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"POPULATION GROWTH: THREAT TO PEACE?"

POPULATION, PEACE AND CHRISTIAN RESPONSIBILITIES:
A Morally Acceptable Public Policy

Given on Saturday, October 24, 1964 at 3:00 P.M.

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It appears certain that within the near future Catholics will both be requested by non-Catholics and required by their own moral principles to enunciate a position on what would be an acceptable public policy for America with regard to state-sponsored distribution of birth control information and devices. The question is likely to arise in so many different ways that it seems impossible to formulate one over-all Catholic viewpoint which would be applicable to all or most situations. Perhaps it might be helpful therefore if we sketch out the several ways in which basic issues about public policy regarding planned parenthood might arise. While outlining these possibilities we will discuss the positions which Catholics might assume with respect to each situation.

Basic issues relating to proposed legal regulation of birth control could arise in the following ways:

1. STATE AND FEDERAL LEGISLATION

1) Although contraceptives are reported to be as readily available for purchase as most other standard medical items it is seldom noted that their sale and merchandising is, unlike any other comparable item, surrounded by secrecy and an almost complete blackout on advertising of any kind. The motivations for this semi-clandestine approach derive apparently from a collective modesty or shame as well as from a fear of violating the Federal Comstock Act and similar state laws regulating the sale of contraceptives.

One of the many anomalies in the curious history of the law's regulation of the distribution of contraceptives is the vigorous assault on state laws restricting the sale of birth control devices but the relatively unchallenged continuation of a Federal law enacted during the last half of the 19th century. While the Federal law is almost totally unenforced -- and is probably unenforceable -- its existence is at least a symbol of a national policy which
Congress presumably is unwilling to repeal.

Another anomaly in the area of state legislation is the strange reasoning by which legislatures and courts permit the sale of contraceptives — even in some states by means of a vending machine — for the purpose of preventing the spread of a communicable disease. It was this curious argument that was accepted by the Supreme Court of Massachusetts in a case in which the defendant-vendor of contraceptives was acquitted and the Massachusetts law on the matter was virtually nullified. (1)

Catholics have not officially endorsed any existing state law forbidding or restricting the sale of contraceptives since the last controversy on this matter in Massachusetts in 1948. The court cases challenging the Connecticut law which restricts the use or sale of contraceptives have not caused Catholic spokesmen to take any official position; it is frequently stated or assumed, however, by many non-Catholics that Catholic officials in Connecticut support the existing law.

The announced intervention as amicus curiae of the National Catholic Council on Civil Liberties on behalf of the convicted defendants in the current Connecticut case may indicate a development in Catholic thinking of some significance.

What norms should Catholics employ when they take a position on state and Federal laws regulating the distribution of contraceptives? One position could be the not unreasonable stance that, although these laws are archaic and perhaps anachronistic in their purposes and wording, they represent a public morality attained in a pan-Protestant nation which coincides with contemporary Catholic moral thought; Catholics consequently, according to this approach to the problem, should oppose the repeal of these laws or at least should not acquiesce in their repeal without some protest.

A second position would be an attempt to resist the wholesale repeal of a law by advocating a modern and modified statute which would limit the sale of contraceptives to persons with a doctor's prescription or who at least gave evidence that they were married.
One could argue, to be sure, that such a law could not be enforced even if enacted and that, furthermore, Catholics, by urging such a statute, would be open to the charge that they are seeking to impose their own moral norms on non-Catholics.

A third position would affirmatively urge the repeal of present laws restricting the sale of contraceptives. This posture would be justified by the reasoning that such a law which is so at variance with the overwhelming consensus of most non-Catholics in America has no chance of establishing a public policy which could be an enforceable norm of general behavior.

Any one of these three positions — or variations of them — is open to Catholics. The question of the need and wisdom of civil legislation restricting the distribution of contraceptives has no one answer in Catholic theology or philosophy; it is a question whose resolution must be governed by jurisprudential norms regarding the purposes of law and the extent to which a law, based on a moral concept but without a substantial consensus of agreement by the majority of its intended subjects, can be wisely enacted and enforced.

Catholics therefore should not insist that one of the above approaches is the Catholic position. Nor should non-Catholics rebuke advocates of any of these three positions. Endorsement of any one of these three views does not compromise Catholic principles or neglect what Catholics should do to strengthen public morality.

