CONTRACEPTION AND THE NATURAL LAW: A RECENT STUDY

Germain Grisez, associate professor of philosophy at Georgetown, married and father of four, has published an extraordinarily important philosophical study of the moral evil of contraception.[1] It is not the topics treated that would distinguish the study from others on the same subject. In the Introduction, Grisez criticizes the increasingly popular attitude among Catholics that appealing to experience and neglecting ethical reasoning would justify the practice of contraception under certain circumstances. On the other side, he points out the inadequacy of many arguments urged against contraception, both those developed along traditional lines and the recent "phenomenological" analyses (chap. 2). Probing more deeply, he outlines two prevalent but unsound general theories of moral law which underlie many of the arguments advanced for or against contraception. He develops a more adequate theory of moral law, found in the later works of Thomas Aquinas (chap. 3). Applying the general principles, he shows why contraception is intrinsically and therefore always immoral, and in the process makes clear what is meant here by "contraception" (chap. 4). After meeting objections that concern rather his general theory of morality (chap. 5), he pinpoints more concretely what constitutes contraception and therefore makes an act immoral, and under what conditions there could be, not contraception, but mere conception-preventing or conception-avoiding behavior, which might be permissible or even obligatory (chap. 6). Similarly, any contraceptive use of drugs is seen as intrinsically immoral (chap. 7), although for some conception-preventing drugs there is a legitimate use (Appendix). From the objective conditions of morality thus far discussed, he sharply distinguishes the question of subjective responsibility and morality (chap. 8). In an epilogue he prophesies a new age of Christian asceticism, when through God's grace, genuine charity, and proper training, perfect chastity will be attained and easily maintained both in and out of the married state. A full-page précis of the book, prepared by the author himself, is found in the *National Catholic Reporter* of April 21, 1965, pp. 6 and 10. However, no précis will do justice to his complex and nuanced philosophical development nor indicate the breadth of his discussion of other writers on the subject, from Aquinas and Suárez to de Lestapis, Dupré, Janssens, Van der Marck, Ford, and Kelly.

But the extraordinary importance of Grisez's study does not lie in the intelligent and thorough way he goes over well-trodden ground, nor in his

[1] Germain G. Grisez, *Contraception and the Natural Law.* Milwaukee: Bruce, 1964. Pp. xiii + 245. $4.50.

philosophical proof of his central thesis, the intrinsic immorality of contraception, and his consequent practical conclusions. From this point of view, he will convince only the convinced. As a matter of fact, Grisez with admirable honesty admits that what he presents falls short of a rigorous philosophical demonstration. But he renders great service and raises enormous hope by advancing the state of the hotly controverted question out of a tenebrous impasse into an area where there seems finally to be possibility of light.

First of all, the general thrust of the book meets a deficiency often noted in the controversy: the defending or condemning of contraception in terms of principles which are invoked as having universal validity, but whose consistent use outside the case in point seems questionable. As Grisez observes, those who are defending the practice of contraception in exceptional cases generally fail to show how the basic principles they use apply in other cases, e.g., in the moral judgment on homosexuality. Must not exceptions be permitted here too? On the other hand, the principles which are derived from "conventional natural-law theory," originating with Suárez, similarly offer difficulty when one attempts a consistent, universal application. It simply is not true, and no one holds it in practice, that to act and yet to prevent the attaining of the factual natural end of the act or of the corresponding human faculty is *always* morally evil. "The many attempts over the years to show the intrinsic immorality of contraception using this faulty premise have exposed Catholic moral thought to endless ridicule and surely have caused harm in other ways" (p. 31). When the prevention described above is *eo ipso* morally evil—and this is the case in acts of the reproductive faculty—it is not the mere natural teleology of the act or faculty that grounds the violated moral obligation.

Grisez thus marks out felicitously the crucial question: What, *in general*, can ground such an obligation that a given kind of external behavior will always and under all circumstances be morally evil? The main opposition to any unconditional condemnation of contraception in terms of natural law comes from those who, at least implicitly, answer this more general question negatively: natural reason can find no such obligation. Moreover, Grisez is one of the first to recognize that most of the modern attitudes whence arise the negative answer, although they differ widely among themselves, represent a unified trend of thought. He calls the trend "situationism," for want of a better name. "Situation ethics" is but one of its modes, and the trend has completely infected the contemporary "post-Christian" intellectual atmosphere. It provides a natural temptation to Catholics dissatisfied with conventional natural-law theory. "Situationism" is perhaps a misleading tag, since the situationist, as Grisez describes him, can admit ethical principles

generally applicable to external acts and condemning certain given acts as generally wrong. Moreover, the exception, which for the situationist is always possible to any general principle or prohibition, is justified because the external action in a concrete situation that is unusual, though not necessarily unique, objectively calls for a principle higher than the one usually applicable. For, according to situationism, the value of anything material lies primarily in its results, i.e., the consequences its realization has for the promotion of the truly absolute values. If, therefore, a given external action (e.g., violation of property) generally has bad effects for the absolute values, it is generally wrong. But it is always possible that in some unusual situation it will have consequences on the whole more conducive to the absolute values. In this case it will be morally right and perhaps obligatory. What characterizes situationism and opposes it sharply to Grisez's position is that *all* external actions (e.g., masturbation) are judged in this way.

