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SILENT DISSENTER**Jacques Maritain on contraception**

Jacques Maritain, French philosopher and intellectual, played a crucial role in the revival of Thomistic philosophy early in the twentieth century, as well as in reconciling the Catholic church and democratic institutions. Today conservatives commonly regard Maritain as a model of a docile Catholic intellectual. But his fifty-year correspondence with Abbe Charles Journet-Swiss theologian, consultant at Vatican II, and eventually, cardinal of the church-tells a more interesting and complex story.

Maritain first met Journet with the founding of the Cercles Thomistes in 1922; they corresponded from that time until Maritain's death in 1973 (Journet died in 1979). From their first meeting, the two became close friends and Maritain chose the younger man as his "confidant-theologien," which he remained over the half century of their friendship. Almost eighteen hundred of their letters survive and are being published (Journet/Maritain Correspondence, Paris: Editions Saint-Paul); the first three of a projected six volumes are in print. Volumes II and III contain a surprising number of references to questions of human sexuality, particularly those concerning birth control. Even someone with an extensive familiarity with Maritain's writings would never suspect that he was preoccupied with such questions, but in a letter dated December 6, 1934, Maritain wrote to Journet: "I'm afraid I've been boring you with my questions on the theology of marriage. Please excuse me." (Journet/Maritain Correspondence, Vol II, letter no. 498-future references will be indicated by volume number and the number of the letter). I suspect that Maritain's questions resulted from the promulgation four years earlier of Pius XI's encyclical *Casti connubii* (1930).

Six months before its promulgation, Journet, who as a young priest had been appointed professor of dogmatic theology at the University of Fribourg, wrote to Maritain that he feared being sent back to parish work if he were too outspoken on certain questions. "I don't want to put myself at risk on any question at all. There are certain problems where I think that boldness would actually amount to imprudence (for example, the very strict positions of the church on continence in marriage)" (II, 322). Journet had good reason to be careful.

In 1935, the Dominican Benoit Lavaud, professor of moral theology at the University of Fribourg and a close friend of the two men, published a book on marriage: *Le monde moderne et le mariage chretien*. Lavaud apparently put himself at considerable risk, for he began immediately to encounter difficulties with the ecclesiastical authorities. That same year he was ordered by his superior general to limit his activities exclusively to preparing and teaching his classes. Journet wrote to Maritain: "So he can no longer do any writing. In this regard, good Father Lavaud is undergoing considerable trials. He has been very popular

in Fribourg, was very much in demand as a preacher, and was held in great esteem by the bishop. But certain fathers among the Dominicans concluded that he must not be preparing his courses, and have denounced him to Rome. He explained himself, but the father general told him that, to avoid any possible occasion for complaint, he should refuse any invitation to participate in the ministry. He told me that he has the impression that his difficulties are dormant for the moment, but they will all start up again" (II, 503).

And they did. Near the end of that year, Maritain was also in hot water with ecclesiastical authorities because of his connection with the periodical *Sept*, his contributions to the leftist periodical *Vendredi*, his position on the Spanish Civil War, and the calumnies spread by *Action Francaise* in Rome. Journet, himself in trouble with his bishop over the Spanish situation, wrote to Maritain: "Neither I, nor Father Lavaud...is surprised at this inhuman way of acting" (II, 541).

In 1941, Lavaud was deprived of his chair at Fribourg and sent off to the Dominican House at Toulouse because of what he wrote concerning the "ends" of marriage. Journet wrote to Maritain:

"Poor Father Lavaud is in deep and agonizing trouble with Rome because he is considered too much in favor of the theory which insists that conjugal communion is one of the ends of marriage" (III, 785). Of course, in *Gaudium et spes* (47, 52), Vatican II proclaims this same thesis, along with others defended by Lavaud in the thirties and forties (II, 490, footnote 1).

In 1948, from Princeton, Maritain sent a letter to Journet, accompanied by a note titled "Apropos of Birth Control" which is important and surprising enough to be quoted in its entirety. He wrote: "In order that intercourse between spouses may not be hindered from attaining its natural finalities and in order that it be morally correct: It is not necessary that the intention of procreating children be present. (The woman may have undergone an operation that made her sterile, or she might be beyond childbearing age.) Moreover, the intention not to procreate may be present, as in the case of the Ogino method [the rhythm method], which the church has not condemned. So it is not the intention of the agent, the intention not to procreate, which makes the practice of birth control sinful. Then what does make it sinful? Certainly not an intention (*finis operantis*) extrinsic to the act of intercourse itself, but rather an alteration introduced into the very exercise of that act, which turns it away from its finality in its very excellence. (For example: the case of Onan.)

