

CONTRACEPTION AND PRESCRIPTIVE INFALLIBILITY

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IN RECENT decades contraception has become much more than a problem for individual consciences. Source of dissension within and without the Catholic Church, the controversy creates difficulties for official teaching generally, distances laypeople from their pastors, hinders Christian unity, and complicates Catholic involvement in a variety of social, economic, and political affairs. It is a sore that continues to fester in the body Catholic.

The chief source, I believe, and continuing cause of the inflammation is the impression that past teaching has committed the Church irrevocably to a negative verdict on all artificial forms of contraception. Some theologians viewed *Casti connubii*'s condemnation as ex-cathedra teaching and therefore as decisively binding by itself. Commoner was the opinion strongly urged by the minority of Paul VI's commission (whose advice he followed) that the Church could not have erred so consistently for so long on so serious a matter. The majority's failure to answer this principal argument led, it has been plausibly surmised, to the issuance of *Humanae vitae*.¹ Since then dissent has been judged legitimate by many, on the ground that the encyclical made no ex-cathedra pronouncement. Now, however, in an impressive article, John Ford and Germain Grisez have challenged this inference and have given the argument from tradition a new, more stringent form. The encyclical's verdict was already infallibly established, they contend, by the firm constancy with which the whole episcopate had urged it;² for the conditions stated by Vatican Council II in *Lumen gentium* 25 seem fully satisfied:

Although the bishops individually do not enjoy the prerogative of infallibility, they nevertheless proclaim the teaching of Christ infallibly, even when they are dispersed throughout the world, provided that they remain in communion with each other and with the successor of Peter and that in authoritatively teaching on a matter of faith and morals they agree in one judgment as that to be held definitively.

Accordingly, it would seem that all temporizing, whether of penitents or confessors, of spouses or theologians, should cease. A definitive verdict on artificial contraception has in fact been given.

¹ Cf. HV 6. The remarks of Joseph A. Komonchak, in "*Humanae vitae* and Its Reception: Ecclesiological Reflections," *TS* 39 (1978) 249, do not show this surmise to be implausible.

² "Contraception and the Infallibility of the Ordinary Magisterium," *TS* 39 (1978) 258-312.

My response to this strongest formulation of the strongest reason behind the official Church position, and therefore to the issue as a whole, will be to sharpen the focus. In what sense, I shall ask, has Church or episcopal teaching held constant through the ages? What specific guarantee, accordingly, would be required to assure the doctrine's inerrancy? What reason do we have, if any, for assuming the existence of such a guarantee?³ However, I cannot even intelligibly state the possible modes of constancy or corresponding forms of inerrancy unless I first break out of the confines within which both the contraceptive issue and that of infallibility have customarily been discussed.

MORAL STATEMENTS

Within the total weave, verbal and nonverbal, of the Church's moral tradition, utterances of various kinds play an important role. Statements occur, describing acts as right or wrong and saying they should or should not be done; but also prescriptions or injunctions, in the imperative mood ("Do this! Don't do that!"), and various other varieties of utterance. Definitions, for instance, may occasionally clarify the terms employed, either stating existing meanings or introducing new ones. Since, however, our concern here is with the infallibility of Church *teaching*, we shall attend principally to the first type of utterance—moral statements.

Concerning these, two main assumptions have till recently been widely made. First, ethicists have for the most part viewed moral statements as statements like any others, just differing in their content from those in other areas. Historical propositions state historical facts, scientific propositions state scientific facts, moral propositions state moral facts, and so forth. All are factual, all are descriptive, but the facts they describe vary greatly.

Second, ethicists and others have supposed basic invariance in the meaning of the terms employed. If, for example, the Church consistently called artificial contraception "wrong," the teaching was *ipso facto* invariant. No need to inquire very seriously whether "wrong" ("evil," "immoral," etc.) always meant the same thing. After all, wrong is wrong. Thus Hans Küng writes:

The theological history of contraception, comparatively speaking, is sufficiently simple, at least with regard to the central question: Is contraception always seriously evil? For in answer to this question there has never been any variation

³ Though not the only possible line of response to Ford and Grisez, this reply does pose a particularly radical challenge to their thesis. It does so by developing considerations which merit fuller attention, not only in the discussion of contraception but also in ecclesiology and moral theology generally, than they have till now received. For other reactions see, e.g., Komonchak, "*Humanae vitae* and Its Reception" 247–48, and F. J. Elizari, "The Ten Years of *Humanae vitae*," *Theology Digest* 28 (1980) 33–34.

and scarcely any evolution in the teaching. The ways of formulating and explaining this teaching have evolved, but not the doctrine itself.⁴

The act was always judged to be "evil"—whatever that may mean.

This double supposition—of basic similarity between moral assertions and others, and of basic invariance in the meanings of moral terms—continued strong well into the present century. Thus in *Principia Ethica*, G. E. Moore, working from the assumption of uniformity in our use of the word "good," sought to identify that property which the word denotes, and failing in the effort, concluded that the property in question is too simple to define. It apparently did not occur to him that failure might be due to the word's varied meanings or to the more than descriptive richness which attaches to it, invalidating any equivalence between "good" and a purely descriptive defining expression.

Both these explanations are now commonly accepted in preference to his. Evaluative words like "good" add emotive and dynamic dimensions to the descriptive, and vary more in their descriptive content than do most other expressions. Indeed, it has been questioned whether on many occasions they describe at all. Thus the two most fundamental assumptions concerning moral assertions have been called in question: their uniform descriptive function and the invariant meanings of their moral terms.

THREE POINTERS

As might be expected, shifts as radical as these have consequences. Both the specific question of contraception and the larger issue of magisterial authority look different, I shall suggest, if we follow the lead of recent philosophy and (1) distinguish between descriptive and nondescriptive aspects of moral meanings, (2) recognize the variability of the descriptive aspect even among Christians, and (3) acknowledge the possibility that ethical pronouncements, including those of bishops and theologians, may sometimes lack descriptive content.

From these three pointers, thus baldly stated, various possibilities start to emerge. Contraceptive teaching, we sense, may have remained descriptively constant, or nondescriptively, or both. Descriptive variations may have been more or less radical, according as statements conveyed now one description now another, or now described now did not. However, this is not yet a complete listing. And we shall not be in a position to apply these three leads to the case that interests us until we have examined them more closely. What, more precisely, are these "nondescriptive" aspects, what the "descriptive"? How, more concretely, may the descriptive aspect vary and how disappear completely?

⁴ *Infalible? An Inquiry* (Garden City, N.Y.: Doubleday, 1971) 67.

