

CONTRACEPTION AND NATURAL LAW

In the second part of *Casti connubii* Pius XI explains and denounces some false theories of marriage; then he speaks at length about the principal abuses of marriage. The first of these abuses is the avoidance of child-bearing by corrupting the marriage act (*vitiando naturae actum*). Some do this, he says, because of sheer selfishness; others resort to it because of very serious difficulties. With this latter group in mind, Pius XI makes his first strong statement about contraception and natural law:

But absolutely no reason, even the most serious, can turn something which is intrinsically against nature into something conformable to nature and morally good. Since, therefore, the conjugal act is designed of its very nature for the generation of children, those who, in performing it, deliberately deprive it of its natural power and capacity act against nature and commit a deed which is shameful and intrinsically immoral.¹

There follows a brief reference to Scripture and the sin of Onan. Then, with obvious reference to Resolution 15 of the 1930 Lambeth Conference,² and using words that some theologians consider to be

Introductory Note: A considerable portion of this paper is based on, or taken from, *Contemporary Moral Theology, II: Marriage Questions*, by John C. Ford, S.J., and Gerald Kelly, S.J. At the time this paper was given the book was in process of publication. It is now published by the Newman Press, Westminster, Md.

¹ Cf. AAS, 22 (1930), 559.

² The text of this Resolution, which was passed by a vote of 193 to 67 (47 bishops failing to vote because of absence or other reasons), reads as follows: "Where there is a clearly felt moral obligation to limit or avoid parenthood, the method must be decided on Christian principles. The primary and obvious method is complete abstinence from intercourse (as far as may be necessary) in a life of discipline and self-control lived in the power of the Holy Spirit. Nevertheless, in those cases where there is such a clearly-felt moral obligation to limit or avoid parenthood, and where there is a morally sound reason for avoiding complete abstinence, the Conference agrees that other methods may be used, provided that this is done in the light of the same Christian principles. The Conference records its strong condemnation of the use of any methods of conception-control from motives of selfishness,

ex cathedra pronouncement, Pius XI reasserts the Christian tradition that "any use of marriage whatever, in the exercise of which the act is deprived through human industry of its natural power of procreating life, violates the law of God and of nature, and those who commit anything of this kind are marked with the stain of grave sin."³

In October, 1951, Pius XII gave the following official summary of the teaching of *Casti connubii* on contraception:

Our predecessor, Pius XI, of happy memory, in his encyclical *Casti connubii*, December 31, 1930, solemnly proclaimed anew the fundamental law governing the marital act and conjugal relations: that any attempt on the part of married people to deprive this act of its inherent force and to impede the procreation of new life, either in the performance of the act itself or in the course of the development of its natural consequences, is immoral; and no alleged "indication" or need can convert an intrinsically immoral act into a moral and lawful one.

This precept is as valid today as it was yesterday; and it will be the same tomorrow and always, because it does not imply a precept of human law but is the expression of a law which is natural and divine.⁴

These papal statements do not refer to continence, either continuous or periodic. They do not refer to medical treatments that might indirectly destroy spermatazoa; and a fortiori they do not apply to natural defects such as spermicidal vaginal conditions. They are not directed at abortion or similar procedures which attack a fertilized ovum; and they are not explicitly concerned with extra-marital relations or with measures taken to prevent conception in the case of rape. Whether and to what extent they might include

luxury, or mere convenience." Cf. *The Lambeth Conferences—1867-1930*, (London: S.P.C.K., 1948), p. 166.

³ Cf. *AAS*, 22 (1930), 560. The statement given in my text is prefaced by these solemn words: "Cum igitur quidam, a christiana doctrina iam inde ab initio tradita neque umquam intermissa manifesto recedentes, aliam nuper de hoc agendi modo doctrinam sollemniter praedicandam censuerint, Ecclesia Catholica, . . . in signum legationis suae divinae, altam per os Nostrum extollit vocem atque denuo promulgat:"

⁴ Cf. *AAS*, 43 (1951), 843.

sterilization is, in my opinion, debatable.⁵ At any rate, my purpose at the present time is simply to prescind from sterilization and to speak only of those abuses of marriage which are more commonly included under the term, "contraception," in contradistinction to continence, sterilization, and abortion.

In a word, by contraception I mean all positive methods, except sterilization, of directly preventing conjugal intercourse from resulting in conception. About contraception, understood in this sense, both popes clearly teach that it is against the natural law; and the encyclical explicitly teaches that it is a mortal sin. In my discussion, I am prescinding for the most part from the gravity of the sin and am considering only the intrinsic immorality of the practice. My purpose is to outline and to some extent appraise various arguments that contraception is intrinsically immoral.

