

Papal Politics, Paul VI, and Vatican II: The Reassertion of Papal Absolutism

Written by Aaron Milavec

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AARON MILAVEC, JUL 28 2013

During the course of the Second Vatican Council (1962-1965), free and open discussions gradually took hold among the assembled bishops once the curial grip on the Council was challenged. Within this *aggiornamento*[1] that was endorsed by John XXIII, the bishops discovered how creative collaboration with each other and with the Holy Spirit served fruitfully to create sixteen documents overwhelmingly approved by the assembled bishops. Given the diversity of viewpoints and the diversity of cultures among the two thousand participants, this consensus building was an extraordinary mark of the charismatic gifts of the movers and shakers at the Council.

As Paul VI took over the direction of the Council after the untimely death of John XXIII, he at first endorsed the processes of collegiality that had operated during the initial two years. With the passage of time, however, Paul VI began to use his papal office on multiple levels by way of limiting the competency of the bishops and by way of pushing forward points of view that he and the curia favored. After the Council, this trend accelerated and can best be seen by analyzing the content and reception of three encyclicals, *Indulgentiarum Doctrina* (1/1/67), *Sacerdotalis Caelibatus* (6/24/67), and *Humanae Vitae* (7/25/68).

The purpose of this essay is to explore the content and the reception of these three encyclical letters. In so doing, we shall come to understand how the authoritarian intransigence of Paul VI respecting indulgences, priestly celibacy, and birth control functioned to defeat the freedom of thought and the collegial decision making that was the hallmark of Vatican II. Furthermore, Paul VI's coercive policies regarding birth control have distorted all levels of the administration and outreach of the worldwide Catholic Church.[2] The appointment of bishops, for example, has been limited to those pastors who demonstrate an inflexible adherence to the absolute immorality of contraceptive usage. Ramifications of this policy stretch as far as the United Nations, where the Holy See uses every opportunity to obstruct any proposals that rely upon contraceptives. Most recently, these very policies led the U.S. Catholic bishops to publicly challenge U.S. President Barack Obama's health care plan and to mount forty-one district court challenges to the mandate that all health insurance plans must in the future offer cost-free contraceptives to their subscribers. As Archbishop William Lori of Baltimore, Chairman of the Ad Hoc Committee for Religious Liberty, testified to Congress:

This is not a matter of whether contraception may be prohibited by the government. This is not even a matter of whether contraception may be supported by the government. Instead, it is a matter of whether religious people and institutions may be forced by the government to provide coverage for contraception or sterilization, even if that violates their religious beliefs.[3]

Martin Luther and Indulgences Revisited

With the declaration of papal infallibility during the First Vatican Council in 1870, many in the Catholic Church thought that there would be no reason to convene an ecumenical council ever again since, when it came to deciding what God wanted Catholics to believe and to do, the pope alone was preserved from all errors. The truth is much more complex. In the early church, no one ever imagined that St. Peter was somehow exalted above all the other apostles and that he and his successors,[4] the bishops of Rome, were the divinely ordained managers and decision makers

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for the universal church. Pope John XXIII himself had no delusions on this point. He knew that there were deep flaws within the Roman Catholic Church, but he also knew that he was no match for the deeply entrenched Cardinal Ottaviani, the head of the Holy Office of the Inquisition, who was hell-bent against change.

Protestants, in contrast, believed that no one in the church was beyond the pale of self-deception and that even the pope was capable of committing errors of judgment and of promoting false notions of what Christians must do to be saved. And when Protestants want to think of how far from the way of Jesus the pope could lead the Church, they had only to recall the papal decrees that enabled the Dominican friars in Germany to collect huge sums of money directed toward the completion of the rebuilding of the church of St. Peter's in Rome. In exchange for their efforts, the pope allowed the local bishop and Friar Johann Tetzel to receive a handsome collectors' fee. And, to sweeten the deal for the German benefactors, donors were issued a "plenary indulgence" with a papal seal that guaranteed that, should the donor die that day, his or her soul would bypass Purgatory and immediately be welcomed by St. Peter into the courtyards of heaven.

Fr. Martin Luther objected to this sale of indulgences. He did not want to believe that the rich who could afford to pay for such indulgences were somehow able to bypass doing the fasting and prolonged prayers that served to wipe away the temporal punishment due to sins whose guilt had already been forgiven in confession. The Dominican friars, being fair collectors, responded by adjusting the price for a plenary indulgence in accordance with one's personal income. Nor did Martin Luther want to believe that well-disposed Catholics could purchase a plenary indulgence and then to apply it, not to themselves, but to some beloved father or aunt who neglected fasting and other penances during their lifetime and were destined to spend a prolonged period suffering in the fires of Purgatory. Friar Johann Tetzel, of course, insisted that the pope had the right, as the Vicar of Christ on earth, to apply the treasury of merits accumulated by Jesus and the saints to anyone he deemed worthy. And who would be more worthy than those who contributed to the building of the greatest church on earth, St. Peter's Basilica in Rome?

Rome, in the end, tried Luther in absentia and proclaimed his teachings as filled with heresies that endangered the eternal welfare of anyone giving heed to his voice and following his example. Support for the building of St. Peter's in Rome languished and entirely dried up in some parts of Germany while, in other parts, the sale of indulgences reached new highs. In these areas, the authority of the Vicar of Jesus Christ on earth invariably became even more absolute. In simple terms, 'The Son of God gave Peter the keys to the kingdom of heaven. He gave no keys whatsoever to that heretic Martin Luther.'

What can be learned from this period of history?

