

A COMMENTARY ON *HUMANAE VITAE* (HV)



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Preface

Why it is necessary to for *HV* to be an infallible teaching of the Church?

Well unless the teaching on contraception is regarded as infallible i.e. it is definitive and irreformable, many Catholics will not treat contraception as an intrinsic evil and will harbor the hope that this prohibition on contraception would change in the future. Because this teaching is a difficult one, many will not struggle to live conjugal chastity as taught in *HV* as long as a doubt exist about its infallibility. After all, they would feel that this teaching is reformable if it is seen to be merely a non infallible teaching.

But *HV* is the divine law, the law of God, and has been infallibly proclaimed in *HV*.

Some have pointed out the HV seemed to lacked the right formula in pronouncing an infallible teaching, but this Commentary will show that this is not the case. (See Appendix 1).

This Commentary (in the Footnotes) on the Encyclical *Humanae Vitae (HV)* aims to explain how the doctrine contained in *HV* qualifies to be an ex cathedra infallible teaching of the Catholic Church, by satisfying the four criteria as stipulated by Canon Law¹.

The truth of this teaching is confirmed by the broken lives of people who do not follow it. Broken marriages, a high rate of promiscuity, and the growing disrespect for woman in society is endemic. Add this to the demographic and economic problems of a shrinking population (that does not reproduce itself by having a lower than 2.1 TFR²) and a decreasing workforce, the fruit of the culture of death is death of the society that lives its culture.

“For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh.” This is a great mystery, and I mean in reference to Christ and the church; (Ephesians 5 31-32)

Finally, HV serves to preserve the sign and integrity if the great mystery.

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¹ Can. 749 §1. By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when (i) as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, (ii) he proclaims by definitive act (iii) that a doctrine of faith or morals is to be held. And (iv) Can. 749 §3. No doctrine is understood as defined infallibly unless this is manifestly evident. Criteria (iv) is met by both internal (statements made within HV itself) and external (Complementary and collaborating magisterial documents – See Appendix 2) evidences.

² Total Fertility Rate

Bold typeface has been added to text of HV by the author³ of the Commentary for emphasis. Numerals in parenthesis refer to the Endnotes provided by HV itself.

**ENCYCLICAL LETTER
HUMANAE VITAE
OF THE SUPREME PONTIFF
BL PAUL VI**

TO HIS VENERABLE BROTHERS
THE PATRIARCHS, ARCHBISHOPS, BISHOPS
AND OTHER LOCAL ORDINARIES
IN PEACE AND COMMUNION WITH THE APOSTOLIC SEE,
TO THE CLERGY AND FAITHFUL OF THE WHOLE CATHOLIC WORLD⁴, AND TO
ALL MEN OF GOOD WILL,

ON THE REGULATION OF BIRTH

Honored Brothers and Dear Sons,
Health and Apostolic Benediction.

The transmission of human life is a most serious role in which married people collaborate freely and responsibly with God the Creator. It has always been a source of great joy to them, even though it sometimes entails many difficulties and hardships.

The fulfillment of this duty has always posed problems to the conscience of married people, but the recent course of human society and the concomitant changes have provoked **new questions**. The Church cannot ignore these questions, for they concern matters **intimately connected with the life and happiness of human beings**.

I.
**PROBLEM AND COMPETENCY
OF THE MAGISTERIUM**

2. The changes that have taken place are of considerable importance and varied in nature. In the first place there is the rapid increase in population which has made many fear that world population is going to grow faster than available resources, with the consequence that many families and developing countries would be faced with greater hardships. This can easily induce public authorities to be tempted to take even harsher measures to avert this danger. There is also the fact that not only working and housing conditions but the greater demands

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⁴ That *HV* is addressed to all of the Christian faithful is obvious here, thus satisfying criteria (i) in Can 749 §1 above.

made both in the economic and educational field pose a living situation in which it is frequently difficult these days to provide properly for a large family.

Also noteworthy is a new understanding of the **dignity of woman** and her place in society, of the **value of conjugal love in marriage** and the relationship of **conjugal acts to this love**.

But the most remarkable development of all is to be seen in **man's stupendous progress in the domination and rational organization of the forces of nature** to the point that he is endeavoring to extend this **control over every aspect of his own life**—over his body, over his mind and emotions, over his social life, and even over the **laws that regulate the transmission of life**.

New Questions

3. This new state of things gives rise to new questions. Granted the conditions of life today and taking into account the relevance of married love to the harmony and mutual fidelity of husband and wife, would it not be right to review the moral norms in force till now, especially when it is felt that these can be observed only with the gravest difficulty, sometimes only by heroic effort?

Moreover, if one were to apply here the so called **principle of totality**, could it not be accepted that the **intention** to have a less prolific but more rationally planned family might **transform an action which renders natural processes infertile into a licit and provident control of birth**? Could it not be admitted, in other words, that **procreative finality applies to the totality of married life** rather than to **each single act**? A further question is whether, because people are more conscious today of their responsibilities, the time has not come when the transmission of life should be regulated by their intelligence and will rather than through the specific rhythms of their own bodies.⁵

Interpreting the Moral Law

4. This kind of question requires from the teaching authority of the Church a new and deeper reflection on the principles of the moral teaching on marriage—a teaching which is based on the natural law as illuminated and enriched by divine Revelation.

No member of the faithful could possibly deny that **the Church is competent in her magisterium to interpret the natural moral law. It is in fact indisputable, as Our predecessors have many times declared, (1) that Jesus Christ, when He communicated His divine power to Peter and the other Apostles and sent them to teach all nations His commandments, (2) constituted them as the authentic guardians and interpreters of the whole**

⁵ Main concerns of HV addresses the 1) Woman's dignity, 2) Value of conjugal love in marriage, 3) Conjugal acts and this love, 4) ethics of scientific manipulation of the transmission of human life, 5) Inapplicability of the principle of totality, 6) Intention cannot transform morally illicit acts into licit ones.

moral law, not only, that is, of the law of the Gospel but also of the natural law. For the natural law, too, declares the will of God, and its faithful observance is necessary for men's eternal salvation. (3)⁶

In carrying out this mandate, the Church has always issued appropriate documents on the nature of marriage, the correct use of conjugal rights, and the duties of spouses. These documents have been more copious in recent times. (4)

Special Studies

5. The consciousness of the same responsibility induced Us to confirm and expand the commission set up by Our predecessor Pope John XXIII, of happy memory, in March, 1963. This commission included married couples as well as many experts in the various fields pertinent to these questions. Its task was to examine views and opinions concerning married life, and especially on the correct regulation of births; and it was also to provide the teaching authority of the Church with such evidence as would enable it to give an apt reply in this matter, which not only the faithful but also the rest of the world were waiting for. (5)

When the evidence of the experts had been received, as well as the opinions and advice of a considerable number of Our brethren in the episcopate—some of whom sent their views spontaneously, while others were requested by Us to do so—We were in a position to weigh with more precision all the aspects of this complex subject. Hence We are deeply grateful to all those concerned.

The Magisterium's Reply

6. However, the conclusions arrived at by the commission could not be considered by Us as definitive and absolutely certain, dispensing Us from the duty of examining personally this serious question. This was all the more necessary because, within the commission itself, there was not complete agreement concerning the moral norms to be proposed, and especially because certain approaches and criteria for a solution to this question had emerged which were at variance with the moral doctrine on marriage constantly taught by the magisterium of the Church.

Consequently, now that **We have sifted carefully the evidence sent to Us and intently studied the whole matter, as well as prayed constantly to God, We,**

⁶ This description of the Church's mandate (and authority) from Jesus Christ is commonly found in some of the other well known infallible doctrinal proclamations and declarations of the Church (see Appendix 1) and what is significant is the *HV's* claim of the Church's competence as authentic guardians and interpreters of the moral law to interpret the natural law infallibly as deriving from the divine mandate.

by virtue of the mandate entrusted to Us by Christ, intend to give Our reply to this series of grave questions.⁷

II.

DOCTRINAL PRINCIPLES

7. The question of human procreation, like every other question which touches human life, involves more than the limited aspects specific to such disciplines as biology, psychology, demography or sociology. It is the whole man and the whole mission to which he is called that must be considered: both its natural, earthly aspects and its supernatural, eternal aspects. And since in the attempt to justify artificial methods of birth control many appeal to the **demands of married love or of responsible parenthood, these two important realities of married life must be accurately defined and analyzed.** This is **what We mean to do**, with special reference to what the Second Vatican Council taught with the highest authority in its Pastoral Constitution on the Church in the World of Today.⁸

God's Loving Design

8. Married love particularly reveals its true nature and nobility when we realize that it takes its origin from God, who "is love," (6) the Father "from whom every family in heaven and on earth is named." (7)

Marriage, then, is far from being the effect of chance or the result of the blind evolution of natural forces. It is in reality the wise and provident institution of God the Creator, whose purpose was to effect in man His loving design. As a consequence, husband and wife, through that mutual gift of themselves, which is specific and exclusive to them alone, develop that union of two persons in which they perfect one another, cooperating with God in the generation and rearing of new lives.

The marriage of those who have been baptized is, in addition, invested with the dignity of a sacramental sign of grace, for it represents the union of Christ and His Church.

Married Love

9. In the light of these facts the **characteristic features and exigencies of married love are clearly indicated**, and it is of the **highest importance to evaluate them exactly.**

This love is above all **fully human**, a compound of sense and spirit. It is not, then, merely a question of natural instinct or emotional drive. It is also, and above all,

⁷ *HV's* intention to give a definitive, conclusive and authoritative reply to the grave issues is clearly indicated here, thus satisfying the requirement of Can 749 §1 criteria (ii) and (iii), viz a proclamation by a definitive act on a doctrine of morality that is to be held.

⁸ As above

an act of the free will, whose trust is such that it is meant not only to survive the joys and sorrows of daily life, but also to grow, so that husband and wife become in a way one heart and one soul, and together attain their human fulfillment.