The absolute values, which must be sought unconditionally and without exceptions, are identified differently by the different ethical theories of the situationist trend, but they are always nonmaterial, subjective, specifically personal, a certain kind of conscious experience—e.g., pleasure, authenticity, autonomy, "charity." Procreation as such is only a bodily good and hence has value for the situationist, not as an absolute ideal, but at best as the necessary condition of absolute human values (e.g., the freedom to be exercised by the new person). Procreation, consequently, can be exercised eventually to a degree sufficient from a moral point of view, when it makes possible to an extent sufficient in the situation the realization of the absolute values. When this is done, the competition of other material goods will neutralize the prima-facie claim of procreation to consideration. As a result, any situationist will permit contraception, at least in certain cases. "And, of course, if a situationist's key value happens to be mutual love, then a neutralized procreative good which might interfere with sex for sentiment's sake is not worth a good second thought" (p. 59).

The sounder, more adequate theory of moral law, which Grisez prefers to situationism and conventional natural-law theory, indicates a different norm of moral "ought," namely, the principles of practical reason. Since the least condition for human action is that it have some ideal, some intelligible object towards which it can be directed, reason first and most generally prescribes that good should be pursued, i.e., every good which man can attain by using his wits and his freedom. Since, therefore, man must be open to indefinite development, to the totality of human opportunity, and since man's basic tendencies prefigure anything man can achieve, practical reason then prescribes through specific principles each of the objects of these natural inclina-

tions—e.g., preservation of one's own life, mating and raising children, the company of other men, exploring and questioning. The primary practical principles turn what were experienced as mere objects of inclinations into ideals, intelligible motives, reasons for action, what ought to be.

The basic principles, all affirmative, not only provide general, positive direction, but they ground definite obligations, positive and negative. True, the basic general obligation to pursue an essential human good (e.g., procreation) does not necessarily bind an individual at a given time or even in his whole lifetime to contribute toward this particular good. But it does bind him positively in all practical reasoning to be sensitive to this good (as to all essential human goods), and this sensitivity can in certain circumstances positively oblige him to action—e.g., when a significant realization of the good is in his hands alone and he has no good reason for not contributing to it, or when he has already engaged himself to promote this good. Negatively, the love reason commands for each of the essential goods binds him never to act directly against the realization of any one of them, even if it be for the sake of another essential and greater good. The negative obligation will consequently prohibit certain external actions as intrinsically immoral under all and any circumstances (what situationism fails to do and what conventional natural-law theory does without adequate basis).

Grisez's Thomistic approach will represent to many, as to this reviewer, a welcome contribution towards the solution of the problem, but will also seem to raise questions that it does not answer. One can well accept from the start that immorality is determined and grounded only as violations of those goods which, each with a certain irreducible value, constitute the full possibilities of man's development. But how does one recognize and identify these goods? The specific principles of reason merely define the basic possibilities man has of carrying out the first principle, "Good should be pursued."

Grisez is surprisingly reticent on the meaning of reason's primary practical principle. Is the predicate, "should be pursued," formally a creation of reason (e.g., in a Kantian sense) or is it merely a proportionate response to, i.e., recognition of, values, the "shoulds" inherent in the possibilities such as those to which man's inclinations will point. Reason's most fundamental command, says Grisez, arises from the necessity that intelligent action have an intelligible goal. But what kind of necessity is this? And is there any reason why there *should* be intelligent action in the first place? Grisez's moral "ought" has the air of being ultimately hypothetical, the psychological requirement of man's factual drive to action and to the total fulfilment of his inclinations (cf., e.g., pp. 61–62, 83). This explains excellently some of Grisez's subsequent conclusions, but would be acceptable, one fears, to few ethicians in the Christian tradition.

Similarly, and more importantly for determining specific obligations, what is meant by "good," the subject of the fundamental principle? Grisez objects to situationism, according to which man should unconditionally pursue only the specifically, consciously personal. But he never defines or explains the general, identifying characteristic of all that reason, according to his Thomistic synthesis, prescribes to be pursued. Perhaps he means by "good" merely *id quod appetitur*. One would understand then why each basic, natural inclination of man has to be taken into consideration as automatically prefiguring a possible basic good of man. But although abnormal inclinations or the inclinations to want more than one's share or the instinctive appetites for sexual and sensual satisfaction may not be "basic" and "natural" (p. 77), still their objects seem good in the sense of *id quod appetitur*, and therefore, in virtue of reason's most fundamental principle, to be pursued for their own sake. In other places (e.g., pp. 58, 71, 72, 77, 94) reason's most general principle seems to order whatever has any intrinsic value to be pursued. But then one would expect an explanation as to what in general makes up intrinsic value. Perhaps, if Grisez had given this explanation, he would not have determined the essential, irreducible goods for man by the sole criterion of his factually basic, natural tendencies, but also by the degree of immanent value in the object of the tendency.

