

The Kraków Document

JANET E. SMITH
Sacred Heart Major Seminary
Detroit, MI

KAROL WOJTYŁA, Archbishop of Kraków, was a member of the Special Commission that advised Pope Paul VI on birth regulation.¹ Denied permission to leave Poland by the Communist government of Poland, he was not able to attend the meetings in Rome, but he did receive copies of the reports issued by the commission.² In 1966 he convened a group of priests—four moral theologians and one physician—to write a critique of those reports.³ The critique was published as “Les Fondements de la doctrine de l’église concernant les principes de la

¹ The story of the Special Commission has been told several times. See, for example, Robert Blair Kaiser, *The Encyclical That Never Was: The Story of the Pontifical Commission of Population, Family, and Birth, 1964–66* (London: Sheed and Ward, 1987); Robert Crowley, *Turning Point* (New York: Crossroads Publishing Company, 1955); see Mark Graham’s chapter, “Intellectual Conversion: The Pontifical Commission on Population, Family and Birth,” in his book *Josef Fuchs on Natural Law* (Washington, DC: Georgetown University Press, 2002), 83–95. I analyzed the reports in “The Beginnings of the Debate,” in *Humanae Vitae: A Generation Later* (Washington, DC: The Catholic University of America Press, 1991), 1–35. Of interest as well is the chapter “John Ford and Josef Fuchs,” by Eric Marcelo O. Genilo, S.J., in his book *John Cuthbert Ford, S.J.* (Washington, DC: Georgetown University Press, 2007), 139–56.

² George Weigel, *Witness to Hope* (New York: Harper Collins Publishers, 1999), 210. Weigel reports that in private conversations with Pope John Paul II, he learned that the Communist government had denied him a passport to go to Rome to attend the final meeting of the commission (see footnote 71 to chap. 6, p. 883).

³ These documents have never been officially released by the Vatican. Someone with access to the documents released them to the *Tablet* in London and the *National Catholic Reporter* in the United States. They have since been published in several places. I will be using the texts as published in *The Birth Control Debate*, ed. Robert G. Hoyt (Kansas City, MO: National Catholic Reporter, 1968). They have also

vie conjugale” (“The Foundations of the Doctrine of the Church Concerning the Principles of Conjugal Life)” (hereafter, shortened to “the *Kraków Document*” or “the *KD*”).⁴ A footnote to the document tells us that Karol Wojtyła himself directed the research of the group, took an active part in the discussion, and contributed numerous ideas. The document includes many of the concepts characteristic of Karol Wojtyła’s thinking (especially those developed in *Love and Responsibility*),⁵ but it is not written in his style; indeed, the document informs us that it was prepared by Father Adam Kubiś. This document is of some interest because it is another chapter in the history of John Paul II’s dedication to defending the Church’s teaching on contraception and because it is reasonable to suppose that the *Kraków Document* was highly influential on Pope Paul VI in his writing of *Humanae Vitae* (hereafter, usually *HV*). It tells us something about the thinking of both pontiffs and illustrates some developments in how the Church presents its teaching on contraception.

The *KD* is a well-organized consideration of the question of contraception. It acknowledges that a better philosophical defense of the Church’s teaching can be made and it expresses its intent to provide that (I.A.4). The *KD*, like Wojtyła’s considerations of the issue, fully embraces a natural law justification of the Church’s teaching on contraception but also provides a deeper theological justification both for natural law and for the teaching on contraception. Most importantly, it incorporates personalist concepts and language into its considerations. Let me note here that it would be false to claim that the *KD* eschews traditional natural law arguments in favor of personalist arguments. Rather, it presents its discussion of the dignity of the human person, of the nature of conjugal love, and of responsible/conscious parenthood as part of a natural law argument against contraception, not a new kind or category of argument. Still, the use of personalist concepts and language is prominent and brings into sharp focus how the dignity of the person is violated by contraception.

In his biography of Pope John Paul II, George Weigel provides some fascinating background material on the *KD*.⁶ The Polish theologians

been placed online at www.twotlj.org/BCCommission.html by Germain Grisez, who worked closely as an aide to Fr. John Ford, S.J., a member of the commission.

⁴ “Les Fondements de la doctrine de l’église concernant les principes de la vie conjugale,” *Analecta Cracoviensia* (1969): 194–230 (Un mémoire rédigé par un groupe de théologiens-marilistes de Cracovie). Hereafter, usually “the *KD*.” Thérèse Scarpelli Cory’s English translation of this document immediately precedes the present essay, at *Nova et Vetera* 10, no. 2 (2012): 321–59.

⁵ Karol Wojtyła, *Love and Responsibility*, trans. H. T. Willetts (San Francisco: Ignatius Press, 1981; originally published in Polish, 1960), 228.

⁶ Weigel, *Witness to Hope*, 206–10.

convoked by Karol Wojtyła had seen two drafts of possible encyclicals, one they described as reflecting a “stupid conservatism” and another that departed from traditional morality.⁷ Weigel maintains that *HV* “did not adopt in full the rich personalist context suggested by the Kraków commission.” Rather, *HV* “put a sharp focus on sexual acts” and thus became vulnerable to the charges of “legalism, ‘biologism,’ and pastoral insensitivity, and left the Church vulnerable to the accusation that it had still not freed itself of the shadow of Manichaeism and its deprecation of sexuality.”⁸ In the final analysis, Weigel judges the *KD* to be superior in several respects to *HV*: “Had the Kraków commission’s memorandum shaped the argumentation of *HV* more decisively, a more intelligent and sensitive debate might have ensued.”⁹