It is a love which is **total**—that very special form of personal friendship in which husband and wife generously share everything, allowing no unreasonable exceptions and not thinking solely of their own convenience. Whoever really loves his partner loves not only for what he receives, but loves that partner for the partner's own sake, content to be able **to enrich the other with the gift of himself**.

Married love is also **faithful and exclusive of all other, and this until death**. This is how husband and wife understood it on the day on which, fully aware of what they were doing, they freely vowed themselves to one another in marriage. Though this fidelity of husband and wife sometimes presents difficulties, no one has the right to assert that it is impossible; it is, on the contrary, always honorable and meritorious. The example of countless married couples proves not only that fidelity is in accord with the nature of marriage, but also that it is the source of profound and enduring happiness.

Finally, this love is **fecund**. It is not confined wholly to the loving interchange of husband and wife; it also contrives to go beyond this to bring new life into being. "Marriage and conjugal love are by their nature ordained toward the procreation and education of children. Children are really the supreme gift of marriage and contribute in the highest degree to their parents' welfare." (8)⁹

Responsible Parenthood

10. Married love, therefore, requires of husband and wife the full awareness of their obligations in the matter of responsible parenthood, which today, rightly enough, is much insisted upon, but which at the same time should be rightly understood. Thus, we do well to consider responsible parenthood in the light of its varied legitimate and interrelated aspects.

With regard to the biological processes, responsible parenthood means an awareness of, and respect for, their proper functions. In the procreative faculty the human mind discerns biological laws that apply to the human person. (9)

With regard to man's innate drives and emotions, responsible parenthood means that man's reason and will must exert control over them.

With regard to **physical, economic, psychological and social conditions, responsible parenthood is exercised by those who prudently and generously decide to have more children**, and by those who, for **serious**

⁹ The four characteristics of conjugal love in the St John Paul II's Theology of the Body often expressed as 1) Free, 2) Total, 3) Faithful, and 4) Fruitful seem to have its source here.

reasons and with due respect to moral precepts, decide not to have additional children for either a certain or an indefinite period of time.

Responsible parenthood, as we use the term here, has one further essential aspect of paramount importance. It concerns the objective moral order which was established by God, and of which a right conscience is the true interpreter. In a word, the exercise of **responsible parenthood requires** that husband and wife, keeping **a right order of priorities**, recognize their **own duties toward God, themselves, their families and human society**.

From this it follows that they are **not free to act as they choose in the service of transmitting life**, as if it were wholly up to them to decide what is the right course to follow. On the contrary, they are bound to ensure that what they do corresponds to the will of God the Creator. The very nature of marriage and its use makes His will clear, while the constant teaching of the Church spells it out. (10)

Observing the Natural Law

11. The sexual activity, in which husband and wife are intimately and chastely united with one another, through which human life is transmitted, is, as the recent Council recalled, "noble and worthy." (11) It does not, moreover, cease to be legitimate even when, for reasons independent of their will, it is foreseen to be infertile. For its natural adaptation to the expression and strengthening of the union of husband and wife is not thereby suppressed. The fact is, as experience shows, that **new life is not the result of each and every act of sexual intercourse**. God has wisely ordered laws of nature and the incidence of fertility in such a way that successive births are already naturally spaced through the inherent operation of these laws. **The Church**, nevertheless, in urging men to the observance of the precepts of the natural law, which it interprets by its constant doctrine, **teaches that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life**. (12)

Union and Procreation

12. **This particular doctrine, often expounded by the magisterium of the Church, is based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act.**¹⁰

The reason is that the fundamental nature of the marriage act, while uniting husband and wife in the closest intimacy, also renders them capable of generating new life—and this as a result of **laws written into the actual nature**

¹⁰ This teaching at the core of *HV* is the infallible doctrine on the marital (conjugal) act, based on the natural law of which the Church is its guardian and authentic interpreter. This teaching is necessary for salvation and man must adhere to it definitively.

of man and of woman. And if each of these essential qualities, the unitive and the procreative, is preserved, the use of marriage fully retains its sense of true mutual love and its ordination to the supreme responsibility of parenthood to which man is called. We believe that our contemporaries are particularly capable of seeing that this teaching is in harmony with human reason.

Faithfulness to God's Design

13. Men rightly observe that a conjugal act imposed on one's partner without regard to his or her condition or personal and reasonable wishes in the matter, is no true act of love, and therefore offends the moral order in its particular application to the intimate relationship of husband and wife. If they further reflect, they must also recognize that **an act of mutual love which impairs the capacity to transmit life which God the Creator, through specific laws, has built into it, frustrates His design which constitutes the norm of marriage, and contradicts the will of the Author of life.** Hence to use this divine gift while depriving it, even if only partially, of its meaning and purpose, is equally repugnant to the nature of man and of woman, and is consequently in opposition to the plan of God and His holy will. But to experience the gift of married love while respecting the laws of conception is to acknowledge that one is not the master of the sources of life but rather the minister of the design established by the Creator. Just as man does not have unlimited dominion over his body in general, so also, and with more particular reason, he has no such dominion over his specifically sexual faculties, for these are concerned by their very nature with the generation of life, of which God is the source. "Human life is sacred—all men must recognize that fact," Our predecessor Pope John XXIII recalled. "From its very inception it reveals the creating hand of God." (13)

Unlawful Birth Control Methods

14. Therefore We base Our words on the first principles of a human and Christian doctrine of marriage when **We are obliged once more to declare** that the direct interruption of the generative process already begun and, above all, all **direct abortion**, even for therapeutic reasons, are to be absolutely excluded as lawful means of regulating the number of children. (14) **Equally to be condemned, as the magisterium of the Church** has affirmed on many occasions, is **direct sterilization**, whether of the man or of the woman, whether permanent or temporary. (15)

Similarly excluded is any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means. (16)¹¹

Neither is it valid to argue, as a justification for sexual intercourse which is deliberately contraceptive, that a lesser evil is to be preferred to a greater one, or that such intercourse would merge with procreative acts of past and

¹¹ The declaration of condemnation is applied to abortion, sterilization and contraception.

future to form a single entity, and so be qualified by exactly the same moral goodness as these. Though it is true that sometimes it is lawful to tolerate a lesser moral evil in order to avoid a greater evil or in order to promote a greater good," **it is never lawful, even for the gravest reasons, to do evil that good may come of it** (18)—in other words, to intend directly something **which of its very nature contradicts the moral order**, and which must therefore be judged unworthy of man, even though the intention is to protect or promote the welfare of an individual, of a family or of society in general. **Consequently, it is a serious error to think that a whole married life of otherwise normal relations can justify sexual intercourse which is deliberately contraceptive and so intrinsically wrong.**¹²

Lawful Therapeutic Means

15. On the other hand, the Church does not consider at all illicit the use of those therapeutic means necessary to cure bodily diseases, even if a foreseeable impediment to procreation should result there from—provided such impediment is not directly intended for any motive whatsoever. (19)

Recourse to Infertile Periods

16. Now as We noted earlier (no. 3), some people today raise the objection against this particular doctrine of the Church concerning the moral laws governing marriage, that human intelligence has both the right and responsibility to control those forces of irrational nature which come within its ambit and to direct them toward ends beneficial to man. Others ask on the same point whether it is not reasonable in so many cases to use artificial birth control if by so doing the harmony and peace of a family are better served and more suitable conditions are provided for the education of children already born. To this question **We must give a clear reply.** The Church is the first to praise and commend the application of human intelligence to an activity in which a rational creature such as man is so closely associated with his Creator. But she affirms that this must be done within the limits of the order of reality established by God.

If therefore there are **well-grounded reasons for spacing births**, arising from the **physical or psychological condition of husband or wife, or from external circumstances**, the Church teaches that married people may then take advantage of the natural cycles immanent in the reproductive system and engage in marital intercourse only during those times that are infertile, thus controlling birth in a way which does not in the least offend the moral principles which We have just explained. (20)

Neither the Church nor her doctrine is inconsistent when she considers it lawful for married people to take advantage of the infertile period but condemns as always unlawful the use of means which directly prevent conception, even when the reasons given for the later practice may appear to be upright and serious. In

¹² Because of its nature as an intrinsic evil, contraception cannot be made licit by the principle of totality or being the lesser of two evils.

reality, these **two cases are completely different**. In the former the married couple **rightly use a faculty provided them by nature**. In the later they **obstruct the natural development of the generative process**. It cannot be denied that in each case the married couple, for acceptable reasons, are **both perfectly clear in their intention to avoid children** and wish to make sure that none will result. But it is equally true that it is exclusively in the former case that husband and wife are ready to abstain from intercourse during the fertile period as often as for reasonable motives the birth of another child is not desirable. And when the infertile period recurs, they use their married intimacy to express their mutual love and safeguard their fidelity toward one another. In doing this they certainly give proof of a true and authentic love.

Consequences of Artificial Methods¹³

17. Responsible men can become more deeply convinced of the truth of the doctrine laid down by the Church on this issue if they reflect on the consequences of methods and plans for artificial birth control. Let them first consider how easily this course of action could open wide the way for **marital infidelity and a general lowering of moral standards**. Not much experience is needed to be fully aware of human weakness and to understand that human beings—and especially the young, who are so exposed to temptation—need incentives to keep the moral law, and it is an evil thing to make it easy for them to break that law. Another effect that gives cause for alarm is that a **man who grows accustomed to the use of contraceptive methods may forget the reverence due to a woman, and, disregarding her physical and emotional equilibrium, reduce her to being a mere instrument for the satisfaction of his own desires**, no longer considering her as his partner whom he should surround with care and affection.

Finally, careful consideration should be given to the danger of this power passing into the hands of those **public authorities who care little for the precepts of the moral law**. Who will blame a government which in its attempt to resolve the problems affecting an entire country resorts to the same measures as are regarded as lawful by married people in the solution of a particular family difficulty? Who will prevent public authorities from favoring those contraceptive methods which they consider more effective? Should they regard this as necessary, they may even **impose their use on everyone**. It could well happen, therefore, that when people, either individually or in family or social life, experience the inherent difficulties of the divine law and are determined to avoid them, they may give into the hands of public authorities the power to intervene in the most personal and intimate responsibility of husband and wife.

