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A CRITICAL ANALYSIS  
OF SOME OF THE METHODS EMPLOYED  
TO SOLVE THE PROBLEM OF CONTRACEPTION

by

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## DEDICATION

To my loving wife, the mother of our six children, and to our six children, I dedicate this study. These seven people have given me inspiration to work in the field of sexual ethics that other married people may find the happiness in marriage which I have found.

## FOREWORD

When a person sets out to do a major project, he begins with the confidence that he will see the task completed. Most often, the author does not appreciate the effort the work will require when he takes his pen up. Such was the case with this author. A little over a year ago when the first page of this study was begun, there was little idea of the many hours of study and thought which were yet to be encountered. Despite this work, the problem of sexual morality in marriage was a pressing one which urged us on every day. Many people were living in a state of doubt and depression because there was such a variety of opinion about the morality of contraception. Almost daily, another author wrote another article or another publishing house placed another title on the bookshelf. Each of these works considered marriage, sex, or the population explosion. Some of these works offered solutions to the problem, others merely explored the difficulties without making any recommendations.

Since none of these works satisfied us and since there was genuine concern among many good people, we decided to add another title to the rapidly growing list of books on the subject. This decision was not necessarily based on the idea that we had a better solution than any

one else or even that we had a different one. What we thought we could contribute to the study was the critical analysis of the solutions that had been given so married couples could be convinced of a position. Our investigations showed us that only too frequently authors assumed their basic premise and proceeded from there to a conclusion they wanted to reach. Therefore, we decided to proceed with as few assumptions as possible. Since we realized that no one is without his educational and environmental prejudices, we wanted to state our assumptions and say why we thought these assumptions were valid. With these assumptions clearly defined, we first wanted to state the problem because it is practically impossible to come to a conclusion unless the question is accurately posed. Originally, we had hoped to suggest a solution, but we found the task of tracing the problem, criticizing other views, and stating our position on certain key realities monumental. To have continued to a solution would have made this work too cumbersome to be practical. We also found that the conclusion possible to the present study was negative and that a negative conclusion was insufficient as a solution to the present problem. It is valuable as a first step in the direction of a positive solution since it clears the ground for future work and warns us against certain pitfalls which can be met in such a study. But it

still has the limitation of stating what is not the answer rather than what is. It has merit, though, in reviewing what has been done, in clarifying the state of the question, and in giving us a greater insight into the complexity of the problem. We hope in a future work to provide a positive approach to the question.

We are grateful to the Oblate Fathers and the Faculty of Philosophy at the University of Ottawa for the opportunity to study this question with perfect academic freedom. We are especially thankful to Reverend Jacques Croteau, O.M.I., Dean of the Faculty of Philosophy, whose special effort and assistance helped us gain access to certain sources and other authors in Europe. Father Clement Stroick, O.M.I., deserves a special word of appreciation for the many discussions he had with us and for the thoughtful criticisms he made of this manuscript during the course of its writing. Without his direction, many unnecessary details would have been included and some special insights omitted. And finally to my wife, Kathleen, whose patient endurance during the long months of study and preparation were eclipsed only by her constant confidence and encouragement, I owe a profound debt of gratitude. She was always the first to read my words and she contributed to the study by keeping me aware of the woman's side of the discussion. Her insights, understanding and interest, as well

as her experience as wife and mother, have made her contribution to this work invaluable. Without these people and many others, this study would not have been possible. I am grateful to each and every one who helped me and to God whose goodness gave me the talent to undertake the academic life. May this effort glorify God's name and be of some service to my many benefactors and fellowmen.

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## CHAPTER I

### INTRODUCTION TO THE PROBLEM

Today more than ever before in the history of the human race, the question of marriage is being considered and studied in a way that touches the very essence and core of human relations. The discussion bears on the nature of the relationship of man and woman in the most intimate and most perfect human way. It is the most intimate association found because it reveals the person in all of his aspects; it opens the deep recesses of the personality to the gaze of the partner.<sup>1</sup> It is a most perfect human association because it not only tends to unite two people in one form of life, but it actually demands the identity of mind, emotions, and affections. This identity is more than symbolic, and yet has its symbolism; this identity gives meaning to the symbolism only to the extent that the identity is realized.

However, the literature that appears today does little to extol the poetic praises of marriage, rather it talks about the problems of marriage. The problem most discussed is that of the size of a family. How do married

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<sup>1</sup> Dietrich VON HILDEBRAND, In Defense of Purity, New York, Sheed & Ward, 1935, p. 14.

people try to realize the identity which their vocation requires and yet practice all the virtues which each of the members must have? In achieving the union of affections, a man and woman begin to generate children. (The term 'generation' begins to deaden the maritan relationship.) The relationship which originates in love and exchange of affection leads to children. In itself, the child is desirable. Each and every child brings many joys and satisfactions to a marriage, but even too many children—as with all good things—is an evil. The question of how a couple can continue to seek the identity of their vocation without bringing too many children into the family is gigantic. Do they try to express their affection without involving all of their powers? Or do they disregard the consequences of a large family and continue to conceive children with impunity and trust in God? This is the question which now receives the attention of theologians, philosophers, sociologists, clergy, laity, and a host of others. How is this question considered?

Surveys of married couples indicate that a significant segment of the married population has solved the problem by employing some method of birth control.<sup>2</sup> This

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<sup>2</sup> John T. NOONAN, Contraception, Cambridge, Massachusetts, The Belknap Press of Harvard University Press, 1965, p. 409-410.

means that the man and woman are continuing to express their mutual affection in its completeness while taking measures to prevent its natural consequence, a child. Some of these people are professing their use of the marriage privilege while preventing its consequences.<sup>3</sup> They justify their position by various arguments and reasonings, and yet the words continue to flow pro and con. Some maintain that the practice of family limitation is legitimate only under certain conditions and only by certain means.<sup>4</sup> Others advocate the morality of family limitation by whatever means is acceptable to the couple themselves.<sup>5</sup> So the controversy continues to burn and people continue to write and discuss.

The problem, then, relates directly to the role of sexual intercourse and its place in marriage. That is an oversimplified statement of the problem and is mentioned in this way at this time only to state that the problem of sexual intercourse will be discussed here only as a part

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<sup>3</sup> Cf. Rosemary REUTHER, "A Catholic Mother Tells 'Why I Believe in Birth Control'", in The Saturday Evening Post, April 10, 1964, p. 12-14.

<sup>4</sup> PIUS XI, "Casti Connubii", in Matrimony, Papal Teachings translated by Michael J. Byrnes, Boston, Mass., St. Paul Editions, Printed in the U.S.A. by the Daughters of St. Paul, 1963, p. 250.

<sup>5</sup> Alan F. GUTTMACHER, M.D., The Complete Book of Birth Control, New York, Ballentine Books 1963, p. 76.

of marriage. It is more than obvious to anyone with a fundamental knowledge of biology that marriage is not a prerequisite for sexual intercourse and that children can be born to unmarried women; but our problem is not concerned with this type of sexuality. The problem of birth control arises when a man and woman think they have more children than is desirable for their particular family situation. Thus, the discussion will ignore extra-marital sexuality since these relations generally do not result in the birth of children; and even if a pregnancy and illegitimacy do result, the father and mother do not share the continued responsibility of rearing the child. One of the circumstances, then, which leads a man and woman to consider some form of family limitation is the joint responsibility and continued care and provision for the child. Since this circumstance is not found in extra-marital sexuality, this aspect of sex will not fall under the scope of this effort.

When the question of family limitation does arise, the people involved are already aware of the problems which a new child entails. The couple evaluates the situation and comes to the conclusion that another child is not going to add to the joy and happiness of the family life, then it is faced with the problem of how to avoid the conception of a child. Generally speaking, there are three methods by which pregnancy can be avoided. These means are first

abstinence, second rhythm, and finally with some instrument either chemical or mechanical. Since the end to be achieved is the avoidance of a pregnancy, the couple should and will employ a means that will most likely achieve this end. However, the selection of means is not simply a matter of effectually achieving the end of no pregnancy; but rather the end of continuing to live in affective marriage while avoiding pregnancy. Thus, the end of family limitation is a complex end. It is the aspect of being married and being involved emotionally in a mature manner that complicates the question of family limitation.

For a man and woman to be maturely related to each other in marriage involves emotional and affective love and an effective expression of this love. To be married for any length of time develops a pattern and basis of communication which states this involvement in the only manner which carries the meaningfulness of the message—the human way including the whole human person. This does not require sexual intercourse at every instance of the exchange, but does reach its perfection in intercourse to which every meaningful glance, word, or touch aims. This is the total surrender which only love can sanctify and which can satisfy the demand of love.

In considering the problem of family limitation, then, the couple do not wish to hinder, impair or prevent

this expression of love, they wish to prevent pregnancies. Thus, the problem begins to focus on the biological phenomenon of pregnancy as it is the result of sexual union. Can the biological fact be controlled without controlling the emotional and human element of love? Should love be controlled? Can it be controlled? Does the intellectual love of man satisfy the marriage partners? Can it? These questions and their answers are influential when the couple are investigating the ways of achieving family limitation.

The means in detail are total abstinence which means the couple abstains from sexual intercourse perfectly. Rhythm is a modified version of abstinence. Couples who practice rhythm exercise their marital privilege only at times when the female cycle is in a sterile state. Pregnancy is avoided because no sperm is deposited when a ripe ovum is available. The third method employs some instrument which prevents the union of the sperm and the ovum. These instruments are mechanical when a physical barrier is placed between the sperm and the ovum. The implement is chemical when some sort of substance is applied which either regulates the female cycle in a state of prolonged sterility or sterilizes the sperm by killing its vital principle. In short, as Catholic authors label it, the use of the instrument is called artificial birth

control while abstinence and rhythm are called natural methods of birth control.<sup>6</sup>

A cursory glance at these methods clearly shows that abstinence is an effective method of avoiding pregnancy. The literature is not so optimistic for rhythm,<sup>7</sup> and the various devices enjoy the reputation of more or less effectiveness. But the question of the simple end of infecundity is not enough for most married couples and the problem of married expression goes wanting when abstinence is practiced. Authors aplenty describe the strain of rhythm in terms of the marriage relationship.<sup>8</sup> Only when the act of intercourse basques in the freedom of totality does the end of marriage expression wax strong in the fulfillment of human love. But this type of expression is achievable without the fear of pregnancy only when some contraceptive method is employed.

The question which necessitates this present study is raised by the Catholic Church which takes an unequivocal

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6 John C. FORD, S.J., and Gerald KELLY, S.J., Contemporary Moral Theology, Vol. II, Marriage Questions, Cork, The Mercier Press, 1963, p. 378-379.

7 GUTTMACHER, The Complete Book of Birth Control, p. 68.

8 E.g., REUTHER, "A Catholic Mother Tells 'Why I Believe in Birth Control'", in The Saturday Evening Post, April 10, 1964; G. C. NABORS, M.D., "Making Rhythm Work", in Marriage, Vol. 46, No. 6, June, 1964, p. 9.

stand in condemning artificial methods of birth control. In a celebrated encyclical, Pope Pius XI condemned as sinful and contrary to the law of God and nature, all acts which frustrate the natural propensity to generate offspring.<sup>9</sup> Catholic theologians have consistently interpreted this statement as a condemnation of artificial methods of birth control.<sup>10</sup>

This particular position, independently of its truth or validity, has caused some consternation for Catholics. Married Catholics who share the dignity and privileges of their vocation have frequently found themselves faced with the dilemma of being faithful to their religious convictions or their marriage vocation. They have generously followed the prescriptions of the Church and have loved, honored, and obeyed their spouses. They have developed the admirable sensitivity of mutual respect and they have found their marriage partners desirable as persons and each personality is sexed both by God and by nature. This sensitivity has recognized the goodness in the human

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9 PIUS XI, "Casti Connubii", in Matrimony, p. 248.

10 Cf. FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 238-240; T. Lincoln BOUSCAREN, S.J., and Adam C. ELLIS, S.J., Canon Law, Milwaukee, The Bruce Publishing Company, 1953, p. 455-456; Benedictus Henricus MERKELBACH, O.P., Summa Theologiae Moralis, Editio Octava Aucta et Emendata, Brussels, Desclée de Brouwer et Cie, 1946, Vol. II, p. 947-952.

person of the other which in turn has demanded the expression of the love which has been engendered by the recognition of this good. Children blessed this love and enlarged it. Catholic parents were enriched by the arrival of the child. Many more good qualities shone in the life of generosity evoked by the presence of the child. The vicious circle (a sad application of this term) began when these generous lives called for more magnanimous expressions and more children were born.

Sadly, the wholesome generous woman who promised her plight and through in trust to the future with the equally thoughtful, loving man slowly becomes the slave to children who are by nature selfish, thoughtless, careless, egotistic, and demanding. When the number of children begins to overwhelm both the father and the mother, they both begin to reconsider the nature of the love relationship which started so optimistically in front of the priest just a few years earlier. They begin to deny themselves the "marriage word" because its echoes crush instead of enliven the spirit. In the quiet of the heart is conveyed the sentiment of fear—fear of not giving to each child the emotional stability he needs for healthy growth, fear of the mounting cost of food, clothes, and vitamins in the face of a comparatively fixed income with rather fixed limits. The note of anguish dims the marital "I love you" as the wife

feels the hardship and depression when she sees her man enmeshed deeper and deeper in the treadmill of economics while his sons carelessly use and misuse the food, clothes, and furnishings which the sweat of his brow garner for family use. Sadness is discernible in the intimacy which once was light, spontaneous and joyful because the man sees his bride exhausted from keeping the twenty-four hour vigil over the little feet whose patter has become a stampede of unlimited energy. And as he watches the light of youth fade imperceptibly into the melancholy of sobriety and seriousness, the man pines because he is no longer able to reward the heroic effort of this woman with a short respite without counting his money first, an act which even the pagan Philosopher brands as a vice.<sup>11</sup>

Responsible parenthood as traditionally understood are dull words to those who are composed of body and soul, who live in a society which derides and penalizes the large family. How shallow the label when the man and the woman who have pledged themselves to love each other must receive this feeble compliment in almost total solitude for fear their joy from such acceptance of a duty might aggravate and complicate the problem by the possibility of a child from the joy mutually shared and expressed in marital propriety.

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<sup>11</sup> ARISTOTLE, Ethics, Bk. IV, Chap. 2, 1123<sup>a</sup>.

And little compensation is derived from the aphorism that their reward shall be great in heaven where there is neither marriage nor giving in marriage because the need for love and mutual support is in the present and immediate. Does God really create men with a nature for marriage and then penalize those who follow this nature? Is salvation for those who marry earned by living the standards of celibacy in circumstances which the celibates themselves admit are insurmountable occasions for the average man? These questions disturb and haunt many sincere Catholics whose means are taxed by the demands of a large family and who see their partner either as an occasion of sin because birth control is condemned, or as an accomplice in the further taxing of the already strained resources. Thus, to those whose limit is reached—whether by two, three, five, ten, or more children—the dilemma becomes absolute: I love either God or my spouse. The conjunction does not seem within the realm of the possible.

When this dilemma is formalized, it receives a solution. The Catholic either adopts a pattern of total abstinence, or rhythm, or artificial contraception with the price tag that is attached to each. The partners adapt their mode of living to the new element in their marriage and employ all the psychological devices at their disposal to rationalize whatever inconveniences or hardships their

particular solution entails. If they choose total abstinence, they justify the lack of affectionate signs on the grounds that they are protecting themselves from the onslaughts of passion so those children who have been born may not be further handicapped by having to share these already limited powers. Perhaps too little thought is given to the effect such lack of visibly expressed affection between parents is having on those young minds who do not have this example.

If rhythm is the method employed, it should be preceded by an extended period of abstinence so the cycle can be determined with as much certainty as possible. After that, affective manifestations become regulated to the infertile periods and both spouses resign themselves to the rules of the thermometer because more children would complicate the existing problem.

Then those Catholics who employ methods which the Church condemns are faced with the alternative of withdrawing from the sacraments entirely, or committing sacrilegious confessions and Communion or asserting that the law of God and nature does not require this prohibition of married couples. The first two possibilities clearly create a psychological problem since both require a practical choice which estranges a set of values which have had some meaning to the persons involved. As a result, a conflict

could and often does arise in the mind of the person and the extent of this conflict depends on the value the estranged standard had in the mind of the person. Such a conflict is certainly not desirable in anyone's estimation and will produce ill effects to the degree that the conflict is vividly experienced.

Those who are able to convince themselves that the use of artificial means are not sinful are blessed to the extent that they do in fact have conviction. Whether or not such a conviction is valid is not the point of this discussion. What is important for this work is what the law of God and nature require of married people.

The fact that people living in the vocation of marriage in a situation of religion which seems unrealistic to married people presents an anomaly which deserves investigation.<sup>12</sup> No effort is being made here to judge or evaluate the religious circumstance, but rather an effort is being made to determine what factors have to be considered in any effort to provide a solution to this problem.

Such an effort is necessary because every married Catholic whether he has faced the problem of family

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<sup>12</sup> Cf. Gregory BAUM, O.S.A., "Can the Church Change Her Position", in Contraception and Holiness, Introduced by Thomas D. Roberts, S.J., New York, Herder and Herder, 1964, p. 329-330.

limitation or not has a right to a clarification of the points which to date are unclear and ambiguous.

The fact that so many Catholics are not following the Church's teaching in practical life is more than proof enough that something is wrong.<sup>13</sup> This, of course, cannot be understood to mean necessarily that the error lies in the law. That is one possibility, but not the only one. The difficulty has several possible causes: 1) as suggested above, the law as currently stated by the Church may be an expression of a view that is contingent upon a particular historical or social condition which is no longer present,<sup>14</sup> 2) or the law may be correct and eternal with the force of the teaching infallibility of the Church, but is not properly understood.<sup>15</sup> This may be caused by an improper educational preparation of both the laity and some of the clergy. And finally 3) the law may be correct and infallibly true, and it may be properly understood, but not accepted by the laity because of a certain perversity present in our current culture and environment. Thus, the reason for the difficulty is not clear at this point and this

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13 NOONAN, Contraception, p. 387-414.

14 Leslie DEWART, "Casti Connubii and the Development of Dogma", in Contraception and Holiness, p. 205.

15 Ibid., p. 220-221.

thesis is not going to attempt to determine which of these causes or combination of causes produces this anomaly; but rather is going to accept the fact that the problem exists and proceeds from there.

When the diversity of theory and practice is recognized, an investigation of the given solutions will be made to see what was included as important in these efforts and an evaluation of these approaches will be made.

In attempting an undertaking of this type, several assumptions are made in order to provide a starting point. The first of these is that given the problem, it is assumed that there is a solution to it. To assume that there is a solution is not to assume anything more than one of the contradictories is true. Such a position has validity as long as the principle of non-contradiction is valid. This means nothing more than given a certain proposition, it cannot be simultaneously true and not true. So this assumption does not beg the question because the assumption merely asserts that one of the contradictories is a true statement without stating which of the contradictories it is that is true. Thus the question still remains: Is the statement which asserts that artificial means of contraception are contrary to the law of God and nature true or not true? In stating the question in this way, the truth or non-truth of the proposition may be influenced by the type

of conjunction intended in the phrase 'law of God and nature'. Even though the two may be objectively joined and known by the divine mind as a strict logical conjunction, there are several meanings of the term 'divine law' which cannot be made synonymous with natural law.<sup>16</sup> Since this is possible, the truth of the proposition must be judged in terms of this conjunction.

It is also assumed that this problem can be solved by the light of natural reason alone.<sup>17</sup> This assumption is based on the position maintained by Aquinas that the human intellect is capable of grasping those things which do not involve things superior to the human nature. Things which do transcend the human nature can be known only by means of a supernatural revelation.<sup>18</sup> The problem of birth control does not entail any factor which transcends human nature or intelligence. The problem of family limitation is a problem of human nature as it is found in a properly human relationship. Therefore, the problem arising from this human nature as it is found in this properly human relation is

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16 St. THOMAS AQUINAS, Summa Theologiae, Cura et Studio Sac. Petri Caramello, cum textu ex recensione leonina. Taurini-Romae, Marietti, 1950, I-II, QQ. 90, 91 and 96.

17 Archbishop Thomas ROBERTS, S.J., "Introduction", in Contraception and Holiness, p. 9-10.

18 St. THOMAS AQUINAS, op. cit., I, Q. 1, art. 1, in corp.

solvable by the human intellect and does not require a supernatural revelation.

St. Thomas also held that God can and does make revelations about those things which can be known by the light of natural reason alone.<sup>19</sup> God does this because of the importance of such knowledge for salvation and because man would arrive at this truth only with great effort, after a long time, and with great risk of error. This point is mentioned because if there has been a revelation about contraception, it does not militate against the point made in the previous paragraph that one is not necessary.

Another assumption that is made at this point is that when men reason correctly about this problem, they cannot arrive at a conclusion which is contrary to anything which has been revealed on the matter. This assumption follows from the position that God is both author of revelation and the Creator of the world. Nor does this assumption presume to affirm or deny that there has been a revelation about family limitation.

Along the same lines, the same assumption would have to include the teachings of Tradition in the strict sense. Correct reasoning would have to agree with whatever

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<sup>19</sup> St. THOMAS AQUINAS, Summa Theologiae, I, Q. 1, art. 1, in corp.

is found in Tradition, but some hold the view that there is nothing in Tradition which deals with birth control.<sup>20</sup>

Whether or not the reasonings of men can differ from the statements of the Popes is a question that this effort cannot solve. This much is included in the assumption that whatever is included in the divine teaching cannot be in opposition to what is reasoned to correctly. What the assumption permits is the opposition between conclusions reached by men since it is possible that one or more men can err in their reasoning.

In assuming that this problem has a solution, it is implied that this solution can be reached by at least one means, and possibly by several means. A survey of the literature indicates that several methods have been employed to establish the conclusion reached. Among these arguments and methods, there must be an order such that one is more appropriate and apt unless it is denied that there is one standard or criterion of truth and this seems incorrect to us. The standard or criterion of truth must be the reality of the problem as it is found in life. Thus the order which must be found in the methods must be judged in terms of the ability of each to account for all the factors of the problem in the concrete order. If a given approach

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<sup>20</sup> Daniel SULLIVAN, What Some Modern Catholics Think About Birth Control, Toronto, Signet Books, 1964, p. 42.

does not offer a workable solution, then the approach must be out of proportion to the situation. Care must be observed in understanding the term 'workable solution'. A solution is not workable only in terms of its pragmatic value. If that were the case, then the methods and solutions would be relative to the culture and environment in which the problem arose. Thus, the problem would be solved in a materialistic way in a materialistic society and religiously in a religious society, etc. When it is said that the approach must lead to a workable solution, it must be understood to signify a solution which fits all the aspects of the problem itself, but does not include merely the cultural or environmental facets which may be found accidentally connected with the problem. This workable solution, then, may not be a popular solution, but it should be one which is adapted to the needs of the problem as they are found in the objective order.

The criterion of the objective order by which all methods and solutions must be judged is marriage itself. The problem arises directly from the association of a man and woman in marriage. Thus, any approach to the problem must also be in the context of marriage. In saying this there is no exclusion of the person as a basic criterion, but an inclusion of the person as married. As a partner in the marriage, the individual contributes his entire

personality to the association, and more of the person is involved in marriage by reason of the special relationship which is had in matrimony. In short, problems and techniques must consider the peculiar aspect of man as married.

Admittedly, such a study presupposes a knowledge of man and his nature. It presumes the nature of marriage and the role and reality of sexuality. This knowledge is required by this study since our intention is to investigate any one has established from the light of reason that contraception is immoral. To prove that it is immoral would require that some one show that contraception somehow violates either the individual human nature, marriage, or human sexuality. In order to judge the validity of any argument which claims to have shown that contraception is immoral, there must be knowledge of the three realities whose violation constitutes the immorality.

Human nature, marriage or sexuality can be said to be violated when a given act damages or destroys the nature or the end of any of these. In order to see that such damage or destruction has occurred, it is necessary to know what the reality and the end are. With such information, a decision can be reached about the truth and validity of the argument proposed to show the immorality of contraception.

Our method of procedure will be to review the question of contraception in order to get a better understanding of precisely what is comprehended in this discussion. When we have precised the question as well as we can, we will present the arguments given by the natural law proponents in order to discover what they have said and what they mean. This process will be repeated for some who hold a personalist approach to marriage and still condemn contraception. After reviewing these two positions, we will state what we find in reality as human nature, marriage and sexuality. In our conclusion, we will compare our findings in reality to that found by the natural law proponents and personalists and state whether or not we think these two positions have demonstrated that contraception is immoral.

In doing this study, we will be working as a philosopher. This means that our working instrument will be natural reason. The human mind and intellect are remarkable and accomplish some great feats; but despite its greatness, it is limited. It would be the grossest deception and most gigantic fiction to maintain that by the power of the human reason a person could completely comprehend the great mystery of reality. There are some realms of being which simply transcend the limits of human intelligence and understanding. Many of these realities are introduced from the knowledge man has from Revelation. In

knowing that man has a supernatural destiny, the philosopher is faced with the fact that reality has a dimension which cannot be grasped by pure reason alone.

The philosopher can ignore this information if he chooses, but in doing so he runs the risk of distorting his understanding. Without discussing theological mysteries, the philosopher can be aware of the fact that this new dimension can have some influence on the conclusions the philosopher can reach. In order not to violate his own philosophic principles, the philosopher cannot hold views which positively exclude theological considerations and conclusions. If a philosopher did in fact draw such a conclusion, he would be implicitly asserting a negative judgment about something when he had no knowledge of what the terms comprehended. Therefore, the philosopher must recognize the limitations placed upon him by the use of pure reason alone.

To admit the limitation of pure reason is not, however, to deny its ability. Man can reason and reason well. Just because there are some facts which transcend the power of reason alone is no reason for requiring that reason abdicate its role and accept just any statement made by theologians without question. There is a balance which must be maintained between faith and reason and the former must respect the domain of the latter. When problems of reason

are discussed, it is not appropriate for the theologian to impose solutions on men if the men are capable of solving the problem. So just as the philosopher has his limits, so does the theologian. The line of division may not always be clearly evident, yet there is such a division and each must respect the domain of the other.

It is our opinion that the problem of contraception lies within the domain of the philosopher, as we stated above. In saying this, however, we do not mean to say that no aspect of this problem can be solved by the theologian, nor do we signify that what the philosopher has to say about this problem and all of its aspects can be comprehensively decided by philosophy alone. What we do mean to say is that the philosopher is working within his own realm when he talks about human nature, marriage, sexuality, and the problems related to these. What the philosopher has to say of these things can be true and valid, and the theologian must respect the results of such a philosophic consideration.

Such study, however, is incomplete since the philosopher does not transcend the natural. There is more to man than falls under the philosophic gaze, but what does fall under the philosopher's vision is truly man. It is because of this fullness that the philosopher realizes he is dealing with a dim view. His knowledge of reality is

restricted and this limits his conclusions. Since the force of any discussion relies on the strength of the intuition had by the knower, any restriction in knowledge limits the force of the argument. So the theologian may have something to add to the philosopher's understanding of the problem of contraception because of his grasp of man's supernatural destiny; but this addition does not vitiate the philosopher's work or efforts. If the theologian comes to a conclusion different from that of a philosopher, it becomes the work of the theologian to justify this variation on the basis of knowledge derived from supernatural sources because human nature, marriage as a human institution, and sexuality are not changed by reason of the fact that man has a supernatural destiny. They may be elevated, but this new dignity builds on nature as the philosopher knows it and does not destroy it.

For this reason, the philosopher's consideration is valid and necessary. And because the elements of the problem are natural, the philosopher seems eminently qualified to discuss the problem. If the philosopher decides the practice is immoral, the theologian can apply this conclusion to the supernatural aspects of man. If the philosopher decides that contraception is not immoral, the theologian can either agree with this and incorporate it into his theology or study the problem from theological sources and

show that it is immoral for religious reasons. This domain is closed to the philosopher.

Realizing our restriction to the natural sphere and realizing that the natural man cannot be separated from man's supernatural vocation, we will proceed to examine some of those arguments which claim to prove from the realm of nature that contraception is immoral.

## CHAPTER II

### HISTORICAL BACKGROUND TO THE PROBLEM

The problem of contraception as we know it today is a comparatively recent one. This does not mean that contraception and other problems in sexuality did not exist before the twentieth century because it is only too evident from previous writings and documents that sex and marriage have always presented difficulties which were treated by the previous generations and their scholars. From the earliest pre-Christian times, we find regulations concerning marriage and the use of it in the documents of religion and government.<sup>1</sup> From a consideration of these sources, it is clear that men have been trying to understand and clarify the meaning of marriage. The problems arising in these areas have been given various solutions in the various stages of historic development according to the definition of marriage accepted at the time. It will be our purpose in this chapter to consider some of these historical developments which have had some influence on the present day discussion of contraception.

In the contemporary period, family limitation has garnered both proponents and opponents from a variety of

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1 NOONAN, Contraception, p. 11, 22, 26, 27, and 29.

fields after overcoming an initial rejection by the majority of people. Originally, books and movements which advocated contraceptive practices were not well received.<sup>2</sup> Men who approached society with the proposal to practice birth control were condemned as immoral, even though their motives and reasons were basically good.<sup>3</sup> They were proposing a practice which was contrary to the accepted standards of morality. Most people of the nineteenth century were under the influence of a Christian morality which had always taught the sanctity of marriage, the sacredness of sex, and the blessedness of a large family. Even though the Christian community had suffered a division from the so-called "Reformation", still much of the teachings in morality was common to the majority of Christian denominations.

The commonly accepted view on sexuality was derived not only from the Bible, but also from the works of the theologians and Fathers whose efforts were directed against particular problems of their times as well as to interpretations of the Bible. The explicit words of Sacred Scripture do not contain any reference to the question of contraception and birth control. From the general context of

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2 NOONAN, Contraception, p. 406 et seq.

3 Ibid.

the Bible, however, an accepted practice of anti-contraception was generally adopted. Precise positions on the questions of marriage were handed down by the Christian thinkers of the ages who were either commenting on specific texts of the Bible or combatting a particular difficulty which had arisen.

The most influential thinker in Christian history as far as marriage and its related questions are concerned was St. Augustine. St. Augustine lived when the Church was vexed by the Manichean heresy. The Manichean view of sexuality was based on the assumption that matter was the product of an evil power and that corporeity was a form of imprisoning Light, the God of goodness.<sup>4</sup> Since it was an act of virtue to free this vital principle and an act of malice to increase the number of material beings according to Manichean theology, they advocated a theory of sexuality which discouraged pregnancy, yet did not prohibit the emission of sperm. Augustine himself was a Manichean for a part of his young life even though he never became a perfected member. After his conversion to Christianity, Augustine began to attack this heresy in his writings. His arguments were aimed against the specific evil of this heresy which condemned conception as an evil. But not all

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4 NOONAN, Contraception, p. 107 et seq.

of his writing and teaching were primarily aimed at defeating Manicheism; some was directed against Pelagianism, some others were directed to orthodox Christians as instructions, exhortations, and commendations. The important facts which influenced Augustine's thought on marriage were that he himself had been a Manichean, that he himself had experienced a sexual aberration, and that his basic philosophy was essentially neo-Platonic. From these facts it is reasonable that Augustine's views on marriage and sex are somewhat distorted. Since he had been a Manichean, he had thought all matter was evil. While it is true that he may eventually come to relaxing his view in this regard, it is unlikely that he totally abandoned this position even after his conversion because of his personal experience and personal philosophy. He viewed his relation with the mother of Adeodatus as a breach of morality, as is evident from the fact that he dismissed her and from he himself says.<sup>5</sup> From having experienced sex in an evil way and from suffering the consequences of sexual aberration,<sup>6</sup> Augustine could hardly be expected to regard sex as a good in itself, and he states explicitly that sexual intercourse is justified

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5 St. AUGUSTINE, Confessions, VI, 12, n. 22, in the Great Books, Vol. 18, p. 41-42.

6 Ibid., 13, n. 23, p. 42.

only for the purpose of generation.<sup>7</sup> While it is true that Augustine does not condemn non-procreative intercourse as mortally sinful, he does hold that it is venially sinful unless the partner is returning the debt.<sup>8</sup>

Augustine's sexual and Manichean experiences could not be completely opposed by the effects of his conversion because he adopted a basic Platonic position in philosophy. While it would be unfair to Plato to say that he thought the material world was evil, it is certainly true to say that he counted it of little value. While it is true that Plato's emphasis was related to scientific knowledge, Augustine could accept his metaphysical doctrine and transfer it to morals. With this kind of metaphysics, Augustine's Manichean and sexual experiences tended to prejudice his view of marriage and accounts to some extent for his extreme position in the theology of sex and marriage.

Despite his rigorism, Augustine's theology of marriage became the traditional position in the Catholic Church for centuries. This consequence followed because Augustine enjoyed a great position in the history of the

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7 St. AUGUSTINE, Marriage and Concupiscence, I, 15, 17; The Good of Marriage, 16, 18.

8 St. AUGUSTINE, The Good of Marriage, 5, 6; 10, 11.

Church.<sup>9</sup> This reputation was not unjustified since the ancient Doctor successfully preached and wrote against three major heresies in the early Church, governed a diocese, erected monasteries, and wrote a vast number of Scriptural commentaries and theological treatises whose value cannot be ignored even today. His brilliance and intellectual achievement may be eclipsed only by his personal sanctity. This reputation plus the fact that he was one of the earliest Christian writers to formulate a scientific or philosophic basis to the Christian theology enhanced his doctrine beyond the point of dispute or doubt. The errors he opposed began to decline and the leaders of the Church had no reason to re-examine the solutions which he had provided. His position remained unchallenged and became the accepted teaching on marriage.

During the next six hundred years, the doctrine of the Fathers, and especially Augustine, was codified by the writings and teachings of the monks. It was eminently suited to the conditions of the times. It taught that marriage was an institution created by God for the propagation of the species. Since this was a period in which infant mortality was high and the need for workers and soldiers

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9. Even as late as 1935, F. CAYRE calls him the greatest Doctor of the Church. Manual of Patrology, Vol. I, p. 614.

great, the people accepted a theology of marriage which emphasized procreation. The monks quoted Scripture to reinforce their position: "Be ready against the third day, and come not near your wives."<sup>10</sup> In this text the theologians were able to imply that somehow sexual intercourse with one's wife made a person unfit to approach God. In this passage, Moses is preparing Israel to meet the divine presence at Sinai and he cautions the people to be prepared. Within this context, it seems that there is something sinful in sexual intercourse because otherwise why should a man not approach his wife on the day the Lord comes? This view was further confirmed by Psalm 50: 7 which says: "Behold, I was born in iniquity, and in sin did my mother conceive me." This was understood to signify that the act by which a man is generated is a moral transgression and the parents commit a sin. This interpretation seems to be the only one possible to a doctrine that taught all sexuality was a sin unless it was undertaken for the sake of procreation which excused the parents from sin.<sup>11</sup>

Within this doctrine of marriage, all contraceptive practices were condemned.<sup>12</sup> This follows from the

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10 Exodus, 19:15.

11 NOONAN, Contraception, p. 130.

12 Ibid., p. 146.

acceptance of procreation as the end of marriage and the purpose of sex differentiation was also procreation. The creation of sex differentiation was an act of God's and the purpose for the creative act seemed to be clear from Scripture itself.

And God created man to his own image; to the image of God he created him. Male and female he created them. And God blessed them, saying: Increase and multiply [...].<sup>13</sup>

To the minds of the early Christians this text clearly defined the role of the sexes and placed the use of sexuality as something sacred and inviolable.<sup>14</sup> This attitude was crystallized in a canon attributed to a Synod of the Eastern Fathers in which contraception was explicitly condemned:

If any woman has fornicated and has killed the infant thence born or has desired to commit an abortion and kill what she has conceived, or to take steps so that she may not conceive, either in adultery or in legitimate marriage, the earlier canons decreed that such a woman might receive communion at death; we, however, in mercy judge that such women or other women who are accomplices of their crimes, should do penance for 10 years.<sup>15</sup>

Even though Noonan says that this represents an expansion of the original canon, it was well circulated and accepted.<sup>16</sup>

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13 Genesis, 1:27-28.

14 NOONAN, Contraception, p. 79.

15 Chapters from the Synods of the Eastern Fathers, 77 in Martin, Opera, p. 142, as quoted by NOONAN, op. cit., p. 149.

16 Ibid.

This position was mitigated to some extent by those theologians of the golden age of scholasticism who were acquainted with the philosophy of Aristotle.<sup>17</sup> This change from the philosophy of Plato led some of the great theologians to accept the principle that the body and all of its functions were good. However, this change did not alter the original view of the end of marriage. The thinkers of the time still maintained that the sexual end of marriage was procreation and that the use of sexual intercourse for pleasure was immoral.<sup>18</sup> They said contraception was immoral because it was homicide, against nature, and destroyed the marriage relation.<sup>19</sup> They assumed that in some sense the male semen was an imperfect man, a potential man. St. Thomas implies this position when he says:

Ad hujus autem evidentiam, considerandum est quod peccatum mortale est omne peccatum quod committitur directe contra vitam hominis. Fornicatio autem simplex importat inordinationem quae vergit in nocumentum vitae ejus qui est ex tali concubitu nasciturus.<sup>20</sup>

If it is not assumed that the semen is somehow to be considered a human being, then there is no meaning to the

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17 Adam EXNER, O.M.I., Amplexus Reservatus, Ottawa, University of Ottawa Press, 1963, p. 63.

18 Ibid., p. 92.

19 NOONAN, Contraception, p. 232.

20 St. THOMAS AQUINAS, Summa Theologiae, II-II, Q. 154, art. 2, in corp.

statement that fornication is an inappropriate ordination of reason which arises from the offense against the life of him who is to be born of this union. That which has no reality cannot be offended. If offense is possible at all then there must be some form of existence which can be offended. Therefore, the clear assumption in this text is that there is human life in the antecedents of generation. This was held to be the male element because of the ancient view that held that the woman's role was passive.<sup>21</sup>

In holding that contraception was against nature, the medievalists accepted the givenness of the marital situation and that this givenness was unalterable. The types of contraceptive technique at that time were limited and of doubtful effectiveness unless Onanism in the strict sense was employed. Whatever method was employed, the vital issue was that the intention of the agent was to avoid offspring which even the beasts seek.<sup>22</sup>

This trend in the theology of marriage received a further impetus from the rise of the Cathar heresy of this time. Like the Manicheans of old, the Cathars condemned the procreative purpose of sex. As in the time of St.

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<sup>21</sup> ARISTOTLE, On the Generation of Animals, Book I, chap. 2, 716<sup>a</sup>.

<sup>22</sup> NOONAN, Contraception, p. 234.

Augustine, the principal effort of the thirteenth century theologians was to safeguard this procreative purpose and the sanctity of marriage. In this respect, the already accepted teaching from the Fathers was eminently suited and again proved quite successful. This led the theologians to believe the reasonableness of the traditional position even more because it was so efficacious in defending doctrine.

In this European society, in this theology dominated by Augustine, reason itself appeared to condemn contraception. The contraceptive act destroyed potential life. It frustrated the inseminating function of coitus. It violated the Principal purpose of marriage and the principal, if not the only, purpose of marital intercourse. Authority had condemned contraception. The Cathar enemy had been the prototype of a people denying the procreative purpose. Reason now showed that authority was right, that the Cathars were wrong, and that contraception was behavior contrary to the good of man.<sup>23</sup>

The medievalists, then, accepted the anti-contraceptive view and the Patristic position on marriage even though it contained some ambiguities. They accepted the opinion that the principal, if not the exclusive, purpose of sexual intercourse was procreation. In accepting this, they tended to diminish the aspect of love from marriage

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23 NOONAN, Contraception, p. 257.

and sex.<sup>24</sup> A fact that is substantiated by the rise of courtly love where a man had a wife for the begetting of children and a mistress for 'consolation'. They also base their anti-contraceptive judgment on the pragmatic fact that the premisses by which they reach this conclusion were, twice effective in combatting heresy. Finally, in saying that contraception was contrary to the good of man, they were defining the good of man only in a generic sense since only if the propagation of the species is the good of man does their statement stand true in an unqualified sense. If another state or condition is accepted as the good of man, then it does not necessarily follow that contraceptive acts are contrary to the good of man.

This view of marriage and contraception continued to be the predominant position even though some great names in the history of Catholicism stated some opposing theories.<sup>25</sup> The personalist aspects of marriage and sex began to be considered by some men who relied more on Aristotelian authors than Patristic sources. One of these authors

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24 This separation of carnal love from true love persists in some of the theological literature of the present time. Some authors either state explicitly or imply that to the extent that conjugal love is imperfect, it becomes carnal. Cf. Daniel PLANQUE, The Theology of Sex in Marriage, translated by Albert J. LaMothe, Jr., Notre Dame, Indiana, Fides Publishers, Inc., 1965, p. 153-158.

25 NOONAN, Contraception, p. 287.

was Thomas Sanchez, S.J. (1550-1610). He defended the view that marriage and sex were good in themselves because they were the work of God.<sup>26</sup> Despite this, however, Sanchez still maintained that the primary end of marriage and sexuality was procreation. Since this was the case, any use of marriage for non-procreative purposes needed justification.<sup>27</sup> Sanchez became important because many subsequent writers who followed his tendency developed what is today the personalist approach to marriage. But for the most part opposition to the Patristic position accomplished only minor revisions of doctrine. But changes were occurring not only from the theological doctrine itself, but from outside. There were two important developments which tended to soften the Augustinian theology of marriage. The first of these was the Protestant revolt and the second was the growth and development of Thomism. The rise of Protestantism led to a general weakening of the authority of theologians while Thomism, which was based on the Aristotelian metaphysics, led to a decline in Augustinian reasoning.<sup>28</sup> Despite this decline in the eminence of Augustinianism, the position against contraception was not

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26 EXNER, Amplexus Reservatus, p. 145.

27 Ibid., p. 147.

28 NOONAN, Contraception, p. 304.

visibly weakened because St. Thomas had followed the basic Augustinian position in regards to abuses of marriage and many Protestant leaders became more rigorous in matters of sexuality than Catholics were.

These changes in theological circles were accompanied by the increase in the number of the educated laymen who began to question the competence of a celibate clergy to discuss and judge questions related so intimately with married life.

More important in the advance of the question of sexuality were two events occurring at different times on two different levels. The first occurred in the fifteenth century academic circles and the second in early nineteenth century political society. These two events made possible the questions so much studied and discussed today.

The first event was the academic life and teaching of Martin Le Maistre, who was a professor at the University of Paris in 1470. He was a thorough-going Aristotelian who knew how to absorb pertinent Thomistic texts. His application of Aristotelian ethical principles to the question of sexual intercourse led to the shift in emphasis concerning the moral purposes of sexual relations. He did not deny procreation as a justifying reason for intercourse, but he held that there were other justifying reasons.

He gives as lawful instances the case always admitted by theologians as to the responding partner, of rendering the marital debt; the debated case of avoiding the committing of fornication; the unrecognized case of seeking bodily health; and the new case of "calming the mind".<sup>29</sup>

This is a change of the doctrine as taught by Augustine<sup>30</sup> and by Aquinas<sup>31</sup> and opens the door to a consideration of the morality of non-procreative uses of sexual intercourse. Another author, John Major, a Scottish theologian, followed Le Maistre; but their efforts were short-lived.

Without a shred of support in earlier theological authorities, Le Maistre's and Major's theses had run against the traditionalism of the theologians and seemed to fail. Augustinianism was weakened, but the only two acceptable purposes for initiating intercourse were procreation and avoidance of fornication. As long as there were only these two lawful categories, and the unlawful category of intercourse for pleasure, no exploration of personal values, no valuation of love in intercourse, was possible.<sup>32</sup>

Despite the fact that Le Maistre and Major were received with hostility, they had opened the door to the possibility that sexual intercourse was not even venially sinful when sought for non-procreative purposes or without

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29 NOONAN, Contraception, p. 307.

30 St. AUGUSTINE, The Good of Marriage, 6, 6, and 10, 11.

31 St. THOMAS AQUINAS, Summa Theologiae, Suppl., Q. 49, art. 5, in corp.

32 NOONAN, op. cit., p. 322-323.

responding to a partner who sought the remedium. This innovation gradually broadened the vision of moralists who began to place sexual activity within the total marriage. While they might still maintain in the abstract that intercourse was at least venially sinful outside the limits of the context of the two lawful categories, moralists were writing guides for confessors which extended the moral uses of sex in the practical order. They argued that acts not prompted by an evil intention performed by married people in the state of grace participated the habitual intention of marriage and were therefore virtuous.<sup>33</sup> This view which had its opponents gradually received widespread circulation among the manual writers who were setting down guide-lines for pastors and confessors.<sup>34</sup>

The second event in history which bears great importance for the state of the question today was the development of secularism and rationalism in France in the eighteenth and nineteenth centuries. Prior to this time, condemnation of marital abuses was the work of theologians who were concerned with particular heresies or the direction of pastors and confessors. These studies and documents were not given general, public circulation and the

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33 NOONAN, Contraception, p. 324.

34 Ibid., p. 341-342.

questions of sexual deviation and abuse reached the laity only in the personal encounter in the confessional. But the irreligious atmosphere in eighteenth century France was soon to lead the question out into the open.

The age of birth control begins in the age of l'homme machine, of the perfectibility of man, of a clear-eyed rationalism that is impatient with the mysterious, the sacred, the numinous. Rationalism existed in England, Germany, and America too, but nowhere as in France was it the philosophy of the day, destroying the institutions which else where tempered its impact. [...]

Its roots may be found in the spiritual malaise that affected France as profoundly as the rationalistic spirit. The Church in mid-eighteenth century France was officially supported, but rejected in many hearts. There resulted, at first, not open defiance, but acts of disobedience to the laws of the Church in an area of conduct which the Church could control only if it retained spiritual allegiance. When the Revolution occurred and the Church was rejected openly, there was not merely a repudiation of an official Ecclesiastical establishment. There spread at the same time a pervasive and destructive cynicism toward all efforts to regulate conduct by intangible ideals. If the Church was a lie, then it was each man for himself -- this is the kind of radical individualism much more characteristic of bourgeois Latin anti-clericals than of less disillusioned Anglo-American agnostics. It was not part of the program of revolutionary rationalism, but it was often the result. It is this difference in spiritual reaction, I suggest, which is paramount in the puzzling fact that France experienced the spread of contraception before England or the United States.<sup>35</sup>

This particular historic fact bears greatly on the discussion because it implies that the question is not

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35 NOONAN, Contraception, p. 389-390.

birth control at all but rather secularism. Birth control became the means by which a rebellious people manifested their opposition to an institution they wished to demean. The question in the minds of the people was not primarily one of marital morality but one of liberty. This view is substantiated by Father Bernard Häring, C.S.S.R., who said,

The difficulties which you mention [the failure of the Church to come to terms with eighteenth century liberal democracy and the consequent loss of her influence with the working class] began in the sixteenth and seventeenth centuries in Europe. A profane, secular culture began to grow up alongside the clerical culture. Some of the clergy, at least, did not see that their contribution to the cultural field should not be a domination but rather a service. These members of the clergy refused to surrender their pretensions of monopoly in the cultural milieu. Also at that time, not enough was done to form a laity capable of conducting a dialogue with the clergy. Furthermore, the Church seemed to be tied up totally with the secular authority and the privileged classes. The French revolutionists fought equally against the altar and throne, because both nobility and clergy were privileged classes. The priest belonged to a privileged class, and together with the other privileged classes, seemed to suppress the new social force—the very parbs of society which were shaping the future.<sup>36</sup>

Why does contraception become an effective instrument for rebellion? In the first place it opposes an ecclesiastical position directly and disregards a teaching

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<sup>36</sup> "The Church and the World, An Interview with Bernard Häring", in The Catholic World, Vol. 202, No. 1, 207, October, 1965, p. 17.

which was canonized by a long history. The second reason why contraception could represent an apt means of rebellion is that it is an act most proper to marriage. It is an operation which a celibate clergy cannot know except in theory, so an effort to emphasize the distinction between laity and clergy can be seen in the use of marriage as an instrument of rebellion. It is a pointed way of telling the clergy that this is something which transcends their knowledge because in a special sense conjugal relations cannot be understood well from a theoretical knowledge alone. Even though it may not be true that the knowledge garnered from books is insufficient for a valid moral judgment in matters of sexual relations, it is certainly true to say that the married laity can legitimately claim a type of knowledge which is not available to the clergy. Even if the understanding acquired from experience is inferior to that learned from study, it is an understanding which manifest a superiority in those who have it and could become the device for asserting independence from an otherwise dominating group. Such an attitude would not be foreign to the rationalistic spirit which prevailed in France at this time.

This spirit of rationalism grew in France while the whole world was experiencing the growth of the Industrial Revolution. This circumstance became important in the

light of subsequent events because the predominant social character of rural living gradually diminished and industrialization assumed its place. While many children extended the horizons of a worker in an agricultural culture, the opposite is true in an industrial civilization. Thus, the problem of family limitation which may have had religious implications in France and in its earlier manifestations was now appearing under the socio-economic guise. The ability of parents to provide for children was highly restricted by this general industrialization which was overtaking society.

How does this development enter the problem? The fact that a man and woman have a positive limitation in their ability to provide for a family gives them a moral reason for limiting the number of children they generate. When the question of sexuality was treated in earlier periods of theological development, it was a matter of theological positions. Heretical groups which advocated contraceptive practices did so because of some doctrinal point within their religious tenets. Now, the problem is faced in a different context. If it is still held that procreation also entailed the education of the child, it is necessary to recognize that the inability to provide that education constituted an impediment to procreation as the bonum prolis. Yet, the sanctity of marriage had to be

safeguarded. This task fell to the Church at a time when the people of the world had been divided in their religious convictions and many of the social reformers were under the influence of humanitarian ideals more than Christian ideals. This statement should not be understood to signify that there is necessarily a conflict between Christianity and humanism in themselves. A true Christian theology is not inhuman and it is at least conceivable that a humanism can be Christian. But a humanism which tramples on Christian principles from sentimental motives will always encounter opposition from Christians and Christian organizations.

The first reaction to the spread of birth control information was what could be expected from the cultural climate in which the information was circulated. In France where contraception represented a form of anti-religious rebellion, statistics show that the decline in births was not appreciably greater in non-Catholic regions as compared to Catholic regions.<sup>37</sup> In view of the fact that the birth rate declined rapidly in France during the latter part of the nineteenth century and early twentieth century indicates that natural causes were not the reason for this

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37 NOONAN, Contraception, p. 391.

fact.<sup>38</sup> Even though there is no direct evidence that contraception was practiced, this decline in the birth rate during the rationalistic revolution in France provides a very high degree of probability that it was commonly accepted in that country. It was proposed to the French with a religious context and accepted by them within that context.

