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Is the Teaching of *Humanae Vitae* Physicalist? A Critique of the View of Joseph A. Selling

by

Mr. Mark S. Latkovic

The following is a condensation of Mr. Latkovic's S.T.L. dissertation. He wishes to express his thanks to the Knights of Columbus, who funded his S.T.L. degree. At present, Mr. Latkovic is Assistant Professor of Moral Theology at Sacred Heart Seminary, Detroit, MI.

Since the promulgation of Pope Paul VI's encyclical *Humanae Vitae*, (HV)¹ numerous theologians have dissented from that magisterial teaching for various reasons. Chief among the arguments raised to reject the document's prohibition of contraception has been the charge that the Pope's moral methodology is grounded in a physicalistic understanding of the natural law. That is, one that is based on the form of natural law argumentation which proceeds according to the following mistaken pattern: "since nature tends to act in this way, men have a duty to act in this way (that is, according to the way nature acts)."² When applied to the teaching on sexual morality that is found in the encyclical, this physicalism consists in the contention that, "the moral evaluation of sexual intercourse rests entirely upon the structure and form which the act achieves. This form is basically the physiological process of insemination."³

One scholar who has made this argument against HV is the Louvain University moral theologian and former editor of *Louvain Studies*, Joseph A. Selling. Moreover, Selling claims that the teaching set forth in HV is *not* the traditional teaching of the Church. Rather it is a reading of the natural law that is found in the documents of the papal magisterium of Popes Pius XI and Pius XII. Selling contends that the traditional teaching of the Church, as expressed in Vatican Council II, particularly in *Gaudium et Spes* (GS)⁴ (nn. 47-52), is grounded in a better understanding of the human person and conjugal morality,

one that superseded

... the natural law approach of positing a biological norm (the form of the act) and replaced it with a personalistic model of morality (responsible parenthood) that insured the continuity of the fundamental teaching on marriage and elicited concrete norms based upon the "human person and his acts" (GS, 51).⁵

Thus, because of HV's physicalistic moral teaching, it

... exhibits either a denial or a functional misunderstanding of the teaching put forth in GS on marriage and represents a regression in the evolution of concrete norms which had been elaborated in Vatican II. In this sense, HV cannot be said to represent the ongoing tradition of the Church's teaching on conjugal morality as a whole. Rather it is related only to past papal teaching and as such can be considered as a historical document which was dated at the very time it was promulgated.⁶

Furthermore, Selling oddly holds that in HV, "Pope Paul never really intended to condemn every form of artificial birth control for the mature, responsible, loving married couple."⁷ According to Selling, the Pope's reason for writing HV was to restate a position on the specific question of contraception that Pope Paul himself realized was "dated" and "inadequate," but nonetheless "safe." He did so because he "feared for the implications of simply saying that contraception was in itself acceptable."⁸

This paper will consider whether the teaching of HV on the regulation of births is physicalist and thus incompatible with the teaching of GS. My intent is to respond to Selling's arguments in order to expound and defend the personalistic basis of HV against the physicalism that he finds characteristic of its natural law approach to birth control.⁹

The paper will consist of two major parts. In part one I will analyze the central moral teaching of HV concerning contraception. Here I will attempt to show that HV, contrary to Selling, is personalistic in its articulation of moral norms. To accomplish this, I will first discuss Selling's own view of HV. In part two I will respond to Selling's contention that HV is not harmonious with GS, and therefore, opposed to the developing tradition.

Part 1: Is the Teaching of *Humanae Vitae* Physicalistic? A Response Selling's Critique of *Humanae Vitae*

We begin with Selling's analysis of the central moral argumentation of HV (nn. 10-14). The encyclical holds that contraception violates natural law. Why contraception does so, according to Selling, derives from a physicalistic interpretation. "It is proposed that 'the act of marriage' is intrinsically oriented to procreation and can never be violated with respect to its natural structure (HV, 11)."¹⁰ According to Selling, the Pope identifies the "natural law with the intentional will of God."¹¹ This

... interpretation of the natural law offers the elaboration of an "objective moral order" (HV, 10), intentionally created by God and directing a "right order of priorities." This order is discernible from "the nature of marriage and its acts" (HV, 10) ...¹²

Hence, this criteria, Selling argues, contrasts with that found in GS, 51.¹³

In HV, 12 the Pope then speaks of the

... inseparable connection between the unitive and procreative meanings of the act which is inherent in the nature of man and woman and which must be safeguarded in all circumstances ... The violation of either of these meanings is said to contradict the will of God and flow from the idea that man has no dominion over his generative powers which "by their very nature" are oriented to raising up life (HV,13).¹⁴

HV,14 concludes by excluding "any action which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation — whether as an end or as means" (note omitted). Selling states that the "justification of this teaching is based upon the assertion that artificial contraception is morally evil and, by virtue of the fact that it goes against the natural moral order, is *"intrinsece inhonestum."*"¹⁵

Selling offers a concise account of his physicalist charge when he comments on what he sees as the essence of the argument being proposed in HV,13 (a virtual summary of the Pope's whole argument according to Selling). He writes:

God created the procreative *faculty* according to natural laws which are evident in an examination of the structure of the sexual act. The fulfillment of that act, the process of insemination, is oriented to fertilization and the generation of children. To frustrate that process in any way is considered wrong *not* because it avoids the birth of a child *but* because it goes against nature (the natural law) which is equivalent to the will of God. It does not matter whether or not a particular act is potentially fertile for it is the structure of the act which is normative.¹⁶

Selling holds that in the final analysis, HV's moral norms rest on the claim that "the very nature and purpose of human sexuality is intrinsically oriented to procreation."¹⁷ And because HV does not require that every conjugal sexual act "be concretely oriented to procreation ... the [integrity of the] 'natural' structure of human sexuality" must remain safeguarded from human interference.¹⁸ This is what can only be meant by "procreative meaning." Therefore, what is normative is the natural structure.

In essence then, HV's moral propositions involve "an act-centered approach to the morality of sexual intercourse based upon its physiological structure as it is said to be determined by the natural law."¹⁹ Like Popes Pius XI and XII before him, Paul VI's teaching

... isolates the material act of intercourse and forces it to carry the entire meaning of the conjugal relationship, it assumes the biological norm of the physical integrity of that act to judge its licitness and it implies the doctrine of the primary and secondary ends of marriage (mainly applied to the act of coitus).²⁰

I believe the preceding account accurately captures Selling's argument against the teaching of HV. We must now respond to it and develop a sounder interpretation of the encyclical.

Contraception, the Natural Law, and the Teaching of *Humanae Vitae*

Basic to my commentary on HV will be a discussion of its fundamental moral principles and teaching.²¹ Because the Pope bases his teaching on the natural law (though "as illuminated and enriched by divine Revelation," HV,4),²² which "the

Church is competent in her magisterium to interpret" (Ibid), we will examine HV's natural law doctrine on birth control.

