

"Humanae Vitae" rightfully insists on a total vision of human life, conjugal love and responsible parenthood in a specifically human dimension far transcending the merely physiological.

"HUMANAE VITAE" AND NATURE

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A FIRST AND SOMEWHAT TECHNICAL part of this essay will treat of the natural-law context of *Humanae Vitae*. In the second part we will explore the substance of its argument.

I

By "natural law" we can understand either a theory of politics (a doctrine of rights and of jurisprudence) or a theory of conduct (ethics). The difference is of some moment when it comes to questions touching the application of principles, the role of individual conscience and the implementation of natural law through legislation. We will be dealing with it here in the second sense: as the norm of morality. Our treatment will be limited to points which involve an understanding—or misunderstanding—of *Humanae Vitae* and largely with an eye to the objections raised against the encyclical in its handling of the natural-law aspects of its teaching.

To grasp the context of such teaching one must bear in mind what an encyclical professes to be, otherwise he will fault it for failing in what it does not propose to do and what in the present case it could scarcely hope to. An encyclical is an act of the Church's teaching authority. It is not a treatise in moral philosophy even when treating of natural law. It is not even a treatise in theology. As authentic teacher a pope is in a qualitatively different category from the theo-

logian as teacher. On this latter level of competence he may well be, in all likelihood would be, outclassed by many professional theologians. But though a Rahner or Schillebeeckx may run circles around Giovanni Montini in this arena, he and not they is the authoritative teacher the moment he, as Paul VI, decides to exercise this office.

This is not said to cut off argument in advance but simply to note what it means to be a Catholic reflecting on a papal teaching and to secure a right perspective on a so-called natural-law argument proposed for it. For that matter, it is only within relatively recent times that the Holy See has had such heavy recourse to natural-law perspectives in propounding its moral teaching, evidently judging it necessary to articulate it in a dress that would commend it more readily to a world no longer disposed to accept it on mere authority. The ironies are of course manifest.

This brings us to a first question: What title does the Church have to interpret authoritatively a natural law which by common definition, St. Thomas' for example, is a norm accessible to natural reason? Is there not some arrogance here and an implicit slur on the perceptiveness and moral sensibilities of the many "men of good will" to whom *Humanae Vitae* is addressed and who have come to a different judgment on the morality of contraception? Is she not equivalently rating them as moral imbeciles?¹

Much of the trouble here is owing to the protean character of "natural law" itself and the fact that both terms of the expression, "natural" and "law," have multiple senses. Without attempting to trace the whole complex evolution of "natural law," it will be worth while for us to note some of the ambiguities of the term "natural" alone.

As the etymology indicates, *natura* originally signified the nativity

¹ On this point of the Church's isolation and the misgivings it has occasioned among Catholics with respect to the plausibility of her position, we should note that for the most part, those outside the Church—and in growing part those within it—who find contraception acceptable, have no unqualified objection in principle either to premarital sex, homosexuality, abortion or euthanasia. We remark this in no polemical spirit but simply to note at the outset (again for perspective) that Catholic ethics and the new morality divide on larger and more basic issues of ethical theory than the immediate one of birth-control. (Such, for example, as situation ethics, existentialism, naturalism.) See the generally conservative *Sex and Morality*, a working report of the British Council of Churches (Philadelphia: Fortress Press, 1966).

of a living substance and then by metonymy the principle of activity in substances which generate. This shading still survives in expressions like “the world of nature.” Thus, on the first page of *The Institutes of Roman Law* (compiled in the sixth century A.D.), we meet with Ulpian’s classic definition of *ius naturale*: “what nature has taught all animals” (*quod natura omnia animalia docuit*). Natural law, then, he goes on to say, is not proper to man but is operative in all animals—birds, beasts and fishes (*nam ius istud non humani generis proprium est, sed omnium animalium, quae in caelo, quae in terra, quae in mari nascuntur*). What are some of these natural laws? Ulpian’s examples are famous, not to say infamous: “the union of male and female which we call matrimony” (*maris atque feminae coniugatio, quam nos matrimonium appellamus*); “the procreating and rearing of young” (*liberorum procreatio et educatio*). These are “natural” laws because other animals along with man are judged to recognize them (*videmus etenim cetera quoque animalia istius iuris peritia censer*).²

