

It is the common teaching of the Church, reaffirmed by successive popes and to be found in all reputable textbooks of moral theology, that the use of mechanical contraceptives which interfere with intercourse is always wrong. Whether this common teaching amounts to the ordinary magisterium in the technical sense and is therefore infallible is another matter, but short of such assurance it would be hard to find a clearer guide for the Christian who wants to know what he should do or not do. It should be emphasized that even those theologians who think there are legitimate uses for the pill nearly always distinguish between this and mechanical contraceptives. It is indeed clear that these are two quite different matters; contraceptives interfere directly with the act of intercourse whereas the pill does not.

It is a mistake to suppose that we do not know anything until we know it infallibly. There are a great many topics about which a Catholic ought to have sure and definite views just because he is a Catholic, even though the infallible magisterium of the Church has not yet pronounced upon them. He should know, for example, without waiting for the pope to tell him, that it is wicked to propose to drop a nuclear bomb on a city under any circumstances. Similarly if a Catholic wants to know whether he should use mechanical contraceptives or not he does not need to wait for an infallible papal pronouncement to get the answer. It is true, of course, that so long as the Church has not pronounced infallibly there is the possibility that her current teaching may be mistaken. This is what 'infallibility' means. Nevertheless to say that a certain proposition could be mistaken is not to say that it is unsure or that the question of its truth is wholly undecided. To think otherwise is to be like those people who insist on speaking of evolution as an 'hypothesis' on the grounds that in the nature of the case it cannot be mathematically proved. Of course it is logically possible that, in spite of their current consensus of view, biologists might come to abandon the notion of evolution, but this does not make the theory of evolution doubtful. In the same way the fact that the Church could come to a different view about contraception does not make her present teaching doubtful. It would be rational to entertain doubts about it if there were some good evidence that the Church were in fact likely to change her view. There does not seem to be such evidence.

The morality of contraception is not then an open question, but there is another sense in which it seems to me the discussion is no longer open to priests. We have had enough talk about the theology of sex and marriage by unmarried people. If the topic is to be fruitfully developed, it must be left in the hands of married lay theologians.

My excuse, then, for writing this article is that I am not in fact going to talk about sex and marriage. I am going to talk about a particular argument which has been used by people who talk about this topic. This article will be deliberately academic, abstract and, no doubt, tedious, because it is talk about talk about something. I do not myself

think that sex is appropriately discussed in the terms I shall be using, but it is these terms I shall be talking about, not sex itself. I want to discuss the argument against using contraceptives which seeks to show that their use is always contrary to the natural law. It is an argument I have used many times and accepted for several years. I now think it to be invalid.

There are several things to be made clear immediately. In the first place the fact that I am no longer convinced by an argument which used to convince me may be of purely autobiographical interest; it may indicate not a new enlightenment but a failure of perception or even a giving in to the pressure of bourgeois liberal opinion. In the second place, even if a particular argument were invalid this has absolutely no tendency to show that the thesis is false or that there are not other valid arguments for it. As I have said, in the common teaching of the Church we have a reason for recognizing contraception as wrong which far outweighs the changing opinions of an individual Christian.

It is common enough nowadays to find Catholics who dismiss the notion of natural law altogether or who profess not to understand what it is all about. I am not of this number: I think I understand what is meant by natural law but I cannot at the moment see that it necessitates an absolute condemnation of the use of contraceptives.

As I understand it, the theory of natural law is that we are not isolated individuals; we are parts, fragments you might say, of a larger community, the human race. We did not opt to join the human race; we came into existence by being born of this race. Mankind does not exist as a community because we think of it or because we want it to; it is a reality prior to any living individual. The race as a whole has certain requirements if it is to survive as such, and, because we are its members, in some of our activities we act not simply as individuals fulfilling our own private purposes but as representatives of the race doing a job laid down for us by these requirements of the race.

In any highly mechanized society a car is not simply something that belongs to an individual, to be used to fulfil his purposes. It is also part of a transport system the smooth functioning of which is of great importance to the community as a whole. In such a society, if too many accidents happen or the roads are blocked, the people will starve. My car, therefore, is not something that can be left entirely to me to drive as I please, in a sense it 'belongs' also to the community and the community will make certain decisions about how it is to be driven. To some extent I drive as a representative of the whole community. That is why the community lays down speed-limits and other regulations. In other words, even before I decide what I would like to do with my car in order to fulfil my purposes, it already has certain built-in purposes due to its place in the transport system as a whole.