Pope Paul begins his treatment of the question of human procreation by situating it within the context of an "integral vision" of the human person.²³ "It is the whole man and the whole mission to which he is called that must be considered:" both his earthly existence and his eternal destiny (HV,7). The Pope understands that because this issue involves the entire person as a body-soul unity, it cannot be adequately resolved by limiting one's focus to a particular aspect of the person's nature (Ibid). Moreover, he states that his intention is to treat the question of conjugal love and responsible parenthood with "special reference" to what the Vatican Council II taught in GS (Ibid).

The Nature of Marriage and Conjugal Love

Before turning to the Pope's analysis of responsible parenthood and the question of contraception, it is first necessary to summarize his understanding of marriage and conjugal love.²⁴ If one overlooks these realities, one distorts the deeply personalistic framework from which the Pope was approaching the issue and thereby trying to faithfully expound the insights of the Council. And though the Pope is speaking to all people of good will, he writes particularly to those who see that the "transmission of human life is a most serious role in which married people collaborate freely and responsibly with God the Creator" (HV,1).

According to Paul VI, conjugal love originates in God's creative love. Because its source is the Father's own fruitful and generative love, one can only see the "true nature and nobility" of marital love from the perspective of Divine love (HV,8).

Flowing from God's love, marriage and the love therein is a means "to effect in man His loving design." Due to God's plan for marriage, when spouses embrace in the marital act, which is the "mutual gift of themselves . . . specific and exclusive to them alone [they] develop that union of two persons in which they perfect one another, cooperating with God" in the procreation and education of new life (Ibid).²⁵

In HV,9 the Pope turns his reflections to the distinctive features of conjugal love.²⁶ Following the thought of GS, Paul VI says that this love is "fully *human*," reflecting the body-soul unity of the human person. It is not merely "natural instinct or emotional drive. It is also, and above all, an act of the free will . . ." Ultimately, this love is meant to unify the spouses so that they become "in a way one heart and one soul" (HV,9).

This love is also "total" — a unique form of "personal friendship" which involves the couple's reciprocal self-giving in every aspect of their married life (Ibid).

Moreover, marital love is "*faithful* and *exclusive*." The Pope refers here to the *experience* of married couples as one way of showing that fidelity pertains to "the nature of marriage" and is "the source of profound and enduring happiness" (Ibid).

Finally, this love is "*fecund*." Thus conjugal love desires to transcend the "loving interchange" of the spouses. It strives to "go beyond this to bring new life into being" (Ibid). The Pope then quotes GS,50: "Marriage and conjugal love are by their nature ordained toward the procreation and education of children. Children are really the supreme gift of marriage. . ."

In describing the features of conjugal love this way, Pope Paul VI has accurately captured the teaching of GS on this singular form of human love.²⁷ This teaching will set the context for the Pope's discussion of responsible parenthood. However, because the encyclical is written to deal with the precise question of how conjugal love is to respond to the good of human life in the concrete act of sexual intercourse, the procreative aspect of conjugal love is of course the main focus of the encyclical. Nevertheless, the Pope situates his judgement within the context of each particular conjugal act — an act meant to be *both* unitive and open to new human life.

Toward an Understanding of the Encyclical's Norm

In HV, 10 the Pope begins to describe the exigencies of responsible parenthood. "With regard to the biological processes, responsible parenthood means an awareness of, and respect for, their proper functions. In the procreative faculty the *human mind* discerns biological laws that apply to the *human person*" (HV, 10, emphasis added).

The Pope then immediately adds that responsible parenthood involves other important aspects as well: the use of reason and will to control one's "innate drives and emotions"; the necessity of attending to one's own "physical, economic, psychological and social conditions" in order to determine whether to increase one's family or not, either for a certain or indefinite period of time; and most importantly, responsible parenthood requires the spouses to observe "the objective moral order which was established by God." This objective order they *interpret* through a "right conscience" (Ibid). In summary, responsible parenthood requires that the couple maintain "a right order of priorities, recognize their own duties toward God, themselves, their families" and the human family (Ibid).

Selling argues that "a good deal of weight is placed upon 'biological laws' . . ." in the preceding passage. We must point out however that HV never "identifies 'natural biological laws' with natural law in the *moral* sense."²⁸ As William E. May has shown, the Pope states that the discovery of these "biological laws" is an act of human reason which recognizes these laws as an aspect of the human person. May writes that with this claim the Pope is "seeking to express the teaching of Vatican Council II that human sexuality, which includes the power to generate new life, surpasses in nature and dignity the sexuality of non-human animals; human sexuality is integrally 'personal.'"²⁹ In line with the personalism of the Council, the Pope understands that our generative sexual power is constitutive of who we are as human beings. "It is not some sub-human biological function; it is a personal good."³⁰

In addition, May notes what is not often recognized in discussion of this passage. The Pope in fact refers to a text of St. Thomas which argues that,

[T]here are many "first" principles or precepts of the natural law insofar as human reason, as practical, naturally grasps certain basic "goods" of the human person as the good that is to be done and pursued in and through human choices and actions, and among these basic goods is that of human life-in-its-transmission, or the good of procreation.³¹

Since one of "the first or basic principles of natural law or practical reason is that human persons are to respect and honor" this good [the procreative good] in their choices," they must not freely will to "set it aside."³²

Though Selling mentions the Pope's reference to St. Thomas, he does not adequately deal with its significance for Paul's thought on the question of regulating fertility. One way of expressing this significance is to say, unlike animal *reproduction*, human *procreation* "is directed to the generation of a human being, and so by its nature it surpasses the purely biological order and involves a whole series of personal values."³³

The Pope concludes n. 10 by arguing that by reason of these various exigences, the couple's decision concerning parenthood does not rely solely on *subjective* motives, but rather must also correspond to "the will of God the Creator. The very nature of marriage and its use makes His will clear, while the constant teachings of the Church" makes its evident.³⁴

In n. 11 of HV, Pope Paul builds upon the preceding section and writes what might appear to be a superfluous line: "God has wisely ordered laws of nature and the incidence of fertility in such a way that successive births are already naturally spaced through the inherent operation of these laws." Martin Rhonheimer states that, just like the "biological laws" identified in n. 10 these "laws of nature" are not natural law in a moral sense. Rather, Rhonheimer argues, these "biological rhythms of fertility" are mentioned here "to draw a fundamental conceptual distinction: The distinction between *voluntary induced* infertility and *naturally given* infertility."³⁵ However, "absolutely no reason is intended to be given here for settling the question why" procreative acts intentionally rendered infertile are immoral.³⁶

Nevertheless, we would strongly affirm that these biological laws of nature do in fact pertain to the very nature of the *human person* (not non-human nature). And "since in human life nothing is merely biological, everything is personal,"³⁷ we cannot see these physical laws as sub-personal. Yet it must also be noted that any "argument which tries to defend naturally given structures from being altered by human intervention needs a *further* argument" based not on the "naturalness" of natural patterns, but which needs to be an additional *ethical* argument showing the *moral relevance* of natural patterns."³⁸

Thus the Pope in the very same passage — after recalling GS's teaching that the conjugal act is "noble and worthy" (n. 49) - begins by affirming the moral goodness of marital sexual intercourse even when performed with the knowledge that the act is *naturally* infertile. Why? Because of the marital act's capacity for expressing and strengthening "the union of husband and wife" (HV,11) apart from any realization of procreation. In the next sentence he recognizes that "as experience shows . . . new life is not the result of each and every act of sexual intercourse" (Ibid).