1. The papacy can sometimes force its own parochial interests on the faithful and ruthlessly harass those who would speak their pastoral concerns to papal power.
2. The Reformation churches received the benefit of many of the Vatican II reforms four hundred years before Roman Catholics were allowed to do so.[5]
3. Roman Catholic historians and theologians were constrained to vilify Luther and to justify the papal indulgences for over four hundred years. No biography of Luther was permitted to be read by Catholics that had any good things to say about Luther or any bad things to say about Pope Leo X.[6]

Vatican II on Indulgences

Fifty years ago, the bishops gathered inside the Church built by the sale of indulgences began deliberation over "The Revision of the Sacred Indulgences," a document prepared by Cardinal Fernando Cento, Grand Penitentiary, who was directed to create a special commission for this purpose by Paul VI on 24 July 1963. On 9 November 1965, Cardinal Cento spoke before the assembled bishops and summarized the draft document that had been secretly passed out to selected bishops. There was never any intention to allow the bishops to openly discuss or to revise this document.

What happened, however, as Cardinal Cento left the podium was entirely unexpected. Here is the report drawn from *What Happened at Vatican II* by John O'Malley SJ:

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The first prelate to speak, in the name of the Melkite episcopate, was the intrepid Maximos IV Saigh, and he fired off the most radical criticism. "There is no indication that in the primitive and universal tradition of the church indulgences were known and practiced as they were in the Western Middle Ages..." The interventions the next day from Alfrink speaking for the Dutch episcopate, König for the Austrian, and Döpfner for the German did not help matters. The last two, especially, made a strong impression. Döpfner did not go so far as to call for the abolition of indulgences, but he severely criticized the theology that underlay the document, the misleading way it handled the history of indulgences, and the changes in practice, all too minimal, that it advocated. He was the last to speak that day... In the written reports the episcopal conferences of Belgium, England and Wales, Scandinavia, Haiti, Brazil, Chile, Congo, Rwanda, Burundi, Dahomey, Japan, and Laos expressed dissatisfaction with the document... and the last three called for the abolition of indulgences.[7]

Fast forwarding thirteen months to the first day of January, 1967, Paul VI took the document on indulgences that was roundly criticized and rejected during Vatican II and, with only modest revision, published it under his own name as *Indulgentiarum Doctrina* ("The Doctrine of Indulgences").[8] In so doing, Pope Paul VI opened the new year with an Apostolic Constitution designed to teach the bishops and theologians scattered throughout the whole world what many of them had roundly rejected at Vatican II. Was the Pope deaf to the applause that Archbishops Alfrink, König, and Döpfner had received for their criticisms of this very same document thirteen months earlier? Had he not read the written reports of a dozen episcopal conferences expressing their deep dissatisfaction with the draft document? And was he not now shoving it back into their faces with the whole force of his papal office? Indeed he was!

One might think that the pope has no restriction on his use of power, but this is never the case. His teaching office must be used judiciously and responsibly at all times. His teaching must be rooted in the Catholic tradition of the past rightly understood and, at the same time, his teaching must prudently and pastorally address the current needs of the faithful. As far as possible, the pope must also take into account what other bishops have been saying and doing. On all of these points, *Indulgentiarum Doctrina* was seriously deficient. What "Paul [VI] devised was only a partial reform that satisfied neither the Neo-Tridentines (such as the schismatic Lefebvrists) nor the so-called progressives [who were] more sympathetic to Luther's position." [9] Archbishop Döpfner, in particular, called upon Paul VI to bring together an international theological commission that would have the theological and historical competence to revise the draft document that some select bishops had received during Vatican II. Needless to say, Paul VI had no interest in taking this route.

It should not escape the reader that the practice of indulgences promoted and augmented the power of the papal office within the Church since all other bishops were forced to follow what the bishops of Rome had decreed in this matter and had no authorization to define any new indulgences themselves. Since Vatican II was in the process of defining the norm of collegiality and of affirming that individual bishops receive their office due to Christ (and not due to papal delegation), conservatives were keen to maintain all traditional papal prerogatives when it came to indulgences while reform minded prelates were inclined to downplay indulgences as an outmoded expression of monarchical authority ill-suited for a collegial church.[10]

Vatican II, needless to say, was an expression of the collegial church in action. While Paul VI was committed to maintaining the free and open deliberations functioning within Vatican II, it did not escape those at the Council that Paul VI progressively demanded advanced copies of the work of the drafting commissions such that he could actively campaign for certain positions, either personally or through his personal theologian, Carlo Colombo. At times, Paul VI worked behind the scenes.

At other times, he openly attended and made pointed interventions within the Council itself.[11] At a few junctions, he even requested changes to documents after the period of discussion was closed since the text had already been approved by an overwhelming majority of the assembled bishops. Once this was recognized, an increasing number of bishops began to bring their own agendas directly to the pope in the hope that he would short circuit what, for many, seemed like the cumbersome and tiring process of arriving at a collegial consensus through open deliberations and voting on amendments. Rumors began to spread that the pope favored or disfavored this or that position and small factions began to vote in accordance with these rumors even when they could not be verified. Giuseppe Alberigo and his international editorial board recounted many of these events in their well-researched and

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well-received four-volume *History of Vatican II* and concluded by saying that “Paul VI’s determination to exert more direct control over the Council’s work and to intervene with his personal judgment and authority was by now clear even apart from these episodes.”[12]

What this makes clear is that Paul VI himself along with his cadre of supporters for papal monarchism emboldened Paul VI to publish under his own name the schema on indulgences that was openly challenged both in speech and in writing by a significant group of cardinals and groups of regional bishops during the time of the Council. Vatican II had set forth its wish that a tri-annual meeting of representative bishops would meet following the Council to assist the Pope in further defining and clarifying the task of Vatican II. In point of fact, however, the curia gained control of these Synods of Bishops and, with the approval of Paul VI,[13] the Synods were gradually reduced to consultative groups that were dominated by a cadre of bishops bent upon forwarding the current papal agenda with little regard for taking any initiatives beyond those mandated by Vatican II.[14] Paul VI was thus willing to defeat the collegial norm set forth at the Council and to act on his own. This was manifestly clear when it came to the issues of indulgences and of priestly celibacy (as will soon become clear).

