

Contraception outside Marriage: Prudence or Sin?

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IS THE ACT of contraception a sin only against marriage? *Humanae Vitae*, the 1968 encyclical of Pope Paul VI on the regulation of birth, alludes only to the conjugal act of husband and wife in condemning the use of artificial contraception to impede the procreative capacity in sexual relations. While the act of contraception in marriage is proscribed in the strongest terms as intrinsically evil, the key references target exclusively the violation of the conjugal act.¹ The encyclical makes no explicit mention of an intrinsic evil in the use of artificial contraception when committing sins of fornication or adultery.

Some interpret this absence of specific reference to contraceptive use in the latter sins as an indication of its non-importance in these sins. In this view contraception in sexual acts already recognized as gravely sinful means very little. Indeed it is questioned whether any additional wrongdoing takes place at all. Instead the use of a contraceptive device in non-marital relations is assumed to be a prudent choice. If a man and woman are determined to proceed with sinful sexual relations, better to do so in a manner with less chance for regret. Thus to use contraception in an act of fornication or adultery is to choose a lesser evil than the same sexual sin chosen while unmindful of possible consequences. It is at least a way of avoiding injustice to an unwanted child born out of wedlock, or worse, to the child vulnerable now to an abortion. In this view, the choice to contracept in sins of fornication or adultery shows a certain moral sensitivity that would be lacking without concern for a possible pregnancy.

This question of the morality of contraceptive use outside marriage has had a particular pertinence recently. In January 2012, the United

¹ *Humanae Vitae* §§10–14.

States Catholic Bishops denounced the mandates of the Obama health care law requiring insurance coverage for contraception in Catholic hospitals and universities and continued to exert forceful protest against the law and these provisions in the subsequent months. The Affordable Care Act, upheld by a 5–4 vote in the United States Supreme Court on June 28, 2012, allows these Catholic institutions no conscience exemption and therefore no option but to make provision in their health care plans for employees and students who desire insurance coverage for contraception. One question poses itself here uncomfortably. If the majority of these prescriptions, at least on college campuses, are likely to be sought by non-married women, can we affirm as Catholics a clear sense of the wrongdoing of contraceptive use in the case of non-marital sexual relations? Does this choice involve an independent and distinct sin in addition to the sinful act of fornication or adultery?²

Contraception as a moral issue may be of secondary importance in what is bound to be, as the Obama health care law is enforced, an ongoing and contentious dispute about the exercise of religious liberty in America. Surely paramount in this challenge is the need of the Church to protect its religious autonomy from governmental interference with institutional policies touching on morality. Nonetheless, while fighting this battle, it would seem important that a clear moral doctrine is precisely the Church's justification for its institutional policies. Unfortunately, in the perception of many Catholics who give any thought to the matter, it may seem that the Church maintains a universal prohibition against contraception, including the case of non-marital relations, only for the sake of consistency. Moreover, it may be that many priests in their pastoral ministry and in confessional practice do not have an adequate sense of a particular and distinct wrong in the contraceptive choice outside marriage. Much anecdotal evidence, at least among priests, attests that a theological ambiguity surrounds the contraceptive choice in the case of non-marital relations. The likely result is a failure to address its actual moral significance. When contraception is a customary practice prior to marriage, as it apparently is in the pre-marital relations taking

² Clearly an affirmative or negative response to this question does not determine whether Catholic institutions should provide institutional access to contraception. The institutional prohibition of contraceptive access involves primarily the necessity to avoid any impression of promoting or condoning the sinful practices that accompany contraceptive use. But the advertence to scandal or the avoidance of facilitating immoral behavior do not in themselves clarify why contraception is wrong in itself in the case of fornication or adultery.

place before most Catholic marriages, it is not surprising that it is difficult to reverse the practice after marriage.³

Historical Considerations and the Contemporary Context

In fact, it is a narrow theological view to restrict the Catholic condemnation of contraception to marital relations. The immorality of contraceptive use in all circumstances, not just in marital relations, has a long historical tradition in the Catholic Church.⁴ Much of the argument against contraception in the history of Catholic teaching made reference to the “unnatural” manner by which a sexual act took place in order to impede the conception of a child. Prior to the introduction of the anovulant pill in the 1950s, almost all forms of contraception involved some type of barrier method or some manner of performing the sexual act that in either case prevented insemination of a woman by a man.⁵ The act did not achieve its

³ One might add, in this regard, that the opportunity for a clearly enunciated defense of the Church’s teaching on the evil of artificial contraception should not be missed. As a public issue the protection of religious liberty is undeniably important and attracts sympathy. The largely unaccepted Catholic ban on artificial contraception, however, cannot be separated from the Catholic rejection of a health care law that mandates coverage for contraceptives. The United States Catholic Bishops with a united voice should take this moment to provide a clear reaffirmation of the Catholic teaching on artificial contraception—and, perhaps, to clarify properly that this moral teaching extends beyond a marital context.

⁴ One can find a magisterial treatment of the condemnation of contraception in the Catholic moral tradition in John T. Noonan, *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (Cambridge: Harvard University Press, 1965). Unfortunately, Noonan’s work, invaluable as an historical study, makes great effort as well to expose the inapplicability of the principles undergirding the Church’s previous prohibitions of contraception to the question of marital contraceptive use in the contemporary time. Published prior to *Humanae Vitae*, it is a testimony to the intense impact of the contraceptive question during this period.

⁵ In addition to the condemnation of “unnatural” sexual relations in which no insemination takes place, two significant ancient texts should be mentioned as condemnations of contraception even when sexual relations presumably include an act of insemination. The first is the important text of St. Augustine known in history as *Aliquando*, from his work *Marriage and Concupiscence*, which exposes the iniquity of procuring “poisons of sterility” [*sterilitatis venena*]. This condemnation of contraception became a canon in the *Decretum* of Gratian and remained a part of the law of the Church from 1150 to 1917. It was quoted in a debate at the Second Vatican Council in an intervention by Cardinal Ernest Ruffini in December 1964. Noonan, *Contraception*, 512. The second, linking contraception to a homicidal intent, is the text *Si aliquis*, dating from the period of the penitentials and preserved in a writing of the tenth-century abbot Regino, later included by Burchard of Worms in his *Decretum* (1010), and remaining also a part of Church law until 1917. This text declares, in short, “let it be held as homicide if someone

natural completion, which did not mean necessarily an act of procreation, but the natural act ordained by God for sexual union between a man and woman. Insemination is also of course biologically necessary for the procreative dimension of the act. The Catholic moral tradition, in understanding insemination as a moral imperative of the sexual act, likewise identified an intrinsic finality in the procreative end of the sexual act. Deviation in the use of the sexuality between a man and woman occurred in any ejaculatory act apart from insemination, which in effect meant a sexual act in which procreation was impossible. This understanding of the unnatural use of the sexual organs provided a justification for prohibiting all forms of contraception in marriage or outside marriage.⁶

In the twentieth century, contraception became an intensely controversial issue among Catholics after the introduction of chemical contraceptives

[*si aliquis*] . . . gives a man or woman to drink, so that he cannot generate or she conceive." See Noonan, *Contraception*, 167–70. The latter text of *Si aliquis*, in particular, was itself sufficient to condemn contraceptive practice in all contexts. As Germain Grisez notes, "Historically . . . much of the Christian tradition condemned contraception as a contralife act without distinguishing between its uses by married couples and by others." *The Way of the Lord Jesus, Vol. 2: Living a Christian Life* (Quincy, IL: Franciscan Press, 1993), 506.