We can hardly conduct a reasonable discussion of the arguments against contraception and we cannot make a correct appraisal of these arguments unless we determine the purpose of the arguments themselves. In other words, why do we try to prove from reason that contraception is immoral—or, to put the question more objectively, why do we try to learn what reason has to say about the morality of contraception? Certainly we, as Catholic theologians, are not studying this matter in order to find the truth. We already have it. We know from the teaching of the Church that contraception is intrinsically immoral. But it is definitely our task to study the matter in order to gain for ourselves a more profound insight into Catholic teaching. Also, we want to know more about the relationship of contraception to natural law so that we can explain to our fellow-Catholics and to others that the Church's repudiation of contraception is reasonable. Some would add a further purpose: namely, to be able to convince unbelievers that, on the basis of reason alone,

⁵ There is no doubt that the solemn repudiation of contraception could apply to direct sterilization. On the other hand, the Anglicans, against whom the condemnation was directed were not generally in favor of sterilization as a contraceptive measure. Moreover, Pius XI dealt with sterilization in another part of the encyclical; and Pius XII, after summarizing the teaching of his predecessor on contraception, treated of direct sterilization in a separate paragraph (cf. *ibid.*, 843-44).

contraception is absolutely immoral. It is my opinion that this third objective is at most rarely attainable. I think that the moral impossibility of an adequate knowledge of the natural law in this regard is so profound and so widespread that, with perhaps some rare exceptions, only those accept the truth who are aided by some kind of religious conviction. Consequently, in my presentation of the natural-law arguments against contraception, I am thinking mainly, if not exclusively, in terms of the first two objectives: how do these arguments help us to a more profound insight into the Catholic teaching that contraception is intrinsically immoral and of what value are they for showing others that the Catholic position is reasonable? By reasonable I mean that it has a good foundation in reason, even though many may find difficulty in recognizing it as absolutely convincing.

PART I: THE PAPAL ARGUMENT THAT CONTRACEPTION IS
INTRINSICALLY IMMORAL

The purpose of my paper and of our discussion is to outline and appraise the arguments commonly used to prove from reason that contraception is immoral. It seems appropriate to begin this task with an examination of the argument used by Pius XI and Pius XII. And to me it seems necessary to develop this argument at some length. That means that I shall have only a relatively short time for stating the other arguments; but this deficiency can be properly adjusted in our subsequent discussion.

In a sense, we might say that all the papal texts relative to contraception converge on one principle: the principle of "divine institution," of "divine design," or of "divinely established order." In other words, the papal argument is that God has written a certain definite plan into the natural structure of the conjugal act and that man's freedom to change it is limited at most to accidentals.⁶ In the first part of *Casti connubii* Pius XI enunciates this principle with reference to marriage itself: that is, the contract and the state of marriage are constituted by God; man is free to marry or not to

⁶ An accidental change in the structure of the conjugal act would be, for example, the use of a cervical spoon for "assisted" insemination.

marry, to marry this person or that person, but if he chooses to marry he must take marriage as God instituted it.⁷ Any substantial change in this divinely established plan means that the union willed by the human partners is simply not marriage but some other kind of union.⁸ The introduction to the address to the midwives applies the same principle to the marriage act. After recalling that the beginning of human life is brought about by "the marvellous cooperation between parents, nature, and God,"⁹ Pius XII says:

Nature puts at man's disposal the whole chain of causes which will result in the appearance of a new human life. It is for man to release this vital force and it is for nature to develop its course and bring it to completion. When once man has done his part and set in motion the marvellous process which will produce a new life, it is his bounden duty to let it take its course. He must not arrest the work of nature or impede its natural development.¹⁰

In this passage Pius XII sharply distinguishes between the parents' part (*opus hominum*) and nature's part (*opus naturae*). When this distinction is made, the *opus hominum* is simply coition in its minimum sense. It is what we define philosophically as an *actus per se aptus ad generationem* and what the Holy Office has described empirically as requiring some penetration of the vagina with some ejaculation of semen therein.¹¹ When coition is considered in this minimum sense, the immediately consequent processes, which include the preservation of the spermatozoa and their transmission through the uterus and tubes, belong to the *opus naturae*. This distinction between *opus hominum* and *opus naturae* is of great importance in the treatises on impotence and on cooperation with an onanistic

⁷ Cf. AAS, 22 (1930), 541-43.

⁸ A substantial change would be the exclusion of unity or indissolubility, an intention or condition *contra bonum prolis*, limitation of the fundamental right to intercourse to certain times, etc.

⁹ This distinction between God's part (*opus Dei*), nature's part (*opus naturae*), and the parents' part (*opus hominum*) is very useful for explaining the divine plan for human reproduction.

¹⁰ Cf. AAS, 43 (1951), 836.