Here, then, we have an early and biologically oriented version of natural law. Sir Frederick Pollock, in an oft-quoted expression of his own, has written of “Ulpian’s unlucky phrase.” “Natural” here is contrasted with what is properly and specifically human, that is to say with reason and art (*ratio et manus*). The laws proper to man, man as rational and creative, Ulpian identified by another name, *ius gentium* or “law of peoples.” But when the Roman codifiers, a few lines further on in *The Institutes* (which they are putting together for the benefit of beginning law students), are spelling out the meaning of *ius gentium*—the laws of mankind—they borrow the formula of another great jurist, Gaius, and described them as those “founded on natural reason” (*quod naturalis ratio inter omnes homines constituit*). One might expect that expert Roman lawyers would look twice at this odd blend of authorities. As it was, things got off to a confusing start. In the first place, given Gaius’ definition, it is an easy step to speak of the *ius gentium* as natural law and, centuries later, St. Thomas, in his treatise on justice, will have to exercise some ingenuity to maintain a distinction between them. And what of mar-

² *Institutes* I, tit. ii. These passages and the next to be cited are analyzed and compared by O. Lottin, *Le Droit Naturel chez St. Thomas et ses prédécesseurs* (Bruges, 1931), pp. 7-9.

riage as a natural institution? Should we judge the “union of male and female” and “procreation and rearing of young” to be governed by natural law in the sense of instinctive nature, as with animals, or by “natural reason,” a law properly human? Can “education” in fact be anything but a work of reason? A reverential attitude toward the authority of *The Institutes* inspired some remarkable efforts on the part of later commentators at harmonizing the texts, but St. Albert the Great simply discarded Ulpian’s troublesome notion of a natural law common to man and beast and restricted the meaning of the term to “law of reason” (*secundum quod natura est ratio*).³

What has happened? As occurs so often with language, the term *natura* had widened its extension. From signifying generation in the proper sense and then the principle of activity in things which generate, it came to denote the principle of activity in any substance whatever since any substance may be said in a wide sense to “generate” its effects. (We speak, for example, of hydrogen generating water and of the generator of a car.) And as things themselves are designated by the activity through which we identify them, (for example, hydrogen), “nature” comes finally to mean any essence considered as the source of its activity: whatever makes a thing to be what it is and do what it does. And our adjective “natural” in turn describes the activity or properties flowing from an essence. So it now becomes possible to speak of the nature of hydrogen and the nature of an angel, neither of which generate, and even of the nature of God. And whereas “nature” and “reason” were originally opposed in idea (*natura contra rationem dividitur a qua homo est homo*⁴), we can now say it is a natural law that man act reasonably, reason being part of his nature. And inasmuch as an important purpose of his being endowed with “reason and hands” is to practice art (in the technical sense of making things and “doing what nature would if it could”), it is also in accord with natural law that man be artificial. But still the ambiguities and oppositions persist. We stigmatize mannerisms as artificial and condemn certain actions as unnatural. The moral, of course, is that we have to watch words closely when we begin to talk of natural law and artificial birth control.

³ Cf. Lottin, *op. cit.*, p. 42.

⁴ *Summa Theologiae*, Supplement q. 65, art. 1, c. (tertio).

What, then, is to be our understanding of natural law as regulative of man? Broadly expressed, it is the law of man's development on the analogy of the acorn's growth into an oak. Except that, man having a nature whose specific directing principle is practical reason—a nature, that is, which does not unfold automatically but by a suitable exercise of freedom—this law is a prescriptive norm necessitating him, not physically but morally, to act in accord with the exigencies of his rational nature as these exigencies become manifest to him.

This is natural law considered “subjectively” as the directing principle within the individual himself or the “light of natural reason.” However, when we consider natural law “objectively” in terms of what it prescribes, it is important to note that the exigencies of human nature are themselves objective and exist independently of an individual's power to recognize them. We will be back to this in a moment.

This human nature as we consider it here—as normative for action—is what the scholastics termed “absolute human nature” (*natura absoluta*): human nature viewed as such and apart from its being individualized in the particular existence of a Negro or Caucasian; in the twentieth century B.C. or A.D.; or in the state of pure nature, fallen nature or original justice. However, an actual human nature does not exist in abstraction but only as an individual person in a given time and place. It must be “situated” or concretized in a determinately existing mode. Hence the other classic formula that the norm of morality is human nature *complete spectata*—viewed in itself and all its relationships. This means that natural law, even objectively, can demand different actions of different persons differently situated. The extent to which the content of natural law may be affected by these circumstances has been the object of discussion for centuries. St. Thomas himself would appear to hold that relatively few precepts of the natural law are so absolute in character as not to be conceivably subject to change with circumstance.⁵ Without entering into further technicalities on this point, we should note that the Catholic understanding of natural law (by which I mean the notion with which the magisterium operates) is a realistic one, taking account both of a distinction between the natural and supernatural

⁵ S.T., I-II 94, art. 5; 6.

orders and of the “existential determination,” namely, the fact that human natures in reality exist only in a supernatural order of grace with a supernatural destiny.⁶ This is of great importance because it is the basis of the Church’s claim to competence—indeed to final and supreme competence—in interpreting natural law. Human nature, the same metaphysical essence that could have been realized in a purely natural order, has in fact a supernatural destiny and is a fallen nature besides. This affects the content of actual “natural-law” ethics. In a state of pure nature, for example, there might be no obligation to discipline the sense appetite as there is now; nor, according to some, would the right of private ownership be *de iure naturali* as in the present order.

