

Communicative action is concerned with rational appeal to the conscious actor, not manipulation of the unconscious behind his or her back; and its medium is the symbol, not a force.

- 1 Wiles M., *The Remaking of Christian Doctrine*, SCM (London) 1974. Especially chapters 2, 4 and 5. Quotations from this book are denoted by the use of single quotation marks.
- 2 Habermas J., *Knowledge and Human Interests*, Heinemann (London 1978). Compare Hesse M., *Revolutions and Reconstructions in the Philosophy of Science*, Harvester (Brighton) 1980, for a broadly similar stance.
- 3 Habermas' concept of communicative action is now most accessible in *The Theory of Communicative Action* vol 1, Heinemann (London) 1984 pp. 284—288 and 293—295. This massive two volume work explores the implications of the model of communicative action for modern social theory as a whole.
- 4 For the sake of simplicity I have neglected Habermas' concept of "strategic action", which denotes language used to manipulate other people for one's own ends.
- 5 Habermas' term for the realm of experience to which the individual has privileged access. It does *not* imply acceptance of what he calls the "philosophy of consciousness", i.e. Descartes *et. seq.*
- 6 To use language thus is a *misuse* of it that he calls "strategic action". See note 4.
- 7 "Consensus" is a term in Habermas' vocabulary that suggests the unforced nature of a relationship in which the interests of both sides are taken equally into account in mutual respect.

## Documents and Human Hearts : formal and experiential sexual morality

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For the true Christian it is axiomatic that the fundamental form of interpretation of the Scriptures is not search for meaning or valid patterns of thought for today, but *discipleship*: in other words, the enactment of Christian life, the establishment and building up of the Christian community, the singular and corporate worship of God, the completion of Christ's Church by sharing in his afflictions (cf Col 1.24). The Christian interpretation of the Word of God occurs not in any private 'religious' place, but out where the human race speaks and suffers, endeavours and achieves. What Christian theology executes reflectively, Christian discipleship executes practically—mediating that memory and hope which we call the handing-on of the Gospel.

Where an opposite view prevails, responsibility for present interpretative mediation of the Gospel experience no longer devolves upon the community of Christian disciples, but far too much upon

Church leaders and their theologians (commissioned as if only to explain the utterances of Authority). Christian living, which should always be responsively and responsibly interpretative—*my* affirmation of Christ's call—in daily life, consequently tends merely to become the obedient practising of the explained ideas of others. Those ideas are received not in the context of our own mundane experience, cultural and psychological but before it, as the utterance of an ideology from an exterior citadel. Such utterances may appear standard to all societies, timelessly valid, unaffected by particularity of place or people—in a word, universal and unchangeable (and so undebatable); they may satisfy the minds of those who construct pervasive patterns of thought. But above all what they can do is stifle the spirit of creative participation and joyful assent. The letter is made to prevail and the document rule; but the spirit then becomes joyless.<sup>1</sup>

When Pope John XXIII lay dying, on 24 May 1963, he summoned his energy to deliver his final thoughts. What he said was this: 'Today more than ever, certainly more than in previous centuries, we are called to serve men as such, and not merely Catholics; to defend above all and everywhere the rights of the human person, and not merely those of the Catholic Church. Today's world, the needs made plain in the last fifty years, and a deeper understanding of doctrine have brought us to a new situation, as I said in my opening speech to the Council. It is not that the Gospel has changed: it is that we have begun to understand it better. Those who have lived as long as I have were faced with new tasks in the social order at the start of the century; those who, like me, were twenty years in the East and eight in France, were able to compare different cultures and traditions, and know that the moment has come to discern the signs of the times, to seize the opportunity and to look far ahead'.<sup>2</sup> The present Pope has had a good deal to say on the discernment of our time. In *Sources of Renewal* he quoted *Gaudium et Spes* 4, that 'the Church always carries the responsibility of reading the signs of the time... She should be able to answer the ever recurring questions which men ask about the meaning of this present life and of the life to come, and how one is related to the other. We must be aware of and understand the aspirations, the yearnings, and the often dramatic features of the world in which we live'. He commented that God's entry into history, accomplished in and through the Church, constantly emphasises contemporaneity as the specific summing-up of 'signs of the times'. He remarked that the Second Vatican Council's attention to the lay apostolate had filled a serious gap in its teaching, now so well redressed that it might reasonably be called 'the Council of the laity'. In relation to marriage, procreation and education of children, he quoted *Gaudium et Spes* 50 at some length: 'Married couples are ... cooperating with the love of God the Creator, and are in a certain sense interpreters. This involves the fulfilment of their role with a sense of

