

June 2 (Thursday a.m.), 1966

Dear Father Ford,

I received your air mail-special delivery letter with the documents on Tuesday morning and got to work; yesterday afternoon I got the earlier letter requesting information about Shehan. I am now working on the commentary on document # 1, but I decided to send this letter with information on Shehan and other news along with the first part of my long letter to you, since it probably will not be finished even today--maybe not until Saturday morning. I'll send more; I'm working as quickly as I can but for some reason tire rather quickly and am not in top shape.

As for Cardinal Shehan. I checked with Fr. Henry Sattler, C.S.S.R., who is now pastor of that church in Baltimore. He says the cardinal was worked up for some tumor or cyst development in his palate; the report is it is non-malignant, but apparently cannot be handled adequately surgically. It is not a threat to him, he can talk o.k., not without pain however. At present the plans definitely are for him to come to Rome for the bishops meeting June 19 to 26. He is making preparations for the trip and has his schedule so arranged (he is not in the hospital any more). Sattler is supposed to see him today and promised to call me if there is anything new on the Cardinal's condition or any change of plans. Sattler is not optimistic about the coterie surrounding the Cardinal; says he has little really good advice and depends rather heavily on St. Mary's sem and on the few bright young men who immediately surround him in the chancery. I gathered he (Sattler) would like to be brought into the inside. Now this should all be kept as confidential as possible, but the following is absolutely secret: the Cardinal has asked every pastor in his diocese, in a letter, to give him secretly a run down on his own position on contraception and what he thinks should be done and why. I sent Sattler some of my material, which I hope he will use in his run-down. Sattler is still saying contraception is intrinsically immoral and the tradition cannot be given up, but he says he doesn't think one can simply tell couples anymore to abandon themselves to providence in any case, and keeps talking vaguely about a "tertium quid." In short, he is weakening but has not yet collapsed, and is looking for a way out. I wish I knew what the Cardinal's views are so that I could inform you about them, but Sattler seemed honestly not to know where the Cardinal really stands, and I have heard not a whisper from other sources. I did not tell Sattler who I was acting for in seeking information, nor did I tell him in so many words that it was anyone in Rome, but I did say I needed to know urgently to help developments in Rome.

Modern Schoolman came out with your review of my book; it looks nice. I think I told you that Catholic Mind is going to print my article from Conception Abbey on Aquinas and the Council on Marriage. It is sans poetry as you urged. If it comes soon enough, I could send you copies to give the bishops for bedside reading, if you think it is worth while.

If you think it would help, and there is sufficient work to warrant it, I could come over there and stay until the bishops meeting ends. I am free now, except for a million things I ought to do around the house, and writing projects I'm committed for, and so forth and so on. If you could have me put up there, I would lay out the fare--we're so deep into this thing now that a few hundred dollars and a couple of weeks time don't matter much. Let me know if you want me to come, and when.

Epstein

June 2 (Thursday) p.m., 1966

Dear Father Ford,

The enclosed covers the whole of document # 1. I know you are particularly interested in # 2, and I am going on to it and will try to do a good job. I gambled on the hope that you may have time to redo your document, and so I wanted to get this done first.

I hope it is not getting too much for you to read. I am sorry to be so wordy--I could cut it in half if I had time for re-writing, but then it would be several days to work up this much material. Since I am trying to give to you quickly, you're getting one of my not very good first drafts.

In this copy, there are a couple of sections you may be especially interested in. Beginning around the middle of page 20, I have tried once more to clarify what I mean by "procreation"; this attempt seems to me clearer than any previous one. Pages 27-31 include an exposition and criticism of the moral theory of the opposition: the theory that the right act is the one that yields the greatest net good. This is a kind of rough draft of an updated version of the pages in my book on situationism. If Fr. Zalba wrote the part of # 1 concerned with moral theory (pp. 9-14), he may be interested in this analysis, and it may be of some help to him.

I must say that I really think much more highly of # 1 than my documents would suggest; it is just that I have not taken time to point out what I like, and have suggested everything I can think of that might improve it, in the hope that some of these suggestions will be acceptable and will help.

Father Sattler called me this evening after seeing Cardinal Shehan. The Cardinal is well and is going to Rome. I had sent Sattler a copy of the paper I gave at River Forest last fall; Sattler particularly likes it, and wanted me to supply a missing line at the bottom of a page. He says he will give it to the Cardinal. Sattler also was saying that he personally was not much impressed with Noonan, who seems to get too tendentious toward the last 1/3 of his book.

Well, more will follow as quickly as possible. Please pray for us.



May 31, 1966

Dear Father Ford,

Thursday morning last I sent you off a bundle with five books and Friday evening two large airmail envelopes with the materials you wanted, as much as I could get. I hope that by the time you get this letter you will have received all this material, since it looks to me like it should be useful.

Over the weekend I managed to get all my grading done, which I had let go last week, so when I got to my office this morning and found your new letter with the two documents I was able to pitch in and get to work on them. Now I have read both fairly carefully and made quite a few notes, so I will start writing this now (Tuesday evening) though it will surely take me all of tomorrow and maybe some of Thursday to finish it.

Let me say first off that I think # 1 is objectively clearer and has more punch than # 2. I am encouraged if the others can't do better than this. They seem to be hard pressed to say what they want to say without coming out with too much and scaring off the top men. Thus there is an unusual and cramping restraint about their document, and a good bit of fuzziness in expression. What is more, the utter lack of any kind of theoretical foundation is dreadfully clear. Moreover, they seem blind to the way things look to people who do not share their peculiar view. I will point out samples of this below. I think it is very important that you note this fact, keep it in mind, and capitalize on it whenever possible.

As for # 1, in general, I think it is quite sound and packs a lot of punch. My general negative criticism of it would be that I feel it leans perhaps too heavily on the ecclesiological embarrassment of revision--though perhaps this emphasis will appeal to the bishops. On the other hand, it is lighter by far on ethical theory than I would like; I hardly want to concede that the central point can't or hasn't been demonstrated--but then, that may be just my bias! More important: I think the exposition of the other side's theoretical scheme is rather too long and its refutation not thorough enough for the length of the exposition. On the other hand, the real things the other side has going for them are not itemized and analyzed as I'd like. What are these real things? 1) An awful lot of people think contraception is o.k., including a lot of Catholics and even priests and bishops, and how can they all be wrong. 2) A lot of people claim the prohibition of contraception is just unrealistic, because most people can hardly help but practice it; anyway, people are going to practice it and saying they're wrong just drives them out of the Church (and prevents outsiders from joining up). 3) People say that contraception is necessary for conjugal love, since a couple who has to abstain are liable to suffer a lot of tension and get irritable with each other and with the children--also fall into sexual sins such as whoring and masturbation. 4) The population has to be limited somehow, and most experts don't think it can be done without a lot of contraception fast.

Now, rather than take up these points here and there as they might be relevant to the documents, I will say what I can think of about each of them here. Then perhaps these remarks will serve as a starting point for a kind of annex to your document, or a section to be added to it, if possible. I think when the bishops talk this thing over for a couple of days, what they are going to be really impressed with pro-revision are the four points I've mentioned, and that you must get an answer to these four points. The other side doesn't want to make these points too vulgarly; they have been sufficiently got across in all the popular discussion. It is the arguments that the other side will not be so vulgar as to state in the open that are liable to do us in if we do not state and answer them.

To 1--that many people, including even lots of Catholic priests, theologians, and bishops, think contraception is o.k. (This argument is stated expressly at the top of p. 3 in # 2) That many people think so is undoubtedly true. How many is hard to say. One thing is clear. The opinion that it is o.k. is news and gets publicized into a rising crescendo; the position that it is wrong is not news and tends even to be somewhat suppressed by many media. A bishop who tells his people it is still wrong will not even be reported outside his own diocese very often; let one say it might sometimes be right, even in the most qualified way, and his remark makes worldwide news. One must also note that many bishops who consider contraception wrong have refrained from saying so because they felt Rome wanted them to be quiet. If the Holy Father thinks the defense is weak, he shouldn't have muzzled it. Our side plays by the rules and gets clobbered; the other side presses for what it wants and gets medals.

We should not be surprised that many people think contraception is o.k. either. If it were, this would solve some real problems. If it is wrong and really isn't accepted, a different solution has to be found. This other solution, while more noble in every respect, is also much harder, as is always the case with what is excellent. Mankind wants an easy way out, and the right way simply isn't easy. But any solution to a problem is going to gain some adherents, and the easiest solution will always (in the short run) gain the most adherents. Christians have not been fulfilling the requirements of chastity. It is altogether to be expected (and even in a way is a ground for optimism) that they will try to bring their lives and their moral doctrine into closer accord. The apparently simple way is to change the doctrine; it seems to be merely a scrap of paper or a bunch of old ideas. The right and practical but hard way is to change life. That is what Christianity is for.

And it should not be surprising that after a period in which Holy Father's pronouncements came thick and fast, people should panic and run from traditional positions when the same sort of clarity and firmness in teaching is not continued. This is not to say that the same mode should be followed; certainly, there should be some room for argument and there should be a chance for bishops to develop their own magisterium as they have not in the last four centuries. But such a change is bound to lead to a lot of excesses during the adjustment period. There

are plenty of extreme positions--e.g., on the Eucharist, on original sin, on the ordinary teaching authority of the Church--besides contraception floating around. It just happens that none of these other points has the kind of popular appeal that contraception, for obvious reasons, happens to have.

There is no particular reason to expect that Catholic priests, bishops, and theologians should be immune from the appeal of arguments and insensitive to the appeals which have moved their Protestant counterparts, unless it is the divine assistance which guarantees the magisterium. Our separated brethren, one may presume, do not benefit from the same assurance: "I will be with you all days... He who hears you, hears Me. . . ." (Sentences you might quote somewhere.) Now the separated brethren went whole hog for contraception years ago; it was, in fact as you point out, against this movement that some of the clearest statements have been made. Now, so far the authentic teaching authority of the Catholic Church has taken only one position on contraception; of this there is no doubt. The argument from the opinion of the rest of the faithful then cuts no ice, since except to the extent they are guided by the magisterium, they are as susceptible of error as anybody. Certainly, it is no argument to the magisterium to point to what the multitude is doing, when the magisterium exists precisely to embody in an operationally significant way the divine assurance unique to the Catholic Church. On the other hand, if we look at our separated brethren, we see that few of them can see the malice in divorce and masturbation; fewer and fewer oppose premarital intercourse and not a few accept homosexuality and abortion. There is no reason to think that Catholics, sharing the same scriptures, the same reason, and looking at the same facts will not come to the same conclusions too--unless the magisterium intervenes to the contrary to interpose the shield of tradition (the peculiarly Catholic principle) against the movement of the present age--the secular city and its new morality.

Finally, one must not ignore the peculiarities of our age and the factors that are making for panic in this matter. The contraception movement exhibits all the features of a mass psychosis--very much like the Nazi phenomenon in Germany in the '30's and the "blast them to hell" bombardment strategy of the allies in the '40's. It is like war fever. An awful lot of people can be wrong at once about something when they are in a mob rather than functioning as rational individuals. Afterwards, they may ask themselves: "How could we ever have done that?" as many people did after the War--as many more will after the next big war. Perhaps nothing quite like the contraception controversy ever happened among Catholics before, but there have been big dogmatic blow-outs--the Arian thing is a good example. And in recent times, the abortion business of the late nineteenth century saw many leading theologians on what turned out to be the wrong side of an issue--and it is interesting ~~that~~ their ~~own~~ arguments resemble those of the contraceptive crowd today.

I think it is fair to ask in the end how many people really do think, deep in their hearts, that contraception is o.k. They say it is o.k., but they protest too much--they are terribly defensive about it. That is one of the interesting things about the contraception

controversy amongst us. Oh sure, some are worried about the population and some are concerned about the problems of couples and some are eager for Church unity and feel our moral stands in the way. But an awful lot of our separated brethren are desperately concerned about our contraception controversy; and an awful lot of unbelievers are pretty interested in it too. I have a feeling that deep down they know it is wrong, and are hoping that the only institution with any prestige as a moral teacher in the world--the Catholic Church--will tell them it is o.k. Then, maybe, their consciences wouldn't hurt so much, they think. This surmise is perhaps borne out by the history of the development of contraceptive techniques. As time passes, they clearly tend more and more to allow a couple to approximate to non-contraceptive intercourse. The evolution points to some kind of perfected rhythm as the ultimate contraceptive method. People know that everything else is wrong; it is amazing how soon after the development of an improved technique the defects of the previous one are widely pointed out--when before one hardly read anything about them (for example, after the pill came out, there were all sorts of analyses which showed how bad the diaphragm and jelly actually are.)

To 2--that a lot of people claim the prohibition of contraception is unrealistic. What counts as realism for each of us is, of course, determined by what we care about. Our "realities" are a function of our value systems. Of course, in any given culture there is a common, secular conception of reality. In our own culture, that conception has been coming to be one dominated by non-believing humanism. This process began with the renaissance, went into high gear with the enlightenment, and has come into its own with the competing secular ideologies of the twentieth century. For non-believing humanism, contraception certainly is realistic and its prohibition doesn't appear to make sense. This is one thing that marxists, atheist existentialists, British positivists and American pragmatists all can agree on!

The modern contraceptionist movement did not originate in religious circles. There were, to begin with, certain social reasons for it--the decline of mortality and urbanization. Then there was the tremendous modern technological development, which brought about inventions in all areas, including that of birth prevention--inventions which made the folk methods comparatively obsolete. It is also important that coitus interruptus is not a product on which anyone makes a profit, while a condom, jelly, or a pill is a product from which there is a very substantial profit to be made. And then there has been the modern tendency to try to look at man and his most human action objectively and scientifically, and the great development of sociology and psychology, which have naturally blossomed into applied sociology and psychology--technologies dealing with man and human life itself. This development is much deplored by the existentialists, and though it is not all bad, it certainly is not an exaltation of persons in their very human personhood--their self-determination and creativity. The applied social sciences deal with man as determined by causes beyond his own control--with persons in their unfreedom and thinghood.

Only after the non-believing humanists had got contraception fairly launched as a solution to problems of poverty, as a liberation of woman, as a neat technical solution to avoid the unwanted consequences of the new "sexual freedom," did any Christian believers begin to see the realism of contraception and accept it. The reasons for accepting it were not peculiarly Christian; they were reasons of convenience and "necessity." The people, including especially the more sophisticated and influential, accepted contraception first; then rationalizations were sought to give it a foundation in Christian circles, since the outlook from which it had developed among non-believers could not be taken over quite intact. The necessity for a rationalization of contraception led Protestant theologians to some "new insights" into marriage. The positions to which Protestant moral theology has been arriving in the last fifty years have not varied a bit from the positions of secular, non-believing humanism. The only thing that is different is the rationalization, which must sound plausible to pious ears, which must somehow try to reconcile the life of non-belief with the faith of Christ. (For proof of this point one need only look at Otto Piper, Emil Brunner, Derick Sherwin Bailey, Helmut Thielicke, and Joseph Fletcher. The "New morality" is simply the morality of unbelievers presented for rhetorical purposes with an "agape" here and a "sinful human nature" there and a "will of God" somewhere else.)

Now this move on the part of Protestant moral is simply a surrender of Christian realism to secular absurdity in the name of realism itself. And what the other side now wants us to do is to join the Protestants in going down the same road to the same kind of realism--i.e., to the same illusion and absurdity. A Christian knows what is real: "I come to preach Christ, and Him crucified--a scandal to the Jews and absurdity to the Greeks." Over and over St. Paul points out the tension between Christian life and its appropriate behavior and the life and appropriate behavior of non-believers--and especially in the domain of sexual activity. "Do not live the life of the unbelievers who know not God." "Live as befits men called to a vocation like yours." The life of the Christian was to be different, and it was to be marked especially by the respect for the body and the sexual function. One can say that St. Paul learned something from the Stoics, and perhaps the early Christians did indeed pick up some of the formulation and expression of their ideal of life from existing pagan sources. But the interesting thing is what they chose, for the pagan environment gave them all kinds of choices. Even among the Stoics themselves, there were some who were not ~~far~~ far from the Cynics--the beatniks of antiquity--and these Stoics thought that following nature really meant "doing what comes naturally" and without any shame or inhibition. (There was an article on the variety of theories among the Stoics in a recent issue of --I think--the Irish Theo Quart, or it may have been the Irish Eccles Rec.) The point is that the earliest Christians had a whole moral theory which was substantially at odds with the prevalent morals of the ancient world, especially in re sex. And this moral theory was not just a notion of the mode of behavior (do it with agape) but one that cut to specific behaviors: "No fornicator, nor adulterer, nor unclean. . . ." Moreover, it was not presented as optional, but as integral to Christianity and absolutely

essential for salvation. Moreover, it is not found only in St. Paul. One finds some of it in the gospels attributed to Christ Himself; one finds it in the epistle of St. Peter, and one even finds it very close to the end of the Apocalypse of all places. Before anyone starts deciding to be realistic, he should realize that the realism in question embraces a whole attitude toward sex that conflicts straight on with the whole unrealistic attitude of the entire new testament; moreover, he should realize that our separated brethren have realistically moved more and more toward the secular attitude and abandoned the new testament one.

There is irremediable tension between Christianity and the world, and Christianity is never realistic from the point of view of the world, nor can the world ever be more than an illusory guide for the life of the Christian. Christ himself said that the world would not hear his apostles because they will not admit his Father.

If one begins on the premise that one must be realistic about sex, then one should by all means be realistic about masturbation first of all, since it is more prevalent than any other sexual sin. Moreover, if one accepted it realistically, as secular morality does and as our separated brethren obviously do (they never even speak of it anymore), then there hardly would be any insoluble problems in other areas. On the other hand, what can be more unrealistic than to say that married adult couples cannot control themselves and then to expect it of unmarried children and youths?

If one wishes to look at the problem of people leaving the Church in a realistic way, it certainly must be admitted that it seems a lot of people leave over the contraception question. At least, this is the matter that comes up as an excuse. Of course, one can only wonder to what extent contraception is merely the particular occasion--if it were not this, it would be something else: premarital sex, divorce, abortion, some dogmatic question or other. Certainly it is clear that large groups of Catholics can recognize that they are often in serious sin without rejecting the Church--my friend Bishop Hayes in Sequani, Peru tells how the majority cohabit before marriage without regarding it as right and without leaving the Church--and often straighten out before they die.

But one should really be realistic and ask how well the Protestant churches that have accepted the new morality have done. It seems they have not gone far enough by a long shot; they still find themselves irrelevant to modern man, and they are empty of believers after having emptied themselves of belief. The secular non-believers will never find genuine Christianity acceptable since their notion of religion is that it is at best a function for expressing and fostering community spirit, or that it is a means of solace, or that it serves some obscure psychological need. The only terms on which they will accept Christianity and consider it realistic is if it agrees to denature itself and become a servant of secular non-belief rather than making its eternally transcendent and absolute claim.

The claim of Christianity--this is a Bishop's business. It

is not his business to hold the flock together and to make converts at any price; rather he must "teach, exhort, and admonish, in season and out of season." If he sticks to his real job, he must expect that many will go away saddened saying: This is too hard a saying. But a Bishop should not falter at apparent failure; he must have faith that the Kingdom of God will be completed. Realism should be left where it belongs-- to the advertizing men and the merchandisers, who as good children of this world are considerably more prudent in their own affairs than the children of light.

So far as ecumenism is concerned, one must notice that contraception is hardly the sole issue that divides us. Moreover, even if the whole Catholic moral were thrown overboard, there still would be doctrinal barriers that would be insurmountable in any quick and easy move toward unity. Christianity will, we hope, move toward unity with speed by the grace of God; when this longed for unity arrives, one of the outstanding contributions to it will be the heritage maintained intact of Christian morality, a heritage integrally surviving only in the Catholic Church.

Yes, realistically one must admit that there will be contraception practiced anyhow, but more realistically one must condemn it as evil, and if Christianity accepts the world realistically it will become realistically nothing but the salt that has lost its savor. Even more realistically, one must see that the task that seems hopeless to unbelieving humanists should be attempted and ~~we~~ we must believe it can be done: the realization in our day of the ideal of chastity that always has been held and never widely realized, and the education of married love to the point where it becomes so genuine that even abstinence (when it happens to be necessary) can be a most joyous gift of one's body to one's spouse.

