News



Determination of the "sensus fidelium" involves a true discernment that cannot just be reduced to numbers or majority rule. (Unsplash/Kazuend)



by Charles E. Curran

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Pope Paul VI's encyclical *Humanae Vitae* was publicly released on Monday, July 29, 1968. It reiterated the condemnation of artificial contraception for spouses. Many in the Catholic world had been hoping for a change in the papal teaching based on the newer approaches of the Second Vatican Council (1962-65) and the call to change the teaching that was in the "Majority Report" of the papal commission studying the issue, which had been leaked the year before. But rumors began circulating in the spring of 1968 that the pope was going to issue an encyclical reaffirming the contraception ban.

Humanae Vitae raised two different issues — the teaching on contraception and sexuality, and how the church goes about its authoritative teaching role. The second issue is more extensive and important and is the subject matter of this essay. The authoritative teaching on contraception, as explained at the Vatican press conference releasing the encyclical, involves authoritative, noninfallible church teaching.

Defenders of dissent from such teaching, including myself, proposed three basic reasons to justify such dissent. (The day after *Humanae Vitae* was released, I was the spokesperson and leader of a group of theologians who issued a public statement saying that Catholics could dissent in theory and in practice from the teaching of *Humanae Vitae* on artificial contraception and still consider themselves to be loyal Roman Catholics. More than 600 Catholic scholars ultimately signed this statement.)

First, history shows that the church has changed its teaching on a number of significant moral teachings over the years, such as slavery, the right of the defendant to remain silent, democracy, human rights, religious liberty, and the role of love and pleasure in marital sexual relations.

Second, noninfallible teaching by its very nature is fallible. *Noninfallible* is a subterfuge to avoid using the word *fallible*.

Third, the primary teacher in the church is the Holy Spirit. Yes, the Spirit speaks through the hierarchical magisterium, but the role of the Spirit is broader than the role of the hierarchical magisterium. Through baptism all Christians share in the teaching and prophetic role of Jesus.

The strongest argument against the legitimacy of such dissent insists that the Holy Spirit guides the church and would never allow church teaching to be wrong in a matter affecting so many people in their daily lives. Instead of helping people live the Christian life, would the Spirit allow the Church to lead them astray? The strongest rebuttal is that slavery was a much more significant and important issue than contraception for spouses.

Immediately following *Humanae Vitae*, a firestorm of debate arose over dissent and its legitimacy, but as time went on, the debate has greatly subsided. Catholic spouses are fundamentally no different from Protestant spouses in their use of artificial contraception in marriage. The vast majority of Catholic theologians, but by no means all of them, recognize the legitimacy of dissent in the case of contraception.

'Humanae Vitae': The maturing of church teaching

To mark the 50th anniversary of *Humanae Vitae*, NCR has been publishing a multipart series of essays examining *Humanae Vitae* through the lens of time. The series is intended to map the influence of *Humanae Vitae*, the impact this teaching on birth control has had in the Catholic community and where it might be pointing us in the future. Catch up at NCRonline.org/feature-series/humanae-vitae-at-50/stories.

Popes and bishops have continued to strenuously support the teaching opposing contraception, have never explicitly recognized the legitimacy of dissent and have punished some theologians defending such dissent, but they have not disturbed the consciences of those spouses using contraception.

Fifty years after *Humanae Vitae*, there is little or no discussion about this issue. Catholic couples long ago have made up their conscience on the issue of contraception. Priests and confessors have overwhelmingly accepted in practice the legitimacy of such dissent. Today, one could maintain that the present situation in the total church has justified the legitimacy of such dissent.

But there are problems with this present solution. Fr. Andrew Greeley, the premiere Catholic sociologist in the United States, pointed out in 1976 that the issuance of *Humanae Vitae* caused a great exodus from the Catholic Church in this country. It is safe to say that, as time went on, contraception has not been a reason for people

leaving the church as they have made up their own minds to stay in the church and to practice contraception. However, many have left the church for other reasons.

The present situation rests on a significant difference between the official hierarchical teaching and the position of Catholics. The total church should be primarily concerned about moral truth, but the contemporary situation prescinds from this important issue of moral truth.

In addition, the present situation contributes to the growing lack of credibility with regard to the teaching office of the church. Even those who have remained in the church often recognize that its teaching office has lost much credibility. Such a situation is not for the good of the church.



Blessed Paul VI is pictured on copies of the Vatican's L'Osservatore Romano newspaper prior to his beatification Mass celebrated by Pope Francis in St. Peter's Square at the Vatican Oct. 19, 2014. Paul, who served as pope from 1963-1978, is most remembered for his 1968 encyclical, "Humanae Vitae," which affirmed the church's teaching against artificial contraception. (CNS/Paul Haring)

The sense of the faithful

Up to this point I have discussed *Humanae Vitae* and contraception in light of the lens of dissent, which was the primary ecclesial issue raised in the discussions following the publication of this encyclical. But now I think there is a better lens to use in discussing contraception and *Humanae Vitae* — the concept of the *sensus fidelium* and its role in church teaching.

The term *sensus fidelium* literally means the sense of the faithful or the doctrinal intuition of believers. The concept has roots in Scripture and has been developed throughout the tradition, but especially in the 19th century, to explain the development of doctrine.

After the First Vatican Council, however, the distinction between the teaching church and the learning church relegated the idea of the *sensus fidelium* to the margins. Vatican II, with its understanding of the church as the people of God, rejected the whole understanding of the distinction between the teaching church and the learning church and recognized the important role of the *sensus fidelium*, even maintaining that it is infallible.

Of course, the council did not get into the intricate realities of determining exactly what is the *sensus fidelium* and how it is determined and understood. At the very minimum, all should agree with Cardinal John Henry Newman on the importance of consulting the faithful in matters of doctrine.