The Issue of Priestly Celibacy

Paul VI, during the final meeting of Vatican II in 1965, made an extraordinary intervention to forbid any discussion of the rule of priestly celibacy since he had elected to study this issue himself. Accordingly, on 24 June 1967, Paul VI published an encyclical on priestly celibacy known as *Sacerdotalis Caelibatus*.

Explaining how he arrived at his decision, Paul VI wrote: “We have, over a considerable period of time earnestly implored the enlightenment and assistance of the Holy Spirit and have examined before God opinions and petitions which have come to Us from all over the world, notably from many pastors of God’s Church” (sec. 1). To his credit, Paul VI acknowledges having received and prayerfully considered opinions and petitions coming from pastors who presumably favored a change in the rule of celibacy. To his discredit, Paul VI failed to consult the bishops by letter. He similarly refused to open this delicate pastoral issue up at the tri-annual Synod of Bishops in Rome. As in the case of indulgences, Paul VI effectively bypassed the principle of collegiality affirmed at Vatican II and, in its place, he imposed a treatise of his own choosing and making.

Every informed pastor knows that celibacy was not universally imposed upon the clergy until the Middle Ages and that the Vatican imposition of celibacy was initially resisted for many generations by both pastors and their wives. Bishops bent upon separating priests from their lawfully wedded wives were often bombarded by crowds that threw rotten fruit. The reforming popes in the Vatican, in response, resorted to raw power. Priests and their wives were initially required to sleep in separate beds. When this failed to suffice, their wives were required to live in separate houses. Fines were imposed. In the end, many of the wives who became pregnant were publicly shunned or forced into slavery. The final solution was a campaign instigated by the Vatican to disseminate preachers who denounced every priest living with his wife as “unworthy of administering the Holy Eucharist” and “as a spiritual danger to the faithful” who depended upon their divine mediation. Only when the laity began to boycott the altars of priests living with their wives and bishops began to require a solemn vow of celibacy for all those being ordained as deacons did the campaign for clerical celibacy finally take hold.

Needless to say, Paul VI, in his encyclical, tells us nothing of the dark history of imposed celibacy. Rather, he offers us the mistaken impression that celibacy began with Jesus when he freely chose celibacy as an essential character of his own service to his Father and when he declared that “there are eunuchs [like myself] who have made themselves eunuchs for the sake of the kingdom of heaven” (Matt 19:12).[15] Paul VI thus leaves the impression that the link between celibacy and priesthood gradually grew within the church and that it has come to full flower as an eschatological sign of the life that everyone will one day enjoy for “in the resurrection they neither marry nor are given in marriage” (Matt 22:30). The celibacy of the priest, consequently, was heralded in *Sacerdotalis Caelibatus* as the proleptic “presence on earth of the final stages of salvation.”[16]

Even if theological and historical flaws within *Sacerdotalis Caelibatus* could be forgiven in the name of piety, one can

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hardly overlook the clear evidence of the Gospels to the effect that Jesus never mentions celibacy when he chooses any of his disciples. Peter, who is clearly recognized as a married man, receives no admonition to separate himself from his wife. But, more importantly, we read in 1 Tim 3:2 that “a bishop must be above reproach, married only once [a one-woman man]” and, in Tit 1:7, we read that a presbyter should also be “someone who is blameless, married only once, whose children are believers.” Instead of fostering celibacy, therefore, we find in the late apostolic tradition the requirement that bishops and presbyters *must have a wife and children*. Why so? For this reason: “For if someone does not know how to manage his own household, how can he be expected to take care of God’s church [which is an extended family]?” (1 Tim 3:5). How can Paul VI expect us to respect him as a reliable teacher when he fails to notice these things right before his eyes in the sacred Scriptures? And what if he did notice these things but deliberately omitted to mention them because they collapse his argument in favor of priestly celibacy? Then, in that case, we would have to conclude that he is a dishonest scholar who is not worthy of our attention. All in all, therefore, we arrive at the embarrassing point of having to decide whether Paul VI is either incompetent or dishonest or a mixture of both.[17]

In developed countries, the negative stigma attached to sexuality even in the case of marriage has been largely dissipated. Most men no longer use their wives to relieve their sexual urges and to produce their children; rather, their acts of sexual union are now commonly referred to as “love making.” As such, love making is a sacramental sign that communicates and celebrates the intimacy, transparency, and mutual self-surrender between two persons. Thus, among my seminary students, many of them confided to me that they experienced an acute personal struggle between their calling to priesthood and their calling to intimacy. “What kind of God,” one seminarian asked, “would call me to be a celibate priest while confounding me with an equally strong call to be a loving husband and father?”

With the renewal of the Church following Vatican II, many priests had anticipated a relaxation of the rule of celibacy.[18] The adamant position taken by Paul VI in his encyclical *Sacerdotalis Caelibatus* killed any hope for compassionate change. Many Spirit-filled priests, facing a crisis of conscience between their call to ministry and their call to marriage,[19] decided to apply for laicization. All told, 200,000 priests worldwide left their ministry in order to marry. Those who stayed called for more collegiality and more discussion on this matter. In 1970, nine German theologians, including Joseph Ratzinger (later Pope Benedict XVI), signed a letter publicly calling for a fresh discussion of the rule of celibacy.