It is certainly true that many concepts present in the *KD* are either absent from or less present in *HV*: among these are the stress on human dignity as the foundation of natural law; the role of original sin in our response to the Church’s teaching on contraception; male/female differences in respect to sexuality; contraception as especially violative of women; the view that contraception is incompatible with man being made in the image of the Trinity and also with Ephesians 5; the argument that contraception fosters selfishness and hedonism; and the view that sexual intercourse is a sign or a means of communication. The *KD* also makes regular use of “rights” language, terminology virtually absent from *HV*. (For my part, I am rather pleased that *HV* eschewed “rights” language.)¹⁰ In part, some of the differences between the two documents (nearly identical in length) may be explained by the fact that the *Kraków Document*, because it was not intended for a popular audience, had the

⁷ *Ibid.*, 208. Germain Grisez has written a report of Fr. John Ford’s involvement in the special commission (available online at www.twotlj.org/Ford.html). He makes reference there to the “Schema Quoddam Declarationis Pontificiae circa Anticonceptionem” which might have been the document to which Badecki referred (available at: www.twotlj.org/F-G-Schema.pdf). It does not, however, seem to me to merit the description of “stupid conservatism.”

⁸ Weigel, *Witness to Hope*. I agree almost entirely with Weigel’s assessment of the differences between the two documents, although I don’t think there is merit in the charge that *HV* has shades of Manichaeism or that it in any way deprecates sexuality.

⁹ *Ibid.*, 210.

¹⁰ See my “The Moral Vision of the Catechism,” in *Evangelizing for the Third Millennium: The Maynooth Conference on the New Catechism, May 1996*, ed. Maurice Hogan, S.S.C., and Thomas J. Norris (Dublin: Veritatis Publications, 1997), 96–114.

luxury of being more philosophical in its argumentation. *Humanae Vitae*, on the other hand, clearly strove to be more pastoral.¹¹

While I agree that *HV* might have been stronger had it incorporated more elements from the *KD*,¹² I hope to show that some of the ways that *HV* utilizes personalist concepts have not yet been fully acknowledged. Elsewhere I have explained many of the differences between a more narrowly circumscribed natural law approach to moral issues and one supplemented by personalism.¹³ The portion of natural law that has dominated in the past has been focused on the nature of acts, with a heavy emphasis on their purpose. Natural law condemnations of contraception generally focus on the fact that contraception violates the procreative purpose of the sexual act. Personalism draws out of natural law theory a focus on the dignity of the agent as one who has an obligation to act in accord with the truth; it frequently speaks of the need of the agent to be conscious of the truth about his acts and how his choices form his character. Personalist arguments against contraception include the fact that contraception violates the procreative purpose of the sexual act, but they focus on the fact that in violating the procreative purpose the spouses fail to engage in an act of total self-giving, which is an additional purpose of the sexual act. Certainly *HV* reflects the personalist approach in its novel presentation of contraception as violating the inseparable procreative and unitive “meanings” of the sexual act. Indeed, the use of the word “meaning” rather than “purpose” indicates a personalist cast to the argument. But the strongest presence of a personalist element to the argument against contraception in *HV* can be found in its

¹¹ Word counts serve to indicate to some extent the thrust of each of the documents: *KD* uses “right” about 40 times, whereas *HV* uses it only once; *KD* uses forms of “nature” nearly 80 times, whereas *HV* uses it nearly 50 times; *KD* uses “dignity” 27 times, whereas *HV* uses it 5 times; *KD* speaks 6 times of making a gift of one’s sexuality, whereas *HV*, quoting *GS* 51, speaks once of mutual self-gift; *KD* uses forms of “conscious” 17 times, matched by 15 times in *HV*.

¹² Weigel reports that Father Bardecki thought 60 percent of *HV* reflected the discussion of the *KD*. Weigel contests that figure (*Witness to Hope*, 209). I suspect it may be close to right, though the reverse is not true; that is, *HV* does not use 60 per cent of the *KD*.

¹³ Janet E. Smith, “Natural Law and Personalism in *Veritatis Splendor*,” in *John Paul II and Moral Theology: Readings in Moral Theology: No 10*, ed. Charles E. Curran and Richard A. McCormick, S.J. (Mahwah, NJ: Paulist Press, 1998), 67–84. Rpt. of chapter 13 in *Veritatis Splendor: American Responses*, ed. Michael E. Allsopp and John J. O’Keefe (Kansas City, MO: Sheed and Ward, 1995), 194–207. See also my “The Universality of Natural Law and the Irreducibility of Personalism,” forthcoming in the proceedings of the National Catholic Bioethics Center 2011 Conference on Bioethics.

extended discussion of “conscious parenthood,” which suggests a determined adoption of the concepts of Karol Wojtyła.¹⁴ In addition, its uniquely marvelous use of the concept “*munus*,” that is, the concept that spouses have a “mission” from God to create families, places the Church’s teaching in a very personalist context and one that embeds it securely in the thought of Vatican II.¹⁵ Here, as I analyze the themes of the *KD* as a possible source of concepts for *HV*, I will discuss briefly these personalist elements of *HV*, especially in reference to its relation to the *KD*. I will also occasionally analyze the *KD* as a response to the documents of the Special Commission and note the influence of *Love and Responsibility* on the *KD* and *HV*.

Structure

The structure of *HV* follows that of the *KD* rather closely, an order dictated by the demands of the subject and by concerns raised by the Special Commission. Both *HV* and the *KD* begin with a question of competence of the Church in respect to natural law; they then take up in the same order the questions of the dignity of the human person, the meaning of conjugal love, the topic of responsible or conscious parenthood, the justification for the Church’s teaching, the legitimacy of using natural means to space children; they turn finally to some pastoral concerns. Within this structure, however, the two documents vary both in how the topics are covered and in the subordinate topics covered. As mentioned, the *KD* covers many topics left untouched by *HV*; it is conversely true that *HV* introduces a few concepts not covered in the *KD*. Perhaps something of the mind of Paul VI can be discerned by noting which topics he declined to take up in *HV*, which he adopted, and also which topics he added.

