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An article by Fr Kevin T. Kelly recently published in *The Clergy Review* under the title 'A Positive Approach to *Humanae Vitae*'<sup>1</sup> is an attempt at making a dispassionate evaluation of the teaching of that Encyclical on birth regulation. The attempt is successful, in that the article correctly weighs up the teaching of the Encyclical against the other statements of the Magisterium which immediately preceded or followed that Encyclical.

The untasty dish served by Pope Paul in 1968 is at last being made palatable; the trouble is that, in the process, the ingredients adduced from more savoury sources are changing the nature of the dish. Contraception, admittedly, remains evil. It is no longer, however, intrinsically evil; that is to say, it is no longer a type of action whose evilness cannot be exorcised by circumstances and that admits of no case in which its performance could be squared with God's Will and man's good. Contraception is now evil 'in the premoral sense'. Like killing,<sup>2</sup> which remains evil even when the total action of which it is a part makes it legitimate to take another man's life, so is contraception: the total action can be a moral good and so legitimate the inclusion of contraception, without for that reason denying its premoral evil character.<sup>3</sup>

The pastoral guidance given by Fr Kelly is in keeping with his assessment of the morality of contraception: 'If a couple accept *Humanae Vitae* in the sense suggested in this article, then if they are using some form of contraception they ought to admit that what they are doing is not fully in accord with the objective demands of God's Will for them'.<sup>4</sup> The advice is probably valid in view of all the recent statements of the Magisterium on the morality of contraception. Should, however, the couple accept *Humanae Vitae* in the sense intended by Pope Paul in writing it, rather than in the sense suggested

<sup>1</sup>Kevin T. Kelly: A Positive Approach to *Humane Vitae*. *The Clergy Review*. 1972, pp. 108-120, 174-186, 262-275, 330-348.

<sup>2</sup>Because of the analogy suggested between killing and contraception, it is worth noting that Fr Kelly, while basing his argumentation on the distinction made by Fr J. Fuchs between 'moral evil' and 'evil in the premoral sense', disagrees with Fr Fuch's conclusion that 'killing in self-defence can be morally good'. On p. 333, he writes: 'I do not see how killing could be described as either good or neutral. . . . I would only be prepared to say that this action of self-defence could be moral good, despite the regrettable fact that this evil of killing another man is involved in it.'

<sup>3</sup>The extent to which Fr Kelly's theological appraisal of contraception departs from that of the Encyclical can best be seen in the implications of his reasoning. In the perspective of the Encyclical, no man could ever knowingly and willingly have recourse to contraception without, by that very fact, committing a sin; that sin, needless to say, can be forgiven and the sinner is exhorted to seek God's mercy. In the perspective outlined by Fr Kelly, a man could knowingly and willingly have recourse to contraception without committing a sin, in those cases in which the premoral (physical?) evil of contraception is outweighed by the moral good of the total action of which contraception is but a part.

<sup>4</sup>Cf. p. 342.

by Fr Kelly writing about it, they would have to admit that what they are doing is not at all, rather than not fully, in accord with the objective demands of God's Will for them.

My intention, in this paper, is not to make a detailed review of Fr Kelly's article; I find myself in agreement with its theological and pastoral conclusions, in as much as these conclusions are derived from a comparative study of the teaching of Vatican II, of Pope Paul and of the bishops on the morality of contraception, with inevitable subtractions being made from the thesis of Pope Paul. Fr Kelly's 'Positive Approach to *Humanae Vitae*' is therefore a positive approach to the recent teaching of the Magisterium on the morality of contraception, minus the negative elements of *Humanae Vitae*.

Is it possible to take the Encyclical as it stands, and yet to make a positive estimate of it? My intention, in this paper, is to suggest the possibility and even the desirability of such an estimate: its possibility, provided the type of argumentation adopted by the Encyclical is replaced in the context of the mentality from which it derives, the mentality of 'taboo'; its desirability, for that type of argumentation is the same as the one spontaneously adopted by the Magisterium on many other problems which are now being debated, such as the morality of euthanasia, of homosexuality and of abortion. A positive approach to taboo would, I believe, help to appreciate the complementarity between the so-called 'traditional' and the 'progressive' ways of tackling those problems; it would also call in question the habit of opposing the one to the other, of discarding the one in favour of the other, or even of mixing both. Before showing the benefit which the taboo mentality can bring to the discussion of contraception and of other moral problems, I will give some explanation of the meaning and function of taboo.