In 1971, an open discussion on obligatory priestly celibacy erupted at the Synod of Bishops that was devoted to the growing problems confronting priests. After days of deliberation, a vote was taken on a proposal for ordaining married men “if the needs of the faithful warranted it and the pope approved.” The proposal was defeated by a vote of 107 to 87. If the curial bishops had been removed from the voting, then the vote of the bishops-pastors would have carried the day. Nonetheless, when Paul VI closed the Synod, he said, “From your discussions, it emerges that the bishops from the entire Catholic world want to keep integrally this absolute gift [of celibacy] by which the priest consecrates himself to God.” This, of course, was a lie. He should have said, “From your discussions, it emerges that more than half of the bishops from the entire Catholic world favor returning to the earlier practice of ordaining married men while the curial bishops here in the Vatican are almost unanimously opposed to this course of action.” Here again one can gauge how Paul VI manipulated the Synod and conspired with the curia to maintain the illusion that clerical celibacy was universally approved by the bishops.

When ministers within Anglican and Lutheran denominations were welcomed into the Catholic communion, it was particularly difficult for long-suffering priests to notice how easily Rome was able to relax the rule of celibacy for these former Anglican or Lutheran pastors who were escaping churches that endorsed the ordination of women. I have frequently heard bitterness expressed by older priests on this matter. In effect, Paul VI arrived at a very one-sided and un-pastoral decision. This caused and continues to cause an enormous amount of personal suffering[20] for priests and for those who are close to them. The bishop who said, “I doubt whether the Lord would be pleased with our loneliness,” may have been saying what so many others knew in their heart but were afraid to reveal.

The Pope and the Pill

The birth control pill was first released in 1960. Initially no one could say for sure whether Catholic couples could use

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the pill by way of deciding when they wanted to conceive and when they wanted to prevent conception. Catholics had already become familiar with the menstrual cycle and they were aware that there was a period of five to eight days in the middle of each cycle when the body of the woman was naturally fertile. Outside of these times, the woman was infertile and sexual coupling never resulted in fertilizing an egg.

The birth control pill was “natural” in so far as it adjusted the hormonal levels in the woman’s body to produce conditions in her body that were naturally infertile.[21] For eight years, Catholics unsure about the morality of the birth control pill consulted with their priests in the confessional.[22] Many priests gave them permission to use the pill. Others discouraged them from doing so. Moral theologians were divided on the issue, thus there was an eight year period when the faithful and their priests had no definite or unanimous judgment regarding the pill. All Catholics were permitted to follow their own conscience.

This practice was abruptly halted on 25 July 1968 when Paul VI published *Humanae Vitae*. In this papal encyclical, Paul VI willfully bypassed and overturned the collegiality and subsidiarity that was so clearly operating in favor of the pill. Let us skim over the facts of this case:

- Pope John XXIII received many inquiries regarding the morality of the pill. Accordingly, in 1963, he established a commission of six European non-theologians to study the question of birth control in the face of an exponential growth of the human population.
- After John’s death later in 1963, Pope Paul VI added theologians to the commission and over three years gradually expanded it to 72 members from five continents (adding 15 social experts, 13 theologians, 12 physicians, 5 women without medical credentials, 5 priest-administrators, with an executive committee of 16 bishops, including seven cardinals).
- The Pontifical Birth Control Commission produced its report in 1966. Over 90% of the members agreed[23] that artificial birth control was not intrinsically evil and that Catholic couples should be allowed to decide for themselves the methods to be employed by way of exercising responsible parenthood in a world where complex economic, social, and personal factors had to be reconciled. According to the Commission’s report, use of the contraceptive pill could be regarded as an extension of the natural infertility that was divinely ordained as a providential part of the menstrual cycle.[24]

The members of the Commission were forced to take an oath of silence, so, even during the time of Vatican II, only very few people knew who precisely was on the Commission and what the Commission was deciding. Invariable, however, bits of information were leaked to reporters. For two years after delivering their final report, the members themselves were relying upon Pope Paul VI to communicate their findings to the world. Most of them were shocked when Paul VI entirely rejected the Commission’s recommendations in *Humanae Vitae* by saying that the decision of the seventy-two member commission “had not been unanimous.” In its place, Paul VI mandated that the use of the pill could not be authorized under any circumstances because, following the analysis of Pius XI in *Casti Connubii* (1930), every act of sexuality had to be open to its natural procreative function. Thus abstinence and what would later be called “natural family planning” (NFP) became the only morally permissible means whereby Catholic couples were permitted to regulate their reproductive capacity.

The absoluteness of Paul VI’s moral judgment was confusing and disruptive:

- By what right did Paul VI set aside the principles of consultation and collaboration when he entirely overturned the near-unanimous decision of the mixed Pontifical Birth Control Commission that had been studying the issue for over three years?
- By what right did Paul VI affirm Vatican II when it declared that “it is the married couples themselves who must in the last analysis arrive at these judgments” (*Gaudium et Spes* § 50) and then turn around and say the opposite: “the married are not free to act as they choose in the service of transmitting life” (*Humanae Vitae* § 10).[25]

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- The deposit of revelation says nothing about “the pill”; hence, moral guidance in this realm had to rely upon general moral principles and the immediate and direct experience of Catholic couples. Paul VI had no experience with sexual love and no experience with the role that love-making plays in binding a couple together in good times and in hard times. Hence, Paul VI had no option but to depend upon the experience of others.
- Patricia Crowley, a lay member of the Birth Control Commission, had given him a selection of letters from members of the Catholic Family Movement around the world tied together by a blue ribbon. Many of these letters detailed the hardships and frustrations associated with irregular menstrual cycles and with the unplanned and unintended pregnancies that resulted from NFP.[26] By what right did Paul VI ignore these letters and impose by the weight of his office a judgment that inflicted needless pain and frustration into the lives of so many faithful Catholic couples who would rely upon his judgment?
- If Paul VI had been transparent and collegial, he could have said that NFP was the better way, even the best way. By what right did he declare that it was the ONLY WAY?