The theory of natural law is that there is an analogy between the demands made

upon the individual by his membership of a limited civil community, and those made on him by his membership of the whole human community. He is subject to certain laws because he lives in France and belongs to the French community; he is in a parallel way subject to certain 'laws' because he lives at all and belongs to mankind.

I think that in fact man is called to a yet more fundamental community in Christ. His natural community in mankind is something of an abstraction from his actual existential situation; nevertheless, although inadequate, it is not a false picture and moreover can serve as a basis of discussion with those who do not know of the life of grace.

It is clear that our sexual activities are one of the things that concern the race as a whole. Before I decide what I would like to do with my sexual powers to fulfil my own purposes, they already have a built-in function from the point of view of the race. This function is clearly the continuance of the race, or as we conventionally, but a little misleadingly, call it, the procreation of children. When we say this we are distinguishing my individual purposes from those that are built into the activity itself; we are not saying that anybody does or should get married to ensure the continuance of the human race. You might say that an individual should conform his purposes to that of mankind, but it must be clearly recognized that this is asking very little of him. You are simply asking that he should want, in a general way, the continuance of the race, and with very few exceptions, such as Hitler in his last days, most of us can cheerfully accept this. The interesting relationship between racial or 'natural' purpose and individual purpose arises when they come into conflict. My car is part of a highly complex set of institutions, in particular it is part of a transport system, but this need not enter my head until the time comes when the requirements of the traffic system as a whole come in conflict with my purposes – when I find I want to go at 60 mph when the community wants me to go at 30 mph. In such circumstances we say that since the requirements of the whole community are more important than those of an individual member, it is unreasonable and wrong to sacrifice the function of the car as a community thing to its function as *my* thing.

It is very important to be clear that the social function of car-driving or the natural function of sexual activity is built into the activity itself. These built-in functions are not there because of my personal intentions or wishes, and in the same way they are not sacrificed or interfered with by my mere intentions or wishes. I do not break the law by wanting to go over 30 mph in a restricted zone, only by actually driving over 30 mph. Similarly I do not interfere with the built-in function of sexual activity by not wanting any children to be born but only by actually interfering with the activity itself. Whether or not I am acting contranaturally is not at all a matter of my intentions but of what I do. Of course I can do wrong without acting contranaturally in this way. I can do wrong by acting with a bad intention even if what I do is entirely in accordance

with the natural purpose of my activity. The intention, although it can make an otherwise good action bad, cannot make an action either natural or contranatural. This question is one to be decided objectively by considering the activity itself. If, after looking at the activity in this way, you come to the conclusion that it is contranatural, then it is wrong to do it even with the best intentions in the world.

So far this argument seems to me entirely sound. In summary it goes :

1. Some human activities have built-in functions because they have to do with the requirements of mankind as a whole.

2. In such cases the built-in function is more important than any individual purpose a man might have in these activities, and therefore it is always unreasonable to sacrifice the built-in function for the sake of his purposes.

3. Sexual activity is a case in point. Its built-in function is the procreation of children.

4. Suppression or interference with the built-in function of an activity can only come about by interference with the activity itself.

5. Hence interference with the built-in function of sexual activity by interference with the activity itself is always wrong.

Of course nobody suggests that because frustration of the built-in function comes about through interference with sexual activity, therefore *every* interference is a frustration of a built-in function. People sometimes get a vague idea that since Catholics talk a lot about 'natural law' they mean that any artificial interference with sexual activity is wrong – that is ought to be 'natural' or instinctive, as though the objection to contraceptives were that they are *artificial*. No, clearly what is wrong is an interference of a special kind, one which frustrates rather than fosters the natural function of the activity.

It is at this point, however, that the argument makes a further and usually unnoticed step. Hitherto we have been speaking of sexual activity, but at this point it becomes tacitly identified with sexual intercourse. It is because this identification has not been proved and, indeed, seems very doubtful, that I regard the rest of the argument as invalid. The argument would go on to say that, since contraceptives clearly interfere with sexual intercourse, they therefore frustrate the built-in function of sexual activity.

The core of the argument so far has been that sexual activity has as its built-in function the continuance of the race by the procreation of children. Now, we cannot, it seems to me, say that sexual intercourse is the precise subject of this function because intercourse by itself will not bring about the continuance of the race in this way. In order that the race should continue it is necessary not merely that an ovum should be fertilized but that a child should be born, that it should survive after birth and receive a basic minimal initiation into the traditions of the community – it must learn to talk, for example. Mere intercourse separated from any activity to deal with

the fertilized ovum presents a difficulty for the race and not an advantage. This is what is commonly held to be wrong with fornication. What is required by the race therefore, is a whole complex of acts which go to make possible the birth and survival of a child who will mature and carry on the race. This complex, then, must be the 'sexual activity' of which we have been speaking. Intercourse is an important part of sexual activity but I do not see that it can be identified with it, and removed from its proper context it loses touch with its natural purpose. A steering wheel is for driving so long as it is part of a car, and in order, say, to design the perfect functional steering wheel we have to understand the part it plays in the whole complex of the car. If all we know is that it is for driving we will get nowhere.