- ⁶ Cajetan, for example, in the medieval period, states: "An act which prevents conception is a sin against nature, if it is accomplished by ejaculating outside the natural receptacle, or if during ejaculation within the natural receptacle something is done to prevent conception, whether on the part of the man or on the part of the woman, regardless of the instrument or method which is used, since then the act of intercourse is deliberately frustrated from the attainment of its natural end." *Commentarii in Summam Theologiae*, II–II, q. 154. a. 1, no. 12. See also note 31 below from St. Thomas Aquinas, *Summa contra Gentiles*, Lib. III, c. 122. It is of interest to note that the moral necessity of an act of insemination is the fundamental position taken by prominent contemporary moral theologians holding that a sexual act between a husband and wife using a condom is not a marital act. See Thomas O'Donnell, S.J., *Medicine and Christian Morality*, 3d edition (New York: Alba House, 1996), 245–47; William May, "Aids, Marriage, and Condoms," *Ethics and Medics* 13 (Sept. 1988): 3–4; Janet Smith, "The Morality of Condom Use by HIV-Infected Spouses," *The Thomist* 70 (2006): 27–69. Note also the exceptionless condemnation of condom use in the responsa of the Holy Office, April 19, 1853, to the question of the permissibility of a wife passively cooperating in intercourse where a condom is used: "No. For it would be participation in what is intrinsically unlawful." Noonan, *Contraception*, 400; DS, 2795. Finally, one may observe that the necessity of insemination continues to be a criterion for the valid consummation of marriage, in accord with Canon 1061.1 in the Code of Canon Law. See the discussion by Janet Smith on the non-consummation of marriage when condoms are used in her "Condom Use by HIV-Infected Spouses," 39–42. Some theologians, such as William May, Germain Grisez, and Christian Brugger, affirm that all contraceptive use, even with insemination, prevents the consummation of a marriage.

in the 1950s, since these did not function as a barrier method to impede conception.⁷ It took some time before the abortifacient effect of chemical contraceptives became more widely known; this knowledge raised a much more serious objection to their use.⁸ Prior to that knowledge, with the burgeoning popularity of the pill as an apparently safe, effective means of contraception, the focus of many moralists was on a possible justification for artificial contraception within marriage. There was in this period before the issuance of *Humanae Vitae* a notable absence of theological comment on the use of contraception in sexual acts apart from marriage. It was not a matter of concern. The preoccupation was the question of artificial birth control within marriage, especially now that a form of birth regulation was possible that did not violate the traditional requirement of the deposit of

⁷ It is worth noting, in regard to the Church's condemnation of "unnatural" sexual relations mentioned in the previous paragraph, that a common argument among moralists who favored a change in the Catholic doctrine regarding artificial contraception prior to *Humanae Vitae*, especially in consideration of the non-barrier method of the pill, and who then dissented against the encyclical, was to treat the long tradition of contraceptive condemnation in the Church as stemming from a physicalist and rigidly biological interpretation that was dependent on an outdated Aristotelian understanding of nature. The clarion call of dissent against *Humanae Vitae* was to disparage the encyclical's principles as little more than a prolongation of the same physicalist argument—a condemnation of contraception based not on personalist foundations but on physiological processes; Flannery characterized the dissenting position as "confus[ing] human actions and physical events." For a strong philosophical refutation of that position, see Kevin Flannery, S.J., "Philosophical Arguments against and for 'Humanae Vitae,'" in *Anthropotes* 2 (1994): 189–204, at 193. A clear example of the dissenting view that the Magisterium had reduced its teaching on sexuality to claims based on physical, biological processes can be found in Charles Curran, "Sexuality and Sin: A Current Appraisal," in Charles Curran and Richard McCormick, S.J., *Readings in Moral Theology, No. 8: Dialogue About Catholic Sexual Teaching* (Mahwah, NJ: Paulist Press, 1993), 405–17, esp. at 412–14. See also Bernard Häring, "The Inseparability of the Unitive-Procreative Functions of the Marital Act," in Charles Curran, ed., *Contraception: Authority and Dissent* (New York: Herder and Herder, 1969), 176–92: "Humanae Vitae confines the procreative meaning of the marital act to the faithful observance of biological laws and rhythms. It is implied therein that God's wise and divine plan is revealed to the spouses through these absolutely sacred physiological laws. . . . It goes so far as to declare biological laws as absolutely binding on the conscience of men" [at 180].

⁸ An early acknowledgment of this possibility is made by John Ford, S.J., and Gerald Kelly, S.J., in a chapter on sterilizing drugs: "It seems that some new drugs cause early abortion or the disintegration of the fertilized ovum." *Contemporary Moral Theology, Vol. 2: Marriage Questions* (Westminster, MD: Newman Press, 1963), 338, n. 1. For a more detailed description, see O'Donnell, *Medicine and Christian Morality*, 251–53. The so-called intrauterine device functions even more consistently as an abortifacient method of contraception.

semen in the vagina of a woman. In 1968, when *Humanae Vitae* finally settled the long-simmering issue with a papal condemnation, provoking at the same time an unprecedented explosion of public dissent, the focus remained solely on artificial contraception as a sinful act within marriage.⁹

It is well known how theological dissent against *Humanae Vitae* led in turn to explicit repudiations of the Church's moral doctrine in various areas of sexuality.¹⁰ Indicative of the turbulent moral climate was the 1975 document *Persona Humana* of the Congregation for the Doctrine of the Faith reasserting the Church's perennial teaching on matters of pre-marital sexual relations, masturbation, homosexuality, etc. The magisterial intervention, however, did not quell the tide. Aberrant moral teaching on sexuality continued into the pontificate of Pope John Paul II. With dissenting moral theologians arguing at times for the permissibility of non-marital sexual relations at least in committed relationships, it is not surprising that one encounters occasional recommendations of the propriety of contraceptive use in non-marital relations. Two representative examples twenty years apart expose what may have been common convictions among dissenting moralists in a time of widespread sexual excess.

It used to be said that the employment of birth control devices always added to the wrong of premarital intercourse. . . . [I]t might be suggested today that such a couple, using birth control devices, is actually lessening the wrong in their intercourse since at least they are avoiding the procreation of new life for which they are unable to take responsibility.¹¹

Adolescents, young adults, and anyone else who cannot be dissuaded from engaging in nonmarital, premarital, or extramarital intercourse, should be encouraged to a careful use of some kind of contraception.

⁹ The 1930 encyclical *Casti Connubii* of Pope Pius XI likewise restricted its explicit condemnation of artificial birth control methods to the context of the marital act. In that sense *Humanae Vitae's* focus on the violation of the marital act is consistent with the earlier papal condemnation of birth control methods within marriage. The papal interventions in both cases were concerned with marital life, which is not to say that other areas of sexual morality were left open to question.