### *Setting Taboo in its Context*

What is taboo?—The question admits of no simple answer. Franz Steiner warned against attempts made at regrouping under a single, all-including definition the manifold and often divergent manifestations of taboo; he merely suggested that 'taboo is an element of all those situations in which attitudes to values are expressed in terms of danger behaviour'.<sup>1</sup> That element can, I believe, further be specified by three constant characteristics. First, that element is expressed in the form of a prohibition; taboo is a negative rule of social behaviour. Second—for not all prohibitions are taboos—its binding force is directly related to ultimate grounds such as tradition, divinity, or tradition endorsed by divinity;<sup>2</sup> the reasons why tradition, or divinity, or both, should impose the observation of this or that taboo are not apparent. Third, the sanction attached to the transgression

<sup>1</sup>Franz Steiner: *Taboo*, pp. 20, 21, 147 (Cohen and West Ltd, London, 1956).

<sup>2</sup>In this context, 'divinity' stands for all suprahuman powers which are thought to control man and his world. I avoid the so far inconclusive discussions as to whether taboo is always associated with the sacred and is automatic in the infliction of sanctions.

of taboo is out of proportion with the importance of the action prohibited; unless order is restored by appropriate ritual, this sanction is inevitably, in one way or the other (cf. note 6), inflicted on the transgressors.<sup>1</sup>

It is not easy for us to appreciate the positive value of taboo in primitive societies, let alone to admit to its possible usefulness to our Western societies. For one thing, the workings of taboo appear unsuited to us. We may be ready to concede that in small-scale, preliterate societies, the survival of the community requires that the freedom of the individual members be curtailed by sets of prohibitions and fear of sanctions and that it be subjected to the overwhelming authority of tradition and divinity. We cannot see the relevance of such an attitude to our civilization whose resources in all fields are so varied and abundant and which so highly prizes the freedom of the person and the ability of that person to make responsible decisions.

For another thing, the taboo mentality pertains to the mythical thought-process, the logic of which rests upon the experienced organic unity between man and the cosmos and leads to a magical vision of the universe in which bringing disorder in the community is thought to disturb the harmony of the cosmos; in that perspective, it is to be expected that the divinity (the quasi-personal forces of the cosmos) or the ancestors (who stand for tradition) will react strongly against the human offender—all the more so since primitive societies see their universe not as an entity that can be improved upon but as a given order which it is imperative to keep intact and urgent to restore when interfered with. Among us, it is the scientific thought-process that dominates. The accent is not on the unity but on the distinction between man and the cosmos and more generally between subject and object; from our privileged position as observers and masters, we proceed to the exploration of other beings regarded as objects and learn from our findings the techniques which can enable us to dominate that 'thing' which our universe is.

Our attitude to the individual person and to the universe has undeniable advantages over that of primitive societies: more latitude is given to freedom of action and of expression, and immense progress has been made in understanding and controlling our world. We

<sup>1</sup>One or two examples taken from Buhaya (North-West Tanzania) could shed light on these characters of taboo. Adultery is forbidden by customary law, in Buhaya. That interdiction does not, however, constitute a taboo: The reason why adultery should be prohibited can be pointed out (namely: the safeguard of order in marriage); the sanction attached to transgressions is in keeping with the nature of the offence (that sanction is dismissal, in a case in which it is the wife who commits adultery); whether the sanction should be applied depends on the will of the injured partner and his lineage. The prohibition of *nsebene* to women is, on the other hand, clearly a taboo: why should tradition endorsed by divinity absolutely forbid those locusts to women, while men can freely eat them, is not apparent, and that prohibition can easily be construed by outside observers into a case of unjust discrimination between the two sexes; should women transgress that rule, calamities are sure to fall on them and on the village, unless action is taken to restore order by means of appropriate ritual. It should become clear, further on in this paper, how this particular taboo—as other taboos—helps to identify transgressions in a definite area of human conduct and how it localizes danger to the structure of society and warns against it.

nonetheless acknowledge that limits must be set to the scope of personal freedom and to the extent to which the world can be controlled by men. Not later than last week, I was fined for absent-mindedly driving through a red light; many big companies have recently been sued for polluting the environment. Clearly, the large-scale, literate societies in which we live cannot afford to rely entirely on the citizens' ability to make responsible decisions; they also realize that the world they exploit will not let itself be transformed into a dump without retaliating. It is a function of law to set the limits beyond which personal freedom would interfere with the good of the community, and progress in mastering the world would turn out to be regress.

