

5-1-1989

Contraception, Sexual Behavior, and Natural Law Philosophical Foundation of the Norm of *Humanae Vitae*

Martin Rhonheimer

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

 Part of the [Ethics and Political Philosophy Commons](#), and the [Medicine and Health Sciences Commons](#)

Recommended Citation

Rhonheimer, Martin (1989) "Contraception, Sexual Behavior, and Natural Law Philosophical Foundation of the Norm of *Humanae Vitae*," *The Linacre Quarterly*: Vol. 56: No. 2, Article 7.

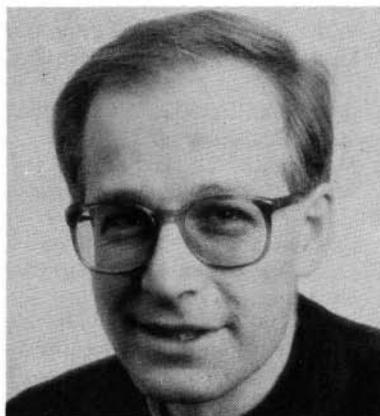
Available at: <http://epublications.marquette.edu/lnq/vol56/iss2/7>

Contraception, Sexual Behavior, and Natural Law

Philosophical Foundation of the Norm of 'Humanae Vitae'

Martin Rhonheimer (Zurich)

Father Rhonheimer of Zurich, holds a doctorate in philosophy. He did studies in history, philosophy, political science and theology in Zurich and Rome. Ordained by Pope John Paul II in Rome, in 1983, he is the author of three books and gave the following presentation at the 2nd International Congress on Moral Theology held in Rome in November, 1988, the proceedings of which are planned for publication.



I.

1. "Humanae Vitae" and Natural Law: Introductory Remarks

The encyclical "Humanae Vitae" teaches that contraception violates natural law. "Natural law" however is a rational standard for dividing actions into "good" and "bad" ones — a standard springing from man's natural reason — and that's why it is first of all a *philosophical* issue. In order to show that contraception is the wrong thing to do for everybody, I think, the *basic* argument will therefore be an argument on the philosophical level. Yet, the encyclical's "Humanae Vitae" aim was to teach authoritatively the Church's doctrine about true responsible parenthood — but not to give a thorough rational argument for its substantiation. As far as natural law is concerned, this has to be assigned to further philosophical-ethical analysis. To provide such an analysis and to offer a proper natural-law argument against contraception is the aim of this paper.

Someone might nevertheless object that there *is* a rational and philosophically relevant argumentation contained in the encyclical itself. Admittedly, "Humanae Vitae" not only pronounces some ethically relevant anthropological principles but also includes arguments which obviously are aiming at justifying these principles, as well as it draws pretty concrete moral conclusions from them. The fundamental contention asserts that contraception violates natural law and that *for this very reason* it contradicts God's will and His loving design over man. But does "Humanae Vitae" provide an answer to the question *why* contraception violates natural law?

Surprisingly, most criticism of "Humanae Vitae" was based on the assumption that the very wording of the encyclical actually did provide such an answer, and that this answer was simply derived from a naturalistic and "biological" understanding of natural law. According to these critics, "Humanae Vitae" teaches that the biological patterns inherent in the human generative faculty must never be acted against, but respected. "This", a well known critic has asserted, "is undoubtedly the philosophy underpinning the argumentation of the whole encyclical. It goes so far as to declare biological laws as absolutely binding on the conscience of man".¹

Interpreting "Humanae Vitae" in this way, its critics had an easy job in rejecting its doctrine. But a careful look at the encyclical's text will give evidence that it never identifies "natural biological laws" with natural law in the *moral* sense. Talking in No. 10 about the biological forces of man's procreative faculty, "Humanae Vitae" mentions therewith only the first and basic requirement of responsible parenthood: the requirement of knowing what is going on with one's body and that the laws of this body and its sexual drives belong to the self of human personality. But other exigencies of responsible parenthood are added immediately: The requirement of exerting dominion by reason and will over one's "innate drives and emotions"; the requirement of either "prudently and generously" deciding "to have a large family" or, "for serious reasons and with due respect to the moral law", choosing "to have no more children for the time being or even for an indeterminate period"; finally the requirement of integration of all these aspects into the "objective moral order instituted by God, — the order of which a right conscience is the true interpreter". Up to this point obviously nothing has been determined about *what* the requirements of this "objective moral order" concretely are.

In its No. 11 the encyclical mentions the "laws of nature and the incidence of fertility" which, as a sign of God's wisdom, are granting a certain spacing of births. Yet, "Humanae Vitae" does not contend thereby that these "laws" are instituting a *moral* order; that is, that they are "natural law" in the *moral* sense. The existence of biological rhythms of fertility is mentioned at this place but to draw a fundamental conceptual distinction: The distinction between *voluntarily induced* infertility and *naturally given* infertility. While the first poses a moral problem, the second does not. "Humanae Vitae" obviously wants to teach at this point that the conjugal act performed in naturally (non-voluntary) sterile periods is perfectly licit; that non-intentional (naturally given) sterility of the procreative faculty does not deprive sexual intercourse from its intrinsic value and dignity as expression of marital love and, finally, that the spacing of births resulting from fertility cycles may be considered as a sign of the Creator's wisdom. Notwithstanding that, absolutely no reason is intended to be given here for settling the question *why* voluntarily induced sterility is illicit. At this point the encyclical pronounces nothing but its fundamental teaching that each conjugal act must remain "*per se*" *open* to procreation ("ut quilibet matrimonii usus ad vitam humanam

procreandam *per se destinatus* permaneat”), which in the very context means: It must not be *impeded voluntarily* to have those procreative consequences which would result from its naturally given (physiological) conditions (according to which procreation is not always possible). Thus, the encyclical wants to show that “openness to procreation” is not a physical, but an *intentional* category.² But it is not yet pronounced *why* this “openness” is a moral requirement.

Only in the following No.12 the encyclical starts arguing that this doctrine is based on the inseparable connection, established by God, of the two fundamental meanings of the conjugal act. “*Humanae Vitae*”, now, teaches four things: First that human sexuality has two fundamental meanings: the meaning of loving union of the spouses (“unitive meaning”) and the meaning of transmission of human life (“procreative meaning”). Secondly, that according to the design of the Creator these two meanings are inseparably connected. Thirdly, that man on his own initiative may not break this connection. And fourthly, “*Humanae Vitae*” affirms that by contraception the connection of these two meanings in fact is broken.

‘Inseparability Principle’ Must Be Understood

The first, second and third one - which jointly form what I shall call the *Inseparability Principle* - must first be rightly understood so as to deal correctly with the last question. The widespread criticism of “*Humanae Vitae*” was and still is the one contesting that contraception in fact *does* break the connection of these two meanings while periodic continence does not. Critics thereby contend that the connection of these two meanings need not be maintained *in each single conjugal act*. Therewith they answer in the affirmative a question explicitly brought up by the encyclical itself (No. 3). “Could it not be admitted (...) that procreative finality applies to the totality of married life rather than to each single act?” Critics give their affirmative answer to this question by opposing what “*Humanae Vitae*” explicitly teaches in No. 14. The claim was, to put it even clearer, that as long as contraception is adopted in the context of a marital life which is open *in its totality* to its procreative meaning - that is, as long as contraception serves only as a means for responsibly limiting or planning offspring without excluding offspring *on principle*, there would not result any breaking of the connection of the two meanings of the conjugal act (“*Totality Principle*”). Moreover, intentional openness to procreation would be fully maintained. To refer to the *Inseparability Principle* in order to show the wrongness of contraception, critics contend, would be mere question begging.

By faithfully following this view, critics of the encyclical’s teaching thought, and still think, that periodic continence is only another *method* of contraception, the one being a “natural method”, the other an “artificial method”. This concentration on the alternative “natural” or “artificial method” has been a fatally misleading move; it has led many to miss the very point at issue and to overlook the crux of the problem. Misled in this

way, they were induced to promote an interpretation according to which "Humanae Vitae" condemns contraception because of its *artificial* character, because of its shortcoming with respect to naturally given structures. But does "Humanae Vitae" give us any arguments to refute this false interpretation?

In my opinion, "Humanae Vitae" did not intend to show *why* contraception violates the Inseparability Principle; it only affirms that it does. Likewise, "Humanae Vitae" did not intend to provide a philosophical (ethical) reason why contraception violates natural law; it only wanted to affirm that it does. Nor does "Humanae Vitae" explicitly refer to any definite natural law concept. It applies, in the light of revelation (Holy Scripture and Tradition), its perennial, prophetic teaching on the matter to new developments in the field of contraceptive devices without putting forward a properly philosophical argument.³

However, there clearly exists a leading, philosophically *relevant* perspective underlying the encyclical's teaching, a perspective which also reflects an important doctrinal development: *This perspective is not to defend the demand of respecting natural patterns inherent in the biological or physiological constitution of man and his generative acts, but to stress what has been called⁴ the "intentionalness of the thing one is doing" by contracepting, an intentionalness which relates to the nature of the virtue of chastity and to its specific requirements within the context of procreative responsibility.* This, I think, is the key to a proper understanding of the encyclical, which, in my opinion, leads to probably the only way of explaining why contraception violates natural law.

2. Methodological specifications: The perspective of single acts and the 'relevant case'

Before I continue, I have to settle a fundamental methodological question. When "Humanae Vitae" talks about the procreative meaning of marital love it explicitly refers not only to marital life in its totality, but, as was already mentioned, to *each single conjugal act*. Thus, the perspective of "Humanae Vitae" consists in providing a moral judgement about a specific type of *action*, that is about concrete performance of human acts.

In order to *identify* the act under question, a most important restriction has to be effected for methodological reasons. "Contraceptive behavior" is or can be a complex structure involving several aspects to be distinguished. The most typical and widespread case of contraceptive behavior consists in an overall attitude of excluding in part or totally procreative finality from marital love. In this case, which is the one of primary pastoral concern, contraceptive behavior has its root on the level of life plans and overall intentions involved in marital commitment. This life plan consists in wanting to exclude in part or totally the possible restrictions, burdens, etc. expected from or imposed by pregnancy and bringing up children, mostly as a result of *other* preferences. This is not a case of "reponsible parenthood", because parenthood itself is partly or totally rejected. Much

more they are acts of restricting or even suppressing the procreative meaning of marital love altogether. They are intentional acts of disconnecting in part or totally the unitive meaning of sexual behavior from its procreative function; spouses, in this case, simply close their minds, at least partially, to the task of generously transmitting human life. For *this*, however, contraception is not the only way, even if nowadays it may be the most commonly used; but periodic continence, too, can serve for such a project and is still doing it in some cases. The failure of this project, however, does not basically consist in contraceptive behavior itself, but already in the overall intention *with which* contraception *and also* periodic continence are adopted.⁵

To identify the act of contraception in its “purity” -*for analytical reasons*, - we should therefore consider another case, which also is the one the encyclical “*Humanae Vitae*” is mostly concerned about: The proper case of responsible parenthood; the case of spouses who are plainly open to their parental vocation but for serious reasons, in which they detect God’s will, conclude that *they ought* not to have any more children, at least for the time being. “*Humanae Vitae*” has perfectly sketched this situation when it states (No. 16): “It cannot be denied that in each case married couples, for acceptable reasons, are both perfectly clear in their intention to avoid children and mean to make sure that none will be born.” According to the encyclical’s teaching, periodic continence would be perfectly licit in this case; contraception, however, would not. In this case, one and the same upright intention leads to a different choice of actions. The intention here *is not* to disconnect marital love from its procreative meaning. On the contrary: The insight of spouses - “We should not have another child” or “She (I) should not become pregnant” - which is based on serious and justified reasons, is an insight plainly imbedded in the parental and procreative meaning of marital love; in both cases, it forms an *intention of avoiding conception* (as long as present circumstances, etc. continue), which is integrated in the very context of procreative responsibility.

Afterwards, however, the choice of conduct, that is, the means chosen for the sake of avoiding conception, will be different: The contraceptive choice is a volition to act in a way of *preventing* sexual intercourse from being fertile (it is a choice to *prevent* conception where it is foreseen to occur, for the sake of *avoiding* it). The choice of periodic continence, on the other hand, does not involve the volition of preventing naturally fertile acts from being fertile, but of *avoiding* conception by *abstaining* from those acts which are foreseen to bring about the consequence of conception. Why is the former choice wrong, while the latter is not? That exactly, and only that, is the question which has to be answered. All the other possible reasons additionally provided to show that contraception involves moral disorder actually presuppose having resolved this basic problem.

