

# THE PRINCIPLE OF THE FAMILY GOOD

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**O**UR RECENT concentration in the Church on the very specific question of artificial birth control has perhaps given this particular issue a larger importance than it actually has among the problems facing the modern world. It seems true, as the American bishops in their pastoral letter "Human Life in Our Day" have stressed, that what threatens the modern world is more a loss of commitment to life in its full dimensions than the burdens imposed on men and women by the Church's teaching on the morality of marital relations. A liberalization of the Church's teaching in this area based on principles that would weaken man's respect for life or his dedication to the full dimensions of life would do more harm than good. The demands of the fully human and Christian life continually call man to an ordering of love; and when he rejects the latter, the former seem insupportable. What we primarily need in this situation is a renewed sense of the value and dignity of human life, not a compromise with its demands.

There is a large number of Catholics today who would agree with this evaluation, but who nevertheless think that there is completely adequate justification for change in the Church's teaching on birth control, and that there is a critical need for such change. These Catholics question the truth of Pope Paul's conclusion in *Humanae vitae* that contraceptive marital intercourse is always morally evil in itself. Simple experience of the difficulties that the Church's teaching gives rise to in family life at times, and the relatively minor interference with nature involved in the use of contraceptives to alleviate these difficulties, make it seem to them unreasonable for the Church to maintain a rigid attitude in this matter.

In my opinion, as in that of many others, there is a strong and objective moral basis for this feeling shared by so many of the faithful. With due respect for Pope Paul's authoritative though noninfallible teaching on this issue, I would like to present in this article what I conceive to be the basis that justifies our questioning certain conclusions of his Encyclical. To specify the basis proposed here, I would like to consider several statements central to the Encyclical, and then indicate which of these I am not questioning and which I am questioning.

Pope Paul's basis for his moral judgment on the marital act is

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. (par. 12)

It follows from this meaning and purpose that

to use this divine gift destroying, even if only partially, its meaning and its purpose is to contradict the nature both of man and of woman and of their most intimate relationship, and therefore it is to contradict also the plan of God and His will. (par. 13)

Consequently Pope Paul excludes absolutely as morally evil

every action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible. (par. 14)

Contraception or direct sterilization, furthermore, can be justified neither by a good intention, for "it is not licit, even for the gravest reason, to do evil so that good may follow therefrom" (par. 14), nor by the "principle of totality" (par. 17).

What I am questioning is Pope Paul's conclusion that all contraceptive marital intercourse or direct temporary sterilization is morally evil. The basis of this questioning is not a denial that the individual conjugal act has two meanings, the unitive and the procreative. The conjugal act is performed by the couple by organs which are naturally procreative (i.e., by organs which are distinguished from other human organs by their procreative potential and finality), and thus by an act that is procreative as well as an expression of marital love. The cyclic character of the woman's fertility is significant in that it indicates that procreation is not the only purpose to which the conjugal act is directed, and thus it shows that there are other reasons for which it may be performed. But this does not appear to justify the couple's acting directly contrary to the procreative character of the act; and that is what is done by contraception or sterilization, since these interferences are meant exclusively for fertile conjugal acts. To cite another area of man's physiological processes, the fact that not all man's eating and drinking is nutritive implies, it is true, that not all his eating and drinking need be for this purpose. But one cannot rightly deduce from this either that man's nutritive system is not essentially ordained to nutrition and support of life, or that it is morally permissible to eat and drink in ways that are directly destructive of life. In the same way, one may not deduce from the cyclic character of the woman's fertility that the procreative finality is not a moral norm for the individual marital act in a way that prohibits interference with the life-giving character of the act.

The basis of our questioning in this article is not the fact that Pope Paul is finding a moral norm in man's physiological processes, namely, in "the respect due to the integrity of the human organism and its

functions" (par. 17), for he is taking man's organs and functions here in relation to their human meaning and purpose, and not simply in relation to their physiological goal. There is a meaning and purpose to human nature and certain kinds of human acts, before one engages in these acts, that constitutes a moral norm for their proper use. Because of this I would agree also that a good intention does not justify acting contrary to the meaning and purpose of the conjugal act.