On the other hand, the question of birth control was proposed to the people of England and other western countries with a sociological frame of reference and initially met with opposition. The basic argument which the English authors used was that a man laboring in industry had a definite limit to the amount of resources available to him. This limitation meant that a man could not provide an adequate education for a large number of children. Therefore, he should not generate more children than he can provide for within the limits of his economic resources. This argument was proposed by the Utilitarians outside the context of a religious belief.<sup>39</sup>

This same argument was emphasized in terms of the global resources of the earth by Thomas Malthus in his

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<sup>38</sup> Jacques LECLERCQ, Marriage and the Family, A Study in Social Philosophy, Thomas R. Hanley, O.S.B., (trans.), Fourth Revised Edition, New York and Cincinnati, Frederick Pustet Co. (Inc.), 1949, p. 235.

<sup>39</sup> NOONAN, Contraception, p. 392.

Essay on the Principle of Population. The English mercantilist, Robert Cowens, varied the argument to the extent that it affected the labor market. If the laboring classes generated an indefinite number of children, then the labor market would be flooded and the price of labor would be cheap and the worker would have no opportunity to improve himself. In this way, the class distinction between capitalist and laborer is perpetuated and the social evils stemming from this distinction allowed to continue. For this reason, he advocated some form of birth limitation for the economic and social good.

It is to be noted that these recommendations in themselves do not say anything about the means to be used to achieve the end. While Malthus, himself an Anglican priest, states the problem of overpopulation, he concludes that the means to avoiding the undesirable effect was self-control.<sup>40</sup> Other authors did not openly recommend other methods of birth limitation, although Noonan maintains that some of them did secretly.<sup>41</sup> Later in the nineteenth century, some authors did begin to write books describing a variety of ways to achieve birth control.<sup>42</sup> These were the

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40 Thomas MALTHUS, An Essay on the Principle of Population, Second Edition, London, 1803, p. 11.

41 NOONAN, Contraception, p. 393.

42 Ibid., p. 406.

object of legal action and produced the beginnings of the present day controversy.<sup>43</sup> From the time when the so-called artificial methods were proposed as a means of birth control, all Christian peoples—with the possible exception of the French—opposed the practice as immoral.<sup>44</sup> Official forms of religion interpreted the increase and multiply of Genesis as the divine definition of the ends of marriage and the purpose of sex. So the public affirmation of birth control, even for socially desirable purposes, rankled the religious sensitivity of the world.

Yet, despite the initial rejection of the proposal, birth control movements were initiated, contraceptive devices were manufactured economically on a large scale, and the reasons for practicing it gradually re-evaluated and accepted. The growth and acceptance of the contraceptive mentality could not be ignored by the religious leaders of the world and the question of the morality of contraception and contraceptive methods had to be faced.

Since there is no explicit text in the New Testament<sup>45</sup> and only doubtful ones in the Old Testament,<sup>46</sup> the

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43 NOONAN, Contraception, p. 406.

44 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 170.

45 Ibid., p. 171.

46 NOONAN, op. cit., p. 31-35.

Church recalled once more the works of the Fathers and theologians. However, this source of doctrine was no longer as effective in terms of the new situation. The Roman Catholic hierarchy no longer held a monopoly on the Patristic sources. Protestant theologians who counted among their number many serious thinkers and religious men also began to examine the writings of Scripture and the Fathers and did not always agree with Catholic theologians about the cogency of the Patristic and medieval writers. This fact in itself has no bearing on the truth and validity of the ancient theology of sex and marriage, but it did present a practical problem for Catholicism. Since Rome could not rely on its authority and interpretations to check the spread of contraceptive practice among the people of the world because of the different teaching of other Christian denominations, it had to present an updated view of this theology to counteract not only contraception itself, but also the rapidly developing trend to accept the practice by other Christian sects. Infallibility—most recently defined in Vatican I—could be invoked to counteract the Protestant acceptance of birth control only if the Church could see a condemnation of it in Scripture or Canonical Tradition. Whether or not such a condemnation is in fact found in these two sources of Revelation has not been affirmed by the highest teaching authority of Christ's

Vicar and Church as of the date of this writing, even though Popes have employed their best efforts short of an ex cathedra pronouncement to discuss this problem of marriage.

While Catholics and some other Christian Churches continued to oppose contraceptive practice as immoral, some Protestant churches began approving it for reasonable and honest motives.<sup>47</sup> This meant that the Catholic position was losing its forcefulness because of the increasing division of opinion within the Christian world.

Perhaps the most devastating non-Catholic move in the question came when the Anglican church voted in its 1930 Lambeth Conference to accept artificial birth control as a possible moral means of family limitation. Noonan gives an opinion as to why this move was so crucial to Catholic thought:

The bishops of the church whose theology was closest to that of the Roman Catholic Church no longer adhered to an absolute prohibition of contraception.<sup>48</sup>

Even though the resolution adopted by the Lambeth conference did not advocate any neo-Malthusian practices and did

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47 LECLERCQ, Marriage and the Family, p. 280; and FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 1-15.

48 NOONAN, Contraception, p. 409.

recommend abstinence as the most desirable means of family limitation, it did recognize that other methods could be employed "provided that this is done in the light of the same Christian principles".<sup>49</sup>

That this change in the official position of the Church of England was viewed as a serious matter is confirmed by the fact that Pope Pius XI published his famous encyclical, Casti Connubii, just three months later.<sup>50</sup> The fact of official recognition of contraception by religious groups the world over was making its inroads on Christians and the Church of Rome felt the need to re-assert its position as forcefully as possible.

Despite the publication of the encyclical, the question of marriage and sex within marriage continued and was still discussed. Although the discussion did not reach the popular level until the 1950's, Catholic scholars and theologians continued to write about the problem through the 1930's and 1940's. That some of these writings did not support the teaching of Pius XI is evident from the fact that the Holy Office found it necessary to censure some of these works.<sup>51</sup>

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49 The Lambeth Conference, 1930, Resolution 15, as quoted by NOONAN, Contraception, p. 409.

50 NOONAN, op. cit., p. 424.

51 Acta Apostolicae Sedis, 36:103, April 1, 1944.

The contemporary problem was further complicated by the discovery of the anovulant drugs, whose function seemed to fall within the traditional definition of legitimate marital intercourse.<sup>52</sup> To further weaken the traditional argument against contraception, modern science has provided more information about the actual function of sex within the psychological totality of the person.<sup>53</sup> In view of this new information regarding the physiology, psychology, and sociology of sex and marriage, thinkers have made gigantic efforts to review the problem of contraception to learn if the traditional doctrine still proves it is immoral.

We now proceed to analyze some of the arguments which claim to prove that contraception is immoral to see if in fact they do prove what their proponents claim they prove. The most widespread position today which condemns contraception is the view presented by the proponents of the natural law. It is proper, therefore, to begin this study with a review of the natural law position as presented by some natural law authors.

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52 MERKELBACH, Summa Theologiae Moralis, Vol. III, p. 943.

53 C. J. TRIMBOS, Healthy Attitudes Towards Love and Sex, New York, P. J. Kenedy & Sons, 1964, is an example among others of this type of information.

## CHAPTER III

### NATURAL LAW AND CONTRACEPTION

Contraceptive intercourse implies the belief that man has the right to separate love from its biological roots. And it is here maintained that this is to act against the nature of the human personality.<sup>1</sup>

With these words Reginald Trevett can be counted among the authors who hold that contraception is somehow contrary to nature or the natural law. It is the purpose of this chapter to review the natural law position to see in what sense it is true to say that contraception violates nature or the natural law.

Contraception is the term applied to that activity by which a person or couple positively prevents the union of the sperm and the ovum while still performing the act of sexual intercourse.<sup>2</sup> The opponents of contraception emphasize the fact that contraceptive intercourse is truly contraceptive only when the interference with the natural act is positive. By stressing this point, these people exclude total abstinence and periodic abstinence from the

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<sup>1</sup> Reginald TREVETT, The Tree of Life, New York, P. J. Kenady & Sons, 1963, p. 168.

<sup>2</sup> Vernon J. BOURKE, "An Ethical Consideration", in What Modern Catholics Think About Birth Control, p. 18.

comprehension of contraception because such activity is negative. Within such a comprehension, contraception includes only those methods which employ some chemical or device which is considered unnatural, that is some object which was not placed in the act by the author of nature. The basic assumption in this definition is that God, the author of nature, has defined the act of sexual intercourse in such a way as to preclude the possibility of interference or modification by human agents.

There are several difficulties with this definition. The first is that it is too narrow and does not include all those things which are in fact contraceptive. If the term 'contraception' is to be used to signify those acts which are placed in such a way or in such circumstances as to prevent conception, then periodic abstinence and total abstinence under certain circumstances should be included because both can be a method of preventing conception. So the term is intended to group into one class those forms of contraception which are judged immoral because they place an artificial (that is, man made) device into the act. The term is inappropriate because its etymological meaning refers not to the device but to conception. This difficulty is not solved by the use of the distinction between natural contraception and artificial contraception because this distinction assumes that either

contraception in itself is not immoral and only certain means of practicing it are or that contraception is immoral but that certain non-fruitful acts of intercourse are not contraceptive. Both alternatives assume that nature as it is used in this context is clearly understood and that the conjunctive features of the alternatives are known. Neither of these alternatives is clearly evident, and therefore this definition violates the rule that the definition should be clearer than the defined.<sup>3</sup>

The second problem found in this definition is related to the one just discussed. In an attempt to further limit the definition of contraception to include only unacceptable means instead of including all acts which oppose conception, authors who use this definition insert the word 'positive'. This insertion signifies that the method employed positively interferes with conception as opposed to means which negatively interfere with conception. With this distinction, natural law proponents defend the view that acts of sexual intercourse which are performed without artificial barriers are not immoral, even though there are natural barriers to conception. This distinction does not seem to cover all the possibilities which these authors

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<sup>3</sup> St. THOMAS AQUINAS, In Aristotelis Libros Peri Hermeneias et Posteriorum Analyticorum Expositio, (In Posteriorum Analyticorum) L. II, I, viii, Synopsis, No. 7.

intend. The problem arises from an ambiguity in the comprehension of the term 'positive' even when it is defined in such a way as to refer only to artificial barriers. The ambiguity becomes evident when the question of what constitutes a positive interference is considered. Is every act of sexual intercourse which occurs while using an artificial barrier to conception a positive interference or a frustration to the possible consequence of pregnancy? Obviously, acts of sexual intercourse which occur when the woman is incapable of being impregnated cannot be said to be contraceptive because an artificial device prevents the male sperm from reaching the sterile uterus. This particular objection has been considered by Fathers Ford and Kelly. They say:

But the concept of an actus per se aptus ad generationem, that is, the very concept of the marriage act, does not bear the same immediate relation to its actual effectiveness as procreative. Even if the act is previously devoid of all physical capacity to result in conception, the use of some contraceptive techniques [...] would always be mortally sinful because they would mutilate the act as per se procreative, as a marriage act, even though the act was not going to be fruitful in any case.<sup>4</sup>

This answer to the objection confirms the meaning of contraception from acts which oppose conception to acts which

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4 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 374.

violate the integrity of the act. The basis for determining what constitutes the integrity of the act is the concept of an act per se apt for generation. The problem is only complicated by this answer because it is not immediately evident where this concept comes from. Is it an a priori concept which is imposed upon the act? These authors hold that common sense and observation confirm the view that every act of sexual intercourse is an act which is per se apt for generation because an act is said to be per se apt for generation in terms of any of its possibilities considered in the abstract without any reference to the actual conditions which will verify the possibility. In this sense, every sperm and every ovum can be said to be apt for generation. This means simply that any one of these realities could be the elements of a conception if it is placed in the proper circumstances. Male sperm is made to fertilize female ova. This cannot mean that each and every sperm must fertilize an ovum or that each and every ovum must be fertilized by some sperm. If the concept able to generate becomes the basis for judging the integrity of the physical act and every positive mutilation of the physical integrity an immoral act of contraception, then each and every act of sexual intercourse would be immoral because in each and every act of intercourse literally millions of sperms are placed in a circumstance where they

cannot fulfill the possibility of fertilizing. Even if the woman is in a phase of her cycle when pregnancy could result, only one of the sperms introduced will effect the impregnation while the millions of others will not be able to impregnate. To recognize that this case is not immoral is to recognize that the concept per se apt for generation cannot mean a concept which is based on the generative power of each and every sperm and ovum.

In view of this, an attempt to retain ethical significance for the phrase per se apt for generation is made by applying it not to the possibilities of the individual sperm and ovum but rather to the act of sexual intercourse. The act of sexual intercourse can be considered per se apt for generation if and only if it is considered in the abstract without reference to the concrete situation in which it is performed. In the abstract, sexual intercourse can be recognized as the sine qua non condition for conception. It can also be seen that in each and every act of intercourse the male and female elements can be united and to this extent can be said to be apt for generation. But to accept this possibility in the abstract and make it the foundation for the physical integrity of the act seems to constitute an over extension of the supposition of the term 'can be united'. If 'can be united' is understood to include the prohibition to have intercourse when the sperm

and the ovum cannot be united, then periodic abstinence would become immoral because the practice of periodic abstinence is the practice of engaging in sexual intercourse when the sperm and the ovum cannot unite. From this consideration, then, it is clear that not all acts of sexual intercourse can be said to be per se apt for generation. Therefore, the condemnation of contraceptive practices on the basis of the concept of the marital act understood as sexual intercourse seems to be based on a general concept of the logical nature rather than the exercised nature.

One other point must be considered at this time and that is the consideration of what is meant by positive and negative action. When those authors who propose this definition say that any positive interference with the nature of the act is immoral, they have to be referring to the ontological status of the barrier or the ontological condition of the will which makes the ethical act. The ontological reality of the physical components of the act of coitus remain constant if the act of intercourse is perfect. In this context, an act of intercourse is said to be perfect when the partners engage in sexual activity which culminates in at least a male orgasm without including the detail of depositing the sperm in the vagina. While it is true that this definition may not be accurate in every detail according to some, it does contain all the elements

which are found in every act of sexual activity whether it be contraceptive with a device, unfruitful without a device because of permanent or temporary sterility on the part of either spouse, or fruitful. To accept a definition at this time which includes all the elements listed by such authors as Merkelbach,<sup>5</sup> for example, already excludes the possibility of contraceptive intercourse on the basis of an a priori definition. It is precisely to determine the morality of practices which do not deposit the sperm in the vagina which causes the present discussion of birth control. Our efforts in this thesis are to criticize the methods employed to condemn contraception. It is necessary to require that natural law proponents justify the inclusion of this latter requirement in a definition of perfect intercourse since a definition which states that an act which does not deposit the sperm in the female organism in a manner favorable to conception is immoral guarantees the conclusion that contraception is immoral. The conclusion is nothing more than a restatement of the definition which is the major premiss. Therefore, in considering what is meant by positive interference, only those physical parts which are found in both contraceptive and non-contraceptive

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<sup>5</sup> MERKELBACH, Summa Theologiae Moralis, Vol. III, p. 943.

intercourse can be admitted without prejudicing the case in favor of one or the other of the alternatives. Admitting, then, that the important element in this type of sexual activity is the freely chosen act which culminates in an orgasm at least by the male, the question of the meaning of positive and negative action can be discussed. If the proposition presented to the will is intercourse which is fore-known by both partners to be unfruitful, can each partner be accused of moral defeat, if the action is judged to stem from positive interference with the act? An affirmative answer has been given to this question. In giving this affirmative answer, what have these authors condemned? Have they condemned the positive state of the will, the positive existence of the barrier, or both? There is confusion and ambiguity in all of these possibilities.

Whenever a course of action or an end is presented to a person, he has two possible choices: First he can choose to act or not to act. The second possibility is contingent on the first. If he chooses to act at all he specifies a positive or negative choice. Thus, if a man is presented with the possibility of having an ice cream cone, he first decides to consider the possibility or he does not consider the possibility. This choice is the choice of acting or non-acting. In the former case, the

choice is positive, i.e., to act. In the latter, the state of will is neither positive nor negative since it is no act at all in terms of the present end. This latter state of will is not uncommon among men. It is the state of will frequently employed by men to evade an issue. If a man has an obligation to do some work which he finds unpleasant and yet knows he cannot avoid the obligation, he may avoid the facing of the issue by choosing to do something else not related to the original task. In terms of the original task, such a man has no act of the will. He has not affirmed that he will do it, nor has he affirmed that he will not do it. Thus, he has no positive state of will in terms of the original obligation. But more, the same man has not denied that he will do the act nor has he denied that he will not do it. He simply has made no act of the will at all in terms of his obligation.

On the other hand, if the same man decides to make a decision, his decision to make a decision is a positive state of will even if his positive state of will involves a negative action. Thus, if the man decides he will not perform the action, his state of will is a positive decision to reject the action. It is the same state of the will which is found when the consequent action is in the affirmative, or if the positive state is the denial of affirmative action or the negative action. In short, the

consent of the will is positive in all four actual possibilities. The will is in a positive state of consent when it does anything with the following propositions: 1) I will to have intercourse; 2) I will to have no intercourse; 3) I do not will to have intercourse; and 4) I do not will to have no intercourse.

In terms of the judgment that positive interference with the act of sexual intercourse is immoral, it is evident that the term 'positive' cannot be applied to the state of will since such an understanding would condemn too much. This becomes evident from the following consideration: If the term 'positive' applies to the state of will then all the following propositions would be condemned:

- 1) I will to have contraceptive intercourse.
- 2) I will to have no contraceptive intercourse.
- 3) I do not will to have contraceptive intercourse.
- 4) I do not will to have no contraceptive intercourse.

The only one of these four propositions which is clearly intended to fall under the condemnation is the first. The second and third propositions are clearly not condemned, and the fourth proposition is included under the condemnation if it can be interpreted to signify I will have some contraceptive intercourse, and then only to the extent that the positive interpretation is valid. Therefore, it is evident that the term 'positive' cannot be validly applied

to the state of the will as this term is supposed in the condemnation of contraception. Nor is the situation salvaged by trying to transfer the condemnation to consent of affirmative or positive propositions since in that case both propositions one and two would fall under the condemnation. But the second proposition is clearly excluded from the condemnation and praised as a virtuous act of abstinence if the biological condition of both spouses is such that a pregnancy would result from the act of unimpeded intercourse.

In order to state a condemnation of contraceptive intercourse which would include only those acts which the natural law proponents wish to condemn, these authors have to refer the meaning of the word 'positive' to its material content or to the definition of the barrier. They do this by describing positive barriers as artificial devices of a physical or chemical nature. In doing this, though, are they describing all the positive barriers? They are only if time is not a positive barrier. The question arises as to whether or not the cause of the absence of an ovum is a positive or negative factor. Time, assuredly, is not the cause of the sterile condition of the woman, the normal physiological functioning of the woman is the cause of the state of infertility. In this sense, then, the time element of the condition is not the cause of the absence of

the ovum. Time, however, does enter the ethical act as a primary circumstance of those acts which are deliberately chosen in cases of periodic abstinence and the intention of the ethical agents is not merely to engage in an act of intercourse, but to engage in this act of intercourse when it is known that a pregnancy cannot follow because of the phase of the natural cycle. Since time is real as the real rate of change, it becomes the cause of the performance of the act which is performed at this time. To this extent, then, time is a positive influence in the being of the act and can be said to be a cause of the act. As a real influence in the ethical act, an influence which is positively chosen by the ethical agent, time is chosen as a barrier to the union of the sperm and the ovum. In choosing an act of intercourse during the infertile phase of the female cycle, the spouses are deliberately choosing an act of intercourse which is known to be infertile. Such an act is admittedly not an immoral act in itself. Yet, despite this morality of periodic abstinence, the act is a positive action from the moral point of view. The condition of the woman is positive in the sense that it is a real existential state in the normally, healthy functioning of the female organism. The only thing negative about the act is the fact that there is no ovum in a state or condition in which it can be brought into union with the sperm. This

fact in itself is irrelevant to the morality of the act of intercourse, so the negative aspect in this sense accounts for neither the morality nor immorality of the act. The fact that intercourse occurs during the infertile period of the female cycle becomes a factor only when the spouses deliberately choose this phase precisely because it is the infertile phase. It becomes a circumstance which serves the end of the spouses who want to engage in sexual intercourse when a pregnancy is not desired. So while the spouses do not physically cause the barrier, they do intend the barrier. In effect, they choose to have intercourse in circumstances which prevent conception. This intention is not formally different from that had by spouses who employ spatial barriers to prevent conception. If the former are free from moral guilt while the latter are not, it is because the people who hold that the use of devices is immoral maintain that the artificial device is against nature while the use of the sterile period is not. This significance of the word 'nature' can only mean the biological nature as it is used in this context. The addition of the word 'positive' to the definition of contraception adds nothing, therefore, to the intended meaning of contraception and becomes meaningful only if it is true that the device does violate nature and natural law.

Even if the definition of contraception is something less than perfect, the basic position of those who condemn contraception by reason of the natural law or nature is founded on their understanding of nature and natural law. Neither of these concepts is simple, yet both are fundamental to an understanding of any problem in ethics. This follows from the fact that all ethical action is deliberated action which aims at an end, and even the ultimate end.<sup>6</sup> In order to judge the appropriateness of a given end as end, the nature of the ethical agent must be known as well as the nature of the end pursued. Since an end is said to be appropriate only if it finally perfects the agent in his ultimate condition or state of being, the end must somehow be related to the nature of the person. This follows because an ultimate condition which destroys the person cannot be said to be a good since destruction is an evil. Therefore, the last end of an ethical agent must be the perfection of the person. But the perfection of the person involves the complete fulfillment of the person. Since the person in each and every one of his moral acts strives for his ultimate end, each and every intermediary end is truly an end and moral only to the

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6 St. THOMAS AQUINAS, Summa Theologiae, I-II, Q. 1, arts. 1 and 6.

extent that it contributes to the growth and direction of the person to his final end. Since the final end is related to the nature of the person and since intermediary ends are moral only to the extent that they are subordinated to the ultimate end, the intermediary ends must also be related to the nature of the person.

This same conclusion can be reached by beginning with the person. Since the person strives for goals with what he has and in terms of what he judges as beneficial to himself, he seeks goals which are in accord with his nature. While it is possible that a given individual may pursue an object which is not truly good for him, the error is not the result of choosing something unnatural but from failing to recognize the object as inappropriate. Even in a glaringly immoral act, the ethical agent chooses an object because he sees some good in the object while ignoring its evil. It is because of what human nature is that it has its ultimate end. It is from the ultimate end of man that all morality stems. It is admittedly true that a knowledge of the nature of man can provide a knowledge of the end of man and can establish a standard of morality. In reviewing the condemnation of contraception based on nature, we do not doubt the standard of nature, but we do question the application of nature to the question of contraception. When the natural law proponents use the term

'nature', what do they mean? In order to answer this question, it is necessary to review the position of some who use nature as the basis for condemning contraception. The Jesuit Fathers Ford and Kelly recently published a work whose basic principle is the nature of marriage.

Early in their work these priests say:

The thing that is essential to marriage is the fundamental right to acts by which the primary ends are achieved. It is this right, we say, which is the essential bond, or union, or relation of marriage. It is the essence of marriage. [...] [...] We do not believe that the essence of marriage, the fundamental right, embraces merely the acts by which the primary ends are achieved. We believe it is a right to the acts by which the secondary ends are achieved also.<sup>7</sup>

They begin their consideration with the view that the reality of marriage is constituted by a fundamental right to acts which will lead to the achievement of the ends of marriage, both the primary and secondary ends. In defining marriage in this way, they are making the assumption that the nature of a thing is related to its end and in some sense specified by its end. At this point, no disagreement can be leveled against this definition. In saying that marriage consists in a fundamental right, these theologians are distinguishing the right from the exercise of the right which is called the proximate right. In stating that

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<sup>7</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 38.

marriage is constituted by the fundamental right, Fathers Ford and Kelly are maintaining that even when acts by which the ends are achieved are not being actually performed the spouses are still married. Where these authors seem to falter is in the application of this definition. They place themselves in a position where their definition cannot be maintained. They hold that the reason why contraception is intrinsically immoral is that it violates a finality which is intrinsic and essential to marriage.<sup>8</sup>

These authors go even further and maintain that even if procreation were not the primary end of marriage, contraception would still be immoral because it would violate a secondary end of marriage, an end which is still intrinsic and essential to marriage. In other words, Fathers Ford and Kelly are basing their argument against contraception on the premiss that it is immoral to violate any essential, intrinsic end of marriage. Even if it were true that contraception violated any one of the secondary ends of marriage, there arises a problem which this definition of marriage cannot solve. Even though these men are consistent with their own principles, they find themselves with an insoluble dilemma as a result of this consistency. In view

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<sup>8</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 136.

of their definition of marriage and their statement that contraception is intrinsically immoral because it violates an essential end of marriage, their argument against contraception would have to be:

Any violation of an intrinsic, essential end of marriage is immoral.

But contraception is a violation of an intrinsic, essential end of procreation.

Therefore, contraception is immoral.

If this major premiss is to have the universality and validity these authors want it to have, then it should be possible to use it validly in another syllogism which would say the following:

Any violation of an intrinsic, essential end of marriage is immoral.

But to refuse an act of intercourse which would remedy concupiscence is a violation of an intrinsic, essential end of marriage.

Therefore, to refuse an act of intercourse which would remedy concupiscence is immoral.

At first glance, this argument appears plausible, but that is because it is stripped of all the circumstances which surround every moral act. The minor premiss will show some difficulties which are only implicit as it stands in the syllogism. If the married couple find themselves with five children, an income of one hundred dollars a week, have been using a thermometer to chart the wife's cycle in order to regulate the size of their family, and know that the

woman has just had a temperature rise, the question of the morality of refusing the act of intercourse is not so easily decided. If the act of intercourse is granted, a sixth child will be conceived. This will raise the problem of the rights of the already existing five children, as well as the rights of the child who would be born, to the proper rearing. These parents are obliged in justice to provide for the spiritual and material well-being of all the children they generate. So now a problem has arisen if the major premiss in the above syllogism is universally true and valid. The couple can decide that the act of intercourse will not be performed, in which case the secondary end of remedy is frustrated; or they can decide to engage in the act of intercourse while respecting the physical integrity of the act and disregard the fact that they do not have the means to rear these children properly; or they can perform the act of intercourse and deliberately frustrate the procreative characteristics of the act by contraception in some form. In doing this, the couple also violates one of the essential, intrinsic ends of marriage.

These authors offer other alternatives in order to preserve the universal truth and validity of the major premiss. For example, the distinction that is made between the fundamental and proximate right could be applied. They say that each partner has the fundamental right to acts

which remedy concupiscence, but does not always have the proximate right to these acts. In refusing to accede to the wishes of the spouse, one partner makes the decision that this refusal does not constitute a violation of the fundamental, but only of the proximate right, and therefore a refusal at this time and in these circumstances is just and legitimate. But to use this distinction in such a case requires a change in the major premiss to make it read: Any violation to a fundamental right to acts which lead to an intrinsic, essential end of marriage is immoral. However, such a change does not solve the problem either. If the immorality of the act consists in a violation of the fundamental right to acts which of themselves lead to the essential, intrinsic ends of marriage, then it is not clear that contraception is intrinsically immoral because the contraceptive act of intercourse need not destroy the fundamental right to acts which are procreative. It is true that the particular act is deprived of its ability to procreate, but this is the proximate right and not the fundamental right. So if the major premiss is modified to include only the fundamental rights to acts which achieve the ends of marriage, then it seems that the only contraception which is immoral is that which excludes all acts of intercourse which are procreative. It does not condemn those

contraceptive acts of intercourse which do not destroy the fundamental rights to acts which are procreative.

To return to the example of the spouse who wanted the act of intercourse as a remedy to concupiscence, another solution to the dilemma might be suggested. If the spouse seeking the act realized all the circumstances which would make the request unreasonable, he could prevent a refusal by not presenting his request. In this way the act which would allay concupiscence would not be refused and no immorality would occur. This solution is naive because even if a given partner did not verbalize his request, he still has the need for the remedy and his fundamental right to the act which will provide the remedy. In addition to this, spouses who are living together in the closest unity which men can realize know each other's needs and desires without verbalizing them. People who are married communicate most effectively without words, so to assume that one spouse can conceal his desires from the other by the refusal to verbalize it is to assume that the bond of marriage is so weak that it requires words to express its unity. Married people read the hearts of their spouses by actions and attitudes more than by words. Thus, even without a verbal presentation, the request is made and the response of the other partner received. If the response is a

refusal, the refused partner knows the denial does not come from his spouse, but from the situation.

If the request is not made, the partner bases his decision not to make the request on an assessment of all the factors in view of the consequences which will or might follow from his action, The desirability of the act is based not on the act itself as an isolated event, but rather on the act as one element of a total situation. This is the principle of totality. The principle of totality states that actions are to be done or avoided in so far as they further or diminish the good of the whole. This totality is to be understood not only in terms of all the actual details of the moment, but more in terms of the absolute finality of the people who are married, in the family and of the marriage itself. In acting with a view to the whole, a person subordinates all ends of all levels of his life to the existential situation in which he finds himself as directing these details to his last end. It is in this sense that the major premiss of the original syllogism is true. Any violation of an intrinsic, essential end of marriage considered in its totality would be immoral. If, in the case of the person who was seeking intercourse as a remedy of concupiscence, the refusal, whether it be verbal or implicit, does more harm than good to the whole and finality of the domestic society; then the refusal is immoral.

The decision to apply the proximate right or to refuse the proximate right to acts which can achieve the ends of marriage has to be based on the principle of totality by means of a prudential judgment of the partners.

Part of the difficulty with this particular understanding of marriage lies in the fact that a plurality of ends is assigned to marriage and each end is somehow dependent upon and somehow independent of the other ends. The previous problem arises because it is assumed that each of the ends of marriage has an equality with each of the others. Even though the definition of marriage given by Fathers Ford and Kelly includes all the ends of marriage as goals which the partners have a fundamental right to pursue, they do not wish to contradict the obvious fact that there is a hierarchy among the ends.

For Catholics, however, the subordination of the secondary ends is a point of teaching so well established in the ecclesiastical sources that when Doms, Krempel and others questioned it their theories were soon rejected by the Church.

This essential subordination of the secondary ends is expressed traditionally by the terms "primary and secondary ends."<sup>9</sup>

In admitting that there are primary and secondary ends, these priests continue by explaining what this relationship is. They start by saying that the secondary ends are not

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<sup>9</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 127.

less essential because there are no degrees in essentiality.<sup>10</sup> They also deny that the secondary ends are means to achieving the primary ends. They are truly ends in the strict sense of the term.

It is now universally recognized that the secondary ends, while remaining essentially subordinate, have a certain quasi-independence, a certain value of their own, and can be legitimately pursued even when the primary end is completely impossible of actual fulfillment, or when for sufficient reasons its fulfillment is deliberately avoided.<sup>11</sup>

They also exclude the possibility of the subordination of the secondary ends to the primary ends on the part of the finis operantis.<sup>12</sup> If the secondary ends of marriage are subordinated to the primary ends and this subordination is not the result of the degree of essentiality, not the relation of means to end, and not the result of the finis operantis, in what does the subordination consist? Perhaps it is wise to question the fact of subordination of ends, or even of the plurality of ends.

In holding that there are a plurality of ends, a person will have to defend the position that there is an order of priority among these, otherwise there will be a

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10 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 128.

11 Ibid., p. 129.

12 Ibid.

conflict of ends, as we have already seen above. In order to avoid the complete destruction of the object which has a plurality of possible goals, one of them will have to be primary in the sense that this goal will always be given priority when there is a conflict between the many possibilities. If this priority is not present, then one action may lead to the achieving of one goal and a subsequent action which leads to one of the other goals may undo the work which the prior action achieved. To avoid this situation, then, each thing must have one end toward which it aims and to which all else is subordinated. This particular view is maintained by Fathers Ford and Kelly at least implicitly when they maintain that the social ends of marriage are more important than the personalist ends of marriage. They, in practice at least, accept the primacy of the traditionally held primary ends of marriage. They say this in the following words:

On the other hand, it is not impossible that in a natural institution like marriage nature herself has shown her hand, and reason itself can give us a clue as to what is more important, the personal purposes, or the purposes that serve the species. [...] Since the good of the species is more important to nature than the good of individuals, procreation and rearing of children is a more important end of marriage than mutual help, conjugal love and the remedy.<sup>13</sup>

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<sup>13</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 130.

This acceptance of the principle of a hierarchy of ends of marriage is certainly the only reasonable position which can be maintained, but the choice of the social ends as superior to the personalist ends does not carry with it the same conviction of reasonableness. The reason given for this choice is that the good of the species is more fundamental than the good of the individual. This particular principle is not so evident. In the first place, reality is found primarily and properly in individuals, not in species. The species as species does not exist in the simple sense of that term. Properly speaking the species is nothing more than a logical classification of individuals according to their notes of identity—logical identity. As a result of this, the species cannot claim primary rights or be the primary subject of properties. Secondly, the species as such cannot be directly benefitted and depends upon the individuals and their perfection for its perfections. In this sense, then, there can be no conflict between the specific perfections and the individual perfections since the specific perfections presuppose the perfections of the individual. It is also true to say that the specific perfections do not presuppose that each and every individual be perfected or perfected completely. Nor is it true to say that the perfection of the species is the result of the collected or collective perfection of

the individuals. The point of importance in this relationship between the specific good and the individual good is that the dependence of goods for each is mutual to a certain extent, but the priority of dependence is from the species to the individual and not conversely. This means simply that the specific good cannot be achieved independently of the personal good of all the individuals who constitute the species, while the individual good can be achieved without this dependence on the specific good. This view presumes that not all of the personal perfection of the individuals contributes in se et qua talis to the perfection of the species, nor does the good of the species require perfection of the individual to the extent that he is perfectible. What is required is that to the extent that the individual perfection can contribute to the specific good and to the extent that the specific good can demand such perfection, to this degree alone does the specific good depend upon the individual perfection. To the extent that the individual depends upon society to that degree does the individual good depend strictly on the specific good in the absolute sense. The infant and very young child depend upon the domestic unit for continued existence; but once that level of physical life has been reached, the degree of dependence of the individual on the species is one of hypothetical necessity rather than

absolute necessity. If an individual wants to live well, he needs society. If he merely wants to live, then he could do so as a hermit; but not completely in the human sense.

In order to understand more fully what is meant by the term 'species' in this context, it is good to analyze the term. As this word is used in reference to the question of contraception, it means society. Society is benefited by the addition of responsible adults to its number. When society has a sufficient number of mature individuals, the work and activity of each of its members can become more highly specialized to the benefit of all those within the society. More leisure time will be available for all so each can develop his properly human activities. Each man will have the security necessary to free his mind for those pursuits which would be hindered by worry and turmoil. When the word 'species' is used in this sense—meaning the community of men—then the specific good becomes intelligible and clearly signifies a good whose purpose is the good of the individuals who are the members of society.

Within this same context, though, it is clear that this good is achieved only by the rational addition of mature, responsible adults. The mere addition of numbers not only does not benefit the specific good, it destroys it. The addition of those who are not responsible places a

burden on the species. Among those from whom society does not benefit are children who are both immature and irresponsible and adults who are either immature or irresponsible or both. Society welcomes the former group since there is hope that the vast majority of the children in any given society will some day be both mature and responsible and will contribute to the welfare of the social unit. The second group will always tax the resources of society and will probably never contribute to the common good because they will either never mature and assume their roles as responsible citizens within the community. Both the children and the irresponsible adults require care, protection and instruction from the species. Therefore, not only do they draw from the economic resources of the community without replenishing it, they also tax the personnel resources, the psychological stamina, and spatial capacities. Children do this by needing food, clothes, schools, playgrounds, and toys, not to mention parents, teachers, and guardians. Irresponsible adults do this by requiring food, clothes, detention homes, penitentiaries, guards, police, investigative agencies, etc., in the case of criminals; hospitals, doctors, nurses, etc., in the case of the ill. Without condemning children or the ill, it becomes evident that the addition of these two groups does not contribute to the specific good in themselves.

If any of these three groups becomes disproportionately large, the good of the species becomes threatened. If there are more children than can be fed, clothed, and educated, then the benefits of society disappear. These children will not be prepared to assume the role of responsible citizens when they have reached the proper stage of life. When society—which is a finite unit—is burdened beyond its ability to cope with the task, it crumbles. When the social group is unable to provide its citizens with the proper benefits, the state collapses to the detriment of all the individuals within it. In order for the species to realize its good, there must always be a sufficient number of perfected individuals within it who can and do assume their part of the social function for the benefit of all. The present day facts illustrate only too well the decay of the specific good when the reasonable limits of the species are exceeded. In countries such as India and China, where the number of people far surpasses the capabilities of the society, we find disease, ignorance, malnutrition, and tyranny. These are the evils which flow from an excess of number and the deterioration of the personal good within society. It seems clear, then, that the specific good can be realized only through the personal good and therefore, it seems difficult to understand in

what sense the social or specific good is more fundamental than the personal good.

The obvious meaning which can be given to the word 'species' which certainly can claim a more basic classification than personal is the logical meaning. In this sense, every person to be a person must first be specified in the order of nature. Thus, every individual is already constituted in a genus and species before he is constituted a person, but in this sense species is not properly the subject of existence or any of its consequences. In this sense of the term, no species ever marries. The people who marry have many identical specific notes, but this is accidental to the subject who marries. Therefore, even though species as a predicable is prior to person as a predicable, it cannot become the basis for a principle which states that the specific good is more fundamental than the personal good because, as a predicable, species is not found in the existential order. Thus, species has the priority of nature in the logical order with a foundation in knowledge; but in the real order it is the person who is the primary unit of being and his specific attributes depend on his personal existence for being.

Is there any sense in which it can be said truthfully and validly that the good of the species takes precedence over the good of the individuals? Yes, there are

instances when the personal good can be subjected to the specific good, but never in the most rigid sense of these terms. In other words, the specific good cannot take precedence over any individual to the extent that it would deprive the individual of all his good. This condition does not exclude the right of capital punishment since in this case it is not a question of conflicting rights. The criminal cannot usurp the rights of other individuals or groups and in making an attempt to do this, the criminal forfeits his rights to be part of the social unit. If it is decided that such a criminal can be excluded from society only by death, then it is because the particular individual has first forfeited his personal right to life by abusing society with it that allows the group to penalize the individual. In this case, the principle by which the specific good can be said to take precedence over the individual is made clear. The specific good is to be preferred over the individual good only to the extent that some particular aspect of the individual's good positively hinders the lawful and equitable goods and rights of other individuals and if the submission of the individual good to the specific good rectifies the social inequality present. In requiring that the individual good be a positive hinderance to the specific good, we mean that whatever the individual has or does either positively destroys the rights of others or

effectively hinders others from exercising their rights or duties. When such a condition prevails, then the group can elect to require that a given individual forego his personal right if such an action will in fact restore the goods of the group or remove the hinderance which prevents the society from achieving its goals.

In the case of contraception, this principle can be invoked only in the extreme. If the number of people in society dwindles to such an extent that there is real danger to the continued existence of the race, then it would seem reasonable to demand that all those who are capable of generating children do so. This situation could arise if the number of either men or women were severely diminished even though the total number of human beings was great. But lacking such an extreme case, it does not seem reasonable that the species can demand the forfeiture of the familial rights and personal rights of married people.

Secondly, it is not immediately clear that either marriage or sexuality directly serves the needs of the species unless it is assumed that the mere production of babies is a service to the species. Such an assumption is difficult to maintain in the light of the previous discussion where it was shown that the person who is not both mature and responsible is more a burden than a benefit to the species. It is our opinion that the species is best

served and served only to the extent that the individuals are perfected. Thus, it seems that marriage serves first and foremost those who are married and secondly the children born of the marriage. It serves the species only indirectly and remotely by molding responsible and mature individuals. Its primary result is to perfect the man and the woman and as a result of this perfection, it perfects any children who are members of the family but only to the extent that the man and the woman are already perfected. Sexuality also does not perfect or serve the species directly. Primarily, sexuality serves the individual who is sexed. Secondly, in its relational function, sexuality serves marriage. Within its relational function, sexuality sometimes serves generation, but this is a service to the species only in a remote way. Pregnancy is the first in a series of processes which can terminate in a mature, responsible individual; but it does not necessarily follow that every pregnancy, much less every act of sexual intercourse, will promote the specific good. Between conception and maturity there are a vast number of elements which must be realized before the person is ready to assume his rightful role in the species. Because of this vast expense between marriage and the good of the species and sexuality and the good of the species, it is difficult to see how it

can be said that the primary ends of marriage are more fundamental than the secondary in this sense.

In viewing the needs of the species and the effort required to fit the individual to be of service to the good of the species, it seems that it is not unreasonable to hold that the so-called secondary ends are more fundamental than the primary ends. In saying this we do not disagree with Fathers Ford and Kelly who say that the secondary ends of marriage are not to be considered of value only as means to the primary ends;<sup>14</sup> but the truth of this statement resides in the negation of its exclusive property. The secondary ends are not valuable only as means, they have value and goodness in themselves. They also are a good to the extent that they are a means to the procreation and education of children. However, in discussing the relationship of the primary and secondary ends in terms of the good of the species, it seems necessary to consider the secondary ends of marriage as they are the sine qua non conditions for the achievements of the primary ends. This relationship maintains its validity only if the primary ends are considered in their strictly conjunctive relation. If procreation is understood to refer only to the

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14 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 128.

conception of a child and the birth of an infant, then the secondary ends of marriage are not necessarily related to this end at all since this end can be achieved without love or marriage. On the other hand, even if the child is adopted, the secondary ends are more fundamental since the education of the child requires that condition and atmosphere which only the actualization of the secondary ends of marriage can produce.

To say that the secondary ends are valuable as a means to the primary ends is not to say that the secondary ends are means to the primary ends. There is quite a difference between a sine qua non condition and a means. Light is a sine qua non condition for vision, but not every illuminated object is seen. Even when a person sees and sees illuminated objects, he does not see an object because it is illuminated. He sees it because it is colored and the condition for the viewing of color is light. This distinction may be better understood if the example of driving is taken. If a person wishes to drive from New York City to Boston, he uses a highway. The highway is not a means for driving from New York to Boston, but it is a condition for driving to the extent that the road is a smooth, hard, somewhat level surface which makes driving possible. The effect of the existence of the road is that it can be driven on. So too with secondary ends of marriage. A man

and woman do not aid each other in order to procreate and educate children. They aid each other because they love each other. They wish to be of assistance to each other because this manifests their mutual esteem. A side effect of this mutual assistance is that any and all witnesses will profit from the good example such action sets. A child needs this sort of example in order to learn that society depends on love and generosity. But that the child learns from this action of the parents is accidental to the parents' act. So the relation between the primary and secondary ends of marriage in terms of the good of the species seems to be that the secondary ends are more fundamental as the sine qua non condition for the achievement of the primary ends understood in the strict conjunctive relationship.

Despite the fact that Fathers Ford and Kelly deny that the secondary ends are just means to the primary ends,<sup>15</sup> they quote and accept the argument of Monsignor Wynen, a canonist, to defend the view that the primary ends are more fundamental.<sup>16</sup> Wynen's argument begins with the idea that what is proper to marriage must be distinguished from all else that is found outside of marriage.

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15 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 128.

16 Ibid., p. 132-134.

Therefore, inasmuch as mutual help and common life are said to be proper to matrimony and are its secondary fines operis they ought to be viewed in the light of some special property by which they are distinguished from any other common life involving mutual help. They are thus distinguished by their internal relation to the primary end, by which end conjugal union is set apart from every other human society.

[...] This relation of the secondary end to the primary is found first in the origin of this end and in the origin of the corresponding right to mutual help;—which is demonstrated as follows: the immediate and essential object of the matrimonial contract is the exclusive and perpetual right to the person of the partner with a view to acts which are per se apt for the generation of offspring [...]. There derives from this right as a natural consequence and complement, a right to all those things without which the right of generating—and consequently also of rearing—the offspring cannot be realized in manner befitting the dignity of human nature. Now then, the right of generating and rearing offspring in the aforesaid manner cannot be realized unless to this principal right there accedes a right to mutual help, including a right to the sharing of life or a right to cohabitation, to a common bed and board, and to help in all life's needs. [...]

[...] Just as the right to the sharing of life and to mutual help is intrinsically dependent in its origin on the principal right to generative acts, and not vice versa; [...].

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Indeed every man, simply because he is of his very nature "a social being" needs the help of others; and he finds this help both because he is a member of human society in general, and of a determinate civil and domestic society in particular. In this help which is common to all there is included also that help and completion which one sex (even prescinding from all carnal desire and activity) receives from the character of the opposite sex; for human society is made up of men and women mutually affecting one another. But this kind of common help cannot constitute a finem operis of matrimony; to constitute the latter it has to be further determined by some specific element, from which it may be evident why the Creator has endowed

matrimony with "mutual help" as a finis operis. This specific element again is and must be the relation to the primary end and to the principal right. The spouses, that is, from the very nature of matrimony are linked to the primary end of this institution because they have acquired through matrimony the right and the destination of becoming "authors of new life", by procreating and rearing children, even if de facto they do not become such [...].<sup>17</sup>

This lengthy quotation is given in order to show how Monsignor Wynen develops his argument and to see that it is used to show why there are secondary ends of marriage which are in fact finis operis of marriage. The Monsignor's opening statement is readily admitted. What is proper to marriage must be found only in marriage, in all marriages and always in marriage. But from this point on, it is not clear that the Monsignor makes his point. If it is true that the secondary ends of marriage are truly ends of marriage and not means to the primary ends, then the question arises why they receive their distinguishing characteristic from their relation to the primary end. An end is an end because of itself and not because of something other than itself. An action or operation may be directed to a term which is the proper term of that action or operation and this term may not be an ultimate end in itself;

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<sup>17</sup> Sacrae Romanae Rotae Decisiones, Vol. 36, decis 6, p. 65, as quoted by FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 132-134.

but it is still an end without reference to the ultimate end. If such an end is related to an ultimate end, this relation is accidental to the first end and becomes related to the further or ultimate end by reason of the finis operantis and not by reason of the finis operis. For example, the finis operis of the eye and its operation is vision. The person who sees may wish to use his vision for reading, but the reading done by the person is accidental to the function of the eye, which becomes the means of reading by reason of the finis operantis—the intention of the person in this example. Thus, with the secondary ends of marriage, they are not ends because of their relation to the primary ends of marriage but because of what they are in themselves. Mutual assistance is not desirable because of children but because it provides assistance to the spouses themselves. If the work of each spouse involves the care and training of children, this is accidental to the mutual assistance and the mental attitude which prompts it. The same reasoning can be applied to the other ends of marriage in that the fostering of conjugal love and the remedying of concupiscence is related to the spouses themselves and any benefit which may accrue to children is accidental to the finis operis of the secondary ends. Even if the finis operantis in the case of the secondary ends is the child, this still remains accidental to the secondary ends in themselves.

Further, if the aim of the spouses in practicing or performing those things which are suited to fulfilling the secondary ends is to promote the welfare and the good of the child and is not directed to the other partner, these actions will not achieve their ends in the case of mutual assistance and the fostering of conjugal love because these actions of themselves do not lend themselves to the child. If a man shows his wife signs of affection only to give good example to his children or to strengthen his wife for her motherly role, his affectionate activity will be restricted to those instances when his children are present or when he judges his wife is weakening in her maternal functions. The wife will recognize this restriction and know that it is not love which motivates her husband's activity, and this relationship will ultimately harm the children since they will recognize that there is little or no love between their parents. Everyone in the family will know that one partner uses the other for ulterior motives and will create an atmosphere of base utilitarianism in the home. In the case of allaying concupiscence, it is quite obvious that the achievement of this end relates to the spouse who is tempted and not to the children. In this sense, then, it is not so evident that the secondary ends of marriage acquire their properly matrimonial

characteristic from their relation to the primary ends of procreation and education of children.

If the secondary ends are proper to the matrimonial state and as such distinguished from the same actions in another state, then there must be something by which they are so characterized. As ends of marriage, the secondary ends are proper to marriage. What then constitutes their distinguishing note? That which distinguishes those actions in marriage by which the secondary ends are achieved from actions which achieve ends in non-matrimonial associations is love. This aim of the spouse colors and directs all of his actions. It dictates what he will do and what he will not do. It will regulate the manner as well as the scope of his actions. Just as marriage is not distinguished from other associations by reason of its association but rather by its end. So the actions by which the ends of marriage are achieved may not necessarily be distinguished from the actions of other associations by reason of the action, but by reason of the end. Actions of mutual assistance will be found in almost all forms of association, but precisely what such mutual assistance will require will depend upon the nature and purpose of the association. If people are associated for financial gain, they will regulate their activity by the profit sheet. They will do those things which will benefit all the associates in terms

of monetary gain, but they will not be concerned about the personal perfection of the associates. They will not do things which will lighten his psychological attitude unless it is judged that his psychological attitude will hinder or enhance his functional character in terms of the end of the association. If the association is based on a common fatherland, the concerns of one citizen for the other will be defined by the virtue of patriotism. If the association is between two people who share an apartment but are not married, their relationship will be defined by what they mutually agree are the requirements to maintain such an association. If the association is marriage, then the scope, degree, and manner of the association is defined by the end of marriage. So the mutual assistance which is proper to marriage is distinguished from the mutual assistance of other associations in that only in marriage does the end require that the whole person of the spouse be assisted. The mutual assistance found in other associations is more functional whereas the assistance required by marriage is personal, that is respects the person of the spouse. The mutual assistance of marriage may not necessarily require a functional expression, but may be satisfied by the psychological esteem which a glance gives. A husband may never do the dishes, but his eyes will tell the wife that he thinks she is a wonderful person. These activities

are defined and required by the very nature of the end of marriage.

If the end of marriage regulates what fulfills the secondary ends of marriage, how do we avoid the criticism which we just made of Monsignor Wynen's position where we said the secondary ends are valuable in themselves without reference to the primary ends, if they were truly ends? We do by accepting the position that there is only one end of marriage to which all other things are subordinated. The criticism of the previous paragraph is leveled against the position that there are in fact a plurality of ends which are truly ends. While it is true to maintain that those actions by which the end of marriage can be achieved can be considered in themselves and seem to have value in isolation, they are not properly part of marriage when so isolated. Because of the scope of marriage, all activities of married people are conjugal in terms of the mutual commitment made at the time of the marriage. As performed by married people, the details of the married life acquire meaning and value in terms of the ultimate goal of marriage and of the people who are married and not because of the particular actions considered in themselves. If this is what the Monsignor means by relation to the primary end, then we think he is correct.

In accepting the principle that the secondary ends of marriage are proper to marriage by reason of their internal relation to the primary ends, we do not define the primary end or ends of marriage. It is clear that whatever the primary end of marriage is, this regulates all that pertains to marriage as the ultimate end of marriage does, this regulates all that pertains to marriage as the ultimate end of all things regulates all that pertains to the achievement of that end.

