

## The Meaning of Gift in *Humanae Vitae*

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### I

Marrying is a giving. Living as a husband or a wife is a giving and receiving. Marriage – our marriage to each other – is for both of us a gift. These truths can help us understand and accept many other truths *about* marriage. Among these are truths about marital intercourse, the act which is a central subject and focus of *Humanae Vitae*. So, by understanding the meanings of *gift* and *giving* in that encyclical letter of Paul VI, we will understand the whole document and its central teaching about proper and improper, right and wrong ways of regulating procreation within our marriage (or anyone’s).

That central teaching of the Encyclical was nothing new. It restated and reaffirmed a teaching which was part of the baptismal catechesis of the apostles, that is, of the basic education of all Christians from the very earliest days of the Christianity in Jerusalem and Antioch, Ephesus, Corinth and Rome.<sup>1</sup> And *Humanae Vitae* articulated and explained that teaching in 1968 with truths and formulations taken directly, in all essentials, from the teachings about marital regulation of procreation that were given by the Second Vatican Council with firmness and emphasis in December 1965. After giving that teaching, the Council added that some questions about *methods* were under study by a Commission established by John XXIII and enlarged by Paul VI, so that when it had reported to him, the Pope would himself judge how the Council’s teaching about morality and immorality in birth regulation applied to these methods. The main question about methods that was under study was, of course, about “the Pill”, the oral contraceptive not generally marketable until about 1960. Paul VI, as he indicated publicly four months after receiving his Commission’s report, judged that the

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<sup>1</sup> “From the beginning, and never interrupted,” as was accurately said in Pius XI encyclical *Casti Connubii*, 56 [*ab initio tradita neque umquam intermissa*]. See *Doctrina Apostolorum* (“via ergo vitae haec est: primo diliges Deum aeternum qui te fecit; secundo proximum tuum ut te ipsum; omne autem quod tibi non vis fieri, alio non feceris. Interpretatio autem horum verborum haec est: non moechaberis, non homicidium facies, non falsum testimonium dices, non puerum violaveris, non fornicaveris... *non medicamenta mala facies*, non occides filium in abortum, nec natum succides...”); *Didache* 2 (“Do no murder, do not commit adultery, do not engage in sodomy/pederasty, do not steal, do not practice magic, *do not use philtres [pharmakeuseis]*, do not procure abortion or commit infanticide...”). In the *Doctrina Apostolorum* (the lost Greek original of which is in all probability older than either the *Epistle of Barnabas* or the *Didache* and may well date from the early or mid-30s AD) the later articulation of the Way of Death gives a similar list, in which “*mala medicamenta*” appear as *medicamenta iniqua* (in each case doubtless translating *pharmakeia*). On *pharmakeia*, see Plutarch, *Romulus* 22.3; then reconsider *Galatians* 5. 20; *Revelation* 9. 23; 21. 9; 22. 15, bearing in mind the Vulgate Latin for *pharmakeia*: *veneficia*, a term the sexual connotations of which indicate how *mala medicamenta* (literally “bad medicines”) could have a meaning as pointed, in the relevant context and era, as “the pill” has in our time and context.

Council's rendering of the Church's age-old teaching applies to the use of the Pill just as much as, and for the same reasons as, it applies to doing anything else before, during or after an act of marital intercourse so as to impede or prevent *that act* from generating a new life. And *Humanae Vitae* is essentially his careful statement and explanation of his judgment.

The Commission had reported to Pope Paul that its 72 members agreed with virtual unanimity that there is no relevant moral difference between the Pill and other means of contracepting. The Pope accepted that certainly correct opinion.

As was and is widely known, the majority of the commission also advised him to reject as outdated what the Church had taught from its beginning, and taught with increasing emphasis after the teaching began to be challenged in the 20<sup>th</sup> century – that doing anything with intent to contracept a marital act is always wrong. Paul VI considered that the advice was erroneous (*HV* 14), and judged that he should repeat with new clarity the full content of the Council's teaching in *Gaudium et Spes* 50 and 51: that the nature of the human person, and of marriage and marital acts, morally requires – and the law of God confirms, clarifies and makes more certain – that marital intercourse must always “preserve the full meaning of mutual giving and human procreation in a context of authentic (true) love.”