The previous point is crucial for making sense of the fundamental norm which is set forth in HV,11. The norm states that "every marital act must of necessity retain its intrinsic relationship to *the procreation of new life*" ("*ut quilibet matrimonii usus ad vitam humanam procreandam per se destinatus permaneat*," (HV, 11, emphasis added). Thus, because naturally infertile intercourse, along

with periodic abstinence is considered licit by the Church, the correct way to understand the principle articulated above is in the category of *intention* rather than physiology.³⁹ Hence, we interpret the norm this way:

It is wrong for those who engage in marital intercourse to attempt to impede the transmission of life, which they think their act otherwise might bring about. For if they do try to impede that to which their act of itself might lead, they choose to close it to new life.⁴⁰

Put negatively, the norm simply implies the following: "Contraception is always wrong."⁴¹

Given the previous observations, I would argue that Selling is simply mistaken in seeing that,

[T]he central moral criterion for the moral evaluation of conjugal sexual relations remains the performance of complete, unimpeded coitus terminating in the deposit of male sperm in the female genital track, irregardless of whether a given act is known beforehand to be fertile.⁴²

The non-physicalistic character of the Pope's teaching is made even more obvious when in HV, 14 he writes: "excluded is any action which either *before, at the moment of, or, after* sexual intercourse, [that] is specifically *intended to prevent procreation* — whether as an end or as a means" (emphasis added).

The Basis of the Norm

Pope Paul VI grounds the Church's teaching "on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and procreative significance which are both inherent to the marriage act" (HV, 12).⁴³ How are we to interpret this moral-anthropological principle? We should not understand this "inseparable connection" in a *literal* sense. For contraception and sterility break this connection every time. We must interpret it in another way. Joseph Seifert argues that the inseparability principle

... cannot mean a *factual* or *actual* inseparability but only one that is situated on that level of the essence of marriage which *ought* to be respected and realized but *does* not *have to be* realized. We could speak of a moral rather than a factual inseparability.⁴⁴

Why "ought"? Here of course we are at the crux of the issue. The encyclical holds that contraception violates the inseparability of the two meanings of the marital act. How so? By acting against the procreative meaning (and the unitive meaning also?). But again, why is acting against the procreative good wrong?

It seems that because many have focused on language in the encyclical which would *appear* at times to imply an emphasis on "natural processes," "biological laws," "laws of nature," etc., they have not grasped the real moral argument which is present in the document (however brief and schematic it might be). Thus when Selling writes: to frustrate the process of insemination "is considered wrong *not* because it avoids the birth of a child *but* because it goes against nature,"⁴⁵ he misinterprets the teaching of HV. Contraception is wrong for *neither* of these reasons: The former would rule out periodic abstinence and the latter would simply be physicalism. Rather, based on our interpretation of the encyclical,

contraception is immoral because one performs

... an action that in itself and directly has only one objective: to keep an act of intercourse from being fruitful, to see to it that a new *human life* does not come to be in and through an act of the kind in which new human life can come to be. The contraceptive act is directly aimed against the realization of the procreative good. One is not simply declining to promote that good; one is taking positive steps against it.⁴⁶

One contracepts *precisely* because one does not want new life to come to be in the very *act of intercourse* that one knows could lead to the initiation of another human being's existence. Such an act however involves "a morally wrong response to the new human person who is [possibly] 'about to become real in conception.'"⁴⁷ Put another way:

The contraceptive choice requires us to set aside the openness of sexual union to the good of human life in its transmission. It likewise requires us, of our own free will, to set aside the blessing of fertility (an aspect of our being as human persons). It thus requires us to set our wills, our persons, against these great human goods. It therefore violates basic norms of reasonable human choice required by practical reason, and is therefore not a morally good choice.⁴⁸

I would argue that HV is simply saying that a marital act has both a *love-expressing* meaning and a *life-giving* meaning. These meanings or human goods are the *reasons* for which we engage in sexual intercourse in the first place:

In fact, the various ends or goods associated with our sexuality — the child, a unique kind of friendship, sexual fulfillment through our bodiliness — are what make sense of the marital act. They make it comprehensible and ... "doable" ...

by serving as "the principles of human action."⁴⁹ Since human persons act on behalf of ends which are perceived as goods, the very goods of the marital act render the act intelligible.

Now, HV argues that if one chooses to attack *either* (or both) of these meanings, these goods, one acts immorally. For instance, referring to the unitive good, the Pope observes that "a conjugal act imposed on one's partner without regard to his or her condition or personal and reasonable wishes ... is no true act of love, and therefore offends the moral order" with respect to its requirements for spouses (HV, 13). Concerning the procreative good, the Pope writes: spouses "must also recognize that an act of mutual love which impairs the capacity to transmit *life* which God ... through specific laws, has built into it, frustrates His design ... and contradicts" the Creator's will (Ibid., emphasis added).

From these two passages it is clear that HV is concerned not with "the physical structure of the act as such but rather with the *intentionalities* that are expressed in it."⁵⁰ Thus the Pope teaches,

... what is wrong or immoral, what is contrary to the nature of the human person and his acts and to the meaning of marriage, are genital acts in which *either* the unitive *or* the procreative meaning of the marital act is repudiated. What is morally of significance is the *intent* to reject either one of these great goods.⁵¹

When Pope Paul argues, "just as man does not have unlimited dominion over his body in general, so also ... he has no such dominion over his sexual faculties,"

we should not see here the biologism that Selling alleges. For the Pope immediately adds: "for these are concerned by their very nature with the *generation of life*, of which God is the source" (HV, 13, emphasis added.)

Again, our way of interpreting the "inseparability principle" is made even more evident when the Pope provides his *reason* for its truthfulness: because

... the fundamental nature of the marriage act, while *uniting husband and wife in the closest intimacy, also renders them capable of generating new life* — this as a result of laws written into the actual nature of man and of woman (HV, 12, emphasis added).

The pope continues by stating that if *both* "essential qualities" are maintained, the marital act fully preserves "its sense of true mutual love and its ordination to the supreme responsibility of parenthood to which man is called" (Ibid).⁵²

Given our analysis, Selling is clearly wrong to state that "HV . . . sought to exclude only those actions which positively interfere with the physiological process."⁵³ What is indeed immoral is the choice to intend - because one sees that this act, here and now, can transmit human life - to make one's act of sexual intercourse *intentionally infertile*. In Selling's grounding of HV's moral reasoning on physicalistic grounds, he has missed its central claim: what is at issue is not whether or not contraception violates natural processes (just as natural processes), but whether basic human goods have been respected or rejected. We have shown that in the contraceptive act, one violates the good of procreation. Does it violate other goods, such as the unitive good, as many authors have suggested?