1) *Descriptive and Nondescriptive Aspects*

Discussion of moral meanings has taken a dialectical path. In reaction to views like Moore's, with their one-sided cognitive emphasis, philosophers such as A. J. Ayer and Rudolf Carnap swung to the opposite extreme: moral statements, they said, are veiled cheers or jeers—mere expressions of feeling—or camouflaged commands. Now philosophical opinion has shifted back toward fuller recognition of the descriptive aspect, while retaining the element of truth in those extreme positions. Moral expressions may not be purely emotive or act-inducing, but they are that too. More typically than “red” or “rough” or “bittersweet,” words like “right” and “wrong” express the feelings and attitudes of those who utter them. More characteristically than such descriptive terms, they serve to evoke kindred sentiments in those addressed.⁵ More frequently, again, they function to elicit or curb behavior (either having that effect, or being intended to, or both).⁶ Their meanings, we might say, are multidimensional: not just descriptive or cognitive but emotive and dynamic as well.

The function of moral expressions to direct or elicit behavior, on which I shall focus later, I shall call their *prescriptive* aspect, and thereby highlight the kinship between moral statements and prescriptions, injunctions, commands. Consider, for instance, a drill-sergeant's “Platoon, atten-shun!” It does not report the men's posture, nor predict what it will be, nor express the sergeant's emotive bias, nor kindle like feelings in his hearers, nor oblige him to assume a similar pose. Typically, it simply induces behavior. This single aspect of moral assertions, shared with commands, is the one here termed “prescriptive.”

To this and other nondescriptive aspects of moral expressions I shall oppose the *descriptive content* of moral statements and the *criteria* for individual moral terms. Readers need not be frightened by the latter term. It is simply the replacement for “meaning,” now that that expression is seen to embrace more aspects than just the descriptive. Criteria are what moral terms share, principally, with purely descriptive words such as “round” or “rain.”

Whether for moral or nonmoral expressions, the term “criteria” comes

⁵ On these emotive facets, see, e.g., William P. Alston, “Emotive Meaning,” in Paul Edwards, ed., *Encyclopedia of Philosophy* 2 (London-New York, 1967) 486–93; Richard B. Brandt, “Emotive Theory of Ethics,” *ibid.* 493–96; *idem*, “Some Puzzles for Attitude Theories of Value,” in R. Lepley, ed., *The Language of Value* (New York: Columbia University, 1957) 164–66; Kai Nielsen, “On Looking Back at the Emotive Theory,” *Methodos* 14 (1962) 4–5; J. E. J. Altham, “Evaluation and Speech,” in John Casey, ed., *Morality and Moral Reasoning: Five Essays in Ethics* (London: Methuen, 1971) 125–54.

⁶ See, e.g., Nielsen, “Looking Back” 11–12; R. M. Hare, *The Language of Morals* (New York: Oxford University, 1964) Part 1.

in handy to mark off defining, constitutive traits from mere clues to the presence of the thing so constituted and so defined. Thus, rain consists of drops of water falling from clouds; these are the defining criteria (or collective criterion) of rain, whereas thunder and lightning or patterings on the roof are clues to its presence. Similarly, for a utilitarian like Mill, the rightness of actions consists in their power to promote happiness, whereas questionnaires on marital felicity, Nielsen ratings, best-seller lists, attendance figures, and the like are mere clues to rightness so defined. For a hedonist, pleasure is the criterion; for a voluntarist, divine fiat; and so forth.⁷

Criteria are variously established—by usage, theory, explicit definition—and we learn of them in corresponding ways. We may, for instance, infer them from the statements people make, on what occasions, for what reasons; from the evidence that counts with them, and why; from the arguments they adduce. Or we may get a clearer picture from their theories. If, for example, they propose a “supreme norm of right and wrong” or formulate a “sufficient condition of morality,” we may surmise their criteria for “right,” “wrong,” “moral.” If they explicitly define their terms, generally or for some specific context, then too we may know with more than customary clarity what criteria they apply.

To the moral or nonmoral criteria operative in a tradition, community, school, author, or passage corresponds the “descriptive content” of a given utterance. By this I shall mean the description conveyed to one who knows the speaker’s or writer’s criteria. Thus, if one English speaker tells another that it is raining, his hearer, knowing (at least unreflectively) the common criteria for rain, understands him to be saying that water is falling, in drops, from clouds, but does not understand him to be saying anything about thunder or lightning or patterings on the roof (mere clues), and will judge his assertion accordingly. Similarly, if a utilitarian tells someone who knows his criteria, and knows he is applying them, that an action is right or wrong, his hearer understands him to be saying that the action is likely or unlikely to maximize happiness, but does not understand him to be asserting anything about questionnaires or ratings or attendance figures (again, mere clues), and will assess his claim accordingly.

Though intimately related, criteria and descriptive content vary independently, in ways that are important for the inquiry ahead. Either the one or the other may err, or neither, or both together. Acceptance of one

⁷ On this Wittgensteinian use of “criterion,” see, e.g., Norman Malcolm, *Knowledge and Certainty: Essays and Lectures* (Englewood Cliffs, N.J.: Prentice-Hall, 1963) 113; Ilham Dilman, *Matter and Mind: Two Essays in Epistemology* (New York: Barnes & Noble, 1975) 88–89.

does not entail acceptance of the other, or vice versa. Thus I may accept a person's criteria yet disagree with the description implicit in his assertion that an act is right or wrong; or, on the contrary, I may reject the criteria but accept the description. More concretely, suppose a utilitarian proposes to assassinate Hitler and thereby shorten World War II. I may accept his criterion of maximal happiness but disagree that violence, in the long run, ever does promote happiness. Or I may agree that the deed would increase human happiness but, rejecting the utilitarian criterion, contend that human life, even Hitler's, is inviolable.

From these observations I hope it is clear that the distinction I have drawn is not a needless complication. A discussion concerned with doctrinal constancy or variation, and with possible types of error, cannot overlook the difference between criteria and descriptive content.

2) Descriptive Diversity

Nondescriptive traits fluctuate little. "Just," "right," "good," "duty," "moral," and the like consistently enjoin; "unjust," "wrong," "evil," "immoral," and the like consistently deter. The first express approval, the second disapproval, and elicit it in others. Dynamically and emotively there is little variation.