¹⁰ See, for example, the articles selected by Charles Curran and Richard McCormick, S.J., in *Readings in Moral Theology, No. 8: Dialogue About Catholic Sexual Teaching*. The work of Anthony Kosnik et al., *Human Sexuality: New Directions in American Catholic Thought* (New York: Paulist Press, 1977), commissioned by the Catholic Theological Society of America and subsequently denied its previous *imprimatur* by a decision of the Congregation for the Doctrine of the Faith, is a conspicuous example in the genre.

¹¹ Philip Keane, *Sexual Morality: A Catholic Perspective* (New York: Paulist Press, 1977), 109.

Moral responsibility would seem to demand this cause of action. And while it must be made clear that no form of contraception is totally effective, nonetheless, contraceptive intercourse provides some protection against unwanted pregnancy and appears to be less morally harmful than the subsequent decisions, either to avoid unwed parenthood by recourse to abortion or to enter into a precipitous, premature, and unloving marriage or, finally, to bring a child to birth under circumstances that seriously jeopardize his or her well-being.¹²

What may be more interesting to observe, however, is the manner in which the ban on artificial contraception in marriage as taught by *Humanae Vitae* may have had a subtle effect on the perception of priests in their pastoral understanding of contraceptive use outside marital relations. Fifteen years ago a priest colleague in the moral theology department at Mount St. Mary's Seminary in Maryland, an exemplary man noteworthy for his faithful adherence to magisterial teaching and his Thomistic commitment, shocked me somewhat by contending that it was a generally held view among moralists that the use of artificial contraception was sinful only within marriage. In his explanation it was precisely *Humanae Vitae*'s teaching that provided the basis for asserting that the context of non-marital relations removed the use of contraception from the status of a strict and absolute prohibition.¹³

***Humanae Vitae*'s "Inseparability" Principle and Non-marital Contraception**

We have to turn, then, to *Humanae Vitae* to see why even some traditionally minded theologians have viewed the ban on artificial contraception as a teaching confined to relations between married persons. Pope Paul VI's basic contention against the use of artificial contraception in *Humanae Vitae* is familiar to most Catholic couples who have attended a pre-Cana marriage preparation. There are two inseparable truths that define the marital act of sexual union. It is a unitive act between spouses of total, self-giving love. The bodily union of becoming one flesh expresses a profound

¹² Vincent Genovesi, *In Pursuit of Love: Catholic Morality and Human Sexuality* (Collegeville, MN: Liturgical Press, 1996), 223.

¹³ Not all moralists, of course, held this view. One might cite, for instance, the clear refutation of this position by Germain Grisez: "A man and a woman who are not married to each other should not engage in sexual intercourse in any case; if they not only do so but practice contraception, they only facilitate one immorality by another. Moreover, using contraception aggravates rather than mitigates the sinfulness of fornication, since to the specific malice of fornication it adds that of a contralife will and the associated injustice to the unwanted child if contraception fails." *The Way of the Lord Jesus, Vol. 2: Living a Christian Life*, 515.

spiritual union. The marital bond is permanent, and the mutual fidelity of husband and wife to each other is renewed and deepened in the act of becoming one flesh. At the same time, by its very nature, the conjugal act is capable of beginning a new life. There is a procreative meaning, a mystery of creative possibility, inherent in the nature of sexual union.¹⁴

Those who would hold that the Church's ban on contraception is directed exclusively to marital relations argue that this teaching of *Humanae Vitae* on the inseparability of the unitive and procreative meanings in the marital act, while valid in marriage, breaks down once outside the sacredness of the conjugal act. The inseparability principle, in this view, cannot provide a justification for banning a deliberate choice to prevent procreation in the non-marital sexual act precisely because this is not a true unitive act in its proper meaning. Physically there is a sexual union between a man and a woman, but the marital truth of total self-giving between a man and woman is lacking in these relations. They may be united in pleasure but not in a permanent gift of mutual fidelity. The act is a lie, a deception, as Pope John Paul II often repeated, inasmuch as their bodily union is contradicted by the actual truth of not giving themselves fully to each other.¹⁵

Serious questions accompany this argument. Without the authentic reality of the unitive meaning in non-marital sexual relations, how can one

¹⁴ "[T]he Church, calling men back to the observance of the norms of the natural law, as interpreted by their constant doctrine, teaches that each and every marriage act must remain open to the transmission of life. That teaching, often set forth by the magisterium, is founded upon the inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning. Indeed, by its intimate structure, the conjugal act, while most closely uniting husband and wife, capacitates them for the generation of new lives, according to laws inscribed in the very being of man and woman. By safeguarding both these essential aspects, the unitive and procreative, the conjugal act preserves in its fullness the sense of true mutual love and its ordination toward man's most high calling to parenthood." *Humanae Vitae* §§11–12. As mentioned earlier in note 7, moralists who dissented against *Humanae Vitae* generally objected to what they considered to be a biological or physicalist requirement that the conjugal act remain by its nature always open to the transmission of life. But certainly, as this passage confirms, the encyclical is extending the argument against the intrinsic wrongdoing of contraception beyond simply a description of natural physiological operations. See *Nova et Vetera* 6, No. 4 (Fall 2008), a 40-year anniversary issue devoted to the moral implications and principles of *Humanae Vitae*.

¹⁵ See *Familiaris Consortio* §11, on the lie of non-marital relations: "The total physical self-giving would be a lie if it were not the sign and fruit of a total personal self-giving, in which the whole person, including the temporal dimension, is present: if the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving

speak of a procreative meaning that is inseparable from it and must be joined to it? If the unitive meaning of this sexual act is necessarily lacking in non-marital relations, does this not fracture, as it were, the whole structure of sacredness in the act? If the genuineness of the procreative meaning of the act depends on a genuine unitive self-gift, and the latter is absent, can we consider the former inviolable? In this view the inapplicability of the inseparability principle in non-marital relations implies the necessary loss of the procreative meaning as a sacred value in sexual relations. There is no apparent reason to protect a procreative meaning in the sexual act when the authentic unitive meaning of the act is absent or repudiated.¹⁶

This is a challenging objection to any universal ban on artificial contraception outside the marital act. If the unitive-procreative analysis of the conjugal act determines as well the violation of the act when contraception is used, perhaps the violation is no longer present when the conjugal act is not taking place. But that is too quick a conclusion. All that the previous argument shows is the failure of non-marital relations to fulfill the inherently sacred purpose of human sexuality. What it does not prove

totally.” The parallel between the act of marital contraception as a refusal of a total self-gift and the sexual relations of a man and woman without permanent commitment can be noted as well in *Familiaris Consortio* §32: “The innate language that expresses the total reciprocal self-giving of husband and wife is overlaid, through contraception, by an objectively contradictory language, namely, that of not giving oneself totally to the other. This leads not only to a positive refusal to be open to life but also to a falsification of the inner truth of conjugal love, which is called upon to give itself in personal totality.”