¹¹ The reply of the Holy Office is dated Feb. 27, 1941. For the text, see H. Batzill, O.S.B., *Decisiones S. Sedis de Usu et Abusu Matrimonii* (Rome: Marietti, 1943), 44-45.

partner. The distinction seems to be of less importance in a discussion of the immorality of contraception. And I am inclined to think that when Pius XI insisted on the necessity of preserving the natural structure of the sex act and when he condemned contraception because it deprives the marital act of its natural power to generate new life, he was using "act" in a broader sense than *opus hominum*. His thought would be best expressed, it seems to me, by saying that ejaculation into the vagina is the essence of the marital act and that the unimpeded progress of the spermatozoa through the uterus and tubes belongs to the integrity of the act. Some contraceptive techniques (*coitus interruptus* and condomistic intercourse) destroy even the essence of the act; other methods (spermicides, douches, diaphragms) allow for the essential act of ejaculation into the vagina but attack the integrity of the act.

Whether we speak of the *opus hominum* and *opus naturae* or of the essence and integrity of the marital act, it is clear from the teaching of both popes that each of these phases of generative function is part of a divine plan that man is not free to change. But why this inviolability? Because these things constitute the natural prelude to the *opus Dei*, which is the creation of a spiritual and immortal soul. Hence, according to the divine plan, these functions are life-giving—and the life that they help to give is human life. This is the ultimate and specific reason for their inviolability. Just as innocent human life itself is inviolable, so those things which immediately pertain to the beginning of human life are also inviolable.

Such in outline is the papal argument based on the life-giving purpose of the marital act. I sometimes think that we lose much of the force of this argument by saying that contraception is contrary to the procreative purpose of the act. I have the impression that, though the word "procreative" is basically rich in connotation, the connotation is often lost. For some reason or other it has become a sort of dull word. And I think we can revive much of its connotation by substituting the Anglo-Saxon "life-giving." As a matter of fact, in the first quotation I took from Pius XI, he did not merely speak of the conjugal act as designed for generation, but he said "for the generation of children." And in his solemn repudiation of contra-

ception he spoke of depriving the act of its natural power of "pro-creating life." The same idea permeates the entire introduction of the address to the midwives. Pius XII speaks of "the marvellous cooperation between parents, nature, and God, which brings to the light a new human being made to the Creator's image and likeness." Later he tells the midwives that they must know the order established by God for the "beginning of human life." And in the paragraph that I have previously quoted he says: "Nature puts at man's disposal the whole chain of causes which will result in the appearance of a new human life."

Thus, the papal argument that contraception is intrinsically immoral is basically this: contraception is an attack on the inviolable divine plan for the *beginning of human life*. The heroic mother of the Machabees shows an inspired knowledge of this mysterious and inviolable plan in these words quoted by Pius XII: "Into this womb you came, I know not how. Not I quickened, not I the breath of God gave you, nor fashioned the bodies of you one by one. Man's birth, and the origin of all things, He devised who is the whole world's Maker."¹²

Another argument against contraception—or, perhaps better, a further development of the same argument—is suggested by various statements of Pius XII. In 1949 he repudiated any form of homologous insemination which involves a substitute for intercourse, and not merely some medical assistance to make natural conjugal intercourse fruitful.¹³ The reason for this, as he explained later in the address to the midwives, is: "The conjugal act in its natural structure is a personal action, a simultaneous and immediate cooperation of the spouses which, by the very nature of the agents and the character of the act, expresses that mutual self-donation which, in the words of Holy Scripture, effects the union 'in one flesh.'"¹⁴

Before commenting on this brief quotation, I should like to cite a longer one taken from Pius XII's address to the Second World Congress on Fertility and Sterility, May 19, 1956. After reasserting

¹² See 2 Mac. 7:22, and AAS, 43 (1951), 835-36.

¹³ Cf. AAS, 41 (1949), 559-61.

¹⁴ AAS, 43 (1951), 850.

the primacy of parenthood over the more personal ends of marriage, and after rejecting once more a concept of marriage which makes it the servant of selfish, sensual gratifications, the pope adds:

But the Church has likewise rejected the opposite attitude which would attempt to separate, in generation, the biological activity from the personal relation of the married couple. The child is the fruit of the conjugal union when that union finds full expression by bringing into play the organic functions, the associated sensible emotions, and the spiritual and disinterested love which animates it. It is within the unity of this human activity that the biological prerequisites of generation should take place. Never is it permitted to separate these various aspects to the point of excluding positively either the procreative scope or the conjugal embrace. The relationship which unites the father and the mother to their child finds its root in the organic fact and still more in the deliberate conduct of the spouses who surrender themselves to each other and whose voluntary self-donation blossoms forth and finds its true fulfillment in the being which they bring into the world. Furthermore, only this consecration of self, generous in its origin, arduous in its realization, can guarantee, through the conscious acceptance of the responsibilities which it involves, that the task of educating the children will be pursued with all the care and courage and patience which it demands.¹⁵

In the second quotation Pius XII insists that any moral judgment of the conjugal act must consider the act in its totality. And in its totality, as he states in both quotations, it is not only a life-giving act, but it is also of its very nature an expression of mutual self-donation and self-surrender. In other words, the conjugal act is a life-giving act of love. And under both aspects, as life-giving and as expressive of conjugal love, it is planned by God and written into nature. Pius XII does not explicitly draw the conclusion that contraception is immoral because it falsifies married love, but he provides adequate grounds for drawing this conclusion.