Infallibility

The *KD* begins by addressing in a fairly full way the questions of the Church’s right to pronounce on a matter of morality based on natural law; of whether or not the teaching is infallible; and of whether or not the teaching can change—all major concerns in the documents from the Special Commission. The *KD*, while arguing that the Church’s teaching on contraception is “immutable and obligatory for all,” and constitutes a “doctrinal norm binding on the moral theologian” and that “[f]rom a theological point of view, this teaching is objectively certain on account

¹⁴ Smith, “Conscious Parenthood,” *Nova et Vetera* 6 (2008): 927–50.

¹⁵ Smith, “The *Munus* of Transmitting Human Life: A New Approach to *Humanae Vitae*,” *The Thomist* 54, no. 3 (July 1990): 385–427.

of the authority of the teaching Church” (I.B), also takes the existence of the Special Commission as indication that the teaching has not been proclaimed infallibly. It notes: “A future doctrinal declaration on the part of Paul VI, promulgated to the whole Church and bearing an obligatory character, would be of incomparable importance in this respect” (I.B.6).

For pastoral reasons, *HV* begins with a discussion of the conditions of the modern world that makes consideration of the topic of contraception particularly timely and difficult (in my view, this portion of *HV* is well done). Next, sections 4 to 6 of *HV* address the competence of the Church to teach on a matter known through natural law. *HV* does not directly address the question of infallibility (considered a very important and necessary consideration by the *KD*) or possibility of change, although later in the document it makes it clear that it considers this teaching an immutable teaching of the natural law (*HV* 18), and a matter of divine law rather than human law (*HV* 20). Paul VI clearly did not want to take up directly the question of infallibility or the possibility of change. In fact, *HV* never uses either word.

Proportionalism

HV does not repeat the warning of the *KD* against “relativism and situation ethics” (I.B.6). But *HV* does indirectly address the moral theory of proportionalism that was used to justify contraception. Proportionalists argued that it was permissible to render particular acts of sexual intercourse infertile if the whole of one’s marriage was ordained to fertility. The report from the Special Commission known as the *Documentum* explicitly makes this argument: “Infertile conjugal acts constitute a totality with fertile acts and have a single moral specification.”¹⁶ *HV* twice references the “principle of totality,” once to raise it (*HV* 3) and another time to assert that the proper understanding of the principle as articulated by Pius XII would not permit the use of contraception (*HV* 17).

The Human Person, His Dignity, and His Development

The documents of the Special Commission, the *KD*, and *HV* all use a key passage from *Gaudium et Spes* 51:

When there is question of harmonizing conjugal love with the responsible transmission of life, the moral aspects of any procedure do not depend solely on sincere intentions or on an evaluation of motives, but must be determined by objective standards. These, based on the nature

¹⁶ Hoyt, *The Birth Control Debate*, 72.

of the human person and his acts, preserve the full sense of mutual self-giving and human procreation in the context of true love.¹⁷

The documents of the Special Commission, the *KD*, and *HV* all strive to delineate the “objective standards based on the nature of the human person and his acts” called for by this passage from *Gaudium et Spes* (hereafter *GS*). It is not unlikely that Wojtyła, a member of the committee that drafted *GS*, was the author of this passage.¹⁸ Moreover, given Karol Wojtyła’s commitment to the dignity of the human person as a starting point for ethical analysis, it is no surprise that the section of the *KD* entitled “Justification of the Church’s Condemnation of Contraception” begins with the claim “The human person, his value, and the laws of his development provide the foundation for the principles of morality”¹⁹ (I.1.a). There then follows a fairly lengthy statement about the nature of the human person that takes up some characteristic Wojtylean themes, such as man as a “subject and substratum of experience” (I.1.a) and man as a “substantial subject of conscious and free actions” (I.1.a).

The *KD* stresses four truths about the human person: (1) that man is a creature of God made in the image of God whose dignity resides in consciously and freely living in accord with truth. Man has the ability to recognize the limits put on his dominion over all things and to realize that the power to transmit life is a gift from God (II.1.a). This claim is especially important in countering the claim of the pro-contraceptive documents of the Special Commission that maintained that man was given dominion over nature and can shape it as he wills;²⁰ (2) that the ability to transmit life is a great gift and that in contracepting man violates an intrinsically valuable part of his nature (II.1.a and b); (3) that contraception will enable man to treat others as objects (II.1.c) and (4) that for man to develop in perfection, he must master his instincts (II.1.d).

These themes are also present in *HV* but not in the same prominent, philosophical and systematic way. *HV*, in its section “Doctrinal Principles,” begins with the discussion “Total Vision of the Human Person” (a

¹⁷ The translation here is that found on the Vatican website: www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html

¹⁸ Weigel, *Witness to Hope*, 166–69. Weigel tells us that Wojtyła wrote *The Acting Person* to provide a philosophical defense of the concepts in *Gaudium et Spes*, 158 and 172–73.

¹⁹ When providing citations for passages from the *KD*, I will refer to the section numbers found in the original text and replicated in the translation offered in this journal.

