

## ***Humanae Vitae* and Its Ecclesial Consequences**

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### **Abstract**

This article explores the ecclesial consequences of *Humanae Vitae* in relation to four seminal contributions of Vatican II: (1) a renewed appreciation for the *sensus fidelium*; (2) the theological recontextualization of doctrine; (3) episcopal collegiality and ecclesial subsidiarity; (4) the revitalization of the church's pastoral mission. The article argues first, that *Humanae Vitae*, directly or indirectly, impeded the full reception and implementation of these four contributions; and second, that the pontificate of Pope Francis has helped rehabilitate precisely those conciliar contributions that were most affected by the controversies associated with *Humanae Vitae*.

### **Keywords**

authority, birth control, collegiality, dissent, magisterium, mission, *sensus fidelium*, subsidiarity, synodality

If the Second Vatican Council was the most important event in the history of Catholicism since the Protestant Reformation, the promulgation of Pope Paul VI's 1968 encyclical, *Humanae Vitae*<sup>1</sup> may be the most influential event in post-conciliar Catholicism. The moral theologian Bernard Häring once contended, "No papal teaching document has ever caused such an earthquake in the church as the encyclical *Humanae Vitae*."<sup>2</sup> As we commemorate the fiftieth anniversary of this momentous papal encyclical, I will focus on the ecclesiological impact of that document over the

1. Pope Paul VI, *Humanae Vitae* (July 25, 1968), [http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf\\_p-vi\\_enc\\_25071968\\_humanae-Vitae.html](http://w2.vatican.va/content/paul-vi/en/encyclicals/documents/hf_p-vi_enc_25071968_humanae-Vitae.html).
2. Bernard Häring, "The Encyclical Crisis," *Commonweal*, September 6, 1968, 588.

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last half-century. Having been promulgated but a few years after the close of the Second Vatican Council, I will consider how the encyclical and the controversies surrounding it had either a direct or indirect impact on the reception of four key conciliar contributions: (1) a renewed appreciation for the *sensus fidelium*; (2) the theological recontextualization of church doctrine; (3) episcopal collegiality and a commitment to ecclesial subsidiarity; and (4) the revitalization of the pastoral mission of the church. In a concluding section I will consider briefly how the pontificate of Pope Francis is marked by an effort to rehabilitate precisely those conciliar contributions the reception of which had been most affected by the controversy surrounding *Humanae Vitae*.

## The Impact of *Humanae Vitae* on the Reception of Vatican II

It is now a commonplace in conciliar hermeneutics to study the Second Vatican Council from three perspectives: (1) a diachronic consideration of the development of key theological trajectories both leading up to the council and continuing over the course of the council; (2) a synchronic consideration of key conciliar texts from both an intratextual and intertextual perspective; (3) a consideration of how the council, as both text and event, has been received in the life of the church in the post-conciliar period. Ormond Rush refers to these respectively as a hermeneutic of authors, a hermeneutic of texts, and a hermeneutic of receivers.<sup>3</sup> It is the last of these that is of particular interest here as we consider how the events surrounding *Humanae Vitae*, appearing as it did only three years after the close of the council, had a decisive impact on the reception of these key conciliar contributions.

### *Humanae Vitae* and the Council's Renewed Appreciation for the *Sensus Fidelium*

Surely one of the council's most significant exercises in *ressourcement* concerned its reemphasis on the baptismal foundations of the church. No longer was the church to be viewed as a *societas inequalis*, divided into the disparate ranks of clergy and laity, as Pope Pius X had taught,<sup>4</sup> but rather as the body of Christ, the temple of the Holy Spirit, the pilgrim people of God. This shift was introduced in the first document promulgated by the council, the Constitution on the Sacred Liturgy, *Sacrosanctum Concilium*, which sketched out a liturgical ecclesiology that reasserted the priority of baptism and the Eucharist for the sacramental constitution of the church.<sup>5</sup> This shift marked a departure from the tendency of the manualist tradition to attend to the liturgy and sacraments primarily from the perspective of the ministry of the ordained. The

3. Ormond Rush, *Still Interpreting Vatican II* (New York: Paulist, 2004).

4. Pope Pius X, *Vehementer Nos* (1906), 8, [http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf\\_p-x\\_enc\\_11021906\\_vehementer-nos.html](http://w2.vatican.va/content/pius-x/en/encyclicals/documents/hf_p-x_enc_11021906_vehementer-nos.html).

5. Massimo Faggioli, *True Reform: Liturgy and Ecclesiology in Sacrosanctum Concilium* (Collegeville: Liturgical, 2012), 68ff.

council, by contrast, began from the conviction “that the subject acting in the liturgy is the whole Christ, head and members.”<sup>6</sup>

According to the council, the church is constituted as God’s people, the body of Christ, by the power of the Holy Spirit through faith and baptism. In the Dogmatic Constitution on the Church, *Lumen Gentium* (LG), the council taught that in baptism all God’s people are anointed to share in Christ’s ministry as priest, prophet, and king/shepherd. The prophetic vocation of the *Christifideles* is exercised through the supernatural instinct of the faith (*sensus fidei*) conferred at baptism, a gift that enables the believer and believing community to actively appropriate God’s Word. The people of God “penetrates [the Word] more deeply through right judgment, and applies it more fully in daily life” (LG 12).<sup>7</sup> The Christian faithful’s exercise of this supernatural gift contributes, the council taught, to the dynamic tradition of the church. This occurs “through the contemplation and study of believers who ponder these things in their hearts. It comes from the intimate sense of spiritual realities which they experience” (*Dei Verbum* 8).

Having affirmed the active participation of all the faithful in the prophetic vocation of the church, the council bishops recognized that this teaching required corresponding consultative structures.

The laity should disclose their needs and desires to the pastors with that liberty and confidence which befits children of God and brothers and sisters in Christ. To the extent of their knowledge, competence or authority the laity are entitled, and indeed sometimes duty-bound, to express their opinion on matters which concern the good of the church. Should the occasion arise this should be done *through the institutions established by the church for that purpose* and always with truth, courage and prudence and with reverence and charity towards those who, by reason of their office, represent the person of Christ. (LG 37)<sup>8</sup>

The council also encouraged both an appreciation for the active contributions of all the Christian faithful in the “traditioning” of the faith, and the development of structures capable of appropriating those contributions.

The pontifical commission that was established to help advise the pope on the vexing birth control question was actually the first modern ecclesiastical attempt to implement the council’s teaching on the sense of the faithful. A brief rehearsal of the role of the pontifical commission will be helpful.<sup>9</sup>

6. Jeremy Driscoll, “*Sacrosanctum Concilium*,” in *The Reception of Vatican II*, Matthew L. Lamb and Matthew Levering, eds. (New York: Oxford University Press, 2017), 23–47 at 30.

7. All quotations from the Vatican II documents are taken from Austin Flannery, OP, ed., *Vatican Council II: Constitutions, Decrees, Declarations* (Collegeville: Liturgical, 2014; originally published 1996).

8. Emphasis mine.

9. Much of the historical background regarding the work of the commission comes from Robert McClory, *Turning Point: The Inside Story of the Papal Birth Control Commission, and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad, 1995), and Robert Blair Kaiser, *The Politics of Sex and Religion* (Kansas City: Leaven, 1985).

One of the council's most influential prelates, Cardinal Leo Suenens of Belgium, had already, more than a decade prior to the council, expressed concern regarding the demands that church teaching on birth regulation had placed on married couples. When the council was convened, Suenens previewed a preliminary schema authored by Ermenegildo Lio, a conservative Franciscan moralist that dealt with marriage. The schema largely rehearsed the teaching of Pius XI in *Casti Connubii* prohibiting artificial birth regulation.<sup>10</sup> Suenens was shocked by the draft's complete eschewal of newer, more personalist theologies of marriage and the important new questions being raised regarding the morality of artificial birth control. He immediately met with Pope John XXIII and encouraged him to create a commission of his own to study the question further. That commission, officially titled the Pontifical Commission for the Study of Population, Family and Births, was quietly established by Pope John in March, 1963. The membership in this quite small commission initially included several physicians, a demographer, and an economist. All but one, a Jesuit sociologist, were lay persons.