To 3--that many people say contraception is necessary for conjugal love. (This argument is explicitly referred to in # 2; the # 1 document evidently tries to deal with it, but very inadequately, ~~but~~ by suggesting that real conjugal love is "praesertim spiritualis" and so forth in the last few lines of p. 12.) It is absolutely essential that this argument be dealt with and dealt with well for the benefit of the bishops, because of two things: 1) so much of the other side's case really rests on it, and the bishops are not likely to see through the argument, since they neither have experience with marriage nor necessarily great meditation on the meaning of conjugal love. 2) The argument is utterly and absolutely hollow. It is the very weakest point in the opposition's entire front, because the whole thing is hanging on the most ridiculous ambiguities.

Personally, I feel that this argument from conjugal love really developed after the fact, as a rationalization of established contraceptive practice. At first the thing is honestly recognized as a not particularly loving expedient for self-protection on the woman's part against an overdemanding husband and self-indulgence on the man's part against an overly resistant wife. Once established as an expedient compromise, exploitative of but acceptable to both (like adolescent love-making is to both boys and girls), the devil suggests an ingenious rationalization. What is really an expression of mutual selfishness now is reinterpreted in the most perverse way and called an expression of "mutual love."

To someone who has not been taken in, the dodges of the rationalizing mind really are amusing. It always claims that the wrong done is an expression precisely of the virtue being violated--it will not do to say it is an expression of some other virtue. Thus, the person who is stealing from his neighbor will say he is getting even for an injustice his neighbor has done him; a person who is launching an unjust war will assert he is only acting for the sake of a better and more lasting peace. Thus it is that those who are dodging parenthood and who view it on the whole as a burden say that contraception is "responsible motherhood" (a phrase that originated with the secular birth controllers, was taken up by Protestants such as Emil Brunner in the Divine Imperative, and latterly wound up in the mouth of Bernard Haering); those who are so little in love that contraception is necessary to avoid adultery or masturbation or constant meanness and irritation say that the contraceptive life is a perfect expression of conjugal love! Some of our separated brethren, let it be noted, are urging the value of divorce just on the grounds that it makes for more stable, happy, and all-round Christian marriages, and they have no better argument for abortion than that it protects the life of the child (!) because it prevents a sickly or unwanted child from being born "at the wrong time"--as if the child one might have a year or two later were the same one reincarnated.

Well, about genuine conjugal love. One should not limit the idea of sex to genitality. Sex is a pervasive differentia of the whole human personality. Conjugal love is eminently sexual, but its sexuality may be spiritual, psychic, intellectual, and so forth, as well as genital. Man is a unit; he is his body. Human love always and rightly has a bodily aspect; we can see it clearly in the gospels, whether it is St. John leaning his head on Christ's chest or Mary wiping His feet with her hair, or after the Resurrection wanting to touch Him, and the magnificent Eucharist by which we do receive Him bodily in us as He received Thomas' finger bodily in Himself. Marital love certainly should have a full measure of the sexual dimensionality of human nature, and it should have as adequate a bodily aspect as any other human love.

However, bodily and sexual love does not necessarily mean genital contact and genital contact does not necessarily mean orgasm. And it is orgasm that is at issue, since so long as neither husband nor wife has an orgasm there is no need for contraception.

For sexual intercourse to be a perfect expression of conjugal love, it should be chosen as such with the utmost freedom. There should not be a compulsive need about it; the couple can only be sure that their sexual activity expresses love when they are confident it does not simply express an uncontrolled urge. One can hardly believe his partner is expressing love through intercourse when the approach is: "Either have intercourse with me or I'll go elsewhere," or: "Either have intercourse with me or I'll make you so miserable you'll wish you had."

In short, the fact which makes for the apparent necessity of contraception to preserve some vestiges of love in marriage is not the love of the couple. It is their addiction to sexual outlet (to use Kinsey's inimitable expression) in one form or another. One might imagine that this addiction belongs to human nature as an innate drive and that there is no hope of changing or extirpating it. False. The drive is largely learned as a result of conditioning during early adolescence. The sexual mechanism is set in motion and habituated to function apart from love (in adolescent masturbation) as a simple means of escape. Since the addiction is acquired, it can be thrown off. Better yet, if we really went to work at it, we might find ways to avoid having our children in the future acquire it. (This is where Dr. Chauchard is so suggestive.)

Now the first paragraph of No. 51 of The Church in the Modern World must be understood with this in mind. The faithful cultivation of conjugal love and the full community of life is not easily conserved when prolonged abstinence is needed. But it is possible; and one must note that the difficulty arises not from the perfection of love and its absolute requirement of orgasm but from the imperfection of love which does not know how to use necessary abstinence as an adequate expression of self-giving-- which it nevertheless certainly is. Intimate conjugal life need not be broken off; a married couple need not live precisely like a ~~brother~~ brother and sister, although this does not mean either that they will engage in genital carresses almost to the point of orgasm or in amplexus reservatus. But they can kiss and embrace and pet and pat and look and smell each other in a most intimate and peculiarly conjugal way without moving on to genital excitation.

The illusion is in imagining that genital sexual activity has some kind of magical efficacy with regard to the causation of love. It doesn't, as many a couple uninhibited by Catholic marital morals could attest. Genital sexual functioning can as well instigate disgust and dislike as love; it may be carried on with marvelous technique and still leave a couple unsatisfied with each other as persons and marriage partners. The difference is whether conjugal love is there or not; if not, simultaneous orgasm may not even be an adequate substitute. (It is interesting that Adolfs even makes this point when he is talking about divorce!)

One should not make the mistake of supposing that conjugal love is fostered by intercourse as a baby is fed by his bottles. The feeding process requires a certain quantity at regular intervals; but conjugal love is not fostered by intercourse in any such way as this. The very fact that a certain regularity and frequency seems necessary should be a sign that the demand is not one of love but of that automatism which so readily takes over sexual activity and removes it from the domain of freedom and self-expression.

When sexual intercourse actually is experienced as something that fosters love, how is it experienced? In the first place, there must already be love there first. In the second place, there must not be a feeling of urgency or compulsion, and the intercourse must be fully acceptable to both. In the third place, there must

be a certain playfulness, a joy simply in being together. In the fourth place, there must not be a jaded feeling or boredom. (This arises when there is no physiological tension because of regular and frequent release and when there is too much concentration on the genital activity itself to the disregard of the whole "encounter"; it is just about impossible to imagine that it does not arise when contraception is practiced.) If these conditions are met, then the couple experiences intercourse as a profound closeness, "we are all one again," a joy just in being together. The importance of the orgasm is that it gives the experience movement and direction; without orgasm the act would not move along and it would not come to a natural end anywhere. Moreover, orgasm brings the intense experience to a close and does so without interrupting it or breaking it off, allowing the couple to relax and change their mood--often to one of play and joking--after the intense seriousness of intercourse just before orgasm. The experience is one which fosters love primarily, I think, because it leaves the imagination loaded with positively charged images of the other person, images which are constantly cropping up and producing a warm and pleasant glow and a feeling of affection. Integrated within the benevolence and the charity proper to a married couple, this emotion of affection becomes conjugal love as it can be genuinely experienced. Obviously, the emotion is both reinforced and expressed by further enactments of the sexual act, since this act recalls, reinforces, and invigorates the past images and adds some new ones too.

Now I have gone so long into what it means to talk of conjugal love being fostered and expressed by intercourse in order to make clear what this means in a realistic and non-mystical sense. It should be clear from this analysis that contraception doesn't help matters at all; it only seems to, to the extent that genuine conjugal love is not behind the intercourse. Shoving IUD's in millions of women in underdeveloped nations is not going to perfect conjugal love; things will go on as before but with fewer babies. The couple who fight all the time or who hate each other when they are trying to use rhythm will not suddenly acquire love when they switch to pills. The fellow who would go to a whore house if his wife wouldn't come through is still a fellow who would go to a whore house.

Still, it must be said that sexual intercourse is a very useful means for fostering and expressing conjugal love. Hence it is most desirable that it be available when that is possible. Thus the value of the rhythm technique. Intercourse is a normal means, but not the normal means. Substitutes can be found; if not, what would there be to do about the couple who simply cannot have intercourse for medical reasons, and the couple who should not because the most effective contraceptives are medically contraindicated (as they are in a certain percentage of cases) while pregnancy also is very strongly contraindicated.

Now, the humor of the situation is that rhythm, which the other side condemns in a couple of ignorant sentences (# 2, mid-p.8), actually promotes genital sexuality as an expression and instrument

of genuine conjugal love, while contraceptive techniques work in exactly the opposite direction. The reason is that rhythm requires self-control, the overcoming of the automatic responses of the conditioned reflex, and the replacement of them with free responses which can have some human meaning. Moreover, rhythm does not take away all the interest and make for boredom, because there is some physiological tension built up. But what is most important and most valuable, is the education and appreciation one must develop of marriage and sexual intercourse if one is to practice rhythm adequately well.

Beyond these considerations, the most important points are to recognize that conjugal love is specified in all its dimensions and (if it is genuine) in each single act within marriage, whether the act be sexual or not, by an end and a good that transcends the husband-wife relationship itself. Human relationships are not ends in themselves containing their own perfection and fullness. They must arise from goods beyond the human personality or the community of personalities. Marriage is centered around the beginning of new life, the passing on of humanity to men to come. Only in God is inter-Personal relationship perfect being in itself requiring no term beyond the relationship for its perfection. For man, hell is not isolation any more than it is other people; perfect human friendship is achieved more often in the attitude shoulder-to-shoulder than in the attitude face-to-face, for it is when we are shoulder to shoulder that our subjectivity is united in a common cooperation the meaning of which transcends either individual as such.

It also is necessary to insist that within the Christian framework, if conjugal love is genuine it must be self-sacrificing. "Husbands, love your wives as Christ loved the Church when he gave himself up on her behalf. . ." is simply an application to marriage of: "Greater love than this no one has than that he lay down his life for his friend." It is all well and good to talk about the couple in intercourse giving each other their bodies as an oblation of their very selves. I agree with the idea completely--so much so that the body offered must be the whole and integral body and nothing but the body, and the value of its offering should be guaranteed by the freedom with which it is made and the cost in self-control that one has had to pay for this freedom. Of course, one can rightly point out that offering and sacrifice need not entail pain and hardship, that the value is not proportioned to the disagreeableness. This is quite true. Except that in the ordinary course of events true conjugal love is achieved at the end of a long hard road; its reality is won at the price of pain and hardship. What the contraceptive boys want is a shortcut to an illusion which they almost purposely confuse with the reality--in a manner truly diabolical. True, the sacrifice and the hardship in the end are not painful: "Love makes it easy, and perfect love makes it a joy."

To sum up: genuine conjugal love does not require contraception, and contraception does not promote it. What requires contraception reveals by its very necessity that it is not love but something quite different--genital automatism--using love as a convenient mask. Genuine conjugal love could not be set back in the world more by any other single thing than by the Church's coming to sanction contraception, for then the basic confusion would become all the more ingrained. In the name of love, contraception

surely must be condemned. If it is, then the very necessities of the present age will give new impetus to the progress toward a wider appreciation of genuine conjugal love, perfected fully by chastity in exercise as in restraint.

To 4--that the population must be limited somehow, and most experts do not think it can be done without a lot of contraception in a hurry. (This argument is strangely absent, and it should not be left out of the discussion, because it undoubtedly is in the back of the Pope's mind.)

The first point is that the population is rising at an excessive rate, and that it is going to have to be limited somehow. The reason for the rise is mainly increased access to medical technique without a proportionate increase in access to moral education. In other words, it is another example of the typical crisis of the contemporary world, where technology has gotten a dangerous lead on human order. (Another instance is the advent of weapons of mass destruction unfortunately before the time is quite ripe for the development of a meaningful international political organization.) The population rise will be limited in various ways; one of the most significant being simply the lack of basic needs by some people. This is not to say that starvation is good, however. Other limits are murder--e.g., euthanasia, infanticide, abortion--sterilization and contraception. Then, of course, there are limits that require choice and self-control, such as later marriages and more or less regulated abstinence within marriage. All these methods are being used and will continue to be used. Altogether they will limit the population increase. That is no reason for approving any or all of them, however.

Certainly it is important to note that the people who are really most interested in the population explosion are not talking in terms of a program that would stop where some Catholics seem to think the thing will stop. Many have no compunction about abortion. Most talk about simpler and easier methods, which require no choice or thought; the ideal is a sterilizing agent in the water supply or something of that sort. If Gaudium et spes talks about the "couple themselves" making a responsible choice, IPPF is talking about programs involving considerable "persuasion" and more or less overt pressure. The whole approach, in any case, is for the planner to sit at his desk and talk about controlling population and applying effective techniques to do so very much as if he were an insecticide salesman showing people how to do in the Japanese beetle.

Can one imagine the Last Judgment with Christ saying: "When I was having too many children you sterilized me," to an IPPF'er and then sending that person off to eternal life for having done it to His little brother in the Phillipines, or Bolivia, or the Congo? I cannot, and the reason why is that the approach of the IPPF is not at all to release the person from his bondage but rather to save the wealthy, white, West from doing anything more human. This is so obvious and so likely to stir a reaction from the underdeveloped world that the majority of the periti on the Commission have purposely steered clear of the population explosion as a ground for arguing for contraception.

However, some will think that the Catholic Church will be making things harder for a struggling humanity if it continues its opposition to ~~abortion~~ contraception.

To this there are several answers. It also is making things harder by continuing its opposition to abortion.

Then too, the opposition of the Church is not going to have much effect in most of the world--e.g., Asia.

Furthermore, one would make the Eskimos lot impossible by opposing euthanasia and infanticide, if nothing else were done. What is more important is what the Church is for. The lot of struggling humanity really will become impossible if the very meaning of sexual love is lost to it. What is more important--to survive, or to survive with dignity?

Furthermore, let us imagine the period after a future hydrogen war. (Not nice to contemplate, but so long as those things exist, they probably will be used eventually. Then in about 45 minutes the population problem will be replaced with some other problems.) In that era, there will be many maimed and diseased, many born with congenital defects. The lot of struggling humanity will be mighty hard indeed. Will the Church of Christ then say: "Let us relieve struggling humanity, and not stand in the way of reconstruction"? Or will murder still be wrong? It is the very ~~hubris~~ hubris of non-believing humanism which is maintaining the ideological conflict in the modern world that will then say: let us lighten the load.

Even if the Church were to approve contraception, it never could push it with any enthusiasm. What the Church could do, and certainly would not do if contraception were approved, is to oversee and back the perfection of rhythm, and to extend her apostolate to include the moral training that is required for the right use of rhythm. Just as the Church of old set up hospitals when the world allowed the ill to die in the streets, so now the Church can really rescue the poor and help them to rise to the full stature of human dignity: to be masters of the new technology and not merely patients on whom it is practiced.

Finally, in the last analysis, one must remember that it is not man's business to be provident for the whole of mankind's destiny and well-being. It is man's business to do what is right, and to trust in God for the rest. There is plenty of room for prudence in the traditional moral; where is the room for providence in the new morality?

The bishops should be well acquainted with these arguments; they certainly will have them in mind, and they deserve to have a good refutation as well. They should contemplate on the fact that contraception to save a tottering marriage is not contraception for conjugal love; that contraception wanted by a couple as an expedient is not contraception imposed by the technologically advanced on the relatively backward as a sociological expedient; that contraception justified in any terms is not contraception accepted out of pessimistic resignation to "reality"; and that contraception experienced as a bitter historical fruit would not be the contraception envisioned by a contemporary mass movement blinded by its very massiveness and enthusiasm.

Well, so much for the preliminaries. Now let's move on to document # 1. I shall take it page by page, indicating about where on the page the comment applies to.

Page 1. "Semper malum" I don't care too much for the example, homicide, for an intrinsically evil act, though I think it is all right. The trouble is that you have to say right away "killing of the innocent" and then since "innocent" signifies a morally determined category it seems that ~~the~~ intrinsically evil acts are only those that are evil by definition-- e.g., theft, "the unjust taking of another's property." In teaching I never use homicide for this reason. What instead, then? In the present context, I would like abortion and masturbation (or, possibly, sodomy). Both are somewhat related to contraception and both are pretty clearly intrinsically evil without having to qualify--except to say, "directly willed," which is not a qualification on the object of the act but only on the intention of the agent.

In order to drive home the notion of intrinsic evil in a graphic example, I like to use the example of torture of a child. The case is to suppose a war that is just, being fought against very nasty and unprincipled enemies. Suppose an enemy commander is captured together with his family, and he has valuable information about the immediate situation which might save many lives and bring the action to a much faster and less bloody end for all concerned. Suppose further that there is no time to force the enemy commander to talk by sophisticated means of "persuasion" and that he resists ordinary methods. Suppose further his four year old little girl is obviously the apple of her daddy's eye. Let her be brought in before him and very, very slowly skinned, being careful to keep her alive and conscious. He talks. This is a classic case of torture-terror. It is intrinsically evil. I have found that the example inevitably catches the imagination of students; they argue about it and it really sticks in their minds. Nothing makes them doubt utilitarianism so much as an example like this.

I would like to see some introduction to the documents developing the idea of tradition. It is on this that we have to stand; it is this that the magisterium should interpose between us and the onslaught. I will say more about it later when the topic comes up.

Page 2. "Si quis vero. . ." You quote this paragraph, but then nothing is really done with it. I think that in making your case on ecclesiologica^l grounds, it really is not out of the way to point out that the present crisis has arisen not only because of the speculation of theologians and the difficulty of couples, but from the disregard of the condemnation by many people, connived in by confessors, and then approved (at least by silence) by certain bishops. It is not only the very solemnity and force of the condemnation that is at stake. The question is: Can the pope speak this way to Bishops, priests, and faithful, be disregarded in such a way that he would apply the words: "They are blind..." and then have it turn out that those who disregarded so clear and sharp a warning are vindicated while he is regarded as having been in error and those who followed his teaching are to be regarded--how? As dupes? As imprudent pastors who did not discern the wave of the future? This is the ^{point} ~~issue~~ which most distresses us (Jeannette and me) and really makes us feel that our faith is staked on this issue.

Page 3. Historice constat--I would like to see here a page of quotations indicating some of the most forceful items in the tradition. This, of course, is since I put greater weight on the idea that it is a tradition. In many cases, the quotations could be quite brief. One must not suppose that the bishops or pope have read Noonan, and one must not encourage them to do so if they have not. On the other hand, the passages from Pius XI, XII, and John XXIII are more familiar, and could perhaps be cut down somewhat.

Moreover, I would like it pointed out explicitly that Pius XI invoked an "unbroken tradition from the very beginning" and that the evidence all shows he was right. It might also be mentioned that many popular writers on the contraception question have spoken as if he were wrong (e.g., Dupré and a lot of the people in Contra & Holi as well as in What Modern Cath Think about Birth Control.) Even some theologians prior to the last two years spoke as if there were little or no significant teaching on contraception until recent times, but their historical surmise has been disproven by the research done till now. The failure to find anything in the tradition to falsify Pius XI's claim that it is unbroken from the beginning is not for want of diligent efforts. The other side has left no stone unturned, and they have failed. However, about this colossal failure they are not saying anything/ Bringing in a bit of the historical documents would also allow you to bring out the very important point that it was oral contraceptives that were condemned, long before diaphragms were invented.

Page 4. I would organize this section a little differently from an editorial point of view, to bring out more clearly the explicatio conveniens which is now buried in answers to objections. Or, better, cut down on the explanation here, since it is included below in section D. Under 1, then, it might just be enough to say that the whole tradition has forbidden contraception rather than enjoining procreation, and quote a couple of telling phrases, rounding the thing out with a reference to the fact that no doubtful was the matter of an affirmative obligation to procreate that many theologians were caught by surprise when Pius XII for the first time in the whole history of the Church clearly enunciated it (under conditions which he by no means applied to the condemnation of contraception).

Under 2, you could mention that the whole idea that doctrine was affected by demography shows a supposition of a completely anachronistic sociological orientation. Nobody made policy on such considerations, and much less did the Church build its moral by looking to the state of the world.