²⁰ See Hoyt, *The Birth Control Debate*, 68, 69, 70, and 87.

phrase it may have taken from the *KD*, which refers to the “totality of the human person” [p. 6]) as it establishes the nature of marriage. By not beginning with a discussion of natural law, or with a reference to the “laws of nature,” and by focusing on the person, *Humanae Vitae*, in my view, precludes any objection that its argument is fundamentally physicalistic. Nonetheless, it does not give the systematic descriptive analysis of the person found in the *Kraków Document*. In building his case against contraception, Paul VI did not base his argument so much on the dignity of the person as on the nature of marriage (secc. 8 and 11). Whereas the *KD* references human dignity twenty-seven times, *HV* does so only five times. Perhaps Paul VI is not to be blamed for avoiding the more technical philosophical terminology found in the *KD*, but it is curious and regrettable, I think, that the section of *HV* that deals with the human person does not place the same emphasis on man’s dignity and his obligation to live in accord with the truth.

The different ways in which the *KD* and *HV* make use of anthropology as a basis for the arguments constitutes perhaps the biggest different between the documents. Yet, as mentioned and as we shall see below, in its treatment of “conscious parenthood,” *HV* inserts a pronounced personalist strain into its argument and, in fact, quite clearly draws upon the discussion in the *KD* on this issue—which, in turn, draws a great deal upon *Love and Responsibility*.

Conjugal Love and the Good of the Family

The concept of conjugal love, especially conjugal love as mutual “self-gift,” a concept tightly connected with “mutual perfection” or “mutual sanctification,”²¹ features in all the documents we are discussing.²² Both the reports of the Special Commission and the *KD* claim that the Church has developed its understanding of the concept over the centuries and has come to a deeper realization of its profound importance. The pro-contraceptive reports of the Special Commission spoke of a possible conflict between the demands of conjugal love and the procreative good.²³ Both the *KD* and *HV*, on the other hand, find that contraception violates not only the procreative meaning of the sexual act but also the values of conjugal love. Let me note, again, that in both documents the nature of conjugal love (and responsible/conscious parenthood) is part of the natural law that contraception violates.

²¹ See *Gaudium et Spes*, 48 and 52; Hoyt, *The Birth Control Debate*, 82, 83; *HV* 9, 25, 30.

²² See *Gaudium et Spes*, 48, 49, 51; Hoyt, *The Birth Control Debate*, 83; *HV* 9.

²³ See Hoyt, *The Birth Control Debate*, 74 and 86.

The *Kraków Document* draws upon many of the concepts developed in *Love and Responsibility* to explain how contraception violates conjugal love. We find the *KD*, as did *Love and Responsibility*, characterizing contraception as “use” of another person in this passage:

. . . conjugal love cannot be manifested by an act that is voluntarily deprived of fertility, because active intervention in the sexual act or in the organic functions of the human person contrary to their purpose, solely for the sake of pleasure or sensual love, is equivalent to using one’s partner for one’s own ends. Such use is opposed to the dignity of the person . . . (II.2)

Rather than using each other, spouses should make a gift of themselves to each other. *Gaudium et Spes* makes that point strongly; in its brief discussion of marriage it speaks several times of the importance of mutual self-gift. For instance, it says: “A love like that, bringing together the human and the divine, leads the partners to a free and mutual giving of self, experienced in tenderness and action, and permeates their whole lives; besides, this love is actually developed and increased by the exercise of it” (49; cf. 48). The *KD* follows *GS* in emphasizing marriage and the sexual act as means of giving one’s self; it uses forms of the word “gift” nine times. Significantly, its discussion of self-gift takes place not in the section Conjugal Love, but in the section Conscious Parenthood. In doing so, it advances on *GS* in linking self-gift with what it calls the “parental character” or “attitude”:

- Sexual life must always signify and express, in full truth, the spouses’ *mutual gift* of self and a love that is attentive to the good of the person.
- Every sexual act must express the “parental” character of conjugal love and of married life . . . (III.2.b) (My emphases.)

It uses these terms in condemning contraception: “Contracepted relations cannot constitute the expression of the *parental attitude*, since they are not an unrestricted *gift of self*, a total communion with the other, regardless of whether this fact is veiled by various illusions” (III.2.b) (my emphases). *HV* 8 also echoes *GS* on “self-gift: “Therefore, through *mutual self-giving*, which is unique and exclusive to them, spouses seek a *communion of persons*. Through this communion, the spouses *perfect each other* so that they might share with God the task of procreating and educating new living beings” but does little else with the concept (my emphases).

While both the *KD* and *HV* focus a great deal on conjugal love, we can perhaps see some differences between them by comparing two

passages. The *KD* claims that “conjugal love can be manifested not only in the fertile act but also just as much in a normally completed but naturally infertile act. It can also be manifested in abstinence from the conjugal act, when prudence counsels to abstain from procreation. On the other hand, conjugal love cannot be manifested by an act that is voluntarily deprived of fertility. . . ” (I.2). Compare this statement to a statement in *HV* which seems meant to serve the same purpose: “The marital acts by which spouses intimately and chastely unite, and by which human life is transmitted, are, as the recent council reiterated, ‘good and worthy of human dignity.’ Marital acts do not cease being legitimate if the spouses are aware that they are infertile for reasons not voluntarily caused by them; these acts remain ordained [*destinatio*] to expressing and strengthening the union of the spouses.”²⁴ Whereas the *KD* speaks of conjugal acts performed during the infertile phases as manifesting love, *HV* speaks of those acts being “legitimate” and “expressing and strengthening union.” Again, the *KD* draws more upon the language of personalism than does *HV*.

The *KD* introduces a theological note by making reference to the love of persons participating in the divine life of the Trinity (II.2). It argues that contraceptive sex cannot image the love of Christ for his Church or the members of the Trinity for each other. This is a profound argument that has been underutilized in defenses of the Church’s condemnation of contraception. *HV* makes no reference to the Trinity, but does speak of human parenthood having its origin in Divine Fatherhood (*HV* 8).

