

TRUTH & CONSEQUENCE

A LOOK BEHIND
THE VATICAN'S BAN
ON
CONTRACEPTION

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IN GOOD CONSCIENCE

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EACH AND EVERY MARITAL ACT MUST OF NECESSITY RETAIN ITS INTRINSIC RELATIONSHIP TO THE PROCREATION OF HUMAN LIFE.

— *Humanae Vitae* (Of Human Life), 1968

With these words slamming the door on Catholics' use of modern contraceptives, Pope Paul VI cleaved the Catholic church into irreconcilable factions 40 years ago. The majority, unable to reconcile the rigid encyclical with their need for an updated sexual ethic based less on the biological function of reproduction and more on the evolving nature of companionate sexual relationships, embraced individual conscience in matters of contraception and, increasingly, in other issues. Meanwhile, a minority sought desperately to reassert the principle of absolute obedience to the hierarchy, particularly on matters of sexuality, becoming more entrenched with each passing decade.

Even 40 years later, the wounds have not healed. For many Catholics, both clergy and lay, their relationship with the church would never be the same. And the church itself would be radically altered, unable to move forward; forever defending a teaching that was judged indefensible 40 years ago and has only become more so with the passage of time and the arrival of new issues related to contraception, such as preventing the spread of HIV and AIDS.

How did this most controversial of the Catholic hierarchy's teachings come about? Why did the hierarchy fly in the face of Catholics' evolving and very real need for an updated ethic regarding human sexuality? And, most importantly, what has the impact of this disputed teaching been on the Catholic church, and the world at large?

THE BIRTH CONTROL COMMISSION

In 1963 a papal commission was working on a new statement on marriage as part of the Second Vatican Council convened by Pope John XXIII to update the teachings of the Catholic church. Some of the conservative members of the pope's staff were afraid that the more liberal members of the commission would use the occasion to re-open discussion about the hierarchy's prohibition on "artificial" methods of contraception, such as condoms and diaphragms, which the hierarchy had banned in the 1930 encyclical *Casti Connubii*. Although the hierarchy taught that only the "rhythm" method of timing intercourse for a woman's infertile period was acceptable to

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limit births, the contraceptive pill recently had been developed and there was much talk of the hierarchy sanctioning its use for Catholic couples because it used naturally occurring hormones to mimic the infertile period of pregnancy. In addition, a new generation of theologians, led by Dr. Hans Küng of Switzerland, was

arguing that there was no good theological basis for the ban. So conservatives decided to take the issue of contraception off the table and convinced the pope to establish a separate commission to discuss contraception. This commission consisted of six people; four of them laymen. After Pope John XXIII died, the commission was continued by his successor, Pope Paul, who expanded it to 13 members in 1965 and 58 in 1965, including five (married) women as part of its contingent of 34 lay members.

In retrospect, it is not entirely clear why Pope Paul continued the commission. Historian Garry Wills notes that the commission—whose existence was kept entirely secret—gave the pope "options for maneuver" on the issue

of family planning, principally by removing it from discussion by the Second Vatican Council. The findings of the commission were to be handed over to the pope, who, Wills notes, "could use or suppress it at his discretion." In addition, because the lay members selected to participate on the commission were conservative Catholics in good standing and because the Vatican believed deeply that the prohibition on contraception was correct—even if some of the reasoning used to support it in the past was faulty—the idea of a "runaway" commission probably never crossed the pope's mind.¹

The commission, however, took its job seriously. It studied the history of Catholic teachings on contraception and found that many of the scientific and theological underpinnings of the prohibition on contraception were faulty or outdated. Lay members presented the findings of surveys they had conducted of devout Catholic couples about their experiences with the rhythm method; some of the women present testified about their own use of the method. What the commission heard challenged their thinking about the role of fertility and contraception within marriage. They heard that contrary to the assertion of the hierarchy that natural family planning brought couples closer together, it often drove them apart. They heard of couples who became obsessed with sex because of the unnatural restrictions placed upon spontaneous demonstrations of affection. And they heard women speak of childbearing as one of many roles they played as wives, mothers and partners and of the importance of the non-procreative sexual bond to marriage.

In the end, the commission voted overwhelmingly to recommend that the church rescind its ban on artificial contraception, saying that it was not "intrinsically evil" nor the popes' previous teachings on it infallible. But to the Vatican, it was impossible that the teaching on birth control could change because this would acknowledge that

the hierarchy had been wrong on an issue it had elevated over the years to a central tenet of its teachings. For the last meeting of the commission, in the spring of 1965, it demoted the commission members to “experts” and brought in 15 bishops to make the final report. What followed was a series of contentious meetings, as the increasingly impassioned pro-contraception forces squared off against a minority of members determined to hold the line for the Vatican. When Father Marcelino Zalba, a church expert on “family limitation,” asked the commission in undisguised horror what would happen “with the millions we have sent to hell” if the teaching on contraception “was not valid,” commission member Patty Crowley shot back: “Father Zalba, do you really believe God has carried out all your orders?”²

But in the end even the bishops were swayed by the logic of the case for contraception. They voted nine to three to change the teaching, with three bishops abstaining. The official report of the commission said the teaching on birth control was not infallible; that the traditional basis for the prohibition on contraception—the biblical story of Onan and his spilled seed—had been interpreted incorrectly in the past; that the regulation of fertility was necessary for responsible parenthood and could properly be accomplished by intervening with natural processes; and, finally, that the morality of marriage was not based on “the direct fecundity of each and every particular act,” but on mutual love within the totality of marriage.³

While there was only one “official” report of the commission, the dissenting members prepared what would later be known as a “minority report.” This report basically said that the teaching on contraception could not change—not for any specific reason, but because the Catholic hierarchy could not admit it was wrong: “The Church cannot change her answer, because this answer is

true... It is true because the Catholic Church, instituted by Christ... could not have so wrongly erred during all those centuries of its history.” It went on to say that if the hierarchy was to admit it was wrong on this issue, its authority would be questioned on all “moral matters.”⁴

