

VIII: ARTIFICIAL BIRTH CONTROL

VIII.0 Goals of a chapter on birth control

There are three goals for this chapter. The first goal is to examine a case that abortion is the illegitimate method of birth control and that a firm resolution never to abort a conception suffices to maintain the parental stance while practicing a program of artificial birth control. The second is to point out how artificial birth control is nonetheless an immoral practice because it undercuts the Paternal Principle by subverting the parental stance. The third goal is to consider a Catholic's response to the immorality of artificial birth control.

VIII.1 The “honeymoon is over,” terminology,

Neither the Paternal Principle nor the parental stance require married couples to want any particular act of sexual intercourse, let alone all acts, to result in conception. Indeed it is permissible to wish fervently that no acts of their sexual intercourse results in conception. Issues discussed here stem from what married couples do to make fertilization and birth highly improbable. The following working definitions assume the couples are married. An act of sexual intercourse is an *artificially contraceptive act of marital sexual intercourse* when mechanical or chemical steps have been, or will be taken, by either husband or wife to have fertilization by that act of sexual intercourse highly improbable. A *program of artificial contraception* is a plan to have, for an extended time period, all acts of sexual intercourse artificially contracepted. Natural family planning is not a program of artificial birth control although it is a program of birth control.

When the artificial method is birth control pills or implanting of devices such as a diaphragm, there is no clear division between a contraceptive act and program. I offer no technical discussion of methods of birth control. This is a developing technology. *Coitus*

interruptus is a mechanical method of birth control. Sexual play which results in a male organism external to the vagina is not a method of birth control if there is no intent to avoid fertilization. Male sterilization is not under consideration here. I would argue for the immorality of sterilization on other grounds. From a progressive stance sterilization is morally neutral when not actually obligatory.

I focus primarily on the morality of the man's act and man's character. A complete discussion of the morality of birth control requires at least discussion of the morality and moral character of the woman. I write "at least" because there may be need to develop notions of moral act and moral character of the bonded couple as an emergent moral agent. I take seriously the notion of "becoming one flesh." My sentiment, for what it is worth, is that a wedding draws a "veil of privacy" around the mating activity of a married couple. Outsiders should try not to think about details of the sex lives of other married people; or any people for that matter. Medical and clinical considerations override this sentiment.

[Note to Layout: Subheading 1] VIII.2 *Birth control by abortion and the Paternal Principle*

Below I repeat an argument showing that the Paternal Principle could be interpreted so most methods of artificial birth control do not conflict with the Paternal Principle. The acknowledged sociological, but not logical, link between contraception and abortion lead me to propose abortion as the illicit method of birth control¹.

VIII.2.1 Supreme Court links contraception with abortion

A 1992 Supreme Court Decision, *Planned Parenthood vs. Casey*² reminded us in the United States of a typical opinion on contraception and abortion.

We can read "In some critical respects abortion is of the same character as the decision to use contraception . . ." And then a few paragraphs down: "For two decades of economic and

social developments, people have organized intimate relationships and made choices that define their views of themselves and their places in society, in reliance on the availability of abortion in the event that contraception should fail.”

VIII.2.1a Abortion as the immoral method of birth control

How do I understand “intentionally, . . . , only in sexual intercourse open to conception?” I certainly do not interpret it to say “only in sexual intercourse in which there is likely to be conception.” To comply with the Paternal Principle’s requirement to fulfill desires of my spouse I need to accept sexual intercourse in marriage in which there is almost no probability of conception as in the latter years of marriage. Kant posed as a casuistical question the permissibility of intercourse past child bearing years. I hope I am not ignoring some deep issue by summarily dismissing Kant’s concern.³ The minimal condition for attainment of male orgasm being open to conception is that it be heterosexual, the partners realize sexual activity is reproductive activity and they are willing to accept and support any human being who is conceived as a result of their activity.

The link with reproduction keeps sexual activity serious. The linkage is not as loose as it might seem. When men and women engage in sexual activities things do not always go as planned. They do a few more things than they intended, the withdrawal was not soon enough, the condom leaked, the medications were defective or not taken correctly, the sterilization was incomplete, etc.