The pope died in June but the commission formally remained in existence, meeting for the first time in October of 1963, in Louvain. Their initial report was unremarkable and generally supportive of the teaching of *Casti Connubii*.<sup>11</sup> Pope Paul VI, having just succeeded Pope John, approved a second meeting for the commission to be held in April, 1964. He also added seven new members, five of whom were priest-theologians (including Häring and the German moralist, Joseph Fuchs, who was initially quite supportive of official church teaching on the issue) and two lay sociologists. It was at a third meeting, held in early June of 1964, after the addition of two more (male) members, that the commission first began to move away from a simple defense of the church's teaching to contemplate the possibility that a modification of that teaching might be in order.<sup>12</sup>

In the meantime, Vatican II was still in session and there was considerable interest in exploring the issue in the council aula. In a surprising and somewhat controversial move, in October of 1964 Pope Paul VI asked the bishops at the council not to address the question of artificial birth regulation and made public for the first time the existence of the papal commission. This created a certain resentment among some at the council, with several influential bishops giving moving addresses in sympathy of the plight of many married Catholics who were struggling with the church's teaching.<sup>13</sup> Soon after, the commission's membership was expanded dramatically to a total of fifty-eight, now including five women.<sup>14</sup> Although it was populated generously with

10. Pius XI, *Casti Connubii* (December 31, 1930), accessed online at: [https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf\\_p-xi\\_enc\\_19301231\\_casti-connubii.html](https://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19301231_casti-connubii.html).

11. McClory, *Turning Point*, 38–45.

12. Kaiser, *The Politics of Sex and Religion*, 55; McClory, *Turning Point*, 53–55.

13. For a more detailed account of these council debates see, Kaiser, *The Politics of Sex and Religion*, 59–67; Norman Tanner, "The Church in the World (*Ecclesia ad Extra*)," in Giuseppe Alberigo and Joseph A. Komonchak, eds., *History of Vatican II* (Maryknoll: Orbis 2003), 4:270–386 at 306–12.

14. McClory, *Turning Point*, 62.

professional moral theologians, there were also gynecologists, economists, sociologists, and three married couples.

By the commission's fourth meeting in March of 1965, the group had become so large that they had to break up into different working groups. It was at this meeting that the members benefited from an extended lecture on the history of Catholic approaches to contraception by John T. Noonan, who had written what is still the definitive study of the topic.<sup>15</sup> One of the most important internal votes among the theologians on the commission concerned whether the current church teaching was to be viewed as irreformable. The vote concluded it was not, 12–7.<sup>16</sup> Of perhaps greater significance was the presentation of the American married couple, Pat and Patty Crowley, who shared the results of their extensive consultation with the membership of the worldwide Christian Family Movement regarding the attitudes of Catholic married couples toward the church's prohibition of artificial contraception. Many commission members found this testimony quite moving. The Crowleys were given a mandate to further expand their survey and the other two married couples were asked to survey married couples in their respective countries. The medical working group also produced 16 different reports on various aspects of the contraception question.

The commission met one last time in 1966 for a period of three months from April to June. At that meeting, in a controversial development, the pope appointed an additional 16 cardinals and bishops to serve as official members (two of whom had been part of the earlier group). For all but two, this would be the only meeting these new members would attend.<sup>17</sup> During this final meeting, the 19 theologians on the commission met again to debate fundamental questions regarding, first, the irreformability of *Casti Connubii* and, second, whether using artificial contraception was an intrinsic evil. The theologians voted in the negative to both questions by a vote of 15–4.<sup>18</sup> When the medical group's report was presented, the second round of surveys of married couples was also presented to the commission. The Crowleys shared their expanded survey of married members of CFM. Of the 3,000 couples from 18 countries who were surveyed—a sample skewed, as Robert Blair Kaiser noted, by their strong commitment to the Catholic faith—63% reported that following the church's teaching through the practice of the rhythm method had harmed their marriage.<sup>19</sup> A sociologist on the commission, Donald Barrett, provided an extended analysis of the data. His presentation was noteworthy for the way in which he grounded his analysis in the council's recent teaching on the sense of the faithful. Soon after, the four married women on the commission were directly asked to share their experience with the “rhythm” method

15. John T. Noonan, Jr., *Contraception: A History of Its Treatment by Catholic Theologians and Canonists* (originally published in 1965; enlarged edition, Cambridge: Harvard University Press, 1986).

16. McClory, *Turning Point*, 71.

17. Kaiser, *The Politics of Sex and Religion*, 129. Among those members appointed at this late stage was Archbishop Karol Wojtyła of Krakow who, however, did not attend the final meeting.

18. Kaiser, *The Politics of Sex and Religion*, 134.

19. Kaiser, *The Politics of Sex and Religion*, 136.

in their own marriages. Their testimony to the tremendous stress it put on their marriages had a considerable impact on many on the commission.<sup>20</sup> Eventually, the commission would issue its confidential report to the pope. It overwhelmingly recommended a revision of church teaching that would allow for limited recourse to artificial birth control in certain cases.

The pope, as is well known, opted to ignore the commission's recommendation, and in *Humanae Vitae* he reaffirmed church teaching, although in doing so he did place it in a more personalist theological framework while also making more explicit the permissibility of couples making use of natural family planning methods.

What this cursory review of the work of the commission makes evident is the influential role of the direct testimony of the married commission members themselves, their report on the experiences of thousands of other faithful, married Catholics, and the fruit of a series of expert studies from the field of medicine. Here we see, for perhaps the first time in the modern church, the first-hand testimony of the sense of the faithful being actively appropriated in the processes of ecclesial discernment that were preparatory to the promulgation of papal teaching.<sup>21</sup> Consequently, when the pope chose to reaffirm the teaching of Pius XI, it was not just the hopes of millions of married Catholics that were dashed; the papal action had grave consequences for the reception of one of the council's most important contributions—the active role of the sense of the faithful in the life of the church. If the pope's decision to ignore the testimony of the sense of the faithful represented a significant setback for this important conciliar teaching, the refusal by church leadership to consider the faithful's persistent non-reception of *Humanae Vitae* in the ensuing decades has dealt it an even more grievous blow. Indeed, since the promulgation of *Humanae Vitae*, it is difficult to identify a single instance in which an extensive effort has been made to consult the faithful on similarly controverted questions such as those regarding homosexuality, *in vitro* fertilization, or the ordination of women.

The ecclesial fallout of the *Humanae Vitae* controversy extended to the attitudes of church leadership. Many bishops seemed to fear that consultation of the Christian faithful might put the pope and bishops in the awkward position of again having to dismiss their testimony if and when it challenged church teaching, particularly regarding matters concerning sexuality, marriage and the family. As Avery Dulles warned in an address to the US bishops offered in February, 1993, "As long as the overwhelming majority of lay people are at odds with the hierarchy on the question of birth control, the process of consultation on marriage and family life will be gravely inhibited. The magisterium will find itself driven into an isolated clerical world."<sup>22</sup> In the two decades that followed, Dulles's fears were largely borne out.

20. McClory, *Turning Point*, 101–7.

21. One might respond that both Pope Pius IX and Pope Pius XII inquired after the belief of the faithful regarding the Marian dogmas they were considering for solemn definition. This is true but their query was directed toward the bishops and not the people themselves.

22. Avery Dulles, "'*Humanae Vitae*' and the Crisis of Dissent," *Origins* 22 (April 1993): 774–7, at 776.

One of the great failings of the post-conciliar church lay with its inability to develop robust consultative structures in keeping with the expectations of the council. This failure to develop viable consultative structures of the kind imagined by the council was already evident in the 1983 Revised Code of Canon Law.<sup>23</sup> For example, the code encouraged the creation of diocesan pastoral councils (c. 511) and the convocation of diocesan synods (cc. 460–68) but, unlike presbyteral councils, these were not required. Lay participation in diocesan synods was also envisioned but, again, not required. In fact, where diocesan synods have been convened, they have often been scripted affairs with many issues of interest to the faithful declared off limits.