Sexual activity, if it is to be adequate to the function required of it by natural law, must involve, besides intercourse, some relatively stable relationship between man and woman so that the survival and minimal education of the child is ensured. It would be nearer the truth to identify sexual activity with marriage than with intercourse. If intercourse were identical with sexual activity then, of course, every suppressive interference with intercourse is a suppressive interference with sexual activity and therefore unreasonable and wrong. If, however, as I have suggested, intercourse is only a *part* of sexual activity it may still be the case that every suppressive interference with it is also an interference with the total activity; this will depend on how the part is related to the total activity.

It might be that sexual activity takes place in a linear series of stages. First there is an act of intercourse; if this results in conception it is followed by a period of pregnancy, a birth and a period of feeding and essential upbringing. If you think of it this way, then an interference at any stage is an interference with the whole process. Contraception, abortion, infanticide would simply be ways of interfering with the process at different points; any one of them is an interference with the whole. If you stop one car in a train you stop the whole train; if you cut a rope at any point you cut the whole rope.

It is possible, however, that this is a false picture. Sexual activity may be less like a linear process than like some more complex human activity such as a game. There is no doubt that kicking the ball towards the opponent's goal plays a crucial part in winning a game of (English) football. It is quite impossible to win the game without doing this, but the game involves a great many other actions as well. Playing football cannot be identified with kicking the ball in a particular direction, nor is it always bad football to kick the ball in the 'wrong' direction. If the footballer kicks the ball away from the goal for some private purposes of his own (he is catching butterflies or earning a bribe) then he is clearly being a bad footballer, frustrating the 'built-in purpose' of a footballer. There will, however, be times when kicking in the 'wrong' direction is the proper move towards winning the game. There is nothing mysterious or subjective

about these situations; the crowd is perfectly well able to judge whether a player is doing well or badly when he kicks away from the goal. We would not say 'Once admit that a player can sometimes kick away from the goal and before you know where you are they'll all be doing it all the time for bribes'. There is nothing at all odd about this situation; there are card games in which in order to win in the end, in order to play the game itself properly, it is necessary deliberately to lose an occasional trick; to climb a rock-face it is necessary sometimes to go down; and none of this detracts from the fact that kicking towards the goal, winning tricks and climbing upwards are crucial to success in these various activities. It is not, notice, merely a matter of occasionally *refraining* from the crucial move, but of occasionally making a move which is the opposite of the crucial one – making a move which if invariably employed would make success impossible.

Now, it is possible that completed sexual intercourse is a crucial move in sexual activity in the same way that winning a trick is a crucial move in winning a game and, if this were so, there might be occasions when frustrating the sexual intercourse might be the indicated way of fulfilling the purpose of sexual activity. The very fact that there *is* a safe period would seem to suggest that the function of sexual intercourse in sexual activity is not confined to starting a linear process of procreation. (Of course I am not supporting the bogus argument that because nature provides for intercourse without conception therefore man is entitled to bring the same thing about by using any means; nature provides for the death of people but it does not follow that murder is permissible.) I do not propose to argue that sexual intercourse *is* related to sexual activity as winning a trick is related to winning a game, but merely to point out that, unless it can be shown that it is *not* so related, the argument from natural law against every use of contraceptives is unsound.

I am speaking here purely in the field of logical possibilities, for the present teaching of the Church rules out the use of contraceptives, but it might be easier to imagine the possibility of such a good use if we recognize a parallel with the case of language. Interference with the built-in function of sexual activity has frequently and rightly been compared to lying: the one is an abuse of our sexual powers, the other of our powers of linguistic communication. In both these fields mankind makes demands upon us; sex and language are both sacred. The cases are similar, too, because in both the evil does not consist primarily in harm done to somebody else but in the distortion of the activity itself. It is true that lying deceives people and thus harms them, but it is not the only way of deceiving them; it is deceiving them by means of informative language, and this is bad in itself. There are certain things one must not do to language just as there are certain things one must not do to sex. That is why it is wrong to lie even when our deception does not harm anyone – even when it might benefit

them, even when we might be morally obliged to try to keep the truth from them.