### *Taboo and Morality*

The problem, however, is how to define those limits and how to impose sanctions on offenders without equating moral guilt and legal guilt. It is in solving that problem that the process of taboo differentiates itself from the process of law. Law assumes that such limits can accurately be defined; border-line cases are settled by recourse to experts and to jurisprudence, and provision is made for exceptions and for trial in an attempt to protect the possible moral innocence of individuals. Taboo, on the contrary, assumes that such limits cannot be accurately defined; border-line cases are settled in advance by a prohibition covering them all, arguments are discouraged by referring the prohibition to an authority against which there is no appeal, unquestioning submission is ensured by the fear of dreadful sanctions. The offender is not as helpless nor is the system unjust even though legal guilt postulates moral guilt, for appropriate action under the form of ritual can be taken by the offender to restore the order which he has disturbed. It is evident, however, that the process of taboo supposes that priority is given to the stability and cohesion of society and cosmos over the freedom and the mental abilities of the individual.

Mary Douglas' interpretation of the dietary rules of Leviticus<sup>1</sup> provides a further insight into the logic of taboo. 'In general, the underlying principle of cleanness in animals is that they shall conform to their class. Those species are unclean which are imperfect members of their class, or whose class itself confounds the general scheme of the world. To grasp this scheme, we need to go back to Genesis and the creation.'<sup>2</sup> There is a recognizable diversity of categories in creation; this diversity does not militate against unity as long as each animal finds its place in the pre-ordained categories and fits in well with the ensemble. There are, however, animals which overlap the categories and so challenge the general order: they are the ambiguous

<sup>1</sup>Mary Douglas: *Purity and Danger*. Cf. The Abominations of Leviticus, pp. 54-73 of Pelican Edition, Penguin Books, 1970 (1966).

<sup>2</sup>Ibid., pp. 69-70.

border-line cases which threaten unity and must be avoided if the People are to be holy as God is holy.<sup>1</sup> 'By rules of avoidance, holiness was given a physical expression in every encounter with the animal Kingdom and every meal.'<sup>2</sup>

I propose that taboo follows that same logic in identifying the morality of human actions, 'in certain |areas of conduct.'<sup>3</sup> The discernment between what is right and what is wrong is by no means always obvious. Those actions are easily classified which are at opposite poles: to help a fellow man in need is right, to take advantage of his destitution is wrong. Circumstances may, however, so fill in the gap between these poles, as in the case in which that fellow man is an enemy, that the demarcation line between right and wrong can no longer be clearly apprehended. Law will then intervene to draw this line. Law is inadequate, however, in those more sensitive areas in which the probability of error in apprehension is greater and the cost in terms of confusion in the order of society and cosmos is higher; it is in those areas that taboo operates. Different societies, of course, grade values differently, hence a certain variability in the determination of such areas and consequently in taboo's field of operation.<sup>4</sup>

There is nevertheless an area in which the distinction between right and wrong rests upon a division between human beings which is so fundamental and so far-reaching in its implications, that the regulation of conduct in that area is almost always, in one way or another, entrusted to taboo: it is sexual activity, the morality of which depends on correct perception and due respect for the distribution of human beings into males and females. There is in this area a wide range of taboos whose ultimate purpose is to ensure that what should be kept apart shall not be mixed.

Some of these taboos emphatically state the differences between the sexes in such a way as to prevent dangerous situations in which confusion of identity or of roles could arise. Examples are, here, the taboos affecting dress and manners. The aversion of the older generation at the sight of girls who wear men's clothes and of young men who grow their hair like women, is much more than anger in the face of a young generation which does not conform to the traditional patterns of fashion; this aversion springs from an instinctive fear of what could happen to society if human beings were to stop con-

<sup>1</sup>'Holiness is unity, integrity, perfection of the individual and of the kind.' *Ibid.*, p. 68.