This fact may help to explain the viewpoint noted earlier. Given the importance of criteria and the stability of nondescriptive features, it is not surprising that many people have conceived moral meanings as purely descriptive and descriptively invariant: as descriptive, because criteria are so decisively important; as purely descriptive, because so many other meanings are such; as invariant, because even when the criteria vary there remains, unnoted, a common, constant nucleus of nondescriptive features (the emotive and dynamic aspects of the meanings). The resultant view resembles that of Moore, who supposed an unchanging descriptive core beneath the flux and flow of evidence, arguments, and conflicting verdicts. It is as with colors. If we call an object yellow, one time on the basis of direct observation, another time as the result of scientific reasoning, and a third time on the strength of reliable testimony, this radical diversity in the evidence does not affect in the least the meaning of the predicate "yellow." And the like may be said, many have thought, of "right" and "wrong," "just" and "unjust," "virtue" and "vice." Their descriptive content is as stable as that of "yellow."

Criteria, however, are not made in heaven; and when we consult the evidence at hand—usage, theory, explicit definitions—we discover no grounds for believing that the criteria of hedonists and idealists, egoists and altruists, teleologists and deontologists, voluntarists and objectivists, situationists and absolutists all converge or coincide. Quite the contrary. Even Christians' reasons, arguments, theories, and explicit definitions,

behind their shifting verdicts, reveal important shifts of sense. As an appropriate sampling here, consider the following passage from Noonan's *Contraception*:

Three different, if related, senses of nature may be observed in Christian argumentation on sexuality. One sense appeared in the comparisons essayed by a number of writers such as Athenagoras, Origen, Clement, Ambrose, between the sexual process and the sowing of a field. Without being completely articulated, the Stoic conviction was present that a pattern discovered in a process uncontaminated by human sin or error is "natural." Man might safely translate this discovered law into human behavior. A second sense appeared in the importance attached to animal behavior. What the animals do is "natural." The notion occurred in Seneca, in Clement, in Ambrose, and in Jerome quoting Seneca. Like the first meaning, this sense reflected a belief that universal patterns, of use to man, can be discovered where human sin has no part. It went beyond the first meaning in assuming a close continuity between animals and men. Implemented by much more exact methods of observation, much modern psychology incorporates the same assumptions. In a third sense nature was a structure discerned in the human body. What particular organs did was observed. "Eyes are to see with." The more obvious function of a particular organ was "natural." The analysis of the function tended to be isolated from a consideration of the organ in relation to the person as a whole. What was natural for an organ was taken as self-evident; no demonstration was attempted or believed necessary.⁸

Each of these three acceptations of "nature," if taken as an ultimate determinant of morality or "natural law," would constitute a distinct criterion; it would implicitly define the expressions "morality," "natural law," "right," "wrong." If, however, an ethicist countenanced certain actions contrary to natural process or to animal behavior or to an organ's "natural function," some other criterion would likely be at work. "Nature," at least in this sense and on this occasion, would not be ultimate for that person. Yet on some other occasion it might be. For it is possible for diverse, even incompatible criteria to shape the same individual's (or the same community's) moral judgments, now one now the other dictating the answer to various moral queries.

By incompatible criteria I mean ones which may yield conflicting answers to identical questions. If, for instance, one person derives from a criterion of naturalness the verdict that artificial contraception is always wrong, and another as accurately derives from a criterion of optimal consequences, say, the verdict that it is not, their answers conflict and their criteria are incompatible. Again, if one person holds that nonmoral evils such as pain and bodily harm may never be used as means to

⁸ John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (New York: New American Library, 1967) 99-100.

nonmoral goods, no matter how great, so decides against the morality of organ transplants, and another person rejects that limitation on beneficence, so approves the identical operations, here too the conclusions clash and the premises are incompatible. These samples are, of course, not purely hypothetical; and they could be multiplied.

When nonevaluative criteria differ, conflict is often illusory; people just talk at cross-purposes. When, however, moral criteria—of teleologists, deontologists, voluntarists, hedonists, rule utilitarians, ethical egoists, and others—diverge in the manner just exemplified, the resulting conflict is not at all illusory. The implicit descriptions of the acts (e.g., contraception or organ transplants) do not clash. But what one person favors another detests, what one enjoins another forbids, what one does another refrains from doing or actively opposes. The divergence is emotive, dynamic, real; for there is more to moral discourse than description.

Paradoxically, the very seriousness of moral disagreements may keep us from suspecting an origin as basic as differing criteria; for genuine *factual* disagreement is not possible unless criteria agree. (A flat-earthier, for example, must mean roughly the same by "earth" as a round-earthier, for their dispute to be genuine.) This familiar feature of factual discourse might lead us to suppose that in ethics, too, criteria must coincide for genuine conflict in moral judgments to be possible. How mistaken this impression would be we have just noted. The source of conflict, repeatedly, is precisely the presence of incompatible criteria.

3) *Descriptive Lack*

Recognition of nondescriptive features and of their constancy, as in (1), reveals the possibility that moral meanings may be emotively and dynamically stable but not descriptively. Recognition that such is in fact the case, as in (2), alerts us in turn to the possibility that moral meanings may vary still more radically, content not merely differing from content or criterion from criterion, but content from lack of content, and criterion from the absence of any discernible criterion. For if meanings are supplied by human users of words, and if ethicists cannot rely on common usage for constant, language-wide content (as in the case of "yellow" or "budget" or "book"), then they will have to furnish their own. And this they may fail to do. Indeed, if they are unaware of any such necessity, the chances are good that they will.

Such failure takes various forms, corresponding to the perplexities interpreters experience.⁹ Scholars and exegetes repeatedly puzzle over

⁹ Since much has been made of category mistakes, resulting in nonsense (cf., e.g., P. McGrath, "The Concept of Infallibility," *Concilium* 83 [1973] 68–69), I should point out that I shall not stress this type of error, believing as I do that most examples one might be inclined to characterize this way, if they are in fact meaningless as alleged, are so for rather more complex reasons.

some text and either fail to intuit a possible sense, or waver between two or three, or have to abandon each of several that suggest themselves. So the search goes on, often in vain. I would suggest that when commentators have argued long and fruitlessly concerning the sense of some passage, they might profitably consider, for that very reason, whether there is such a thing as "the sense of the passage."

The author may (or may not) have known just what he meant to say, but that does not guarantee success in saying it. The result may resemble an illegibly written check: though the person who penned it doubtless knew the sum intended, the check would not indicate it and therefore could not be cashed. But that is what checks are for, as statements are for communication.¹⁰ Here then is a further type of possible variation: as a check may indicate this sum or that, or none at all, so an ethical utterance may convey this description or that, or none at all.