Limits to Man's Power

¹³ Four prophetic claims in *HV* have been proven true: 1) Increase in adultery, 2) Increase in promiscuity, 3) Lowering of woman's dignity, 4) Governments resorting to impose immoral policies to intervene in marital relations.

Consequently, unless we are willing that the responsibility of procreating life should be left to the arbitrary decision of men, we must accept that there are certain limits, beyond which it is wrong to go, to the power of man over his own body and its natural functions—limits, let it be said, which no one, whether as a private individual or as a public authority, can lawfully exceed. These limits are expressly imposed because of the reverence due to the whole human organism and its natural functions, in the light of the principles We stated earlier, and in accordance with a correct understanding of the "**principle of totality**" enunciated by Our predecessor Pope Pius XII. (21)

Concern of the Church¹⁴

18. It is to be anticipated that perhaps not everyone will easily accept this particular teaching. There is too much clamorous outcry against the voice of the Church, and this is intensified by modern means of communication. But it comes as no surprise to **the Church that she, no less than her divine Founder, is destined to be a "sign of contradiction."** (22) She does not, because of this, evade the duty imposed on her of **proclaiming humbly but firmly the entire moral law, both natural and evangelical.**

Since the Church did not make either of these laws, she cannot be their arbiter—only their **guardian and interpreter.** It could never be right for her to **declare** lawful what is in fact unlawful, since that, by its very nature, is always opposed to the true good of man.

In preserving intact the whole moral law of marriage, the Church is convinced that she is contributing to the creation of a truly human civilization. She urges man not to betray his personal responsibilities by putting all his faith in technical expedients. In this way she defends the dignity of husband and wife. This course of action shows that the Church, loyal to the example and teaching of the divine Savior, is sincere and unselfish in her regard for men whom she strives to help even now during this earthly pilgrimage "to share God's life as sons of the living God, the Father of all men." (23)

III.

PASTORAL DIRECTIVES

19. Our words would not be an adequate expression of the thought and solicitude of the Church, Mother and Teacher of all peoples, if, after having recalled men to the observance and respect of the **divine law regarding matrimony**¹⁵, they did not also support mankind in the honest regulation of birth amid the difficult conditions which today afflict families and peoples. The Church, in fact, cannot act differently toward men than did the Redeemer. She knows their weaknesses, she has compassion on the multitude, she welcomes sinners. But at the same time she cannot do otherwise than teach the law. For it

¹⁴ The teaching in HV is both a "proclamation" and a "declaration" of the moral law of marriage, of which the Church is guardian and interpreter.

¹⁵ HV is described as the divine law regarding matrimony.

is in fact the **law of human life restored to its native truth and guided by the Spirit of God.** (24) Observing the Divine Law.

20. **The teaching of the Church regarding the proper regulation of birth is a promulgation of the law of God Himself¹⁶.** And yet there is no doubt that to many it will appear not merely difficult but even impossible to observe. Now it is true that like all good things which are outstanding for their nobility and for the benefits which they confer on men, so this law demands from individual men and women, from families and from human society, a resolute purpose and great endurance. Indeed it cannot be observed unless God comes to their help with the grace by which the goodwill of men is sustained and strengthened. But to those who consider this matter diligently it will indeed be evident that this endurance enhances man's dignity and confers benefits on human society.

Value of Self-Discipline

21. The right and lawful ordering of birth demands, first of all, that spouses fully recognize and value the true blessings of family life and that they acquire **complete mastery over themselves and their emotions.** For if with the aid of reason and of free will they are to control their natural drives, there can be no doubt at all of the **need for self-denial.** Only then will the expression of love, essential to married life, conform to right order. This is especially clear in the practice of periodic continence. **Self-discipline** of this kind is a shining witness to the **chastity of husband and wife** and, far from being a hindrance to their love of one another, transforms it by giving it a more truly human character. And if this **self-discipline** does demand that they persevere in their purpose and efforts, it has at the same time the salutary effect of enabling husband and wife to develop to their personalities and to be enriched with spiritual blessings. For it brings to family life abundant fruits of tranquility and peace. It helps in solving difficulties of other kinds. It **fosters in husband and wife thoughtfulness and loving consideration for one another.** It helps them to **repel inordinate self-love, which is the opposite of charity.** It arouses in them a consciousness of their responsibilities. And finally, it confers upon parents a deeper and more effective influence in the education of their children. As their children grow up, they develop a right sense of values and achieve a serene and harmonious use of their mental and physical powers.

Promotion of Chastity

22. We take this opportunity to address those who are engaged in education and all those whose right and duty it is to provide for the common good of human society. We would call their attention to the **need to create an atmosphere favorable to the growth of chastity** so that true liberty may prevail over license and the norms of the moral law may be fully safeguarded.

¹⁶ To call *HV* as the promulgation of the law of God is to propose that it is a divine positive law, almost like the Ten Commandments.

Everything therefore in the modern means of social communication which **arouses men's baser passions and encourages low moral standards**, as well as every **obscenity in the written word and every form of indecency on the stage and screen, should be condemned publicly and unanimously** by all those who have at heart the advance of civilization and the safeguarding of the outstanding values of the human spirit. It is quite absurd to defend this kind of depravity in the name of art or culture (25) or by pleading the liberty which may be allowed in this field by the public authorities.

Appeal to Public Authorities

23. And now We wish to speak to rulers of nations. To you most of all is committed the responsibility of safeguarding the common good. You can contribute so much to the preservation of morals. We beg of you, never allow the morals of your peoples to be undermined. The family is the primary unit in the state; do not tolerate any legislation which would introduce into the family those practices which are opposed to the natural law of God. For there are other ways by which a government can and should solve the population problem—that is to say by enacting laws which will assist families and by educating the people wisely so that the moral law and the freedom of the citizens are both safeguarded.

Seeking True Solutions

We are fully aware of the difficulties confronting the public authorities in this matter, especially in the developing countries. In fact, We had in mind the justifiable anxieties which weigh upon them when We published Our encyclical letter *Populorum Progressio*. But now We join Our voice to that of Our predecessor John XXIII of venerable memory, and We make Our own his words: "No statement of the problem and no solution to it is acceptable which does violence to man's essential dignity; those who propose such solutions base them on an utterly materialistic conception of man himself and his life. The only possible solution to this question is one which envisages the social and economic progress both of individuals and of the whole of human society, and which respects and promotes true human values." (26) No one can, without being grossly unfair, make divine Providence responsible for what clearly seems to be the result of misguided governmental policies, of an insufficient sense of social justice, of a selfish accumulation of material goods, and finally of a culpable failure to undertake those initiatives and responsibilities which would raise the standard of living of peoples and their children. (27) If only all governments which were able would do what some are already doing so nobly, and bestir themselves to renew their efforts and their undertakings! There must be no relaxation in the programs of mutual aid between all the branches of the great human family. Here We believe an almost limitless field lies open for the activities of the great international institutions.

To Scientists

24. Our next appeal is to men of science. These can "considerably advance the welfare of marriage and the family and also peace of conscience, if by pooling their efforts they strive to elucidate more thoroughly the conditions favorable to a proper regulation of births." (28) It is supremely desirable, and this was also the mind of Pius XII, that medical science should by the study of natural rhythms succeed in determining a sufficiently secure basis for the chaste limitation of offspring. (29) In this way scientists, especially those who are Catholics, will by their research establish **the truth of the Church's claim that "there can be no contradiction between two divine laws—that which governs the transmitting of life¹⁷ and that which governs the fostering of married love."** (30)

To Christian Couples

25. And now We turn in a special way to Our own sons and daughters, to those most of all whom God calls to serve Him in the state of marriage. While the Church does indeed hand on to her children the inviolable conditions laid down by God's law, she is also the herald of salvation and through the sacraments she flings wide open the channels of grace through which man is made a new creature responding in charity and true freedom to the design of his Creator and Savior, experiencing too the sweetness of the yoke of Christ. (31)

In humble obedience then to her voice, let Christian husbands and wives be mindful of their vocation to the Christian life, a vocation which, deriving from their Baptism, has been confirmed anew and made more explicit by the Sacrament of Matrimony. For by this sacrament they are strengthened and, one might almost say, consecrated to the faithful fulfillment of their duties. Thus will they realize to the full their calling and bear witness as becomes them, to Christ before the world. (32) For the Lord has entrusted to them the task of making visible to men and women the holiness and joy of the law which united inseparably their love for one another and the cooperation they give to God's love, God who is the Author of human life.

We have no wish at all to pass over in silence the difficulties, at times very great, which beset the lives of Christian married couples. For them, as indeed for every one of us, "the gate is narrow and the way is hard, that leads to life." (33) Nevertheless it is precisely the hope of that life which, like a brightly burning torch, lights up their journey, as, strong in spirit, they strive to live "sober, upright and godly lives in this world," (34) knowing for sure that "the form of this world is passing away." (35)

Recourse to God

For this reason husbands and wives should take up the burden appointed to them, willingly, in the strength of faith and of that hope which "does not disappoint us, because God's love has been poured into our hearts through the

¹⁷ HV again identifies its teaching as divine law, thus confirming that it must also have regarded it as infallible.

