

THE ARGUMENTS OF HUMANAЕ VITAE: A PHILOSOPHICAL ANALYSIS

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Introduction

There is not the slightest doubt about the fact that *Humanae vitae* is a *theological* document: the Bishop of Rome as the pastor of the universal Church, in fulfillment of his apostolic mission, explains to Christians what God's will entails for them in their married life. In this important document he teaches in particular that it is gravely sinful to interfere intentionally with the act of marriage, so as to deprive it of its ordination to procreation. In short it is always illicit to resort to contraception.

What led the Pope to his inner certitude about this doctrine undoubtedly was that, animated and enlightened by the special guidance of the Holy Spirit, he was in a living continuity with the tradition of the Church. As a detailed historical study by J. Noonan has shown¹, down through the ages the Church has always rejected contraception. For example, Noonan points out that already around 220 the conviction was widespread among Christians that the use of contraceptives is forbidden. He quotes texts from many Fathers of the Church and Christian authors condemning contraception. It is sometimes objected that these Christian authors were only looking for arguments they could use against the gnostics and, to this effect, borrowed certain insights from stoic teachings. It is possible, indeed, that stoic material was taken over by Christians, but in these and similar cases of alleged pagan influence the Church already had a conviction of its own, based upon its Christian faith and life. Stoic teaching about self-control, the importance of the intention of procreation in sexual intercourse as well as on the duty to abstain from what is against nature, may have come in handy for Christian apologists, but this does not mean at all that the latter borrowed also the *contents* of their moral teaching from their Hellenistic sources. Although we appreciate the vast amount of work and research by Professor Noonan, we nevertheless categorically reject the suggestion he makes that nowhere in the available documents is there a question of the condemnation of *one single* act of contraception². In view of the evidence he accumulated it is obvious that single acts come under the general prohibition. We can only consider this remark a tendentious slip of the pen. The Fathers explicitly condemn the attempt to render nature, which God has made fertile, sterile. They condemn the use of *sterilitatis venena*³, an expression which clearly denotes individual acts of contraception.

The injunction to respect nature and to abstain from the use of those potions or lotions, which in those days were credited with the power to impede conception, is to be explained by the deeply Christian conviction that the marital act is more than just the expression of love between husband and wife: it is also sharing in and collaborating with the mysterious power of procreation which the Creator himself has given to man for the good of mankind. Procreation is a gift of God and therefore it is sacred. This conviction is in keeping with and nourished by the teachings of Holy Scripture from which it apparently originates.

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¹ *Conception et mariage. Évolution ou contradiction dans la pensée chrétienne*, Paris 1969, p. 102.

² *Ibid.*, p. 138 - With regard to the alleged influence of stoicism see p. 102.

³ See ST. AUGUSTINE, *De matrimonio et concupiscentia*, I, 15, 17.

The Arguments of the Encyclical

On June 29, 1978 (that is, ten years after the publication of *Humanae vitae*) Paul VI speaks of the inviolable teachings of the Bible and the Gospel that confirm the norms of natural law. Apparently Paul VI was convinced that the novel views of a good number of contemporary moral theologians defending the (occasional) licitness of contraception do not agree with authentic Catholic moral doctrine and are not in keeping with natural law. In fact, in § 4 the Encyclical says that the principles of matrimonial morals have their foundation in natural moral law which is illuminated and enriched by divine revelation.

Moreover, a few days after the publication of the Encyclical Paul VI himself described as follows the arguments which he had used in his Encyclical: his intention had been to interpret the norm of divine law as it emanates from such sources as: the intrinsic demands of authentic human love; the essential structure of matrimony as an institution; the personal dignity of the spouses; their mission in the service of life; the sanctity of Christian marriage.

As appears from these statements, the encyclical *Humanae vitae* also brings in some reflections or arguments from reason, subsidiary and explanatory to its general theological position. It is not because of these arguments that Catholics accept the teaching of the Encyclical. As the Pope himself writes, the basis of our consent is not so much the arguments used as the light of the Holy Spirit, who assists the pastors of the Church. But, as happens elsewhere in theology, arguments from reason may sometimes help to explain further what revealed doctrine holds as well as to refute contradictory positions.

In this paper I would like to concentrate on these arguments from reason, to analyze them in view of often voiced criticism and to show the truth and greatness of the encyclical from a philosophical and cultural point of view. Such a study is also demanded on account of the fact that the majority of the members of the Special Commission, set up by Paul VI, said that they could not convincingly demonstrate the intrinsic moral evil of contraception on the basis of natural law.