To summarize: basic to the papal argument is the inviolability of the conjugal act as life-giving. A further development of the

¹⁵ AAS, 48 (1956), 470. Translation taken in part from *The Pope Speaks*, 3 (1956), 193-94.

argument is that the conjugal act is designed by God to give life *in a human way*—that is, in a manner that expresses the specific love of the married partners and that binds them together in a way that is consonant with the rearing of children. For my present purpose it is sufficient to state these points. Further elucidation will be found in present and, I hope, future writings of theologians.

PART II: THE INDIRECT ARGUMENT AGAINST THE PRESENT
ANGLO-PROTESTANT MAJORITY POSITION

The argument that the conjugal act is inviolable has, in general, failed to impress non-Catholics. But it has been used with profound insight by a valiant Anglican minority who have consistently repudiated the departure from their ancient tradition that contraception is immoral. In the 1920s, when the Anglican Bishop Charles Gore was heading the opposition to the spread of the birth control movement in England, he insisted just as strongly as any pope that the natural character of the conjugal act must be preserved.¹⁶ Today an outspoken minority group defends the inviolability of the act under the expressive notion of “given.” Anglican theologians representing this group use the analogy, as do we, with the marriage contract: the essentials of the contract are divinely planned—“given”—and, unless the contracting partners submit to this given pattern, they do not really contract marriage. These Anglicans apply the same analogy to marriage as a sacrament, as well as to the sacraments of baptism and the Eucharist. The point they wish to make is that there is something sacred about the marriage act which is analogous to the sacramental signs instituted by God. If this given sign is not preserved there is no sacrament; and if the given plan of the marriage act is not followed the divinely planned purposes of the act are not realized.¹⁷

¹⁶ For my information about the Anglican debates in the 1920s, I am grateful to R. E. Murray, S.J., *An Historical and Critical Study of the Lambeth Conferences' Teachings on Contraception*, manuscript copy, 80-150. This is a dissertation presented at the Gregorian University, Rome, December, 1961.

¹⁷ “The union ‘in one flesh’ of man and wife is analogous to that union between Christ and His members which is effected by Baptism and the Eucharist; and the ‘specific act’ of marriage is in some respects analogous

The Anglican minority has also laid great stress on the logical consequences of permitting contraception. Bishop Gore expressed the fear that this would lead logically to a justification of the philosophy of homosexuality. Other prominent Anglicans observed that the recognition of any use of contraception as licit opened the door on principle to the most degrading forms of sexual indulgence. A more recent Anglican writer points up these logical consequences in some rather striking ways. "Once submission to the 'given' pattern is abandoned," he says, "all kinds of variations on the sexual theme which heighten satisfaction can appear to be enrichments of the sexual life."¹⁸ In another paragraph he argues more specifically that those who defend contraceptive *coitus* because of its "relational" value cannot logically object to *coitus interruptus* or indeed to non-coital forms of satisfaction. "'Relational' value," he observes, "seems to attach itself to the oddest sexual activities. It is well known that many people cannot find any satisfaction at all in the normal act of *coitus*, but find it in variations that most would condemn. On what grounds are we to say that these are not pioneers in the development of the sexual life?"¹⁹

The foregoing observations of the Anglican defenders of the traditional view that contraception is immoral contain the main

to those sacraments. A sacrament is an outward visible rite to which God has attached an inward and invisible effect. If the rite is not performed with careful observance of the divine institution, there can be no assurance that the inward and invisible effect will follow at all. The question is raised whether the introduction of contraceptives into the sacramental rite of intercourse does not interfere with the divine institution and thus become impious." Cf. *The Doctor's Profession*, edited by D. T. Jenkins (London: S.C.M. Press, Ltd., 1949), 54-55. The words quoted are a summarized statement of a minority view expressed in a report on the morality of contraception prepared for the use of The Lambeth Conference of 1948. The same idea is expressed in *The Family in Contemporary Society* (London: S.P.C.K., 1958), 134-35. This latter is a book of 229 pages prepared for the use of the Lambeth Conference of 1958. Twenty-six pages are devoted to the theology of contraception in the form of three approaches to the problem. These approaches are entitled respectively, "Example 1," "Example 2," and "Example 3." The first of these treatments is largely a defense of the traditional view that contraception is illicit. The other two develop theoretical and practical justifications for contraception.