By this time, the existence of the commission and its report recommending that the teaching on birth control be changed had leaked to the public, creating great expectation among Catholics that the Vatican was preparing to rescind the ban on artificial birth control as part of the general modernization of the church that accompanied Vatican II. Lost to most Catholics was the fact that the Vatican had established the commission as a way of containing the problem of the birth control discussion. It was a shock to Catholics—and indeed most of the world—when the encyclical *Humanae Vitae* was finally released by the pope on July 29, 1968, proclaiming the teaching on contraception unchanged and unchangeable: “The Church... in urging men to the observance of the precepts of the natural law, which it interprets by its constant doctrine, teaches that each and every marital act must of necessity retain its intrinsic relationship to the procreation of human life.”⁵

Pope Paul had completely ignored the work and recommendations of his own commission, despite five meetings over three years and a vote by 30 of the 35 commission’s lay members, 15 of the 19 theologians and 9 of 12 bishops that the teaching be changed. Instead, he latched onto the so-called minority report and declared that since the finding was not unanimous—and since the positive finding on contraceptives disagreed with previous teaching—the teaching could not be changed, a requirement that had not existed for any of

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the other issues discussed by the Vatican Council.

Incongruously, the encyclical did not deny the value or necessity of family planning; it just said that couples could not “directly prevent conception”—in other words, use modern contraceptive methods—a distinction that baffled most people. In essence, it declared that the totality of the marital relationship did not outweigh the necessity that each and every act of sexual intercourse embody the procreative function of marriage, the exact opposite of the finding of the Birth Control Commission.⁶

A LOSING BATTLE

Reaction to the encyclical ranged from dismay and disappointment to outright dismissal. Many Catholics had made up their own minds about birth control in the

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years the commission had spent debating the issue. Foreshadowing the crisis of authority that would consume the church in later years, prominent Jesuit philosopher Rev. Robert Johann told the *New York Times* the day after the encyclical's release that, “educated Catholics are not going to pay any attention to this statement.” *Commonweal* magazine said: “For millions of lay people, the birth control question has been confronted, prayed over and settled—and not in the direction of the pope's encyclical.” A Manhattan housewife told the *Times*: “I don't care what the pope says. I have a feeling the clergy are talking to themselves on this issue. I have made my decision and couldn't care less about people at the Vatican.”⁷

In fact, a survey just a year after the encyclical's release found that 44 percent of Catholic women of childbearing age who were regular churchgoers were using

“artificial” contraception.⁸ By 1974, 83 percent of Catholics said they disagreed with *Humanae Vitae*.⁹

Just as stunning as the indifference with which the Catholic faithful met the new encyclical was the response of the world's Catholic theologians and bishops—the very people who were responsible for explaining the teaching to Catholics and urging them to follow it. No sooner was *Humanae Vitae* released than it was met with an unprecedented torrent of dissent from inside the church, most of it asserting that Catholics were free to follow their consciences on the issue of birth control. Many of the world's most noted theologians—including Bernard Häring, Karl Rahner, Hans Küng, Edward Schillebeeckx, and Richard McCormick—dissented from the encyclical. The theological faculties of Fordham University, St. Peter's College, Marquette University, Boston College and the Pope John XXIII National Seminary issued public statements of dissent, as did 20 of the most prominent theologians in Europe.¹⁰

In the United States, the dissent crystallized around a group of theologians at Catholic University led by Father Charles Curran. By 3 a.m. the morning after the encyclical's release they had 87 signatures to a statement of dissent; two days later they had 172 and eventually some 600 theologians signed on. The dissenters included the Rev. Bernard Häring, who was considered “the foremost world authority on Catholic moral theology;” John Noonan, a law professor who wrote the definitive book on the history of contraception in the Catholic church and was a special consultant to the papal commission; and all six US lay members of the papal commission.

The statement said that encyclical was flawed in its assumptions and reliance on an outmoded conception of natural law and that “it is common teaching in the Church that Catholics may dissent from authoritative,

non-fallible teaching of the magisterium when sufficient reason exists." It concluded that "spouses may responsibly decide according to their conscience that artificial contraception in some circumstances is permissible."¹¹

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Bishops around the world were more circumspect; most officially accepted the encyclical but reaffirmed the right of Catholics to follow their consciences on the birth control decision. The Canadian bishops released a statement saying that Catholics who tried "sincerely but without success" to follow the encyclical "may be safely assured that whoever honestly chooses the course which seems right to him does so in good conscience."¹² Bishops' conferences in Belgium, Germany, the Netherlands, France and Holland issued similar statements. The National Conference of Catholic Bishops said Catholics in the United States should receive the encyclical "with sincerity... study it carefully, and form their consciences in that light." Later it was forced to clarify that Catholics should follow the pope's teaching.¹³

THE LEGACY OF HUMANAE VITAE

The impact of *Humanae Vitae* has been wide-ranging both within the Catholic church and in the world at large, with the prohibition on birth control affecting Catholics and non-Catholics alike, and forever altering the Catholic church.

Humanae Vitae marked a turning point within the church. The vibrancy and forward-looking attitude that characterized the church in the wake of Vatican II was ended by the encyclical and the efforts that followed it to stifle an ever-

widening circle of dissent within the church. Father Charles Curran, who would battle the Vatican for years about its stance on birth control before being forced from his teaching position at Catholic University, recalled: "Even those who lived through the heady days of the Second Vatican Council have diffi-

culty recapturing the spirit of those times. We are optimistic about the life and future of the church." At Catholic University, Curran recalled, "students were enthusiastic; lectures were overcrowded; laypeople took a much greater interest in theology and religious education than they had before; priests and religious were eager to find out about the work of the council."¹⁴

According to Curran, *Humanae Vitae* hit like a storm that dashed the hopes of millions of Catholics. "All the hope and enthusiasm, all the sense that things had changed and that the birth control teaching could change, were crushed by the document," he recalls today. Beyond the sense of betrayal felt by many who had invested their energy and hopes in transforming the church, *Humanae Vitae* also altered the relationship between Catholics and the hierarchy, says Curran. "In a sense, there was one positive outcome from the encyclical in that Catholics realized that they could disagree with the pope on nonfallible issues and still remain a good Catholic. However, the negative outcome was that it created a lot of tension regarding the credibility of the church," he says.