The section of *HV* 9 entitled Conjugal Love outlines four characteristics of conjugal love: that section of the document has proven to be very effective in educating people about the meaning of marriage and the incompatibility of marriage and does not have a precise parallel in the *KD*. This section, along with the sections on “Conscious Parenthood” (10), “Respect for the Nature and the Finality of the Marital Act” (11), and “Two Inseparable Aspects: Union and Procreation” (12) provide the objective criteria for judging the morality of ways of regulating birth. Here again, we can see that *HV* stresses the nature of marriage and family as the foundation, whereas the *KD* stresses the person as the foundation of its moral analysis.

²⁴ Throughout I will be using my translation of *HV: Humanae Vitae: A Challenge to Love* (New Hope, KY: New Hope Publications; revised from a translation published in *Humanae Vitae: A Generation Later*). The most important revision was the more accurate translation of “*conscia paternitas*” not as “responsible parenthood” but “conscious parenthood.”

The Equality of Man and Woman in Marriage

A discussion on the equality of men and women in marriage follows the section on conjugal love in the *KD* (II.3). It speaks, for instance, of their equal right to the full development of their vocations and speaks of their vocations as “transcending” their sexuality. Again, the influence of *Love and Responsibility* on this section is clear; the sexes are seen to have different sexual responses, responses that they need to put in service of a common good; the good of their union and the good of raising children together.²⁵ Some of the terms distinctive of *Love and Responsibility* are prominent, such as the term “reciprocity.”²⁶ Here, the *KD* speaks of the greater burden that child bearing is for women (II.3.d) and repeatedly states that contraception is a particular offense against women and that men have a special responsibility to control their lust so that they do not exploit women (III.3.a and IV 2.a.2). It even speaks of contraception leading not only to inequality for women, but even to slavery (II.3.e). *HV* does not speak of sexual differences; it makes no mention of ontological differences, differences in sexual responses, or differences in responsibilities. It speaks of the damage that contraception does to women (17) but certainly not in the extended way that the *KD* does.

The Consequences of Original Sin

HV speaks of the need to master one’s passions (10); of the harm done when the passions are not controlled (17) and the good that follows from self-mastery (21); but oddly it never uses the words “original sin,” “concupiscence,” “sin,” “lust,” “hedonism,” or any of their equivalents. The *KD*, on the other hand, acknowledges man’s propensity to sin (II.1.d; III.3.c) and provides a considerable catechesis on the doctrine of original sin and on man as being at a “tragic point” in his inclination to do evil (II.4). It notes that this inclination is strongest in the domain of the sexual instinct (II.4). It chastises those who support contraception, as having an unduly optimistic view of human nature (II.4). Throughout, the *KD* speaks of selfishness, egoism, and the pursuit of sensual pleasure being behind the use of contraception and flowing from contraception (II.2). Again, those words are never used in *HV*. One wonders if Paul VI thought such terms would present too negative a view of man.

A passage in the *KD* about the ability of the self-mastery of the parents to contribute to the peace of the household and to the maturation of the spouses and children (II.2) was clearly influential on passage section 21 of *HV*.

²⁵ See for instance, *Love and Responsibility*, 28–29 and 224ff.

²⁶ See *Love and Responsibility*, 84ff., and the *Kraków Document*, II.3.b.

Responsible/Conscious Parenthood

One of the documents to which the *KD* responds is the *Schema Documenti de Responsabili Paternitate* (Outline for a Document on Responsible Parenthood).²⁷ The *Schema* seems to have been the chief element of the final report of the Special Commission. As the title indicates, the document focuses on “responsible parenthood” to make its case that the Church should find contraception to be morally permissible. In itself that is somewhat surprising; one might have expected the focus to be on “conjugal love” as the factor that might justify contraception. At this point I don’t know whether to attribute the focus on responsible/conscious parenthood in the *KD* and in *HV* to its importance in *Love and Responsibility* or to its predominance in the *Schema*.

As mentioned, all three documents—the *Schema*, the *KD*, and *HV*—very much make *GS* the foundational document for their analysis of responsible/conscious parenthood and its implications for the morality of contraception, but to different purposes. The *Schema* argues that there is room for advocacy of contraception within the concept of responsible parenthood as articulated by *GS*; the *KD* and *HV* use the principle of conscious parenthood to argue against contraception.

The first line of the *Schema* claims that the concept of responsible parenthood is somewhat underdeveloped in *GS*.²⁸ Indeed, responsible parenthood is not a term that appears in *GS*, though it does use forms of the word “responsibly” three times (*GS*, 50 twice and 51) in reference to fulfilling the duties of parenthood, and in 51 it speaks of a need “to harmonize conjugal love with responsible transmission of life.” The *Schema* finds implicit reference to responsible parenthood in *GS* in its reference to “prudent and generous regulation of conception.”²⁹ The *Schema* uses the concept of responsible parenthood in shaping its arguments for the moral permissibility of contraception in two ways: (1) it maintains that the responsibilities that couples may have to themselves and to children they already have and to the world at large may require them to limit their family size.³⁰ (2) It also maintains that God has given man dominion over nature and it is man’s responsibility to shape nature to his needs:

²⁷ The arguments given in the *Documentum Syntheticum* are very similar; it suffices for our purposes to analyze those given in the *Schema*.

²⁸ Hoyt, *The Birth Control Debate*, 79.

²⁹ *Ibid.*, 90.