<sup>2</sup>*Ibid.*, p. 72.

<sup>3</sup>This suggestion is in part based on a remark of Mary Douglas about the Leviticus rules of sexual morality: 'Morality does not conflict with holiness, but holiness is more a matter of separating that which should be separated than of protecting the rights of husbands and brothers' (*Ibid.*, p. 67). Morality is, of course, a matter of separating what is right from what is wrong in human conduct, and in this sense it merges with holiness. Of interest here is also Monica Wilson's remark that Nyakyusa taboos 'were comparable to rules of hygiene' (*Religion and the Transformation of Society*, p. 81. Cambridge University Press, 1971).

<sup>4</sup>In Nyakyusa society, for instance, it is fertility which is the most inclusive value, hence 'a thicket of taboos surrounding child-birth and sexual life' (Monica Wilson, p. 79).

forming themselves to the basic patterns of their humanity.<sup>5</sup>

Other taboos stigmatize the perverted behaviour which actually contradicts the scheme. A case in point is the taboo on masturbation, another one is the taboo on homosexual activity. A human being who is physically a male and psychologically a female is an imperfect member of his class whose ambiguity confounds the established order among men. Those who fit in well with their class abhor homosexuals as dangerous deviants; homosexual activity is denounced as dirty (i.e. polluting the cleanness of order) and is deemed sinful by believers (i.e. contrary to the holiness of God and of his plan). The very existence of homosexuals is perceived as a threat to the cohesion of mankind, hence it is no wonder if all societies take severe measures to repress or at least to contain their disruptive influence. Western laws are increasingly becoming satisfied with forbidding homosexual acts which infringe upon the rights of heterosexuals or of citizens whose sexual inclination is not yet fully canalized (minors); they tend to admit of homosexual acts between consenting adults. Taboo, whose term of reference is not the individual's right to freedom but mankind's right to integrity, maintains that damage is caused to humanity even when no harm is done to individuals. It is a lesson which it is wise to bear in mind in discussing the ways and means of alleviating the fate of the homosexuals.

#### *The Prohibitions of 'Humanae Vitae' as Declarations of Taboos*

What the taboos of those first two categories are saying is simply: it is wrong for men to behave as women and for women to behave as men. Men and women cannot be subsumed under one and the same class, whatever else may be meant by equality of the sexes. One can expect still other taboos to take distorted sexual intercourse for their target, since it is on whole sexual activity that procreation and continuation of the human race depends.

It is my view that what Pope Paul did in *Humanae Vitae* was simply to reiterate and to confirm such taboos. Singled out by paragraph 14 of the Encyclical as absolutely to be excluded are interruption of the sexual intercourse, interference with the development of life begun with intercourse (abortion) and any intervention which robs sexual intercourse of its procreative power (sterilization and contraception). In short, all actions which deprive sexual intercourse of part of its significance and make it inapt to fulfil part of its function are prohibited as intrinsically evil (cf. Kelly, p. 114). Such actions are both unholy and immoral; they are sins. In the same paragraph, transgressors are warned against trying to justify their misconduct; their court of appeal is not reason, but God's mercy, and appropriate ritual to restore harmony is at their disposal in the sacraments (paragraph 25).

<sup>5</sup>The taboo which, in Buhaya, forbids *nsemene* to women is another example of this kind of taboo: the distinction between men and women is recalled at meals, different foods being allocated to each sex (cf. Note 1 on p. 102).



If my interpretation of these prohibitions is correct, the argument that Pope Paul should at least have elaborated on the reasons for each of those prohibitions is shown to be irrelevant. To have engaged himself in stating the pros and cons of each issue would have only invited further discussion, with the risk of engendering more confusion and of aggravating the threat to unity. It is characteristic of taboo to bypass the discussion of reasons immediately connected with a particular prohibition and to rely on grounds which are ultimate and beyond questioning. These grounds are set down at length in the three paragraphs of the Encyclical which precede the prohibitions (11-13): they are God's design on sexual intercourse between man and woman, a design safeguarded by tradition and which men are not authorized to alter. The sanctions against transgression are listed in paragraph 17: they are the certain prospect of the worst perversions and of a general breakdown of society.