Some people have argued that since frustrating sexual activity is morally isomorphic with lying and since 'we now recognize' that lying is sometimes permissible, so we may come to recognize that abuse of sexual activity is sometimes permissible. I think this is a very bad argument because it has not in fact been shown that lying is ever permissible (it may be understandable in certain situations but that is a different matter). It is true that some moralists think that it can be legitimate to lie but it seems to me that these moralists are confused, corrupt and, on the face of it, untrustworthy. The fact that frustration of our sexual activity is morally objectionable in the same way as lying does not show that it is sometimes permissible, on the contrary it shows that, like lying, it is always wrong.

However, and this is my present point, just as it is possible over-hastily to identify frustrating sexual activity with contraceptive intercourse, so it is possible over-hastily to identify lying with making false statements known to be false. *Pride and Prejudice* consists very largely of informative statements which are false and which Jane Austen knew to be false, and yet we do not say that she was lying nor that she was deceiving us or that she was in any way frustrating the built-in function of language. On the contrary there is a clear sense in which any great novel conveys truth to us. Whether the making of false statements known to be false is lying or not depends on the part it plays in a whole context of communication. We exonerate Jane Austen from the charge of lying when she makes false statements not because she wishes us well or because she has no intention to deceive or because she has love in her heart or any such thing, but simply because she is writing a novel. It is very important to stress that it is not a matter of Jane Austen's intentions but a matter of the actual objective context. It would be possible to use part of a novel to tell a lie – as the man did in Chesterton's story when he made part of an MS look like a suicide note – but we should do this not by having an intention but by altering the objective context.

In a similar way the question of whether contraceptive intercourse were a frustration of sexual activity or not might depend on its objective context. It is perhaps not irrelevant to notice that the writing of fiction has only been recognized as wholly respectable in quite recent times. Plato's view that poets are a danger to justice and goodness held the field for a long time. John Locke, speaking of education, says 'and if (the child) have a poetic vein, it is to me the strangest thing that the father should desire or suffer it to be cherished or improved. Methinks the parents should labour to have it stifled or suppressed as much as may be'. It is still possible to come across people who regard reading fiction as a tolerated waste of time. Perhaps the last serious vestige of this view is the fundamentalist assumption that fiction would be utterly out of place in the Bible and that if one showed, say, the book of Esther to be

a novel one had somehow shown the Bible to be untrue.

One important point is that now that fiction has become respectable, so much so that the novel is regarded not as a frustration of the purpose of language but as one of its highest uses, we are very clear indeed about the contextual distinction between fiction and lying. We do not think that by allowing fiction we are opening the floodgates to a lot of dishonesty, because we have worked out a clear line between the two. It is only in borderline cases such as the autobiographical or historical novel that we are in doubt about the limits of poetic licence. In the same way one could imagine that if contraceptive intercourse came to be regarded as in some cases legitimate, there would be an equally clear, well-established and recognized distinction between the context which would make it a frustration of sexual activity and those in which it would not be so. Naturally enough, it is characteristic of our present teaching not to be concerned about such contextual distinction. If contraceptive intercourse is wrong in itself (if it necessarily involves frustration of sexual activity) then circumstances will make no difference to its morality. If, however, certain factors are not circumstances surrounding sexual activity but elements within it (if sexual activity is wider than the act of intercourse itself) then we shall need to consider then in order to assess the morality of the whole activity.

It is no part of the purpose of this article to set out the conditions under which, hypothetically, contraceptive intercourse might be considered legitimate; this would be a task for those with positive immediate experience of the problems of married life. In any case such discussion would be at the moment mere speculation having no immediate relevance to practice. The common teaching of the Church is unquestionably that contraceptive intercourse is wrong regardless of the circumstances and there seem to be no signs of this changing. It is this teaching that we are bound to follow in practice because it is by far the most reliable guide we have. In moral matters we should not only fear to do what seems to us wrong, we should also fear to do what is objectively wrong (it is deplorably easy to convince yourself that what you do is right). In other words we should be concerned about the truth and not just about sincerity, and as evidence for truth the common teaching of the Church outweighs any individual's estimate. To distrust the way things seem to us is not slavish submission or extraordinary humility but just common sense. In this article I am not proposing any alternative teaching to that of the majority of theologians, indeed I am not proposing anything at all. I have merely been trying to show why a particular argument against contraception from natural law does not seem to me watertight.

*Note* I must acknowledge my debt to an unpublished paper by the Revd P. J. Fitzpatrick: 'An examination of the arguments for the Roman Catholic view of birth-control'. Fr Fitzpatrick's paper is purely expository and comes to no conclusion about the morality of contraception. He has clarified many things for me but is in no way responsible for my views.