Obviously in a field that has been belabored by so many, no novelty or originality is to be expected. One can only try to set forth again what deserves to be put forward because it belongs to the very substance of Catholic moral teaching.

Some theologians declared that, as Christians, they bow to the teaching of *Humanae vitae*, but that they do so notwithstanding the encyclical's faulty arguments. Others refuse to admit that it is the task of the Magisterium to explain natural law and that for this reason the encyclical is out of place and should be passed over in silence. There also are authors who claim that there is no obligatory, structural connection between the marital act and procreation. The encyclical, in quoting St. Thomas⁴, would place human sexual life on the same level as that of animals. The insistence of *Humanae vitae* on the duty to observe the so-called essential, that is biological structure of sexual acts actually implies, some moralists say, a return to stoic and Aristotelian representations.

This critical attitude or even rejection of the Encyclical by a number of moralists invites us to a new examination of the matter. In this connection we must consider the question whether there are valid arguments of reason against contraception. Such an investigation is the more useful because the so-called Minority Report of the Special Commission expresses some doubts on this point: "If there were clear arguments from reason, our commission need not exist". This Report rather insists on the sacredness of human life: sexual acts, ordained as they are to new human life, do have a special inviolability. The Report adds to this that the process of procreation is a fundamental human good, just like truth. To destroy it, is morally wrong. Others, the Report continues, deduce the sinfulness of contraception also from the fact that

⁴ S. Th., I-II, 94, 2

acts which are essentially destined to the survival of mankind, are deprived of their relation to this end, and are subordinated instead to the good (or alleged good) of the individual. But the Report warns that we have to do with a theological problem rather than with a philosophical issue. The real question is how human sexuality is to be understood theologically. Christians need the guidance of the Magisterium of the Church so that they may with certitude and clarity find the road they must follow in order to reach their heavenly destination.

In § 11 HV lays down the basic principle that each marital act as such (*per se*), must remain ordained to the procreation of human life. On the basis of this principle the Encyclical concludes that contraception is morally wrong⁵. § 12 further insists on this unbreakable connection between matrimonial union and procreation. That the act of marriage cannot be intentionally severed by man from its ordination to procreation appears to be connected with the fact that the coital union is not a mere event between two human individuals, but has significance for mankind in general and constitutes a sublime form of collaboration with God's plan and creative action. For this reason it is a gift of God.

Just as man does not have unlimited power over his own body, to do with it as pleases him, he does not have the free disposition over his faculty to produce new life, in this sense that he cannot arbitrarily alter it. If a person makes use of his sexual powers, while he excludes (even if only partially) an essential meaning and authentic purpose of the coital union, he acts in opposition to the nature of man and woman and their intimate union.

§ 14 declares that in view of these principles of an authentically human and the Christian conception of matrimony, the direct interruption of the act of the procreation is morally wrong and must be totally rejected. The same applies to sterilization of either man or woman. Likewise must be rejected any act which either before or during or subsequently to coital union, purports to impede procreation, either as its purpose or as a means to an end. So far the arguments set forth in the Encyclical.

A Philosophical Analysis

As Aristotle points out, it does not make much sense to argue with opponents, unless one has first agreed on certain principles. With regard to the theme of this paper one such principle is that there are intrinsically evil acts, that is acts which by their very nature are morally wrong, and cannot become neutral or morally lawful by a good intention of the agent and/or by the accompanying circumstances. It is our conviction, based upon experience and observation, that (a) the awakening conscience of very young children notifies them that certain actions as such are wrong and reproachable; (b) plain common sense admits that there are such intrinsically wrong actions (such as cruelty, robbing helpless and starving people, abusing children, betraying one's friends, etc.); (c) that the entire tradition of Christianity confirms that by their very nature a number of actions are always sinful (one may think here of St. Paul's condemnation of adultery, homosexual behavior, drunkenness, *etc.* and of the Church's view on abortion and euthanasia)⁶. In view of this evidence J. Fuch's distinction between pre-moral evil and moral evil is no more than an arbitrary and artificial construction. A person who acts freely, knows what he is doing and wants to do precisely this thing. He is responsible for his deeds. He cannot, with an appeal to a good aim he pursues, abstract from the significance

⁵ See § 14, and also § 13.