II. THE USE OF TAX MONEY FOR PROGRAMS OF PLANNED PARENTHOOD

A more difficult moral problem confronts Catholics with regard to the rapidly emerging question of the use of tax support for the purpose of promoting programs of planned parenthood. This question can arise in several contexts necessitating different responses from Catholics.
In the controversies to date about the adoption of legislation or of an administrative policy permitting government-sponsored agencies to distribute birth control information and devices Catholics have argued against such a policy on the basis of three principal contentions:

1. It is unjust to take the tax money contributed by Catholics and spend it in part to promote a practice which for Catholics is inherently immoral.

2. By the financing of birth control clinics the state in effect endorses and adopts one particular view of a disputed moral question; such a course of action is unfair to those whose moral viewpoint is rejected.

3. When a state subsidizes birth control its prestige and influence is so committed to a particular point of view that to a certain degree the state teaches this view as morally correct. As a result some individuals whose religious creed forbids the use of contraceptives may be induced to use these devices because of the strong but less than coercive pressure of a state-sponsored social welfare agency.

Controversies over the use of public funds for birth control purposes are of such recent origin that there has not been time for a highly developed Catholic position to emerge. Once again the clashing moral principles and the sociological imponderables can lead Catholics to varying positions. Let us therefore analyze each of the three contentions set out above; our purpose will be to determine whether or not one or all of the objections raised by Catholics poses a problem of a minority group which should deter the state from pursuing a goal contrary to the beliefs of this minority.
(1) Can Catholics legitimately and reasonably seek to prevent the use of tax money for birth control purposes? If they can do so and still be advocates of an ordered and pluralistic society then it would appear that public support of contraception is, according to Catholic morality, far more objectionable than tax exemption and other privileges for non-Catholic churches and schools. There is, of course, a difference in these two matters in that the Catholic Church also benefits from the same tax-exemption privileges extended to all religious groups.

Pursuing this analogy a bit further we can wonder whether Catholics would extend their endorsement of tax exemption for all religious groups to birth control clinics if information about "rhythm" were given equal facilities and proportionate funds. In other words if Catholics approve and indeed endorse tax-exemption for churches which teach "heresy" is it consistent for Catholics to insist that the state may not assist a form of family planning unacceptable to Catholics if the state gives proportionate benefits to a program of fertility control acceptable to the Catholic conscience?

The basic question therefore is the extent and the nature of the protest which one group of tax payers may responsibly make concerning the expenditure of tax money for purposes deemed by this particular minority group to be immoral. One thinks of the position of the Christian Scientists protesting the fluoridation of water, the Quakers objecting to military service or the Amish refusing to participate in social security. These examples, however, are importantly different from state action designed to control population because, when the modern state assumes the obligation of implementing a policy of regulating population, it can rely upon the endorsement of this ultimate objective by many groups, -- religious and secular, Catholic and non-Catholic. The exploding population of the world, in other words, has prompted many if not most responsible persons to come to the conclusion that the nations of the earth have at least some obligation to control human fertility and to regulate the world's rapidly expanding population.
The moral issue is not the undisputed right and duty of an ordered society to prevent its destruction by excessive reproduction. The moral issue is rather the legitimacy of the means which may be adopted to achieve this objective. Catholics are not and cannot be opposed to a nation's efforts to prevent its self-strangulation by excessive reproduction; Catholics are opposed only to the concept of the state using its enormous influence and prestige to endorse immoral methods of family limitation.

If therefore Catholics begin with the principle that the modern state has some duty to try to resolve the problem of a run-away world population Catholics might not end at the narrow and negative position that the expenditure of tax monies for birth control clinics is a policy which is unjust to Catholics.

It appears therefore that the simple contention that the expenditure of tax money for the advancement of contraception is unfair to Catholics cannot survive a critical analysis. Such a contention would, however, have merit if the state refused to recognize or to provide for the conscience of those for whom artificial birth control is morally unacceptable.