The Commission majority held the opinion that the couple can sufficiently “respect” that dual meaning if, in the imagined “totality” of their marital acts across a lifetime, they leave some of those acts uncontracepted even though they contracept their other acts of intercourse (perhaps very many or most or virtually all of them) because they fear that otherwise those acts might result in conception. As *Humanae Vitae* 14 says, that opinion was thoroughly or completely mistaken [*erret omnino*]. It was incompatible with the whole “moral doctrine on marriage which the Church's magisterium has taught with firmness and constancy” (*HV* 6). Genuinely “preserving the full sense/meaning [both of] mutual self-giving [or marital *union*] and of human procreation” requires that *each and every* marital act respect both those meanings (the unitive self-giving and the procreative).

In 1968, the whole Christian doctrine on marriage was not yet seriously and openly challenged by Catholics. So *Humanae Vitae* restates only a fraction of it. But by 1975 it was clear to Paul VI that the Church must restate some other parts of it that are in fact important truths he had taken into account, but left unstated, in *Humanae Vitae*. Accordingly, he approved the Declaration *Persona Humana*, and ordered its publication, reaffirming the age-old Christian judgment that all non-marital sex acts are immoral, a moral judgment which is also part of the meaning of that *exclusiveness* of marriage about which *Humanae Vitae* speaks briefly in sec. 9. One can convey the teachings of *Persona Humana* either with its own summary, or with the equivalent proposition in the 1992 and 1998 *Catechism of the Catholic Church*, a

proposition which all Catholics since apostolic times have known is ineluctably *part of what it is* to be a Christian and part of the contrast between living in moral truth so as to be fit for the Kingdom of God and living for “the world”. *Persona Humana*’s summary is: “Christian doctrine ... states that every genital act must be within the framework of marriage” (VII.2). The *Catechism*’s summary is: “The sexual act must take place exclusively within marriage. Outside of marriage it always constitutes a grave sin...” whether done alone or with another or other persons or beings (CCC 2390; see also 2351, 2396).

The main point of my paper is this: If we understand the gifts that are involved in marriage – there are about a dozen of them, all indicated in *Humanae Vitae* – we can understand the whole Christian teaching about sex and marriage, both the part of it that Paul VI restated in *Humanae Vitae* and the parts he left unstated, and also the summary and principle of all that teaching, given in the *Catechism of the Catholic Church* 2390 (see also 2351, 2396): “The sexual act must take place exclusively within marriage. Outside of marriage it always constitutes a grave sin...”. With those many meanings of gift in *Humanae Vitae* in mind, we can more easily accept and share each and all of those inter-related truths about sex and marriage – that is, understand them each in themselves, and in their inter-relationship.

So I will identify each of the dozen gifts (and corresponding senses of “gift”) indicated somewhere in the text of *Humanae Vitae*, and I will group them under eight headings, in two sets of four.<sup>2</sup> This morning’s schedule allows me only to list the four senses in the second set, rather than to discuss them as I do in the full version of this address.

When we consider all these senses of gift, especially the first four, we see what a great mistake it would be – what an “ideological” misreading – to treat *Humanae Vitae* as no more than Paul VI’s judgment about the Pill. The Encyclical does of course state and affirm that judgment, a judgment also about all kinds of choice to contracept. But primarily *Humanae Vitae* is his restatement (partly explicit, partly implied) of the integrally human and Christian (but not only Christian) judgment about *the morally right use* of our sexual capacities: that they are rightly used only within authentic marriage, and in a marital way – that is, to *express, actualize and enable the spouses to experience their marriage* as what it properly is: a loving union and community fit for the procreation and nurture of new human persons in a fully responsible way, a way that befits each and all of the human goods and human persons involved.