Under 3. Did you forget my texts from St. Thomas, Bonaventure, and Albert which shows that they, at least, did not demand procreative intent to avoid even venial sin? Or have you encountered some answer to these texts that I don't know about? I am planning to redo that piece and put it in ER. I also was much taken back by a remark toward the end of your letter that came with these documents to the effect that an objection to your position is that it proves too much since for many centuries--during the period of the penitentials--intercourse without procreative intent was considered mortally sinful, and so the Church led many to commit formal sins on the basis of an error no one would defend today.

Now Noonan surely does not have the penitentials saying this, and I find it hard to believe he would have omitted this point if it were there, considering his over-eagerness to find the requirement of procreative intent everywhere he can. Is what you are saying then a slip--did you mean "venially sinful" in your letter, or is there some new evidence that I don't know about?

If there is something more in the penitentials, I would like to see it

before I would believe it. I would then want to know: 1) which ones, 2) how widely diffused and influential, 3) with what episcopal and pontifical force, 4) and to what extent and in what form they actually got to people --who mostly couldn't read. I would press all of these points as hard as possible to show that the present situation is not analogous. I also would want to know what in practice was taken by the penitential people to count as a lack of procreative intent. It is obvious in Augustine and Gregory, who consider the lack of such intent and contraception both, and who treat the former as venial sin while the latter is mortal sin, that the lack of procreative intent is a matter of subjective disposition--the person having intercourse is simply looking for fun, not for a serious value. I think, incidentally, that they probably were generally right in thinking that most intercourse is venially sinful, for it seldom is ordered to anything but subjective enjoyment, and they had a rather tighter idea of venial sin--I think--than is usually the case now. In any case, there was no discussion of whether such intercourse was intrinsically evil--the statement that it was venially sinful may well have meant "except when it is done for the good of fidelity, which happens in fact so seldom that it is hardly worth considering if you are looking at the thing from a man's point of view." What I mean is that probably few of the semi-barbarians of the middle ages were approaching their wives with genuine conjugal love. If, indeed, some of the penitentials consider the lack of procreative intent a mortal sin, then I wonder what they meant by this "lack of intent." Was it only a subjective disposition? Or did it not really come down to contraception, again, so that they would not--at least in practice--have considered someone to lack the requisite intent unless he showed this by doing something effectively to prevent conception.

If all we are up against is venial sin, then I would not mind the teaching Church as such to be wrong on it for twenty centuries, because nobody goes to hell one way or the other over a venial sin, and the mission of the Church is to complete the redemption--i.e., to save men. If it is a matter where salvation is at stake, then the Church is not what she claims if she is wrong; if salvation is not at stake, then the Church can be wrong without it affecting her essential mission.

Under 4. I would leave out the Praeterea, conclusio etc at this point, and maybe bring it in later. It only confused things here.

Page 5. Under 5. The obsolete notion of nature is certainly not medieval. Aquinas holds that nature is the norm of morality; human nature is rational; therefore, reason is the norm of morality. I think the notion of nature is a post-tridentine reaction to the development of modern subjectivist philosophies. There was a secular natural-law theory movement quite different from the scholastic one, and this infected Catholic manuals. This is why the perverted faculty argument as we know it really got going. One doesn't find anything so gross in Aquinas, although some of his arguments taken out of context might look like it. But you do find this sort of thing in Kant! I suspect it was prevalent among the continental rationalists, and was taken over along with much else of rationalist philosophy by Catholic manualists who were keeping abreast of what was then modern thought and making every effort to see that Catholicism was relevant to the people of their day. I think the modern mentality also accounts for the relative disuse of the homicide analogy--but about this I'll say more later.

I was surprised not to find in section C a clear statement of Noonan's false account of the origin of the condemnation of contraception: viz. that it was excogitated to protect certain values against the onslaught of Magicians, Gnostics, Manichees, and Cathars, but that since these heretics no longer are around, the wall can come tumbling down with impunity. To this I would say that Noonan omits to mention that the prohibition of contraception primo et per se protects the value of the initiation of human life against all direct will to the contrary. One could add that the Church didn't just condemn everything that the enemy was for indiscriminately; for much of the opposition doctrine was recognized as consonant with Catholic doctrine or simply ignored as not very interesting. If the support of contraception by heretics did at times occasion the Church's strong condemnation of contraception, that same support occasioned many other important teachings, but the cause was not simply negativism on the part of the Church, but rather her own resources and her own mind in unity with Christ and guided by the Holy Spirit. Moreover, anyone who thinks that the heresy represented by Magic-Gnosticism, Manicheism, and Catharism is dead just doesn't know modern philosophy. Hegel's version of Christianity is as good a revivification of the old heresy as one could ask, and Hegel's thought dominates contemporary philosophy. Not, of course, that everyone is a Hegelian, but they are all his pupils and they are mostly reacting to him within his framework.

I'd like to start off section D, Cur Ecclesia docet. . .with some reference to Holy Scripture. What sort of reference, since we have no sure text condemning contraception? I would point out in general the sexual morality taught there and the ideal of chastity, and how different this was from the common standards of pagan antiquity. I would point out also the value attached to innocent human life. I would tie in the scriptural teaching on virginity, since sex is seen eschatologically, and then show how St. Paul in treating marriage as a sacrament is actually assimilating it to the same ideal. Most important ⁱⁿ is the scripture we see a quite realistic and unpuritanical approach to sex; conjugal love is known and highly evaluated, but its marks are not simply a subjective feeling of satisfaction, some sort of ecstatic experience, but rather fidelity, a cherishing benevolence, and ready cooperation in family life. The reason why I would like this reference to scripture is that it seems to me that the condemnation of contraception got into the tradition because it is included in revealed (or, inspired) sources at least implicitly. Those who had the integral Christian tradition naturally condemned contraception when that came up. It is curious this is the one reason for Christian's consistent negative judgment on contraception that no one on the other side suggests--though it is a natural since it is an appropriate principle and one you should expect Christians to be influenced by. On the other hand, all historical evidence until now points to the fact that nobody has admitted contraception without throwing over other elements --in principle, the whole--of the scriptural doctrine on sex and life.

I might say in passing that the reason why a rational argument is not enough is not the lack of a clear and cogent rational argument. Look at abortion. The problem rather is that for believers, the assurance of moral judgment in accord with faith is wanted, because salvation is at stake; for non-believers, reason will not convince anyone against his will. To someone who wants to practice abortion, argument is futile; to ~~someone~~ whose heart is right, argument is unnecessary. For believers, the teaching of the Church is a means of rectifying oneself in accord with the central commitment of one's heart, so that one will love God with his whole mind and whole heart.

Under 2. I don't much like the equation of vita in fieri with actus et processus generativi qua generativi. Vita in fieri, it seems to me, is precisely what it says: the coming to be of life. Contraception prevents (prae-venire) this; contraception does not merely interfere with the generative act and process. It goes against human life by stopping the process, thus acting efficaciously so that the life which would come to be does not come to be. This is the causality which the contraceptor has in mind; he precisely wants to make sure that life does not begin to be, and this is why he uses a contraceptive. He is not merely interested in interfering with the present act and process; he wants to prevent what would otherwise be its term. And so I still don't like the distance that seems to be set between the good at stake and human life; they are even closer than you say here.

Under 3. I think it might be best if the "Neque ab hac" paragraph were omitted, since this seems to be playing the other side of the street against the point made earlier that contraception is not wrong for being an illicit indulgence of concupiscence--mortal and venial sin not being on the same plane. Anyway, taking a Thomistic view of chastity, I still don't see that every contraceptive act as such, precisely by satisfying libido while preventing conception, does not go against rational ordering of sexual desire, and hence constitute a violation of chastity.

With regard to the sacredness of life and the extension of this to include the condemnation of contraception, I think I can explain why it is not now looked upon as it used to be. This is an important point.

In ancient and medieval thought of all sorts, and in Catholic thought generally up to the last couple of centuries, mankind always was viewed as a continuous whole. This can be looked at in two ways. Biologically, life was thought of as a continuum, the individuals in which were simply demarcated segments. Thus in the OT, one's seed is ambiguously his semen and his descendents; conversely, a person is from a certain "stock," where the person is looked upon as a shoot sharing a common life with the parent plant. Philosophically (in terms of theory of human nature as social), there was a sense of the solidarity of each person with the social whole, so that the "we" of society was taken for granted as an objective reality. Under these conditions, it was not difficult to appreciate that contraception is against human life, because it was seen that it interrupts a continuum at the point of linkage (as if one tore a fabric apart at the point where it is joined only by single threads). It also was not too difficult under these conditions to accept the doctrine of original sin, since the solidarity of mankind was taken for granted, and the continuity of the race made it seem natural that "in Adam's fall, we sinned all."

In modern thought, which has influenced Catholics in the last couple of centuries (and made us seek a rather crude "perverted faculty argument"), mankind is viewed as an aggregate of discrete individuals. Again, in two ways. Biologically, until Darwin and later the development of genetics, the focus had shifted from the common character and continuity of the species to the anatomy and physiology of the single organism as a closed system, given outwardly in its physical completeness. This development in biology was an aspect of the general tendency toward mechanism and atomism in 16th-18th century science, and it formed the basis for the tremendous developments in modern surgery and internal medicine. Philosophically, modern thought moved from a view of man as immersed in social solidarity with his fellows to a view of man as a unique, isolated, individual subject reflecting on his own thought and freedom. This development is so familiar--Descartes, Hume, Kant--that it hardly needs mentioning. One might just point out that it is the new view of mankind which has atomized it into individual subjects

that has caused so much trouble for modern political theory. For how can such individuals communicate, cooperate, get outside their ego's to form a genuine society. Now this modern development has had its consequences for our problem. (Of course, it also made it very difficult for people to get the idea of original sin.) Contraception, it seems, does not go against human life, because there is not an individual person who is murdered. As to the generative process, it is looked at as if it were something extra-personal--a purely objective proceeding that goes on by biological mechanisms which are completely other than the human person--who thinks of himself as consisting in conscious subjectivity. I think that here we can see the fundamental reason why the other side think they are riding with modernity against an out-dated concept of nature and an outmoded biology and philosophy of man.

The thing would look pretty bad for us indeed, except that the excesses in modern atomism have been in process of being corrected for at least a couple of hundred years now. Already in the last century, Darwin showed the continuity not only of man but of all life, and turned biology back to viewing life as a continuous process. The focus moved to groups of animals--and the heredity-environment arguments. The individuals were being replaced in a context and in a continuum again. Then genetics increased this by showing how the living germ cells actually transmit life, so that one is not dealing at all with a new beginning each time. From the biological point of view, life in its lower forms hardly can be divided into individuals, and even for the higher forms individuality is an aspect of life-process rather than vice versa.

Philosophical anthropology has been slower to catch up. There have been repeated efforts to overcome individualism, but over and over there has been a tendency to slip back into idealism, with its unique, isolated, and incommunicable subjects. However, one certainly sees the thrust toward community in the inter-personalist types of existentialist thought, which stress the I-thou relation (Buber, Marcel) and think of the person as dependent for his very reality on his relations with the other. Similarly, American pragmatism (e.g., in Dewey) tried to emphasize the social, with the idea that society does not develop on the basis of original individualism, but that society is just as primitive as the individual, since both individual and society must be seen as relative to one another. Still, while these efforts do tend to see more of the community among men living simultaneously, they generally lack a sense of the continuity of men through time (with the notable exception of Marcel)--contemporary man lacks pietas. To overcome this lack, contemporary philosophy needs very much to overcome dualism--to break through the barrier between conscious subjectivity and mere nature--so that he can recognize again the unity of the human spirit with its bodily reality. Here we see why all the contraceptionists (try as they might to avoid it) tend to fall into a dualism in which they talk as if the body were an instrument extrinsic to the real self, a mere piece of equipment belonging to the alien realm of nature. Thus the paradox of our contraceptive adversaries saying on the one hand that since man is incarnate spirit, he must make love by bodily intercourse in order to achieve the interpersonal relation of conjugal love, while insisting on the other hand that since man is a person and rational he does not have to submit to the demands of a mere biological process--i.e., the coming to be of a human person can be prevented since all one is damaging is some excess cells, much as one only gets rid of excess cells when he cuts his hair or removes troublesome tonsils.

If one were to be fully consistent with what our contraceptionist friends would like to think, he would have to say that man really is bodily-- hence in this respect his existence is not a project, but rather a gift of nature to be accepted as it is. If man's bodiliness is a project, then man really is a spirit, and he merely fashions a body as an instrument. So for man really to be bodily, he must accept the conditions of corporality as given. Man also really is communal; he is not an isolated ego but a communicating community of persons. Put these two together, and one must admit that in the marriage relation one cannot make any sort of behavior take on any significance one wishes. Everything is not arbitrary, as Van der Marck seems to think. No, there is a definite pattern of sexual behavior that is capable of meaning conjugal love. One cannot go against it, at the peril of breaking off communication or denying one's humanity and falling into "angelism". Similarly, there is a real interpersonal community between parents and children, between ancestors and descendants, between men now living and our posterity. This community is not merely a matter of spirit, but is a bodily unity. Because our bodiliness is really part of ourselves, we may not interrupt the material continuity of life without violating the unity of human life in its communal aspect.

In sum: pre-modern thought looked at contraception as analogous to murder because it looked at man as a continuous whole; modern individualism shattered this ~~continuity~~ ^{continuity} and broke mankind up into individual atomic fragments, and so contraception seemed all right and not really against an integral aspect of human life and a basic human good; contemporary thought is moving back toward a vision of man as really bodily and really communal, and so contraception will again be seen to be wrong because against the initiation of human life in new persons, and a violation of the interpersonal communion between men already existing and men still to be. The possible development of this contemporary view is not a mere possibility; Gabriel Marcel already arrived at it in his Homo Viator written during World War II.

Page six. I take it that the argument at the beginning of the first paragraph is intended to embrace my own view. However, I must again object to the interpretation of procreatio ipsa by "actus et processus generativus." I know my own terminology and manner of expressing myself have been rather less than helpful here. Let me try once more.

Procreatio refers to a substantial change--the coming to be of a human person. Like any change, it can be viewed either from the side of the agent or from the side of the patient, but in reality it is the same thing. Thus one can think of generating or of being generated, just as one can think of an envelope being torn open and someone tearing open an envelope. Not two realities, but one. Yet they are conceptually distinct, and since it is the understood good that is the object of the human will, a conceptual distinction can make all the difference in the world. Now in our present business, I do not think at all that the generative act and process is a fundamental human good analogous to life or truth. I do however think that the being of a human person begins, and that it begins with a substantial change. For human life to be initiated there obviously has to precede a generative act and process, but I am interested in the term of the process and not in the process itself. This term of the process is the very beginning of human life, it is (in a true and full sense) vita in fieri, it is procreatio passiva accepta. And it is in this sense, and only in this sense, that I consider procreation (and, of course, the subsequent initiations of life on further levels--education) to be a basic good.

What is it that the contraceptionist attacks? He does not attack simply the generative act and process. Of course, that is all that is there already, so he has to act on what he has access to. But what he is really after is the beginning of life. He wants to prevent it. He is only interested in interfering with the generative act and process in order to prevent the beginning of life. This is proven by the fact that whenever a new contraceptive is invented that interferes less with the generative act and process but still effectively prevents the beginning of life, the contraceptionist will switch to the new method. What he does not want is a conception, a pregnancy, a baby being born. If one is against contraception, this is what one is defending: the beginning of human life, which is the first and most fundamental good of the human person--least in dignity, but first in necessity.

Contraception is analogous to murder just because this beginning of life is idem in re with life itself. The two are only conceptually different. The initiation of life is like the point at which a line begins; human life itself is the one-dimensional extent beginning from that point. The first point on a line is not the line, since points have no dimensions and lines have one. But the first point of a line is not a different thing from the line--they differ only in ratio. Granted that contraception is not murder, since one cannot kill a person until a person lives--the line of life can be cut only after it has been extended somewhat. However, contraception is the prevention of the line of life from beginning when it otherwise would (or might) begin; the will of the contraceptionist is that conception may not occur, that life may not be, that a person not come to be, that the naturally given conditions of community between ourselves and our posterity not be permitted to obtain.

Contraception--i.e., contra-conception. One's conception is one's offspring if one looks at conception actively; but a person's own conception is his personal origin, his beginning to be, the first gift he received, the beginning of his life, his link to the community of men before him, his first relationship in which God also comes to him by making him a personal soul predestined according to grace. It was in this sense of "conception" that Our Lady said to the children at Lourdes: "I am the Immaculate Conception," not simply: I was conceived without sin. The Lady is her conception, and since God prevented her from contracting the stain of sin (a kind of divine contra-peccationem) she is the Immaculate Conception. So, too, all who were not prevented from coming to be (in this day, only by the anti-contraceptionism) of their parents, can say of themselves that they are their own conception. It is this which the contraceptionist ~~wants~~ wants to prevent; he is against babies, not merely against a physiological process, and it is the life of the baby-to-be-born that is sacred and a fundamental human good.

Regarding E--"Cur Ecclesia non potest. . ." I think this section is fine, but even so, it might be improved. I would like to see tied in here a reference to the unbroken tradition, which I would like to see treated more at the earlier stages of the document. It might help too to point out that there are reasons for thinking Casti connubii might be infallible--and I see why you don't want to lean too much on this--without trying to prove the point. This could be done briefly by referring to the fact that some have thought its teaching to be infallible, that its phrasing (in signum divinae legationis) and the references to it later (rursus ac sollemniter) give it very unusual force, so that the faithful would never take anything but a clearly infallible teaching seriously if one as formal and solemn as this is reversed.

I think too, that while the issue is not a theological muddle about

reformability, the stake is reaffirmation of Casti connubii. I hope the bishops will suggest to the Pope that he clearly and firmly reaffirm it, whatever else he does, and that he leave no question about this. In this case, at least, the argument will have to change direction to the practical interpretation and application of the tradition. (I am thinking along the lines of the document we proposed that never got through).

I don't know how advisable it is, or how exactly to bring it in, but surely the bishops and pope are likely to have in mind when they read this section that the Church has changed its moral teaching on other things--usury, in particular--and so it may be able to change here too. I think something needs to be said about this. Usury concerns money which is a human institution; contraception concerns the beginning of life which is not a human institution. Many societies have existed without money at all, much ~~less~~ ^{more} without loans of money. None have existed without sex and conception and moral norms to govern them. The nature of money changed because the economy changed; the contraceptionists want to argue that marriage and sex have changed their nature. But they are on unfirm ground here. When did the change occur? Since 1930? Since 1960? Casti connubii precisely condemns the doctrine that marriage and sex have changed their nature; thus this proposal already having been made, has been rejected in the most complete and most solemn teaching on the matter. It is therefore utterly impossible to free the Church from the onus of having erred most seriously by invoking the doctrine of change, and this is not at all applicable to the present matter anyhow, since we are dealing here with a fundamental good of man, not with a mere derived and instrumental value (such as property). If a person can't see the difference between life and money, he is in pretty bad shape.

Yes. |
Personally, I think the Church's teaching on contraception is proposed as infallible; otherwise, it could not have been demanded of us with salvation at stake. But I do not equate infallibility with a dogmatic definition. I think what you are saying is equivalently the same position, and perhaps you avoid the nuisance of saying right out that the position is infallible with some sort of infallibility not yet well clarified by theological reflection.

Some leave the Church saying they cannot accept her teaching that contraception is wrong, because their own private judgment about it is at odds with the authoritative teaching. Others make their own judgment and then try by all means licit and foul to change the teaching. Are all these to be given the Church's tender ~~best~~ blessing while those who accepted the teaching in faith and followed it in life are to be forced into scepticism and despair? For that is surely the alternative to adherence. Perhaps the organization men at the center of things in Rome (or in the chancery offices) do not very well appreciate this point. For them, their loyalty is to the Church as an organization, and if the rules change, they can enforce the new rules as well as the old. I'll buy that to a point--so long as one is dealing with the Church's positive law. But the matter of contraception is a different matter. What would I do if the Holy Father were to say that the doctrine of the Assumption was an unfortunate blunder? What would I do if he were to say that contraception is sometimes o.k., even by exception? To me, the questions are precisely of the same kind, and I am trying hard not to take either of them seriously.