(2) The second objection to state support for family planning urged by some Catholics again confuses ends and means. This second argument asserts that state neutrality towards a moral issue is violated even by the state's advocacy of population regulation in general. Catholics presumably would not object to tax support for family planning if the state restricted its activities solely to an explanation of the rhythm method. But clearly non-Catholics would protest such an arrangement on the basis that the state, by endorsing only rhythm in order to maintain neutrality, would in effect be rejecting neutrality by preferring natural over artificial birth control.

The basic issue, therefore, comes to this: does the modern state have a right to take the position that it will assist all persons to plan their families but only in ways consistent with their religious beliefs?
If one denies the existence of such a right in the modern state one must then reply to the question whether the denial of such a right in effect imputes to the state the non-neutral attitude that over-population is not a problem of such moral importance as to justify state intervention in its resolution. The exploding population of the world, in other words, and the tragedy of more than one billion human beings living on a sub-standard diet, can hardly be said to be a problem on which the modern state can be neutral by being inactive. To be inactive is to reject the counsels of the vast majority of demographers, humanitarians and indeed of churchmen who feel that a national and international program of fertility control is required by the elementary canons of common sense and human dignity.

It appears therefore that when some Catholics object to every form of participation by the state in the distribution of information regarding family planning they are saying in effect that the entire area of the regulation of population is either too sacred for state intervention or too free of difficulties to require state assistance.

The question which contemporary Catholic thought has not yet explored is the teaching of the natural moral law regarding the duty of individuals, nations and international society in general to regulate and to limit the reproductive rate in order to avoid a globe so fully populated that a truly human and virtuous life will not be possible for the vast majority of men. No one claims that any specific formulation of a moral principle on this vast subject can be ascertained from the natural law by some rapid process of analysis. But if Catholics started from this point rather than from the point of a moral ban on contraceptives Catholic thought regarding a public policy designed to regulate fertility might be much more positive, constructive and indeed more in conformity with a broader and deeper understanding of the more profound dimensions of the natural moral law.

It is therefore a misleading oversimplification to assert, as many Catholics do, that the natural law forbids the use of artificial birth control and that therefore the state may not ethically encourage or promote family limitation. The fact is that the natural law also
teaches that society has some obligation to regulate an increase in population in order to prevent the development of malnutrition and the other undesirable consequences of a rising and uncontrolled population. Even though the natural law's prohibition of artificial birth control appears to be clearer and more definite than the natural law's imposition of an affirmative obligation to regulate population it is nonetheless a distortion of the objective moral order to hold that the only duty with respect to population limitation placed on public officials by the natural law is the obligation not to encourage the use of contraceptives.

The state consequently has the same duty which every parent has, -- the obligation not to bring into the world more children than a particular parent can reasonably bring up and properly educate. No one claims that any specific recommendation involving actual numbers is knowable merely from the natural law -- either for parents or much less for the state. But the principle itself seems to be indisputably a logical inference from the natural moral law.

If it is conceded therefore that the state shares in the duties imposed on parents by nature itself of responsibly limiting the size of their families can Catholics insist that the state carry out its obligation by endorsing only the techniques of natural or rhythm birth control? To state the question seems almost to answer it. For Catholics to take such a position would be the equivalent of asserting that the immorality of artificial birth control is so clearly knowable from reason unaided by Revelation that even the modern secular state, constitutionally neutralized as between religion and irreligion, must logically consider contraception to be as immoral as murder, abortion or theft. Surely such a position cannot be defended if one considers the totality of all the inferences from the natural law with respect to society's obligations as it confronts the most rapid and the spectacular growth in population in the history of the world.

(3) The third objection urged by Catholics in opposing state-sponsored family planning programs centers on the pressure and even quasi-coercion on parents which would
assertedly arise as a result of an official state policy endorsing planned parenthood. Upon analysis this objection can perhaps be reduced to the age-old fear that the morality of the majority if it is not repudiated by the state is likely to influence and even to corrupt the morality of a minority. No one can deny the validity of the fear, -- especially where as in the matter under discussion the American state, for the first time in history, subscribes to the principle that the state should assist parents in carrying out their obligation to bring into the world only that number of children who can be reasonably educated by them and appropriately accommodated by society.