¹⁶ There is a certain irony here. Partly in response to the new methods of chemical contraception, the encyclical showed an advancement in the theological understanding used to explain the intrinsic evil of contraception within marriage. A more personalist and phenomenological approach to the conjugal act was taken, rather than the former biological or physicalist argument dependent on the proper natural function of bodily organs. But the same personalist argument of an inseparable link between the unitive and procreative meanings of the conjugal act became an invitation to dismiss the moral significance of contraception outside marriage. The advancement in theological understanding can be seen by comparing *Humanae Vitae*’s text quoted in note 14 above with the words of *Casti Connubii* in 1930: “But no reason, however grave, may be put forward by which anything intrinsically against nature may become conformable to nature and morally good. Since, therefore, the conjugal act is destined primarily by nature for the begetting of children, those who exercising it deliberately frustrate its natural power and purpose sin against nature and commit a deed which is shameful and intrinsically vicious. . . . Any use whatsoever of matrimony exercised in such a way that the act is deliberately frustrated in its natural power to generate life is an offense against the law of God and nature, and those who indulge in such are branded with the guilt of grave sin.” [§54 and §56]

is that an action to impede procreation is meaningless when no marriage exists. On the contrary, contraception may then have its own perverse significance. This can be understood initially by perceiving what ordinarily happens in sexual relations when the very nature of the act cannot express the exalted purpose of the conjugal act.

The Truth of the Contraceptive Motive in Non-marital Relations

An honest appraisal of non-marital sexual relationships shows that, even with close emotional bonds, the hunger for bodily pleasure overcomes what should be a profoundly spiritual aspect accompanying the sexual act. The absence of a permanent commitment plunges the sexual act into the immediacy of current pleasure, with no longer perspective. Naturally this is so. Without a commitment of lifelong fidelity to the other, the experience of sexual pleasure tends to dominate for its own sake. It lacks the spiritual element of uniting one soul to another in a transcendent manner. The relations have no basis for permanence, no inherent reason to perceive the other as sacred and irreplaceable. Instead the demand for pleasure easily descends to an exploitation of the sexual partner. And as pleasure tires or becomes stale, the value of the other likewise diminishes. When no longer satisfied, the desire for pleasure tends to seek gratification elsewhere.¹⁷

This is very different from the role of pleasure in marital relations. In marriage, sexual pleasure is one aspect of attraction to the marital act. God's design is that the pleasure of sexual union becomes an "inducement" to propagation, which is itself a primary purpose of sacramental married life, namely, to raise and educate children in the Christian truth. But sexual pleasure in marriage is also joined to love, and in marital relations has a unifying effect on spouses. In sexual union and the pleasure it affords the couple, an experience of shared oneness is possible that extends beyond bodily gratification. Pleasure in this case cannot be limited to bodily experience. It is never isolated in itself, as though the aim of the act is solely for physical satisfaction. It has a spiritual effect and fosters the desire for lifelong fidelity to the beloved partner in marriage.¹⁸ Even more significantly, pleasure binds together the unitive and pro-

¹⁷ See Karol Wojtyła (Pope John Paul II), *Love and Responsibility* (New York: Farrar, Straus, and Giroux, 1981), especially 73–84 and 109–114; Dietrich von Hildebrand, *In Defense of Purity* (New York: Sheed and Ward, 1935), especially 12–14; C. S. Lewis, *The Four Loves* (New York: Harcourt Brace, 1960), especially 91–115.

¹⁸ "Pleasure is a kind of perfection of operation, as the Philosopher has made clear; it perfects operation just as beauty perfects youth." *Summa contra Gentiles*, Lib. I, c. 90. See also *ST* I–II, q. 33, a. 1: "Man's affection is expanded by pleasure, as though it surrendered itself to hold within itself the object of its pleasure." For further insight see Elizabeth Anscombe, "Contraception and Chastity," in *Faith in*

creative meanings of the marital act. It contributes to their inseparability as a profound truth within marriage. In that sense sexual pleasure not only inflames a desire for loving fidelity, serving as a catalyst to mutual gratitude in spouses. It does not stop there. It is a common experience that the self-giving love shared in sexual pleasure between husband and wife provokes in turn the desire to bear a child as the fruit of their love.¹⁹

In non-marital relations, by contrast, it is almost inevitable that pleasure should become a principle of distortion. Pleasure no longer supports and undergirds the deeper unitive and procreative meanings of the sexual act. It shifts instead to an essential motive of the sexual act. Surely many would object on the basis of a personal experience of romantic love. The emphasis on pleasure seems to presume a tendency to hedonism in all non-marital sexual relations when admittedly there can be an intimate bond of affection between an unmarried man and woman. But, again, an honest examination of the matter shows that precisely the intensity of sexual pleasure betrays the sexual act when no lifelong commitment is present. Instead of fostering fidelity and a mutual self-gift that extend beyond the sexual act, pleasure in non-marital relations tends to be sought for its own sake. In a quite literal sense there is nothing more important to be sought than the sexual experience in itself.²⁰

a Hard Ground: Essays on Religion, Philosophy and Ethics, ed. Mary Geach and Luke Gormally (Exeter: Imprint Academic, 2008), 170–91.

¹⁹ A long development in the understanding of a legitimate enjoyment of sexual pleasure in marriage took place in the history of the Church. Noonan, throughout *Contraception*, traces much of this development, which was rooted in the question of the purposes or ends of marital intercourse, and whether an explicit procreative intent was required for an absence of some sinfulness in the act. The modern period gradually clarified the truth that the legitimate expression of the unitive meaning in the marital act does not require a necessary biological fertility; i.e., openness to the procreative meaning of the act does not demand a positive intention to conceive a child in each particular expression of the marital act. See especially Noonan, *Contraception*, 491–504. On pleasure in marriage, both its legitimate expression and the excesses that are possible, see Pope Pius XII, “Address to the Italian Catholic Society of Midwives,” *AAS* 43 (1951): DS 2211 and 2212. Also valuable, as indicative, by that date [1963], of a theologically conclusive view, is Ford and Kelly, *Contemporary Moral Theology*, Vol. 2: *Marriage Questions*: “[T]hose who consciously act for the pleasure of sexual intercourse apprehended as something permissible, need no further explicit legitimating motive to escape imputation of acting *ob solam voluptatem*. In other words, if their conduct in marital intimacies is such that it preserves the inherent purposes or values which belong to conjugal intimacy, the pleasure they seek is well-ordered; they cannot be said to be acting *ob solam voluptatem*” (192–93).

²⁰ The words of Pope John Paul II in a General Audience of 1980 are noteworthy: “*Concupiscence*, which manifests itself as a ‘*constraint sui generis of the body*,’ limits

This primacy of pleasure as a motive for engaging in sexual relations is a sign of a misuse and diminishment of the sacred gift of human sexuality. But the question still remains how impeding conception is an additional wrong when the act is already deformed by a non-marital context. Again the motive of pleasure provides an insight. In non-marital relations the risk of pregnancy threatens to terminate the pleasure sought in sexuality, including the fixation in love enjoyed in any romantic involvement. Pregnancy must not interfere with sexual enjoyment. The contraceptive choice becomes as such not simply a protection against pregnancy; it is not only contralife in its intent. In offering a safeguard for worry-free sexual pleasure, it serves to enhance selfish pleasure-seeking as a primary aim in non-marital sexual relations. In effect it allows the falsity and deformation of the sexual act to intensify by reliably isolating sexual relations to a pursuit of pleasure. No wonder that these relations often end up reducing the sexual partner to an object of gratification, soon discarded for another.

