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Jacques Maritain, Charles Journet,  
and *Humanae Vitae*



When the encyclical *Humanae Vitae* was finally promulgated in 1968, its teachings were widely contested. In preparing for the Second Vatican Council, John XXIII had already appointed the first version of the Birth Control Commission. His successor Paul VI renewed this commission, expanding its mandate and membership, but from the very beginning of his reign, he made it clear that birth control was off the agenda. During the Council under Paul VI, there were some speeches on the floor alluding to birth control, but no substantial discussion of the subject. The differences among the Council Fathers concerning the licitness of certain forms of birth control were so profound and so set that finding an agreement proved impossible, so a commission of lay as well as clerical experts was formed to study the question and help the Holy Father prepare an encyclical after the close of the Council.

In the meantime, by Vatican intervention, the position of *Casti Connubii* was maintained in force. Once this commission was formed, the procedures and discussions were kept under the strictest secrecy. Many prominent Catholic intellectuals, both clerics and laymen, were intensely interested in the workings of the commission. One such layman was Jacques Maritain, who, at the close of Vatican II, had received from the hands of his friend Pope Paul VI the Council's message to the intellectuals of the world; one such cleric was Cardinal Charles Journet, theologian of the papal household and advisor to Paul VI during the Council. These two were intimate friends and from their first meeting in 1920 until Maritain's death in 1973 they ex-

changed 1,774 letters filling six volumes.<sup>1</sup> Maritain chose this younger Abbé (later Cardinal) as his “confidant-théologien,” which he remained during the 51 years of their friendship.

The sixth and final volume of their correspondence appeared in 2008. This completed the enormous collection of letters, some of which reveal their reactions to the Church’s position on contraception even before *Humanae Vitae*. A few letters contain their reactions to the teachings of *Casti Connubii* and its interdiction of all forms of birth control except the “natural” Ogino or Rhythm method. Under pressure from Roman authorities and local ecclesiastical superiors, they did not dare to make their reservations public. There was discussion in the Curia of placing some of Maritain’s books on the Index, and Journet risked being relieved of his position as professor of theology at the seminary in Fribourg and being returned to parish duties, mainly because of their shared anti-fascist position on the Spanish Civil War. Then there is a long silence on the subject.

During his stay at Princeton in 1958 Maritain once again broached the subject of birth control with Journet. In referring to a recently invented pill that would prevent ovulation, he mentioned a distinction he had made in the past between the *finis operis* (the intrinsic end or purpose of an act) and the *finis operantis* (the end or purpose of the actor). In the former case, he felt it was easy to distinguish between what is natural and what is against nature. In the latter case however, a distinction between the use of the Ogino method and the use of the pill in question seemed to him “vain and futile.” At that time he wrote: “I have met young Catholic professors who already have 7 or 8 children and for whom the problem of additional births would be tragic (the Ogino method seems ineffective). It is in thinking of them that I have decided to write to you. Has the Church made a pronouncement on the subject of these pills? Would their use be licit while waiting for the Church to make such a pronouncement?”<sup>2</sup> In reply, Journet sent him a copy of a papal document forbidding the use of the pill for the limitation of births. Maritain found the reasoning “questionable.” About the pills, Journet remarked: “I too would hope that their use be permitted: I find your distinction well founded. Alas I see the opinion of the moralists

1. Charles Journet and Jacques Maritain, *Journet/Maritain Correspondance* (J/M Correspondance), vol. 5 (Paris: Editions Saint-Augustin, 2006), and *Journet/Maritain Correspondance*, vol. 6 (Paris: Editions-Saint Augustin, 2008). Only volumes 5 and 6 concern *Humanae Vitae*.

2. *J/M Correspondance*, vol. 5, letter 1343 (5:1343).

running in the opposite direction.<sup>3</sup> "With those contraceptive pills, there seems to be an embryo of a solution: if they could be used to regularize the 'periods' one could say that the end is legitimate and in conformity with nature. Then the Ogino method could be used with assurance. But this is still fragile."<sup>4</sup> Maritain's questions showed that he looked forward to a clear pronouncement by the Magisterium.