But would not state sponsorship of responsible family planning and fertility control be simply one more pressure added to the already countless direct and indirect forces that implicitly teach that the spacing and limitation of one's family are desirable objectives. In a negative way the American government has already sided with these forces in its failure to have a plan of family allowances, -- a program in effect in more than forty of the leading and most progressive nations of the earth.
In a more positive way the American government, both Federal and state, has conceded
the importance of family planning by refusing to enforce the Comstock Act and comparable
state anti-contraceptive legislation.

The acceptance or at least the toleration by the American state of the concept of
the desirability of fertility regulation is attributable to the ever clearer need for some
type of population control as well as to the overwhelming consensus on this matter of
almost all non-Catholic Americans.

Is it realistic therefore and indeed is it fair for some Catholics to take the position
that the mere intervention of the state as another agency encouraging family planning --
whether by mechanical or natural means -- exerts coercion on Catholics to indulge in
practices contrary to their creed and their conscience? It is, of course, granted that
the Church and all Catholics have a prophetic role to fulfill and a duty to preach to an
errant society the truths of reason and revelation. The newly realized truth, however,
which must be reconciled with the Church's traditional role of prophetic teaching regarding
the immorality of artificial birth control is the undeniable necessity of regulating the
world's exploding population.

The possibility of pressure and even coercion in any state-operated birth control
clinic is, however, a reasonable and well-founded fear on the part of Catholics. Such
pressure is most likely to affect the very Catholics who in all probability might be
expected to be the principal clients of state birth-control agencies, -- the poor and the
uneducated. But because of this almost inevitable eventuality it does not seem logical,
unfair or wise for Catholics to oppose completely all efforts by the state to bring about a
more orderly family life where this desirable objective is possible.
III. AMERICA'S POLICY REGARDING FOREIGN AID AND FERTILITY CONTROL

An intelligent, courageous but prudent position with regard to existing birth control legislation can be attained by Catholics without any insurmountable obstacle either in logic or in conscience. Similarly an uncompromising but realistic position can be reached regarding the sponsorship by the state of programs designed to demonstrate in appropriate cases both artificial and natural methods of birth prevention.

The third and most difficult problem, however, involves the attitude which Catholics should adopt in the event that the United States government introduces into its foreign aid program a plan to bring birth control information to those countries which are the recipients of non-military technical assistance.

The familiar bromide recommended to avoid even thinking about this question is the bland suggestion that the United States government hand over a certain amount of money to foreign countries so that these nations and not the United States make the decision as to the need for a program of birth prevention. It would indeed be fortunate if America could settle this question by simply allowing other nations to settle it for themselves. While there is unanimity that we should never condone or permit the American government to impose a program of fertility control upon an unwilling nation there is a striking lack of unanimity as to what America should do if a foreign nation requests a program of fertility control or at least has such an obvious need for such a program that it would accept and even welcome American initiative designed to structure such a program.

American Catholics cannot resolve this third or international phase of the fertility control according to the same assumptions from which an accommodation to state-sponsored birth control programs in America can be derived. The crucial difference is the fact that the American government, in assisting plans of population limitation
within the 50 states, does not necessarily teach as morally correct or incorrect either mechanical or natural birth control; the state in America merely concurs in the desire of most of its citizens to plan their families responsibly and then allows the individual citizen to choose the method that is consistent with his conscience.

In most foreign nations which receive technical assistance from the United States a very different situation is present. In these nations a widespread desire to plan families and to regulate population is not always present and is seldom highly developed. Because of this fact the peoples of these nations have not arrived at any conclusions regarding the morality of artificial or natural methods of birth control. The United States agency therefore which initiates a program of planned parenthood in a nation receiving non-military technical assistance would, almost inevitably, be establishing within that nation a hitherto unknown moral concept. That concept would teach at least the following principles:

1. It is immoral for individuals or nations to permit the birth of human beings for whom a reasonable education and a decent livelihood will not be available.

2. Parents have the right and the duty to limit the number of their children either by mechanical or by natural methods of birth control.

Government-sponsored American agencies abroad would consequently be teaching the legitimacy of population regulation as well as the morality either of artificial or natural means of birth limitation. It is one thing for a state to accept a moral attitude arrived at by the majority of its people and quite another thing for a state to create or to transfer a set of moral principles to a people who have not previously concurred in these moral principles and who in fact have not really been given the option of so concurring.