When Monsignor Wynen uses the principle that the primary ends of marriage give meaning, he definitely understands that procreation is the primary end. His argument showing that mutual help is a right which can be demanded by a spouse is based on the right to procreate and the obligation to rear children. With this assumption, the Monsignor develops his argument on the basis of right. He says the essential object of the marriage contract is the right to acts of themselves apt for generation. He defines the object of the marriage contract as given by the Code of Canon Law.<sup>18</sup> He then assumes that this definition covers the reality of the marriage as it is a lived experience. This assumption is hardly verified by those who are married. If the people who enter marriage do so for the purpose of

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<sup>18</sup> Cf. Canon 1081, § 2.

legalizing sexual intercourse, the marriage is doomed to failure from the beginning. The attraction between spouses based on sex in the physical sense is certainly quite strong during the courtship and in the early days of the marriage, but this diminishes from a physical point of view as the marriage develops. If the permission to engage in sexual intercourse is the license to express the love one spouse has for another to the highest level of physical expression, then the Monsignor's argument is unnecessary and does not prove what he wants it to prove. He argues that mutual help is a necessary consequence from the granting of the right to acts which of themselves are apt for generation. He further qualifies this by saying that the right to mutual help flows from the right to these acts, not the mutual help itself.<sup>19</sup> His argument rests on the realization that the rearing of children cannot be accomplished in a manner befitting human nature if the mutual assistance is not given. In this sentence, the limitation of this argument is stated. If mutual help is required to provide the proper condition for the proper rearing of the child, then the end is achieved when that condition is fulfilled. But the mutual help, as we pointed out above, is not and

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<sup>19</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 133.

cannot be aimed at the child; but must be given to the spouse. Any assistance which is defined by the needs of the child ignores the needs of the spouse and is conditioned by the presence of children. For spouses to aid each other for the sake of children would mean that the spouses are reducing each other to the level of instruments. They are not helping each other for their own advantage but for the advantage of the child. If this is true, then, the role of the spouses in marriage is beneath the dignity proper to human nature. People are not instruments to each other and every attempt by one man to use another person is a degradation of the person used. The second difficulty with this type of hypothesis arises from the marriages which are sterile. When there are no children, one spouse cannot be accused of failing to provide mutual help because the reason for giving it is not present. This attitude is unbecoming marriages even when no children are present. It is simply a matter of fact that all mutual help to the extent that it is given in marriage is based on a regard for the person assisted, without regard for children. If one of the parents wishes to help the child, he does so directly without involving the other parent as instrument. If one of the partners has withdrawn his affection for the other, he will manifest this disregard by ignoring the needs of the other. He may even decide that the disregarded

spouse is an unsuitable instrument for setting an example before his children. Such a decision would be wise since a parent knows that his children can read the true attitude which is present between his parents and any attempt to show affection in a few acts would be offset by the habitual attitude of disregard. If the couple, however, have maintained a genuine relationship of love and mutual esteem, they will assist each other because they love each other and not because they wish to edify children. If there are no children, married people who are in love will be helping each other according to the peculiarities of their own love. If they do not love each other and there are no children, they will not help each other or even associate with each other. But if the reason for giving mutual help is the proper rearing of children, then people who do not love each other and do not have children can hardly be accused of doing anything wrong. Yet, even without children, people who are married seem to have some sort of relation which requires all those actions by which the ends of marriage can be achieved.

The argument used by Monsignor Wynen proceeds from the canonical definition of a marriage contract and proceeds as if this definition were either proved or self-evident. According to this definition, the primary end of marriage is the act of sexual intercourse which in normal

circumstances lead to the birth of a child. This precise assumption in the Code of Canon Law may provide an accurate rule by which the validity of marriages can be judged, but its truth and validity are not so certain if marriage is considered from its institutional character rather than from its contractual nature. If these two aspects of marriage are considered it is not immediately evident that the primary purpose of marriage as an institution is the procreation and education of children. To say this is not to deny that the procreation and education of children are linked to marriage; and to affirm that procreation and education of children is linked to marriage is not to affirm that it is the primary end of marriage. The question of the relation of procreation to marriage is precisely the problem which is being considered by the present discussion. If this question is not definitively answered, then the assumption of Monsignor Wynen's argument is invalid. If procreation is not the end of marriage as an institution, then it becomes the primary end of marriage as a contract only by reason of a human, positive law which can be changed or modified. If marriage as an institution does not have procreation for its primary end, what is the purpose of marriage? To answer this question requires two things: first, it is necessary to see why procreation does not seem to be the primary purpose and second, it is

necessary to see what can qualify as the primary purpose.

There are several difficulties inherent in the position that procreation is the primary purpose of marriage. The first one stems from the realization that when people marry they do so because they have an affective attitude toward each other and do not consider the birth of a child as primary. Even if the affective relationship of the people is base sexuality, this attitude does not consider the birth of a child as primary. Thus, if the birth of the child is primary in the mind of the designer of the institution, then it seems he has to lure people into the situation by which children can be generated. This does not seem to be in keeping with the nature of God to deal with his rational creatures in this way. If the procreation of a child is a good, it seems that God would present this goodness to the people who marry and prefer the rational compliance with this good rather than luring them into having children. God is more pleased with rational response from his rational creatures than with mere irrational conformity. If he prefers willing service from men and has made the procreation of children the primary end of marriage, it would seem that God would make that purpose more evident to the people who are marrying and married.

The second problem which remains unanswered by those who hold that procreation is the primary end of

marriage is that this finality of marriage is always extrinsic to marriage. Marriage concerns the people who marry and it is accidental to the marriage that there are children or no children. The final cause is extrinsic in the sense that it is not an intrinsic component of the thing whose final cause it is; but all final causes which are truly final causes are not accidental to those things to which they are final causes. If something is a goal which can or cannot be attained by a particular object, then the goal is accidental to the object or the object itself is defective. If procreation cannot be attained by a marriage, then either the marriage is defective or procreation is accidental to the marriage. Marriages which are contracted are not essentially defective even if it is known in advance that this marriage cannot generate children. It is true to admit that a childless marriage is defective to the extent that it does not achieve all the possibilities which marriages can achieve, but this defect is accidental and not essential. Where there is an essential defect, there is no marriage. Since it is true that marriage is not constituted marriage by the employment of sex or the procreation of children, it seems reasonable to question procreation as the primary end of marriage. It is true that no object is constituted by its primary end, but it is true that all objects are specified by their primary end. Thus,

the eye as eye is not constituted an eye by color or even the vision of color, but the constitution of the eye is ordered to the seeing of color. Wherever an eye operates as an eye, it sees color. It is also true to admit that a marriage would not be constituted by the end of procreation if it were granted that this were the primary end of marriage; but it is not evident that marriage is specified by procreation. Married people act as married people in many ways which do not involve sexual intercourse or any other activity related to procreation. If it follows that everything is specified by its end, then it is not evident that procreation and the rearing of children is the primary end of marriage.

If we accept the principle that marriage is specified by its primary end, what does qualify as that end? From a study of marriage as a vocation and in its evolution, it seems that marriage is a way of life by which the spouses attempt to perfect themselves in terms of an ultimate end. In the Christian tradition, the ultimate perfection which can be achieved in marriage is the sanctity and ultimate achievement of heaven by the people who are married. Fathers Ford and Kelly admit that in some sense mutual sanctification is the primary end of marriage.<sup>20</sup>

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<sup>20</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 147.

The question is: is mutual sanctification or mutual perfection absolutely primary in the sense that all other "ends" of marriage must submit to its requirements, or is it primary only in a relative sense such that in some instances this end must be sacrificed to some other end? Since it is evident that the race will be sanctified only if the members of the race are sanctified and since it is true that God wills the sanctification of all men, it seems that the divinely appointed goal of each man as man is sanctity. Every vocation is the means by which a man pursues this divinely appointed end of sanctification. Marriage, as a vocation, has for its end the mutual sanctification of the partners. This end is the absolutely first end which marriage offers. Within this orientation, all those things which pertain to marriage are moral or immoral to the extent that they lead the partners to sanctity or away from it. As a way of life, then, all the immediate objectives of marriage are subordinated to this final end of beatitude. So while Monsignor Wynen's position is correct in holding that mutual help is subordinated to the primary and essential end of marriage, he does not seem to be correct in subordinating it to procreation. In maintaining that mutual help is subordinated to the final end of beatitude, the difficult cases of sterile marriages are accounted for, the persons of the spouses are considered and the finality

of the marriage brought to a condition where it can specify all the acts of the association. This goal does not exclude or overemphasize the possibility of effective procreation. What such a position does do is challenge the view that the secondary ends of mutual assistance, fostering conjugal love and allaying concupiscence, are subordinated to the primary ends of procreation and education of offspring.

It might be objected that our argument is based on marriage as a vocation while Monsignor Wynen's argument is based on marriage as a contract and therefore, we have not dealt with the position of the Monsignor. This objection does not have the force it may first appear to have because marriage as an institution is prior to the contract and regulates the terms of the contract. Marriage as an institution is marriage as God established it. It considers the man and women in their personal natures as creatures predestined for eternal salvation. The contract of marriage is the exchange of commitment by the man and the woman who agree to assist each other to their ultimate perfection in this way of life. The specific terms of the contract derive from the institutional character of marriage. How the contract is executed is not specified by the nature of marriage as is evident from the variation found throughout the world and history. The essence of the contract of marriage

is found in the consent which each partner makes to being married. When they have made this commitment, the partners are able to begin exercising all of those actions which will lead them on to the goal of mutual sanctification. Further determinations of the contract which may be specified by positive law are consequences of the consent made to be married. They are mentioned in detail in order to inform those who wish to marry and who are married of what is involved in their commitment. They are also means of enforcing the execution of the commitment when a particular individual fails to live up to his agreement. So the contract of marriage is not opposed to the institution of marriage, but is the first act of the institution and from a juridical point of view is the explicitation of what the natural institution is. Therefore, to maintain that the end of the institution of marriage is the mutual sanctification of the partners is to maintain that the end of marriage as a contract is the mutual sanctification of the partners. To hold that marriage as an institution has an end different from marriage as a contract would be to hold that there are two types of marriage, natural marriage and legal marriage. That there are two different types of marriage is not immediately evident. Marriages are a permanent association based on the consent of the partners to assist each other in achieving the end of marriage. Any

other association, no matter what its character, is simply not a marriage.

While most would certainly deny that there are different types of marriage, some might maintain that marriage can be considered from several points of view and from different levels and that these different planes do in fact have different ends. This is in fact the position of those who argue against contraception on the basis of the needs of the species as distinct from the needs of the individual. St. Thomas makes this distinction when he is defending the practice of celibacy:

For we should keep in mind that one type of rational explanation is to be used for things which belong to the needs of the individual man, while a different one applies to the things that pertain to the needs of the group. In regard to things that pertain to the needs of the individual man, it is necessary to make provision for each person. [...] But, in the case of things that are necessary for the group, it is not necessary for the assignment to be given to each person in the group; indeed, this is not even possible. [...] So, since procreation is not a matter of the need of the individual but of the need of the whole species, it is not necessary for all men to devote themselves to acts of generation; [...].<sup>21</sup>

In this chapter, St. Thomas is arguing against those who would condemn celibacy and consecrated virginity. When he says, therefore, that not everyone need engage in acts of

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<sup>21</sup> St. THOMAS AQUINAS, On the Truth of the Catholic Faith, trans. Vernon J. Bourke, New York, Image Books, 1956, Book Three, Part 2, p. 192-193.

generation, he is not allowing for the possibility of contraception but for the possibility of total abstinence from sexual intercourse. He bases his argument on the distinction made between the needs of the group and the needs of the individual. Whether or not this argument can be used in favor of contraception is another question which we are not dealing with here. The point of his argument is that both the individual and the group have rights which impose obligations and the rights of individuals place obligations on the individuals singly understood while the obligations placed by the group do not require that each and every individual of the group assume the duty to fulfill it. The only requirement established by the needs of the group is that some of the group dedicate their efforts to fulfilling them.<sup>22</sup> This qualification is not a matter of option, but of necessity. The group needs require a division of labor in order that the whole be perfected. If everyone were a carpenter, the group would not be perfected not its needs met since some of the needs of the group are satisfied by people who are something other than carpenters. Therefore, it is clear that the group demands cannot be placed on each and every member of the group. The criterion by which the

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<sup>22</sup> St. THOMAS AQUINAS, On the Truth of the Catholic Faith, Book Three, Part 2, p. 192-193.

obligation arising from the group is to be assumed by the individual is the particular good. The particular good in this proposition does not mean the immediate, short range good, but the ultimate good of the individuals. The purpose of the group is not to serve the particular individual's good immediately and directly, but to serve the individuals indirectly and mediately to the extent that the group can provide services and safeguards which would deter the individual from his own proper work if he had to provide these unaided. So while it is true that the different levels of life make different demands on the individual and that different groups have proper ends, all of these demands and ends are subordinated to the ultimate good of the individuals who are members of the group.

This same subordination is found in marriage. As a community, marriage has ends which are proper to it and different from the ends of the people who are married. Yet, the ends of marriage are subordinated to the end—ultimate end—of the individuals. This relationship of the ends of marriage to the ends of the individual requires that if a conflict should arise between the ends of marriage and the end of the individual, the former must submit to the latter. The same relationship is discovered between the family and the state. The state is for the service of the family and not conversely. That the state can require

some services from the family and individuals who are members of the family is in keeping with the principle that the state is for the service of the family. This follows because the reality of the state is limited to the reality of the individuals who are its citizens. The state as such does not do anything because the state as such does not properly exist. In order that the state serve the family and the individuals in it, certain men who are individuals must perform certain functions. The functions performed by these individuals in society are performed for the good of all the citizens and this follows because the state is ordained for the good of the individuals.

Although the argument of the previous paragraphs is conducted in terms of relational groups such as the family and the state, what has been shown is valid when the discussion is conducted in terms of the species. The term 'species' is applied to the whole human race and transcends any particular group formed by men. But the species has no reality apart from the actual individuals who compose it. Species is the grouping into a unit on the basis of a natural similarity rather than a civic or domestic similarity. Because of its foundation, the species can take a precedence over the groups unified by nationality or marriage, but it cannot dominate the good of the individual since the

reality of the species is found only in the reality of the individual.

Does this argument apply to the question of the relationship between the end of the species as opposed to the end of the individual? When St. Thomas considers this question in the context of fornication, he does not distinguish between the good of the individual and the good of the species. He held that the purpose of the generative act was the good of the species and not the good of the individual.<sup>23</sup> He means preservation in these texts when he says the good. On the basis of this opinion, he concludes that every emission of sperm which cannot generate is contrary to the good of man.<sup>24</sup> The only meaning which can be attributed to this text which is consistent with his later principle cited above is that all uses of the generative faculty are for the good of the species and are good for the individual only to the extent that it is good for an individual to assume his share of the generic obligation. Such an understanding would allow St. Thomas to maintain his position that celibacy was not unnatural while any deliberately sterile use of sexuality is. This position

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<sup>23</sup> St. THOMAS AQUINAS, On the Truth of the Catholic Faith, III, Pt. 2, p. 143; Summa Theologiae, II-II, Q. 154, art. 2, in corp.

<sup>24</sup> Idem, On the Truth of the Catholic Faith, III, Pt. 2, p. 144.

rests on the principle that no man is obliged to assume the obligations of the race, but if he does choose to assume them, he must serve the ends of the species. As this principle is stated here there can be no argument against it. The difficulty which does arise stems from understanding the terms 'end of the species' as equivalent to procreation. That St. Thomas would hold this position is not difficult to understand since he was under the strong Augustinian influence in theology and did not have sound biological principles. He did not know the physiological conditions required for procreation, he knew only the most obvious effects of some acts of sexual intercourse. Since the child is such a magnificent effect of sexual intercourse and since the theological tradition of his time maintained that the only reason which justified sexual intercourse was procreation or the payment of the conjugal debt, it is not unreasonable to expect St. Thomas to make the statement he does about the emission of semen.

No matter how reasonable the Angelic Doctor's view may be in terms of the circumstances in which it was written, the truth of the proposition must be judged in terms of reality. It is clear from Aquinas himself that he does not hold that every emission of semen in such a way that generation cannot follow is contrary to the good of man. He holds that at least some nocturnal emissions are for the

good of man and not sinful.<sup>25</sup> From the context of the chapter in the Summa Contra Gentiles it is also clear that St. Thomas does not intend his conclusion to be taken as an unqualified universal. He understands good as that which preserves. In this sense, he wants to say that the generation of children does serve the good of the species' and not the good of the individual parents. However, even in this sense, the great medieval theologian was led into error by the limitation he had in science. While the birth of a child is a potential gain to the species, the statement that the generative act is not for the good of the individual needs a further distinction. The biological function of sexual intercourse, conception, and parturition is not necessary for the biological good of the individual and the individual can preserve his biological existence without any of these functions. But man is not only a biological being, he is a human being. If man is considered under the formality by which he is in the most proper sense, is it still true to affirm that sexual intercourse which is not procreative is contrary to the good of man? If the man is not married, any intercourse would be contrary to his good understood as his ultimate end; but it would not be contrary to his nature in the sense that his biological

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<sup>25</sup> St. THOMAS AQUINAS, Summa Theologiae, II-II, Q. 154, art. 5.

nature is harmed. If the man is married, his biological nature is not harmed, and infertile sexual intercourse is not always contrary to his proper good even if the contraceptive intercourse is evil for other reasons because periodic abstinence is a form of sexual activity which employs sexual intercourse only at those times when temporal sterility of the woman prevents the act from being fertile. Therefore, it is simply not true to say that every act of sexuality in which there is a male orgasm is contrary to the good of the man if it is not fertile. The only case in which the statement would be true would occur when a person performed an act of contraceptive intercourse with an artificial instrument and such an act were clearly immoral. But this case cannot be assumed to be immoral until it is clearly established that contraception by means of an artificial device is immoral. If that were clearly known, there would be no point to this thesis.

Because St. Thomas did not make the above distinctions, he maintained the position that the end of marriage was the procreation of children and ordered all the parts of marriage to this end. He, therefore, did not think it was possible to apply the principle of the distinction between the good of the individual and the good of the species to the problem of marriage and sexual intercourse. Since he assumed that the primary end of marriage was the

procreation of children, he assumed that a person who married assumed the social obligation to procreate and that no other end could be substituted for this one by man's voluntary action. It is clear that his assumption is not valid since it also condemns periodic abstinence which is allowed today. This present day position places some limitation on the universality or extent of the primacy of the end of procreation because even in the practice of periodic abstinence there is a subordination of the procreative use of sexuality to some other end.

The criterion by which a limitation can be placed on the extent of the primacy of the procreative end, then, somehow becomes more primary than procreation itself. The end of procreation and education taken in strict conjunction somehow demand some further end because the very nature of the procreative process by which an adult is produced requires a direction. Why is a person educated from infancy to maturity? If the educational process has no goal, the education will be haphazard and confused. It is clearly the aim of education to prepare a person to take his rightful place in the temporal order immediately and his place in eternity ultimately. This final goal directs all the particular actions of his parents and teachers and requires that they be prepared to offer him all the benefits they can both by word and deed. Since this is the

ultimate end of both parents and child, all the particular ends of marriage are subordinated to this end. To this extent, then, as we noted above in discussing Monsignor Wynen's argument, the question of the relation of the ends of procreation to the secondary ends is settled in terms of marriage. All of these ends are subordinated to the end of ultimate perfection of the people who are married. The degree to which the commonly accepted ends of marriage are subordinated to each other is determined by the degree to which the fulfillment of these ends leads the married persons to their ultimate end. To make the statement true that all contraceptive intercourse would lead the married couple away from their ultimate perfection would require some evidence which would show that the people who are married could never be in a situation where there is a conflict between the procreative end of marriage and any of the other ends. That such a condition will never be found in marriage is evident to anyone who is married. Many times in marriage mutual help, the fostering of conjugal love or the remedy of concupiscence will require the highest expression of human love when such an act will generate a new child when such a child cannot honestly be accepted in justice or charity. To solve this dilemma with the platitude that mortification will increase the sanctity of the partners and produce greater love and grace in them for

both time and eternity is to be ignorant of both sanctity and sex. Sanctity does not consist in mortification, or giving things up, but in loving. Mortification is a necessity to moderate inordinate desires or tendencies, but it seems a strange pronouncement to say that a man's love for his wife or vice versa is inordinate when this love can be expressed appropriately only by sexual intercourse. A man's love for his wife does not always require the most intense form of human intimacy, but when the situation does demand this expression, it seems to be a strange type of sanctity which forbids it for biological reasons. To require that married people follow a rule of mortification because their emotional and intellectual lives are not controlled by biological cycles is to ask them to guide their moral conduct according to an irrational principle. Love should follow from human nature, but when a man loves a woman humanly, he involves his emotional powers which in turn seek their expression physically. Men do not love biologically, but humanly. While it is true that some men cloak selfishness under the guise of love, it is not true and is unjust to accuse all people of being selfish and deceitful when their affection leads them to sexual intimacy. It is a married person's vocation to love his spouse and such love involves sexual expression independently of the biological ability of either to conceive a child.

At this point it might be objected that the love which is proper to married people must respect the nature of sexuality to be ordinate and that any use of sexuality which frustrates the inherent power of sex is inordinate and needs mortifying. This objection shifts the context of the argument from the nature of marriage as the basis for condemning contraception to the nature of sexuality. Accepting this change of reference, we cannot deny that the love a married person has for his spouse must respect the total nature of the beloved as well as his own nature and this includes the sexual faculties and operations of both. But to admit this does not prove that contraceptive intercourse is evil. To think that it does is to assume that the nature of sex and sexual operations is to procreate children. This finality of sexuality is not clearly evident, as will become evident later when we will discuss the nature of sexuality. Despite the fact that this finality is not so obvious, Fathers Ford and Kelly maintain that procreation is the primary end of the sexual act and the sexual faculty and that it is this end which is the principle by which Papal documents and theological reasoning prove the immorality of contraception.<sup>26</sup> But it seems to us that the only way the nature of sexuality and the sexual

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<sup>26</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 137.

act can be used to establish the immorality of contraception is to assume that the procreative possibility is absolutely first and that it has the special inviolability which Fathers Ford and Kelly assert that it has.<sup>27</sup> But to make this assumption is to introduce several difficulties which are not answered by these authors. The first question that comes to mind when this assumption is presented is what are the grounds for making it? Some try to justify the assumption on the basis of a concern for the supernatural life,<sup>28</sup> and the argument proceeds on the basis that man has a supernatural destiny which regulates his whole life. Such an end precludes all things which militate against the spirit. No one can deny that practices and conduct which lead a man away from his eternal end are immoral. But the assumption that sex is one of these things which leads man away from his eternal end is something which needs proof. It is true that sex, like any other good, can become an obstacle to perfection when it is given a role out of proportion to its reality. Such a situation, however, does not stem from the nature of sex but from some other source such as bad will, moral incontinence, etc.

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27 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 137.

28 Stanislaus de LESTAPIS, S.J., Family Planning and Modern Problems, London, Burns and Oates, 1961, p. 97-98.

In its reality, sex is a part of a human being and as such is good. It is also true that the sexual pleasure is quite intense and for this reason absorbs the whole man when it is experienced. For this reason some writers have held that sex is a distraction from God.<sup>29</sup> This position is valid only if sex preoccupies a person out of proportion. It is not correct to hold that an activity is a distraction from God just because it demands the complete attention of the man. If it were correct, then no one could do anything without an actual intention of serving God. Such a position would exclude the possibility of devoting time to the study of theology, philosophy, mathematics or any other effort which demanded attention. In each of these enterprises, as with sex, the person can serve God, promote self-perfection, and still give his full attention to the task at hand if he serves God with an habitual intention. If a man tried to divide his attention between God and the task at hand, he would neither contemplate God well, nor perform his job well. So while it is true that a person engaged in sexual intimacy is not contemplating God directly, it is false to assert that he is being distracted from God in a derogatory sense. A married person who is expressing his love for his spouse with sexual intimacy is

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29 St. THOMAS AQUINAS, Summa Contra Gentiles, III, Ch. 136, Burke translation, p. 194.

pleasing God by fulfilling the requirements of his vocation and is not only not being distracted from God but is approaching the author of matrimony by his conduct. So while it is granted that sex can be a distraction from God when it is employed outside of marriage, in a selfish manner, or out of proportion to its ontological reality, it is not admitted that marital sex which expresses conjugal love is such a distraction. In short, it is not sex itself which distracts a person from God but rather the abuse of sex which does.

Another approach which is made on the basis of the supernatural end of man holds that the church and religion are concerned with the life of the spirit. But sex is not of the spirit. Therefore sex is a distraction to man's spiritual life. The simple fact of the matter is that man is not spirit and flesh in the strict sense of those terms. Man is a substantial unit composed of spirit and matter. These elements are so united in man that they cannot be separated without destroying the man. Even though man has several operations which clearly indicate the presence of both spiritual and corporeal principles, these do not operate independently in man. This is more obviously evident in the corporeal operations which could not function at all without the informing principle which is immaterial. Even those lowest vegetative functions which are carried on

without the intellectual or voluntary consent of the individual presuppose the presence of the life giving principle, the soul. The substantial unity of the spirit and flesh is noticed in many operations where the physical and intellectual states interact. This is especially true in sex. A person who denies that sex is delightful is not honest. A man who loves a woman cannot exclude the emotional and physical consequences of this relationship. The intellectual commitment demands the emotional and physical responses. These responses are the natural, God-given answers which follow without man reflecting on them. To accept the goodness of a person of the opposite sex in any sense immediately involves the whole person because this is the given nature. Even people of the opposite sex who are associated for spiritual work recognize the "danger" of the physical and emotional responses to their association. As the contemporary writer places in the mouth of Henry Higgins, "[...] she's second nature to me now [...] I've grown accustomed to her face."<sup>30</sup> This is the playwright's way of showing that despite an apparent intellectual desire to reject the woman, Henry Higgins committed himself to the person with more than his intellect. The substantial unity of the flesh and the spirit is the man who acts. He cannot

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<sup>30</sup> LERNER and LOWE, My Fair Lady, Act III, final song on Henry Higgins.

separate these. This means that in the strict sense, the flesh and the spirit are not at odds with each other. The words implying the dichotomy, then, must be understood in a metaphorical sense. They condemn men who seek pleasures of the flesh inordinately.

It is in accepting this dichotomy between the flesh and the spirit that the question of justifying sexuality arises. If the flesh is really man's enemy, then any use of the flesh would require justification. Implicit in those authors who held that sexual intercourse needed justification is the idea that of itself sex is wrong and somehow detracted from the perfection of man. This is the same view which accompanies the acceptance of the dichotomy between flesh and spirit. The association of the spirit with what is proper to man and reducing the works of the flesh to that which is proper to animals places all the functions of the body on an inferior level. Therefore, to voluntarily engage in those inferior functions requires a proportionate reason. This justification was found in procreation and the satisfaction of the marital debt. If the dichotomy between the flesh and the spirit is not accepted, then the justification of sexual intercourse is not necessary. If it is a human action performed in accord with human nature and the specifications of sexuality, it needs no further reason to be good because it is a

God-given operation. If this dichotomy is not admitted, then procreation is not so evidently the prime finality of the sexual faculty or act. Therefore, it is not so clear that procreation is the prime finality of sex.

If it is assumed that procreation is the proper and primary end of sexuality, another difficulty arises. Why is marriage a necessary condition for sexual intercourse? Procreation can occur without marriage. The arguments given to prove that extra-marital sexual intercourse is wrong are based on the rights of the child, not on the nature of sex. Those who condemn extra-marital, contraceptive intercourse as wrong do so logically only on the basis of its contraceptive character and the assumption that sexual intercourse is for the purpose of procreation. If procreation is the primary purpose of sexuality and sexual intercourse, then extra-marital intercourse is not immoral if it fulfills its primary purpose of procreation. Yet, no one admits the morality of adultery or fornication. There must be something else by which the morality of sex is judged if extra-marital, procreative sex is immoral.

Even if the argument based on the rights of the child are granted, not all of the difficulties are solved. If procreation as that process of generating and educating the child is the primary purpose of sexuality, then why would it be immoral to dissolve a marriage in which all

the children are full grown and mature? The sex act which generated the child is completed, the rights of the child have been served to the maximum, now why does the sexuality of either party remain committed to the original partner? It would seem that if for any reason the partners were not getting along that they should be allowed to choose a new partner who might be more congenial to exercise their sexual powers for procreative purposes. Yet, the indissoluble and monogamous marriage is held to be the moral state. This position, however, cannot be defended on the basis of a sexuality whose primary purpose is procreation in either sense. Therefore, again the question of how the immorality of contraception is derived from the procreative finality of sexuality or the sexual act remains.

Some try to derive the finality of sexuality and the immorality of contraception from the fact that it is only from sexual intercourse that procreation can occur in the normal course of events. They argue that since life is such a valuable thing and since life is generated by sexual intercourse that it is immoral to interfere with this process at any stage of its development.<sup>31</sup> There can be no argument about the value of life, nor can there be

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<sup>31</sup> BOURKE, "An Ethical Consideration of Artificial Contraception", in What Modern Catholics Think About Birth Control, p. 19-20.

any question about the immorality of interfering with the development of life at any stage of its process. What can be questioned is the identification of sexual intercourse with a stage in the life producing process. It is evident that not all sexual intercourse generates life. It is also clear that sexual intercourse does not directly generate life. If sexual intercourse proceeds unimpeded, the sperm of the male is deposited in the vagina. But life is not generated by this fact. When conception does occur, it happens after the act of intercourse has been completed because there is a time interval between the depositing of the sperm and the union of the sperm and ovum. It takes some time for the sperm to move from the vagina into the uterus or fallopian tube when impregnation can take place. The first stage of the life cycle in the strictest sense is the union of the sperm and the ovum which occurs after the act of sexual intercourse is completed. Therefore, it does not seem proper to assert that contraceptive intercourse is an interference with the life process since there is no life process established while this act of intercourse endures.

Despite this fact, the argument given above does not dispose of the procreative possibility of sex as a reason for condemning contraception. Even though the actual fact of impregnation occurs after the act of intercourse,

it is the term of a series of events which can lead to conception. Rather than claim that contraception is an interference with the life process, it seems more appropriate to maintain that contraception is a frustration of a natural aptitude of the sperm and ovum. Both the sperm and the ovum are capable of uniting and thereby beginning the process of life. This is true of every sperm and every ovum, so it is true to admit that every contraceptive act of sexual intercourse frustrates the potential of some sperm and possibly of an ovum. But to make this admission does not constitute an admission that contraception is immoral unless it is assumed that it is immoral to frustrate the potential of a sperm. This assumption seems unreasonable since in every act of intercourse millions of sperms fail to achieve their procreative potential even if a pregnancy does occur. It also seems reasonable to reject the assumption since no one questions the morality of intercourse deliberately performed during the woman's sterile phase. Therefore, it seems that there can be no argument from the nature and ability of the sexual elements which will prove that contraception is immoral.

To consider sexual intercourse and the sexual faculty in this way is to look at the problem in isolation and is a distortion of the reality. Sexuality and its faculties are a part of an individual and as such are neither

moral nor immoral. The morality of any act whether it be a specifically sexual act or not must be derived from the moral aspect of the whole. The totality of the moral act must consider the moral agent in his totality and the whole action as related to the ultimate end of the man. By this criterion, any given act of sexual intercourse could be either moral or immoral to the extent that it leads the partners to their ultimate end of beatitude. The question of just how to determine whether or not a particular act of sexual intercourse leads the partners to their ultimate end arises. Those who condemn contraceptive intercourse maintain that such an act does not perfect the partners because it is against nature. We admit this if it can be shown that contraceptive intercourse is against nature. It does not seem to be against the nature of marriage, nor against the nature of sex. Is it contrary to the natural law?

To decide whether or not contraceptive intercourse is contrary to the natural law, it is necessary to know what the natural law is. St. Thomas says the natural law is nothing other than the participation in the eternal law by rational creatures.<sup>32</sup> He explains that this means that each thing in creation is subject to the eternal law

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<sup>32</sup> St. THOMAS AQUINAS, *Summa Theologiae*, I-II, Q.91, art. 3, in corp.: "[...] lex naturalis nihil aliud est quam participatio legis aeternae in rationali creatura."

according to its own nature. Since law is that which regulates and measures.<sup>33</sup>

[...] all things participate to some extent in the eternal law, insofar as from their reception of it, they have inclinations to their proper acts and ends.<sup>34</sup>

Since man is intelligent and can provide for himself, he participates in the eternal law intelligently. He is inclined to his proper end and acts through reason and this is what St. Thomas understands by the natural law for men.<sup>35</sup> In holding this position, what does St. Thomas mean? He means that in creating a man, God sets certain goals for the individual and gives the person certain capacities which will incline him to these goals. These goals become known to the individual as he begins to discover his abilities. These capacities lead a person along a certain path as he fulfills them. As the man fulfills them, he becomes perfect and approaches his ultimate end where he will have actualized all of his capacities. It is evident, then, that the natural law inclines a person to his proper acts and proper end. Therefore, to make the natural law

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<sup>33</sup> St. THOMAS AQUINAS, Summa Theologiae, I-II, Q. 91, art. 3, in corp.

<sup>34</sup> Ibid.: "[...] omnia participant aliquo modo legem aeternam, in quantum scilicet ex impressione ejus habent inclinationes in proprios actus et fines."

<sup>35</sup> Ibid.

the criterion for the morality of a given act it is necessary that the person's natural capacities be known. If a given act actualizes a natural capacity in terms of the whole person, it can be said to be moral. If a given act does not actualize the natural capacity of a person in terms of the whole person, the act can be said to be immoral.

In terms of contraception, it can be said that any contraceptive act of intercourse which does not actualize the capacity of the person as a whole is immoral. It seems difficult, however, to assert a priori that every act of contraceptive intercourse is contrary to the natural law because a question of this type is far removed from the universal and abstract and pertains to the particular and concrete where it is difficult, if not impossible, to determine a priori that the natural law is being violated.<sup>36</sup> The reason for this difficulty lies in the fact that each individual person has a proper end and capacities suited to that end. The difference between the ends of the various persons may not be so radical as to eliminate the possibility of a general norm, but the difference is great enough to eliminate the possibility of one absolute, universal regulation. Thus, if one married couple find

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<sup>36</sup> St. THOMAS AQUINAS, Summa Theologiae, I-II, Q. 94, art. 4, in corp.

themselves with a number of children which exhausts their ability to provide for them, it would be contrary to the natural law to generate more children because the additional children would make demands which the parents could not satisfy and this would harm the person of the parents and consequently the children in the long run. The law which says 'do good and avoid evil' would forbid such an act and it would be a matter of oversimplification to say the problem could be solved by abstinence either total or periodic because some acts of intercourse are necessary to the good of the marital relation. An act of sexual intercourse is required when the spouses' love demands its highest expression and this requirement is not regulated by a calendar or thermometer. It is the same natural law which inclines a married couple to seek the fulfillment of the expression of human love which forbids the generation of another child. It seems a strange law which inclines a person to an act while at the same time forbidding it. A natural law which demands that no children be born of this act of intercourse and at the same time inclines a couple to performing the act is in contradiction to itself unless the law does not forbid the separating of the procreative possibility from the relational character of the act. It is no argument against our position to maintain that the above situation never occurs; such an assertion is nothing

but a profession of ignorance about married life. The man who sees his wife literally spending herself for him and his children loves her. She is seen as a good woman. This knowledge leads the man to love which in turn demands expression. The greater the good that is presented to the man, the more intense the expression of love. It is good to love a good woman. The natural law which has as its first precept 'do good and avoid evil', dictates that such a man inform his wife that she is loved. He has the capacity and inclination to the good which such an act contains. It would lead him to a growth in love which is proper to his vocation and to his final end. Yet, when such an inclination arises when its unimpeded biological possibilities would lead to a new child who would only add to the burden the woman already carries, the man is placed in an impossible dilemma. He is faced with the choice of not fulfilling his natural inclination to express his love for his wife or of adding to her already taxed abilities, as well as his own. Both of these alternatives are evils and forbidden by the same natural law when it is not possible to avoid both without somehow impeding the biological consequences of the act of intercourse. For this reason, it seems that if the natural law forbids contraception it contains its own contradiction.

The only way such a contradiction can be avoided is to deny that the natural law forbids all contraception or to deny that the natural law is the capacity for terminal perfection. The former alternative is unacceptable to those who maintain that the natural law forbids contraception while the latter alternative does not seem to recognize the nature of natural law. The reason which is given for holding that contraception is contrary to the natural law is that contraceptive intercourse violates the natural givenness of the sexual act by the introduction of an artificial or "unnatural" object or barrier. This reason does not seem valid to us because it places the whole man in a subordinate position to one of his parts and it is the whole man who has the natural law, not a part of him. It is the whole man who is inclined to perfection by reason of the eternal law of which the natural law is a participation, not the parts of the man. It is also not evident to us that the use of an instrument or artefact is unnatural in the sense that it is contrary to the nature of man or his perfection. It is certainly natural that man use his faculties to know and to use this knowledge to perfect himself. There is no doubt that some people abuse knowledge and use it perversely, but this is no argument against knowing or applying what one knows to practical life. There is no questioning the fact that some people would

use instruments or barriers to prevent pregnancies for selfish and perverse reasons, but this is no argument against the instrument or barrier, but against those persons. So while it is true that any artefact which man employs for any purpose does not have a human nature, this is not sufficient reason for saying that the use of such an instrument is unnatural or that the operation in which it is used is unnatural. Such a charge can be laid against the action only if the action deters a person from reaching his final end.

It might be objected that the above argument in terms of artefacts is generally valid but not in the case of sex because of the special role of sex in generating children. The objector could argue that since generation of new life is the result of sexual intercourse and since the dominion of life is in a special way excluded from man's dominion and control, contraception is an infringement of nature's right to regulate life. In answer to this objection we recall that we have already shown that sexual intercourse in the most proper sense is not part of the life cycle of the generated.<sup>37</sup> Secondly, it does not seem reasonable to assume that child bearing and rearing can be separated from the perfection of the parents. The very

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<sup>37</sup> Cf. supra, p. 134.

fact of conception and pregnancy which leads to a normal child presupposes that the parents have at least enough physical perfection to bring the act to its biological perfection. The destiny of both the child and the parents presupposes a modicum of emotional and intellectual perfection on the part of the parents. If they lack the psychological fiber to live with each other and with children, they will not be able to give the child the proper education and training which the second part of the traditionally called primary end requires. If they do not have at least some intellectual understanding of the responsibility of being parents, they again risk the possibility of failing to give the child the rearing which he needs to develop into a mature adult. It also seems strange to think that a God who made man intelligent and capable of prudent action would require that the crown of the material universe be subject to a divine action without using his intelligence and prudence or be controlled by a sub-rational faculty in an ethical action. It seems more reasonable to think that since God gave man an intellect and will that man serve God—even in his co-creative role—intelligently and voluntarily. Therefore, it seems difficult to recognize the natural law's universal condemnation of contraception.

It is obvious that our conclusion and reasoning are based on the assumption that the natural law is an integral part of the nature of man as established by the Creator. Our position does not stand if the natural law is something apart from the nature as found in individual men. To hold that natural law is something apart from the nature as found in the individual man does not seem reasonable. If there is a law for man which is the natural law which is apart from the nature as existing, then this law would have to be something which man could observe. But to be something man could observe means that it is a law according to man's ability. If it is not according to man's ability to observe, the God would be unjust in demanding that man observe it. If such a law did exist and was within man's power to observe, it would have to be a law of general prescriptions and prohibitions because it is obvious that the various individuals have a variety of capacities and a variety of degrees of the same capacity when it is found in many men. Thus, to make such a law which would be possible to all men, this law would have to be general enough to allow for the various degrees of fulfillment which the various individuals' capacity could achieve. But to admit such a general law would require that all men are moral when they have achieved the minimum of good regardless of their capacity for good or that there be some criterion

apart from the law by which the general law be applied to the individual according to his own proper ability to achieve good. The first alternative presumes that any given prescription or prohibition is fixed and stated. If it is fixed and stated and still observable by all men, then it would have to admit the lowest degree of fulfillment to be possible to the weakest man. But if this is the case, then the strongest man would be good without exhausting his potential, which is inappropriate. To avoid this situation, it would be required that one man would be good with less goodness than another man who is not said to be good. But this way of establishing goodness presumes a standard different from a law that is separate from the individual nature. Such a standard could only be the individual capacity to achieve goodness. If a man is capable of becoming a metaphysician but does not, he is not said to be good. He is said to be wasting his talent. But if another man is capable of becoming only a common laborer and becomes one, he is said to be perfect. Thus, it seems difficult to conceive of an inclination from nature which is distinct from the capacities of the individual. Therefore, it seems that there is a natural law for all men, but the formal content of that law seems to be proper to each man. Everyone seeks happiness, but not everyone is made happy by the same thing. Each man strives to do good, but

not every man does the same thing. Not all things are good for all men.

To hold this view of natural law is not to hold for ethical relativism or situationism. Ethical relativism or situationism holds that a given action is good or bad according to its surrounding. To hold that the natural law is proper to each man is not to hold that a given action is good or bad according to its surrounding, but that a given action is good or bad to the extent that it leads the person to his ultimate perfection or not. It is true that an action's goodness or evilness is relative to the ethical subject and his ultimate end, but this relation is not based on something transient or whimsical, but on something absolute, that is, the individual's ultimate end for which he has a capacity. This fact is verified in everyday experience. For example, sexual intercourse can be virtuous for a married man, but it can never be virtuous for a non-married man. Killing a human being can be a virtuous act for the official executioner of the state, but it can never be virtuous for a private citizen who is not defending himself. Because each man has a proper end, there will be acts which will lead one man to his end while the same acts will deter another man from his ultimate end because his end is in some sense different. To hold that each man has a proper end is to hold that each man has proper acts which

lead to that end. But to hold that each man has proper acts which lead him to his proper end is to hold that the morality of a given act is relative to the individual who is acting. But because each man's proper end is fixed and absolute, this view cannot be called relativistic or situational since the morality of a given act is derived from the ultimate end of the man and not from the situation in which the act arises.

In terms of marriage and sexuality, the natural law prescribes the good of both of the married people. But the good of both can be defined only in terms of the ultimate ends of the people who are married and not in terms of a particular operation which they can perform because of their state in life. The morality of the particular operation is derived from the ultimate ends of the people who are married and not the other way around. To try to maintain that the morality of sexual intercourse in marriage has to be judged according to the physical character of the operation without reference to the whole person is a perversion of the correct order. For this reason, it seems difficult to see how the natural law condemns all contraceptive intercourse. The natural law could condemn contraceptive intercourse which prevented the couple from realizing a perfection which they can fulfill, but it is not so evident that it condemns an act of contraceptive

intercourse which would tax the parents beyond their abilities. Yet, it seems unreasonable to forbid that these same people be deprived of the ability to fulfill one capacity—the expression of love by sexual intercourse—merely because they have reached the limit in fulfilling another capacity—the generation of children. It is already admitted by the acceptance of periodic continence that these two are separate capacities, and both are good. Therefore, it is not clear why these two cannot be separated in practice. It is clear that procreation is dependent upon sexual intercourse, but it is not evident that sexual intercourse is dependent upon, conditioned by or justified by procreation. Yet, this is the assumption made by those who maintain that the natural law condemns contraception. Since this latter assumption is not evident, it is not clear that contraception is condemned by reason of the natural law.

Yet, the natural law position is the basic foundation of the doctrine of Popes Pius XI and Pius XII. Pope Pius XI made his most famous statement against contraception in the encyclical letter Casti Connubii, where he said:

Wherefore, since there are some who, openly departing from the Christian teaching which has been handed down uninterruptedly from the beginning, have in recent times thought fit solemnly to preach another doctrine concerning this practice,

the Catholic Church, to whom God has committed the task of teaching and preserving morals and right conduct in their integrity, standing erect amidst this moral devastation, raises her voice in sign of her divine mission to keep the chastity of the marriage contract unsullied by this ugly stain, and through Our mouth proclaims anew: that any use of matrimony whatsoever in the exercise of which the act is deprived, by human interference, of its natural power to procreate life, is an offence against the law of God and of nature, and that those who commit it are guilty of a grave sin.<sup>38</sup>

This proclamation occurs in the middle of the encyclical after the Pope has talked about the nature of marriage, its origin, and its goods. So the Pope does not begin to reject the errors of marriage until he has first established the criterion by which to condemn the errors. The implication of this method is simply that the practices which he condemns are errors precisely because they fail to meet the requirements of a true marriage as founded by God.

The first unassailable fact about marriage is that it is of divine origin.

Matrimony was not instituted or reestablished by men but by God; not men, but God, the Author of nature, and Christ Our Lord, the restorer of nature, provided marriage with its laws, confirmed it and elevated it; and consequently those laws can in no way be subject to human wills or to any contrary pact made even by the contracting parties themselves. This is the teaching of Sacred Scripture; it is the solemnly defined doctrine of the Council of Trent, which uses the words of Holy Scripture to proclaim and establish that the perpetual

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<sup>38</sup> PIUS XI, "Casti Connubii", in Matrimony, p. 248.

indissolubility of the marriage bond, its unity and its stability, derive from God Himself.<sup>39</sup>

The import of this quotation lies in the fact that the Pope not only asserts that marriage was divinely instituted, but also that its laws were also made by God and that as divinely instituted laws they are not subject to revision or modification by human authority. The particular law governing marriage and the use of marriage by which the practice of contraception can be validly condemned is the obligation to procreate which is placed on those who habitually engage in sexual intercourse and the obligation to respect the physical integrity of the act. For the sake of clarity it is good to see the argument given to support the view that married people have the obligation to procreate. Fathers Ford and Kelly write:

Our own opinion, nevertheless, is that the duty to procreate is grave ex genere suo. Therefore, it admits parvitas materiae. According to theologians the obligations of legal justice, of marital chastity and of piety are grave ex genere suo because the values involved, the good of the human race, of the nation, the family and the Church are so important. But they admit parvitas materiae because so often the effects of the individual violations are of negligible consequence to the values they protect.<sup>40</sup>

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39 PIUS XI, "Casti Connubii", in Matrimony, p. 221.

40 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 426.

From this quotation, it is evident that the fact of procreative obligation is accepted and the seriousness and type of the obligation is somewhat indicated. The obligation is understood to be serious matter in itself. The reason for this is explained in terms of the values involved. The race cannot survive unless children are generated in sufficient quantity to enable men to cope with the elements, do the work required for human life, and assist one another in all of those tasks which are beyond the power of the individual alone. This basis for propagating the human race, then, is nothing more than the limited nature itself. No man can find time to grow his own food, raise his own animals, prepare the raw material for suitable use in the form of food and clothing, build his own building, protect his necessities from the elements and foes, provide enough of these necessities for the future and still have time and energy left to develop his properly human faculties. He needs leisure for the pursuit of intellectual studies, he needs another human being to talk to, to share his human experiences and to develop his emotional and intellectual capacities. For these things, the race requires that each generation contribute to the number of men that these benefits may be conferred on each individual of the succeeding generation.

The second pillar in the natural structure of the race which postulates fruitful sexual relations is the good of the state. Since each individual is dependent on other men, not only for his esse, but also for his bene esse, it is necessary that a unit of society larger than the family exist. This follows from the fact that the simple family unit is not large enough to achieve all the goals described above for the human life of the individual. Few, if any men, have the talent to assume all the chores required by the family, even with the assistance of the woman. Therefore, by simple economic necessity, men gather together into larger units in which a greater division of labor is possible and mutual services exchanged which enables the whole community to profit by the specialized labor of each worker. This economic need is complemented by the social and educational requirements of the individuals who also profit by the diversity of people in friendship and teaching abilities. Such an association between individuals and individual families requires that there be an organization under the leadership of an individual or group of individuals who will regulate and govern the group to see to it that the assistance necessary to the family will be provided when a lesser power or group cannot provide it and will protect the interest and rights of smaller units against infringements by other individuals, families or

larger corporate groups. To do this work, the nation must have a sufficiently large population, and therefore can expect that the married population of the state will provide it with children.

Finally, it is maintained that the obligation to procreation stems from the good of the family itself. This view is not only held by Fathers Ford and Kelly whom we quoted above, but also by others.

The glory of the family is its fertility. There is nothing particularly noble about a man and woman who marry in order to be happy and to satisfy their passion. But let them unite their lives for the sake of a task which transcends them; let them bring into the world other human beings who will carry on the traditions which they themselves have received from their parents; let it be the aim of their marriage to fashion an environment in which children may be born and grow up under the best conditions possible: married life then takes on a nobility which exalts those who enter upon it.<sup>41</sup>

No one can disagree with this statement if it condemns selfishness, but it seems hard to equate selfishness and childless marriages, or marriages entered into for the sake of happiness. Aristotle teaches that all ethical action aims at happiness.<sup>42</sup> Thus, any interpretations of the reasons which lead a couple to marriage would have to admit that the end of marriage as far as the couple is concerned

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41 LECLERCQ, Marriage and the Family, p. 214.

42 ARISTOTLE, Ethics, Book I, chap. 4, 1095<sup>a</sup>.

is happiness.<sup>43</sup> But it is clear from the quotation that the author intends to define happiness in this context as the satisfaction of the passions, but this meaning cannot be accepted. It does not seem to follow that a couple who do marry and do not have children can be assumed to have accepted this definition of happiness. It seems possible that some married couple can choose marriage as a vocation in which they will find happiness, engage in marital relations, total limitation of offspring, and still not be guilty of accepting sensual satisfaction as the definition of happiness. A couple can transcend themselves in marriage without generating children even when they are physically capable of doing so. To attempt to maintain that biological fulfillment is to be made synonymous with human fulfillment or transcendency in marriage is to restrict the scope of human life within marriage. While a sterile marriage may be something less than the ideal in some sense, it seems equally true to say that a fruitful marriage may be something less than ideal in some sense. The judgment which is to be made about the fecundity of a marriage cannot be based on the normal physiological possibilities of the race in general or of a specific couple in particular:

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43 Cf. St. THOMAS AQUINAS, In Ethicorum, L. I, lect. iv, No. 45 et seq.; and Summa Theologiae, I-II, Q. 5, art. 8, in corp.

but must be made in terms of the total marriage and the complete personalities of the individuals of the marriage.

Pope Pius XII says:

Serious motives, such as those which not rarely arise from medical, eugenic, economic and social so-called "indications", may exempt husband and wife from the obligatory, positive debt for a long period or even for the entire period of matrimonial life. From this it follows that the observance of the natural sterile periods may be lawful, from the moral viewpoint: [...].<sup>44</sup>

The Pope uses the term 'debt' in this context to signify the obligation the married couple has to society to furnish children, not in the Pauline sense of the word which signifies the marital act as a fulfillment of justice to the partner. This is evident from the consequence the Pope cites which admits the morality of periodic continence while being excused from the obligation to procreate.