John Finnis has strongly argued that "contracepted sex, like other forms of non-conjugal sexual activity, settles for the appearance [of a good] rather than the reality . . ." ⁵⁴ Finnis states:

... contracepted sexual intercourse is in vital respects a simulation of *conjugal* intercourse, i.e., of intercourse that not merely contributes in some way to the stability and peace of the marriage (as a husband's resort to a good-time girl may be intended to), but that really, as an act of will bodily expressed, is adequately expressive of the conjugal good, one must refuse to entertain any sexual activity which involves turning against *either* the exclusive friendship of the spouses . . . *or* the procreateness that is the *rationale* of that friendship and of its commitment to exclusiveness.⁵⁵

When one realizes that the conjugal good is composed of these "interdependent"⁵⁶ aspects, one sees that in attacking one aspect (the procreative for example), you harm the other (and vice versa).⁵⁷

Hence, in choosing to contracept one acts immorally. For this act carries out a choice to (wrongly) impede the instantiation of the basic good of human life. This is why contraception violates natural law and its fundamental first principles. One's choice and/or act is not only *contra-life* (i.e., a choice which involves one's will in a basic stance against life), but it is also destructive of other basic human goods (e.g., mutual self-giving or friendship, bodily integrity or fertility, and personal integrity).⁵⁸ Thus we can say the following:

There is a whole constellation of goods clustered in the marital act on behalf of which one acts and which makes sense of that act . . . One must always remain open to all of these basic goods because they make sense of the marital act. To engage in marital intercourse while acting against one or more of those goods would make the act, to a

Selling argues that in HV, "each act is considered in itself instead of in its relation to the whole of the relationship."⁶⁰ While it would take another paper to adequately deal with this argument, other authors have already cogently answered this objection.⁶¹ Ultimately this analysis, as well as Selling's acceptance of the distinction between moral and pre-moral evil ("The fully human act is morally qualifiable only after the consideration of all relevant factors"),⁶² rests on a proportionalist moral theory.⁶³ However, proportionalism has been capably criticized from many different angles.⁶⁴

We conclude therefore that HV is personalistic teaching of its deep respect for all the basic goods of the human person. Contrary to Selling, it does not erect the physical process as a biological norm, isolating it from the other goods of marriage.⁶⁵

Part II: Is *Humanae Vitae* Contrary to the Teaching of *Gaudium et Spes*? A Comparison

In his critique of HV, Selling has raised many objections (besides the physicalist argument) which, he believes, shows the clear discontinuity between the encyclical and GS.⁶⁶

Selling states that the following major points are found in GS⁶⁷:

1. The relegation of the doctrine of the hierarchy of ends to a mere historical reference (n.4).
2. The priority of speaking of conjugal love over procreation in marriage (n. 8), along with the omission of procreation in the discussion of conjugal love (n. 9).
3. Procreation is a gift and the crown of both conjugal love and marriage and not the purpose, end or justification of sexual relations (n.11).
4. The affirmation of the specificity of human sexuality and a rejection of biological norms governing sexual activity (n. 16).
5. The objective criteria for making responsible moral decisions with respect to determining and directing human activity are based upon "the nature of the human person and their acts" (n. 17).

Space allows me to respond to only the latter two points listed - though I believe they are the most central.

***Gaudium et Spes, Humanae Vitae*, and the Question of Biological Norms**

In part one, we saw how Selling argued that for HV, the *natura actus* governs the morality of conjugal acts. According to Selling, this is to depart from the teaching of GS, which

... would reject the notion that human activity in the context of moral responsibility is reducible to the application of rules which minimalistically conform to biological facticity. The observation of a simple biological fact, that the engagement in sexual intercourse *may* result in the meeting of sperm and ovum, and possibly in conception, does not constitute a norm for human activity. Biological facts are simply facts and nothing more.⁶⁸

But as we argued, neither is HV concerned with "the application of rules which . . . conform to biological facticity" or with the observation of biological facts which "constitute a norm for human activity." For Pope Paul, biological givens do not translate into moral norms.

Rather, the Pope's encyclical was shown to be concerned, not with the natural structure of the act, the *natura actus*, but with the person's *intention* with respect to the good of human life when engaging in the act of marital intercourse. Insofar as one knows that his or her procreative power can transmit the life of a new human person, this "simple biological fact" (Selling) becomes *morally* relevant — not because one regards the biology in and of itself as sacrosanct (apart from the person), but because one realizes that an act of sexual intercourse has the capacity to bring another human being into the world. Thus it is the *moral* significance of the activity itself that HV is concerned to protect, not the *physical* structure of the act. One's procreative potential is morally relevant not only because it is already an intrinsic good *of* the person, but because of what this "potential" refers to: the good of *human life* — which can result when one chooses to procreate.

Yet in affirming that biological processes do not constitute moral norms, we must also remember nonetheless, that we are speaking not only about the *potential* outcome of one's procreative power (i.e., human life), but also of the sexual act itself which,

...when performed in its conjugal and human integrity, is not a thing by itself [*natura actus?*], nor a piece of a human being which may or must be sacrificed in favor of the whole organism. [For] sexuality is not so much a part of man, as a dimension of his personality. Man has *other* things, and he may rightfully exercise dominion over them. But a person's sexuality is on the level of *being, of this person in his sexual connotations*. Over this dimension of being a man does not have true and proper dominion. If a man were to attempt such dominion, he would no longer be acting in his personal identity and dignity; rather he would be an object of manipulation.⁶⁹

These reflections of Tettamanzi (who was not commenting on GS) more accurately capture the thought of GS. For after affirming that the "sexual characteristics of man and the human faculty of reproduction wonderfully exceed" those of all other living creatures, the Council Fathers then write: "Hence the *acts* themselves which are proper to *conjugal love* and which are exercised in accord with genuine human dignity *must be honored with great reverence*" (GS, 51, emphasis added).

In point n. 16, Selling comments on the above passage but he does not quote the sentence in GS, 51 which begins, "Hence the acts themselves..."⁷⁰ Yet this particular text is important for understanding how Pope Paul VI could later write in HV without the slightest intention of introducing a form of thought alien to GS: man "has no such dominion over his specifically sexual faculties, for these are concerned by their very nature with the generation of life, of which God is the source" (HV, 13). Again, the thought of HV here is (like GS) personalist in its vision of the human person.