The notion, then, that without a true unitive meaning in the sexual act, there can be no wrongdoing in impeding the procreative act is too superficial. The choice to contracept in non-marital relations is a distinct act in itself. It has its own intrinsic selfishness and conveys a distinct element of wrongdoing. This choice is taken not just to avoid an unwanted pregnancy, but also to protect the undisturbed continuation of sexual pleasure. The two motives unite in the act of contraception. It is facile to consider only the first motive of avoiding an unwanted child and interpret this choice as a kind of lesser evil in the sin of fornication or adultery. This assumption ignores a quite obvious motive in avoiding a child, namely, to allow no interference with the pleasures derived from current sexual relations. This fixation on pleasure undergirds the anti-procreative impulse in non-marital sexual relations. It is inseparable from them, an inescapable aspect of the choice. And it is a sign of a selfish depravity in itself.

The tendency to minimize or even dismiss the moral significance of contraception outside marriage is traceable to a false idea. The confusion

and restricts self-mastery from within, and thereby *in some sense makes the interior freedom of the gift impossible*. At the same time, also the beauty that the human body possesses in its male and female appearance, as an expression of the spirit, is obscured. The body is left as an object of concupiscence and thus as a 'terrain of appropriation' of the other human being. Concupiscence as such is not able to promote union as a communion of persons. By itself, it does not unite, but appropriates to itself. *The relationship of the gift changes into a relationship of appropriation.*" Pope John Paul II, General Audience of July 23, 1980; translation, by Michael Waldstein, is taken from John Paul II, *Man and Woman He Created Them: A Theology of the Body* (Boston: Pauline Books & Media, 2006), 259–60.

is caused by conceiving the use of contraception in an act of fornication or adultery as a single moral choice. This formulation misrepresents the actual reality. The real nature of the act is double-edged, as it were, in its moral significance. A particular choice for contraception accompanies a separate sinful act of fornication or adultery. The willingness to fornicate or to commit adultery involves one choice, while the option to accompany the sexual act with contraceptive protection involves a distinct second choice. To collapse the one act into the other is morally inaccurate. Contraceptive use may be subordinate to the act of fornication or adultery inasmuch as it would not take place without the illicit sexual act. But this does not mean that it loses its own species of immorality as an independent choice. When an act motivated by some selfish intent accompanies another evil act, this does not efface the evil of the former. If someone robbing an unoccupied house deliberately ignites a fire on the premises, thereby leaving no fingerprints and achieving protection from apprehension, the arson has not become morally insignificant. It is a separate and discrete act in itself even as it is joined to the act of robbery.

Contraception in Non-marital Relations as the Choice of a Lesser Evil?

Admittedly, contraception accompanying sins of non-marital sexuality still poses a moral conundrum—more than is generally acknowledged. One has to return to a dilemma initially mentioned. The problem arises when one holds that the use of contraception is an evil choice regardless of context. In that case, by a certain logical necessity, contraception should accentuate the evil when it is chosen in tandem with the act of fornication or adultery. One is adding an evil to another evil. But for many people this is not convincing. The pragmatic objection is raised. When contraception accompanies an act of fornication or adultery, instead of increasing evil, it seems to reduce the potentially greater wrongdoing that would be present without it. In this view a couple's indifference to the possibility of conceiving a child is considered a more callous act of fornication or adultery than the same act carried out with a concern to prevent the unhappy consequence of an unwanted pregnancy. How, if it diminishes wrongdoing, can contraception be considered intrinsically evil in its own right. The context of its use would seem to determine the question of morality. Is there really an additional evil in the use of contraception when sexual relations take place outside of marriage?

A clarification about the moral category of the "lesser evil" is apropos. It is easy to misconstrue the notion and assume that it implies a moral permissibility to choose an act that is evil when otherwise a greater evil

might be chosen or might occur.²¹ The most common proper use of the phrase, however, is simply to note the comparative difference between acts within the same moral vice. Greater harm can be done with a loaded gun than by hitting someone with a stick; thus it is a lesser evil to threaten someone with a stick than with a gun. Sometimes it can mean the option of a less blameworthy evil if otherwise a greater evil might ensue. One might choose to drink to excess rather than violently harm another person in an act of revenge. Neither interpretation of the lesser evil, however, constitutes a permission to act with moral impunity. A sinful act is chosen even if one chooses a “lesser evil.” The notion is simply an acknowledgment of comparative degrees of evil.²²

In the issue at hand, fornication and adultery are always sinful, but in some cases they can involve a greater evil. This difference is undoubtedly true without the addition of contraceptive use. There are variations, for instance, in the evil of fornication: unmarried people engaging in relations prior to their wedding; the casual sex of the so-called “one-night stand”; sexual relations to obtain some benefit or in exchange for money. But when the comparative term is the use or non-use of contraception in the act of fornication or adultery, a perplexity arises. Is it a greater sin

²¹ On the notion of the “lesser evil,” and on the question of counseling the “lesser evil,” see Germain Grisez, *The Way of the Lord Jesus, Vol. 2: Living a Christian Life*, 237–38 at 237, n. 72. For a fine study of the historical development of the “lesser evil” as a moral category, see Kevin Flannery, S.J., “On Counseling the Lesser Evil,” *The Thomist* 75 (2011): 245–89. See also the article of William B. Smith, “Contraception as a Lesser Evil,” and his references to the views of classical moralists on this question in *Modern Moral Problems: Trustworthy Answers to Your Tough Questions*, ed. Donald Haggerty (San Francisco: Ignatius, 2012): 142–45. See also the treatment of the “lesser evil” in the question of condom use for spouses with one party infected with HIV, in Janet Smith, “The Morality of Condom Use by HIV-Infected Spouses,” 27–69, at 65–67.

²² On the other hand, to tolerate a lesser evil is an altogether different notion. This refers to a choice never evil in itself but one which will be accompanied by some adverse consequence. One chooses to take an action or to omit an action because a greater evil would ensue without that choice or omission. For example, a politician may give an affirmative vote to a law that reduces public funding for abortion while not eliminating funds. The act is to reduce harmful effects that would otherwise go undiminished. See *Evangelium Vitae* §73. See also *Humanae Vitae* §14: “In truth, if it is sometimes licit to tolerate a lesser evil in order to avoid a greater evil or to promote a greater good, it is not licit, even for the gravest reasons, to do evil so that good may follow therefrom; that is, to make into the object of a positive act of the will something which is intrinsically disordered, and hence unworthy of the human person, even when the intention is to safeguard or promote individual, family or social well-being.”

to fornicate without contraceptive protection, or to fornicate with some protection? Does the use of a contraceptive device in fornication introduce into the sexual act a further violation of the moral order? Or does this choice necessarily resist any universal prohibition?