"So let us suppose that one day science invents a product which, taken orally in the form of a pill or subcutaneously by injection, renders a woman sterile for a given period of time. Will spouses who use this drug for a proper and acceptable motive and in order to have a child only when their reason tells them it is good to do so be guilty of a moral failing? By no means! Their human reason intervened actively at the same point where with the Ogino method human reason calculated very simply to profit by what nature was doing on its own: it is impossible to see how this could in any way be culpable.

"One may very well ask if technical progress will not eventually find a solution to the great moral problem of birth control, by giving man the means to avoid procreation without altering the act of intercourse in its very exercise in order to turn it away from its proper end. In the past there was no contraceptive technique other than that of Onan. And the regulation of the number of children in families was established by sickness or death (infant mortality). In the future we may very well have contraceptive techniques which will make it possible to avoid procreation, all the while leaving to the sexual act its full normality and its finality in the exercise of that act. And in this case the control of human reason will establish the regulation of the number of children.

"If what I say is correct, the practical casuistic problem would be to determine if some contraceptive method or other alters the act in its very exercise or maintains its full normality, as in the theoretical case I have considered. But the question of principle would be resolved. A doctor whom I consulted on this question (one that is impossible to avoid in the United States) assured me that in his opinion certain of the methods actually in use here pertain to the second category [that is, maintaining full normality] rather than to the first [that is, altering the act in its very exercise]" (III, 977a).

(The notes that Journet sent to Maritain in response to his remarks on birth control are not included in their subsequent exchanges of letters; they may have been lost. The next three letters are from Journet adding details and texts that he had forgotten to put in his lost responses to Maritain.) In November, Maritain wrote from Princeton concerning his notes on birth control: "It is enormous for me that you do not judge them to be heretical. I know that *Casti connubii* has an entirely different

ring to it. But precisely, if I am right (or better, if we are right) it must be said that this question offers another of those tragic examples where the church defends a truth by blockading it with ways of thinking that simple human experience has left way behind (a l'aveuglette) [that is, like a blind man feeling his way in the dark]. The day when the church would admit such techniques as we are speaking about, nothing would have been changed in its doctrine, but those souls whom the church has completely and fundamentally mobilized against every idea of any technique whatsoever of this kind and in behalf of a philosophy of procreation without any control of reason will understand nothing about this whole question" (III, 985).

Two weeks later, on December 2, Journet wrote to Maritain: "Jacques, for this terrible question of eugenics, I'm afraid that as a support for you I'm rather unsteady on my own feet. What I wanted to say is that since moralists say that everything is saved if the conjugal act can be accomplished to all appearances, they should have no objection to hormonal injections. Will they then argue that this is a case of mutilation? They do so in the case where Fallopian tubes are tied...So they consider mutilation in a functional sense....I have always had a problem admitting (though I do so by authority) an essential difference between the Ogino method and contraceptive precautions. It seems to me they are hypnotized by the physical. So an injection becomes an objection that vexes the moralists" (III, 986).

This is the last reference to the problem of birth control in the first three volumes of the correspondence. These letters were exchanged twenty to thirty years before the firestorm occasioned by *Humanae vitae*. A footnote appended to Maritain's note "Apropos of Birth Control," which I cited above, tells us that in 1968 Paul VI's encyclical letter concerning responsible parenthood would lead Journet and Maritain to take up once again the troubling question of birth control and to comment on the controversy it stirred up within and without the church. These letters are to appear in volume VI, and are unlikely to be made public for several years.

Why did two respected thinkers who were clearly preoccupied with the church's position on human sexuality remain silent on this important question? Both of them were certainly ready to speak openly on controversial political and social questions; both were in trouble because of positions they took publicly on the church and democracy and on the Spanish Civil War.