Moreover, it is wrong to say, as Selling does, that the bishops in GS "saw that the biological integrity of coitus ["the ambiguous norm of the *natura actus*"] did

not insure procreation, nor could one be said to affirm that value simply by maintaining its integrity": the norm was "inadequate" and therefore "dropped."⁷¹ The response to this is simply to point out that the physical integrity of the sexual act was never seen to guarantee procreation. Thus it was not a question of the bishops "dropping" the norm of the *natura actus* and replacing it with "the personalistic model . . . which gave primary place to the evaluation of fully human acts" [*actus personae*].⁷² This is not the reason the Church has always taught contraception to be evil.⁷³ While some of the arguments to articulate and defend this constant teaching were at times physicalist, the unchanging characteristic

. . . has been the deliberate choice of those who practice contraception to impede the coming to be of a new person. What has been condemned is precisely the deliberate attempt to impede a fresh realization of the basic good of human life.⁷⁴

The Objective Criteria: Based Upon "the Human Person and His Acts" (GS,51)

This is point n. 17 in Selling's discussion of GS. Here Selling argues that this statement from GS,51 is "the foundation of what many theologians today consider to be the 'personalist ethic.'"⁷⁵ He continues:

Human persons and their acts are inseparable . . . It cannot be denied that *one aspect* of human activity is its corporeal and biological dimension. But moral criteria can never be reduced to this one dimension and can only be based upon the nature of the human person *as a whole*.⁷⁶

Selling's interpretation of this passage is inadequate for several reasons. Prime among them is that his reading of GS,51 here begs the question of *what* the nature of the human person is. Is Vatican Council II proposing a fundamentally different understanding of the human person than has been traditionally held? It is difficult to tell from Selling's reading of the text. Yet in order to show that HV is contrary to GS, Selling would have to show that Pope Paul was proposing a different understanding of the *person* when he wrote: responsible parenthood is determined by "the nature of *marriage* and its use. . ." (HV,10, emphasis added). The Pope speaks of "the nature of marriage" rather than "the nature of the human person" only because he is evaluating *human acts of sexual intercourse within marriage* — namely conjugal acts and *not* mere physical acts of sexual intercourse as Selling claims him to be.⁷⁷ Moreover, marriage exists only as a community of *persons* who freely consent to love each other until death. Thus there is no need here to contrast the person with the marital institution that he or she wills to form and live out their Christian vocation. While the spouses retain their individuality, they do so within the context of the "two in one flesh" marriage relationship.

What is clear however is Selling's claim:

. . . conjugal sexuality was now guided by the concept of the *actus personae* whereby the principal moral category was that of intentionality. The fully human act is morally qualifiable only after the consideration of all relevant factors. The concrete, material act itself (*actus externus*) is only one of those factors which neither guarantees nor automatically precludes the moral goodness of one's decision.⁷⁸

Yet Selling's proportionalist approach here prevents him from properly understanding the nature of the human act. On this point, William E. May has written the following critique of proportionalism's account of the "totality" or "wholeness" of human acts:

It is, of course, true that an act must be good in its "totality" or "wholeness" if it is to be morally good . . . But it is not true that we cannot judge that a proposed act is morally bad without taking into account all of its elements, for if we know that *any* of its elements is bad, the whole action is morally vitiated . . . Consequently, human acts already known to be bad by reason of the "objects" (i.e., the intelligible subject matter upon which the agent's will must bear as a chosen means to an end) remain morally bad even if the circumstances in which the person makes this choice or the end of whose sake it is made are good.⁷⁹

However, proportionalism focuses

. . . on the agent's "remote" end of "further intention," that is, the good the agent hopes to realize by choosing to do x here and now. But they fail to take seriously the moral meaning of the x and the fact that the agent freely wills the x as a chosen means, the "proximate" end of his will act and the "present intention" that shapes his moral being. They are thus led to *redescribe* human actions [i.e., the act of contracepting] in terms of their hoped-for-results [i.e., to foster marital stability] . . . [this] conceals, rather than reveals, *what* the person is doing.⁸⁰

Moreover, against the claim made by Selling that "the criterion of the physical act in itself" was eliminated in GS, the comments of May are once again useful. May argues that the Catholic tradition never identified and morally excluded certain actions (e.g., those deemed intrinsically evil) "independently" of the person's will.

Rather, they are specified "by the object" . . . and by "object" they mean exactly *what the agent chooses*, either as an end . . . or as a means . . . The tradition affirming moral absolutes [e.g., that one may never contracept] held that such norms do not bear upon acts "in their *natural* species" but rather upon them "in their *moral* species. . ." The "form," the "intelligibility," of such acts is not given [contra Selling] by their nature as physical events in abstraction from the agent's understanding and willing, but from their intelligibly chosen objects.⁸¹

Given our analysis up to this point, we are now better situated to see how HV is harmonious with GS in its understanding of what the "objective criteria" are — criteria which "preserve the full sense of mutual self-giving and human procreation in the context of true love" (GS,51). Selling argues that it is "the *criteria* based upon the nature of the human person. . ." and "not the *acts* which persons do or do not perform which preserve this full sense."⁸² How are we to evaluate this claim?

It is clear that Selling's view *separates* the human from his or her acts. While we quoted Selling as affirming that "human persons and their acts are inseparable," here, in order to avoid the normative force of the two goods (i.e., mutual self-giving and human procreation), which GS,51 (and HV) argue must be respected, he speaks vaguely about objective criteria preserving these goods. But this position is erroneous. The objective criteria are drawn from the human person and his acts; the person then "applies" the criteria to determine the

morality of conjugal acts: those which preserve the integrity of those objective criteria are morally upright *because* they respect the two goods which were referred to in GS,51.

The objective criteria are, again, drawn from the nature of the human person and his acts. Thus, we must first come to an adequate understanding of the person in order to determine all of these objective standards. To accomplish this end, we propose the following method:

We come to understand the nature of the human person by coming to understand human capacities, which we come to understand by coming to understand human acts, which we come to understand by coming to understand the objects [i.e., the goods] of those acts.⁸³

Briefly then, we can say that the objective criteria the Council Fathers had in mind when they formulated GS,51 were based upon what is required in order to respect the nature of the human person (whose nature is known by understanding the goods which that person pursues in and through freely chosen action), namely respect for the basic human *goods* which constitute the objects of their intelligent activity. Thus, the very nature of the human person constitutes the requirement to respect and foster "an objective (i.e., real) relationship to basic human goods, basic aspects of human personality as they are inevitably involved in certain sorts of human acts . . ."⁸⁴ By respecting these fundamental goods in one's action, one respects the dignity of the human person, in whom these goods are meant to flourish — both individually and communally.