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<sup>2</sup> 4 + 4 = 12 because no. 5 (first item in the second group) includes within itself five senses or forms of divine gift.

## II

The first four senses of gift are closely related with each other, but can each be considered distinctly.

1. *The gift of marital commitment, expounded in Humanae Vitae sec. 9*

In marrying each other, the man and the woman become husband and wife *by each giving* the freely chosen *commitment* to serve each other in a community of friendship and cooperation intended and promised by each to be maintained in good times and bad, in sickness and in health, until death separates them – a community that is marital in kind by constituting a context of a kind appropriate for the procreating and nurturing of children from conception and birth through childhood to maturity and independence; that is by constituting a household of the kind that is or would be fit for a family. It is obvious that this gift is not a momentary act completed in a single act of wedding, or single consummation of marriage, but is from the outset an act, a giving, that is intended and promised to be of lifelong extent and duration. And intended and promised also to be exclusive, shared with no other person during the lifetime of one's spouse.

2. *The gift of marital intercourse, expounded in Humanae Vitae secs. 10 to 13*

Included in that first, all-embracing gift of marital commitment is a specific commitment: to give each other a willingness to engage together, in equality and agreement, in acts of sexual intercourse that are marital acts by being, on each occasion, *both* an expression of their love for each other *and* of a kind that is open to procreating a child. Engaging in such an act is giving one's spouse the gift of – together, as “one flesh” – actualizing our marital commitment, expressing our marital commitment and enabling each other to experience our marital commitment – and thus indeed to actualize, express and enable us to experience *our marriage*.

3. *The gift of children, expounded in Humanae Vitae secs. 8 and 9*

Included in the gift of marital commitment as spouses is openness to the gift of conferring upon each other children, to such a number as is permitted by divine Providence's superintending of the spouses' fertility, and as is compatible with the moral responsibilities of the spouses to (as *Humanae Vitae* 10 puts it) “each other, their families and human society”. Children whose conception supervenes upon marital acts are, as the Second Vatican Council put it and *Humanae Vitae* 9 repeats, “the supreme gift of marriage”, and are, as I have just said, a gift of each spouse to the other as well as to the human family and their own society.

Marriage's orientation to procreation is the reason why truly marital commitment is exclusive and permanent. Love, and friendship, and mutual self-giving and service are none of them, as such, intrinsically exclusive or in need of a promise of permanence. But a procreative kind of community does need such a promise and commitment: (A) to *exclusivity* because each of the children can have from conception until death only this one mother and this one father – exclusively these two parents – and the children each have the right that their mother and father acknowledge and act upon their maternal and paternal roles respectively; and commitment (B) to *permanence* because there is no natural point at which children will cease to benefit from their parents' concern for them; and although parents' duties towards their children become less as the children grow to maturity, achieve independence, and enter upon their own marriages, the commitment of the parents to one another and to their children will have required them to devote their time and their bodily strength irrevocably in ways that for women are different than for men and in pregnancy, childbirth, and afterwards make special physiological demands; and while a woman's fertility naturally ends in mid-life, her husband's does not and so, as St Thomas Aquinas fittingly observes, equitable equality demands that the exclusive commitment of marriage be permanent.<sup>3</sup> As *Humanae Vitae* sec. 9 puts it: on the day when, fully aware of what they were doing, they freely united themselves to each other in the bond of marriage, husband and wife understood their commitment to be faithful and exclusive until life's end. And it is the prospective gift of children that makes appropriate this social and indeed (as *Humanae Vitae* sec. 8 recalls) divinely sponsored institution, marriage, which they committed themselves to enter upon, to confer as a gift on each other, and to persevere in giving to each other.