¹⁸ See *The Family in Contemporary Society*, "Example 1," 135.

¹⁹ *Ibid.*, 135.

points of the indirect argument against Christians who now defend contraception. It remains for me merely to add some background. It will be noted that in recent years the Anglo-Protestant majority statements in favor of contraception are not limited to mere toleration of the practice. Rather, these statements tend to emphasize its positive value as a means of enriching the conjugal relationship. The reason for this new emphasis is the emergence of a concept of sexuality which gives it a meaning that is independent of all reference to procreation. According to this concept, both marriage itself and marriage act have at least two distinct purposes which are not interdependent and which are completely separable: parenthood and the man-woman relationship (*henosis*). In terms of values, the use of sex is both procreational and relational; and it may be used for the second value without any reference to the first. Those who sponsor this concept would not admit, for instance, that *coitus* must be an *actus per se aptus ad generationem*. And because they reject even this minimum definition they offer no definition at all of the marriage act, except perhaps that it must be an act which has relational value for both spouses. Thus, they cannot logically object to *coitus interruptus*, to anal and oral intercourse, and even to mutual orgasm without any semblance of intercourse, provided these various practices are mutually satisfying.²⁰ In a word, the new theory of sexuality, which permeates the present Anglo-Protestant majority position, offers no really logical reason for objecting to practices that are usually considered perversions of the marriage relationship. Moreover, by divorcing sexual expression from even an inherent relationship to procreation the new theory seems to do away with the necessity of marriage itself as an essential requisite for sexual expression; and, more than that—as Bishop Gore predicted in the early days of the Anglican controversy over contraception—it seems to allow logically for a justification of homosexuality. If some reference to procreation is not a requisite for sexual activity, why must such activity be limited to the heterosexual?

²⁰ In "Theological Issues of Contraception," *Theology*, 57 (1954), 8-14, Canon H. C. Warner, of the Church of England Moral Welfare Council, argues that the real test of a licit contraceptive practice is that it makes possible mutual orgasm. He denies that "emissio seminis in vas" is essential to *coitus*.

I think we may safely say that all those Christian groups who have spoken in favor of contraception would strongly object to these conclusions. But can they logically object? It seems to me that they cannot. According to their present philosophy, which has jettisoned the idea of "givenness" in the conjugal act and which denies that the act must be inherently procreative, they seem to have no logical defense against the indirect argument. On the other hand, those who hold to the old position that contraception is intrinsically immoral are completely protected from such logical consequences.

PART III: SOME MORE OR LESS STANDARD ARGUMENTS OF
CATHOLIC AUTHORS

1. *The "Perverted Faculty" Argument*

There may be various ways of stating this argument; but I think the best and simplest way is as follows: To use a natural faculty in such a way as to frustrate an essential purpose of its use is intrinsically immoral. But contraception involves the use of the reproductive faculty in such a way as to frustrate an essential purpose of its use. Therefore, contraception is intrinsically immoral.

The major premise of this syllogism is proved by an analysis of its terms. The proof of the minor premise would be: An essential purpose of the use of the reproductive faculty is to give life—that is, to place an inadequate cause of human life. But contraception, by definition is a use of the reproductive faculty in such a way that this life-giving causality is frustrated. Therefore, contraception involves the use of the reproductive faculty in such a way as to frustrate an essential purpose of its use.

Is this "perverted faculty" argument identical with the argument used by Pius XI in *Casti connubii*. Some think that it is.²¹ But it seems to me that there is a difference, and perhaps even a notable difference. *Qua talis*, the "perverted faculty" argument seems to emphasize a general principle that no natural faculty may

²¹ See, e.g., J. A. Ryan in *The Family Today* (Washington: Family Life Bureau, N.C.W.C., 1944), 32.

be used contrary to its essential purpose. It is for that reason that the argument has acquired the label of "perverted faculty." Pius XI uses a more immediate and direct approach. He seems to be prescinding from any principle about faculties in general and to be stressing the point that, since an essential purpose of the conjugal act is to give life, it is by that fact inviolable. In other words, Pius XI (and later Pius XII) was primarily interested in the divinely established order for the beginning of human life. His basic analytical principle, therefore, is not the immorality of misusing a natural faculty, but rather the substantial inviolability of the divine plan for human life, in its beginning and in its continuation.