My questioning is based on the fact that, as we shall see below, of its very nature the individual conjugal act is directed to a larger human purpose than the immediate human purpose of the individual act. The question then arises as to *which dimension of the human meaning and purpose of the act is the morally relevant one*. If it is the *immediate* human purpose, then Pope Paul's conclusion follows; but if it is the *full dimensions* of this human purpose, then there may be circumstances where interfering with the act's immediate human purpose is not contrary to, but rather called for and permitted by, the morally relevant purpose of the act.

In suggesting this, I agree with Pope Paul that the principle of totality as such is not applicable here. As Pope Pius XII explained this principle in an Allocution referred to by Pope Paul in *Humanae vitae*, "he who has received the use of the whole organism has the right to sacrifice a particular organ if it or its functioning cause a notable harm to the whole that cannot otherwise be avoided" (AAS 45 [1953] 674-75). This principle allows the sacrifice of an individual part of man's organism for the preservation of the whole, but man's sexual organs and acts are directed in the conjugal act to an immediate purpose greater than the welfare of the individual organism. The principle of totality applies in the regulation of one's actions toward a part of the organism in its reference to the whole, and so the marital act, with its transpersonal orientation, does not fall within its scope.

The basis of my question about the morally controlling purpose of the marital act is suggested by analogy with the case of an excision of a kidney for transplantation from a living donor. Catholic moralists generally find this excision permissible, even though it is not called for by the welfare of the organism of the donor, and in fact causes him some harm. In this case, then, the immediate purpose of an organ is not taken as the morally controlling purpose. And this, as we shall see, raises the question of the moral permissibility of some cases of contraceptive marital intercourse. Catholic moralists are agreed that such excision is not permissible under the principle of totality strictly understood, but they are not in full accord concerning the basis that allows it. Some moralists in allowing it cite what they call the principle of

charity, while others refer to an extension of the principle of totality. This latter basis is also used by some to justify certain cases of contraceptive marital intercourse. For the purpose of clarifying the basis we are proposing in this article, we will consider several meanings and applications of the extension of the principle of totality.

There is an understanding of this extension that would be subscribed to by virtually all Catholic moralists today, namely, the one which sees the welfare of the whole *person* and not simply the whole organism as an adequate basis for some excisions or some interference with organic functions. For example, even when the welfare of the organism as such does not call for it, the welfare of the person as a whole can justify certain operations (e.g., a lobotomy if it is necessary to relieve obsessive tension states) or interference with organic functioning, even sexual (e.g., in some cases of sexual anomaly).

However, the same unity is not found among Catholic moralists when the extension of totality is applied to transplantation or contraceptive marital intercourse; in fact, even among those who do use this principle in these cases, the principle is not consistently explained in the same way. There seem to be two basic meanings in the principle when so applied, meanings that are not usually distinguished by these moralists. In the first meaning, we are still close to the one mentioned above. In justifying an excision for transplantation, this view recalls that man is a person and that interpersonal relations contribute much to his fulfilment. For a man to allow an excision for transplantation is at times a real act of charity, and thus it perfects the donor as a person. On this basis, the excision is then allowed under the extension of the principle of totality. Similarly, the welfare of the person as a whole has been called on to justify some cases of contraceptive marital intercourse. The welfare of the woman who has a psychotic fear of pregnancy can justify, on this view, interference with the procreative consequences of the marital act. And the welfare of man and wife and their need for the sexual expression of their love when precreation is not a duty is presented as justifying reason for acting against the procreative consequences of the marital act.

This is not the basis I would use for justification in the case either of the excision or of contraceptive marital intercourse. This basis seems to suppose that excision is allowed only for one's own personal advancement in virtue. But the case seems rather to be that allowing excision in certain circumstances does redound to one's own personal development because the donor is ordering himself to some purpose and value beyond his own personal totality. As we shall explain in more detail later, the excision is justified not so much by the orientation of the act

to one's own personal development as by the orientation of one's organs and their use to a good larger than the individual whose organs they are. Indeed, the motive of charity alluded to by these moralists would seem to support those who prefer to call this principle allowing the excision the principle of charity.