3. Some known arguments against contraception

It seems to be useful to talk first about several arguments which intend to defend the doctrine of "Humanae Vitae". The analysis of these arguments will help to further clear up the point at issue.

The most traditional of these arguments is the "perverted faculty argument", held times ago by many of those who some years later rejected the Church's teaching as it was pronounced in "Humanae Vitae". It is both amazing and sad to see how most critics of "Humanae Vitae" did hold this kind of naturalistic theory till quite recently. Later on, some of them began to consider the "pill" as not violating the integrity of naturally given structures by assuming that the ovulation-inhibiting pill does nothing but provoke "artificially" what nature often does spontaneously; but in the generative faculty, they have asserted, nothing is mutilated and there is no vitiating in the performance of the procreative act.⁶ Others, abandoning this rather "naturalistic" way of moral thinking, wholly stopped talking about "integrity of the generative faculty" and fully subscribed to licitness of contraceptive practices whatsoever, though without giving up a rather crudely "physicalist" if not "zoological" view of sexuality.⁷ When they finally read "Humanae Vitae", they obviously did not understand that the encyclical's view was quite a different one. Backed up by mass medias, they persistently spread the reproach — though without really proving it on the grounds of the wording of "Humanae Vitae"⁸ — that the perspective underlying the encyclical's teaching was just this biological concept of morally binding natural patterns which, as they rightly emphasized, in the meantime the majority of moral theologians had given up.

I think there is no need at present of explicitly refuting the "perverted faculty argument" or similar arguments grounded in the need of respecting natural patterns (in the physiological sense). No serious moralist holds it nowadays even if critics of "Humanae Vitae" continue to be convinced that this is what the encyclical really teaches. What Germain Grisez wrote many years ago about it is still worthwhile being remembered:

'The naturally given structure of the sexual act' — that is a phrase one often encounters in discussions of contraception. The contention here is that there is no such thing, if we are talking about the *human act*; for human acts have their structure from intelligence. Just insofar as an action is considered according to its naturally given structure, it is to that extent not considered as a *human act* - i.e., as a moral act - but rather as a physiological process or as instinctive behavior. Action with a given structure and acts structured by intelligence differ as totally as nature differs from morality. Nature has an order which reason can consider but cannot make and cannot alter. Morality has an order which reason institutes by guiding the acts of the will.⁹

I fully subscribe to this criticism, liking to add that acting against nature does not automatically imply *moral fault*; it has always to be shown why a violation of natural patterns is *wrong*: "*agere contra naturam*" is not equal to "*peccare contra naturam*". A reason has always to be given *why* a violation of nature — e.g., of the course of the body's natural processes — has

or has not moral relevance; that is, how it has to be qualified from a moral point of view.¹⁰ Why is contraceptive sexual intercourse not just like rendering “a man’s eating non-nutritive for a day or two”, or like installing “a substitute for lung-breathing by some reversible operation (with a view to underwater exploration, say)” or like chewing sugarless gum for the pleasure of chewing, excluding nutrition as the “natural goal” of chewing?¹¹ Thus, an argument against contraception on the grounds of referring to the naturally given structure of the sexual act does not resolve anything; it simply begs the question, — provided that one does not want to maintain that what is naturally given imposes *in all cases* the moral obligation of not altering it; which plainly would lead to absurd consequences. Every argument which tries to defend naturally given structures from being altered by human intervention needs a *further* argument which precisely may not be based on the very “naturalness” of natural patterns, but which needs to be an additional *ethical* argument showing the *moral relevance* of natural patterns.¹²

A second argument is the one I will call the “creationist argument”. It runs as follows: In procreation man is a cooperator with God, Who in every act of generation immediately creates the human soul. Through contraception man overrides God’s right as a creator, contradicts His creative will, and claims for himself to be the master over human life.

This argument obviously applies to anti-procreative overall-intentions, because these aim at withdrawing marital love from its procreative meaning, that is, from its meaning as cooperation with God’s creative love. Foreclosing the procreative meaning of marital love means overriding God’s creative designs over man and falsifying one’s own situation as a mere cooperator with God.

In the case we are considering, however, this argument seems to lead to serious difficulties. Consider: The case presupposes the spouses’ insight that they “*ought* not to have another child at present”. And this “ought not” is a judgment of conscience which the spouses — supposing they take conscience seriously — will interpret as God’s will. According to the teaching of the II Vatican Council’s pastoral constitution “*Gaudium et spes*” (No.50), the spouses are not only cooperators with God’s creative and loving will, but they also are “*interpreters* of God’s love”. Hence, their task is to cooperate with God’s creative love precisely by interpreting what this love wants them to do; it is assigned to them to judge in conscience whether God wants the coming-to-be of a new human being under the present circumstances of their conjugal life; what equals to judging whether God *at present* wants to make use of their loving union creating a new human being. Our case supposes that spouses rightly have come to the conclusion that God, at present, does not want them to have another child; this conclusion fully involves the consciousness of being both *cooperators* with God and *interpreters* of His creative love.

Now, if procreation were the only meaning of the conjugal act, consequently they should abstain even completely from sexual intercourse.

But they know that procreation is not the only meaning inherent in sexuality. They may engage in sexual intercourse to express mutual love even if God wants them to avoid pregnancy for the time being or even altogether. "If we contracept - they might argue - we shall not necessarily deprive sexual intercourse from its *cooperative meaning*; we only will deprive it from its *procreative efficiency*. And this - they might assert - we are allowed to do according to God's will, for we know that He wants us to avoid pregnancy." Referring at this point to the cooperative aspect of procreation to refute them, would signify to beg the question; it simply is not sufficient, because one has not yet proven why depriving intercourse from its procreative efficiency is *not an appropriate means for cooperating with God's will of avoiding conception*; that is, why it is not an appropriate interpretation of how to cooperate with God's creative love. To show this, one should provide reasons for the wrongness of the contraceptive act and only *then* derive its implications for cooperation with God's creative love.

Someone might object: In every act of sexual intercourse which by its natural condition is fertile and therefore a procreative act, God's creative intervention is "automatically" involved. Consequently man has no right to render it infertile; for this would be equal to setting limits to God's creative power, impeding what only He has a right to dispose of. Man would usurp the place of God.

To this I should answer: Even if the acts of procreation are, by their very *object*, acts of cooperation with the Creator and have therefore to be considered as something like "God's property", it would not be evident at all why rendering them infertile by reasons of "procreative responsibility" should be considered as overriding God's rights. This could be evidenced only by assuming that through the conjugal act God wants to create a new human being *also in the case of spouses whom at present He wants to avoid conception*. This assumption, however, clearly is self-contradictory, for it implies God's creative will to be inconsistent. Or else it implies that, for executing His creative will, God is confined by secondary causes (like the body's fertility-rhythms). Provided both that God at present wants spouses to avoid conception and that He fully approves the unitive meaning of intercourse, it seems much more plausible to suppose that He does not request *single conjugal acts either* to keep their actual meaning of cooperation with a divine act of *creation* (whether this supposition is actually sound is precisely the point at issue). This assumption however can be reasonably argued for on the grounds that spouses *know* that God *does not* want to create at present and *in their* very case a new human life through *their* bodily acts, and that the procreative meaning is not the only meaning of the conjugal act. The only way of saving, at this point, the creationist argument would be by assuming that what God wants spouses to do is conditioned by natural patterns; but this is plainly absurd, or at least it will lead back to the "perverted faculty argument".

Henceforth, the creationist argument will "bite back". For the contraceptive choice could be justified just on the grounds of "cooperation

with the Creator”, which requires the responsible interpretation of His will. So it might be asserted that the cooperative meaning of procreation at present demands an act which prevents intercourse from having procreative consequences. Thus, one could, without any peril of inconsistency, assume that cooperation with God’s will demands *now* to alter a natural pattern for the very sake of fulfilling God’s will; an assumption which, again, is the one at issue. Whoever wants to refute *this* contention without being forced to resort to the “perverted faculty argument”, should give a *further* reason which precisely should not be drawn from the cooperative meaning of procreation.

To sum up: Contracepting spouses will concede that by contraception they *withdraw* sexual intercourse from being involved in a divine act of creation, but this, they will argue, they do according to God’s will. Therefore, what has to be proven is *why*, in order to fulfill God’s will of avoiding conception, it is illicit both to *prevent* conception (on the secondary-cause-level) and consequently to thereby *withdraw* the conjugal act from involvement in the primary-cause’s creative act.

So the crucial problem remains far from being resolved. To bring moral reasoning to a satisfactory and definite solution, the creationist argument obviously needs a *complement*. The very crux of the problem is, why the act of preventing sexual acts from being fertile is not an appropriate means for responsibly cooperating with God. Nobody denies that man has no right to override the Creator’s prerogatives, but the crucial question to be answered is: *Why* is the Creator’s right overridden by contraception? The reason can be worked out only by giving evidence why contraception in itself is a wrong means for fulfilling procreative responsibility and thus for cooperating with God’s creative will.

The creationist argument only manifests the real gravity of contraception, once this practice has been understood in its intrinsic wrongness and its contradiction to the demands of the human good. Moreover, it points out the real gravity of contraception pursued in the context of the intent of withdrawing marital love from procreative context *whatever*. Indeed, we are allowed to argue that spouses have no *right* to do this, because the task of procreation and the bodily acts which render it possible are not at man’s disposal; they are but realities through which man cooperates with the Creator. Life is not “made” by men, but “given” by God *through* the act of conjugal love. And this spreading out of His divine creative love is just what God *on principle* wants married people to cooperate with. Hence, this is different from the case in which spouses have reasons of procreative responsibility for the supposition that God *at present* does not want to make use of *their* marital intercourse to spread the gift of life. Thus, as an argument which refers to “God’s rights” *within* the context of “responsible parenthood”, the creationist argument seems to fall short of resolving the problem at issue. It overlooks the need for a moral analysis on the level of the human act which would make out the “good for man”, according to Aquinas’s famous dictum: “*Non enim Deus*

a nobis offenditur nisi ex eo quod contra nostrum bonum agimus"¹³.

A further argument is the one which I would like to call the "Contralife-will argument".¹⁴ It intends to show that in the contraceptive act in and of itself is involved a "contralife will", somewhat similar to a homicidal will. This argument which, in its exposition is very sophisticated, needs to be further examined, I think. I have some doubts about the soundness of its basic assumption, which holds that *in and of itself* the contraceptive act is not intentionally related to sexual acts and seeks nothing but "to impede the beginning of a person's life".

Let me make only a few insufficient remarks: What the argument claims, I think, would be true only if children came into being spontaneously; adopting a device which impedes this would then intentionally be nothing but "impeding the beginning of a person's life". But babies come into being as a consequence of a human (sexual) act. Taking, for example, an ovulation-inhibiting pill does, in itself, not impede babies to come into being; it only impedes ovulation. You cannot take it with the intention of impeding the beginning of a baby's life, unless you simultaneously choose to engage in sexual intercourse and *for this reason* you choose to prevent intercourse from causing a baby's life by inhibiting ovulation. Therefore, as it seems to me, contraception only seeks *to prevent sexual intercourse from causing* the beginning of a person's life. Thus, insofar as *intentional* relation to "the beginning of new life" is concerned, the volition involved in a contraceptive choice does not differ from the volition necessarily involved also in a choice to *refrain* from intercourse: In both cases one chooses "not to cause the initiation of new life". So it does not seem that the difference between contraception and periodic continence is due to their different intentional relation towards "the beginning of a person's life", but rather to their different intentionality with regard to *sexual activity* and its being a possible *cause* of the initiation of new life.