[Note to Layout: Subheading 3] VIII.2.1b Mark and Julie’s surprise

Mark: “My sister Julie couldn’t be pregnant?”

Julie’s mom: “Well, she is.”

VIII.2.1c Aging and openness to conception

For older married couples the requirement of marital fidelity keeps the sexual activity serious. This is not trivial. If a man's wife becomes incapacitated, fidelity demands celibacy until her death. (A church which bestows dignity on men who consecrate their lives by vows of life-long celibacy helps us by modeling a life we may have to live.) For men there is the life-long struggle not to become a "dirty old man." Remember Carl. Besides a man's sexual intercourse is typically open to conceiving into old age. Fidelity to one's wife could be interpreted as an unintended moral method of conception control. It is good for all that he stays with his wife. Also the analogy to the fertile sexuality marks our sexual activity as a serious human business. Still, thoughtful aging people are subject to a subtle sadness that our sexual activity, apart from realizing that in general sexual intercourse is reproductive activity and vows of fidelity to a union for procreation, threatens to be mere pleasure seeking which is not important. But there is still a right way for our sexuality to be. At this stage bonding might be the dominant sexual activity. The main sexual obligations may be to enrich the bonding.

This section on post fertility sexual activity, tinged with melancholy, is not irrelevant to a discussion of birth control by married couples in their fertile years. This fading away of sexual activity is what a contracepting couple hopes for and starts living while practicing artificial birth control. It is sad for a young married couple to begin by making their sexuality that of the aging. It is sad to sing "September Song" at the wedding. Indeed this holds for couples who plan to begin married life practicing natural family planning.

VIII.2.2 Maxim holding abortion as the illegitimate method of birth control

How did I argue that the Paternal Principle is compatible with most methods of artificial birth control? I argued that a paradigm of closing intercourse to conception is an intention, perhaps latent, to abort any conception if it should occur. I based my argument on the

process/product ambiguity of “conception.” As a process conception is conceiving, viz., fertilization. As a product a conception is the fertilized ovum which is the very first stage of a human individual. That is when I begin. Readers can ask themselves when they began. Most methods of birth control are intended to block the process of fertilization. In light of what we read in the U.S. Supreme Court opinion, proposing that the illegitimate method of birth control is to intend to stop any conception should it occur is not a trivialization of requiring marital intercourse to be open to conception. So, there is a reading of the Paternal Principle on which artificially contraceptive acts of marital sexual intercourse are permissible if the chemical methods are not abortifacients. Here it might be better to talk of artificial fertilization control

A maxim of a couple practicing artificial fertilization control compatible with the Paternal Principle is as follows.

We will use techniques to cause our reproductive systems to be in a state such that there is extremely low probability of fertilization resulting from our sexual intercourse. However, if fertilization results we shall foster the growth, birth and subsequent development of the conception.

This maxim is compatible with the Paternal Principle. However, as I argue below it may well be based on an attitude towards sexuality which conflicts with the parental character stance used to make a case for the Paternal Principle. That is why I argue that artificial birth control is subversive of the character required for fidelity to the Paternal Principle.

VIII.2.2a Avoiding pregnancy tests for birth defects

Note also that the ability to determine early in pregnancy whether or not a child will be born with defects increases enormously temptations to have abortions. Even if a couple is “using

the pill” a firm resolution to bring to birth any conception from their intercourse is a heroic openness to conception. It would hard to find a stronger pro-life stance. Regardless of her qualifications to be President of the United States, Sarah Palin exhibited strong character in her choice to bear a child knowing that he would have Down’s Syndrome. (“Flakey” people can have good character.) In an on-line article,⁴ read how Sarah Palin gave fleeting consideration to the temptation to abort her child after a Down’s Syndrome diagnosis.

VIII.2.2b Resolving never to have an abortion

How would a resolution never to abort a conception be made? Unless a temptation to abort a conception occurred a couple would not know that they had the resolution. If they are practicing a birth control program, they are indirectly lowering the probability of knowing whether they made the resolution. I suggest that such a couple publicly support anti-abortion actions. I especially recommend supporting organizations, such as National Life Association and local Birthrights, that support women, both before and after birth of the child, who are considering abortion. If the temptation ever came the public anti-abortion stance provides incentives to decide against abortion.