From this it should be evident that the content of natural law as objective norm based on the exigencies of concrete human nature need not be naturally known, or even knowable, in all its prescriptions. The qualification “as objective norm” needs stressing. A man can, indeed must, form a judgment of conscience “according to his lights” as to how he is to act here and now. But the lights can be defective and the subjectively good and certain conscience can be in error. There are, to be sure, acceptable definitions of natural law which limit it to what is easily and connaturally known by normal people. But as regards the objective natural law of which we are speaking, “the factor of natural knowledge is not an essential part of the notion at all.”⁷

The first Vatican Council in its teaching on the necessity of revelation did not explicitly resolve the question as to whether it was *per se* possible to know all natural moral truths through unaided reason. There is no question, however, as to the *de facto* necessity of revelation for such knowledge in man’s present state. This is owing not just to the complexity of many moral problems but to the impairment of the intellect and the influence of environment and appetite, notably the sense appetite, on the clarity of moral vision. I would say this necessity is owing also to the fact that man’s actual destiny is a supernatural one “exceeding the capacities, the implications and the

⁶ Cf. Josef Fuchs, S.J., *Natural Law* (New York: Sheed and Ward, 1965), pp. 3-13 and 42-52.

⁷ John J. Reed, S.J., “Natural Law, Theology, and the Church,” *Theological Studies*, 26 (March, 1965), p. 43.

exigencies of human nature considered in itself.”⁸ In any case, Vatican II, firm as it is on what we call the rights of conscience, in the decree on religious liberty itself makes explicit what was for the most part until then the insistent teaching of individual popes and asserts: In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church. The Church is, by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that Truth which is Christ Himself, and *also* to declare and confirm by her authority those principles of the moral order *which have their origin in human nature itself*.⁹

We mentioned our supernatural destiny among the factors affecting the content of natural law and the extent of unaided reason’s access to it. This would appear evident in view of the fact that this destination is not an afterthought on God’s part but the reason or “final cause” (if we may employ the term) of creation. Man, as image of God, is radically *capax Dei* and *patiens divina*. St. Thomas, and in recent times more theologians, speak of “a natural desire” for the Beatific Vision, and of a certain built-in suitability of, though not an exigency for, man’s ordination to it.¹⁰ Here certainly is one fact about human nature of which we would without revelation be unaware. The actualization of this natural capacity with the substantially new dimension it brings to man’s moral life is another.

To bring these reflections to a point: If we consider marriage in this natural-law context, it would appear even antecedently probable that weighted as it is with significance for human history and the realization of God’s salvific plan, and being now a sacrament in its very substance (the only natural institution to be made *telle quelle*, an efficacious sign of grace—in this case the symbol of Christ’s life-giving union with His Church), it should have a “nature” with corresponding exigencies of which only an assisting revelation, given man’s present condition, could make us securely aware.

For example, consider the argument propounded by Christ for the

⁸ *Ibid.*, p. 41.

⁹ Declaration on religious liberty (*Dignitatis Humanae*), No. 14 (our italics). The English text may be found in *The Documents of Vatican II*, Walter M. Abbott, S.J., ed. (New York: America Press, 1966).

¹⁰ For St. Thomas cf. I-II q. 3, art. 8 and *Summa contra Gentes* III c. 51. For the pertinence to ethics see Wolfgang Kluxen, *Philosophische Ethik bei Thomas von Aquin* (Mainz: Matthias-Grünwald, 1964), pp. 130-149.

indissolubility of marriage (and who, incidentally could “prove” this today to the satisfaction of anyone not already disposed to accept it?). He did not argue from the damaging effects of divorce as ethics textbooks do, but from what marriage is—from the simple fact that “God made them male and female.”

Have you not read that the Creator, from the beginning, made them male and female, and said: “For this reason a man shall leave father and mother and cleave to his wife and they shall be two in one flesh”? Therefore they are no longer two but one flesh. What therefore God hath joined together let no man put asunder (Mt 19:4-7).