It seems to me that for the purpose of understanding and explaining our teaching that contraception is intrinsically immoral, the papal approach is better than the "perverted faculty" approach. By this I do not mean that the "perverted faculty" argument is not valid. It seems to me that it has validity. But those who use the argument must face the fact that historically it is closely associated with a traditional argument against *mendacium* which is now widely questioned and must be ready to show that the case against contraception is not similarly "questionable."²²

2. Contraception Is Against "the Good of the Species"

In arguing against contraception, as well as against direct sterilization, theologians not infrequently stress the point that the primary essential purpose of the generative act and faculty is the

²² In recent times, especially in this century, there has been much discussion over the definition of *mendacium* and therefore over the precise way in which *mendacium* is contrary to natural law. For summaries of and references to some of these discussions, cf. "Notes on Moral Theology," *Theological Studies*, 9 (1948), 101-04; 11 (1950), 51-52; 13 (1952), 89; 21 (1960), 609. Writing about the "perverted faculty" argument against contraception, E. J. Mahoney once called attention to the fact that in most popular presentations an analogy was commonly given with the malice of lying. He notes that, in view of the controversy over *mandacium* it is a little imprudent to use this analogy in support of the "perverted faculty" argument against contraception. "What is to prevent our opponent," he asks, "from expressing the hope that Catholic theologians will similarly find themselves able to depart from it in circumstances where there is a just and reasonable cause for preventing the birth of children." Cf. *American Ecclesiastical Review*, 79 (1928), 237.

good of the species. I have often used this expression myself. And all who use it do so, I believe, to show that the generative act and faculty have a finality which goes beyond the individual and which is not subordinated to the good of the individual. But what do we actually mean when we say that the faculty and the act are for the good of the species? We mean just what I have stressed in the early part of this paper: namely, that the faculty and the act are designed by God to be life-giving—that is, they are for the procreation of new human life and in that sense they keep the human species existing and are for its good.

The point I wish to make here is that when speaking of “the good of the species” we do not mean that the generative act or faculty is subordinated to human society or to the common good. And the only reason I make the point is that in recent years, especially since the population problem became prominent, I have noticed a tendency on the part of some to think that “the good of the species” means the common good or the good of society; hence they wonder why, in a population crisis, the faculty may not be suppressed or the structure of the act modified. There is no danger of this kind of misunderstanding if we make it clear from the start that “good of the species” is identified with the life-giving finality of the faculty and the act and that under this aspect the subordination is not to the common good or to society itself but directly to God.

3. Contraception Is Against the “Primary Purpose” of the Conjugal Act

This is undoubtedly true; yet I think we create unnecessary problems for ourselves when we stress the point that contraception is immoral because it frustrates the “primary” purpose of the conjugal act. The stress is not needed; and it can even create the impression that contraception would not be immoral if it frustrated only a secondary end. We could concede that, even if procreation of new life were not the primary purpose of the conjugal act (which it is), contraception would still be immoral because procreation is certainly an essential end of the act. In other words, it seems to me

that the real basis of our natural-law argument against contraception is not that it frustrates a primary end but that it frustrates an essential end. Throwing the emphasis on "essential" rather than on "primary" has the further advantage of paving the way to showing the immorality of contraception as destructive of the secondary purposes of marriage, especially conjugal love.²³

4. *The "Contradictory Intention" Argument*

In his "Notes on Moral Theology" Joseph J. Farraher, S.J., once wrote: "I incline to agree with John L. Thomas' statement that the evil of contraception is in the contradiction to nature in willing an act whose primary natural purpose is the procreation of children and at the same time willing another act to prevent this purpose from being fulfilled."²⁴ Fr. Thomas has developed this point of contradictory will acts or contradictory intentions at various times and according to the varying capacities of his readers or audiences. The following passage strikes me as the briefest and at the same time sufficiently complete expression of his thought:

Who created man "male and female" and endowed human nature with sexual facilities by means of which man is privileged to cooperate with the Creator in bringing forth new life? It was God. In giving man reproductive faculties, the Creator thereby decreed the laws which govern their proper use, for these laws are based on the nature of things as God made them. How do we know the nature of things? By studying their operations.

Now if we analyze the reproductive system we see that in it men and women carry the co-principles of life. But neither life nor the co-principles of life are under man's direct dominion. They pertain directly to the Creator. Hence, man cannot use sex primarily for his own pleasure but only according to the purpose which God gave it. This means that if man chooses to make use of sex, he may not interfere with normal physiological process which his act has initiated. Whether conception then follows or not is not in his power to decide. To interfere with the natural process by using contraceptives

²³ As regards contraception and conjugal love, cf. *infra*, Part IV.

²⁴ *Theological Studies*, 21 (1960), 601.

would be to act contrary to right reason, for he would then be both willing the reproductive act and not willing it at the same time.²⁵

It seems to me that Fr. Thomas' basic argument is really the same as the papal argument: namely, that the conjugal act, as life-giving, is inviolable; hence, contraception is intrinsically immoral because it involves the will to change the nature of this act.²⁶ By pointing to the fact that this really involves contradictory intentions, Fr. Thomas adds no new argument; but he does make it more obvious that contraception is unreasonable.