Finally there is the anthropological argument precisely based on the doctrine of the inseparable connection of the two meanings of the marital act. This doctrine, I think, is basic as a starting point and as the indispensable anthropological background for any argument against contraception. However, it does not seem to me to be an assumption sufficient for arguing that also in each *single act* of contraceptive intercourse, this connection is denied in a way *essentially different* from periodic continence. One might still object that periodic continence and the intentional limiting of sexual intercourse to infertile periods is simply *another* "method" — although not "artificial", but "natural" — of disconnecting sexual intercourse from its procreative meaning. To simply state that in contracepting one positively "does" something which "impedes" conception is not sufficient; it would be nothing but to beg the question or to resort to the "perverted faculty argument". Rather, it has to be shown why "*preventing* intercourse from causing conception" violates the Inseparability Principle, while "*abstaining* from causing conception"

does not. It is exactly for this purpose that I intend to provide an argument.

4. Description of the relevant case and description of the contraceptive choice

In further analyses I shall concentrate on the problem of the contraceptive choice itself as a choice of a determinate sort of human act. The analysis has to be kept in the context of the mentioned case, which involves the following descriptive elements:

1. The spouses' *morally upright intention* to avoid pregnancy.
2. Consequently the fact that, in this case, *periodic continence would be a licit alternative*.
3. The at least implicit *choice not to adopt periodic continence*, that is, not to abstain from those acts which are foreseen to have procreative consequences.
4. *Instead of choosing periodic continence*, the choice to adopt means which *prevent* possibly procreative consequences of all sexual intercourse performed in any moment. This means can be the "pill", as well as other chemical, mechanical or surgical techniques such as condoms, IUDs or sterilization, but also "natural" devices like *coitus interruptus*. On this level of argument, this all comes to the same conclusion.

We are thus analyzing contraception as a type of *human act*. For the present purpose, I will suggest the following description (definition) of the choice of this human act: *A contraceptive choice is the choice of an act that prevents freely consented performances of sexual intercourse, which are foreseen to have procreative consequences, from having these consequences, and which is a choice made just for this reason*. It seems to me that this is a complete description of the contraceptive choice, and it does not matter whether it refers to contraception within or without marriage. It involves (1) the intention of engaging in sexual intercourse; (2) to foresee that this possibly may cause the initiation of new life; (3) to choose a performance which prevents this consequence of one's sexual behavior, and (4) to choose this precisely for the sake of preventing this procreative consequence. As already has been noted, this description also applies to onanism by "coitus interruptus", (because this is a device which prevents actual engaging in sexual intercourse from having procreative consequences) and, on the other hand, it obviously applies mostly to surgical sterilization. It even covers abortion, insofar as abortion is meant to be part of a contraceptive policy, that is, insofar as abortion is *previously provided* for "neutralizing" or undoing foreseen procreative consequences of sexual intercourse (in this case abortion involves both the contraceptive choice and the choice of killing an already existing human being). Notice that the description of contraception which I adopt is absolutely independent of what is happening on the physical level for, in order to resolve the problem at issue, it makes no difference whether one considers the case of preventing a performed sexual intercourse from being fertile by taking the pill or the case of interrupting intercourse so as to consummate

it in an onanistic way. Of course there are differences of *other* kinds, but they are not relevant in the present context. The suggested description also disregards the differentiation between “doing” and “refraining from doing”, because *coitus interruptus* is a kind of “refraining” and because, moreover, this description obviously does not apply to adopting contraceptives to prevent possible procreative consequences of foreseen rape, for the raped person does not choose to engage in sexual intercourse or to prevent a possible consequence of its own sexual behavior. Thus, what I have called the “ethical context” is completely different.¹⁵ It does, however, apply to forced sexual intercourse between spouses, because marriage involves commitment to engage in the conjugal act.

By adopting this description, we will be able to point out that the reason why contraception is wrong is not because it violates naturally given structures of the generative faculty or other “natural” laws, for not every act of preventing conception implies such violations or inferences with natural processes, while others (such as taking an ovulation-inhibiting pill in fear of rape), which actually do imply it, are not covered by this description.

I shall develop my argument in the following steps:

1. A previous exposition of the anthropological meaning of the Inseparability Principles. This will lead to the definition of the *object* of sexual intercourse. *This is the cornerstone of my argument.*

2. A clarification of what “procreative responsibility”, as derived from the Inseparability Principle, means within the context of an ethical theory which is based on the concept of moral virtue. *This step renders anthropological insights applicable to concrete human actions.*

3. The analysis of the difference between contraceptive intercourse and intercourse in the context of a practice of periodic abstinence as two radically different forms of sexual behavior, containing the proof of the objective disconnection of the two meanings of the conjugal act as resulting from contraception. *This piece of action analysis forms the very core of my argument.*

4. The exposition of some intrinsic implications of contraception, mainly disintegration of sexuality and its consequences for marital love. *This shows the gravity of the moral disorder implied in contraception.*

5. Finally, I shall point out *why, by this argument, contraception has been shown to violate natural law.*

I would like to draw attention to the importance of the *methodological order* implied in the following way of proceeding. Equally, I wish to stress that I shall *not derive* an argument against contraception from the Inseparability Principle, but rather *prove* the very *truth* of this principle on the level of single performances of actions. The anthropology implied in the Inseparability Principle is nothing but the starting point of the argument and its cornerstone. The proper core of this argument, however, will be contained in the third step: the analysis of the morally relevant *difference* between periodic continence and contraceptive behavior.

Do allow me just one supplementary remark. I shall not be talking about "Natural Family Planning" (NFP). Besides other reasons, mainly because "natural" is a rather misleading term in this context, insinuating, though incidentally, a difference with "artificial". Instead of NFP, I will only talk about "periodic continence" and "procreative responsibility". On the other hand, periodic continence does not necessarily mean a "planning" of the family, but only for serious reasons of responsibility, the avoiding of offspring in determinate circumstances.

II.

I. The meaning of the Inseparability Principle, or the "object" of the marital act.

Like all basic principles, the Inseparability Principle has to be "shown" rather than demonstrated. It is an anthropological principle expressing the fundamental unity of human persons as compound beings of body and spirit. In his consciousness, the acting person spontaneously possesses at least implicit awareness of this complex unity. A human person experiences its body and the body's acts as "his/her" body and "his/her" acts which belong to one's personal "self". Metaphysical anthropology will, in a systematical way, elucidate this experience, coming to the following results:

Man is essentially a bodily being and, as such a bodily being, he belongs to the genus of animals. At the same time, man is spirit as well. He is, as Aristotle says, an organized organic body animated by a spiritual soul; according to the terminology of the scholastics, he is *animal rationale*. The spiritual soul is the substantial form of a body which therefore is a *substantial unity*. Consequently, man's corporeality is fully integrated into the structure of spiritual life. It is "informed" by spiritual life, becoming however itself the *subject* or "carrier" of spiritual acts.

So the acting human subject is always a body-spirit-unity. Human acts are not *either* spiritual *or* bodily acts nor are they acts of a spiritual substance that makes use of the body as its "instrument". Human acts are always, although in different ways, acts of body *and* spirit *cooperating*. Human acts therefore are, even in the case of properly inner acts of intelligence and will, always acts of a *body*, though of a *spiritually informed* body. Likewise human acts, even in the case of proper bodily acts, are always acts of a *spirit*, although of a *bodily bound* spirit, that is of a spirit which, by its own nature, is the substantial form of a body. Thus there is only *one* "suppositum" (real, existing individual thing), whose nature (or "essence") includes body and spirit and which we used to call the *human person*; (this entirely differs with the christological - hypostatical - union of *two* natures in one person. Man, therefore, is not an "incarnated spirit".)

This full integration of the body and its acts into the life of the spirit entails also the integration of the body into the structure of spiritual *love*,

which is based on free will and rationality.(it is *dilectio*)and whose proper act is free self-giving.

Because of this fundamental substantial unity of body and spirit, human love is not only a spiritual reality, but also a corporal one (which also is valid for the love of God). The spirit also talks the "language of the body", and it is a language proper to it because the spirit is *by its very nature* the substantial form (the soul) of the body. The body has to be considered as "subject", and not as "object" or "means" of spiritual love: *The human body fully belongs to the subjectivity of the acting person.*

On the other hand, there is a simple fact based upon the bodily constitution of man: Propagation of the human species takes place through bodily acts of procreation. Human procreation, therefore, is a *basic human good* (and not only a good on the physiological level in the sense of a mere "natural" outcome of a biological process). Procreation is a basic human good in the same extent as human life generally is, for the outcome of the procreative process is not simply a "living body", but a living *human person*. Moreover, because of the substantial unity of man, this act of procreation cannot be disconnected from the spiritual dimension of the soul: the corporal act of procreation necessarily acquires a spiritual dimension; the act of human procreation *is* essentially a spiritual act as well. Being integrated in human nature, it is also spiritual love. It is *dilectio* and therefore marked by the seal of free mutual self-giving of two human persons. Otherwise we would encounter a deep dichotomy within the structure of the person, a principle of disintegration of its unity. We would have to subscribe to a kind of dualistic anthropology.¹⁶ Thus "Humanae Vitae" in No. 10, rightly points out that the biological laws of the generative faculty are not only a "biological" fact with which man meets while experiencing his bodily drives, but also *they are human goods belonging to the human personality*, part of man's personal subjectivity (which explains the sometimes misunderstood reference to "Summa Theologiae", I-II, 94,2).¹⁷

For the same reason, this spiritual act (love between male and female and its expression in the "language of the body") is bound to the conditions of the body itself, because, as we have seen, the body is *subject*, "carrier" of spiritual acts. In every act of procreation, spirit and body are thus *mutually correlated* and *cooperating*; they are — strictly analogous to the matter-form composition on the ontological level — *cooperating principles in the act itself*; they are two cooperating principles from which will yield in each case numerically *one single* human act. So, through the spirit the body acquires a new dimension and through the body the spirit acquires a new dimension as well.

From this, several consequences result. In the case of man, sexual acts are more than simple sexual copulation to result in procreation. They *essentially* are acts of free mutual self-giving of two loving persons. On the other hand, acts of marital love which consist in reciprocal self-giving, are in their bodily dimension always acts of "this" body, and that entails:

they have a procreative meaning (nobody can deny *this*, unless rejecting a constitutive property of the body. By emphasizing this fact, however, one is not asserting that every act of sexual copulation is, or should be procreatively *effectual*).

On the grounds of this analysis, we are now equipped with the elements required to understand exactly the two meanings of the conjugal act, as well as the principle of their intrinsic connection.

1. To be fully human, *human procreation presupposes spiritual love*. It presupposes the act of mutual self-giving. Human procreation has its place within the context of spiritual love which is the context of a community of persons (and not of "instinctive steering"). It is informed by the "logic" of this love in the same degree as the body is informed by spiritual life altogether. Procreation withdrawn from this context would not be fully *human* procreation anymore, but rather procreation of another kind, e.g., animal or technical (even if effectuated by human beings as, for example, in vitro fertilization).

2. By the same token, we may affirm: *Love between male and female*, insofar as it tends to be consummated in bodily union (that is, insofar as it springs from the "naturalis inclinatio ad coniunctionem maris et feminae", from sexual inclination), *by its very nature possesses a procreative dimension*, because it is love between two bodily constituted spiritual beings. In other words: the loving bodily union of male and female is, by its own nature, "service to transmission of life". Of course there exist different forms of love between persons as well as different possible forms of love between human beings of different sexes (e.g., mere fellowship or love between brother and sister). However, loving attraction between male and female springing from sexual inclination and therefore tending to bodily union is, taking into account the body-spirit unity, a kind of love *specified* by the very sexual tendency to bodily union. This implies this love to be specified by the naturally given condition of the body itself and therefore to be "procreative love" — love which has a "function", or better, a mission.

So, "inseparable connection" of the two meanings signifies their *reciprocal inclusive correlation*. The bodily reality of procreation receives its fully human specification from spiritual love, and spiritual love of the married persons receives its specification as a determinate *sort* of love from the procreative function of the body.

Thus, for a correct and exhaustive understanding of the Inseparability Principle, it seems to be decisive to recognize that these two meanings are neither two meanings solely "added" one to the other nor merely two conjoined or accumulated "functions", each of which has its full intelligibility *independently* from the other. Rather, I should say, each one receives its full intelligibility as a *human* reality — its full *human* meaning — precisely *from the other*. Procreation considered independently from spiritual love *is not the same thing anymore*. And spiritual love tending to bodily union between male and female considered apart from its

procreative meaning *is not the same thing anymore either*. This precisely is what follows from man's substantial body-spirit unity.