In the 1980s the US Bishops' Conference initially engaged in a remarkably consultative process of drafting conference statements on war and peace and the economy that incorporated extensive testimony from both experts and ordinary Christian faithful.<sup>24</sup> However, by the end of the decade, as the bishops began work on a letter on women, the Vatican repeatedly expressed its concerns over the dialogical methodology and the formal consultation of the faithful.<sup>25</sup> The process was soon abandoned.

In the five decades since the council, there have been countless theological studies of the role of the *sensus fidelium* and the process of ecclesial reception and ecclesiastical consultation, all of which have added significantly to post-conciliar ecclesiology.<sup>26</sup> In spite of this one cannot help but note an almost total avoidance of this conciliar teaching by church leadership, particularly in its consideration of a wide range of controversial questions on issues ranging from homosexuality and women's ordination to the pastoral care of the divorced and remarried. The anemic effort to develop and employ

23. Sharon Euart, "Structures for Participation in the Church," *Origins* 35 (May 2005): 18–25.

24. For a more in-depth analysis of the dialogical process employed by the US Bishops Conference in the 1980s, see Bradford Hinze, *Practices of Dialogue in the Roman Catholic Church: Aims and Obstacles, Lessons and Laments* (New York: Continuum, 2006), 90–111.

25. Hinze, *Practices of Dialogue*, 102–4.

26. As but a limited sample of a voluminous body of literature see, Samuel D. Femiano, *Infallibility of the Laity: The Legacy of Newman* (New York: Herder, 1967); John Burkhard, "Sensus Fidei: Meaning, Role and Future of a Teaching of Vatican II," *Louvain Studies* 17 (1992): 18–34; idem, "Sensus Fidei: Theological Reflection Since Vatican II," *Heythrop Journal* 34 (1993): 41–59, 137–59; J.-M.R. Tillard, "Tradition, Reception," in *The Quadrilog: Tradition and the Future of Ecumenism* [Festschrift for George Tavard], Kenneth Hagan, ed. (Collegeville: Liturgical, 1994), 328–43; Daniel J. Finucane, *The Sensus Fidelium: The Use of a Concept in the Post-Vatican II Era* (San Francisco: International Scholars Publication, 1996); Orlando O. Espín, *The Faith of the People: Theological Reflections on Popular Catholicism* (Maryknoll: Orbis, 1997); Ormond Rush, *The Eyes of Faith: The Sense of the Faithful and the Church's Reception of Revelation* (Washington, DC: Catholic University of America Press, 2009); Jerome Baggett, *Sense of the Faithful: How American Catholics Live Their Faith* (New York: Oxford University Press, 2009); Bradford E. Hinze and Peter C. Phan, eds., *Learning from All the Faithful: A Contemporary Theology of the Sensus Fidei* (Eugene, OR: Pickwick, 2016); Charles Curran and Lisa Fullam, eds., *The Sensus Fidelium and Moral Theology* (New York: Paulist, 2017).

consultative structures in the post-conciliar period, I contend, was a direct consequence of church leadership's determination not to repeat the *Humanae Vitae* experience.

### *Humanae Vitae and the Council's Theological Recontextualization of Doctrinal Authority*

In Pope John XXIII's remarkable address at the opening of the council, *Gaudet Mater Ecclesia*, the pope offered a critical assessment of the way in which church teaching authority had been exercised in the past. An emphasis on the vigorous condemnation of error must be replaced, he insisted, by the "medicine of mercy" and by the persuasive demonstration of the truth of church teaching. The church must not be content with offering a mere repetition of doctrinal formulations; doctrine is rooted in particular historical contexts and has to be studied "through the methods of research and through the literary forms of modern thought." What was demanded was a penetration of church doctrine in view of the pressing questions of our age. This required a magisterium, he insisted, that was "predominantly pastoral in character."<sup>27</sup>

The council took several real, if somewhat tentative, steps toward the realization of a "pastoral magisterium." In *Dei Verbum*, as is well known, the council effected a fundamental shift in its theology of revelation, moving away from an exclusively propositionalist account and toward a more trinitarian and kerygmatic theology of revelation. This shift did not negate the necessary role of church doctrine, but it did present a significant recontextualization of doctrine. This was nowhere more evident than in the council's teaching on the "hierarchy of truths" in its Decree on Ecumenism, *Unitatis Redintegratio* (UR): "When comparing doctrines with one another, they should remember that in Catholic doctrine there exists an order or 'hierarchy' of truths, since they vary in their relation to the foundation of the Christian faith" (UR 11). The "foundation of the Christian faith" here refers to divine revelation itself which is presented as a more comprehensive reality than church doctrine.

The council's entire approach to the authority of doctrine reflected a more clearly discerned ecclesial humility.<sup>28</sup> In *Gaudium et Spes* the bishops acknowledged that while the church in its teaching rightly draws from divine revelation, "it does not always have a ready answer to every question" (GS 33). In the Decree on the Training of Priests, *Optatam Totius*, one finds a concern that the theological formation of seminarians move beyond the propositionalist tendencies of the dogmatic manual tradition to ground their theology in "the mystery of salvation," always keeping the "pastoral aim" of their

27. John XXIII, *Gaudet Mater Ecclesia*, in Walter M. Abbott, ed., *The Documents of Vatican II* (New York Crossroad, 1989), I: 710–19.

28. Richard R. Gaillardetz, *An Unfinished Council: Vatican II, Pope Francis and the Renewal of Catholicism* (Collegeville: Liturgical, 2015), 73–89. For similar treatments of the council's "virtue ecclesiology" see Gerard Mannion, *Ecclesiology and Postmodernity: Questions for the Church in Our Time* (Collegeville: Liturgical, 2007), 195–225; Paul Lakeland, "'I Want to Be in That Number': Desire, Inclusivity and the Church," *CTSA Proceedings* 66 (2011): 16–28.



studies in full view (OT 14). Scripture was to be “the very soul of theology” and the study of dogma would need to be attentive to its historical context (OT 16).

## **Humanae Vitae and a Crisis of Doctrinal Credibility**

This reorientation of fundamental theology<sup>29</sup> would quickly be put to the test as the crisis associated with *Humanae Vitae* was intrinsically bound up in disputes regarding the proper role of doctrine in the life of the church. Some theologians had warned, even prior to the publication of the encyclical, that any change of church doctrine regarding the liceity of artificial birth regulation would “tend toward vitiating the force of the church’s ordinary doctrinal function.”<sup>30</sup> Not surprisingly, these theologians were troubled and even shocked when the pontifical commission submitted to the pope a confidential report recommending a modest revision to church teaching, one which focused on the need to preserve the good of fecundity in marriage but without requiring that every conjugal act be open to conception.<sup>31</sup>

A small number of theologians and bishops on the commission who did not agree with the report issued their own document which, somewhat misleadingly, has often been characterized as a “minority report” of the commission, even though it was not a commission document but was published independently. That “minority” report stressed the need to preserve the credibility of the magisterium, a credibility that required that there be no substantive change in church doctrine. John C. Ford, a noted Jesuit moral theologian, was one of the principal authors of this document, and had been arguing consistently, since the very creation of the commission, that the church could not have erred for centuries on such a grave matter. Ford’s argument presupposed a theology of the invincibility of the assistance of the Holy Spirit to the magisterium and a tacit assumption that the teaching of the church on artificial birth regulation had been proposed infallibly by the magisterium. This, in spite of the fact that when the encyclical was presented at a Vatican press conference by Msgr. Ferdinando Lambruschini, the Vatican official proposed that an “attentive reading of the encyclical *Humanae Vitae* does not suggest the theological note of infallibility.”<sup>32</sup>

In the years following the council, it quickly became clear that a significant majority of the church, at least in the USA, was not persuaded by the papal teaching. Already by 1970, 78 percent of Catholic women between ages 20 and 24 were using some form of artificial birth control.<sup>33</sup> As Peter Steinfels has observed, many would look back and characterize the controversy as the Vietnam War of the Catholic Church.

