

WHAT'S THE DIFFERENCE?

Infertile-period Marital Acts and Artificial Contraception

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One of the first questions usually heard from lay people who discuss the teaching of the Church disallowing the use of artificial contraception is this: Why does the Church not allow it when she allows natural family planning? Are not both methods clearly intended to enable couples to avoid pregnancies? If the Church insists that they are ethically different, in what way are they so? By asking such questions, lay people have actually reached the kernel of the issue of artificial contraception. The recognition of the moral distinction between artificial contraception and natural family planning—which consists of limiting sexual intercourse to the period of infertility—depends on the acceptance of a whole range of criteria for judging the morality of an act.

Ever since *Humanae Vitae* (HV), theologians have not stopped asking: Does it make sense to say that acts deliberately committed during the infertile period are “open to the transmission of life” in some morally significant sense that contraceptive acts are not? Proponents of artificial contraception as a moral option for responsible parenthood claim there is no ethical difference. Opponents of contraception insist there is a difference. The consideration, therefore, of whether the use of the infertile period is ethically different from the practice of artificial contraception provides a bird's eye view of

the different arguments with which a serious discussion of the morality of contraception must contend.

The debate over the use of artificial contraception is wide and deep and has in fact extended to the impassioned and crucial discussion about the validity of the concept of intrinsic moral good/evil, which is itself a very complex issue. Owing to the very limited scope of this article, we will restrict our discussion to the use of the infertile period as it compares with artificial contraception. Hopefully this brief study will result in a richer and more personal appropriation of the Gospel of Life, the Church's message to the world.

As Taught by the Church

The teaching of the Church did not always accept the practice of natural family planning. In fact, her stance on sex and marriage went through three phases of development. First, beginning with St. Augustine, the Church positively stressed the procreative intent of sexual intercourse, and looked with great suspicion at any other motive. Much later, she recognized other moral motives for intercourse so long as couples did not positively exclude the intention of procreation. Second, the encyclical *Casti Connubii* of Pius XI, although it reiterated the traditional teaching against contraception as a response to the qualified and cautious approval of contraception by Anglican bishops, was the first clear indication of a move towards recognition of other motives for intercourse besides procreation. Third, the Church finally acknowledged that some situations could warrant engaging in the marital act with the clear intention of avoiding procreation, so long as the couples maintained and did not obstruct the natural generative potential of the act. This affirmation was first made public in Pius XII's "Address to Italian Midwives" in 1951.¹

¹Vincent Genovesi, "A Context for the Meaning and Morality of Sexuality," *In Pursuit of Love: Catholic Morality and Human Sexuality*, 2nd edition (Collegeville, MN: The Liturgical Press, 1996) 182-87.

But having legitimized the reasons for not wanting to procreate, the Church then found herself pressed to answer whether periodic abstinence—that is, to engage in sexual intercourse only during those times when the wife is infertile—is the only moral way for spouses to achieve their desire not to conceive. Vatican II left it to Paul VI to study the question and to give a definitive reply. In HV, Paul VI gave his much awaited reply. He noted the appreciation in Church tradition of “the value of love in marriage and of the meaning of intimate married life in the light of that love” (HV 2). The Church also recognized that “for serious reasons and with due respect to the moral law,” responsible parenthood could mean choosing “to have no more children for the time being or even for an indeterminate period” (HV 10). Thus the teaching of Pius XII in 1951 was affirmed: “Married people may take advantage of the natural cycles immanent in the reproductive system and use their marriage at precisely those times that are infertile, and in this way control birth” (HV 16). So also was the judgment against contraception upheld: “...Excluded is any action, which either before, at the moment of, or after sexual intercourse, is specifically intended to prevent procreation—whether as an end or as a means” (HV 14).