Holy Spirit who has been given to us ~}36 Then let them implore the help of God with unremitting prayer and, most of all, let them draw grace and charity from that unfailing fount which is the **Eucharist**. If, however, sin still exercises its hold over them, they are not to lose heart. Rather must they, humble and persevering, have recourse to the mercy of God, abundantly bestowed in the Sacrament of **Penance**. In this way, for sure, they will be able to reach that perfection of married life which the Apostle sets out in these words: "Husbands, love your wives, as Christ loved the Church. . . Even so husbands should love their wives as their own bodies. He who loves his wife loves himself. For no man ever hates his own flesh, but nourishes and cherishes it, as Christ does the Church. . . **This is a great mystery, and I mean in reference to Christ and the Church**; however, let each one of you love his wife as himself, and let the wife see that she respects her husband." (37)

Family Apostolate

26. Among the fruits that ripen if the law of God be resolutely obeyed, the most precious is certainly this, that married couples themselves will often desire to communicate their own experience to others. Thus it comes about that in the fullness of the lay vocation will be included a novel and outstanding form of the apostolate by which, **like ministering to like, married couples themselves by the leadership they offer will become apostles to other married couples**. And surely among all the forms of the Christian apostolate it is hard to think of one more opportune for the present time. (38)

To Doctors and Nurses

27. Likewise we hold in the highest esteem those doctors and members of the nursing profession who, in the exercise of their calling, endeavor to fulfill the demands of their Christian vocation before any merely human interest. Let them therefore continue constant in their resolution always to support those lines of action which accord with faith and with right reason. And let them strive to win agreement and support for these policies among their professional colleagues. Moreover, they should regard it as an essential part of their skill to make themselves fully proficient in this difficult field of medical knowledge. For then, when married couples ask for their advice, they may be in a position to give them right counsel and to point them in the proper direction. Married couples have a right to expect this much from them.

To Priests

28. And now, beloved sons, you who are priests, you who in virtue of your sacred office act as counselors and spiritual leaders both of individual men and women and of families—We turn to you filled with great confidence. For it is your **principal duty**—We are speaking especially to you **who teach moral theology**—to spell out clearly and completely the Church's teaching on marriage. In the performance of your ministry you must be the first to give an example of that **sincere obedience, inward as well as outward, which is due to the magisterium of the Church**. For, as you know, the pastors of the Church

enjoy a **special light of the Holy Spirit in teaching the truth.** (39)¹⁸ And this, rather than the arguments they put forward, is **why you are bound to such obedience.** Nor will it escape you that if men's peace of soul and the unity of the Christian people are to be preserved, then it is **of the utmost importance that in moral as well as in dogmatic theology all should obey the magisterium of the Church** and should speak as with one voice. Therefore We make Our own the anxious words of the great Apostle Paul and with all Our heart We renew Our appeal to you: "I appeal to you, brethren, by the name of our Lord Jesus Christ, that all of you agree and that there be no dissensions among you, but that you be united in the same mind and the same judgment." (40)

Christian Compassion

29. Now it is an outstanding manifestation of charity toward souls to omit nothing from the saving doctrine of Christ; but this must always be joined with **tolerance and charity**, as Christ Himself showed in His conversations and dealings with men. For when He came, not to judge, but to save the world, (41) was He not bitterly severe toward sin, but **patient and abounding in mercy toward sinners?**

Husbands and wives, therefore, when deeply distressed by reason of the difficulties of their life, must find stamped in the heart and voice of their priest the likeness of the **voice and the love of our Redeemer.**

So speak with full confidence, beloved sons, convinced that while the **Holy Spirit of God is present to the magisterium proclaiming sound doctrine**, He also illumines from within the hearts of the faithful and invites their assent. Teach married couples the necessary way of **prayer** and prepare them to approach more often with great faith the **Sacraments of the Eucharist and of Penance.** Let them never lose heart because of their weakness.

To Bishops

30. And now as We come to the end of this encyclical letter, We turn Our mind to you, reverently and lovingly, beloved and venerable brothers in the episcopate, with whom We share more closely the care of the spiritual good of the People of God. For We invite all of you, We implore you, **to give a lead to your priests** who assist you in the sacred ministry, and to the faithful of your dioceses, and to **devote yourselves with all zeal and without delay to safeguarding the holiness of marriage, in order to guide married life to its full human and Christian perfection.** Consider this mission as **one of your most urgent responsibilities at the present time.** As you well know, it calls for concerted

¹⁸ This footnote (39) is a reference to Dogmatic Constitution Lumen Gentium 25, which is the teaching of the Vatican Council II on the charism of infallibility in the Church. This is very significant as priests and theologians (moral and dogmatic) are reminded in *HV* of the need to obey the Magisterium because of her gift of infallibility when upholding *HV*. This can only be an allusion to the infallibility of the doctrine in *HV* itself.

pastoral action in every field of human diligence, economic, cultural and social. If simultaneous progress is made in these various fields, then the intimate life of parents and children in the family will be rendered not only more tolerable, but easier and more joyful. And life together in human society will be enriched with fraternal charity and made more stable with true peace when God's design which He conceived for the world is faithfully followed.

A Great Work

31. Venerable brothers, beloved sons, all men of good will, great indeed is the work of education, of progress and of charity to which We now summon all of you. And this We do relying on the **unshakable teaching of the Church, which teaching Peter's successor together with his brothers in the Catholic episcopate faithfully guards and interprets.** And We are convinced that this truly great work will bring blessings both on the world and on the Church. For man cannot attain that true happiness for which he yearns with all the strength of his spirit, unless he keeps **the laws which the Most High God has engraved in his very nature. These laws must be wisely and lovingly observed.**¹⁹ On this great work, on all of you and especially on married couples, We implore from the God of all holiness and pity an abundance of heavenly grace as a pledge of which We gladly bestow Our apostolic blessing.

Given at St. Peter's, Rome, on the 25th day of July, the feast of St. James the Apostle, in the year 1968, the sixth of Our pontificate.

PAUL VI

NOTES

LATIN TEXT: Acta Apostolicae Sedis, 60 (1968), 481-503.

ENGLISH TRANSLATION: The Pope Speaks, 13 (Fall. 1969), 329-46.

REFERENCES:

(1) See Pius IX, encyc. letter *Oui pluribus*: Pii IX P.M. Acta, 1, pp. 9-10; St. Pius X encyc. letter *Singulari quadam*: AAS 4 (1912), 658; Pius XI, encyc. letter *Casti connubii*: AAS 22 (1930), 579-581; Pius XII, address *Magnificate Dominum* to the episcopate of the Catholic World: AAS 46 (1954), 671-672; John XXIII, encyc. letter *Mater et Magistra*: AAS 53 (1961), 457.

(2) See Mt 28. 18-19.

(3) See Mt 7. 21.

¹⁹ The doctrine in *HV* represents an “unshakable” teaching which is “faithfully guarded and interpreted” (as it is part of the Church’s deposit of faith) by the Magisterium, to which all must observe. These statements can only refer to infallible doctrines of the Church.

(4) See Council of Trent Roman Catechism, Part II, ch. 8; Leo XIII, encyc. letter Arcanum: Acta Leonis XIII, 2 (1880), 26-29; Pius XI, encyc. letter Divini illius Magistri: AAS 22 (1930), 58-61; encyc. letter Casti connubii: AAS 22 (1930), 545-546; Pius XII, Address to Italian Medico-Biological Union of St. Luke: Discorsi e radiomessaggi di Pio XII, VI, 191-192; to Italian Association of Catholic Midwives: AAS 43 (1951), 835-854; to the association known as the Family Campaign, and other family associations: AAS 43 (1951), 857-859; to 7th congress of International Society of Hematology: AAS 50 (1958), 734-735 [TPS VI, 394-395]; John XXIII, encyc. letter Mater et Magistra: AAS 53 (1961), 446-447 [TPS VII, 330-331]; Second Vatican Council, Pastoral Constitution on the Church in the World of Today, nos. 47-52: AAS 58 (1966), 1067-1074 [TPS XI, 289-295]; Code of Canon Law, canons 1067, 1068 §1, canon 1076, §§1-2.

(5) See Paul VI, Address to Sacred College of Cardinals: AAS 56 (1964), 588 [TPS IX, 355-356]; to Commission for the Study of Problems of Population, Family and Birth: AAS 57 (1965), 388 [TPS X, 225]; to National Congress of the Italian Society of Obstetrics and Gynecology: AAS 58 (1966), 1168 [TPS XI, 401-403].

(6) See 1 Jn 4. 8.

(7) Eph 3. 15.

(8) Second Vatican Council, Pastoral Constitution on the Church in the World of Today, no. 50: AAS 58 (1966), 1070-1072 [TPS XI, 292-293].

(9) See St. Thomas, Summa Theologiae, I-II, q. 94, art. 2.

(10) See Second Vatican Council, Pastoral Constitution on the Church in the World of Today, nos. 50-51: AAS 58 (1966) 1070-1073 [TPS XI, 292-293].

(11) See *ibid.*, no. 49: AAS 58 (1966), 1070 [TPS XI, 291-292].

(12) See Pius XI, encyc. letter Casti connubi: AAS 22 (1930), 560; Pius XII, Address to Midwives: AAS 43 (1951), 843.

(13) See encyc. letter Mater et Magistra: AAS 53 (1961), 447 [TPS VII, 331].

(14) See Council of Trent Roman Catechism, Part II, ch. 8; Pius XI, encyc. letter Casti connubii: AAS 22 (1930), 562-564; Pius XII, Address to Medico-Biological Union of St. Luke: Discorsi e radiomessaggi, VI, 191-192; Address to Midwives: AAS 43 (1951), 842-843; Address to Family Campaign and other family associations: AAS 43 (1951), 857-859; John XXIII, encyc. letter Pacem in terris: AAS 55 (1963), 259-260 [TPS IX, 15-16]; Second Vatican Council, Pastoral Constitution on the Church in the World of Today, no. 51: AAS 58 (1966), 1072 [TPS XI, 293].

(15) See Pius XI, encyc. letter *Casti connubii*: AAS 22 (1930), 565; Decree of the Holy Office, Feb. 22, 1940: AAS 32 (1940), 73; Pius XII, Address to Midwives: AAS 43

(1951), 843-844; to the Society of Hematology: AAS 50 (1958), 734-735 [TPS VI, 394-395].

(16) See Council of Trent Roman Catechism, Part II, ch. 8; Pius XI, encyc. letter *Casti connubii*: AAS 22 (1930), 559-561; Pius XII, Address to Midwives: AAS 43 (1951), 843; to the Society of Hematology: AAS 50 (1958), 734-735 [TPS VI, 394-395]; John XXIII, encyc. letter *Mater et Magistra*: AAS 53 (1961), 447 [TPS VII, 331].

