

## JACQUES MARITAIN AND CHARLES JOURNET ON HUMAN SEXUALITY

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*[Even before the appearance of Pius XI's Casti connubii, Jacques Maritain and Abbé (later Cardinal) Charles Journet discussed at length in their correspondence the difficulties they were experiencing with the Catholic Church's position on human sexuality, in particular on contraception. The recent publication of the first three volumes of their letters reveals the seriousness of these difficulties as well as the reasons why, under pressure from the Roman authorities, they did not dare to make their objections public.]*

IN 1996 THERE APPEARED in print the first volume of the correspondence between Jacques Maritain and Abbé (later Cardinal) Charles Journet, the first of a projected six volume series containing the 1774 letters that have been found and indexed, and which they exchanged from 1920 when they first met with the founding of the Cercles Thomistes, until Maritain's death in 1973. From their first meeting they became very close friends. Maritain chose the younger Abbé Journet as his "confidant-théologien," which he remained over the 51 years of their friendship. The six volumes of this correspondence were to have appeared one each year beginning in 1996. As of now only the first three volumes are in print, covering the years from 1920 to 1949. They constitute an astonishingly rich mother lode, ready for mining and exploitation, of valuable and sometimes surprising information.

Volumes II and III of this correspondence contain a notable number of references to questions of human sexuality, particularly those concerning birth control. Even someone who has a rather extensive familiarity with Maritain's writings would never suspect that he was preoccupied with such questions, but in a letter dated December 6, 1934, Maritain wrote to Abbé Journet: "I'm afraid I've been boring you with my questions on the theol-

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ogy of marriage. Please excuse me” (II, letter 498).<sup>1</sup> Maritain must have put his questions to Abbé Journet in private conversations, for there is only one reference to marriage in all the preceding letters, and that is a news item that a mutual friend, the Dominican Father Benoît Lavaud, was to give a talk in Poland on marriage and natural law. I suspect that Maritain’s questions resulted from the promulgation four years before of Pius XI’s encyclical *Casti connubii*.

Already in 1930, six months before the promulgation of *Casti connubii*, Abbé Journet, who as a young priest had been appointed professor of dogmatic theology at the University of Fribourg, wrote to Maritain that he feared being sent back to parish work if he were too outspoken on certain questions. “I don’t want to put myself at risk on any question at all. There are certain problems where I think that boldness would actually amount to imprudence (v.g. the very strict positions of the Church on continence in marriage)” (II, letter 322).

In 1935, Lavaud, who was professor of moral theology at the University of Fribourg, published a book on marriage.<sup>2</sup> Lavaud apparently put himself at considerable risk over questions about which Journet felt too vulnerable to declare himself openly, for he began immediately to encounter difficulties with the ecclesiastical authorities. That same year he was ordered by his Superior-general to limit his activities exclusively to preparing and teaching his classes. Journet wrote to Maritain:

So he can no longer do any writing. In this regard, good Father Lavaud is undergoing considerable trials. He has been very popular in Fribourg, was very much in demand as a preacher, and was held in great esteem by the bishop. But certain Fathers among the Dominicans concluded that he must not be preparing his courses, and have denounced him to Rome. He explained himself, but the Father General told him that, to avoid any possible occasion for complaint, he should refuse any invitation to participate in the ministry. He told me that he has the impression that his difficulties are dormant for the moment, but they will all start up again (II, letter 503).

And they did. Six months later Journet wrote to Maritain: “Father Lavaud can tell you what he has had to suffer” (II, letter 527). Near the end of the year, when Maritain also was in hot water with ecclesiastical authorities, due to his connection with the periodical *Sept*, his contributions to the leftist periodical *Vendredi*, his position on the Spanish civil war, and the

<sup>1</sup> *Journet/Maritain: Correspondance, Volume 1, 1920–1929* (Paris: St. Paul, 1996); *Volume II, 1930–1939* (Paris: St. Paul, 1997); *Volume III, 1940–1949* (Paris: Editions Saint Augustin, 1998). References to the correspondence are indicated first by the volume number followed by the letter number (e.g., III, letter 979).

<sup>2</sup> Benoît Lavaud, *Le monde moderne et le mariage chrétien* (Paris: Desclée, 1935).

calumnies spread by Action Française in Rome, Journet, who was himself in trouble with his bishop over the Spanish situation, wrote to Maritain: “Neither I, nor Father Lavaud. . . is surprised at this inhuman way of acting” (II, letter 541).