After the Council, Journet closely followed the proceedings of the Commission, which he found equally conflicted, so he asked for Maritain's help to eliminate the differences. He wrote: "When you have a moment if you could write me a sentence about this nauseous question of the *limitation of births*,<sup>5</sup> I would send it to Carlo Colombo, who will send it on to the Pope, who seems to be waiting for some light in order to escape from this impasse."<sup>6</sup> Maritain expressed sympathy for "*a poor Pope imprisoned* [Maritain's underlining] in the solitude of his sorrows and of his sovereignty, powerless to instill into souls the divine Truth whose cross he is bearing—because, on the one hand, he cannot teach with sovereign authority except in the name of dogma, and on the other, *disciplinary sanctions risk* leading to revolt and insubordination."<sup>7</sup>

There is no further mention of birth control until 1967. Raïssa had died and was buried at Kolbsheim. After a last visit to America in 1966, Maritain joined the Little Brothers of Jesus in Toulouse as a lay philosopher and later took religious vows in that congregation. The proceedings of the Birth Control Commission were kept under sworn secrecy, but naturally there were leaks. Though his last years were plagued by frailty and ill health, Maritain looked for any news he could find. He learned that the committee of theologians during the Council was in a majority for authorization, on the general principle that the intervention of right reason in natural things is evidently legitimate. He wrote to Journet: "It seems to me that the theologians against regulation and those in favor of it, both invoke principles that are *too broad*, and do not take enough account of the means employed. Couldn't they make use here of the classic distinction between *finis operis* and *finis operantis*? There are contraceptive means, which violate

3. Ibid., 5:1344.

4. Ibid., 5:1346.

5. All emphases in the quoted letters are those of the writer of the letters.

6. *J/M Correspondance*, 6:1663.

7. Ibid., 6:1674.

... the very act of the union of the sexes: these are the ones the Church was confronted with when she proclaimed her condemnations. There are others that, without violating the finality of the *opus* itself, are concerned with the *finis operantis*: the Ogino method, the method of temperatures, etc. In my opinion there is no essential difference between the pill and the other methods, between a mental calculation and a medical intervention.... [T]he moral condemnation brought against any means that violate the *opus* should be held as immutable. But the situation has changed with the discovery of *these other means*, and their moral condemnation cannot be justified by reason.”<sup>8</sup>

In his reply,<sup>9</sup> Journet suggests that Maritain “may have found a path to the solution of this problem.” Then he cites Pius XII’s Allocution to Midwives (Oct. 29, 1951), which “condemns any attempt by spouses in the accomplishment of the conjugal act or in the development of its natural consequences, any attempt to deprive this act of the power that is inherent in it and thus prevent the procreation of a new existence.” “Can’t we get beyond this?” Journet asked. By return mail Maritain wrote: “By means that violate the *opus* itself I understand the means used in the very accomplishment of the act. Aren’t these the means that were in use at the time when Pius XII delivered his allocution? And can’t his text be understood as having in view *those particular means*?”<sup>10</sup> Two letters later, Journet remarked that, “according to certain moralists, the pill is considered even more pernicious than other contraceptives because it attacks not a transitory act, but a state. The only solution, according to Father Kaelin, is that in which one opts for the lesser evil.”<sup>11</sup>

Both Maritain and Journet were very close friends of the Pope: Maritain, as French Ambassador to the Vatican, worked closely with Cardinal Montini, then papal Secretary of State, who later became Paul VI, and Journet as a theologian participating in the Council and advisor to Paul VI. Both were sympathetic to the Pope caught in the impasse of conflicting sides on the question of birth control. Maritain wrote:

And look at these Cardinals, themselves subject to the censure of the Episcopal Commissions. How frightened these bishops and experts are! How jealous they are of their authority! This is what counts more than anything else (more even

8. *Ibid.*, 6:1727.