No Separation of Unitive from Procreative

Humanae Vitae basically teaches that every marital act must retain both its unitive and procreative dimensions. This in turn is “based on the inseparable connection, established by God, which man on his own initiative may not break, between the unitive significance and the procreative significance which are both inherent to the marriage act” (HV 12). According to this reasoning, artificial contraception is immoral because it separates the unitive from the procreative by deliberately thwarting or frustrating the procreative potential of the marital act. But some theologians argue that by accepting periodic abstinence as a moral alternative, the encyclical unwittingly accepts a factual separation of the unitive and procreative aspects of coital acts. During the period of infertility, the marital act has no

procreative potential whatsoever, just as it loses its procreative potential when methods of artificial contraception are employed. Thus the encyclical has been charged with inconsistency and self-contradiction.

However, the teaching authority of the Church has maintained that no separation between the unitive and procreative dimensions happens in coital acts during infertile periods. John Paul II insists in *Familiaris Consortio* that the couple who resort to limiting the marital act to infertile periods respect the inseparable connection between the unitive and procreative meanings of human sexuality. They benefit from their sexuality according to the original dynamism of "total" self-giving, without manipulation or alteration. Therefore, by respecting the natural cycle of fertility-infertility whose ultimate purpose is procreative, the couple that performs the marital act during infertility continues to observe an openness to the transmission of life, though indirectly and quite remotely. Whereas in the practice of contraception, separation occurs decisively in that "the total reciprocal self-giving of husband and wife is overlaid... by an objectively contradictory language, namely that of not giving oneself totally to the other" because one's fertility is deliberately held back.² In spite of its insistence, however, the Church's arguments have not made clear how inseparability is maintained in the practice of periodic abstinence. What is clear is how differently this separation comes about. In periodic abstinence, nature provides the separation. In contraception, the separation is initiated by the couple. Whether this difference is ethically significant is another question that will be dealt with later.

²Benedict M. Ashley, O.P., and Kevin D. O'Rourke, O.P., *Health Care Ethics: A Theological Analysis*, 4th edition (Washington, D.C.: Georgetown University Press, 1996) 282.

Proof of Love

On the question of difference between the natural and artificial means of birth control, HV itself recommends some answers. One is that the natural method gives good proof of love while the other does not. Although the encyclical readily admits that both methods are exactly the same in the intention to avoid pregnancy, it nonetheless points out that the natural method requires that the husband and wife from time to time, particularly during the fertile period, abstain from intercourse. In other words, it requires not a little sacrifice. In fact, it requires complete mastery over themselves and their emotions (HV 21).³ “In doing this they certainly give proof of a true and authentic love” (HV 16). However, although this may be true with some couples, it certainly does not hold true for all who practice periodic abstinence. Neither can its converse be claimed. Not all who practice artificial contraception give proof of false and inauthentic love. Therefore we cannot accept the “proof of love” argument as a morally significant difference between the two methods.

Founded on Respect

Fr. Kevin McMahon has this to say about sexual intercourse during infertile periods and sexual intercourse using contraceptives: “The difference between [them] is not in motive, circumstance or even in the immediate consequences. The difference is in the choices by which these consequences came about.”⁴ In other words, the difference lies in the more basic choice or disposition that influences the choice to

³It has been noted that the failure to prevent pregnancy among couples who practiced natural family planning is almost entirely due to the fact that these couples frequently took risks and broke rules at the beginning of the fertile phase, when they believed “nothing will happen this time.” Genovesi, 231, n. 87.

⁴Kevin McMahon, “‘Humanae Vitae’: 25th Anniversary” in *Origins* 22:45 (22 Apr 1993) 772.

use either the natural or the artificial method. In choosing to limit intercourse during the natural cycle of infertility, a person's disposition is claimed to be profound respect for the mystery of God's purposes revealed in creation.

Many times this reference to respect for and deference to the plan of God is encountered in HV. The encyclical counsels couples to regard their sexuality as gift and therefore to consider themselves stewards and not masters of this gift. "To experience the gift of married love while respecting the laws of conception is to acknowledge that one is not the master of the sources of life but rather the minister of the design established by the Creator" (HV 13). It clarifies that the Church champions the use of human intelligence, especially in so divine an aspect as sexuality, but "*within limits* of the order of reality established by God" (HV 16, emphasis mine). Therefore, respect for the natural order must inform the use of human intelligence. HV also warns that the forgetfulness of reverence due to a woman is one danger that men face should they grow accustomed to using contraceptives (HV 17). Still, though respect seems to motivate the choice for fidelity to the natural cycles of infertility, it cannot be presumed in all cases. At best the disposition of respect makes natural family planning a better option than artificial contraception, but its lack does not necessarily render contraception immoral.