The exegetes seem agreed that the argument here is from the nature of marriage (“from the beginning”)¹¹ “to the will of God expressed in visible creation . . . in the actual existence of man and wife.”¹² In other words, we have a bona fide argument from natural law, though one which apparently did not overwhelm its audience. Today we are willing perhaps to let Christ get away with this rather broadly based reasoning and some may even feel that with the help of a phenomenological approach they might see it for themselves. But had we no gospel teaching on this critical point and a pope were to issue an encyclical rejecting divorce on such elusive natural-law grounds—the mere “biological” fact that God made us male and female—the scorn greeting it would equal that heaped on *Humanae Vitae*. It lacks understanding and compassion; it is “insensitive to the witness of many men of good will”; it “pays insufficient attention to the ethical import of modern science”; it is based on “a static world view which downplays the historical and evolutionary character of humanity in its finite existence”; and “the multiple forms of natural law theory are ignored.”¹³

II

We come now to the reasoning of *Humanae Vitae* itself which argues its case on the claim of insight, no less subtle and elusive than that offered in the passage from Matthew, into the nature of inter-

¹¹ See *The Jerome Biblical Commentary* (Englewood Cliffs: Prentice-Hall, 1968), Vol. II, “The Gospel according to Matthew,” 131, p. 96.

¹² Fuchs, *op. cit.*, p. 34.

¹³ From the statement circulated by a group of theologians as published in the *New York Times* for July 31, 1968.

course as the expression of conjugal love (8; 9; 12).¹⁴ The encyclical insists on the inseparability of two inherent or essential meanings (*significationes; rationes*) of marital intercourse and without touching on the question of relative precedence. They are, first, its unitive meaning, the expression and deepening of conjugal love; and secondly, the procreative meaning—a significance that would still be present even when the actual power to generate is not. (We might remark in passing for the benefit of those who may be pained by a seemingly natalist bias in this adamant refusal to separate these two finalities, that the Church has barred even homologous artificial insemination precisely because she holds that the generation of human life must be the fruit of an integral characteristic expression of conjugal love.)¹⁵

What is the basis for this aggravating insistence on inseparability—in this case on the inviolability of the life-giving significance of intercourse? Many are protesting what they denounce as the “biologism” displayed in the renewed insistence on “respect for the laws of the generative process” (13); for “natural rhythms” (*naturales leges et tempora fecunditatis*) (11); and on “the natural consequences (*naturales exitus*) of intercourse” (14).¹⁶

This, of course, is a standard objection against Catholic moral teaching not only with regard to contraception but to sterilization, abortion and euthanasia as well. The charge, however, is certainly misplaced. In his 1949 allocution condemning artificial insemination, Pius XII stated that a moral evaluation of this practice “could not be made exclusively or even principally on biological or medical norms.”¹⁷ Returning to the subject in 1951, after reiterating the point, he went on to say:

In its natural structure, the conjugal act is a personal action . . . on the part of husband and wife which by the very nature of the agents and the propriety of the act is the expression of a mutual gift which according to Holy Scripture

¹⁴ Numbers in parentheses refer to the paragraphs of the text of the encyclical in *Acta Apostolicae Sedis*, Vol. LX, No. 9 (Sept. 1968), pp. 481-503, and followed in the official English translation, *On Regulation of Birth* (Boston: St. Paul Editions).

¹⁵ Cf. Pius XII's allocution of Oct. 29, 1951 in *AAS*, Vol. XLIII, no. 17 (December, 1951), p. 852. Translated in *Moral Questions Affecting Married Life* (Washington: National Catholic Welfare Conference, 1951), Nos. 51-52.

¹⁶ As an example of this type of criticism see F. E. Flynn, “*Humanae Vitae* and Natural Law,” *The Priest*, Vol. 25, No. 2 (Feb. 1969), pp. 81-88.

¹⁷ *AAS*, Vol. XLI, No. 13 (1949), p. 559.

brings about union in one flesh only. This is something more than the union of two seeds; . . . the conjugal act, ordained and willed by nature, is a personal act of cooperation.¹⁸

This should clearly indicate that when we are talking in this context of “nature” and “natural structure” we have in mind a dimension of meaning that extends beyond mere biological process. Otherwise the Pope could not speak of the conjugal act as being “in its natural structure” personal or “by the very nature of the agents,” the expression of a mutual gift.

Pope Paul, too, early in the encyclical (3) takes note of the thrust of the criticism and when he comes to his own doctrinal exposition, expressly states that here “as with all problems involving human life” we must go “beyond partial perspectives whether of the biological or psychological, demographic or sociological orders” and treat this question from the standpoint of a “total vision of man and of his vocation, not only his natural and earthly one but his supernatural and eternal vocation as well” (*ut totum hominum totumque, ad quod is vocatus est, munus complectatur*) (7). He then states that he is going to talk about “conjugal love and responsible parenthood” in this Catholic context and exploit the teaching of Vatican II so as to develop a true concept of “these two weighty elements of married life.”