CONTRACEPTION

I need not dwell on the preceding points; for the issue of contraception, now to be examined, illustrates all three. Here, too, emotive and dynamic strands appear with the descriptive and cognitive, and their invariance suggests descriptive constancy; but the descriptive content in fact fluctuates, indeed sometimes disappears entirely. These facts are basic for understanding both the moral issue and the ecclesial; neither the truth of the traditional teaching nor its constancy and consequent authority can be accurately assessed without a clear grasp of its meaning, or meanings, or possible lack of meaning.

1) *Descriptive and Nondescriptive Aspects*

Casti connubii uses strong language to characterize artificial contraception: it is "shameful," a "nefarious crime," a "base sin"; those who do such a thing are "stained with the guilt of serious sin." These loaded expressions do more than describe; they condemn, castigate, deter. They pack more emotive charge and exert greater pressure for conformity than do milder, though still condemnatory terms like "wrong" or "immoral." And that, no doubt, is why they were employed. They say no more, but they say it more loudly and urgently (as when a father, giving a command, raises his voice or looks severe, to assure that his words take effect).

2) *Descriptive Diversity*

But what do these expressions say descriptively? What is their cognitive content? No explicit definitions being provided, we must look to the

¹⁰ This comparison helps prevent the equation of a writing's meaning with the writer's. If added to the assumption that surely the writer meant one thing or the other, this confusion would assure any statement of meaning. See my *Darkness and Light: The Analysis of Doctrinal Statements* (New York: Paulist, 1975) 9-11 (hereafter referred to as *DL*).

arguments briefly adduced, and behind them to the tradition from which they derived—the tradition traced by Noonan. Impressive uniformity, we are told,¹¹ marks his account from the start. Yet here in fact is what we find.

At the outset Christians already possessed important answers on marriage but no worked-out rationale. The antinomians were wrong in sanctioning promiscuity¹² and the Gnostics in condemning all use of marriage, but why they were wrong was not immediately evident; for pleasure or the satisfaction of desire was not seen as a legitimate motive for intercourse, with which to answer the rigorists,¹³ nor was marriage, in those days, viewed as a mutually supportive relationship in which sexual intimacy fostered union and affection.¹⁴ Exclusive emphasis was therefore placed on procreative purpose.¹⁵ Here was a clearly legitimate value, excluded by the purists and threatened by the libertines, which could therefore serve to legitimize the traditional middle position.¹⁶

This solution, clearly excluding contraceptive intercourse, was the one Augustine adopted. For him sexual union in marriage was

the greatest threat to spiritual freedom: "I feel that nothing more turns the masculine mind from the heights than female blandishments and that contact of bodies without which a wife may not be had" (*Soliloquies* 1.10, *PL* 32:878). If marital intercourse was tolerable at all—and it must be if the Manichees were wrong—there must be some good, some purpose, some reason external to the marital act itself. From an experience of the sterile seeking of lust for eleven years, Augustine turned to the Stoic analysis of marriage in terms of procreative purpose.¹⁷

Thus, as Noonan points out,

the way Augustine . . . justified marital intercourse might be described in the categories of a later age as an exercise in double effect. In the marital act there is

¹¹ Cf. Komonchak, "*Humanae vitae* and Its Reception" 238: "No one seems to disagree with the fundamental conclusion of John Noonan that from the third to the twentieth centuries both the official teachers of the Church and Catholic theologians have consistently and unanimously condemned artificial techniques of contraception. . . . Noonan's work has been criticized on certain of its details, but his judgment that the tradition has been unanimous has not been seriously challenged."

¹² Noonan, *Contraception* 87, 101.

¹³ *Ibid.* 102–7, 114, 168–71, 187–89, 241.

¹⁴ *Ibid.* 98–99, 106, 162–63.

¹⁵ Cf., e.g., *ibid.* 127: "The Gnostics of Epiphanius, then, constituted the classic case in which contraception was condemned: ritual intercourse where insemination was avoided on dogmatic grounds. This archetypal practice was the rejection of three fundamental propositions to which orthodoxy was committed: that creation was good, that marriage was good, that the perpetuation of the species was good."

¹⁶ *Ibid.* 78, 89, 151, 154, 173, 241–42. Cf. Daniel Maguire, "Moral Absolutes and the Magisterium," in C. Curran, ed., *Absolutes in Moral Theology?* (Washington, D.C.: Corpus, 1968) 64–65.

¹⁷ Noonan, *Contraception* 159–60.

the satisfaction of sexual desire, a result which Augustine does not treat as a good, and there may also be the achievement of the good of procreation and the good of satisfying a just demand. These goods are great enough to say that marital intercourse is lawful when these purposes are sought.¹⁸

His successors followed Augustine's lead. In Gregory the Great's perspective, as in Augustine's,

contraception would have appeared as a monstrous denial of the single excuse for coitus. Gregory's doctrine sealed, at the highest level, the opposition to contraceptive acts. Enhanced in authority by Gregory's personal prestige and increasing in importance as the papacy increased in authority in the Middle Ages, this doctrine assured the absolute condemnation of contraceptive practice by the entire ecclesiastical organization.¹⁹

By the time Pius XI reiterated the condemnation in *Casti connubii*, much had changed or was changing. Pleasure, especially others', was now more readily (though sometimes still grudgingly) acknowledged as an acceptable motive,²⁰ along with control of the sexual instinct.²¹ And stress was increasingly laid, as in the encyclical itself, on love as the prime concern of marriage and central to the meaning of conjugal coitus.²² Yet the condemnation persisted; for in the meantime a different rationale had risen to dominance, one which abstracted from such considerations. Onanistic intercourse was now "unnatural" and therefore "intrinsically evil." As Noonan observes, this Thomistic analysis "put enormous emphasis on the *givenness* of the act of insemination; the act was invested with a God-given quality not to be touched by rational control or manipulation."²³

From stress on purpose to stress on manner—such, very broadly,²⁴ is the movement Noonan traces. Earlier moralists tended to condemn even intercourse of the pregnant or sterile, since it lacked the justifying end that distinguished legitimate conjugal coitus from extramarital license.²⁵ Today these same forms are approved, since they do not contravene "nature," as the forbidden procedures do. "It is, no doubt, piquant," notes Noonan, "that the first pronouncement on contraception by the most

¹⁸ Ibid. 165.

²¹ Ibid. 376.

¹⁹ Ibid. 189.

²² Ibid. 586-97.

²⁰ Ibid. 370-72, 584-86.