From this it seems difficult to accept Dr. Leclercq's view that in some sense the generation of children is an unqualified good for the marriage. To understand his previous quotation in this sense does not seem to do violence to his total context, for he has written earlier in the same book:

We have seen that in the human race the stable union of the sexes and the very happiness which husbands and wives find in their union are closely

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<sup>44</sup> PIUS XII, "Allocution of Midwives", Oct. 29, 1951, in Matrimony, p. 419, italics the author's.

bound up with the reproductive and educative function. To allow man to evade one while profiting by the other would be to permit him to break with the order fixed by nature which makes the burden of procreation the counterpart of the happiness of love.<sup>45</sup>

In view of this analysis, it does not seem to be immediately evident that the good of the family demands the procreation of children, as Fathers Ford and Kelly seem to think.<sup>46</sup> The fact that they consider individual failures to fulfill this obligation violations, even though light matter, indicates that they understand the obligation to be universally binding. This universality stems from the fact that the obligation is generic while the failures become minor violations because of the negligible consequences. But even though the violation is not mortally sinful, it is nonetheless a violation "against the very meaning of conjugal life."<sup>47</sup> These authors continue in this context to oppose the view that the obligation to procreate is a grave obligation for the individual couple. They then state:

The further objection may be made that this explanation is so generous that it makes the affirmative obligation nugatory. This would be true

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45 LECLERCQ, Marriage and the Family, p. 41.

46 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 426.

47 Ibid., p. 425.

only for those to whom obligations under pain of venial sin are nugatory. We consider obligations under pain of venial sin anything but nugatory, and some of them to be extremely important matters.<sup>48</sup>

Within the context of the contemporary problem where the world population is more than sufficient to satisfy the generic needs of the race according to the demands of the species and the nation, the question of the demands of the family may become a crucial criterion for rendering a valid judgment on the morality of contraception. The question of obligation in terms of its scope is certainly one of the areas which Pope Pius XI implied by alluding to the fact that God instituted marriage and its laws. Pope Pius XII also understood that there is an obligation to procreate placed on married people who make use of sexual intercourse.<sup>49</sup>

After considering these things about the institution and laws of marriage, the Pope discusses the goods of marriage: offspring, fidelity, and the sacrament. The first in the order of blessings is offspring. The Holy Father quotes St. Augustine to substantiate this:

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<sup>48</sup> FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 428.

<sup>49</sup> PIUS XII, "Allocution of Midwives", Oct. 29, 1951, in Matrimony, p. 418.

"The Apostle testifies that procreation is the purpose of matrimony when, having said, 'I will that younger women should marry,' he adds immediately, as though he had been asked the reason, 'so that they may bear children and become mothers of families.'"<sup>50</sup>

In this quotation, the purpose of marriage is stated and in some sense becomes the final cause of marriage. The Pope says this end holds the first place in marriage<sup>51</sup> and derives this conclusion from the words of the blessing cited in Genesis 1:28. The question, then, of the obligation to procreate becomes a little clearer in that as procreation is the means of attaining the final cause of marriage, the obligation to procreate becomes an obligation with hypothetical necessity attached to it. If a couple wishes to achieve the ends of marriage, they must generate children. But this conditional is an oversimplification which does not accurately state the Pope's position. He completes his intention when he says, "But the blessing of offspring implies more than the begetting of it; its proper education is also required."<sup>52</sup> This addition to the initial statement provides a tremendously important addition for understanding the obligation to procreation in marriage.

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50 St. AUGUSTINE, De Bono Conjugali, chap. 24, n. 32, as quoted by PIUS XI, "Casti Connubii", in Matrimony, p. 225.

51 PIUS XI, ibid., p. 224.

52 Ibid., p. 227.

It is precisely this part of the conjunction which gives rise to the contemporary problem of contraception and which completely modifies the conditional offered above. The purpose of marriage is not merely the procreation of children, but the procreation and education of children. This statement is true only if the terms of the predicate are understood in the strictest conjunctive form such that the whole statement becomes false if either of the terms is false. This purpose, then, needs analyses in order to understand what kind of obligation is placed on married people.

To understand the import and force of what the Pope is expressing in this place, it is necessary to understand what he means by saying that offspring holds the first place in the order of the blessings of marriage; second what the conjunction of procreation and education does to the understanding of this position of primacy; and finally to place this primacy in its proper perspective as the purpose of marriage.

As an end of marriage, procreation alone is inadequate. To say this is to say no more than the generation of infants is not the end of marriage. To understand in what sense it can be truly said that procreation is an end of marriage, it is necessary to know that the supposition of the term 'procreation' be extended to include the

education of the child. It would be more accurate to say that the generation of mature adults is the end of marriage. This statement obviously does not mean that men be born adults, but rather that procreation is a process which begins with generation and terminates in the maturity of the offspring. This follows from the nature of the child. He must discover the nature of the realities of the world in order to understand them. He must understand them in order to use them. This is the education which the child must have in order to subdue the earth. This requires age and training. When the child can subdue the earth, he is no longer a child; but a mature adult.

Understanding, then, that the end of marriage includes the education of the child as well as the generation of it, in what sense can this be said to be the first? Aristotle says, "[...] the word prior may be used in five senses."<sup>53</sup> He says these senses are a priority of time, dependence, order, dignity, and nature.<sup>54</sup> Something is said to have a priority of time when it is older or more ancient. Something is said to have a priority of dependence when the order between it and something else cannot be reversed. Thus a first has this type of priority over

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<sup>53</sup> ARISTOTLE, Categories, chap. 12, 14<sup>b</sup>, in Great Books of the Western World, Vol. 8, E. M. Edghill, translator, p. 20.

<sup>54</sup> Ibid.

a second. Something is said to have a priority of order when it gains its place in the whole scheme according to an end or according to the material. In this sense syllables have a priority over words, premisses have a priority over the conclusion. The priority of dignity is the type of priority given an object or person because of some excellence which it has. Thus an official has a priority of dignity over his subject. And finally, something is said to have a priority of nature when in some sense it is the cause of those things to which it is prior.

When the Pope says that offspring holds the first place among the blessings of marriage what kind of priority does he understand and in what sense does he use the term 'offspring'? The Pope defines the term 'offspring', "Offspring signifies that children shall be lovingly welcomed, tenderly reared, and religiously educated."<sup>55</sup> The Pope even goes further and tells us why offspring holds the first place in the order of the goods of marriage:

To appreciate the greatness of this divine gift and blessing of marriage it is enough to contemplate the dignity of man and his sublime destiny. Even his rational nature alone sets man above all other visible creatures. Add to this God's purpose in willing human beings be born is not merely that they may exist and occupy the earth, but far more, that they may worship Him, and that they may know and love Him and finally

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55 PIUS XI, "Casti Connubii", in Matrimony, p. 224.

enjoy Him forever in heaven. This destiny, by reason of man's wondrous elevation to the supernatural order, surpasses anything that "eye has seen or ear heard, or the heart of man been able to conceive" (I Cor. 2:9). Clearly, therefore, the offspring begotten by God's almighty power with the cooperation of husband and wife is a very noble gift of His goodness and a most excellent fruit of marriage.<sup>56</sup>

In these words the Pope says that offspring holds the place of primacy according to a priority of dignity. This priority is based on the dignity of human nature plus its supernatural destiny.

Yet this assertion of the Pope's must be understood as consistently as possible with his own definition of offspring. If his definition is substituted for the defined in his original statement, it would then read: Among the blessings of marriage that children shall be lovingly welcomed, tenderly reared, and religiously educated, holds the first place. Thus, it is the attitude of parents and their care and solicitude for children that holds first place in the blessings of marriage. The reason for the priority is the dignity and destiny of man. If offspring is defined as an attitude toward children which flows into tender rearing and religious education for children, then this priority is based on the dignity and destiny of the men who are the parents because it is they who have the

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56 PIUS XI, "Casti Connubii", in Matrimony, p. 225.

attitude and who care for and educate the child. This dignity and destination which establishes the priority of offspring is actual only in the parents prior to the advent of children, and even after the birth of children when their natures are actual, this attitude and care is still found only in the parents. This child as child does not have such a benevolent attitude toward children. This is more than aptly observed by psychologists who describe the phenomenon called the sibling rivalry.

This meaning of offspring does not seem consistent. The use of the term in the conclusion seems more appropriately interpreted as child according to the context of the encyclical. By substituting the definition for the defined again, the conclusion then reads: Clearly, therefore, that children shall be lovingly welcomed, tenderly reared, and religiously educated (the offspring?) begotten by God's almighty power with the cooperation of husband and wife is a very noble gift of His goodness and a most excellent fruit of marriage. Even the English construction indicates that the statement of the conclusion must be modified to render this definition of offspring intelligible. This follows because attitudes are not strictly speaking begotten by God with the cooperation of parents. God can give an attitude, but an attitude which is begotten—even allowing a loose significance for the word 'begotten'—does not

signify something outside of the one who begets it. Attitudes more properly speaking are developed or nurtured and even then, the attitude remains within the person who develops it. Therefore, it seems meaningless to say that God begets an attitude with the cooperation of the parents. It seems more intelligible to understand offspring to signify child.

This meaning of offspring seems more appropriate to the intention of the first sentence of this paragraph where the Pope says, "To appreciate the greatness of this divine gift and blessing of marriage, etc.", because he has just quoted St. Augustine who has said that procreation is the purpose of marriage. This quotation is used by the Pope to confirm the view that God Himself has taught that offspring is the first blessing when He said 'increase and multiply and fill the earth.' It is clear that the 'increase and multiply' of the blessing refers to children rather than to attitudes since it is by the former that the earth will be filled. Thus it seems that even though the Pope quotes St. Augustine's definition of offspring, he intends the word to mean child.

Understanding the dignity and destiny of the child as the reason for the primacy of this blessing gives a more reasonable meaning to the type of priority assigned to it by the Pope. The child who is born with a human nature and

a supernatural destiny is more worthy of consideration than any of the other blessings of marriage and to this extent subordinates the other blessings. Fidelity and sacrament are blessings which enhance the first blessing. By being faithful, the spouses nurture the love which led them to marriage and this love overflows to the benefit of the child both by action and example. As sacrament, marriage provides a stable and secure home for the proper care and rearing of the child. So while the blessings of fidelity and sacramentality have a role proper to themselves, the proper realization of these blessings contributes to the good of the child. So in this sense, it seems possible to say that the bonum prolis has not only the priority of dignity, but also the priority of order.

The Pope concludes the section on the blessing of offspring by confirming the view that this blessing includes the education of the child as well as the generation of it.<sup>57</sup>

In the second part of the encyclical, the Pope discusses the errors and sins against marriage.

The high excellence of chaste wedlock, Venerable Brethren, makes it all the more lamentable to find this divine institution, especially in our own day, so frequently scorned and so widely degraded.<sup>58</sup>

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57 PIUS XI, "Casti Connubii", in Matrimony, p. 226-228.

58 Ibid., p. 243.

The opening words of this section again reiterate the Pope's view that he is concerned about the attack on marriage as an institution founded by God and raised to the dignity of a sacrament by Christ. This follows from the fact that the Pope has dedicated the first part of the encyclical to showing that all the excellence of marriage is derived from the divine institution of marriage and the divine elevation of the natural institution to a sacrament of the New Law. It is in the light of this view that the Pope considers in detail those abuses which tarnish the sanctity of marriage.

After placing the context in general as a spirit of irreligion,<sup>59</sup> the Pope begins to discuss the errors which are aimed at the particular blessings he has discussed in the earlier part of the encyclical itself.

We must begin with the consideration of offspring, which many nowadays have the effrontery to call a troublesome burden of wedlock—a burden which they urge married folk carefully to avoid, not by means of a virtuous continence (which is permissible even in marriage with the consent of both parties) but by vitiating the act of nature.<sup>60</sup>

From this beginning, is it possible to define the group which will fall under the condemnation? The Pope has said there are many people who think children are a burden

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59 PIUS XI, "Casti Connubii", in Matrimony, p. 245.

60 Ibid., p. 247.

of marriage. He further limits this category to those who think children are a troublesome burden. The latter part of the same paragraph indicates that the people who hold this view are selfish,<sup>61</sup> because they wish to avoid children while still enjoying the satisfactions of their lust. He also includes people who have what might be termed an honest motive, i.e., inability to observe continence, health, economic limitation, etc. He does not condemn honest motives for family limitation, but what he clearly condemns is sexual intercourse which avoids pregnancy by criminal abuse, an act vitiating nature. So he does not condemn people who are unwilling or unable to have children, but those who "want to satisfy their carnal desire without incurring any responsibility."<sup>62</sup> Secondly, he condemns all means which are used to destroy the effective consequence of the act of nature.

Despite the seeming clarity of what is condemned and who are condemned, this definition is not clear. It follows that all who use contraceptive devices are condemned if they can be judged to be selfish and not otherwise. Even if people wish to avoid children not because they think they are a troublesome burden, but for an

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61 PIUS XI, "Casti Connubii", in Matrimony, p. 247.

62 Ibid.

honorable motive, the reason implied for including them in the condemned group is that they wish to satisfy their carnal desire while avoiding its consequence. So the Pope intends to condemn all those who practice contraception because of what is done, not for the reason it is done. He says this explicitly:

But no reason whatever, even the gravest can make what is intrinsically against nature become conformable with nature and morally good. The conjugal act is of its very nature designed for the procreation of offspring; and therefore those who performing it deliberately deprive it of its natural power and efficacy, act against nature and do something which is shameful and intrinsically immoral.<sup>63</sup>

What the Pope is condemning, therefore, is those who employ unnatural means to avoid conception. The line of reasoning progresses from the context: First, he says some people do not want children, second they avoid children while still engaging in sexual intercourse and by vitiating the act of nature. Next, he gives the reasons which people offer to justify this action. Then he says no reason can justify immoral means. He then definitely states that any deliberate frustration of this act is immoral and unnatural.

At this point, it is possible to begin an inquiry which will produce a better insight into what this encyclical says. To show how these sentences are meaningful,

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63 PIUS XI, "Casti Connubii", in Matrimony, p. 247.

it is necessary to see that they do not condemn what the Pope wants to condemn if understood outside of strict conjunction.

It is evident that there is nothing immoral about not wanting children. If no consideration is made of people who do not marry, there is still no ground for saying that it is immoral not to want children. If a couple already has a group of small children, they may decide to have no more children because they are honestly convinced that they are psychologically and economically unable to cope with more children. There is, again, nothing intrinsically immoral about this judgment not to want children because in the situation just described, they are in fact a troublesome burden which a prudent man would not assume. In making such a decision, the couple is not pronouncing against the fact of children in general; rather, they are making the prudential judgment that in the concrete circumstances in which they find themselves, the addition of a child would tax their resources to such an extent that they would not be able to give him his due.

The second statement contains two elements, one of which is clearly not immoral and the other, while assumed to be immoral by the Pope, is at least ambiguous. The practice of engaging in sexual intercourse while avoiding conception is not considered immoral even in terms of the

encyclical itself. The Pope declares that there is nothing unnatural or against nature in the practice of rhythm.<sup>64</sup> But the second element of this statement implies that acts vitiating nature are being employed to avoid the consequence of children. This is where the Pope is unclear. It is superficial to observe that not all acts which "vitate" nature are by that very fact immoral. This is evident from the accepted practice of surgery. The principle, therefore, needs clarification. Within the context of the encyclical itself, the Pope intends to condemn practices which are contrary to the bonum prolis as a blessing of marriage. It seems then that when he uses the term 'vitiating the act of nature',<sup>65</sup> he is referring to the act which serves the bonum prolis. The question, however, still remains as to what this phrase means. Does the Pope intend to signify the nature of the physical act of coitus? This is not made any clearer from other parts of the encyclical. When the Pope says in the next paragraph, "The conjugal act is of its very nature designed for the procreation of offspring [...]"<sup>66</sup> the meaning of the phrase

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64 PIUS XI, "Casti Connubii", in Matrimony, p. 250.

65 The Latin of this text reads: "[...] sed vitiando naturae actum." AAS, 559.

66 PIUS XI, op. cit., p. 250: "Cum autem actus conjugii suapte natura proli generandae sit destinatus, [...]"

'conjugal act' continues to remain ambiguous, even though it is generally interpreted to signify sexual intercourse.

Finally when the Pope says:

[...] that any use of matrimony whatsoever in the exercise of which the act is deprived, by human interference, of its natural power to procreate life, [...]<sup>67</sup>

the meaning of the word 'act' is still left undefined and open to several interpretations.

If the nature of the act refers to the physiological structure of sexual intercourse, then it is not clear what is meant by the phrase 'designed for the procreation of offspring.' The fact that this is the only way children can be generated does not prove that the finality of sexual intercourse is procreation. It does prove that a sine qua non condition for generation is sexual intercourse. It is also proved that as a matter of fact, some sexual intercourse is designated fruitful; but because of the particularity of the proposition, this is insufficient to prove that procreation is the final cause of sexual intercourse. From the evidence available, a universal statement to this effect is not possible. It is certain that all generation is the result of sexual intercourse, and the conversion of this statement is also evident. But the conversion of this

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67 PIUS XI, "Casti Connubii", in Matrimony, p. 248: "[...] quemlibet matrimonii usum in quo exercendo, actus, de industria hominum, naturali suae procreandae vi destituatur, [...]."

statement is: Some result of sexual intercourse is generation. To further confirm the particularity of this proposition, the experience of married people can be noted. If procreation is the natural, final cause of sexual intercourse, how does it happen that intercourse fails to achieve its natural final term in a vast majority of cases? From this observation of reality, it seems precipitous to conclude that procreation is the final cause of sexual intercourse.

Some may hold that this method of arguing is irrelevant because the phenomenon of superabundance is a common experience in nature, and especially in matters of reproduction.<sup>68</sup> However, this objection fails to note one important factor: First of all, the problem is that of discerning the finality of a natural phenomenon and second, the superabundance of nature does not explain or account for the number of acts of sexual intercourse, but rather the number of sperm ejaculated in each act. The reason why nature provides an excess number of seeds is to overcome the obstacles to reproduction which are found in nature itself. In the case of human reproduction, one act of intercourse is not related to another act of intercourse in terms of the reproductive possibility of the act. So it

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<sup>68</sup> Germain GRISEZ, Contraception and the Natural Law, Milwaukee, Bruce Publishing Co., 1964, p. 21.

seems somewhat arbitrary to say the superabundance in nature explains the fact that more acts of sexual intercourse are not procreative. The superabundance of nature explains why so many sperms fail to fertilize in any given act of intercourse and no more. Yet, in discerning the finality of a given natural phenomenon, it is necessary to notice what the final effect is whenever this phenomenon occurs because it is presumed that what happens always, regularly, or for the most part is under the influence of a cause. But in studying human sexual activity, it is observed that procreation is not always, not regularly, and not for the most part the effect. Therefore, it appears unusual that procreation is assigned as the end, rather than an end of sexual intercourse.

To hold this view is not to hold that procreation is not the primary end of marriage. The primacy of procreation, as we have already noted, does not arise from the finality of sexuality, but from the dignity and destiny of the child.<sup>69</sup> So even though the effect of generation does not follow as regularly as other effects, the effect of generation is superior to the other effects achieved and because of this superiority procreation and the education

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69 Cf. supra, p. 161-165.

of offspring might still be considered the primary end of marriage.

Despite this possibility, the procreation of children does not become an end which demands the exclusion, domination or suppression of the other ends of marriage. The Pope does not intend this and this is clear from the fact that he explicitly allows the practice of periodic abstinence.<sup>70</sup>

Since this is the case that the sexual act cannot clearly be said to have procreation as its final cause, the question of the meaning of conjugal act still remains. If the meaning of conjugal act is still supposed to mean the physical act of sex, then a violation of the nature of the conjugal act would mean a violation of the integrity of the physical act itself. The act of physical, sexual intercourse has been defined as:

Copula conjugibus licita est illa quae per se est generationi apta; ad quod requiruntur tria: penetratio vaginae, effusio seminis intra vaginam, retentio seminis a muliere, ut scil. in uterum atrahi possit.<sup>71</sup>

This definition if it constitutes the nature of the conjugal act, provides a standard by which the words of the Holy Father can be understood. If this is what the Pope meant

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70 PIUS XI, "Casti Connubii", in Matrimony, p. 250.

71 MERKELBACH, Summa Theologiae Moralis, Vol. III, p. 943.

by conjugal act, then he was condemning any act in which anyone of these elements was missing. The primary note of these three is the ejaculation of the sperm within the vagina. There is no violation of the nature of the physical act if penetration is made and separation follows provided no emission of semen occurs intentionally outside of the vagina. This is evident from the fact that amplex reservatus is not condemned as immoral in itself.<sup>72</sup> Thus it seems that the conjugal act's intrinsic nature is violated when the man deliberately and intentionally reaches orgasm outside sexual union or the woman makes some effort to expel the seed once it has been deposited.

If this is the case, then the Pope's condemnation does not include all the possibilities which are condemned by the teaching of theologians. The conjugal act, if defined as physical integrity in the sense given above, forbids coitus interruptus, mutual masturbation, and condomistic intercourse; but does not condemn jellies, foams, or the pill, and possibly diaphragms. Diaphragms might be included if they are judged to be means employed to eject the semen already deposited. Spermicidal jellies and foams can in no sense be declared methods by which the sperm is

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72 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 219; MERKELBACH, Summa Theologiae Moralis, Vol. III, p. 953-954; EXNER, Amplexus Reservatus, p. 245.

ejected. Yet these agents are clearly contraceptives which have been included within the scope of the condemnation of the Pope.

A change in the definition of the minimum requirements for the nature of the conjugal act to include all those elements which would condemn jellies and foams would also include periodic abstinence, which is clearly not included in the scope of the condemnation. To make such a change to include the contraceptive agents would require that not only is the sperm to be deposited in the vagina but deposited without placing conditions or circumstances which would render conception impossible. However, this would include the circumstance of time which is the element which makes intercourse possible when the woman is infertile. While this circumstance is not created by the agents, it is chosen by them and becomes a primary factor in the placing of the human act of intercourse. Therefore, to include those circumstances which would clearly include spermicidal jellies and foams within the comprehension of the condemnation would also include periodic abstinence and this is not included by the Pope. It might be argued that this problem could be accounted for by saying that the circumstance of time is to be excepted from this consideration because it is natural; but this seems arbitrary. Space is also a natural circumstance and if time, as a

natural circumstance, is not to be considered, why is space not accorded a similar role? The objection might be continued that in the use of an artificial agent, space is made the means by an unnatural act. But again, the difficulty is not resolved. In one case space is chosen as the circumstance which becomes primary in the ethical act, while in the other, time is made the primary circumstance. If the use of the space circumstance is said to be unnatural, then the question arises what does the term 'unnatural' mean here? It is not a violation of space to place an object in it. If it is assumed that it is a violation of the sexual act itself, then this assumption is valid only if the conclusion which it is attempting to prove is already assumed to be true. The argument then seems to be an illogical process of arguing in a circle: the use of space as the primary circumstance of the contraceptive act is wrong because it is contraceptive; and because it is contraceptive, contraception itself is wrong. But if it is not admitted that contraceptive acts are wrong, then why is the space barrier to conception unnatural? This consideration, then, still leaves us with the ambiguity of what is meant by the nature of the conjugal act.

Can the meaning of conjugal act intended by the Pope be extended to include not only the two elements already discussed but also all those other conditions which

are necessary to render the act per se apt for generation? It seems possible to attach such a phrase to the definition and believe that the Pope wanted to include them without naming each of them in detail. But such a phrase does not add anything to the clarity of the concept already used by the Pope. Such an addition would presume that there is a clear definition or understanding of those conditions, and that is precisely the difficulty. Accepting the fact that physical generation is only the beginning of the procreative work and that mere physical generation is not a properly human operation, what constitutes the aptitude for generation is not at all clear. The difficulty of assigning a merely biological meaning to the term 'conjugal act' stems from the realization that the conjugal act must include those elements which are proper to marriage and distinguish marriage from all other types of association. If conjugal act does not include all those notes which distinguish marriage from other types of friendship, then it is difficult to see how the primary end of marriage includes the education of offspring as its conjunctive.

It is more than evident from a consideration of the nature of a child that his very existence and proper development require the care and training by an adult. Since the concept of responsibility for the offspring attaches primarily to those who generated the child, the education

of the child seems to be an integral part of the procreative work of marriage. This is certainly to be included in the term 'conjugal act' and the Pope taught this when he said, "But the blessing of offspring implies more than the begetting of it; its proper education is also required."<sup>73</sup> The act of sexuality per se and as such does not include the education of the child even when it is generative, not to mention those instances when it is not generative. Therefore, to define the conjugal act as if it were synonymous with sexual intercourse seems to be too restrictive.

Thus, it is not clear what the Pope condemns when he talks about vitiating the act of nature unless it is presumed that the contraceptive practices are unnatural because the act of sexual intercourse is of itself generative rather than possibly generative and it is simply not true that intercourse is generative of itself. Is it merely possibly generative.

Another possible meaning of the term 'conjugal act' is suggested by Merkelbach when he relies on St. Thomas<sup>74</sup> and talks about the nature of the act. He says:

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73 PIUS XI, "Casti Connubii", in Matrimony, p. 227: "Procreationis autem beneficio bonum prolis haud sane absolvitur, sed alterum accedat oportet, quod debita prolis educatione continetur."

74 St. THOMAS AQUINAS, Summa Theologiae, II-II, Q. 154, art. 11.

Peccatum luxuriae contra naturam est illud quod repugnat ordini et modo quem natura instituit in actu venereo ad generationem, ad quam solam est a natura ordinatus; unde est species distincta luxuriae cum habeat specialem deformitatem.

Cujus quatuor sunt species subalternae, diversam includentes ad naturam et rationem repugnantiam [...] Ergo sunt quatuor species peccati contra naturam:

[...]

4) si servato debito sexu, non servetur debitus modus naturalis concumbendi, ita quod impediatur generatio; quod est innaturalis cum femina concubitus [...].<sup>75</sup>

The problem, however, is not solved by this understanding because both St. Thomas and Merkelbach assume that nature has determined both the order and the mode of sexual intercourse and that they know this established order and mode. There is no dispute with the concept that nature, meaning God, had a definite end in mind when he created sexually differentiated human beings and that He designed the organs for a specific purpose. It does not appear evident that this purpose is clearly known to reason. From the fact that the Pope as well as theologians admit a plurality of ends<sup>76</sup> indicates that there is no revealed or rational knowledge of the end of sexuality. This is further

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<sup>75</sup> MERKELBACH, Summa Theologiae Moralis, Vol. II, p. 947-948.

<sup>76</sup> Cf. PIUS XI, "Casti Connubii", in Matrimony, p. 250; St. THOMAS AQUINAS, Summa Theologiae, Suppl., Q. 41, art. 1; Summa Contra Gentiles, III, chap. 122; MERKELBACH, op. cit., Vol. III, p. 758; LEO XIII, "Arcanum", in Matrimony, p. 152; FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 51-52; etc.

confirmed by Pius XI who does not condemn as immoral the practice of pursuing what is traditionally called a secondary end while excluding the possibility of achieving the primary end.<sup>77</sup> While he demands that the primary end not be excluded by the industry of man, he does admit the morality of seeking a secondary end independently of the primary end provided this pursuit still somehow remain subordinated to the primary end. These positions tend to make the assumption of St. Thomas and Merkelbach at least vague and ambiguous.

In maintaining the position that the assumption of these authors is not clear but vague, care must be taken not to include in this comprehension the idea that God's intention of order and mode are vague. There can be no question about the fact that God intended both marriage and sexuality for very specific reasons and included specific details in structural and operational design to meet these reasons. This position follows from the acceptance of God's creative perfection, i.e., what God does, God does well. Therefore, it is accepted from this assumption that both marriage and sexuality have a finality which includes even the minutest details of its order and mode; it is also accepted from observation that both marriage and sexuality

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77 PIUS XI, "Casti Connubii", in Matrimony, p. 250.

have some determination which suits both for reaching certain ends. Some of these ends are known, but the question which arises about the universality and extent of this knowledge still remains.

The position of Merkelbach, who paraphrases St. Thomas, is valid if and only if the primary purpose of each and every act of sexual intercourse is the procreation of another human being. If this is the case, then, the prescriptions<sup>78</sup> of due order and mode which aim at procreation must be preserved in order not to violate the nature which is essentially ordered to the goal of procreation. The objection to holding this position stems from the fact that the natural movement to intercourse in man does not coincide with the physiologically fertile periods of the woman in every instance. It is even further noticed that in the majority of instances, the inclination to sexual intercourse occurs when the woman is infertile.<sup>79</sup> This phenomenon of sexual movement as well as the female fertility cycle is said to be natural because at times it is

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78 For example, MERKELBACH goes to such an extreme as to say: "Sola mutatio situs in copula non est contra naturam nisi in quantum per ipsam impediretur generatio, quod ordinario non fit." Summa Theologiae Moralis, Vol. II, p. 948-949. Cf. also Vol. III, p. 950.

79 Louis DUPRE, Contraception and Catholics, Baltimore-Dublin, Helicon, 1964, p. 40; Elizabeth DAUGHERTY, "The Lessons of Zoology", in Contraception and Holiness, p. 112.

pre-rational and triggered without conscious reflection from the person. Because it is natural, it can be said to be evidence against the position that procreation is the end of sexual intercourse which must dominate all sexual intercourse. This is simply not found in nature.

Others have tried to establish this same conclusion that procreation is the end of sexual intercourse on the basis of seeing a transcendental relation between the generative organs and generation:

Now, the truth is that matrimony, as an institution of nature, in virtue of the Creator's will, has not as a primary and ultimate end, the personal perfection of the married couple but the procreation and upbringing of a new life. The other ends, inasmuch as they are intended by nature, are not equally primary, much less superior to the primary end, but are essentially subordinated to it. This is true of every marriage, even if no offspring result; just as of every eye it can be said that it is destined and formed to see, even if, in abnormal cases arising from special internal or external conditions, it will never be possible to achieve visual perception.<sup>80</sup>

The context of this particular statement does allow the meaning of sexual relations, even though the words themselves say marriage. The Pope is talking to the midwives. He is extolling the glory of parenthood. He is admonishing the midwives to instill a proper attitude for children in

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<sup>80</sup> PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 424.

the minds of the parents.<sup>81</sup> He is aware of the fact that his audience deals with the physiological aspects of birth,<sup>82</sup> and admonishes his listeners to foster in their patients the right regard for the function of maternity. He suggests that they be eager to do all possible to facilitate the procreation of life, but they should never be willing to break God's law to prevent the advent of children.<sup>83</sup> He re-iterates the condemnation of Pius XI:

[...] that every attempt of either husband or wife in the performance of the conjugal act or in the development of its natural consequences which aims at depriving it of its inherent force and hinders the procreation of new life is immoral; and that no "indication" or need can convert an act which is intrinsically immoral into a moral and lawful one.<sup>84</sup>

In this place, the Pope clearly understands the conjugal act to mean sexual intercourse.

He continues by further instructing the midwives that such activity as he has just condemned shows a lack of readiness in the service of life not only as it is the guide or control of a single act, but also as it concerns the whole organism. The latter part he specifically

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81 PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 408.

82 Ibid., p. 413.

83 Ibid., p. 414.

84 Ibid.

designates as meaning sterilization in the permanent sense.<sup>85</sup> In contrasting this to an attack on life in the single act, the Pope must intend the single act to refer to methods which sterilize the sexual union for the isolated act in which some instrument or chemical renders the particular act sterile without permanently effecting sterilization in the organism. He thus condemns all forms of contraceptive sexual intercourse. He says this direct sterilization either permanent or temporary is contrary to the natural law.<sup>86</sup> He then condemns birth control specifically and talks about the distinction between artificial birth control and natural birth control. From this discussion, the Pope begins to transfer his meaning from sex to marriage. Natural birth control may not be moral just because it does not offend the act of nature.

The reason is that marriage obliges the partners to a state of life, which even as it confers certain rights so it also imposes the accomplishment of a positive work concerning the state itself. In such a case, the general principle may be applied that a positive action may be omitted if grave motives, independent of the good will of those who are obliged to perform it, show that its performance is inopportune, or prove that it may not be claimed with equal right by the petitioner—in this case mankind.

The matrimonial contract, which confers on the married couple the right to satisfy the inclination

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85 PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 415.

86 Ibid., p. 415-416.

of nature, constitutes them in a state of life, namely the matrimonial state. Now, on married couples, who make use of the specific act of their state, nature and the Creator impose the function of providing for the preservation of mankind. [...] Therefore, to embrace the matrimonial state, to use continually the faculty proper to such a state and lawful only therein, and, at the same time, to avoid its primary duty without a grave reason, would be a sin against the very nature of married life.<sup>87</sup>

In these words the Pope states that marriage is a state which can be defined as a state which because of its sexual function has as its goal the procreation of children. The Pope is careful not to diminish the personal values of marriage, nor the second part of the primary end of marriage, namely the education of children; but he is also unequivocal in his assertion that the procreation and education of children are related to marriage as vision is related to the eye.<sup>88</sup>

In analysing the relation between vision and the eye, it becomes evident that there exists a transcendental relation between these two. The whole raison d'être of the eye, as eye, is to see. Its structure, location, and function are ordained to seeing. This ordination is so absolute that if the eye functions at all, it sees. If the eye does not see, it simply does not function at all as an

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<sup>87</sup> PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 418-419.

<sup>88</sup> Ibid., p. 424.

eye. The eye, as eye, does not have any other possibility. It sees color and is indifferent to the type of color seen because the formality under which the eye sees is the formality of colored. This is its function and its absolute condition for operating. If the condition for the exercise of the eye are absent, the eye does not operate and exists as an organ capable of vision.

It is not evident that the existence or operation of either marriage or sex has this type of relationship to procreation. Since it seems to me that the Holy Father intends primarily sexual intercourse in his statement, we \* will first show how conjugal act as sexual intercourse does not have such a relationship to procreation, and then secondly discuss the possibility of such a relationship existing between marriage and procreation.

To consider the possibilities of sex is to see the first difference between it and vision. Sexuality does have the ability to generate offspring, but it can operate without actualizing this possibility.

[...] man's sexual desires and his desire for procreation are not actually in tune, and this is a fact of his nature which he cannot well overcome. The demands of living in the sexual union are real and meaningful demands which impose a far more frequent use of the sexual act for its relational function than could ever be brought into harmony with procreation itself. Man needs to express his mutuality with his partner, and in the sexual act this mutuality is both expressed and recreated; and in this sense the sexual act as a relational

act is a genuinely purposeful act, and not mere play or unleashing of passion. Since this is the case, the couple cannot well dispense with the act and yet continue to live in a sexual relationship without doing extensive emotional damage to the basic stability of their marriage.<sup>89</sup>

While this author may not enjoy the universal approbation of thinkers, her observation here cannot be lightly dismissed. Even when sexual intercourse is fruitful, sexual intercourse has the relational aspect as a function which is not necessarily dependent upon the procreational function. In the ideal order, the procreative character of sex does seem to require this relational aspect. Neither does the Pope himself deny the non-procreative function of sexual intercourse. He says:

Would this lead, perhaps, to Our denying or diminishing what is good and just in personal values resulting from matrimony and its realization? Certainly not, because the Creator has designed that for the procreation of a new life human beings made of flesh and blood, gifted with soul and heart, shall be called upon as men and not as animals deprived of reason to be the authors of their posterity. It is for this end that the Lord desires the union of husband and wife.<sup>90</sup>

From the fact that the Pope has admitted the legitimacy of the employment of sex for non-procreative functions, it seems that it is true to say that there is no

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<sup>89</sup> Rosemary REUTHER, "Birth Control and Ideals of Marital Sexuality", in Contraception and Holiness, p. 79.

<sup>90</sup> PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 426.

transcendental relation between sexual intercourse and procreation because sex in its non-procreative employments uses sex precisely as sex. There is no comparable situation found in the uses of the eye. When the eye is used in non-visual ways, it is not used precisely as an eye. It may be used under its corporeal aspect or under some other formality which it has. But the eye, as eye, does not have multiple functions or possibilities.

When the Pope says that the transcendental relationship is between marriage and procreation, does he mean marriage instead of sexual relations? He uses the word 'marriage', and some might object to our criticism on the basis of the word 'marriage'. In order to discuss this difficulty, two things are necessary: First, if the hypothesis is accepted that the Pope did intend to say that marriage is related to procreation as the eye is to vision, it is necessary to see if this is true and if so, what are its consequences in terms of the teachings of the Pope. Second, it is necessary to justify the claim that in fact the Pope understood sexual intercourse when he used the word 'marriage'.

If the Pope is taken literally, then he means to say that between marriage taken as a natural institution and procreation there is a transcendental relation. He distinguishes marriage as an institution from marriage as

a contract. In this latter category, marriage is an agreement between two people to exchange certain commitments and pursue certain goals in accord with the specifications of the contract. In the case of marriage, the terms of the agreement are specified by the nature of marriage as an institution and the contractual marriage grants to the contracting parties the exercise of those privileges which are proper to marriage as an institution. In making this distinction, the Pope is aware of the fact that marriage as a contract is not related to procreation immediately but to the establishment of marriage as an institution.

Marriage as an institution is that association of a man and woman according to nature. In saying an association according to nature we mean that the natural inclination of the given individual based on pre-rational capacities tends to lead him to seek the companionship of a person of the opposite sex. This natural inclination transcends the limitation of the sex drive. The sex drive seeks its completion in a biological function and when so isolated is not fulfilling in terms of the human person. The basic natural capacity which is the natural basis for marriage is what the Bible refers to when God said it is not good for man to be alone.<sup>91</sup> The natural institution

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<sup>91</sup> Genesis, 2:18.

incorporates sexuality as one of its expressions, but it also places sexuality within the framework of the total personal encounter which is marriage.

Understanding marriage in this way, there is a sense in which it can be said that marriage is ordered to the procreation and education of children; but it is precisely in this sense that it is not true to say that all sexual acts within marriage have to be procreative. It is in this sense that non-procreative sexuality receives its strongest support. It is in this sense of marriage that the personal values of marriage reach an apex of importance.

The importance of the personal values in marriage is clearly seen in terms of the child. When the man and woman have generated any children, they assume the responsibility of rearing that child to maturity. Even in the most ideal Christian marriage, this encompasses every aspect of the personalities of the parents. From two points of view, this responsibility requires the most perfect companionship of the parents that can be obtained. First from the point of view of the education of the child and secondly from a consideration of the personalities of the parents themselves.

In considering the role of the parents as educators, it must be realized that they are the first people

who exert an influence over the child. For the better part of the child's first six years of life, the parents are the sole guide to the child's intellectual and moral development. They receive him bereft of almost all experience. He comes to them with his entitative attributes established, but with his operational attributes in the most primitive form, if not completely nascent. Lacking experience in extra-uterine life, the child has capacities for such experience and in the natural course of events these capacities seek their fulfillment. These capacities have but one criterion—pleasure or pain.<sup>92</sup> It becomes the work of the parents to teach the child what he should take pleasure in and what he should take pain in.

For moral excellence is concerned with pleasures and pains; it is on account of the pleasure that we do bad things, and on account of the pain that we abstain from the noble ones. Hence we ought to have been brought up in a particular way from our very youth, [...] so as both to delight in and to be pained by the things that we ought; for this is the right education.<sup>93</sup>

In this statement, the Philosopher does not refer to pleasure and pain in the hedonistic sense, but rather in the sense of natural fulfillment. There is delight in the person when he is perfected and this is the pleasure of

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92 ARISTOTLE, Nicomachean Ethics, Book II, Chap. 3, 1104b.

93 Ibid., W. D. Ross, translator, in Great Books, Vol. 9, p. 350.

natural fulfillment. Unfortunately, the sphere of the moral does not fall under the scope of entitative nature, but only under the realm of habitual nature—the moral virtues are second nature if they are present at all.<sup>94</sup>

In performing a moral act, the moral agent judges according to what he accepts as good. Much of this knowledge is acquired by what he sees. This is where the life and conduct of his parents becomes so important. The parents give meaning and content to the child's concept of the good. Because the child sees what his parents do and since he has no other norm of judgment, he accepts their actions and conduct as normative. He learns their language, their habits, their mannerisms. The child responds not only to their treatment of him, but also to their treatment of others. If the parents are generous not only to the child, but also to others, the child also learns generosity. This is also true of all other virtues in the life of the child.

Among those characteristics of the parents which the child sees day in and day out is the relationship between them as man and wife. The child knows if his parents love each other. He sees how his father treats his mother and vice versa. The child's deepest impressions of

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<sup>94</sup> ARISTOTLE, Nicomachean Ethics, Book II, Chap. 3, 1104b.

marriage itself are received from the marriage which generated him. This view of marriage will provide the child with his attitude toward people of the opposite sex, as well as give him a definition of his own sex. If the wife is presented to the child as a slave, the female children may well take a dim view of marriage and the male children may get a false impression of the role of a man in marriage.<sup>95</sup> This presentation to the child occurs every day in every facet of life and in the earliest and most impressionable years, this presentation is made almost exclusively by the parents.

Because of this all embracing presentation of life to the child, the parents carry a serious responsibility to show a true picture of life as it can be lived in virtue and harmony. A true picture of life does not mean a representation of living without struggle, without hardship; but it does mean a view of life which recognizes the realities as they are. In the scope of affectivity, where the most meaningful experiences of life are found, the parents should manifest that no matter what the external particulars of the marriage contains, both spouses look to each other as persons whose needs and desires are the prime

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<sup>95</sup> Irene JOSSELYN, The Happy Child, A Psychoanalytic Guide to Emotional and Social Growth, New York, Random House, 1955, p. 13-16.

reason for the effort. Their mutual regard for each other should shine through all circumstances and situations. In this way, marriage is presented to the child as the good God intended when he said it is not good for man to be alone. From such a relationship, the child can learn both the natural and supernatural virtue of charity.

It is within this personal context of mutual love that sexuality realizes its fullest meaning. If sexual intercourse has any specification for man, it receives it from the human aspects of the experience. It is from the tenderness and delicacy which is possible only within the love marriage that human sexuality differs from bestiality. It not only differs from the copulation of brutes, its properly human character dignifies the people and complements them in a manner which transcends the ability of man to describe it. Sexual intercourse represents the highest expression of human friendship when it is performed humanly and this expression itself goes beyond the moment in which the physical act is exercised.<sup>96</sup> Any interruption in the humanity of sexuality will produce its mark on the observable conduct of the parents. To the extent that a married couple fail in their sexual experiences to reach the

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96 VON HILDEBRAND, In Defense of Purity, p. 23; LECLERCQ, Marriage and the Family, p. 7; TRIMBOS, Healthy Attitudes Towards Love and Sex, p. 43-44.

humanity of the act, to that extent they misrepresent marriage to their children and the world. Sexuality is not the whole of marriage, but it is the most intense expression of marriage. If the most intense expression of marriage is poorly realized, a person will convey that defect to others because a man acts with his whole attitude and experience in every action. He will be disappointed with his experience with his spouse and this disappointment will mar the image his children receive from him, even though they may not be able to define it.

From the point of view of the children, then, it seems that marriage is related not to the procreation of children in the restricted sense, but to the procreation of the child in the broad sense which includes his education, because of the educational value that each act within marriage has for the proper training of children. Even before children are born, these acts can be said to be orientated to children since they are the first acts of the habits which will be present when the child does come. But to say that these are orientated to the child is not to say that they are transcendently related to the good of the child. It is clear that when a man compliments his wife's cooking or appearance, he is setting a good example for all witnesses and creating a proper relationship with his wife even if there are no witnesses present. This

rapport with his wife will be noticeable by all with whom she has any contact. These actions have the good of the wife as their goal and not the good of the child, except accidentally.

In terms of the spouses, the best form of companionship possible should be had between a husband and wife. While it may be harsh and unfair to describe the presence of children as a troublesome burden, it would be equally dishonest to say their presence is an unqualified joy. The child may be truly called a blessing not only in the sense that it provides an opportunity to the parents to develop a truly altruistic sense of virtue, but also in the sense that the child brings many moments of happiness and bliss. But despite the genuine love which most parents have for their children, they also find the child a trial. Just the realization that the child is exploring the restricted confines of the home without experience and knowledge of the ordinary objects of the house is enough to cause the parents concern. Even though parents take extreme precautions to remove all dangers, the parents are limited while the child's powers to investigate grow daily. This knowledge plus the love the parents have for the child taxes the parents' strength. The daily requirements for food, shelter and protection, the daily possibility of minor ills—not to mention serious and even fatal diseases—demand much

of the father and mother. This knowledge plus the awareness of their responsibility for the moral training of the child is found in men and women who are human—people who are limited in their mental, emotional, and economic resources. These people look to each other for the help which makes such a life possible. This mutual assistance is not only material; but, more important, psychological. If the couple knows that each partner has a growth in love for the other, the daily responsibility of having a family becomes a real possibility. If the demands of the child are always filtered through the atmosphere of conjugal love, neither parent is overcome by these demands. But if this atmosphere is weak or lost, the parents become slaves to the children.

The mutual support that each spouse seeks from the other is necessary for the perfection which the spouses seek in marriage as a vocation and which makes their roles as educators possible. This type of association is marked by a continual attitude of love which finds its expression in deeds. But the deeds which announce the love each has for the other are meaningless if they do not find fulfillment in the complete act of self surrender from time to time. The complete surrender is all the more important when the need for this expression is great. The life of a parent is filled with episodes which can and do drain the

emotional reservoirs and they are in constant need of replenishing. Such experiences, as Mrs. Reuther observes above, do not always coincide with the biological cycle of rhythm. It is difficult to conceive of the Creator placing this nature in men, providing the virtue of love by which people can recognize these demands of the spouse, and yet forbidding its expression. Has the Persian poet captured the paradox of the universe when he wrote:

Ah Love! could you and I with Him conspire  
To grasp this sorry Scheme of Things entire,  
    Would not we shatter it to bits—and then  
Re-mold it nearer to the Heart's Desire!<sup>97</sup>

The psychological limitations of the parents, the love they have for each other and the desire to manifest these sentiments are natural and God given traits. When a man recognizes that the trials of the day have taken their toll on his wife and he wants to convey his strong affection for her, this action is aimed primarily to the perfection of the wife and the union, not to the children. Yet, if it is known that the woman is fertile and that another pregnancy is undesirable, how can abstinence further the strength of the union or the education of the children? It is not immediately clear that such a course of action is beneficial either to the parents or the children. Nor

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<sup>97</sup> Omar KHAYYAM, Rubaiyat, stanza 99, Fitzgerald translation as quoted in DAVIDSON, Search for Meaning in Life, New York, Holt, Rinehart and Winston, 1962, p. 60.

is it clear that such abstinence is necessarily virtuous because it seems that God has made the nature to act in the way it acts, and yet has forbidden man to act according to his nature.

From this consideration, then, it is not immediately evident that marriage as an institution is transcendently related to the procreation of children in the sense that every act of intercourse must be orientated to procreation as generation, yet this is the sense attributed to the condemnation found in Casti Connubii and confirmed by Pius XII.

To understand the Popes in any other sense renders their condemnation futile. When they say that every performance of the conjugal act which aims at depriving it of its inherent force to procreate new life, they intend to condemn artificial contraception. But if they are understood to mean marriage instead of sexual intercourse, then their intention becomes so ambiguous as to allow for some of the acts they have been interpreted to condemn. If the conjugal act of Pius XI and the act proper to marriage of Pius XII do not mean sexual intercourse, then there could be instances when the Popes would condemn abstinence from contraceptive intercourse. If the marriage is thought to be orientated to procreation in the broad sense and an act of intercourse is desired by one of the spouses during the

fertile phase of the woman's cycle and no pregnancy can be admitted, then the Popes would have to forbid the abstinence from such an act if the abstinence would frustrate the proper disposition which should be found between parents. This follows because of what was said above about the educational value of all the acts of the parents. But the Popes clearly do not intend this possibility. If the Popes understood marriage as orientated to procreation in the strict sense of this term, then their statements are simply false since the only act of marriage which can be orientated to procreation in the strict sense is sexual intercourse. Therefore, it seems that the only meaning which can be attached to the words of the Popes which can carry the force of the condemnation which they seem to want to have is sexual intercourse.

If contraception, then, is not clearly condemned by the natural law, by the nature of sex and sexuality, or by the nature of marriage, is it condemned by reason of the love which the two people have for each other? Does the relational character of sex and marriage forbid it? To answer these questions is to consider the personalist approach to marriage and sex, and this is what we will consider in the next chapter.

## CHAPITRE IV

### CONTRACEPTION AND THE PERSONALIST APPROACH TO MARRIAGE

The personalist approach to marriage is a view of marriage which considers the dignity of marriage in terms of attributes which are more appropriate to persons than to standards of a sub-human nature. The basic position of those who defend or oppose contraception on the basis of a biological phenomenon accept a sub-human standard for their prime principle.<sup>1</sup> Those who accept marriage as an institution for procreation make a sub-human principle the governing norm for marriage and marital ethics.<sup>2</sup> In contrast to these views, some authors try to establish the dignity of marriage on characteristics which are proper to human beings such as love<sup>3</sup> or a particular type of relationship.<sup>4</sup> Because these attributes are more appropriately applied to persons, those systems which consider such attributes as

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1 FORD and KELLY, Contemporary Moral Theology, Vol. II, p. 137.

2 Codex Juris Canonici, Can. 1013, § 1, for example.

3 Dietrich VON HILDEBRAND, Marriage, London, Longmans Green and Co., 1942, p. 4.

4 Herbert DOMS, The Meaning of Marriage, George Sayer, trans., New York, Sheed and Ward, 1939, p. 95.

the primary characteristics of marriage are called personalist systems or approaches.

One of those whose concept of marriage stems from such a view is Herbert Doms. In his book, The Meaning of Marriage,<sup>5</sup> Doms presents marriage as a relation in which a person desires the perfect union with another person:

Marriage—the conjugal relationship—is a result of the gift of a man and a woman to each other in order that each may participate in the life of the other. [...] The unity of life of the partners, and consequently, the solidarity of their bond, are further reinforced if the particular act by which each participates in the life of the other is consummated.<sup>6</sup>

This participation in the life of the other does not represent a philosophic participation, nor is it restricted to a spiritual or Platonic type of relationship. For Doms, this relationship is proper to marriage and represents a unity of persons at all levels of each partner.

Human beings can, and in general should in accordance with the will of God, work upon each other mutually; and not only morally and spiritually, but also physically, because man belongs not less to the world of physical nature than to the world of the spirit. For the spiritual soul itself, as the form of the body, pertains to the physical nature. And it is clearly the will of God that human beings should exercise upon each other something more than a moral influence. They must exert a natural influence too, and not only

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5 A translation from the French Sens et fin du mariage.

6 DOMS, The Meaning of Marriage, p. 59.

indirectly as through their actions, but also directly. Men and women can give themselves to each other through intimate spiritual love, and the body can participate in their direct giving of self to self.<sup>7</sup>

This relationship of person to person includes the greatest act of unity which two people can experience while preserving their personal identity, namely sexual intercourse.<sup>8</sup>

Sexual intercourse, then, gains its significance and dignity because it is the proper expression of the mutual love between the married people.