human and Christian responsibility and the formation of correct judgments through docile respect for God and common reflection and effort; it also involves a consideration of their own good and the good of their children already born or yet to come, an ability to read the signs of the times and of their own situation on the material and spiritual level; and finally an estimation of the good of the family, of society, and of the Church. It is the married couple themselves who must in the last analysis arrive at these judgments before God ...' (The text goes on to speak of conscience, as we shall see).<sup>3</sup> This is a rich text, for the purposes of married Christians: we need to notice the reference to the couple as being 'interpreters' and 'estimators of good', not as caught in a web of automatic obedience to exterior elements.

So, there is a broader and gentler and more 'modern' interpretation of duty which sets responsibility on the shoulders of each Christian for his or her decision and consequent actions; and a narrower, more severe and more—not traditional, for that would be to encroach on a word that belongs elsewhere—perhaps 'customary' interpretation, which sets responsibility at the 'centre' in Rome ('centre' being in inverted commas here, presupposing as it does an inadequate world-view). Of the latter kind of interpretation, a fair example was provided in *The Tablet* of 6 October last year (p. 988), in a letter from Mgr. Hugh Lindsay, Bishop of Hexham and Newcastle, entitled 'Humanae Vitae reviewed'. Bishop Lindsay (a Newcastle man all his life), who writes often to the Catholic and secular press in a defensive or corrective manner, supposedly as the deputed watchdog of the Conference of Bishops of England & Wales, appears always to value the final foreclosing judgment of authoritative documents above what one might call 'the existential agony' or need for human debate. He seems to feel that he has put out fires before they were able to flare up, not simply caused them to smoulder below the surface.

The present *casus disputandi* of his 6 October letter was an editorial item in *The Tablet* two weeks earlier headed 'A necessary voice': 'The Dukes of Norfolk have featured before in debates about conscience and authority. The present Duke strongly expressed dissent on *Humanae Vitae* ... (He) simply said out aloud what many say silently, and being a soldier said it in language which everyone could understand ... *Humanae Vitae* is not an infallible document, and is open to revision. Paul VI himself said so plainly, shortly after its publication: "It is not a complete treatment of marriage, the family and their moral significance. This is an immense field to which the Magisterium of the Church could and perhaps should return with a fuller, more organic, and more synthetic treatment". If that is ever to happen, the reaction of the whole Church to the Encyclical needs to be heard, not just the voice of one sector...'<sup>4</sup>