One reason I support illegalization of abortion is to remove a strong enticement to succumb to a temptation to have or facilitate an abortion. For a similar reason I strongly oppose legalization of euthanasia. I am not worried about other people making a choice to have me euthanized. They would probably be “doing me a favor.” I am worried about it being made easier for me to succumb to the temptation to avoid further pain and thereby waste my whole life with this final cowardly choice. Of course, by advocating making abortion and euthanasia illegal, I am asking to have what I dread be restricted from other people who may not dread it. But here I am

following a “Golden Rule.” I do not choose to have available to others what I think ought not be available to anyone including me.

My argument that abortion is the illicit method of birth control is not Catholic teaching.

Catholic teaching is not based on the Paternal Principle or parental stance.

VIII.3 Catholicism and Grisez et al. on birth control,

It is interesting to note that some Catholic moral theologians, Grisez et al., argued that the proper foundation for the Catholic condemnation of contraception in *Humanae Vitae* was that it blocked the life of a possible person⁵. People who practiced contraception had the morally illicit intention to stop the good of a human life even if it was only the life of a possible person. Such a stopping of a possible life has some analogy to abortion. But it is not abortion. Of special interest for my opposition to sexual neutrality is that this approach leaves sexuality morally neutral. A sexual act is condemned by application of some general principles about not intending to stop a basic human good. Grisez’s argument is unsettling. It seemed to me a bizarre attempt to find a rationale for a Catholic teaching when the traditional natural law doctrines failed to do so. (Of course, I may have misinterpreted their argument.)

VIII.4 Catholicism and E. Anscombe on birth control

Elizabeth Anscombe was a rigorous analytic philosopher and a Catholic thinker. There is available on-line her impassioned argument supporting the *Humanae Vitae* condemnation of artificially contraceptive acts of marital sexual intercourse.⁶ The on-line editors promote the article.

Anscombe offers a penetrating moral analysis of marriage and sexuality that will benefit any reader who rejects the secularist reduction of marriage as merely a union that sanctions sexual activity between partners.

Anscombe's on line argument on contraception

I am arguing as a secularist. But a marital stance with its requirement of lifelong monogamy is far from reducing marriage to a union sanctioning sexual activity. For Anscombe, as for me, any claim leading to sexual neutrality is to be rejected. She fears that if artificially contraceptive acts of marital sexual intercourse are permitted there can be no in principle objection to homosexual activity in a homosexual marriage. In this context she also accepts marriage as a necessary condition for moral sexual activity.

At the risk of distorting the reasoning of this careful philosopher, I set aside her argument because it uses the notion of intrinsically evil sexual act. For her an act of heterosexual intercourse is intrinsically evil if what is intended is to enjoy the sexual intercourse without risk of conception by interfering with aspects of the act which might lead to conception. To avoid making her case against birth control by defining artificially contraceptive acts as intrinsically evil, I think that she has to assume some principle about the immorality of interfering with the natural function of acts. As I argued in my sixth chapter, such a principle is far too broad. So my reasons for not using stereotypic natural law morality are my reasons for setting aside Anscombe's condemnation of birth control. I quote Anscombe to reveal that reliance on the notion of natural sex, which is unimpeded sex, as a basis for sexual morality leads to a distorted sexual morality.

“only what is capable of being a marriage act is natural sex. It's this that makes the division between straightforward fornication or adultery and the wickedness of the sins against nature and of contraceptive intercourse. Hence contraceptive intercourse within marriage is a graver offence against chastity than is straightforward fornication or adultery. For it is not even a proper act of intercourse, and *therefore* is not a true marriage act. To marry is not to enter into a

pact of mutual complicity in no matter what sexual activity upon one another's bodies. (Why on earth should a ceremony like that of a wedding be needed or relevant if that's what's in question?)”

Anscombe's on line argument on contraception

Her rhetorical question is simplistic. Amongst other things a wedding publicly unites a man and woman to be faithful to each other all of the days of their lives.

