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Humanae Vitae and After

George H. Duggan, S.M.

Writing six months after the appearance of *Humanae Vitae*, Christopher Derrick said he thought the encyclical would probably not have any long-term consequences of a dramatic nature. So far his forecast has been verified. The Church has not been rent by open schism, and although there have been some notable defections occasioned by this issue, most of those who have rejected the papal teaching have contented themselves with "responsible dissent," while remaining within the visible communion of the Church.

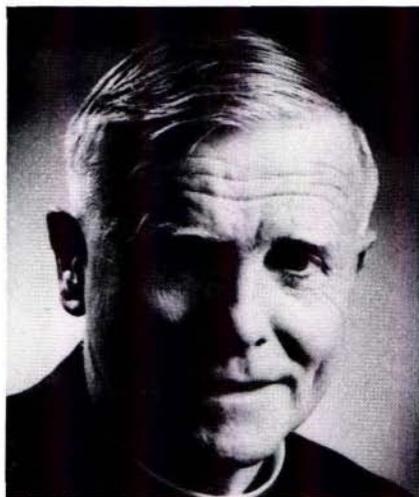
Nonetheless, the past four years have witnessed some interesting developments in the realm of ethical theory — developments which could have been foreseen by the observer with some training in philosophy. For, as Gilson has pointed out, once we have adopted a phil-

osophical principle, we are no longer at liberty to think as we might wish, for the subsequent development of our thought, if we are to be consistent, is dictated by the principle.

The central argument of *Humanae Vitae* is that contraception is intrinsically evil because it is opposed to the natural law and consequently is never lawful for any reason whatsoever, since we may never do evil even to achieve the most praiseworthy of ends.

Those who rejected this very clear teaching did so on a variety of grounds. Some argued that Christian morality is not concerned with material conformity to physiological processes but with intentions, and hence it would not matter if, in individual acts of marital intercourse, artificial means of preventing conception were employed, pro-

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vided the partners did not adopt a "contraceptive mentality." Others appealed to the authority of those whom Father Richard McCormick has described as "established theologians," who publicly and almost immediately voiced their "sincere and responsible dissent" from the papal teaching.¹

Moral Insights

Others appealed to the moral insights of the faithful, of whom great numbers had found that the use of contraceptives contributed to the happiness and stability of their marriages and seemed so clearly justified by their circumstances as to cause no qualms of conscience. Since they, no less than the clergy, are under the guidance of the Spirit of truth, their witness must be taken seriously as pointing to a true development of Christian thought on this question.

Finally, it was argued that God has given man the power and the duty, through the creative capacity of human reason, to actuate his own personal nature. Since this nature is not something static but is subject to the same evolutionary development as the rest of creation, it is right and proper for man to make use of the means that modern science has provided to achieve a fuller human life, making it more fully human by bringing conception, hitherto the sport of instinct and chance, under the dominion of reason.

This last argument, based on an evolutionary conception of morality, has been developed by St. John-

Stevas in his book, *The Agonizing Choice*. He writes:

"The implicit rejection of the evolutionary in man's affairs is one of the most surprising features of the Encyclical. Man, nature, reason, are all treated as though they were static not dynamic concepts, yet, by definition, reason should conform to the level of knowledge reached in contemporary developed societies. . . . It would be strange indeed if in this new world, evolving at unprecedented speed, morals alone were to remain static and not be subject to change. Morality must change and evolve since it represents man's response to other men in a state of bio-cultural evolution. Accordingly, human nature, while it has certain fixed elements, contains others which are subject to continuous change. The pace of change today in the relationship of man and woman appears to be especially rapid."²

It is not surprising to find that St. John-Stevas, after propounding this evolutionary view of morality, goes on a few pages later to argue for the lawfulness of direct sterilization for contraceptive purposes when the good of the individual or the family requires the avoidance of further pregnancies.

Right to Life

He draws the line, however, at abortion. No matter how much the right to life has been violated in our time, we must, he contends, maintain belief in the principle that man's right to life is sacred and inviolable.³ But it is hard to see what answer he could make to a person who was arguing for a "liberalization" of the Church's teaching on abortion on the ground that this change is required if we are to bring Catholic thinking into line with "the level of knowledge

of contemporary developed societies" — for it is a commonplace that in these developed societies, the lawfulness of abortion in certain cases is taken for granted.

Where St. John-Stewas has balked at accepting the logical conclusion implied in his principle that morality must be dynamic, other thinkers have been less hesitant. A notable example is Daniel Callahan. From arguing for the lawfulness of contraception, he has gone on to justify abortion. The principle he evokes is wide-ranging indeed, for it amounts to a claim that man in making his ethical judgments is absolutely autonomous. He writes:

"Contraception, abortion, euthanasia, medical experimentation and the prolongation of life are all problems which fall *totally* within the sphere of human rules and judgments."⁴

Whether Callahan's book is an expression of the "best contemporary wisdom" and falls within the ambit of "the responsible theological literature of the past year or so," to which Father McCormick has referred,⁵ I do not know. But obviously, when it is a question of the wisdom of a contemporary thinker or the responsibility of a theologian, there is room for a difference of opinion. One may reasonably ask: How responsible is a theologian who will allow abortion when the Church has always condemned this as a violation of the right to life, most recently and in the strongest terms at Vatican II?⁶