10. *Ibid.*, 6:1729.

9. *Ibid.*, 6:1728.

11. *Ibid.*, 6:1732.

than the defense of the faith). But the only thing to do is to speak the truth, and disregard all the rest. . . . I am thinking of the Pope and the *impossible* situation in which he finds himself. . . . I imagine that the *opinions* of the theologians who surround him offer scarcely any help. (That of Father Kaelin, about which you spoke to me, is worth nothing. The Church cannot declare as morally permissible by a universal rule something that is morally good in itself, and not a lesser *evil*, which is an affair of prudence in particular circumstances.) . . . I believe that the only solution is to say that as long as there is a question of means used in the very accomplishment of the act and at the same time violating the finality of the *opus*, it was necessary then, and will always be necessary, to condemn those means. But how the progress of science has changed things, and—now permitting the use of means which satisfy the *finis operantis* without violating the end of the *opus*—brings it about that the use of these means, if they are used according to right reason, is *not*, in itself, *morally evil*, and could not be condemned as such. So the Church could authorize these means without contradicting itself.

At certain times I say to myself that it is perhaps my duty to compose a note which, if you do not think it ill advised, you could send to the Holy Father on my behalf. But I am horrified at the thought of butting into something that is not my business, and, even more, I do not believe that I could succeed in composing such a note in irreproachable terms. Hence I am rather troubled. Tell me, Charles, if I am right to believe that I *should not involve myself in all this*, and that I should put it all aside in my head, thinking that the Pope has no need of advice from a poor idiot like me. . . . If this is what you think as well, it would certainly reassure my conscience.<sup>12</sup>

Journet was not as troubled as Maritain about his distinction of ends. "I understand your position," he wrote. "The objection is that the *finis operis*, which you consider only from a physical point of view, is determined by them from a moral point of view, as if it were not able to be deprived artificially of its possible effect." And he advised his friend to "save his strength for what concerns the faith and the truth that is closely connected to it," and "leave all this to the omnipotence of God."<sup>13</sup> Maritain agreed: "Yes, I have to leave all this to the omnipotence of God! The question of birth control is none of my business!"<sup>14</sup>

Yet he seems to have found it impossible to drop the subject, for at the end of this same letter he added a note, a "final word" on the subject, hand-written instead of typed, containing several crossed-out phrases, indicated by parentheses:

12. *Ibid.*, 6:1739.

14. *Ibid.*, 6:1745.

13. *Ibid.*, 6:1741.

Another (final) word (I am stubborn) on birth control. If they consider it morally forbidden to deprive the *opus* of its *possible* effect, then the Ogino method should be interdicted just like the pill. Mental calculation with a view to avoiding that possible effect (by choosing periods of sterility for the *opus*) is something just as 'artificial' with regard to nature as a medication that modifies conditions prior to the *opus* but in no way affects the latter itself. Charles, excuse these deletions. I was trying one last time to defend my idea concerning birth control. But I don't want to talk any more about it.

And he did not, for more than a year. On July 25, 1968, *Humanae Vitae* was promulgated; its teachings were widely contested. On August 16, Maritain wrote in his *Carnet de notes*: "These days I have been reading the encyclical of Paul VI on birth control. A very beautiful document, very noble and very human, but it causes me pain and disappoints me. What a shame that it has come out after the *Credo*."

What *Credo* was Maritain referring to? On June 30, 1968, Paul VI proclaimed the *Credo of the People of God*, a greatly extended text of the existing Creeds, in celebration of the Year of Faith. Paul VI had asked Journet to help him prepare the text. He in turn asked Maritain for help. Maritain, almost within a week, wrote out a text that he sent to Journet, who in turn sent it on to the Pope. Paul VI adopted the text of Maritain almost word for word. The last sentence in Maritain's letter seems to indicate his fear that this new *Credo of the People of God* would receive the same reception as did *Humanae Vitae*, which was promulgated a month later.