VIII.5 Conflict of artificial birth control with the Paternal Principle,

Reluctantly, I find artificial birth control morally problematic from the perspective of the character stance and the Paternal Principle. Worrying about the morality of their sexual relations adds another level of problems to the many problems of married life. I have brooded about the issue for over fifty years: Before The Pill, before *Humanae Vitae*. Finally, I am convinced that I have located the moral failing as turning away from a duty to develop our sexual moral character by manipulating causal factors so that there is no need to perform the duty. We choose to make our sexuality morally neutral by making it infertile. By doing so, we subvert the foundations of our sexual morality. I hope that I can articulate my insight clearly and persuasively.

I do not claim any originality for my approach. It may be expressed in current unofficial Catholic condemnations of artificial birth control⁷. For instance, one reads claims that contracepted sexual acts are telling a lie about what is being done. In these diagnoses of the moral errors of artificial birth control, there is no systematic concern about separating theology from morality. So, I set them aside here.

VIII.5.1 Causal manipulation vs. controlling by free will,

A man who holds the Paternal Principle holds that there is a right way for his marital sexual intercourse to be and there is a right way for him to develop his will, or character, with

respect to sexuality. Especially, orgasms are not morally trivial satisfactions for sating a morally neutral demonic force. They are to be controlled by free choice in accordance with a moral principle for them. But a man who contracepts chooses, at least temporarily, to make his sexuality a source of trivial satisfaction which sates a demonic drive. He turns away from character development. Let me elaborate.

VIII.5.1a Contraception in conflict with humanity as an end in itself

In effect, I argued for the Paternal Principle by asking how perfected wills would choose so that so that without alienating sexuality from our humanity it would be open to attaining sexuality's purpose. This line of argument gave us the task of shaping our wills to approach the perfected wills. If we choose a contraceptive program we turn away from the character-building task for controlling sexuality to a task of manipulating causal factors for controlling sexuality. In general, it is proper to manipulate natural causes for human purposes. Humanity is a special case. Humanity is to be developed by exercises of humanity itself;- free choices in accord with principles coming from humanity. However, when we operate by causal manipulations we regard those causal factors as external to us. Here we project sexuality out of our humanity so that it is permissible to control it causally. As an end in itself, humanity is to be controlled by character. Sexuality as an inalienable aspect of humanity is to be controlled by character.

VIII.5.1b Contraception subverting the parental stance to progressivism

The temptation to contracept in marriage is different than a temptation to attain sexual satisfactions condemned by the Paternal Principle. It becomes a temptation to change the foundations of sexual morality. How so? In marriage there is a intent to contracept over an extended period. The medical, economic, social and familial factors showing the high costs of a conception morally justify contraception from a progressive stance. From a progressive stance,

we look at our human sexual nature as if it were outside ourselves to be controlled and used. We cannot eliminate it nor do we want to if we can keep it a source of great pleasure with controllable consequences. A progressive stance justifies introducing causal factors to make sexual intercourse non-reproductive and thereby making it trivial but leaving it a demonic urge which we must allow to be satisfied. On occasions sexual intercourse is chosen for reproduction. This progressive stance is a model for interpreting how a married couple choosing an artificial birth control program look at their sexual life. So holders of the parental stance and its Paternal Principle who choose to contracept are succumbing to a temptation to set aside belief that sexuality has a morally right way to be and it is our job to use it rightly by our choices. This undercuts or subverts the foundation of the parental stance. Subverting the foundations and moving towards the sexual amoralism of a progressive stance is why birth control is immoral from the parental stance. It is harming the required character development. Note that we do not have the perverse result of Anscombe that adulterous acts are less immoral than contraceptive marital acts. Adulterous acts are wrong in principle. It is almost certain that adulterers are not working at developing sexual character.

Perhaps looking at contraception as a mother's "putting her daughter on the pill" helps appreciating the above line of argument. When a couple chooses a contraceptive program, they are regarding themselves as a young couple who cannot control their sexual activity. So they use causal mechanism to prevent unwanted consequences. This is like parents who provide birth control devices to children who they fear will engage in sexual intercourse and produce unwanted children. This is certainly alienating their sexual selves from themselves. Alienating ourselves from our sexuality is morally wrong because it subverts the parental stance.