There were serious indications that Maritain's Integral Humanism was about to be placed on the Index. In 1936, he had received a letter from Reginald Garrigou-Lagrange, O.P., urging him to provide firmer assurances to his critics in Rome who saw in Maritain, as Garrigou wrote, "a tendency all of whose dire consequences they are anxious to point out" (II, 579a). Garrigou-Lagrange continued: "I beg of you, give them firmer assurances, so that all the good you have done may not be compromised. The Spanish bishops were not at all pleased with what you said at Santander [that is, in a series of lectures that became Integral Humanism]. They must have written about this to the secretary of state [Cardinal Pacelli]. In my opinion you are venturing out on a terrain you do not know enough about, and you bring with you habits of thinking that no longer have any place in the present contingencies...I beseech you all the more strongly to follow my suggestions because those in high places have asked me to tell you not to lean toward the left, as you give the impression of doing."

Maritain then wrote to Journet: "On the part of Rome, I sense there are enormous misunderstandings. It is through the church that they are trying to strike me. (Why have I always felt apprehensive about Cardinal Pacelli, about whose "sanctity" many persons bragged on their return from Rome.) [It was Pacelli, the future Pius XII, who in person told Maritain to limit himself strictly to speculative philosophy.] It is not I alone who will be the target of their attack, it is all sorts of germinations of life and of good movements among a great number of souls, it is all the good that I was hoping for which will be ruined. It goes without saying, I know very well, that we must be ready to be ground down, and that this is undoubtedly the means by which in mysterious ways things advance. What bothers me is how these things are carried out. If this is the way things have to be done, then let them be done well. Think about this my very dear friend and tell me what to do. During the summer we will see what reactions my book will produce. If it is put on the Index, what should I do?...Naturally there is the duty of submission to the church. But we have other duties, toward the truth and toward souls, that must be reconciled with that submission" (II, 579).

Back in 1935, Maritain had written to Journet: "But there is...the question of scandals that must be brought to light. Are we guilty of abandoning the sheep if we refrain from mouthing the same prejudices and the same ready-made erroneous opinions they have become accustomed to? Or rather isn't it just not howling with the wolves? In other words, to what degree is it

required of apostles of the truth to go easy on error concerning questions that are infra-dogmatic? Didn't Saint Thomas scandalize the ancient scholastics with his doctrine on the unicity of substantial form? Was he supposed to remain silent on this question in order not to put at risk his grand theological synthesis?" (II, 549).

Both Journet and Maritain came to realize that the friendship of Garrigou-Lagrance was not as true and as deep as they believed. In 1942, Journet wrote to Maritain: "I have heard nothing from P. Garrigou-Lagrance, we no longer write to one another. But I believe he continues to defend us in his own fashion which is not always the best" (II, 785). Today Garrigou-Lagrance's secret collusion with and even encouragement of Maritain's enemies in Argentina is no secret.

If Maritain publicly questioned the church's position on human sexuality, there was grave danger that the great work of his life, the complete renewal of Christian philosophy, for which he needed the church's approval, would be compromised. He could not risk the chance that Integral Humanism would be placed on the Index, or even being refused a nihil obstat. He gave priority to going public on the great problems of political philosophy and social justice.

Journet was caught in the same dilemma. He was in trouble with his bishop, Monseigneur Besson, because of his position on the Spanish Civil War. He wrote to Maritain: "The only chance I have to do intellectual work is to remain in the seminary. If I go back to Geneva, it will be to parish work, which I love also, but any serious and extended study would be impossible...I don't want to do anything that might endanger my position here-it is already endangered as you know by a kind of wish I suspect on the part of monsignor to send me back to Geneva, either because he needs a priest there who etc., or because with my modern tastes he must think I am an enfant terrible in this holy house of the seminary...So I'm ready to "run risks." But [as was quoted above] I don't want to put myself at risk on any question at all. There are certain problems where I think that boldness would actually amount to imprudence (for example, the very strict positions of the church on continence in marriage)" (II, 322).

Journet, like Maritain, had to choose his priorities in order not to compromise his profound and sustained writings on the theology of the church. For each of them going public on birth control was not worth compromising the work of a lifetime.

While he was ambassador of France to the Vatican after World War II, Maritain wrote to Journet that "during the Occupation intelligent people were scandalized because they heard too many Thomists chanting the litanies of Marechal Petain and heard a great theologian whom we know [Garrigou-Lagrance] actually declare in Rome that any priest who gave absolution to a supporter of de Gaulle was living in a permanent state of mortal sin" (III, 812).