³⁰ *Ibid.*, 85

It is proper to man, created to the image of God, to use what is given in physical nature in a way that he may develop it to its full significance with a view to the good of the whole person.³¹

In the end, it is the relationship of man to nature and God to nature that is the chief point of dispute between the *Schema* and the *KD* and *HV*. In short, the *Schema* insists that man can shape nature to his purposes, whereas the *KD* and *HV* (cf. 11 and 12) claim that there are limits to man's dominion over nature and that the laws of sexuality are one of those limits. The following passage from the *KD* draws upon *GS* to respond to the argument of the *Schema*:³²

Man can read in the world the order of nature and its finality with respect to himself and his good. Set amidst this order of things, man can recognize the normative force based on this order. Moreover, the world is ordered to the man, because he is, in the words of *Gaudium et Spes*, "set by [God] over all earthly creatures that he might rule them, and make use of them, while glorifying God."³³ With his intelligence and in full responsibility, he must collaborate in the creative and salvific plan of God. This consists, among other things, in recognizing and guarding the limits of his dominion over the world, limits that are fixed by the very nature of the faculties that he has received from the hands of his Creator. (II.1)

The *KD* is emphatic and explicit that the nature that is spoken of here is not simply biological processes but is a human nature that has been given the gift of being able to transmit human life: "The power of transmitting life is a Divine gift, and it forms part of the totality of the human person. It is precisely in terms of this nature, taken as a whole, that man must reckon with this power and its specific structure" (II.1.b). *HV* makes a very strong statement on God's dominion over nature and the necessity that man respect that dominion (*HV* 13).

Dominant themes of the *KD* are the understanding of the power of transmitting human life as a divine gift and also the understanding that that gift that informs the meaning of the sexual act. These themes meld into the understanding of responsible/conscious parenthood. A passage early on expresses concepts key to the *KD* and to *HV*:

It is necessary, therefore, to begin with the ontological concept of the person, understood as substantial subject of conscious and free actions. In order to answer the question 'what is man?' the Constitution *Gaudium et*

³¹ *Ibid.*, 87.

³² Cf. *Status*, I.B.2 (pp. 165–66)

³³ *Gaudium et Spes*, 12.

Spes [12] refers to the book of Genesis (1:26), where it is said that man is created in the image of God. This is why the ontological definition of the person must take into consideration his relation to God and to the world. Man is not an absolute nor a supreme value, but he is a creature of God. Thus, his relation to God includes not only a creaturely dependence on God, but also the human faculty of *consciously* recognizing this dependence and of collaborating responsibly with God.

This structure of the person also includes his relation to the world. Man belongs to the world, but he is distinguished from other creatures by the ability to follow with full *consciousness* the truth and goodness that he knows—the ability to have a moral life. (*KD* I.1.a, my emphasis)

The *KD* links man's consciousness, his creatureliness, and his moral life. Several terms here echo the important concept of "conscious parenthood" that Karol Wojtyła developed in *Love and Responsibility*, a concept that embraces the usual understanding of "responsible parenthood" but is significantly broader and deeper.³⁴

As we have seen, the phrase "responsible parenthood" in the *Schema* refers to the concept that spouses should choose to have the number of children that would benefit themselves, the children themselves, and the culture at large. The phrase is also used with the meaning that spouses need to limit their family size. That meaning appears in the *KD* (especially at the very beginning of the section on responsible parenthood) and in *HV*. The *KD* is more insistent about the need for spouses to plan their family size than is any Church document. In the *KD*, the first paragraph of the section "Responsible Parenthood" states:

The couple fulfills their duty of transmitting life and raising children in the context of the concrete conditions of their state of life. In desiring to carry out this duty effectively and in accordance with the Divine plan, the spouses must weigh all circumstances and consider all the requirements imposed by these circumstances, with prudence and conscious of their responsibility. This is why the number of children called into existence cannot be left to chance. On the contrary, because of all the human values which are involved here, the number of children must be decided by the spouses in full consciousness. They therefore undertake this work as persons, and the decision itself must be an act of human responsibility. (III.1)

The *KD* then provides a substantial list of considerations that spouses must use to guide them in determining family size (III.2). *HV* also notes that spouses may need to limit their family size because of "physical,

³⁴ Smith, "Conscious Parenthood," *Nova et Vetera* 6 (2008): 927–50.

economic, psychological and social conditions” (*HV* 10), and it states: “The mission [*munus*] of conscious parenthood requires that spouses recognize their duties [*officia*] towards God, towards themselves, towards the family, and towards human society, as they maintain a correct set of priorities” (*HV* 11).

In their use of the concept of responsible or conscious parenthood to argue against the use of contraception, the *KD* and *HV* follow the meaning of “conscious parenthood” developed by Karol Wojtyła in *Love and Responsibility*. It is an attitude that involves conscious awareness of the meaning and purpose of sexuality. The person who is aware of the meaning and purpose of sexuality knows that sexual intercourse by its very nature leads to new life, a life that has infinite value; a life that God willed into existence; a life that deserves parents committed to each other. The responsible person is conscious that he or she could become a mother or father with the person with whom he or she has sex and that this is an immense responsibility that requires persons of virtue. To choose a person to be the future parent of one’s children is an act of enormous affirmation. All of these meanings and purposes are what someone knows who possesses the attitude of “conscious parenthood.”

Although the *KD* does not use the precise words “*conscia paternitas*,” it uses forms of the word “conscious” repeatedly through its extensive section on responsible parenthood. It also speaks three times of the “parental attitude” (III.3.b) and speaks of contraception as incompatible with the parental attitude:

In light of these principles, all contraceptive procedures displaying anti-parental behavior must be excluded from sexual activity. Contracepted relations cannot constitute the expression of the parental attitude, since they are not an unrestricted gift of self, a total communion with the other, regardless of whether this fact is veiled by various illusions.

These requirements demand from us a great ascetic effort, self-mastery, and full consciousness of our actions. (III.3.b)

The above passage strongly reflects the theme of conscious parenthood from *Love and Responsibility*: sexual ethics requires the consciousness that one might become a parent with another person and that one needs to be prepared for that eventuality.