Statistics on papal authority bear Curran out. In 1963, 70 percent of Catholics believed that the pope derived his teaching authority from Christ through St. Peter; by 1974, only 42 percent believed the same thing.¹⁵ By 1999, nearly 80 percent of Catholics believed that a person could be a good Catholic without obeying the church hierarchy's teaching on birth control.¹⁶ Catholic sociologist

Andrew Greeley noted in 1985: "Certainly never in the history of Catholicism have so many Catholics in such apparent good faith decided that they can reject the official teaching of the church as to what is sexually sinful and what is not, and to do so while continuing the regular practice of Catholicism and even continuing the description of themselves as good, strong, solid Catholics."¹⁷

With Catholics rejecting the encyclical on an unprecedented level, many priests told people to follow their consciences about birth control or just avoided the issue of contraception altogether. Curran recalls speaking with a group of clergy five years ago and asking them about how they handled the issue with the laity—most couldn't

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recall the last time they talked about sexuality with lay people. The result, according to theologian Anthony Padovano, has been a "conspiracy of silence" between priests and the laity. "It is a 'don't ask/don't tell' situation," he said, "in which the laity doesn't volunteer information about contraception and the clergy don't inquire."

Having a teaching that no one believes in or follows has been damaging to the church on a number of levels. According to Padovano, a married priest who authored the US bishops' 1968 pastoral letter on contraception which said there was room for theological dissent on the issue and that married Catholic couples could legitimately follow their consciences on the issue, notes that it led to a type of "creeping indifference" about church teachings. "As a result of *Humanae Vitae*, ignoring church teaching became an acceptable strategy and the laity became indifferent to much church teaching," he said.

The effect of the encyclical was particularly strong on women—who were directly affected by the ban on reli-

able, modern contraceptive methods. "Women already had an unequal role in the church, the encyclical was just a further manifestation of this," notes Aisha Taylor, executive director of the Women's Ordination Conference, which seeks full equality for women in the Catholic church. "As a result, many women in the United States decided to use their consciences and not go to priests about this issue any more. They were not letting the leadership speak to them about morality and sexuality—they compartmentalized, while remaining faithful to the fundamentals of the church," she says.

In fact, the tacit disobedience fostered by *Humanae Vitae* soon spilled over into other areas of the church, with Catholics increasingly making up their own minds on a host of other issues, including abortion, premarital sex and homosexuality. By 1999, only 20 percent of Catholics thought church leaders held the final moral authority about divorce, abortion and homosexuality; only 23 percent about premarital sex, and only 11 percent about birth control.¹⁸ The very thing that Pope Paul had feared most—that changing the teaching on birth control would erode the hierarchy's authority on other matters of sexual morality—happened precisely because the teaching was not changed.

On a practical level, *Humanae Vitae* precipitated a massive decline in Catholic practice. In 1963, some 75 percent of Catholics in their twenties attended church three times a month or more; by 1972 that number had fallen to 45 percent and by 1990 it had plunged to less than 40 percent. In 1963 nearly 80 percent of Catholics in their thirties attended church regularly; by 1990 only half that number did. Declines were less precipitous among older Catholics but nevertheless significant, with regular attendance among those in their forties dropping from 80 percent to just over 50 percent and those in their sixties from just under 80 percent to 60 percent.¹⁹ Researchers

determined in 1975 that at least half the decline in church attendance was due to *Humanae Vitae* and another quarter to “the pope as head of the church.”²⁰

A 1976 survey of Catholic attitudes concluded that *Humanae Vitae* “seriously impaired the credibility and authority of the papacy, leading to a sharp decline in mass attendance and a sharp increase in apostasy in the years immediately after the encyclical.”²¹

Faced with unprecedented dissent and disobedience, the Vatican refused to find an accommodation that would recognize the reality of widespread contraceptive use within the Catholic population. Instead, it hardened its stance against birth control, particularly after John Paul II became pope. A refusal to tolerate any public dissent on the encyclical quickly became one of the hallmarks of his papacy. Pope John Paul II moved aggressively to quell any dissent on the encyclical, promoting to the highest ranks of the hierarchy only those priests and bishops who agreed wholeheartedly with the ban and taking disciplinary action against clergy who dissented publicly. Widely respected Jesuit theologian Cardinal Avery Dulles²² said that adherence to *Humanae Vitae* became a “litmus test” that trumped all other issues, which resulted in the exclusion of qualified theologians from teaching positions and the advancement of bishops of “debatable quality.”²³ The encyclical also had a demoralizing effect on clergy. “There is always some damage to morale when you have to be dishonest and publicly represent something that you don’t believe in or intend to enforce,” says Anthony Padovano.

Efforts to repair the damage done by *Humanae Vitae*

have been short-circuited by the Vatican in a campaign to stifle any public dissent of the encyclical. In 1980 at a synod in Rome, Archbishop John R. Quinn, the head of the National Conference of Catholic Bishops, called on the Vatican to reopen the birth control discussion in light of the fact that more than 75 percent of Catholic women in the United States used banned contraceptive methods and that only one-third of US priests believed contraceptives were immoral.²⁴ The US bishops were quickly rebuffed by the Vatican and forced to issue a statement

clarifying that they did not “reject or challenge the doctrine of the Catholic church on contraception.”²⁵

In one of the most high-profile show-downs over *Humanae Vitae*, the Vatican stripped Charles Curran in 1986 of his teaching post at Catholic University and his right to teach Catholic theology because he refused to retract his view that contraceptives were not inherently wrong. Curran maintained his right to dissent on issues such as birth

control and other areas of sexual morality that had not been declared infallible by the pope.²⁶