In the last decade or so, theologians have emphasized the role of the *sensus fidelium* with regard to morality and not just beliefs. Morality by its very nature is quite different from beliefs, since morality deals with concrete actions that, in this instance, take place in the world. There is no doubt that beliefs can develop and even change over time. But morality is much more open to change because it occurs in changing historical circumstances. Thus in questions of morality, the experience of the baptized in their daily lives forms an important part of the *sensus fidelium*.

The determination of the *sensus fidelium* involves a true discernment. History shows that believing people have often done wrong actions. Also, discernment cannot just be reduced to numbers or majority rule. Discernment strives to discern the true action of the Holy Spirit that involves the experience of people in their daily lives, but also many other aspects as well. What the laity do in their daily lives must always be compared with the various ways in which the Holy Spirit operates in the church.

The bottom line, however, remains that the church can and has learned from the experience of baptized people in their secular endeavors and daily lives.

A reflection of how church teaching on moral issues has changed indicates the important role that has been played by the experience of Christian people. A number of examples come to mind.

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For a very long time, Catholic teaching gave no role to pleasure and love in marital sexual relations. This changed, especially in the 20th century when the role of pleasure and love began to be highlighted. Popes, bishops and theologians have learned from the lived experience of married couples in this matter. After all, the popes, bishops and theologians (except very recently) were not married.

A good example of how theologians changed their positions based on the experience of Christian married people is illustrated in the work of Jesuit Fr. Josef Fuchs, as a member of the so-called papal birth control commission. In 1964, Fuchs, recognized as one of the leading Catholic moral theologians in the world and teaching at the Gregorian University in Rome, strongly supported the existing teaching on contraception. In the fourth meeting in 1965, he surprised the other members of the commission by recognizing that the teaching was reformable, but he still thought it retained its validity.

At the fifth session, Fuchs changed his mind on the issue of contraception. He was greatly impressed by the testimony of the lay couples on the commission. The experience of committed Catholic married couples led him to change a position that he had taught for many years (I had been one of his students) and defended in his

published works on sexuality and chastity.

An earlier instance of change occurred in the 16th century in the teaching on taking interest on a loan. Three authentic papal teaching documents in that century reiterated the traditional condemnation of the divine law of taking interest on a loan. Theologians, however, based on the experience of Christian people involved in commerce, proposed the legitimacy of interest on loans.

John T. Noonan Jr., who wrote extensively on this question, concludes that the acts of papal authority isolated from theological support and contrary to the convictions of the laity involved in commerce could not prevail, however accurately they reflected the teaching of an earlier age. The experience and judgment of the laity contributed greatly to the change in moral teaching even though the papal documents were still in place.

Without doubt the greatest change that occurred in moral and social teaching in the 20th century was the change at Vatican II accepting religious freedom. Pope Leo XIII at the end of the 19th century strongly condemned religious liberty in a number of encyclicals. Twentieth-century popes followed in these footsteps. The discussions of Vatican II on religious liberty gave primary attention to the justification of such a dramatic change. How could something be true in the late 19th century and the opposite be true in the 1960s?

The first paragraph of the Declaration on Religious Freedom is most illuminating. A sense of the dignity of the human person has been expressing itself more and more on the consciousness of contemporary people with the recognition of the need for responsible freedom of action. The demand is also made that constitutional limits be set on the powers of government to respect the free exercise of religion in human society. This council takes careful note of these desires and declares them to be greatly in accord with truth and justice.

Two aspects stand out in this opening paragraph. First, the hierarchical church learned from the desires and experiences of Christian people. Second, the teaching itself was already true even before the council recognized it to be so. There can be no clearer illustration of the need to consult and learn from the experience of committed Christian people in matters of morality.

Note the emphasis on the changing circumstances that occur in the political and moral world. The *sensus fidelium* heavily recognizing the experiences and desires of

contemporary committed people had arrived at the truth of religious liberty before the hierarchical teaching of the church.



German Cardinal Walter Brandmuller and Archbishop Carlo Maria Vigano, former apostolic nuncio to the United States, attend a conference on Blessed Paul VI's 1968 encyclical, "Humanae Vitae," in Rome Oct. 28. (CNS/Paul Haring)

Present and future

In light of the understanding of the *sensus fidelium*, the significant role of committed baptized people in their daily lives in the secular world and the examples of change discussed above, a strong case can be made that the Catholic Church today has changed its teaching and accepted the morality of artificial contraception for spouses.

In the immediate aftermath of *Humanae Vitae*, the primary ecclesiological issue concerned dissent and its legitimacy. Today, it seems more appropriate to use the lens of the *sensus fidelium* in attempting to understand and interpret the church's

approach to the issues raised by *Humanae Vitae*. The question then arises: What about the future? The church's teaching on sexuality in general has lost much credibility.

In the future, the church needs to recognize the importance of the experiences of Christian people in contributing to the understanding of moral teaching. This is a daunting challenge. All recognize there is some vagueness about the *sensus fidelium* in theory. An even more difficult step is the practical one of ascertaining and determining what the *sensus fidelium* is on particular issues. An even more problematic aspect involves the practical structures of how to incorporate the experiences of Christian people into church teaching. All I can do here is to point out the problem and show the need for the church to better carry out its teaching role on moral issues.

[Fr. Charles E. Curran is the Elizabeth Scurlock University Professor of Human Values at Southern Methodist University in Dallas.]

This story appears in the **Humanae Vitae at 50** feature series. View the full series. A version of this story appeared in the **June 29-July 12, 2018** print issue under the headline: 'Humanae Vitae' and the 'sensus fidelium'.