(17) See Pius XII, Address to National Congress of Italian Society of the Union of Catholic Jurists: AAS 45 (1953), 798-799 [TPS I, 67-69].

(18) See Rom 3. 8.

(19) See Pius XII, Address to 26th Congress of Italian Association of Urology: AAS 45 (1953), 674-675; to Society of Hematology: AAS 50 (1958), 734-735 [TPS VI, 394-395].

(20) See Pius XII, Address to Midwives: AAS 43 (1951), 846.

(21) See Pius XII, Address to Association of Urology: AAS 45 (1953), 674-675; to leaders and members of Italian Association of Cornea Donors and Italian Association for the Blind: AAS 48 (1956), 461-462 [TPS III, 200-201].

(22) Lk 2. 34.

(23) See Paul VI, encyc. letter *Populorum progressio*: AAS 59 (1967), 268 [TPS XII, 151].

(24) See Rom 8.

(25) See Second Vatican Council, Decree on the Media of Social Communication, nos. 6-7: AAS 56 (1964), 147 [TPS IX, 340-341].

(26) Encyc. letter *Mater et Magistra*: AAS 53 (1961), 447 [TPS VII, 331].

(27) See encyc. letter *Populorum progressio*, nos. 48-55: AAS 59 (1967), 281-284 [TPS XII, 160-162].

(28) Second Vatican Council, Pastoral Constitution on the Church in the World of Today, no. 52: AAS 58 (1966), 1074 [TPS XI, 294].

(29) Address to Family Campaign and other family associations: AAS 43 (1951), 859.

(30) Second Vatican Council, Pastoral Constitution on the Church in the World of Today, no. 51: AAS 58 (1966), 1072 [TPS XI, 293].

(31) See Mt 11. 30.

(32) See Second Vatican Council, Pastoral Constitution on the Church in the World of Today, no. 48: AAS 58 (1966), 1067-1069 [TPS XI, 290-291]; Dogmatic Constitution on the Church, no. 35: AAS 57 (1965), 40-41 [TPS X, 382-383].

(33) Mt 7. 14; see Heb 12. 11.

(34) See Ti 2. 12.

(35) See 1 Cor 7. 31.

(36) Rom 5. 5.

(37) Eph 5. 25, 28-29, 32-33.

(38) See Second Vatican Council, Dogmatic Constitution on the Church, nos. 35, 41: AAS 57 (1965), 40-45 [TPS X, 382-383, 386-387; Pastoral Constitution on the Church in the World of Today, nos. 48-49: AAS 58 (1966), 1067-1070 [TPS XI, 290-292]; Decree on the Apostolate of the Laity, no. 11: AAS 58 (1966), 847-849 [TPS XI, 128-129].

(39) See Second Vatican Council, Dogmatic Constitution on the Church, no. 25: AAS 57 (1965), 29-31 [TPS X, 375-376].

(40) 1 Cor 1. 10.

(41) See Jn 3. 17.

APPENDIX 1

Examples of Infallible Proclamations and Declarations of the Magisterium:

1. DECLARATION OF THE DOGMA OF THE IMMACULATE CONCEPTION OF THE BVM

INEFFABILIS DEUS Apostolic Constitution 1854 Pope Pius IX

... by the **authority of Jesus Christ our Lord, of the Blessed Apostles Peter and Paul**, and by our own: "We **declare, pronounce, and define** that the doctrine which holds that the most Blessed Virgin Mary, in the first instance of her conception, by a singular grace and privilege granted by Almighty God, in view of the merits of Jesus Christ, the Savior of the human race, was preserved free from all stain of original sin, is a doctrine revealed by God and therefore to be believed firmly and constantly by all the faithful." [29]

Hence, if anyone shall dare-which God forbid!-to think otherwise than as has been defined by us, let him know and understand that he is condemned by his own judgment; that he has suffered shipwreck in the faith; that he has separated from the unity of the Church; and that, furthermore, by his own action he incurs the penalties established by law if he should dare to express in words or writing or by any other outward means the errors he think in his heart.

2. DECLARATION OF THE DOGMA OF THE OF PAPAL INFALLIBILITY

PASTOR AETERNUS Dogmatic Constitution 1870 Vatican Council I

9. ... with the approval of the Sacred Council, we **teach and define** as a divinely revealed dogma that when the Roman Pontiff speaks EX CATHEDRA, that is, when, in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole Church, he possesses, by the divine assistance promised to him in blessed Peter, that infallibility which the divine Redeemer willed his Church to enjoy in defining doctrine concerning faith or morals. Therefore, such definitions of the Roman Pontiff are of themselves, and not by the consent of the Church, irreformable.

3. DECLARATION OF THE DOGMA OF THE ASSUMPTION OF THE BVM

MUNIFICENTISSIMUS DEUS Apostolic Constitution 1950 Pope Pius XII

44. ... by the **authority of our Lord Jesus Christ, of the Blessed Apostles Peter and Paul**, and by our own authority, we **pronounce, declare, and define** it to be a divinely revealed dogma: that the Immaculate Mother of God, the ever Virgin Mary, having completed the course of her earthly life, was assumed body and soul into heavenly glory.

45. Hence if anyone, which God forbid, should dare willfully to deny or to call into doubt that which we have defined, let him know that he has fallen away completely from the divine and Catholic Faith.

4. DECLARATION OF CONDEMNATION OF THE KILLING OF AN INNOCENT HUMAN LIFE, ABORTION AND EUTHANASIA AS GRAVELY IMMORAL ACTS

EVANGELIUM VITAE (On the Value and Inviolability of Human Life) Encyclical 1995 Pope St John Paul II

57. ... Therefore, by the **authority which Christ conferred upon Peter and his Successors**, and in communion with the Bishops of the Catholic Church, I **confirm** that the **direct and voluntary killing of an innocent human being** is always gravely immoral. This doctrine, based upon that unwritten law which man, in the light of reason, finds in his own heart (cf. Rom 2:14-15), is reaffirmed by Sacred Scripture, transmitted by the Tradition of the Church and taught by the ordinary and universal Magisterium.

62. ... Paul VI was able to **declare** that this tradition is unchanged and unchangeable. 72 Therefore, by the **authority which Christ conferred upon Peter and his Successors**, in communion with the Bishops-who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine-I **declare** that **direct abortion, that is, abortion willed as an end or as a means**, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium.

65. ... in harmony with the Magisterium of my Predecessors 81 and in communion with the Bishops of the Catholic Church, I **confirm** that **euthanasia** is a grave violation of the law of God, since it is the deliberate and morally unacceptable killing of a human person. This doctrine is based upon the natural law and upon the written word of God, is transmitted by the Church's Tradition and taught by the ordinary and universal Magisterium.

5. DECLARATION OF CONDEMNATION OF ABORTION, STERILIZATION AND CONTRACEPTION

HUMANAE VITAE (On the Regulation of Birth) Encyclical 1968 Pope Bl Paul VI

4. ... as Our predecessors have many times declared, that **Jesus Christ, when He communicated His divine power to Peter and the other Apostles** and sent them to **teach all nations His commandments, constituted them as the authentic guardians and interpreters of the whole moral law**, not only, that is, of the law of the Gospel but also of the natural law. For the **natural law**, too, declares the will of God, and its faithful observance is **necessary for men's eternal salvation**.

6. ... We, **by virtue of the mandate entrusted to Us by Christ**, intend to **give Our reply to this series of grave questions**.

14. ... We are obliged once more to **declare** that the direct interruption of the generative process already begun and, above all, all **direct abortion**, even for therapeutic reasons, are to be absolutely excluded as lawful means of regulating the number of children. (14) **Equally** to be **condemned**, as the magisterium of the Church has affirmed on many occasions, is **direct sterilization**, whether of the man or of the woman, whether permanent or temporary. **Similarly** excluded is **any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means.**

18. ... She (The Church) does not, because of this, evade the duty imposed on her of **proclaiming** humbly but firmly the entire moral law, both natural and evangelical.

Since the Church did not make either of these laws, she cannot be their arbiter—only their guardian and interpreter. It could never be right for her to **declare** lawful what is in fact unlawful, since that, by its very nature, is always opposed to the true good of man.

20. The teaching of the Church regarding the proper regulation of birth is a **promulgation of the law of God Himself.** ...

APPENDIX 2

List of Magisterial documents that complement and corroborate the teaching in *Humanae Vitae* (HV):

1. *HV*, 4 was mentioned as a foot note (no 13) in the **1998 Doctrinal Commentary** on the Concluding Formula of the *Professio Fidei*, by the Congregation for the Doctrine of the Faith (CDF) 6, when it was elaborating on the teachings that has been definitively proposed by the Church. These teachings must be firmly accepted and held by the faithful, “based on faith in the Holy Spirit’s assistance to the Magisterium and on the Catholic doctrine of the Infallibility of the Magisterium in these matters.”

2. Perhaps the clearest and most precise statement from the magisterium on the status of this teaching is found in 1997 document **Vademecum** For Confessors Concerning some Aspects of the Morality of Conjugal Life (Morality of Conjugal Life – Handbook for Confessors) issued by the Pontifical Council for the Family. It states in paragraph 4:

“The Church has always taught the intrinsic evil of contraception, that is, of every marital act intentionally rendered unfruitful. This teaching is to be held as definitive and irreformable.”

This declaration that the teaching is definitive and irreformable indicates its infallible status by the Magisterium

3. This teaching was affirmed in the 1981 Apostolic Exhortation **Familiaris Consortio**, by Pope John Paul II in paragraph 29, : “ ... love between husband and wife must be fully human, exclusive and open to new life,” quoting *Humanae Vitae* No. 11.

4. The **Catechism of the Catholic Church** in paragraph 2370 is equally clear that ‘every action which, whether in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes as an end or as a means, to render procreation impossible’ is intrinsically evil.