29. For a helpful treatment of the council’s distinctive contributions to fundamental theology see, Gerald O’Collins, *Rethinking Fundamental Theology* (New York: Oxford University Press, 2011).

30. Aidan M. Carr, “Questions Answered,” *Homiletic and Pastoral Review* 65 (April, 1965): 608, as quoted in Leslie Woodcock Tentler, *Catholics and Contraception: An American History* (Ithaca, NY: Cornell University Press, 2004), 3.

31. The text of the report can be found in Kaiser, *The Politics of Sex and Religion*, 248–58.

32. “Statement Accompanying Encyclical *Humanae Vitae*,” in *Catholic Mind* 66 (1968): 49–57, at 54.

33. Tentler, *Catholics and Contraception*, 266.

Vietnam in itself appeared strategically and economically marginal to American interests, but it was elevated to centrality by the domino theory, holding that Communism, if victorious in Vietnam, would engulf one Asian country after another and ultimately tilt the world balance of power against the United States. . . . Similarly, the question of contraception, although in itself marginal among Catholic teachings, was elevated to centrality by a domino theory concerned that all the principles of Catholic sexual morality would collapse, one by one, if change was accepted on this one point. And the church's teaching authority, already committed to condemning contraception, would be dangerously eroded.<sup>34</sup>

And as Steinfels noted, something very much like this erosion of church authority did occur, not because church teaching changed, however, but because it didn't.

How are we to assess the crisis of doctrinal authority that appeared in the wake of *Humanae Vitae*? The influential neo-conservative church commentator George Weigel has attributed it to a fundamentally misguided and even malign interpretation of the council which would, if realized, transform the Catholic Church "into another liberal Protestant denomination."<sup>35</sup> This problematic interpretation of conciliar teaching, he insisted, was aided by the zeitgeist of the time, enabling a sweeping "culture of dissent" to take root in the church.<sup>36</sup> According to Weigel, the decision not to crack down on dissident clergy and theologians who questioned the papal teaching, the "Truce of 1968" as Weigel characterizes it, played a decisive role in undermining the credibility of the magisterium's doctrinal teaching authority:

The tacit vindication of the culture of dissent during the *Humanae Vitae* controversy taught two generations of Catholics that virtually everything in the Church was questionable: doctrine, morals, the priesthood, the episcopate, the lot. More than a few Catholics decided that a Church prepared to tolerate overt rejection of a solemn act of papal teaching authority could not be that serious about what it was teaching on this or other matters. It was possible to pick and choose among those teachings that seemed most congenial, given one's circumstances and preferences. Thus "Cafeteria Catholicism" was another child of the *Humanae Vitae* controversy and the Truce of 1968.<sup>37</sup>

This narrative, articulated by the author of a glowing biography of Pope John Paul II, would be sustained and embellished over the course of the successive pontificates of John Paul II and Benedict XVI.

The crisis of *Humanae Vitae* did, in fact, instigate a crisis of doctrinal authority, but not because of the failure of church authorities to discipline dissident clerics and theologians. This loss of credibility, which came to its head in the decades-long non-reception of *Humanae Vitae*, represents, I believe, the culmination of a centuries-long failure of the magisterium to honor the proper limits of its own doctrinal authority.

34. Peter Steinfels, *A People Adrift: The Crisis of the Roman Catholic Church in America* (New York: Simon & Schuster, 2003), 257.

35. George Weigel, *The Courage to Be Catholic: Crisis, Reform, and the Future of the Church* (New York: Basic Books, 2002), 36.

36. Weigel, *The Courage to Be Catholic*, 67.

37. Weigel, *The Courage to Be Catholic*, 72.

As Charles Taylor has admitted, there are obviously situations in which a clear and unambiguous authoritative pronouncement by the magisterium may be justified. He mentions the denunciation of torture or genocide.<sup>38</sup> But, more frequently, the exercise of authority, particularly in the realm of morality, relies on contingent knowledge (e.g., our understanding of human embryology or the genetic origins of a same-sex attraction). It will also depend upon the discernment of contingent circumstances that will be crucial to a proper moral judgment. The decision to apply exceptionless moral norms to spheres of human life where contingent prudential judgments seem more appropriate is bound to be problematic to many Catholics. This will particularly be true for those who have been formed to believe that the moral life depends not merely on obeying authoritative precepts but on the exercise of a properly formed conscience.

Just five years after *Humanae Vitae*, the Jesuit moral theologian Richard McCormick urged the bishops to facilitate a conversation regarding the binding character of the papal doctrine on birth control and the possibility of legitimate dissent. To fail to do so, he warned, would almost certainly compromise the credibility of both church doctrine and the magisterium.<sup>39</sup> The decades that followed would prove him right. Although, as we shall see, some episcopal conferences did make a preliminary attempt to account for those who could not give an internal assent to this particular papal doctrine, in general, the impulse of church leadership went in a different direction.

In sum, while the council did not offer a developed theology of church doctrine, by placing doctrine within a more dynamic theology of revelation it opened the door for a more differentiated and contextualized account of church doctrine and its relationship to divine revelation. This modest opening, had it been pursued in the period immediately after the council, would have allowed the faithful to appreciate the necessary distinction between the central dogmatic convictions of the church and more specific doctrinal pronouncements carrying a somewhat lesser authority. Unfortunately, the widespread dissent that followed upon the pope's reaffirmation of traditional church teaching in *Humanae Vitae* constituted so traumatic a shock to the magisterium that it led to an undifferentiated insistence on adherence to all church doctrinal pronouncements, regardless of their specificity or distance from the central affirmations of the Christian faith. Such sweeping claims were, to a growing number of Catholics, literally, incredible.

## ***Humanae Vitae's* Impact on the Magisterium–Theologian Relationship**

The crisis of doctrinal authority occasioned by *Humanae Vitae* had a direct effect on the relationship between the magisterium and theologians. Before the Second Vatican

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38. Charles Taylor, "Magisterial Authority," in *The Crisis of Authority in Catholic Modernity*, Michael Lacey and Francis Oakley, eds. (New York: Oxford University Press, 2011), 259–69.

39. Richard A. McCormick, "The Silence Since '*Humanae Vitae*,'" *America*, July 21, 1973, 32.

Council the relationship between the bishops and theologians, the vast majority of whom were themselves clerics, was largely respectful. Many theologians saw themselves, much as many bishops saw them, as functioning in auxiliary service to the magisterium. “Dissent,” understood as the rejection or even questioning of any authoritative teaching of the magisterium, was viewed with suspicion as a negative attack on the authority of the magisterium itself. However, this rule was not absolute. The dogmatic manual tradition had acknowledged the legitimacy of a theologian’s withholding internal assent toward certain doctrinal formulations.<sup>40</sup> However, the assumption was that if theologians discovered a significant difficulty with a doctrinal formulation, presuming it had not been proposed infallibly, they were to bring the difficulty to the attention of their bishop in private, and were to refrain from any public speech or writing that was contrary to received church teaching. In his 1950 encyclical, *Humani Generis*, Pope Pius XII taught that “if the Supreme Pontiffs in their official documents purposely pass judgment on a matter up to that time under dispute, it is obvious that that matter, according to the mind and will of the Pontiffs, cannot be any longer considered a question open to discussion among theologians.”<sup>41</sup>

The inadequacies of this understanding of the magisterium–theologian relationship were addressed, at least indirectly, in the teaching of Vatican II. In fact, in many ways, this relationship was changed in the very conduct of the council, as bishops and theologians worked side by side in the crafting of key texts.<sup>42</sup> The council did not reflect explicitly on the role of the theologian in any depth. However, several passages are worth considering. The bishops insisted that the work of biblical exegesis and theology must be done under the guidance of the magisterium:

Catholic exegetes ... and other students of sacred theology, working diligently together and using appropriate means, should devote their energies, under the watchful care of the sacred teaching office of the Church, to an exploration and exposition of the divine writings. (*DV* 23)

They reiterated that it was the responsibility of theologians to interpret and explicate church teaching faithfully. However, these tasks did not exhaust the work of theologians. Theologians must also consider new questions:

... recent research and discoveries in the sciences, in history and philosophy bring up new problems which have an important bearing on life itself and demand new scrutiny by theologians. Furthermore, theologians are now being asked, within the methods and limits of

40. See Joseph A. Komonchak, “Ordinary Papal Magisterium and Religious Assent,” in Charles E. Curran and Richard A. McCormick, eds., *Readings in Moral Theology No. 3: The Magisterium and Morality* (New York: Paulist, 1982), 67–90.