Page 7. I like very much the use of the quotation here. You might just point out that in the last line of it "quae est valor absolutus" there seems to be a contradiction of all that has gone before. For what can be the meaning of saying that "life is an absolute value" (and notice the Pickwickian sense of "life") if human nature is really self-making etc. Or does this really mean that life=process=coming to be of absolute spirit (Hegel)? How can life be so much in flux that the Church definitely cannot teach in a binding way and so definite that the Church definitely cannot teach in a binding way--both at the same time? One suspects the proponents of this position have not thought this thing out, but simply want to get rid of the moral teaching of the Church. Of course, there is only one little problem. In the realm of faith, one cannot make an absolute division between truth and life. If the Church can teach dogma which all must believe, then it seems even a priori that she must be able to teach morals to which all must conform, since Christian life is simply the fulfilling of the faith: "Blessed are they who hear the word of God and keep it," "opere et veritate," etc. etc. This is not to mention the example of teaching in the moral domain that one finds in the epistles, in the acts of the apostles, and throughout the entire Christian tradition. (Sweet Jesus! I think these people are mad.)

Page 8. In § "Tamvero. . ." you might include that there are some, like Gregory Baum, who think that the teaching of the Church depends for its authority on the agreement of the body of the faithful, so that the magisterium can never teach bindingly if there is a serious division. Or, to put it in a different way--when you don't like a doctrine, just get enough friends to write magazine articles against it; that makes it be in doubt, and then regardless of what the Pope and bishops say, one can do whatever he wants.

Under § 2. "Interventus. . ." I do not much like saying that sterilization using the pill and sterilization by surgery do not corrupt the act in itself. What act do they not corrupt? They certainly corrupt the human act, for it is not marital intercourse anymore, but becomes contraceptive intercourse--a beast of a different species. All that they do not corrupt is the behavior pattern required if one wishes to have fertile intercourse. This behavior pattern is indeed naturally given, in the sense that human physiology defines what is required on the hypothesis that fertile intercourse is sought. But if one takes the hypothetical behavior pattern to include everything one does and doesn't do if this end is sought (one intromits, one doesn't withdraw just before orgasm) it ought to be seen as including the requirement that one doesn't sterilize. So this act too, seen in its full depth, also is corrupted. The only reason the act seems not to be corrupted is that we tend to confuse part of the pattern of sexual intercourse with the whole; we omit from our concept what is essential but not usually noticeable: i.e., no sterilization. It is as if we omitted from our concept of marriage "not being previously married" because it is a negative, though essential, condition, and normally is fulfilled; yet, being previously married surely corrupts the marital consent.

My original idea with the spectrum was to argue that if the line is moved from where it has been put by tradition, then there is no way to stabilize it elsewhere, since the very arguments which displace it, will not let it settle anywhere. To allow the line to move is to approve the new morality in principle; one cannot then revert to traditional conceptions, which have been in principle discredited, to make a stand somewhere. It would be like a general surrendering all his arms and equipment when he leaves a certain difficult, stationary position, and then imagining he will make a stand further back where, indeed, the terrain is more favorable. What he forgets is that on the more favorable terrain he will have no chance at all, since he will have left all his arms and supplies behind. If the enemy chooses to pursue, he will

be wiped out. In military actions, the error has actually been made, and sometimes with impunity, since enemies do not always pursue. I would not count on it, however.

The bishops should realize that while it is not strictly logical that the acceptance of contraception implies the acceptance of the theories and strategies used to put it over, from an operational viewpoint they must realistically expect that the theories and strategies used to put contraception over will be tremendously emboldened by success, while the defeat of traditionally oriented moral theories will cause them simply to be ignored in the future, and the undercut loyalists will not soon find imitators on any other issue.

Page 9. I might as well make a point here that has been buzzing in my head. I think the proper titles for the two sides are "the traditional position" and "the new morality." If at all possible, I would use these, and hope to get the bishops to using them. The other side will get as mad as hell, but there is a great deal at stake in this rhetorical point, and I would not try to please de Locht on it. The "new morality" has bad connotations for the Pope, we know, and probably for a lot of the bishops too. "Tradition" has the very best connotations, and it points to the heart of our case, from a theological point of view. "Classic" is a very bad ~~word-to-be~~ epithet to allow to be applied to us, for it suggests antiquity-- as in "classic civilization and culture."

As I said at the beginning of this letter, I do not think so much space should be used specifically trying to explain the theories of the other side, especially since an ~~aptes~~ more ample refutation is not given. However, if it's here, I think paragraph 1 is quite good.

Paragraph 2 also is apt. I'd add the point that the norms of morality are looked at as if they were a kind of work of art. The analogy of art and life is very strong in this view. But man cannot make himself and his own morality in the same way he can make works of art and their criteria of judgment. Art and morality are different, because art works on what is alien-- it is not reflexive--while prudence works on the self--it is reflexive. Thus there can be total change in the realm of art, since the artist stands outside, and has an extrinsic locus from which to get leverage. Everything in art changes, except the relevance of the product to human sensibilities and utilities. Now, in morality there can be real change too, so long as there remains a solid basis. Thus there can develop new economic institutions, with new forms of property and property rights, and new specifications of justice--e.g., in re usury. But the constant factors which make all human development possible always must be respected, or the very evolution of culture will be cut off. The new morality is not objectionable because it wants to change morality, but because it would make man stagnate in his present bondage to genital automatism, instead of showing him how to change his nature to attain the hitherto unattained ideal. It is amazing how quickly the proponents of new morality switch their tune and start talking about the impossibility of changing human nature when you begin suggesting that chastity could solve the population problem. They don't really believe in change; they only talk about it. The traditional position is really the dynamic one.

The major comments I would want to make on the rest of this exposition are included, I think, in the first part of this letter (pp. 2-13) above. The exposition is sound, indeed, but I would rather state and answer the arguments that will be in the bishops minds, than to state and try to answer the theoretical position that they will hardly comprehend. It is a good rationalization for someone who wants contraception, but then he's hopeless.

Page 11. In 1 "Notio legis naturalis. . ." I would certainly point out that the new moralit~~ies~~ idea of natural law certainly is influenced by the dualism of modern philosophy from which it has not yet adequately escaped. (Much of what I wrote from pp. 18-20 above would be relevant here again)

It is also important to point out that natural law does not by any means reduce to "law discernible to natural reason alone" but is rather to be equated with "moral norms inseparable from human nature." One must ask what is to be done with the examples of intrinsically evil acts: abortion, sodomy, masturbation, etc.

In 2--the point could be sharpened that nature is looked at as alien from the real center of human personality--man's conscious subjectivity. The book by Daly that I sent you has some good shots on this point. The real problem of the new morality is to determine what will count for hominization or for cultural progress once this dualism is set up. All the competing modern secular ideologies of the twentieth century are trying to answer this question, and it is disquieting how often (given the dualism that they all tend to fall prey to) they end in going anti-life on a rather grand scale. The Nazi's practiced genocide. The wealthy west has its own idea. The problem is that when one starts making plans, instead of doing the best one can, when one sets out on a five or a fifty year plan for a better humanity, one has to decide who will be allowed to be among the better humanity.

In 3--I have said some things above and more in my book--the latter part of chapter 5--that suggest how I would go somewhat beyond this position myself without letting everything go into a universal flux.

I rather like number four, including the part that extends over to p. 12; it expresses some of what I have said above. The only difficulty one might have with it is that it seems to attribute a special teaching ability to the Church that is both independent of faith and reason. One will then ask: what in the world is its source? I would want to concede a bit more to reason in the contraception matter than this document does; I would want also to say that the Church's moral teaching in re sex and the defense of life is generally of a piece, that it is included in scripture and apostolic tradition, that this is the traditional Catholic morality, that as such it is substantially infallibly taught as a whole, and that contraception pertains to it--the condemnation of contraception is implicit in the rest. What is arguable is just what all is included in the traditional teaching and what is not, and this argument must be settled by balancing off an examination of the tradition and theological-philosophical efforts to provide an adequate rationale for the whole of it. The magisterium must examine and judge disagreements when they arise, and its norm will be its own appreciation of the integral Catholic tradition. This is about what I think you want to say too, but it doesn't come through well in this paragraph.

Page 12. I am not very satisfied with the handling of the conjugal love thing here, as my treatment of it in the front part of this letter, pp. 7-12, indicates.

Page 13. At top. You really can't compare the relation of brother-sister, parent-child, to that of husband-wife. Rather handle as I did above. This sort of thing here is what makes married people wild and loses their confidence in "celibate moral theories."

Around the middle of p. 13--"Doctrina traditionalis" I don't like the admission that the principle of totality in anything like the sense described is traditional. The traditional principle of totality is very limited; the principle described is really the greatest net good or the most good consequences and the least good=bad consequences on the whole and in the long run. This principle is traditional, all right, but not in the Catholic tradition. It is, in fact, the utilitarian theory of right (leaving open the question of whether the good which specifies good consequences is enjoyment or something else).

At the end of this paragraph, I don't like the expression "contra rerum natura" although I agree with what the writer means. The point is that the new morality takes away intrinsic morality and immorality by reducing everything to the overarching consideration of the "greatest net good." He wants to say instead that there are specific fundamental human goods that should not be violated--with which I, of course agree. But I would be happier if he would say: "against right reason, the principle of morality, which must keep a firm and unwavering orientation to each and every one of the basic human goods, of which the beginning of life is one." That may be too much my own theory. Let's say, then: "contra naturam humanum" or something like that. "Rerum naturam" is just too Stoic; it will raise hackles from the others.

PP. 13-14. I like the drawing out of the consequences here in accord with the principle accepted by the other side. This is very nice! In fact, it is brilliant.

I would only suggest a couple of points. One is that there is just nothing in the tradition to support the idea that sodomy is wrong on personalistic grounds. The same is true of a lot of other sins. The notion that one can make a pretty good (i.e. plausible) case against some sexual sins on personalistic grounds sounds o.k. now, because this type of thought is riding pretty high. But without real support in the tradition, what happens when the fashion changes and moves away from the sort of personalism? I know it is hard for the people who espouse personalist arguments to imagine that the tide will turn, but it always does. The boys who developed the perverted faculty argument and abandoned the sounder analogy with homicide did not expect the tide to turn against rationalism, but--Good Lord!--how wrong they were. The Church will make the greatest blunder of its history if it gets too enmeshed with this rationale for a new moral--I think one already can see the tide beginning to turn here or there, and either a large scale war or the development of a viable international community would completely change the themes of philosophic theories of human good.

Another point is that if contraception were o.k., then there would either be a lot of earlier marriages (which are unstable, and that is bad for the marriage and the children) or a lot of pre-marital sex. For the good of marriage and offspring, one would have to encourage pre-marital sex (with contraceptives, of course) until young people became old enough to form stable unions which would be a suitable situation in which to have kids. This is the way it is done among some Polynesian natives (only I imagine they depend on abortion and infanticide rather more than on contraception).

Page 14. Ex hoc principio. . . As I mentioned above, I like the example of torture of the innocent; one might add area bombing and the use of terror as a political technique. I think it would help if the Pope saw that if nothing is intrinsically evil, then genocide is not intrinsically evil either--it's just a question of whether there is ever a proportionate good. He also ought to see that if the Church cannot teach with authority on contraception, its words on war and peace, international order, social justice, etc. are not worth a good pile of dung.

Pages 14-15. I like this wind up very much. Actually some of the things I wanted above are in here. I might just include the idea that a change would disown and force into scepticism and despair those who have trusted the magisterium, while it would reward and promote with success those who disbelieved her, disobeyed her, subverted her authority, and fought her to her knees. Some mother! One might say my attitude on this point is rather pharisaical, and that I should meditate on the prodigal son. I have. The trouble is that I don't think the analogy applies, since the prodigal son was still prodigal--he was not canonized for his sins, just forgiven for them. And the other son was not condemned for not being prodigal.

Well, this brings us pretty much to the end of document # 1. Before going on to a detailed discussion of # 2, I think it might be well for me to summarize as briefly as I can all the arguments I know of against a morality of the "greatest net good" or "the least net evil." Such a morality has been mentioned in the latter part of # 1 several times, and I remarked a page or two back that it really is a kind of utilitarianism.

First, let's be clear as possible on what it is. Our traditional moral (however different in different scholastic authors) always was a morality of rectitude of will. What is required of a man for his moral action to be good is that he do it with right will. Such will is ordered to divine goodness; such will is informed with charity. In the concrete, the requirements for good will are specified by some norm of morality. This norm of morality always involves (in one way or another) human nature, moral precepts or rules, and right reason. These three somehow (it is not the same in Scotus as in Thomas, not the same in Thomas as in Suarez, and not the same in the manuals as in the high scholastics) point moral judgment (conscience) toward real human good such as is in accord with the will of God. Rectified conscience thus becomes the proximate norm of good will. What is definitely not required, however, is that there be a computation of goods actually realized. The rightness of acts was never judged by the goods in them and in their consequences in fact. This is why we make so much of the distinction between direct and indirect voluntariness. The actual results may be the same, but good will may be preserved when they are only indirectly willed while it would have been lost had they been directly willed. (Pardon me, please, for summarizing what must be very familiar to you--I do so only to recall the points for comparison with the following.)

The moral theory of right against which I am about to summarize arguments is a theory of rectitude of action--the very notion of will can drop out. What is required of a man in order that his action be good is that it be in accord with the best judgment one can reasonably be expected to make of the actual goods and bads that probably will accrue in and through the act. Thus, sin tends to be equated with ignorance, stupidity, or lack of development. Now what count as goods and bads varies with different authors, and this has to be settled independently of the moral theory we are considering. For classic utilitarianism, it was enjoyment, but one can have a whole spectrum of enjoyments, achievements, and various other human perfections. Conscience in this theory tends to reduce to a faculty for computing the greatest net good or the least net bad in any given situation. Because the alternatives vary with the circumstances, there can be no absolute rules that are not subject to circumstantial conditions. Conscience can fall back on moral rules or precepts only because it has been found by experience that following them yields the greatest net good, or because they yield the greatest net good for the community if followed on the whole even though they may be hard on an individual in a particular case. Reason is right if it is correct in

its calculation, not if it follows the love of the good. Human nature may come into the discussion of the goods, and if it does, since the goods in question are principles insofar as they can actually be realized in concrete cases, they will vary in different times and places. Thus one can talk about an evolution of human nature. The organic whole is evolving, since the whole is put onto the scales when the morality of any prospective act is being computed. Because the moral theory in question is concerned with the rightness of action, and the very concept of will is unnecessary, the distinction between direct and indirect voluntariness drops out of the picture. One's guilt or merit will be lessened if he was compelled to act or acted in ignorance that was unavoidable, but so long as the consequences are known to be about to follow, one's attitude toward the act cannot be distinguished as a morality of good will distinguishes direct and indirect voluntariness. (This theory, of course, is not simply classical utilitarianism; it is the schema of what I called "situationism" in my book, without certain personalistic specifications. In Document # 1, it is clear that this sort of theory is being attributed to the other side, and # 2 shows that the attribution is perfectly sound.) Now let us look at the five best arguments I know of against this sort of theory of right; they are only partially stated in my book, and I have been developing the analysis right along.

1) Either the goods in terms of which rightness of action is determined must be very limited, definite, and static or the proposed method requires knowledge that it is never possible for man to have. If one took a simple enough thing as the be-all and end-all of human life--e.g., a particular athletic feat--since the good was defined in terms of such a limited and simple project it would be possible to know what in fact was more likely to promote its success. However, if the goods whose realizations must be considered are reasonably various and indefinite to make the theory of good plausible, then there is no possibility of calculating the greatest net good. For this will have to be the result of one action in a situation that is not already defined beforehand, and so it is just a matter of imagination to think up alternatives. (Shall we have intercourse with contraceptives or not--the situation is defined. In the concrete, the question is: Shall we have intercourse with contraceptives, or without contraceptives, or get drunk, or read a book, or go to sleep, or etc. ad inf.) Moreover, if the goods are reasonably various, there will be the problem of trying to weigh off immeasurables against each other with no least common denominator--for example: the evil of mass destruction against the evil of allowing injustice to triumph.

Comment on argument 1: Obviously the traditional moral assumes that there is a provident God who sees to it that morality does not do us all in in the end. It views man's action as a whole as the work of a subordinate who must always trust his superior whose far-seeing vision he does not comprehend. The moral being criticized has dispensed with a provident God, and it is trying to replace providence with human reason. That is why the knowledge required for a right judgment is impossible to have unless the good is defined very limitedly, definitely, and statically (as it is when we sin). The moral theory being criticized, in other words, analyzes accurately the way we reach our moral judgment when we have abandoned true morality and adopted the prudence of the children of this world. As the pseudo-morality of this false prudence tries to develop itself into something more ample, it gets more and more complicated--thus the frustration of modern man who wishes to have the transcendence of freedom above every particular good, but does not know then how to ascertain that anything at all is good--e.g., Sartre.

2) There is inevitable arbitrariness in this theory. I do not only mean there is arbitrariness in what is taken as good, and in the calculation (which nevertheless always presents itself as strictly rational) of the greatest net good. Much more. Since we are interested in actual good consequences (including the act itself in the consequences), we must ask to whom the good that is realized accrues. This makes all the difference in the world. If I alone count, then the ethics is egoistic. This does not mean I do not often seek to realize goods which accrue to others, for it often is good for me to do so. If my particular in-group counts (my family, my tribe, my country, my race, etc.), then the good consequences that accrue to this group will have to be considered, but it matters not how hard this is on others outside my in-group. If all men are said to be the proper group, the ethics seems very universal, until we ask whether this includes all men who are and may yet be, or only those who are already. Important issues (e.g., conservation of resources, contamination of the atmosphere) fall according to the judgment on this issue. Clearly, there are a lot of different ways to draw the magic circle, but the agent himself always is included. Thus the major controversy is between egoism and altruism. If too generous a universalism is set up by a naturalistic theory that cannot easily distinguish man from animal by the spiritual nature of the former, there is liable to be a very unfortunate necessity to consider the welfare and satisfaction of animals right along with that of human beings. (This is why some proponents of this sort of theory come out for abortion one day and against vivisection the next.) There does not seem to be any rational way of settling this question about the amplitude of the circle; certainly the history of philosophy shows a complete impasse on it. Thus, the theory inevitably is arbitrary on this point.

Comment on argument 2: Obviously traditional moral assumes that divine goodness is superior to all other goods, and so this good provides a principle of orientation and coordination for finite persons. The tension between self and others is resolved in the community of charity. Traditional moral views the individual neither as a master nor as a slave of the others but as a brother, a co-operator. The moral being criticized has dispensed with the primary reference to God whose goodness transcends all of us. Without this principle of order, the egoism-altruism problem then arises and there is no real solution to it. The moral theory being criticized, in other words, has exactly the problem here one would expect of a morality proposed by man when he refuses to acknowledge God, for then the question is which real good is primary. If the individual's, then all individuals become contending gods; if the groups then the group becomes a god and the individual is swallowed up in it, and the contending groups being absolute to each other, they become contending gods. Thus the history of modern times, and in particular the history of the modern nation-state and the contending absolutistic ideologies of the twentieth century.

3) The theory provides no real guidance in concrete cases. This seems startling, because the theory proposes precisely to do this by telling us to choose the alternative in any given situation which can reasonably be expected to yield the greatest net good. However, since we must consider actual consequences, we have to consider all the alternatives. Now all the alternatives of action are actually infinite--one can start thinking about what to do and go on thinking up new alternatives ad infinitum. Moreover, the very notion of "situation" begs the question, because it presupposes a delimited context which will define the relevant alternatives. All I need to do is to look beyond (in space, in time, in terms of possible modes of action),

and I will find more alternatives to action. Now, clearly, the definition of the situation which delimits the alternatives to two or a few has to come from somewhere. From where does it come? It arises, in fact, from already-determined interests. In other words, what this moral system ends up telling us is that we should act so that our interests are fulfilled--whatever our interests happen to be. This is a fine method of rationalization. All one has to do to see the action he wants to do ^{is} right, is to define the situation in terms of the good he wishes to realize; then the moral calculation of consequences will tell him that ~~good~~ ^{act} will yield the greatest net good in the situation, and he will have a moral ground for performing the act. An example of this kind of reasoning that is all too familiar is found in the arguments that are proposed by nations to justify their acts during war. They define the situation in such a way that their atrocities are justified; the context never is transcended to include other times, other places, other goods.