Similarly, I am not calling on this principle to justify contraceptive marital intercourse; for my question above asks whether it is allowable to act against a *part* of the good to which the marital act is directed when this is demanded by the *whole* good to which it is directed. But on the principle used here, one would be acting against the larger good to which the marital act is directed, namely, that good which embraces the welfare of the parents and the procreation of children, for the sake of the more restricted good, that of the parents or of one of the spouses. This interference with man's sexual function is very different from that we mentioned above as allowed by moralists generally under the principle of totality or its extension; for in the latter case the function or organ is considered simply as another organ of the individual, while in the former the interference occurs with the sexual function or organ precisely as it is directed in the marital act to the full purpose and meaning of this act.

In the second meaning of the extension, the totality in question is not that of the whole person but the moral totality of the human community. Christian principles ("Greater love no man has than to lay down his life for his friend") and natural principles (e.g., all men form a corporate personality; another person is another "I") are called upon. Excision for transplantation is judged permissible because the totality of which the organ is a part is not only the individual whose organ it is but the moral totality of mankind. In applying this to some cases of contraceptive marital intercourse, the justifying reason is the larger totality within which the marital act is placed; it is one act among all the marital acts engaged in by the couple, and it is directed to a larger good than the procreation of children, namely, the raising of children and the good of all mankind.

This position is closer to the basis proposed in this article, but I find certain difficulties with it. One has to admit that the basis for allowing excision for transplantation is found through extending the principle of totality by a kind of analogy. But should it be called by this name? The very arguments used to justify this extension suggest that it would be better called the principle of charity (as some moralists call it) or the principle of community; for the arguments are based on charity or the community mankind forms. To call it by this name has the advantage of underlining the differences that exist between the case in which an

organ is excised for the individual's welfare and that in which it is excised for the welfare of another. Calling the principle that allows the second act the principle of charity or community also points out that the parts of our body belong to us in a radically different way than the way they belong to the moral totality of mankind, and it leaves less room for totalitarian readings of this principle. What is more important than the name, however, is a clarification of the criteria for morally permissible excision for transplantation, a matter we shall return to later in the course of this article.

I also find serious difficulties with the way I have seen this extension of totality used to justify some cases of contraceptive marital intercourse. At times this meaning is not clearly distinguished from the first meaning, and so is subject to the objections mentioned above. At times the "totality" called upon is unclear. The majority report offered by the papal birth-control commission and the accompanying position paper in which the arguments of the minority report were answered could serve as an example. The argument here calls upon the whole of the conjugal relations engaged in by man and wife in judging the morality of the contraceptive marital act. But what is the totality called upon here? Is it the total human good to which the individual marital act is directed (the basis we will develop in this article), or is it the total number of marital acts, with the understanding that it is not the individual act but the totality of them that are directed to procreation? It appears to be the latter. If it were the former, the report could reject acts which the couple deliberately bring to completion outside the vagina on the basis we will offer below, namely, that since these acts are not the marital act they are not interfering with the procreative consequences of the marital act for the sake of preserving the total good to which the act is directed. Since the argument in fact rejects such acts on the basis that they do not preserve the dignity of love or of the spouses as persons, it appears that their basis must be the second of those mentioned above. But if the direction of the individual act to procreation is denied, then it is not clear how one can reject individual acts completed outside the vagina as contrary to the dignity of love and of the man and wife as persons, particularly if the spouses willingly give themselves to this expression of their love. The reason for this is that if the individual marital act is not procreative, then there is no objective reason why it need be performed by the spouses by a union through their procreative organs.

Because of this position of the majority of the commission, it appears to me that though they were correct in reacting against the immediate context of the marital act as the source of its moral norm, they fell into

an opposite mistake. Here there is no longer an adequately objective basis for distinguishing what is morally permissible from what is not. The human good that perfects man in his marital relations is no longer clear, nor is the way man should co-operate with God for the realization of this good. For these reasons it does not seem to me that Pope Paul could have accepted the bases for change offered to him by the majority of the commission he established. And because of this, the basis we shall develop is different from that of the majority report. In the development of our basis, we will first show how the moral goodness of excision for transplantation implies a rejection of the immediate human purpose of our use of our organs as the morally controlling one, and then we will apply this to the question of some cases of contraceptive marital intercourse.