Gains

Although many couples report that the necessary abstinence and uncertainty of natural family planning could be a source of marital tension,⁵ HV enumerates five gains from natural family planning:

It helps in solving difficulties of other kinds. It fosters... thoughtfulness and loving consideration for one another. It helps them to repel excessive self-love.... It arouses in them a consciousness of their responsibilities. And finally it confers upon parents a deeper

⁵Ashley and O'Rourke, 274.

and more effective influence in the education of their children (HV 21).

It is generally accepted that fidelity to the natural fertility-infer-tility cycle of the woman leads to greater shared responsibility in parenthood and family planning, to greater communication and dialogue between spouses that is based on mutual respect, and better self-control and self-discipline.⁶ It also generates an increased awareness of and sensitivity to the woman's body and helps her experience greater personal dignity. The required periods of abstinence also motivate couples to explore other ways besides genital expression to deepen their affective relationship with one another. They become more creative and imaginative.

There is no doubt that "natural family planning is highly method-effective for highly motivated couples. But its desirability is not in question. The basic issue is the moral wrongfulness of some other methods."⁷ While one theologian would say that most Catholic couples will not corroborate the claim that using artificial contraceptives "necessarily makes their sexual intimacy selfish, dishonest, and unfaithful,"⁸ another, who also denies an ethical difference between the two methods, would concede that the most frequent excuse for the use of contraception in the United States is selfishness.⁹ This leaves our present point on gains inconclusive for determining any moral difference between the two.

⁶Ibid., 282.

⁷Richard A. McCormick, S.J., "'Humanae Vitae' 25 Years Later," *America* 169:2 (17 Jul 1993) 10.

⁸Ibid.

⁹Genovesi, 200.

Nonprocreative vs. Antiprocreative

We have so far been unsuccessful in discovering an ethical difference between restricting intercourse to infertile periods and the use of contraception. At this point, I would like to present what appears to be a substantial argument in favor of asserting an ethical difference and, equivalently, of asserting the immorality of contraception. Citing Germain Grisez, McMahon writes: "There is a moral difference between not pursuing a good when one has no obligation to do so and choosing against it."¹⁰ To underline the difference, two terms have been introduced. *Nonprocreative* refers to those marital acts which, by being limited to the infertile periods, do not pursue the procreative aspect, while *antiprocreative* refers to marital acts whose procreative aspect is frustrated by the use of contraceptives.

Only nonprocreative acts are considered to be morally valid options for achieving family planning. Our own Bishop Teodoro Bacani explains it well: "While the couple are allowed not to intend to procreate with each marital act, they are not allowed to frustrate by an action before, during, or after the marital act, the procreative aspect of the marital act." He illustrates the difference by citing an example from near-death situations. One who is seriously ill may morally choose not to prolong his life by extraordinary means. This would be parallel to a nonprocreative act, when one is not bound to pursue the good. But the same person who is seriously ill cannot morally choose to execute an act that will end or shorten his life. This would be similar to an antiprocreative act, where one actively chooses against the good.¹¹ However, some theologians are still not convinced, and they are of the opinion that sexual intercourse that is antiprocreative has not been proven to be necessarily immoral.¹²

¹⁰McMahon, 772.

¹¹Teodoro C. Bacani, D.D., "Bishop Explains Stand on Birth Control," *Manila Chronicle* (15 Jul 1990) 5.

¹²Genovesi, 198.

Criteria for Moral Assessment

What makes an act immoral? Apparently, theologians are not in agreement, which explains the non-agreement over the moral assessment of artificial contraception and natural family planning. By delving into this more fundamental question of criteria for moral assessment, we are going beyond the limited scope of this present study. Such a discussion is necessarily much more complicated and requires a more careful treatment. But being crucial to our discussion, this topic cannot be passed over in silence and must be described at least briefly before we end.