Rhetorically, Pope John Paul II raised the teaching on contraception above almost all else in the church, using language that confirmed it was absolutely inflexible. In 1983, he issued a statement that said: “Contraception must objectively be judged so illicit that it can never for any reason be justified,” in response to several national bishops’ conferences which had suggested that contraceptive use was not a grave offense in situations such as when a pregnancy threatened a woman’s health.²⁷ In 1988, he told Catholic theologians that they could not question the ban on contraception and to do so would be like questioning “the very idea of God’s holiness.”²⁸

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In 1989, he sidestepped the fact that the teaching had never been declared infallible by proclaiming that *Humanae Vitae* had been “written by the creative hand of God in the nature of the human person.”²⁹

HUMANAЕ VITAE AND PUBLIC HEALTH

Beyond its impact on the Catholic church, *Humanae Vitae* has had another legacy, dramatically impacting the health status of Catholics and non-Catholics around the world, especially women. Ironically, the encyclical had little effect on contraceptive practice in many western and

more developed countries. Surveys show consistently that Catholic women in the United States, Europe and many Central and South American countries disregard *Humanae Vitae* and utilize modern methods of contraception. In the United States, 97 percent of Catholic women over the age of 18 have used a method of contraception banned by the hierarchy, the same

percentage as the general population. Less than three percent of Catholic women in the US say they have used Vatican-approved methods of “natural” family planning.³⁰ Use of modern contraceptive methods is high in many predominantly Catholic countries: 67 percent of married women of reproductive age in Spain use modern contraceptive methods, as do 69 percent of married women in France, and 60 percent of married women in Mexico and 70 percent of married women in Brazil.³¹

In the developing world, however, as well as in countries in which the Catholic hierarchy holds sway over official family planning policies, it is another story. *Humanae Vitae* has contributed to a persistent unmet need for

modern family planning methods in many of these countries, which leads to increased abortion, death and disability for women denied the ability to limit pregnancies, as well as the spread of AIDS. In addition, the Vatican has used its status at the UN to impose its anti-contraception policies on Catholics and non-Catholics, frustrating the development of comprehensive global family planning and anti-AIDS programs.

In Africa, which has the world's lowest rate of contraceptive use and some of the highest rates of unmet need for contraceptives—the percentage of women who want contraceptives but can't get them—the Catholic hierarchy has been a vociferous opponent of contrac-

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tive use. The Catholic church is growing the fastest on the African continent and nearly 20 percent of the population is Catholic.³² Catholic bishops are influential in African nations with large Catholic populations, including Angola, Congo, Gabon, Kenya, Nigeria, Rwanda and Uganda. Many of these countries have persistently high rates of unmet need for

contraception: 28 percent in Gabon, 24 percent in Kenya, 37 percent in Rwanda, 17 percent in Nigeria, and 24 percent in Uganda.³³

The United Nations Population Fund (UNFPA) estimates that the unmet need for contraception is responsible for one in three deaths related to pregnancy and childbirth around the world and that some 178,000 maternal deaths and an untold number of maternal injuries could be prevented if all women had access to family planning.³⁴

Overall, former UNFPA Executive Director Nafis Sadik calls the Vatican's efforts to oppose contraception “catastrophic,” noting that it has kept “maternal mortality high and families larger than women would have wanted.”³⁵

Opposition to contraceptives from influential bishops made it difficult for many desperately poor African nations to launch national family planning programs. Cardinal Maurice Otunga, the former archbishop of Nairobi, was an outspoken opponent of Kenya's attempts to introduce family planning programs. In Zimbabwe, which has about one million Catholics in a country of 10 million—the bishops' conference issued a letter in 1994 denouncing contraceptives as "risky devices" and proposals to make them widely available as "corrosive foreign influences."³⁶ Pope John Paul II frequently criticized family planning programs in Africa, calling them part of an "anti-life mentality" imposed by the west.³⁷ Despite opposition from the hierarchy, both Kenya and Zimbabwe eventually were able to overcome the opposition of the hierarchy and launch successful family planning programs.

It is a different story in the Philippines, which has one of the highest fertility rates in the world outside of Africa. The Catholic hierarchy has used its considerable influence with the government in this predominantly Catholic country to frustrate efforts to increase the provision of family planning education and contraceptive services. As a result, the country has seen its population slip further into poverty, even as similarly situated countries, such as Thailand, that do not have to contend with opposition from the Catholic hierarchy, have successfully implemented family planning programs and improved living standards. Government-led efforts to provide contraceptives for low-income citizens have been strongly opposed by the hierarchy, which called politicians who support family planning "adulterers, fornicators, and terrorists."³⁸ President Gloria Macapagal-Arroyo is a devout Catholic who adheres strictly to Vatican ideology on

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birth control, promoting natural family planning as a way to limit families and bring couples closer together.

The Catholic hierarchy has also attempted to block access to emergency contraception for women, particularly in Latin America, where it has influence at the highest levels of government. In Latin America, as in other parts of the world, the Catholic hierarchy argues

that emergency contraception is an abortifacient, although it is scientifically proven to act to prevent conception. In countries such as Chile, Peru, Argentina and Colombia, the hierarchy has had some success in limiting access to emergency contraception. First, the hierarchy works to prevent emergency contraception from being approved by drug-regulatory agencies. If the hierarchy is not successful with that strategy, "then they try to ban its distribution or limit sales by requiring a physician's prescription. If the government decides to make it accessible to everyone through the public clinics, by including it alongside the other available contraceptive methods, initiatives to ban its availability are immediately begun. Their allies at all levels of service provision are urged to limit access to it, both nationally and locally, with any success depending on the extent of their political influence."³⁹

Emergency contraception has been approved for use in Peru, although the Catholic hierarchy continues to spread disinformation about the method. It was approved in Chile after a contentious struggle with the hierarchy there but opponents pressured pharmaceutical companies to stop making the product, so its availability is limited to the national family planning association. Despite protests from Catholic bishops, emergency contraception is widely available in Mexico, Argentina, Brazil and most Latin American countries except Panama, Costa Rica, Honduras and Guatemala.⁴⁰