Duo haec gravia elementa: conjugal love and parenthood. It was remarked some time back that the document speaks of the “meaning” of the conjugal act rather than of its “ends.”¹⁹ The preference, I think, is revealing and a sure indication that the analysis is proceeding on a level transcending the physiological and on the basis of an understanding of sex in its specifically human dimension. Far from being viewed as a mere biological phenomenon with the same finality as on the animal level of life and thus subject to an interpretation univocal with it, human sexual activity is regarded as a good in its own right—a good, that is to say, for the human agents themselves. Animal sexual activity is purely instinctive and wholly ordered as a simple means to propagation of a species. But human persons, un-

¹⁸ See note 15.

¹⁹ Paragraph 12 has *significationem unitatis et significationem procreationis* and *utraque essentialis ratio, unitatis videlicet et procreationis*. Paragraph 13 has *significationem et finem doni ipsius*.

like animals, are *sui iuris* and never, least of all in their free human acts, “instrumentalized” in the service of an extrinsic end, not even an end in the form of a new person. As von Hildebrand justly insists, the procreation of new human life, while it is indeed the primary end of the institution of marriage itself, has with respect to the characteristic expression of conjugal love the quality of “superabundant” rather than instrumental finality (a finality which he regards as in fact “much deeper”).²⁰ By the very fact of its being interpersonal, human sexual activity is a language; it is naturally symbolic and not just by a kind of poetic convention after the manner, say, in which we appoint the lion to be our symbol of courage and strength.

But the meaning of this “natural” language of marital intercourse must be gathered from its natural physical structure. For although the biology of sex does not exhaust its meaning, it remains significant and to that extent normative. Not, of course, that the physical integrity of the act would suffice any more than the correct enunciation of a sentence would be equivalent to its truth. But sexuality is radically biological. It pertains to man in his generic composition and he is in the genus *animal*. Sexual activity originates instinctively—boys do not opt to be attracted to girls—and it is predicated on a biological differentiation of men and women which of itself is intelligible only as ordered to generation. “La différence,” of which we all so heartily approve, however much it involves the factor of complementary psychologies, is first of all a physiological difference which before all else determines men and women for different roles with respect to generation. (This is emphatically so of the woman, whose organism is more profoundly specified by this biological orientation.)

It is true that in man sexuality acquires a new significance. But only by understanding what sexual intercourse is in its natural structure can we discern that it is meant to express love. This is the meaning inscribed in the sexual gesture wherever it is appropriately placed and, as remarked in *Humanae Vitae*, most would recognize that it would be in essence falsified, and therefore immoral, if placed in a context from which conjugal love were absent (13).

²⁰ D. von Hildebrand, *The Encyclical Humanae Vitae* (Chicago: Franciscan Herald Press, 1969), p. 34. See also his *Marriage* (New York: Longmans, 1942), pp. 21-25. Cf. also *Casti Connubii* (New York: Paulist Press ed.), No. 24.

What is equally true, however, if less readily seen, is that the conjugal act has inscribed within it another significance: fruitfulness, *generositas*. The height of sexual experience and the point to which all activity in terms of both natural process and human response is moving is had in the orgasm which in the male is constituted on the physiological level by the ejaculation of semen. (Venereal pleasure can in fact be experienced without love or, for that matter without a partner.) Now it would certainly be odd if such material acts as the kiss and embrace were to be “by nature” invested with meaning while the most characteristic feature of intercourse were to be without it. As the embrace is not just a physical reflex but a “sign”—a language bespeaking union, tenderness, affection, entrancement—so the insemination in which the conjugal act is climaxed bespeaks fruitfulness and new life. And if individual acts of union, each of itself and not just in totality, mean love and would be otherwise invalid, they also mean *by what they are* that marital love is life-giving. Both fertile and infertile acts are inseminative and thus equally significative of the “generosity” of love. And as it would be a lie in gesture to engage in loveless intercourse, so it would falsify an intrinsic meaning of it to negate this other significance in the very act of positing its natural sign.²¹ It is in this light that we should understand the observation made by Pius XII in his allocution of October, 1951: “If nature had aimed exclusively or even primarily at a mutual gift and possession of couples; . . . if it had ordained that act solely to make their personal experience happy in the highest degree and not to stimulate them in the service of life, then the Creator would have adopted another plan in the formation and constitution of the natural act.”²²

Similarly, Dietrich von Hildebrand, who is certainly above all suspicion of biologism—he pioneered, along with Herbert Doms, in staking out the new personalist approach to marriage—remarks that misunderstanding of *Humanae Vitae* on this point is owing to a confusion between two concepts of “nature”:

²¹ Cf. G. Martelet, S.J., “Pour mieux comprendre l’encyclique ‘Humanae Vitae’ II,” *Nouvelle Revue Théologique*, 90 (December 1968), pp. 1009-63 (esp. 1027-35). The first of this two-part treatment appears in the November issue of *NRT*. The author is known to have been involved in the preparation of the encyclical. Cf. A. Winter, “Neues Licht auf ‘Humanae vitae’?” *Stimmen der Zeit*, 183 (March 1969), pp. 206-10.