Generally, there are two approaches. One approach holds that moral acts are determined by three elements taken together: the nature of the act, the circumstances surrounding the act, and the intention of the perpetrator of the act. No act may be judged to be morally good or evil apart from its specific circumstances and intention. The other approach agrees with this definition, but expands moral acts to include a special category of acts whose very nature, apart from any specific circumstance and intention, renders such acts morally good or evil. These acts are considered morally determined by the intrinsic structure of the said acts. What is relevant to our discussion is this notion of intrinsically evil acts, which are defined to be those acts that are morally evil, regardless of circumstance and intention, by the very teleology implied in their physical structure which is contradictory to basic human values. The first approach naturally rejects the notion of intrinsically evil acts.

At the core of the Church's rejection of artificial contraception is a perception that classifies contraception as intrinsically evil. By its structure of separating the unitive from the procreative, contraception contradicts the human value of life and the purpose for which God gave sexuality to human beings. From such reasoning, it is evident that along with the acceptance of the notion of intrinsic evil operates the view that God's purpose can be found in the nature of things. Such purposes must then be sought and perfected by moral acts.

The Christian vision is that the whole universe, including the human person as a soul-body unity, is the purposeful expression of the Creator's wise love. Thus it stands in stark contrast to the humanist view that finds no teleology in nature but only blind evolutionary forces.... Hence artificial contraception is not wrong because it is artificial, but because this art is misused not to perfect nature but to thwart and misdirect it.¹³

Theologians who accept natural law as a moral norm assert that God's purpose is contained in his design of created things. It is the role of human reason to discover and fulfill this purpose. This appreciation of creation stems from a recognition of the significance of the body as a constitutive element of the human person.¹⁴ It is a refusal to fall into the dualism that ignores the interpenetration of the physical and moral or spiritual realms. Thus it could be argued that the separation of the unitive from the procreative in the marital act should be left to the providence of nature and not initiated by human or artificial means.

Some theologians agree that physical natures should have a bearing on the moral evaluation of an action, but they do not agree that these natures should determine the morality of the action. Concretely, for instance, they agree that there is some evil in contraception and masturbation, but not so much as to "render them the *kind* of actions which should never be done."¹⁵ But this question is too broad for us to settle here.¹⁶

¹³Ashley and O'Rourke, 281.

¹⁴McMahon, 772.

¹⁵Janet E. Smith, "Humanae Vitae at Twenty: New Insights into an Old Debate" in *Why Humanae Vitae Was Right: A Reader*, ed. Janet E. Smith (San Francisco: Ignatius Press, 1993) 513.

¹⁶A challenge is posed to the notion of "natural" in the practice of periodic abstinence. The great majority of women experience a peak in sexual desire and are more sexually sensitive and responsive at the time of ovulation and immediately before and after the onset of their menstrual period. Considering

Conclusion

It is quite clear that the merits of limiting intercourse to the infertile periods exceed those of contraception, in spite of the tensions between spouses that may arise from periodic abstinence. It may even be argued that there is some evil in contraception. But it is inconclusive, with regard to the scope of this study, as to whether contraception is morally wrong and different from natural family planning. Suffice it to say that while the Church continues to insist on the immorality of contraception and to encourage the demanding practice of periodic abstinence, she reminds her faithful that such fidelity to the natural cycle is possible only by God's grace. Thus she makes a distinction between morality and culpability, insisting on the immorality of contraception but recognizing the reduced culpability of Catholics who continue to struggle against the odds stacked against their goodwill.¹⁷ To teach thus is her duty, so also to generously offer recourse to the mercy of God (HV 25, 29).

In the end, in discussing the moral difference between artificial contraception and natural family planning, we must keep in mind the ultimate purpose of marriage which both seek to serve: "Marriage... has more to do with guiding children toward mature and loving adulthood than it does with simply producing babies.... The love that parents have for each other is the greatest gift they are able to give their children."¹⁸

this fact and affirming that human sexuality is more than the physical structure of the act, it appears that natural family planning becomes the most unnatural of all methods, since it inhibits not only conception, but the expression of affection. Genovesi, 199-200.

¹⁷Ashley and O'Rourke, 284.

¹⁸Genovesi, 205.