²³ Ibid. 292. Cf. John C. Ford and Gerald Kelly, *Contemporary Moral Theology 2* (Westminster, Md.: Newman, 1963) 288-91: e.g., "What the popes insist on above all is that the physical structure of the act is inviolable. It is beyond man's dominion. Man may not mutilate it because it is not his to dispose of. The act itself is in some sense sacrosanct."

²⁴ For a nonteleological strain was present early (e.g., Noonan, *Contraception* 104), as a teleological was later (e.g., *ibid.* 294-95). If in either period the contrary strand was stronger than appears in Noonan's account, the result would still not be descriptive uniformity. The confusion of standards might, e.g., result in descriptive lack of the kind I shall soon consider.

²⁵ E.g., *ibid.* 67, 102, 105, 111, 164-65, 205.

influential theologian teaching on such matters should be such a vigorous attack on the one method of avoiding procreation [namely, periodic continence] accepted by twentieth-century Catholic theologians as morally lawful."²⁶ Instructive as well as piquant, I would say. The contrast suggests how different was the rationale behind Augustine's teaching.

More recent ethicists, it is true, have spoken much of the "primary purpose of marriage" in support of the traditional ban. But the word "primary" tells the whole story. Recognize other purposes, other ends and values of marriage, within a consistent teleology, and legitimate contraceptive acts become conceivable. Rigorously exclude them without regard for contrary value indications, then circumscribe the exclusions still more narrowly in terms of "naturalness," and it becomes evident that one's overall rationale, despite the allusions to purposes, is not teleological.²⁷

Traditionally, even such a radical shift would not be seen as affecting the doctrine's content. Augustine, Aquinas, and their successors just followed different paths to this identical conclusion, the exclusion of artificial contraception. When, however, arguments look as different as these, we cannot presume descriptive invariance. Open Augustine's eyes to other values in marriage and he might well have altered his verdict; point them out to a modern critic of contraception and he remains unmoved. Ends, consequences, values, and disvalues—all these are irrelevant once the act is clearly identified as "intrinsically evil or immoral." Thus for the critic, at least within this discussion, "moral" and "immoral" now say something different descriptively; they may still condemn or condone, but beneath the common expressions we discern no common descriptive content present from the start. For what, conceivably, could it be?

That is, to what underlying determinant of morality could these divergent arguments be related as mere clues (as patterings on the roof, wet streets, distant thunder, and the like are mere clues of rain)? What might function here, unnoticed and unnamed, as a shared *criterion* of right and wrong? The divine will? Hardly. The moralists in question are not all voluntarists at heart. What then? Are they hedonists, Kantian deontologists, rule utilitarians, or what? If no plausible reply is forthcoming, we have no warrant to maintain that nonetheless there surely must be one. The descriptive content of like-sounding assertions need not be identical and frequently is not. Indeed, as I noted earlier, on occasion no such content may be found.

²⁶ Ibid. 152.

²⁷ I use this term in its broader current sense, encompassing all values, consequent or other, as determinants of morality.

3) *Descriptive Lack*

In various ways and for various reasons, I suggested, an ethical statement may resemble an illegibly written check. For the sake of parallelism, I shall characterize three of these ways, all pertinent here, as follows: canceled alternatives; open alternatives; missing alternatives. In the first, various readings suggest themselves but none succeeds; in the second, more than one reading succeeds and therefore, in a sense, none does; in the third, no readings suggest themselves. One might also say that in the first case a basic ambiguity is resolved, not through elimination of all but one reading but through the exclusion of all; in the second the ambiguity is not resolved; in the third it never arises, not because just one reading presents itself but because none does.

Contraceptive teaching exemplifies all three of these forms of descriptive lack. For example:

a) *Missing alternatives*. This first type is illustrated in my *Darkness and Light*. To prepare later discussion there of *Casti connubii*, I first examine Arthur Vermeersch's thesis that onanistic intercourse is "intrinsically and gravely evil" and try to determine the intended sense of these words. Vermeersch provides no illuminating definitions; his allusions to Scripture and the Fathers are too brief to be helpful; and one must therefore scrutinize the case he makes from reason in order to intuit what criterion, if any, he employs. However, this trail, too, soon peters out. Onanists, we are told, perform self-centredly "an act which is primarily an act of the species, to be performed by the spouses as representatives of the human species and acting in its behalf."²⁸ And what this may mean is literally anybody's guess. For what does the good of the species require?

Maximum numbers in every family, so in every country, and on the earth as a whole? Obviously not. And Vermeersch makes clear that such is not his meaning. But in that case what does distinguish onanistic intercourse from unfruitful intercourse between sterile partners, say, or during infertile periods? Were maximum procreation obligatory, we could excuse the sterile, since they can do no better, and accuse the onanists, since they can. But as it is, what crucial difference distinguishes the one group from the other? Why does Vermeersch condemn the one and not the other? Well, he explains, in one case the manner is natural, in the other it is not. That is, in one case the spouses actively impede procreation, in the other they don't. However, we already knew that; it simply spells out the meaning of the terms used to designate the groups. And supposedly Vermeersch is not

²⁸ *De castitate et de vitiis contrariis tractatus doctrinalis et moralis* (2nd ed.; Rome: Gregorian Univ., 1921) 255. It is a statement like this that keeps me from viewing Vermeersch's argument as simply a variant on the approach we shall see in a moment, analyzed by Grisez.

proposing a mere moral tautology. He is not saying: "Onanism is wrong because it is onanism." Yet he offers no further clarification of his reasons and therefore of his meaning.²⁹

b) Open alternatives. A likely illustration of this second form of descriptive emptiness appears in Noonan's comments on St. Thomas: "If coitus was to be regarded as an unalterable process because of its generative consequences, but not every act of coitus was generative, then a discrimination had to be made between the normal or per se and the accidental A typical or essential act of coitus, which was generative, was therefore supposed."³⁰ *Darkness and Light* takes this dichotomy seriously—typical act or essential act—and considers each alternative.

First, what might make an act "typical" in a sense that was also normative?

Let us suppose that the "typical" act is an unimpeded one, between fertile partners, during a fertile period. This choice fulfills most satisfactorily the requirement that the act be generative "of its very nature," and provides the most natural and intelligible meaning for that expression. The typical act is naturally generative because, and in the sense that, the spouses are fertile, at that very moment, and perform the act in a way that makes conception fairly likely. But now what will it mean to say that onanistic intercourse is against nature and is therefore immoral? Merely that it differs from the typical act (since conception is impeded in the one case, not in the other) and is therefore immoral (by definition). But this is hardly a satisfactory argument or explanation³¹

So let us turn to the other alternative: an "essential act" that might serve as norm of what is natural.