#### EXCISION FOR TRANSPLANTATION

According to Catholic moralists generally, when the life of one man is seriously impaired or in serious danger, another may freely allow an excision of a kidney for transplantation if his own life can be adequately supported by his remaining kidney and if no lesser means can meet the needs of the other. This supposes that the immediate human good or purpose to which our organs and their use are directed is not the controlling moral good; for the immediate human good to which an organ like a kidney is directed is support of the life of the individual whose part it is. If this excision were performed for an arbitrary or insignificant reason, it would be immoral, because it would be contrary to the finality of this organ and its use. Moreover, the fact that in the circumstances envisaged it is a morally good act is not due simply to the good intention of the man who allows it; for the excision is directed to the transplantation as a means to an end, and of itself a good intention does not make the means morally good.

It is morally good because in this case the man's intention is in accord with the finality of his organs and their proper use, even though it contradicts their immediate human purpose. We may add that if the excision were considered only physically and in a way divorced from this intention as its source and goal, its direction to this larger natural finality and thus its accord with the moral order would not be seen. This excision is in accord with this natural finality because man's parts, as man himself, are meant for a human good and purpose that is not exclusively individual. Man is meant in some way for a good that embraces the welfare of others, even more than he is meant for his own individual good. Since this is the natural and God-given finality of his person and his parts, it is to this that man should freely direct himself

and his use of his organs in his moral choices and activity. Thus, in the excision of a kidney for transplantation in the conditions we envisage, the action is not against the moral good but simply against a physical good, because the dimension of the human good that is morally relevant here is the larger dimension and not the more immediate one. The act is a physical evil, not a moral evil; indeed, it can be an act that is morally very commendable, since the human good that is the moral good calls for it, and the physical evil accepted is significant.

We say that this is the case *in the circumstances we envisage*. Essential bases of the favorable moral judgment on this act are the following. This is an action against a *nonessential* part of the life of the individual. Though the kidney and its use are essentially directed to the support of the life of the individual person, the preservation of this good of his life does not depend on the preservation of the kidney excised. To excise an organ on which life essentially depends would reduce the individual to an instrument of the person for whose benefit it is performed, and this would be contrary to the way one free person is directed to the welfare of another. Secondly, the individual freely allows this excision, and does so for a benefit to another proportionately serious to justify this impairment of one's own physical integrity. Since his parts belong to the individual by the strictest personal right, neither society nor another person has a right to call for this excision. This is why the principle allowing this excision is fittingly called the principle of charity. And if there were not a proportionate reason calling for the excision, the individual allowing it would demean himself and deny a personal dignity and worth he has a duty to recognize and live by. This would not be in accord with the moral norm or the manner in which he and his members are directed to the service of others.

#### THE QUESTION OF CONTRACEPTION

From analogy with this case, we now raise the question whether in certain circumstances action against the immediate purpose of the marital act is morally permissible. The circumstances we are considering are those in which the good of a family would be seriously jeopardized by the birth of another child for a period of time, and where lesser means are not adequate to prevent conception. Of course, it is by human prudence that one judges these circumstances to be such, as it is by human prudence that one judges that a man is in serious need of a kidney transplant. Applying such prudence, it is impossible to escape the conclusion that there are many situations, especially among families of more limited means, where serious harm would come to the children already born or to those foreseen and desired for another child

to be born for a period of time. And the same foresight shows that in some circumstances means such as periodic continence are not adequate, since at times effective observance of this is beyond the competence of the poor and uneducated who are most in need of fertility control, and at times the practice of periodic continence entails psychological problems that seriously harm the peace of the family.