In the present discussion, the human act in question is that of conjugal intercourse. If one respects both the good of mutual self-giving *and* human procreation (GS,51), one thus respects the nature of the human person, and his or her conjugal acts are morally good.⁸⁵

Moreover, this regard for these two goods

. . . is neither procreation as a sole and absolute value, nor is it conjugal giving closed to life. It is rather procreation as the fruit of the spouses' mutual giving or, what is the same, a mutual giving that is in itself open to life.⁸⁶

Both GS and HV are harmonious on this matter.⁸⁷

Conclusion

Many who assume that contraception is necessary to preserve and foster marital love often assume that contraception is a good or at least morally neutral. We find this assumption in Selling:

If spouses are to be expected to realize the fullness of their vocation and mission, they must be granted the liberty to apply solutions which are theoretically and humanly credible.⁸⁸

He continues by stating that, according to GS, spouses can exercise responsible parenthood in conflict situations when they

. . . act to regulate, or in extreme circumstances . . . eliminate either "those acts" or "the procreative potential of those acts." Whichever direction is chosen is a matter of the couple's decision in conscience. So long as that decision is responsible it is morally permissible.⁸⁹

Yet this position simply misunderstands the nature of the contraceptive act and how it destroys the goods of human sexuality within marriage. In this regard G.E.M. Anscombe argues:

[I]n contraceptive intercourse the intentional action is deliberately altered from being a generative kind of action to being an act of attaining sexual climax . . . it is not a question of the further purpose or intention within which the act is done - to . . . sustain their [marital] love, etc. - but of what the intentional act itself is: namely, the couple's use of one another's bodies, no longer to perform a generative type of act, but one or both to achieve orgasm.⁹⁰

The Church upholds natural family planning (NFP) not only as a safe and effective method of regulating births, but as one morally befitting the dignity of the human person. Unlike contraceptive techniques, NFP is not just another "method," but rather a means which facilitates the *spouses'* ability to carry out acts of procreative responsibility. Rather than offering a technical solution to the problem of responsible parenthood, NFP provides a truly human way of accomplishing this task.

Moreover, the bishops affirm that "a true contradiction cannot exist between the divine laws pertaining to the transmission of life and those pertaining to the fostering of authentic conjugal love" GS,51. In order to maintain the goods of marital intercourse, the bishops state that "the virtue of conjugal chastity" must be "sincerely practiced" (Ibid).

Contrary to the position held by Selling, the Church's teaching on contraception and NFP, as expressed in HV, is truly personalistic.⁹¹ Selling's attempt to argue that the theology of GS permitted the use of contraception works only if "one reads into the Council a proportionalist theory of moral judgment."⁹² However, not only is porportionalism false, but GS itself did not incorporate proportionalism into its moral teaching.

We conclude with the words of GS:

Everyone should be persuaded that human life and the task of transmitting it are not realities bound up with this world alone. Hence they cannot be measured or perceived only in terms of it, but always have a bearing on the eternal destiny of men (n. 51).

References

1. *The Papal Encyclicals 1958-1981* (ed.) Claudia Carlen Ihm (McGrath Pub. Co., 1981); hereafter referred to as HV.
2. Ronald Lawler, O.F.M., Joseph Boyle, Jr., and William E. May, *Catholic Sexual Ethics: A Summary, Explanation, and Defense* (Huntington, IN: Our Sunday Visitor Press, 1985), p.123.
3. Joseph A. Selling, "Moral Teaching, Traditional Teaching, and *Humanae Vitae*," *Louvain Studies* 7 (1978), p. 28. For a history of physicalism see Brian Johnstone's informative "From Physicalism to Personalism," *Studia Moralia* 30 (1992), pp. 71-96.
4. *Documents of Vatican II* (ed.) Walter Abbot (N.Y.: American Press, 1966); hereafter referred to as GS.
5. Selling, *The Reaction to Humanae Vitae: A Study in Special and Fundamental Theology* (S.T.D. diss., Catholic University of Louvain, 1977), p. 372.
6. Ibid.
7. Ibid., "Moral Teaching," p. 43.
8. Ibid., p. 44.

9. For views along similar lines see the article by Selling's dissertation director, the retired Louvain University theologian Louis Janssens, "Reflections on *Humanae Vitae*," *Louvain Studies* 2 (1969), pp. 231-253. Janssens wrote that HV stressed the "biological notions of human sexual relations" rather than (as the Council did) their "personal" meaning, p. 248. See also Richard McCormick's favorable evaluation of Selling's thesis in his *Notes on Moral Theology: 1965-1980* (Washington, D.C.: University Press of America, 1981), pp. 775-776.

10. Selling, "Moral Teaching," p. 27. "What is meant by coitus being 'destined of itself to the propagation of life' [=] The physiological structure of intercourse, the process of insemination, [which] is the normative quality applied to the moral judgment." Ibid., *The Reaction to Humanae Vitae*, p. 192.

11. Ibid., "Moral Teaching," p. 27, note 10.

12. Ibid., note omitted.

13. Where GS,51 has: "*ex personae eiusdemque actuum natura*," HV,10 has "*ipsa matrimonii eiusque actuum natura*." I respond to this point in part two.

14. Selling, "Moral Teaching," p. 27.

15. Ibid.

16. Selling, *The Reaction to Humanae Vitae*, p. 194. On p. 210 Selling writes: "What is meant by 'procreative meaning' . . . could be nothing more than the (normative) integrity of the physiological process." It is the structure of this biological activity that is identified with a "moral principle." Ibid., p. 203. Furthermore, this principle applies to every act of sexual intercourse. Ibid., p. 343.

17. Ibid., p. 205.

18. Ibid., p. 210.

19. Ibid., "Moral Teaching," p. 29.

20. Ibid., p. 41.

21. Joseph Seifert details several of the "different and partly conflicting views on the ethical basis of *Humanae Vitae*" in his essay, "The Problem of the Moral Significance of Human Fertility and Birth Control Methods: Philosophical Arguments against Contraception?" in the volume *Humanae Vitae: 20 Anni Dopo*, (Atti del II Congresso Internazionale di Teologia Morale, Rome, 9-12, November 1988, Milano: Edizioni Ares, 1989), pp. 661-672, at p. 661. See also the treatment of the various arguments in Janet Smith, *Humanae Vitae: A Generation Later* (Washington, D.C.: Catholic University of America Press, 1991), pp. 86-89; 93-118; and Kevin Flannery, S.J., "Philosophical Arguments Against and For *Humanae Vitae*," *Anthropotes* 10 (1994), pp. 189-204.

22. "The magisterium of the Roman Catholic Church does not propose a particular moral theory . . . Yet it does, in carrying out its proper mission of proclaiming the gospel of Christ, make some claims about what human beings are to do . . . These claims the magisterium holds to be true, and they include both general and specific propositions [of which one asserts] that there are several principles, universally binding of the 'natural law.' Since the magisterium of the Church does not pretend to do the work proper to moral philosophers and theologians . . . it would be foolish to expect to find in its teachings any effort rigorously to articulate a taxonomic list of such principles. Yet one does find in its teachings appeals to universal normative principles and goods of human existence." William E. May, "Roman Catholic Ethics and Beneficence," in *Beneficence and Health Care* (ed.) Earl E. Shelp (Dordrecht, Holland: D. Reidel Pub. Co., 1982), pp. 129-130. See also Pope John Paul II, *Veritatis Splendor*, n. 29.