If we consider things in this perspective of an anthropology which takes seriously the substantial unity of body and spirit, then the reason why these two meanings are inseparably connected becomes obvious: by separating them we would *alter* both the meaning of human procreation *and* the meaning of marital loving union. Both meanings are not extrinsically, but *intrinsically* connected. *The very connection constitutes the specifically human content of both meanings.*

It may be useful to further stress the point I intended to make offering the foregoing exposition. "Humanae Vitae" speaks, in No. 12, about the inseparable connection of two *meanings* ("significatio"), and not of two *functions* of the marital act. Only a *fertile* sexual act can have a "procreative *function*". An infertile act, however, may have a procreative *meaning*, if this act is intentionally open to procreation, though it will never have a procreative "function". "Procreative function" depends on actual fertility which, in a determinate moment, may be biologically given or not. Thus, to speak about "inseparability" of procreative and unitive "functions" would not make much sense, for only few sexual acts are "fertile" and actually have a procreative "function".¹⁸ Obviously, the procreative "function" *can* be entirely suppressed or separated from the love expressing "function". The Inseparability Principle, as stated by "Humanae Vitae", does not simply state that one is "not allowed" to do that, but that one *cannot* do it without destroying the very *meaning* of the marital act. The point is that "Humanae Vitae" speaks about an *anthropological* inseparability of the two meanings, which are not two functions but two *aspects* of the one and indivisible *essence* of the marital act. Therefore, "Humanae Vitae" calls the two meanings also "essential aspects" or "essential qualities" ("ultraque eius *essentialis ratio*") of the marital act. In reality, both meanings together form *one single, but complex unity of meaning*, which is a true expression of man's substantial and therefore essential unity of body and spirit.¹⁹ Only on these grounds, I think, is it possible to fully render justice to what "Humanae Vitae" affirms in No. 11: that *every* marital act, also those which are infertile and therefore obviously do not have a procreative "function", must be open to procreation, and must have a procreative meaning, which is *inseparably* connected with the unitive meaning.²⁰ The Inseparability Principle, therefore, is not simply a re-formulation of a negative precept, but the very (anthropological) *rationale* which provides the reason *why* one *cannot* separate one meaning from the other without destroying the whole. Philosophically spoken, we may *conclude* therefrom that such a separation would be contrary to God's will and that, therefore, one *may not* realize it.

From the Inseparability Principle derives the identification of the *object* of the marital act of sexual intercourse. The object of a human act (which is an act conceived as proceeding from deliberate will) is its *act-specifying*

content. So called "moral objects" are the objects of the rationally guided will's *choices* to do something. Thus, objects of human acts are neither the naturally given goals of inclinations nor "things" we are acting about or aiming at, but rather, as Aquinas says, "*formae a ratione conceptae*".²¹ Or, using words of a contemporary author, "We must always remember that an object is not what what is aimed at *is*; the description *under which* it is aimed at is that under which it is *called* the object."²² Such descriptions under which actions are chosen are meant to be the *intentional contents of these actions*; they refer to *what* one is doing when one does "this" on purpose.²³

As we have seen, the human act of procreation essentially is an act of loving bodily union. Its unitive meaning is not just "one" meaning and the openness to procreation "another". It would be nonsense to say that *sometimes* spouses perform intercourse to express mutual love and *sometimes* to procreate a new human life, or that *sometimes* they "do both things" together. What they deliberately choose (i.e., the description under which their doing is chosen) is always one and the same: to give themselves with their whole spiritual, affective, emotional and sexual being to loving union (which, of course, *physically* is copulation; but "to copulate" surely is not the description under which normal couples *choose* copulation, hence, it is not to be called the "*object* of sexual intercourse"). Spouses give themselves to loving union whether procreation is actually intended or not. The reason for this is, *every* act of intercourse - even if the intention to procreate is the direct and explicit reason for actually engaging in intercourse - is by its very nature an act of loving union; procreation is effectuated just *by* loving mutual self-giving of the spouses in the totality of their body-spirit-unity. So every procreative act *is* expressing loving union. If, in the rather extreme case that sexual intercourse were performed without *any* mutual affection (exclusively for the sake of "making a baby", say), the act would be profoundly vitiated. When sexual intercourse, on the other hand, is performed in knowingly infertile periods, the meanings of the act are again the same: loving union, mutual self-giving of the spouses. If by physiological reasons, procreation was not possible and was even foreseen as such the objective meaning of the spouses' doing would not be affected by this. The reason is that what they *intentionally* do (what they "choose") is to engage in an act of loving bodily union which by its very nature serves procreation. The act they perform is a generative *sort* of act:²⁴ even if it has not a procreative *function* (because of its being infertile), it nevertheless maintains its procreative *meaning*. If this act, for natural reasons beyond intention, cannot have procreative efficiency, this does not alter what one *intentionally* does (what one chooses) as long as one did not *do* (choose) anything for *preventing* procreation. Human acts are specified by the object of one's will, and not by facts of nature which fall outside the reach of human choices. As has been already emphasized above, the two meanings of the marital act are two inseparable aspects of *one* object.²⁵

Consequently, an act of loving union which knowingly is infertile may,

considered as an intentional action, *objectively* be a procreative act. Therefore, the "object" of the conjugal act is neither "procreation" nor "expressing mutual love". We should rather define it as something like "loving bodily union" or "mutual self-giving in the totality of one's bodily-spiritual being", taking into account, however, that "loving bodily union" has to be understood as "consummation of marital love", which obviously *includes* both the intentional openness to procreation (because of the very nature of the body as well as of the sexual character of marriage) and cooperation with God's creative love (because of procreation's involvement in God's creative love).²⁶ What we have to define well, above all, is *marital love*. Then we will be able to rightly understand the object of marital intercourse as nothing other than the *consummation* of this love. Thus, conjugal acts would be altered in their *objective* meaning - in their very meaning as acts of "loving union" - just by intentionally excluding their openness to procreation.²⁷

What have I shown up to this point? I have shown that intentional foreclosing of the procreative dimension of loving bodily union alters *objectively* the very nature of this union into a kind of "love" which is at odds with the anthropological truth of man. (It contradicts the substantial unity of body and spirit). In the context of our case, however, this is not a sufficient proof for the contention that contraception *does* in fact involve such a foreclosing. So, I wish to emphasize this: *I have not yet proven that contraception is wrong.*

The reason for this is that our case is based on the presupposition that avoiding pregnancy is rightly demanded by procreative responsibility; that spouses *ought* to avoid conception now. On the grounds of this supposition, someone could rightly ask why, in order to meet this requirement while maintaining fully the procreative meaning of marital love *in its totality*, one should not be allowed to uncouple sexuality's procreative efficiency from its unitive function *at least on the level of single performances of marital acts* (i.e., "sometimes", "occasionally" or "temporarily"). Contraceptive intercourse, then, would be supposed to receive its procreative meaning from the overall intention with which marital life is lived in its totality. "Why not", one could ask, "adopt contraception, given that we are bound to avoid pregnancy just for reasons of procreative responsibility?" "Why should the suppression of the procreative *function* of single sexual acts necessarily suppress also their procreative *meaning*, provided that contraception is chosen on the grounds of the very intention of *responsibly* serving the transmission of life?" "Why is this unity required to be maintained also on the level of single performances of conjugal acts?" And finally, "Why is only periodic continence, which means abstaining from those acts which are foreseen to have procreative consequences, the only upright behavior in order to live procreative responsibility under given circumstances? Is this claim not a piece of subtle hair-splitting; is this not mere sophistry, the only point of which could be seen in the rather abstract demand of respecting the

biological patterns inherent in human nature, a demand which, in the given situation, can hardly be made intelligible as a *moral exigency*?"

Such questions actually show that appealing to the Inseparability Principle *alone* does not yet resolve the problem of contraception. We need a *further* argument to substantiate that contraception indeed *does* violate this principle *in any case*. That is, we need an argument which may elucidate that the Inseparability Principle is valid on the level of *single performance of actions* as well. So, some more action analysis is required. I shall have to show why contraception and periodic abstinence are two very different kinds of human behavior and why the former is not compatible with procreative responsibility while the latter is. This is equivalent to showing that contraception is incompatible with the *objective* meaning of single performances of the conjugal act, unless by doing this it could not be proven that the Inseparability Principle is a principle valid as well for judging *each single performance of the conjugal act*. To reject contraception on its grounds, it necessarily is required to be pointed out as *such* a principle, because otherwise resorting to it would simply be question-begging.

For this purpose I will first have to say a few words about "procreative responsibility". I wish to emphasize that *only at this point* are we entering into the proper perspective of natural law and at the same time into the perspective of moral virtue.

2. 'Procreative Responsibility'

Procreation in the realm of animals is steered by instinctive drives. According to the famous dictum of the Roman lawyer, Ulpian, "the natural inclination to the conjunction of male and female" is something "that nature has taught all animals", including man. Yet, with St. Thomas Aquinas, we have to add that nature did not teach all animals to follow this inclination under the guidance of reason and will, that is, to pursue it *responsibly*.²⁸ Non-rational animals follow their instincts, and so they fulfill the will of the Creator. But man, the "rational animal", can fulfill this will only as a responsible agent, as the master of his own actions, as an "interpreter of God's will", participating in the Creator's providence by his own acts of intelligent understanding. Exactly this *active, intelligent* participation in divine providence is what properly is called natural law. Man has to judge what is right or what is convenient to do. By simply following his instincts, he could not fulfill the will of his Creator.

In the encyclical "Humanae Vitae", the following is said about "procreative responsibility" or "responsible parenthood" (No. 10):

— one must know and observe the specific functions of the biological processes involved in procreation and that they belong to the human personality;

— one must exert dominion by reason and will over one's "innate drives and emotions";

— one has to judge responsibly one's own physical, economic, psychological and social conditions for being able to decide about either enlarging the family or renouncing having any more children for the time being or even for an indeterminate period.

— spouses ought to integrate the means into the right moral order and to carry out their duties towards God, themselves, their family and human society.

This description of what responsible parenthood is, also provides a very precise characterization of the virtue of chastity. Chastity does not simply mean continence, but mastery of one's own sexual drives so as to integrate them into the order of personal love. That is why according to Thomas Aquinas, chastity does not contradict what he calls an only "apparent incontinence" proceeding from "good concupiscence which is according to reason".²⁹ Indeed, normally sexual intercourse is elicited by spontaneous sensual desire. That conjugal acts be "according to reason" does not require engagement in them on the grounds of rational deliberation (aiming at procreation or at rendering the marriage debt). This would be quite an unrealistic view. Fortunately, we need not subscribe to Benjamin Franklin's grimly utilitarian and puritan view, "Rarely use venery but for health and offspring". Conjugal love has its own spontaneity which yields from sexual inclination and the drives proper to it (which is quite different from "acting purely for pleasure"). What is required is *habitual* or *virtual* integration of this desire into the order of reason which is the order of human love.

Besides the very important and often withheld fact that responsible parenthood may also lead the spouses to decide to *enlarge* their family, procreative responsibility basically means the morally upright and virtuous integration of sexual drives into the dominion of reason and will. It means following sexual inclination reasonably and, therefore, responsibly performing sexual acts as *human acts* guided by reason-informed will. Thus, procreative responsibility means sexual behavior fully integrated in the requirements of spiritual life, a specific kind of *virtuous self-control*.

Procreative responsibility as part of the virtue of chastity is not compatible with *any* kind of such an integration. Being a virtue, it includes a kind of integration which corresponds to the anthropological truth of man as a body-spirit unity. The body and its sexual drives are not "nature" in the sense of nature which "surrounds" us, or which we are "living in" and "acting on". The body's sexual drives do not belong to such an object-world of nature, but to nature which *constitutes* our own substantial being and, therefore, *belongs* to our own *subjectivity*. We are not spirits simply "placed in the environment of a body". We do not "have" a body, but we *are* bodies. Sexual drives of the body are called to be informed by spiritual life and, on the other hand, to be themselves *subject* of this spiritual life. This means: Acts of procreative responsibility do not consist in *any kind* of rationally and voluntarily "controlling", "guiding" or even "suppressing"

sexual drives. Sexuality is not a mere *object* of procreative responsibility, but must become its subject. Man's substantial unity requires that sexual behavior, the sexual acts themselves, be informed by the requirements of responsibility.

