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Humanae Vitae and Contraception: A Forgotten Argument

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The impetus for writing this paper has been provided by a point John Noonan makes in the recently published enlarged version of his now classic 1966 historical study on contraception.¹ The point pertains to the basic moral action guide in "Humanae Vitae": "each and every marriage act must remain open to the transmission of life."² That norm has been a prime source for the consistent magisterial teaching on "Humanae Vitae" namely, that contraception cannot be a licit means for regulating births. Noonan, however, argues that the basic action guide cannot be taken literally and, because of that, encyclical teaching opposed to contraception need not be taken as exceptionless.

Is a conjugal act at a time which is intrinsically sterile intrinsically open? Not in a literal sense. Are the conjugal acts of spouses whose sterility has been established, or the conjugal act of a pregnant spouse, intrinsically open to the transmission of life? Literally, no. They are closed from transmitting life by physical causes, yet they are entirely lawful. It is clear then that, concretely, not every act needs to be open to the transmission of life; and it is inferable that to preserve the sterility of times which are intrinsically sterile is unobjectionable. To secure such sterility is not to act against the divine design but to cooperate with it.³

From Noonan's perspective, perhaps, the norm, that "every marriage act must remain open to the transmission of life", was properly taken as literal in an earlier period of Church teaching on sexuality — in that period, for example, when marital coitus was considered as licit only when procreation was intended and conception thought possible (hence no licit sexual expression during a time of pregnancy). But, for Noonan, with "Humanae Vitae" both recognizing and highlighting the intrinsic value in non-procreative expressions of conjugal love (e.g., in the conjugal love of an elderly couple), the claim that licit conjugal acts must always be open to procreation is simply not a literal claim.⁴

From that perspective, the development of Church teaching in “*Humanae Vitae*”, in clearly recognizing the unitive value of conjugal love, cannot be understood as simply adding something new onto something old. The development, rather, involves a modification of the old. Specifically for Noonan, the modification is that contraceptive means may be used to regulate births during the time-frame in which a wife’s fertility deviates from the natural rhythms of sterility and fertility.⁵ For him, “*Humanae Vitae*” really teaches that the nexus between procreation and unification of the spouses is absolute only when procreation is naturally present.

Noonan’s point of clarification of “*Humanae Vitae*” is troubling. How, for example, is a conjugal act, which is *de facto* intrinsically closed to the transmission of life, to be understood as open to the transmission of life? Or, how is conjugal love as the nexus of procreation and unification to be understood, when conjugal love can be licit when procreation is naturally impossible? If satisfactory answers to those questions are not forthcoming from the encyclical teaching, and I don’t see that they are, then the rational ground in the encyclical for the Magisterium’s exceptionless opposition to contraception becomes a significant issue.

A Resolution of the Issue

A fail-safe resolution to the issue would be simply to invoke the long-standing tradition, affirmed throughout the encyclical, of Church opposition to contraception. Although that resolution might defuse the issue for some people, it would be a less than ideal, if not a less than desirable, resolution. The encyclical itself, in a point also consistent with tradition, indicates that the persuasive argument for its teaching against contraception can be understood and accepted by all people of good will. In my view, a more effective resolution, which may be understood as supplementary to the one from authority, is given in the following argument:

Upright men can even better convince themselves of the solid grounds on which the teaching of the Church in this field is based, if they care to reflect upon the consequences of methods of artificial birth control. Let them consider, first of all, how wide and easy a road would thus be opened up towards conjugal infidelity and the general lowering of morality. Not much experience is needed in order to know human weakness, and to understand that men — especially the young, who are so vulnerable on this point — have need of encouragement to be faithful to the moral law, so they must not be offered some easy means of eluding its observance

Let it be considered that a dangerous weapon would thus be placed in the hands of those public authorities who take no heed of moral exigencies. Who could blame a government for applying to the solution of the problems of the community those means acknowledged to be licit for married couples in the solution of a family problem? Who will stop rulers from favoring, from even imposing upon their peoples, if they were to consider it necessary, the method of contraception which they consider to be the most efficacious?⁶

If this seldom recognized and virtually forgotten consequentialist

argument in "Humanae Vitae" is updated and, thereby enhanced, it can, I believe, offset Noonan's clarification and, more significantly, any clarification which interprets the encyclical as being compatible with the practice of contraception. To the point, an enhanced version of the encyclical's consequentialist argument would make Noonan's type of clarification irrelevant to the rightness of the magisterial stance against contraception. For example, even if the basic encyclical action-guide, that "each and every marital act must be open to the transmission of life", cannot be taken literally, as Noonan argues, the proscription it implies — contraceptives may not be used to regulate births — would continue to be justified by an enhanced version of the encyclical's consequentialist argument.