It is, then, only in terms of *the good of the family* that we are suggesting that interference with the procreative finality of the marital act is morally permissible. It is true that interferences with the procreative purpose of the act outside these conditions is contrary to the act's finality and so morally evil. To interfere with the act arbitrarily would be to engage in the act and at the same time to deny its meaning and purpose. To interfere with its procreative purpose simply for the good of the spouses in a way unrelated to the good of the larger family would likewise be to deny its purpose. The marital act is a sign of love that exists between man and wife, and it is directed toward an expression and a nourishment of this love. But since the love of which it is an expression is specifically marital love, the marital act, with its procreative meaning, is directed to the community of man and wife as open to and directed toward the larger community of the family. By being directed to the procreation of children, husband and wife are directed toward that community which binds them and toward that larger community to which they are dedicated. Therefore, to deny the act's purpose in relation to this larger community for the sake of the good of the spouses alone appears to be a subversion of the meaning and purpose of the marital act. In practice, there are many personal needs of the parents for which the act is performed and which are also needs of the family; here we are only excluding the good of the parents that is not related to the larger community of the family as a justifying reason for interference with the procreative finality of the marital act.

Our suggestion, then, is that for the preservation of the family from serious harm in such circumstances, interference with the procreative finality of the marital act by direct temporary sterilization or by a form of contraception that interferes with the consequences of the completed marital act is morally permissible. We are not suggesting that this is justified by the good intention of the couple, for the intention of itself does not make this means acceptable. We are suggesting, on the basis of analogy with the case of excision for transplantation, that to act in this way is morally good because it is in accord with the natural finality of the marital act, even though it contradicts one of its immediate human purposes. To support this, we shall apply to this case the con-

siderations that justify excision for transplantation in some circumstances.

It appears that the human goal to which the individual marital act is naturally directed is not exclusively the immediate human purpose of the act. We have recalled above how it is directed to the good of the spouses and to the procreation of children. In this context, let us recall that the individual kidney and man's use of it is essentially directed to more than simply *that portion* of the support of life that it individually conveys; for it is directed to the support of man's life as a whole and, indeed, to that greater good that binds one man to another, the common good. So too in its procreative finality the individual marital act is directed to more than that portion of the procreative good of marriage that it individually is capable of, to include the procreative good of the marriage as a whole, and thus to the procreation of all the children appropriate for this individual family.

Moreover, it is directed essentially to the raising of all the children of the family as well as to their procreation. The basic reason for which moral philosophers have traditionally found premarital intercourse contrary to the natural law is this essential direction of the act to the raising of children. Since the unmarried state does not allow the conditions necessary for their proper raising, intercourse in such a state is contrary to the finality of the act and to God's will. That the act is directed to this goal is evident too if we consider it within the whole human context. When man and wife come together, they accept responsibility for the possible fruitfulness of their union, and they commit themselves to raise the child that is the fruit of their love. Moreover, when parents come together, they do so not simply for their personal good but for that mutual support that will help them persevere in their task of raising their children. We may add that the perfection of man is found more fully in the mature young adult than in the infant just born; so also the good of the family to which the conjugal act is directed is found more fully in the mature young adults raised from infancy than in the infant or infants just born.

The procreative good of marriage as a whole and, beyond that, the good of the family as a whole constitute the full dimensions of the God-given goal of the individual marital act. The analogy of excision of a kidney for transplantation suggests that it is to the full dimensions of the goal of the marital act that man should direct his free choice and engagement in the act, and thus that this is the goal that is morally relevant in a judgment concerning the morality of contraception or of direct sterilization. It is the direction of the act to this goal that is the

moral norm by which it is properly judged. There is as much reason to see this good of the family as a whole as the morally relevant finality of the marital act as there is to see the good that embraces oneself and one's neighbor as the morally relevant goal of the proper use of such organs as man's kidneys. There is a difference, of course, between these cases, because in the excision of a kidney it is a social good that embraces an individual good, and in the case of contraception it is the social good of the whole family that embraces the lesser social good of the procreation of an individual child. But this difference is not morally relevant; in both cases it is the full dimensions of the goal of man's use of his organs that call for and justify an action contrary to a more immediate dimension of this goal. So too there seems to be as much reason to assert that some cases of contraception or direct temporary sterilization are in accord with the moral order as there is to assert that some cases of excision of a kidney are in accord with the moral order.