In the section on responsible parenthood, the *KD* makes a great advance on many of the traditional arguments against contraception. It very much adopts the personalist stance of Karol Wojtyła, which links the procreative and unitive meanings. First we need to note that it is more proper to speak of human “reproduction” as “procreation.” Procreation

involves bringing into existence a new person with another person. The parent of the new person needs to be treated as a person, needs to be loved and cared for, as does the new person conceived. Since parenting is a lifetime task, being willing to be a parent with another is an expression of a willingness to be a lifetime partner of another; it is clearly an act of profound affirmation. It is truly an expression of intention of complete self-giving, of profound union. Those who exercise conscious parenthood have made a personal appropriation of the suitability of these truths to conjugal love; they have made these truths their own. (This appropriation of truth as one's own comes to be known as "participated theonomy" in *Veritatis Splendor* 24.)

As stated, *HV* also makes the theme of conscious parenthood (it repeatedly uses those words) central to its argument, and indeed John Paul II thought it was a key concept of the document.³⁵ In fact, the very first sentence of *HV* conveys some concepts key to the concept of conscious parenthood:

God has entrusted spouses with the extremely important mission [*gravissimum munus*] of transmitting human life. In fulfilling this mission spouses freely and consciously [*consciam*] render a service [*opera*] to God, the Creator . . .

Those who respect the procreative meaning of the sexual act are not just respecting the laws of nature; they are performing their *munus* and "rendering a service to God," the author of nature.

HV 8 explicitly recognizes that it is challenging the use of the concept "conscious parenthood" to justify contraception:

Many who attempt to defend artificial ways of limiting the number of children give as their reason the demands of marital love or their duty to conscious parenthood [*paternitatis sui officii consciae*]. [Therefore] it is necessary to provide a precise definition and explanation of these two important elements of married life.

The title of section 10 of *HV* (often translated as "responsible parenthood") is devoted to "*conscia paternitas*" or conscious parenthood. The opening paragraph of that section begins:

³⁵ Karol Cardinal Wojtyła, "The Truth of the Encyclical *Humanae Vitae*," *L'Osservatore Romano*, Weekly Edition in English, 16 January 1969, 6; online: www.ewtn.com/library/Theology/WOJTLAHV.HTM

Marital love requires that spouses be fully aware of their mission [*munus*] of conscious parenthood [*paternitatem consciam*]. Today's society justly calls for conscious parenthood; thus it is important that it be rightly understood. Consequently, we must consider the various legitimate and interconnected dimensions of parenthood.

As in the *KD*, the dimensions of conscious parenthood are not limited to the correct number of children for a couple to have (although that is certainly a core element of conscious parenthood). As in the *KD*, in *HV* conscious parenthood includes understanding the biological processes connected with sex; it involves understanding the passions involved with sexuality and the importance of controlling them; it involves being cognizant of the objective order established by God in his plan for marriage and of the social and personal circumstances in which one finds one's self.

Another concept appears in *KD* and *HV* that reflects an additional element of the notion of conscious parenthood: the notion that in having children parents are performing a service for God; they are collaborators or even co-creators with God. This concept is conveyed in several ways, but particularly through the use of the word "*munus*" throughout *HV*. I have written about this concept at length elsewhere.³⁶ It is a word that is used frequently in the documents of Vatican II to identify what particular task, role, or service some designated group or individual is meant to perform or provide (the pope and Mary have their own *munus*, as do bishops, priests, the laity, etc.). It is an elevated term that refers to some important task that God has entrusted to someone. Again, the first lines of *HV* read: "God has entrusted spouses with the extremely important mission [*gravissimum munus*] of transmitting human life. In fulfilling this mission spouses freely and consciously [*consciam*] render a service [*opera*] to God, the Creator."

Conscious parenthood, itself, is repeatedly spoken of as a *munus*. In *HV* even biological processes are said to have "*munera*": "If we consider biological processes first, conscious parenthood [*paternitas conscia*] means that one knows and honors the responsibilities [*munerum*] involved in these processes. Human reason has discovered that there are biological laws in the power of procreating life that pertain to the human person" (*HV* 17). This peculiar use of the word *munus*, suggests that biological processes are not just biological processes but part of the *munus* that God has given to man. This is a concept unique to *HV*; that is, it does not appear in the *KD*. It is, however, a concept that John Paul II used to good

³⁶ Smith, "Conscious Parenthood," *Nova et Vetera* 6 (2008): 927–50.

purpose in *Familiaris Consortio* (see especially part 3), whose subtitle is *De Familia Christianae Muneribus In Mundo Huius Temporis* or “Concerning the tasks/gifts/roles of the family in the modern world.”

Sexuality as a Sign

Sexuality as a sign is not a subsection of the *KD* but perhaps it should have been. Here is where we find some especially ground-breaking concepts.³⁷ Consider this remarkable passage:

Indeed, the sexual life of man belongs to the order of signs by which one subject expresses something to another, manifesting the realm of the spirit that cannot be directly grasped. Sexuality attracts individuals to each other. This is why its manifestations are a very appropriate means of expressing that which unites human beings, namely, a recognition that the other possesses a value by which one is drawn towards common union for the sake of the ends proper to human persons. It is in this that love consists. The sexual life, in its expressions, is therefore a very appropriate way of showing one's love. (III.3.b; see also IV.2.f)

This talk of signs is a precursor to Wojtyła's later concept of “language of the body” in his *Theology of the Body*. Here the “order of signs” refers to the unique ability of the body to express deep meaning to another, especially through the act of sexual intercourse. It has the ability to express love because of the “biological orientation” of the sexual act, which is able to signify all the personal values. The *KD* maintains that the sexual lives of spouses must always signify and express the whole truth of the mutual gift of self, as noted earlier, and their “parental character” (III.b.3). Another passage is anticipatory of the claim of *Familiaris Consortio* (11) that contraceptive sex is a lie: “Active intervention in the structure of the act results in its truncation, which does violence to its value as sign. It is marked by a disintegration of instinct and love. In such circumstances, the sexual act is impelled by auto-eroticism, and does not fully constitute the revelation of a love encompassing the entirety of affections and instincts.”³⁸ Since language is a distinctively human action, speaking of a physical act as being able to express meaning coincides with the truth that man is a unity of body and soul. The *KD* uses the word “meaning” in an attention-getting way; it states:

³⁷ Weigel especially appreciates this segment of the document (*Witness to Hope*, 208).