Aware that the pope had challenged their confessional advice, many priests preferred to remain silent on the matter.[27] Bishop James P. Shannon of St. Paul even went so far as to stop hearing confessions so that he would not be constrained to tell penitents something at odds with official papal teaching. But there was no escape:

Then he was visited [at the rectory] by a young woman... worried about her relationship with her husband. They had tried to practice the rhythm method of birth control, she said. But they had had two children in two years, they were poor, and they could not afford more.

The night before she went to see [Bishop] Shannon she had prepared a special dinner for her husband’s birthday, “wine, candles, the whole bit,” Shannon said. It was an act of love.

Her husband came home and saw what she had done, came up behind her in the kitchen and kissed her. But the fear of another pregnancy caught her. She fled to the bedroom, shut the door, and cried herself to sleep.

She went to Shannon because she wanted to use artificial birth control, to restore her relationship with her husband. Shannon remembers telling her, “Under the circumstances, you have a right to practice birth control.”

“Would the pope say the same thing?” she asked.

“Any pastor would,” he said, “and the pope is a pastor.

“She hugged me, and the tears ran down her cheeks,” Shannon said. “I’ve never seen her since.”[28]

The woman left with a joyful heart, but, in this case, the bishop left with the keen realization that he could not, under pastoral circumstances such as this, subvert his own hard-earned moral judgment by artificially mouthing the authoritative teaching of Paul VI. Like Martin Luther, he gave the pope the benefit of the doubt that he, too, would have acted as “a pastor” had he been visited by this woman. But then, like Luther, he realized that there was no place to hide—either he had to defend the right of women everywhere to decide when their circumstances justified the use of the pill or he had to admonish women everywhere that “every act of marital sex had to be open to conception.” Two months later, in November of 1968, Bishop Shannon resigned on the grounds that “he had become a problem for his superiors.”

From the very start, the absolute rejection of modern methods of birth control was met with stiff opposition among Catholics—both on the practical grounds of their own experience and also on the theoretical grounds that it enforced outmoded norms of human sexuality.[29] The Winnipeg Statement represents the strongest episcopal opposition.[30] “The purge” unleashed in the U.S. against dissenting priests and theologians was unprecedented.

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The noted American moral theologian, Richard McCormick, SJ, observes that the coercive atmosphere in the Church on the issue of birth control does irreversible harm to the credibility of the magisterium as a whole[31]:

By “coercive ecclesial atmosphere” I refer to a gathering of symptoms familiar to all. Bishops are appointed by ideological conformity. Theologians and bishops are disciplined [for nonconformity]. Obedience is demanded to all teachings. Judicial processes fail the criteria of due process. Consultation is secret and highly selective, [and includes] only those qualifying who agree with a pretaken position...

It was contended that the Church could not modify its teaching on birth regulation because that teaching had been proposed unanimously as certain by the bishops around the world with the pope over a long period of time. To this point Cardinal Suenens replied: “We have heard arguments based on ‘what the bishops all taught for decades.’ Well, the bishops did defend the classical position. But it was one imposed on them by authority. The bishops didn’t study the pros and cons. They received directives, they bowed to them, and they tried to explain them to their congregations.”

Coercive insistence on official formulations tells the laity in no uncertain terms that their experience and reflection make little difference. This in spite of Vatican II’s contrary assertion: “Let it be recognized that all of the faithful—clerical and lay—possess a lawful freedom of enquiry and of thought, and the freedom to express their minds humbly and courageously about those matters in which they enjoy competence”(27). If such humble and courageous expression counts for nothing, we experience yet another wound to the authority of the ordinary magisterium. The search for truth falls victim to ideology.[32]

Conclusion

In the end, what must we say regarding the conduct of Pope Paul VI after Vatican II? We must acknowledge that his absolute positions respecting indulgences, priestly celibacy, and birth control were taken without solid biblical exegesis, without informed historical studies, without wide consultation among cross-cultural experts, and without deeply listening to those suffering due to the authoritarian intransigence surrounding the issues at hand. We must acknowledge that he failed to implement the principles of collegiality and subsidiarity hammered out during Vatican II in arriving at these decisions. His failure as supreme teacher and universal pastor was consequently irresponsible and inexcusable. He should have known better. He should have acted differently.

Unfortunately, however, we are still living at a time when bishops are appointed by the Vatican and every bishop, prior to his consecration, takes a secret oath of allegiance to the pope. The Catholic bishops throughout the world are thus predisposed to govern their public statements based on the three papal encyclicals studied in this essay. While there is no rule in canon law or any document originating from Vatican II that declares that, once a pope publishes an encyclical letter on a specific issue, this serves to permanently settle the issue and to close down open discussion, many Catholics and most bishops tacitly operate according to this understanding.

As for the repressive conduct of the Vatican and a large segment of the hierarchy in these matters, one would do well to remember the cautionary words of Harry S. Truman: “Once a government is committed to the principle of silencing the voice of opposition, it has only one way to go, and that is down the path of increasingly repressive measures, until it becomes a source of terror[33] to all its citizens and creates a country where everyone lives in fear.”

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Aaron Milavec, *Professor Emeritus*, received his S.T.B. from l’Université de Fribourg in systematic and historical studies before earning his Th.D. at the Graduate Theological Union in Berkeley, California. He has been a seminary and university professor for twenty-five years, and has worked with Catholic academics from Catherine of Siena Virtual College in the UK over the last six years to establish an innovative online program of international gender studies. His website, www.Didache.info, promotes research and exchange on issues of the early church. His thousand-page commentary, *The Didache: Faith, Hope, and Life of the Earliest Christian Communities, 50-70 C.E.*, received a 2004 Catholic Press Club award recognizing the best books in theology. See

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www.didache.info/Interview.htm for details. His latest study, *Salvation Is from the Jews*, appeared in 2007.

[1] *Aggiornamento* is the Italian word for “bringing up to date.” John XXIII used this term to explain the key reason for convoking the Second Vatican Council. Accordingly, this term was transported into the English language.