VIII.5.1c Putting girls "on the pill"

I am uncertain about the morality of a mother's putting her daughter "on the pill." Doing so is definitely not treating the daughter as a full-fledged human being. However, there are so many men of all ages who have the corrupt character of thinking they can seduce any woman, letting an unprotected young girl out in our world of perpetual courtship is truly reckless parenting. Alternatives of keeping girls behind walls or wrapped in all concealing garments also do not treat them as full human beings and stifles human development. I gladly set this aside as a problem for women's sexual morality.

VIII.5.2 Options about artificial birth control

What are choices facing holders of the Paternal Principle when confronting the temptations to have a program of artificial birth control?

1. Being inconsistent.
2. Choosing not to contracept, using Natural Family Planning,
3. Morally condemning their contraceptive sexuality
4. Giving up the Paternal Principle for a progressive stance

VIII.6 Natural Family Planning not contraception

My greatest interest is with (3), i.e., morally condemning what one intends to do. It is easy to be inconsistent as long as you do not think too much. A man can consciously intend to violate the Paternal Principle while thinking that it is his principle. However, those factors which cause people to brood about the meaning of life, viz., nihilism, lead to reflection that uncovers inconsistencies. Explicitly endorsing a contradiction is unlikely to help find an antidote for nihilism. Recourse to Natural Family Planning amounts to restricting sexual intercourse with no impediments to fertilization being used. But fertilization is highly unlikely to occur. So Natural Family Planning is a choice not to contracept. Natural Family Planning is compatible with the

character stance because there is a requirement to develop character to abstain from sexual activity during fertile periods.

But there are moral dangers connected with Natural Family Planning. Natural Family Planning is not in conflict with the stance on sexuality behind the parental principle but it is not in complete harmony with it by virtue of trying to avoid conception. Natural Family Planning can be a temptation to transform the wish that some sexual intercourse not result in conception to a position that conception is an undesirable side-effect of sexual intercourse. From that position there is a danger of sliding into progressivism. Even worse, if conception results during Natural Family Planning there may be a temptation to abort the conception. After all, the rationalization may go, we did everything moral to avoid this pregnancy.

From the parental stance, contraception, even by Natural Family Planning, is morally dangerous. However, it is the morally permissible way because conception is not separated from sexual intercourse controlled by character. That is why there is a choice not to have sexual intercourse during fertile periods.

VIII.7 Self-condemning maxim of a male contraceptive

What might be a maxim for a married male contraceptive? It could be similar to the maxim of the homosexual struggling to move beyond his sexual sins while immersed in them. *I will, with the consent of my wife, engage in sexual intercourse in which we use physical or chemical methods to prevent, with a high degree of probability, fertilization from occurring. I recognize that these practices are in accordance with principles in conflict with my moral outlook and, will never tell others that they are morally permissible. I will be open to try Natural Family Planning. I will be alert for opportunities to avoid these practices, viz., decrease in the*

social, economic, etc., rationalizations for the birth control. I will look forward to a time where there is no need to rationalize these practices.

With such a maxim a man may enjoy his sexuality with his wife but the joy may well be diminished because of his moral disapproval of it. I am not saying that the sexual acts of the contracepting husband are condemned by the Paternal Principle. It is his attitude towards his legitimate marital sex acts which is subverting his sexual morality. His sex life has lost some dignity and, in a way, he keeps it “in the closet” as does a homosexual. Nonetheless, his sexuality is important in his having a significant life. His sexuality is temporarily immoral because his sexuality matters in what is significant in his life. It is involving him in the moral struggle. If it was neither moral nor immoral it would not matter.

Note that in this case there is not the attack on character of the type which involves a refusal to pass judgment on the defect. A way in which a contracepting couple could make a two-fold attack on character of denying fault and having the fault would be to take the utilitarian reasons for birth control as justifying their practice of birth control.

VIII.8 Rationalizations for artificial birth control

There are many social, personal, economic and medical conditions for limiting births. There are social and personal reasons for married couples not to refrain from sexual activity. Of course, these can be reasons for Natural Family Planning. However, anxiety over the possibility of pregnancy can be so high that a couple would not even resort to Natural Family Planning unless it was “backed up” by contraceptive techniques. Even in marriage, fear of pregnancy may make sexual activity as dulled by anxiety as that of our incestuous friends: Mark and Julie

What do I advise? If I were to begin again, I would look for a wife open to having three, four, five, six children and try to practice Natural Family Planning if the need for limitation or

spacing arose. If that were unsatisfactory, I would live with the maxim just proposed with its moral and religious consequences. We would live in some darkness. But there would be light to guide us out.

