the Pope exercises his infallible authority, all Catholics are bound under pain of mortal sin. No Catholic gainsays this principle. The trouble is that there are two crucial terms here, *infallible* and *authority*. The dissenters ground obligation on infallibility; the assenters, on authority. How do we test the reasonability of these opposed claims?

There are two tests that can be employed here: one is the test of logical analysis of the concept; the other is the empirical test of the common experience of mankind.

What is meant by an infallible pronouncement? A pronouncement is infallible when it *cannot err*, i.e., when it is impossible for it to state anything but the truth. That which is infallible is *absolutely not liable to error, falsehood or mistake*. The statement that is the object of an infallible pronouncement is so absolutely true that under no circumstances can it possibly be false.

An infallible truth necessarily implies two properties. In the first place, an infallible truth is altogether *indubitable*, i.e. it is not liable to any kind of doubt or questioning, its certainty cannot be subject to questioning or doubting. In the second place, an infallible truth is *incorrigible*, i.e., it is not subject to revision, amendment or correction at any later date. The reason is obvious: to say that the truth or certainty of a statement is subject to further questioning or revision requires one to say that there is some possibility of error involved. Now, the very notion of possibility of error formally contradicts the notion of infallibility.

Infallibility is the *raison d'être* of both indubitability and incorrigibility; is it also the *raison d'être* of moral obligation?

Let me first point out that moral obligation can have two meanings. In the first place, one can mean the obligation to *accept the truth or the*

certainty of the infallible pronouncement; I will call this the obligation to *assent*. In the second place, one can mean the obligation to *do* what has been infallibly prescribed; I will call this the obligation to *behave* or to *obey*. With regard to the pill, for instance, the obligation to assent means your obligation to hold in your mind as true that taking the pill is morally wrong, whether or not you decide to take it. The obligation to obey means your obligation to refrain from taking the pill, irrespective of your views on the rightness or wrongness of taking it.

How does infallibility relate to normal obligation in the senses just described? Infallibility directly determines the *kind* of assent that is given. If I choose to assent to an infallible pronouncement, my assent has to be both *indubitable* and *incorrigible*, i.e. it is the kind of assent that is not open to questioning or eventual withdrawal. An assent open to questioning and eventual withdrawal is the kind of assent given to fallible pronouncements. You begin to question when you begin to suspect the possibility of error, and you withdraw your assent when the fact of error is confirmed. Such a situation is absolutely excluded by an infallible pronouncement.

However, infallibility by itself does not determine the obligation to *give* assent. Let us imagine Einstein's relativity theory to be, not merely a theory, but an infallible truth. Am I, in this supposition, morally obligated to give it my assent? One of my readers might say: "Yes, you are morally obligated to give your assent." My next question will be: "Why? On what grounds?" My hypothetical reader will come back saying: "Because it would be foolish and irrational of you not to admit or assent to an infallible truth." Let us grant, for the sake of argument, that the reason is cogent. On close examination we will find that the reason advanced for my obligation to assent is not the infallibility of the relativity theory but the *folly* and *irrationality* of my not assenting to it. In other words, the real ground for my obligation to assent runs somewhat like this: I am a rational being; as such, I am obligated to behave rationally; rational behaviour requires me to assent to truth infallibly proposed. In short, the *raison d'être* of my obligation to assent is not infallibility, but *my rational nature*, or, as others would say, the *natural law*.

Neither does infallibility by itself determine the obligation to obey. Infallibility addresses itself directly to the mind or intellect. If even in this field of intellect it does not determine the obligation to assent, much less will it determine the obligation to obey, which lies outside or beyond the intellect. To illustrate: I am certain that putting a bullet through a man's brains causes his death. This certainty has a bearing on my obligation not to shoot my neighbour in the head. Note, however, that my certainty on the matter is not an infallible certainty; yet it does not detract from my obligation to refrain from shooting a hole in my neighbour's head. On the other hand, suppose I am infallibly certain that slicing a chicken's throat causes its death; still that infallibility puts me under no moral stricture to refrain from slicing its throat and having chicken for lunch.