Thus, that procreation is one of the essential human goods that must be respected Grisez proves by the facts that having children is practically a universal phenomenon and that from a biological point of view the work of reproduction is the fullest organic realization of the living substance. Such reasoning illustrates well how his specific principles correspond to "basic and natural tendencies," but leaves intact the mystery concerning the most general and fundamental question: what makes anything a good at all and therefore to be pursued?

However, by his own clarifying of the state of the contraception question and by his own tracing-out of the salient points of situationism, Grisez makes clear that his most decisive step lies further on. He must show how the absolute ideal goods a man should recognize can eventually prohibit a given external action under all circumstances. Obviously, such goods prohibit any interior act of hate or indifference in their regard, as well as any actions undertaken out of such motives. But how can they prohibit objectively and unqualifiedly an external action, when the total relation of any external action to an ideal good will vary with circumstances? Moreover, as he insists, it can be morally licit in certain circumstances to wish and prefer the nonrealization of the good (e.g., the cessation of the life of a friend in prolonged death agony). He may even arrange for the nonrealization by his omission or take positive action in order to allow it to take place (e.g., discontinue ex-

traordinary means by disconnecting a heart-lung machine). What is intrinsically evil is only to act in such a way as not to respect this good as irreducible ideal, i.e., to submerge or subordinate the good in the intention that the act by its very nature requires. In other words, that act is intrinsically and therefore always immoral in which the agent necessarily, by the very nature of the act, intends as end or means the nonrealization of the good. For this reason, certain types of conception-preventing behavior are always immoral, no matter how great the good that may result from it.

Grisez's conclusion would follow unquestionably from any theory where the operative norm of obligation was the end of the faculty or act, commanded by a divine legislator. But he rejects such theories as inadequate. Can he, in his preferred framework of irreducible human goods, logically prohibit any given external act without qualification? Should not his sole norm, "a constant, positive love of each of the essential goods" (p. 87), a "willing that they be" (p. 91), in its practical application look only to the total results of the action, to what extent it works on the whole for or against the concrete realization of the goods? But this, Grisez recognizes, leads to the possibility that any given action may, at least in exceptional circumstances, be justified. With remarkable honesty and lucidity in his effort to avoid the conclusions of situationism, he depicts his moral man as one who, in recognizing intrinsically immoral acts, is ultimately uninfluenced by the results of what he does. On the other hand, apparently sensing the discrepancy between this position and his fundamental ethic of love of goods, he ascribes the ultimate irrelevance of total results to an extrinsic factor, the limits of human knowledge. Since man never fully knows the consequences of his actions, he cannot act on his evaluation of the complete outcome. God, of course, does fully know, and He may well have a moral judgment on a given action quite different from that to which human ethicians must come. For them, in their ignorance, the only criterion of an intrinsically immoral act is that by its very nature it shows disrespect of an ideal good, although its consequences may on the whole contribute far more to the realization of the good than against it. Thus, for Grisez, the love of a good (e.g., human life) can prohibit an action (e.g., therapeutic abortion) even in circumstances where the action would not increase the loss of life, but might save one (pp. 87, 110).

The decrees of a divine legislator discerned in natural ends could well justify such a practical attitude. One could leave the responsibility for results to the legislator. But if, as Grisez and this reviewer and many Catholics today believe, the legislator has simply left man to act out of his own love for the good, it is difficult to see how love can demand anything else of an adult but

responsibility for bringing the object loved to be, for the extent of concrete realization of the good—in brief, for results, estimated as best a man can. Incidentally, one might speculate that Grisez's extraordinary low opinion of man's knowledge of results may also be based on the later writings of Thomas Aquinas and not take sufficiently into account the revolution in human knowledge that began in the days of Galileo Galilei and has not yet come to a halt. Is it that ethicians such as Grisez are afraid to admit ultimate results as sole criteria of immorality because they realize that the new sciences may invalidate current assessments of results of a particular action and give a different, if truer, picture? And they, the ethicians, do not know what this truth might be. Perhaps it would be fairer as well as kinder to such ethicians to admit that any theory which invokes results as sole moral criterion still must explain and not suppress a basically valid experience of all men trying to be moral, that at times one faces certain obligations and prohibitions that are independent of results in one sense, in the sense of the results of this individual act here and now assessed by this individual man. Those who, like this reviewer, see the primary value of Grisez's study as, despite itself, pointing to some ethic of the results along the lines of "situationism," will recognize the challenge to such an ethic to integrate the above experience.

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