41. Pius XII, *Humani Generis* (August 12, 1950), 20, [http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf\\_p-xii\\_enc\\_12081950\\_humani-generis.html](http://w2.vatican.va/content/pius-xii/en/encyclicals/documents/hf_p-xii_enc_12081950_humani-generis.html).

42. Jared Wicks has noted how the council embodied a new understanding of the magisterium–theologian relationship in their conciliar interactions. See Jared Wicks, *Doing Theology* (New York: Paulist, 2009), 187–223.

theological science, to develop more efficient ways of communicating doctrine to the people of today... (*GS* 64)

The bishops encouraged theologians to explore unresolved doctrinal questions (*LG* 54) and reminded them of the importance of keeping in mind the ecumenical dimensions of their work (*UR* 10). Perhaps most significant is the council's deliberate decision not to retain a citation of Pius XII's teaching in *Humani Generis* that topics pronounced upon by the ordinary papal magisterium were no longer subject to free debate.

The promise of a new, cooperative relationship between the magisterium and theologians was called into question with *Humanae Vitae* soon after the close of the council. As is well known, the encyclical led to an unprecedented firestorm of protest from theologians. In the United States, Charles Curran drafted a statement eventually signed by over 600 theologians and scholars protesting the encyclical's teaching.<sup>43</sup> A similar document was circulated in Western Europe.

Initially, bishops were reluctant to penalize dissenting theologians and clergy but over time, particularly in the pontificate of John Paul II, theologians who had failed to give a public assent to the controverted papal teaching were viewed by bishops as suspect. Many would find themselves excluded from seminary posts, exempted from consideration for episcopal appointment, and prohibited from public speaking at church events. Formal theological investigations were conducted by the Congregation for the Doctrine of the Faith on the work of a number of noted international theologians, including: Tissa Balasuriya, Leonardo Boff, Charles Curran, Jacques Anthony De Mello, Jacques Dupuis, Margaret Farley, André Guindon, Roger Haight, Anthony Kosnik, Hans Küng, Reinhard Messner, Jacques Pohier, Edward Schillebeeckx, Jon Sobrino, and Marciano Vidal.<sup>44</sup>

The 1989 *Professio Fidei* was promulgated by the Congregation for the Doctrine of the Faith (CDF),<sup>45</sup> in the eyes of many, precisely to reign in the kind of dissent that was directed at the teaching of *Humanae Vitae*.<sup>46</sup> In 1990, the CDF issued *Donum Veritatis*, "An Instruction on the Ecclesial Vocation of the Theologian," that appeared to offer little room for theologians to dissent toward church teaching.<sup>47</sup> A similar motivation appears to have been behind the Vatican's insistence that the US bishops establish

43. The full text of the statement can be found in Charles E. Curran and Robert E. Hunt, *Dissent in and for the Church: Theologians and Humanae Vitae* (New York: Sheed & Ward, 1969), 24–27.

44. See Bradford E. Hinze, "A Decade of Disciplining Theologians," in Richard R. Gaillardetz, ed., *When the Magisterium Intervenes: The Magisterium and Theologians in Today's Church* (Collegeville: Liturgical, 2012), 3–39, at 12–13.

45. Congregation for the Doctrine of the Faith, *Professio Fidei*, (June 29, 1998), [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_1998\\_professio-fidei\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_1998_professio-fidei_en.html).

46. Dulles, " 'Humanae Vitae' and the Crisis of Dissent, 776.

47. Congregation for the Doctrine of the Faith, *Donum Veritatis*, "An Instruction on the Ecclesial Vocation of the Theologian," (May 24, 1990), [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19900524\\_theologian-vocation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19900524_theologian-vocation_en.html).

juridical norms such as the conferral of the *mandatum*, for determining whether theology professors at Catholic institutions of higher education were “in communion” with the church. These norms were finally approved in 1999.

This estrangement between the magisterium and theologians was harmful to both parties. Many theologians found their careers and reputations in jeopardy as they were subjected to both formal and informal mechanisms of doctrinal investigation, often without minimal due process.<sup>48</sup> These scholars had dedicated their lives to service of the church only to discover that their expertise was no longer valued by church leadership. Most bishops, for their part, were deprived of the scholarship and wisdom of many theologians.

### *Humanae Vitae, Episcopal Collegiality, and Ecclesial Subsidiarity*

At Vatican II the bishops reaffirmed the teaching of Vatican I on the distinctive authority of the bishop of Rome,<sup>49</sup> but they also insisted that the whole college of bishops, together with the pope, its head, “is the subject of supreme and full authority over the universal church” (*LG* 22). However, the council was unable to give more than a cursory consideration of what institutional forms episcopal collegiality might take. There had been proposals for the establishment of a permanent synod to assist in the government of the universal church, one loosely based on the model of the permanent synods of the Eastern churches. That these proposals were not explicitly developed was largely due to the fact that, before the council ended, Pope Paul VI had already promulgated *Apostolica Sollicitudo*, establishing the world synod of bishops.<sup>50</sup> Against the hopes and requests of many bishops, the synod was established, not as a permanent body, but only as an intermittent synodal gathering of representative bishops, an assembly possessing only consultative authority.

The council also considered episcopal conferences as genuine participations in collegiality. It granted considerable authority to these conferences in *Sacrosanctum Concilium* (22, 35). The Decree on the Pastoral Office of Bishops, *Christus Dominus* (*CD*), avoided, by and large, the tricky question of what precise authority and ecclesial status was to be given to these episcopal conferences, but it did acknowledge their pastoral importance and recognized that episcopal conferences were in keeping with the ancient tradition of regional bishops meeting in synods (*CD* 36). The decades after the council saw the rapid establishment of regional episcopal conferences throughout the global church. Some conferences, such as the US bishops conference or CELAM in Latin America, became quite influential.

48. For an analysis of the Vatican’s procedures for investigating theologians, see Hinze, “A Decade of Disciplining Theologians.”

49. For the connection between Vatican I and Vatican II on papal teaching authority, see Kristin M. Colberg, *Vatican I and Vatican II: Councils in the Living Tradition* (Collegeville: Liturgical, 2016).

50. Paul VI, *Apostolica Sollicitudo* (September 15, 1965), [http://w2.vatican.va/content/paul-vi/en/motu\\_proprio/documents/hf\\_p-vi\\_motu-proprio\\_19650915\\_apostolica-sollicitudo.html](http://w2.vatican.va/content/paul-vi/en/motu_proprio/documents/hf_p-vi_motu-proprio_19650915_apostolica-sollicitudo.html).

Yet almost immediately after the council, the crisis associated with *Humanae Vitae* called the authority of these conferences into question. When Pope Paul VI's controversial encyclical was first sent to the various episcopal conferences, it was accompanied by a letter from Cardinal Amleto Cicognani, the Secretary of State, asking the bishops conferences to take an active role in explaining the document's teaching to the faithful.<sup>51</sup> The response from many bishops conferences was not entirely what Cicognani had in mind.<sup>52</sup> The Belgian bishops, for example, carefully affirmed that all doctrinal teaching "should be received with the respect and the spirit of docility which the teaching authority established by Christ can legitimately demand." However, when it came to non-infallible exercises of doctrinal teaching authority—and the Belgian bishops unambiguously placed the teaching of *Humanae Vitae* into this category—the bishops carefully acknowledged that "we are not bound to an unconditional and absolute adherence such as is demanded for a dogmatic definition." In fact,

Someone . . . who is competent in the matter under consideration and capable of forming a personal and well-founded judgment—which necessarily presupposes a sufficient amount of knowledge—may, after serious examination before God, come to other conclusions on certain points. In such a case he has the right to follow his conviction provided that he remains sincerely disposed to continue his enquiry. . . . Finally, in dealing with the concrete application of certain directives of the moral order, it can happen that because of particular circumstances which appear to them as conflicts of duties some of the faithful sincerely believe that it is impossible for them to conform to these directives. In this case, the Church asks them to seek loyally the mode of acting which will permit them to adapt their conduct to the given norms. If they do not succeed at first, they should not consider that because of this they are separated from God's love. . . . We must recognize, according to the traditional teaching, that the ultimate practical norm of action is conscience. . . .<sup>53</sup>

Several other episcopal conferences issued similar letters emphasizing, in varying degrees, the council's teaching on the primacy of conscience.