[2] See, e.g., Jon O’Brien, President of Catholics for Choice, “Will Pope Francis End Vatican’s Obstructive Role at U.N.?” (<http://www.alternet.org/world/will-pope-francis-end-vaticans-obstructive-role-un>), and Richard A. McCormick, S.J., “‘*Humanae Vitae*’ 25 Years Later,” *America* (17 July 1993: <http://americamagazine.org/issue/100/humanae-vitae-25-years-later>).

[3] Oral Testimony Before the Judiciary Committee of the U.S. House of Representatives, Feb. 28, 2012. <http://www.usccb.org/issues-and-action/religious-liberty/religious-liberty-faqs.cfm>.

[4] According to the Gospels, the twelve apostles are charged with judging the twelve tribes of Israel following the general resurrection (Matt 19:27-30). The New Testament, accordingly, has no reason to make any provisions whereby any of the twelve would have successors. Judas failed and according to Acts, Matthias was chosen to replace him “as a witness with us to his [Jesus’] resurrection” (1:22). Only later, in the latter half of the second century, does the church first use the notion of “apostolic succession.” For details, see *Peter in the New Testament*, edited by Raymond E. Brown, Karl P. Donfried, and John Reumann, published jointly by the Augsburg Publishing House (Lutheran) and the Paulist Press (Catholic), 1973.

[5] The papacy, prior to John XXIII, had been quick to silence innovative pastors and to hinder any reforms that did not advance the papal agenda. Without a reforming pope like John XXIII, Catholics would still be reciting rosaries and reading private missals during a Mass that had a mystery and holiness that was largely unintelligible and removed from direct participation. Thus, the directives of Vatican II offer a remarkable summary of the pastoral changes that Martin Luther fostered among the Catholics who favored the reforms of the sixteenth century:

The rite of the Mass is to be revised in such a way that . . . devout and active participation by the faithful may be more easily achieved. For this purpose the rites are to be simplified. . . . The treasures of the Bible are to be opened up more lavishly so that a richer fare may be provided for the faithful at the table of God’s word... The homily is to be highly esteemed as part of the liturgy itself... It should not be omitted except for a serious reason (*Constitution on the Sacred Liturgy* § 50-52).

The counter-Reformation, on the other hand, ensured that no one moved ahead or stayed behind the authoritarian Vicar of Christ on earth. Without Rome’s approval, nothing went ahead.

[6] James Atkinson, “Catholic Devaluation of Luther, 1517-1939: The Period of Hostility and Destructive Criticism,” *Martin Luther: Prophet to the Catholic Church* (Grand Rapids: Eerdmans, 1983) 3-47.

[7] John O’Malley S.J., *What Happened at Vatican II* (Cambridge: Harvard University Press, 2008), 280-282.

[8] This document retains the historically inaccurate claim that indulgences have a solid foundation in the apostolic period: “The doctrine of indulgences and their practice have been in force for many centuries in the Catholic Church. They would appear to be solidly founded on divine revelation handed down ‘from the apostles.’” (*Indulgentiarum Doctrina* § 1). In fairness, I want to point out that it does contain a criticism of the misapplication of indulgences without naming any names: “Unfortunately, the practice of indulgences has on occasions been improperly applied. This has been either through ‘untimely and superfluous indulgences’ [an oblique reference to recent popes] which humiliated the power of the keys and weakened penitential satisfaction or it has been through the collection of ‘unlawful profits’ [an oblique reference of Pope Leo X] which blasphemously took away the good name of indulgences” (*Indulgentiarum Doctrina* § 8).

[9] Robert Mickens, “On the revival of indulgences under Benedict XVI,” *The Tablet* (http://ca.renewedpriesthood.org/hpage.cfm?Web_ID=736). While the liturgical renewal was guided by Catholics

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who politely ignored indulgences, some conservative Catholics want to maintain the centrality of papal indulgences as a permanent and necessary ingredient of Catholic identity and lament the sharp decline following Vatican II. See, for example, "A Primer on Indulgences" by James Akin (a Catholic who used to be a Protestant), "Indulgences" by Paul S. Czarnota, or "Purgatory: a Biblical Exegesis" by Robert Sungenis. For a carefully prepared lament based on solid historical studies, see "Indulgences in the Life of the Church Part 3," at http://www.angelusonline.org/index.php?section=articles&subsection=show_article&article_id=2354.

[10] In the reforms of indulgences pressed forward by Paul VI, one discovers that to gain a plenary indulgence, a person must exclude all attachment to sin of any kind, even venial sin, must perform the work or say the prayer for which the indulgence is granted, and must also fulfill the three conditions of sacramental confession, Eucharistic communion and praying for the intentions of the pope. The first-named requirement enforced attention to the interior penitential disposition that must motivate the deed. Confession and communion focus on the ordinary means of grace enforced by Vatican II. The final addition, praying for the intentions of the pope, appears to be an add-on calculated to emphasize papal centrality and to hand over to him the uncontested right to discern what Catholics everywhere are required to pray for in order to gain a plenary indulgence. Since then, the Apostolic Penitentiary has been asked to formally publish the prayer intentions of the pope each month.

[11] Giuseppe Alberigo, general editor, *History of Vatican II* (Maryknoll: Orbis & Leuven: Peeters, 2003) IV:502-513. In such circumstances, direct papal intervention within the process of free and open deliberations could have scuttled the process itself and reasserted the ability of the papal monarchy to trump the collegial authority of the Council. It is heartening to recognize that, in some few instances, papal intervention appears to have worked against the passage of certain texts.

[12] Alberigo, *History of Vatican II*, IV:512.