THE AIDS EPIDEMIC

Nowhere has the public health impact of *Humanae Vitae* been felt more acutely than in ongoing efforts to combat AIDS. Despite scientific evidence that condoms are a critical tool in AIDS-prevention efforts, the Vatican has refused to relax the ban on contraceptives and has spread disinformation about the effectiveness of condoms that undercut many national efforts to promote condom use. Much like its stance on family planning, it claims that abstinence is the only way to avoid AIDS and aggressively promotes this position, as when Pope Benedict XVI told

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African bishops in 2005: "The traditional teaching of the church has proven to be the only failsafe way to prevent the spread of HIV/AIDS."⁴¹

Recognizing the moral imperative of preventing the further spread of AIDS, bishops around the world have

attempted to strike a balanced response to the AIDS epidemic, only to be rebuffed by the Vatican. In 1987, as realization of the magnitude of the AIDS crisis was growing, the US Conference of Catholic Bishops released a statement saying that sexuality education programs "could include accurate information about prophylactic devices...as potential means of preventing AIDS," but issued a statement two years later that said that condoms as a means of AIDS prevention are "technically unreliable" and "morally unacceptable."⁴²

Since then, cardinals and bishops around the world have said that using condoms to prevent the transmission of HIV, particularly within marriage and the context of responsible sexuality, is a better option than spreading a deadly virus. In January of 1989, Bishop Jacques Gaillot of Évreux became the first to openly advocate condom use to pre-

vent AIDS when he told a magazine that failing to tell people at risk of contracting AIDS to use condoms is like violating the biblical commandment "thou shalt not kill." His sentiments were echoed by André Collini, the archbishop of Toulouse, in 1993. The archbishop of Paris, Cardinal Jean-Marie Lustiger, said in 1989 that if a person is HIV-positive and "cannot live in chastity," such a person "should use the means that have been proposed" to prevent infecting others. In 1993, the German bishops conference called on the Vatican to "respect responsible decision-making by couples," particularly when AIDS was involved.⁴³

In 2000, Monsignor Jacques Suaudeau of the Vatican's Pontifical Council for the Family summarized the thinking of many in the Catholic hierarchy when he wrote in *L'Osservatore Romano*, the official Vatican newspaper, that "the use of prophylactics" in some circumstances, "is actually a lesser evil but it cannot be proposed as a model of humanization and development."⁴⁴

Among African prelates in particular there has been a growing recognition that abstinence is unrealistic as a primary AIDS strategy on a continent where there are significant power discrepancies between men and women and many wives are powerless to refuse sex with their husbands, even if they suspect they have been unfaithful. South African Bishop Kevin Dowling has been an outspoken advocate of condom use as a response to the AIDS epidemic since 2001, when he said: "When people for whatever reason choose not to follow the values we promote as church—within and outside of our community—then the bottom line is the real possibility that a person could transmit a death-dealing virus to another through a sexual encounter. Such people, who are living with the virus, must be invited and challenged to take responsibility for their actions and their effect on others. They should use a condom in order to prevent the transmission of potential death to another."⁴⁵

Dowling spearheaded an effort to get the Southern African Catholic Bishops' Conference to officially back condom use, at least for married couples in which one partner was infected with HIV, in a country with one of the world's highest rates of HIV infection. The initiative was rebuffed, however, and the South African bishops officially labeled condoms as "an immoral and misguided weapon in our battle against HIV/AIDS."⁴⁶

Dowling has since become more outspoken, saying last year: "Abstinence before marriage and faithfulness in a marriage is beyond the realm of possibility here. The issue is to protect life. That must be our fundamental goal."⁴⁷

Catholics around the world support condom use as pro-life because it prevents the spread of HIV and AIDS, including 90 percent of Catholics in Mexico, 86 percent of Catholics in Ireland, 79 percent of Catholics in the United States, and 77 percent of Catholics in the Philippines. Large majorities in these countries support a change in the Vatican's position on condom use. "From Mexico City to Manila and Accra to Los Angeles, Catholics the world over know that using condoms is prolife," said Jon O'Brien, president of Catholics for Choice. "In recent years, more and more bishops and priests have been speaking out against the Vatican's opposition to condoms. This is a battle with very, very high stakes. Every day, more people are infected and more people die. While Catholics recognize that the hierarchy's position is wrong, it would assist everybody if the Vatican came out and supported the use of condoms."⁴⁸

There was some hope that the era of Pope Benedict might usher in a more humane condom policy, particularly after Cardinal Javier Lozano Barragán, the Vatican's top health official, suggested that married women could use condoms in "self-defense" if their husband had HIV.⁴⁹ Pope Benedict commissioned a study on the issue by

Cardinal Barragán, but the findings were never published. Cardinal Barragán subsequently told an AIDS conference sponsored by the US Embassy to the Holy See that chastity is the main weapon to fight AIDS, even as an advisor to the US Agency for International Development told the same conference that married women in Ghana were three times more likely to be HIV-positive than non-married women.⁵⁰

But the Vatican has not been content to merely prohibit condom use among Catholics. It has used its influence to aggressively attempt to block comprehensive sexuality education programs that promote condom use. It has aligned itself with conservative governments, such as the Bush administration in the United States, to push for anti-AIDS programs that emphasize abstinence and to defund comprehensive "safe sex" programs. It also has spread disinformation about the effectiveness of condoms in preventing AIDS designed to undercut programs that promote condom use.

In 2008, as the US Congress considered funding for an important overseas AIDS-prevention program, the Catholic bishops' conference invested considerable energy into lobbying against some vital life-saving measures that many advocates had proposed. During the drafting of the Lantos-Hyde US Global Leadership against HIV/AIDS, TB and Malaria Act, the bishops lobbied successfully for:

- the decoupling of vital family planning services that can prevent mother-child transmission of HIV and AIDS;

THE US BISHOPS' CONFERENCE INVESTED CONSIDERABLE ENERGY INTO LOBBYING AGAINST VITAL LIFE-SAVING MEASURES.