The common experience of mankind lends ample support to the foregoing. Civil authority passes laws, issues commands, which the citizens are obligated to obey. Yet no one thinks that civil authority is infallible, but rather woefully fallible. Again, no one gainsays that every man is bound to obey the dictates of his own conscience; yet every one is uncomfortably aware that individual conscience, sad to say, is most liable to error and self-deception. If the obligation to obey essentially required infallibility, whether as its root or at least as its inescapable condition, then no man, and I mean absolutely no man, has any obligation to obey the laws of the land, or the commands of legitimate authority, or even the dictates of his own conscience.

We see, then, that to base obligation directly on infallibility finds no reasonable support either in the analysis of the concept itself or in the fund of the common experience of mankind.

Let us apply the same tests to authority.

First, the test of logical analysis. What is authority? Authority is not mere physical power to command and coerce compliance. That is simply brute force and tyranny. Authority means the *right* or the *moral* power to command or to act. This right or moral power to command or to act necessarily involves in the subjects the duty or moral obligation to obey the command or to recognise the act as valid.

Without this corresponding moral obligation on the part of the subject, the very concept of authority becomes meaningless and nugatory. The test of logical analysis requires us to say that just as infallibility is the *raison d'être* of indubitability and incorrigibility, so authority is the *raison d'être* of duty or moral obligation.

The common experience of mankind cited above, not only establishes the absence of causal links between obligation and infallibility, but also establishes positively the *causal relationship* between authority and obligation. What laws and commands are the citizens required to obey? Only those that emanate from legitimate or true authority. Where no legitimate or true authority is involved, laws and commands are not true laws or commands and have no binding power in conscience. Where true authority is absent, there is only the constraint of sheer physical force to induce compliance. Again, why is each man duty bound to follow the dictates of his conscience? Because when conscience dictates it speaks with true, if derived, authority. Where conscience merely advises or counsels, it says: "It is better or wiser for you to do this or not to do that". Where conscience dictates, it says: "Do this; do not do that". In the former case authority is absent; in the latter case, authority is present.

In the case where we imagine relativity theory to be an infallible truth, the obligation to assent, if there be any, is seen to be grounded on the authority of the natural law, which is derived from God, the ultimate source of all authority.

Authority is of two kinds; one is the authority to *prescribe* what is to be done and to *forbid* what is not to be done. I shall call this the authority to *govern*. Another is the authority to define what is true or false, right or wrong. I shall call this authority to *teach*. An example of the authority to govern is the authority of Congress to frame laws, and the authority of the President to issue orders. An example of the authority to teach is the authority of the Supreme Court to interpret the Constitution and the other laws of the land.

The exercise of the authority to govern imposes on the subjects the obligation to obey or behave according to the prescription. Similarly, the exercise of the authority to teach imposes the obligation to assent

to the thing taught authoritatively, for instance, the authoritative interpretations of the Supreme Court are binding on all the practitioners of the law.

To summarise this discussion of issue no. 2: the tests of conceptual analysis and of the common experience of mankind make it reasonable to hold that:

1. *Authority*, not infallibility, determines *moral obligation*.
2. *Governing* authority determines in the subject the obligation to *obey*.
3. *Teaching* authority determines in the subject the obligation to *assent*.
4. *Infallibility* determines the *kind* of assent, i.e. the *indubitability* and *incorrigibility* of the assent given.

Let us now consider issue no. 1: Does *Humanae Vitae* bind all Catholics under pain of mortal sin? Before proceeding, however, it will be good to recall to mind the kind of authority the Pope has and how he exercises it.

1. The Pope possesses in virtue of his Office the two kinds of authority described previously. He has the authority to govern, i.e. to prescribe rules of behaviour, and the authority to *teach*, i.e. to define truths of faith and morals.

He enjoys this twofold authority over the *Church as a whole* and over *each every* individual member of the Church.

The fact that Papal authority is voluntarily accepted by the faithful does not mean that his authority is derived from them or from the Church. Papal authority is derived from Christ's institution; it is *divine*, God-given.