This is what generally applies to the moral virtue of *temperance* to which chastity belongs. The virtue of temperance means tempering, modifying the very sensual appetites according to reason, neither "suppressing" them nor rendering them "harmless", but "impressing in them the seal of reason"³⁰ and its requirements, so as to enable sensual appetites *themselves* to pursue what is according to reason, that is to say, according to responsibility.³¹ Moral virtue never consists in acts of repelling or suppressing sensual inclinations and their proper goods or goals. Such acts can be necessary as a part of the inner struggle by which a virtue is acquired or its possession preserved, but to conceive virtue itself in this way would be a rather spiritualistic conception of its nature, and therefore imply anthropological dualism. Acts of temperance thus and, consequently, of chastity and procreative responsibility will always be acts whose subject is the sensual appetite itself, modified in accordance with reason. They will be *acts of sexual behavior*, and this means acts in which not only is reason engaged in responsibility, but the *whole* human person, including its bodily dimension, is striving for those goods which, according to dictates of practical reason, the will pursues. Thus, they will be acts in which the body has the function of a *principle* of actions.

The elaboration of this concept of procreative responsibility as an integral part of the virtue of chastity is the pivotal move towards a differentiation of contraceptive sexual behavior and sexual behavior in the context of periodic continence. This concept of procreative responsibility corresponds fully to the Inseparability Principle, *but it enables us to bring this principle down to the level of single performances of sexual acts, to the level of concrete sexual behavior*. Once we have understood sexual behavior as a *subject* and therefore an operative *principle* of procreative responsibility, and once we have made out that "openness to procreation", as a part of the objective content of the conjugal act, means "procreative responsibility", then we have settled the validity of the Inseparability Principle, not only on the level of the guiding intentions underlying marital love in its totality, but also on the level of single bodily unions in the conjugal act. For virtues are shaped by and aim at concrete performances of *acts* and their corresponding choices, and single acts and their corresponding choices are morally specified by their intentional contents which spring from the virtues to which they belong. This will become clearer when we proceed in the argument, analyzing now the difference between contraceptive intercourse and intercourse in the context of periodic continence *precisely as two different kinds of sexual behavior*. With this, we are arriving at the core of the argument.

3. Contraceptive Sexual Behavior and Periodic Continence

Therefore, only this third step contains the proper argument against

contraception. To detect the wrongness of the contraceptive choice, we have to start, however, with considering the practice of periodic continence. This, I think, is a necessary methodological requirement. In themselves, "failures" or evils of any kind have no intelligibility, for they have a privative character. *Moral failures, evils or vices are intelligible only through the light of the goods or virtues they oppose.*³² So we have to consider first what spouses really *do* (and, therefore, choose) when they are responsibly practicing periodic continence.

Spouses adopt the practice of periodic continence guided by a reason to avoid pregnancy which will induce them to refrain from sexual intercourse at times. They know that there are some periods in which intercourse is likely to lead to pregnancy, and others in which it is not. They are able (possibly with the help of an appropriate "method") to discern when the one or the other thing will be the case. But they know as well that the conjugal act is perfectly licit even if it is performed only for the reason of expressing mutual love. They will therefore *abstain* from intercourse during knowingly fertile periods and they will have intercourse only in periods which are foreseen to be infertile. Notice: the "method" (if ever adopted) in itself does not serve to avoid conception, nor does it prevent it. The "method" only provides some *knowledge* about fertility rhythms. What *regulates* conception is the act of abstaining from knowingly fertile intercourse. "Natural methods", independent from acts of continence, do not regulate anything. Thus, to speak comparatively about so-called "natural methods" and "artificial (contraceptive) methods" is entirely misleading. They are both "methods", but with an entirely different immediate aim, function, and outcome. In the case of "natural methods", the "method" itself is not essential; it only helps periodic continence to attain its purpose. In the case of contraception, as we will see, the "method" is just the "whole"; it is what essentially and sufficiently regulates conception by simply rendering sexual acts infertile.

It is important to emphasize that in the given description of periodic continence not only one, but *two different*, although closely correlated actions of "sexual behavior" are included: *both* the performance of engaging in intercourse *and* the performance of continence (the act of *refraining* from intercourse) are authentic acts of *sexual behavior*. Moreover, the act of refraining is an action proceeding from a common decision of the spouses; both are engaged in abstaining from an action which is foreseen to effect conception. They realize their intention to avoid this by avoiding the performance of the act which would lead to it. This act of avoiding *is* a bodily act of procreative responsibility. It is not simply an "omission" in the sense of "not doing something", something purely "negative"; rather it is a *determinate kind of action*, that is to say, a *deliberate human act of sexual behavior*.

Moreover, this act of refraining from intercourse is a real *conjugal act*. In it the two meanings of marital love are present. It is an act with a fully procreative meaning, because it is performed for reasons of procreative

responsibility. *It actually is, by its very intentional content and thus objectively, an act of procreative responsibility.* By abstaining from possibly fertile intercourse, spouses relate to sexual acts, to themselves and to each other, as a possible cause of new life. The respecting of their sexual activity as such a cause — and provided that they feel obliged not to beget a baby — precisely is the reason why they abstain from intercourse. Behaving alike, the spouses moreover act as two persons “united in one flesh”: their behavior proceeds from procreatively responsible continence have a proper *marital* and even *parental* meaning. They are acts of bodily constituted loving persons engaged in responsibly arising to the exigencies of their marital and parental vocation. *In another way than intercourse itself, acts of responsibly abstaining from it are true expressions of both the procreative and the unitive meaning of sexuality, inseparably connected.*³³

The problems, burdens and difficulties possibly involved in a practice of periodic continence, to which its critics so often refer, have to be considered as the burdens and difficulties involved in faithfully carrying out marital commitment and *not* — as critics usually do — as something interfering with marital love. These burdens and difficulties may be overcome precisely by the fact that continence *is* an act of marital love in itself. The very nature of responsible abstinence includes the dynamic principle for overcoming these difficulties: this principle is just “marital love”. By responsibly abstaining from intercourse, spouses only abstain from a determinate *kind* of bodily expression of mutual love; *but they obviously do not abstain thereby from marital love and reciprocal self-giving altogether.* The common task of overcoming possible difficulties involved in practicing periodic continence will be a proper content and a fruitful touchstone of marital love. Within the context of the “logic” proper to periodic continence, what may seem a burden changes into a source of maturing in love and increasing mutual self-giving. Only on the background of an already deeply implanted contraceptive mentality, periodic continence may appear unreasonable.

Sexual intercourse actually is not the only way of expressing marital love and it is not the only way of mutual self-giving; acts of continence will also share in this function if they are informed by responsible love. This is what is commonly overlooked. Equally often, one overlooks that sexual desire is not frustrated or spoiled by the fact of not actually being satisfied; just the contrary is the case. Responsibly abstaining from sexual intercourse does not involve forcing oneself to “stoic insensibility”, shelving sexuality from marital life or even denying it. By the very act of responsibly refraining from its actual satisfaction, sexual desire is both *affirmed* and *integrated* into the “logic” of personal love. Thus it is affirmed as a *human good to be pursued responsibly.*

On the other hand, sexual intercourse performed in this context of periodic abstinence during knowingly infertile periods is not only an act of loving union, but also an act which fully conserves its procreative meaning, because it is intentionally, and therefore “objectively”, embedded in the

structure of procreative responsibility. The point I wish to make here is that *these spouses live this responsibility by the means of their bodily love, by sexual behavior, modifying this behavior for reasons of responsibility*. So sexuality, including its procreative dimension, is fully integrated into procreatively responsible behavior, into the life of the spirit. This operative integration is nothing other than the virtue of chastity as described above (see section II, 2).

It seems, therefore, that chastity is bound to the condition of sexual intercourse never intentionally prevented from bearing procreative consequences; this, as it seems, is just what "Humanae Vitae" calls the "*per se*-openness to procreation". But notice: This is only a *previous condition* and not the rationale of the virtue of chastity. It is a condition made out as a condition just through providing a *further* argument which finally reveals its being a condition.

Let me now consider *contraceptive behavior*. Contraception signifies that to avoid conception, sexual behavior need not be modified. Of course *something* in the behavior must be modified. There is required a certain discipline, from one of the spouses at least, in taking the pill, say, according to medical prescriptions (but this is incidental, as the case of sterilization and IUDs shows). In any event, sexuality, the sensual appetite or drive precisely, need not be modified (which, of course, is equally the point of onanistic orgasm achieved by "coitus interruptus").

Thus, while the former couple, by performing the bodily act of responsible continence, chose to *avoid* those acts which were foreseen to have procreative consequences, contraception signifies to choose an act which impedes possible procreative consequences of sexual intercourse. Thus on the level of performed sexual acts, spouses do not modify anything. What they do is *prevent* these acts from being fertile so as to render needless responsible modification of sexual behavior. Unlike continence, this act of preventing sexual behavior from possibly procreative consequences is not in itself a *sexual act*; it is exclusively a "method" which only *relates to* sexual acts by preventing their procreative consequences. This clearly shows that the contraceptive act is not problematic because of its "unnatural" character (in the sense of "artificially" obstructing the natural process of ovulation or fecundation, which, as is obvious, does not happen in the case of "coitus interruptus"). Contraception is problematic precisely because of the fact *that it renders needless a specific sexual behavior informed by procreative responsibility*; it also *involves a choice against virtuous self-control by continence*. The act of procreative responsibility, in this case, is a pure act of deliberate will which treats sexuality and the body as its *object* (equal to a diseased liver, heart or digestive apparatus). Consequently, sexual behavior itself is withdrawn from being informed by responsibility with regard to its being a cause of new life; in addition it is withdrawn from its being called to be *subject and principle* of this act of responsibility. Procreative responsibility of the sexual act itself is eliminated and denied. Sexual acts are impeded from

being a cause of new life and the acting person is no longer *acting* as such a cause. Mostly in the case of sterilization, there is no need anymore of even *thinking* about procreative responsibility. The procreative dimension of marital love is entirely "off". It remains the claim of thereby expressing marital love, but this love has altered its meaning by the very exclusion of its procreative meaning. So, the connection of the two meanings of marital intercourse has *objectively* been broken precisely on the level of *intentional actions*, on the level of the concrete sexual behavior one has deliberately chosen, and that is, on the level of single acts of contraceptive intercourse.

Let me sum up. Contraception renders sexual acts to be acts without any procreative consequences. Acts whose foreseen procreative consequences have intentionally been prevented cannot be anymore procreatively responsible acts;³⁴ just for reasons of procreative responsibility, they do not require anymore to be dominated by reason and will, which are the principles of human acts. So, sexual acts lose *objectively* their character of *human acts* of the species "procreative responsibility", while acts of periodic continence and of intercourse in this context fully maintain this character.

Thus, insofar as the contraceptive choice involves intentionally rejecting procreative responsibility for one's sexual behavior, it also involves an anti-procreative volition. But it is specifically a peculiarity of man that he should integrate his sexual inclination and the acts deriving from it into the structures of responsibility and, thereby, into the life of the spirit. Contraception thus destroys the proper way in which human sexuality is meant to be a part of responsible human behavior. Instead of rising to the requirement of responsibility caring about what essentially is a cause of transmitting new life, spouses who contracept adopt a device which withdraws their sexual acts from being such a cause, with regard to the consequences of which responsible behavior is required. This is a fundamental attack on both the integrity of the human person as a body-spirit unity and on marital love which expresses this unity. Contraceptive intercourse *is not* an expression of *marital love*. *In itself* (disregarding the marital context), its point is nothing differs from the point of any other form of sexual activity, as mutual masturbation or sodomy. "It can't be the mere pattern of bodily behaviour in which the stimulation is procured that makes all the difference! But if such things are all right, it becomes perfectly impossible to see anything wrong with homosexual intercourse, for example. (...) you will have no solid reason against these things".³⁵

What I have shown up to this point is that the contraceptive choice properly *excludes* a basic disposition of modifying one's sexual behavior for reasons of procreative responsibility. Thus, contraceptive intercourse is an act withdrawn from the logic of the procreative task; *intentionally* it is not "open" anymore to procreation (and this means: *objectively* it is no longer open) while this is not the case in acts of periodic continence nor in

sexual intercourse performed in its context. Consequently both kinds of behavior have a very different intentional structure as far as procreation is concerned. Contraception indeed is *contralife* in the sense that it involves the negation of sexual behavior as a part of responsibility in regard to the task of transmitting human life.