[...] the personal giving of husband and wife to each other and the physical realization of this giving in the marriage act, mark the highest point of attainment in their participation in the life of each other.<sup>9</sup>

Despite this attitude that sexual intercourse represents the highest degree of participation in the personality of the other, Doms does not take an extreme position in which he denies that there is any nature which must be respected. His personalistic approach to marriage places primary emphasis on the personal attributes of marriage, but it does not exclude the role of what might be called natural attributes.

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7 DOMS, The Meaning of Marriage, p. 48. Cf. also, p. 128.

8 Ibid., p. 27 and p. 48.

9 Ibid., p. 103-104.

But as the structure of sex in human beings shows, the fulfillment of the person through the use of the sexual organs can only have this deep meaning and power of expressing if the individual follows the laws instituted by God for their function. Fulfilment can only come from an act with a person of the other sex which is performed in a way which harmonises with the anatomical and physiological make-up of the two persons.<sup>10</sup>

From this particular quotation it is evident that Doms places a priority on the personal fulfillment of the spouses, but he maintains that the personal fulfillment can be achieved only if the anatomical and physiological make-up of the partners is respected. This particular orientation can be given a benevolent interpretation, but it can be understood in a way which does not account for all the factors which arise. The benevolent interpretation is one which would recognize that the personalist factors are not to be sacrifices for the demands of the biological standard, or the needs of the species. Doms seems to incline to this position for the most part.<sup>11</sup> He places such a primacy on the personal union and personal fulfillment of the married partners that he denies that procreation is the primary end of sexual intercourse.

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10 DOMS, The Meaning of Marriage, p. 45-46.

11 Ibid., p. 18, 25-26, 31, 35, 37, 43-44, 49, 57, 67-68, 87, 93-94, 130, 131, 152, 154, 165, 181, 185 and 186.

The sexual union of husband and wife is not properly speaking concerned with "engendering" in the sense of the production of active seed on the part of the man, and with the production of passive seed on the part of the woman (as the medievalists supposed). Nor is it properly concerned with the action of mingling these seed on the part of both. The function which sexual union serves is to bring together in the female organism male and female seed, which have been produced quite independently of the sexual act, and which are "totipotentes" and separate from the organisms of the parents. The immediate biological object of the sexual act is union. If a conjunction of sperm and ova is realised, it is but a result of the union of persons. But the absence of any period of rut and the absolute impossibility, even now after thousands of years of scientific and unscientific research, of finding out the biological moment appropriate to conception,—these two facts—show that the sexual act will often have to be repeated before it can become in fact an act of generation. Thus the very nature of the sexual act emphasises its personal importance as distinct from its biological purpose. It seems then that we shall be nearer the truth if we look upon the procreation of children as the natural result of the act of marital union, provided the act is favoured by certain circumstances which are indeterminate, or which, at all events, we have not yet succeeded in discovering. We shall certainly be making a mistake if we subordinate the act in its primary content to procreation, because in a very great number of circumstances (for instance, during pregnancy or just after the change of life) this purpose cannot in fact be fulfilled.<sup>12</sup>

Thus, Doms accepts the position that the end of an object should be known from what is done by the object. As a thing acts so it is, is the principle being employed. From this principle, Doms concludes that procreation is not the primary end of sexual intercourse since procreation is not

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12 DOMS, The Meaning of Marriage, p. 67-68.

possible in some cases and is not actual in others. Since this is the case, it seems inappropriate to say that the primary purpose is procreation.

Care should be taken to notice that Doms is not denying that procreation is an end of sexual intercourse. He is not only not denying that procreation is an end of sexual intercourse, he maintains that procreation is the biological purpose of sexual intercourse.<sup>13</sup> He explains this by maintaining that the physiological structure and elements are aimed at generation as their perfect fulfillment. The sperm achieves the highest level of its potentiality when it has fertilized an ovum, whose greatest level of potentiality is to be fertilized. But even though this achievement is the extent of the power of each element, it can be accomplished without the physical union of the man and the woman by means of artificial insemination. So the biological end can be separated from the personal union of the people. The Church does not allow this fulfillment of the biological end,<sup>14</sup> nor does the Church allow the practice of fornication for the purpose of generation.<sup>15</sup>

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13 DOMS, The Meaning of Marriage, p. 8-9.

14 PIUS XII, "Allocution to Midwives", Oct. 29, 1951, in Matrimony, p. 427-428.

15 PIUS XI, "Casti Connubii", in Matrimony, p. 224, 228-229; and PIUS XII, op. cit., p. 430-431.

Doms refers to a decision of the Church to reinforce his view that artificial insemination is immoral.<sup>16</sup> From this reasoning, Doms draws the conclusion that while procreation is the biological purpose of sexual intercourse, it is a purpose which cannot be achieved in each act of intercourse and therefore should not be considered the subordinating purpose.<sup>17</sup> This reasoning process, aside from the value of the biological details about the production of sperm and ovum, seems to have validity. Whatever is the final cause of a given act or being should be something which can be achieved in each and every instance of the act or being. Therefore it seems valid to conclude that since procreation is not even a possibility during pregnancy, after the menopause, nor during the sterile phase of the female cycle, it is not correct to assign procreation as the primary purpose of sexual intercourse.

If procreation is not the primary purpose of sexual intercourse, what is the primary purpose? Doms maintains that union is the purpose.<sup>18</sup> The personalist approach begins to encounter some difficulty here. The question which arises at this point is the supposition of such words as

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16 DOMS, The Meaning of Marriage, p. 177.

17 Ibid., p. 68.

18 Ibid., p. 188.

'union' and 'unity'. Doms understands this unity as a two-in-oneship:

Marriage is legal, real and moral two-in-oneship. Marital love is its breath. This love is of itself fruitful. Any experience of love puts people under the domination of that great law of love which embraces every human community and attains its supreme meaning in marriage. Indeed it then comes to play a determining part because of the completeness and intimacy of the community of life between married people.<sup>19</sup>

This intimacy, this love which is the breath of life in the conjugal relation reaches its greatest expression in the act of sexual intercourse.<sup>20</sup> So for Doms, the unity of marriage is the participation of one person in the personality of another person and this participation is most perfect when the married people perform the act of sexual intercourse. It is obvious that the fact of physical penetration by the man is an operation by which the man and woman are united in a unique way, but this type of unity is not and cannot of itself be defined as an act of participating in the personality of another. It must be admitted that intercourse can become part of the participation by which one person shares the personality of another and it must also be admitted that when intercourse is performed in a properly marital manner, it symbolizes and expresses

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19 DOMS, The Meaning of Marriage, p. 26.

20 Ibid., p. 95.

this participation most perfectly; but none the less, sexual intercourse of itself is not the participation of one person in the personality of another. This fact is evident from the realization that sexual intercourse taken in itself is a biological function which can be performed by some animals and by some people in an animalistic manner. A prostitute who makes her body available to the desires of a man while concentrating on the money such service provides cannot be said to be participating in the personality of the man. She is merely suffering the advances of her accomplice without interest in what she is doing. It is true that such people become united, but they do not become united as people but as bodies.

The union between the sexes which becomes a participation in the personality by each partner is a union which transcends the merely physical act of intercourse. This is the position which is defended by most of the personalists.<sup>21</sup> The transphysical involvement does not exclude, but includes the physical:

Human beings can, and in general should, in accordance with the will of God, work upon each other mutually; and not only morally and spiritually, but also physically, because man belongs not less to the world of physical nature than to

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<sup>21</sup> DOMS, The Meaning of Marriage, p. 48; VON HILDEBRAND, Marriage, p. 3-4; TRIMBOS, Healthy Attitudes Towards Love and Sex, p. 95-96.

the world of the spirit. For the spiritual soul itself, as the form of the body, pertains to the physical nature. And it is clearly the will of God that human beings should exercise upon each other something more than a moral influence. They must exert a natural influence too, and not only indirectly as through their actions, but also directly. Men and women can give themselves to each other through intimate spiritual love and the body can participate in their direct giving of self to self.<sup>22</sup>

From this quotation, it becomes clear that Doms includes the total personality of the individual in his concept of conjugal relations. Such a position is truly called personal because the unity of the people should involve all levels of the personality if each person is to participate in the other. The fact of participation is that relationship in which two things are somehow identified. The mirror is said to participate in the light of the sun when it reflects sun light. The light which is found in both the sun and the mirror properly belongs to the sun and belongs to the mirror only participatively. This does not deny the reality of the light in the mirror, but denies that the mirror is the source of its own light. In terms of marriage, the man sees the goodness of the woman as a person and begins to love her. The converse occurs with the woman. Their mutual return fosters this love which in turn begins to seek a unity. The beginning of this unity is

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22 DOMS, The Meaning of Marriage, p. 48.

found when the two people begin to seek each other's company. They want to be together. As they begin to be together more frequently and for greater periods of time, they begin to share their knowledge and some emotional experiences. As the friendship develops into love, the people begin to engage in physical expressions of the affection which they have for each other. They participate in a love and as a result they seek a union which, if continued, will lead them to marriage and the full expression of their love in sexual intercourse. This union of intellects, emotions, and physical organism does not yet qualify as a participation in the sense of the example used above. One of the partners cannot be said to possess the perfection of the love and cause this love in the other. The love which becomes the cause of the union is not possessed by either in a causal sense. Each loves according to his or her ability to recognize the other as good.

To participate in the personality of another, if participation is to be understood correctly, means that one has the perfection of the personality and this personality causes an identity of characteristics in the other. That this occurs between people who are in love is more than obvious from a consideration of the people involved. To the extent possible, both begin using the same vocabulary, the same gestures and mannerisms. The basic factor of

participation, then, which seems to be found between married partners is the presence of some perfection in which the partners seek to be identified. The causal direction of the various perfections may vary and in every instance the type of causality found is not efficient but exemplar. Neither partner is the efficient cause of the change which is found in the other. Thus, the ability of married people to participate the personality of the other is limited.

The limited participation of one in the personality of the other is not only necessary, but desirable. Two people cannot become perfectly identified in any perfection because such an identity would involve the destruction of the personality of one or both. The material facticity of the people prevents the identity from becoming perfect or absolute. Second, the people themselves do not want to incorporate the other perfectly. The distinction of persons is the absolute sine qua non condition for love in the proper sense. The man wants to love the woman, he wants to give himself to her. While he may want to give himself completely to the woman, the woman does not want him that way. If she accepted the gift of the man perfectly, she would not have a person to whom she could give herself. So while she accepts the man's gift of himself, she accepts him only to the extent that he remains autonomous and independent so he can still receive her gift to him. Thus, the

participation which each desires from the other and the participation which is possible to both is a limited participation.

For Doms, the participation of marriage is best expressed in sexual intercourse:

Marriage—the conjugal relationship—is a result of the gift of a man and a woman to each other in order that each may participate in the life of the other. [...] The unity of life of the partners, and consequently, the solidarity of their bond, are further reinforced if the particular act by which each participates in the life of the other is consummated.<sup>23</sup>

Such participation becomes ambiguous at this point. Before the couple reaches the stage where marriage is contracted and sexual intercourse engaged in there is already a form of unity and participation developing. When the marriage is contracted and sexual intercourse performed, there is still an autonomy and independence present and desired. Thus, the question of the unity and participation arises. Admitting the limitation of unity and participation, the problem of discerning a standard or criterion by which the degree of limitation can be judged as beneficial or destructive, good or evil, is raised. A marriage in which one or both of the partners is possessive is destructive of the people who are married. A marriage where there is no unity or participation is equally destructive of the

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23 DOMS, The Meaning of Marriage, p. 59.

persons since they are related to each other in a manner which demands some unity and participation, even if it is restricted to those few occasions when they engage in sexual intercourse. The extremes of unity and participation are first excess: a unity which produces a substantial unity, a unity which is neither possible nor desirable in marriage; and second: a mere association where people come together physically on certain occasions to accomplish a certain specified objective or end. This type of unity is certainly possible in marriage, but does not seem to satisfy most people who are married. Since these are the extremes of unity and participation, the mean is found somewhere between and must be regulated or determined by what is proper to the marriage.

Just how is this mean established in the concrete order? Doms answers this question by saying that personal fulfillment is the norm.<sup>24</sup> Dietrich von Hildebrand maintains that it is love.<sup>25</sup> C. J. Trimbos opts for the cessation of loneliness.<sup>26</sup> All of these notes are attributes of a person and in some sense mutually inclusive. They at

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24 DOMS, The Meaning of Marriage, p. 95.

25 VON HILDEBRAND, Marriage, p. 4.

26 TRIMBOS, Healthy Attitudes Towards Love and Sex, p. 95.

least refer to each other when considered in the context of marriage. When Doms defines marriage as

[...] the enduring love-relationship of two grown-up persons of different sex, who come together to form one indivisible and indissoluble community of life in which they can fulfil and help each other.<sup>27</sup>

he has to refer to marriage in terms of the personal capacity of the people who are married to each other. A person's ability to be fulfilled depends upon his personal capacities. The extent to which a person can love or be loved is derived from his ontological reality. This is not unrelated to Trimbos' position because man is a social being. He needs to love and be loved in order to be happy. When a person lives alone, he is not living a perfectly human life. Granted that the necessity to live in society does not require that a person be married, for most people marriage is the only way in which the isolation of the single life can be avoided. This very fact that some people can live full and happy lives without being married while others cannot indicates that the capacity of each individual for social involvement varies. The degree to which people suffer loneliness indicates their capacity for social living. And even within this division, the scope and mode of

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27 DOMS, The Meaning of Marriage, p. 95.

expressing their social living indicates further variation in the capacity.

So, too, within marriage, the various individuals will bring different capacities for social living. Some people will require a greater degree of companionship than others even though both require some companionship. This degree of companionship may vary according to the conditions of the marriage itself. Thus a childless marriage may satisfy the couple and enable each to pursue a private career and still satisfy their desire for companionship. The economic lack of another marriage may indicate to both partners that they will be more perfectly satisfied if both work. The professional competence of each may be such that both partners are left unfulfilled unless both practice their profession. Since each of the individuals brings different capacities to the marriage, it does not seem possible to define the manner or type of the fulfillment of the partners.

However, to define the mean between the two extremes of unity in terms of personal fulfillment or love should not be understood in such a way as to allow a situational interpretation to be placed upon it. Personal fulfillment and love are not subject to the situation or personal whims of the people who are married. None of the personalist authors holds a situation type ethics and it would be

unfair to their words to interpret them in this way. The criterion of fulfillment is based on the personal capacities of the individuals and these are fixed and established by the constitution of the person and do not vary from situation to situation. A person either does or does not have a particular capacity and while it is true that every capacity is actualized in a particular situation, the object is good or bad because of its relation to the person's capacity and not because of the situation in which it is actualized. Because its goodness stems from this relation, such an object was always good or not good for the individual. While I think each capacity is related to a specific object as its fulfillment, the fulfillment of a capacity is a perfection of the individual in terms of his total reality rather than to a specific or particular actuality. This concept of totality has the double meaning, of the whole man in terms of his present state or condition as well as the man's total perfectibility. This latter sense means man's ultimate end. The ultimate criterion of fulfillment is the man's last end. But there are some things which could be said to fulfill the man's perfectibility in terms of his ultimate end but which would not be appropriate or good at a particular state in that man's life. An example of this would be sexual intercourse. If a certain man is married, sexual intercourse properly

performed with his own wife can be an action which fulfills and perfects this man in terms of his present state and condition and leads him to his ultimate end of perfection. The same action with the same woman before he had married her would not fulfill or perfect him since it would be the expression of a commitment which he had not yet made. The ontological reality of the commitment which is marriage is not a flexible arbitrary situation which varies from hour to hour or from day to day. It is a fixed and absolute commitment of two people of the opposite sex to each other. It is an agreement freely entered into by which the partners pledge themselves to each other for life. As such, marriage is an ontological fact in which the partners are privileged and obliged to begin the execution of those offices which will maintain and foster this relationship to the fulfillment of their mutual pledge. Because of their agreement and commitment, the partners are perfected by the exercise of their marital rights. They are ontologically modified by the conjugal relation which makes sexual intercourse perfecting while the same action without this ontological modification does not perfect. Thus, fulfillment which is the standard by which union and participation in marriage are to be judged is something to be determined according to the ontological capacity of the people who are married. In saying this it must be noted that these

capacities, while fixed and determined in the individual ab initio, must still be viewed in terms of the state of development since a person's capacities may be actualized as he progresses and these actualizations make further actuality of the same kind evil. For example, a man has a certain capacity for food or drink. When he has actualized that capacity, any further attempt to eat or drink while that state of actualization exists would be immoral. Along the same line, a person may find that a certain actualization of a given capacity is the means for placing other capacities in a condition of proximate fulfillment or render the same capacity more potential. If a person learns to read, he makes it possible to study other things besides reading. An example of increasing the potential of a capacity by actualizing the initial capacity is found in walking or the study of mathematics. As the person develops any physical habit, he increases his ability to use that physical power. This understanding of fulfillment is personal because it is established by the ontological state of the person and is not based on situationism since it is the fixed reality of the person and not the relative situation in which the actualization occurs which determines the morality or goodness of the action.

It is also possible to understand fulfillment in a sense which would lead to situationism, but this would not

be moral, nor is it what these authors mean. If fulfillment meant only the satisfaction of a capacity without relating this fulfillment to the whole man or to his ultimate perfection, then the person would be the slave to circumstances and his personal caprices. He would do things which would be out of harmony with his total good for circumstantial and selfish reasons. Thus a person might be tempted to exceed his personal capacity for food or drink because the crowd would consider him unmanly if he did not. Or a person who was seeking relief from a pressing evil might choose to drown his sorrow in drunkenness or distract himself by the intensity of a sexual experience, but the person does not fulfill himself with these forms of escape. He fails to perfect himself because he has no capacity for these actions and this is evident from the consequences of such action. All perfecting or fulfilling actions lead to satisfaction and contentment while actions performed out of proportion to actual personal capacity are frustrating and dissatisfying, even though they may distract for a short time. From the fact that such actions do not lead to contentment and personal happiness, it follows that such an action was out of proportion to the person's real capacities. That Doms does not mean fulfillment in this sense is evident from his definition of marriage where he says the partners form a unity to help each other as well as

fulfill each other.<sup>28</sup> He is more explicit in condemning this latter position when he refers to the obligatory force of natural law:

Natural law takes its obligatory force from the fact that in nature, things themselves, because of their known nature and actual results, necessitate or prevent a particular act.<sup>29</sup>

Thus, it seems unfair to me to read Doms as if he intended to deny validity to nature and its reality and equally unfair to read into his work a view which gives a priority to nature.<sup>30</sup>

Yet, despite this denial of the priority of nature or species over the personal purposes of marriage, Doms' condemnation of contraception seems to rely on the priority of nature and seems to be inconsistent with the rest of his work. To establish this inconsistency we quote his rather lengthy arguments against contraception.

The mechanism of all these biological processes is, as its form shows, directed towards procreation. It is an incontestable fact that the propagation of children is, in this sense, the first purpose of the sexual act. Procreation is obviously the determining raison d'être of the structure and normal functioning of the human sexual apparatus. It determines the course of every normal sexual act, even in those cases when the child cannot, for various reasons, either actually or virtually, be the freely willed object of the act.

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28 DOMS, The Meaning of Marriage, p. 95.

29 Ibid., p. 182.

30 Ibid., p. 87 and 181.

When the sexual act results in conception, it naturally brings certain very deep modifications to the organism and psychic life of the woman. But even when conception does not take place, the "abandoned" giving of man and woman to each other in the marriage act fulfills its full immediate biological object through the effects of the male seminal fluid upon the physical well being of the woman.

Hence, to put an artificial object in the way of this fulfilment represents a corruption of the integrity of the act itself, as does any previous prevention of the introduction of the seminal fluid into the female organism. Since man cannot control the processes which follow on the act, and since he cannot by himself bring about a meeting of ovum and sperm, although all processes subsequent to the marriage act tend by nature, that is to say by virtue of the creative power of God, to move towards this meeting, we have to recognize that nature itself imposes certain limits on human rights. Once the seed is deposited in the body of the woman, the partners cease to have any determining rights over the essential movements of the seed, as instituted by the Creator. If they do interfere with these movements, they are presuming to that state of sovereignty which God has manifestly reserved for Himself.

All other biological processes are exclusively concerned with functions of the body; but the biological direction of the sexual act is towards the production of a new human person with a new human soul created by God. Its purpose is subordinated not to the personalities of the parents but to God alone. The man loses the right to do what he will with his seed once he has performed the sexual act. The act he performs is personal but not the means adopted by nature to realise its primary purpose. The biological object of the act is the procreation of a new human being, and, for this reason, it is at the sole disposal of God. In our opinion artificial intervention in the procreative process is evil not so much because living matter is wasted or because another person's right to existence is violated as because of the voluntary attack on the vital processes in which we have no right to interfere. The sin is not that against a human person who does not yet exist, but rather against the sovereign rights of God Himself.

The sexual cells and the rest of the sexual apparatus necessary for the fulfilment of their biological purpose were created by God as the most essential instruments for the performance by one human being with another of the natural act of the two-in-one. By this act a man or woman confers on himself and his partner those fulfilments which follow the act or are directly given to him. The two objects of the act—personal and biological—are bound together although they are distinct and different. Indeed in normal circumstances they are interwoven to such a degree that they cannot be separated.<sup>31</sup>

The basic argument given in this statement can be reduced to the following syllogism:

An act whose primary purpose is intentionally thwarted is a violation of the integrity of that act and immoral.

But contraceptive intercourse is an intentional thwarting of the biological process of intercourse.

Therefore contraception is a violation of the integrity of the act of intercourse and immoral.

The major premiss of this argument can be accepted as a valid principle. However, this minor premiss is not consistent with Doms' reasoning process. His basic position favors the perfection of the person and he says that even though the biological purpose of the act of intercourse is procreation, he sees no reason why this should be the criterion for judging the morality of the act.

The human sexual act, because of its actual or at least virtual ordination to the procreation of new human beings, puts heavy responsibilities on

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31 DOMS, The Meaning of Marriage, p. 72-74.

the partners. They are responsible for the material part of the act of generation, for the child, and for one another during the whole of their mysterious co-operation in the act of generation. All this is true, but nevertheless one must not, in my opinion, deduce the whole sexual morality from it.<sup>32</sup>

Here Doms continues to admit that sexual intercourse has an important biological function to perform, but he seems to deny that this alone should become the criterion for the morality of sexuality. The only intelligible significance that this statement can have is that there is something else which must be considered in making a moral judgment about sexuality. He seems to say this again when he talks about the constitution of marriage where he says:

The constitution of marriage, the union of two persons, does not then consist in their subservience to a purpose outside themselves for which they marry. It consists in the constant vital ordination of husband and wife to each other until they become one. If this is so, there can be no longer sufficient reason from this standpoint, for speaking of procreation as the primary purpose [...] and for dividing off the other purposes as secondary.<sup>33</sup>

In other words, Doms does not want to diminish the place of procreation itself nor the part sexual intercourse has in it, but he does not think it is primary either in marriage or in sexuality. Marriage has other purposes which are equally important and sexuality achieves other ends besides

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<sup>32</sup> DOMS, The Meaning of Marriage, p. 186.

<sup>33</sup> Ibid., p. 87.

procreation which should not be considered subordinate to procreation.

When he begins to establish his minor premiss, he says that the biological processes are directed to procreation; but I think this statement is ambiguous. If he means that the operation of sexual intercourse in all of its biological processes is directed to procreation, I think he fails to note all of the details. The operation itself is directed to the physical union of the partners themselves and that this constitutes the maximum potential of the act of intercourse. Doms himself states this.<sup>34</sup> He further elaborates his emphasis in terms of the various purposes of sexual intercourse:

The marriage act has one immediate purpose, and that is the realization through fusion of the bodies of the real two-in-oneness of husband and wife. This realisation is in itself of great significance. In nature it is orientated around two ulterior purposes, one personal and the other biological. The personal one is the fulfilment of husband and wife as persons, a fulfilment which takes place on every level of their being. The final biological purpose is procreation. So the intrinsic meaning and ulterior personal purpose are really distinct. The meta-physical unity of husband and wife in the marriage act is made possible by the fact that each is completed by the actus secundus of the other. The biological act, which is ordained for the procreation of children, is also the integrating "moment" in the physical action, the meaning of which is complete mutual giving. Thus the act is part of the action, and

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34 DOMS, The Meaning of Marriage, p. 18.

the meaning immanent in any performance of the vital act of two-in-oneness is, anyway to some extent, also its own purpose.<sup>35</sup>

From this, then, it seems that Doms wants to admit the distinction between the personalist and biological possibilities of sexual intercourse and to maintain that these purposes in some sense give meaning to the act of intercourse. Now the problem arises, is there a hierarchy among the possible ends? If the hypothesis is assumed that both marriage and sexual intercourse are primarily for the personal fulfillment of the married partners, then it would seem that the personal ends should take precedence when there is a conflict between the two ends. If the biological end is always inviolable, then it would seem that the personalist end is always to be subordinated in the event of a conflict because there are instances when the personal fulfillment of the spouses will also involve an unwanted pregnancy, one which will exceed the capacity of the parents. So if his statement that the biological mechanism in its totality ("The mechanism of all these biological processes [...]"<sup>36</sup>) is destined for procreation, I think he is mistaken. The biological fulfillment of the spouses is

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35 DOMS, The Meaning of Marriage, p. 85.

36 Ibid., p. 72 (cf. supra, p. 222).

not directed to procreation, as he admits above.<sup>37</sup> If he means that all the biological processes are apt or capable of leading to procreation, then he is correct. But in this sense, even those sperms lost in nocturnal emissions or ejaculated in intercourse during the sterile phase of the female cycle are apt but not directed to procreation. Therefore, this aptitude which is always present, does not seem to be beyond the voluntary control of man otherwise no one could practice periodic abstinence or rhythm. Thus it is not evident to me that this argument condemns artificial contraception and especially within Doms' own terms. His effort seems to be devoted to the personalist position of marriage, yet this argument seems to be based on nature as opposed to the personal aspects. He does not change the supposition of the argument by defining the basic principle as God and then speaking of contraception as a usurpation of a divine right. The only reason Doms can speak of God as the ultimate principle is that he assumes that God is the author of nature and that God's intentions are manifested by the workings of nature. I think he is correct in assuming that God is the author of nature and I also think that God's intentions can be discerned by a study of nature. But it does not follow from this that we in fact

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<sup>37</sup> Cf. supra, p. 226-227 (DOMS, The Meaning of Marriage, p. 85).

know God's intentions in every instance of nature's operation or in every detail of that operation. Lacking a specific revelation and the specific knowledge of the finality of the act of sexual intercourse, I do not think there is sufficient evidence to say that it is an infringement of a divine prerogative to deliberately prevent the movement of the sperm to reach and fertilize an ovum. The reason why I have difficulty following Doms to his conclusion is that in the vast majority of cases, the movement of the sperm does not achieve the end of conception even when not artificially impeded.<sup>38</sup> Even when conception occurs, only one sperm out of millions achieves the union and it is evident that there are more acts of sexual intercourse which are not fertile than are even when there is no attempt to prevent conception. Because of this, it seems difficult to assert that procreation is the primary biological end of sexual intercourse since this end is not regularly achieved by the biological operation.

It also seems difficult to accept the proposition that since God is the author of life that he wishes to retain control of the life giving process in all of its detail independently of the personalities of the married

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<sup>38</sup> Elizabeth A. DAUGHERTY, "The Lessons of Zoology", in Contraception and Holiness, p. 113-114.

people.<sup>39</sup> I do not disagree with the proposition that God and God alone is the proper cause of life whenever life is generated, but to admit this is not to admit that the human agents have nothing but an instrumental role to play in generation. God intends all beings to be subject to His eternal law and decrees, but he intends them to be subject to that law according to the proper nature of each.<sup>40</sup> This means that man is to be subject according to reason. Man is to employ his intellect and will in the service of God. Thus, man's subjection to the eternal law is a voluntary submission and this voluntary service flows from a knowledge which man acquires of the eternal law. Therefore, it seems reasonable that God wants man to become willing co-operators in the creation of children. This willingness does not seem reasonable if it is restricted to the point where it is stated that people express their willingness to have children because they are married or because they exercise their sexual powers. This type of willingness first of all does not necessarily represent the facts since virginal marriages as well as brother-sister marriages are moral and valid. It is also evident that there can be marriages where periodic abstinence is practiced throughout

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39 DOMS, The Meaning of Marriage, p. 73.

40 St. THOMAS AQUINAS, Summa Theologiae, I-II, Q. 91, art. 2, in corp.

the duration of the marriage without violating the terms of the marriage. In these cases, there is serious doubt that the fact of being married or of exercising the marital privilege is an indication that the couple are willing to be co-operators in the generation of children. In the best sense of the term, the people are willingly the co-operators in the generation of the child when they deliberately choose the circumstances favorable to conception as the time for exercising the marital privilege. Even if the people form the intention to have as many children as they can at the time of their marriage, this intention is at best habitual if conceptions occur during their marriage as the result of unknown biological conditions. This state is inferior when compared to the deliberate choice of the time of intercourse because that time is most suited to the effect of pregnancy. To choose each pregnancy deliberately and act according to this choice is the rational way of following the eternal law.

It is equally rational that a couple should not desire a child when their honest appraisal of the situation indicates that the additional child will damage or violate the existing perfections of the couple or children already born. Thus, if the conditions for bringing a child into existence are not verified, an action which had the consequence of pregnancy would be irrational and not pleasing to

God. To perform such an action while being ignorant of the biological factors is also an irrational act since it is an act performed in the state of antecedent, vincible, culpable ignorance. It is antecedent ignorance because the act would not be performed if the couple knew that pregnancy would follow. It is vincible ignorance since the information could be obtained by a simple sympto-thermal method of plotting the woman's cycle. It is culpable ignorance because every married couple should know the circumstances of their marriage and family in order to achieve the perfection which their marriage can reach. To act in such a state of ignorance is to act irrationally and irresponsibly. I think all serious thinkers would agree that when a child cannot be received by the couple, the couple should not generate a child. They should do nothing which would lead to conception. But it is here that the ambiguity lies. Is a prohibition to do anything which would result in a pregnancy also a prohibition to engage in sexual intercourse? The answer that has been given to date says yes if the sexual intercourse would result in a pregnancy if not somehow impeded, that is impeded by an artificial barrier. This answer is explained by Doms in the above argument on the basis of God's prerogative. He says it is God's prerogative to initiate life and he has established sexual intercourse as the essential condition for

procreation. Therefore, to interfere with the biological structure of the act is to interfere with the vital process which is God's prerogative. The assumption that is made in this argument is that procreation is the only end of sexual intercourse instead of one of the possible ends. To say that sexual intercourse is an essential condition for procreation is the same as saying that in the normal course of events all conceptions are the result of sexual intercourse. But this is not the same as saying all acts of sexual intercourse result in conception. From the fact that not all acts of sexual intercourse do result in conception, it is possible to ask which acts of sexual intercourse are intended by God to be fruitful? The obviously correct answer is those acts of sexual intercourse in which all the conditions which are favorable to the generation of a child are verified. But if the biological conditions alone are considered as representing all the conditions favorable to a pregnancy, then it seems that God who expects men to submit to the decrees of the eternal law reasonably does not apply this condition to the act of generation. If this is the case, then it follows that in some cases God does not want men to serve him as men and there is neither reward nor punishment for the performance of acts which are not human. But this view is inconsistent with the fact that God made a human nature and made that

nature sexed. If the biological conditions favorable to a pregnancy do not represent all the conditions which have to be considered in making the judgment about the suitability of a pregnancy, then it seems that the human values have to be included. If sexual intercourse is justified only when procreation and its conditions are respected, then it seems that periodic abstinence is immoral since this is the exercise of sexual privileges when the biological conditions are unfavorable. Since this is morally acceptable, it seems that Doms is not correct when he says the biological and personal ends of sexual intercourse are so intimately interwoven that they cannot be separated.<sup>41</sup> If they can be separated, as they are in the practice of periodic continence, and not all acts of sexual intercourse are intended to be fruitful because some acts of sexual intercourse are performed in circumstances in which not all the conditions are favorable to conception, it seems unreasonable that God or nature demands the unreasonable act which would lead to a pregnancy or the unreasonable act which would lead to the frustration of the personal values of sexual intercourse. To demand the abstinence from sexual intercourse because of the biological conditions is to ignore the totality of human nature as God created it. It

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41 DOMS, The Meaning of Marriage, p. 74.

is an attempt to judge human morality in terms of part of that nature. It is a sacrifice of the properly human aspects of reality to less proper aspects of that nature. If Doms wishes to remain consistent with his own position that the whole of sexual morality is not to be subordinated to the biological purpose,<sup>42</sup> then it seems difficult to see how he can condemn contraceptive intercourse when a child cannot be supported or accepted and the inclination to the physical expression of love is in ascendancy and the biological conditions are favorable to conception. He talks as if the personal value should be given prime consideration:

The sexual act is something entirely different. Then a living person gives himself to another, as a free gift to complete, form and consummate the other, and wishes to receive an identical gift in return. This is the unique and distinctive thing about it. It is impossible for us to have any deep understanding of the value and grandeur of the human personality, but nevertheless we can see, quite apart from what moral and casuistic theologians say, that this gift should only be made after consideration of the eternal value of the human personality. A human being should give himself in deep seriousness, and with the fullest possible knowledge of his human dignity and personal responsibility.<sup>43</sup>

Doms gives himself a solid basis in personalism when he says that the gift of sexuality should be made in terms of

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42 DOMS, The Meaning of Marriage, p. 186.

43 Ibid., p. 55.

the eternal value of the human personality. This statement means that the ultimate perfection of the human personality is the criterion by which the judgment should be made about sexual activity. A person should decide to marry on the basis of his eternal destiny. The only valid reason for marriage, then, is that each of the people have decided that their eternal destiny, their final perfection will be found in living together and loving. This love will find its expression not only in intellectual judgments but in physical gestures, including sexual intercourse.

The physical union of the organisms is the result of a double intention: to give oneself completely to one's partner and to respond to a similar intention in him, by the loving acceptance of the gift which he makes of himself. But sexual giving is not merely the simple activity of particular organs; it is the activity of that masculine or feminine sexuality which influences the whole personality on every level. The sexual partners complete each other through the activity of their whole beings, that is to say through bringing their whole beings to the act of unity of the copula carnalis.<sup>44</sup>

Yet, despite these strong statements he seems to rely on the position of the naturalists for his condemnation of contraception. Later in his book, Doms makes another statement which may justify his condemnation:

But since the will of God is revealed in everything which determines man's way of living, it is quite possible that as a result of ill-health, or

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44 DOMS, The Meaning of Marriage, p. 54.

for psychological or social reasons there are cases when procreation would mean heroic sacrifice, or could only be willingly undertaken by persons with little sense of their responsibilities. There is no doubt that in such cases the general duty of married people to have children ceases to apply. But there is then no reason why sexual intercourse should be discontinued as long as it can be performed without being artificially falsified. It still has its original meaning based on the inner relationship of man and woman in marriage.<sup>45</sup>

Doms tries to combine his personalist position with that of the naturalist. His condemnation is valid if his assumption is true that the act as meaningful for the man-woman relationship is falsified by the use of artificial contraception. This assumption, however, is not evidently valid. If the union sought by the man-woman relationship is disturbed or falsified because the male sperm is not contributed to the female, then marital unity is found only at the biological level and then only in the male climax of sexual intercourse. Yet, this does not seem to correspond to what Doms said above.<sup>46</sup> There the criterion for marriage and sexuality was declared to be the eternal destiny of the persons. If the ultimate perfection of the individuals is the criterion for all morality including acts of sexual intercourse, then acts of sexual intercourse can be said to be falsified when they do not lead the person to

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45 DOMS, The Meaning of Marriage, p. 195.

46 Cf. supra, p. 235 (DOMS, op. cit., p. 55).

his ultimate end. But acts of intercourse are not moral or immoral to the extent that they are biologically fruitful. They are moral or immoral to the extent that they do or do not express the commitment which is marriage and the love which is proper to that state. Since there are instances when the people who are married need this expression of commitment when this act would lead to a pregnancy which would be unreasonable and irresponsible, it seems difficult to see why it is immoral to perform the act in a manner which would prevent the pregnancy and still express the commitment which the couple made to each other when they married. In expressing this commitment they would be fulfilling their vocation. To say that such an act is a violation of the purpose of marriage or the nature of the sexual act is to change the criterion. If marriage is a vocation for the sanctification of the partners and the act of sexual intercourse the most intense expression of the love by which the partners are sanctified, then it would seem that there is nothing immoral in performing the act in a manner which prevents its biological perfection as long as the act does express love and true love of the partner. If the act of sexual intercourse is falsified by contraception, then its meaning is not to express love but to generate children. If that is the case, then it seems difficult to justify periodic abstinence since such a

practice sets aside the procreative purpose of sexual intercourse. If the morality of sexual intercourse is to be judged by the nature of the sexual faculties, then man has a difficult standard because it is not clear what the purpose of physical sexuality is. From the point of view of the physiological structure, it is not evident that human sexuality has generation as its primary end because it rarely achieves that end while it achieves other ends regularly. Because a person has sexual glands he reaches physical maturity in a specifically sexual mode. Because he has sexual organs, a person can reveal his personality to another in a unique way. Because a person has sexual faculties he can co-operate in the procreation of a child. Of these three possibilities, a person achieves the first end most regularly. The second end is realized in the majority of voluntary uses of the sexual faculties; but the third end is achieved rarely, less than one per cent of the time according to some experts.<sup>47</sup> If the end is to be discovered by the study of the operation of nature, then it seems difficult to see why procreation is said to be the primary end even of the physical aspects of sexual intercourse.

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<sup>47</sup> DAUGHERTY, "The Lessons of Zoology", in Contraception and Holiness, p. 114.

If procreation is not the primary end of sexual intercourse, then one wonders why the act of sexual intercourse is falsified by contraception. Is an act falsified because one of its possible ends is deliberately frustrated? If this is the case, then periodic abstinence is a falsification of the act of sexual intercourse since it is performed at a deliberately chosen time when the procreative possibility will not be actualized. But it would seem that the intention to frustrate the procreative end is not sufficient to say the act is falsified since both contraceptive intercourse and periodic abstinence are acts which proceed from an intention to avoid possible pregnancy while positing the act. If the act is judged by the biological phenomenon of insemination, then only certain forms of artificial contraception are condemned. But this is not acceptable to those who oppose all forms of artificial contraception. Our question then remains, what is the criterion? If the personalist approach is consistent, then it would seem that Doms is correct in saying the criterion is the eternal value of the personality. But in saying this, he should not rule out contraception on the basis of biological phenomenon. That Doms does maintain the personalist standard in sexuality and still condemn artificial contraception by reason of a non-personalist criterion is evident from his second argument against contraception:

Our basic principle in this consideration of sexual activity is that the bodily act and its consequences is the physical means of the mutual giving of two persons in their entirety. Fundamental, too, is the idea that the physical means used for the giving is inseparable from the personalities of the givers. It is not only a means to certain determined biological ends. The sexual act cannot be fully and intelligibly understood and expressed by an abstract formula any more than can the personality of which it forms an inseparable part. Generation is, as it were, inscribed in the form of the sexual organs and in the way in which they function; any artificial alteration of the normal biological act which succeeds in frustrating this purpose constitutes a falsification of a mysterious and complex act, which denotes and effects the giving of two persons to each other and its natural results. The way in which this alteration takes place is of little importance; the act may be actually interrupted, or mechanical, chemical or other means may be used to prevent its consequences.<sup>48</sup>

The basic assumptions in this argument which need clarification and which allow Doms to draw his conclusion without apparent illogism are first his assertion that generation is inscribed in the form and function of the sexual organs. With this statement, he could logically proceed to the proposition that any artificial barrier to this represents a falsification of the act and a failure of the persons to give themselves to each other totally. I do not think it is correct to say that generation is so inscribed in the sexual organs or their functioning. Possible generation is inscribed into the sexual organs, but I think it is an

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48 DOMS, The Meaning of Marriage, p. 167-168.

overstatement to say that actual generation is found in the sexual organs. No sexed person generates by reason of the fact that he is sexed, but every sexed person can perform the act by which generation may occur. Therefore, it seems more proper to say that the possibility of generation is inscribed into the sexual organs rather than generation. The same is true of the function of the sexual organs. When employed in sexual intercourse, the sexual organs have the possibility of generating a child, but not necessarily in any particular act. This possibility remains both to the organs and to the function even when the particular act of the organs fails to actualize the possibility. If this is the case, why does the act become falsified by its failure to reach biological perfection? If it is the intention not to reach biological perfection which falsifies it, then the practice of periodic abstinence is also a falsification of the act. If it is the failure to inseminate which falsifies it, then the use of anovulant drugs, diaphragms, and spermicidal chemicals do not falsify it. If any of these criteria are used to judge whether the act is falsified or not, then the basic principle is not the mutual giving of the two persons in their entirety, but the mutual giving of two persons in their biological functions. If none of these falsifies the act, then the act does not

represent a violation of the basic principle given by Doms himself and he admits this:

The fact that the act is biologically imperfect in the achievement of its results does not as such prevent it from being perfectly moral—if in the marriage act a human person gives himself unreservedly to his partner, as a creature of integrity and mystery, as God made him.<sup>49</sup>

So the biological integrity of the act does not become the criterion for falsification for Doms. What does become the criterion is the unreserved giving of the person to the person. This unreserved giving cannot be taken in an absolute sense since a person cannot give his total being by reason of his nature. What unreserved giving means, then, is that each person gives all that he can give in each and every act of love. But what a man can give is not only dependent on his power to give, but also depends on the ability of the beloved to receive. Thus a person who loves may have the ability to give much but his beloved may be incapable of receiving the maximum gift of the lover. This is certainly true of God's love for his creatures. God has the power to give more than the creatures can receive. Yet in his wisdom, God gives to his creatures according to their ability to receive. In the case of marriage, too, it is reasonable and proper that a lover should give to his beloved according to the latter's ability to receive. This

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49 DOMS, The Meaning of Marriage, p. 168.

type of consideration manifests a true unity of a person with a person since the personal perfection of the beloved becomes the criterion for the gift. The act of giving, then, is falsified by excess and defect and the mean between those two is determined by the personal capacity of the receiver of the gift. If, therefore, the married people can give themselves to each other in sexuality but cannot receive another child without conferring excessive good on each other, it seems difficult to see why the act is falsified or does not represent a giving of the entire person in the proper sense of that term. They do not violate the nature of sexuality in the act because the possibility of procreating is not destroyed by contraception. While the particular act cannot fulfill the biological perfection of pregnancy, it does not seem that each and every act of sexual intercourse has to achieve that end by its very nature because even when not impeded artificially, each and every act of sexual intercourse does not achieve conception. Therefore, since contraceptive intercourse does not violate the nature of sexuality and does not vitiate the nature of the act itself and does consider the personality of the beloved, it seems difficult to see why Doms can maintain that contraception falsifies the act in terms of his own basic principle. It seems more in accord with his

principle of personalism and mutual fulfillment to allow contraception.

The same problem arises in the works of Dietrich von Hildebrand who makes the basic principle of marriage love.<sup>50</sup> He presents his views on the meaning and finality of marriage in two books, Marriage, published in 1942, and Man and Woman, published in 1965. Von Hildebrand's views on the meaning and finality of marriage are the same in both books despite the twenty-year time gap between the two titles. In the earlier book, von Hildebrand starts his approach bluntly in the preface by saying:

Our epoch is characterized by a terrible anti-personalism, a progressive blindness toward the nature and dignity of the spiritual person. [...] Human life is considered exclusively from a biological point of view and biological principles are the measure by which all human activities are judged.

In such an ideological situation, it seems very important to stress again the spiritual significance of marriage—and to explain not only the primary end of procreation, but its primary meaning as the intimate union of two persons in mutual love.<sup>51</sup>

This personalist approach to marriage runs through the thought of von Hildebrand. He maintains that the personalist foundation of love is the center and core of the marital relationship.

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50 VON HILDEBRAND, Marriage, p. 4.

51 Ibid., p. v.

Because marriage is the closest and most intimate of all earthly unions in which, more than any other, one person gives himself to another without reserve, where the other in his complete personality is the object of love, and where mutual love is in a specific way the theme, that is to say, the core of the relationship.<sup>52</sup>

This relationship of love has primary importance for von Hildebrand but does not rule out the procreative aspect of marriage:

On the other hand, in marriage the fundamental subjective attitude and the objective raison d'être of the relationship, a relationship which also mysteriously serves to procreate new human beings, is mutual love. Marriage is the wonderful union of two persons in love and by love. [...] Love is the primary meaning of marriage just as the birth of new human beings is its primary end. The social function of marriage and its importance for the State are something secondary and subordinate.<sup>53</sup>

In this quotation, von Hildebrand emphasizes that the interest of one spouse in the other has the primacy even though he does not exclude procreation as the primary end of marriage. This particular position is maintained by Hildebrand in his later work where he writes:

Spousal love aims at a full and irrevocable self-donation, at an indissoluble union in the sacred bond of marriage. Only when full justice is done to the nature and value of this love can one grasp the meaning which marriage as a love union already possesses in itself, apart from its

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52 VON HILDEBRAND, Marriage, p. 2.

53 Ibid., p. 4.

primary end, procreation, and that the value which it possesses does not exclusively derive from this end.<sup>54</sup>

While this later view does not explicitly state that the personalist values of marriage are primary, he does continue to hold that the primary end of marriage is procreation; but that this end is not the sole source of value for marriage. In order to understand what von Hildebrand means by this it is necessary to clarify what he intends by the distinction between end and meaning. He gives us some idea of what he understands by this distinction:

But conjugal love is not yet marriage, although it contains an anticipation of the meaning of marriage. Marriage is a reality in the objective order which is constituted only by a solemn act and presupposes a formal act of the will: the two partners give themselves expressly to each other, fully sanctioning this surrender for their entire lifetime. The marriage is fully actualized when both partners, in consequence of this act, consummate this surrender in bodily union. Marriage is a communion of objective validity, including both partners and, once established, persists as such regardless of the sentiments or attitudes of the partners, although it imposes specific obligations on them.

The existence of conjugal love between the partners makes marriage desirable and gives it meaning, but does not in itself establish this objective bond.<sup>55</sup>

So it seems that von Hildebrand views marriage in its symbolism for its meaning and in its juridical aspects

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54 VON HILDEBRAND, Man and Woman, Chicago, Illinois, Franciscan Herald Press, 1965, p. 81.

55 Idem, Marriage, p. 17-18.

for its reality. As the expression of conjugal love, marriage and sexual intercourse are the vehicles for verifying the love which has grown between a man and woman. These are the conclusion of an association in which the partners begin to know each other more and more. When they have reached a point in this love relationship where they desire the complete union which love demands, then they marry:

An extraordinary decision is inherent in the act of marriage. Unlike conjugal love it does not spring into being of itself, but it is a free act like an act of will in the more strict sense of the term.<sup>56</sup>

This same concept is expressed more clearly in the later work:

We must thus start with an understanding of the meaning and value of marriage as the closest love union between man and woman, as constituting the most intimate human I-thou communion, the irrevocable bond which Christ has elevated to a sacrament.

This union is constituted itself by the consent of the spouses, a mutual self-donation for their entire lives, made by the express will of the partners, solemnly pronounced before God, thereby entrusting this bond to God. The intentio unionis of spousal love finds its valid expression in the consent and its fulfillment in the irrevocable union constituted by the consent. It reaches, however, a new fulfillment in the conjugal act, in the consummation of the self-donation initiated and promised in the consent.<sup>57</sup>

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56 VON HILDEBRAND, Marriage, p. 19.

57 Idem, Man and Woman, p. 81.

This union which follows the development and growth of love is the primary meaning of marriage:

As marriage is, in its nature, principally a communion of love, the meaning of physical consummation is not restricted only to its function as a means of procreation. Certainly, there is no greater mystery in the natural order of things than the fact that this closest of all unions procreates a human being with an immortal soul—although the soul, in each case, is a direct creation of God—that it brings a new being into existence destined to love God and to adore Him, a new being made after His image. But this primary end is not the only meaning of the physical act; subjectively speaking it is not even its primary meaning. Its meaning is primarily the realization of the sublime communion of love in which, [...] "Two shall be one in one flesh."<sup>58</sup>

In this passage, von Hildebrand begins to be ambiguous and prepares the way for his condemnation of contraception by his ambiguities. He says marriage is a communion of love and therefore the meaning of its physical consummation is not restricted only to its procreational function. The ambiguity here lies in the fact that he speaks of marriage without explicitly stating whether he means the state of marriage as a way of life or marriage as a contract. The context of the earlier portion of this paragraph indicates that he intends marriage here as a vocation and not in its contractual supposition. Yet, in the latter part of the paragraph, he refers to the subjective aspect of the physical act. Thus, he clearly intends a

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58 VON HILDEBRAND, Marriage, p. 21.

distinction between marriage and sexuality as they are viewed by the married partners and marriage and sexuality as they are in themselves. He has to intend this distinction if there is to be any meaning at all to the concept that the physical act has procreation as its primary meaning. This is even confirmed by the fact that he says that procreation is not the primary, subjective meaning. This means that procreation is not what the married partners primarily intend when they perform the physical act. Thus, his words can be read to signify the state of marriage as a juridical contract and either identified with sexuality or not identified with sexuality, or the state of marriage as a way of life and again either identified with sexuality or not. In both cases, sexuality can mean either the objective physiological phenomenon or the subjective expression of affection involving the total person of the spouses. If he means the nature of marriage as a contract and not identified with sexuality, then his initial statement is not true. Since it is presumed that he wants to make a true and significant statement, it must follow that he intends the word 'marriage' to signify the way of life followed by a man and woman and that sexuality, understood as a physiological phenomenon, is somehow identified with this state of life. In this sense, it is true to state that marriage is principally a communion of love and the

physical consummation of this love is not restricted only to its procreative function. Von Hildebrand cannot intend sexuality here in its broader meaning because it is to physical sex that the possibility of procreation is attached. It is true that procreation in the biological sense is not excluded from sexuality in the broad sense but von Hildebrand excludes this meaning from sexuality when he makes the distinction between the primary meaning and the primary end of sexual intercourse. The primary meaning of sexuality is derived from sexuality in the broad sense and is understood to signify the close interpersonal relationship which exists between a man and woman. This relationship, which does involve and demand sexual intercourse and physical intimacy, aims not at the procreation of new life, but the realization of the relationship of love in its sublimest expression. Therefore, to understand von Hildebrand's statement that procreation is the primary end of the physical act requires that sexuality in its narrow meaning of physiological act be the supposition of the term in this context.