PART IV: CONTRACEPTION DESTROYS THE NATURAL SYMBOLISM OF THE CONJUGAL ACT

In my outline of this paper, I proposed to speak of "the recent approach that contraception falsifies married love." Further study has convinced me that this is an oversimplification. When the authors I have in mind analyze the symbolism of the marriage act, they consider the act in its totality and not merely under the aspect of expressing and fostering love. For instance, in explaining the objective natural meaning that should be expressed by marital intercourse, Joseph S. Duhamel, S.J., writes:

The act of intercourse is the external symbol of internal union. Of its very nature it says: I love you; I give myself to you unreservedly, completely; I give you of myself, of my substance, of that which I am as a man and husband, holding nothing back. And, on the part of the wife: I rejoice in this union of our bodies as we are already united in mind and heart; I yield my womanhood and my wifehood to you completely, unreservedly; I am openly receptive to your substance, to the power of your manhood over me, rejecting no part of you.

Still another symbolism. Since it is the marital act that prepares for the union of the male and female elements necessary for procreation, in marital intercourse there is a natural

²⁵ J. L. Thomas, S.J., *The Family Clinic* (Westminster, Md.: The Newman Press, 1958), 186-87.

²⁶ In doing this, as Fr. Thomas observes, man "would be usurping God's dominion over the co-principles of life" (*ibid.*, 187).

sign of the willingness to become a father and a mother, of the desire to confer on each other the dignity of fatherhood or motherhood, of the common will to be also united in parenthood.

As its third natural symbolism, the marital act expresses an openness of both body and will to the creative act of God by which a human being comes into existence. It proclaims, of its very nature, a willingness to cooperate with God in this most sacred of human functions: to provide the physical two-in-one substance into which God, by an immediate creative act, will infuse a human soul.²⁷

I think I am right in saying that only the first of these symbolisms refers primarily to the love aspect of marital intercourse; the second and third are mainly concerned with the act as life-giving. By this I do not mean that the conjugal act is two distinct things: an act of love and a life-giving act. It is a totality, a life-giving act of love; and, as Pius XII said, it is a mistake to try to separate the two. It is true that, as far as actual results are concerned, the act can always be expressive of love but it cannot always generate new life. But when we describe the act as essentially a life-giving act of love we are not referring to actual results; we are expressing the inherent meaning and potentiality of the natural conjugal act.

How does contraception destroy these natural symbolisms of the marriage act. To select one brief quotation from Fr. Duhamel:

Now, when contraceptives are used, they also prevent the total surrender of the wife to the influence and power of the

²⁷ *The Catholic Church and Birth Control* (New York: Paulist Press, 1963), 13-14. This is the pamphlet edition of a chapter of the same title which Fr. Duhamel contributed to *In the Eyes of Others* (New York: Macmillan, 1962), edited by R. W. Gleason, S.J. Fr. Duhamel expresses his indebtedness to three authors: S. de Lestapis, S.J., *La Limitation des naissances* (Paris: Spes, 1960); P. M. Quay, S.J., "Contraception and Conjugal Love," *Theological Studies*, 22 (1961), 18-40; J. C. Ford, S.J., "Marriage: Its Meaning and Purpose," *Ibid.*, 3 (1942), 333-74. The material in Fr. Ford's article is now incorporated into the manuscript of *Contemporary Moral Theology, II*. Fr. Quay's article, somewhat revised, is published in pamphlet form under the title, *Contraception and Marital Love*, by the Family Life Bureau, N.C.W.C. And Fr. de Lestapis' book has been translated into English as *Family Planning and Modern Problems*, published in England by Burns & Oates, and in the U.S.A. by Herder.

husband over her body, and the total giving of the husband of all that he is as a male and as a husband. Something is held back—and in that holding back, the complete two-in-oneness of the husband and wife is prevented as surely as conception is prevented. This is a violation of the secondary purpose of marriage.

In this violation of the secondary purpose of marriage, one of the three natural symbolisms of the marital act is destroyed. Involved in this is not merely the saying of an untruth; husband and wife act out the substance of a living lie because they prevent their complete two-in-oneness in the very act which should naturally express it.²⁸

Earlier in his essay, Fr. Duhamel explains the secondary purpose of marriage in terms of love; and, as we saw, he explains the first symbolism of the marriage act as an expression of love. Consequently, what I have just quoted may be said to be a brief—perhaps too brief, as I have quoted it—statement of the argument that contraception is immoral because it falsifies married love.

What about the second natural symbolism? This is distorted because, as Fr. Duhamel says, “when contraceptives are used, they make the very act of union . . . a denial of the willingness to become parents and to confer the dignity of parenthood on the other. There is the use of a sign that says parenthood while deliberately destroying its meaning in its very use.”²⁹ And the third natural symbolism is likewise destroyed because, when they practice contraception, husband and wife close themselves “to God’s creative intervention in the very act that speaks it.”³⁰

PART V: SOME USELESS AND EVEN “BOOMERANG” ARGUMENTS

In what is undoubtedly one of the most thorough of the modern manuals of moral theology, M. Zalba, S.J.,³¹ when giving the intrinsic reason for the immorality of contraception, quotes the privately published work of another eminent theologian who says,

²⁸ *The Catholic Church and Birth Control*, 18-19.