²² *Moral Questions Affecting Married Life*, *op. cit.*, No. 62.

It is not a merely factual or exclusively biological connection but rather a great and sublime mystery that God has entrusted the generation of a human being to the intimate union of man and wife who love each other in wedded love and who in becoming "two in one flesh" participate in the creative act of God. This is gloriously expressed by a prayer of an ancient Fulda ritual: "O Lord our God, who created man pure and spotless and thereafter ordained that in the propagation of the human race one generation should be produced from another by the mystery of sweet love." The relation expressed here is thus not a merely factual one, but a staggering mystery, an ineffably deep and glorious fact. It is therefore a false argument to say: Why shouldn't man be allowed to regulate birth by artificial means when God gave man control over nature and in the Old Testament made him the master of creation? . . . All those who argue in this way do not understand the radical difference between these two cases because they confuse the two concepts of nature. As long as we remain within the realm of the purely "factual," we are not morally forbidden to intervene. But when we deal with meaningful relations which possess a high value in themselves, and when, as in this case, we deal with a mystery which we can contemplate only with deepest reverence, then every artificial intervention is a flagrant moral wrong.²³

It is of course understandable that one of an empirical frame of mind might find this analysis somewhat subtle and refined, even hyperethereally romantic. In any event, the appeal to the integral inherent meaning of intercourse precisely as the expression of love should hardly be censured (as it was by a group of theologians in a hasty and free-swinging statement the day of the encyclical's appearance) for "over-emphasis on the biological aspects of conjugal relations as ethically normative."²⁴

Just what would distinguish overemphasis on the biological from a legitimate emphasis is not made clear. Even for those unwilling to accept it, the most formidable argument against the admission of contraception appears to be the indirect one that if we may, even in a single act of intercourse, actively separate the relational and procreative finalities, arguing that it is "natural for man to put under human control what is given by physical nature" and that he is not held here to "material conformity to the physiological processes of nature,"²⁵ then we no longer have an objective criterion by which to pronounce any kind of sexual act as *per se* immoral or perverse. If

²³ *Op. cit.*, pp. 41-42.

²⁴ Cf. note 13.

²⁵ The majority report of the papal commission as published in *The Tablet* (London) for April 22, 1967. Cited passages are on p. 452.

in the expression of conjugal love man may exercise his prerogative of rational animal to liberate himself from nature and dominate it in the service of human ends, why should a “given” pattern of nature stand in the way of two homosexual persons’ expression and incarnation of a selfless spiritual love experienced for each other? Can homosexual acts be any longer stigmatized, as they are in Scripture, for being “against nature”?²⁶ It is usual to brush this reasoning impatiently and angrily aside as farfetched and alarmist. But while in fact there is some compassionate post-Vatican II thinking already under way along the lines indicated, the point of the argument is not to warn against the camel’s nose. It is rather that if contraception is being defended on the basis of a principle which, consistently applied, will also sanction an act one judges to be immoral, one ought to have another look at the principle. The members of the Papal Commission favoring reform of the traditional teaching argued in their position paper that the change would in no way entail acceptance of such acts as oral and anal intercourse “for in these acts there is preserved neither the dignity of love, nor the dignity of the spouses as human persons.”²⁷ This looks a bit like running with the hares and hunting with the hounds. All it tells us is that the majority on the Commission have been brought up not to like this sort of thing. One is even tempted here to the cruel suspicion that they may still be thinking in terms of *partes inhonestae*. In an imaginary dialogue Michael Dummet has the “traditionalist” answer the “reformer” on this point thus:

How do you know? We are not talking of any act which is not done with the full consent of both partners; but it just is the case that many people, as they say, get a kick out of doing such things—at least occasionally, as a variation. You may say that then it can only be an expression of mutual lust, not of true love; but if that is so, presumably the same is true of normal copulation—yet I do not hear you say anything about that, or give any criteria for distinguishing between love and lust. But suppose a couple were to assure you that they found the occasional practice of oral or anal copulation a genuine sealing of the bond between them—they rejoiced in an intimacy which stripped away every reserve—what could you say to them? When you started to tell

²⁶ Romans 1: 26-27.