⁶ On the history of the "intrinsic malum" see LOTTIN O., *Psychologie et morale au 12^e et 13^e siècles*, tome II, and PINCKAERS S., 'La question des actes intrinsèquement mauvais et le proportionalisme', in : *Revue Thomiste* 82 (1982) 181-211. To avoid misunderstanding we stress that the act is meant as it is known and willed by the acting person.

inherent to the action he is performing.

However, to solve certain difficulties it should be pointed out that the acts we are dealing with, are in the first place and above all the acts such as the agent knows them and undertakes to perform (or to omit); they are the actions he has in mind. An exterior act, such as hitting someone, may correspond to different interior acts (lawful punishment of a boy by his father; boxing; self-defense; intention to hurt an innocent...).

It is obvious that the Encyclical, when mentioning the act of marriage, is speaking about this interior act in the first place, which, it is true, is terminated, fulfilled in the exterior act of marital union. If one keeps this distinction in mind, it becomes obvious that there simply is no question of a pre-moral stage: when people act knowingly and deliberately, they insert themselves in the wider context of human life and want to attain a specific end. There only is a pre-moral stage when people lose their reason or freedom. While they engage themselves in activity, people know that they are doing *something* and that this determinate thing is connected with what human life is about. For that reason it has an inner moral goodness or is evil. This inner moral nature of an act is not neutralized by a good purpose the acting person pursues. If one steals money to give a present to a friend, this praiseworthy end does not take away the moral evil of stealing.

There are a small number of human acts, such as rubbing one's hands, picking up a stone, which as such have no connection with the moral order, which is with the end of human life. However, an act which is indifferent with regard to its object⁷, does acquire a relation to the moral order by the particular end one inevitably and necessarily pursues in positing this *actus humanus*. The so-called specifically indifferent acts are few in number. In moral life they constitute a peripheral phenomenon. At any rate, conjugal union is not one of them because it has an intrinsic, essential connection with very important human goods such as mutual love and procreation. It should be perfectly clear that the distinction introduced by J. Fuchs *et alii* between pre-moral evil and moral evil in human acts, is impossible: in each *actus humanus* we know what we do, and we decide to do precisely this; the act itself has a certain content and meaning which is related to our being, to the obligations we have and the ends we must pursue. It is possible that a person tells himself that what he really wants to attain is not this (evil) act, but the good to which he thinks it will lead. But this consideration does not wipe out the fact that in deciding to act in this way (e.g. to practice contraception) one knows exactly what one is doing and that one wants to do it, and since man is responsible for what he does, one has the duty to consider the meaning and implications of this act and its connection with the ends of human nature and the human person.

To understand better why certain acts have a definite moral specification by themselves the difference between *using* a *tool* and engaging oneself in acts such as eating, drinking, thinking, loving, intercourse..., must be pointed out. The former are open and their morality depends on what we are using a tool for. But the latter have a moral value by themselves. We may "use" our eating, drinking and intercourse, but in order to be morally good such a use must not contradict the inner nature of these acts. This inner nature is not just the plain biological structure of such activities. We have already pointed out that we are dealing with the acts as they are known by man and which he decides to perform. If one thwarts the natural purpose of such acts, one places a certain contradiction in one's own acting. Two partners want to unite, but at the same time they prohibit what this unification implies, viz. the union of genital cells and the development of the fertilized egg.

A psychoanalytical study of contraception may illustrate this. In their contacts with women who have been resorting to contraception over a certain number of years, psychiatrists notice a subconscious conflict situation. The explanation is that the conjugal act on the one hand and contraception on the other are biologically speaking at odds. This conflict has a repercussion

⁷ Obviously, an *actus humanus* is meant.

on the psyche of persons engaging in it. The feeling that "something is wrong" gets stronger and leads to psychic disturbances. Although contraception may perhaps not inflict such a deep psychic wound as an abortion, it is nonetheless harmful. Our sexual faculties are not like tools outside our personality, which one may arbitrarily use for such or such a purpose. Rather they are part of our being. By tampering with their natural structure and scope, we go against the grain of our own being both as a biological entity, psychically and rationally. Coital union is not a mere local phenomenon proper to some organs, but it affects the entire nervous system and the body, and concerns the whole person.