With this understanding of the term 'sexuality', it is evident that von Hildebrand is guilty of an overstatement when he says that there is no greater mystery in the natural order than the fact that new human life is procreated by this union. There is no question of the fact that

all generations are the result of sexual intercourse, but it is simply not true that all sexual intercourse is procreative in the biological sense. It is quite possible that von Hildebrand intended this particular supposition when he wrote his words, but it is also good to note that his formula is indefinite as stated and can only too easily lead to an error if read as a universal.

This ambiguity of extension becomes a cardinal point in the condemnation of contraception:

That a new human being should issue from it [the mystery of love] is certainly part of the solemn grandeur of its supremely intimate union. The wonderful, divinely-appointed relationship between the mysterious procreation of a new human being and this most intimate communion of love (which by itself alone already has its full importance), illuminates the grandeur and solemnity of this union. Thus it is that in order to preserve the reverent attitude of the spouses toward the mystery in this union, this general connection between procreation and the communion of love must always be maintained even subjectively, at least as a general possibility of this act. It is difficult to imagine a greater lack of reverence toward God than interfering with this mystery with desecrating hands in order to frustrate this mystery. [...] To go against God's purposes through a desecrating interference, perhaps even thus to throw back into the void a being that God had intended to exist—what sacrilegious presumption!<sup>59</sup>

In this condemnation, von Hildebrand understands the universal supposition which we noted in the previous paragraph. He has to intend that each and every act of

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59 VON HILDEBRAND, Marriage, p. 22-23.

sexual intercourse was intended by God to be capable of impregnating the woman in order to defend the proposition that it is irreverent to break the connection between love and procreation. He clearly states that this general connection must always be maintained and that it is contrary to God's purposes to interfere with this relationship. If he does not intend the universality ambiguously contained in the previous indefinite statement, then he means that some acts of sexual intercourse are not intended by God to be procreative in the biological sense of this word. Von Hildebrand does accept the fact that not all acts of sexual intercourse are intended to be generative by God when he says:

Yet if for any reason, beyond the sphere of human influence, it becomes evident that procreation is out of the question, the physical union between man and woman still retains its subjective significance and its intrinsic beauty.<sup>60</sup>

However, this admission is qualified by the phrase 'beyond the sphere of human influence' which means that even when the act is physically incapable of procreating new life, the partners are to treat the act as if it were capable of generating a child. In simple terms, the human aspects are always subordinated to the biological possibilities. No matter what the conditions, the biological

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60 VON HILDEBRAND, Marriage, p. 23.

aspects of the act are to remain unalterable. This constitutes a change of reference since von Hildebrand opened this book with the proposal to combat the contemporary view in which "Human life is considered exclusively from a biological point of view and biological principles are the measure by which all human activities are judged."<sup>61</sup> And even with this change of reference from a consideration of the person to a foundation on the biological order, one wonders how von Hildebrand can claim that an interference with the conjugal act is an act which goes against God's purposes unless he accepts the natural law position taught by the theologians of the forties when his book was written. It is not unusual that he should have accepted this view on his faith, but it is still a matter of inconsistency that he did. To accept the view that God intended sexual intercourse for the sake of procreation is to accept a premiss whose truth and validity are not evidently established.

In his later book, von Hildebrand continues to defend the position that artificial birth control is immoral. He states that the immorality of contraception is learned from an understanding of marriage. He starts this analysis by saying:

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61 VON HILDEBRAND, Marriage, p. v.

We must, however, begin with a plea that the reader follow our analysis of marriage and of the sin of artificial birth control, while suspending, as it were, the traditional definition of procreation as the primary end of marriage, because it is precisely the oversimplified application of this doctrine which bars the way to the understanding we are aiming at, as oversimplifications often do. At the end of our analysis it will be clear that there is no contradiction between this definition and the ideas we are expounding. Our point is that marriage has also a meaning and value in itself, and not only an end, procreation.<sup>62</sup>

Although von Hildebrand cautions against the traditional definition of procreation as the primary end of marriage, he by no means wishes to deny that procreation is the primary end of marriage:

Thus, it remains necessary to shed light on the special type of finality which underlies the definition of procreation as the primary end of marriage.

We shall see that we are here confronted with the principle of superabundance, a basic metaphysical principle which we find at work in many other cases and which, if linked with the analogous term "finality", constitutes a type of finality which differs largely from the merely instrumental relation between means and end, as when we say that the end of the lungs is the permeation of the blood with oxygen, or that the end of a knife is to cut.

In this sense, we invite our readers to follow our analysis with an open mind, without fear of our contradicting the doctrine of the primary end of marriage. Our only object is to offer a more differentiated understanding of marriage in its various, fundamental aspects as well as of the specific nature of the relation connecting marriage with procreation.<sup>63</sup>

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62 VON HILDEBRAND, Man and Woman, p. 85.

63 Ibid., p. 85-86.

In order to clarify this principle of superabundance, von Hildebrand begins to discuss the nature of sex.

We cannot grasp the mystery embodied in the [sexual] sphere until we grasp that its deepest meaning consists in being a unique fulfillment of spousal love and its desire for union. We must realize that this sphere is essentially ordained toward the constitution of a lasting, irrevocable union, the union to which spousal love aspires, and which is sanctioned by God; only then can we grasp the real sinfulness of every isolation of the satisfaction of sexual desire from the constitution of this God-sanctioned union.<sup>64</sup>

Von Hildebrand speaks about the abuse of pre-marital and extra-marital sexual activity in this context, so when he refers to the divine sanction here he refers to marriage and not to procreation as an end of marriage. The passage is important to this discussion because von Hildebrand again maintains that sexuality derives its deepest meaning from spousal love and its desire for union. This significance for sexuality is going to be one of the aspects of the principle of superabundance, and yet despite this meaning is not going to displace procreation as the primary end of marriage.

Despite this source of meaning for sexuality, von Hildebrand continues to emphasize the procreative role of sexuality and once more repeats the indefinite formula in

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64 VON HILDEBRAND, Man and Woman, p. 87.

which he states the fact that procreation is mysteriously connected with this sexual union.

To this sublime love union God has confided the coming to being of a new man, a cooperation with his divine creativity. And it must be said with emphasis that this stressing of the meaning and value of marriage as love union does not minimize but rather enhances the link between marriage and procreation.<sup>65</sup>

In order to show just how and why the meaning of sexuality does not minimize the link between marriage and procreation, von Hildebrand gives an example of the principle of superabundance.

We cannot deny that one end of knowledge is to enable man to act; our entire practical life presupposes knowledge from the most primitive activities to the most complicated ones. Moreover, a still more sublime end of knowledge is to enable us to attain the moral perfection and sanctification which is the presupposition for our eternal welfare. And yet if these can rightly be called the ends to which knowledge is destined, knowledge, of itself, has undoubtedly also a meaning and value of its own; and the relation to the ends it serves has the character of superabundance. This a typical case of finality in which the end is not the exclusive raison d'être of something.

This kind of finality differs patently from the instrumental finality which is in question when we call a surgical instrument a means for operating, or money a means for procuring ourselves a good, or teeth a means for the mastication of food. The main difference between the instrumental finality and the finality which we have called the principle of superabundance consists in the fact that in instrumental finality the being which is considered as means is in its meaning and value completely dependent upon the end, whereas in the superabundant

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65 VON HILDEBRAND, Man and Woman, p. 93.

finality, it has a meaning and value independently of the end to which it leads.

In the instrumental finality the causa finalis determines the causa formalis, whereas in the superabundant the causa formalis differs from the causa finalis.

In the case of a knife, the end—cutting—determines its entire nature; its meaning is identical with serving this end, and its value depends upon its function as a means. Its only raison d'être is to be a means for cutting. This is a typical instrumental finality.

In the instrumental finality, the end is the exclusive raison d'être of the means; in the superabundant finality, the good serving the end has also a raison d'être in itself.<sup>66</sup>

From this quotation, von Hildebrand's distinction between a merely instrumental finality and superabundant finality seems to be reducible to the fact that some things are merely instruments and can do only one thing while other things are not merely instruments and while they lead to one end, this end can become a non-ultimate end under the direction of an intelligent agent. In his example of knowledge, von Hildebrand once more uses the term 'meaning' in a sense which indicates that he intends it to mean something other than end or finality. In what sense can it be truthfully said that knowledge has a meaning and value of its own? Certainly, knowledge has a value for the knower independently of its pragmatic application to the extent that it enriches the knower and gives him an insight and contemplative appreciation of some aspect of reality.

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66 VON HILDEBRAND, Man and Woman, p. 93-94.

Whether or not this provides a new meaning for knowledge is not clear to me. Von Hildebrand consistently uses this word to indicate some aspect of reality which is different from the finality of the thing and this distinction is elusive. There is no question that instrumental finality is distinct from non-instrumental finality; but we are not sure that this point is significant for the present discussion. If von Hildebrand merely wants to emphasize that sexuality in marriage is not merely an instrument placed by nature to insure the propagation of the species, we do not disagree with his point. In accepting that some non-instrumental agents can achieve a plurality of ends, we are not certain that we have accepted a position which demands that procreation is the primary end of marriage. What does seem clear at this point is that what von Hildebrand includes under his concept of meaning as he uses the term in this context is merely the prime finis operis through which all other possible ends that may be achieved by this agent are achieved. Thus, when he describes moral perfection as an end which can be attributed to knowledge, he is giving an example of what a person can do once he has a certain type of knowledge. The knowledge first and of itself informs a person and this is the value and meaning of knowledge independently of any use to which the knowledge can be put. Thus, it seems that von Hildebrand's principle of

superabundance is a way of saying that some ends which are true ends in themselves can be made instrumental ends when employed by intelligent agents. Or stated simply, the finis operantis of some moral action does not always have to coincide with the finis operis.

Van Hildebrand then applies his principle of superabundance to marriage and sexual intercourse:

We saw before that the intrinsic meaning and value of marriage are to be the deepest and closest love union. We saw that the conjugal act has the meaning of a unique fulfillment of this love in the mutual self-donation, and in its character of constituting a matchless union. But to that high good, which has a meaning and value in itself, has been entrusted procreation. The same act, which in its meaning is the constitution of the union, has been superabundantly made the source of procreation, so that we must speak of procreation as the end but not in the sense of mere instrumental finality.<sup>67</sup>

In applying this principle to marriage and sexuality, von Hildebrand admits a position which does not condemn contraception. If it is true that when he says meaning he signifies that which the act first achieves and through which all else is achieved, then his position here is clear. He maintains that marriage first and foremost strives for the union of love. Then the sexual act becomes the highest natural expression of this love which the spouses have for each other. This union of love and its

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67 VON HILDEBRAND, Man and Woman, p. 94.

unique manner of expression, then, are the primary meaning of sex and marriage in the sense that this is what they strive for in the first place. As a result of this love union and the exercise of the sexual faculties, children can be born. In saying this, we do not deny the fact that these conditions of love and marriage are sine qua non conditions for procreation, but rather in the order of right reason when people are in love, they begin to live this community of love which involves the sexual act as its greatest and most expressive gesture. We can further agree with von Hildebrand that a possible result of this union is procreation, but once more it is necessary to insist that this effect is possible only to a small percentage of the acts of sexual intercourse and is something which can be controlled by the use of reason without falsifying or diminishing the value the act has in itself. This latter condition is certainly verified in the practice of periodic abstinence and is not contrary to the view of anyone who wished to condemn artificial birth control. This fact confirms the statement that the procreative aspect of sexual intercourse is separable from sexual intercourse as a result of human control without vitiating the act itself. Von Hildebrand accounts for this possibility when he denies that sexuality is merely as instrument for the sake of

procreation. He insists that sexuality is not a biological instrument:

We touch here on a general and dangerous tendency to overlook the very nature of the person, and to assume that the kind of instrumentality which is to be found in the biological realm can be extended to the spiritual realm of man.<sup>68</sup>

He not only strongly denies biological instrumentality but emphasizes the personal role of ethical action:

But when it comes to spiritual acts of the person, such as willing or loving, or experiencing contrition, we can no longer assume that in the eyes of God they have no meaning in themselves but are only means linked to an end by a similar kind of finality as the instincts or urges. We must not forget that God takes man as person so seriously that he has addressed himself to man, and that it depends on man's free response whether or not man will attain his eternal destiny. The spiritual attitudes of man have a meaning and ratio in themselves, and they can never be treated as having their real significance independently of the person; they involve a person's intelligence and his freedom, his capacity to respond meaningfully, and not an impersonal, automatic finality going over the person's head. Consequently, it is impossible to see them as having their real significance beyond and independently of the person's conscious experience. Man is not a puppet for God, but a personal being to whom God addresses himself and from whom he expects a meaningful response.

This devalorization and degradation of the spiritual human attitudes is incompatible with the character of man as a person, his character of imago Dei; it ignores the very fact that God has revealed Himself to man and also the way in which man's redemption took place.<sup>69</sup>

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68 VON HILDEBRAND, Man and Woman, p. 95.

69 Ibid., p. 95-96.

Yet despite this emphasis of the nature of person and the fact that God deals with men as persons von Hildebrand insists that artificial birth control is immoral. He does this while continuing to insist on the personal character of man's human actions. In order not to distort his argument, we quote the whole argument despite its length.

Coming back to our topic, we must state that it is incompatible with the very nature of the person to consider the deepest human spiritual experiences as mere subjective aspects of something which, in God's eyes, is a means for an extrinsic end.

It would be dealing with man in a merely biological light if we assumed that love between man and woman, the highest earthy good, is a mere means for the conservation of the species, that its objective raison d'être is exclusively to instigate a union which serves procreation.

The God-given essential link between love of man and woman and its fulfillment in the marital union on the one hand, and the creation of a new person on the other hand, has precisely the character of superabundance, which is a much deeper connection than the one of merely instrumental finality.

But let it be stated again emphatically: the stressing of the meaning and value of marriage, as the most intimate indissoluble union of love, does not contradict the doctrine that procreation is the primary end of marriage. The distinction between meaning and end, as well as the stressing that marriage has also a value of its own besides the sublime value it has as source of procreation, in no way diminishes the importance of the link between marriage and procreation, but rather enhances it and places it in the right perspective. To stress that the finality in question has the character of superabundance in no way implies a denial of procreation as primary end of marriage.

We have now reached the point at which we are able to see the abyss which separates the use of rhythm from artificial birth control. The sinfulness of artificial birth control is rooted in the

fact that one arrogates to oneself the right to separate the actualized love union in marriage from a possible procreation, to sever this wonderful, deeply mysterious connection, instituted by God, approaching this mystery in an irreverent attitude. We are here confronted with the basic sin of irreverence toward God, the denial of our creaturehood, the acting as if we were our own lords. It is the basic denial of the religio, of our being bound to God; it is a disrespect for the mysteries of God's creation, which increases in its sinfulness the higher the rank of the mystery in question. It is the same sinfulness which lies in suicide, or in euthanasia, in both of which we act as if we were masters of life. It is the same irreverence which ignores the indissolubility of marriage, and in which marriages are contracted and ended as one would change gloves.

Every active intervention on the part of the spouses which eliminates the possibility of conception through the conjugal act, is incompatible with the holy mystery of the superabundant relation in the incredible gift offered by God. And this irreverence also affects the purity of the conjugal act, because the union can be the real fulfillment of love only when it is approached with reverence and when it is embedded in the religio, the consciousness of our basic bond to God.<sup>70</sup>

This argument is essentially the same one von Hildebrand gave in his earlier work. It contains many elements which need considering. The argument begins with a restatement that sexual intercourse cannot be validly considered apart from the nature of person. It is not in keeping with the nature of person to hold that sexual intercourse is designed by God for the preservation of the species without reference to the person. He then says that procreation has the character of superabundance which gives

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70 VON HILDEBRAND, Man and Woman, p. 97-98.

it a deeper significance. In terms of this context, then, it seems clear that the greater meaning is attached to intercourse because it involves a human act. A man and woman perform the conjugal act freely and hopefully from an attitude of love rather than from a biological urge or instinct. Since the act is not a matter of instinct, it participates the dignity of the human act. If the act does proceed from the motive of love instead of one of the other many motives which could lead a person to perform the act of intercourse, then the act enjoys its greatest dignity. But even if the act proceeds from a less noble motive, it is still a human act performed by a person and as such is vastly superior to the reproductive act of inferior species because it is an intelligent, free act. However, any procreation which follows from the act of intercourse cannot claim a similar dignity unless the people involved planned the act to coincide with the woman's fertile phase. If the procreation just happened without the parents' knowledge, then it does not share the dignity of the free act because it follows with biological necessity if the proper biological conditions are present. From the point of view of the act, then, procreation is not as elevated when it occurs outside the intention of the agents. From the point of view of the child, there is no question of the fact that the child is the primary blessing of marriage since a

person is more precious than any other effect in the universe.

Von Hildebrand says that the link between the love of a man and a woman with procreation is an instance of superabundance. This means that the people do not love each other as procreators, but that they love each other as man and woman and that added to this is the possibility of procreating. There can be no cause for disagreement with the statement that marriage and sexuality are enhanced by the fact that they can become the conditions for the procreation of new life. But it is not evident that he has proved that procreation is the primary end of marriage. In our chapter on marriage we will challenge this statement in great detail, but for the moment we will merely observe that at this point it is not evident to us that von Hildebrand's statement about the primacy of procreation has been established.

Finally when von Hildebrand explicitly states his condemnation of artificial birth control, he assigns the reason of irreligion as the cause of the sinfulness of it. He says it is sinful to separate the possibility of procreation from the act of intercourse. This statement is true only if nature herself never separated the two and that it is evident that such a separation does violence to the act. Since it is admitted even by von Hildebrand that the

procreative possibility is separated from the unitive and relational aspect of the act itself by nature<sup>71</sup> shows that there is no violence done to the act when the act is performed when the procreative aspect is not present. Von Hildebrand wants to condemn only the active interference by which the human agents remove the procreative possibility.<sup>72</sup> But in order to do this, he would have to deny the personal character of the act and be governed by the biological conditions. He would have to exclude the exercise of prudence which would even allow the possibility of judging that the given situation of love might require the full expression when an undesirable pregnancy would result from an unimpeded execution. He assumes that what is superabundant in this case is a sine qua non condition for perfection. Not every gift which God can give can be received by every creature. When he concludes his argument with the idea that the act of intercourse is pure and beautiful only when it is performed with reverence and in harmony with the basic bond to God, he errs if the implication of this text is that any act of contraceptive intercourse is not in harmony with the basic bond to God. It may be a true statement, but von Hildebrand is begging his question here. He

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71 VON HILDEBRAND, Man and Woman, p. 99.

72 Ibid., p. 98.

has assumed that his superabundant end is a necessary end. This is not evident. To return to his example of knowledge, we can see that there are some superabundant ends which are not necessary ends and acts which do not pursue these possible superabundant ends are not immoral. While a person may work a mathematical problem for a supernatural motive and earn merit by so doing, it is not evident that a person can be said to be immoral because he does not. He may be less perfect for not making his act supernaturally meritorious, but to be less perfect is not necessarily immoral.

And finally, when von Hildebrand compares the practice of artificial birth control to the crimes of suicide, euthanasia, and divorce, he confuses the issue. Each of these crimes is against a living person as well as against nature. But since the person to be generated does not exist, he cannot be offended and it is not clearly a divine command that each and every act of sexual intercourse be fruitful. Since it is evident that God and nature do not require that each and every act of sexual intercourse be fruitful, the question of which ones are intended to be fruitful arises. If von Hildebrand wishes to remain faithful to his own principle that man is not subject to biological finality, he will have to defend the proposition that those acts of intercourse are intended by nature to be

fruitful which are performed when all the human conditions for pregnancy are verified. If he demands that the biological conditions alone indicate that nature or God intends this act to be fruitful, then he abandons his own principles of personalism in favor of the natural, biological principles. Since he maintains that every active interference with the act of intercourse which removes the procreative possibility is immoral, he defends the proposition that artificial contraception is immoral on non-personal principles. To say that it is an offense against God does not make his condemnation rest on personalistic principles. Even though God is a person, von Hildebrand has used the term 'personal' throughout his work to refer to the human person of the spouses and not the divine person of God. When he introduces God, he does so as the author of nature and the spouses practicing artificial contraception offend God by that act if the act is contrary to God's intention for the performance of the act. Therefore, according to von Hildebrand, artificial contraception is immoral because it violates the nature of the act, not the nature of the person. This condemnation is not consistent with his principles of personalism. Therefore, it is not evident to us that von Hildebrand has proved that artificial contraception is immoral.

In order to prove that contraception is moral or immoral, it is necessary to have an understanding of human nature, marriage and sexuality. To grasp these concepts more clearly, we devote our next three chapters to these realities that it might be clearer why we do not think any of the arguments we have examined prove their conclusion.

## CHAPTER V

### HUMAN NATURE

In the first part of this thesis, we have criticized the views of those who maintain that contraception is immoral. In the next three chapters, we will present our view of human nature, marriage and sexuality since we have used our understanding of these to analyze the work of others. We begin this section of our effort with a study of human nature.

No study of contraception can be made without discussing human nature. Contraception is an action performed by a human agent. The morality, then, of contraception cannot ignore the nature of the agent who performs the act because any judgment of morality has to be based on the nature of the act as compared to the ultimate end of the agent who performs the act. But to compare an action to the ultimate end of the agent who performs the act is to compare the action to the nature of the agent since the nature is the means by which the agent proceeds to his end. The human being who is the agent in the moral act actualizes some of his potential in his human acts and this actualization leads him along the way to fulfilling his capacities until he reaches that last state of perfection

which is happiness. Therefore, an act can be said to be moral when it conforms to human nature and leads the person to his ultimate end or immoral when it either fails to actualize a man or actualizes him in a way which does not lead him to his ultimate end. In order to see the cogency of this position, we must analyze the concept of human nature in some detail.

To grasp the reality of human nature is no simple task. We must start with the living being who is man and try to comprehend precisely what the reality of this being is. The first thing that is evident from a glance at any man is the realization that man is a simple composite. In saying this we say nothing more than he is one being with a plurality of parts. It seems he is one thing because we can identify him with himself at any state or stage of his reality. There is no question that in some sense at least he is a complex being because we can see extended parts of the one whole which are not mutually inclusive even though they are simultaneously unified. To restrict our awareness of the complexity of man to the physically distinguishable parts of man would be a crass oversimplification of the human reality. Man does have physically distinguishable parts, but he has many more parts which are equally noticeable and obviously distinguishable from the other parts of man. These include his emotions, his intellect, his will,

as well as his hands, feet, arms, and legs. Man is truly a complex unit.

In studying and scrutinizing the reality of man, there are several things which become evident very quickly. First, man is a mobile or changeable being. Yet, despite this mobility, man is first and foremost a unit. Within this changing unity, there is some sort of principle which serves as the absolutely first principle of the being of the man and this first intrinsic principle governs and regulates all that man does and suffers. It is this principle which we call the nature of the man. This principle is found in all men and specifies them not only in a way by which they can be grouped with all other men, but also designates each man as different from all other men. This principle is not only the principle of operation in man, it is also the principle of specification in him. Man is a reality who manifests his being to the world in a specified operation. Nature in man is the source of specification as well as the source of operation in this being who is man.

Since man is a being who changes, his basic nature must be a principle which allows the individual man to change while not losing his identity. Since it is the same man who is born, grows, learns, matures, and dies, the changes which occur during this process do not change

the identity of the person who changes. This demands that the principle by which the person manifests this type of being must have a twofold aspect: one which accounts for the change and another which accounts for the stability. Aristotle calls these two aspects matter and form.<sup>1</sup> Because human nature is composed of these two elements, change can take place while the identity of the changing subject remains constant. The stability of identity is attributed to the form while the transient aspects of the individual are explained by the material principle.

To maintain a rigorous dichotomy of matter and form is dangerous to the extent that from such an understanding a false impression can arise. The primary reality is the existing individual. This individual is one thing who is specified in a definite way. He does things, he operates always according to a definite mode. It is a false concept to think that the composition of man is an aggregation of an actual principle and a potential principle. So while the distinction of matter and form is very convenient in grasping the reason why change is possible, it should not be allowed to become the source of error. Human nature is a simple reality as found in a living individual and is the mode of being human.

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1 ARISTOTLE, Physics, Book I, Chap. 7, 189b-191a.

When it is known that the distinction between matter and form can lead to the erroneous position that human nature is composed of two things instead of two principles, it is possible to proceed with a consideration of the principles while constantly being aware of the fact that it is the man who is actual and potential.

To be human, then, means that man is something actual. He has a reality according to a definitely specified mode. This mode of being is actual to some extent and yet not actual in every way possible to human nature. This means that not only is man specified by some height or weight, but that at any given time he has a definite height or weight. But this actual height or weight is not the height or weight which is possible to all men or even to this man at all times. Thus, the birth weight of a person is an actual, but not the ultimate, determination of this person in terms of weight. So the nature of man is simultaneously something which is determined and capable of further determination. To the extent that it is determined, it is said to be informed or actual; to the extent that it is capable of further determination, it is said to be potential. The important point to keep in mind is that the subject of the change is an individual who has some actuality and some potentiality and that the possibility of change is accounted for not only by the potentiality but

also by the actuality. There is no potentiality which is completely divorced from all actuality, since the potential which is not existing is not a real potential. But the potential which exists is actual and determined to the extent that it has esse. Therefore, real potentiality is not completely divorced from some actuality.

In saying that real potentiality is necessarily connected to some actuality, we do not understand this only in the sense that all potential is found in some existing subject which is accidental to the potency; but also in the sense that every potential is a potential for a very definite form or actuality. This means there is a transcendental relation between the actually existing potency and the form which it can sustain. With such an understanding, it is clear that the potency of a subject is not unlimited in itself and is not potential to all things. That this is true is evident from the fact that no existing being which can change can change in every possible way. Some existing individuals just simply cannot verify an actuality which may be verified by another individual of the same species. Concrete examples of this fact are seen in such things as sexuality, physical attributes, intellectual achievements and emotional response. These variations are not accounted for by a lack of willingness in every case but by a lack of ability in some cases. Men do not become

mothers because they do not want to, some racial characteristics would be gladly shed by some individuals and some men have ideal aspirations to genius yet find themselves unable to reach these heights. So while there are some people who do not achieve certain perfections because they do not want to, there are others who fail because of a basic lack of ability. This fact indicates that in the latter group there is a desire for something which is possible to some individual in the species but is not possible for this individual.

This limitation of possibility in a given individual is explained by two factors: first the very nature of potency itself and secondly by the fact that this potential as found in this individual has a relationship which further influences this potency. The first point is evident when it is realized that every potency which actually exists is not completely undetermined, but is determined in every way other than actuality. This is the only meaning which can be assigned to the statement that for every potency there is only one form.<sup>2</sup> In order for the matter and form to unite, there must be a proportion between the two because each exercises its proper causality on the other. If the matter had an unlimited or unspecified potential,

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2 ARISTOTLE, Physics, Book II, Chap. 2, 194<sup>b</sup>.

the form would not be able to actualize it unless the form itself were unlimited or unspecified. But an unlimited form is one which is not united with matter and an unspecified form is a contradiction. If the form which actualized the unlimited potential were itself limited then it could at best actualize on part of the matter. But then, it is being assumed that form limits matter and that the potential is being limited by the actual. This does not seem to agree with our experience. From what we can see, it seems more evident that the reality of limited being seems to be limited by something other than the actuality which is present. For example, a yellow dish does not seem to have only so much yellowness in it because it is yellow, but rather because there is no more dish. The yellow color was applied to all the dish, not the dish to the yellow color. Thus it seems that the form is limited by the matter and this is verified in other examples besides the one given. Since this is the case, it seems to be correct to say that potency is determined not only in the fact that it has some type of existence but also in its limitation. It also seems evident that by its very nature, potency is also determined to its qualitative term as well. In saying this we mean that not only is potency determined as to how much actuality it can receive, but also as to what kind of actuality it can receive. Every potential is a potential

for a very definite form and not just for any form. This follows from the same fact stated above that there must be a proportion between the matter and the form. The point has already been made that a form which is limited cannot inform a matter which is unlimited. In order to show that a potency can be actualized by only one form it is necessary to examine the possibility that a given form can inform a potential which cannot sustain all that the form could actualize. There are two reasons for maintaining that the form cannot be greater than the matter. The first reason, which could be applied with equal validity to show that the matter cannot be greater, is that in order to argue in this way it must be assumed that both the matter and form which enter composition have a prior existence according to a temporal priority. While it may be true that the potency exists as a part of a potential subject prior to the composition, neither the matter nor the form exist apart from some subject in themselves. So when an efficient agent attempts to impose a form on a material principle, he is forced to respect the nature and condition of the matter as he finds it. Since neither the matter nor the form exists apart from a subject with a temporal priority, the efficient agent is required to respect the proportion between the matter and the form. The form chosen is chosen precisely because it is proportionate to the matter

upon which the agent is working. When the agent does choose the form first, he selects a material principle which can in fact sustain the form the agent wants to impose. The second reason for holding that there must be a proportion between the matter and the form follows from the point just discussed. Whenever a person has tried to impose more actuality on a subject than it could receive, the object in question was destroyed. If a person, for example, tried to place a one ton weight on a table whose capacity to sustain was only one hundred pounds, the table would crumble under the weight. If a person tries to get a sun-tan faster than his skin can accept it, he receives a sunburn. Conversely, if a person tried to actualize a potency with a form which was too weak, the potential is simply not actualized. In the case of the sun-tan, a person who does not receive enough sun will simply not be tanned. It is true that in some instances a form may actualize without exhausting the complete potential of the subject, but in other instances it is an all or nothing at all possibility. In the case of a substantial change, the form either actualizes completely or it does not actualize at all. There are no half men or half dogs in existence. In some accidental changes, it is possible to say a hole is half full or a garment half made; but this fact tends to confirm the view that the potential in itself has some

determination not only in being but also in how it can be made to be or further actualized.

Second, there is a modification of potential by reason of its subject. This follows because every subject as subject has specific actualities and specific potentialities. While the nature of the potential considered in itself is related to a generic or specific actuality, the same potential in composition may have its potentiality reduced or even destroyed because of the form of the subject in which it is found. For example, a person may have the capacity for a given food because he is a man. But because of other actualities found in the same man, this same food may become harmful because of the simultaneous actualization of the potential for this food and some other potential. This is commonly found in allergies. A person may have a type of tissue in his system which will react to strawberries, for example. It would be false to say this person has no biological capacity for strawberries even though they cause a rash or hives because the biological aspects of eating and digesting are actualized by the eating of strawberries. But because the person is more than a biological organism, he cannot actualize this particular capacity. That the form of the subject also regulates the possibility of change is evident also from substantial change. When a substantial change occurs, the

subject which is generated has some aspects which are common to both the subject which preceded the generation and the subject which is generated. This means that the material substrate which had some specific determinations from the first form was already in actu proximo primo for being actualized in the same way by the second form. This is further confirmed by the fact that substantial changes proceed along a definite route and that one substance cannot be changed into just any other substance. Therefore, it seems evident that human nature is changeable because of its intrinsic principles of matter and form. Because human nature is a simple unity composed of these two principles, change can occur in the man without destroying his individuality.

In analyzing the fact of change and how it is possible that a person changes without losing his individual identity, it is evident that all change proceeds to a term. This means that every changeable being inasmuch as it is changeable is perfectible. In saying this, however, care should be taken in understanding the term 'perfectible'. This does not mean that the end of a change is a better state of being than its antecedents. It merely means that the conclusion of a change is a state of being. To be perfectible, then, means that when the subject has changed, there is a state or condition of being which was not

present when the change was initiated. It means the ability to have a state or condition of being which at the moment, the subject does not have. To say that a subject is perfectible, then, means that in its actual state of being, it can receive a certain actuality because it has a potential for sustaining the form of the perfection. It does not mean that every change reaches its ultimate in perfection or arrives at the last state which this change can achieve even in this subject. But every change does presuppose its ultimate state as its term and the achieving of this ultimate regulates the direction and the mode of the change. Precisely what the ultimate state of the change will be is determined by the potential of the subject which is changing. This does not mean the potential as considered in itself and abstracted from the subject which is changing. To say the potential of the subject determines the ultimate state of the subject as the result of the change is to say the potential as found in composition limited not only by reason of the potential considered in itself, but also as limited by the form and actuality of the subject. At a certain point, the new form will have actualized all the possibility of this form which the changing subject can sustain. When the subject possesses its ultimate possibility of this form, this subject has the last state of being which can be obtained from this change.

It is more than evident that not all ends are good. To be an end merely requires that this change actualize all the potential which is found in a given subject. To be a good, the change actualizes only as much of the potential which can be sustained by the subject. It is possible that a person's potential when considered in itself transcends the personal potential, or the potential as part of the individual. An example of this is found in the use of alcoholic beverages. A man who is drunk has exceeded his personal capacity without exceeding his biological capacity. So an end of the change of drinking may be biological saturation while the end of drinking which is good is achieved long before the biological end of saturation is reached. In short, the goodness of an end has to be judged in terms of the totality of the subject which is changing. To be a good end, it seems that three things are required: It is necessary that the term which is attained actualizes some potential of the subject changing. It requires that this actualization occur without destroying any other actuality which the subject already possesses, and finally that it does not impair or hinder any other potential which the subject has. Just how these conditions are actualized is determined by the nature of the subject which is changing.

To say that the conditions for judging whether or not a given end is a good end is determined by the nature of the subject which is changing assumes that the individual changes in every change and that each individual as a changing being has an end. This means that each individual has but one end to which all change aims otherwise the change is for an end which is not good. It is evident that each individual changes, but not that he changes totally in each change or for that matter in any change. It is true that every generation of a man is a total change and every death is a total change, but properly speaking these are not changes of the man. The man simply does not exist prior to the generation which produces him and is therefore not the subject of attributes. When he has been generated, he is the subject of accidents; but then there is no longer a generation. The same is true of the man who dies. In the simple reality of death, a man has ceased to exist as a man. Even though soul continues to live and is the subject of accidents, the man as man simply does not exist after death. So when it is said that the man, the whole man, changes in every change, it means that the whole man changes in every accidental change. It is more than obvious that there is a sense in which this statement is false and that is the sense which means there is an entirely new individual as a result of the change. So to say that the

whole man changes does not mean there is a new individual after every change which the man experiences. As we have already seen, human nature is so constituted that the individual can receive further perfection while retaining his personal identity. To say that the whole man changes in every change is to emphasize the fact that the man is the subject of the change which is brought about by the actualization of even a part of his potential. The capacity which makes the change possible belongs to the man whose capacity it is. Since the capacity is the man's and the man has but one nature which is the principle of becoming and operation in him, it follows that this one principle leads the man to one end in all of its operations if these operations are good. To assign a plurality of ends to a man would require that the man have a plurality of operating principles or that he has only one principle which is simultaneously directed to a plurality of ends. It is not evident that man has a plurality of operating principles. In order to hold that man has many operating principles it would be necessary to show that man is more than one thing. It not only seems that man is not more than one thing, but it seems that man is completely unified by only one principle. All of his natural operations work for one end, the preservation of the individual. Even though a particular operation involves only certain parts of the man

immediately, the end result of the operation seems to perfect the whole man ultimately and not merely the parts which are immediately involved. Man's whole constitution is made up of heterogeneous parts which contribute a particular benefit necessary for the perfection of the whole. Each part has a mutual dependence on all the other parts for its continued being and operation. Thus man needs food to eat. His intelligence selects the appropriate diet which will in turn serve the physical being of the man. While his physical parts are healthy, the man can think more easily without the distraction of physical pain. If there were more than one operating principle in man, this unified operation for the preservation of the whole man would be hard to explain. It seems more reasonable to presume that each operating principle has its own finality and that any subordination between such finalities are accidental. But accidental occurrences do not happen regularly or for the most part but only occasionally. Therefore, since man's operations for the most part and regularly lead to one finality, it seems more reasonable to assume that man has only one operating principle.

It is clear both from experience and from the above analysis that man has a plurality of functions and operations. Each of these functions and operations achieves a term immediately. This immediately achieved goal might

properly be called the end of the function and operation and therefore transferred to the organ which is involved. But this end cannot be properly called the finality of the operation or function since the term of these is by its nature subordinated to the whole. So the digestive system can be said to be functioning well when it accepts food and converts it to a form which is immediately usable by the organism. But the finality of the digestive system is not achieved until the benefit of the food is distributed and used by the body. This finality requires the functions of the other systems of the body and insures the continued good health of the whole. In this way, the digestive system is also preserved. It is because the form which makes each of the organs and systems of the body function is the same form which specifies the individual. Because there is only this one substantial form in the individual, none of the parts has its reason for being or a finality apart from the whole individual.

The argument based on disease which tries to prove that there are some principles in man which obviously do not work for the unity of the individual is answered quite simply by pointing out that diseases are destructive and that when they do occur, all parts of the individual attempt to overcome them. Thus, it is evident that there are destructive principles operating in some men, but it is

further evident that the rest of the organism rejects these principles and attempts to eliminate them. So sickness seems to confirm that man is a unified being who is informed by only one principle.

In order to understand precisely how the nature of man as directed to a final end becomes the criterion for the goodness of an action, it is necessary to understand the concept of life. Human nature is a vital principle which means that it is an intrinsic principle of active movement as well as being the intrinsic principle of passive movement. The fact that man moves from within as well as receives motion from without places human potential in a realm not shared by the non-living mobile beings. Because man is alive, it is not true in every sense that man has all of his potential at any given moment. This means that since an end is good in so far as it actualizes some potential without impeding or destroying some other potential that it is possible for some act to be good for some man at one time in his life and not good for him at another time. This follows from the fact that human nature is not a static principle but rather a dynamic principle. This, however, does not mean that the dynamic character of human nature destroys all stability. Human nature is static and the same for all men when considered from its formal aspect. It is dynamic in its potential aspects and

in this sense not common to all men. Yet, there is danger in stating this position in this way since such a formula might lead someone to fall into the error we wished to avoid which holds that matter and form are distinct parts of human nature. It is not true to hold that human nature is an aggregate of two parts, but rather it is a simple principle which can be viewed in two ways: 1) according to what is found common to all men, and 2) according to what is found different in all men. This dual aspect of the human nature can be seen if it is noticed that all men are growing and moving, but that the term of these changes are different in each case. In this sense, then, it is true to say that the fact achieved by the change is not common to all men but is proper to each individual. But the mode of the change is the same for all men because each change occurs in a human way. This again means that the potential of each man is proper to the man. This fact and the one made earlier about the fact that no man has all of his potential at any given moment of his life are evident from an example. If we offered this study to a man and a woman for consideration and asked them to consider its merits on the basis of their education and their experiences of being married to each other, we would be assuming the potential of each to read this work, evaluate their experience and compare what they know of this topic to what we are saying

about it. To make such a request of these same people when they were five years old would have been unreasonable since they could not have read the writing. Since they can understand it today means that the potential to understand it is in actu proximo primo today, but the same potency was not present in them when they were five years old in the same way since they could not read. Thus, the capacity to understand the meaning of this effort is contingent upon the actualized capacity of the person to read and to read English. To make the same offer to the same couple when they were twenty years old, but not yet married to each other would give them the opportunity to read the words and to have some position regarding the message of this work, but their comprehension of the problem and the terms of reference would be restricted to that of people who are inexperienced in life by reason of their age and inexperienced in marriage by reason of their single state. This does not mean to imply that a person must be married to comprehend the problem and the terms of its solution; but it does imply that age and marital status are factors and actualizations which definitely influence the actual state of being of a person at any given time. When these people read this effort today after having some experience in marriage and life, their understanding of both the problem and its context will be different. The woman will view it as

a woman who has either experienced pregnancy and is not now pregnant, or who is pregnant now, or who is not now pregnant and has not experienced pregnancy, but can experience it, or who because of sterility will never experience pregnancy. The man will view the problem knowing that he will never experience pregnancy. Although there are many other actualities and potentialities in both the man and the woman which have not been mentioned in this example, I think enough details have been mentioned to point out the fact that these two people are viewing one and the same reality with different capacities and actualities and that the same man and woman could not have actualized these different capacities at every moment of their lives. To live, then, means to be able to do some things because of the actuality and potentiality actually present in that individual at that time.

To hold that a person's potential varies throughout his life means that a given act can be said to be good for this individual at a given time in his life while the same act may not be good for this same individual at another time of his life. This follows because any act is good to the extent that it fulfills a capacity while not harming another capacity or actuality which the person has. Therefore, if a person does not have the capacity to receive a given object it is clear that such an object would not be

good for him. But to say that a person has or does not have a capacity can be understood in two senses and the capacity must be verified in both senses in order for the end to be good. A person can be said to have a capacity in the sense that considered in itself the individual has the ability to receive a specified form. The second sense of capacity signifies that the isolated capacity can be actualized and that this actualization conforms to the good not only of the capacity when considered in isolation, but also conforms to the good of the whole individual considered not only in terms of the particular capacity in question but in terms of all of his other capacities and actualities. An example of this principle is found in sexual intercourse. A new born boy has the physical organ for performing the act of sexual intercourse, but because of his age lacks the basic ability to perform the act because the physical organism is not mature enough. Such an infant lacks the capacity in both senses of the word. A single man who has passed the age of puberty has the physical power to perform the physical act of intercourse but has not actualized all of the potential to perform the act in a human way. Therefore, he has the capacity in the first sense of the word but does not have it in the second sense and therefore it would not be a good act if he performed the act of intercourse since it would be the actualizing

of a potential without reference to his other potentialities and actualities. This point will be discussed again in chapter seven where it will be shown how such an act violates the actuality of sex. The important point at this time is to realize that an end is a good end for a given individual when the totality of the desired object conforms to the totality of the individual in such a way that the possession of the object actualizes some potential in the subject while not destroying or damaging any other potentiality or actuality in the subject.

In considering the totality of a human being, we must recognize the primacy of his end. There is a relationship between a man's end and the nature which he has. Since the nature is the operating principle of the man, it has to be appropriate to the end otherwise the end would not be possible to the man. Since the end is possible in order to be an end and since man has only one end, all the capacities and actualities of the man lead to this end. This means that each and every act of the individual either fulfills the man and leads him to his ultimate end or does not fulfill him and does not lead him to his ultimate end. An action can be said to fulfill when it actualizes a capacity in both senses of the term. The action does not fulfill when it does not actualize in both senses and as a result leaves the person somehow potential. He is not led

to that ultimate state of perfection which he could reach. It is the actual here and now condition of the person which determines whether or not the here and now object will perfect him. Since the ultimate perfection will consist in the actualization of the potentials of the individual, the individual capacities are related to the ultimate as to their final end. But the ultimate end of the man is not achieved in one act, but in a succession of acts which together will lead the man to his last end. So the man at any given instant will have some actuality and some potential. This given state of actualization is found in the very nature of the man since it is the nature of man which makes change possible. Therefore, it is the present nature of the man which receives the object or possesses the perfection to be achieved by any action. Therefore, it is true to say that the nature of the man becomes the criterion of morality in ethical action because it is the nature which has the capacities which can be actualized. This nature as found in this individual is capable of achieving his ultimate end because of the particular capacities which he has, but even though the ultimate end of the person is the ultimate criterion of morality, the immediate criterion is the present state of actualization of this nature. This follows because a certain act may be moral in terms of the final end, but immoral in terms of the present capacity of

the man. This says no more than a person's ultimate perfection will include the actualization of a given capacity, but that this capacity may not be in a condition to be actualized in every instance of the man's life. If this is the case, then, it is true to say that the temporal and circumstantial confrontation of a subject by an object are part of any consideration of morality. An example of this is evident if one again considers the act of sexual intercourse between a man and his wife. Such an act may be virtuous after they are married, but not before. The difference lies in the fact that these people have actualized the capacity which is a pre-requisite to the actualization of the capacity for virtuous intercourse first by marriage. Then with this actualization fulfilled, they can exercise their privilege of further actualizing the conditioned capacity for intercourse. If they perform the act before they are married, they violate the nature of sexuality, as we will explain in greater detail in the chapter on sexuality. This is an example of trying to perform an act when the capacity is not present even though the final state of perfection will include this actualization of acts of sexual intercourse with this woman. Another example is noticed when a person exceeds a given capacity. A person becomes intoxicated when he attempts to further actualize his capacity for alcoholic drink when his capacity is

already actualized. So again, the person's ultimate perfection will include the actualization of this capacity, but not the actualization attempted while the capacity is completely fulfilled. Therefore, it seems correct to say that the here and now nature is the immediate criterion of the morality of an action.

Every moral act which a person performs is performed at a given time in history and in a given place. This action involves an agent who has his being with specified details in actual existence. The same thing is true of the object. No ethical action takes place in a presentation of an isolated form to an isolated capacity. The desirable aspect of the object is only one of many aspects of the object. What this desirable aspect can fulfill is only one of many aspects of the subject. Yet, the goodness of the action depends on the relation of the total object to the total subject. Part of the totality of both the subject and the object is its accidental modifications which include its circumstances. Even though many of these accidents are named and described by extrinsic denomination, the accident is a modification of the subject of the object. This modification, as part of the ontological reality of both the subject and the object, must be considered in the judgment about morality since the action can be said to be moral only when the whole object conforms to the whole

subject. Since all moral action takes place in the concrete, the circumstances of both the subject and the object are part of the reality of each and must be considered in the moral judgment. So it is possible that the perfection of the object considered in itself may be convenient to the subject considered in himself, but not in a given set of circumstances. This is not because the object becomes moral or immoral because it is in circumstances but rather because in these circumstances the object has new modifications which change the ontological status of it. The basis for morality is the relation of this object in its totality to the subject and capacity in its totality. If an object is immoral in circumstances, even though the object is thought to be moral when considered in the abstract, it is not immoral because it is in the circumstances but rather because as found in these circumstances it has a reality for which this subject has no capacity. The subject either has or does not have a capacity for this object. But the object is defined by its reality which includes all of its accidental modifications. Some of the accidental modifications of the object include those factors which are the result of this object's being in a given set of circumstances. So while the being in a certain set of circumstances gives rise to some new modifications, the morality of the action which involves this object is judged by the

relationship which is had between the total object and the total subject. This relationship does not depend on the circumstances of either the subject or the object. The object in this circumstance has certain perfections and certain potentialities and the subject who is also in circumstances has certain perfections and potentialities. If, with all the actually verified perfection, the object conforms to the capacity of the subject, its acquisition is moral. This capacity of the subject does not depend on the circumstances in which the subject is found but rather on the existential condition of the nature of the man. A glass which has a ten ounce capacity has this capacity in the house, on the moon, under the ocean, when it is new, when it is old, and in all circumstances. A man who is and has a nature, either has such a capacity or does not have such a capacity. This capacity is present in one who has it independently of his circumstances because of his nature. The being in circumstances does not produce capacities but actual modifications. So to say that an object in a given set of circumstances is moral or immoral is not to describe its circumstances but to describe the relationship which it has to a given subject based on its actualities as orientated to the subject and his ability to possess it. This relationship is constituted by the totality of the object as related to the totality of the subject.

As existing in real life, the totality of the individual's being is a process of development aimed at the perfection of the individual in all of his aspects. Physical growth aims at physical maturity. Emotional and intellectual activity aim at the development of these faculties that they may operate in the best way possible for the individual. Just what these conditions will be is something determined by the concrete nature whose principal function is the achievement of its greatest perfection, its final end. All the actions a man can perform in his life time are regulated by his natural and conscious desire for happiness. This state of happiness is his last end. While it is possible that in some particular action the person may make a mistake in evaluating the true relationship between a given object and his true end or may even deceive himself with a given object, the person still seeks happiness in all of his actions. Therefore, it is true to say that the ultimate end of man regulates all of his moral actions. It regulates them by means of the finality of happiness and also because the nature of the man seeks its own perfection. Since this nature is equipped to reach its own end, the nature has the capacities to reach this end. So the end specifies the nature in its capacities and actualities and through these the actions by which this end will be achieved.

In reaching his end, man operates to fulfill all the capacities which he has. His ultimate perfection and happiness require that man do this in his life time. In the attempt to develop according to his nature, man realizes that even though he is an individual and seeks personal happiness, he cannot do this alone. Man is by nature a social being. Even in his efforts to perfect himself, he needs society. Without the assistance of other human beings, man could live; but such a life would be unsatisfactory to most men. To provide for the barest minimum of physical necessities, man has to have food, clothes and shelter. His food cannot be just of one type since the physical organism requires a variety of nutritional elements to maintain a modicum of physical health. To provide this basic requirement, a person has the choice of producing or gathering this food himself or relying on the services of others to produce it. Once the man has the food, no matter how he obtained it, he has the problem of conserving it. If he does not obtain enough food to last beyond his immediate needs, he has to depend upon his source to be able to supply his needs as he requires the satisfaction of these needs. Even after his food requirements are met, a person needs shelter and protection from the elements. This means that clothes and housing are necessary. No matter what the climate, a person needs some sort of

protection from the heat or cold, the rain or snow, in order to preserve good health. Man will also need some sort of building to shelter his goods from foes as well as the elements. He will need some type of implement to forge and fashion those products whose natural condition is unsuitable for immediate use. In order to provide all of these things for himself, the individual will have to acquire some knowledge of the various objects he finds in nature in order to know what will serve his purposes and how to make those things which his continued existence demands and which are not provided immediately by nature. In short, man's life requires property and education in order to survive. But these bare requirements do not satisfy man. To live a human life, an individual needs someone else to talk to, someone to understand and be understood by, someone to love and be loved by. These are the properly human modes of living. These are the operations which satisfy a person. If a man decides to live alone, his waking hours will be filled with the activities geared immediately to the production of food, its conservation and preservation. He will have little time to give himself to thought or love. He will have no opportunity to learn from others or give to them simply because no one will be there to share his joys or sorrows, hopes and expectations. The

person who lives alone deprives himself of the opportunity to live a human life.

Because men recognize these facts about their nature, they live in communities. These communities vary in their composition and scope. Some of these groups are families, others are political, economic, religious, social or even purely utilitarian. The reason for the origin of the community is to allow the individual the opportunity to live a fully human life. This is accomplished in a variety of ways. Most generally, the first achievement of a community of any kind is the division of labor. Each person in the community specializes in a type of work in which he produces a given item in sufficient quantity to supply the needs of the whole group. In exchange for this service, the individual expects that other members of the community will specialize in other efforts which will provide other necessary goods. Because each product is provided by a specialist, each specialist depends on the others for those things which his specialty does not produce. The various members of the society, then, offer their services in exchange for the services of others. The effect of this arrangement is that each person has the opportunity to develop his skill in his own field. This means that each man will acquire a greater facility and understanding of what he is doing and will be able to render a better service to

the community. It also means that within a given effort, several people will be able to further specialize and develop the field. Some people will be practitioners, others researchers, and still others teachers. Each of these specialties within an effort will continue to service the community directly with its practitioners, indirectly by developing better qualitative services through research, and by perpetuating the profession by education.