5. 1993 **Veritatis Splendor**, where the Pope was speaking about intrinsically evil acts and cited the use of contraceptives as an example, reference was made to *Humanae Vitae* 14 in the footnotes.

6. The **Theology of the Body** was the first major catechetical project of Pope St John Paul II from 1979 to 1984 consisting of 129 talks at the Wednesday General Audience Addresses. It has been described by Christopher Cardinal Schonborn as having the defense of *HV* as its main goal. Pope St John Paul II himself points to *HV* as the true focus of TOB as a whole.

A Canonical Investigation of the Infallibility of the Teaching in *Humanae Vitae*

By Andrew Kong, BSc, LLB, JCL

Introduction

In 1968 Pope Paul VI issued the Encyclical *Humanae Vitae*²⁰ (*HV*) to present the Church's response to some very important moral questions on the transmission of human life. This document was met with dissent and disobedience from many in the Church. Some of these Catholics call the teaching 'controversial' to signify their disagreement and dissent, but not wanting to publicly declare their non-adherence, as dissent is not allowed in the Church.²¹

We will show that according to canon law²² the teaching in *HV* is in fact an infallible teaching of the Catholic Church according to her doctrinal statements, and that *HV* is not at all a controversial document. What is controversial really is the dissent that some of "Christ's faithful"²³ i.e. Catholics, have shown to this document. To be faithful and to dissent are contradictory terms and hence its controversy!

This paper is in two parts:

Part I : Infallibility and Catholic Teachings
Part II: The Teaching in *HV* is Infallible

Part I : Infallibility and Catholic Teachings

Infallibility means freedom from error. This is a quality we ascribe to God, and to the second Person of the Blessed Trinity, Jesus Christ. Since the Catholic Church exists to continue the mission of Christ, her Magisterium²⁴ is conferred a share of

²⁰ *Humane Vitae* (Of Human Life) 1968 Encyclical Letter of Pope Paul VI.

²¹ "It is sometimes claimed that dissent from the Magisterium is totally compatible with being a 'good Catholic' and poses no obstacle to the reception of the sacraments. This is a grave error" *Pope JP II's address to US bishops, LA 16 Sept 1987*

²² 1983 *Codex Iuris Canonici* (CIC) - Code of Canon Law Promulgated by the Apostolic Constitution *Sacrae Disciplinae* by Pope John Paul II in 1983, the Code of Canon Law is the Church's fundamental legislative document and is to be regarded as "a complement to the authentic teaching proposed by the Second Vatican Council and particularly to its Dogmatic and Pastoral Constitutions." (*Sacrae Disciplinae*)

²³ The CIC has used the term "Christ's faithful" to mean Catholics in full communion with the Church. (Cf Can 204 §1)

²⁴ Magisterium: The Teaching Authority of the Catholic Church, consisting of the Pope and the bishops in communion with him.

his own infallibility²⁵. And so we believe that Christ “endowed the Church’s shepherds with the charism of infallibility in matters of faith and morals.” According to the Code of Canon Law²⁶, the exercise of this charism takes several forms:

Can. 749

§1. By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he proclaims by definitive act that a doctrine of faith or morals is to be held.

§2. The college of bishops also possesses infallibility in teaching when the bishops gathered together in an ecumenical council exercise the magisterium as teachers and judges of faith and morals who declare for the universal Church that a doctrine of faith or morals is to be held definitively; or when dispersed throughout the world but preserving the bond of communion among themselves and with the successor of Peter and teaching authentically together with the Roman Pontiff matters of faith or morals, they agree that a particular proposition is to be held definitively.

§3. No doctrine is understood as defined infallibly unless this is manifestly evident.

In other words, the three occasions when a Catholic doctrine can be infallibly proposed or taught by the Church are:

- (i) When the Pope speaks ‘*ex cathedra*’ (literally: “from the (papal) throne”) on a matter of faith and morals (§1),
- (ii) At an ecumenical council (§2),
- (iii) From the universal and ordinary Magisterium (§2)

Both (i) and (ii) are solemn defining acts by the extraordinary magisterium (i.e. the pope alone or with an ecumenical council), and it concerns doctrine either *to be believed as divinely revealed* or *to be held definitively*. Cases in (iii) are non-defining acts, whereby the doctrine is still infallibly taught but by the universal and ordinary Magisterium.

These teachings can be *confirmed or reaffirmed* by the Pope, without recourse to a solemn definition, by declaring explicitly that it belongs to the teaching of the ordinary and universal Magisterium as a truth that is either *to be believed as divinely revealed* or *to be held definitively*.²⁷

We should note that the universal and ordinary Magisterium of the Church is the “usual expression of the Church’s infallibility.”²⁸

²⁵ Catechism of the Catholic Church, 890

²⁶ CIC 1983

²⁷ Cf. Doctrinal Commentary on the Concluding Formula of the *Professio Fidei*, Congregation for the Doctrine of the Faith, 9

²⁸ Pope John Paul II, *L’Osservatore Romano* 24 October 1988, 22.

Some examples of infallible teachings belonging to (i) and (ii) are the articles of faith of the Creed, the various Christological dogmas²⁹ and Marian dogmas (Motherhood of God, Mary's Perpetual Virginity, The Immaculate Conception, Our Lady's Assumption), the doctrine of the institution of the sacraments, the Real Presence of Christ in the Eucharist, the doctrine on Papal primacy and Infallibility of the Pope, the doctrine on Original Sin, and the doctrine on the grave immorality of direct and voluntary killing of an innocent human being.³⁰

With regard to those infallible teachings belonging to (iii), we can include here the teaching of Papal infallibility and primacy of jurisdiction before its dogmatic definition by the First Vatican Council in 1870. Prior to its definition, this teaching was already believed to be a true doctrine and hence to be held as definitive. A similar situation can also be seen in the doctrine that only men were to be ordained as priests. The Pope had merely reaffirmed that this doctrine is to be held definitively, and thus this teaching is set forth as infallible by the ordinary and universal Magisterium.³¹ And as with the Infallibility doctrine, this teaching on ordination can be solemnly defined by the Pope at a future date as a doctrine to be believed as divinely revealed.³²

Other examples of infallible teachings arising from the universal and ordinary Magisterium which are taught as definitive include the teaching on the illicitness of euthanasia³³ from *Evangelium Vitae*, and on the illicitness of prostitution³⁴ and fornication³⁵.

Finally *HV*, 4³⁶ was included as a footnote (no 13) in the 1998 Doctrinal Commentary on the Concluding Formula of the *Professio Fidei*³⁷, by the Congregation for the Doctrine of the Faith (CDF) 6, when it was elaborating on the teachings that have been *definitively proposed* by the Church. These teachings must be firmly accepted and held by the faithful, "based on faith in the Holy Spirit's assistance to the Magisterium and on the Catholic doctrine of the Infallibility of the Magisterium in these matters."³⁸

²⁹ Cf. DS (Denzinger) 301-302

³⁰ Cf. *Doctrinal Commentary*, No. 11

³¹ Cf. John Paul II, Apostolic Letter *Ordinatio Sacerdotalis*, 4

³² Cf. *Doctrinal Commentary*, 11

³³ Cf. John Paul II, Apostolic Letter *Evangelium Vitae*, 65

³⁴ Cf. Catechism of the Catholic Church, 2355

³⁵ Cf. Catechism of the Catholic Church, 2353

³⁶ *HV*, 4: Speaks about the competency of the Magisterium to interpret not just "the law of the Gospel but also the natural moral law which is an expression of the will of God, the faithful fulfillment of which is equally necessary for salvation. (Mat7:21)"

³⁷ The *Professio Fidei* (Profession of Faith) is a requirement of can 833 that has to be made by certain key personnel in the Catholic Church undertaking the office of teaching in the Church.

³⁸ Cf. *Doctrinal Commentary*, 6

The inclusion of *HV*,⁴ here is very significant when the CDF's document was speaking of teachings definitively proposed as infallible but not as formally revealed.

Part II: The Teaching in *HV* is Infallible

Perhaps the clearest and most precise statement from the magisterium on the status of this teaching is found in the 1997 document *Vademecum* For Confessors Concerning some Aspects of the Morality of Conjugal Life (Morality of Conjugal Life – Handbook for Confessors) issued by the Pontifical Council for the Family. It states in paragraph 4:

“The Church has always taught the intrinsic evil of contraception, that is, of every marital act intentionally rendered unfruitful. This teaching is to be held as definitive and irreformable.”

This declaration that the teaching is definitive and irreformable indicates its infallible status by the Magisterium.³⁹

As some have rightly questioned the competence of the Pontifical Council for the Family to make such a declaration, it is necessary to understand how the Pope governs the Church. The Pope usually conducts the business of the universal Church through the Roman Curia, which is composed of the Secretariat of State or Papal Secretariat, the Council for public affairs of the Church, the Congregations, the Tribunals and other Institutes.⁴⁰ The constitution and competence of each of these is defined by the Apostolic Constitution *Pastor Bonus*.⁴¹

The Pontifical Council for the Family as a dicastery⁴² is constituted by *Pastor Bonus*, just as the Congregation for the Doctrine of the Faith (CDF) and the rest of the Roman Curia is.

According to *Pastor Bonus*, matters dealing with the competence of more than one dicastery (e.g. contraception) would be examined by both the Council for the

³⁹ The Catholic tract (*Birth Control*) which has an *imprimatur*, quoted the *Vademecum* and declares the teaching on contraception as an infallible doctrine. (http://www.catholic.com/library/birth_control.asp)

⁴⁰ Cf. *CIC*, Can 360

⁴¹ 1988 Apostolic Constitution *Pastor Bonus*, Pope John Paul II (Legislation that concerned the reform and reorganization of the Roman Curia – the central government of the Roman Catholic Church)

⁴² Generic term for an agency of Church government, as a subdivision of the Roman Curia. See Richard P. McBrien ed. *Encyclopedia of Catholicism*, San Francisco, HarperCollins 1995 p.416.