Comment on argument 3: Obviously traditional moral takes for granted a set of limiting principles which define contexts and at least some actions so that everything is not determinable by our own free meaning-giving. These limiting principles are multiple and they are not themselves absolute goods--thus they must be respected, because they are limits beyond which we cannot go (we would not know how to go beyond them), and yet they need not be realized. This situation arises from man's peculiar position. He really is free and he really is responsible. To be so he must be able to determine his own judgment, and for this determination he needs a principle that falls within the ambit of his knowledge. But the real principle is divine goodness, which--alas!--remains beyond our comprehension. The moral theory being criticized has exactly the difficulty here one would expect from a finite freedom that rejects orientation to God. If finite principles are accepted as definite principles of orientation, then freedom is sacrificed (thus the polemic in favor of individuality against moral rules, in favor of freedom and love against law); on the other hand, if no finite principle is accepted as an adequate principle of orientation, then moral judgment itself becomes a work of freedom, and then intelligence can provide no guidance for action. When man makes his own morality, it doesn't tell him what to do.

4) The theory lacks genuine dynamism. This also seems a paradoxical charge for some (e.g., our friend de Locht) talk as if they had a corner on moral growth. The claim to be dynamic is based on the argument that the greatest net good theory lets one do the best he can at any given moment, and then try to do better when conditions change and the situation permits. The trouble is that there is nothing in this that leads one to change the situation or oneself, since one's interests define the situation (see 3, above) and those interests are always fulfilled as much as possible. More fundamentally, one can only begin calculating the greatest net good when he has taken for granted the things that will count as the goods to be realized and the circle that will be perfected. One calculates, in other words, only when everything is posited and conceded, and the very process of calculating the right from such a basis tends to confirm one in the basis and make him refuse to reconsider it. However, real progress in moral life accrues not when situations change or growth "happens to occur" but when the effort to do the good leads one back to a deeper appreciation and a profounder love of the good, and then this retreat serves as a point of departure for a sounder and more virtuous effort to do the good, and so on. There should be an interchange or a kind of dialogue between action and the end, and the theory being criticized rather than leading to such an interchange tends precisely to stifle it off. But it is this interchange that underlies all real moral development.

Comment on argument 4: Obviously the traditional moral theory viewed moral life as a via, an itinerarium mentis ad Deum, and it was this view of morality that provided it with its dynamism. The manner in which ends and means were thrown into a dialectical relationship with each other was really only a function of the fact that life is merely a medium through which the mind and heart are drawn on toward God. The moral being criticized, on the contrary, can accept the ends as static, since man is not going anywhere. This is the moral theory which is proportionate to man who has cut himself off from God, and who now wishes only for what he can attain by his own unaided powers. Of course, it may be pointed out that proponents of humanistic moralities often enough suggest multiple and shifting ends. This is true, but they cannot say that there is any real progress as one moves from one good to another. This is one of the most characteristic (and saddest) features of the contemporary world. Poor man. He does not know where he is going, and he has no idea whether he is getting nearer. In the end, technology, which has implicit in itself its own definite direction, tends to decide what will be progress for man, and in this way material culture, which is man's own creature and should be subject to him, becomes his master.

5) The theory is unable to account for some simple and common facts of moral experience. The point here is not simply that the theory gives us justifications for acts we consider to be intrinsically immoral, for that judgment is not common moral experience. What everyone does experience is that there are a multiplicity of good alternatives open in most situations. Some of these may be better than others, but none of them will be wrong merely because it is less good. Everyone recognizes this implicitly when he admits the possibility of generous and heroic acts--for one cannot be generous nor heroic unless it is possible to do better than the least good to which one is strictly obligated. Now the theory we are criticizing is unable to cope with this simple fact. The right act is the one which actually yields the greatest net good; it may include some bad, but that does not detract from its being right. Similarly, the wrong act may include much good. Now the greatest net good is superlative, and as such, unique. Therefore, this theory cannot allow that anyone is ever in a position to do more than he is obligated to do. Generosity is doing a good one is not obliged to; heroism is above and beyond the call of duty. Therefore, these are impossible. Or, at least, they have to be redefined in a very peculiar way. It will now turn out that the hero is not doing a greater good, he is only doing his strict duty, but we call it heroic because we don't expect people to do their duty--a certain level of immorality is taken for granted and so morality, when it occurs, is treated as something--extraordinary.

Comment on argument 5: Here is where the greater strictness the proponents of the new morality talk about would come into play. The theory is rigoristic. But in actual practice, the level of expectation is always set down to the level of average performance. Our traditional moral left room for generosity and heroism because it viewed man as tending through morality toward an infinite, transmoral destiny. The moral being criticized cannot summarize the law in terms of the first and greatest commandment, and so it must make one definite demand if it is to make any demand at all. This is the situation of man when he is free from the law and a slave to sin; the traditional morality regards man when he is free from sin--the freedom of the children of God: to do whatever is good because we always relish whatever is right and so rest in His consolation.

Sunday p.m June 5

Dear Father Ford,

Well, here's the rest. Now I trust you have all 58 pages of it. As I said, I am sorry it rather got out of hand in length. After looking at this document so carefully, I really wonder what it is.

What a job!

I think the main objections to it can be summed up: 1) the inadequate handling of the tradition of the Church and the notion of traditon; 2) the simpliste conception concerning the problem of scriptural basis; 3) the very un-Catholic (really humanist) conception of man vis-a-vis nature; 4) the unsolved ambiguity between man as part of nature and man as above nature; 5) the implicit consequentialist moral theory; 6) the unresolved discrepancy ~~between the two theories for justifying contraception~~; 7) the grossly mistaken attempt to enlist St Thomas on p. 6 (one of the weakest and most attackable points in the whole thing); 8) their inability to handle the council document without torturing it; 9) the reducibility of the criteria suggested to minimal perversion plus efficiency; and 10) their implausible handling of the objection that one thing does lead to another.

The commentary is sentence by sentence. I hope it will be most useful in this form, since once you skim through it, you can look up any sentence you want very easily.

I am enclosing a clipping from the Post. I think it illustrates very well what man's dominion over the biological process means. One only hopes that the bishops will see this, and realize that the only place to stop, so far as this greased slide is concerned, is before one puts one's foot on it at the top.

I expect you will receive this before June 9--Corpus Christi. The feast always has meant much to me, and it happens also to be our wedding anniversary--16th. Please remember us in your Mass.

As I said, I could come over for a couple of weeks anytime now if you feel there is enough work to warrant it. I don't want to leave anything undone that might alter the outcome. Similarly, if you have anything else for me to do here, just let me know.

As ever,



Ps--I happened to see a copy of Paris Match--I think it was an issue around May 1, that had some beautiful ~~articles~~ pictures with an article on a couple having their first baby. Life had something like it some time ago but much more biological. This is more personal. It has lovely pictures of the baby as it develops and is born. If there is a lounge or someplace where things can be left lying around that the bishops might pick up, it would be good to leave a copy of this lying around there.



Commentary on Document # 2

Page 1

It would be easy enough to let the first paragraph pass as not too objectionable. However, I think it deserves a rather close analysis, for he is revealing his problems and his techniques for dealing with them here.

Casti connubii has to be faced head on; the Pope demands it. Yet taken in itself, the encyclical's condemnation is too formal and too solemn to be brushed aside. The technique then is twofold--1) to reduce the issue as much as possible to whether this condemnation is a definition of faith; 2) to reduce the form of the solemn condemnation of this encyclical by emphasizing that it is "just reaffirming" much less solemn things.

Thus the first sentence admits that CC has special moment and that its condemnation is solemn; the question is phrased as a matter of the rational ordering of births. The word rational is beautifully ambiguous--"reasonable?" "according to the norms of reason alone?" "according to some sort of rule?"

The second sentence then takes most of what the first has given--Attamen is the key word here. The statement is true in one sense--the teaching of CC is not a new doctrine, but rather a reaffirmation of the tradition uninterrupted from the beginning. On the other hand, if the statement means that CC is not a new formula, specially solemn, laying the Church's moral teaching authority on the line by the very wording, demanding of pastors and bishops in the severest terms that they extirpate "good faith" on the issue--if the statement means CC is not doing all this, it seems to me patently false. The issue is not indeed whether CC is infallible; however, CC surely does more than reaffirm the tradition, for it clarifies, develops, and fortifies the traditional moral teaching and guidance. Moreover, the condemnation of CC does not merely sum up a common opinion of the day (1930) as the tail end of this sentence insinuates; it says what it's doing itself.

Solemnitas condemnationis. . . He refers to solemnity here as if it were merely a rhetorical category. CC does not only use strong rhetoric (which it does) but it does the other things noted in the last paragraph, and these chiefly constitute its solemnity--particularly the fact that the Church's moral teaching authority is laid on the line in the very condemnation formula. He says the solemnity is explained because he sees it as a reaction to Lambeth. This is to dishonor the magisterium--to suppose that it is like a balky child who says "up" because some one else has said "down." The Lambeth conference undoubtedly was an occasion for CC, but lots of Protestants have said lots of things without getting this sort of reaction. The other suggested "cause"--fear of depopulation--I don't know about. I doubt there was very widespread fear in 1930, or that it influenced Pius XI; in any case this would be even worse--to suppose he made up moral doctrine because of nationalistic worries about falling population. What was the cause of the solemnity of the condemnation? First, it was a traditional moral teaching under very general attack; second,

CC itself
so much
as soap

the statements of various groups of bishops during the preceding decades provided an unusually broad and firm base on which to launch a condemnation; third, CC offered a general treatment of marriage and an analysis of its ills, and he saw very clearly that contraception is representative of all the ills that afflict marriage. His analysis sees marriage as undermined by individualism, and (I think) Pius XI got a new insight into the vicious significance of contraception and the mentality it represents. I have tried to reformulate some of the story above (mid p. 18 to mid p. 20). The important point to note is that #2 takes CC's condemnation in a rhetorical-sociological context, but fails to look at it on its own terms, in its own literary-analytic context. This is a sign that the author of # 2 does not want to understand CC, he wants to get rid of it.

Hodierno. . . What is the word "veram" doing here? It is almost an admission that the condemnation looks very much like a formula for infallible teaching. "Definitionem doctrinalem"-- a nice choice of words. I shouldn't say that CC is defining a dogma of faith, but that does not mean to me that its teaching is not infallible. After all, the Church can be infallible in "faith and morals," and what one does in morals is not issue dogmatic definitions but infallibly guide salutaribus praeceptis. Nor does this mean that the precepts are merely disciplinary; it is just that they do not tell us about the end of Christian life, rather they lead us to it.

Nec probat. . . Nor does CC lay this down as its basis. Still, if there is room for doubt about the exegesis, it seems fitting to interpret the passage in accord with the teaching of the Church, rather than to call the teaching of the Church into doubt on the basis of the problems of exegetes. For the Church draws on the whole of revelation, and not everything can be nailed down in so many words in SS. It is interesting that there is here an admission that only Aug and a few others make much of the Onan passage; still, all condemned contraception. This should help to neutralize the force of this part of the argument.

Alius vero. . . Well, we know this is true. However, what is one to do with the dogma of the Assumption? Also, what is one to do with abortion? I have been unable to find any clear condemnation of it in scripture; and Jewish practice from quite early times seems to have treated it (at least in some cases) rather leniently. Christians (look at those damned penitentials) have never treated it simply as homicide; they distinguish the two and consider the killing of a person already born more serious. What, then, is the scriptural foundation for the condemnation of abortion? I would say: the condemnation is implicit in the whole moral teaching with regard to murder and killing, and the condemnation of contraception also has an implicit but actual scriptural basis in the scriptural moral teaching on human life and on sex (and the two are by no means separated--the recent teaching perhaps has overstressed the distinction).

*These are
"promulgated"
or
"proclaimed"
as CC
and
Pius X"
say.*

Denique. . . This is really an odd sentence. I am not sure what it means. What does he mean by saying that the affirmation concerning the existence of the tradition is not infallible? He surely does not mean that this has been discerned de facto, since there is not a shred of evidence that Pius XI's claim is false. Perhaps then he means to say that there cannot be an infallible teaching concerning the fact that an unbroken tradition exists. If this is what he means, then if not on this, not on anything. But, then, is it true or not that the claim that there is a tradition for the dogma of the Assumption an infallible claim? ~~****~~ It seems to me that if the Church can teach infallibly, and if it can employ tradition to discern what is to be taught infallibly then it can (in an indirect and subsidiary way) make an infallible assertion about the existence of the tradition. Otherwise, what's tradition for? However, if the Church can make such a claim infallibly and if the facts don't prove this claim false, how can the author of #2 know for sure that this is not one of those times when the affirmatio sit infallibilis? I guess because he feels sure that the doctrine is wrong. But then, it doesn't look so convincing if you are not already sure that the doctrine in question is wrong. Try it out with some other doctrine--e.g., the Assumption, considered shortly before the formal definition. I must say I don't like the first part of the sentence either. Nec reddit infallibilem doctrinam revocatio--it should not be put this way. A teaching of the Church is not made infallible by the references that may be given with it to scripture and tradition. The teaching is infallible in itself inasmuch as it authentically expresses God's mind and will for us inasmuch as that is revealed in Christ and made present to us in the Church. The author talks as if infallibility were a kind of subjective certitude that a proposition acquires when it ^{is} seen or compellingly presented as revealed. If that were what infallibility is, I don't see that there would be any need for infallibility as Vatican I defined it and II reaffirmed it.

Revocatio vero. . . It is a pretty vague and imprecise way to shrug off an argument simply to say it is vague and imprecise. Anyway, I do not find the appeal to the argument of reason vague and imprecise at all. What Pius XI says is perfectly clear:

(Since) the conjugal act is designed (by its very nature) for the generation of children
Those who in performing the conjugal act prevent the generation of children ~~de~~deprive it of its (natural power and) capacity;
Therefore, they prevent what the act is designed for.
(And this, incidentally, is appropriately labeled unnatural, shameful, and intrinsically immoral.)

The key to the argument is not that perverting faculties is wrong but that deliberately preventing the generation of children while engaging in an act precisely ordered to that good is wrong (and thus involves what can fairly be called a perversion of a faculty.) I don't think the argument is vague and imprecise at all; if it is, I have done my bit to make it clear and distinct (which is what our Cartesian friends here seem to want!)

I like the way this author uses connectives--"maxime cum" and then he goes off into something that has no apparent connection with his characterization of the argument as vague and imprecise, namely, that he doesn't like the natural-law theory that he thinks is implicit. He says the argument does not consider man sufficiently as a prudent administrator and cultivator of the gifts of nature. I don't see why it should. The point is that one should administer and cultivate the gifts of nature prudently pro-life, not anti-life. People are ends, not means, and no matter how long one considers the means, one will not from that consideration find any ground for disrespecting the ends. It also must be pointed out that there have to be some limits to prudence--not that we should begin being imprudent somewhere, but that there must be first principles of practical reason from which prudence proceeds, and prudence cannot get beyond its own principles. This is why basic human goods themselves cannot be put on a par with sub-human goods, or instrumental goods of culture (such as property). I think the dualism of the author is peeking out immediately here. He thinks of man only as spirit; nature includes the body, and it is subject to man's (i.e., the conscious subject's) prudent administration and cultivation. SS did not make the division on these lines. It is interesting that Genesis says: "Increase and multiply, fill the earth, and subdue it." Clearly, here, subduing the earth is a second precept, set alongside (or maybe subordinate to) increase and multiply, fill. . . . For the author of document #2, on the other hand, Genesis should have had only one precept here: Subdue and cultivate the gifts of nature in the interests of spirit.

Page 2

Encyclica. . .The inclusion of the condemnation in the old code of canon law and many other historical facts seem to indicate the doctrine is explicitly proposed by the magisterium for much more than the last two centuries.

In hac enim. . .He talks as if the question sometimes went away for long stretches. This seems not to be the case. The condemnation has not been continual, it has really been continuous. There is more material from the last hundred years, partly perhaps because the traditional teaching has been under more widespread attack, but also because the magisterium has provided us with more items generally in the last couple of centuries than in earlier days. The same would hold, say, for abortion.

Attamen. . .Our friend, the connective, again! How does he know the tradition is not apostolic? This blank assertion is lots more impressive if you think the position is wrong in advance, but it really needs some explanation. "Diversimode formulatae"--what does this mean? If it means that the arguments have varied, he is right to some extent, but the continuity of a position with shifting arguments rather indicates the position is being held on other grounds than that it is a different position. Or he may mean the teaching itself has varied. But in substance it has not; even Noonan does not pretend that the various expressions of the condemnation amount to completely different norms. Or he may mean only that the verbal formulae to express the precept have

varied. Undoubtedly true. Even Pius XII used a slightly different formula from Pius XI while explicitly reaffirming his teaching. But I do not see that this tells anything about the continuity of the tradition, for we understand what contraception is independent of the Church's formulae for condemning it. This is not like a matter of dogma, where a definite formula enshrines the dogma itself, since we do not know God other than through hearing. There need never be a definitive formulation of the condemnation of contraception; the present fight is not about the right formula (as a dogmatic fight would be) but about the truth of the precept.

In hac. . . Again the error, here obviously taken over from Noonan, of trying to explain the doctrine as a reaction. These people all taught that the good God is capable only of causing good. From this they concluded that there must be a bad god to account for bad. Did Catholics therefore teach that the Good God causes evil in order to protect the unicity of the deity? No, they resorted to other answers. Similarly, they would not have condemned contraception merely because other people were for it if the defense of the procreative good had not really belonged to the mission of the Church. The Church explicates and expresses her doctrine in response to changing conditions; she does not, however, create it to meet the conditions. Rather, she receives it in the first place from Christ.

Necessitas. . . I don't think this even is a fair representation of the heretics. What they denied was the morality of having children and thus furthering the work of the bad good, enmeshing more spirit in matter. They felt that spirit should master matter (our contemporary way of putting it is: administer and cultivate the gifts of nature). Contemporary humanistic ideologies continue the heretical tradition in denying the good of procreation as such; they will allow as much procreation as is useful for the purposes of technological intelligence (the good god of the new theology).

Protectio. . . The point is that proof was looked for, the position itself was received. No one that Noonan cites talks as if he were just coming up with a new moral precept. It was always received. I don't think there is a bit of evidence that philosophers shaped the doctrine; Catholics picked their philosophers very carefully and then distorted them with exquisite care. Why drag in doctors? To insinuate that out-of-date medicine has some bearing on the doctrine. But that is not true. I think this handling of scriptural sources is very inadequate, for it takes no account of the fact that the authors who accepted the condemnation of contraception as a received position and then tried to explain it were always taking it as part of a much more extensive moral, many parts of which are clearly in scripture--and their sources there were frequently enough cited. The traditional moral is like a bridge over an abyss--not every board in the surface of the bridge is directly connected with solid ground, but the whole thing hangs together, and the ends are connected to solid ground. This solid ground is revelation; the abyss is moral degeneration and the loss of eternal life; the removal of parts of the bridge will let it all crumble. (See above, p. 17, paragraph 2)

Putting the thing in moral formal terms. There are in scripture clear condemnations of: fornication, adultery, unnatural vice, and reasonably clear condemnations of masturbation and, less directly, of abortion. Also Catholic tradition reads a condemnation of divorce. Now this whole is an organized body; it depends on fundamental attitudes toward life and toward the body. The key to the whole is a certain realistic moral link between procreation and sex and an absolute respect for innocent life. So true is this that even the new morality (in this version) pretends to keep these underlying principles. However, it really is not possible to allow contraception without breaking the link between procreation and sex; from that break, a radically different theory of sex than the one found in scripture will follow. However, logically if one denies the consequent, he denies the antecedent from which that consequent follows. Therefore, Catholics throughout the ages have rejected contraception, because they have understood well enough (even if they have expressed their reasoning vaguely and imprecisely) that the morality they accepted as Christ-given is at stake whenever the issue of contraception comes up. It is here that we have the source of the tradition and the reason for its having been uninterrupted from the very beginning.