³⁸ This translation is from the Vatican website: www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_19811122_familiaris-consortio_en.html

Because procreation can and must be directed by man, and because this act has other functions besides the purely biological, it follows that man can engage in acts that do not result in fertilization, as long as the purpose and meaning of their biological structure remain intact. (III.3.b)

To speak of functions, purpose, and meaning in the same breath puts biological actions on the plane of the human faculty of speech; they are no longer simply biological or physical.

This section of the *KD* on sexuality as a sign is the most innovative. There may be an echo of this discussion in *HV* in its claim that the sexual act has inseparable “meanings”—the procreative and unitive meanings. It is not until the theology of the body and his use of the phrase “language of the body” that John Paul II takes full advantage of this uniting of physical actions with human speech.

Responsible Parenthood: The Sketch of a Solution

The *KD* returns to the question of responsible parenthood in order to justify and promote what are now known as methods of natural family planning (NFP). Portions of it are quite obviously written by a physician who knows the details of the methods and who provides a fairly thorough explanation of the basics of NFP and claims that it is “certain, simple, and low cost” (IV.1). It advocates the “temperature” method as being best, though today all methods have their strong advocates, from the mucus only methods, to those who think a combination of signs is best, to those who think the old method of counting of days still has some merit and usefulness.

In the section Responsible Parenthood, the *KD* takes on the vexing task of explaining how methods of birth regulation differ from contraception, and it does so at some length. Several times earlier in the document it declared that spouses are permitted to have sexual intercourse during the infertile period and that abstinence can be a means of expressing love, in fact, in the paragraphs just preceding the section Responsible Parenthood, it states:

Rational sexual behavior therefore requires, by the very nature of things, abstinence from the act whenever love demands it. This willed abstinence from the sexual act can even express a greater love than the act itself. (III.3.c)

In the section Responsible Parenthood, the *KD* states the essential difference between periodic continence and contraception in this way:

[Periodic continence] is thus a matter of giving up an action whose results would be undesirable. By using contraceptives, the subject demonstrates unwillingness to give up this action; this is why he intervenes actively to obstruct the inherent consequences of the act. It seems to us that this is an essential difference.

And it goes on to say:

Because sexual relations on infertile days are normal and willed as such, they maintain the respect due to the hierarchy of values and the full meaning of sexual life. Thus they can fittingly express the “parental” character of conjugal life and of the love uniting the spouses. This is entirely the opposite of the conscious sterilization of the relation, which, actively deprived of its proper role, cannot be the sexual expression of the love uniting two persons. (IV.2.a.2)

We note some of the personalist themes we have already identified in the *KD*: mention of a “hierarchy of values” and the full “meaning” of sexual life; of “expressing” a “parental attitude”; and how this is different from “conscious” sterilization. The *KD* also notes that periodic continence respects the dignity of the woman (IV.2.a.2). It makes another important claim in asserting that those who are not capable of the continence required by periodic continence do not have psycho-sexual maturity. And briefly the *KD* takes up the question of the connection between abstinence as a sign of love within marriage and abstinence as a sign of love in the celibate life. This becomes a major theme in the John Paul II’s theology of the body.³⁹

The *KD* pays significant attention to the question of the legitimacy of periodic continence. *HV* addresses the question of the differences between periodic continence and contraception in one of its lengthier sections (*HV* 16). In my view it would have been better had *HV* spent even more time on this matter and utilized more of the material from the *KD*, particularly instructing that abstinence can be a sign of love.

Both the *KD* and *HV* end with a section on pastoral matters and address pastors, laity, and healthcare professionals; *HV* makes an additional appeal to bishops. *HV* notes that the “*munus*” of each group requires them to assist couples in this matter of sexual morality (*HV* 25–30). Both documents require that those who defend the Church’s teaching and promote natural family planning should have recourse to the professional, scientific studies (*KD* IV; *HV* 25).

³⁹ John Paul II, *Male and Female He Created Them* (Boston: Pauline Books and Media, 2006).

The *Kraków Document* is not just of historical interest, though it does have considerable historical interest. Karol Wojtyła, before he became Holy Father, employed all his considerable powers to defend the Church's teaching on contraception. After he became Holy Father, he dedicated many of the resources of his pontificate to defending and further explaining *Humanae Vitae*.⁴⁰ A close reading of the *Kraków Document* demonstrates that it likely had a strong influence on the content of *Humanae Vitae*. Moreover, the *KD* in its own right it is an effective defense of the Church's teaching on contraception, one imbued deeply with personalist values. It provides an explanation of the connection between natural law arguments and personalist arguments and makes a contribution in its explanation of sexual intercourse as a sign, or means of communication, and for those reasons as well it deserves study. **N-V**

⁴⁰ For a review of his defense of the Church's teaching on contraception before and during his pontificate, see my "Conscious Parenthood" *Nova et Vetera* 6 (2008): 927–50.