Some moralists attempt to defend the lawfulness of contraception (at least in certain cases) by drawing the already mentioned distinction between moral acts on the one hand and pre-moral acts on the other. The latter would become moral through the end one pursues. However, an act which is defective (as the conjugal act is when the spouses resort to contraception) is not just defective in the sphere of pre-moral evil. Contrary to what these moralists claim, it does not become morally good because it leads to a good that is aimed at in the first place. In contraception man deliberately and voluntarily maims his sexual acts whose structure is given to him and predetermined biologically, psychologically and generically⁸. Conjugal union is not a gadget one may at will, mechanically or chemically or otherwise, separate from procreation, for this course of action is thwarting an internal structure, which is part of ourselves and not a mere instrument. It is true that man may substitute or even counteract a natural course of action in animals, plants or inanimate things, if this is useful for man and does not impair his natural environment. But man's own sexual faculties are not subject to use for different purposes: they are part of himself and have their natural significance as we have explained above.

Once this intrinsically evil character of contraception has been established it appears that a good purpose spouses might sometimes pursue with it, does not justify recourse to it. For we must keep in mind the fundamental principle that one may never commit an intrinsically evil action to reach a good end. This principle is generally acknowledged. Socrates appealed to it when he refused to make any unworthy concessions to his judges. The principle is accepted by all those who have a high view of moral values; they acknowledge that it is better to suffer serious inconvenience or damage than to dishonor oneself by doing something which in itself is wrong. St. Paul formulates the principle which has always been upheld in the moral teaching of the Magisterium of the Church.

It is true that sometimes people, who face great difficulties, commit a moral⁸ fault in order to secure what in their eyes is a great good. But this fact does not undermine the principle itself. Rather, it shows the difficulty of always acting in conformity with right moral standards under the circumstances in which most people live.

Having established this we must now return to the argument of the encyclical, which is that every act of marital union must such as it is remain open towards the procreation of life. The reason is that this marital act has the signification of both the intimate union of husband and wife and of serving procreation. The Pope frequently has been criticized for this statement which (a) would reduce the marital act to the animal or biological level; (b) does not sufficiently take into account that because of biological circumstances in a majority of cases the marital acts are not fertile.

The first objection, which is commonly brought forward even by moralists of some renown, is truly astonishing. These authors argue that understanding of natural law in the encyclical (as well as in Aquinas) is rather primitive. In reality, in his freedom man stands above nature and imposes his order on it. In this way he must also regulate the use of his sexual faculties (which as such are as mere biological facts) for the good of his matrimonial and human life. Now

⁸ What is meant is that even under contraception coital union biologically, psychologically and generically (that is in its meaning for the human race) still retains its overall connection with procreation.

contraception is precisely doing this, inasmuch as it allows him to have the various human and psychological benefits from coital union without risking to produce new human life, when favorable circumstances to have children are not present. Urging upon Catholics the blind acceptance of natural fertility amounts to putting the clock back and to returning to an age which did not have the means to control procreation.

However, when one reads the Encyclical as well as its alleged source on this point (St. Thomas' doctrine of natural law) it is evident that there is never any question of a blind submission to biological structure, but always of *human* law. When it speaks of natural law, it means that which our reason prescribes us to do, in conformity with the basic structure, tendencies and tasks of our human nature. It tells us to act in such and such a way, or to avoid such and such behavior. The marital act Paul VI is speaking about is primarily the interior act of the spouses, viz. what they conceive they are doing from the point of view of their basic human end to attain and duties to perform. In trying to determine what marital union naturally means, must mean, to the spouses we must consider human anthropology. The main question here is that of man's very nature. However unbelievable it may seem to be, there still are a great number of Christian authors who are likely to be a victim of a dualistic approach in anthropology. They seem to think that one may distinguish between two layers in man, the biological and animal layer on the one hand, and the sphere of man's mind on the other. They want to give the primacy to man as a person, to "spiritual" goods, to relaxation and pleasure rather than to biological mechanisms and processes which in themselves never have the value of an absolute⁹. In their view we must assign to man a greater power over his own body, so that he can further determine the precise meaning of his sexual life, not unlike the way he shapes and further determines the world in which he lives. According to these authors it is even less natural to submit oneself to the biological structure of one's being than to intervene with one's reason to mould these functions and make them more suitable for specific good purposes one is pursuing.