On August 24, Maritain received a letter from Journet announcing that Msgr. Paul Phillipe (of the Sacred Congregation of the Faith) had asked him, "*par ordre supérieur*" (from the top down, that is), for an article that would appear in *Osservatore Romano* defending the authority—and hence the competence—of the Holy Father in his encyclical *Humanae Vitae*. He asked for help from his friend: "Jacques, if you see any way to confront this problem or if you have some point to suggest to me I would bless you! I am always afraid of being clumsy in this after-the-Council world!"<sup>15</sup> This request of Msgr. Phillipe came, by way of a Msgr. Benelli, from the Pope himself.<sup>16</sup>

After a few days Maritain, who had claimed he did not want to speak of this subject any more, wrote a long letter to help his friend. Here is that letter<sup>17</sup>:

15. *Ibid.*, 6:1806.

17. *Ibid.*, 6:1807.

16. *Ibid.*, 6:1806a.

It is painful that they asked you for this article. What is more, I myself feel very bothered by the Encyclical: admirable in tone, in elevation, in charity and in courage, I say with all my heart *Roma locuta est*. But if there is question of reasonable arguments, my own reason is not satisfied; they do not hold close enough to what is real and concrete. I am against the pill, but not in the name of too general a metaphysical principle, because in the long run physiologically and psychologically it brings about a kind of disorder in the human being, and puts human genetics in danger....

As to your concerns, may I dare to offer a few suggestions?

1. As much as possible refrain from discussing the basic elements of the question, I mean the subject itself of *Humanae Vitae*,
  - a. Your competence is elsewhere; in what concerns such a matter, you are like the Pope, in the realm of the abstract, only more so than he; your defense of the encyclical would only redouble the sarcasms it has attracted.
  - b. No one can say better than the Pope what he had in mind; and if you say something else, or have recourse to other arguments, that would be an offense to him and would only get things all mixed up. So keep yourself in your own particular line, that of a theologian of the Church, and of the general question of the authority of the Pope (on any subject whatsoever).
2. It seems to me that you could take as your point of departure the absurdities spouted off by the priests who are rising up against the encyclical and the aberrations to which they have surrendered.... Behind all this there is a spirit that is *antipapism* and disdain for *obedience* in general and on principle. ([See] Bloy on obedience. There are undoubtedly other texts by Bernanos, by Claudel). React vigorously against all this. Don't go into this fight pulling your punches!
3. Such a polemical introduction would be a natural entry into the *theological exposé* that would make up the heart of your article.

It would be idiotic to demand scientific arguments from the Pope. He knows better than all those puny contestants the dangers for the human species that science and a large number of doctors see in the pill and contraceptive methods. It is out of very pure concern for intellectual vigor that he wanted to stay in his proper domain. The Pope is the successor of Peter and doesn't have to consult anyone. The Council was abused horribly on this matter. Let your article be an implacable defense of the *primacy* of the Pope.

And above all, let him give the explications and the clarifications that are so needed today about the *authority* of the Pope in the sphere of the *Ordinary Magisterium*. The faith does not demand that we adhere only to defined dogmas and to the infallible teachings of the Church. There is also the *spirit of faith* (and faith in the Church itself, and faith in the mission of the Vicar of Christ ...). Personally, I

am led to believe that the *conclusions* of the encyclical, condemning the pill, etc., have the value of infallibility and oblige the conscience in the name of theological faith itself.

And even if one contests (and one has the right to do so) this or that consideration or argumentation of an encyclical (which only proves undoubtedly that there are better arguments), or rejects an encyclical because one does not agree about what is based on human reason, it is a stupidity contrary to the spirit of faith. But I am uttering gibberish in speaking of these things. This is your own business, O Theologian. [End of the letter.]