Updating the encyclical's consequentialist argument is not a difficult task. Its projected scenario has become a reality and the result is worse than the projection. Abortion is now widespread, teenage pregnancy continues to increase and the institution of marriage has further broken down. The clear sign of the times regarding human sexual values is manifest in current American movies, virtually every one of which advocates "free love", either in the form of fornication or adultery or both. It is not so much that contraception has caused these consequences to exist. Rather, contraception services an idolatrous network which denies value to marriage, family, intimacy and even human life itself. "Humanae Vitae" may not judge the motives of those who function in that network, but it recognizes that their choices are based upon a very narrow and ahistorical perspective of reality which has the ego-self posited in the center.⁷ Through its consequentialist argument against contraception (and also abortion), "Humanae Vitae" proposes a reasoned way for saying no to a current quasi-nihilistic tide which honors no past nor recognizes a long-term future.⁸ The strength of that tide is rightly matched by the firmness of the encyclical message against the practice of contraception. The message is without exception and the encyclical's consequentialist argument suggests a line of reasoning which would make that make sense.

The pertinent objection to the value of the consequentialist argument is made by Noonan.⁹ He dismisses the argument on the grounds that "Humanae Vitae" itself already permits birth regulation through natural means. He contends that the approval of contraception for married couples in limited situations would influence sexual aberrations no more than do natural methods of birth regulation. Noonan's reasoning here presumes that a tight identity exists between contraceptive and natural means of birth regulation, at least in regard to real or projected consequences involving their use. Thus, what is true for the latter, in that regard, should also be true for the former. Although this alignment may be correct in a formal, i.e., logical, sense, it is not practically accurate. In the practical order, natural birth regulation is generally associated with the family planning processes of Catholic married couples. As such, it is set within the broader context of responsible parenthood. Natural family

planning is simply one component of a whole piece which is positive toward procreation.

When contraception is viewed from the perspective of the practical order, however, it is seen as completely anti-procreative and it is not a component of any broader context which changes that perspective. As emphasized earlier, contraception goes hand in glove with sexual license and sexual promiscuity, and with the AIDS problem now in our midst, contraception is associated with sexual freedom more than ever before. On that score, it is surely erroneous to think that the institutions of marriage and the family, held in high esteem throughout the Church's long tradition, would not be further and more seriously harmed were the Church, one of the last holdouts against a contraceptive mentality, to approve of the practice of contraception.

As a final point, perhaps it should be noted that the perspective from which "Humanae Vitae's" consequentialist argument is made is natural law morality, via the principle of totality.¹⁰ The fact that the argument's reasoning would also fit very easily into a rule utilitarian perspective is not a liability in my judgment. On the contrary, it provides advocates of the papal teaching with another access for promulgating "Humanae Vitae's" anti-contraceptive and pro-life teaching.

References

1. Noonan, John, *Contraception* (Cambridge: Belknap Press, 1986). In the enlarged section of the book (pp. 535-554). Noonan attempts to make certain clarifications of "Humanae Vitae" which show that the encyclical permits contraception on certain occasions. (Noonan's perspective here is clarification, not dissent). The focus of this paper concerns one of those clarifications. If the argument in the paper has merit, however, it will nullify the practical significance of all of Noonan's clarifications. Additional references to Noonan are from the enlarged edition.
 2. "Humanae Vitae", (Washington, D.C., United States Catholic Conference, 1968), p. 7, par. 11.
 3. Noonan, *op. cit.*, p. 550.
 4. "Humanae Vitae", pp. 5-6, par. 9; pp. 7-8, par. 12.
 5. Noonan, *op. cit.*, pp. 546-549.
 6. *Ibid.*, pp. 10-11, par. 17.
 7. Cf. Robert Bellah et al, *Habits of the Heart* (New York: Harper and Row, 1985).
 8. Cf. Alasdair MacIntyre, *After Virtue*, 2nd edition (Notre Dame: Notre Dame University Press, 1984), especially, pp. 1-78, 109-120.
 9. Noonan, *op. cit.*, p. 552.
 10. "Humanae Vitae", p. 11, par. 17.
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