

# Contraception and Natural Law

by G. E. M. Anscombe

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*Father Herbert McCabe's article, 'Contraceptives and Natural Law', published in the November 1964 issue of New Blackfriars, was based on a paper which he had previously read at a philosophical conference held at Spode House. He was willing to adhere to traditional teaching and was concerned only to criticize a certain argument in its defence.*

*I here publish the reply which I made to his paper at that time. I have the following credentials which are nowadays thought relevant: I am a married lay-woman with children and a professional career. I was not always prosperous or in possession of good prospects for the future, and am familiar with the fear of having more children, which makes contraception a temptation.*

Apart from the conclusion that he draws, the fault that I find with Fr Herbert McCabe's paper is this: he connects the concept of natural law much too closely with the fact 'that we are not isolated individuals, we are parts, fragments . . . of a larger community, the human race.' It is true that *some parts* of the natural law are based on that fact – e.g. the prohibition on theft.

But the notion 'against the natural law' is simply equivalent in extension to the notion 'what is wrong'. Belief in the natural law is the belief that the discoveries of reason about ethics are the promulgation of laws to the rational creature by the Creator. The content of the natural law is thus simply the content of ethics, so far as this is independent of revelation. (And I should contend that there is no ethical teaching which is *per se* revealed, though there may be some which depends on revelation: as some teaching about asceticism depends on the revealed doctrine of original sin.)

It is wrong, or, in the law conception of ethics, against the natural law, if an adult of sound mind leads an unexamined life. But such a man may be a *pretty good member of a decent community*. *That sin* concerns his individual destiny, and not *via* his role as a fragment of the community, the human race.

There is a range of sexual sins called 'sins against nature'. The concept of natural law is not especially closely involved in the notion of that type of sin. Those sins are not called 'sins against nature' *because* they are 'violations of natural law': *any sin* is that. Thus, there is no such thing as

'the natural law argument against contraception'; the phrase means 'the argument against contraception to the effect that it is wrong!'

I believe that in thoughtless Catholic apologetic of recent times on this subject 'It's against the natural law' has been *used* as another expression for 'It's unnatural vice'. But this is completely wrong. Fr McCabe's paper comes near to making the identification explicit, and so helps one to nail it.

Among sexual sins, fornication and adultery are the ones that are, like theft among non-sexual sins, shown to be wrong, i.e. against the natural law, by the role of what they have to do with – *here* sexuality, as *there* property – in the community of the human race. The argument is well-known and I need not pursue it.

And Fr McCabe's considerations have a reasonable place *a propos* the rightness of copulation where there is no prospect or intention of producing a child. The greatest theologians of the past – St Augustine and St Thomas – are sometimes represented as teaching that copulation for any purpose but the production of children, or out of consent to the demands of a spouse, must be at least venially sinful. It is my impression that the ascription of this doctrine to St Augustine is correct or at least very plausible. As far as St Thomas is concerned, it is not plausible; he clearly allows for the motive of 'paying the marriage debt' without this being a matter of *acceding to demands*.

It is true however that they and many other saints taught that copulation 'out of desire', 'out of lust', 'for pleasure' (this last comes in a pontifical teaching of St Innocent XI) was always at least venially sinful. Further, it is certain that St Augustine and many many others took it as obvious that if a married pair were both holy people, getting children would be their only motive in copulating, and once they no longer had this motive they would, by mutual consent of each to the desire of the other, lead a life of austerity and abstinence.

From this it has been inferred that the traditional view is that if married people copulate without offspring in view, then at least one of them must be *eo ipso* sinning, though venially.

Now if this were a correct inference, it would not be just difficult, but impossible, to see why a married person must consent to copulate at times when conception is not possible. Yet it never was generally taught that copulation was sinful at such times; only that doing it at any time 'out of lust', 'out of desire', 'for pleasure' was – at least venially – sinful.

Fr McCabe's considerations give a clue to the *rationale* of the non-prohibition on copulation when conception is not possible. The built-in purpose of sexual activity is, as he puts it, clearly the production of children. (The very names of the organs, the reproductive or generative organs, shows that *that* is how the organs in question would be identified, e.g. in another species. You don't have to bring in, as Fr McCabe

does, 'from the point of view of the race'. Race is brought in *by* these being the reproductive organs.) But this fact of the 'built-in purpose' of sexual activity does not mean that every act of copulation has got to be calculated for that end. It would be an unrealistic picture of reproduction to try and make that out: there are many more copulations than conceptions for most couples where the woman is of child-bearing age – even excluding copulation during menstruation or pregnancy. What is needed is a set-up, a sexual union aimed at the rearing of children. This is secured by marriage in which there is a mutual giving of rights over one's body. The use of the right so obtained is *eo ipso* the rendering of a debt unless something prevents it from being so. Obviously a strong objection from the other partner could prevent it from being so; and acting simply 'out of lust', 'for pleasure' might equally prevent it from being that. But the sexual activity of a married couple is 'geared to its built-in purpose', to use Fr McCabe's terms, even though they 'make moves which if invariably employed would make success impossible' – they copulate during menstruation, let us say; or in another sure-fire safe period, if they know one. The policy of invariable employment of such a device to avoid getting children *ab initio* would of course invalidate a marriage, if it was an explicit policy resolved upon in advance. Such a 'marriage' would fall under the well-known strictures of St Augustine.