These letters soon raised questions regarding the teaching authority of episcopal conferences, particularly when they espoused positions that appeared to undermine papal teaching. These very questions led Pope Paul VI to convene the first extraordinary synod of bishops in 1969 to consider the question of cooperation between the Holy See and episcopal conferences. At that synodal assembly, concerns regarding the particular teaching authority of episcopal conferences were raised but not resolved.<sup>54</sup> These concerns would grow in the wake of the US bishops' controversial pastoral

51. "Reactions to the Encyclical," in *Herder Correspondence* 5 (1968), 300–13 at 300.

52. For a careful analysis of the bishops conferences' responses to *Humanae Vitae* see Joseph Selling, *The Reaction to Humanae Vitae* (1977), Wijngaards Institute, <http://www.catholic-sandcontraception.com/reaction-to-humanae-vitae-joseph-selling-1977/>.

53. John Horgan, ed., *Humanae Vitae and the Bishops: The Encyclical and the Statements of the National Hierarchies* (Shannon, Ireland: Irish University Press, 1972), 65–67.

54. James Provost, "Episcopal Conferences as an Expression of the Communion of Churches," in Thomas Reese, ed., *Episcopal Conferences: Historical, Canonical and Theological Studies* (Washington, DC: Georgetown University Press, 1989), 267–89, at 285–6.

letters, “The Challenge of Peace”<sup>55</sup> and “Economic Justice for All.”<sup>56</sup> As we saw above, this was due not only to their subject matter but to the bishops’ controversial employment of an explicitly consultative methodology.

In 1985 Pope John Paul II convened an Extraordinary Synod to assess the reception of the Second Vatican Council. At that synod a number of bishops requested a study of the status and authority of episcopal conferences. The result was a working paper introduced in 1988 by the Congregation of Bishops on the juridical and theological status of episcopal conferences.<sup>57</sup> The draft was not well received by many bishops and theologians, leading to yet further revisions. After years of debate, Pope John Paul II promulgated the apostolic letter, *Apostolos Suos* in 1998, which affirmed the teaching authority of episcopal conferences in principle, even as he limited that authority in practice. In 2001, we saw a further effort to chip away at the authority of episcopal conferences as the Vatican published a document on liturgical translations, *Liturgiam Authenticam*,<sup>58</sup> that shifted much of the responsibility for liturgical translations away from episcopal conferences, as the council had intended, and back to the Vatican.

At issue here were two interrelated debates, the first concerning the authority of episcopal conferences and the second regarding the legitimacy of applying the principle of subsidiarity to the life of the church. For many theologians, the teaching authority of episcopal conferences represented an apt expression of subsidiarity. This principle was drawn from the sphere of social ethics and affirmed that social issues are best dealt with at the local level such that a “higher authority” should intervene only when an issue could not be resolved at the local level or when the welfare of the larger body was at stake. Pope Pius XII had extended the principle’s sphere of application when he observed in 1946 that this principle “valid for social life in all its grades” was valid “also for the life of the church without prejudice to its hierarchical structure.”<sup>59</sup>

55. NCCB, “The Challenge of Peace: A Pastoral Letter on War and Peace by the National Conference of Catholic Bishops” (May 3, 1983), <http://www.usccb.org/upload/challenge-peace-gods-promise-our-response-1983.pdf>.

56. NCCB, “Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy” (1986), [http://www.usccb.org/upload/economic\\_justice\\_for\\_all.pdf](http://www.usccb.org/upload/economic_justice_for_all.pdf).

57. “Draft Statement on Episcopal Conferences,” *Origins* 17 (1987–88): 731–37. A good overview of the debate concerning the ecclesiological status of episcopal conferences is provided by Joseph Komonchak in his introduction to *Episcopal Conferences: Historical, Canonical and Theological Studies*, 1–22. See also Hervé-M. Legrand, Julio Manzanares, and Antonio García y García, eds., *The Nature and Future of Episcopal Conferences* (Washington, D.C.: The Catholic University of America Press, 1988), and Hubert Müller and Hermann J. Pottmeyer, eds., *Die Bischofskonferenz: theologischer und juridischer Status* (Düsseldorf: Patmos, 1989).

58. Congregation for Divine Worship and the Discipline of the Sacraments, *Liturgiam Authenticam*, “Fifth Instruction ‘For the Right Implementation of the Constitution on the Sacred Liturgy of the Second Vatican Council’” (2001), [http://www.vatican.va/roman\\_curia/congregations/ccdds/documents/rc\\_con\\_ccdds\\_doc\\_20010507\\_liturgiam-authenticam\\_en.html](http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20010507_liturgiam-authenticam_en.html).

59. Pope Pius XII made this statement in an address to newly created cardinals, *Acta Apostolicae Sedis* (AAS) 38 (1946): 144–45. He reaffirmed the ecclesial implications of the principle of subsidiarity in an address to the Second World Congress of the Lay Apostolate in 1957. See AAS 49 (1957): 926–28.



In the wake of Vatican II, even though the term was not explicitly employed in this context, many saw the growing role of episcopal conferences as an apt ecclesial realization of the principle of subsidiarity.<sup>60</sup> Yet the ambiguous responses of the various episcopal conferences to *Humanae Vitae*, followed by the controversial US pastoral letters, appeared to call into question the legitimacy of, first, an ecclesial application of the principle of subsidiarity, and, second, the doctrinal teaching authority of episcopal conferences as an expression of that principle. All of this can be situated as part of a larger program of ecclesiastical recentralization of authority undertaken in response to the *Humanae Vitae* controversy.

### *Humanae Vitae and Vatican II's Call for a More Pastoral, Missionary Church*

It is now a commonplace that the Second Vatican Council was fundamentally a “pastoral” council. Yet this assertion has been an occasion for serious misunderstanding. Some have used it as a way to marginalize the council, suggesting that the council limited itself to strictly pastoral matters, as if the doctrinal tradition of the church were left untouched by the council’s considerations. We noted above how the council had recontextualized church doctrine within a more dynamic theology of revelation. Yet we can also see in the teaching of the council an effort to recontextualize church doctrine within the pastoral life of the church. John O’Brien observes that with the work of the council the

pastoral had regained its proper standing as something far more than the mere application of doctrine but as the very context from which doctrines emerge, the very condition of the possibility of doctrine, the touchstone for the validity of doctrine and the always prior and posterior praxis which doctrine at most, attempts to sum up, safeguard, and transmit.<sup>61</sup>

This pastoral orientation was realized in a particular way in the council’s missionary orientation, where to be missionary was no longer reduced to the pre-conciliar program of *plantatio ecclesiae*. Rather, the pastoral orientation proceeded from the acknowledgement that “the church on earth is by its very nature missionary since, according to the plan of the Father, it has its origin in the mission of the Son and the holy Spirit” (*Ad Gentes* [AG] 2). The church exists, not for its own sake, but for the world. It is to be, before the world, “a universal sacrament of salvation” (*LG* 48; *AG* 1).