- the retention of the anti-prostitution pledge, further marginalizing an extremely at-risk group; and
- the imposition of a complex formula that requires “balanced funding” for Abstinence, Be Faithful, Use Condoms (ABC) programs, rather than allowing experienced agencies to decide how best to spend the funds depending on local circumstances.

The bishops' lobbying was successful despite the fact that Catholics in the United States and elsewhere support aid for international family planning and reject abstinence-only education. Studies show that properly directed funding for international family planning programs saves women's lives and the lives of their children when those women have HIV and AIDS. Many studies, including some sponsored by the US Congress, show that abstinence-only programs do not work. A compliant House Committee on Foreign Affairs ignored this evidence and adopted the Catholic hierarchy's approach, even though much of the money would go to a bishops-sponsored program, Catholic Relief Services.

This type of national activity comes directly from the Vatican's international approach. The Pontifical Council for the Family, a department of the Vatican, issued a statement in 1996 calling on parents to “reject the promotion of ‘safe sex’ or ‘safer sex,’ a dangerous and immoral policy based on the deluded theory that the condom can provide adequate protection against AIDS.”⁵¹ Cardinal Alfonso López Trujillo, president of the Pontifical Council for the Family, claimed that HIV is small enough to pass through condoms and promoting condom use is like playing “Russian roulette” with AIDS.⁵² The claim that condoms do not protect against AIDS has been echoed by

numerous members of the Catholic hierarchy, including: Archbishop Raphael S. Ndingi Mwana'a Nzeki of Kenya, Bishop Rafael Llano Cifuentes of the Brazilian Bishops Commission for Family and Life; and Cardinal Wilfrid Napier, head of the Southern African Catholic Bishops Conference. Archbishop Francisco Chimoio of Mozambique stunned the international health community when he told the BBC that he believes that some condoms are deliberately infected with HIV.⁵³

Other members of the Catholic hierarchy, including Cardinal Emmanuel Wamala of Uganda, Cardinal Alfonso López Trujillo of the Pontifical Council for the Family, Cardinal Polycarp Pengo of Tanzania, and Cardinal

Geraldo Majella Agnelo of Brazil, have told Catholics that condom use will lead to immorality.

In El Salvador, the bishops helped pass a law requiring condoms to carry a warning label that they do not offer protection against AIDS.⁵⁴ In Kenya, Cardinal Maurice Otunga burned

**KENYAN CARDINAL
MAURICE OTUNGA
BURNED BOXES OF
CONDOMS AND
SEX-EDUCATION
LITERATURE.**

boxes of condoms and sex-education literature. Health officials in Zambia were forced to withdraw an anti-AIDS campaign that urged condom use after protests by the hierarchy. In Honduras, Roman Catholic officials prevented the distribution of 1 million condoms in an anti-AIDS campaign.⁵⁵ The Health Commission of the Catholic Bishops Conference of India opposed an AIDS prevention program that included abstinence and condom education, saying: “We do not think that condoms do much to prevent AIDS... It's just a false promise. They say consistent and continuous use of condoms would yield results. That's not practical.”⁵⁶

Health officials say it is impossible to accurately determine the impact of the Catholic hierarchy's condom pol-

icy on the course of the AIDS epidemic in terms of the number of lives lost but they are certain it has cost lives and contributed to the spread of AIDS.

Peter Piot, the head of the Joint United Nations Programme on HIV/AIDS (UNAIDS), charged: "When priests preach against using contraception, they are committing a serious mistake which is costing human lives. We do not ask the church to promote contraception, but merely to stop banning its use."⁵⁷

THE CATHOLIC
HIERARCHY IS
"THE GREATEST
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THE FIGHT AGAINST
HIV/AIDS."

When Cardinal Wilfrid Napier of the Southern African Catholic Bishops' Conference condemned condom use in 2005, saying that there is no evidence that condoms halt the spread of AIDS, Denis Matwa of the Treatment Action Campaign said that Napier set the groups AIDS-prevention efforts back "by years," especially in the poor townships where people are reluctant to use condoms. "It's a sorry situation to find a person of such influence preaching such a message," Matwa said.⁵⁸

A member of the Kenyan parliament called the Catholic hierarchy "the greatest impediment in the fight against HIV/AIDS," after the bishops tried to block that country's condom-based AIDS-prevention program.⁵⁹

Alberto Stella, the UNAIDS coordinator for Honduras, Nicaragua and Costa Rica, recently charged that the Catholic bishops' opposition to condoms is contributing to the spread of AIDS in Latin America, saying that condom use has been "demonized" by Catholic leaders. If condoms were used all the time, he said, "I guarantee the epidemic would be resolved in the region."⁶⁰

Beyond its official pronouncements denouncing condoms and its efforts to halt condom-based HIV and AIDS prevention programs, the Catholic church is also a major

provider of AIDS care in the developing world through its network of hospitals and social service agencies. The Vatican estimates that it provides 27 percent of all AIDS services globally through the church or related organizations. However, officially, none of these organizations can distribute condoms or provide education about

the use of condoms to prevent HIV, even though they are dealing with HIV-positive populations.

There are, however, numerous reports of local Catholic health workers ignoring the ban and distributing condoms or providing condom education, either covertly or with the tacit approval of local bishops. According to one doctor advising Doctors without Borders on HIV, "What happens in practice depends a lot on local authorities. In some places they let us give people the choice, even if they won't distribute condoms themselves. In other places, it is much more difficult, and patients who are religious won't accept condoms because of the message of the church."⁶¹

HUMANAE VITAE AND THE UN

Beyond stymieing family planning and AIDS-prevention efforts in individual countries, the Vatican has used its status within the United Nations to block global efforts to introduce family planning programs, increase human and reproductive rights for women, and fight AIDS in favor of promoting its *Humanae Vitae*-centered vision of human sexuality.