To this we answer that there is a serious misunderstanding here. Natural law is not a set of biological principles: it consists in the insight and command of our reason that in a particular field (say, that of justice), we must act in this way, or refrain from performing a particular action. Certain actions do not come under natural law (such as the choice of a job or of a friend) but natural law is definitely concerned with the field of sexual acts, because of their essential importance in human life as well as their biological and psychological significance. This means that man understands and formulates some of his basic duties with regard to the use of his sexual functions. For instance, he knows that his sexual faculties are given to him in view of securing the continued existence of mankind; he knows that he is responsible for his progeny and must take care of it. He also knows that he must form a stable bond with his partner in mutual trust and esteem. By their very nature freely chosen sexual acts are never incidental or casual nor purely biological. Because of what they are they tend to engage the entire person with his psyche and his moral responsibility. Precisely because coital union is not a mere instrument, nor something irrelevant, but, intrinsically human, it has its own meaning which is given with human nature. Man cannot neutralize or purposely thwart one or the other of its essential functions, without placing a contradiction in his conduct. If it is wrong to tell a deliberate lie, because this contradicts the purpose of speech and the mutual trust which must reign among men, contradicting the very structure of coital union is much worse, because it involves a more important matter, viz. profoundly human acts which concern man as a rational being as well as the survival of mankind. According to the Minority Report the sinfulness of contraception must not be derived from the fact that sexual acts are being deprived of their natural end (since it is sometimes possible that this happens). A

⁹ VALSECCHI A., *Regulation des naissances*, Gembloux 1970.

reference is made to a text of the *Quaestio disputata De malo* q. 2, a. 1, where Aquinas writes: "Ex quo patet quod magis est de ratione peccati praeterire regulam rationis quam etiam deficere ab actionis fine". This observation and the quotation from St. Thomas are not very fortunate for the text does concern those acts where the rule of reason is intimately connected with their natural end, so much so that reason cannot put aside the latter without contradicting itself.

Can Conscience Allow an Individual to Resort to Contraception in Particular Circumstances?

It is often argued that an individual Christian does not have to obey the law if his conscience excuses him. In the commentaries on the Encyclical by certain episcopal conferences allowance was made for such cases where individuals with good knowledge and after serious examination come to the conclusion that in their own case they cannot accept the teaching of the pope and thus may in their own case resort to contraception. These persons claim to find support in the fact that a certain number of moral theologians openly reject the Encyclical.

There is hardly any question where there is so much misunderstanding as in that of conscience. Conscience is not a feeling or a command to do something, but a judgment about the morality of an action. In the true sense of the term conscience is independent of our desires. It is possible that in some cases people form a judgment about the morality of what they want to do under the influence of their will or passions, but such a judgment is not conscience at all.

Conscience is the application of an objective and certain knowledge (concerning basic moral principles and our duties) to a particular act. Errors may creep into the judgment of conscience on account of a wrong conclusion by our reason. This can either be reason as it considers divine revelation (e.g., when a Christian thinks that the commandment to be fertile and to multiply excludes the celibate state of life) or as it follows natural law (e.g. when one believes that even a defensive war is illicit). A second source of errors (error facti) does not concern us here.

With regard to contraception it is obvious that conscience, inasmuch as it results from the *ratio superior*, that is reason as it considers divine revelation, cannot possibly be in error, because the entire Catholic tradition condemns recourse to contraception as sinful, and the supreme Magisterium of the Church most explicitly states what is licit and what is not. Conscience inasmuch as it considers natural law (man's basic duties and functions as related to his end) can also hardly be in error, as the above arguments have shown. This becomes even more evident when one considers the results of 20 years of generalized contraception: promiscuity, disruption and total decline of the family, depopulation, a shift toward mental immaturity.

It is utterly incredible that a Christian can pretend that his conscience allows him to resort to contraception. Apparently by "conscience" he means a judgment based upon his desire to have full and unrestricted opportunities for sexual intercourse without having to fear pregnancies. But isn't this in reality a judgment which presupposes the impossibility of a certain conjugal chastity, which totally neglects the methods worked out in recent years to distinguish fertile and infertile periods, and which too readily believes, for reasons of work, housing, health, or standard of living that one cannot or cannot yet or cannot any more have children? It is our conviction that the so-called appeal to one's individual conscience to justify resorting to contraception, has absolutely nothing to do with true conscience, that is, with that objective insight we have

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deep in our heart, about what is morally right or wrong.