Maritain did not write again to Journet on the subject of birth control; this was the Theologian's business now. However, there are three instances when Maritain communicated, in writing or orally, his reflections on this subject to two individuals and to a small group, communications that were not made public until the 2008 publication of volume six of the *Journet/Maritain Correspondance*. The annexes to volume six of the correspondence contain letters to and from Maritain and Journet to others to whom they wrote or with whom they spoke concerning *Humanae Vitae*. One was Georges Cardinal Cottier, O.P., theologian of the Papal Household, a close friend and disciple of Journet. Another was Msgr. Pasquale Macchi, secretary to Paul VI. The third was a small group of Little Brothers of Jesus, the religious congregation to which Maritain belonged.

As was mentioned above, Journet asked Maritain for help in preparing the defense of *Humanae Vitae* at the request of the Pope. Journet had also asked Cottier for help in composing his defense. Cottier sent a copy of this note to Maritain and discussed it with him before sending the final text of his suggestions to Journet. Cottier's suggestions, shared and discussed with Maritain, are very similar to those of the philosopher, but far more detailed. He began with a consideration of the secondary end of marriage: *conjugal friendship*, in which the refinement of conscience is not identical for both spouses, and he offers some very compassionate advice. He wrote: "It will be a *duty* of [each conscience] to tolerate imperfections, for a time, in this or that particular case, without giving up the struggle for perfection. To me it seems liberating to insist on this, while underlining, in these circumstances, the necessary recourse to the sacraments (whereas so many couples, at the time of such difficulties, withdraw from the sacraments. This would be disastrous)."<sup>18</sup> We all know that the use of any form of birth

18. *Ibid.*, 6:1009.



control except the one nick-named "Vatican roulette" was considered a mortal sin, and most confessors forbade penitents who confessed such a sin to receive communion, unless they renounced the use of any form of birth control except the Ogino method.

Cottier did not send on to Maritain his suggestions for Journet that further develop Maritain's ideas about *finis operis* and *finis operantis*, the legitimacy of a pill that does not harm the health of the woman, a pill for men, the distinction between what is "against nature and what is not." Concerning a pill that would not harm the health of the woman, Maritain had already written in his notes: "as a matter of fact, in the actual state of science, *medical means* involve serious dangers for the woman (a grave carcinogenic risk; and, I believe, a risk of a progressive deterioration of the female organism by what is the equivalent of a continuous series of miscarriages). While becoming permissible once science has triumphed over these risks, they are, in fact, *morally prohibited in the actual state of science.*"<sup>19</sup>

Among Maritain's papers, there is a rough draft of a letter to Msgr. Macchi, Secretary to the Pope, in which he wrote:

I have heard that the question of birth control is under study in Rome. I would like to take the liberty of submitting to you a few ideas that have come to me on this subject and about which I spoke some time ago to Msgr. Journet who did not seem to disapprove of them. . . . May I add that each method has its own inconveniences, and that *psychologically* the Ogino method and that of temperatures do not seem to be without notable inconveniences? When two spouses come together in the flesh, the reason is not simply the satisfaction of concupiscence. There are many far more complex psychological and moral factors involved: the desire to seal a reconciliation after a disagreement, the need for a remedy to some kind of anguish [illegible word], or against despair, or the sudden inrush of a wave of tenderness or pity, what do I know? Can it not be asked if the intervention of calculation hindering the satisfaction of such a desire or need at the moment when it rises naturally in the soul, does not risk a psychological or moral imbalance in the life of the spouses?<sup>20</sup>

There are also notes for a conference to some Little Brothers of Jesus after the publication of *Humanae Vitae*. Most of these notes refer to ideas already exchanged with Journet, Cottier, and Macchi, but Maritain did reflect on the specific condemnation of *all acts* that make procreation impossible. He told his audience:

19. *Ibid.*, 6:1004.

20. *Ibid.*, 6:1005-1007.