For those who would see no wrong in contraceptive use for non-marital relations, the inherent wrongdoing of sexual union outside marriage can be reduced by insuring that the act is non-procreative. The context of non-marital sexual relations makes procreation a consequence that ought to be avoided because of the harm likely to the child born out of wedlock. It is therefore a lesser evil to engage in non-marital relations in which infertility is deliberately induced than to engage in the same relations without this guarantee. The context of fornication or adultery, in other words, is a circumstance that removes the moral disorder from contraception or at least neutralizes it as a moral choice. Contraception in this case is simply subsumed into the immorality of the non-marital sexual relations and thus joins the act as another variation on the sin of fornication or adultery—albeit a sin now less evil than it might be otherwise.²³

An Understanding of Distinct Evils in a Single Act

Something rings wrong, and sounds a false note, in such an analysis. One might turn to a different understanding on the manner in which circumstances affect the morality of an action. St. Thomas Aquinas taught that an action evil in itself can have an additional deformity within it due to circumstances. Two distinct evils then reside within the one action. In one sense Aquinas will view this dual aspect of evil as a combination of distinct

²³ See, for example, Janet Smith on “condomized fornication”: “As sources of physical evil, perhaps both mutual masturbation and condomized fornication are less evil than simple fornication since both have less risk of resulting in pregnancy and the transmission of sexually transmitted diseases. Thus, which is worse: engaging in an act that is defective as a human act (an act of condomized fornication) or an act that potentially does significant harm (an act of noncondomized fornication by the fertile or those having an STD)? Perhaps condomized fornication is a lesser moral evil, but it is still clearly a moral evil.” “The Morality of Condom Use by HIV-Infected Spouses,” 67. While acknowledging that fornication in this case remains “still clearly a moral evil,” her comments suggest that the choice of contraception in an act of fornication, by making the act of fornication now a lesser evil than it would be without contraceptive intervention, is not a distinct evil in itself. Is this not to neutralize contraception as a moral choice in this case? While the choice to contracept admittedly introduces an element of prudential concern that would otherwise not be present, an exclusive consideration of the intent to prevent pregnancy may fail to confront the deeper implications of this choice and its actual harm.

vices within one action. Thus adultery is a sin of lust and injustice.²⁴ In a different manner he will distinguish separate and distinct moral species within the one action. The action of stealing, for example, becomes also an act of sacrilege when the thief is a Catholic and the stolen object is a chalice used for the consecration of the Blood of Christ in Mass.²⁵ In the latter case, the action takes place all at once as a single action, but it includes simultaneously two distinct species of evil within the same action. Both are willed, even though the thief in this case may not advert so consciously to the sacrilege he is committing.²⁶ In a similar manner, sexual intercourse with a consecrated virgin is not only a species of lust, but a species of irreligion within the sin of lust, namely, of sacrilege.

Even more to the point, Aquinas affirms in the next article of the *Summa theologiae* that unnatural vice, that is, venereal pleasure sought in a manner that violates the natural manner of copulation or that by lustful motive “intends not human generation,” is once again a distinct species of lust, by which he means a species of sin that poses an additional deformity to the sin simply of lust.²⁷ This last interpretation would seem to be

²⁴ “Nothing hinders the deformities of different vices concurring in the one act, and in this way adultery is comprised under lust and injustice.” *ST* II–II, q. 154, a. 1 ad 2. See also *ST* II–II, q. 154, a. 6 ad 3: “Nothing prevents a sin from having a greater deformity through being united to another sin. Now the sin of lust obtains a greater deformity from the sin of injustice, because the concupiscence would seem to be more inordinate, seeing that it refrains not from the pleasurable object so that it may avoid an injustice.”

²⁵ “If a circumstance should constitute another, disparate species of sin, then the same act is included in different species of sin. . . . Therefore, as it is not inappropriate that the same material substance be sweet and white, which are different species of quality, and that the same human being be blind and deaf, which are specifically different deficiencies, so it is not inappropriate that the same act belong to different species of sin.” *De malo*, q. 2, a. 6 ad 3. See also *ST* I–II, q. 18 a. 10.

²⁶ “Although the will of the thief is chiefly directed to the gold, not to the sacred object, the thief’s will is still directed to the sacred object by implication, since the thief prefers to steal the sacred object than to lack the gold.” *De malo*, q. 2, a. 6 ad 6.

²⁷ *ST* II–II, q. 154, a. 11 and q. 154, a. 11 ad 3. The references to unnatural vice in this article do not pertain explicitly to the use of contraception. But one can read this article in tandem with *ST* II–II, q. 154, a. 1, where Aquinas identifies six species of lust, including, lastly, unnatural vice. In the body of this first article, Aquinas describes the sin of lust as the seeking of venereal pleasure in a manner not in accord with right reason. But this sin can include the additional deformity of being “inconsistent with the end of the venereal act,” namely, by “hindering the begetting of children.” It is a venereal act which excludes the generation of children. In that case there is “the sin against nature, which attaches to every venereal act from which generation cannot follow.” The examples in article 11 identify acts of sexual perversity which cannot lead to generation. But the same

the proper moral analysis when one is looking at two distinct choices such as the current example of contraceptive use in non-marital relations. To choose contraception when committing a sin of fornication or adultery is to add a specific deformity to the act that otherwise would not be present. Two species of deformity are then present, inasmuch as a deliberate choice is made to obstruct a generative act while committing fornication or adultery. The choice to impede procreation is an additional element of wrongdoing accentuating the evil in the act.²⁸

Nonetheless one must still clarify in what way a distinct additional evil is added to the sexual impropriety when contraceptive use takes place in non-marital relations. For in a certain sense, as some moralists have suggested,²⁹ St. Thomas Aquinas seems to offer an argument against this view of a distinct intrinsic evil in contraceptive use outside marriage. The problem is St. Thomas's analysis of the evil in fornication. Aquinas contended that the primary evil in fornication was the injustice to the offspring that can result from non-marital relations. The child born out of wedlock is ordinarily deprived of proper parental care. "Simple fornication is contrary to the love of our neighbor, because it is opposed to the good of the child to be born, as we have shown, since it is an act of generation accomplished in a manner disadvantageous to the future child."³⁰ What, then, if measures are taken to insure that no child is conceived in the sexual act? In that case, is there no sin in fornication? And what of fornication

principle would apply if a positive act to thwart generation takes place in copulation between a man and woman. This latter is an act not unnatural by reason of a perverse expression of pleasure-seeking, but unnatural because a deliberate choice is made to hinder the begetting of children.

²⁸ See the trenchant comment of William B. Smith on the distinct evils in this choice: "Thus, contraceptive fornication is not a so-called 'lesser evil', it is rather a different evil, or different evils. They are distinct acts of choice, separate and separable, both of which are intrinsically evil (*VS*, no. 47). Intrinsic evils are not 'lessened' or 'improved' morally by adding on another intrinsic evil as it if were some kind reverse compound interest." "Contraceptive Fornication," in *Modern Moral Problems*, 146–47.

²⁹ "Ironically, an approach to sexuality exclusively in terms of procreation could logically lead to interesting consequences. Thomas Aquinas saw the generic grave malice of fornication in the harm done to the child who might be born of that union. The use of contraception would destroy the primary argument of St. Thomas asserting the generic malice of fornication!" Charles Curran, "Sexuality and Sin: A Current Appraisal," in *Readings in Moral Theology*, No. 8, 414. One might add that the exclamation mark of Fr. Curran is fitting for the simplicity of overstatement in this remark.