Rationes v̄ero. . . He should take a look at the arguments on other moral questions. They are not in much better shape. Why expect the arguments here to be water-tight, when the arguments against masturbation and divorce are not much better? I don't recall from Noonan that there is any significant evidence of a tradition condemning contraception specifically in the situation where it is used in connection with fornication and adultery. Certainly, it is not an important factor. Augustine's reference to adultery when he is condemning contraception is that it turns marriage into adultery.

Sicut etiam. . . Hang on. It's getting more stringent all the time. If the position is maintained long enough, the argument against contraception will be just about as stringent as an ethical argument can be. (Incidentally, if they are so blamed confident that there is no stringent argument against contraception, why were they so anxious to keep me away?)

Ceterum. . . Whenever anyone talks about the conception of natural law, you know he is talking through his hat. It is like saying: the scholastic notion of being. There are, in fact, quite a variety of natural-law theories. As my own researches amply demonstrate, Aquinas' certainly is not fairly characterized by saying: *data naturae immediate ut expressio voluntatis Dei habentur*. This is even an over-simplification for what I've called "conventional natural-law theory," for this theory assumes human nature as the norm, not simply nature without qualification. In this sentence it is even clearer that the author consigns the human body and procreation to the alien (to him) realm of material nature, which stands over against man as a stuff on which intelligence works.

Hanc vocationem. . . This sounds more like a German idealist conception of the thing than like a Catholic one (of course, the idealist conception turns up in American pragmatism and in Sartre too). For Catholics, the perfection of material nature is always a use of it in the service of man--even in the case of fine art. Moreover, this is not as such man's vocation--we have one vocation: "the calling wherewith we were called." For Catholics, it is among our missions in life to subdue the earth, to use it, to enjoy it, to adorn it, to sacramentalize it, to make a fit dwelling of it, to admire the vestiges of God in it. All of these pertain to our mission in life because all of them contribute to the achievement of human perfection and our friendship with God. The relation of man to nature changes drastically when God drops out of the picture. One resolution is to treat nature simply as the enemy--recalcitrant matter. Much of our modern thought really has this notion, though it is often hidden under nicer terms--"conquest of nature." The other is to view man and nature both as moments in a dialectical movement which is heading toward (in Hegel) Absolute Spirit. Both become functions of this grand evolutionary process. Nature's function for man is that it provides something over against which he comes to self-consciousness; man's function for nature is that he reintegrates it into the life of emerging spirit. This is essentially a gnostic type scheme. One important point: one would rather expect that if men of the Church have lagged behind the world in appreciating man's vocation with full clarity, the received appreciation of it may have to be somewhat amended and purified before being incorporated into Christian life. I do not deny that Christians can learn something from modern thought in this matter, but it seems to me perfectly clear that we should subject modern thought to a careful criticism before incorporating it in our belief and life, and the principle of the criticism should be the received norms of our own faith. What the authors of this document here seem to suggest is just the opposite: namely, that we must accept the received doctrine of the world without criticism and then use it as a norm by which to subject our own Christian tradition to "purification." This route, it seems to me, clearly leads to an abandonment of Christianity. As St. Paul says: once the essentials are given, then accept whatever is true, good, and worthy (cf. Phil 4: 8-9), but he assumes that one can tell what really has virtue and merit by the presupposed essentials.

Ecclesia tamen. . . It isn't hard to imagine the Church freeing herself from this nonsense, if she had ever been entangled in it. But the posited notion of given nature as an immediate norm was never characteristic of the Church--it is just a grotesque figment of the author's imagination.

Primum aliquod. . . I can't for the life of me see what connection there is between the notions of natural law discussed and Pius XI's remarks about conjugal love. The popes, at least since Leo XIII, have been taking a rather positive (though prudently critical) attitude toward science, invention, the arts, and social order. Conjugal love, on the other hand, didn't suddenly come out of the blue with Pius XI. Or do the authors think that conjugal love is an actuation of a potentiality of given nature by which its materiality is raised to a higher level of perfection?

Adhuc magis. . . I don't see how rhythm was a further step in the same direction. Certainly, Pius XII did not see it that way. I can only understand this if the author assumes the end of the road to be contraception approved (1966) and then works back to interpret the evidence--following Noonan, of course. Look at it differently. Pius XI developed and clarified the doctrine of genuine conjugal love, and made it clearer than ever how inimical to it contraception is. Pius XII followed along the same line, showing how necessary and possible the virtue of chastity is for the cultivation of true love, and beginning to get nearer to the concrete in the project of realizing its demands in Christian life in general and Christian marriage in particular. Now we must make further steps in the same direction, as the Council has pointed out. It just has not told us how.

Tandem. . . The Council fathers with these reservations clearly were not for contraception or they would have had no reason to be concerned. Also, Pius XI and XII should not have reaffirmed the tradition more clearly than ever if they were progressing away from it. (Of course, the assumption is that they were just confused.)

Ideo fuit. . . Is this an admission?

Page 3

Ideo facilius. . . I have tried to deal with the point here at some length above (pp. 2-4). I think one might say that the chief reasons for the diffusion of doubt are: 1) the general upset--a lot of other things like the real presence and original sin are being doubted too; 2) the impact of the new morality--it has focused on this point and Catholic moral theorists are only gradually thinking their way through the problems it poses; 3) the general circumstances of the period (fear of the bomb, desire for pleasure and excitement); 4) the work of a relatively small but vociferous group of publicists who have got themselves into key positions in the Catholic press; 5) the hesitation, timidity, and weakness of the hierarchy--especially the Holy Father. The last point is probably the most important. As the storm broke, almost every informed Catholic expected clear and firm teaching from the Holy Father. We are still waiting, and the longer he hesitates, the wider the doubt will be. His very silence creates doubt out of conviction, precisely because it is his right and duty to teach, and he has even reserved the matter to himself, thus binding the hands of the bishops. (I don't know whether I told you that at the Bishops' meeting here in April there was some agreement that there would be a public policy statement on birth control; Wright was on the committee, although I did not get this from him. Someone in the group said they had better clear it with Rome, and the answer came back to sit still.)

Hoc modo. . . I would agree that the definitive position as to the mode of protecting the procreative good was not yet found in the text of CC. But what is needed is a better mode of protecting it, and the developments in the magisterium surely can be seen as moving in that direction. CC unfortunately laid down the law without telling us how to fulfill it--a dangerous situation. Now we must go further, and do the good we have glimpsed.

Ratio. . . One might title a critique of this document: **MAGISTERIUM ECCLESIAE NON EST COGENS, ATTAMEN OCCASIO COGENS EST!** What a beaut. Here we have an occasio cogens--nothing could so neatly sum up the spirit of situation ethics. "Doctrinam traditam de illicito interventu" etc--this is a pretty fair admission. I would paste the other side with it if the opportunity arose. Most of the factors mentioned here were known to and critically treated by Pius XI and Pius XII. The philosophy mentioned is (as I've suggested already) really the version of unbelieving humanism. In short, everything mentioned here is what made people generally who were non-believers go for contraception, and then what made other Christians who do not adhere firmly to tradition and have no respect for the magisterium go for it. The only additional factor is the "sensus fidelium." But this is to be disputed. Is it "fidelium" or "infidelium?" How many married couples who have observed the moral law for ten or fifteen years are in favor of contraception? Anyway, the thing the faithful should be asked is what the Church has received, not what they would like. The so-called sensus fidelium that is operative here is rather like asking a lot of chemists to analyze consecrated hosts to see if they can find any "substance" but bread. Incidentally, this is a pretty vague and imprecise argument; it proceeds more by insinuation and innuendo than by proof.

Ulterior. . . Perhaps developments have not been as simple as this. Many of the changes that have occurred tend to threaten the stability of marriage and put considerable strain on genuine conjugal love. The understanding of marriage has in some respects deepened, but also grave errors about marriage and the meaning of sex have become more and more widely promulgated and accepted by humanistically oriented psychologists, physiologists, sexologists, etc. What I mean is that there has been a tremendous miseducation on these matters. Look at the sex manuals. One of the most popular in the world is Van de Velde's Ideal Marriage. I think it was in Dutch originally. I would be willing to bet that this book has more to do with the origin of the contraception controversy than any other volume, certainly than any volume with a sound and wholesome Catholic appreciation of marriage and sex. Pius XI sized up the new appreciation of marriage pretty well, and Pius XII had a very good grip on its concept of sex.

Non pauci. . . Not can, will.

Quaerunt enim. . . The problem is not only a little blunder-- it is that Pius XI and XII clearly have put the Church's teaching authority on the line; "in token of her divine ambassadorship" "guardian of morals" "Solemnly declared anew" "the same tomorrow and always."

Attamen. . . Our connective again! It certainly can be determined a priori what the Holy Spirit can permit in the Church. Otherwise, infallibility could not be defined; the gates of hell could prevail; the Church could bind on earth what was simultaneously loosed in heaven, etc. etc. The Holy Spirit cannot permit the Church to fail in her essential mission, and that mission includes pointing out a safe path to salvation (over the abyss). If there are no determinable criteria, how can we ever know when the Church really is acting, and when it is merely someone out of turn?

A posteriori. . .the front part of the sentence is one of those vague insinuations--how can you handle it--particularly with respect to tradition. So far as the latter part of this sentence is concerned, see p. 15 above, beginning with "Under 3" about $\frac{5}{8}$ of the way down the page. Assuming that only venial sin was at stake, the main point is that this did not affect the essential mission, for no one's salvation hung on that issue. One might also say that the evolution has been in the direction of seeing that the procreative good is not necessarily required to be sought, simply not violated, if it is to be respected in principles

Ultimis. . .I hardly think this is a very diplomatic way of putting the thing to anyone who does not agree with their position. And I would like to see the proof of it. Certainly Pius XII was rather careful at many points to indicate the distinction, but at the same time to indicate the relationship. The authors of this document talk as if the two had no real relation to each other; actually, the non-infallible magisterium is the day-to-day articulation of the very same doctrine that the infallible magisterium proposes in a definitive or absolutely binding mode.

Dum. . .I think one has to grant this point all right. This is really the heart of the matter. If the teaching of CC clearly were not infallible, and had not been accepted as such, then your whole argument would not stand up. Personally I think there is no doubt that the document meant to be taken as absolutely binding, and since it could not bind on earth without the same occurring in heaven, it was infallible--and I will be happy to let fundamental theology in the future straighten out the issue about definitions of doctrine and promulgations of moral precepts. If CC is not infallible, it intentionally misled the faithful into thinking it was, and that is just as bad.

Ideo. . .The trouble is that the particular point is not some piddling aside. There would not have been all this trouble if it were. Lots of fallible statements by popes have been made and seen to be mistaken later on without anything like this. The parentheses in this sentence (top of p. 4) deserves special note. Here, for the first time, the document claims the change is really a development of "totius doctrinae Ecclesiae"--whereas above it admitted this was a change in the tradition and that it really depends on worldly wisdom, not the magisterium. Now how is this a progress in maturer comprehension of the whole doctrine of the Church? If it is so, why doesn't the document begin from the doctrine of the Church? And if it is simply progress, why is it so bitterly opposed by so many? And why is it so urgently demanded by those who hate the Church so much? Also the issue is not whether everything can be called into doubt licitly. The issue is whether those who listened to the Church and followed her teaching can believe and hope if the ship goes down. The magisterium would simply stultify itself if it assents to the view of those who ignored it, and abandons the teaching which was followed by the most faithful only with hardship, because of confidence in its soundness. "Licite"--that shows a legalistic mentality par excellence. It would be no bar to existential consequences to say: "Non licet!" It would be no shield against despair to say: "Non licet!" The act would stultify the word.

Page 4

Dubium et. . . What is this "doctrina tradita?" What does it say about abiding by moral precepts that have been promulgated, and accepting doctrinal positions that are taught, with interior and religious assent, even if they be not de fide definita? In other words, has the campaign to put over contraception been unexceptionable from the point of view of fundamental theology? Fr. Granfield goes on about this point at length--he seems to think not. The acceptance of a change on this basis, however, would set a precedent; fundamental theology would have to be revised to take into account (a posteriori) what it would then become evident the Holy Spirit --if any--was able to permit in the Church. Doubt is only reasonable if specific reasons for doubt occur--n.b., the "occurrunt"--but one can always find some specific reason for doubting anything. This is just a matter of ingenuity. Especially is this true where the teaching of the Church is concerned, since there would be no occasion for such teaching if there were not another position--that of non-believers or other-believers--and the other position always has some grounds of plausibility which can be presented against Catholic teaching. Unless, of course, one works on the basis that the presumption is in favor of Catholic teaching; then specific reasons for doubt that is justified for the Catholic will occur only from the internal dialogue within the mind of the believer or among believers, while their thought remains always submissive to the teaching of the Church. If the birth control controversy had developed according to these norms, however, it would be quite different than it is. 1) People who do not accept the received position would not be taken seriously. 2) The issues would be concerned in the first place with understanding the sources and meaning of the received position; in the second place, with examining and criticizing rational grounds offered in favor of it; in the third place, with trying to see why this teaching causes so much trouble and hardship. 3) The growth and development of the received position would be scrutinized just as much to discern the legitimate limits of refinement as to discover grounds for it. The majority, unfortunately, seems to have proceeded in a quite different way, and the example of their procedure seems to me quite legitimately a precedent for doubting everything.

Argumenta ex. . .the statement will be verified only by a complete survey of natural law arguments. The survey that follows is not complete.

Principale argumentum. . .I would never put my argument in terms of "inviolability of the fons of life"--see above, pp. 20-21, beginning "Page 6" "Fons of life" is much too vague a term, and it is perfectly obvious that the human generative process is not inviolable against every intervention, since it is allowable to intervene so long as one does not act contrary to any of the relevant values, but rather promotes them. Thus, both contraception and artificial insemination are wrong, but rebound therapy or hormones to help overcome impotence would be o.k. (De facto, most impotence is psychic, not physiological, in origin.)

Respectus. . .This is a position ascribed to some primitives. I do not know of any Catholic who ever has taken it in its strict form. On the other hand, there is a difference between the Catholic (who sees nature as containing the vestiges of God, recognizes it has a certain depth and mystery about it that must be respected, and tends to regard it as a home, a kind of extension of man's own body (a great uterus), and the non-believing humanist (who sees nature as "raw material" only, who has no respect for anything but his own wants, and who tends to regard it as alien--even including the human body itself--a realm to be conquered and exploited by an all-prevailing scientific spirit).

In saeculis. . . There is a certain residue of the primitive mentality even in civilized communities. I simply do not know historically the extent to which this might have influenced some Catholics. Certainly, one does not find it in people like St. Albert and St. Thomas; it is not characteristic of any Catholic theory of natural law that I know. But among rural people and some Protestant religious sects, one certainly finds this attitude; thus there is the benighted attitude in the bible belt toward flouridation-- I know of no Catholic who has been against it. My mother used to tell of the Protestant preachers who condemned flight, but I never heard of a Catholic condemning it. I suspect the thing we are dealing with here depends on a certain social-cultural level and a rural-agricultural background. Such an attitude can become "official" in Protestant religious bodies, for they are likely to be fairly homogeneous, and are not tied to the more sophisticated guidance of a magisterium. Of course, Catholics have continually defended the sacredness of human life. Thus they have opposed playing with the human embryo in vitro, and they have taken a comparatively conservative attitude toward the sort of experimentation with human beings the Nazis engaged in.

Fontes vitae. . . If this means that the word "creator" does not admit of a comparative "more the creator," obviously that is true. God is the creator, and this is not subject to degree. The terms, "creator-creature" are correlatives, thus "creature" does not admit of degree either. But this is nugatory. The point is that the fonts of life (I still don't like the expression) and life itself certainly mean more to God than the rest of created reality outside man, for these integrally pertain to the person, and the person as a whole, including the very materiality of his nature, is the summit of material creation to which all the rest is somehow ordained. What is more, as Martelet best points out, the beginning of human life and human life itself are related in a special way to God, since God immediately creates the soul in virtue of which alone human life begins and continues, and God providentially orders the beginning of each human person to an eternal end. This particular sentence is extremely revealing, and I hope very much the others are made to eat it word by word. One might ask them what is the meaning of Christ's remark about providence: sparrows don't fall without the heavenly Father's concern, so why be concerned with what you will eat and put on tomorrow, since you are of somuch more value than the birds and the flowers. I suppose the exegetes will tell us this passage is a late interpolation.

In hoc habetur. . . Certainly, one aspect of man's dignity vis-a-vis the rest of creation is that man should function as steward over visible creation. But man also, and more especially, participates in divine providence by directing himself and his fellows to his end which is achieved by moral action (cf. the Prologue to the second part of the Summa). In other words, man participates in providence and has his dignity more from his prudence, by which he directs human life itself, than by art, by which he orders external things. Furthermore, an even higher aspect of man's dignity, even according to the order of nature, arises not from what man does (neither from art, nor from prudence) but from man's contemplation of God (cf. Aristotle's Metaphysics, book 12--if one counts 14--and the Ethics, book 10). Beyond all this, his very highest dignity, and that in which his being an image of God in the strict sense arises, is from his adoption into the life of God by grace. The life of grace by no means excludes a share in dominion--the NT makes fairly clear that Christ's apostles will sit with him as a kind of collegium; however, the very communication in the inner life of God is a prior principle of dignity. Just as the angels have their excellence more from their love and knowledge of God and their personal intercourse with Him, than from their service of Him in the world as messengers, guardians, etc.

Deus reliquit. . . I think this sentence should be locked up in SS, but I do not have a concordance here. Doesn't it mean that God leaves sinful man to shift for himself? I never thought it applied to those whom God loves, the apples of his eye, his chosen people. Far from leaving these "in manibus consilii sui," God seems to be like an anxious parent who cannot leave them alone. He is constantly trying to help out; he is always prodding us, calling us back to the straight and narrow, and tossing us lifelines when we get into too deep water. If I am right about what the sentence means in its scriptural context, it could be extremely significant that it has been used here. One could say: "Yes, that's true, and from the counsel of man who, recalcitrant in sin, has been abandoned by God, arises the presumption to violate the laws of God and nature regarding life and its beginning, and to call this violation "holiness," and to demand for it the solemn blessing of the Church."

Nec tollere. . . It is not a question of "not this, but that." Rather it is a question of "both this, and that." With regard to the taking of innocent life, the whole Catholic tradition holds that "Deus dominus vitae" forbids it. This is looking at the thing from the point of view that the old tradition used to call "ratio superior", since it falls back on revealed sources and motivates respect by a direct appeal to the relationship of man to God. With regard to the taking of innocent life, right reason also sets up an absolute prohibition because one cannot do such a thing without turning his will against a basic human good, which must always be respected. The notion of right reason in this sentence obviously is quite different from mine; it is consequentialist right reason, such as I analyzed and argued against above, pp. 27-31. It is allowed to sacrifice life for the good of the community not by taking it, but by laying it down, since one can lay down his life without directly willing anything against life, but only permitting what he does not directly will. It is allowed to take non-innocent life for the good of the community, according to traditional analyses, only because the common good takes priority over a private good that has set itself at odds with it; on my theory, this might be all right because of indirect voluntariness, since the act of capital punishment is not specified by the taking of life but by the prevention of evil.

Suicidium est. . . How does one know it is against right reason-- there might be a higher good of avoiding unnecessary pain or getting to heaven faster and safer. Well, they say, because it is against the end of man. How do you know it is against the end of man? Well, they say, because man should gain his perfection through the course of life, taking the good with the bad, to accept the consequences of responsibility, etc. (This particular "etc." looks like the kind one finds in examinations when the student doesn't know what to add, but feels there must be something more and wants you to think he knows it.) Well, I am going to be a protervus and ask why I ought to gain perfection in the manner stated, accept consequences, etc. If my dignity arises from participation in God's dominion, and if I am no longer able to participate in his dominion (I am in the hospital and incurably ill), then why not suicide? Also, if life is no more of God than the whole of created nature, why is it not a participation in the dominion of God to dispose of my life, just as it is a participation in that dominion to kill plants and animals? Perhaps the supreme participation in this dominion, in fact, is completely gratuitous destruction of human life, for nothing shows more clearly man's freedom and transcendence to the givenness of nature--at least as some existentialists have seemed to say.