2. The exercise of authority is *indissolubly linked* to the exercise of the Office. This means that the exercise of Office is necessarily invested with authority. This principle holds true of both ecclesiastical and civil Office. In other words, every *official act*—whether ecclesiastical or civil—carries authority.

3. Infallibility is a prerogative of the Papal Office intended only for a very specific act of teaching, viz. the teaching of a truth as *revealed by God*. Whenever the Pope officially declares something as true, but not specifically as a truth revealed by God, he exercises his teaching authority, but not his infallibility.

In other words, although every official teaching is authoritative, not every official teaching is infallible. However, every infallible teaching is official and authoritative.

4. Official acts of the Pope carry authority in *varying degrees*. For our present purposes it is enough to mention two degrees. An official papal act either carries the *full* weight of authority, or *not*.

It should be obvious that when the Pope uses the authority of his Office only to exhort, persuade, or counsel the faithful to do something, he is not employing the full weight of his authority. But he would be using the *full* weight of his authority when he *firmly* and *definitely* commands or forbids certain behaviours. Similarly, when the Pope officially enunciates an opinion, or declares something merely as probable, he is not exercising the full weight of his teaching authority, as he would be doing when he *firmly* and *definitely* pronounces something as *true* and *certain*.

It should also be clearly unreasonable to say that Catholics are not free to do otherwise in a case where the Pope merely exhorts or counsels without either commanding or forbidding; or that they are not free to think otherwise in a case where the Pope merely enunciates an opinion. This means that the burden of obligation arises only when authority is exercised *in full*; obligation is non-existent where authority is not exercised *in full*.

Briefly: every official papal act (governing or teaching) carries divine authority, but not every official act is infallible. The obligation to obey or to assent does not arise when papal authority is not fully exercised, i.e. when the Pope merely counsels or enunciates an opinion. The obligation to obey and to assent arises only when papal authority is fully exercised, i.e. when the Pope issues a definite command or prohibition, or definitely teaches something as certainly true or as certainly false.

How can we know that *Humanae Vitae* is invested with authority? It is invested with authority if the Pope issued it in discharge of his Pastoral Office. There are three reasonable indications that this is the case.

1. There is a general consensus among theologians that Encyclicals are not private papal letters, but *public* or *official* documents issued by the Pope in the *ordinary* or normal *discharge of his Office*. On this count *Humanae Vitae* should be held as authoritative.

2. The circumstantial evidence points to the same conclusion. The problem of birth regulation and control was one of the gravest problems on the agenda of Vatican II scheduled for full-scale deliberations leading to a statement of the official position of the matter. Pope Paul VI excluded the problem from the deliberations of the Council and reserved to himself the statement of the Church's official policy on the question. He could not have done that unless he was acting in his *official* capacity as *Supreme Visible Head of the Church*. Obviously, too, the forthcoming statement on birth control, embodied in *Humanae Vitae*, would have to be *official* and *authoritative* as would have been the Council declaration that it subrogated.

Besides, the problems of conscience faced by Catholic couples required nothing short of an official and authoritative declaration. There was no dearth of unofficial and private theological opinions. The fact that private theological opinion was divided only emphasised the need for an authoritative decision.

3. Finally, the tenor itself of the Encyclical leaves no room for doubts. From the very beginning the Pope makes references to the *Magisterium* and to its *competence* to deal with the subject. He calls to mind the *mission* and *command* given to Peter by Christ to *teach* all nations His *commandments*. When Pope Paul finally settles down to grapple with the problem, he does so with these words: "We now intend, by virtue of the mandate entrusted to Us by Christ, to give Our reply to these grave questions." (*Ibid.*, nn. 4-6; underscoring mine).

It is, then abundantly clear, that in this Encyclical the Holy Father explicitly intends to exercise his *Christ-given authority* and *Pastoral Office*.

The Encyclical both *forbids* the practice of all kinds of artificial contraceptives, and *teaches* that artificial contraception is intrinsically immoral or wrong. It is not concerned only with matters of discipline or behaviour, or only with matters of doctrine. It is concerned equally with both discipline and doctrine, the doctrine being the foundation of the discipline. It is thus clear that the Pope here exercises both his authority to govern and his authority to teach.