The Holy See, which is the government of the Roman Catholic church, is a Non-member State Permanent Ob-

server at the United Nations. This designation gives it some of the privileges of a state, such as being able to speak and vote at UN conferences. Because UN conferences seek to make decisions by consensus, the ability to disagree with the majority consensus has significant power. The Vatican

has become adept at using its status at UN meetings to create coalitions of nations hostile to contraception to try and influence the outcomes of international consensus documents designed to be templates for action on global family planning and development issues and HIV and AIDS prevention.

At the 1994 International Conference on Population and Development, the Vatican teamed up with several small Catholic countries, including Honduras, Ecuador, Malta and Guatemala, and conservative Islamic countries Iran and Libya, to try and undermine the international consensus on women's right to reproductive health, including the right to contraception. Prior to the conference, the Vatican decried what it called "contraceptive imperialism" and suggested that family planning programs, "frequently made in the name of the health and well-being of women," were exploiting poor women and forcing them to use modern methods of contraception. The Vatican also attempted to undercut support for family planning programs charging that hormonal methods were abortifacients and that poor women were being sterilized without their consent.⁶² During the meeting itself, the Vatican held up consensus by instituting endless conversations about the meaning of phrases such as "reproductive health" and "reproductive rights" and disputing language designed to extend family planning services to adolescents, all in the name of halting the spread of modern contraceptives to developing nations.

**THE VATICAN
HAS LITTLE
CREDIBILITY AT THE
UN ON HIV AND
AIDS PREVENTION.**

As part of this effort to block international consensus on family planning strategies, the Vatican has aligned itself with right-wing Christian and Catholic organizations to make a larger argument that contraception—including condoms to prevent the spread of HIV and AIDS—is inherently harmful to so-

cety. This alliance claims that contraception is undermining marriage and the family, eroding the "special" status of women as mothers, and contributing to promiscuity. The Vatican in 1993 tried to link contraception to a host of modern ills, claiming that "contraception has contributed to the rise in divorces and the number of abandoned spouses and children who are left with just one parent."⁶³ The pope himself argued that contraception is "anti-life," saying that abortion and contraception are linked by the same mentality.

The Vatican redoubled its efforts to discredit contraception at the Fourth World Conference on Women in 1995. It took issue with the concepts of "women's right to control their sexuality" and "women's right to control...their fertility," asserting that these rights should be understood to refer only to "the responsible use of sexuality within marriage." It also condemned "family planning" as "morally unacceptable."

Despite these Vatican tactics and alliances, Adrienne Germain, president of the International Women's Health Coalition, says that overall the Vatican has failed in its efforts to block international consensus on the need to provide all women with access to family planning services. "The Vatican has not had the impact it has wanted on family planning because civil society and like-minded governments have effectively mobilized to counter efforts to reduce or cut off family planning access or fund-

ing. We would have preferred not to have to fight the battle with the Vatican, but they have not won.”

It also has little credibility at the UN on HIV and AIDS prevention, she notes. “I remember when people literally gasped when the Holy See said no condoms for AIDS. It got to the point where the member nations said if they didn’t stop obstructing on condom access at these meetings, they should leave,” she says.

Despite this, the Vatican continues to promote its own vision at the United Nations, forging links with conservative Christian groups and hard-line Islamic governments like Libya and Iran to defend the “natural family,” which, in addition to promoting a far-right vision of marriage, these groups increasingly define as large families in which contraceptive practice is nonexistent or limited.

HUMANAЕ VITAE AND US HEALTH CARE

Currently there are more than 600 Catholic health-care institutions in the United States, including hospitals, HMOs and health-care systems. This means that about one in six Americans—many of them non-Catholic—is treated in a Catholic health-care institution each year. The Vatican has imposed guidelines on US Catholic hospitals called the *Ethical and Religious Directives for Catholic Health Care Services*. Based on *Humanae Vitae*, these directives forbid Catholic hospitals to provide contraception, including contraceptive sterilization, which is the most popular form of contraception in the US.

During a flurry of hospital merger activity that occurred during the 1990s, there were a total of 43 deals involving Catholic hospitals. In most of these deals, Catholic hospi-

tals took over formerly secular hospitals or hospitals affiliated with religions that did not ban contraception. In some of these cases, the merged Catholic hospital was the sole remaining provider in the community, which meant that women in the community, no matter what their religious affiliation, could not access common reproductive health services such as contraceptive sterilization at the hospital. A study by Catholics for Choice found that some or all reproductive health services were eliminated 50 percent of the time when Catholic and non-Catholic hospitals merged.

In particular, the Catholic hierarchy has cracked down on contraceptive sterilization at Catholic hospitals. In September 1999, the Vatican ordered St. Vincent Health System in Little Rock, Arkansas, to discontinue an arrangement under which sterilizations were provided at the hospital in space leased to Arkansas Women’s Health Center. In 2001, the US bishops declared contraceptive sterilization “intrinsically evil” in an attempt to limit arrangements under which Catholic hospitals had allowed sterilizations to continue in affiliated facilities run by other entities. Shortly after, an agreement under which Seton Health System in Austin, Texas, continued to provide contraceptive sterilization at a hospital it leased from the city was discontinued, leaving low-income women in the city without an important source of family planning services.⁶⁴

As a result of the *Directives*, Catholic hospitals also limit the provision of emergency contraception to women who have been raped. In very narrow circumstances, the *Directives* do allow the provision of emergency contra-

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ception to women who have been raped—if a woman who is the victim of sexual assault is tested and there is no indication she is pregnant—the complex guideline and the Vatican's insistence of conflating emergency contraception with abortion discourages such provision. A survey by Catholics for Choice found that only 23 percent of Catholic hospital emergency rooms would provide emergency contraception to women who have been raped, and most of these set up barriers such as pregnancy tests or police reports. Only half of the hospitals that did not provide emergency contraception would provide referrals to hospitals that did, but upon further investigation the majority of these referrals (64 percent) proved to be dead ends, which may prevent women from accessing emergency contraception in the 72-hour timeframe required for it to be effective.⁶⁵