#### 4. *The gift, to their children, of existence, life and nurture*

We can think of this as the third gift, just discussed, but now viewed from the side of the child, for whom this is the greatest and most far-reaching gift. We find it in *Humanae Vitae* sec. 8, which ends with a luminous, masterly sentence that pulls together into one the various relevant statements of Vatican II (and indeed of the whole Christian tradition on marriage) concerning the spouses' gift to each other and to their offspring:

So husband and wife, through a mutual self-giving which is properly theirs and exclusive to them, develop a communion of persons by which to perfect [complete/fulfil] one another *so as to* [= in order to] cooperate with God in procreating and educating new living beings.

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<sup>3</sup> *Summa contra Gentiles* III, 123.

In that cooperation with God we have the theme of the second group of four broad kinds of gift involved in marriage. But before considering that second group of meanings of gift, I must say a little more about how the first group, the four we have been considering, combine together to establish a foundation of the morality of sex and marriage.

### III

The four senses of “gift” and four types of human giving involved in the human institution of marriage – the act and commitment of marrying, the mutual giving of the marital act of intercourse, the gift of children, and the giving of life and nurture to children by the marital act and lifelong dedication to their wellbeing – interlock with each other to establish at least five morally decisive truths.

The first of these decisive moral truths is that *marriage is a basic human good*, and a basic human institution, with *two* primary ends (= purposes = rationales), (i) the unity of a lovingly committed and permanent friendship and (ii) the procreation and nurturing of new human persons engendered by the acts that express, actualize and enable the spouses to experience that friendship. Union and procreation are *each* an end that is in some respects *primary* relative to the other end, and in other respects *secondary* to and supportive of the other end. Neither is essentially instrumental or *merely* secondary to the other; each is an intrinsically essential element of the properly indivisible and basic human good of marriage, a single good with two irreducible basic elements or aspects.

The second decisive moral truth is that whatever conduct (behavior, actions) the spouses choose to do in and in relation to their marital intercourse cannot be morally acceptable unless (in Vatican II’s words) it “respects and preserves the full meaning of mutual giving and human procreation in a context of true love” (*Gaudium et Spes* 51). That is to say, in the words of *Humanae Vitae* sec. 12, what they choose and do *must not* “sever the two inherent meanings of marital intercourse: unitive and procreative”, and *must* “preserve each essential intelligibility – union and procreation – and keep intact the act’s meaning of mutual and true love *and* the act’s orientation to parenthood.” Those statements of the Council and the Encyclical do no more (and no less) than unfold the fundamental proposition of the true morality of sex: the activation of one’s sexual capacity is to be (= must be) reserved exclusively to marriage, and within marriage one’s sex acts are to (= must be) be marital in kind.

These are moral precepts of divine law, taught by Christ as implicit in (part of the full meaning of) God’s commandment not to commit adultery (a commandment which Jesus himself insists upon, and which he also says includes the prohibition of all *porneia*, non-marital

intercourse, and *aselgeia*, all perverted or shameless kinds of sex act).<sup>4</sup> And they are also and equally precepts of natural morality (= natural law = natural right), that is, they are standards and requirements that can be known to be true even without instruction by divine teaching (revelation). The most reasonable teachers of the high Greco-Roman culture of the first century of our era (AD), the Stoic Musonius Rufus and the Middle Platonist Plutarch, each entirely unaware of Christianity and uninterested in Judaism, taught that marriage has two ends of inseparably equal primacy, unitive friendship and procreation, and that sexual acts are to be *reserved to it* so that the spouses may, in sexually expressing, actualizing and experiencing their marriage be on a footing of equality with each other. The best recent study in English of Plato's sexual morality, by the secularist philosopher Anthony Price in 1989, concludes (with regret!) that Plato's sexual ethics is "like that to which [Pope] Paul VI adhered".<sup>5</sup>

For a third decisive moral truth is that in all their sexual relationships with each other, husband and wife are entirely equal in the rights and obligations that must be respected if those relationships are to be *gifts*, acts of *giving* that express, actualize and enable each of the spouses to experience their lifelong and exclusive commitment to each other in marriage. This equality of the spouses was greatly and insisted upon, 1200 years later, by the Church's greatest philosopher and theologian, St Thomas Aquinas, who did so along with much sensitive attention to the differences there can be between man and woman, husband and wife, in "psychology" – in sensitivities and diffidences.