In 1941 Father Lavaud was deprived of his chair as professor of moral theology at Fribourg and sent off to the Dominican House at Toulouse because of what he wrote concerning the “ends” of marriage. Journet wrote to Maritain:

Poor Father Lavaud is in deep and agonizing trouble with Rome because he is considered too much in favor of the theory which insists that conjugal communion is one of the ends of marriage. This will not go so far as to result in a condemnation, but he sure has been suffering (III, letter 785).

It is interesting to note that in 1968 the Pastoral Constitution *Gaudium et spes* proclaims this same thesis, along with others defended by Father Lavaud in the 1930s and 1940s (II, 490, n. 1).

In 1948, from Princeton, Maritain sent a letter to Journet accompanied by a note entitled “A propos du Birth Control” which is important and surprising enough to be quoted in its entirety. He wrote:

In order that intercourse between spouses may not be hindered from attaining its natural finalities and in order that it be morally correct, it is not necessary that the *intention of procreating children* be present. (The woman may have undergone an operation that made her sterile, or she might be beyond childbearing age.)

Moreover, the intention not to procreate may be present, as in the case of the Ogino [rhythm] method, which the Church has not condemned.

So it is not the intention of the agent, the intention not to procreate, which makes the practice of birth control sinful.

Then what does make it sinful? Certainly not an *intention (finis operantis) extrinsic* to the act of intercourse itself, but rather an alteration introduced into the very exercise of that act, which turns it away from its finality *in its very excellence*. (For example: the case of Onan.)

So let us suppose that one day science invents a product which, taken orally in the form of a pill or subcutaneously by injection, renders a woman sterile for a given period of time. Will spouses who use this drug for a proper and acceptable motive and in order to have a child only when their reason tells them it is good to do so be guilty of a moral failing? By no means! Their human reason intervened actively at the same point where with the Ogino method human reason calculated very simply to profit by what nature was doing on its own: it is impossible to see how this could in any way be culpable. One may very well ask if technical progress will not eventually find a solution to the great moral problem of birth control, by giving man the means to avoid procreation without altering the act of intercourse in its very exercise in order to turn it away from its proper end.

In the past there was no contraceptive technique other than that of Onan. And the regulation of the number of children in families was established by sickness or death (infant mortality).

In the future we may very well have contraceptive techniques which will make it possible to avoid procreation, all the while leaving to the sexual act its full normality

and its finality in the exercise of that act. And in this case the control of human reason will establish the regulation of the number of children.

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

The notes that Journet sent to Maritain in response to his remarks on birth control are not included as additions to the following exchanges of letters. They may have been lost. Journet referred to them when he wrote to Maritain two weeks later: "I'm afraid I have been annoying you with these almost illegible pages" (III, letter 979). The next three letters are all from Journet adding details and texts that he had forgotten to put in the lost responses to Maritain's note. To the first of these letters Journet adds a note on sterilization as a method of contraception. He begins with a reflection on Maritain's note:

At first reading I think I am in complete agreement with you. I know a moralist who is hoping for a future scientific solution that will eliminate the imperfections of "oginism." This will certainly require a serious moral education to keep couples from falling into the mortal sin, not of impurity, but of selfishness.

Now here's an objection: if an injection makes a man sterile, all the moralists would say that this is a form of mutilation and therefore illicit. But here is something that has not yet been brought into focus, the fact that a difference is made between the state of a man and that of a woman: the sterile man always being considered as impotent (III, letter 978a).

Women today will appreciate this insightful distinction made by a priest-theologian in 1948. Journet then cites the Belgian Dominican ethicist Benoit Henri Merkelbach (1871–1942) who proposed in Latin a definition of sterilization and noted its various forms. Journet cites Merkelbach's conclusion: "Sterilization is a form of mutilation, therefore an intrinsic evil, therefore a grave sin." Merkelbach confirms his opinion with a quote from *Casti connubii*, concerning which he says: "Three things must be noted [in this text]: 1. this is a Christian doctrine, not a mere opinion; 2. This doctrine stems from natural law, for it is established by the light of reason; 3. Equivalence ['aequiparatio' is the Latin term] must be affirmed between mutilation and any action by which someone renders himself inept for some function."