If any confirmation of the authoritative character of *Humanae Vitae* is needed, it is furnished by the violent reaction of the dissenters. The very violence of the dissent more than suggests that the dissenters themselves regard the Encyclical as an authoritative pronouncement. Only seeing themselves *officially* declared wrong could have brought about such a sharp reaction. If the Pope had expressed exactly the same views in an address, say, to a Conference of physicians, he would have caused hardly a stir, since an address to a Conference of physicians could have been reasonably construed as nothing more than an unofficial statement.

Is *Humanae Vitae* invested with the *full* authority of the Papal Office? Let us turn once more to the circumstances attending the document and to its tenor.

The circumstances are well known. In the first place, the daily crises of conscience confronting Catholic couples. They want to be told in clear and unmistakable terms what they may and what they may not do. Evidently, a declaration which merely *persuades* a certain course of action, without definitely commanding or forbidding; a statement that merely says, "It is better and wiser for you to do this", without saying clearly, "You may do this, but you may not do that", such a statement, I say, falls pitifully short of the crises it aims to solve.

In the second place, the various opinions on the matter created an atmosphere of uncertainty and confusion crying to be dissipated. If the Encyclical only enunciated an opinion, it would completely fail to clear away the uncertainties and confusion.

Obviously, if the Pope is to achieve his own stated objectives, it is reasonable to hold that he cannot rest satisfied with the half-hearted attempts represented by persuasion, exhortation and opinion, he must both firmly prescribe (or proscribe) and firmly and definitely teach.

The tenor of *Humanae Vitae* reveals that he has done precisely this: Pope Paul firmly proscribes all kinds of artificial contraception, and firmly and definitely teaches that artificial contraception of any kind is intrinsically immoral. He knows that he is going against the climate of opinion, and yet the perusal of *Humanae Vitae* fails to reveal the slightest signs of vacillation or hesitancy in the Pope's utterances. He employs strong, energetic phrases; he leaves no loophole unplugged, he admits no pretexts or excuses to undermine or weaken the *positive exclusion of each and every* action which, whether as an *end* or as a *means*, whether *before, during, or after* the conjugal act, deliberately renders procreation impossible. (*Ibid.* no. 14)

The Pope has been accused of dilly-dallying, of being unable to make up his mind. But, as one press reporter (not a very friendly one) has commented, in *Humanae Vitae* he shows that he has certainly made up his mind, and with a vengeance.

The foregoing makes it reasonably clear, I think, that *Humanae Vitae* incorporates the *full* governing and teaching authority of the Papal Office.

A Counter Argument Satisfied

Here someone might counter argue: If the Pope intended to make full use of his authority, how do you explain the fact that he has been acting very mildly towards his critics who have challenged his authority? If he intended to oblige all and sundry, why doesn't he speak more forcefully against those who reject his Encyclical, why doesn't he threaten them with excommunication or with the other serious ecclesiastical sanctions at his disposal? He would then make it clear that he means business, that he wants everybody to toe the line. Can we not argue, from his present mild behaviour, that it is not clear that Pope Paul meant to oblige anybody?

To this I answer in the first place, that if the Pope never had it in mind to lay down an obligation in conscience, what could have been easier for him than to silence all criticism and hostility by simply saying: "Look here, what are you all griping about? I was only trying a little persuasion. I only meant to utter an opinion..." That would have

effectively stilled all protests or reduced them to faint murmurs. But the Pope did not do that. He never wavered, not once did he falter, he held on stoutly to his position. He was mild and charitable in the manner of addressing his critics, but strong and definitive in the *things* he forbade and taught. This is a classic example of the iron fist in a velvet glove.

In the second place, I wish to point out that authority can be exercised (whether fully or otherwise) at two different moments. The first moment is when the command is issued. Then, perhaps some subjects disobey the command. Authority is now brought to bear to enforce or sanction the command. This is the second moment. To say that authority is fully exercised in moment no. 1 does not require us to say that it is likewise fully exercised in moment no. 2. Again, to say that authority is not fully exercised in moment no. 2, does not require us to say that likewise it was not fully exercised in moment no. 1. The wielder of authority may have reasons to exercise his authority fully in moment no. 1, and to exercise it in a lesser degree in moment no. 2.

