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Humanae Vitae at 45: A Personal Story

Frank Maurovich | Jul. 25, 2013
Commentary

For the faithful it (birth control) is a sad and agonizing issue, for there is a cleavage between the official teaching of the Church and the contrary practice in most families.

-- Former Patriarch Maximos IV Saigh
of the Melkite Greek Catholic Church
quoted in What Happened at Vatican II, by John W. O'Malley

Recalling that Thursday was the 45th anniversary of Pope Paul VI's encyclical *Humanae Vitae* [1] makes me cringe. In fact, I am pained whenever the 1968 papal decree comes up for discussion. I feel like a person who has witnessed a tragic event and made an intense effort to turn over a key piece of evidence -- the "smoking gun" -- that would make the truth known only to see lawyers either misplace the evidence or fail to use it effectively. I contend the evidence I am talking about would have been climactic -- making it virtually impossible for Pope Paul to ignore changing the church's current birth control policy, or conversely, if used today, make it relatively easy for Pope Francis to correct the church's second "Galileo affair."

For readers not around 45 years ago when Pope Paul promulgated the decree that renewed the Catholic church's ban on all artificial forms of birth control, it may be helpful to offer a brief review of that history. Pope Pius XI first imposed the ban in 1930, six months after the Anglican Lambeth Conference allowed its church's married couples to decide the issue by themselves. In October 1964, several Catholic bishops raised the issue of birth control during a discussion of marriage and the family at the Second Vatican Council. Cardinal Leon-Joseph Suenens of Malines-Brussels pleaded with his brother bishops to study the issue and "avoid another Galileo affair. One [failure of the church to keep abreast of scientific advances] is enough."

Pope Paul, however, had taken the birth control issue off the council's table, announcing it would be decided by his interaction with the Pontifical Birth Control Commission. In June 1966, the commission turned over its final report, asking the Holy Father to take into account "the fruitfulness of an entire marriage" rather than focusing on individual sexual acts. Two years later, Pope Paul published his decision in *Humanae Vitae*, in which he acknowledges "the value of conjugal love in marriage and the relationship of conjugal acts to this love" but reasserts, "The church ... teaches that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life." (HV#11)

The late sociologist Fr. Andrew Greeley often pointed to the encyclical as the principal reason why the leadership of the Catholic church lost credibility and why so many Catholic parishioners left the church. Now few seem to care. Polls indicate that more than 90 percent of Roman Catholics ignore the decree. They side rather with the pope's commission, which voted overwhelmingly for change. In his decision, the pope argued that "within the commission itself there was not complete agreement." (HV#6)

Well, yes, but in a preliminary vote of the inclusive body of 58 experts on the commission -- clergy and laity, scientists, theologians, gynecologists, sociologists, three married couples and other scholars -- an unofficial tally

showed 52 to 4 in favor of reform with two abstentions. And despite the fact that the pope loaded the commission with 15 cardinals, archbishops and bishops as official members for the final week of discussion, the high-level prelates reportedly voted 9 to 3 with three abstentions that the use of contraceptives was not intrinsically evil. (I use the words "unofficial" and "reportedly" because the commission's work was wrapped by the Vatican in a blanket of secrecy. Two of the final documents were leaked to the press, received wide publicity and undoubtedly fueled the firestorm that greeted the pope's decision.)

We do have a good idea of what happened in the meetings from authors who subsequently pieced information together from interviews with commission members. The first and most complete book on that history is *The Politics of Sex and Religion* by Robert Blair Kaiser, a former *Time* magazine correspondent. The journalist was covering the Second Vatican Council and in 1964 received a special assignment from his magazine to investigate growing speculation in Europe, generated by the introduction of "the pill," for possible change in the church's birth control teaching. In fact, I found a clue in Kaiser's book that confirms some of the evidence I am talking about.

What is the evidence? In 1964, I was working in my office as editor of *The Catholic Voice*, the weekly newspaper of the diocese of Oakland, Calif., when the switchboard informed me I had a visitor. The gentleman introduced himself as Dr. Thomas Hayes, a biophysicist working for the Lawrence Radiation Laboratory at the University of California, Berkeley. Without any fanfare, he announced that he had an answer to "the church's birth control problem."