The fourth moral truth I should mention here is again a truth very frequently explored and expounded by Aquinas, and is this. The moral rightness of marital intercourse depends *not only* on each spouse abstaining from any sex act outside their marriage. There are *also* two other necessary conditions – that is, two other general (universal) moral requirements for marital giving sexually. First: the intercourse must be an act of the generative *kind* (= type = pattern); even when engaged in by spouses who know that the act they are engaged in could not possibly result in generation (because the wife is pregnant, or because she is past the age of child-bearing or is for some other reason temporarily or permanently unable to conceive), the intercourse must culminate in that kind of giving-and-taking-in which, if biological preconditions permit, can result in procreation. That is, what they do together must be the kind of intercourse they *would* engage in together *if* they were hoping to generate a child by that one act of intercourse.

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<sup>4</sup> See *Mark* 7. 21-22.

<sup>5</sup> Anthony Price, *Love and Friendship in Plato and Aristotle* (Oxford University Press, 1989), 223-35 at 233, 235.

And second: this sexual intercourse with each other must also, on each occasion, be intended by each of the spouses as an activity expressing or celebrating and making actual *their marriage*, their *fides* (Aquinas's and the Christian tradition's Latin word for commitment to the mutual self-giving of marriage).<sup>6</sup> They must not, either of them, be like a spouse who, while engaged or about to engage in sexual intercourse with his or her spouse, is so devoted to his or her own pleasure, or his or her own health or fitness, that he or she (i) would prefer (or be willing) to engage in intercourse with *some other* willing person, **or** (ii) chooses to *imagine* that he or she is having sexual relations with another real or imaginary person or entity. In such kinds of case (often considered by Aquinas), that spouse is *acting* in a non-marital way – or you might call it a way that is *inauthentically* marital and indeed de-personalized – and is violating this second moral requirement even though his or her physical *behaviour* is, *as behaviour*, marital in kind. The requirement violated is one implication of the important moral principle that one's chosen sex acts must in every case be marital in kind and in intent.

With that principle in mind, but not perhaps visible to every reader, Paul VI, in *Humanae Vitae* sec. 13, points to an analogy (a comparability, a similarity) between, on the one hand, impairing the procreative meaning of the spouses' sexual act by contracepting that act and, on the other hand, impairing the unitive meaning of the act by "imposing it on the other spouse without regard to that other spouse's condition or legitimate wishes". Pope Paul would, I think, have helped many readers if he had illustrated the general moral requirement further, or better. For instead of (or besides) comparing contraception with imposition, he could have pointed (or also pointed) to the better analogy or closer similarity between, on the one hand, a spouse or couple who render their intercourse non-marital (or inauthentically marital) by contracepting it, and on the other hand a spouse or married couple who render their intercourse non-marital (or inauthentically marital) by fantasizing intercourse with some other, more attractive woman or man – conduct that is immoral even if it happens that *each* spouse is de-personalizing and de-maritalizing it in this way (and even if each knows and consents to all this).

Aquinas's teaching, which is the Church's teaching too (and was not at all a new teaching when Aquinas taught it), is that the prospect of giving and sharing sexual pleasure with one's husband or wife is a wholly legitimate motivation for entering upon the much more complex and extensive commitments of marriage. That prospect is also a wholly legitimate motivation for inviting or suggesting or consenting to marital intercourse. And he adds that these pleasures of marital intercourse are legitimate and chaste (and neither de-personalizing

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<sup>6</sup> On this *fides* as a good of and reason for marriage and marital intercourse, see Finnis, *Aquinas: Moral, Political and Legal Theory* (Oxford University Press, 1998), 143-54 and Index s.v. *fides*.