That the voice of one sector is being insisted by a process of

'bombardment-by-document', not by sympathetic persuasion, cannot be doubted. When the Duke of Norfolk had given his opinion that the issue of contraception was one of a series of issues on which the Catholic Church had found it impossible to admit it had made a mistake, Clifford Longley of *The Times* had made it the subject of one of his Monday articles: 'Catholic Church's solemn silence on birth control'. He called contraception the Achilles heel of the Church of Rome, which rendered it slightly lame, official activity being almost wholly given over to a damage control exercise. This entails what Longley describes as 'a consensus of silence' among the bishops: the Cardinals of England & Wales, of France and Germany, of America ... none mention the subject. Bishop Lindsay responded in a letter to the Editor that 'the Pope's teaching has the express support of the bishops. At national level, in our 1980 National Pastoral Congress letter, "The Easter People", we bishops of England & Wales wrote: "The encyclical *Humanae Vitae* is the authentic teaching of the Church". At international level in 1980 the Synod of Bishops declared itself completely with the Pope in teaching *Humanae Vitae*, especially that married love "must be fully human, exclusive and open to new life (HV 11; cf 9, 12)".<sup>15</sup> What Bishop Lindsay did not say was that "The Easter People", a document drafted essentially by Archbishop Worlock to reflect the 1980 National Pastoral Congress at Liverpool, did not always reflect it but in places simply over-rode it without giving it a due hearing. The official report has this to say on 'Contraception & Birth Control': 'Almost every diocesan report raised the question, some rather circuitously and cautiously, but the majority in detail. The general request was for the Church to reconsider the implications of *Humanae Vitae* and, in the pastoral situation, to clarify what is seen as a confusing and unclear state of affairs in which contraception is forbidden in principle but the "informed conscience" can find a reason for it. People do not in general understand this and find it a dishonest situation. Most reports reject the forbidding of contraception: they find it unacceptable... The lack of pastoral guidance is keenly felt. It is frequently remarked that priests are unwilling or unable to discuss the issue, so that individuals are left to their own guidance without help. The Church seems, to some, to be not a caring mother, but a hard taskmaster, in this matter...'<sup>16</sup>

When, in *The Tablet* of 6 October, Bishop Lindsay objected to the defence of the Duke of Norfolk, he made three points in defence of the Church's teaching on sexual morality. First, he conceded that married people must be ruled by conscience, but at once quoted *Gaudium et Spes* 50, that 'conscience ought to be conformed to the law of God in the light of the teaching of the Church, which is the authentic interpreter of the divine law'. There are many other passages he might have cited which leave the conscience of a person, truly seeking the

truth, less caught in the vice of Church teaching. *Gaudium et Spes* 17 is given over to 'the excellence of liberty'. The Decree on Religious Freedom 3 is given over to conscience as the formation of true judgments, and speaks there of the liberty of conscience. When the national hierarchies of the Church came to respond to *Humanae Vitae* on behalf of their people, the Belgian bishops had this to say: 'The Church believes that it is her duty to enlighten consciences in regard to family life and demographic problems. She claims, on the other hand, real freedom for all her sons to live according to their Christian conviction'. The German bishops said that '... a responsible decision on the matter that is dictated by one's conscience should be treated with respect by all concerned'. The Scottish bishops said: 'In the Encyclical, the Holy Father has given us the principles according to which Catholics are to form their consciences in this matter. The obligation of a Catholic to accept the teaching of the Church in any grave moral problem can never justifiably be regarded as an offence against the freedom of his conscience' (which is an inverse argument for the right of a free conscience to accept the argument from authority). The Scandinavian bishops had this to say, in a long statement, Part IV of which was given to a discussion of individual conscience: 'It is understood that man, whatever the circumstances, may never act against his own conscience. It is possible that his conscience is in error, or that he should study the problem more deeply; but he may never contravene his conscience. When all possible steps have been taken to grasp the right norms, the way in which they are applied can never—by any means—be removed from personal responsibility'.<sup>7</sup> That statement says everything that I am advocating here; that the final court of judgment for each person is not at the centre of formal authority, but at the centre of the heart of that person, before God rather than before Rome.

Much more recently Cardinal Hume has spoken about birth control. Asked by presenter Margaret Howard on the BBC World Service programme *It's Your World* about the claims that Catholic birth-rate figures demonstrated that many were ignoring the teaching of the Church, he replied: 'A lot of people have—as we say—"made up their minds" on it, so that it is up to their own consciences to decide whether they are acting rightly or wrongly'.<sup>8</sup>