One sentence in the encyclical seems to me from this point of view contestable:

[That sentence was] "Equally excluded is *every action*, which, whether in anticipation of the conjugal act, or in its enactment, or in the development of its natural consequences, proposes as its end or as its means to make procreation impossible" [No. 14]. If something good—to avoid procreation in a given case—can be done by a mental calculation based on natural processes, why condemn *every action* leading to the same end?

I see only two means of avoiding impregnation that are clearly *good*.

In the first place: a product—yet to be discovered—that would make the feminine cycle absolutely regular.

In the second place: a means to avoid pregnancy that would be used *after* the execution of the sexual act carried out in all its spontaneity and the integral respect for its natural finalities,—I am thinking of a means, which, used rather soon after the accomplishment of the act, would hinder the spermatozoa from joining the ovule (about ten hours are necessary to do this). No one seems to be speaking of this category of means. They ought to exist however, [for example, in the case of] Nuns who have been violated.<sup>21</sup>

In preparing his defense of *Humanae Vitae*, Journet followed Maritain's advice to the letter. He did not discuss the *subject* of the encyclical. He held fast to the *authority* of the Pontiff to make the decision he made. After citing the scriptural foundations for the Pope's supreme authority, he discussed the levels of that authority: *personal* or *collegial*, *solemn* or *ordinary*, proclaimed by *mediation* through delegated organs or *immediately* through encyclicals. Journet's conclusion was that

one thing is certain: the ordinary magisterium of the sovereign pontiff is in full force here. The theologian who reflects on the gravity of the cause, on the level of light to which it has been lifted to be made clear, on the precision and the certitude with which the response has been given, will be able to think that he finds himself—this is our personal opinion—in the presence of a moral doctrine definable later on and capable of rising one day to the level of an assent of divine faith.<sup>22</sup>

This assent of both Journet and of Maritain was immediate and complete,<sup>23</sup> and this is not surprising. Maritain's conversion to Catholicism was not the result of a rational progression. It was equivalent to being "turned inside out like a glove," as he had written of the conversion of Jean Cocteau.

21. *Ibid.*, 6:1022–25.

22. Charles Journet, "La Lumière de l'Encyclique '*Humanae vitae*,'" *Nova et Vetera* 205, no. 3 (1968): 170–75.

23. *J/M Correspondance*, 6:1000.

He felt the encyclical should not have been promulgated; there were certain points he contested. His "own reason [was] not satisfied." Yet he wrote that his "spirit of faith" obliged him in "conscience," to accept "in the name of theological faith itself," as having "the value of infallibility," what his human reason led him to reject. Journet was a theologian of the Church: its institution, its nature, and above all its authority. He wanted to put an end to the unsettling controversy over the authority of *Humanae Vitae*. In his defense of the encyclical, he wrote: "The preambles and the arguments proposed in the Encyclical can certainly be discussed, weighed, subjected to deliberation. They have no other object than to prepare the conclusion; they are not its basis."<sup>24</sup>

Legitimate discussion, weighing, and deliberation imply the possibility of change, which in turn implies that the conclusions may not be infallible pronouncements, but may be reformable. To stem a controversy that is still unsettling the Church today and leading to numerous defections, Journet seems to have felt that a more authoritative papal proclamation, under the supreme *personal* authority of the sovereign pontiff in a *solemn* declaration, would bring an end to the turmoil. He looked forward to "a point of moral doctrine *ultérieurement définissable*," definable later on, and "requiring" the "assent of divine faith."

That was in 1968. In 1998, Pope John Paul II, in his Apostolic Letter *Ad Tuendam Fidem*, introduced a new category of teaching, called "definitive," and implied that though such a teaching was *not infallible* it was nevertheless *irreformable*. Although the word *irreformable* itself does not actually appear in this Apostolic Letter, the Pope did add a second paragraph to Canon 750 of the 1983 revision of Canon Law concerning the importance of stability. The new paragraph stated:

Each and every thing which is proposed definitively by the magisterium of the Church concerning the doctrine of faith and morals, that is, each and every point of teaching which is required to safeguard reverently and expound faithfully the same deposit of faith, is also to be firmly embraced and retained; therefore, one who refuses those propositions which are to be held definitively is opposed to the doctrine of the Catholic Church.