It is true that one cannot see the direction of the contraceptive marital act to the full dimensions of the natural finality of the act if one examines the physical act alone. But the act is not a physical act alone; it is a free act of free persons who can see beyond their immediate experience to the larger community for which they are responsible, and who direct their act to this larger community and its needs by the intention they have in the act. Seeing the act in relation to this intention of the spouses, one can see it as directed to the natural finality that is the act's larger meaning and purpose. In the circumstances we envisage, then, this interference with the consequences of the marital act, we suggest, is a physical evil and not a moral evil; for it is not against the morally relevant finality of the act, or against the moral good and norm.

Here, we note again, we say *in the circumstances we envisage*. If the larger finality of the act does not proportionately call for this interference, or if lesser means are adequate to preserve the good of the family from serious harm, then this interference is not justified by the good of the family. Moreover, we are proposing that interference with the *consequences* of the completed marital act is at times justified. This basis we propose does not justify deliberate completion of the act outside of the vagina, because such an act is not the marital act; the interference with proper order here is not against the immediate purpose of the marital act in defense of its larger purpose, and so cannot be justified by this larger purpose. Permanent sterilization for contraceptive purposes is not justified by the larger purpose of man's generative powers and acts in marriage, because this is against the essential good of procreation in marriage, since it is destructive of that on which this good

essentially depends. The excision of both kidneys of a living donor for transplantation is not justified, because his life depends essentially on what is destroyed here; but the excision of one kidney in some circumstances is justified, because such an act is not against the essential good of life. So also, what we are defending is not action against the essential good of procreation, but action against the procreative consequences of the individual marital act. Though this interference is against that good of procreation to which the marital act is essentially ordained, it is contrary only to a *nonessential part of this good*, since the good of procreation does not depend for its existence on these consequences being preserved. It can be preserved by other marital acts with their consequences, as the life of a man can be preserved by one kidney. Therefore, it appears that to interfere with the procreative consequences of the individual marital act is not to deny the procreative finality of the act, but to recognize that the preservation of the essential good of marriage that is procreation does not depend on these consequences. When this is justified by the good of the family as a whole, this is not action against an essential good of marriage.

Moreover, in the case we are considering, a couple acts *freely* against the integrity of their marital act. The integrity of the marital act belongs to the couple by a right as personal as the right an individual has over the members of his body such as his kidneys. Therefore, by the principle of the good of the family, no agent outside the family, whether individual or social, has any right to insist that a couple take the means we have discussed to regulate the size of their family, or to discriminate against them for not acting in this manner. This is true independently of the question whether or not the couple finds other means adequate to regulate the size of their family. As no government or other agency can rightly force or demand that one man sacrifice a kidney for transplantation to another in need, so too none can demand that a couple sacrifice the integrity of their marital act even when the good of the family calls for it, or discriminate against them for not doing so.

In conclusion, there seems to be no more reason to take the natural ordination of the marital act to its immediate human purpose as morally controlling than there is to take man's use of his members for their immediate human purpose as morally controlling. It would seem that there is a strict analogy, in so far as it is morally relevant, between some cases of contraceptive marital intercourse or direct temporary sterilization and the excision of a kidney for transplantation. If this is true, then as in the one case the excision is a physical evil rather than a moral evil, so in the other case interference with the procreative conse-

quences of the marital act is a physical evil rather than a moral evil. It would not be excessively difficult, I think, to go more deeply into the moral bases that allow action against a part of the human good through the principle of totality, the principle of charity or community, and the principle of the family good. But in this article I wish to base our conclusion only on the analogy that we have outlined and its moral implications. We may note, however, that the arguments that are advanced against contraception today seem to be those that were found inadequate when they were proposed against the morality of excision for transplantation in the dispute on this issue in the 1950's. Those Catholic moralists who argued against excision for transplantation held that this was man's use of an organ in a way contrary to its natural finality, that it was an evil means for a good end, that the consequences of acceptance of such acts would be destructive of morality, that such actions are a claim to dominion over life, and that they are against the teaching of the Church. These objections do not seem to be valid against our justification of some cases of contraceptive marital intercourse. The fact that I have found no valid argument against the position advanced here is not a proof of its validity, but it does persuade me to submit these thoughts to the consideration of others, as I do in this article.