In his *Tablet* letter of 6 October, Bishop Lindsay claims that the editorial item which he is attacking greatly undermines the authority of *Humanae Vitae* by merely saying that it is 'not an infallible document and is open to revision'. He denies that Paul VI said that, stating that Pope Paul rather said 'that the Church carries out our Lord's mandate to the apostles, which includes their role as "authentic guardians and interpreters of the whole moral law"' (HV 6). Indeed authority has been undermined—but by those people who have tried to invoke the power

of infallibility for *Humanae Vitae* (which at once suggests that as a document it is unable to stand upon its own legs—something many, including the Dutch bishops, have claimed, asking exact reasons for its conclusions). A whole debate was precipitated by this overweening use of what is called ‘creeping infallibility’. One has only to recall the magisterial set of articles written by Dr John Mchugh (now Britain’s member on the Pontifical Biblical Commission) to perceive how much dust has been thrown up by those who claim for the Encyclical an authority it could never bear—once again, foreclosing any debate in conscience and removing the area of decision from the human heart to the heart of the Curia.<sup>9</sup> As to the rest, the Bishop is properly referring not to HV 6 but to HV 4, where it is clear that ‘the whole moral law’ does not designate a kind of incubus above all conscience, but determines the scope of the Church’s moral teaching—not ‘the law of the gospel’ alone ‘but also the natural law’ (which allows the Church to provide ‘consistent teaching on the nature of marriage, on the correct use of conjugal rights and on all the duties of husband and wife’). The important words are not—as they are for the Bishop—*mandate* and *guardians*, but *interpreters* and *teaching*: the tone in Paul VI’s text is not minatory but exhortatory.

Bishop Lindsay finally attacks the *Tablet* item for suggesting that there has in fact been no progress since 1968 towards ‘a complete treatment of marriage, the family and their moral significance’. He holds that it overlooked the 1980 Synod of Bishops on Marriage and the Family, and the Apostolic Exhortation *Familiaris Consortio*, a document too long and wordy for its purpose (to reach ‘the whole Catholic Church’) which was published a year later, supposedly as a resumé and development of the Synod. Perhaps the Bishop has not read the analysis of that Synod by two laymen (both married), Jan Grootaers and Joseph A. Selling<sup>10</sup> If one is to judge by the careful selection of lay experts called to that Synod, who to a man and woman represented natural family planning movements, Pope John Paul’s intention in choosing the theme had been to reassert the teaching of *Humanae Vitae*; but, once assembled, the Bishops showed their autonomy, not concurring in mere repetition but calling for discussion on the meaning of the widespread non-compliance with the 1968 ban on artificial birth-control. Stressing the ‘prophetic quality’ of *Humanae Vitae*, the Bishops asked that it should be ‘further studied’ or ‘set in a fresh context’, or that ‘better arguments’ should be provided for its principal contentions—which was an admission that arguments currently provided were failing to convince. These were polite episcopal ways of signalling that the Encyclical continued to present a sizeable pastoral problem. Cardinal Hume spoke up for those who failed to find a solution solely in natural methods of birth-control: ‘It cannot just be said that these persons have failed to overcome their human frailty and

weakness. Indeed, such persons are often good, conscientious and faithful sons and daughters of the Church. They just cannot accept that the use of artificial contraceptives is *intrinsice inhonestum*, as this latter has generally been understood'. Later he said: 'Out of concern for those who have difficulty with *Humanae Vitae*, the (English-language B) group asks for further guidance on the proper interpretation of key phrases of the Encyclical, especially *intrinsice inhonestum*, to help married people not to lose heart, to help priests be prudent and consistent, and to prevent irrevocable alienation from the sacraments of those who find a response to *Humanae Vitae* very difficult'.