²⁹ *Ibid.*, 19.

³⁰ *Loc. cit.*

³¹ Cf. M. Zalba, S.J., *Theologiae Moralium Summa*, III (Madrid: Biblioteca de Autores Cristianos, 1958), n.1518.

unfortunately, that the conjugal act is entirely and *exclusively* directed to the procreation of new life. The obvious inference is that procreation is the only essential purpose of conjugal intercourse; and this is obviously false.

In some of the more popular writings against contraception an analogy is often drawn with the practice of the Roman vomitorium. The analogy is definitely weak on two counts: first, the motive for this disgusting practice was simply to prolong the possibility of eating and drinking merely for pleasure; secondly, leaving aside the motive of acting merely for pleasure, vomiting can sometimes be in perfect accord with the purpose of the nutritive faculty and therefore be licit. The analogy, therefore, is not only inept, because the motive for contraception is not always mere pleasure; but it may also be harmful by inferring that contraceptive practices may sometimes be in accord with the purposes of the generative faculty and, consequently, sometimes licit.

Another popular argument used a few decades ago was that contraception was "race suicide." Perhaps there is some intrinsic reason why contraception may be called "race suicide"—but the use of this argument on a factual basis has long been proved to be unsound. Despite widespread contraception, a catastrophic war, and some wholesale blood purges, the human race has continued to grow so rapidly that we now face what is generally recognized as a serious population problem.

CONCLUSION

I would not claim to have given all possible natural-law arguments against contraception.³² But enough have been given, I hope, to stimulate discussion. The discussion itself may bring out other approaches to the problem.

One purpose of the discussion is to appraise the arguments. My

³² For instance, though he recognized the speculative value of direct, metaphysical arguments, Msgr. J. A. Ryan considered an argument from consequences more satisfying. His main point seems to be this: granted any exceptions, the exceptions inevitably tend to get out of proportion. Therefore, nature itself excludes the exceptions. Cf. *American Ecclesiastical Review*, 79 (1928), 408-11.

own appraisal would be as follows: The best direct argument should include an analysis of the conjugal act in its totality—namely, as a life-giving act of love. The materials for this argument are given in the first and fourth parts of my paper. When this argument is properly understood and is confirmed by the indirect argument presented in Part II, the natural-law case against contraception is very strong. By this I do not mean that there are no further challenges to Catholic theologians and philosophers.³³ I mean simply that we already have good material for a more profound understanding of the immutable teaching of the Church and for the presentation of the Catholic position as reasonable.

The proper understanding of the direct argument requires us to keep in mind that, according to God's plan as found in nature itself, the conjugal act takes place in two decidedly different sets of circumstances. First, there is the case in which a fertile husband has intercourse with a fertile wife during a fertile time. It is only in these circumstances that the act can actually be life-giving; and I am inclined to think that it is only in these circumstances that the act expresses all the symbolisms explained by Fr. Duhamel. This latter point makes no difference as far as the argument against contraception is concerned, because it is only when these circumstances are verified (or are thought to be verified) that contraception is practiced.

The second set of circumstances is had by changing any one of the fertile factors mentioned above, so that the husband is sterile, or the wife is sterile, or the time is sterile. In this case conception is naturally impossible; hence, the act is life-giving only in the sense that it retains its natural inherent potential for giving life. It is also a love act and it symbolizes love. But it is not clear to me how the other symbolisms (willingness to become parents and openness to God's creative act) are expressed. It seems to me that these

³³ Challenges might concern such points as these: the *per se* procreativity of sterile sex acts; the inviolability of the natural conjugal act, both essentially and integrally; the extent of the inviolability of the faculty, especially with reference to the use of drugs to regulate ovulation. Problems such as these are discussed more fully in *Contemporary Moral Theology*, II, chapters 7, 14, 16.

further symbolisms belong to the act only to the extent that nature allows it to be actually life-giving.

Regarding the second set of circumstances we are often asked: if nature excludes the possibility of conception, why must the conjugal act in these circumstances be life-giving in any sense? One answer to this lies in the basic meaning of the marital act as an act of love. It is not just any kind of love act. It is a specific kind of love act, an act reserved to the married state, an act that is essentially, and at least inherently, procreative. That this is true, I have no doubt; though I believe there may be need of further elucidation.³⁴ Pending such further elucidation, the truth itself can be safely defended by using the indirect argument, which amounts to this: if the use of sex can be divorced from all reference to procreation there is no such thing as sexual morality.

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³⁴ Cf. *supra*, footnote 33.