Copulating after child-bearing has stopped is continuing the sexual union, which should not be lightly interrupted or broken off, as St Paul's warnings and 'permission' show: 'Defraud not one another, unless by consent for a time, that you may be free for prayer, and return again to the same, lest Satan should tempt you because of your incontinence – I say this by way of permission, not by way of command'. It is possible that the 'permission' was a permission to abstain for ascetical purposes. St Paul goes on: 'But I wish that all men might be as I am. But everyone has his own grace from God, one thus, one thus. And I say to the unmarried and widows: It is good for them if they remain as I am. But if they lack continence let them marry, for it is better to marry than to be on fire.'

On the view which I have been describing, we should note that there is some difficulty in justifying marriages of older women. The permissibility of this, if a fleshly union is intended, would lie in the infirmity of nature and in the fact that marriage is so common and natural a condition that a restriction could not without injustice be imposed on elderly women.

Now Fr McCabe put forward his account as an argument which would seem to allow the use of contraceptive apparatus. I think he has been led to do this by trying to derive the notion of what is sexually wrong from a notion of natural law. But I should contend that the notion of natural law is as lacking in positive content as that of the categorical imperative. (Kant's attempts to give positive content to this are a notorious

failure.) You can tell what is a normal act of copulating, and Fr McCabe's considerations are a contribution to the topic of when to do that.

They have nothing at all to do with the topic *why it is so enormously* grave a sin to perform a sexual act (what used to be called a venereal act, an act procuring orgasm), so that it is *not* a normal act of copulation, but is *per se* unfitted to generate a child. Such acts belong in the range of sexual sins labelled 'against nature'. I have in effect labelled them 'non-normal'; this means the same – it does not for example mean 'unusual.'

Now if someone asks why it is wrong to do one of the things in this range, the answer is that it is counter-natural, not a proper act of copulation. This is like answering the question 'Why may one not avoid paying one's rail fare?' by 'Because it is stealing'; or 'Why not kill deformed babies?' by 'Because it is murder.' It is neither more illuminating nor less correct, than are those answers.

At this point it is possible to ask: Buy *why* may one not steal? *Why* may one not murder? *Why* may one not perform counter-natural sexual acts?

The first question, about stealing, is easy to answer in a preliminary fashion on grounds of general convenience. This is because of the role of property in people's general material prosperity; an easy business to grasp and not very deep going. The other two questions are far more difficult to answer, and if people seriously find it difficult to see anything wrong with some murder, or, as nowadays, with counter-natural acts, then we are likely to be pretty hopelessly stuck – much as if they question why they should respect the common good and *therefore* be honest and just.

It does mean, I think, that they must deny that there is any such virtue as chastity – I mean, any virtue whose field is sexuality. Virtue and vice here, as with one's use of, say, cut garden flowers, would be a matter of one's motives and attitudes. But this is a violently implausible thing to say.

It is very common for people to object to the notion of 'nature' involved in the idea of sins against nature. But they know what acts are ordinary copulations and what acts are deviations from the norm. If, at least, anyone knows about sex he knows what a complete and normal act of copulation is, and that using a different species of animal as one's partner, or masturbating, say, is a sexual act which is not a normal act of copulation. We ought to separate the description 'counter-natural' from the condemnation: *it makes sense* to say that one does not think counter-natural acts are wrong. It should forfeit respect if one says one does not know what 'counter-natural' here means; people will probably not say it if we distinguish between the description and the condemnation as clarity requires.

Now I know no argument that purports to justify the use of contraceptive devices, which would not further justify what is also used as a con-

traceptive device, anal copulation. Yet I believe rather few people are so shameless as publicly to recommend this last; to suggest for example that midwives and health visitors should go round advising people to adopt this practice. (How furious the manufacturers of contraceptives would be!)

But what *is* the malice of it? I mean: what is the characteristic mark of it which makes it one of the range of counter-natural sexual acts? For that is one question; distinct from: what is the malice of counter-natural sexual acts in general?

It is that it is a sexual act *per se* inept for generation – as opposed to one that is *per accidens* so inept, because, say, the woman is barren or past bearing.

It is the sort of thing that you know you are doing as you know you are eating or drinking. The identification of the kind of act must be no more abstruse than that. Now the use of contraceptive procedures in one's copulations is of the same character. Hence such sexual acts belong in the list of sins of unnatural vice, and there is no room for considerations about when, where, with whom, in what spirit, or with a view to what, to perform them.

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## Age

Old man, your skull scored like a rock,  
Not moss but grave marks planted there;  
Tell of the storms, the seas that struck your coast?

The storms were sighs that could not be uttered,  
The seas were tears that could not be shed;  
This coast the frailest boundary of the outer world,  
Its skin – poor stuff – against the woes that I could bring.

*Guy Braithwaite, O.P*