The Synod Bishops also called for compassion towards the divorced and remarried (and a leading voice in this matter was that of Archbishop Derek Worlock). Their concerns were reflected in the forty-one Propositions that constituted their advice to the Pope. Joseph Selling has judged that 'to read them is to encounter a spirit of enquiry and pastoral sensitivity to some of the more perplexing issues facing the Church'. To the dismay of these two lay authors and many bishops, the Synod's advice to the Pope was almost wholly ignored in the ensuing Exhortation, *Familiaris Consortio* (15 Dec 1981), though it purported to be based on the Propositions. It is the author's view that the Exhortation would have been written in exactly the same way even if the Synod had never taken place. It contains quotations from Pope John Paul's addresses delivered before the Synod met; and from the whole episode it became clear that the Pope regarded himself as an expert on matters marital and in little need of advice from the Bishops of the Synod. They merely experienced what we might call 'a profound sense of anti-climax after consultation'<sup>10</sup>.

The purpose in examining Bishop Lindsay's letters (and one never enjoys finding fault with anything done by a bishop) is to show that there are churchmen who will tend to focus upon documents emanating from centres of authority, at the expense of any similar focus upon those people of God in their direct care who have to face what is for them awful dilemmas. Edith Cavell, confronting her death, said 'Patriotism is not enough'; and we might equally say: 'Unqualified papalism is not enough'. Those who are engaged in the delicate operations of ecumenical dialogue are inclined to write rather different letters on these subjects (and one cannot but recall, I hope without driving wedges between English bishops, the letter of the Catholic Co-Chairman of ARCIC II, a veritable treatise<sup>11</sup>). What comes to mind also is the wide-ranging work of the Catholic Marriage Advisory Council (CMAC), conducted almost voluntarily by lay men and women in the Church, who give their time, their marital and counselling experience, their personal and joint prayer and their compassion—often with insufficient trust shown to them from clerical sources—to that wondrous area between the devil and the deep blue sea, between

proclamation and practice, between those who conceive and promulgate an ideal and those who experience and live out not merely a reality but a messy reality that may have slid far from any ideals. In their willing, not to say earnest, human bridge-building they seek some encouragement; and sometimes they receive in return not bread but stones—utterances on granite that leave little room for sympathy.

The people in an organisation like the CMAC, especially its tutors down where the ultimate action is, should take courage from knowing that they are prime and committed participants in that area of morality which embodies the problem of 'conflict of evils' or 'conflict of duties' (two sides of the one coin). They must make clear the ideal, but they must clearly understand the reality before them; they must be firm for the faith, but compassionate for the client; they must—in Aristotle's definition of perfection—seek for that which is maximally achievable, not that which is beyond achievement—avoid painting pictures in the sky, but move real people with real dilemmas from disaster towards what is most possible. And in that, they should be cheered and fondly respected, not criticised and persistently suspected. Of their problem area, the Conference of Bishops had a good deal to say in the months after promulgation of *Humanae Vitae*. The Canadian Bishops spoke of: 'Those who, accepting the teaching of the Holy Father, find that because of particular circumstances they are involved in what seems to them a clear *conflict of duties*: e.g. the reconciling of conjugal love and responsible parenthood with the education of children already born, or with the health of the mother. In accordance with the accepted principles of moral theology, if these persons have tried sincerely but without success to pursue a line of conduct in keeping with the given directives, they may be safely assured that whoever honestly chooses that course which seems right to him does so in good conscience'. The French Bishops' Conference echoes the Canadian in saying: 'Contraception can never be a good thing. It is always a disorder, but this disorder is not always sinful ... We simply recall the constant moral teaching: when one faces a *choice of duties*, where one cannot avoid an evil whatever the decision taken may be, traditional wisdom requires that one seek before God to find which is the greater duty. The married couple will decide for themselves after reflecting together with all the care that the grandeur of their conjugal vocation requires'. The Dutch Bishops gave that same right of choice to the couple involved; as to conscience, their resolution read: 'The factors determining a well-considered decision in conscience of married couples must be respected ... discussions about the way marriage is lived have not been closed; all activities in pastoral work and spiritual health are to be continued taking this into account'. The Austrian Bishops said: "The Holy Father did not define usage of the pill as a mortal sin. ... (contraceptive users) are not necessarily parted from the love of God and may accept Holy



Communion without confession'.<sup>12</sup> Not surprisingly, in an interview on his appointment in 1976, our own Cardinal, Cardinal Hume, gave it as his own opinion that a new theology of sexuality was urgently needed<sup>13</sup>.