Informed by *Humanae Vitae*, the Catholic hierarchy in the United States has consistently attempted to impose its anti-contraceptive beliefs on the population as a whole. When the state of California passed a law requiring all employers to provide coverage for contraceptives in their health plans, Catholic Charities fought the require-

ment all the way to the state Supreme Court. However, the court ruled that since Catholic Charities is not a religious employer and employs people of all faiths, it must offer the coverage. A total of 27 states require employers or insurers to provide contraceptive coverage, but many make exceptions for religious employers or insurers who do not want to provide the coverage.⁶⁶

The Catholic hierarchy has been at the forefront of efforts to lobby state legislatures for so-called “conscience clauses” that allow a variety of entities such as hospitals, insurers and employers to refuse to provide reproductive

health services for religious or moral reasons. In addition, Catholic bishops have collaborated with far-right anti-choice organizations to suggest that the consciences of medical professionals are routinely violated and to expand the number of services that should be subject to such an exemption. Since 1973, 46 states have passed some form of refusal clause for certain professionals and medical institutions. Of those, 17 protect doctors who refuse to perform sterilizations and 13 allow providers to refuse to provide contraception-related services.⁶⁷

MOVING FORWARD

The evidence is overwhelming that *Humanae Vitae* has been an utter failure in convincing Catholics to abandon modern forms of contraception. It has, however, pre-

vented women and men in the developing world from accessing both reliable family planning methods and condoms to prevent the spread of HIV and AIDS. It is also clear that the Catholic church cannot move forward until it honestly confronts the paradox of *Humanae Vitae*: that most Catholics use modern contraceptives, believe it

is a moral choice to do so, and consider themselves Catholics in good standing, yet the Catholic hierarchy completely denies this reality, forcing the clergy into silence on this and most other issues related to sexuality.

There are sound reasons for the pope to reconsider the ban on contraception. From a theological perspective, the Papal Birth Control Commission determined 40 years ago that contraception is not “intrinsically evil” and that the teaching can be changed. Numerous bishops’ conferences have confirmed that a couple’s consciences are the final arbiter of the contraceptive decision and that

**BISHOPS AND
THEOLOGIAN HAVE
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AFFIRMING ACTION.**

the church recognizes the legitimacy of such a decision.

On the issue of AIDS, bishops and theologians have stated that the principle of the “lesser evil” makes condom use to prevent the spread of a deadly virus acceptable and that condom use would actually be a life-affirming action.

THE VATICAN
HAS CHANGED ITS
POSITIONS ON
ISSUES OF MUCH
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CANCE THAN
CONTRACEPTION.

Some 30 percent of the survey respondents were raised Catholic, but less than a quarter (24 percent) describe themselves as Catholic now. Taking the immigration factor into account, this translates to about a third of those raised Catholic no longer considering themselves Catholic, or, as Pew puts it, “roughly 10 percent of all Americans are former Catholics.”⁶⁸

Despite the emphasis the hierarchy has put on the importance of continuity in its teachings on contraception, this alone is not sufficient reason to maintain the ban. Anthony Padovano notes that the Vatican has changed its positions on issues of much greater significance, including the necessity of baptism for infants who die and the concept of limbo. “After all,” he says, “the church was totally committed to slavery and to the prohibition on [charging] interest and to the union of church and state, so if you stop and think of the way those issues were dealt with, it is clear that it has totally changed its policy on issues of much greater gravity.”

While it is difficult to state with any certainty how much the disaffection with the Catholic hierarchy’s teaching on family planning has affected the number of people who describe themselves as Catholic, it is surely not a coincidence that, were it not for the disproportionately large number of immigrants who are Catholic, the number of Catholics in the US would be falling significantly. A 2008 survey by the Pew Forum on Religion & Public Life showed that while the overall percentage of the US population that describes itself as Catholic has remained consistent over the last 30-plus years, “Catholicism has experienced the greatest net losses” of any major religion as a result of changes in religious affiliation.

Besides a challenge to its authority, at the heart of the Vatican’s reluctance to change the teaching of *Humanae Vitae* is its inability to craft a more modern sexual ethic that recognizes a role for sexuality beyond procreation and a role for women beyond motherhood or one that offers women full equality within the church. “Right now,” says Aisha Taylor of the Women’s Ordination Conference, “women’s experiences aren’t factored into the policies of the church because women aren’t in leadership roles. As a result, the policies continue to control women’s bodies; this is the whole reason they keep women out of these roles. If women were at the decision-making table, the policies of the church would reflect the priorities of women.”

Jon O’Brien, president of Catholics for Choice, argues that the fact that “the institutional church invests so much energy in trying to promote laws and policy that affect the supply and availability of contraceptives speaks volumes about the obsessive mindset among the conservatives who control and direct the Vatican’s world view. Some openly question if any of this really matters. Most Catholics, regardless of the ban, simply ignore it. However, having lost the battle for the hearts and minds of lay Catholics, the hierarchy seeks to use its power and influence over national and local laws in an attempt to

legislate adherents to the faith." Citing as an example the Republic of Ireland, O'Brien noted that "for many years the bishops opposed the introduction of contraception. Of course, they eventually failed there as they do elsewhere because people and politicians understand that bad theology does not make good law." "The tragedy," he noted, is not in the global north, "where most people have the means to overcome the nuisance of such moves, but that is not the case for those in the global south where access to life-saving contraception can be thwarted by the Holy See's lobby at the UN or by a bureaucrat in a Catholic aid

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agency many thousands of miles away. The ban on contraception matters for the poor and the powerless—and for that the hierarchy must be answerable."

The past 40 years have been marked by a hardening of the Vatican's attitudes at the very time that the world has moved to a different, more comprehensive view of sexuality and women's role in society. The Vatican did not succeed in

turning back the clock 40 years ago and it is unlikely to succeed in the future. But many people, especially women in poor countries, will continue to suffer as it tries to do so. ■

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