³⁰ *ST* II–II, q. 154, a. 2 ad 4. "Now simple fornication implies an inordinateness that tends to injure the life of the offspring to be born of this union." *ST* II–II, q. 154, a. 2. See q. 154, a. 3 and q. 154, a. 3 ad 3.

when one party at least is sterile or past the child-bearing age? Is there no sin? Aquinas naturally does not draw such a conclusion.³¹ His statement above simply identifies the most egregious consequence of fornication as the potential harm to the child conceived in non-marital relations. Aquinas was quite clear in numerous places that sexual relations outside the marital covenant were always wrong. They involve a misuse of bodily organs that in God's design are to be used solely for a sexual function within the sacred union of marriage.³² But still we hear the echo of an objection as a result of Aquinas's view. If the child conceived in fornication or adultery can be subject to harm, is it not a better option to prevent this possibility by a deliberate action? Does not the addition of an anti-procreative intent introduce into this act a more rational semblance of responsibility beyond simply a pursuit of bodily pleasure?

The question misses the point of Aquinas's denunciation of fornication as evil. He mentions the harm possible to a child born out of wedlock in order to expose a further aspect of wrongdoing that ensues from fornication; the harm to the child is an additional consequence of an already evil act, just as many evil acts display additional harmful effects. His point was to expose the full extent of wrongdoing in fornication by advertent to all the attendant consequences that may follow from the act. The rebuttal that fornication or adultery protected by contraceptive use must be a better option rests on a false inference. It may be a common sense declaration that one should not procreate if not married, but this maxim cannot stand alone. It does not follow that if one is not married some form of implicit obligation exists to employ a means of contraception in a sexual relationship. The proper imperative is that one ought not to engage in sexual relations with someone to whom one is not married.

³¹ Aquinas's explicit answer to this question, like his response in *ST* II-II, q. 154, a. 11, is given while identifying the "unnatural sin" in sexuality as an act in which generation cannot occur due to the perverse nature of the act or, implicitly, to some positive act to thwart generation. The mere incapacity of one party, however, for an act of generation does not make this act an unnatural use of sexuality. "Every emission of semen, in such a way that generation cannot follow, is contrary to the good for man. And if this be done deliberately, it must be a sin. Now, I am speaking of a way from which, in itself, generation cannot result: such would be any emission of semen apart from the natural union of male and female. For which reason, sins of this type are called contrary to nature. But, if by accident generation cannot result from the emission of semen, then this is not a reason for it being against nature, or a sin; as for instance, if the woman happens to be sterile." *Summa contra Gentiles*, Lib. III, c. 122.

³² See *ST* II-II, q. 154, a. 1, 2, 3, 6, 10, 11; *De malo*, q. 15, a. 3; *Summa contra Gentiles*, Lib. III, c. 122.

The More Harmful Consequences?

A final question still needs to be addressed. If a sexual relationship between unmarried persons is already decided upon, what then? To remain open to procreation in a non-marital sexual act is to invite a serious risk—a pregnancy out of wedlock and possibly an unwanted child. But is it proper to call this consequence a potential evil? That a child is conceived? The consequence of non-contraceptive use in non-marital relations may indeed be a pregnancy. But it is certainly improper and offensive to refer to the child conceived as an evil ensuing from the act. The conception of a child would not bring to this act of fornication or adultery an additional evil. The contention of those favoring the view of contraceptive fornication or adultery as a “lesser evil” is, of course, not that the child conceived is an evil consequence of the act. It is simply that a child conceived out of wedlock is likely to undergo deprivation, and a couple should avoid the risk of this potential evil. The harmful consequence is the likelihood that a child suffers to some extent in its upbringing from a conception out of wedlock. This contention may be true in principle. But it ignores the possibility of more harmful consequences incurred by contraceptive use in non-marital relations.

The assertion that the use of contraception in non-marital relations is to opt for the “lesser evil” assumes the diminishment of potential harm that can ensue from the act if a child is conceived. But this assertion refuses to confront further aspects of harm likely to occur from the repeated choice to engage in sexual relations with an anti-life and selfish intent. What is considered a choice for a “lesser evil” may be accompanied by other more pernicious effects. Contraception as an ongoing choice can have its own harmful psychic and moral consequences; they are arguably graver in magnitude than the risk of bearing a child out of wedlock. These effects, while often unacknowledged, leave their moral and spiritual scars. They can be considered additional deleterious consequences of the distinct sin of contraception adjoined to non-marital relations.³³

One effect is simply contraception’s encouragement of indifference to the immorality of non-marital relations. Those who argue for the moral neutrality of contraceptive use in non-marital relations tend to reduce the question to a matter of a single instance of fornication or adultery. The advantage of preventing a pregnancy in the particular act is the exclusive focus. But of course sexual relations tend to be multiple in act over a period of time. Does one have such firm assurance that other forms of

³³ On the moral import of harmful consequences ensuing from an action, whether they are acknowledged consciously or not, see *ST* I–II, q. 20, a. 5 and q. 73, a. 8.

harm will not occur in the course of time precisely by the repeated choice of contraception? Indeed clear harm does take place. For one thing, the use of contraception is likely to facilitate a certain insouciance toward the moral seriousness of the sexual relations currently indulged and allow them to continue without reflection. For some decades now, the ease with which, because of contraceptive availability, sexual relations can be enjoyed without commitment has surely been a cause for widespread promiscuity and the high incidence of divorce. The availability of contraceptive protection clearly plays a part in making sexual seduction a temptation harder to resist. When contraceptive means and devices were not so common and acceptable, the risk of pregnancy contributed to a more cautious approach to sexuality prior to the commitment of marriage. One might add as well that sexually aberrant practices have increased with the growing use of contraception. Disrespect for the bodily capacity for procreation has been attended by perverse misuse of the body's capacity for enjoyment, treating the body as an object of manipulation for the pursuit of unrestrained, unlimited pleasures.³⁴

Another matter of potential harm presents itself. No contraceptive use is a guarantee against future carelessness, nor is it a protection against some technical failure. The continuing engagement in sexual relations is likely to enhance the chances of some eventual mistake. It can be shocking at first to confront the decades-long statistical evidence that more prevalent contraceptive use has invariably increased the number of abortions in societies.³⁵ One would expect the reverse, since the protection

³⁴ Pope Paul VI, in *Humanae Vitae* §17, famously adverted to the pernicious effects that more widespread use of contraception would bring to societies. "Upright men can even better convince themselves of the solid grounds on which the teaching of the Church in this field is based, if they care to reflect upon the consequences of methods of artificial birth control. Let them consider, first of all, how wide and easy a road would thus be opened up towards conjugal infidelity and the general lowering of morality. . . . It is also to be feared that man, growing used to the employment of anti-conceptive practices, may finally lose respect for the woman and, no longer caring for her physical and psychological equilibrium, may come to the point of considering her as a mere instrument of selfish enjoyment, and no longer as his respected and beloved companion."