Family and the CDF⁴³. It is also required by *Pastor Bonus* that documents published by any dicastery touching on faith or morals must have the CDF's prior approval⁴⁴. This in fact has been acknowledged in the final paragraph of the document's Presentation.

So clearly the document belongs to the universal and ordinary Magisterium, as the Roman Curia and its dicasteries are constituted to assist the Pope in his supreme pastoral function for the whole Church.⁴⁵

In addition to the *Vademecum*, we quote three other major magisterial documents that echo the teaching in *HV*, signifying the consistency and coherence of the Church on this issue.

This teaching was affirmed in the 1981 Apostolic Exhortation *Familiaris Consortio*, by Pope John Paul II in paragraph 29, : " ... love between husband and wife must be fully human, exclusive and open to new life," quoting *Humanae Vitae* No. 11.

The *Catechism of the Catholic Church*⁴⁶ in paragraph 2370 is equally clear that 'every action which, whether in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes as an end or as a means, to render procreation impossible' is intrinsically⁴⁷ evil.⁴⁸

Then again in the 1993 encyclical *Veritatis Splendor*, where the Pope was speaking about intrinsically evil acts and cited the use of contraceptives as an example, reference was made to *Humanae Vitae* 14⁴⁹ in the footnotes.⁵⁰

The Theology of the Body (TOB) was the first major catechetical project of Pope John Paul II from 1979 to 1984 consisting of 129 talks at the Wednesday General Audience Addresses. It has been described by Christopher Cardinal Schonborn as

⁴³ *Ibid.*, Art 21 §1. Matters touching the competence of more than one dicastery are to be examined together by the dicasteries concerned.

⁴⁴ *Ibid.*, Art 54 Documents being published by other dicasteries of the Roman Curia, insofar as they touch on the doctrine of faith or morals, are to be subjected to its prior judgment.

⁴⁵ *Ibid.*, Art 1 The Roman Curia is the complex of dicasteries and institutes which help the Roman Pontiff in the exercise of his supreme pastoral function for the good and service of the whole Church and of particular Churches.

⁴⁶ Catechism of the Catholic Church was promulgated by the Apostolic Constitution *Fidei Depositum* by Pope John Paul II in 1992, and is declared to be a "sure norm for teaching the faith and thus a valid and legitimate instrument for ecclesial communion" (*Fidei Depositum*)

⁴⁷'Intrinsically' is to signify 'regardless of intention and in every situation'

⁴⁸ Cf. Paul VI, *Humanae Vitae*, 14 (here the document declared its condemnation of contraception and abortion)

⁴⁹ *Ibid.*

⁵⁰ Cf. Encyclical Letter *Veritatis Splendor*, 80

having the defense of *HV* as its main goal.⁵¹ Pope John Paul II himself points to *HV* as the true focus of TOB as a whole.

In a sense we can even say that the entire catechesis on the body (Theology of the Body) “seem to constitute an extensive commentary on the doctrine contained precisely in *Humanae Vitae*”.⁵²

Some authors have tried to dismiss any teaching authority of TOB, preferring to consider it as merely the reflections of a private theologian⁵³ or that it has little or no authoritative character.⁵⁴

But most of all one should insist that TOB is a catechesis⁵⁵ proposed by the Bishop of Rome for the universal Church.⁵⁶ “To a remarkable degree, this account of catechesis resembles the actual method and content of TOB.” “No other catechetical cycle delivered by John Paul II after TOB has a similarly strict and close relationship with the very core and essence of catechesis as defined in *Catechesi Tradendae*. TOB seems to be John Paul II’s catechesis *par excellence*.”⁵⁷

As such, we can conclude that TOB as a catechesis rightfully belongs to the universal & ordinary papal Magisterium, whose focus was the defense of *HV*.

Even the Second Vatican Council’s Pastoral Constitution on the Church in the Modern World *Gaudium et Spes* 51, states that “sons of the Church may not undertake methods of birth control which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law.” This passage which was footnoted (14) then referred to Pius XI’s 1930 Encyclical Letter *Casti Connubii*, which had condemned contraception.

Finally, Pope Benedict XVI has recently described the teaching in *HV* as the only way to understand human sexuality⁵⁸.

⁵¹ See Michael Waldstein, *John Paul II Man and Woman He Created Them A theology of the Body* (Boston: Pauline Book and Media, 2006) xxv

⁵² *Man and Woman* p.660

⁵³ G C Dilsaver, “Karol Wojtyla and the Patriarchal Hierarchy of the Family: His Exegetical Comments on Ephesians 5:21-33 and Genesis 3:16,” *Christian Order*, June/July 2002

⁵⁴ Charles Curran, *The Moral Theology of Pope John Paul II* (Washington, DC: Georgetown University Press 2004), 4-5

⁵⁵ Catechesis’ primary and essential object is the mystery of Christ. Catechizing is to lead a person to study this mystery in all its dimensions, ...to put people not only in touch but in communion, in intimacy, with Jesus Christ: only He can lead us to the love of the Father in the Spirit and make us share in the life of the Holy Spirit ... (Cf. *Catechesi Tradendae*, 5)

⁵⁶ *Man and Woman* p.17

⁵⁷ *Man and Woman* p.15

⁵⁸ Vatican City, October 3 (CNA).-Marking the 40th anniversary of "Humane Vitae," Pope Benedict XVI has sent a message to the president of the John Paul II Institute for Studies on Marriage and the Family, in which he praises the

We shall now look at the requirements of canon law for the teaching in *HV* to be proposed as infallible:

(a) Infallible by reason of the universal and ordinary Magisterium
(*Can. 749 §2*)

“The college of bishops also possesses infallibility in teaching when the bishops ... when dispersed throughout the world but preserving the bond of communion among themselves and with the successor of Peter and teaching authentically together with the Roman Pontiff matters of faith or morals, and are agreed that a particular proposition is to be held definitively.”

This was proposed by Fr John Ford, SJ and Germain Grisez’s landmark article ‘Contraception and the Infallibility of the Ordinary Magisterium’.⁵⁹ In their analysis, they looked at the four necessary conditions when the bishops dispersed throughout the world proclaim a doctrine infallibly as spelled by *Lumen Gentium*⁶⁰ No 25. The conditions are⁶¹:

- (1) The bishops remain in communion with one another and with the Pope;
- (2) They teach authoritatively on a matter of faith and morals;
- (3) They agree in one judgment;
- (4) They propose the doctrine to be held definitively.

They conclude that these conditions have been met in the Church’s teaching on contraception. Their argument remains unchallenged. Some effort to challenge this position was made by Fr Francis Sullivan, SJ⁶² and responses to this were given by Fr Brian Harrison⁶³ and Germain Grisez⁶⁴.

(b) Infallible by reason of the ‘*ex cathedra*’ definition in *Humanae Vitae*
(*Can. 749 §1*)

“By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he proclaims by definitive act that a doctrine of faith or morals is to be held.”

This was proposed by Ermenegildo Lio, OFM in his 1986 book, *Humanae Vitae e*

Church's teaching on contraception as the only way to understand the truth about human sexuality.

⁵⁹ John C Ford, SJ., Germain Grisez, *Contraception and the Infallibility of the Ordinary Magisterium*, *Theological Studies* (39:2) June 1978, 258-312

⁶⁰ Dogmatic Constitution on the Church, Document of Vatican II

⁶¹ CIC Can 749 §2

⁶² Francis Sullivan, SJ. *Magisterium: Teaching Authority in the Catholic Church* (Dublin: Gill & Macmillian, 1983) 3-6

⁶³ Brian Harrison, *Living Tradition 2* (December 1985) 3-6

⁶⁴ Germain Grisez, “*Infallibility and Specofic Norms: A Review Discussion*,” *The Thomist* 49:2 (April 1985) 248-287

*Infallibilita: il Concilio Paolo VI e Giovanni Paolo II.*⁶⁵ Fr Brian Harrison, O.S. in his paper, *Infallibility of Humanae Vitae, Ex Cathedra Status of Encyclical Humanae Vitae*⁶⁶, develop this theme in support of Fr Lio's thesis.

Fr Lio maintains that article 14 of *HV* contains an *ex cathedra* definition of the intrinsic immorality of contraception, that is, it was an exercise of papal infallibility as solemnly defined by Vatican I in the Constitution *Pastor Aeternus* and by canon law⁶⁷.

Fr Brian in his article contended that it was not relevant whether Pope Paul VI himself considered *HV* to be infallible or that he was not certain of that fact at its pronouncement, but rather what mattered was the document itself and its objectively expressed meaning. In fact Pope Paul VI mentioned that he considered the teaching in *HV* as bearing a "severe and yet serene certainty" in his year end address to the College of Cardinals on 23 December 1968.

The Ford–Grisez and the Lio approaches are complementary, and do not contradict each other as the same doctrine can be proposed as infallible by either or both means.

In fact it is stated in the CDF's Document on Doctrinal Commentary⁶⁸ in quoting the Second Vatican Council, Dogmatic Constitution *Lumen Gentium* 25, that "such doctrines⁶⁹ can be defined solemnly by the Roman Pontiff when he speaks 'ex cathedra' or by the College of Bishops gathered in council, or they can be taught by the ordinary and universal Magisterium of the Church as a *sententia definitiva tenenda* (teaching to be held definitively).

Hence we can conclude that the teaching in *HV* has been defined infallibly as this is manifestly evident in all the above doctrinal documents of the Catholic Church.⁷⁰

(c) **Infallible by reason that it is manifestly evident in the Church's doctrinal documents.**
(*Can. 749 §3*)

"No doctrine is understood as defined infallibly unless this is manifestly evident."

So far we have been looking at the external evidence by examining the various doctrinal statements viz.:

⁶⁵ Ermenegildo Lio, OFM., *Humanae Vitae e Infallibilita: il Concilio Paolo VI e Giovanni Paolo II.* (Vatican City: Libreria Editrice Vaticana, 1986)

⁶⁶ September/November 1992 issue of *Living Tradition: The Organ of the Roman Theological Forum*

⁶⁷ CIC Can 749 §1

⁶⁸ Cf. *Doctrinal Commentary*, No. 6

⁶⁹ Like *HV*, a teaching definitively proposed by the Magisterium but not as divinely revealed

⁷⁰ CIC Can 749 §3 No doctrine is understood as defined infallibly unless this is manifestly evident.