Journet describes this whole way of thinking as very disappointing—"une démarche décevante," he calls it (III, letter 978a).

Three days later Journet wrote to Maritain:

Our bishop came to dine with us at the seminary the other evening and I asked him point blank what he thought of the legitimacy of injections to procure agenesis [or sterilization]. He thinks that this could very well be legitimate. (I didn't tell him about Merkelbach's position)" (III, letter 978a).

In the third of these letters Journet wrote:

I forgot a very important text from *Casti Connubii*: “Any use of marriage whatsoever in the exercise of which the act is deprived by the artifice of men, of its natural power to procreate life, offends the law of God and natural law, and those who have done such a thing have soiled themselves with a very serious sin.” But the truth is [remarks Journet] that in the immediate context what the Pope is talking about is conjugal onanism (III, letter 982).

In November 1948, Maritain wrote from Princeton:

Thank you for having replied to my two notes on birth control. It is enormous for me that you do not judge them to be heretical. I know that *Casti Connubii* has an entirely different ring to it. But precisely, if I am right (or better, if *we* are right) it must be said that this question offers another of those tragic examples where the Church defends a truth by blockading it with ways of thinking that simple human experience has left way behind (*à l’aveuglette*) [i.e., like a blind man feeling his way in the dark]. The day when the Church would admit such techniques as we are speaking about, nothing would have been changed in its doctrine, but those souls whom the Church has completely and fundamentally mobilized against every idea of any technique *whatsoever* of this kind and in behalf of a philosophy of procreation without any control of reason will understand nothing about this whole question (III, letter 985).

Two weeks later, on December 2, Journet wrote to Maritain:

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

This is the last reference to the problem of birth control in the first three volumes of the Journet/Maritain correspondence. These letters were exchanged 20 to 30 years before the firestorm occasioned by *Humanae vitae*. A footnote appended to Maritain’s note “A propos du Birth Control,” which I cited above, tells us that in 1968 Paul VI’s encyclical letter *Humanae vitae* concerning responsible parenthood would lead Journet and Maritain to take up once again in their correspondence the troubling question of birth control and to comment on the controversy it stirred up within and without the Church. These letters, which are scheduled to appear in volume VI will not be made public for several years. Unfortunately we will have to wait patiently to read what will certainly be interesting comments.

Why did two respected thinkers who were clearly preoccupied with the Church’s position on human sexuality remain silent on this important ques-

tion? Both of them were certainly ready to speak openly on controversial political and social questions. Both were in trouble because of positions they took publicly on the Church and democracy and on the Spanish Civil War. There were serious indications that *Integral Humanism*<sup>3</sup> was about to be placed on the Index. In 1936 Maritain received a letter from Reginald Garrigou-Lagrance urging him to provide firmer assurances to his critics in Rome who saw in Maritain, as Garrigou wrote, “a *tendency* all of whose dire consequences they are anxious to point out.” Garrigou-Lagrance continued:

I beg of you, give them firmer assurances, so that all the good you have done may not be compromised. The Spanish bishops were not at all pleased with what you said at Santander [i.e., in a series of lectures that became *Integral Humanism*], They must have written about this to the Secretary of State [Pacelli]. In my opinion you are venturing out on a terrain you do not know enough about, and you bring with you habits of thinking that no longer have any place in the present contingencies. . . I beseech you all the more strongly to follow my suggestions because those in high places [Cardinal Pacelli, perhaps?] have asked me to tell you not to lean toward the left, as you give the impression of doing (II, letter 579a).

Maritain then wrote to Journet:

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

Earlier in 1935 Maritain had written to Journet:

But there is . . . the question of scandals that must be brought to light. Are we guilty of *abandoning the sheep* if we refrain from mouthing the same prejudices and the same ready-made erroneous opinions they have become accustomed to? Or rather isn't it just not howling with the wolves? In other words, to what degree is it required of apostles of the truth to go easy on error concerning questions that are infra-dogmatic? Didn't St. Thomas scandalize the ancient scholastics with his doc-

<sup>3</sup> *Humanisme intégral: Problèmes temporels et spirituels d'une nouvelle chrétienté* (Paris: Aubier, 1936); English translation: *Integral Humanism*, ed. and trans. Otto Bird, *Collected Works of Jacques Maritain* 11 (Notre Dame: University of Notre Dame, 1996).

trine on the unicity of substantial form? Was he supposed to remain silent on this question in order not to put at risk his grand theological synthesis?