Clearly there has been a radical shift in a good deal of Catholic ethical thinking in recent years. For many, this shift has been a welcome

change. Thus Warren T. Reich writes:

"In the past 16 years Catholic moral theology has undergone a profound renaissance. It is now more centered on the person of Christ, emphasizes the law of love in man's personal response to God, acknowledges that the moral life depends on a process of growth, and admits the uniqueness and significance of the situation in which man makes each of his moral decisions."⁷

Underlying Causes

What, we may inquire, are the underlying causes of this profound change? On the theological level, there is a certain impatience with the concept that the ecclesiastical magisterium has the right to lay down the law on issues where the natural law is involved. As Warren Reich puts it, more and more Christians "do not want to be put down with authoritarian dicta,"⁸ but want to solve their moral problems by means of their enlightened conscience.

On the philosophical level, the cause is the rejection by great numbers of Thomistic metaphysics and in particular the doctrine of Moderate Realism regarding the value of our universal concepts. If we change our metaphysics, this cannot but have an effect on our thinking in ethics, for ethical questions are not discussed in a philosophical vacuum. Plato makes this clear in *The Republic*, where he shows that if we are to answer the question posed at the beginning of the dialogue, "What is a good man?" we must engage in a metaphysical discussion of the nature of good-

ness and explain the goodness of the good man in terms of his relation to the Supreme Good.

To take a question much discussed in our day, the validity or otherwise of Situationism, we find that before we can deal with this ethical problem, we must face the more fundamental question: Can we talk sensibly about human nature as such? To this question the Thomist philosopher answers in the affirmative, the Situationist in the negative. Situationism in ethics had its foundation in the Nominalist view that all we can really know is the individual human being, so that our ethical judgments can only be about the way a particular individual should behave in his concrete circumstances.

Moral Absolutes

If, on the other hand, we adopt the Thomistic view that we can make valid affirmations about human nature as such, we are in a position to assert that there is a natural moral law which applies, without exception, to all in whom human nature is found. The content of this moral law is the "moral absolutes," to which Father McCormick refers, and they extend much further than he is prepared to allow, *vis.*, to such items as that "human life must be respected" and "all patients are to be treated justly."⁹ Among these moral absolutes are the prohibition of adultery, abortion and contraception. The infringement of these prohibitions is never lawful because it would be contrary to the natural

law which is itself a participation in, and reflection of, the eternal law by which God as the Author of nature directs all creatures to their respective ends. Because such actions are opposed to the natural law and so to the eternal law, they are always intrinsically evil and objectively sinful.

To describe these precepts of the natural law as "a static code of obligatory precepts," as Warren Reich does,¹⁰ is to misconceive their nature. In the first place, they are essentially dynamic, as they have to do with the direction of man to his Last End. Secondly, they are not mere positive laws, as the term "obligatory precepts" would suggest, but flow from the nature of man and derive their obligatory force from man's supreme obligation, expressed in the law of love, the First Commandment of the law.

Law of Love

But the law of love, which demands a personal response to God, though paramount, is clearly unable to provide an answer to specific moral questions, to determine whether this or that action is truly an expression of love or otherwise. Is contraceptive intercourse, for example, really an expression of honest love or is it, as Christopher Derrick has maintained, obviously dishonest, since it is "the enactment or pretense of a total surrender which is — in point of fact — very carefully prevented from taking place"?¹¹ That question can be answered, as Pope Paul answered it, only by

considering the nature of the act which is essentially, though not exclusively, procreative¹² and going on from there to determine what are the demands of the natural law. To attempt to answer the question when one has discarded the principle of natural law is to abandon all hope of rationally justifying the prohibition of such vices as sodomy, as the London *Tablet* admitted in an editorial.¹³

It leads also, as we have remarked, to the abandonment of the absolute prohibition of abortion. Germain Grisez some years ago argued to the inevitability of this development, but his views were not well received. He wrote:

"When I pointed out in 1964-1968 that the dissenting position on contraception would also justify abortion, I was attacked as deficient in the rudimentary skills of logic."¹⁴

Recent developments have shown that his logic was not so rudimentary after all, for to quote him once more:

"It had now become clearer and clearer that to set oneself against the start of human life is to begin to set oneself against human life itself."¹⁵

There is an inner strength in a position taken on some moral issue such as abortion when this position is one item in a system marked by philosophical consistency. This strength is lacking, I suggest, when an opponent of abortion is prepared to allow the lawfulness of contraception, for when one has jettisoned one's principles on one issue, they are no longer available for defending one's position on another. The moral for the theologian surely is that it would

be the part of Christian wisdom to take the encyclical, an extremely solemn and weighty exercise of papal authority, as it stands, rejecting as contrary to the natural moral law such aberrations as abortion, direct sterilization and contraception. Only thus will he be able to provide an intellectually respectable defense of man's dignity, not only as a Christian but as a human being.

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