This missionary orientation and its associated pastoral commitments is embedded in almost every document. We see it in the council’s call for the laity to take the initiative in bringing their faith into the secular realm (*Apostolicam Actuositatem* [AA] 29;

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60. For more on the ecclesial application of the principle of subsidiarity see, Joseph Komonchak, “Subsidiarity and the Church: The State of the Question,” *The Jurist* 48 (1988): 298–349; Ad Leys, *Ecclesiological Impacts of the Principle of Subsidiarity* (Kampen: Kok, 1995).

61. John O’Brien, “Ecclesiology as Narrative,” *Ecclesiology* 4 (2008): 148–65, at 150, doi: <https://doi.org/10.1163/174413608X308591>.

GS 43). We see it in a particular way in the council's advocacy of the primacy of conscience (GS 16). It is evident in the Constitution on the Sacred Liturgy's conviction that the "full, conscious, and active participation of the faithful is demanded by the nature of the liturgy" (SC 14). This pastoral commitment is evident in the council's portrayal of the bishops as pastors rather than rulers (CD 16) and especially in the council's treatment of priests. In the Decree on Priestly Ministry and Life, *Presbyterorum Ordinis* (PO), the council made a deliberate choice to use the Latin term, *presbyter*, rather than *sacerdos*, thereby announcing a shift from a more narrowly conceived, cultic understanding of the ministerial priesthood to one that was more broadly pastoral and placed in service to the priesthood of the baptized (PO 3). Priests are to make preaching a priority, expounding on God's Word not in a formal or abstract way but in a way that is attentive to the concrete circumstances of people's lives (PO 4). They are "to promote the dignity of the laity," listening to them and honoring their experience, competence and diverse charisms (PO 9).

Here once again, a key theme of the council would be put to the test almost immediately with the controversies associated with *Humanae Vitae*. The impact was not entirely negative. There is a sense in which the response to *Humanae Vitae* unintentionally moved to the foreground a key conciliar teaching, the primacy of conscience. As Leslie Woodcock Tentler has noted in her study of the contraception controversy in modern Catholicism, Catholics had been struggling with the birth control question for some time prior to the council, and by 1955 approximately 30 percent of American Catholics admitted to having recourse to a prohibited form of birth regulation. By 1965 over half of American Catholics admitted to using artificial birth control.<sup>62</sup> Yet many of these Catholics reported considerable anguish regarding their non-compliance, particularly since Pope Pius XI's *Casti Connubii* had exhorted priests to admonish Catholics on the matter of artificial birth regulation.

The Second Vatican Council, however, emphasized the primacy of a well-formed conscience (GS 16) and the need for Catholics to exercise their own prudential judgments in applying the gospel to their daily lives. Vatican II invited Catholics to a more mature form of discipleship, one which presupposed continued respect for the clergy and church teaching but which emphasized a healthy autonomy and genuine practice of moral discernment:

Let them [the laity] be aware of what their faith demands of them in these matters and derive strength from it; let them not hesitate to take the initiative at the opportune moment and put their findings into effect. It is their task to cultivate a properly informed conscience and to impress the divine law on the affairs of the earthly city. For guidance and spiritual strength let them turn to the clergy; but let them realize that their pastors will not always be so expert as to have a ready answer to every problem, even every grave problem, that arises; this is not the role of the clergy; it is rather the task of lay people to shoulder their responsibilities under the guidance of Christian wisdom and with careful attention to the teaching authority of the church. (GS 43)

62. Tentler, *Catholics and Contraception*, 133–34.

In the face of widespread dismay over the teaching of *Humanae Vitae*, many theologians, priests, and even some bishops conferences moved the council's teaching on the primacy of conscience into the foreground of Catholic consciousness. This suggests an alternative to Weigel's decline-narrative regarding widespread dissent. This alternative narrative would see the sweeping non-reception of *Humanae Vitae* not as a decline but as the fruit of the council's teaching on conscience, a more circumscribed role for the clergy, and the need for a limited autonomy in making concrete prudential judgments in the moral order. In this regard, one might consider the widespread non-reception of the encyclical as a sign that the adult church that Vatican II had dared to imagine was now becoming a reality.

Nevertheless, if the widespread embrace of the council's teaching on conscience can be seen as a positive feature of the *Humanae Vitae* controversy, we cannot ignore several other ways in which the encyclical impeded rather than encouraged the reception and implementation of the council's pastoral commitments.

## The Priesthood Crisis and Backlash

Tentler has documented well the impact of *Humanae Vitae* on the Catholic priesthood. More than 10 percent of the active clergy in the USA left the priesthood between 1966 and 1971.<sup>63</sup> The challenges raised regarding church teaching on birth control were accompanied by similar challenges leveled against the discipline of priestly celibacy. The relationship between the two issues was doubtless strengthened by the increasingly common complaint that priests, by virtue of their celibacy, were singularly ill-equipped to understand the plight of married couples presented to them in the confessional.

The increasing availability of the pill created a situation in which growing numbers of Catholics began to employ these artificial means and did so more and more without recourse to the sacrament of penance. This was becoming the case even before the publication of *Humanae Vitae*. In the wake of Vatican II and news of the pontifical commission, in 1965 more than 65 percent of the laity expected church teaching to change on this issue. Moreover, many who abandoned adherence to the church's teaching often claimed the moral high ground, arguing on the basis of a commitment to the health of the family and ethical concerns regarding overpopulation.<sup>64</sup> The encouragement of Catholics to follow their conscience had the indirect effect of weakening the felt sense of the necessity of the sacrament of penance. Tentler notes, somewhat surprisingly, that *Humanae Vitae* may have had a more devastating impact on the morale of clergy than on that of lay people, many of whom were already practicing methods of artificial birth regulation.<sup>65</sup> If a Catholic could follow her conscience on this matter, then why not on other questions? Tentler notes, "With the issuance of *Humanae Vitae* . . . the clergy's crisis of identity—fused, now, in a great many cases

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63. Tentler, *Catholics and Contraception*, 235.

64. Tentler, *Catholics and Contraception*, 220.

65. Tentler, *Catholics and Contraception*, 11.

with individual crises of conscience—reached its climax. It was priests who were that encyclical's principal victims."<sup>66</sup> In any event, what Jesuit church historian Mark Massa has termed "the American Catholic revolution" of the 1960s was doubtless instigated by a repudiation of papal teaching on both priestly celibacy and artificial birth regulation.<sup>67</sup> If this is true then the crisis of credibility of the clergy which erupted in the wake of the 2003 *Boston Globe* series on clerical sexual abuse represented not the beginning but rather the culmination of a gradual diminishment of the clergy's credibility, a diminishment that had actually begun with the birth control controversy.

Beginning with the pontificate of John Paul II we can also see a more indirect consequence of *Humanae Vitae* in the rise of a generation of "John Paul II" priests inspired by the Polish pope's extraordinary charisma and holiness. Many of them shared the conviction that the ministerial priesthood had failed the church in the wake of *Humanae Vitae*. These young priests scorned their mentors for having failed to "hold the line" regarding church moral teaching. Armed with Pope John Paul II's "theology of the body," they went into both the pulpit and the confessional determined to repudiate "the culture of death" precipitated by the ubiquity of "the pill" and the legalization of abortion. As a result, their priestly identity was often not formed as a service to the priesthood of the baptized; it was asserted over against the laity by way of a more sacral theology of the priesthood, one reinforced in a series of ecclesiastical documents,<sup>68</sup> and the return to cassocks, birettas, and clerical titles.

## The Influence of *Humanae Vitae* on Episcopal Appointments

Perhaps one of the most surprising features of Paul VI's pontificate after *Humanae Vitae* was that there was not, by and large, any great penalty imposed on those clerics who failed to speak out explicitly in support of the papal teaching. This may reflect the fact that from 1973 to 1980, many US bishops were appointed who were known more for their pastoral sensibilities. They would come to be known as the "Jadot bishops," so named because presumably their appointment was supported by the US apostolic delegate at the time, Archbishop Jean Jadot. This would change early in the pontificate of John Paul II when Jadot was summarily dismissed. Subsequent episcopal appointments appeared to be made more on the basis of support for controverted church teaching, including the prohibition of birth control, rather than because of their pastoral

66. Tentler, *Catholics and Contraception*, 247.

67. Mark S. Massa, *The American Revolution: How the '60s Changed the Church Forever* (New York: Oxford University Press, 2010).