nor de-maritalizing) even if or when they are the most intense pleasures known to human beings (and they would have been even more intense in Paradise!) – but that the de-personalized and de-maritalized search for “pleasure alone” (in the sense I have been explaining in his footsteps) is immoral: impure and unchaste.<sup>7</sup>

These truths about rendering intercourse between spouses *inauthentic* and *non-marital* are entailed by (that is, follow with rational necessity from) the truth that marriage is mutual self-giving. Indeed, they rationally follow from *each* of the first four meanings or senses in which every morally acceptable sex act is a matter of inter-personal gift of the kind that actualizes and expresses and enables the two persons involved to experience *their marriage* as a community indivisibly oriented both to mutually perfecting and fulfilling friendship and to procreation.

For here we can glimpse an important *fifth truth* which, though never precisely articulated by Aquinas and the tradition, nevertheless emerges if one reflects more deeply on what both he and the tradition do articulate. It is this. Anyone who holds that sex acts of some *non-marital* kind can at least sometimes be chosen *morally acceptably* has a state of mind (approval, amounting to conditional willingness) that makes it impossible for his or her own sex acts to be authentically gifts that express, actualize and enable his or her spouse (and him or herself) to experience their marriage. *Doing this together* will no longer have, in itself, that pure (chaste) and decent meaning. Thus their intercourse, by being deprived of integral chastity, is deprived of intrinsically and authentically marital meaning, and thus too their marriage – and, in this corrupted thought, the very institution of marriage – is deprived of a very important gift and good. It is a state of mind and will directly against the basic good of marriage.

*And therefore* it is wrong to hold the view that sex acts of a non-marital kind can sometimes be morally acceptable.<sup>8</sup> There are many kinds of non-marital sex act, and one of those kinds is : sex that is deliberately contracepted or intended to be contracepted.

#### IV

Later (in part V) I will consider whether periodic abstinence (“natural family planning”) for the sake of regulating births renders sexual intercourse within marriage non-marital, and I

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<sup>7</sup> See n. 6 above.

<sup>8</sup> I have expounded this fifth truth in various places: most closely in connection with Aquinas in my book *Aquinas: Moral, Political and Legal Theory* (Oxford: Oxford University Press, 1998), 143-54, esp. 152; “On Retranslating *Humanae Vitae*” in *Collected Essays of John Finnis V, Religion & Public Reasons* (Oxford University Press, 2011), 344-367 at 351; “Marriage: A Basic and Exigent Good” in *Collected Essays of John Finnis III, Human Rights and Common Good* 317-335 at 321-322; “Law, Morality and ‘Sexual Orientation’”, in *ibid.*, 334-352 at 345-347; “Sex and Marriage: Some Myths and Reasons”, *ibid.*, 353-388 at 372-379; “Law and Sexuality” in *Collected Essays of John Finnis IV, Philosophy of Law* 135-138 at 136-137.

will say why it need not and usually does not have that morally unacceptable meaning. But first I mention the senses of gift in *Humanae Vitae* that I have grouped into a second set of four. These suggest a second kind of reason why Christianity takes so seriously the moral necessity that sex to be entirely marital, both in its context and in its structure and meaning – and marital on every occasion. The first kind of reason was, as we have now seen, to make it possible for spouses to have hearts and wills such that their sexual giving to each other can be authentically marital, wholly in line with the kind of gifts that constitute and accompany marriage. The Christian judgment, from the beginning, has been that that is possible only if one *not only holds* that choosing to seek sexual satisfaction is never right unless both the context and the form of the act are authentically marital, *but also makes no exceptions*, not even exceptions that are only hypothetical and relate only to other people, not oneself. In the non-Christian world, perhaps even a virtuous and clear-thinking pagan like Musonius Rufus or Plutarch or their masters Plato or Aristotle, may have thought (as many now think) that some exceptions are reasonable, since otherwise the consequence will be (for everyone at least some of the time, and for some people all of the time): no sex – celibacy perhaps indefinitely prolonged or permanent. Apostolic, authentic Christianity has always held, with great firmness, that that is no justification for any exception to the truth that sex is to be marital. And this second set of meanings of gift, being the senses in which marriage involves gifts *from God*, show why authentic Christianity, the faith of and from Christ's apostles, holds to that exceptionless principle of properly human existence, conscious of all the sacrifices it may make necessary.