The likeliest candidate is "coitus with insemination"; so let that be our essence. But in that case what is meant by calling the act naturally procreative? Many acts satisfy this definition yet are incapable of generating. And indeed many contraceptive acts fulfill the norm as perfectly as any others: insemination takes place. So why are they condemned?³²

Neither of these different lines of thought appears plausible enough for us to conclude "That is what Aquinas must have meant." So both readings remain open—unless perhaps they both cancel.

c) Canceled alternatives. Cancellation appears a reasonable verdict in the similar situation Germain Grisez describes. Probing the currently dominant vein of anticontraceptive reasoning, in *Contraception and the*

²⁹ *DL* 91–92.

³⁰ *Contraception* 295. See *ibid.* for Noonan's own queries concerning the sense of Thomas' teaching.

³¹ *DL* 128–29.

³² *Ibid.* 129.

Natural Law he urges "the need for a more accurate explanation."³³ He might have said "a more comprehensible explanation"; for the principles and arguments he examines reveal no common underlying criterion, indeed no criteria at all. A verdict of descriptive lack follows not just from Grisez's data but from his own analysis of the data.

A basic equivocation, he maintains, infects "existing explanations of the intrinsic malice of contraception,"³⁴ since they rest uneasily on two different senses of "natural," one factual and one moral.³⁵

Arguments proceeding within the framework of conventional natural-law theory always include the following incomplete syllogism: *Contraception is intrinsically immoral because by it one engaging in intercourse prevents his act from attaining its natural end.* This syllogism can be understood and completed in various ways The obvious way to expand the incomplete argument into a formally valid syllogism is the following.

Major: To prevent any human act from attaining its natural end is intrinsically immoral.

Minor: Contraception prevents sexual intercourse from attaining its natural end.

Conclusion: Contraception is intrinsically immoral.

Once the argument is completed in this way it remains only to clarify the meaning of the terms in some fashion compatible both with the truth of the premises and with the unity of the middle term. Unfortunately, as we shall see, it is difficult to meet these two requirements at the same time. If the premises are understood in an obviously true sense, "natural end" becomes equivocal, and as soon as this equivocation is eliminated one of the premises is exposed to serious objections.³⁶

The first premise is clearly true if "natural" has a moral sense, the second if it has a nonmoral sense.

But when we couple the two premises understood in these ways the equivocation of the middle term becomes evident. To prevent one's act from attaining an end which one has a *moral obligation* to seek in exercising it is intrinsically immoral. Contraception prevents intercourse from accomplishing what *natural teleology* requires. From these two propositions nothing logically follows.³⁷

I shall leave the interested reader to pursue on his or her own the details of Grisez's analysis—the successive explanations offered and objections raised, the repeated attempts to make sense of the argument, short of introducing his own preferred approach. The typical overall pattern is already sufficiently clear for present purposes. In the manner, say, of G. E. Moore's critique of idealism, Grisez introduces distinctions

³³ *Contraception and the Natural Law* (Milwaukee: Bruce, 1964) 12.

³⁴ *Ibid.*

³⁶ *Ibid.* 20.

³⁵ *Ibid.*, e.g., 22.

³⁷ *Ibid.* 22.

not clearly envisaged by the authors in question, and so discriminations not clearly made and senses not surely determined. Which of the alternatives did the author intend? Which would he indicate if interrogated? With the prongs of each dilemma thus sharply revealed, he would probably prefer not to impale himself on either. So neither prospectively nor retrospectively do we seem entitled to foist either interpretation on him. Charity and justice require that we abstain; better no content at all than evident error.

Grisez, to be sure, suggests his own explanation of the inchoate syllogism and his own sense for the term "natural." But he does not suggest that this preferable sense be attributed to the authors he criticizes. Indeed, he insists that only within the context of his study does the final formulation acquire an acceptable meaning.³⁸ Even there, I would add, the ultimate intelligibility of the account might be questioned.

With this case considered, we are ready for a still more pertinent illustration. The Ford-Grisez argument for infallibility focuses on the magisterium. But we have barely mentioned any statements of bishops or popes. So let us return to the sample, representative of much magisterial teaching, cited at the start: *Casti connubii*; for it too exemplifies descriptive lack through canceled alternatives, and the alternatives in question have now all been examined in this and previous sections.

Difficulties for Vermeersch, the likely author of *Casti connubii*'s condemnation, and for Aquinas, a dominant influence on its teaching, are difficulties for the encyclical itself. Where else shall we look for the sense of its moral expressions? Not to the Latin language (see the general treatment of "descriptive diversity"). Nor to Christendom as a whole (ibid.). Nor to the specific tradition Noonan traced with respect to contraception (see the section on "descriptive diversity" in contraceptive doctrine). Nor to the narrower segment Grisez scrutinized (see the preceding critique). Aquinas, then, might appear the only hope, or Vermeersch, his privileged successor. With both eliminated, *Darkness and Light* reached its verdict on what Noonan in 1965 termed "the most solemn, complete, and authoritative presentation of Catholic doctrine on contraceptive practice."³⁹ No descriptive content could be found.⁴⁰

INFALLIBLE?

Ford and Grisez base their claim of infallibility on the constancy, not further distinguished, of episcopal teaching concerning contraception. The preceding discussion now permits a sharper focus. From our perusal of moral meanings we can recognize that such meanings may vary or hold constant in importantly different ways; and from our survey of contra-

³⁸ Ibid. 103.

⁴⁰ Cf. DL 125-34.

³⁹ *Contraception* 513.

ceptive teaching we can divine in which of those ways it has held firm. With that specific way in view, we shall be able to judge what specific type of guarantee would be required to warrant the claim of infallibility, then whether such a guarantee does in fact exist. This logical sequence is the one we shall follow: first the possible modes of constancy, then the one actually found, then the corresponding guarantee required, then its existence or nonexistence.

First, then, a moral teaching might hold steady in three chief ways: prescriptive, descriptive, and criterial. Prescriptively, it might point unswervingly in the same direction, permitting or forbidding, urging or opposing. Consistently calling an action right or wrong, it might thereby act as a constant spur or as a persistent check. Descriptively, it might in addition implicitly characterize the action in a uniform manner, as meeting or failing to meet these or those standards (e.g., nature, divine will, maximum good over evil). The standards, in turn, might establish a steady background of shared criteria. The teaching might hold constant in all these three important respects.