The critical question which will soon confront Catholics therefore is the position
which American Catholics should adopt if America's program of foreign aid should more and more include plans of fertility control to be carried out with American money and personnel. Persuasive arguments can be advanced for the proposition that the impact of the economic aid given to underdeveloped nations by the United States could be almost destroyed by an exploding population within the assisted nation. This same line of reasoning could lead to the conclusion that the United States cannot responsibly give massive economic aid to a nation without ascertaining beforehand the predictable population of the country within the next twenty or thirty years.

All of these factors, however, do not resolve the dilemmas surrounding the morality of America's introducing into non-European countries the practice of birth regulation. It must be remembered that the widespread approval of contraception now prevalent in Europe and America is not a moral tenet which has been accepted from time immemorial; it is rather the product of only the last generation and is a conclusion accepted by many with reluctance and even with a certain tentativeness. Teaching this attitude towards family planning therefore to newly emerged nations of Asia and Africa is a venture that is not free of moral ambiguities.

In view of the newness of the problem of including fertility control in America's foreign aid program and, furthermore, in view of the non-existence of an actual problem at this time to be resolved perhaps the most that one can say about any future Catholic reaction is to express the hope that, when this attitude is formed, it will reflect not merely the natural law's dictates about birth control but also the same law's directives about irresponsible parenthood and the state's duty to regulate it.

Finally let us hope that Catholics will boldly confront the problem of the world's exploding population and at least concede the possibility that a program of fertility control will still be necessary even after that day of miracles arrives when there is effective national and international economic planning and an adequate distribution of
food and land for everyone.

CONCLUSIONS

It will be clear from the foregoing and from the paucity of literature by Catholics on world population problems that Catholics in general have not appreciated the urgency of the pressures and dilemmas surrounding this problem. In the near future Catholics will more and more be virtually forced to concern themselves with the consequences of a rocketing population. Several moral principles must be fully considered and harmonized before any prudential judgment can be reached. But at least the following counsels seem relevant and noteworthy at this point of the development of Catholic thought on this issue.

(1) One's attitude towards family planning depends profoundly on one's concept of the family. It is questionable whether the Catholic case against contraception has been clearly expressed in the context of the highly developed Catholic theology of the family. Indeed it often appears that the proponents of birth control emerge in public opinion as the defenders of the stability and solidarity of family life while the opponents of contraception are characterized as persons who would permit the onrush of those very forces which disrupt family life.

In taking positions on the law and birth control therefore Catholics must search for a new rationale, a deeper view of birth regulation as sometimes necessary to family solidarity and a more positive conviction that an unregulated birth rate can lead to an erosion of family stability.

(2) In making judgments and recommendations regarding a legal policy on family planning all of us must recognize that we know very little about the effect of the presence or absence of law in this area. In the nature of things no law can do very much to regulate acts which are totally private nor can any law have much effect if it is
substantially at variance with the minds of those whose conduct it is intended to guide.

Catholics furthermore have very little experience or background in molding American legal institutions. Catholics have never affirmatively sought the repeal of the many laws permitting conduct contrary to the natural law such as divorce and sterilization. Catholics have taken a position on America's legal institutions only when a particular group of non-Catholics has sought to weaken the legal-moral consensus written into law when America was a pan-Protestant country.

Catholics consequently should draw conclusions and make recommendations about existing or proposed American laws regulating family life only with an appropriate tentativeness and open-mindedness.

(3) All of us finally must regularly recall that the dimensions and implications of cultural and religious pluralism on a national and international scale are as yet very dimly perceived. Catholics as the inheritors of a rich tradition of truths and moral principles derived from both reason and revelation may have more difficulty than non-Catholics in appreciating the commitment which Vatican Council II will hopefully make, — the commitment of Catholics to a profound respect for the fullest religious and cultural freedom for all men.

In thinking of the problems associated with an exploding world population it might be very helpful if Catholics would begin by considering both the principle that responsible parenthood is a moral imperative and the commitment which the Church has made to respect and honor the religious liberty of all men. If Catholic thought on fertility control commenced with these two moral principles it might result in judgments substantially different than many of the conclusions enunciated by Catholics up to this point in the ongoing world-wide debate regarding what humanity should do to prevent its own suicide by over-population.