I will not try nor would I be able to reconstruct our first 90-minute conversation and subsequent talks of nearly 50 years ago. Just for the moment, believe that he convinced me that insight from his scientific expertise could be of extreme value to the Birth Control Commission. I told Hayes we needed to have his testimony published in a national magazine and get his information to the commission itself.

We succeeded on both counts. Hayes developed his argument in a 5,500-word essay, which I sent to Joe Cuneen, who at the time was managing editor of *Cross Currents*, an influential but not high-circulation magazine of religious thought. Cuneen published the carefully worded, easily understood essay, entitled *The Biology of the Reproductive Act* in his Vol. XV, Fall 1965 issue.

Next, I contacted friends I knew who were advisers to Suenens, who had urged Pope John XXIII to form such a commission in the first place. (Pope John died in 1963, but the initiative was endorsed by his successor, Paul VI.) I was elated when Hayes received an invitation to address the commission's three-member executive committee -- Henri de Riedmatten, Pierre de Locht and Dr. John Marshall -- in March 1966 in Malines, Belgium. The committee was preparing for the commission's three-month final meeting in Rome the following month.

Hayes says the paper he read and submitted to the executive committee was essentially his essay in *Cross Currents.* His article contains the evidence I am talking about. He painstakingly lays out his information and uses effective examples to illustrate his explanation. I briefly report here the three principal points in his article.

First, a valid definition has to contain all the essential parts. He stated the church has been using an incomplete definition of the reproductive act by emphasizing the male role and describing the possibility of procreation with every single act of intercourse. Relying on more accurate biology, Hayes wrote:

> "We are led to define the reproductive act as the relation between man and woman lasting for about one month, during which time the female produces one ovum, which finds its way to a spot suitable for combination with the sperm. The male sperm cells are delivered to this spot many times (acts of sexual intercourse), spaced at random during the reproductive act."

Hayes' second key point, related to the correct definition, concerns the randomness of the reproductive act. The scientist wrote:

> "The act always has a certain probability of procreation. The probabilistic nature, however, is due to the random spacing of the individual acts of intercourse rather than any probability within each act of sexual intercourse itself. This is an important point, since it supports the conclusion that not every act of sexual intercourse naturally tends toward procreation."

His third point concerns the importance of distinguishing between a natural act and a human act. Hayes used the example of breathing, which is normally a natural act; however, by deciding to hold one's breath for 30 or 40 seconds, a person can use one's will to change the act of breathing to a human act. The scientist noted that randomness in human intercourse differs radically from animal behavior, whose biological drive occurs during specific times to perpetuate the species. But human marital intercourse serves another purpose beyond procreation, namely, as expressions of love, joy and mutual support.

For this reason, Pope Pius XII loosened the strictures imposed by Pius XI by ruling in 1951 that spouses who had legitimate reasons to limit childbirth could make use of what came to be called the "rhythm method." Rhythm meant permitting intercourse during the female's "natural sterile period," when it would be highly unlikely for conception to take place, and, of course, without the use of any contraceptive.

Before deducing the logical conclusions from Hayes' three points, let's rewind the tape of history for a moment. On page 169 of his book, Kaiser reports:

"Cardinal Suenens recalled [for the commission] how the church and the commission had come to their revisionist view ... ***The discovery of the female cycle***[Kaiser's emphasis]. [Suenens] said the church had labored under a masculine illusion, trying to define the conjugal act's meaning from this side alone. On the feminine side the conjugal act is not aptus ad generationem. The conjugal act is not the act of one, but of two. And so, we cannot say that every conjugal act is *open to generation.* Once we learned that, the breach was made."