VIII.9 Scattered remarks on married sexuality

I do not read “only in sexual intercourse open to conception” as requiring that each and every act of a couple be biologically capable of resulting in fertilization. If their sexual intercourse, their sexual relations, involves sexual activities in which sperm could not reach an ovum and there is no general intent to prevent conception, their intercourse is not closed to conception. This could occur in youthful play or in later years because of medical conditions. What they have aimed at is a legitimate satisfaction in marriage, viz., sexual climax, and a side effect is that no conception could have occurred from that activity. Nonetheless I interpret the Paternal Principle as requiring a man to intend to complete sexual intercourse with vaginal ejaculation. Only his wife may excuse him. (I think the Paternal Principle forbids *coitus interruptus* and use of condoms without permission from my spouse.) In my opinion the Paternal Principle requires that the male work at developing himself so that he does not attain climax before his wife is satisfied.

I recommend that married couples not diminish the physical voluptuousness of their acts by moral monitoring of what they are doing. Here I disagree with a suggestion in John Paul II’s *Theology of the Body* that married couples should not lust for one another. I think that within the marital context there should be lust of the flesh. Married couples should work at keeping themselves fit so that they are worth lusting after. Deliberate diminishment of the voluptuousness of sexual relations between a man and wife is a perversion of sexuality which may lead to other sexual corruption. Men will seek the voluptuousness with mistresses, concubines, boys or

pornographic fantasies. I am thinking especially of the allegedly widespread but still marginal Afghanistan tradition of *bachabaze* in which boys dressed as girls dance to sexually excite men. If interested do a Google search and start with the Wikipedia link.

There are so many factors which diminish the joy of marital sex. There is fatigue, familiarity, the inevitable disagreements, the kids, etc. Keeping marital sex alive requires effort. I tried to express the Paternal Principle in such a way that it is a moral obligation for a man to work at making marital sex mutually satisfying which requires fostering its voluptuousness, amongst other things.

However, almost exclusive use of practices involving extra vaginal ejaculation brings their intercourse into suspicion of not being open to conception. They should worry that they are using their sexuality in a way contrary to what it is for. They are *de facto* separating the procreative from the unitive function of sexuality. They need to worry whether they are trivializing their sexuality by having it be mere play or demonizing their sexuality by finding a dark delight in the unusual which they would be ashamed to have others know. When ejaculations outside the vagina become excessive is a dimension of the parental stance. A good guideline is that marital sexual activity should aim at approximating that of the very best sexual activity: Sexual intercourse of a married man and woman welcoming conception. But there can be “a lot of playing around” before they get there!

VIII.10 Special birth control problems for Catholics

Birth control problems for Catholics do not arise because the Catholic Church teaches that birth control is immoral. The Church teaches that artificial birth control is immoral because it is immoral, although not for the reasons I gave. As I just argued it is the immorality of sexual subversion. The Church is not able to change morality. I hope that I have also shown that birth

control is immoral independently of any church teaching. The problems lie in how the Church deals with its members succumbing to that type of immorality. The Catholic Church is very forgiving of immorality. That is one reason why the Church faced so much criticism about the “abusive priests” in our homophobic culture with traces of a Puritan heritage. Anecdotal evidence shows me that even people who talk sentimentally about gay marriage get hysterical when they can condemn homosexual activity. This occurs when the boy is under a certain age. I think of how some newspapers advocating gay marriage ranted about the horrible abuse Penn State Assistant coach Jerry Sandusky inflicted on boys.