My point is that this argument against suicide, if it is looked at with any sort of critical eye, is an extremely weak argument indeed. It surely deserves to be called (as they call natural law arguments against contraception): "valde vaga et impraecisa."

Dominium Dei. . . Note that semper. "Nature" here must include life itself, all the material and bodily aspects of man. "His own perfection"--what is it? Some sort of personal or interpersonal good of the conscious subject--here we have the notion of man as spirit, essentially--the body is left out. What are these dictates of right reason? The real question: how does reason become recta. Is this rectitude just a matter of having the right answer to a calculation? Or is it being in accord with the love of all basic human goods insofar as these are man's fullest participation in the Good Itself--sci., God?

Nunc, in hoc. . . In other words, and without the pious rhetoric, a lot of people nowadays think contraception is o.k. This is the Gallup-poll argument again. Contemporary man also thinks it is o.k. to fornicate, to masturbate, and to abort. What about these? "Se sntit"--what is this, but some kind of intuition or moral sense theory? Next we may expect to hear that moral judgments are made by the direct inspiration of the Holy Ghost! I doubt very much that many who have set out to practice contraception have looked at it the way this paragraph proposes. People don't say: this is more in accord with my rational nature as created by God with liberty and responsibility. They say: "Hell, I'm married, and so I got a right to have my sex whenever I feel like it, and I don't want to have the place crawling with kids." The contraceptor is not merely intervening in the biological processes of nature. He is deliberately preventing the beginning of human life. The processes and his intervention have a special meaning because of their special, and very close relation, to the human person, in ~~wh~~ whose perfection the very beginning of life is the most basic element. The ends of the institution of matrimony--they seem to be taken for granted here, even while the data of mere nature are being undercut as a moral norm. "Fines. . . attingeret"--this assumes that the ends are attained by being realized in fact; as ends of human action, however, they are attained when one acts out of love (or respect) for them, not when they are successfully accomplished in the concrete. Who is a good man: he who accomplishes a good with bad will, or he who fails with good will? They beg the entire question by insinuating that the alternative to artificial contraception is to abandon oneself to chance. Rather, one engages in intercourse when the love of the goods of marriage--all of them--dictates; one abstains when one's commitment to these same goods dictates abstention. If one knows about the infertile periods, and takes this knowledge into account, the indicated principle leads to rhythm morally practiced. The issue is: when do the ends not justify the means?

Page 5

Principium. . . The whole problem of moral theory is to explain how action has to be conformed to rational nature. Certain ways of explaining it have been excluded (at least by inference) above. The verbal formula itself is not a principle or criterion unless it is given some definite meaning. (Incidentally, what is the "by God created and by Christ redeemed" doing here? Is it just for rhetorical effect? Or does it mean that there is no moral law for man apart from the dispensation of grace? If that is the case, either natural law is completely gone, or man's nature requires grace per se.)
Ordo a Creatore. . . Now we get an order that is impressed, it seems, in such a way that it is exempt from human manipulation. But what is this

order? That is, how does one discriminate between those data of nature that pertain to the order impressed by the Creator, and those data which are subject to human dominion? Earlier, it seemed this distinction would not be necessary, but here there seems to be an inconsistent falling back on it. Similarly, the doctrine of the NT concerning matrimony seems to be taken pretty easily for granted. What is its rational necessity? Clearly, man of today doesn't think much of it; most people regard it as out-of-date. E.g., divorce, "wives be subject to your husbands," "women work out their salvation by child-bearing," "it is better to marry than to burn," "let him take it (celibacy) who can take it". Does all this pertain to divine revelation in the strict sense, or is it merely in an inspired writing? Does it bind for always, or only for those to whom it was addressed?

Attamen. . . Our friend, the connective, again! This time we haven't even been given much before it begins to be taken away. I wonder why the parenthesis is there in this sentence. It is interesting that the relation of man to infrahuman nature is included as pertaining to created nature, but the converse providential order of infrahuman nature to man is not mentioned as pertaining to created nature. A non-believing humanist would not see that nature as such has any real relation to ~~the rest of~~ man, since it simply is what it is, it is not ordered to man.

Ordo creatoris. . . God neither requires us to leave everything untouched, nor to see that it attains the end to which it is ordered. Art violates the order of nature as natural--e.g., male calves are not ordered by nature to become steer-meat, but to become bulls. What the order of the Creator requires of human intelligence is that he order his action and the things on which his action falls in accord with good will, i.e., a will ordained to goodness, which is specified in the basic human goods.

Natura agnoscitur. . . For St. Thomas, one knows a nature from its capacities, one knows the capacities from the acts (functions), and one knows the functions from their objects (formal). Vulgarly, "By their fruits you shall know them." Now while it is true that the functions of any natural thing are its immanent end--since the functions are the full being of things, and things are ^{in order} to be fully--still it is not precisely as ends that functions make the nature known. Rather, functions make the nature known insofar as they are materially limited and formally determined by it. What is the point of all this analysis? Simply to say that the reference to St. Thomas seems to be thrown in as window-dressing. It is just a way of getting from the reference to nature above to the discussion of ends below. If it were really a link in the argument, it would be a pretty weak one.

Iudicium. . . the sentence is unobjectionable as a program for the task of ethical theory. The problem is, how do the finalities determine the rightness of actions? And how are the relevant finalities--the basic human goods--discriminated through reflection on human nature?

Fontes vitae. . . I don't know what this sentence means. Literally-- I just can't make out the sense of it at all. Maybe it's my Latin.

Constitutio. . . One might wonder what this is doing in the middle of what is supposed to be an argument from natural law. It seems that the non-infallible magisterium suddenly takes on absolute force when it says what you want it to say. However, more's the shame, since it doesn't say what is attributed to it. Where is "ius exclusivum" in the document? I imagine this refers to "the couple themselves and no one else" but the "and no one else" was cut out of the final draft--a very significant change. If we interpret the way Noonan does, we would conclude that the Council considered and rejected the formula that would have justified the "exclusivum."

Qui parentes. . .the actual wording of the Constitution is not quoted and is actually being distorted, I think. I don't see that the criterion is the objective finality of the institution of marriage; rather it is the nature of the person and his acts.

Attamen. . .The red flag! The finality is clearly understood in a consequentialist sense. The constitution does not say that harmony can rightly be attained in any old way. It does say that it is hard to attain. Sometimes it may be impossible, because not all human difficulties are soluble, and in that case there is a tragedy. The constitution specifically says that there are certain ways of trying to harmonize that are out, that there cannot be a conflict between real love and the moral law, and that the resolution is impossible without the sincere cultivation of chastity. These points seem to be omitted here.

In virtute. . .Here the genital organs are looked at as if they were purely and simply instruments of the person; the person is the pre-fixing intelligence and the organs become pure means. But a couple who decide to have a baby do not look at it this way. They do not think of themselves as having organs which they use, but of being able to generate: "and hold in flesh our love for whom we've lain." ~~One does not use his hand to feed his stomach--one eats.~~ It is only when one is not doing something simple and natural that he uses his parts as organs--e.g., you use your right hand for writing. I have a hunch that the author of this thing imagines that if people have intercourse wanting to have a baby, it is not an act of love. Nothing could be further from the truth. One never knows which intercourse will be the one (and when one is first married one isn't sure you can have a baby). The sense of closeness, of cooperation, of giving and receiving, of an invocation of divine omnipotence, of the opening of a door never before opened--a door to a brand new human life--this is par excellence intercourse as an act of love. On the other hand, people using contraceptives can never be sure the act will not be fertile anyway (there are contraceptive failures), so the whole thing is not so neat and clinical as this formulation suggests. Some of our neighbors who mean to have only two children have three, four, and five. "The organs are not the fonts of life"--well, I guess not. Who said they were? What are the fonts of life for this author anyway? I think he is trying to hedge his bet a little, because though he has said it is o.k. to violate the fonts of life, he wants at the same time to give the impression that maybe contraception does not really do so.

Processus biologicus. . .I could hardly agree more. But this is not the way he was talking when he said that man has dominion over nature, that nature includes genital function, and that nature (he said it by implication) is alien to man, infrahuman, to be exploited. I suppose he has a different meaning in mind though. He probably wants to say that the principle of totality applies, so that one can suppress this part for the good of the whole; the part is not exempted from the application of the principle of totality. He is wrong, however, not because genital process is outside the integral personality, but because the integral personality is perfected by ordination toward multiple basic human goods, some of which are realized in other people, and all of which are principles as they rectify the will, not as they are in fact successfully achieved.

Id quod. . . How elucet? Does he just mean that more and more people are saying this? Or does he mean that intercourse as it is performed is not done and experienced as it used to be? Was it less a mutual gift 50 years ago for a couple who loved each other, treated each other gently, tried to please each other, and conceded to one another willingly the right to decide when to take the risk of pregnancy--and another mouth to feed? I don't think he has any real evidence that there has been much change in fact--one cannot find anything objective in the way of proof, and certainly a few statements by couples who are pro-contraception do not count for much. Why does it only appear that sexual relations are an expression of mutual gift--other practices may seem to be so too. Why only in marriage--this makes things very easy by begging a question that a lot of my college students don't concede at all. What does it mean to say "asumitur. . . ut expresio"? Is not of itself? In other words, do sexual relations have this meaning naturally, or by convention? If the former, then it seems they have had it all along, even if there is more talk about it now. If the latter, then what are the criteria of human meaning-giving? If sexual relations express a mutual personal gift--and I would explain this realistically as I have above, pp. 7-12--one must seriously question how it is possible that they should do so. Perhaps only because they are marital relations, and contraception, by not conforming to the pattern of marital relations, robs the sexual acts of their capacity to express mutual personal gift. Now look at this parenthesis neatly hung on the end. Here he assumes that the meaning is new--mutatio. In this case, it was not naturally given, and has not always been there. Or does he mean "changed" in comparison with sex in the animal? In sum. The sentence is highly ambiguous; the author should answer whether this is new or not, and if it is new how it has come about, but if it is not new, why it should have any bearing on the issue.

Copula materialiter. . . What is the meaning of this "materially"? Does he just mean that there is a physiological reference--that is the sort of thing he seems to think man has dominion over. "Formulari"--frustrated? Or exercised with restraint? Even in the latter case, it is not love but the size of the family and the requirements of education that demands limits. He is trying to insinuate that love and the finality toward fecundity are at odds, but this is not so.

~~Id quod~~ Ipsum. . . The gift may last, if a couple is faithful. Is the gift the very sexual act? If it lasts, why must it be repeated? What he probably means is that a married couple can always engage in intercourse as an act of love--and it is true that this is possible, so long as there is no good reason for abstinence. But while fidelity should perdure, there clearly are times, even for a contraceptionist, when intercourse would not express love--e.g., immediately before or after childbirth. One is thus led to ask: is this expression of love really necessary at regular intervals, as if love ran down without being constantly pumped up. "Irregularities"--an insinuation against rhythm. "It ought to be assumed into the human sphere (?)"--ah ha! He now denies what he asserted a few sentences back--sci: "Processus biologicus etc." If this belongs to the integrity of the human personality, why does it have to be assumed into the human sphere, and regulated by a principle which is not its own? This author keeps wavering between dualism--when that suits his fancy--and integralism, when that looks good to him.

Finalisatio. . . Does the "formaliter" mean that the human act is only directed to the end of procreation if one intends this end? I would agree. Only, if one wants to engage in conjugal intercourse, one is taking a certain act-design (a certain species of moral act already determined ex objecto) that has an order to the procreative good, since conjugal intercourse is defined by marriage and marriage--alas!--is defined by procreation. Or does he mean that the natural teleology--if there is to be generation, certain things must be done--is determined in fact by man. This is not so. We did not invent the ordination of sexual activity; if we had, we certainly would have built in a disconnect switch. The author here seems to be trying to argue against a sort of perverted-faculty or perverted-act argument. The essential thing to see is that contraception is not wrong simply because it goes against the naturally given end of the act, but because it sets one against the beginning of life. This act is different precisely because it is ordained for (simply as a matter of fact) the generation of children. Now the importance of the formal finality of conjugal intercourse is just that since one sets out to engage in an act whose very possibility is defined by the good of procreation, one can in no wise argue that he only indirectly wills the prevention of this good if he deliberately does something to prevent it. In sum, he wants to give a kind of perverted-act interpretation to the argument of Casti Connubii; I want to bend it in my own direction, and as I understand the argument, his whole argument does not touch it, though it would be effective against a more simple minded kind of perverted act argument.

Foecunditas. . . The sentence is not even gramatically sensible. What he wants to say is that foecunditas should result from a deliberate human act--we simply can't do it all by ourselves. I don't have any difficulty, if the deliberateness just means that sometimes one must choose not to engage in intercourse because there is a probability of conception and one ought not to have a child. Incidentally, one wonders why it is so necessary to have iron-clad certitude about a possible conception, and why responsibility is so uniquely necessary here. In general, human life involves a certain amount of chance-taking within prudent limits--why not here too? Perhaps because this would lead away from the justification of contraception that is wanted--the finalization of the argument to its conclusion is formaliter from the author's determination to come to the conclusion he wants!

Cum cognitione. . . There is nothing new about contraception; the basic spectrum of techniques has been here from the very beginning.

Sub hoc respectu. . . There is all the difference in the world. In the infertile period, one doesn't get pregnant; in the fertile period, one may. If one is going to act responsibly; this difference had better be taken into account.

Nam, vel. . . I don't like this "use the organs" business. Notice we are now fostering love; earlier it was expressing. I wonder what these expressions mean to these people? Anyway, it is allowed that man and wife engage in intercourse for both purposes, that all the marital goods be attained. Aquinas already said as much. But then he says next: "non est considerandum etc." and this just does not follow. Besides, what is this business about an intervention in foecund and infoecund periods? No one ever said that contraception is o.k. if the woman happens de facto to be in an infoecund period. The position rather is that intervention to prevent conception is wrong; obviously people who know they are sterile don't do this. This sentence shows very loose and sloppy thinking.

Page 6

Vel ei. . . This man seems to have it fixed in his mind that intercourse that might be fertile cannot possibly foster love. Of course one can have intercourse for the sake of fidelity (love) during infertile times, but also during fertile periods. The alternatives during fertile periods are: 1) abstinence, 2) intercourse which could be fruitful, 3) some mode of sexual behavior which is not conjugal intercourse but which is more or less like it. The last alternative is immoral.

Hoc autem. . . He hasn't looked too hard for a foundation. Notice, he says "videtur." Is this an admission? After all this, all he can do is to keep asserting his position in various formulae.

Interventus. . . The title would be more honest if it said: "Contraception is consistent with the traditional teaching." But that would sound rather silly.

Quaenam. . . Now he pretends to admit that there are some limits.

Principium. . . The right principle is not to ~~perfect~~ nature, rather to act in accord with an orientation toward the basic human goods, and not to act against them. Notice the parenthesis: the equivalent of perfecting nature turns out to be ordering it to the human good expressed in matrimony. The idea is that "love" is the human good, and its expression is the end. Why not say: to order it to the human goods which are the ends of matrimony? That would immediately suggest: offspring, ~~fides~~, sacramentum.

Etsi. . . He gives away the conclusion he ought to be proving as if it were a concession. This is a rhetorical gambit that makes my blood boil. But let us see how he is going to give real meaning to the second part of the sentence: absolute dominion cannot be affirmed. How can he draw a real line?

Propterea. . . Once it is allowed that one may intervene to regulate, why not to exclude? Consider the case of persons with congenital diseases, bad heredity, permanent medical indications to the contrary, inescapable and lasting poverty, etc. etc. Perhaps the best that some people can do is to have no children at all; Pius XII certainly seemed to envisage such cases when he formulated the criteria for the right use of rhythm.

Tunc finalitatem. . . I do not understand what sort of structure he is envisaging for a human act. Earlier it seemed that material finality did not need to be respected; the significant finality was the formal one and the generative process ~~had~~ had to be assumed into the human sphere. Now, for some unexplained reason, the material finality comes back as a necessary co-determinant, but it is not clear how it is conjoined with the formal finality. What is the meaning of "totum" in "totum processum?" The whole is not the moral act, since this hardly is rendered human. Does he mean to suggest again that the reproductive process as an objective sequence of causes and effects is not per se human, but only becomes human in virtue of some interference in it (of course, to regulate)? This is the attitude toward nature in general: one renders the river human by damming it up; one renders the animal human by making it into beefsteak. Nature is turned into culture only when nature is interfered with. Is he saying that one has to practice contraception in order to remove sex from the alien sphere of nature and introduce it to the human sphere?

Actus conjugales. . . Does he mean to pretend that a normal act during an infertile period is purposely infertile? That is Janssens' old nonsense. One who uses rhythm does not choose to have intercourse during an infertile period precisely because it is infertile; he chooses to have intercourse for some decent reason, and infertility is no motive. Even if one does it just for fun, that is not the same as doing it because of infertility. If the act really is conjugal, it cannot be rendered infertile; deliberate interference with the order of the act to any of the goods of marriage makes the act no longer conjugal. We are back with the "expression of love"; it is

not being cultivated here. Do "cultivation" and "expression" mean the same or not? If not, what is the distinction? "Unionis amoris"--is this intercourse? Or is it the marriage bond? Or what? This passage smells like Haering. Why must the love attain its peak in fertility accepted responsibly? Why not in the pursuit of knowledge--e.g., by a husband-wife team of scientists? Why not in any other form of cooperation at all? Is it in fecundity or in the person of the child that love reaches its culmination? The latter part of the sentence (from "propterea" on) introduces another theory for the first time. Again, the bet is being hedged. Here the suggestion is that perhaps contraceptive intercourse is incomplete--like a kiss or caress short of orgasm?--and that these infertile acts achieve their full morality with ordination to a fertile act. What is meant by "full"? Do they have a part morality without this ordination, and then pick up some more morality with it? I assume he means that: *malum ex integra causa, bonum cum quocumque defectu*, or the end justifies the means. This is the consequentialist morality I discussed at length above, pp. 27-31. Does he really want to require ordination to a fertile act; as I said on the previous page under "propterea", this would be stricter than Pius XII in some cases, and I doubt very much that he means it.

Si iste. . . the important qualification is introduced: "sine sufficienti ratione." But what counts as a sufficient reason? And how can the "incomplete" acts get their specification from a complete act which is excluded deliberately but by virtue of a sufficient reason? My moral theory can handle this case, for I only require that the goods always be respected; his cannot, for it does not depend on intentions but on actual realizations of goods. What happens if one engages in incomplete acts for several years and then decides never to have a baby; do the past acts now become sins retroactively? In other words, are they held in suspense from the time they are performed, in a kind of limbo of moral acts? Any plausible ethics must meet this problem in such a way that the morality of one's acts never changes retroactively, for this is built into our very language of moral discourse. He does not prove, but merely assumes, what would be impossible for him to prove here: that one may not act for a good outside the goods of matrimony, and that the goods of matrimony do not include whatever a couple wish to cooperate for. In other words: he takes for granted the stability of the institution of matrimony, but plenty of people want to make something quite different from it: e.g., a two-in-one-flesh community for creativity of any and all kinds. It only happens that most slobs can do nothing more interesting than have babies.

Actus coniugales. . . The single acts can be looked at either as items of physical behavior, or as moral acts. As moral acts, when each of them is considered as deliberate and free. As such, each of them has its distinct moral specification, for one posits himself in every single free choice. If they were not singly deliberate and free, then their physical multiplicity would not require a multiplicity of moral acts. But I think we have to assume that people very seldom engage in several acts of intercourse where the whole set is deliberate and free but the individual acts are not (an exception might be more or less continuous coital behavior during a whole night.) Now, even if each single act is a complete moral act, as I think it generally is (since each one is deliberate and free); still a group of moral acts also can be embraced by a single moral act which gives them an ulterior order. Thus, the decision to practice contraception is a single moral act which embraces within its object many distinct moral acts--the particular sexual acts made in accord with the general decision. Now, to disregard the morality of the single acts, while granting that they are singly deliberate and free, simply is to say that the end (of the more general act)

justifies the means (i.e., some, at least, of the single acts). Another way to put the point is that the morality of one's policy does not clear of guilt the steps one takes to execute it, even though these steps be integral to the policy in question. For at times a policy has nothing objectionable about it except the immoral means that are essential to its success. Try this on some example from international relations.