This may be less obvious in the very special, but theoretically possible case in which contraception is chosen exclusively for reasons of adopting a *safer* way of avoiding pregnancy. Nevertheless, in this case also one would choose against continence, though not with the intention of avoiding the possible "burden" of continence, but for the reason of aiming at security. But *objectively*, on the level of the sexual behavior in which one chooses to engage, continence, and thus responsible modification of sexual behavior, are equally excluded. In any event, this would not be the right way of making a choice; good (further) intentions do not justify wrong means. Whether an action which in itself actually does have a proper moral content and relevance (which therefore is not *indifferens ex specie*) is a good means for carrying out a determinate purpose, has to be settled independently from intentions however good and justified they may be.

This view seems to be confirmed by what the II Vatican Council's Pastoral Constitution "Gaudium et spes" has established as a basic moral criterion for responsible parenthood:

... when there is a question of harmonizing conjugal love with the responsible transmission of life, the moral aspect of any procedure does not depend solely on sincere intentions or on an evaluation of motives. It must be determined by *objective standards*. These, *based on the nature of the human person and his or her acts*, preserve the full sense of mutual self-giving and human procreation in the context of true love. Such a goal cannot be achieved unless the virtue of conjugal chastity is sincerely practiced (No. 51).

Now we can recognize the importance of an often overlooked passage in "Humanae Vitae" in the final paragraph of its No. 16: Periodic abstinence and contraception, the encyclical affirms, are two radically different kinds of behavior. At a first glance, the substantiating of this claim looks rather deceiving and odd: "In the former, married couples rightly use a facility provided them by nature. In the latter they obstruct the natural development of the generative process."

Again, it seems that the reason given for the wrongness of contraception is its unnatural character, its lack of respect for naturally given patterns. However, according to the encyclical's wording this is not yet a moral judgment, but only the *description* of the action about which a moral judgment has to be given. The rationale for this moral judgment (and therefore the rationale of the intentional content of the described action) is provided only in the following sentence: The reason why it is licit to restrict oneself to performing intercourse only during infertile periods, the encyclical says, is that in this case, during fertile periods, spouses perform acts of *abstaining* from intercourse. Let us cite the text (the emphasis is mine):

It cannot be denied that in each case married couples, for acceptable reasons, are both perfectly clear in their intention to avoid children and mean to make sure that none will be born. But it is equally true that it is *exclusively in the former case that husband and wife are ready to abstain* (*se...abstinere valeant*) from intercourse during the fertile period as often as for reasonable motives the birth of another child is not desirable.

This "readiness to abstain from intercourse" is equal to at least an implicit choice of modifying one's sexual behavior for reasons of procreative responsibility; it refers to a fundamental and decisive disposition. So "Humanae Vitae" seems to assume the following: For discovering what is wrong with contraception, one must not concentrate on questions like: "What's wrong with obstructing the procreative process in having its natural course?" The question which has to be asked rather is: "What is wrong with procreative responsibility carried out by rendering modification of one's sexual behavior needless and even useless?" Or, put in another way, "What is wrong with a choice for avoiding pregnancy which *excludes* the choice of modifying one's bodily behavior?" For that, precisely, is the point of contraception. In the light of this sort of questions only, the attempt to interfere with natural processes by preventing conception manifests itself as a *moral* problem. Unless one realizes that contraception opposes the requirements of virtuously carrying out procreative responsibility, one will not be able to substantiate why the act of preventing conception implies moral fault.

This moral fault then consists in withdrawing the body from the context of responsibility, treating it as a mere "object to be regulated" instead of respecting it as part of the "regulating acting subject", that is, as a *principle* of human acts. With this, the inner truth of the human person as a substantial unity of body and spirit and the body-spirit-unity of marital love are, in their very integrity, attacked by a specific sort of behavior, by concrete performances of single acts: Contraceptive intercourse regarded as an intentional action is *another sort* of sexual act than sexual intercourse in the context of periodic continence.

As I have shown, this intent to withdraw sexuality from the context of procreative responsibility is equal with acting against the virtue of chastity which implies virtuous self-control. This, as it seems to me, is the leading perspective underlying the teaching of "Humanae Vitae," already announced in the final paragraph of No. 2 and finally settled in No. 21. It is the perspective present also in John Paul II's allocutions about "Humanae Vitae" (see his Wednesday audiences from May to November, 1984).

4. Intrinsic implications of contraception: Disintegration of sexuality and of marital love

The way of arguing adopted so far to substantiate this claim may be considered as rather abstract and complicated. But, I think, once its leading insight has been grasped, it turns out to be very plain. Moreover, it has a strong intuitive appeal. If one explains to contracepting people what

they are doing when they contracept, just by making them aware of what they *would* do *instead* if they practiced periodic continence, then they are enabled to immediately grasp what they are *failing* to do by adopting contraception. To give evidence concerning vices, one has to talk about virtues. Intuitive awareness of many people that something is wrong with contraception (or even their often unconsciously feeling ashamed about their behavior), is based on the "silent presence" of the demands of natural law in human conscience, whose voice, of course, may be silenced in some degree. This demand of natural law present in human conscience is precisely the insight into the requirements of the virtue of chastity, connected with the consciousness of one's dignity as a bodily constituted person.

There are some other aspects deriving from this analysis, which will finally show what really is at stake and how profound is the moral disorder involved in contraception. As we have seen, the act of abstaining from intercourse within periodic continence is an act *common* to both spouses who are united as two persons in one flesh and live a common vocation in serving responsibly the transmission of human life. Yet, a contracepting couple also undermines this kind of communion. Contraception does not need common agreement and very often it is adopted against the will of one of the spouses. Theoretically this could happen also with periodic continence. But even if contracepting spouses *do* agree, *this agreement has no bodily expression*; sexual behavior remains untouched from this common policy. Once contraception is chosen, the care for procreative responsibility informs bodily behavior no longer. It need no longer be a content of further dialogue and common decisions as long as contraceptive behavior is not abandoned. It vanishes from conjugal life, the bodily dimension of which comes to be concentrated in sex as a means for expressing "love" deprived from its procreative meaning.

This may engender very different consequences, and which of them will be brought about and in what degree they may occur depends on contingent factors extrinsic to contraception itself. In any event, with the adoption of contraception, something objectively decisive has changed. There is now a principle of disintegration of marital love at work. This principle of disintegration consists of the peculiarity of sensual appetite which by its *own* nature is directed only to actual satisfaction and self-gratification. The "logic" of spiritual love and the "logic" of sensual appetite are very different; sexuality needs to be operatively integrated into the "logic of the spirit"; only then does it become a specific human and bodily expression of spiritual love, and only then will it promote community of persons.³⁶ Disintegration of sexuality, however, brought about by contraception, introduces in marital love a kind of "sensual heteronomy": Besides its self-gratifying character, sensual appetite *in itself* has no continuance in time; it tends to decrease in the same measure as it is gratified. Thus, however, if a beloved person is only an object of sexual desire, then it is experienced as worthless in the same measure as sexual

desire is satisfied. Moreover, *on its own* sensual pleasure does not establish communion, but rather isolation and loneliness. For it is not self-transcendent to another person, but rather self-centered. By his *subjective experience* of sensual pleasure alone, the person is not able to distinguish this experience from real personal love, the expression of which it should be. Sensual appetite, moreover, can never strive for the "good of the other", but only for "its own good"; it is, by its *own* nature, *not able* to increase "love of friendship". So, *disintegrated* (or isolated) sexuality is not a principle of union of two persons. To say it in a clearer way, it tends to create a *fictitious* union by transforming spouses into *accomplices* of common masturbation. This fictitious character of contraceptive intercourse is not basically different from the one implied in onanism by "coitus interruptus". And even if the immediate context is different, it has a striking similarity with solitary sex.³⁷

What is lacking is precisely "the task" or "mission" of sexuality which is able to work as a principle of transcending and "elevating" mere sensuality, integrating it in the life of the spirit.³⁸ There exists a problematic gap between spiritual love as mutual self-giving of two persons to each other and the claim to express and to nourish this love by acts of sexual pleasure and satisfaction, which by their *own* nature tend only to self-gratification. This satisfaction and this pleasure involved in bodily love are very good and entirely human things. But they need to be integrated into the structure of spiritual love and this is hardly possible *without* the link of a principle of spiritual love *able to inform sexuality itself*, giving it a meaning within the context of spiritual love, a direction towards the "logic of the spirit" by integrating it into the "conjugal good" (Finnis). Such a principle should belong to both, spiritual love and sexuality. It is precisely the link established by the procreative task, whose requirements *also* inform acts of responsibly refraining from intercourse, but *not* contraceptive conjugal acts.

The conclusion seems obvious. Sexuality and its pleasure, uncoupled from their procreative meaning, are no longer able to serve for the expression of mutual, self-giving love between man and woman. Disintegrated sexuality is something like a "time bomb"; it acquires a destructive force and operates like a principle of corrosion of true love. There exists much clinically observed empirical evidence on this provided by psychopathology. *So we have to defend the procreative meaning of sexual intercourse precisely in order to defend its unitive meaning.* And we may state again: Both meanings are inseparably connected and reciprocally related to each other.

I believe that by this way of arguing one can easily understand the still important difference between couples who illicitly exclude the procreative good of marriage, one by adopting contraception and the other by practicing (though illicitly) periodic abstinence. The difference is that in the latter case the procreative dimension of sexual acts continues to be a principle which informs bodily behavior, so there is less peril of sexuality's

disintegration. Sexual acts are related to as something that is a possible cause of new life and therefore has to be responsibly performed. Thus, spouses still are aware that they have to account for the possible procreative consequences of their sexual acts. Therefore, even if they practice periodic continence illicitly, they precisely do *not* do this with a "contraceptive mentality". Obviously, *a fortiori* this applies to a couple who, rightly and with just reasons, practice periodic continence. If, against their intention to avoid having a baby, conception nevertheless occurs, then the child will not be an "unwanted child" in the proper sense. More or less, but surely in *some* way, they will feel *responsible* for this new life which comes into being. At least *they will feel obliged to accept it*, because they know that it is the consequence of their being a possible cause of new life and therefore *of what they did* or failed to abstain from. Contracepting spouses, on the other hand, whose policy fails (which may happen), will not feel responsible for the new life they have begotten, *because they have chosen a line of action which intentionally excludes their being a possible cause of new life and therefore equally excludes their having to account for the procreative consequences of one's sexual acts*. The new human life coming to be is frustrating their very choice of adopting contraception. This *contraceptive mentality*, which is truly contra-life, is what generates the so called *abortion mentality*. Where contraceptive behavior spreads, the number of abortions increases. What makes this mentality so destructively aggressive is precisely the fact that it proceeds from a mental attitude which intentionally excludes the responsibility for the procreative consequences of one's sexual behavior. For this very reason it may be called a *contra-life* attitude.³⁹

Please note that this applies equally to extra-marital sexual intercourse or fornication. Couples who are not married have a very strong reason for avoiding the procreative consequences of their mutual love. This reason is to not cause the initiation of new life *outside* marriage, which would be the most irresponsible thing of all. Thus, as far as contraception is concerned, the same principles apply to them. But periodic continence is excluded as well, since the unitive meaning of sexual intercourse is fulfilled only within the context of marital commitment. *Marital commitment is nothing but the very truth of sexuality itself, and sexual intercourse is the consummation of this marital love*. Thus, mutual love of a couple not yet united in marital commitment cannot be adequately expressed in sexual intercourse. Therefore, outside of marriage, chastity requires absolute continence.

5. Contraception and Natural Law

To sum up: Contraception is wrong because it involves a type of sexual behavior which is inconsistent with procreative responsibility. This inconsistency is due to the fact that contraceptive sexual behavior *destroys the behavioral unity of body and spirit*. Destruction of this unity implies both to withdraw sexuality from its procreative meaning and to therefore

disintegrate sexuality so that it cannot be any longer a true expression of personal love. Thus, contraceptive behavior includes features specific to other forms of disintegrated sexuality like onanism and masturbation. Being similar to these forms of sexual self-gratification, contraceptive intercourse is not mutual self-giving of the persons, but rather a principle which undermines the communion of persons. Insofar as it is practiced within marriage, contraceptive behavior additionally opposes the union of two persons in one flesh committed to responsibly serving the transmission of human life.