68. See, for example, a notification published jointly by eight Vatican dicasteries, "Some Questions Regarding Collaboration of Nonordained Faithful in Priests' Sacred Ministry," *Origins* 27 (November 27, 1997): 397–410; The Congregation for Divine Worship and the Discipline of the Sacraments, *Redemptionis Sacramentum*, "On Certain Matters to be Observed or to be Avoided Regarding the Most Holy Eucharist" (March 25, 2004), [http://www.vatican.va/roman\\_curia/congregations/ccdds/documents/rc\\_con\\_ccdds\\_doc\\_20040423\\_redemptionis-sacramentum\\_en.html](http://www.vatican.va/roman_curia/congregations/ccdds/documents/rc_con_ccdds_doc_20040423_redemptionis-sacramentum_en.html).

abilities. Over the next thirty-five years, episcopal appointments were marked, with some exceptions, by a preoccupation with loyalty to the church institution and its official teaching. The pastoral life of the church suffered as a consequence. As one obvious example, while the clerical sex abuse crisis was instigated, no doubt, by the tawdry history of predator priests abusing the innocent, it was exacerbated exponentially by prelates whose limited pastoral instincts were trumped by a determination to protect the reputation of the institution above all else.

## **Concluding Reflections: Pope Francis and the Revitalized Reception of Vatican II**

In this article I have proposed that the controversies surround the promulgation of Pope Paul VI’s encyclical, directly or indirectly, impeded the reception of four key conciliar contributions: (1) the ecclesial role of the sense of the faithful, (2) the theological recontextualization of church doctrine, (3) the affirmation of episcopal collegiality and the related ecclesial application of the principle of subsidiarity, and finally, (4) a commitment to a more pastoral, missionary vision of the church. From the vantage point of the remarkable pontificate of Pope Francis, I contend that each of these four contributions has been rehabilitated and advanced by the first pope to have been ordained priest after the publication of *Humanae Vitae*. Let us consider each of these briefly.

Francis has consistently encouraged church leaders to take seriously the council’s teaching on the sense of the faithful. He writes in *Evangelii Gaudium* (EG):

As part of his mysterious love for humanity, God furnishes the totality of the faithful with an instinct of faith—*sensus fidei*—which helps them to discern what is truly of God. The presence of the Spirit gives Christians a certain connaturality with divine realities, and a wisdom which enables them to grasp those realities intuitively, even when they lack the wherewithal to give them precise expression. (EG 119)<sup>69</sup>

Francis’ affirmation of this long-neglected conciliar teaching is certainly welcome, but even more so is the attention he has given to developing practices of consultation that would bring to light the wisdom of the ordinary Christian faithful. In a much-discussed interview, the pope spoke of the consistories of cardinals and the synod of bishops as missed opportunities for consultation. “We must give them a less rigid form,” he contended. “I do not want token consultations, but real consultations.”<sup>70</sup> The pope has worked to translate this rhetoric into church practice, most notably by encouraging more formal processes of consultation in advance of the two synods on the family and the most recent synod on young people, faith, and vocational discernment. In each

69. Francis, *Evangelii Gaudium* (2013), [https://w2.vatican.va/content/francesco/en/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20131124\\_evangelii-gaudium.html](https://w2.vatican.va/content/francesco/en/apost_exhortations/documents/papa-francesco_esortazione-ap_20131124_evangelii-gaudium.html).

70. Antonio Spadaro, Interview with Pope Francis, “A Big Heart Open to God,” *America* (September 30, 2013), <https://www.americamagazine.org/faith/2013/09/30/big-heart-open-god-interview-pope-francis>.

instance questionnaires were widely disseminated and focus groups consulted for input into the synodal deliberations.

The second example of Francis rehabilitating a conciliar theme impeded by *Humanae Vitae* concerns his attitude toward church doctrine. He has warned on numerous occasions of the dangers of using church doctrine as a club to beat opponents. He insists that “[p]astoral ministry in a missionary style is not obsessed with the disjointed transmission of a multitude of doctrines to be insistently imposed” (EG 35). He has recalled, on several occasions, the council’s teaching on the hierarchy of truths and expanded its application explicitly to include moral teaching (EG 36).

Francis has made little reference to the term “subsidiarity,” but he has repeatedly called for a decentralization of church authority. In *Evangelii Gaudium* the pope wrote,

Nor do I believe that the papal magisterium should be expected to offer a definitive or complete word on every question which affects the Church and the world. It is not advisable for the Pope to take the place of local Bishops in the discernment of every issue which arises in their territory. In this sense, I am conscious of the need to promote a sound “decentralization.” (EG 16)

In just five years he has done more to enhance the visibility and authority of episcopal conferences than all of his successors combined. This is evident in his return to the episcopal conferences’ responsibility for overseeing liturgical vernacular translations.<sup>71</sup> It is reflected as well in the unprecedented extent to which he cites the documents of episcopal conferences in his own papal teaching. In *Amoris Laetitia* he cites documents from various regional episcopal conferences ten times and in his encyclical, *Laudato Si’* on care of our common home, he cites regional episcopal conferences 20 times. His recently released apostolic exhortation, *Gaudete et Exsultate*, also cites episcopal conferences seven times.

Finally, Francis is determined to realize the missionary focus and pastoral orientation that the council sought to establish for the church. It has led him to move away from the preoccupation of his predecessors with the lay–clergy distinction and the resacralization of the clergy in favor of a focus on baptism and “missionary discipleship.” He calls the church to serve as a kind of “field hospital,”<sup>72</sup> emphasizing with this image, improvisation, change, and adaptability.

Pope Francis has unambiguously affirmed the teaching of Paul VI in *Humanae Vitae*, most recently in *Amoris Laetitia*,<sup>73</sup> but he has also called for a certain re-reception of the teaching. In a March 5, 2014 interview, he responded to a direct question about adherence to this controversial papal teaching:

71. Francis, *Magnum Principium* (September 3, 2017), <https://press.vatican.va/content/salas-tampa/en/bollettino/pubblico/2017/09/09/170909a.html>.

72. Francis, “A Big Heart Open to God.”

73. Francis, *Amoris Laetitia* (March 19, 2016), [https://w2.vatican.va/content/dam/francesco/pdf/apost\\_exhortations/documents/papa-francesco\\_esortazione-ap\\_20160319\\_amoris-laetitia\\_en.pdf](https://w2.vatican.va/content/dam/francesco/pdf/apost_exhortations/documents/papa-francesco_esortazione-ap_20160319_amoris-laetitia_en.pdf).

It all depends on how the text of *Humanae Vitae* is interpreted. Paul VI himself, towards the end, recommended to confessors much mercy and attention to concrete situations. But his genius was prophetic, as he had the courage to go against the majority, to defend moral discipline, to apply a cultural brake, to oppose present and future neo-Malthusianism. The object is not to change the doctrine, but it is a matter of going into the issue in depth and to ensure that the pastoral ministry takes into account the situations of each person and what that person can do.<sup>74</sup>

Francis has engaged in a careful balancing act. He is content to reaffirm the teaching of *Humanae Vitae*, yet his pontificate can be interpreted as a multipronged strategy to heal the ecclesial wounds the church suffered because of that encyclical's dramatic non-reception. His entire papacy has, in many ways, been dedicated to revitalizing the ecclesial reception of the council that was grievously impeded, directly or indirectly, by the ecclesial fallout of *Humanae Vitae*. Whether his pontificate marks a long-term healing of those ecclesial wounds, or stands as a brief aberration in a post-conciliar history marked by crisis, may well depend on his ability to convince the episcopate to follow his lead, even as he refashions it through new appointments. Time is not on his side.

### Author Biography

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74. Catholic News Agency, "Transcript: Pope Francis' March 5 Interview with *Corriere della Sera*," <http://www.catholicnewsagency.com/news/transcript-pope-francis-march-5-interview-with-corriere-della-sera/>.