These questions were suggested in a letter I have just received from Père Garrigou, and which I have inclosed. In what he has written I sense his true and deep friendship, but I don't think he has a very clear perception of things, he is too pusillanimous before the opinions of men. In addition, he does not understand that the obligations of a philosopher who is a layman are not those of a theologian who is a religious. To occupy himself with the problems of civil life, this is the proper business of the philosopher. And if Christian philosophers neglect to carry out this office, it is Christianity and it is souls who will pay the price for this negligence" (II, letter 549).

Both Journet and Maritain came to realize that the friendship of Garrigou-Lagrange was not as true and as deep as they had been accustomed to believe. In 1942 Journet wrote to Maritain: "I have heard nothing from Fr. Garrigou-Lagrange, we no longer write to one another. But I believe he continues to defend us in his own fashion which is not always the best" (III, letter 785). Today Garrigou-Lagrange's secret collusion with and even encouragement of Maritain's enemies in Argentina is no secret. Raïssa herself felt the same way. She wrote to Journet: "I feel great pain, you can be sure, because of the more or less secret campaign carried on against Jacques. All the way up to Garrigou. . ." (II, letter 580).

If Maritain publicly questioned the Vatican's position on human sexuality, a subject on which it arrogated to itself an almost absolute authority, there was grave danger that the great work of his life, the complete renewal of Christian philosophy, for which he needed the Church's approval, would be compromised. He could not risk having *Integral Humanism* placed on the Index, or even being refused a *Nihil Obstat*. He gave priority to going public on the great problems of political philosophy and social justice.

Charles Journet was caught in the same dilemma. He was in trouble with his Bishop, Monseigneur Besson, because of his position on the Spanish Civil War. He wrote to Maritain:

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

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

Though Maritain and Journet seem to have remained silent, even during and after the firestorm occasioned by the tumultuous promulgation of *Humanae vitae*, not all Catholics or members of the hierarchy maintained silence. There is certainly no doubt that the Church was and is in a state of crisis. This is acknowledged from the right and the left, from the progressives and the traditionalists. Several years ago Andrew M. Greeley published a study on the crisis in the Catholic Church.<sup>4</sup> The conservative periodical *Crisis* (which began its existence as *Catholicism in Crisis*, and was published for a time out of the Notre Dame Maritain Center), trumpets the existence of this crisis. In 1978 the late Richard A. McCormick, S.J., prominent moral theologian at the University of Notre Dame, published an extended article in *Theological Studies* entitled "The Church in Dispute."<sup>5</sup> That same year, again in *Theological Studies*, Joseph Komonchak of the Catholic University of America published a long article on "*Humanae Vitae* and Its Reception"<sup>6</sup> which begins with a description of this reception by referring to the work of Andrew Greeley and to studies done by the Office of Population Research at Princeton and by the National Opinion Research Center, pointing out that 77% of Catholic wives were practicing birth control in 1975, 94% of whom were using methods condemned by the Church. At the same time only 29% of the ordinary clergy believed that artificial contraception is morally wrong, and only 26% would deny absolution to those who practice it, and finally the Church's teaching on birth control is the chief factor responsible for the decline in religious practice among Catholics.<sup>7</sup> There are certainly many elements in modern culture that contribute to this decline, but how many parents have not seen their Catholic-educated adult children drift gradually away from or abruptly abandon their Catholic faith and culture, with all the riches of its traditions, its practices, its customs, and its liturgies because of the Church's teachings on human sexuality? For example, why should there be any surprise at the general neglect of the sacrament of penance and the demise, for all practical purposes, of individual auricular confession? Why should Catholics who are among the 77% who are practicing birth control using methods condemned by the Church go to confession on a weekly or monthly basis to confess as a mortal sin what they consider no sin at all? Or if they consider it a mortal sin, why should they confess it either to a priest

<sup>4</sup> Andrew Greeley, *Crisis in the Church: A Study of Religion in America* (Chicago: Thomas More, 1979).

<sup>5</sup> Richard A. McCormick, "Notes on Moral Theology 1977: The Church in Dispute," *Theological Studies* 39 (1978) 76-138.