What I have exposed is a Natural-Law argument against contraception. It consisted, first, in an *anthropological analysis of the substantial unity* of man as a compound being of body and spirit which shows the meaning of the Inseparability Principle. Second, on these grounds I have elucidated "procreative responsibility" as a *moral virtue* which enabled us to apply the Inseparability Principle to concrete performances of actions. Third, I have analyzed *contraceptive behavior* as essentially different from periodic continence and as being opposed to moral virtue in general, and to procreative responsibility in particular, proving thereby that contraceptive intercourse indeed is incompatible with the Inseparability Principle and therefore with the "truth about man". Fourth, I have shown *the intrinsic implications of contraception for marital love*, which shows the real gravity of the moral disorder involved in contraception. This argument, which stresses the personalistic features of the virtue of chastity, fully conforms, I think, to the leading perspective involved in the teaching of "Humanae Vitae". It finally provides an answer to the last question I intended to deal with: "Why and in which precise sense can contraception be called a violation of natural law?"

What *is* natural law? It is, as I understand it, the order established by human reason in man's natural inclinations.⁴⁰ These inclinations are given by nature, as e.g., the natural inclination to the conjunction of male and female. But this inclination, although being *natural* and, as a created reality, a participation in the eternal law of the Creator, is not yet natural law. For "law" is a binding guide or rule to performing right *actions* proceeding from reason and will. Natural law, rather, is the *order of practical reason* established in this inclination, which includes and presupposes that practical reason has already grasped this natural inclination as a *human good* to be pursued within the order of reason.⁴¹ In our case, this order of reason is the order of loving, mutual self-giving and procreative responsibility, both inseparably connected, an order established in the sexual drives. Spouses who modify their sexual behavior according to the demands of procreative responsibility act according to natural law; they live the virtue of chastity (for natural law makes us live the virtues).

In the case of contraception, the situation is quite different: Here the entire natural inclination to conjunction of male and female is withdrawn from the context of procreation and the requirement of being ordered by reason of being dominated by reason-informed will. It is withdrawn

from the requirement of virtuous self-control. Of course, as I have already remarked above, the adoption of a contraceptive policy is also a kind of rational and voluntary dominion and “control” over sexuality. But it is not a kind of *virtuous* dominion; that is to say, it is not a dominion which conforms to the anthropological truth of the substantial unity of the body and the spirit, because it is not a sort of dominion which informs *sexual acts*, but dominion that only refers to procreative *consequences* of sexual acts; thus, in themselves they need not anymore be considered as a possible cause of new life and need not, therefore, be responsibly modified. Contraceptive dominion, rather, is a kind of “technical” dominion over the possible cause of new life and over the human drives which lead to effectively causing it. Contraceptive behavior produces a profound alienation of the personal self from its body, because it treats the body — in a “technical” way — as a mere *object*, destroying its subjectivity character. So, in the originally spiritual act of mutual self-giving effectuated in the conjugal act, contracepting spouses do not give themselves anymore in their totality as bodily beings.⁴² We could interpret this act in two different ways, though neither of them is satisfactory: spouses *either* perform an act of spiritual love by merely *using* their bodies (each one their own and the one of the other) as something like an instrument for expressing this love *or* they perform a mere bodily act which is not informed by spiritual love and, therefore, tends to be mere self-gratification. The former is what contracepted sexuality *intends to be*; the latter is what it actually *tends to become*. In any case, contraception *falsifies* sexuality.

When talking about “technical” dominion I do not want to refer to the “artificial” character of most contraceptive techniques as opposed to “natural”. “Technical” behavior, rather, means a kind of behavior as opposed to “virtuous” behavior. The facilities of artificial devices only render easier and “technical” behavior more tempting. Its wrongness, however, does not consist in its artificiality, but rather in its fundamental “amorality” in its denial of the requirements of moral virtue. In the case of contraception, this denial is — by its very structure: objectively — absolute and radical. Thus, it contradicts the basic requirement of a natural law-guided human behavior. Contraception not only signifies acting against some determinate precept of natural law, but rather it withdraws sexual inclination from the requirement of being informed by natural law *at all*. It eliminates at its very root the ordering efficiency of natural law, which includes human reason, reason-guided freedom and freedom’s responsibility. It leads to a *bodily* behavior in which the “image of God” is no longer present, and therefore it is a sort of behavior inappropriate to fulfill that to which marital love essentially is called: to cooperate with God’s creative life-giving love. I think that is what the encyclical “*Humanae Vitae*” wanted to teach us. The sadly obvious consequences of contraceptive behavior — some of them mentioned in No. 17 of the encyclical — may show that this teaching was truly prophetic, even if its prophetic truth will be misjudged exactly in the same measure as procreative irresponsibility spreads.

I have treated the problem of contraception from a strictly philosophical viewpoint. Therefore, I did not deal with theological and pastoral questions. In any event, pastoral care has to take its measure from the "truth about man". And *moral theology* should not only respect, but *integrate* the philosophical (anthropological and ethical) insight about man as a moral agent.⁴³ Practical demands which spring from this "truth about man" may be considered as hard. The alternative to respecting this truth, however, is even much harder; it is not a desirable alternative. The Church always has taught that — in the given situation of fallen mankind — all the exigencies of natural law cannot be fulfilled except by the help of redeeming grace which, as far as human weakness is concerned, has a healing power. Thus, the truth may be hard, but the means offered by the Church to overcome this hardship are most efficient. They permit man not only to strive for sanctity, but to fully develop thereby his very humanity. This striving always has been the seal of authentic Christian life, which is not the least also called to defend worldly goods such as sexuality, human love and marriage against their depravation by a world marked by sin and the human weakness springing from it. The Church's mission is not to condemn anybody, but to illuminate man's conscience and to simultaneously offer God's mercy and grace, — faithful to the mission of the Christ Who has been sent by the Father not to judge this world, but to save it.⁴⁴

References

1. Häring, B., *The inseparability of the Unitive-procreative Functions of the Marital Act*. In: C. Curran (ed.), *Contraception: Authority and Dissent*. (New York: Herder and Herder, 1969), p. 180. Cf. as well the editor's contribution in this volume: C. Curran, *Natural Law and Contemporary Moral Theology*, 159: "The encyclical on the regulation of birth employs a natural law methodology which tends to identify the moral action with the physical and biological structure of the act."
2. For the general difference between acts of intercourse considered as *intentional actions* and considered *physically* see: G.E.M. Anscombe, *You Can have Sex without Children. Christianity and the New Offer*, in: *The Collected Philosophical Papers of G. E. M. Anscombe*, Vol. III: Ethics, Religion and Politics. (Oxford: Basil Blackwell, 1981), pp. 82-96; especially 86f.
3. How deeply the encyclical's teaching is in harmony with the Church's doctrinal tradition has been brilliantly shown by G.E.M. Anscombe, *Contraception and Chastity* (London: Catholic Truth Society, 1975).
4. By G.E.M. Anscombe, *Contraception and Chastity*, *op. cit.*, 17.
5. That is why I think it to be inconvenient to talk about periodic continence practiced with a "*contraceptive intent*". To speak about periodic continence adopted with "*contraceptive intent*" involves considering contraception already to be, in and of itself, essentially, what periodic continence can be only on the grounds of a possible *further* (e.g., anti-life) intention *with which* it is (illicitly) practiced. My argument will show that the further intention which may render periodic continence morally illicit is not what characterizes contraception already in and of itself (intrinsically); it may therefore not be called a "*contraceptive intent*" without risking confusion and without answering the question of why contraception is wrong before having asked the question properly. As like

as to analyze periodic continence, also to understand contraception we have, at least, to distinguish the two following questions (see again G.E.M. Anscombe, *Contraception and Chastity*, *op. cit.*, p. 18): "First: is the *sort* of act we contemplate doing something that it's all right to do? Second: are our further or surrounding intentions all right? (...) Contraceptive intercourse fails on the first count."

6. See for this: J. M. Finnis, "Humanae Vitae: Its Background and Aftermath." In: *International Review of Natural Family Planning* IV (1980), 141-153.

7. This has been nicely pointed out by T. G. Belmans. *Le sens objectif de l'agir humain. Pour relire la morale conjugale de Saint Thomas* (Citta del Vaticano: Libreria Editrice Vaticana, 1980), pp. 327-411. For "physicalism" in actual moral theology, see also my *Natur als Grundlage der Moral* (Innsbruck-Wien: Tyrolia, 1987). B. Häring, in his above cited article for example (183), simply equals the natural patterns involved in sexuality with "biological functions" which "may be interfered with and even destroyed if it is necessary for the well being of the *person*", which according to him is a mere medical problem. The contraceptive pill is regarded by Häring as something that "preserves the ovule which, here and now, is not needed because procreation would be irresponsible" (185).

8. Except by quoting sentences (or fragments thereof) taken out of their context, of which C. Curran, *op. cit.*, p. 160, provides a typical example.

9. G. Grisez, *A New Formulation of a Natural-Law Argument against Contraception*. In *The Thomist*, XXX (1966), p. 343.

10. See my *Natur als Grundlage der Moral*, *op. cit.*, pp. 108 ff.

11. This latter example is given by G. Grisez, *The Way of the Lord Jesus*, Vol. I, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1983), p. 105; the former by G.E.M. Anscombe, *op. cit.*, p. 87.

12. An author like G. Martelet (see his article "Morale conjugale et vie chretienne." In *Nouvelle Revue Théologique*, 87 (1965), pp. 245-266) has, indeed, pointed out the moral relevance of sexuality. Therefore, his argument against contraception has not to be subsumed under the "perverted faculty argument". The anthropological arguments which I will use later are not very different from Martelet's. But, as I have remarked above, Martelet's argument failed by omitting to show why and how his anthropology becomes relevant for judging *single human actions*. He neither worked with the concept of moral virtue, nor did he engage in action analysis. So, as it seems to me, he missed the point. Also man's eating, which aims at nutrition, is *morally* relevant (because self-preservation of the individual is). The problem is how this relevance will affect the judgment about single performances of nutritive acts.

13. *Summa Contra Gentiles* II, 122.

14. I refer to the last presentation of this argument, published by its authors in common: G. Grisez, J. Boyle, J. Finnis, W. E. May: "Every Marital Act ought to be Open to New Life": Toward a Clearer Understanding, 1988; published in *The Thomist*, 52:3 (1988) and (in an Italian version) in *Anthropotes*, IV: 1 (1988). I wish to thank Germain Grisez for having sent me the manuscript before its publication. I was pleased to see that this last version of the argument takes into consideration some objections I had occasion to raise in common discussions about the subject. Here is also the place to thank both Germain Grisez and John Finnis for raising some very useful objections to my own argument and having helped me thereby to introduce some important refinements.

15. See my *Natur als Grundlage der Moral*, *cit.*, 367-374.

16. As it seems to have been the case in the theological working paper of the majority group of the famous Pontifical Commission on Population, Family and Births. See for this G. Grisez: *Dualism and the New Morality*. In: M. Zalba: *L'Agire Morale (Atti del Congresso Internazionale: Tommaso d'Aquino nel suo settimo centenario Vol. 5)*, Napoli 1974 323-330. See also my *Natur als Grundlage der Moral*, *cit.*, for a more detailed examination of spiritualism and anthropological dualism underlying some influential schools of actual moral theology (mostly influenced by Karl Rahner).

17. Whereas the majority group of the mentioned Pontifical Commission wrote: "*foecunditas biologica in sphaeram humanam assumi debet*", a statement which Grisez,

in his above cited article, rightly reproaches for implying anthropological dualism.

18. The misunderstanding and confusion between “function” and “meaning” is obvious in B. Häring: *The Inseparability of the Unitive-Procreative Functions of the Marital Act.*, *op. cit.*, p. 178 (already this title expresses the misunderstanding). “The expression ‘open to the transmission of life’ has much less meaning now. The marital act during pregnancy is acknowledged as being ‘open to new life’, and so is the conjugal act in the infecund periods despite the fact that scientific calculation might practically eliminate the probability of any transmission of life. It is unfortunate that Pope Paul uses the same phrase in referring to the ‘constant doctrine’ of the Church when historically the expression originated at a time when scientific theories on infecund periods were unknown.” Häring still thinks in biological patterns instead of adopting an intentional (moral) viewpoint.