Effectively, if not verbally, he transferred some freely debated doctrines from the field of "doubtful things" to the field of "necessary things" where

24. *Ibid.*, 6:1001.

no question must be raised about their unchangeable nature. Journet's expression "*ultérieurement définissable*" shows that the discussion of "definitive teachings" was in the air at the time of *Humanae Vitae* and that he looked forward to its conclusions being declared "*definitive*" to settle the controversy. From Catholics, such a declaration, according to the new paragraph of Canon 750, would require *obsequium* (this word has many meanings: loyalty, respect, submission, obedience) as well as an *assent of faith*.

In 2011, the Jesuit periodical *America* printed an article entitled "Rights of Conscience,"<sup>25</sup> which contains an interesting and important distinction between "noninfallible" teachings and "irreversible" statements. The author Kevin O'Rourke noted that both Thomas O'Meara, O.P., and Nicholas Lash maintain that a doctrinal teaching of the magisterium calling for assent is not the same as a disciplinary statement requiring obedience. Referring to an instruction issued by the Congregation for the Doctrine of the Faith and a commentary on that instruction by Avery Dulles, S.J., the author notes that noninfallible statements are of two sorts: "reformable" or "prudential." "Reformable" does not imply that the statement could be reversed in the future, but that it might be better expressed, the better to be understood and to be more adequate to the truth it conveys. Reformable statements that are formal teaching should be accepted, in the words of the Second Vatican Council, with "religious submission of intellect and will." This form of response is not an act of religious faith in revealed truth; rather it is an internal intellectual assent. The author notes, however, that even prudential teachings have been reversed. In 1990 at a press conference introducing an instruction of the Congregation for the Doctrine of the Faith, then Cardinal Joseph Ratzinger listed several examples of teachings that had been reversed: statements promulgated by the Holy See in regard to ecumenical activities, relations between church and state, personal freedom and the rights of conscience in choosing a religion, and declarations of the Pontifical Bible Commission made at the beginning of the twentieth century. When a person cannot give "intellectual assent," such responses are to be called "personal difficulties." Both Cardinal Dulles and Nicholas Lash indicate that "dissent" is not a fitting term for this type of response. Mr. Lash prefers to label them "disagreements."

In 1970, two years after *Humanae Vitae* and three years before his death,

25. Kevin O'Rourke, "The Rights of Conscience," *America* 205, no. 3 (2011): 13–16.

Maritain published *On the Church of Christ*, in which he distinguished “three manners of adhering to an encyclical.

The first is to make a bow full of reverence, while inveighing against it and judging it inopportune and badly founded. I prefer, in order not to give offense, to abstain from qualifying this first manner.

The second manner is to adhere to it *as if* from one end to the other it was an infallible document. He who reads an encyclical in this way gives more than is asked of him. But since he does so in a spirit of faith, it can be for him an occasion of great graces.

The third manner is the one ... which I believe normal. It asks that one make an effort of the intelligence (is it possible to live by faith, even if one were a village illiterate, without having to exercise one’s intelligence?) But this third manner does not make the adherence given to the pontifical document a condition for the success of the effort in question.<sup>26</sup>

Maritain died in 1973 and Journet two years later. With *loyalty* and *respect*, both gave their *assent of divine faith* to the teachings of the encyclical. Whether or not they accepted them as *irreformable* or *irrevocable* we will never know. The status of “definitive teaching” was not then and is still not settled. Much ink will flow and words be spoken over the question of how a proposition that is not infallible can at the same time be *irreformable*, such as the conclusions of *Humanae Vitae*.

“In necessary things unity, in doubtful things liberty,  
in all things charity.”

26. Jacques Maritain, *De L’Eglise du Christ, La Personne de l’Eglise et son Personnel*, (Paris: Desclée de Brouwer, 1970), 249.