For instance, a law is passed over the strong objections of some sections of the country. As a result, some provinces start a secessionist movement. The state can very well employ the mailed fist right from the beginning, but instead it resorts to persuasion and negotiation. Is it reasonable to argue, from this circumstance, that the citizens were free to abide by it or not? I think that this is not a reasonable conclusion. The reasonable conclusion is that authority was fully exercised in moment no. 1; when Congress passed the law, Congress meant it to be obligatory on the citizens. If it were not obligatory there would be no need to secede; indeed, secession is employed as a means to escape the obligation of the law. But authority was not fully exercised by the Executive in moment no. 2, and for a good reason: blood should not flow, except in the last resort, when all peaceful means are of no avail.

I think it reasonable to say that this is exactly the case with *Humanae Vitae*. Pope Paul exercised his full authority, but decided instead on a course of mild and charitable restraint in the matter of *enforcing* the Encyclical. He had a reason for it: he did not wish to bring to a

head the faltering faith of many, nor strain to the breaking point their wavering loyalty. He wished to follow Christ's admonition not to break the cracked reed nor to put out the still smoking wick, so that in God's good time the dissenters, through God's grace and their own careful reconsideration of the subject, might be led to accept the papal teaching. This much is also evident from developments posterior to the issuance of the Encyclical.

Bearing in mind the distinction between the moment of *issuing* a command, and the moment of *enforcing* it, there is no inconsistency in holding that authority is exercised in different degrees in one moment and the other: full authority in the former, and a diminished authority in the latter, if there be reasons to warrant it, as I think there were.

Conclusion

We arrive, then, at the following conclusions:

1. The Encyclical *Humanae Vitae* is an *official act* bearing the *full authority* of the Papal Office both to *govern* and to *teach*.

2. All Catholics, being subject to the authority of the Pope, are under *moral obligation*, i.e. duty bound *under pain of sin*, both to *obey* the Pope's injunction against the practice of all forms of artificial birth control, and to *assent* to the Pope's teaching on the matter, viz. that all forms of artificial birth control are intrinsically immoral.

3. Since the Pope forbids artificial contraception as a grievous sin, all Catholics are bound to abide by the prohibition under pain of *mortal sin*.

4. Since the teaching of the intrinsic wrongness of artificial contraception is not proposed infallibly, the intellectual assent that Catholics are bound to give it is, not closed, but *open* to further inquiries and investigations, and even to possible eventual withdrawal, should the Holy See at some later time review and amend the present teaching and prohibition. Personally, I do not think this likely to happen, but the objective possibility is there all the same.

The *Humanae Vitae* does not close and bolt the door to continued studies by Catholic scholars nor does it forbid them from submitting their findings to the Holy See in the hope of securing a future review

of the whole matter. But the authoritative character of the Encyclical does require them to proceed in their studies and recommendation with the spirit of obedience due to Chair of Peter.

Two Further Problems

This last conclusion opens two further questions: How can a man obey the Pope if he does not believe in what the Pope says? And, how can a man give his assent if he thinks that the Pope is wrong in what he teaches?

To answer the first question: it must be allowed that the task of obedience is normally made easier if the subject believes in the rightness or reasonability of the command. Conversely, where this belief is absent, obedience becomes difficult, and the conflict might eventually grow to such an extent that obedience becomes psychologically impossible. It can be reasonably conjectured that this was one of the reasons that motivated the Holy Father not to compel through grievous authoritative sanctions immediate and strict obedience to his Encyclical. However, it is also true that both the difficulty and the conflict are frequently overexaggerated.