[13] This policy of Paul VI was followed by the much more forceful Pope John Paul II and by Benedict XVI. Only now, with the election of Pope Francis do we hear of the papal intention to augment the role of the Synod of Bishops in governing the Church. Cindy Wooden, "Pope Says Structures for Collaboration, Collegiality Need Strengthening," *National Catholic Reporter* (13 June 2013: <http://ncronline.org/news/vatican/pope-says-structures-collaboration-collegiality-need-strengthening>).

[14] Rembert G. Weakland, OSB, former Archbishop of Milwaukee, in *A Pilgrim in a Pilgrim Church: Memoirs of a Catholic Archbishop* (Grand Rapids: Eerdmans, 2009), recounts how the Synod of Bishops meeting in Rome took a downturn under the influence of John Paul II: "It was very evident at the [1987] synod that all bishops there fell into two classes, those that enjoyed papal, and thus curial, favor and those who did not. All the cardinals and bishops appointed by the pope to this synod were in the first category; they formed a bloc of their own. After a bit, their expressions of loyalty and fealty became trying. There was a division between those who expressed ecclesiastical politically correct ideas, laden with current papal quotes, and the others" (315).

[15] Fr. Christian Cochini, S.J., examines the question of when the tradition of priestly celibacy began in the Latin Church, and he is able to trace it back to its apostolic origins. Hence, his book is aptly titled *Apostolic Origins of Priestly Celibacy* (San Francisco: Ignatius, 1990). Some Catholics believe that Fr. Cochini provides the meticulous research into the origins of priestly celibacy that were lacking at the time that Pius VI wrote *Sacerdotalis Caelibatus*. George T. Dennis, S.J., on the other hand, examines the data offered by Cochini and concludes that his book provides no evidence that celibacy had apostolic origins: "There is simply no clear evidence of a general tradition or practice, much less of an obligation, of priestly celibacy-continence before the beginning of the fourth century." Peter Fink, S.J., agrees, saying that underlying premises used in the book "would not stand up so comfortably to historical scrutiny." See also Roger Balducelli, "The Apostolic Origins of Clerical Continence: A critical Appraisal of a New Book", *Theological Studies* 43(1982): 693-705. While Cochini's book may have been enthusiastically received in some circles in his native India, the website of the Catholic Bishops' Conference of India presents a story that roundly rejects his thesis (<http://www.cbci.in/Celibacy-In-The-Catholic-Church.aspx>).

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[16] What functions will and will not prevail in the world to come remains open to study. The theme of the heavenly banquet where eating and drinking at the abundant love feast would require an earth that has harvests and skilled ranks of harvesters, bakers, wine brewers, cooks, etc. It would also require that the resurrected bodies are functioning bodies capable of practicing and perfecting the agricultural and culinary arts. When sexuality is considered as procreation and marriage is considered as bonding a woman to the use of one man who is not free to divorce her, then one can see how, in the first century, Jesus might have been inclined to imagine that the institution of marriage would be set aside in the world to come. This says nothing, however, about the loss of the human sexual appetite and the hunger for intimacy. In an earlier age when sex was considered as a hindrance to true holiness, Christians were naturally inclined to imagine Jesus was a virgin. It was in harmony with this earlier age that Paul VI wrote his encyclical. The new wine, however, will have to be transported in new wine skins and not in the old skins of *Sacerdotalis Caelibatus*.

[17] For more details, see Edward Schillebeeckx, *Clerical Celibacy Under Fire* (Kansas City: Sheed & Ward, 1968) and Garry Wills, *Papal Sin: Structures of Deceit* (New York: Doubleday, 2000) 104-150.

[18] The National Association of Pastoral Renewal conducted a survey of active priests in the U.S. in 1967. 62% of the respondents favored optional celibacy. 92% favored allowing married priests and their wives to receive communion. At the 1971 convention of the National Federation of Priests' Councils, the delegates voted nine-to-one in favor of changing the law requiring celibacy. Terence Sweeney, S.J., polled the 312 American Catholic bishops on this question and 24% of the respondents favored optional celibacy. The 1985 Gallup Poll of Catholic laity found that 63% favored married priests. This and other data can be found in Joseph H. Fichter, S.J., *Wives of Catholic Clergy* (New York: Sheed & Ward, 1992), 172-180.

[19] I myself, as a seminary professor for twenty-five years, have witnessed many seminarians who honestly and painfully spoke of their crisis of conscience forced upon them by a hierarchy that refused to distinguish between the gift of celibacy and the calling to ordained ministry. Even those going ahead toward ordination admitted that they were often 'confused that God should seemingly confound them by giving them such a powerful hunger for intimacy and for family.'

[20] More recent studies demonstrate that the rule of celibacy has continued to be a heavy burden for many priests. Research conducted by Professor Jozef Baniak at Poznan University in Poland found that 54 percent of Polish priests support an end to mandatory celibacy (*The Tablet* 2/14/09). Nearly one-third of these Polish priests described themselves as being in intimate relationships with women while 12 percent admitted that they were living with a woman. In 2011, hundreds of German, Austrian and Swiss theologians (249 as of February 15, 2011) signed a letter calling for the ordination of married priests. One can find priests struggling with intimacy telling their personal stories at "Priests at the Crossroads" (http://www.leavingthepriesthood.com/PriestsatCrossroads.html#anchor_10).

[21] Hormonal contraceptives (the pill, the patch, and the vaginal ring) all contain a small amount of estrogen and progesterone hormones. These hormones work to inhibit the body's natural cyclical hormones to prevent pregnancy. Pregnancy is prevented by a combination of factors. The hormonal contraceptive usually stops the body from ovulating. Hormonal contraceptives also change the cervical mucus to make it difficult for the sperm to find an egg. Hormonal contraceptives can also prevent pregnancy by making the lining of the womb inhospitable for implantation. For more details, see <http://www.webmd.com/sex/birth-control/birth-control-pills>.