5. *God's gifts in procreation and in the power of procreating*

As I said, the senses of gift that I have grouped into a second set of four are linked to the first set's fourth sense, which was: the gift of existence and life which spouses confer upon their children. To that the Encyclical adds a new, fifth sense – God's giving an immortal soul and individuality to each child. It does so first in its opening sentence: *Humanae vitae tradendae munus gravissimum, ex quo coniuges liberam et consciam Deo Creatori tribuunt operam...* "The transmitting of human life, a most serious role in which spouses share freely and responsibly in the activity of God the Creator, has always brought them great joys, and sometimes many difficulties and deprivations."

So this fifth sense or meaning and kind of gift refers to *what God gives* in the actualizing of the spouses' individual and joint capacity and power of procreating by marital intercourse. The Encyclical makes visible at least five ways in which God makes this fifth gift.

(a) God gives to each child an immortal soul and unique human identity as an equal in radical capacity to every other human person; this act of special creation is not identified with complete explicitness in *Humanae Vitae* but is often hinted at in the Encyclical (sec.1.1, 13.2, 16.1) and was specifically affirmed by Blessed Paul VI in the Credo of the People of God that he solemnly pronounced on 30 June 1968, less than a month before *Humanae Vitae*.

(b) God gives to each of these parents the procreative capacity and power (secs. 12.2, 13.1) which by their joint action as “one flesh” resulted in that child’s conception.

(c) God gives to them, and to the human nature they share, all the levels of biological, instinctive, sensitive and sensual and emotional responsiveness that can be in the service of intelligent, responsible and freely chosen marital acts such as the one that resulted in that child’s conception (secs. 8, 10, 12, 13).

(d) God gives specifically the intelligence and freedom whereby those marital sexual acts could express, actualize and enable the spouses to experience their mutual self-giving, their great lifelong commitment of love and of service to each other and any children of their union.

(e) By the natural biological or physiological laws he establishes, God gives to some acts of marital intercourse a more or less likely or actual generative result, but to most such acts no such outcome, indeed no real possibility of generating. (These biological laws of nature, though referred to in *Humanae Vitae* 10, 11 and 12, are not to be confused in any way with the natural moral law which the Encyclical says (secs. 4, 10.6,13, 18, 19, 23, 31) it is unfolding in its expounding of moral doctrine about what kinds of sexual act are human and morally acceptable for Christians or indeed for anyone. Many careless or hostile readers of the Encyclical have made this confusion, but Paul VI did not.)

And there is no confusion between biological laws and natural moral law when one observes that *these* natural biological realities are of great relevance to any rational consideration of marital acts and indeed of every choice to engage in a sex act, marital or non-marital. For these laws or tendencies of biological reality sometimes *bring it about* that there supervenes upon sexual intercourse the gift – wanted or at least cherished, or both unwanted and repudiated – of a human and thus immortal life, the life of a new human person, their baby, their child. And that is surely why Christian faith, like the highest pagan philosophers, recognizes in marital intercourse, and indeed in marriage, that profound significance which is manifested in the Christian and high philosophical principle which I have mentioned more than once: that the marital act, joyful and pleasurable as it should be, is also and always to be chaste, pure of any will to repudiate that gift if it supervenes upon their act, and pure of any and all approval of, and confusion with, any and every kind of non-marital sex act. And it is why

Christian faith and high philosophy recognize that everyone should accept and hold that sex is all to be reserved for marriage and for acts authentically marital in kind. For only such spousal chastity makes marital acts a suitable, fitting basis for and opening into the supreme responsibility of never repudiating but rather of guarding from conception, and of guiding through a lifetime, this supreme gift, their child. I am conveying the thought, though not the words, of *Humanae Vitae* 13, just before sec. 14's three definitive moral pronouncements upon abortion, sterilization and contraception.