19. Of course, without a basic, naturally given procreative “function” of sexuality, no sexual act could bear a procreative “meaning”. But, even if “meaning” has its roots in a “function”, as the intentional content of a human act it possesses a certain independence from the actual fertility of the act. This follows from integration of the “natural” into the higher order of the spirit.

20. Let me quote again Häring, *op. cit.*, p. 188: “It is not easy to explain the relationship of the procreative to the unitive good in the marriage of proven sterile partners. Their marriage can fulfill the unitive meaning while it cannot truly and really fulfill a procreative role.” Again, the same misunderstanding seems to be at work. But afterwards, surprisingly, Häring affirms: “However, I think the combined functions are not totally excluded in such marriages, in which the partners truly consider each other as spouses, and love each other in a way that would keep them open for the parental vocation were such within the range of possibility. One who sincerely loves his spouse as spouse would not refuse to have him or her as parent of his or her child if the choice were given” (the emphasis is mine). This is surprising, because it is entirely correct; Häring here focuses the problem in a clearly intentional way. If he had treated the problem of contraception in the same way, he would have been able to understand the encyclical’s teaching.

21. See I-II, q. 18, a. 10, where Aquinas properly says: “Species moralium actuum constituuntur ex formis, prout sunt a ratione conceptae.” But the *species* is formed by the object of an act (which includes also the goal of the intention, which as well is a specifying object). For a detailed interpretation of this doctrine see my *Natur als Grundlage der Moral. cit.*, pp. 91-98; 318-374. Compare with this the rather naturalistic and biological intent of defining the object of the marital act made by the “earlier” Josef Fuchs, *Biologie und Ehemoral*, in *Gregorianum* 2 (1962), pp. 225-253.

22. Anscombe, G. E. M., *Intention*, Second Edition, 1963 (Oxford: Basil Blackwell 1979) p. 66 (§ 35).

23. Cf. G. E. M. Anscombe: *Contraception and Chastity*, *op. cit.*, p. 17. There is an ambiguity in the term “intention”. “Intention” always signifies to relate to something by one’s will; where there is an act of the will, there is an intention informed by practical reason. Human acts are chosen and, therefore, referred to with an act of deliberate (rationally guided) willingness. Thus, “objects” of human acts have to be described in terms of intentions. See also Anscombe: *You can have Sex without Children*, *op. cit.*, p. 86: “We always need to distinguish the intention embodied in an action from the further intention with which the action is done; I am here concerned only with the former. Whatever ulterior intentions you may or may not have, the question first arises: what intention is inherent in the action you are actually performing? It is one thing to have or not have certain further intentions, another to modify the intentional action you in fact perform. What concerns us is the question: what are you here and now doing on purpose — whatever your ulterior aims?” What one is “here and now doing on purpose”, and this means what one is intentionally doing, this precisely is called the *object* of the act.

24. For this I refer again to Anscombe, *You can have Sex without Children*, *op. cit.*, p. 85.

25. Precisely this was overlooked in a formerly famous article by the “earlier” Josef Fuchs, (*Biologie und Ehemoral*, *Gregorianum* 43 [1962], pp. 225-253), who considered the

marital act as having two objects or "fines operis", a primary and a secondary one. It may seem paradoxical, but Fuchs was not able to conceive the objective unity of the marital act because of his considering "objects", and especially the "procreative meaning", as a kind of "natural functions", and not as the content of intentional actions. As an example of "biologism", this article is still illuminating.

26. To a very similar result comes T. G. Belmans, *Le sens objectif de l'agir humain, op. cit.*, p. 425. Here the object of the conjugal act is defined as follows: "l'union sexuelle entre conjoints, ouverte quant à son sens vécu, à la transmission de la vie." The German edition of Belmans' very accurate study puts it even better (see: *Der objektive Sinn des menschlichen Handelns* . . . [Vallendar: Patris Verlag, 1984] 478 f.): "die geschlechtliche Hingabe an den Ehegatten" (= "sexual self-giving to the spouse"), "die in bezug auf ihren erlebnismässigen Sinngehalt für eine mögliche Weitergabe des Lebens offengehalten wird" (What, more simply, could be expressed as "intentionally open to procreation").

27. I wish to emphasize that I do not overlook thereby the possibility of engaging in sexual intercourse *outside* marriage. The point is that sexual intercourse has essentially a *marital* (or *bridal*) meaning. Marital union is not only a "possibility" of performing sexual intercourse; but the very nature of sexuality, considered as a fully human and personal reality, consists just in its marital meaning: Full personal mutual self-giving of two human persons belonging to different sexes, without any restrictions and forever. Sexual intercourse outside marriage is not consummation of *this* kind of love; it, thus, contradicts to its *objective* meaning. According to the foregoing analysis, the following suggestion may be added: The traditional doctrine about the "two goals of marriage" ("fines matrimonii") does not refer to exactly the same as the one about the "two meanings of the conjugal act". The "finis secundarius" ("mutuum obsequium", mutual assistance), as such, has nothing to do with the conjugal act, the "loving-union-meaning" of which obviously is not equal to the goal of "mutual assistance". This "secondary goal of marriage" rather refers to marriage as a specific kind of human *social reality* that, according to traditional teaching, is an association of male and female primarily (basically) specified by its task of serving transmission of life. The "conjugal act", however, plainly is not the same as "marital community"; it is rather the *consummation* of the very love *from which* marital community *springs*. Talking about the *object* of the conjugal act, therefore, is something *conceptually* different from talking about the goals of marriage. In the "object" of the conjugal act, the aspect of "loving union" (its unitive meaning) is just *fundamental* (and not at all "secondary"), and *as such it involves the procreative meaning* (which is not "primary", but "inseparably connected" with the former). *This* precisely, the intrinsically procreative meaning of love between male and female, is the very reason why procreation is the primarily specifying goal of marital community; it owns this goal just insofar as "marital community" is a community of loving persons inclined to sexual union. So we may conclude that the question of the "two goals of marriage" and the question of the "two meanings of the conjugal act" are two quite *different*, though closely correlated, questions. About fifty years ago, a famous theologian, Herbert Doms, who opposed the, at the time generally held opinion according to which procreation was considered to be the "primary goal" or the "finis operis" of the conjugal act, tried to elaborate a "more personalistic" view. Unfortunately, by overlooking *why* this teaching was distorted, he was misled to falsely contending that "loving union" could equally be considered as the "finis primarius" of marriage (and of sexuality altogether), while in reality "loving union" has to be called the fundamental aspect of the *object of the conjugal act*. Actual moral theology is still suffering the consequences of this confusion.

28. About Ulpian and Aquinas, see the article by William E. May: "The Meaning and Nature of the Natural Law in Thomas Aquinas," in: *American Journal of Jurisprudence*, 22 (1977), pp. 168-189, and the references given there.

29. See II-II, q. 156, a.2.

30. See Thomas Aquinas, "Virtus appetitivae partis nihil est aliud quam quaedam dispositio sive forma sigillata et impressa in vi appetitiva a ratione" (*De Virtutibus in communi, a.9*).

31. See e.g., I-II, q. 56, a. 4 where Aquinas explains that the sensual appetites are "natae rationi obedire", so as to conclude: "Et sic irascibilis vel concupiscibilis potest esse subiectum virtutis humanae: sic enim est principium humani actus, in quantum participat rationem." The point of the virtues of temperance and force, hence, consists in rendering sensual appetites to be *principles* of human acts, which is equal to fully *integrating* them into the context of human action, according to their basic anthropological truth (based in substantial unity). This obviously does not apply to bodily functions which are not "natae rationi obedire" such as the heart, the liver, the digestive apparatus, etc. They are not principles of human acts but organic functions of the body. Of course, also in sexuality such mere organic functions are involved. But the *sexual drive* itself is much more than such a function.

32. This is the method adopted by Aquinas; see the Prologue to II-II: ". . . peccatum, cuius etiam cognitio dependet ex cognitione oppositae virtutis." And: "est autem eadem materia circa quam virtus recte operatur et vitia opposita a rectitudine recedunt." So, the method consists in "totam materiam moralem ad considerationem virtutum reducere".

33. Cf. the well argued article by J. Bajda, "Verantwortete Elternschaft und Antikonzeption", in E. Wenisch (ed.): *Elternschaft und Menschenwürde* (Vallendar: Patris Verlag, 1984) 243-260.

34. Notice that this does not apply to the case of naturally given sterility, for this condition does not imply a *choice* of rendering needless the modification of sexual behavior. So the *intentional* relation to naturally given and voluntarily produced sterility is different. It is precisely this intentional relation which specifies and shapes further actions. Of course infertility by nature or disease also may be abused.

35. Anscombe, *Contraception and Chastity*, *op. cit.*, p. 18-19.

36. If I talk about "operative integration" I do not talk about "ontological integration". I do not wish to say that sexuality requires being "humanized". Sexuality *is* human by its very ontological status (because of the substantial unity of body and spirit). "Operative integration" means to take into account this ontological status while *acting*.

37. See for this J. Finnis, "Personal Integrity, Sexual Morality and Responsible Parenthood," in *Anthropos* (now: *Anthropotes*) I (1985), pp. 43-55. For a more thorough analysis see K. Wojtyla, *Love and Responsibility*, Part III.

38. Cf. R. Spaemann, "Wovon handelt die Moraltheologie? Bemerkungen eines Philosophen," in *Internationale Katholische Zeitschrift* 6 (1977), 307 f.

39. This is why, in order to explain the connection between contraception and abortion, there is no need to interpret contraception as being essentially contralife or even in analogy with "homicide". I argue just the other way around: The connection between abortion and contraception is sufficiently explained by the fact that abortion, insofar as it is promoted by spreading contraception, is characterized by a contraceptive mentality, that is, by a mentality which excludes the responsibility for the procreative consequences of one's sexual behavior. The *basic* problem is not that people do not want to have children; the basic and first problem is that they want to have sex without children.

40. For further details I refer to my *Natur als Grundlage der Moral*, *cit.* A summary is to be found in M. Rhonheimer, "Die Konstituierung des Naturgesetzes und sittlich-normativer Objektivität durch die praktische Vernunft," in Autori Vari: *Persona, Verità e Morale*. Atti del Congresso Internazionale di Teologia Morale Roma 7-12 Aprile 1986 (Rome: Città Nuova Editrice, 1988) 859-884. See also the above mentioned article by William E. May, *The Meaning and Nature of the Natural Law* . . .

41. We may consider natural law either "formaliter" or "materialiter". "Formaliter" considered, natural law is *ordinatio rationis*, the (universal) prescriptive acts of natural reason by which the order of reason is established in man's inclinations. "Materialiter" considered, natural laws are the natural inclinations *insofar as* they are integrated in the order of reason. Both considerations refer to the same reality; the former, however, aims at indicating the very essence of natural law; the latter stresses on its contents. As I think to have shown in my work about this subject, natural law is essentially the work of man's practical reason. Aquinas calls it, like "law" generally, an "opus rationis" (I-II, q. 94, a. 1)

and "aliquid a ratione constitutum" (ibid.). When talking about natural law, the "reason" which is referred to is *natural reason* ("ratio naturalis").

42. This often quoted anthropological insight, enunciated, e.g., in *Familiaris Consortio*, No. 32, is, as it seems to me, not evident *by itself*. However true it may be, in a philosophical context one has to argue for it, at least if one deals with a case of true responsible parenthood. With the foregoing analysis, I indeed claim to have provided such an argument which gives plain evidence of what John Paul II affirms in *Familiaris Consortio*. Therefore, I do not agree with those who simply repeat this teaching as an *argument*, using it as if were self-evident.

43. That precisely this full integration of the philosophical *moralis consideratio* into the higher context of moral theology may be considered as a specific feature of Aquinas's *Secunda pars* of his *Summa Theologica* has been convincingly shown by G. Abba: *Lex et virtus. Studi sull'evoluzione della dottrina morale di san Tommaso d'Aquino*. (Rome: LAS 1983). See also my *Natur als Grundlage der Moral*, cit., 195.

44. See John, 3,17.

Are You Moving?

If the next issue of this journal should be delivered to a different address, please advise AT ONCE. The return postage and cost of remailing this publication are becoming more and more costly. Your cooperation in keeping us up-to-date with your address will be most helpful.