Obedience and assent are two different things; and, although they ought to be pulling together, it is not all uncommon to see them going their separate ways. The conflict thus created to a normally and reasonably flexible mind, viz. a mind that is not too much puffed up with the conceit of its own judgment and independence, is not such as to induce a neurosis or unbalance the personality. The majority of the citizens are not so disturbed as to be unable to live normally with their fellows. And yet we all have to put up with laws and regulations and social customs that we think ridiculous, inept, foolish. The laws and regulations passed by the authorities can neither please nor look reasonable to everybody. Yet, provided we are not cursed with a surfeit of ego, we obey and take them all in stride. Why don't we lose our mental balance? Because we clearly see that it is folly and unreason to demand that human authority be all-wise and infallible, and we equally see that it is folly and unreason to require that all laws and regulations passed by fallible authority be first approved by each and every indivi-

dual subject before complying with them. since this would lead by a short cut to anarchy, the dissolution of society and of civilised living, and the destruction of one's own individual welfare, which is intimately linked to the good of all, and to the order of the community.

Granting, then, that the inherent reasonability of the command is not apparent to the individual concerned, still he can reasonably give his obedience on the basis that it is reasonable to obey even laws whose reasonability is not obvious because otherwise the society and many other genuine human values are in principle let open and unprotected to the deadly viruses of anarchy and disorder.

To demand that every man be given the freedom not to obey legitimate prescriptions that do not meet his individual approval is tantamount to saying: I give you the right to command me, but I reserve the right to disobey you. Obviously, this is a contradiction in terms, destroys at its very roots the principle of authority and erects in its stead the principle of *anarchy*: each man for himself and let the world go to pot.

The answer to the second question can be gleaned from the reply given me by a young man. He strongly insisted that he was unable to see the reasons advanced by the Pope, while the reasons for the dissenting side were only too clear to him. In other words, he could see nothing intrinsically immoral in the anovulant pill, and, thus, he thought the Pope was wrong in condemning it as intrinsically wrong. How could he in this situation give his assent?

I asked the young man how would he react if the Pope had infallibly defined *ex cathedra* the immorality of the pill. "In that case," he avowed, "I would believe myself to be absolutely wrong, and the Pope to be absolutely right." I congratulated my young friend on the strength of his faith. In the conflict between infallible authority and his own fallible judgment, he was ready to renounce his own views by an act of *absolute faith*.

An act of *faith*. This is the answer to the second question. I pointed out to my friend—and his case is typical of many honest dissenters who find themselves in conflict because of the absence of an infallible pronouncement—that surely he also believed in the divine assistance gua-

ranted to the Pope in the exercise of his Office. He said he did believe. I then pointed out to him that if there was no problem in making an *absolute* act of faith (with no strings attached) where the guarantee of divinely granted infallibility was involved, why should there be a problem in making an act of faith, not absolute, but *limited* and *restricted* in scope on the premise of guaranteed divinely granted assistance? The act of faith on the premise of infallibility would be couched in these terms: I believe myself to be absolutely wrong and the Pope to be absolutely right, since he has infallibility on his side. The act of faith on the premise of divine assistance would run somewhat like this: I believe myself to be more likely wrong and the Pope more likely right, since he has divine assistance on his side, whereas I don't. If we grant this perspective, as every Catholic does, surely it is not to demand too much or to demand the unreasonable of every Catholic to make this *limited* or *qualified* act of faith?

How can a man assent to the Pope's doctrine if he thinks that the Pope is wrong? The answer to that is: shift your viewpoint from the angle of mere natural reason where arguments are the decisive factor, to the angle of divine assistance behind the Pope's judgment. If you focus on this divine assistance shoring up the Pope's teaching you will not find it unreasonable to subdue your own judgment by making an act of *limited* and *qualified* faith. Is it not more reasonable to trust God's assistance than your own wits?

Summary

To conclude this whole inquiry. I will not tell my readers what they are to think on this whole matter. I will rather insist on the point that any rational man who thinks honestly and straightforwardly should, at the very least, be aware of the intellectual positions to which he is committed by his assertions. There is no point in conducting a dialogue—if by dialogue is meant an exchange of rational views—with any man who is not in the least bothered by inconsistencies. This article is not meant for such men.

The man who holds the notion of authority as the moral power or right to command or to act, cannot consistently claim for the individual the right to approve the commands or the acts prior to obeying

the command or recognising the validity of the act. This would invalidate authority at its roots.