In the light of all this, current defence of *Humanae Vitae* and its concomitants should surely cease to be in language that is black and white.

- 1 Cf. N. Lash, 'Doing Theology in English', *New Blackfriars*, September 1984, 354–8 and refs.
- 2 Quoted in P. Hebblethwaite, *John XXIII: Pope of the Council*, Chapman, London 1984, 498f.
- 3 K. Card. Wojtyła, *Sources of Renewal: study on the implementation of the Second Vatican Council*, Krakow 1972; ET Collins, London, 1980, 70, 165, 296.
- 4 *The Tablet* 22.9.1984, 917, commenting on article 'What I really meant' by Miles Norfolk, *The Tablet*, 19.5.1984, 473f.
- 5 *The Times* 5.5.1984, 21.5.1984, 18.7.1984.
- 6 *Liverpool 1980: Official Report of the National Pastoral Council*, St Paul Publications, Slough 1981, 67f.
- 7 Citations: A. Stacpoole, 'A chronology of the principal statements made on the subject of *Birth Control* during the present pontificate, with documentation', *Ampleforth Journal* LXXIV.1 (Spring 1969), 66–72. Also cf. J. Horgan ed., *Humanae Vitae and the bishops: the Encyclical and the Statements of the National Hierarchies*, Irish University Press 1972; *On human life: an examination of Humanae Vitae*, Burns & Oates, London 1968, esp. ch. 5: 'Authority, freedom and conscience' by P. Harris.
- 8 28.10.1984. It is only fair to add that the Cardinal feels that such people are acting wrongly, since—as he put it in a phrase emanating from the Pope (cf York, 31.5.82)—he is unconvinced that a 'contraceptive mentality' would improve the world; he believes that the issue belongs to immutable divine law. (Those are, confusingly, two arguments unrelatedly at different levels, empirical and metaphysical: if the latter pertains, the former is irrelevant.)
- 9 J. McHugh, 'The doctrinal authority of the Encyclical *Humanae Vitae*', *Clergy Review*, August 1969, 586–96; September 1969, 680–93; October 1969, 791–802. Cf. A. Stacpoole, 'The Encyclical', *Ampleforth Journal* LXXIII.3 (Autumn 1968), 379–95.
- 10 J. Grootaers and J.A. Selling, *The Synod of Bishops 'On the role of the family': an exposition of the events and an analysis of its texts*, Leuven University Press 1983. The Secretary of the subsequent Synod, in 1983, replied on the opening day that he was authorised to reveal 'that the first draft of *Familiaris Consortio* had been composed by the Synod Council', and was therefore part of the work of the Synod and carried its authority: it was a gallant attempt to prevent a wedge being driven between Synod and Pope, though no first draft was made available for scholars to substantiate that frail claim. Cf. P. Hebblethwaite, review in *TLS* 30.3.84, 327, and *ibid.* 'The Pope and the Family', *The Tablet* 9.1.82, 29–30.
- 11 Bishop Cormac Murphy-O'Connor (Arundel), 'Humanae Vitae reviewed' *The Tablet*, 13.10.84, 1017f. He said of HV that 'it may even be more of a prophetic than a legislative document ... calling the world back to a piety that even a wise pagan, let alone a Christian, ought to cherish ... HV is a prophetic document: Pope Paul himself regarded the Encyclical as an invitation, a gospel summons to a new vision of life and not one which was to crush the faithful in any way. The tone of HV is to commend, not condemn: it does not condemn those who cannot always respond to its invitation ... and rarely should (this) ever be an obstacle to the reception of Holy Communion. Indeed, how can the faithful begin to understand the prophetic wisdom of the document if they are not nourished by the Body of the Lord?'
- 12 For episcopal quotations see n. 7 above.
- 13 Recording of the author's.