³⁵ Noonan, in *Contraception*, 518–20, provides ample evidence of the statistical link between the dissemination of contraceptive means in European societies and Japan in the 1950s and the increase in the numbers of legal abortions. In the end he denies that one can conclude "that a contraceptive mentality led to abortion on a mass scale" [at 520]. But the numbers certainly belie his reservations. The nexus between contraceptive use and recourse to abortion remains to this day a tragic phenomenon. See also Janet Smith's comment: "Studies show that over 80 percent of young women who have had abortions are contraceptively experienced. . . .

against pregnancy is precisely the reason for the contraceptive use. But on second thought this link between contraceptive use and recourse to abortion should not be surprising. A contralife intent is unavoidable in any contraceptive choice.³⁶ In those who use contraception for extended periods of time, it seems to encourage a subtle hostility to pregnancy, an unacknowledged animus to the child as a threat to one's autonomy and personal life. As a preliminary attitude this makes the option for abortion an easier choice if a conception takes place.

Even without the danger of an abortive impulse in the case of an unexpected conception, there is a longstanding selfishness toward the procreative capacity that occurs with contraception. In those who eventually do

Most abortions are the result of unwanted pregnancies, most unwanted pregnancies are the result of sexual relationships outside of marriage, and most sexual relationships outside of marriage are facilitated by the availability of contraception. To turn this 'progression' around: contraception leads to more extra-marital sexual intercourse; more extra-marital sexual intercourse leads to more unwanted pregnancies; more unwanted pregnancies lead to more abortions. Not many women intend to use abortion as a 'back-up' to failed contraception, but it is undeniable that it is often so used." "Paul VI as Prophet," in *Why Humanae Vitae Was Right: A Reader*, ed. Janet Smith (San Francisco: Ignatius, 1993), 522–23. See also the comments of Christopher Tietze, referred to by Brian Clowes in *The Facts of Life: An Authoritative Guide to Life and Family Issues* (Front Royal, VA: Human Life International, 2001), at 58, as "one of the world's most experienced abortion statisticians": "A high correlation between abortion experience and contraception experience can be expected in populations to which both contraception and abortion are available . . . women who have practiced contraception are more likely to have had abortions than those who have not practiced contraception, and women who have had abortions are more likely to have been contraceptors than women without a history of abortion." Christopher Tietze, "Abortion and Contraception," in *Abortion: Readings and Research* (Toronto: Butterworth & Co., 1981), 54 and 60. Note, finally, the statement from *Evangelium Vitae* §13: "The negative values inherent in the 'contraceptive mentality' . . . are such that they in fact strengthen this temptation [to abortion] when an unwanted life is conceived. Indeed, the pro-abortion culture is especially strong precisely where the Church's teaching on contraception is rejected."

³⁶ Grisez, in *The Way of the Lord Jesus, Vol. 2, Living a Christian Life*, 506–19, identifies the intrinsic evil of all contraceptive use in a contralife intent. For Grisez the contralife intent is constitutive within this choice and is the reason in itself for the sinfulness of the contraceptive choice in all contexts, marital or non-marital. "[C]onsidered as a moral act, each and every contraceptive act necessarily is contralife. Moreover, in and of itself, a contraceptive act is nothing but contralife. For, being distinct from any sexual act that occasions it, a contraceptive act cannot be considered part of that sexual act, even if the outward behaviors involved in the two acts are closely associated. Contraception is related to sexual acts only instrumentally, inasmuch as it lessens the likelihood of pregnancy" (509–10).

have children in marriage after long use of contraception in non-marital relations, the result is often a possessive relationship toward one's child akin to the attitude one ordinarily has toward an object of ownership. The manipulative control exercised previously in the realm of procreative capacity may continue in a certain manner, making a child subordinate to one's own need. There can be great care, for example, not to allow a child to interfere with one's career and material enjoyments. In part, these responses are acquired from a contraceptive culture that has transformed the notion of sacrifice into a self-referential term, useful largely for the benefits it can bring to one's own life. In that sense a contraceptive civilization is not just excessive in the pursuit of materialistic comforts. It is destructive of a primary demand for natural and supernatural happiness. Sacrifice for another, self-donation for another, becomes feared as a threat to personal contentment and well-being.

Conclusion

The Catholic prohibition of contraception in all circumstances as an intrinsic violation of natural law remains a formidable teaching with a long history. But it is arguably the harmful consequences of contraceptive use that most clearly expose today its essential evil as a choice in non-marital relations. St. Thomas Aquinas teaches clearly that when evil consequences are foreseen to result from an action, they increase the malice of the act. "For when a man foresees that many evils may follow from his action, and yet does not therefore desist therefrom, this shows his will to be all the more inordinate."³⁷ The argument that harmful *moral* consequences must factor into the evaluation of contraceptive use in non-marital relations ought not to raise the specter of consequentialism. The attention to consequences in this case is not to make them the exclusive determinant of the immorality of the act. The choice to contracept in non-marital relations is already linked to an intrinsically sinful action of fornication or adultery. As a distinct choice in itself, moreover, contraception in non-marital relations is likewise, in the view of moralists like Germain Grisez and William Smith, an intrinsically evil act by reason of its necessarily contra-life and selfish intent as a moral choice. The legitimate consideration of harmful consequences in this case is rather to cast a sharper light on attendant evils in the contraceptive choice accompanying non-marital relations. These evils, even as potential effects, directly counter the facile assumption of the contraceptive choice in this case being a choice for a "lesser evil." It is the argument here that

³⁷ *ST* I-II, q. 20, a. 5.

contraceptive use in non-marital relations produces an act of greater and not lesser evil precisely because the consequences of this choice, while often identified only in view of the avoidance of a pregnancy, are quite evident and foreseeable as evil effects.

Indeed, the deleterious effects of the contraceptive mentality are sufficiently evident. What in contraceptive use may seem at first sight a prudential limitation of risk has facilitated over the longer term a general degrading of sexuality in human persons. Sexual immorality is now both epidemic and largely accepted, and of course contraception has had a long partnership in this. The appeal of efficiency in impeding conception has proven an irresistible invitation to the more casual pursuit of sex for pleasure. The clamor for a right to abortion is likewise linked to contraceptive use. The expectation of a right of control over childbearing is customarily learned first by contraceptive use. Moreover, the most common means of contraception, the pill, is sometimes abortifacient in its operation.

Those, on the other hand, who perceive a lesser evil in fornication or adultery when contraception is employed argue in effect that the sole criterion for judgment concerns the avoidance of an unwanted pregnancy in this case, which circumstance allows one to view contraceptive fornication or adultery as a sinful act but not as sinful as the act without contraceptive use. It is easier, perhaps, to persuade from the pragmatic advantage; the concrete gain of protected sexual relations seems to be immediately evident. Nonetheless the moral harm done by longer term contraceptive use in non-marital relations precludes any designation of this choice as a “lesser evil.”

Contraceptive use is essentially an unnatural act, both as a manipulation of bodily integrity and as a violation of the sacred bond inherent in the use of sexuality. By intensifying the reduction of sexual expression between a man and a woman to a more complete lie, to a more complete spiritual deception, for the sake of personal pleasure, contraceptive use outside marriage has surely contributed to the widespread moral decline of recent decades. It is wrong, then, and shortsighted, to downplay or even dismiss the use of contraception in non-marital sexual relations as morally without significance. The use of contraception in non-marital relations is an essential part of the problem, as it were, an inseparable component in the current day, by which sexuality and the act of procreation have been progressively diminished in their sacredness. There should be no surprise that marriage, in turn, continues to suffer as an institution from a loss of confidence.