It might also, however, stand firm in just two respects or just one. It might, for example, consistently enjoin or oppose a given type of behavior, but for fluctuating reasons, establishing varied criteria, resulting in diverse descriptive content for the recurring moral predicates ("right," "good," "moral," or "wrong," "evil," "immoral"). Or, if the underlying reasoning was sufficiently nebulous, varied, and confused—occasionally or repeatedly—discernible criteria might cease to exist, and with them any descriptive content for the moral expressions used, while the dynamic, prescriptive aspect held steady. That too, as we have seen, is a genuine possibility.

Now, from even our sampling, necessarily incomplete though it is, I think it is clear what account best fits Church teaching, magisterial or other, concerning contraception. The historical evidence does not reveal consistent criteria. It does not reveal the consistent presence of criteria. Nor, therefore, does it reveal unchanging descriptive content in the moral statements made. The only constant element was the prescriptive. The Church has consistently *opposed* artificial contraception for nearly two thousand years.

Accordingly, in order to succeed with regard to contraception, the claim of magisterial inerrancy would have to take a narrower form. "It is inconceivable," it would need to maintain, "that the Church should consistently err *prescriptively* concerning some moral matter. If the other aspects varied, doubtless error crept in. If the error was not constant, it provides less grounds for alarm, and no exemption need be claimed. But consistent prescriptive error—consistent *misdirection*—would be too grave a lapse."

So the question, now, is whether prescriptive constancy in episcopal teaching does establish its prescriptive inerrancy. More exactly, does it guarantee that the direction persistently indicated is the one required by sound Christian criteria, accurately applied to the facts of the case in question (e.g., contraception) for the purposes of moral instruction?

PRESCRIPTIVELY INFALLIBLE?⁴¹

I do not think, first of all, that current Church teaching can enlighten us on this specific question. Surely it does not include orders, injunctions, and the like within the scope of infallibility.⁴² And seeing that a moral statement that erred prescriptively would commit the same error that a corresponding order did, it may be wondered why the magisterium would show concern for the error under one guise but not under the other. Why would the prescriptive success of an "oughtn't" require more attention than that of a "don't"? Isn't an injunction, if anything, more forceful when explicitly expressed as such?

As a matter of fact, no Church teaching ever has concerned itself specifically with the prescriptive credentials of moral teachings. Nor, to my knowledge, have theologians down to the present day discussed whether "revelation" extends to the dynamic, prescriptive aspect of moral teaching as well as to the descriptive, and whether infallibility therefore covers prescriptive inerrancy as well as descriptive. Such discriminations have not been made. Accordingly, they cannot be read into magisterial statements. When, for instance, *Lumen gentium* 25 explains that the Church's infallibility "extends as far as the deposit of divine revelation extends," we cannot infer, on the basis of any preceding discussion, that prescriptive infallibility is meant. Nor may we assume that purely prescriptive agreement qualifies as concurrence "in a single viewpoint" (*ibid.*).

⁴¹ The expression "prescriptive infallibility" seems a suitable name for what I have in view; for it does not imply that prescriptions are true or false, nor that moral statements, as prescriptive, are. Both may err prescriptively, that is, they may forbid, enjoin, or permit what they should not (recall our readiness to say that Prohibition was "mistaken" or that Pius V's deposition of Elizabeth was "a mistake"). And an appropriate term for a guarantee against any kind of error is "infallibility."

⁴² See Maurice Bévenot, "Faith and Morals' in the Councils of Trent and Vatican I," *Heythrop Journal* 3 (1962) 18; Gustave Thils, *L'Infaillibilité pontificale: Source-conditions-limités* (Gembloux: Duculot, 1969) 153, 208. Compare Austin Farrer, "Infallibility and Historical Revelation," in *Infallibility in the Church: An Anglican-Catholic Dialogue* (London: Darton, Longman & Todd, 1968) 11-12, or B. C. Butler's revealing remark about the fears of some American bishops at Vatican I "that it would be impossible for them to persuade their Irish congregations to accept as infallible the act whereby Adrian IV handed over Ireland to English dominion. The notion seems to us almost ludicrous . . ." (so distant is it from doctrine as traditionally conceived). See *The Vatican Council 1869-1870* (Westminster, Md.: Newman, 1962) 234.

The prevailing perspective of the past can, I think, be characterized roughly as follows. Infallibility has to do with truth and falsehood.⁴³ Now descriptive utterances are true or false, but orders are not. If moral statements are classed with the former and not the latter (as "doctrine of faith and morals"), it is because, and insofar as, they resemble the former. It is therefore questionable, to say the least, whether theologians and council fathers meant to include within the scope of infallibility precisely that aspect of moral statements' functioning which assimilates them not to descriptive utterances but to imperatives.

Turning, then, from official pronouncements, what shall we say on our own? Is prescriptive infallibility essential for the Church's salvific mission? Surely not in general. Not as a blanket exclusion of all prescriptive failure, no matter how slight or innocuous. Cases vary so. In one doctrine prescriptive error might combine with criterial and descriptive, in another not. A defective teaching might concern crucially important matters or much less important. It might admit of many falsifying exceptions or few. Its overall effects might therefore be calamitous or inconsequential. Or even beneficial. Yes, beneficial; for remember that positive laws, of church or state, which must look to the common welfare, if recast as exceptionless moral claims, would generally be false; yet the effects of the legislation are often good overall. And the Church's moral teaching has had the force of law.⁴⁴

If, then, no universal ban exists on persistent prescriptive failure, just one course remains. If the Ford-Grisez conclusion is to stand, the argument will have to be tailored to this individual case. Cause will have to be shown for believing that contraceptive teaching, in particular, could not have so erred.

JUST THIS CASE?

To my knowledge, no demonstration has focused sharply on just contraception and just prescriptive failure. However, an argument like the following, from Ford and Kelly, could readily be adapted to target just prescriptive error in contraceptive teaching:

We can show the binding force, the finality, of the tradition simply by showing that during the last century and a half—a truly crucial period as regards marital

⁴³ Consider an explanatory gloss like the following: "We must believe either that Christ's promise is of little value or that the help of the Holy Spirit will at least be manifested in this, namely that an 'error' will never be unanimously believed to be 'revelation' and that under these conditions everything that is declared to be 'revealed' and thus 'true' is in fact 'revealed' and thus of necessity absolutely 'true' " (Gustave Thils, "Truth and Verification at Vatican I," *Concilium* 83 [1973] 32-33).