While the above sounds like a paraphrase of Hayes' corrected definition, Kaiser's book has no footnote to denote Suenens' source of information or bibliography. But it is not far-fetched to conclude that the cardinal gleaned the argument from Hayes' paper delivered at Malines. In all honesty, however, since no other commission member made mention of the female cycle or its consequences, it is quite possible that Hayes' paper never made it from Malines to general circulation among commission members. Then again, perhaps his paper was a victim of information overload and ended up buried in the 12-volume commission material given to Pope Paul along with the final report.

I lament that Suenens, if he did read Hayes' paper, did not drive through "the breach" with the rest of Hayes' argument. I lament that the scientist's information did not have wide circulation among commission members. And I kick myself for not doing more to publicize Hayes' thesis, not even, for some untold reason, publishing an article in my own newspaper after the article had appeared in *Cross Currents*.

Logic, according to Hayes' article, dictates that if a married couple purposely interferes with the randomness of sexual acts, they have transformed by an act of will what was a random natural act to a human act at a specific time in order to avoid conception. Thus his dramatic conclusion: the reproductive act practiced in the rhythm method is no more natural than the reproductive act as practiced with the use of condom, diaphragm, an ovulatory pill or *coitus interruptus* methods. After all, if withdrawal, or "spilling the seed," is condemned, why not "spilling the ovum"? The rhythm method is just one more form of birth control.

I am not blaming Suenens. Far from it. Not being a scientist, the cardinal still came closer than any commission

member to building a persuasive argument now regarded as impossible to refute scientifically. In retrospect, it's hard to believe that a commission with no less than seven medical experts -- five gynecologists and two internists -- did not produce the same basic argumentation Hayes offered.

As I've mentioned, the commission's final report asks the Holy Father to take a holistic approach to marriage, that is, regarding the "fruitfulness" of an entire marriage as "responsible parenthood," adding, "It does not then depend on the direct fecundity of each and every particular act." (Report, Chap 2, para.12) Why not? Unfortunately, the report does not say, and Pope Paul jumped on this fatal omission. In *Humanae Vitae*, the pope asks a rhetorical question, "If one were able to apply the so-called principle of totality, could ... it transform an action which renders natural processes infertile into a licit and provident control of birth?" (HV#3)

In other words, well and good to indicate that previous popes had too narrow a view of marriage, but the commission's report seems to propose building a new home on a piece of property without first tearing down the old house. The popes built their cases by insisting that artificial means frustrated the natural procreative potency of each act. The commission failed to deliver a knockout punch to that argument in its final paper. Hayes does by demonstrating that "The probabilistic nature (of procreation) is due to the random spacing of the individual acts of intercourse rather than any probability within each act of sexual intercourse itself."

At first glance, one might conclude that the facts now put the church between a rock and a hard place: Either ban rhythm along with all artificial contraceptives or, after confessing that previous popes had mistakenly applied wrong moral principles, allow married couples to use their mutual judgment in choosing the method best for them. Not necessarily, according to Hayes. His article comes to the same conclusion as the commission's final report; namely, the church's constant teaching holds that each marriage should be fruitful and couples should avoid a contraceptive mentality, that is, avoiding childbirth for convenience or material gain. The tradition remains intact.

Hayes ends his article with two conclusions around which Pope Francis could resolve the birth control controversy.

1. "The church has already approved the use of the rhythm method. If this approval has relied upon biological naturalness to distinguish rhythm from other contraceptive methods, it would now seem possible for the church to extend its approval to all contraceptive methods of birth control (provided, of course, husband and wife have serious reasons for limiting births in their family)."

2. "The possibility of acceptance by the church of all contraceptive methods of birth control (provided that none of the latest methods prove to be abortifacient) has come about not by any change in moral principles but by the application of a more accurate picture of human reproduction as reported by current biological concepts."

It took the church 359 years to resolve its Galileo affair. Perhaps Pope Francis can resolve the birth control controversy in fewer than 50.

[Frank Maurovich, founding editor of *The Catholic Voice*, left priestly ministry in 1977. He is past editor of *Maryknoll* magazine and now writes for *The Anthonian*, publication of Holy Name Province of the Franciscan Order of Friars Minor.]

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