[22] When asked about birth control, a priest in the Archdiocese of Cincinnati explained to me that he would ask the penitent how many children have been given to them by the Lord. "If they said two or more, then I explained to them that they had fulfilled their obligation to be fruitful and that the Lord now granted them complete freedom to decide if and when they would conceive any future children. This being the case, the use of birth control was permitted." Bishop Dowling in South Africa goes much further when addressing the HIV safety issues of his people: <http://www.youtube.com/watch?v=locsOqhC9bY>

[23] In May of 1965, a straw vote was taken as to "whether the doctrine of *Casti Connubii* was irreformable" and

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“whether artificial contraception is intrinsically evil.” The voting members of the Commission (now limited to bishops and cardinals) voted “no” on both issues with 15 to 4 tallies. At the final meeting in 1966, the final report was approved after the voting members were tallied on three questions: (a) whether artificial contraception is intrinsically evil [9 voted “no”; 3 voted “yes”; 3 abstained]; (b) whether contraception as defined in the final report is in basic continuity with tradition and the declarations of the magisterium [9 voted “yes”; 5 voted “no”; 1 abstained]; and (c) whether the pope should speak on this question as soon as possible [14 voted “yes”; 1 voted “no”] [Robert McClory, *Turning Point* (New York: Crossroad, 1995), 99, 127].

[24] For the most detailed description of the inside story of the Papal Birth Control Commission, see Robert McClory, *Turning Point* (New York: Crossroad, 1995). Other helpful accounts are given by a Vatican II reporter, Robert Blair Kaiser, *The Politics of Sex and Religion: A Case History in the Development of Doctrine* (Kansas City: Leaven Press, 1985) and by a Benedictine monk, Philip S. Kaufman, *Why You Can Disagree [with the Pope on Birth Control] and Remain a Faithful Catholic* (New York: Crossroad, 1992). More recently: Gerald Slevin, “New birth control commission papers reveal Vatican’s hand,” *National Catholic Reporter* (23 March 2011: <http://ncronline.org/news/vatican/new-birth-control-commission-papers-reveal-vaticans-hand>).

[25] Shaji George Kochuthara, CMI, *The Concept of Sexual Pleasure in the Catholic Moral Tradition* (Rome: Editrice Pontificia Universita Gregoriana, 2007), 310 n.214.

[26] McClory, *Turning Point*, 88-94, 102-106. The Crowleys had gathered replies from three thousand members of the Christian Family Movement living in eighteen countries. 43% of the couples using NFP said they found it helpful in spacing their children. On the other hand, 78% “claimed that it had also harmed their relationship due to tension, loss of spontaneity, fear of pregnancy, etc.” (90). As an example, a wife of fourteen years with seven children writes:

The slightest upset, mental or physical, appears to change the cycle and thereby renders this method of family planning useless. Our marriage problem is not financial... But my husband has a terrible weakness when it comes to self-control in sex and unless his demands are met in every way when he feels this way, he is a very dangerous man to me and my daughters. Apart from these times he is completely normal and tries in every way he knows, such as morning Mass, sacraments, prayers, etc., to accumulate grace” (91).

[27] The encyclical did not change many minds. A survey by the University of Notre Dame showed that 51% of American priests regarded contraception as permissible in some situations before 1968. Afterwards, 49% endorsed this point of view. McClory, *Turning Point*, 146.

[28] James P. Shannon, *Reluctant Dissenter: An Autobiography* (New York: Crossroad, 1998). See also: <http://the1968exhibit.org/reflections/reluctant-dissent-dr-james-p-shannon-story-honorable-mention>.

[29] Kochuthara, CMI, in his excellent study, *The Concept of Sexual Pleasure*, offers this summary of the paradigm shift:

When we consider the theological developments from the second half of the 20th century, we can identify a notable change in the emphasis on procreation. The emphasis is no more on procreation, but on love. Mutual love and union of the couple is the most important purpose of marriage as well as that of the marital union. We may understand the difference only when we consider that tradition up to modern times, which practically assigned no place to the discussion on love as pertaining to conjugal life. Besides considering love as a necessary condition for conjugal intimacy, all other aspects of conjugal life, including the procreative dimension, are given their significance based on the criterion of love (463).

[30] For details, see http://en.wikipedia.org/wiki/Winnipeg_Statement.

[31] John M. Swomley, “The Pope and the Pill” (<http://www.population-security.org/swom-98-02.htm>).

[32] Richard McCormick, S.J., “Theologians and the Magisterium,” *Corrective Vision, Explorations in Moral*

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Theology (Sheed & Ward, 1994, Chapter 7).

[33] Many Catholics think that a tyranny cloaked in the garb of Jesus can hardly be a tyranny at all. The truth, however, is just the opposite. The Vatican's insistence that they are merely implementing the sovereign will of God in these matters fundamentally distorts the person, the teaching, and the Gospel of Jesus Christ. The impulse toward dissent within the Church is usually not a resistance to authority as such; rather, it is the repeated and flagrant abuse of ecclesiastical authority that is being called into question. See, for example, <http://www.churchauthority.org/> and <http://www.pfarrer-initiative.at/>.

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Aaron Milavec, Professor Emeritus, received his S.T.B. from l'Université de Fribourg in systematic and historical studies before earning his Th.D. at the Graduate Theological Union in Berkeley, California. He has been a seminary and university professor for twenty-five years, and has worked with Catholic academics from Catherine of Siena Virtual College in the UK over the last six years to establish an innovative online program of international gender studies. His website, www.Didache.info, promotes research and exchange on issues of the early church. His thousand-page commentary, *The Didache: Faith, Hope, and Life of the Earliest Christian Communities, 50-70 C.E.*, received a 2004 Catholic Press Club award recognizing the best books in theology. See www.didache.info/Interview.htm for details. His latest study, *Salvation Is from the Jews*, appeared in 2007.