²⁷ The text appears in *The Tablet* (London) for May 6, 1967, pp. 510-13. Passage cited is on p. 513.

them it attacked their dignity, they might well tell you that there is not much dignity in sex, or in birth either, externally regarded (that is in part why it is a perversion to like to be watched in these acts); the dignity they have lies in how they are experienced from within, by those engaged in them. I think in the end you would have to fall back on saying, "The Church has always condemned . . ."; but, of course, you are in a weaker position to say this than I.²⁸

One does in fact get the impression that for all his scolding of Augustine, Pius XI, Pius XII and the slavish moral theologians who abetted them, the typical revisionist is still imprisoned in a Catholic cultural ghetto and unaware that a sexual revolution has passed him by. One factor promoting that revolution is the pill with the implications any intelligent and consistent mind can see in its acceptance. The Commission members in their report are trying to hold on to a constellation of values associated with the Christian view of sex while doing away with the basis on which they rest. They want sex in marriage only and they want it to be fruitful. The trouble is that once the procreative and relational values are recognized not just as distinct but as separable in any single act, the intrinsic link of sex to generation is broken, and also its link to marriage. The relational alone now defines human sex and there are all sorts of ways and degrees to which the relational values can be experienced. It is true that most people aspire to marriage but there are many intelligent persons, not otherwise morally obtuse, who do not see that sexual relations in the meanwhile must involve the permanent commitment which the Christian tradition would claim for them. The fact of the matter is that, so far as theoretical vindication of them goes, these values are precontraceptive.²⁹

The popes are not demanding that man stand submissive before the forces of nature—or for that matter before the "blind" instinctive movements within his own being—just because they are natural and therefore intended by God. The encyclical recognizes man's mission to subdue nature and rationalize it in his service even "in a function which so closely associates the rational creature with his

²⁸ M. Dummet, "The Documents of the Papal Commission on Birth Control," *New Blackfriars*, February 1969, p. 249.

²⁹ Cf. Francis Canavan, "Reflections on the Revolution in Sex," *America* (112), March 6, 1965, pp. 312-15 and the correspondence it elicited in the issue of April 3, 1965, pp. 456-58.

Creator" (16). I imagine Paul VI knows—and is unworried by the fact—that we sterilize animals, breed them by artificial insemination and even impede unwelcome natural effects of our own biological activity by decolorizing our food and drink. The remarkable fact, however, though one seldom noted, is that it is in this privileged area of human biology alone that Christian tradition has uninterruptedly and unwaveringly barred intervention, not only in the strictures of a stern Pius XII but just as firmly through a humane and jovial John XXIII. The reason for this unique exemption must be in a unique feature of this biology—in the fact that it immediately involves the origin of human life: *humanae vitae*, personal life, that is, and not mere biological life as with the generation of animals.

Spelling this out, we distinguish in the constitution of the conjugal act between the part played by man (*opus hominis*) and the part played by nature (*opus naturae*). The "operation of man" is the action considered as deliberately placed by the spouses. The "operation of nature," on the other hand, comprises all the natural physiological processes which accompany and follow upon the freely placed human act. When the proper conditions are present, new human life is generated. But—and it is a critical "but"—in the case of human generation, unlike that of animals, the origin of life is not simply an accomplishment of nature but an *opus Dei*, a work of God, since it involves the altogether special creation of a human soul.³⁰

The position of the encyclical (13), as amplified here, is that just as actually existing human life—his own or another's—is withdrawn from man's direct dominion or disposal, so too are those special processes which immediately prepare for its creation once man as free and responsible agent has set them in operation. God's exclusive dominion over human life reaches to the causalities immediately disposing for its coming to be. John XXIII in *Mater et Magistra* used the apt word here: "sacred," that is, segregated, set apart.

Wherefore, in this matter, no one is permitted to use methods and procedures which may indeed be permissible to check the life of plants and animals. Indeed all must regard the life of man as sacred since from its inception it requires the action of God the Creator.³¹

³⁰ Cf. J. Lynch, S.J., "Notes on Moral Theology," *Theological Studies*, 25 (June, 1964), pp. 232-35.

³¹ Paragraph 193, in the official English translation.

This passage is cited also in *Humanae Vitae* and grounds the assertion that "the Church is coherent with herself" in recognizing the liceity of recourse to the infertile period. "To make use of the gift of conjugal love while respecting the laws of the generative process means to acknowledge oneself not to be the arbiter of the sources of life (*non quidem dominum se confitetur fontium vitae*) (13).

So much for the reasoning. What of its cogency? Difficulties can be found with it and we will have to persist in the search for more middle terms, if indeed they are to be found, before it will convince the hard-pressed Catholic, let alone the secular humanist already exasperated by our scruples on abortion. I doubt that it can be pushed beyond this to any more illuminating principle. It rests upon a clear value judgment on the sacredness of human life *in fieri* as well as *in facto esse*, that is beyond possibility of verification by further rational analysis; an axiom, so to speak, which the Church would apparently claim to perceive in a way connatural to her, perhaps sensing obscurely the grave consequences implicit in its denial. Here at least she is not the only viewer-with-alarm. Bold things are being ventured in the laboratories today in the field of human genetics with promises and prophecies of stranger things to come—like breeding a strain with shorter legs for more efficient exploration of the planets. And a future generation may yet be glad to have had it spelled out in *Humanae Vitae*:

... if the mission of generating life is not to be exposed to the arbitrary will of men, one must necessarily recognize unsurmountable limits to the possibility of man's domination over his own body and its functions; limits which no man, whether a private individual or one invested with authority, may licitly surpass. And such limits cannot be determined otherwise than by the respect due to the integrity of the human organism and its function (17).