As I see it, a major problem some Catholics have with artificial birth control can be located in the sacrament of Confession. Here is where a “Thomistic” morality focusing on wrong acts clashes with a “Kantian” morality focusing on harming moral character. (I use scare quotes around Thomistic because a widely held morality alleged to be based on Thomas Aquinas may not accurately interpret Aquinas.) Confession, as commonly understood, focuses on particular acts; not character corruption or character subversion. To receive Absolution sins must be confessed and those sins need to be acts. Even Catholics who believe that a program of artificial birth control is immoral, perhaps along the lines on which I argue, do not accept that their acts of sexual intercourse are immoral as Anscombe *et al.* claim. Let me develop this a bit.

Abortions may be confessed and forgiven. Those sinners may go on to participate in the Church life without impediment after absolution. These are singular episodes and the person is unlikely to have the intention to do them again. However, use of birth control involves an intent to continue an immoral practice. In sacramental confession, absolution for sins cannot be given unless there is an intention to sin no more. So previous immoral acts done in accordance with a birth control plan cannot be forgiven unless the plan is to be terminated. So Catholics committed

to a birth control plan have “sins on their souls” but they cannot be absolved as long as they are committed to the plan. They are not excommunicated. However, they are ineligible to receive the Eucharist and would commit a sacrilegious sin if they did receive it. In contemporary Catholicism in which reception of the Eucharist at Mass is almost universal not doing so is awkward and embarrassing. The actual conditions for reception of the sacraments conflicts with Paul VI’s wise suggestions for Catholics who find his teaching of *Humanae Vitae* hard to accept. Pope Paul urged them to receive the sacraments of the Eucharist and Penance to grow to appreciate the teachings. The conditions, as commonly understood, for reception of the sacraments of Reconciliation and Eucharist prevent couples practicing artificial birth control from receiving these sacraments until they have changed their maxim and attitude to stop the practice. So the sacramental means for changing attitudes are not available to them. That, I think, is a pastoral problem and not a moral problem.

I do not know how my Church can solve this problem They cannot teach a change about immorality of contraception. As said above, that is by her own admission beyond her competence. She could downgrade it to a venial sin. But an ancient teaching of the Church is that all sexual sins are mortal sins. Furthermore, classing an immoral act or practice as venial is not to re-classify it as morally permissible. Intentionally committing a venial sin is intentionally offending God. A religious life in which there is intentional offending of God, is, so-to-speak, “going nowhere” spiritually. There might be some prospect for change coming from sacramental theology or pastoral theology. I have suggestions. But such suggestions belong to Catholic theology. Only official theologians of a church should make public theological statements. A non-theological suggestion is to work on action theory so that adoption of maxims can be more clearly distinguished from acts. With a clearer notion of what it is to adopt a subversive

principle, the wrong of birth control as I have specified the wrong might be incorporated into Catholic moral theology. There might be some way for Catholic moral theologians to adapt the notion of tolerable immoralities without calling them venial sins.

Of course, the Church need make no changes at all. In any event, the Church cannot remove the immorality from birth control. If I were young again, I would be in the same situation as about sixty years ago. If I and my spouse decided to practice birth control, I would judge my sexual life and ours as not morally correct and in the long run morally subversive. I would make no judgment about my wife's sexual morality. If the Church made no changes about the reception of sacraments, I would continue to attend Mass but not receive the Eucharist until I could put our felt need for birth control behind me. Attendance at Mass provides a sacramental means for changing attitudes; especially if done with an open mind as recommended in Psalm 95 "if today you hear his voice, harden not your hearts."

¹ "Abortion as the illicit method of birth control," *Proceedings of American Catholic Philosophical Association*, Vol. LXII, Washington D.C. 1990, pp. 193-203

² By Justice Sandra Day O'Connor

³ See *Theory of Virtue* AA VI 126ff..

⁴ <http://www.guardian.co.uk/world/2009/apr/19/sarah-palin-considered-abortion> '

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⁵ *The Teaching of Humanae Vitae: A Defense*, John Ford, Germain Gresez, Joseph Boyle, John Finnis, William May, Ignatius Press, San Francisco, 1988

⁶  <http://www.orthodoxytoday.org/articles/AnscombeChastity.php>

⁷ One source is *Josephinum Journal of Theology* "Sexual Ethics 40 Years after *Humanae Vitae*," 14 #2 (2007). Another excellent source is Alexander Pruss' *One Body: An Essay in Christian Sexual Ethics*, University of Notre Dame Press, 2012