Anyone reading this paragraph 17 with a scientific mind will wonder why such calamities should fall on men for using contraceptive methods of the pill type, and spare them if they content themselves with the rhythm method. The puzzle is solved when one remembers that the controversy which led to *Humanae Vitae* began with attempts at settling the morality of a border-line case, the use of the pill. Theologians who, like L. Janssens,<sup>1</sup> tackled the issue from the angle proper to the scientific thought-process, argued that, in view of the proximity—of purpose at least—between the use of the rhythm method and the use of the pill, it was irrational to classify the former as right and the latter as wrong. Theologians who, like M. Zalba,<sup>2</sup> approached the question with a mentality attuned to the mythical thought-process, argued that the rhythm method did not interfere with the order of the sexual faculties while the pill did.

It was inevitable that when Pope Paul sided with the latter theologians, his decision should have been denounced as reactionary, sentimental and prescientific; so it was, in the sense that the decision was based on an ancient wisdom which builds on more than human reasons alone and its limited ability to comprehend and improve the order of things. Irrational, however, it was not; the truth of the matter was simply that while many Catholics based their assessment of the morality of the pill on a comparison with other methods of birth regulation immediately on each side of the border of right and wrong (rhythm method on the one side, sterilization on the other), Pope Paul based his reasoning on ultimate grounds: the order fixed by God and preserved by tradition (*H.V.* 16). Seen in that light, the rhythm method and the pill are no longer ambiguous neighbours: the rhythm method is brought back into the ambit of what is clearly right, the pill is pushed out into the field of what is clearly wrong. The

<sup>1</sup>L. Janssens: *Morale conjugale et progestogenes*. Eph. Theol. Lov. 1963, IV, pp. 787-826.

<sup>2</sup>M. Zalba: *De regulatione prolis generandae et de usu compositorum progestationarium*. *Periodica*, 1964, Fasc. II., pp. 186-259.

dangerous situation is exorcised by the removal of ambiguity. Threats to procreation and to the continuation of the human race are localized and transgressions can again be easily identified.

### *The Wisdom of Taboo*

The object could be raised, at this point, that we cannot accept the teaching of *Humanae Vitae* and the logic of its argumentation, without *ipso facto* rejecting the theses and the method of science. The objection correctly senses that the logic of taboo and the logic of science are irreducible to each other. In his analysis of controversial moral issues, the theologian needs to consider both the dictates of taboo and the theses of science; he must nevertheless respect the import of each and avoid bending both ends to make them meet. My criticism of Fr Kelly's article is not that the conclusions reached are false; it is that these conclusions, presented as an interpretation of *Humanae Vitae*, falsify the Encyclical by making it say what it does not say. The article should not have mixed what should be kept separate.

The objection, however, only invalidates theological discourse if the supposition is that truth is either with taboo or with science. That such a supposition, easily seen to be theoretically groundless, should not be allowed to make the discussion of moral questions deviate towards insoluble dilemmas, is the minimal lesson that can be drawn from the inconclusive debates on the truth or the falsity of the position adopted by *Humanae Vitae*. Another lesson that could be drawn from the same debates is that the theologian would gain by dissociating himself from the popular view which attributes to science the monopoly of wisdom and relegates taboo to the museum of antiquities of *minus habens* previous generations. The message of the absolute prohibitions of *Humanae Vitae* is that it is wrong for men and women to modify God's design with regard to sexual intercourse, however necessary it may be to foster conjugal love or to contain the size of the family. No argument can be brought to satisfy the scientific, questioning mind who would persist in asking why it should be so. The answer that *it is so* is, in the last analysis, the only one that can be given and taboo makes sure it will be the final one.

It is interesting to note that Fr Kelly implicitly acknowledges the wisdom of the taboo logic when he writes, on page 185, that theologians who insist that the essential values of marriage are true conjugal love and responsibility would, 'in order to defend their position, eventually have to come back to saying: "Well, that is the way God has made man".'