This warning comes at the end of a passage in which the Pope has been speculating on some possible consequences in the political order of accepting contraception as the solution to family problems. This consideration too has been denounced as alarmist and as evidence of typical mistrust of man himself. What has to be kept in mind here, however, is that we do learn to adjust in time to ideas which shock at first, and that a single step can mean taking two more even if we take them one at a time. In a little book appropriately titled *The Abolition of Man*, C. S. Lewis has warned that man's conquest of

nature may turn out to be irrational nature's conquest of him, that she may be luring us on all the while we think we are beating her back.

We reduce things to mere nature *in order that* we may "conquer" them . . . the price of conquest is to treat a thing as mere nature. . . . As long as this process stops short of the final stage we may well hold that the gain outweighs the loss. But as soon as we take the final step of reducing our own species to the level of mere nature the whole process is stultified, for this time the being who stood to gain and the being who has been sacrificed are one and the same. . . . It is in man's power to treat himself as a mere "natural object" and his own judgments of value as raw material for scientific manipulation to alter at will. The objection to his doing so does not lie in the fact that his point of view (like one's first day in a dissecting room) is painful and shocking till we grow used to it. The pain and the shock are at most a warning and a symptom. The real objection is that if man chooses to treat himself as raw material, raw material he will be; not raw material to be manipulated, as he fondly imagined, by himself, but by mere appetite, that is, mere Nature, in the person of his dehumanized Conditioners.³²

Humanae Vitae, to no one's surprise, has proven to be a highly unpopular document. One can justly fault it on several points. But one should beware, too, of the *confidentia clamoris quae obscurat veritatem*—the hasty assurance that the Pope is wrong because that is what so many people are shouting. Pope Paul, like his patron, apparently has no overriding concern for how he is judged "by human day." Fully aware that urgent problems persist (1-3) and that the Church has no pat remedy at hand, he has nevertheless in a solemn *non possumus* excluded recourse to contraceptive techniques as a valid answer. Especially for an age characterized by what Max Weber has called "functional rationalization" and unquestioning faith in techniques as the instant solution to its problems, he has delivered a "hard saying." It is not the first time a pope has done so nor is it likely to be the last. Nor is it the first time in either the Old or New Testament that the "people of God" have grumbled and

³² C. S. Lewis, *The Abolition of Man* (New York: Macmillan, 1950), p. 44. In a forum on *Humanae Vitae* under auspices of a Catholic college, a Catholic member of its philosophy department who was respondent to a paper by the present writer, acknowledged in the course of discussion, and without embarrassment, that the principles on which he opposed the encyclical (in particular its appeal to nature) would sanction not only homosexuality and abortion but also the killing of a malformed infant. Personal rights are "contextual." One is reminded of Father J. C. Murray's warning that tomorrow's barbarian may wear a Brooks Brothers suit.

the good sheep gone calling after the lost shepherd. There is an old saw that popes think in centuries, past and future. If this is not a help to patience it may still be not a bad habit when they are dealing with issues of such cosmic proportions as the proper ordering of human generative powers. In this connection Father Martelet aptly recalls the third-century controversy that raged between the Roman See and the African bishops, notably St. Cyprian, over the validity of heretical baptism.³³ Against the great theologian's formidable and eloquent arguments based on the unity of the Church, Pope Stephen could for the moment but doggedly appeal to the tradition (*nihil innovetur*). It was a full century and a half later that St. Augustine under pressure of fresh controversy developed the grounds for the doctrine which is today a basic principle of sacramental theology (*Judas baptizat, Christus baptizat*) and, it is worth noting, of today's ecumenical theology as well. So history can be on the side of popes. We will need some emotional distance from *Humanae Vitae* before quiet theological reflection on it can begin. And in the long run this unpopular Pontiff, in insisting anew and "out of season" with "the uninterrupted Christian tradition" that every potentially generative act in marriage be left "open" to God's creative power should He in an admittedly inscrutable providence elect to exercise it, may yet turn out to have done more to protect the real values of marriage and the inviolability of the human person than even the Catholic world in its present mood may be prepared to acknowledge.

³³ Article cited in note 21, p. 1017. Instructive also in today's context are Cyprian's letters rallying support against Stephen and bitterly ridiculing not only his error but the claim, made on the basis of primacy, to resolve the issue. Cf. *The Ante-Nicene Fathers* (New York: Scribners, 1899), Vol. V (letters Nos. 70; 72; 75).