The External Evidence

- 1979-1984 The Theology of the Body catechesis, Pope John Paul II
- 1981 Apostolic Exhortation *Familiaris Consortio*, Pope John Paul II
- 1992 The *Catechism of the Catholic Church*
- 1993 Encyclical Letter *Veritatis Splendor*, Pope John Paul II
- 1997 *Vademecum* For Confessors Concerning some Aspects of the Morality of Conjugal Life, Pontifical Council for the Family
- 1998 Doctrinal Commentary on the Concluding Formula of the *Professio Fidei*, Congregation for the Doctrine of the Faith

The Internal Evidence

Now we shall examine the internal evidence, which refers to the actual text in *HV* itself. In the following excerpts from *HV*, we can see how they fulfill the essential requirement of can 749 §1⁷¹ for an ‘ex cathedra’ infallible teaching.

The conditions can be stated as:

- (i) The Pope teaches as the Supreme Pastor /Teacher of the Universal Church;
- (ii) Proclaims by a “definitive act”
- (iii) On a matter of faith and morals;
- (iv) On a teaching that must be held by Catholics.

Quoting from *HV*:

Humanae Vitae

Encyclical Letter of Pope Paul VI on the Regulation of Birth (July 25, 1968)

“To the venerable patriarchs, archbishops and bishops and other local ordinaries in peace and communion with the Apostolic See; to priests, the faithful and to all men of goodwill.”

(Author’s Comment: The opening statement of the document is very clear here that the pope is addressing this teaching to the Universal Church)

⁷¹ *By virtue of his office, the Supreme Pontiff possesses infallibility in teaching when as the supreme pastor and teacher of all the Christian faithful, who strengthens his brothers and sisters in the faith, he proclaims by definitive act that a doctrine of faith or morals is to be held.*

“4. This kind of question requires from the teaching authority of the Church a new and deeper reflection on the principles of the moral teaching on marriage—a teaching which is based on the natural law as illuminated and enriched by divine Revelation.

No member of the faithful could possibly deny that the Church is competent in her magisterium to interpret the natural moral law. It is in fact indisputable, as Our predecessors have many times declared, that Jesus Christ, when He communicated His divine power to Peter and the other Apostles and sent them to teach all nations His commandments, constituted them as the authentic guardians and interpreters of the whole moral law, not only, that is, of the law of the Gospel but also of the natural law. For the natural law, too, declares the will of God, and its faithful observance is necessary for men's eternal salvation.

(Author's Comment: The teaching in *HV* is based on the natural law as interpreted by the Magisterium, and is the will of God which must be obeyed for our salvation)

6. ... Consequently, now that We have sifted carefully the evidence sent to Us and intently studied the whole matter, as well as prayed constantly to God, We, by virtue of the mandate entrusted to Us by Christ, intend to give Our reply to this series of grave questions. ...

(Author's Comment: The intention of the Pope to give a definitive, conclusive and authoritative teaching is clearly indicated here, thus satisfying the condition of a definitive act of proclaiming a teaching)

11. ... The Church, nevertheless, in urging men to the observance of the precepts of the natural law, which it interprets by its constant doctrine, teaches that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life.

12. This particular doctrine, often expounded by the magisterium of the Church, is based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act. ...

(Author's Comment: The call to all to hold definitively to the teaching in *HV*)

14. Therefore We base Our words on the first principles of a human and Christian doctrine of marriage when We are obliged once more to declare that the direct interruption of the generative process already begun and, above all, all direct abortion, even for therapeutic reasons, are to be absolutely excluded as lawful means of regulating the number of children.

Equally to be condemned, as the magisterium of the Church has affirmed on many occasions, is direct sterilization, whether of the man or of the woman, whether permanent or temporary. Similarly excluded is any action which either before, at

the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means.

(Author's Comment: The declaration (condemnation) of the Pope on contraception, abortion, and sterilization is clear and these are moral teachings.)

Neither is it valid to argue, as a justification for sexual intercourse which is deliberately contraceptive, that a lesser evil is to be preferred to a greater one, or that such intercourse would merge with procreative acts of past and future to form a single entity, and so be qualified by exactly the same moral goodness as these.

Though it is true that sometimes it is lawful to tolerate a lesser moral evil in order to avoid a greater evil or in order to promote a greater good, it is never lawful, even for the gravest reasons, to do evil that good may come of it, in other words, to intend directly something which of its very nature contradicts the moral order, and which must therefore be judged unworthy of man, even though the intention is to protect or promote the welfare of an individual, of a family or of society in general.

Consequently, it is a serious error to think that a whole married life of otherwise normal relations can justify sexual intercourse which is deliberately contraceptive and so intrinsically wrong....

20. The teaching of the Church regarding the proper regulation of birth is a promulgation of the law of God Himself. ...

(Author's Comment: This statement that the teaching is a promulgation of the divine law is claiming that the teaching is a divine positive law, a category that espouses an infallible, irreformable, and divine quality. The need to observe and obey the law of God is obvious.)

To Priests

*28. And now, beloved sons, you who are priests, you who in virtue of your sacred office act as counselors and spiritual leaders both of individual men and women and of families—We turn to you filled with great confidence. For it is your principal duty—We are speaking especially to you who teach moral theology—to spell out clearly and completely the Church's teaching on marriage. In the performance of your ministry you must be the first to give an example of that sincere obedience, inward as well as outward, which is due to the magisterium of the Church. For, as you know, the pastors of the Church enjoy a special light of the Holy Spirit in teaching the truth.**

(Author's Comment: *The footnote reference (No 39.) in *HV* here is significant as it refers to the Dogmatic Constitution *Lumen Gentium* No 25, which speaks of the charism of infallibility which the Church possesses.)

And this, rather than the arguments they put forward, is why you are bound to such obedience. Nor will it escape you that if men's peace of soul and the unity of the

Christian people are to be preserved, then it is of the utmost importance that in moral as well as in dogmatic theology all should obey the magisterium of the Church and should speak as with one voice. Therefore We make Our own the anxious words of the great Apostle Paul and with all Our heart We renew Our appeal to you: "I appeal to you, brethren, by the name of our Lord Jesus Christ, that all of you agree and that there be no dissensions among you, but that you be united in the same mind and the same judgment." ...

(Author's comment: The call for all to obey and hold this teaching is clear.)

Final Appeal

31. Venerable brothers, beloved sons, all men of good will, great indeed is the work of education, of progress and of charity to which We now summon all of you. And this We do relying on the unshakable teaching of the Church, which teaching Peter's successor together with his brothers in the Catholic episcopate faithfully guards and interprets. And We are convinced that this truly great work will bring blessings both on the world and on the Church. "

The excerpts with the appended comments above show that the teaching in *HV* is clear and in fact very authoritative and definitive in tone. Surely the document represents a 'definitive act' by the supreme Pastor of proclaiming a moral doctrine on conjugal morality that is to be held by all Catholics. Thus the text of the document satisfies the *ex cathedra* requirement of canon 749 §1.

Most significantly, it has described this teaching as "the promulgation of the law of God Himself"⁷²

A 'Controversial' Document?

Some have argued that because of the controversy and hostility (i.e. widespread dissent) that *HV* was met with by many Catholics, and secondly, the perception that the Magisterium has been unclear in affirming or declaring the infallible status of the teaching in *HV*, it therefore fails to satisfy the requirement of Can 749 §3.

The first objection is overcome by the fact that the truth of any Church doctrine is not to be judged by the reception of that doctrine by the masses. Papal infallible definitions need no approval or consent, and are of themselves irreformable⁷³. Nor is Church doctrine ever decided by a 'Majority Report' or any form of democratic voting system. If the reception or rejection whether by a group of theologians or the laity determines the truth of the teaching, then we would have a veto system over the Pope's declaration.

⁷² HV, No 20

⁷³ Cf. *Lumen Gentium*, No 25

As for the perception of an ‘unclear’ response of the Magisterium to the widespread dissent, we can propose three possible reasons for this. Also we must bear in mind that it is only a perception held by some people.

- (i) The Church has always held that the ordinary and universal Magisterium is the usual expression of the Church’s infallibility.⁷⁴ Should the Magisterium have to explicitly state in all her teachings what is infallible and what is not, it would lay an onerous burden on her.
- (ii) The infallible status of a doctrine, while not immediately apparent nor self evident, can be discovered through a proper and systematic investigation applying the canonical criteria, like the attempt of this present paper.
- (iii) Lastly, perhaps in applying the pastoral law of gradualness, which is not to be confused with the “gradualness of the law”⁷⁵, the Church is hoping that Catholics would progress gradually⁷⁶ from the initial widespread dissent of *HV* towards its widespread acceptance. Merely declaring that *HV* is an infallible teaching would not have the desired effect of changing hearts and minds. But the Church in allowing theologians, philosophers, sociologists, researchers, political leaders, and many other experts, Catholics and non Catholics alike, to study and investigate the historical data and the conjugal morality the Church has proposed, hopes that in the end all would come to embrace the truth of the teaching in *HV*. The truth of the teachings in *HV* is confirmed by the broken lives of people who do not live them.

Conclusion

So we have shown that from a canonical perspective (according to canon law), the teaching in *HV* is in fact an infallible teaching of the Church, after examining both the internal and external evidence.

End

⁷⁴ Cf. *Contraception and the Infallibility of the Ordinary Magisterium*, *Theological Studies* (39:2) June 1978, 264-269

⁷⁵ Cf. *Vademecum For Confessors*, No 9

⁷⁶ There is much evidence of this today. See Janet Smith, *Why Humanae Vitae was Right: A Reader*, Ignatius, Mary Eberstadt, *The Vindication of Humanae Vitae*, First Things (August/September 2008)