In other words, he is committed to the position that authority, at least when exercised fully, engenders in the subject the *moral obligation* to either obey the command or to recognise the validity of the act.

Such a man will welcome the addition of infallibility, but he is committed to the position that the absence of infallibility does not detract from the obligation engendered by authority.

If he be a Catholic who sincerely believes in the Primary of authority vested in the Pope over all the Church, then he is committed to the assertion that the exercise of full Papal authority to govern imposes on all Catholics the duty in conscience under pain of sin to obey the Papal prescriptions, while the exercise of full Papal authority to teach enjoins all Catholics in conscience under pain of sin to recognise the validity of the teaching, i.e. to assent to it.

If he further believes that the Encyclical *Humanae Vitae*, by its tenor and circumstances embodies full Papal authority to both govern and teach, he is committed to the position that *Humanae Vitae* binds all Catholics in conscience under pain of sin to abide by its injunctions against, and to assent to its doctrine on, artificial contraception.

If he further believes in the assistance of the Holy Spirit guaranteed to the Pope in the exercise of his Office, he is committed to the position that where his personal judgment conflicts with the doctrine officially, but not infallibly, declared by the Pope, he is more likely to be wrong, whereas the Pope is more likely to be right.

If he also believes in the infallibility of the Pope when he defines *ex cathedra* matters of faith and morals, he is also committed to the position that where his personal judgment contradicts a papal definition *ex cathedra*, he is absolutely, indubitably and incorrigibly wrong, whereas the Pope is absolutely, indubitably and incorrigibly right.

On the other hand, any Catholic who deliberately claims freedom from any obligation towards the Encyclical *Humanae Vitae* precisely and exactly because it is not infallible, commits himself to the position

that infallibility is either the proper and real basis of obligation, or, at least, that infallibility is the essential condition and prerequisite without which no obligation can exist.

If, on the social plane, he holds that civil authority is not infallible, he is committed to the position that no citizen is duty bound or obligated to obey any civil laws, ordinances, or commands issuing from legitimate authorities. Obviously, this commits him further to uphold the principle of anarchy with all its attendant consequences: lawlessness, disorder and the destruction of organised human living and of civilisation which is impossible without ordered and organised human living.

If the man wishes to retain some semblance of order without the support of moral obligation, then he is in principle committed to assert brute force as the sole mainstay of civil authority. This requires him further to uphold the impossibility of a free society which is based on a government of laws. The only society possible is one based on a government of men. Since this is only an euphemism for the tyranny of the mighty, such a society is obviously a slave society.

Or, if he wishes to restore conscience and duty to social living, then he is committed to the assertion that state authority is infallible. Thus the state becomes the infallible arbiter of what the citizens may or may not do, may or may not think. In other words, he is committed to the worst and most intolerable kind of State absolutism.

On the individual plane to say that no moral obligation can exist without infallibility, commits a man to either of two alternatives. One: if he admits the fallibility of individual conscience, then he is committed to the position that no man is duty bound to follow his conscience. Two: if he asserts in every man the obligation to follow his conscience, he is constrained to assert that every individual conscience is infallible.

Either of these alternatives commits him further to unmitigated subjectivism and unmitigated irresponsibility. If you say that, since individual conscience is not infallible, no man is bound to follow his conscience, you are simply saying that every man is free to do whatever suits his whims. If you say that each man's conscience is infallible, this is just another way of saying that he is free to do whatever he

wants. You can always find a reason to justify what you want to do; and in our supposition the reasons every man adduces to justify himself are infallible reasons. So we are back at every man's freedom to do as he pleases.

Briefly: the contention that no moral obligation exists where there is no infallibility necessarily commits a man to any of the following positions:

On the social plane: either to anarchy, or to the tyranny of brute force, or to state infallibility and absolutism.

On the individual plane: either to the denial of each man's duty to follow his conscience, or to the assertion of each and every man's infallibility of conscience. Either alternative commits him to unmitigated subjectivism and unmitigated individual irresponsibility.

I hope I have made clear the logical implications and commitments involved in the respective positions taken by the dissenters and the assenters. It is now time to leave my readers to chew the cud and draw their own conclusions.