<sup>6</sup> Joseph Komonchak, "*Humanae vitae* and Its Reception: Ecclesiological Reflections," *Theological Studies* 39 (1978) 221-57.

<sup>7</sup> *Ibid.* 221.

among the 76% who do not consider it a sin, or to a priest among the 26% who would refuse them absolution if they did not give up the practice?

But as Garry Wills pointed out forcefully in his recent book *Papal Sin: Structures of Deceit*, the teachings of *Humanae vitae* on birth control were not just about sex; they were really about authority.<sup>8</sup> What had to be preserved at all costs was the illusion that the teachings of the Church never change, the illusion that the teachings of the encyclicals are necessarily infallible. With more passion than exactness, he angrily recounts what he considered all the machinations, all the refusals to take into account the reports of the official committees of both clergy and laity or of the dissident opinions of a great number of bishops, all the secret committees and their meetings to bypass open discussion on the floor of the council. With less passion and more exactitude from firsthand observation, John T. Noonan Jr. formerly professor at Notre Dame, in 1966 recounted the preparations for the Vatican declaration on birth control in his book on the history of contraception;<sup>9</sup> the year before that Robert McClory had published a study on the papal birth control commission.<sup>10</sup> Both Richard McCormick and Joseph Komonchak recognized the lack of success in trying to cloak the teachings on birth control with an aura of infallibility. Komonchak quotes Maritain's friend, the renowned French theologian Yves Congar, who wrote: "There has been a veritable inflation of infallibility as if, between infallibility and error, there did not exist an immense domain of partial truth, of probable certitude, of search for truth and of approximations, indeed of precious truth that is not guaranteed against the risks of human finitude."<sup>11</sup>

This aura of infallibility was extended in many directions. While he was Ambassador of France to the Vatican, Maritain wrote to Journet that

... [during the Occupation] intelligent people were scandalized because they heard too many Thomists chanting the litanies of Maréchal [Pétain] and heard a great theologian whom we know [Garrigou-Lagrange] actually declare in Rome that any priest who gave absolution to a supporter of de Gaulle was living in a permanent state of mortal sin (III, letter 812).

What would Maritain think today of the Church's attempts to block any international efforts to disseminate information on and methods of birth

<sup>8</sup> Garry Wills, *Papal Sin: Structures of Deceit* (New York: Doubleday, 2000) 74.

<sup>9</sup> John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge, Mass.: Harvard University, 1966).

<sup>10</sup> Robert McClory, *Turning Point: The Inside Story of the Papal Birth Control Commission and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad, 1995).

<sup>11</sup> Komonchak, "*Humanae vitae*" 247, n. 82.

control among the teeming populations of financially impoverished nations?

Maritain saw first hand in France the effect of such clerical interference in politics on Catholic intellectuals, particularly young Thomists. In 1946 when he found out that in support of the attacks on him from South America Garrigou-Lagrange had implied that Maritain might be guilty of doctrinal “deviations,” he wrote to his former mentor:

If there is at the present moment a crisis of Thomism in France, if many young minds seek their nourishment in new theologies, you can be sure that one of the causes of this disaffection is the fact that since the quarrels of the Ralliment . . . we have seen defenders of Sacred Doctrine let themselves be taken in completely by outrageous illusions in the domain of national politics. Not everyone makes the distinction between substance and accident.<sup>12</sup>

We have seen what Maritain thought of the inflation of infallibility and its extension to “infra-dogmatic” questions, whether of politics or human sexuality. It seems apropos to recall here Jesus’ rebuke to the Pharisees: “In vain do they worship me, teaching human precepts as doctrine” (Mark 7:7).

Could we not say again what Maritain said in a letter quoted above (III, letter 985) that the Church’s position on birth control and human sexuality is “another of those tragic examples where the Church defends a truth by blockading it with ways of thinking that simple human experience has left way behind (*à l’aveuglette*)” which may also be translated “like a mule wearing blinders to avoid seeing what is really going on around it”?

<sup>12</sup> Cited by Bernard Doering in *Jacques Maritain and the French Catholic Intellectuals* (Notre Dame: University of Notre Dame, 1983) 223. Maritain sent a copy of this letter to his friend Yves R. Simon who kept it with his papers. This letter was furnished by Anthony O. Simon, director of the Yves R. Simon Institute.