More important than the mechanics of serving a group, the aggregation of people into a community offers the men of the community the chance to live a properly human life. Because of the specialization discussed above, some men will have the opportunity to reason about their work. They will gain from the experience and learning of others. There will be other people who will encourage their efforts. And even apart from the purely pragmatic value of the association of men, there will be the understanding and comradeship between individuals. There will be the chance to grow in the emotional experiences of love, hope, and aspirations. There will be opportunity to recreate, to broaden one's knowledge of human nature by daily contact with people. All of the advantages of living in a society add to the perfection of the people who live in it and enable these people to achieve a greater degree of human happiness.

But the advantages of living in society places a responsibility on those who are part of the community. Because a person is in society, there arises a certain mutual dependency between him and the group. The individual can expect the services of the trades and professions of the society. He can expect the educational advantages which a school system offers. He can demand military and police protection from enemies both internal and external. But to guarantee his right to all of these things, the individual must realize that the society as such does not exist. The social functions are provided by individuals who perform certain duties. The chief of state is an individual, the policeman and soldier are men, the teacher, doctor, and carpenter are persons. This assumes that there are responsible individuals who live in society. A responsible individual is one who recognizes that society will have all of those things which the members of society desire only as long as some individuals fill certain positions and recognizing this, does what he can to make his contribution. However, even when the individual has the best good will, he may be handicapped in defining what his contribution should be in the practical order. As an individual, a person may not have the opportunity to know just what the needs of the community are in a specific way. Therefore, for the welfare of all concerned, officials are

appointed or elected whose task it is to administrate the duties of the state. This presupposes that these officials have some authority to execute the plans which they feel are necessary for the continued welfare of the state. To make such authority meaningful and effective, the citizens have an obligation to obey the laws and directives made by the state. Therefore, to be a responsible member of society means that the individual must respect the rights of the group.

Since there is this mutual dependence between the group and the individual, a question can arise about the nature and extent of this dependence. There is no question that there is a dependence and that it is mutual. The individual derives many advantages from being in society and the society derives benefits from the individual. The question of great importance is: does this mutual dependence imply equality of degree of dependence or is one more dependent on the other? It seems that the individual depends on the society in a relative manner and the society depends on the individual in an absolute manner. This position seems clear from a consideration of the type of being each is and from a study of the end of each. Man is a simple substance who has being in the primary sense of that word. His existence is not conditioned by the existence of the state. While it is true that man can live a better

life in a society, man does not need society in order to live. Man may not live a perfect, human life in isolation, but none the less he can live. So it seems true to say that man's dependence on society is relative. If he wants to live a perfect human life, a man must live in society. If he does not want the benefits of society, man can live without a society. On the other hand, society cannot exist without the individual. Obviously, this does not mean that all societies demand the continued existence of a particular individual, but rather that there would be no society if there were no individuals. There are some societies, such as marriage which do require the existence of particular individuals, but most societies do not require a particular individual. But none the less, the very existence of all societies presumes the existence of some individuals. So the dependence of the society on the individual is absolute. The existence of the group is conditioned by the existence of the individuals who compose it. As a result of this dependence, it is true to say that the state is not the proper subject of attributes. The state or group does not perform actions, does not have strengths or weaknesses. What is done in the name of the state is done by an individual who is an official of the state. The state has the strength of its individuals and the weaknesses of its individuals. So considered in itself, the state's dependence

on the individual is absolute while the dependence of the individual on the state is relative. When the ends of each are considered, it once more becomes evident that the dependence of the state upon the individual is greater than the dependence of the individual on the state. The end of the individual is the perfection of the individual himself. The end of the state is also the perfection of the individuals. The state does not serve the end of the individual immediately or directly, but never the less its end is the perfection of the individual. The fact that men live in a society means that they are able to develop their own talents while still being able to procure the other necessities which their own talents do not provide. In developing their own abilities, men perfect themselves; in being able to obtain their other necessities, they are also perfected. Because they have the positive assistance of other men in the group, they are able to achieve a greater degree of perfection than they would without this assistance. Because the individuals receive the protection of society, they can advance in perfection free from the worry of fear and insecurity. These functions of positive and negative assistance are the immediate end of the state. The group has the task of maintaining that order which will preserve the members of the group. This is done by assuring the members that no foe will impede the development of

any individuals. This is the negative aspect of the state's function. The positive function is to assist the members of society by supplying those goods and services which the individual cannot supply for himself. Thus, it is evident that the end of the state is subordinated to the end of the individual.

Because the being and end of the state are subordinated to and conditioned by the being and end of the individual, it is true to say that the individual is prior to the group and state. As a result of this priority, the individual cannot be required to make an unqualified submission to the group. The question arises as to which has priority when there is a conflict between the common good and the individual good. When such a conflict does occur, can the state impose an obligation which binds the individual or can the individual require the preservation of his own good to the exclusion of the state's good. Since this problem arises with some regularity and since it is one of the arguments used against contraception, it is important to see to what extent one can coerce the other. The common practice of eminent domain is an example of the state requiring an individual to surrender his good for the common good. When a group exercises its right of eminent domain, it is the solution of a problem arising from a legitimate practice of a right by an individual when the

exercise of this right prevents the group from exercising one of its rights. In other words, the difficulty arises only when an individual is exercising one of his legitimate rights and this exercise infringes the rights of the rest of the people of the group. In solving this problem, the group decides that the precise right of the individual can be replaced in terms of the individual, but not in terms of the group. The group, therefore, makes the appropriate substitution. Therefore, the group does not deprive the individual of his goods or rights, but rather allows the individual the continued exercise of his right with goods which are equally as valuable or useful as the original goods. In this case, the individual's rights are not being infringed since the right can be exercised over another object equally as well and the individual's right does not, in this case, strictly include the particular object in question. Can the state or group coerce the individual when such coercion will in fact deprive the individual of the exercise of one of his legitimate rights? It seems this question has no unqualified answer. Answers can be given in terms of particular cases which would seem to indicate that an unqualified no is not possible and an unqualified yes would imply that the state is prior to the individual and we have already seen that this is not so. To answer this question, then, it seems necessary to say

that the group can require that the individual surrender the exercise of a legitimate right when the group's condition is such that the continued exercise of this right would jeopardize the continued existence of the group which in turn would deprive the individual of the advantages he needs and wants from the group. This condition must be further qualified to say that the group has this right only as long as the condition exists. When the continued existence of the group is no longer endangered by the exercise of the individual's right, then the group can no longer impose the restriction upon the individual. An example of this occurs when a nation goes to war. If the state decides that the only way it can preserve itself is to fight a war, it can impose conscription on some of its citizens. This means that some individuals who do not freely choose to perfect themselves by being soldiers will be deprived of their liberty to choose their own profession. These conscripted citizens will be forced to follow a course of action which may expose them to the extreme danger of being killed. It seems that in such a case the state would have the right to do this to a particular individual only if his personal services were the absolute sine qua non condition for the continued existence for this state. If this particular individual's services can be performed by some other individual and this individual judged that this form

of life would destroy him as a man, then I do not think the state has the right to force this individual to render his services. To grant the state this kind of power is to imply that the state has a prior right. But since the purpose of the state is to serve the ends of the individuals indirectly, it does not have this prior right. If it does not serve the end of the individuals in some sense, then the state's end would include its own destruction. In order for the state to survive, it must preserve some of its individual members and not merely in being but also in happiness. If there are no happy individuals in the state or group, it will not survive. But happiness is the end of individuals and not primarily of the group. Therefore, it seems that in no instance does the state gain the priority by which it can force the individual to do something which in the individual's evaluation does not contribute to his perfection. This does not rule out the case where the individual's services are the sine qua non condition for the preservation of the group because in this case the individual realizes that the ultimate effect of the collapse of the group will be a personal loss to himself. When faced with this choice, the individual is choosing the necessary means to his own perfection even though the necessary means are not desirable in themselves. Therefore it seems that the group cannot demand services from any

individual which are contrary to the good of the individual. Therefore, the personal good of the individual seems to regulate what the good of the group is, even though the good of the group is not constituted by a collection or aggregation of the individual goods.

In conclusion, then, it seems clear that the nature of man is that intrinsic, vital principle by which man seeks his perfection. This end of man is unified by the fact that he has only one nature which specifies the whole man and by which he operates. It is more than evident that man has a plurality of operations by which he strives after perfection. Some of these operations are personal and individualistic, others are social. Yet, the ultimate purpose of all these operations is the perfection and ultimate happiness of the person and the action by which an individual attempts to possess an object is moral or immoral to the extent that the possession of the object leads to or away from the perfection which is possible to this individual.

In terms of this discussion it remains to be seen how marriage and sexuality fit into this position or if they have ends apart from the person who is married or sexed.

## CHAPTER VI

### MARRIAGE

Any discussion of the problem or morality of contraception has to consider the nature of marriage since contraception is related to the exercise of sexual intercourse and sexual intercourse is generally an exercise of the marital privilege. It is also necessary because contraceptive intercourse is condemned by some because they maintain that it violates the end of marriage.<sup>1</sup> In order to agree or disagree with this judgment it is necessary to understand as well as possible what the reality of marriage is.

An attempt to define the nature of marriage somehow distorts the reality since a definition is static and the reality of marriage is dynamic. Marriage is a life and as such transcends any definition of it which can be given. It is a certain moment in the life of two people which contains the totality of the individuals in all of their details. These aspects of the individuals comprehend their attitudes, their thoughts, their desires, their actualities and potentialities, their time and eternity. It is but one life shared by two people and any analysis of it shatters

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<sup>1</sup> Cf. chapter three above.

the reality because an essential attribute of all marriages is its absolute unity. Both people live the one married life without sharing a personal substantial unity. The mysteriousness of marriage lies in this fact. How do people who are substantially distinguished live the unity which is marriage? How is the unity of marriage related to the people who are married? Is unity really the essential attribute of marriage? In trying to answer this last question, we will begin to analyze marriage, but in doing this we should not forget that marriage is more than an aggregation of its parts and acquires a reality which defies definition.

The first fact about marriage that seems to indicate to some extent what the nature of marriage is is that it is a commitment of the spouses. A man and woman come to a point where they make a decision to share their lives. This decision is the choice to be married to each other. Even if the people concerned do not properly understand the full scope of the commitment, they decide to enter into marriage. They know that this agreement includes a common life together which involves certain rights, privileges, and responsibilities. Their motive for marrying may not be the best, but even in this instance they begin to share a common dwelling where each displays his own personality in a way which was not known to the other. They begin to

see each other as they did not see each other before. Each comes to the union with some idea of what they expected and with this expectation they agreed to marry. The expected ideal appeared desirable to each and this made the decision to marry possible. No matter what the expectation was when the decision to marry was made, each thought the arrangement was desirable and each had some idea of how the goal they sought in marriage could be reached. With this vision before them, the couple decided to get married. They began to do those things which they thought would provide what they desired in marriage.

As marriage is commonly considered, there are several desirable aspects. First, the most commonly held advantage of marriage is the right and privilege of engaging in sexual intercourse. Second, there is the fact of regular, if not constant, companionship between the spouses. There is also a division of labor. But all of these are insignificant when compared to the mutual understanding, sympathy, and affection which are possible to the spouses. As they live the conjugal life, they discover new traits in the other person which present the other as desirable or diminishes the desirability. This knowledge is the first consequence of living in close community with another. This evolution in living marriage either confirms the partners in their benevolent attitude toward each other or it

destroys any affection which might have been possible between these two persons. In either event, the outcome of the relationship is judged by the partners as good or bad according to the convenience of each. This convenience is better described as known conformity between the reality as experience and what was desired. A thing can be said to be convenient in two ways. First something is convenient when it conforms to the ontological nature of the subject and secondly something can be said to be convenient when it conforms to what a subject thought his ontological nature was. In this second sense, it is possible that what is thought to be convenient may in fact not be convenient since it is quite possible that the person failed to grasp the reality of the nature as it exists. Thus, in marriage, people find the association with a spouse desirable when the experience of marriage conforms to what they expected from it and they find it undesirable when the reality does not provide what they expected. As a result of this possibility, it is clear that there is a reality of marriage which is not subject to the caprice of the people involved in it. This reality involves the people and their individual natures, but is not regulated by the individual natures. This reality is viewed by both persons as perfecting them, even if their idea of the type of perfection was erroneous or partial or both of these from the beginning.

Each expected happiness from the union or they would not have married. In some cases, for example, the so-called marriage of necessity where the woman is already pregnant, the happiness sought by the marriage partners is extremely short term, but still it is happiness. In this case the woman is relieved of the social stigma of bearing an illegitimate child and the man is relieved of the social pressures of the girl and possibly her family to right the wrong that has already been committed. So even in this case, the partners decide that marriage provides a better state or condition for them than the not marrying provides. As a result of this judgment, the partners make a commitment to each other for some purpose.

The purpose which can satisfy marriage is one and proper to the state. This end cannot be many nor can it be changeable or subject to the married partners. Marriage is not a substance nor the proper subject of attributes, but is a relation between two people. As a relation between two people, marriage is a society. Because it is a society, its reason for being and a condition for its continued existence is the good of the individuals who are its members. Caution must be observed in understanding this principle because there is a sense in which this principle does not apply to marriage. It is possible that some association is dissolved when it no longer serves the good

of the members, but this is not the case with marriage. This does not mean that marriage does not have the good of the spouses as its end, it merely means that the end of marriage, once it has been chosen, cannot be revoked or reversed. This follows from the fact that the end of marriage is the perfection of the individuals and that this perfection cannot be achieved if marriage can be dissolved. This point will be clearer at the conclusion of this discussion and must await that conclusion in order to avoid a certain amount of circular argumentation. The point was raised at this time to avoid a misunderstanding of the principle that a society depends on its members for its existence. The principle has a valid application to marriage, but because of the nature of marriage, this principle has a proper meaning when applied to marriage. Because marriage is a living relationship, it gains vitality and can achieve its end only as long as the people who are married are perfected. When a given marriage fails to perfect the married people, the marriage wanes and weakens, but it does not die. Since marriage is a living relation between two people, it has to have a beginning and this beginning is the marriage contract. This is constituted by the expression of the commitment by which one person pledges himself to the task of perfecting the other and the same pledge is made by the other. The expression of this

commitment places the people in the state of marriage but does not perfect either partner in the sense that the perfection of each is the end of marriage. The perfection which is the end of marriage involves the living reality of day to day operation of each of the spouses in a manner which fulfills the other in a real way. This every day execution of the commitment expressed in the marriage contract is the first act of the marriage and gives the spouses the reality by which they can properly exercise all those acts by which the end of the marriage can be achieved.

Those acts by which the end of marriage can be achieved are acts which are regulated by that end to be achieved. The end of marriage, like all final causes, determines what must be done and how the details are to be performed. In the case of marriage, the man must strive to give all that he can to his wife which will perfect her. The same is true of the wife, she must give all that she can give to perfect her husband. This requires that each knows the other, what is good for the other and how this gift can be given to the other. From the fact that the man married the woman, he presumed that he himself was good for the woman and the woman thought that she was good for the man. This particular attitude might be described as self-esteem. Even though self-love ordinarily connotes an

undesirable characteristic, it is absolutely necessary for every good and happy marriage. Each of the spouses must be convinced that they are good for the other and can contribute to the perfection of the other. If this is not the case, then one spouse is willing to give to the other something less than the best. Such a condition would be possible only if the giving spouse did not think enough of the receiving spouse. The receiving spouse would recognize this lack of esteem in the donor and be insulted by the gift and giver. This would not perfect or satisfy the receiving spouse and lead to disappointment. If the disappointment persisted, the marriage would begin to weaken and might finally reach a point where the best gift the spouses could make to each other would be their mutual absence. If the one spouse did not think he had something worthwhile to give in himself, he would be consistently giving his spouse something he thought was inferior and this would lead to the disappointment just mentioned. To avoid this possibility, each spouse must be confident that he has something which is eminently suited to the needs of the other. This judgment by each spouse about his own merit should be a true one which implies that each person has some actualities which contribute to the marriage. This is also reasonable since a community which is composed of individuals who have nothing to contribute would be a

group with no possibility of development or growth. Whatever the group can achieve or whatever benefits one might try to find in the community presumes that someone in the community has the desired quality and can confer it. If both parties enter a marriage and have nothing to offer to the other, the marriage is doomed to failure. It is precisely because the perfection of one spouse can be achieved by what is actual in the other that the marriage appeared desirable and will reach the desired end. The man views the woman as desirable because of what she has and is, not for her potential only. If the woman fails to appreciate her own perfections, she will not present them in a favorable way to the man and he would not desire her. When a person has desirable qualities and recognizes them properly, he or she presents them to the other in a manner which pleases the other. These desirable traits lead the other to love and then and only then is the proper foundation of marriage laid. When this love is born, the man recognizes the beauty of the woman as a person. He wishes to use his powers to protect and preserve the beauty of this woman. He is convinced that he has the proper strength and virility to guard the person from being harmed and is able to add to her perfection. His life is dedicated to this person that she might be free from all those things which would soil or tarnish this person and her beauty. When

this love flowers, each partner views himself as a donor, but a giver of gifts which are worthy of the beloved. But this is possible only if each spouse is imbued with an appropriate self-love.

Even though this relationship between the man and woman is based on a self-love which recognizes the value of the giver as gift, it cannot exist if this self-love becomes the dominant object of the relationship. The spouses must primarily consider the other and precisely as other. The gift which is esteemed is given because the other is worthy of good gifts. So it is not only the actuality of the giver that is loved by the giver but also the actuality of the receiver. It is because the man thinks the woman is good and loveable that he wants to give her gifts worthy of her person. It is because of what she is that he has to value the gift. If one spouse gives a gift because he values the gift instead of the person, he insults the other. He is merely using the other to manifest his largesse and the other becomes an instrument. If he gives a worthy gift because the other is worthy of the best, then he compliments the other beyond all ability to describe it. He pays tribute to the person of the other, satisfies and congratulates her psychologically and personally. He tells her that she and she alone will satisfy his desire to confer good things. Such an action pays

close attention to the person of the other and perfects the person of both. It enriches the life of the other because it recognizes what the other is as loveable. It perfects the donor because he served a person whom he deems is good. Because his gift is received, his judgment about the goodness of the other is confirmed and he is pleased. So the love which one spouse has for the other is primarily altruistic, but also has to be selfish.

The relationship which marriage as a way of life must realize if it is to perfect the spouses is characterized by three attributes: the people must be mutually dependent, mutually independent, and mutually interdependent. This means that in addition to some actuality, each of the spouses must bring some potentiality to the marriage. Each needs someone else who can receive what each can give and who can give what each lacks. The man needs someone to love. He has the ability to love which can be satisfied only if there is another person. This other person then supplies her actualities to fill this need in the man. The converse is true for the woman. She needs a person to whom she can direct her attentions and affections. The actuality of the man convinces her that he is a worthy object of her love. Each, then, concentrates on the task of loving the other. This actualizes a potential in both. To live a human life, each needs to be loved and is a potential in

both until someone loves them in a human way. In loving, each begins to confer the good he has and strives to possess the other as completely as possible. Yet, in striving to possess, each respects the person of the other. Neither wishes to destroy the personal goodness of the other since that would remove the desirable goodness in one act and deprive each of someone to confer good things on. So while perfect substantial possession might fulfill the potential of the spouse who gained such possession, it would not allow this person a continued object to give gifts to. So love strikes a balance which at the same time seeks possession while preserving autonomy for the beloved. No one can love a person who changes completely into an image of himself. The man is attracted to the woman because she is different from him. She is not only sexually different, but she is personally different. It is because she has individual characteristics that she is attractive to the man and he to her. These characteristics are what each person wishes to preserve, and yet possess. These are the actualities which are constantly given and which please the other. In order to preserve the relationship of love, these characteristics are to be maintained and this is done by the respect which is had for the autonomy of the other in the eyes of each. The goodness inherent in each spouse must be based not only on the ontological reality of each,

but also on the psychological and ethical goodness of them. But since the basic goodness of all levels of the personality has its roots in the being of the person, love recognizes that it cannot encroach upon this area. The lover's whole effort is to enrich the goodness by building on the reality with what it can give. Therefore, love requires that each partner maintain a mutual independence. But lovers are not satisfied with the role of a spectator in this process. Each person dedicates his energy to contributing to the autonomy of the other. Each maintains that the goodness of the other is to be served, protected and enhanced. Each enjoys giving to the other. The completeness of the man depends upon his continued service, love and dedication to the woman. He does this not only as depending upon her as upon the object of his affections, but also as a condition for his own well being. He regulates his own life and love according to the needs and desires of his wife. He regulates his wife's life according to his ability to receive her affection and services. This inter-relatedness constitutes the basis for the expression which this marriage takes. This is the interdependence which marriage requires. It is the mutual effort in those things which are mutually perfecting. It is the team work which spouses perform precisely as spouses and it is necessary if the marriage is to achieve its end.

The end of such an association involves the whole person of both spouses. As each sees the other as a good person, each begins to notice the details of the other. The foundation of the relationship which results in a happy marriage is love. Even if the initial attraction is based on something less noble, the marriage cannot produce happiness if love is not the foundation of the association. The whole person is present at the initial encounter. If one of the persons is attracted to the other by reason of the physical attributes or the personality, this will become the reason for seeking a second meeting; but it is seldom the basis for a proposal of marriage. As the couple begin to know each other, more of the details of each come to the attention of the other. The initial attraction begins to be located in the total person of the other. If the man was attracted to the woman because she was physically beautiful, he will get to know her as a beautiful woman who is warm, congenial, sensible, pleasant, and intelligent; or she will be a beautiful woman who does not have some of these other desirable characteristics. As he sees this beauty surrounded by other details, the attraction may increase or diminish. While a beautiful woman may satisfy a man's physical desires, an emotionally cold woman will eventually frustrate the whole man. If the woman is attractive physically and is emotionally sensitive, but

foolish, the man may have fears about the constancy of the woman. She may be faithful to him sexually, but may squander his material wealth. In short, both the man and the woman have physiological, emotional and intellectual actualities and potentialities. Any marriage which will be a success will have to consider and respect all of these. If a man whose initial attraction to the woman is purely physical continues to desire her even after he has discovered she is unsuitable emotionally or intellectually, the man is following a path which will lead to nothing but unhappiness. His desire is based on selfishness and not on love. He will marry for the pleasure he will derive from the association. The other person will soon recognize that the first person wants nothing but pleasure from her. She will realize that she does not have value as a person but merely as an instrument. Since she is a person and not an instrument she will be insulted by the approach the man makes to her. She will not view the association as desirable and will begin to withdraw from it so that even the pleasure which the physical experience could provide will disappear because the manner in which the action takes place will not be personal or desirable. If, however, the association which started on a physical level grows to include the personal aspects of the other, the satisfaction reached at the physical level will be increased. The man

will begin to see the woman as more than an organism. She will be seen as a person who has feelings and understanding. The man will then start to respect those feelings. He will consider the woman's understanding and accept it. If his discovery of the person continues to please him, the man will love the woman because that is the nature of his will. When love becomes the driving force, the man then considers the whole person of the woman and how he can preserve and enhance her. At all three levels—the physical, the emotional, the intellectual—the man will fulfill and be fulfilled and so will the woman. Thus, it seems that the nature of the association which is marriage requires that the end of the association is the perfection of the spouses.

It seems, further, that not only does the nature of the association require that its end be the mutual perfection of the spouses, but also the effects of being associated in marriage seem to require this end. The effects of being married are the five ends usually named as the ends of marriage. When people are married, they engage in sexual intercourse which sometimes results in the birth of a child. That such an experience is possible only if there is some type of affective relationship present between the people will be considered in the next chapter when we will discuss the nature of sexuality. For the moment, we will

assume that sexual intercourse is habitually possible only if the partners love each other. When children are born, the parents begin to perform the task of rearing them. This effort involves a long period of time in which both the father and the mother must teach the child all the fundamentals of living at every level. They must not only provide for the temporal care of the child, they must teach him how to take care of himself. This means that the parents must not only tell him how to act, they must give him a good example. This example must include not only practices of the physical order, but it must also include the intellectual and emotional order. It must teach the child not only those elements which refer to his personal life but also those personal aspects as they are involved in the social order. The child must learn to love. He must see that some things are beautiful and that each is to be esteemed in a proper way. One of the first things that appears to the child is the relationship which is present between his father and mother. While the child will not be able to define the relationship, he will be able to recognize whether the attitude between his parents is benevolent or not. He will notice whether or not his father pays attention to his mother. He will see if they "chide" each other or shout at each other. He will know if they spend time together or if they avoid each other. What he sees

will be his first formation in life. Since the child does not have another teacher, he will accept the conduct of his parents as his standard. He will think that whatever they do is good just because they are adults and he is the child. If the parents wish to teach their children altruism, they will have to set an example of it. If either of the parents seeks himself in the marriage, the child's first lesson in social living will be one of egotistic selfishness. So if the parents want to teach their children to love, then the parents have to be lovers. Thus it seems that the love of parents is a prerequisite for teaching their children. But it is not enough that the parents love each other, it is also necessary that this love be expressed visibly. This outward manifestation of love does not mean affectionate glances, caresses and kisses only, but more important, the affectionate manner by which each spouse attends to the needs and desires of the other. This sign of love is more important because it is part of every act which the loving partners perform while properly affectionate gestures are only occasional and the attitude of benevolence which pervades all actions is clearly altruistic while the gestures of affection might be the result of self-seeking. These external signs of love involve what are traditionally called the secondary ends of marriage and genuine examples for a child only when they flow from love.

These secondary ends are mutual assistance, the fostering of conjugal love and the allaying of concupiscence. Mutual assistance is possible only when one spouse loves the other. When a man loves his wife, he sees what her tasks are. He knows what she thinks of each one. He is aware of the fact that some of her chores are onerous and burdensome, while others are pleasant and delightful. He will soon recognize her periods of fatigue and trial. He will know which of his services will really assist her and which will only annoy her. He will also know when his assisting services will be welcome and when his annoying services will be received. He will judge the woman's personal requirement rather than her utilitarian requirement and provide the service which will satisfy the former rather than the latter. In rendering assistance to the personal need of the wife, the man will act in such a way that it will be quite clear to the woman that it is not just a job he is doing but rather a token of love which he is giving. Such assistance presumes that the man knows the woman. He is familiar with her abilities and limitations, her desires and dislikes, her moods and jubinations. But this type of knowledge does not stem from study. It is only if the man loves the woman that he will have the insight which will enable him to read the signs of her need accurately. He will anticipate her situations because his gaze is fixed

upon her. He will remember her previous actions with loving detail because her welfare is his concern. If the man does not have this concern for his wife, he will not notice that she is in distress. He will be impervious to any depression which a given task or situation might produce in her. He will never understand any functional or utilitarian failure in her. He will dry the dishes only when he is asked to. He will not interrupt her boring work to put his arm around her, he will seldom notice the inspiration which carries her through the monotonous or hectic task. She will not be a person in his eyes, she will be a servant. So the mutual assistance which is proper to matrimony is not the utilitarian service which can be obtained from an employee, but rather the attention which one person gives to another. It is the intellectual compliment of being recognized as a person who has loves and feelings; it is the emotional citadel which enlivens the heart; it is the willing hands whose touch conveys warmth as well as work. It is the realization that the other accepts the person rather than the operation; the consolation of being understood which enables each the freedom to be himself. Mutual assistance in marriage does more than merely sweep floors, do the shopping or run errands; these things can be done by any friend, employee or person. The mutual assistance of marriage allows each partner to "sound off"

without fear of being misunderstood, to be jubilant without being ridiculous or absurd, to speak in hyperbolies without being foolish, to fail without being condemned, to be extreme without being excessive, to be weak without being castigated, to love without being disappointed. Mutual assistance without love is pragmatic. It fails to transcend the level of chores because it never reaches the inner recesses of the beloved, it only performs tasks. It has the character of a functionary, lacks the warmth of humanity, provides efficiency without understanding, frustrates while accomplishing, concentrates on a job while ignoring a person, slights while achieving, and is eloquent in its silence. Such assistance does not help one's spouse, it kills. It deadens the heart, weakens the marriage and leads the partner to avoiding such assistance in the future. It drives the other into isolation and sets a bad example for any and all witnesses who may be present. So mutual assistance, as a proper mark of marriage is truly assistance only when it is a consequence of love and is inspired by love.

The second "secondary end" of marriage is the fostering of conjugal love and, as its name implies, requires that the partners have love for each other. This requirement not only presupposes that there be an affective relationship between the spouses but that this relationship be

strengthened as the marriage develops. This is possible only if each partner sees the other as a good. The human will cannot accept an object to love unless that object meet the specifications of the will. If the woman does not see that the man is good for her, she will not love him. She cannot deceive herself perpetually. If the man treats her as his servant, she may be able to endure him; but she will not love him. She will love her husband only if he is aware of her as a person and this will happen only if he is aware of her personal attributes, qualities and potentials. When the man knows his wife's attributes and qualities, he will know how to make demands of his wife which will please her. He will know what she can do and what she likes to do. The man will be glad to provide his wife with the chance to exercise these powers. He will develop a liking for those things which he is unfamiliar with but which his wife can do well. This will please the woman not only because she exercises some of her powers, but more because she is confident that she is pleasing her husband. She realizes that she is necessary to him as a person. Such knowledge will do more for the woman than anything else in their relationship. This awareness will be further enhanced if the man also knows his wife's limitations and accepts these with understanding. Such understanding will require that the man avoid situations where his wife's short-comings will be

emphasized. If such situations are not entirely unavoidable, the man will be patient with the defective performance and will value the attempt and recognize that it is based on the love the woman has for the man. The woman will know those areas of her own weakness and feel ashamed that she cannot do better. If she also knows that she has an understanding husband, she will recognize that his patience and understanding are a result of his virtue and his feeling for her. This will add to the supreme compliment since the woman is aware of the fact that she is accepted as a person despite her limitations. Such a man will always be loveable in the eyes of the woman, just as such a woman will be loveable to a man. This follows because everyone knows that any given action always falls short of the ideal. If a woman loves a man, she fears that all of her actions are unworthy of her husband. She knows that many other women have the reputation of being excellent cooks or housekeepers or hostesses and few women think they are the most beautiful woman alive. All of these realizations make the woman humble in her own eyes. The same basis for humility is present in the man. Yet, if each loves the other, each will face his own person with sadness. The man may wish he could offer his wife the virtue of St. Joseph, the strength of Samson, the wisdom of Salomon, and the perfection of all the other great men of history, but he knows

he falls short in many of these areas. Knowing this, the man strives to improve himself that his wife may receive only the best. When the woman sees the man's effort she loves him. The love between the two grows stronger because each realizes that the other is making the effort to please him or her. This pleases both because each is considering the other as person. Since both the man and the woman are persons, both are complimented in the highest way by being lived as a person and both are being perfected by loving the other. This is the only way conjugal love can be fostered. Anything less than the acceptance of the other as person not only does not improve the love between the spouses, but destroys it. If the man seeks only a concubine in marriage, the woman will soon know this. She will recognize that her best efforts in the kitchen will go unnoticed. She will soon realize that her husband will seek her company only when he desires sexual intimacy. Even this area of their marriage will be meaningful only when the man desires it. He will provide his wife with only those tokens of affection which will keep his wife minimally satisfied so she will render him sexual satisfaction when he wants it. The response of the woman to this situation will never be adequate because it will be an impossible situation. If she decides to accommodate the man, she will concentrate on the development of those qualities which she

thinks will please him. She may have to compromise some of her principles to achieve the status of a concubine. Even if she does not, she will be forced to spend a disproportionate amount of time to develop her physical qualities and will be forced to neglect some other aspects of her person to achieve what she thinks her husband will be pleased by. If the man is pleased by the result, he will take advantage of the woman for his own satisfaction. He will not compliment her efforts to please him, but will seek only himself. It will be the situation described in a current anecdote: A bride worked hard all day to prepare her husband's favorite meal. The man, who worked hard all day, came home with a ravenous appetite. He sat down to the meal and devoured it. The bride went home to her mother and cried, "I slaved all day for him and the beast just came home and ate." So the woman who serves a particular desire in the man will always be disappointed because she will not become a person to him. He will just satisfy his desire without thanking his wife or expressing his love for her efforts. The woman in the story phrased her view quite accurately when she says, "I slaved all day for him..." She was not preparing a meal, but she was thinking of her husband. She wanted her husband to eat the meal, but she wanted him to eat the meal because she prepared it. The fostering of conjugal love requires that the personal

aspect of the gift and the personality of the giver be respected. All things are possible in marriage while it is surrounded, enveloped and gowned in love; but nothing is possible when the life giving breath of love is absent. But such love is not possible unless both partners are somewhat perfect in loving the other and continually striving to perfect the other. So once more it seems that the primary end of marriage is the perfection of the spouses.

The third secondary end that is usually mentioned is that of remedying concupiscence. This can be understood in reference to the physiological urges of sex and marriage can indeed provide a legitimate outlet to these natural inclinations, but to view this need as strictly an isolated physical urge is to demean the role of love in marriage. There is no question that the normal biological functioning of the organism produces a physiological condition which seeks relief, but it does not seek relief in isolation as a human act. When a man and woman marry and grow in love, they begin to engage in sexual intercourse with great regularity. As a result, the physiological condition which produces sexual desire is seldom achieved because the physical elements seldom reach maximum capacity. However, this does not mean that either the man or the woman have lost or changed their human nature. The sight of a beautiful woman can still excite the man. So if either partner is

aroused sexually for any reason, they can obtain relief legitimately by exercising their marital rights. Even though this is a restricted meaning of remedium, its fulfillment requires a relationship of love between the spouses. It is because one of the spouses is troubled by the flesh that the other seeks to relieve the trouble. Because love weeps in the sorrow of the beloved that the one spouse goes to the assistance of the other. If there were no love between the people, the untroubled spouse would not be concerned about the trial of the other. The difficulty might not even be noticed by the partner who is not tempted. And if there is no love, the untempted spouse might cooperate only as a functionary when asked to be of assistance. But if there is a bond of love between the two people and one notices or is advised that the other is having a temptation, the loving spouse will satisfy the urge with an affection that will not only satisfy the physical need but will also fulfill the personal qualities by communicating understanding, sympathy, and love. But to understand the allaying of concupiscence in this sense is already beneath the dignity of men and marriage. Married people forestall temptations by loving each other. When a man loves his wife, he sees the goodness she has. His eyes are focused on the person of his woman with a gaze that begins to dull the attractiveness of other women or the

siren of the flesh. He does not lose his human nature by being in love, but rather enriches it. It is because he is in love that he honors his wife. It is because he honors her that he fears offending her. The reverential fear a man has for the woman he loves leads him to extreme heights. The fear he has of losing something which enlivens his whole spirit is powerful enough to conquer the highest mountain, the strongest spirit, and most of all himself. In loving, a man has his eyes, heart, and soul focused on the person of his beloved. Because his attention is centered on the person of his beloved, a man considers himself only as related to his spouse. No sacrifice or suffering is too great to a lover. It is when he turns away from the object of his affections and centers on himself that the problem of concupiscence arises. This does not mean that a man or woman never has a temptation, nor never falls into a sin of infidelity. To maintain this would be naive. It is a sad commentary on many marriages that such sins do occur. It is a report of indifference, selfishness, or hate. The man who seeks a fling is loving himself. The woman whose husband wanders away from her even temporarily might do well to examine her conscience. When these people met, they were sexually attracted to each other in the physical sense of this term. Their sexual pattern followed the same path, yet each was attracted to the other even

though there were other beautiful women and handsome men in the vicinity. Despite this fact, each was dedicated to the pursuit of the other. Each thought the other was best. Each was giving and receiving in such a way as to monopolize the affections and attentions of the other. To the extent that such a monopoly was not achieved, to that degree was love lacking and selfishness present in its place. When love is the bond, the man is satisfied and receives more than adequate fulfillment from the woman not because he seeks a remedy for his concupiscence but rather because his wife is sensitive to his humanity. As she learns his personality more and more, she recognizes his responses to life and living. If her love for him continues, the woman does not want his humanity to die. She wants her husband's physical progress in its human condition with all of its physical drives, urges, and desires. She also knows that his eyes are not blind and that there are other women whose physical appearance or personality is luring. So the wife strives to eclipse all of this competition not only with her physical being, but also with her personal qualities. She will attend to those aspects of her husband's personal life which complete him as a man. And when she recognizes desire in him, she will capitalize on this natural inclination to prove her love for the man. She will appeal to him with all of her physical attributes before the man's

physical desires become too powerful. But she will clothe her physical approach with all the tenderness and feeling she can muster because she loves him. She will know that he is more than an organism, she will be familiar with his feelings, his loves, his tenderness, and his humanity in its totality. Because she knows this, the wife will realize that a temptation of the flesh is painful and degrading to her man and will strive to free him of the burden before it arises because she loves him. In this love, concupiscence is truly remedied because each spouse provides a good for the whole man rather than for a part. To satisfy the physical aspects of nature is to do a partial service which is not possible to people in love. The true remedy for concupiscence is not a temporary relief from a particular physical drive, but rather a long range effort to perfect the other by giving him someone to love who fulfills his whole personality. By striving to perfect his spouse, a man tries to give his wife all she needs to be truly happy and fulfilled and this includes her physical needs as well as all others. This perfection presupposes that one spouse loves the other and strives primarily for the perfection of the other. This is the remedy par excellence. Therefore, it seems that the effect of being married requires that the end of marriage be the mutual perfection of the spouses.

If the mutual perfection of the spouses is the end of marriage, then the period of courtship seems reasonable. People date and court with companionship as their objective. They keep company because they find fulfillment in each other. It is because they view this association as desirable that they decide to marry. The man looks upon the woman as loveable in herself, not for some function she can perform. If nature deceives people by misrepresenting what is desirable in marriage, then nature leads one to think that the "true" good of marriage is not really desirable. If nature has to lure people into a situation where children will be generated, then there must be something wrong with the concept that the child is a good in himself and desirable in himself. There seems little question that the child is a blessing and is naturally desired by the prospective parents, but it seems unreasonable to place this end as the primary end of marriage. In order to understand the question of the role of procreation in marriage, it is necessary to view it in terms of the marriage and not primarily in terms of the child. When considered against the background of marriage, it is clear that procreation cannot be the absolutely first end of marriage. The absolutely first end of marriage must be something which can be achieved by all marriages. But some marriages cannot achieve procreation. While it may be argued that

sterility in marriage is accidental to the marriage, this very admission establishes our point. If sterility is accidental to marriage, so is fertility because these are the two extremes of the same category. If both sterility and fertility are accidental to the marriage, then procreation, cannot be the primary end of marriage since the final cause is never accidental to that for which it is the end. The final cause is the cause of the causes. It is that for which the efficient cause aims in producing. A formal cause is placed with a material cause in a manner governed by the final cause. The matter is chosen because it can be led to the end in view. A form is imposed because this form leads to the ultimate perfection defined by the end. The agent works with the design imposed by the end. Everything in the action aims at the final cause. This is not accidental to what the object is or what it does, but becomes the very specifying cause. It is not the internal specifying cause, but the external. As the external specification, it determines what form the thing will receive. Thus, the form will be proportionate to the end. If the form is not able to achieve this end, then this form is defective and does not have the given end as its final cause. Since the formal cause of marriage is not a substantial form, it is possible that marriage can exist defectively to the extent that it can be without being able to actualize

all of those possibilities which could be actualized even by this marriage. But such a defect is not formal since to be a marriage at all it has to have that which makes marriage to be marriage. Therefore, since childless marriages are truly marriages, it follows that marriage does not have procreation as its final cause.

To hold that procreation is not the final cause of marriage does not mean that procreation is unimportant in marriage. It is not essential to marriage, but it is a natural confirmation of the love relationship which exists between the parents. To say that the child is the natural sign of the relationship is not the same as saying the parents have a natural desire for the child. I think care has to be exercised in understanding the phrase 'a natural desire for the child.' If it were true in an unqualified sense that either the man or the woman had a natural desire for a child then there would be more cases of illegitimacy and a greater argument against virginity. There would also be good reason to ask why a person would want the child. If a person wanted a child for the good he could bestow upon the child, then any child could satisfy this desire, even an adopted one. But a woman considers an adopted child only a partial fulfillment of her desire. A woman's desire is for a child she has conceived and nurtured in her own womb. The natural mother has a

bond with her child which is generated by the process of gestation and parturition and this bond is never present between the woman and the child if the woman did not bear him. If the reason why a woman wants a child is a selfish reason, then the child is not desired for his own sake but is desired as an instrument. If this is the fact, there is good reason to doubt the desirability of having a child since the child would be valuable for what he can do for the parents rather than what they can do for the child. The needs of the child would be secondary to the needs of the parents and such a relationship would not prepare the child for living. It also does not seem evident that the child is desired independently of his parents. If a woman desired a child without reference to the child's father, it would seem difficult to condemn artificial insemination or extra-marital pregnancy. So there are difficulties in maintaining that there is a natural desire for a child in either parent if this is understood in an unqualified sense. It would also be wrong to maintain that there is no such desire in either the man or the woman. It seems more accurate to hold that both the man and the woman wish to generate children but they contemplate the possibility in terms of themselves. The woman wants the child her man can give her, not just any child. She does not want just any man for a lover, but her man. She views the child as good

in himself after the child is born, but she views the child as good before he is born as the son of her husband. The child gains his claim to love initially in terms of the parent, but his value does not lie in his relation to his parents. Both parents, if they are normal, will look upon the child and see that he is good once they can look on him. The loveableness which is wrapped in layettes commands and demands the admiration and warmth of an adult heart, but the special affection comes from the parents. He is their child. His value is enhanced in their eyes because he is the living sign of their love. He was conceived as an effect of their love. The man and the woman loved and expressed this love with an intensity which defies description. The result of this act of love then begins to live and grow. This child acquires a new meaning for the man because this child is the son of his wife. It was her love which set the stage for this child's beginning. It was the work of the woman which nurtured this child until he could live on his own. This child is the gift of the woman to the man in the eyes of the husband. To the woman, this child is the result of the man's donation of himself. This living person is the result of the complete and perfect union of the husband and the wife. Such a union follows the mutual love each spouse has for the other. It is a necessary symbol of this love because

both the man and woman are human. Their love needs visible signs and physical expressions. Neither can comprehend the love that unites them, neither can know the intensity of affection which fills the heart of the other. Both need the conviction that the other is in love. This need is satisfied only when each knows the other is receiving the love that is given and is being returned. Only when this conviction is had by both spouses can the marriage grow and lead the partners to happiness. The result of the conviction of love is the giving of gifts to fulfill the other. The highest gift is the child. It fulfills the woman by giving her the opportunity of doing the most feminine act possible. It proves the validity of her womanhood. She is recognized as a woman and a lover by pregnancy and maternity. She completes her sexuality in the most perfect way. Such fulfillment satisfies her because she knows she presents a perfect woman to her husband and son. She represents a completion which guarantees that she offers a perfect gift to her husband. She rejoices in knowing that she has vitalized the union so imperfectly expressed in the spoken 'I love you'. Maternity is the confirmation of the confidence the young man placed in the woman. She breathes a sigh of relief when she knows she will not disappoint her husband. When they married, neither knew whether they would have children. Both were

trusting the other was perfect and pregnancy and parenthood confirm this a priori judgment. But this desire for the child is not restricted to the woman, it is also found in the man. It is almost proverbial that male fertility is equated with virility. While the beard and the changed voice are signs of manhood, fatherhood is the confirmation of it. Perhaps there is no desire in man as strong as his desire for children. A child is new life to the man. He is light to the eyes of the father. Only the child's mother is dearer to the heart of man.

However, to understand that the child is a confirmation of the love of the parents and a fulfillment of them does not mean that the child is to be considered an instrument or tool. Neither parent should regard the child as anything less than the person he is. He can fulfill the parents and be a sign of their affection because he is primarily a person in his own right. It is this personal reality which allows him to completely take his role in the family and elevates him above all other symbols and fulfillments. Wedding rings are a symbol of the love which unites two people, but the ring does not have the value the child does. The ring is cold, inert, static; the child is living, dynamic and warm. He grows, he loves, he desires. He appeals to the parents in a human way. He bears their common name, he imitates their patterns of behavior,

he most frequently resembles them in physical appearance. He makes demands of them and requires that they transcend their own egos. He compliments them by accepting their love and authority. He provides them joys as he tries to walk in their shoes both figuratively and literally. He presents a personality which needs both love and understanding, control and encouragement, discipline and affection. He shows the parents that their love is alive and not merely symbolic because he is alive with a freshness that excels mere symbolism. He will outlive his parents in most instances and shows them that their love is perpetually young, optimistic, and transcends their own life span. The parents desire a child because he is a human person born of their flesh, nurtured by their love and cared for by their efforts. He can take his place only because he is a person. This is confirmed by the aberrations. When a child is born to people who generated him from lust or in hate, he reminds the parents of this relationship. He is a constant reproach to them, a reminder of their sins, a blight on their lives. Because his life is not a sign of love, the child is pushed through the various stages as rapidly as possible and out of the lives of the parents. The man feels the child is less loveable because he is the son of a woman he has little regard for. The same is true of the woman. If either parent decided to use the child

to satisfy the ego or reproach the other spouse, the child is handicapped. He is treated favorably for ulterior purposes. His person is never loved for its own sake. The child is taught by example, if not by word, that human life has little or no value in itself. Such action is effective against either parent since both realize that the child is incapable of a rational judgment about the true facts of the case and yet he is flesh of their flesh and bone of their bone. It is because of this special relationship that the child can hurt the parents more deeply.

That the parents have the desire for a child is also evident from the fact that childless marriages clamor for a baby. Married people who have no children feel a lack so powerful that it overshadows their whole marriage. They hunger for a child with gnawing which pierces the whole person. Their prayers storm the throne of God, they plague the specialists of every science which has ever solved the problem of sterility before. Sterile woman watch children with eyes that are filled with emptiness, their words tear at the heart of human beings. Men in these marriages pine for their wives and long for sons. Especially crushing is the burden to the man if he is the sterile partner. To both partners, the fact of childlessness is onerous. They lack the living confirmation of their love. They rely on each other to express their love and confirm it with many

gestures and tokens. They know they are married and they know their marriage is complete in itself. They know whether or not they are striving to perfect each other as well as they can. If they are doing this according to the best of their abilities, they are living perfectly according to their initial commitment. It can be said, then, that their marriage as a living reality is perfect because the perfection of marriage as a way of life is to complete and perfect the person of the other spouse to the extent that the other is perfectible. When one or the other spouse is incapable of procreating children, the marriage is limited in a way which is not usually found and in a manner which strikes at the person of the sterile partner in a peculiar and severe way; but the limitation is not caused by the marriage. This limitation is the limitation of one or both of the spouses. All marriages have the limitations which are found in either spouse and the efforts of the people are confined to those limitations which are in fact found in the partners. Some limitations are easier to bear than others, but the presence of a limitation is the occasion for love when the more perfect spouse adjusts to the imperfection of the other because he loves the person of the other. But because the defect which results in childlessness is found in one or both of the spouses and not in the marriage, it is true to say that

there can be a perfect marriage without children. In this sense, then, it is true to say that children are accidental to the marriage.

Despite this relationship, it is true to say that marriage becomes more difficult when there are no children. The fact of the marriage is a constant reminder to the sterile spouse that he is defective. This fact means that this spouse is aware of the fact that he is not presenting the best when he gives himself to the other. Since he loves his beloved, it is painful to know that she has to be satisfied with something less than the perfect. This awareness is complicated by whatever response the other has to the fact of sterility. If the other loves the imperfect spouse, this makes the goodness of the perfect partner that much greater. The person who bears the burden of the affliction realizes that the other spouse is more worthy and deserves a greater gift than even a normally healthy and perfect partner. But since the person who is sterile knows he is not normal, this greater goodness of the other is all the more painful. If the normal spouse reacts unfavorably to the sterility, the afflicted person does not receive the understanding which he expects from someone who loves him. He is disappointed but knows he is the cause of the disappointment. This results in a further depression because his love for his spouse is so weak that he is

disappointed in not receiving the undertaking which he thinks his own defect deserves. The truly loving spouse who is sterile knows this latter position is based on selfishness and not love, and the vicious circle of further disappointment goes another turn. If the defective spouse is not truly in love with his spouse, he is disappointed that the other became the occasion when his defect was discovered. So no matter what the response, the people involved are living in a situation where marriage becomes difficult and carries a special burden; but it is not an impossible trial. People who truly love each other can fulfill each other according to their proper capacities even when one does not have the ability to generate children. So while it is important to a marriage that there be children, it is not essential. The importance of the child to the marriage lies in the role sexuality has in the person. This reality is the question of the next chapter. Therefore, to understand why children are so important to people as well as marriages, we will study the role and function and sex in the human person.

## CHAPTER VII

### SEXUALITY

Sexuality is a fact which is found in every human being. Since it is true that every human being is sexed, it would seem that everyone would be familiar with sex and what it means. Yet, despite the universality of the fact of sex in the human species, its complete reality is probably not considered by most people. For the vast majority of people, sex is nothing more than the reproductive system and its operation. It is sure that this system is sexual, but is it all of the sexuality in man? This is the question to be answered in this chapter.

To understand the nature of sex and sexuality is not an easy task. It would be a gross oversimplification to equate sex with genital. While a person's sex is perhaps most obvious from the biological manifestations of it, these manifestations themselves are a result of being sexed and not the cause of being sexed. Sex and sexuality are so profound that it is true to say that they are essentially connected to the person and somehow constitute the person of the individual supposit. The person's sex is constituted in his basic metaphysical composition. While the concept of person is generic and therefore indifferent in

itself to male or female, as person is realized in the human species, it is essentially sexed and that specifically as either male or female. The substantial form which constitutes the person in the species constitutes the person as a man or woman. This is obvious from the fact that the composite of matter and form which begins to grow and develop from conception develops as a male or female. This growth and development is not only sexed in its physiological aspects but also in its psychological and intellectual aspects too. This follows because each person is a substantial unit with only one substantial form. If this form is sexed from the beginning, then everything about the person is sexed. That this form is sexed is evident from the fact that every form is appropriate to the matter which it informs. The material which is provided for the conception comes from the parents with many specifications. Among these specifications are the sexual characteristics. When the particular sperm and ovum unite, their genetic structure is already determined to the sex of the individual and these genetic structures are capable of being informed by a new form which can actualize the real potential found in the material substrate. Since this material substrate is potentially male or female, the form which actualizes it must be correspondingly male or female in order to actualize the potential of the matter. If the form were

indifferent to the matter in any respect, the form would not actualize that aspect of the matter to which it was indifferent. The essential perfection of the composite is derived from the form. If the human person is therefore essentially sexed, this perfection derives from the substantial form which united with the material substrate which constituted the person.