Non omnis. . . Of course, there is such a thing as an act of man that is not a human act. An act of man is not a human act because it lacks voluntariness.

Subiectum autem. . . Strictly speaking, the subject of morality is the agent, not the act, but we'll let that pass. It is true to say that no act is morally determined that it not a human and deliberate act. What is the meaning of the "ex" here? This is not Aquinas' formula. Deliberation does involve knowing the object, and what is most formal in the object is the end--but the end understood to function as a specifying principle of intention, not as something to be realized in fact.

At hic. . . It is possible for the single human act to have a double moral specification according to Aquinas. This contrasts with the situation in natural entities, for they can only be in one species, not in two at the same time. The moral act can be composed of many particular non-moral acts--this is true. But if the multiple acts are themselves deliberate and free, they must have moral specification, for Aquinas, for there is no indifferent concrete act. And then the multitude will form a unity only in the manner I have explained above--by being embraced in the object of an act inducing a further order. The single contraceptive acts of intercourse do have within themselves a certain specific moral object--that is what the whole tradition has maintained. The author here must prove that they do not; simply to assert it is to beg the question he has set out to prove.

Et hic est. . . The multiple acts may be related to a unique deliberate will-act--let us grant that. The vital point is that they are not done without being understood and chosen each singly. One may object that a couple often goes to bed without much deliberation. Granted. The deliberation for acts frequently performed does not require counsel and a preliminary consent; one simply understands what one is doing and does it willingly and "on purpose." This surely is enough for moral responsibility. I will even grant that sometimes, perhaps quite frequently, married persons have intercourse without a distinct moral act for each single coitus. But this is more the "twice-a-night" situation than anything that would extend over months or years and involve the deliberate execution of a policy. And while we are on this point, it might be worth mentioning that the use made of St. Thomas here is pretty perverse. It is hard to believe that the authors really are confused about this point; it is put together too neatly. But they certainly are using his authority to back a position he would never accept: sci. that single deliberate acts can be chosen to implement a policy without the single acts having moral determination of their own. It also is worth mentioning here that contraception and intercourse are not, morally speaking, the same act. One cannot say they are, since one can have intercourse without choosing to intervene to prevent conception. Therefore, while one cannot choose to prevent conception (rape apart) without choosing to have intercourse, the choice to prevent conception takes a special movement of the will all its own. Moreover, while intercourse has various good purposes, contraception precisely as such has in and of itself no good purpose whatsoever. It does not promote love; it does not provide education. All that it does, absolutely all that it does directly in and of itself is that it prevents conception.

Page 7

Hucusque. . . This is not true. Moralists have condemned contraceptive intervention and artificial insemination, but allowed certain other medical interventions that aid fertility. In general, too, the teaching on rhythm has emphasized a need for indications, etc. If one looks at the longer traditions, the primary requirement for the rectitude of intercourse was not biological conformation, but that the couple be married and be acting maritali affectu. This is a less rhetorical equivalent of mutual love. The author cannot consistently claim that the whole church for centuries required procreative intent and that hitherto the only requirement was physical integrity.

Renuntiando. . . Where is the renunciation--I suppose he is getting something out of the booklet of explanations of the modi. I still think one cannot identify these with the teaching of the Council's document itself.

Habentur. . . How stricter? This use of words like "materiality" and "sense" seems to be a sneaky way of trying to get around what the document explicitly says. It says: the criteria are not merely a matter of right intention (which does not quite mean "sense") but are objective--which does not exactly mean material, but does not exclude requirements related to the proper behavior. The document here is coming close to the position of situationism as I analyzed it in my book, where it is never granted that any specific outward behavior can carry a definite moral meaning.

In multis. . . But the use of weapons is the use of something artificial which clearly is not integral to the human personality. It seems this is what he wants to do with sex. Just as a gun is an instrument for shooting, a penis is an instrument for insemination--a fine Freudian image! Of course there are many, many outward acts which do not in and of themselves carry a definite moral significance. But there are some outward acts that cannot, within defined conditions, be performed without a perverse will. Contraception falls in the latter class. So does torturing little children, sodomy, and so on. If you are trying to make this point against someone who is really a protervus, I suggest the following example. It is possible to build a "doomsday machine"--a machine which, when turned on, will not be able to be turned off again, and which will annihilate all life on earth. Let us suppose that this machine is built (and there might be reasons for building one--since it would serve as an ultimate deterrent for a country that was about to be completely wiped out in a hydrogen war). Then, does one need anything more than the simple description: "He turned the dd machine on," to know that an immoral act was committed? No, but the description contains no moral terms at all.

Quae sunt. . . Again, one would hope for some kind of rational argument. It is very hard to see why this Council document should become an absolute touchstone when it clearly is not infallible teaching and when the non-infallible magisterium is being tossed aside. The use of the Council document also violates the norm Paul VI laid down: that the Council had not said anything radically new, and that all its documents should be interpreted in a sense consonant with the tradition, not used against it.

De his. . . I am sure I don't need to point out that the passage looks different in context. If one just takes it with the preceding sentence, it seems that the Council disapproved of the author's attitude above where he was reducing the generative process to something merely biological. If one looks at the whole paragraph, it seems pretty clear that the Council regards God as the lord of life, and that they are rejecting abortion and something else--this is evident in the text even without the last sentence. What else is there that the author rejects besides abortion?

"Communitas. . .Where did the phrase in quotes come from--who said it? According to the Council, the criteria should be taken from the nature of the person and of his acts. We still are without any very plausible analysis of the conjugal act, so far as our document here is concerned. According to the Council, the appropriate objective criteria will be ones that observe: 1) the integral sense of mutual donation; 2) the integral sense of human procreation; 3) and all this in a context of true love. The true love here evidently should not be taken to apply only to the conjugal relation as one of mutual donation, but also to it as one of life-giving. For true love is a love of all the ends and goods of marriage. Now it is interesting that we begin here not by analyzing "integrum sensum humanae procreationis" but "sensus sexualitatis in coniugio"--the latter heading does not make it seem so odd that the whole paragraph will be concerned with the obligation ~~not~~ not to procreate. If the Council's phrase were used as a title, one might ask what else is involved in the whole meaning of human procreation besides the obligation not to do it. Again, he is assuming that he can take for granted the stability of the institution of marriage--it is ordained to procreation. (The Council, of course, was not precisely talking about marriage here.) It would be very difficult if he had to try to explain what is meant by an integral sense of human procreation without falling back on a rather traditional interpretation of marriage. But who says marriage has no other ends; why can't its nature be changed--mutatio obiecti? And why should the only objective and authentic sense of sexuality be ordination through marriage to procreation? What about sterile marriages? (Always remember, a theory that requires action in accord with an orientation toward certain goods does not demand that the goods be actually realized in fact, but a theory that requires the greatest net good to be realized and then specifies that good as procreation will be in trouble if it turns out the procreation is not in fact possible. I think on his theory, to be consistent, he ought to say that if a couple find they are sterile, their marriage is invalid, just as the tradition has held concerning impotence.)

Hinc. . .An essential end, or the essential end?

Wed hic. . .In a theory like this, in what sense is procreation an end if it is not realized? If anyone has two children, then they have "filios educandos," and according to this formula, taken strictly, should not realize the procreative end through a fertile act. What does "unprepared" mean? They don't want to? Or they are not educated enough, well off enough, etc. Why, then, did they get married? I mean, on his theory, procreation is the end of marriage, and ends are effective in their actual realizations.

Haec obligatio. . .Now natural law comes in, because it is convenient here. Where did the phrase "community of love and unity" come from? It is redundant--community of unity. Rhetoric! Undoubtedly there can be a strict obligation not to engage in intercourse that may probably be fertile, 1) if one isn't married; 2) for all the indications mentioned by Pius XII. The author here wants to ground the obligation not to procreate in the very procreative good itself (which, of course, sometimes is the case), in order to make it seem his contraception does not really violate the procreative good. My own position has been objected to because it is claimed that I ascribed rights to the possible future child. I did not of course; I just said that an objection based on the supposition of such rights is legalism. Well, here we have some of that legalism. The right of the possible future child to be well-born is used as ground for seeing to it that he is not born at all. In other words, there are many possible people whose only right is not to exist!

Erge finis. . . It sounds so plausible to say this, especially to people experienced in administration, for they know one often must take one step back as the best way of getting ahead. The thing that must be fastened on, then, is that sometimes one is obligated not to have ~~many~~ children at all, and the ground of the obligation is not the procreative good--e.g., the health of the mother. In these cases, one cannot look at the procreative good as an effective end--i.e., one to be realized in fact. How, then, will it be the end? The only way I can see is by its determining the orientation of one's will, but then this has to mean so much that contraception is excluded. Notice, that in the tail end of this sentence we get returning again the argument used earlier that had temporarily been set aside--that man is the administrator of life and consequently of his own fecundity. Home, dominus vitae. . . I am sending along a newspaper clipping that beautifully illustrates this idea. You have in Document #1 a very good rebuttal of this line of argument when you point out that all kinds of other sexual sins can be justified by the procreative good as it is understood to function here. You can always add: life-saving abortion, truth-serving lies, torture-preventing torture, ~~was~~ peace-securing nuclear warfare, love-cultivating hatred (often love begins when a group faces a common enemy).

Ex altera. . . What is the meaning of "directe" here? Does he mean that other ends are distinct and independent--in that case his notion that procreation provides a limit falls. Or does he mean that while directly ordered to another end, that end must be ordered to procreation--in that case we have the difficulties with which I have been taxing him above--e.g. the sterile marriage.

Sacra scriptura. . . Does the whole doctrine of marriage have to come from two sentences? Is the supposition that "Increase and multiply" (note the lack of the rest of the sentence) is all that forbids contraception? "Two in one flesh" In the context, the emphasis seems to be on the closeness of the marriage bond, which is closer in its way even than the parent-child relation, so that "for this reason a man will leave his father and mother, and cling to his wife (fidelity)" But the two in one flesh, as St. Paul says, holds for a man in a whore-house too. It is not an end, if taken in this sense. St. Thomas, commenting on the Gospel (where, indeed, Christ seems to apply the phrase to the bond, not to intercourse), says that "cling to his wife" ~~se~~ refers to fidelity, and "two in one flesh" to the fact that the couple are a single principle of generation. This is an important point for he is applying it to intercourse, but then insisting on taking it in accord with the procreative sense of intercourse. One might ask what people think is needed to make two in one flesh. Is it simply skin contact? The two bodies may be ever so close, even interlocked in a marital embrace, without love. St. Thomas takes it that the unity must be primarily physical and dynamic--the couple become one physical entity insofar as they are together a single cause. From this point of view, contraception (which makes definitely impossible this dynamic unity), assuredly prevents one-flesh unity, and this in a most realistic way. But if one takes the thing as St. Paul does, I think that contraception does not ~~destroy~~ the one-flesh unity, but then this unity has no love either.

In aliquibus. . . Why required? See above, pp. 7-12. Now intercourse "manifests" love. Is this the same as "expresses?" It seems particularly ludicrous to say that "oblativ love" has to be manifested by intercourse. What if there are reasons that rule it out with contraception, or if the most effective contraceptives are contraindicated and pregnancy also is very strongly contraindicated.

Page 8

In hoc. . . Well, it's contraceptionism, and that is worse than egoism and hedonism. To say it is legitimate communication just begs the question. Now he says that we are composed of soul and body. I like the idea very much. But that was not how he was talking back a couple of pages where he seemed to have the body pretty well consigned to nature, and where nature was alien from man--technological intelligence and freedom. Why the "speciatim?" Cannot married couples communicate through other appropriate acts? Or is sex such a magic language that all close relationships deserve to have their genital element?

Hic interventus. . . the privatio unfortunately is included in the object of a specific choice. Therefore, it is not only a material privation; it is deliberate privation. The ulterior motive does not make it less deliberate, but rather more so. Note the implied identification of "amor" with sexual intercourse here. The act of intercourse certainly can receive its specification from another (non-procreative) finality that is upright; the question is whether the act of contraception receives its finality and specification from anything than what one is purposely doing. And can intercourse which is purposely modified by contraception fail to be specified by that fact? He blandly says it can--another case of asserting what should be proved. Note the last phrase is hung on after a period. It appears to be another instance of hedging the bet. Thus the two theories go on side by side and they are never reconciled: 1) intervention is o.k. since many times it is justified by higher goods, inasmuch as man has dominion; 2) intervention is o.k. since the procreative end of marriage itself requires it.

Quod si. . . What kind of authority would a statement by the magisterium along these lines have? What authority would it be able to produce for it?

Infoecunditas. . . "lesser inconveniences"--they all are not good? Or does this just mean, more efficient? I think it probably wants to suggest that there is less perversion of the marital act, but to put it this way is to give away the whole show.

Home suo. . . This looks like it sets a limit, but it does not. If "arbitrarily" means "for absolutely no reason at all", then no one is interested. But if it means, "for a good reason," there always is one, or nobody would begin manipulating. "Arbitrary" is one of those peculiarly empty moral words that seems really to specify when it doesn't--like "responsible," "authentic," "humane," etc.

Si natura. . . But nature as merely given is no moral norm. Again, the underlying suggestion is--use means that less pervert the marital act. But there is no good reason for perverting it less, once one has allowed that it is o.k. to pervert it. How does one tell what is more connatural on the theory presented in this document? Is it what people have a good reason for--it comes down to efficient--or what is nearer to given nature?

Ex altera. . . Are some interventions less conformed to the expression of love, and so do some of them infringe dignity? Why? If some do, why not others? This in effect is to suggest an esthetic norm as the only limit against sodomy.

Tandem. . . The one thing necessary!

Si privatio. . . Good technical advice; the requirements of technique become the standards of morality. One can sum up the whole thing by saying that one should use a contraceptive that perverts the marital act from what you knew it ought to be--in its objective structure and as experience--as little as possible, and which still is an efficient means for accomplishing the end of preventing conception. The ideal contraceptive from this point of view would be a perfected method of rhythm which required only a few days of abstinence a month and that was completely foolproof. The history of contraception

certainly is moving in this direction. Of course, there will in the future have to be two lines of development: toward perfected rhythm for people who are allowed to make their own choice; toward a public health type (e.g., something in the water) for those on whom it will be imposed.

In hoc. . . Typical nonsense about rhythm. But it isn't very good as a contraceptive, one has to take a non-contraceptive attitude toward it. Rhythm does work; contraceptives also fail. Dr. Marshall, in his more recent book, has a very good treatment of it. The "few days" thing is not true--most people normally have nearly half the time open. It does work after childbirth--of course, one has to wait a few weeks. Some marriage manual (was it Van de Velde?) suggested that if the husband uses a condom and if the wife has no stitches, a couple can begin having intercourse within a few days after childbirth with no danger. Is this what they have in mind? As to menopause, I also read in a manual on contraception--Guttmacher's--that when there is no period for a year, contraception can be discontinued. If roughly the same applies to ovulation (of course, in months when ovulation does occur, there is no problem) then I guess one is in for rather extended abstinence of some risk taking.

Praeterea. . . Obviously ignorant. What is meant by regular? More important, the regularity of the cycle is important for calendar rhythm, not for modern techniques. Be she ever so irregular, her temperature goes up when she ovulates. I should know.

Be ficta. . . nothing like begging the question in a title.

Difficultas. . . The difficulty is not only urged; it is historically demonstrated for other Christian religious bodies. John Ford didn't think up the new morality all by himself.

Quantum. . . This makes them bleed, or they wouldn't talk like this.

Abortus. . . It differs, but the point is that contraception is not only against gametes, it is against conception. Moreover, there is a logical relationship--remove the principle, weaken the position. The bridge would fall and all goes into the abyss together. Further there is an existential relation: decide not to procreate, get caught pregnant, and then abortion becomes necessary. Besides, the difference between the two is not so sharp as the argument about IUD's, the time of the beginning of the person, etc. goes on.

Millies. . . Now let's take masturbation. It is interesting phrasing to say that the ova are elevated to the dignity of human life. Does he mean that the very same reality is ovum and then person? Or does he mean that in between there is something not human life at all? See above, pp. 18-20.

Ius prolis. . . Now he says the right is absolute, while near the beginning of the argument he said that man is the lord of life. What is this "vivae" doing here? Does he mean to suggest it is only after conception sometime that the fetus is animated?

Ut factum. . . I don't know how he proves this, since it is notoriously hard to get any accurate figures on abortion. Clearly there are an awful lot of abortions in the US each year. I think that sociologically there are two pretty clearly discriminable situations so far as abortion and contraception are concerned. In a rather backward or primitive situation, there may be a lot of abortion, and even infanticide, as a method of birth regulation. If a less drastic method becomes known, it may be used instead. Perhaps in an area like Japan the abortion rate will in fact fall as people become more sophisticated about contraceptive techniques--the birth regulation thing just came too fast. The other situation is where people already are sophisticated and contraceptive technique is quite generally known and fairly widely practiced. Then, if contraception is pushed, a new mentality is cultivated in those who accept it, and abortion follows. Thus the US and so it would be in Germany, France, and so on.

Theoria. . . These were not admitted by any previous theology, if the copula meant: to orgasm. On the other hand, why should any sort of caress be ruled out a priori if a couple like it?

In hiis. . . This is just a bland assertion. I don't see how it can be shown. I think it is just as vague and imprecise an argument as can be. It seems to me that all we are given here is the fact that the author of this document has rather strong esthetic repugnance to these things, and he is inclined to define what is in accord with human dignity by his esthetic sensibilities.

~~Interventus:~~

Page 9

Interventus. . . He didn't say that before. What he said was that it helped procreation. And I can easily think of cases where a little adultery seems like a necessary safety valve to hold the happy family together.

Ergo non. . . Of course there isn't parity. But the whole bridge hangs together. He talks as if you could take a dog whose bite you dislike and whose tail-wagging pleases you, cut off the head and keep the rest, simply because there is no parity between the cessation of biting and the cessation of tail-wagging.

Hae. . . Again, he assumes the position he is undercutting. Also note that now it is "normally" so far as children are concerned. On what principle not "normally" complete donation?

Hae relationes. . . Well, as Document # 1 shows so well, they don't necessarily undercut these norms. Besides, the norms given before were merely asserted, not proved. There is one thing about revolutions, and that is that the people who start it always are fairly conservative. However, their principles imply more than they want to accept. The authors of this document think one can begin a little revolt which compromises the principle of legitimacy (i. e. , the magisterium) and then stop just where they want. They would be hopeless conservatives in a few months--if they are really being honest at all.

Affirmation. . . Masturbation can be a group activity. ~~Also~~ A certain troop of boy scouts used to have a practice around the campfire in the evenings--they called it "circle jerk." They were very close indeed. Besides, masturbation has all kinds of good reasons--some psychologists urge it as a relief of tension, at least in abnormal cases. The very relief may expedite a more friendly and outgoing attitude--it is not the masturbating but the morose concern about it and guilt that causes the trouble--so they say. (I would condemn it mainly because it interferes with the development of a virtue of chastity which is evidently necessary for fidelity and responsibility.)

Masturbatio. . . this assumes what needs to be proved. How do they know sexuality has only one end? Is this a mere datum of nature. Has man no dominion here? They talk as if you could read off moral law by looking at genital anatomy and physiology. To say that it is done for mere egoistic satisfaction is to beg the question. What if one does it for fidelity when one's wife is away or cannot engage in intercourse? Anyway, what is wrong with egoistic satisfaction? Why does one smoke?

Copula. . . They keep saying it is. Maybe they can convince themselves. I think it is not the same as masturbation; it is rather worse.

Si ponitur. . . Well, the two questions are distinct. But they are not unrelated. I don't think I ever understood what is wrong with masturbation, and certainly wouldn't from this account, until I came to see that chastity and genital automatism are contraries to one another, and that chastity is absolutely essential for one's love making (and even for one's abstinence) to have any humanly significant value.