23. This integral vision is a result of what Dionigi Tettamanzi has called an "integral anthropology," where man is viewed as "a unitarian whole, a *unitotality* of body and spirit." In this view, sexuality is not reducible to the body but involves the "*human body*, that is, *as the person itself in its giving of itself*." Thus the conjugal act is never merely *natural* but is also (at the same time) *personal* because it is "an expression and actualization of man in his unitotality of body and spirit." Tettamanzi, "Spouses as Ministers of God's Design," in the volume *Natural Family Planning: Nature's Way — God's Way* (general ed.) Anthony Zimmerman (Milwaukee: De Rance, Inc., 1980), p. 146.

24. For an excellent commentary on the Church's understanding of marriage see Smith, op. cit., pp. 36-67.

25. Contrary to Selling ("Moral Teaching," p. 26), this passage does not show that the Pope was "reinstating" procreation as the primary end of marriage. Here the Pope is simply *describing* the nature of this act as created by God: a bodily act which is capable of expressing love and procreating new human life. He is not implying any particular moral norm or hierarchy of ends. Nor is he implying that a couple must intend to procreate every time they engage in marital intercourse. I deal with this issue in Chapter 2 of my *Is Teaching of Humanae Vitae Physicalist? Toward a Personalistic Understanding: A Critique of the View of Joseph A. Selling* (S.T.L. diss., The Pontifical John Paul II Institute for Studies on Marriage and Family, 1990).

26. In addition to Smith's study see also the analysis by Benedict Ashley, O.P. and Kevin O'Rourke, *Healthcare Ethics: A Theological Analysis*, 3rd ed. (St. Louis: Catholic Health Assoc., 1989), p. 252 on Paul VI's synthesis of these features.

27. Cf. GS,49-50. Selling states that the Pope inaccurately ascribes all four characteristics of marital love to GS,50, when in reality only the first three are taken from GS,49 and the latter from GS,50. Thus, according to Selling, we do *not* find fecundity among the features included in the Council Fathers' treatment of married love in GS,49. Selling, "Twenty Significant Points in the Theology of Marriage and Family Present in *Gaudium et Spes*," *Bijdragen* 43 (1982), pp. 424-425. I respond to this in Chapter 2 of my S.T.L. dissertation.

28. Martin Rhonheimer, "Contraception, Sexual Behavior, and Natural Law: Philosophical Foundation of the Norm of *Humanae Vitae*," *Linacre Quarterly* 56 (1989), p. 21.

29. William E. May, "The Moral Methodology of Vatican Council II and the Teaching of *Humanae Vitae* and *Persona Humanae*," *Anthropotes* 5 (1989), p. 39. Consult also GS,51.

30. *Ibid.*

31. *Ibid.* The Thomistic text is from the *Summa Theologiae*, I-II, q. 94, a. 2.

32. *Ibid.*, p. 40.

33. Pope John Paul II, *Familiaris Consortio*, n. 11. See also Ashley and O'Rourke, *op. cit.*, pp. 244-253 on "personalized sexuality."

34. The Pope attaches a note which refers to the teaching of GS,50-51. A reading of these sections makes it clear that the Pope is of the same mind as the Council on this matter. For example, in GS,50 we read that parents, in decisions of responsible parenthood, "cannot proceed arbitrarily. They must always be governed according to conscience dutifully conformed to the divine law itself, and should be submissive toward the Church's teaching office, which authentically interprets that law in the light of the gospel."

35. Rhonheimer, *op. cit.*, p. 21.

36. *Ibid.*

37. Stephen Theron, "Natural Law in *Humanae Vitae*," in the volume *Humanae Vitae*, p. 488.

38. Rhonheimer, *op. cit.*, p. 26.

39. *Ibid.*, p. 22.

40. Germain Grisez, Joseph Boyle, John Finnis, and William E. May, *The Teaching of Humanae Vitae: A Defense* (San Francisco: Ignatius Press, 1988), p. 36. In this book the authors attempt to philosophically establish the argument that contraception always involves "a 'no' to human life, an anti-life mentality which goes against the first basic human good: human life. Such a 'no' to human life implies an intrinsic moral evil and — because the separation of the conjugal union from conception always implies such a 'no' — it would always be wrong." Seifert, *op. cit.*, p. 668. See also Grisez, *The Way of the Lord Jesus (Vol. 2): Living a Christian Life* (Franciscan Press, 1993), pp. 506-516.

41. Grisez, et al., *op. cit.*, p. 36. The authors hold that the affirmative formulation indicates a crucial distinction which is not brought out clearly enough by the negative norm. "'Contraception' signifies only the prevention of *conception*, but the contraceptive act seeks to impede the *beginning of the life of a possible person*." This shows that "contraception is a contralife act." *Ibid.*

Though I am in overall agreement with the Grisez, et al. thesis, I would express some of the same reservations that have been stated by Seifert (who agrees with the argument), *op. cit.*, pp. 669-670. Here Seifert states that the authors seem to go too far in speaking of "a 'will against life' and even of a 'real hatred . . . against a possible child.'" *Ibid.*, p. 669, note omitted. In an appendix to her book, Janet Smith is critical of the Grisez, et al. thesis. William E. May responds to her criticisms in his

review of her book in *The Thomist* 57 (1993); pp. 155-161. I agree with May in holding that Smith has "seriously misconstrued" their argument.

42. Selling, *The Reaction to Humanae Vitae*, p. 193.

43. Selling (*The Reaction to Humanae Vitae*, p. 192) claims that while GS linked these meanings to conjugal love, HV links them to the marital act. Not only is Selling wrong in his interpretation of GS, but by opposing the reality of love to the act he is *de-valuing* the marital act and distorting both realities.

44. Seifert, op. cit., p. 664.

45. Selling, *The Reaction to Humanae Vitae*, p. 194.

46. Lawler, et. al., op. cit., p. 161 (emphasis added).

47. Seifert, op. cit., p. 668. The internal quote is from Grisez, et. al.

48. May, "Sexual Ethics and Human Dignity," in *Persona Verita E Morale* (Atti del Congresso Internazionale di Teologia Morale, Rome: Citta Nuova Editrice, 1986), p. 490. For a brief account of the basic goods and the requirements of practical reasonableness, see Ibid., *An Introduction to Moral Theology*, revised ed. (Huntington, IN: Our Sunday Visitor, 1994), pp. 68-72; 77-79.

49. John M. Haas, "The Inseparability of the Two Meanings of the Marriage Act," in *Technologies, Marriage, and the Church* (Braintree, MA: The Pope John XXIII Medical-Moral Research and Education Center, 1988), p. 96.

50. William E. May, "Selected Notes on Contemporary Books and Articles" (Review of Selling's "Moral Teaching"), *Fellowship of Catholic Scholars Newsletter* 1 (1978), no page reference given.

51. Ibid.

52. When Selling writes that "HV demands the realization of this value [procreation] in each and every act (of coitus)," it is difficult to conceive how he could claim this. *The Reaction to Humanae Vitae*, p. 206.