The objection which may be placed at this point is that the person is not essentially sexed and therefore does not derive this perfection from the substantial form but from an accidental form which follows after the constitution of the person. The argument used to establish this fact states that a person who is mutilated or a monster is still a person even though he has lost his sexuality. The objection, however, is based on a confusion in two of the terms used. The first is 'person', the second is 'sex'. It is admitted that not every person is sexed. Any person who does not have a body is not sexed. So while sex is not a property of person, it is a property of human person. The second term which is not properly understood in this objection is 'sex'. This argument would be valid if sex and sexuality were equivalent to genital organs and operation. Even though a person is mutilated, his sexuality is not destroyed. The basic structure of the organism manifests proper sexual features as in skeletal structure; the

basic orientation to life is not destroyed even though it may be modified. Monstrosities manifest more clearly that sex is more profound than physiological differences. People whose sexuality is not clearly defined by nature are not only physically defective but also emotionally and intellectually defective. Perhaps the aberration is not always so severe that it is sufficient to mark the person as so abnormal that he cannot live in society; but his emotional and intellectual deficiency will be in proportion to the physical defect. This argument, then, indicates that sex is something more than an accidental adjunct to the whole person because what is accidental can be present or absent without modifying the essence of the subject. But sex does modify the person in his totality by its presence or absence.

To say that the human person is essentially sexed does not say that the human person's essence is sex. If the human person is essentially sexed but whose essence is not sex, what is the relationship between the person and his sex? A person's essential attributes can be had in three ways: they can be generic, differentiating, or specific. The generic attributes are those which are held in common with other species. Those which are differentiating are attributes which constitute a part of the essence but are proper to each species and distinguish this species

from all others. Those attributes which are specific are those which constitute the whole essence of the subject.

Sex is not a specific or specifying attribute in man. A man is not a man because he is sexed; a man is a man because he is human. This dominant formality of man specifies him in his entirety as well as in all of his parts and operations.

Since man's species is not constituted by sexuality, this means that if man is essentially sexed, he is sexed by reason of something he holds in common with other species or he is sexed by reason of something proper to the human species. If man is sexed by reason of something proper to human nature, then man would be the only species which is sexed. This is obviously not the case. Therefore, it is evident that if man is essentially sexed, he is sexed by some essential trait which is possessed not only by men but also by other species.

In realizing that man is sexed and that other species of beings are sexed, it seems obvious that man's sexuality is traced to his generic attributes. In saying this, we have to be careful of its significance. To admit the validity of the class genus is not to admit the ontological reality of genus. A genus is a class of objects which manifest some characteristic by which they can be grouped together. In this case, man and some brutes manifest

activities by which they can be grouped and labelled animals. The members of this class are all corporeal beings; they have what are commonly called vegetative functions. They have some sort of nutritional apparatus, some sort of growth, some sort of reproductive operation. But this does not mean that each of the members of the groups has each of these operations in exactly the same way. The basis for the grouping is the fact of each of these traits, but the similarity of the fact is the extent of the similarity. Each species has the fact or perfection, but has it in a manner proper to its own species. In short, generic perfections are analogous perfections. Cats, dogs, and men all eat and go through the process of nutrition, growth and reproduction; but each in a manner proper to its own species. Because of this, a man cannot be said to be an animal in the same sense that a brute is an animal. Every species of animal manifests the sensitive functions in some form or another. Men manifest them in a human way while brutes manifest them in a manner proper to their own species. So while it is true to say that man and some brutes are sexed and reproduce sexually, it is not true that sexuality is the same in man and in brutes. So in admitting that man's sexuality can be traced to a generic characteristic, we are not admitting that what gives a man sex is found in other species. That by which a man is sexed is

found only in the human species. As a result of this fact, it seems difficult to argue about human sexuality from the sexuality of animals. The differences which are obvious in structure and function of sex between men and brutes confirm this difference. To keep the fact of proper sexuality in mind is to place human sexuality in its proper perspective.

Properly human sexuality, like all other parts of man, is specified by the human nature which makes the whole man a man. Man has sexuality as a part of himself. Sex does not make a man be a man, but a man cannot be a man without a determinate sex. Sexuality pervades the whole being of man. Not only is a man's physical organism sexually determined, his psychological and intellectual life is sexed. The type and quality of emotional response differs between the sexes. A man thinks like a man and a woman thinks like a woman because a man is a man and a woman is a woman. To say this is not to compare them in a hierarchical way, but in a complementary way. While each sex has its own way of thinking and its own emotional pattern, neither can claim superiority by reason of this fact. Both are imperfect alone and perfected by working together. Sexuality in man, then, is his ability to be related to another human being of the opposite sex with his complete humanity. To say this is to consider sexuality in its

radical source in the nature of man. It is not an affirmation which says that sexuality is a relation to other people, but rather a reality in man which manifests his dependence on other people. In his book, Marriage and the Love of God, J. Gosling suggests this approach when he talks about the Fall of Adam and Eve in the Garden.<sup>1</sup> He maintains that man was created in the image of God, the Lover. The devil tempted and seduced the first parents with the image of God the omnipotent. These two ideas are not necessarily in opposition, but their basic manifestations can produce conflict. Love is a virtue by which a person depends on others, power is an attitude by which a person dominates others. Love places a person in the service of others. It generates esteem, admiration, consideration and thoughtfulness. Power produces force, fear, selfishness, and thoughtlessness. The man who seeks to wield power treats his fellow men as instruments; the man who loves treats people as persons. Whether or not Gosling's idea is true is not significant here; but he does suggest a concept of love which is basic to man. All men need to love and to be loved. This basic fact of human nature is the foundation of all social life. The economic, military, and political advantages of society are minor when compared

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1 J. GOSLING, Marriage and the Love of God, New York, Sheed and Ward, 1965, p. 23-31.

to a man's need to be loved, understood, and wanted. The former provide for the individual in an impersonal way while the latter regard him in the most personal manner. The first satisfy him, the second complete and perfect him; the personal involvement in society entails the whole man in all of his integrated parts. Love is the only spirit which can vitalize the relation of man to man and give him the fullness of human life. This love gives meaning to human life.

But love is not only the living spirit in human life, it is the revelation of the human person. A person in love holds nothing back from his beloved. He manifests his secrets, his thoughts, his ideals, his dreams. He is eager to please and is constrained only by a fear of offending; he is dependent on the beloved and pleased by this dependence. He wants to show his dependence as much as he can because a man in love needs someone to whom he can be devoted.

Such a relationship involves a person's total being in a way that omits nothing. It originates in the knowledge of the beloved. This knowledge at first is meager and shallow, but enough to present the beloved to the will as good. The person begins to explore deeper in order to discover more goodness. If the beloved is found good as the knowledge increases, the person takes delight in the

beloved. With the delight of possession, the person begins an emotional involvement. The emotional pattern seeks further enchantment which requires greater knowledge. The depths of the beloved's person begin to be searched and plumbed. As the beloved is found to be better, the volitional and emotional love flows into the physical realm in order to express the thought and sentiment of the personal relationship. The physical expressions begin with words and progress to gestures. If the relationship flowers to the heights of human affections, physical intimacy follows. With these physical intimacies which are culminated in sexual intercourse, the people involved reveal their personalities in a totality which could not be realized in any other manner. The physical situation is expressive of what the mind and the heart contain. If one of the people is egocentric and selfish, he will engage in physical intimacies in order to achieve self-satisfaction. This sentiment will be obvious to his partner and will offend her. She will recognize that she is merely an instrument of pleasure and not a person beloved. If both people are seeking self-satisfaction, neither will gain anything more than physical titillation. They will come away from the experience emotionally and intellectually dissatisfied. They will feel empty because they will have failed to discover the other in love. They will have found only

themselves and be disappointed. But if their relation is based on love, they will fling themselves whole heartedly into the situation to please each other. They will search the person of the other to find ways of pleasing him. Each will take great delight in the discoveries they will encounter and in the mutual giving they will make. They will reach the extreme in human love and human expression.

To reach this ultimate in human love, two sexes are needed. People of the same sex cannot achieve this combination of selfishness and selflessness which characterizes human love. This relationship requires an association of persons of the opposite sex because a homosexual relationship is competitive, not complementary. Because a sexual relationship is an encounter with the whole person of the other and a revelation of one's own complete person, a sexual differentiation is necessary. If the people engaged in such a relationship are not sexually differentiated, one will find the other is able to do and give what he is able to do and give. They will have not only the same physical powers, but also the same emotional patterns and the same intellectual approach. While there will be degrees of intensity and perfection in each of these areas, the basic structure of them will be the same. It will be the degree of difference between the homosexual partners which will allow one to surpass the other in communication which will

prevent the relationship from reaching human perfection even if both people have the proper proportion of selfishness and selflessness for a relation of human love. This comparison on the basis of common characteristics will prevent the inferior from achieving that status of a peer and stifle the freedom necessary for a perfect love. This same difference will enable the better of the two to make greater demands because of his superior status. If the inferior does not compensate for his inferiority, the better person will be slighted. If he does compensate, he relegates himself to the role of servant. If the superior demands more because of his superiority, he demeans his associate. If he does not demand more, he despises his associate by not revealing himself completely or honestly. In less intense associations of friendship, qualitative differences could be tolerated because such associations do not require a revelation of the total personality; but such friendships cannot arrive at the epitome of human love because they do not involve the whole man.

When the association of persons of the opposite sex occurs, there is no possibility for the above difficulty to occur because there is no common basis for comparison. Even when there is a difference between the intellectual or emotional capacities of the two people, there is no basis for one to claim superiority over the other in terms

of the whole person because each will have perfections which the other lacks and which will be complementary. While one may be an intellectual giant and the other only average, each will have his or her intellectual capacity and perfection according to their proper sexuality. Each will recognize the fact that the intellect is only part of the person who is male or female. The superior will recognize that the intellectual level of the other while inferior on the basis of a particular, objective standard is orientated in a manner which is not found in his own orientation. This difference of orientation will not deceive, either of the persons as to the relative ability of each to do intellectual tasks, but it will serve as a note which will enrich the relationship because the superior will recognize an approach which he does not have. The same is true on the emotional level where it is generally recognized that men and women differ. So the relationship which can involve the whole person of each of the partners requires the basic difference which is possible only when the people are of the opposite sex.

This whole approach to the relation of love and of perfect human love has assumed that the sexual differentiation does pervade the whole human person and transcends the merely physical level. This assumption seems to be a valid one not only from a study of how men and women act,

but also from the origin of sexuality in man. At the level of common experience, the behavior and habits of men and women manifest a difference which transcends the realm of the physical. Women are generally orientated to a personal approach to life. They see things as they relate to people. Men tend to approach life objectively without as much consideration to the personal feelings of people. Women respond to a personal attention with more intensity than man. Women are not as physical about sex itself as men are. In the material of clothes, the manner of speech, the choice of vocabulary, women show a marked difference from men and vice versa. Even if all of these things are acquired from culture, they still show a difference between the sexes because the same culture is found in a given time or place for both men and women and each sex responds to the same culture in different ways. If the culture demanded something of either men or women which was foreign or objectionable to either, the culture would change because culture is nothing more than the practices handed down from one generation to the next. If a given practice was contrary to the nature as sexed, the practice would gradually die out. Those which are confirmed by culture over a period of years are those which the individually sexed persons found appropriate to their personal advantage or convenience. Contemporary history as lived from day to day is more than

proof enough that certain traits found in women or men are not changing even though much effort is exerted to make a change.

Even apart from the common experience with people, the origin of the species indicates that sexuality transcend the merely physical plane. When God saw that Adam was alone, he created a woman to be his companion. Assuming that God is perfect and does all things well, it seems reasonable that God considered the whole person of Adam and designed Eve to be his companion as person and not as animal. Adam needed someone to talk to, someone who would understand him, someone to love him and whom he could love. If God made a human being whose sexuality was contained within the physical domain only, then God would have provided for Adam's physical needs but not for his emotional and intellectual needs. If Adam's loneliness could have been cured by a female organism alone, why did God give Eve emotions and an intellect? If Adam needed intellectual or emotional companionship, why did God create a woman instead of another man? If Adam needed a helpmate at all three levels but not differentiated at all three levels by sexuality, why did God not give him a helpmate to correspond to his particular need? From the fact that God gave Adam a woman to keep him from being alone seems to be an indication that sexuality goes beyond the physical realm because

loneliness is not a physical malady and God chose a woman to cure a non-physical malady.

When Eve was created, Adam rejoiced. He now had a companion whom he could love. This point brings out the importance of the proportion of selfishness and selflessness which is found in all love and which is found in human sexuality which is the mode of expressing perfect human love. Perfect human love involves a proportion between selfishness and selflessness in terms of physical realities. The proportion between selfishness and selflessness is governed by the relation and the people involved. One person must see the other person as good and recognize himself as good. He must know that he has something which he can give to the other which will benefit the other. This form of self-love is the measure by which anyone can love another. It is the quality of self-respect which a person must have to retain his own dignity. It is a necessary quality for both people to have since love can survive only if each person retains a goodness which the other can recognize. This selfishness also provides a delight to the person who possesses his beloved. This delight is the rest achieved in the possession of a good and something which is part of the good. No man desires a good except as a good for himself. He seeks the good because it pleases himself. Even in loving another person, he finds joy and satisfaction

which is wholesome and desirable. Such a joy in love enhances and fosters the love. It becomes the light in which love flourishes and grows. Without this return to the self, it is hard for a person to continue to love. Yet, if a person loves to obtain this return his self-love is inordinate and blocks the selfless character which must be found in a perfect love. The proper object of love is the beloved. but this beloved must include the return to self if the love is to endure and grow. If a person tries to make himself the object of love, he perverts the order of love and reduces his relationship to others to gross utilitarianism. He makes other people the instruments of his inordinate self-love and this prevents the development of a perfect or even true love.

In the case of men, true or perfect love requires a physical expression because men are composed of matter and spirit. Immaterial beings can say 'I love you' with the fullness of their nature and personality. Animals without intellects cannot say 'I love you' at all. Men can say the words, but they do not convey the fullness of meaning which they do for purely spiritual beings. Words without the appropriate gesture lack a human significance. The verbal expression of itself is meaningless unless it represents an idea. If it expresses an idea, it has some significance which is found in the spirit. If the man tries

to convey love without including his physical reality, he tries to love without giving his total nature and person. The man whose expression of love is 'I love you' and no more will be like the character Christian in Rostand's

Cyrano de Bergerac:

Roxane: ... Is that you, Christian? Let us stay  
Here, in the twilight. They are gone. The air  
is fragrant. We shall be alone. Sit down  
There—so...  
(They sit on the bench)  
Now tell me things.

Christian: I love you so.

Roxane: (Closes her eyes) Yes  
Speak to me about love...

Christian: I love you.

Roxane: Now  
Be eloquent.

Christian: I love—

Roxane: (Opens her eyes) You have your theme  
Improvise! Rhapsodize!

Christian: I love you so!

Roxane: Of course, and then?...

Christian: And then... Oh, I should be  
So happy if you loved me too! Roxane,  
Say that you love me too!

Roxane: (Making a face) I ask for cream  
You give me milk and water. Tell me first  
A little, how you love me.

Christian: Very much.

Roxane: Oh, tell me how you feel!

Christian: (Coming nearer, and devouring her with his eyes.)  
Your throat... If only  
I might... kiss it.—

Roxane: Christian!

Christian: I love you so!

Roxane: (Makes as if to rise.)  
Again?

Christian: (Desperately, restraining her.)  
No, not again—I do not love you—

Roxane: (Settles back.)  
That is better...

Christian: I adore you!

Roxane: Oh!  
(Rises and moves away.)

Christian: I know;  
I grow absurd.

Roxane: (Coldly.) And that displeases me.

Christian: I—

Roxane: Gather your dreams together into words!

Christian: I love—

Roxane: I know; you love me. Adieu.  
(She goes to the house.)

Christian: No,  
But wait—please—let me—I was going to say—

Roxane: (Pushes the door open.)  
That you adore me. Yes, I know that too.  
No!... Go away!...  
(She goes in and shuts the door in his face.)<sup>2</sup>

This particular passage shows the emptiness of the word as a communication of love. Christian, who truly loved Roxane, could not convey the depth of his sentiment with the words 'love' and 'adore' because they were not accompanied by the appropriate tone, gesture, and metaphor. He further failed when he suggested a kiss because he had failed to prepare the young lady with proof of his affection. This brings out the sexual differences to the situation. Physical

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<sup>2</sup> Edmund ROSTAND, Cyrano de Bergerac, trans. Brian Hooker, New York, Bantam Books, 1956, p. 101-103.

involvement is possible to the woman only after she is convinced that she means something to the man. She feels safe in his care because she knows he loves her. She is confident that no one will harm what he loves. She feels free to surrender herself to the care of a man who looks upon her as a desirable person. But lacking this knowledge, the woman is insulted by physical involvement. The whole idea of physical expression is grotesque when there is no bond of affection. To the man, physical involvement contains its own justification; to the woman it is ugly apart from affection. To the man, physical sex is incomplete but desirable without attachment; to the woman it is impossible. So the move of Christian in the above quotation was offensive to Roxane. She sought to be loved and was later willing to marry Christian, but not until she was assured of his strong love.

This observation brings us back to our definition of sex. It is the manner by which the man approaches the woman and her response to that approach. It is more than the physiological function of the genital system of the body, it is the intellectual and emotional relation of one person to another. This approach is operating long before the man or woman makes a surrender of the physical organism. It is manifested in the manner of speech when they talk, in the quality of the touch when they take each

other's hands; it is the glow of the glance, the radiance of the personality. It is the joyful recognition of mutual dependence, the sadness of mutual independence and the eagerness for mutual interdependence. These notes of sexuality are found in the intellect and in the emotions of the persons, these are the characteristically human traits of sexuality. But these are only part of human sexuality. When the man and the woman see each other as desirable and good, their bodies become involved. Even without a direct act of the will, the physical faculties begin to prepare for that total union which completes the human act of love. Each partner longs to give the other the totality of his own person. Each wishes to reserve nothing, but to reveal all. This physical response is triggered by the intellectual and emotional activity which preceded it. Each person has already willed a commitment of love. Each partner has rejoiced in the presence of a good. The voluntary act of love generated an emotional response of delight which leads to a participation by the body. These various levels of activity cannot be separated because they are the human mode of performing one act. The physical aspects of love are not different from the intellectual except to the extent that the intellect is not physical and vice versa. But since it is the man who loves, each part of the man gives and participates in the one act of love according to

its proper mode of operation. Thus, the physical excitement of sex is the proper physical response to the commitment of love made by the whole man. The physical aspects of sex cannot operate independently of or without the emotions or intellect.

It may be objected that a person who is tempted unwillingly by the flesh is experiencing an operation of physical sex without dependence upon or cooperation of the intellect or the emotions. This objection, however, is not valid because the physiological movements of the body do not constitute a temptation. These movements may cause a temptation if the person recognizes the pleasure afforded by the physical movement and dwells on the goodness of the pleasure. In recognizing the physical pleasure, the person is employing his intellect. Once he is aware of the physical movement, he knows the presence of the physical condition by his superior faculties. In becoming aware of the physical situation, a person is faced with the recognition of a physical good which may not be good for the whole person, but he cannot deny that the physical pleasure is truly a good. It is in this recognition that the temptation consists. The person has the choice of accepting the goodness of a physical pleasure which is not good for the whole person, or recognizing the better good of the whole person and rejecting the physical pleasure as evil in this circumstance

because it is a limited good which will not or cannot benefit the whole person. But this action of recognizing the relative importance of the two goods in this circumstance is an operation of the intellect and the will; it is not the operation of the body independently of the rest of the man. This view is confirmed by those writers who recommend that such temptations be combatted by directing the attention to something else. They suggest that the person overcome the temptation not by dealing with sexuality or sexual activity directly, but by dealing with it indirectly. By positively seeking thoughts or activities which are unrelated to physical sex, a person indirectly combats an inclination to physical sex. This suggestion is good for two reasons: First no one can convince himself that the physical pleasure of sex is not a good because it is simply not true. So the best way to avoid accepting it is to avoid thinking about it at all. Second, by directing his thoughts to something not related to physical sex, the person removes his intellectual activities from that realm and the body and the emotions follow the goods presented by the intellect. Even if the physical movement continues because of physiological conditions beyond the power of the intellect to control, the situation cannot be said to be sexual because it involves only the physical processes. Just as digestion is not said to be a human act because it

does not involve the whole man, so the physiological movements of the generative system cannot be called human acts if the intellect does not cooperate. Yet temptation and the resultant act of vice or virtue are human acts. They are human acts because they proceed from a deliberated will.<sup>3</sup> Therefore, since sexuality transcends the realm of the physical there is no sexuality independent of or opposed to the intellect and the emotions. The objection cited refers to the physical movements of the generative system and constitutes a temptation only to the extent that the intellect and the emotions are invited to participate.

It may further be objected that even though sexuality on the human level is not possible on the purely physical level, this does not prove that human sexuality is relational and expressive. There are solitary acts of sexuality which do involve the intellect and the emotions of the person but express no relation of any kind to another person. This objection states a truth when it declares that such an act is an act of sexuality because it does involve the free choice of the individual, but it errs to the extent that it denies the relational aspect of such an act. Even though the solitary act of sexuality is performed without a partner, such an act manifests its

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3 ARISTOTLE, Ethics, Book III, Chap. 1.

relational character by the frustration it produces. When the act is completed, the physical aspects are perfect. The pleasure is experienced, so in the physical sense, the act is not frustrating. But when the physical experience has spent itself, there is nothing remaining. There is no sense of satisfaction because there is no companion. The psychological contentment that comes from sharing a good and the intellectual joy of loving are absent. The solitary act of sexuality is completed when the physical phenomenon ceases. The person cannot tell himself it was wonderful because he knew that while he enjoyed the pleasure; and now that the sensation is gone, it is no longer wonderful. The continuation of the experience is not possible because its totality was contained in the biological experience. Even if the person imagined another person was with him, the reality of being alone is forced upon him when the physical experience passes because his imagination cannot project itself into the real world where the physical act occurred. In entertaining thoughts of another person, the individual relates his solitary sexual act to another. But the relationship was imaginary and this fact is emphasized by the completion of the act itself. If the individual is a male, his fantasy goes with the completion of the physical act because the male experience satiates him to a point where his interest in sex vanishes. The

thoughts of another person do not carry the same thrill once he has exhausted the physical capacity. This fact allows the man to detach himself from sex even though he has no emotional or intellectual satisfaction. If it is a woman, she feels the emotional frustration even more because the physical act itself does not reach perfection without penetration. So the solitary sexual experience notes the relational attitude of sexuality in its absence. A person can choose the solitary act because of the physical good in it, but cannot choose it in terms of the whole person.

The relational and expressive character of sex is even further noticeable. It is such that it cannot achieve its possible perfection in a homosexual situation. Even if two people of the same sex have developed a very strong affection for each other, sex is not an appropriate method of expressing this feeling. If the pair are men, they will be able to confer the physical experience on each other; but each will present the other with the male approach. Even if one of the men is somewhat effeminate, he will not be able to carry the feminine characteristics to the extremes of the physical aspects simply because he is not a woman. Each will experience the physical act as a man. They will reach the physical climax and then experience rapid and almost immediate lack of interest in the partner.

This phenomenon occurs because both partners lose interest with physical climax. In such a situation neither partner has any desire to continue to express affection. The relation is completed at the physical level where no love is possible. If the partners are women, the opposite phenomenon occurs. Both bring the partner to a point where physical tension requires satisfaction. Since neither is capable of providing that physical satisfaction both move to the realm of emotional and intellectual satisfaction. But both meet with frustration and not because of physical frustration but because of emotional and intellectual conditioning. Assuming that both women began the experience with an affection for the other and allowed that affection to flow into the physical expression, both began to reveal their persons to the other. As the physical aspects were developed, both verified the experience as women. They reached the peak of physical intensity as women, but as women they are not frustrated by their mutual inability to satisfy the physical act, they are frustrated only if the expressions stop at the physical level. They both want to receive the emotional and intellectual attentions of the other. This means that one of the partners will have to forego these attentions to focus on the needs of the other so at least one will not be completely frustrated. It might be argued that the woman who sacrificed her interests

to provide for the other has the greater love. Such an argument, however, has no validity because if one woman always satisfies the other with her attention she will deprive her partner of the opportunity to be altruistic. If they take turns playing the role of the man, the particular act will still be inappropriate because the partner who takes the male role is not being satisfied and the whole situation represents sacrifice and frustration for one partner and self-seeking for the other. If there is a true love of affection between the partners, the receiving woman would be pained to see the giving woman doing something which is not according to her nature. She would be sad in the realization that her partner is not equally satisfied by the experience. Only if there is selfishness can the homosexual relation be satisfying and then it is restricted to the physical level because selfishness excludes the possibility of emotional or intellectual satisfaction by a finite good.

The heterosexual relationship does not suffer from the difficulties found in solitary or homosexual relationship. In the heterosexual association, the man and the woman can express love. Each looks on the other as a whole person endowed with many good qualities. Each wishes to possess the other because the other is good. This possession is not self-seeking because it respects the integrity

of the other person. It is a possession which does not destroy or mutilate the givenness of the other, but rather preserves it. One desires to possess the other not in a spirit of domination, but in a spirit of dedication and service. This possession begins in knowledge and flowers into emotion as increased knowledge brings greater joy and delight. The greater and more intense the good the greater the desire to perfect and serve. This attitude begins to fill the whole person of the lover. The whole man—body, emotions, and spirit—begins to give to the beloved. The knowledge the lover has of his beloved includes the awareness that she is sexed. His self-knowledge announces the fact of a physical pleasure in the presence of his beloved. His desire to fulfill and complete his beloved leads a man to want to give her physical perfection as well as intellectual and emotional fulfillment. This desire initiates the physical movements on both sides and is desirable to both the man and the woman. The pleasure both experience even before physical intimacies are entered into are referred to the other person. They arise from the presence of the other as a result of the communication of affection which they have established. Both people recognize the delight they experience in each other's presence. They realize that it is good and they are aware of its relation to genital sex. They see it as the physical expression of

their mutual love. It is the human way of communicating their love with their complete persons in a way which transcends words or any other gesture.

The complete act of intercourse becomes a necessity when the mutual love reaches a certain point because no other expression contains the fullness found in it. But the act of intercourse itself does not adequately state the expression unless it stems from the dedication which it presupposes. Sexuality is not a substitute for or a cause of love, it is an expression of the attitude and sentiments which are present in the people who engage in sexual activity. If love is the dominant attitude which seeks its expression in sexuality, then sex will enhance the love and increase it. A man and woman expose their most inner recesses when they engage in sexual intimacies. These cannot be hidden because of the nature of sexuality. As the sexual involvement progresses, both people begin to reveal themselves physically. In this process, each person manifests a dependence on the other. Each presents himself in a manner which is most private. This requires some conviction that the other will respect this revelation and keep it in sacred trust. This revelation is not constituted by any amount of physical exposure or nudity. Both partners would be able to expose their bodies to others without revealing their personality because physical

exposure is not significant in itself. This is evident from the fact that people submit to medical examination which does not reveal the hidden recesses of their person. But when people engage in sexuality as a form of communication, the manner of exposure changes radically. If love commands the situation, each partner offers his body to the other with a gentleness and subtleness which does not offend. There is no shock in the gesture. It becomes a revelation aimed at pleasing the other. The partner sees the gift of love in the action. If lust is the commanding attitude, the lusty partner grabs for the body of the other as an instrument and does not consider the person of the partner. Such action destroys the beauty of the presentation, makes tenderness impossible and concentrates on the utility of the organism. Such action offends the person of the innocent partner by making her realize she has value only as an organism. Such use fills a woman (or a man if he is the innocent party) with disgust and aversion. Even if the innocent party allows the action to reach its biological conclusion, she experiences no satisfaction despite all the physical sensation involved. It is eclipsed by the cloak of sadness and dampened by the realization that any woman could have satisfied the man on this occasion.

Such lustful action also terminates when the lusty person is satiated. He does not continue to compliment his

partner. He is finished with her once his passion is satisfied. His conduct is selfish and frustrates the woman who looks for affection and consideration. If it is the woman who enters the situation without love, she suffers the advances of the man with a brute functionalism. She does not cooperate with her mind and heart. She follows the directions given by the man in order to give him physical satisfaction. When that is achieved, she withdraws from the experience with indifference. She pays no attention to the man and disregards his feelings. When she has functioned enough to satisfy the man's biological needs, she no longer participates and conceals herself both physically and emotionally.

When both partners enter the physical realm willingly and lovingly, the biological aspects are important but not paramount. They are important because they represent the complete giving of the person. They are not paramount because each person regards the other as person, not merely as body. Each presents the other with the whole of his person in order to complement, please, and fulfill the other. It is a gift of a person to a person.

In this total giving, each partner regards the other in order to please him. Each becomes aware of the intellectual, emotional and physical requirements of the other, and acts according to this need. If consolation is needed, it

is given; if confirmation of love is needed, it is given; if stimulation is required, it is given. Each partner is concerned with the well-being and satisfaction of the other. The whole process is a series of give and take. It may start early in the day with a glance, a word, or a kiss, and reach its fulfillment only late in the evening with intercourse. The length, duration and intensity of the whole repartee depends on the individual people involved and the degree of love being communicated. It lasts as long as the tenderness and love of the partners requires. The exchange may or may not require perfect and complete physical intimacy. The only characteristics which are constantly required and which alone can foster mutual love are tenderness, consideration, and mutual attention to the other. Without these marks, no amount of physical engagements can be human. When these marks are present, they can be adequately expressed only in sexuality. In its proper place, sex is the manner of expressing human love.

If sex is the personal way of expressing human love, how does procreation fit into the scheme of sexuality? In order to answer this question it is necessary to recall that sexuality can have two meanings. It can refer to the trans-physical reality which permeates the individual or it can refer to the genital system of the person. Certainly, in its primary significance, procreation pertains to the

genital system; but to restrict it to the genital system exclusively would be an oversimplification. However, in order to have a better understanding of the relation of procreation to sexuality, it is better to discuss the two aspects of sexuality separately before discussing the relationship of sexuality and procreation in terms of the integrated meaning of sexuality.

The elements necessary for procreation are the male sperm and the female ovum. These elements are produced by the normal, healthy organism independently of the physical employments of sexuality in the genital sense. They are produced as an integral part of the normal functioning of the person. While this normal function has several hormonal functions to serve, the maximum potential of the sperm is achieved when it fertilizes an ovum and the maximum potential of the ovum is realized when it is fertilized. But to say that this is the maximum capacity of each of these elements is not to say it is necessarily the normal operation of either. The production of sperm in the male occurs independently of the sexual employments by the male and independently of the man's volition. The ova of a woman are produced in the development of the child in utero and the number of them is fixed from the beginning. The normal menstrual cycle develops at the age of puberty in most girls and the female organism discharges an ovum during each cycle. This

process goes on as long as there is no pregnancy and the woman does not experience the menopause. These operations of the woman and the corresponding function in the male, even though they relate to sex are not considered the acts of sexuality. They are the biological pre-requisites to physical sex as the means of procreation.

The second aspect of sexuality as the means of procreation is the act of sexual intercourse itself. In its minimum requirement, sexual intercourse demands the physical union of the man and woman. This act in itself is neither regulated by nor conditioned by the biological elements of physical sex. In saying this, we do not rule out biological involvement as an essential part of sexual intercourse; but rather rule out the biological factors as necessary causes or motives. Some people can perform the act of sexual intercourse in order to generate a child, but this is not necessary for the act. The act of sexual intercourse is biologically perfect when each of the partners achieves orgasm while in physical union. Any pregnancies which result from the act of intercourse are accidental to the act itself even though the act is not accidental to the pregnancy. The state of fertility or sterility of either or both spouses does not vitiate the act of intercourse. So even though the biological elements of sperm and ovum reach their maximum capacity in conception, the physical act of intercourse

reaches its maximum capacity in physical union and orgasm. That the state of physical fertility is accidentally related to sexual intercourse is confirmed by the fact that not all acts of sexual intercourse result in pregnancy.

When considered as a human act instead of a biological act, it is further evident that procreation is accidental to sexual intercourse. Taken as a human act, sexual intercourse is a physical gesture conveying the emotional and intellectual attitudes of the people who perform it. The physical gesture is judged an appropriate action by the partners in the circumstance they find themselves in. If they are motivated by love, each will attend to the physical details in order to complement and satisfy the other. If either or both is seeking self-satisfaction, they will perform the act in a manner that serves that end. It is evident that in these two cases, each of the partners is concerned with someone other than the possible child. When the basic attitude is love, each pays close attention to the personal needs of the other. The people gauge the activity according to the capacity of the other to receive. The act itself perfects the giver to the extent that each exercises a free act of love for the sake of the other. There is nothing sought by the participants except the perfection of the other. Each is perfected by the consideration of the other. In this situation, the act of sexual intercourse is

complete and terminated in the gesture which speaks the mutual love of the partners. However, it is obvious that not all sexual intercourse is of this type. Some sexual intercourse is utilitarian. It can become the instrument of self-seeking or the operation of generation. In both of these circumstances, the person of the partners is degraded. If self-satisfaction or lust is the motive, the lustful person merely uses the body of the other for his personal advantage. But even in this case, the act reaches its term in the satisfaction that is sought. If sexual intercourse is the means to procreation, the operation is a function performed for the sake of a child. When performed in this way, the act is not done in a manner which considers the person of the spouse but which considers only the biological organism by which the generation can occur. Since the body of the spouse is the primary consideration, the person is insulted and degraded. People are not baby-producing machines. But even in this case, the act of sexual intercourse is terminated with physical orgasm by the male. The fact of conception which may follow is separated from and not controlled by the act itself nor the partners. The ability to control or to increase the possibility of conception is limited to calculation of the favorable times for conception. So when the purpose for the act of intercourse is the conception of a child, the human act cannot

transcend the realm of the physical act of intercourse placed during the most favorable times. So from a consideration of the biological and human act of sexuality, it seems that while procreation depends upon sexual intercourse as its sine qua non condition, it is accidental to the act of intercourse which produces it.

Despite this fact, procreation is a necessary part of the perfection of sexuality. Since sexuality is that part of a human person by which a perfect communication of person to person is possible, procreation represents the perfection of that expression. When two people love each other and wish to state this love with the fullness of their powers, they strive to perfect their beloved to the degree that he is perfectible. One of the perfectible attributes of married people is parenthood. Both the man and the woman have a natural inclination to be parents. Their natural, human desires include the child. The man wants to give the woman a child that she might prove her total femininity. The woman wants to give the man a child because it is an extension of himself. Both will receive the child as a token—living and beautiful—of the act which flowed from their love. Just as people try to preserve mementos of occasions which have special meaning for them, so too people who love each other have symbols of that love. The child represents the highest sign of the love which breathes life into the

marriage. He is the complete acceptance of the mutual act of sexuality. When conceived, he is the realization of the total giving of each of the spouses. When born, he is a person whose existence provides a new mode of unity to the parents. He is flesh of their flesh, bone of their bone. In his person, he carries the reality of the union which the parents' sexual expression strives for. He is loveable in himself as an individual, but has the added characteristic that he is the child of one's spouse. As he grows, the child endears himself to the parents because he is a person; but neither the man or the woman forgets the special relation he has to the other. A woman does not want a child from just any man. She wants her husband's sons. The same is true of the man. While it is possible that both the man and the woman could love an adopted child or someone else's child, they will look on their own children with a special favor because of their knowledge that their child is the perfection and confirmation of their own unique relationship to each other. So while procreation is accidental to the act of sexual intercourse from which it proceeds, it is not accidental to the sexuality which essentially belongs to the people who are married.

Yet the same love whose sexual expression demands a child also demands that not every act of sexual intercourse be fruitful. Love requires that each partner respect the

total personality of the other. This means that each gives to the other according to the personal ability to receive. Since each act of love is of its nature limited and finite, it does not and cannot express the relationship totally. The life of the spouses is a constant recognition of the good seen in the other. As sexed beings, this affective relationship demands sexual expression. The real distinction between sex and sexuality becomes evident when the expression of married love is considered. Sexuality considers the whole person of the partner. With the totally encompassing attitude of the personality, the one spouse views the whole person of the other. A man sees his wife with emotions and intelligence. Because of his sexuality, the man knows how to approach the woman with the force and gentility that will embrace her without crushing her. His strength will convey the conviction of his love, his tenderness will breathe respect. His virility summarizes the totality of this expression and it is proper to his sexuality. Sex is the operation of sexuality. It is more than the physical gesture performed intentionally. It is the complete surrender of the person to the service and perfection of the other. Since sexuality is the communication of the basic attitude of person to person and since sex is the complete surrender of one person to the service and perfection of the other, sexual intercourse cannot demand that

every act be fruitful. Even though the biological elements are primarily orientated to procreation, the total act of sexual intercourse is first and foremost an act of love of one person for another. If the person performing the act really loves his partner, he will perform the total operation in such a way as to perfect and fulfill his spouse. But such an act will not be an act of love if it results in a burden which the spouse is personally unable to carry. Love demands that the lover respect the total person of the beloved. He will not do anything which will give her displeasure. If he does not consider the totality of his spouse, then he is not thinking about his beloved. His love is not perfect and his expression of his attitude will be defective to that extent. For a perfect act of sexuality, then, there is required an act which considers the perfection of the spouses, their personal limitations, and the operations which give each their appropriate role. This means that in each and every experience of marriage, the man and woman constantly renew the pledge which they made when they married. It further requires that some of these gestures be restrained to accommodate the state of development in the lives of the spouses and the marriage; that some of these gestures carry the full force of the personalities involved. Some acts of sexuality, then, will not be sexual at all in the narrow sense of that word. These will consist

of meaningful glances, a word said at the right time and in the right way. Other acts of sexuality will include some actions which are sexual in the narrow sense, but these will be limited. Such acts will include kissing, benevolent embracing, and tender familiarity. There will be other acts which will involve complete sexual intercourse, but not conception. At other times, conception will be involved. Just when each of these acts will represent a proper act of sexuality will depend upon the spouses. Will the capacity of the spouses receive the total, fruitful act of sexual intercourse? If it will, then, sexual love must perform this act and the spouses will anticipate its completion with joy. If the capacity of the spouses demands a total surrender of the spouses, but cannot accept a conception; then that act is the only one which expresses the love which is the foundation of marriage. Any other expression would be a lie in the worst form possible. Sexuality says love and love says act according to the greatest good of the beloved. But the greatest good of the beloved does not always include the possibility of a pregnancy in each and every act of sexual intercourse because some people do not have physical, psychological or intellectual power to cope with that type of responsibility even though their natural inclination to love requires a constant renewal of total expression because men are not spirits, but a composite of flesh and spirit. This

expression in all of its variety and richness in human sexuality in its full beauty. Anything else is less than human.

## CONCLUSION

The conclusion of this study will be general because we have drawn particular conclusions during the course of the work. In general, then, it does not seem to me that any author has given a cogent argument from reason which proves that contraception is immoral. This does not mean necessarily that contraception is not immoral. There may be other sciences or disciplines which offer an insight which may prove that it is immoral, but these arguments will have to be based on premisses whose comprehension transcend the limits of human reason alone. As a philosopher, I am not competent to judge the validity of such arguments and I leave that work to those who have such competence.

As a man, though, I find that my life is not lived in the purely natural realm. Living is a total unity which reaches all levels of humanity at once. In his properly human actions, every man must exercise prudence in order to give each aspect of every act its proper place without slighting or overemphasizing any part of himself or the object. This is no simple task, but is the crux of living well as a man. It is simply the exercise of the principle of totality.

It is because the authors we have studied failed to consider the whole object as related to the whole man that

we think their arguments do not prove their conclusion. Our criticisms have been based on aspects of human living which the particular author failed to note. Our positive consideration tried to emphasize the fact that even though a particular aspect of man and living might be the formality of a study or discussion, it cannot be considered apart from the person or life of which it is a part. Its reality in a given subject gives it a unity of existence which must be considered as essential to it. For this reason, we have rejected the arguments as inconclusive.

But such a rejection is negative. We conclude that as far as the limits of our ability allow, we do not think anyone has proved that contraception is immoral. We certainly admit that this does not prove the contraception is moral. Even to hold that contraception may be tolerated would be a conclusion which another effort would have to reach. Whether or not such a conclusion can be reached might well be worth the effort of the best minds of the race since the problem of responsible parenthood touches the core of so many lives. In such an effort, I think these scholars should give the principle of totality primary consideration. I recommend that the emphasis of such a study should be placed on the positive aspects of parenthood rather than the negative. It seems more valuable to extol the merits of procreating children in order to avoid the contraceptive

mentality, but the positive aspects of responsible parenthood will include the knowledge of when not to procreate children as well as when to procreate. The concept of abstinence from sexual intercourse will also be a part of the concept of responsible parenthood, but it will be an abstinence based on a love for one's spouse rather than a mortification based on biological necessity. Such a study, then, will be an education in the meaning of the term 'responsible parenthood' which will give married people the freedom to love as human beings. They will derive from such an education a proper understanding of marriage, sexuality, and humanity which will allow them to act humanly. They will be taught to love each other as people. They will view the whole of their married lives within the context of this love and will eagerly embrace all of those challenges which will perfect each of them. Children will not be excluded from such a life as the present context of contraception seems to imply; but they will be sought according to the proper ability and love of the spouses. This is the tragedy of the present discussion. Many people labor under the false impression that those of us who question the arguments against contraception are opposed to children. In our conclusion, we want to emphasize that responsible parenthood does not oppose children as the greatest good of marriage, but strongly decries the excess of children. There are too

many children when the parents cannot educate them as human beings. Everyone admits this. Our argument, then, has been directed against those who admit that too many children is an evil and still deny married people the use of their human prudence to live in accord with this principle. It is not children we oppose, it is imprudence. When married people have the full use of their human liberty and employ their human reason properly, there may be no need to use contraceptive means to keep the number of children within the limits of right reason and justice. We cannot predict what the positive conclusion of this discussion will be. We certainly have not proved that contraception is moral, but we do think that it has not been proved that it is immoral. We also hope the study will be continued until a positive conclusion has been reached which will make human living and human loving in marriage possible and reasonably fruitful.

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Errata corrigenda:

p. 7, line 5, reads: 'generation! begins to deaden the maritan relationship.  
should read: 'generation' begins to deaden the marital relationship.)

p. 12, l. 10, reads: is practiced. Authorsaplenty describe the strain  
of rhythm  
should read: is practiced. Authors aplenty describe the strain of rhythm

p. 14, l. 11: reads: her plight and through in trust to the future with the  
should read: her plight and trough in trust to the future with the

~~p. 15, l. 21 reads: their joy from such acceptance of a duty might~~  
~~accravate~~  
~~should read: their joy from such acceptance of a duty might aggrevate~~

p. 18, l. 20: the word 'married' is not clear on my copy.

p. 25, l. 8, reads: quired by this study since our intention is to  
investigate  
should read: quired by this study since our intention is to investigate  
if

p. 34, l. 11 reads: thought all matter was evil. While it is true that  
he may  
should read: thought all matter was evil. While it is true that he may  
have

p. 34, l. 12, reads: eventually come to relaxing hiw view in this regard,  
it is  
should read: eventually come to relaxing his view in this regard, it  
is

p. 38, l. 24, reads: Even though Noonan says that thie represents an  
expansion  
should read: Even though Noonan says that this represents an expansion

p. 48, l. 28, reads: cial force--the very parbs of society which were  
should read: cial force--the very parts of society which were

p. 53, l. 2, reads: tilist, Robert Covens, varied the argument to the  
extent  
should read: tilist, Robert C. Owens, varied the argument to the extent

p. 62, l. 6, reads: of secual intercourse which occurs while using an  
artifi-  
should read: of sexual intercourse which occurs while using an artifi-

p. 99, l. 21: the last word 'any' is not clear in my copy.

p. 107, l. 16, reads: each other and do not have children car hardly be  
accused  
should read: each other and do not have children can hardly be accused

p. 108, l. 1 reads: circumstances lead to the birth of a child. This  
precise  
should read: circumstances leads to the birth of a child. This precise

p. 116, l. 18, reads: carpenter, the group would not be perfected not  
its needs

- p. 116, l. 18, should read: carpenter, the group would not be perfected  
nor its needs
- p. 117, l. 8, reads: group can provice services and safeguards which  
would de-  
should read: group can provide services and safeguards which would de-
- p. 156, l. 24, reads: firmative obligation nugatory. Thie would be true  
should read: firmative obligation nugatory. This would be true
- p. 159, l. 10, reads: derstand what king of obligation is placed on  
married peo-  
should read: derstand what kind of obligation is placed on married peo-
- p. 167, l. 15, reads: all mean which are used to destroy the effective  
conse-  
should read: all means which are used to destroy the effective conse-
- p. 169, l. 12, reads: sically immorat about this judgment not to want  
children  
should read: sically immoral about this judgment not to want children
- p. 179, l. 17, reads: true that intercourse is generative of itself.  
Is ie mere-  
should read: true that intercourse is generative of itself. It is mere-
- p. 181, l. 5, reads: be excluded by the industry oa man, he does admit  
the mo-  
should read: be excluded by the industry of man, he does admit the mo-
- p. 199, l. 11, reads: Woult not we shatter it to bits--and then  
should read: Would not we shatter it to bits--and then
- p. 202, title reads: CHAPITRE IV  
should read: CHAPTER IV
- p. 205, l. 19, reads: are not to be sacrifices for the demands of the  
biological  
~~sho~~ should read: are not to be sacrificed for the demands of the biological
- p. 206, l. 26, reads: we shall be nearer the truth if we loop upon the  
should read: we shall be nearer the truth if we look upon the
- p. 241, l. 34, reads: is inscribes into the sexual organs, but I think  
it is an  
should read: is inscribed into the sexual organs, but I think it is an
- p. 242, l. 6, reads: is inscribes into the sexual organs rather than  
generation.  
should read: is inscribed into the sexual organs rather than generation.
- p. 253, l. 9, reads: some acts of sexual intercoufse are not intended  
by God to  
should read: some acts of sexual intercourse are not intended by God to
- p. 259, l. 9, reads: sexuality in marriage is not merely an instrument  
places  
should read: sexuality in marriage is not merely an instrument placed

- p. 260, l. 6, reads: Van Hildebrand then applies his principle os super-  
should read: Von Hildebrand then applies his principle of super-
- p. 262, l. 31, reads: from thom he expects a meaningful response.  
should read: from whom he expects a meaningful response.
- p. 263, l. 15, reads: and woman, the highest earthy good, is a mere means  
should read: and woman, the highest earthly good, is a mere means
- p. 264, l. 31, reads: ments which need considering. The argument begin  
with a  
should read: ments which need considering. The argument begins with a
- p. 266, l. 15, reads: that at this point it is not evidenc to us that  
von Hilde-  
should read: that at this point it is not evident to us that von Hilde-
- p. 267, l. 17, reads: idea that the act of intercourse is pure and  
beautiful only  
should read: idea that the act of intercourse is pure and beautiful only
- p. 268, l. 23, reads: ful to his own principle than man is not subject  
to biolog-  
should read: ful to his own principle that man is not subject to biolog-
- p. 294, l. 3, reads: in chapter seven where it will be shown hos such  
an act  
should read: in chapter seven where it will be shown how such an act
- p. 297, l. 21, reads: the accident is a modification of the subject of  
the object.  
should read: the accident is a modification of the subject or the object.
- p. 299, l. 3, reads: circumstances of either the subject of the object  
should read: circumstances of either the subject or the object. The ob-
- p. 316, l. 20: the word 'traits' is not clear on my copy.
- p. 317, l. 6, reads: experience and what was desired. A thing can be  
said to  
should read: experienced and what was desired. A thing can be said to
- p. 321, l. 11, reads: ceiving spouse and leat to disappointment. If  
the disap-  
should read: ceiving spouse and lead to disappointment. If the disap-
- p. 337, l. 9, reads: lived as a person and both are being perfected by  
loving  
should read: loved as a person and both are being perfected by loving
- p. 337, l. 16, reads: notices. She will soon realize that her husband  
will seek  
should read: noticed. She will soon realize that her husband will seek
- p. 342, l. 15, reads: physical progress in its human condition with all  
of its  
should read: physical prograss in its human condition with all of its

- p. 345, l. 18, reads: specifying cause, but the external. As the exeternal spec-  
should read: specifying cause, but the external. As the external spec-
- p. 364 is not clear in my copy.
- p. 370, l. 6, reads: scend the merely physical plane. When God saw  
that Adam  
should read: scends the merely physical plane. When God saw that Adam
- p. 385, l. 6, reads: other expression contains the fulness found in it.  
But the  
should read: other expression contains the fullness found in it. But the
- p. 404, l. 34, reads: BRIZZOLARA, R., "Thythm's New Reason", in U.S. Catholi  
should read: BRIZZOLARA, R. "Rhythm's New Reason", in U.S. Catholic.
- p. 406, l. 22, reads: DOIS, Gerbert, The Meaning of Marriage, translated  
by George  
should read: DOIS, Gerbert, The Meaning of Marriage, translated by George
- p. 409, l. 23, reads: Vol. I, 1939 p. 360-380.  
should read: Vol. I, (1939) p. 360-380.
- 410, l. 11, reads: Theological Studies, 4 (1943) :477-510.  
should read: Theological Studies, 4 (1943): 477-510.
- p. 16, l. 22: the word 'adapt' is not clear on my copy.
- p. 195, l. 12, reads: love marriage that human sexuality differs from  
bestiality.  
should read: love of marriage that human sexuality differs from bestiality.
- p. 351, l. 23, reads: The man feels the child is less loveable because  
hs is the  
should read: The man feels the child is less loveable because he is the
- p. 12, l. 12 reads: of intercourse basques in the freedom of totality  
does the  
should read: of intercourse rights in the freedom of totality does the
- p. 75, l. 26, reads: are distinguishing the right from the exercice of  
the right  
should read: are distinguishing the right from the exercise of the right
- p. 91, l. 23, reads: that the individual good be a positive hinderance  
to the  
should read: that the individual good be a positive hindrance to the
- p. 92, l. 5, reads: goods of the group or remove the hinderance which  
prevents  
should read: good of the group or remove the hindrance which prevents
- p. 101, l. 23, reads: people are associated for financian gain, they  
will regu-  
should read: people are associated for financial gain, they will regu-

- P. 106, l. 12, reads: is a degradation of the person used. The second difficulty should read: is a degradation of the person used. The second difficulty
- p. 130, l. 19, reads: grown accustomed to her face."<sup>30</sup> This is the playwright's should read: grown accustomed to her face."<sup>30</sup> This is the playwright's
- p. 141, l. 18, reads: us that the use of an instrument or artefact is unnatural should read: us that the use of an instrument or artifact is unnatural
- p. 142, l. 4, reads: sons. So while it is true that any artefact which man em- should read: sons. So while it is true that any artifact which man em-
- p. 142, l. 12, reads: terms of artefacts is generally valid but not in the case should read: terms of artifacts is generally valid but not in the case
- p. 304, l. 18, reads: standing and comraderie between individuals. There will be should read: standing and camraderie between individuals. There will be
- p. 336, l. 24, reads: strength of Samson, the wisdom of Salomon, and the perfec- should read: strength of Samson, the wisdom of Solomon, and the perfec-
- p. 393, l. 18, reads: woman a child that she might prove her total feminitiy. The should read: woman a child that she might prove her total femininity.  
The