⁴⁴ Think in particular of her teaching on divorce and remarriage. It is conceivable that even were the universal condemnation mistaken, a universal ban, such as the teaching effects, might be beneficial overall.

morality—the Church has constantly and emphatically taught that contraception is a grave violation of the law of God. For, if the teaching of the Catholic Church on a point so profoundly and intimately connected with the salvation of millions of souls has been the same over such a long period of time, the inevitable conclusion must be that that teaching is true and unchangeable. Otherwise the Church which God has established to interpret the moral law and to guide souls on the way of salvation would be failing substantially in its divine mission.⁴⁵

If the universal condemnation of artificial contraception was in fact mistaken, then it would seem, as Michael Dummett has observed, that “countless thousands of people were told they were committing sin when they were not, and hence denied the sacraments or caused to fall away from the Church altogether; and countless other thousands induced to struggle to keep an unnecessary law, bringing in its train poverty, ill health, anxiety and frustration.”⁴⁶ Compared with allegations like these, all my counterarguments may appear mere obfuscations of the obvious.

A full response to this new type of demonstration would require another article as long as this one. Here I shall limit myself to just the following three comments, of ascending importance.

First, though the conclusion coincides with that of Ford and Grisez, the argument no longer does. They invoked the magisterium, and relied on a universal guarantee. I have shown reason, first, for denying the applicability of *Lumen gentium*, and, second, for not stretching its teaching to exclude the possibility of persistent prescriptive error. So the task I set myself at the start, of answering their argument, is already accomplished. I am now looking, briefly, beyond their attempt to the only remaining route by which the same conclusion might be reached.

Second, I think a serious, full-scale effort, comparable to that of Ford and Grisez, to demonstrate that contraceptive teaching, in particular, could not have erred prescriptively would prove far more complex and difficult than quotations like the one from Ford and Kelly suggest. How complex even a catalog of requisite considerations turns out to be: the comparison of artificial means with others, of present circumstances with past, of this restriction on error with others already made, and the reasons for them; a realistic, Christian estimate of the need for full sexual expression, for the good things of life, for population control during the periods and within the areas most affected by the teaching; the calculation of how often the norm failed to apply, of what beneficial effects it may have worked even then, of its place within the total web of Catholic thought and practice, of its ecumenical repercussions; the distinction between the norm’s cognitive and noncognitive features, and the com-

⁴⁵ *Contemporary Moral Theology* 2, 257–58.

⁴⁶ “The Documents of the Papal Commission on Birth Control,” *New Blackfriars* 50 (1969) 243.

parison therefore between such teaching and effective legislation; the question of coherence (Can the inerrancy of a nonteleological norm be argued teleologically without implicitly arguing its error?).

Third and most important, so far as I know no such demonstration has in fact been undertaken, much less successfully achieved. Ford and Kelly, for example, consider it sufficient to demonstrate at length that during the stated period the Church did indeed emphatically reiterate its condemnation. They see no need to show that providence could permit the Great Schism, say, or the subsequent rending of Christendom at the time of the Reformation, but could not and would not permit whatever sum of evil contraceptive teaching, if mistaken, would have entailed. Consequently, they see no necessity to estimate that evil more accurately. They do not distinguish, for instance, between marginal error (with respect to rare exceptions) and massive error (with regard to the majority of cases); nor do they attempt to determine which of these two suppositions, if either, would be verified if the teaching did in fact err. Nor, I suspect, do they sense what that effort would entail, namely, accepting as sound other data and/or criteria than those that supported the condemnation, and tracing their implications. And what data and/or criteria, precisely, would they be?

Again, neither Ford and Kelly nor any other authors I know of explain why the moral judgment on contraception may ignore consequences, in the manner we saw earlier, while the ecclesial judgment on the sureness of that teaching may not. With regard to the moral verdict Noonan, for instance, remarks: "Vermeersch was prepared to contemplate the consequences which enforcement of this rule might entail for marriages: 'domestic unhappiness, disorders, abandonments, divorces, alienation from the sacraments.' If the act was intrinsically sinful, no other position was open."⁴⁷ Yet notice that the consequences thus accepted would be largely identical with those weighed in the scales against the possibility of error—supposing, that is, that the "salvation" for which Ford and Kelly express concern were given realistic content. What justification might be offered for such apparent schizophrenia?

These challenges might all, perhaps, be met and overcome in various ways.⁴⁸ The important fact is that they have not been.

CONCLUSION

The preceding reflections, fallible though they are in detail, may succeed nonetheless in strongly reaffirming the conclusion Dummett

⁴⁷ *Contraception* 514.

⁴⁸ The minority on Pope Paul's commission, for instance, urged: "If this doctrine is not substantially true, the magisterium itself will seem to be empty and useless in any moral matter" (cf. *The Birth Control Debate*, ed. Robert G. Hoyt [Kansas City, Mo.: National Catholic Reporter, 1968] 39).

urged some years ago in comments on Pope Paul's commission:

It may be that the minority is right in thinking that our faith in the inerrancy of the Church is incompatible with the supposition that what has been taught so consistently and so forcefully is erroneous: if they are right, then in one sense the traditional teaching is certainly true. But I should also maintain that, precisely because no one has carried out a sufficiently careful and honest investigation of the limits beyond which we cannot, consistently with our faith, suppose the Church to have gone astray, no one really knows at present whether this argument of the minority is correct or not: hence in the second sense—which is the sense in which an individual is entitled to claim certainty—I should hold that this teaching is quite definitely not at present certainly true. It is for this reason that I hold that the operation of the machinery of enforcement by those who are not at present entitled to claim certainty that they are right on those who are not at present capable of being certain that they are wrong, is unjust.⁴⁹

Dummett so concluded without mentioning or perhaps envisioning the type of questions I have been examining. Has the condemnation of artificial contraception been criterially or descriptively constant as well as prescriptively? Does prescriptive constancy, in general, demand prescriptive inerrancy? Does existing Church teaching draw this inference, or sound reasoning require it? Have convincing arguments been given for supposing that this particular prescription, at least, could not have erred? Answer all these queries in the negative, as I have here, and the same conclusion emerges, reinforced. To penitents and confessors, to spouses and theologians and pastors of the flock, it should be said: No, a negative verdict on artificial contraception has not in fact been rendered once for all.

More simply and positively stated, the reasoning has unfolded as follows. The descriptive and criterial aspects of contraceptive teaching have varied, the prescriptive content has held steady. But such constancy admits of error: the Church might err, prescriptively or otherwise, in prescriptively constant teaching. Accordingly, despite repeated condemnations, artificial contraception may be licit—sometimes, often, even usually. Whether it is, I have not considered; only the authority, not the correctness, of the teaching has concerned me.

⁴⁹ "Documents of the Papal Commission" 246.