53. Ibid., p. 209, note 71.

54. John Finnis, "Personal Integrity, Sexual Morality and Responsible Parenthood," *Anthropos* 1 (1985), p. 53. This journal is now called *Anthropotes*.

55. Ibid., emphasis added on "rationale."

56. Ibid., p. 51.

57. See also the argument developed by Rhonheimer, op. cit., pp. 20-57.

58. On the good of personal integrity and its violation see May, "Sexual Ethics," 485.

59. Haas, op. cit., p. 102.

60. Selling, "Moral Teaching," p. 28.

61. Ralph McNerny, "*Humanae Vitae* and the Principle of Totality," *Linacre Quarterly* 56 (1989), pp. 58-67. For Pope Paul's rejection of this argument see HV, 14.

62. Selling, "Moral Teaching," p. 28.

63. See Selling's, "The Development of Proportionalist Thinking," *Chicago Studies* 25 (1986), pp. 165-175. For a study favorable to proportionalism see Bernard Hoose, *Proportionalism: The American Debate and its European Roots* (Washington, D.C.: Georgetown University Press, 1987).

64. Two helpful works are: Germain Grisez, *The Way of the Lord Jesus* (vol. 1): *Christian Moral Principles*, pp. 141-171, and William E. May, *Moral Absolutes: Catholic Tradition Current Trends and the Truth* (Milwaukee: Marquette University Press, 1989). Chapter 2 of *Veritatis Splendor* contains John Paul II's negative assessment of the theory.

65. However, in responding to the physicalist charge, one must be careful not to denigrate the role of the body. Human beings are *body persons*. For a good discussion of this point see Pope John Paul II, *Veritatis Splendor*, nn. 46-50.

66. In addition to Selling's "Moral Teaching" (esp. pp. 37-40) and *The Reaction to Humanae Vitae*, see also his "Twenty Significant Points in the Theology of Marriage and the Family Present in the Teaching *Gaudium et Spes*," *Bijdragen* 43 (1982), pp. 412-441. We take our points for discussion from the latter article as they are worded by Selling.

67. I refer to only what I think are the most significant points he raises for our discussion. Again, I have responded to all of the points listed in my S.T.L. dissertation. The numbers in parentheses refer to Selling's original ordering in his "Twenty Significant Points."

68. Selling, "Twenty Significant Points," p. 435.
69. Tettamanzi, "Responsible Parenthood and the Morality of Birth Control Methods," in *Natural Family Planning*, p. 177.
70. See Selling's discussion on p. 434 of "Twenty Significant Points."
71. Selling, "Moral Teaching," p. 38
72. Ibid.
73. On the constancy of this teaching see John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (enlarged edition) (Cambridge, MA: The Belknap Press, 1986). See also John C. Ford and Germain Grisez, "Contraception and the Infallibility of the Ordinary Magisterium," *Theological Studies* 39 (1978), pp. 258-312.
74. Grisez, *Christian Moral Principles*, p. 892.
75. Selling, "Twenty Significant Points," p. 436. For an analysis of the conciliar text and of its many different successive interpretations see M. Zalba, "*Ex personae eiusdemque actuum natura*" (GS, 51,3), *Periodica de re Morali, Canonica, Liturgica* 68 (1979), pp. 201-232. Zalba sees no contradiction between GS and HV in their moral methodology.
76. Ibid.
77. Selling, "Moral Teaching," p. 40, note 47.
78. Ibid., p. 39.
79. May, *Moral Absolutes*, pp. 56-57.
80. Ibid., pp. 57-58, note omitted.
81. Ibid., pp. 41-42, notes omitted.
82. Selling, "Twenty Significant Points," p. 436, emphasis added.
83. Finnis, op. cit., p. 43. This approach goes back to Aristotle and was later picked up by St. Thomas.
84. Ibid., "The Natural Law, Objective Morality, and Vatican II," in *Principles of Catholic Moral Life* (ed.) William E. May (Chicago: Franciscan Herald Press, 1981), p. 121. This article is an excellent treatment of Vatican II's (including GS) use of natural law. See also May, "The Moral Methodology of Vatican Council II" esp. pp. 31-37 for the Council's understanding of natural law. Both of these works provide masterful refutation of Selling's characterization of the natural law and its alleged absence in GS, 47-52. On this see his "Twenty Significant Points," pp. 421-422, n. 5. Selling writes: "From the beginning the concept of natural law is intentionally avoided." Ibid., p. 421. Surely the language of natural law is avoided in GS, 47-52, but the concept or teaching is not!
85. "The contraceptive act" however, "is not congruent with human nature because it is not congruent with reason; but reason does not judge it congruent with itself because it does not perceive it congruent with human nature. Recognizing as incompatible with itself this incongruence with human nature, reason transforms it and turns it into moral incongruence: the infra-moral good (or natural good . . .) enters with the aid of reason into the sphere of morality and becomes endowed with absoluteness because it is a good of the person as such. This is the teaching of *Gaudium Et Spes* (51, 3: 'from the nature of the human person and human action' (*ex personae eiusdemque actuum natura*))." Carlo Caffarra, "The Moral Disorder of Contraception," in *Natural Family Planning*, p. 193.
86. Msgr. Francisco Gil Hellin, "Union and Procreation in Marriage and Conjugal Life," *Marriage and Family: Experiencing the Church's Teaching in Married Life*, a collection of essays assembled by the Pontifical Council for the Family (San Francisco: Ignatius Press, 1989), p. 40.
87. The words of John T. Noonan, Jr. are instructive. In an essay appended to his volume *Contraception*, he wrote: "*Gaudium et spes* and *Humanae vitae* must be read together . . . *Humanae Vitae* builds upon the conciliar foundation; the Pope speaks out of the conciliar context. It has been asserted that the two documents are discordant. But this assertion has been sustained principally by contrasting a draft version of *Gaudium et spes* with *Humanae Vitae*. The final text of *Gaudium et spes*, modified as it had been at the insistence of Paul VI, is, after all, the only authentic voice of the Council . . . To set Pope against Council, document against document, is a sure way to polemical misunderstanding of both. They stand together." Noonan, pp. 535-536, note omitted. Noonan however goes on to *misinterpret* HV in this essay.
88. Selling, "Twenty Significant Points," pp. 432-433.

89. Ibid., p. 433.

90. "You Can Have Sex Without Children," in Anscombe, *Ethics, Religion and Politics: Collected Philosophical Papers (Vol. 3)* (Minneapolis: University of Minnesota Press, 1981), p. 96.

91. Selling has argued: "Intentionally, there was little if any difference between contraception and an efficient program of periodic continence," "Moral Teaching," p. 39. See also *The Reaction to Humanae Vitae*, p. 356. I respond to this claim in Chapter 3 of my S.T.L. dissertation, relying on the argument developed by Grisez, et al., op cit. See also Grisez, *Living a Christian Life*, pp. 510-512. See n. 16 of HV for its approval of periodic abstinence.

92. Grisez, *Christian Moral Principles*, p. 199.