What would Maritain think today of the church's attempts to block international efforts to disseminate information on and methods of birth control among the people of the third world? No one knows yet how he reacted to the silencing of John Courtney Murray on questions of religious freedom. Or how would he have reacted to the dismissal of Charles Curran from The Catholic University of America, precisely for his views on contraception, or to the wholesale repression of liberation theology? It would be helpful today to have his reactions to the promulgation of *Ex corde ecclesiae* with its promise of more of the same at Catholic universities, particularly in their theology faculties. Maritain saw firsthand in France the effect on Catholic intellectuals, particularly young Thomists, of such clerical interference in politics. In 1946 when he found out that in support of the attacks on him from South America, Garrigou-Lagrance had implied that Maritain might be guilty of doctrinal "deviations," he wrote to his former mentor: "If there is at the present moment a crisis of Thomism in France, if many young minds seek their nourishment in new theologies, you can be sure that one of the causes of this disaffection is the fact that since the quarrels of the Ralliment...we have seen defenders of sacred doctrine let themselves be taken in completely by outrageous illusions in the domain of national politics. Not everyone makes the distinction between substance and accident" [The Yves Simon Papers].

We know what Maritain thought of the inflation of infallibility and its extension to "infra-dogmatic" questions, whether of politics or human sexuality. Couldn't we say again what Maritain said in a letter quoted above (III, 985) that the church's position on birth control and human sexuality is "another of those tragic examples where the church defends a truth by blockading it with ways of thinking that simple human experience has left way behind (a l'aveuglette)," which may also be translated "like a mule wearing blinders to avoid seeing what is really going on around it"? His conscientious dissent from church teaching on birth control and his decision not to publicly challenge that teaching for fear of jeopardizing his groundbreaking philosophical work on democracy should give pause to those now ardently demanding strict conformity from Catholic theologians.

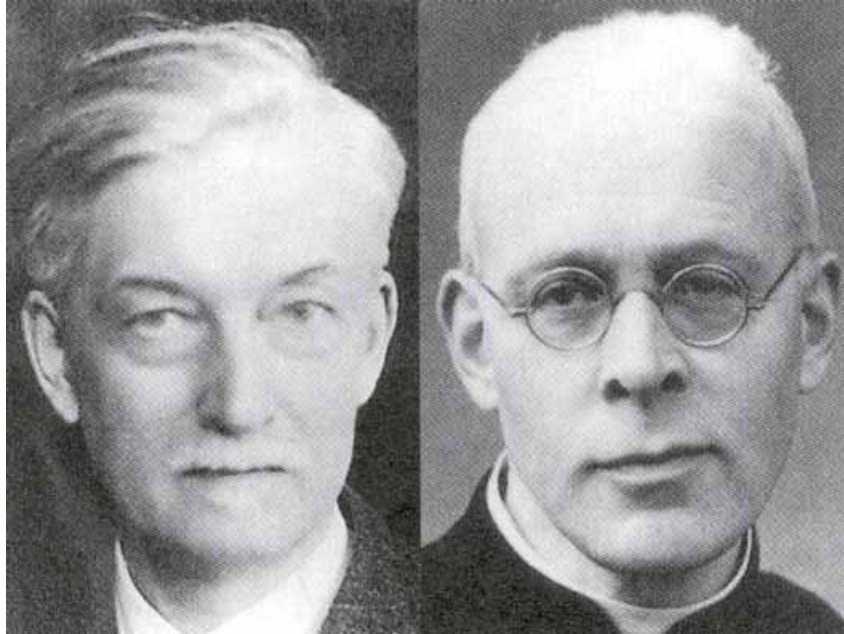
Rondel of Charles D'Orleans #1

The season now has cast away its cloak,
The clothes it wore of wind and rain and cold.
The season sports the stitches, bright and bold,
Of sunshine on a form that just awoke.

There is no beast in field or bird in oak
That has not seen or sung, that has not told:
The season now has cast away its cloak.
The clothes it wore of wind and rain and cold

Are gone, and river, fountain, stream, and brook
Run on in finery the sun has rolled
With silver spangles or with coins of gold.
The waters all wear vestments sun-bespoke.
The season now has cast away its cloak.

-- Len Krisak



Mums the word

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By Bernard Doering

Bernard Doering is professor emeritus, University of Notre Dame, and author of *The Philosopher and the Provocateur: The Correspondence of Jacques Maritain and Saul Alinsky*, as well as numerous articles and books on Maritain.

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