(f) There is something to add to those five, something not yet envisaged as relevant in *Humanae Vitae*. As Cardinal Ratzinger and Pope Saint John Paul II made clear in the Instruction *Donum Vitae* ["The Gift of Life"] in 1987, God's design of human procreation, with all these above-mentioned features, makes it the case that human and morally appropriate and just procreation of children by marital intercourse differs radically and intrinsically from *in vitro* fertilization. For IVF is always radically different from the procreation that supervenes upon an act of self-giving in marital one-flesh intercourse. (And this intrinsic difference remains even in the (almost imaginary) "pure case" when those involved use only the gametes of a wife and her husband, and are committed to accepting each conceptus, never culling the embryos for destruction or indefinite freezing.) For IVF is always generation by production (albeit with natural materials), and the relation between producer and product is always one of radical inequality, unlike the child whose coming to be supervenes on an interpersonal act of self-giving. That culling of defective products which in the real world virtually always accompanies IVF is only a manifestation of the injustice of this mode of bringing a baby to be, as a product not an equal.<sup>9</sup> Paul VI might well have referred to all this if human IVF had been technically possible in 1968, as it was not.

Reflecting on all these ways in which God's giving is involved in the actual conception of a human child within marriage can make clearer how the choice to contracept is not only contra-marital but also, in an important way (not the same way as abortion!), *contra-life*: against human life at the very point<sup>10</sup> of its beginning (not after, however slightly, its

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<sup>9</sup> See *Collected Essays of John Finnis* (Oxford University Press, 2011), vol II pp. 298-9; vol. III p. 278.

<sup>10</sup> Here one can read with advantage the observations made by Germain Grisez at p. 21 of his letter of 31 May 1966 to Fr John C. Ford SJ concerning the *Documentum Syntheticum* of the majority theologians of Paul VI's Commission (the entire sixty-page letter repays close study): <http://twotlj.org/Critique-2-papers.pdf>. And see below n. 12. The entire collection of unpublished documents of and relating to the Commission made available at <http://twotlj.org/BCCommission.html> (and see <http://twotlj.org/Ford.html>) repay the closest study by anyone interested in the true history of Paul VI's Commission, rather than the inaccurate history created by the leaking and publication in 1967 (under doctored descriptions) of selected Commission documents by supporters of the deeply and manifestly erroneous majority position.

beginning). Because that truth, constantly conveyed in the Christian tradition,<sup>11</sup> is scarcely taken up in *Humanae Vitae*, I shall say no more about it this morning.<sup>12</sup>

#### 6. *God's gift of the institution of marriage*

So next there is the gift, often referred to in the Encyclical (secs 8, 10.6, 12.1, 13.1), of the institution and design of marriage itself, as a standing opportunity and way of life to which human nature is adapted, and which constitutes that means and pattern of fulfilment and perfection which is most widespread and needs to be most widespread if a human community – a family, clan or nation – is to survive and sustain itself, its members, and its own or any kind of human culture. The foundations of this divine design are the physiological patterns of instinct, of generation and gestation, and the peculiarly human intellectual power of *understanding* the desirability of marriage with all those features of permanence and exclusiveness and self-giving to spouse and children that I have been expounding in the footsteps of *Humanae Vitae*. And, responsive to that intelligent understanding of marriage as an opportunity, there is the God-given and astounding but ordinary human capacity to *choose freely* to enter upon such a desirable form of commitment by autonomous agreement with someone who could, in principle, be the other parent of a child or children, our children.

#### 7. *The gift of salvation and the sacrament of marriage*

Mentioned in *Humanae Vitae* sec. 8's account of marital love is the divine gift whereby, for those who have been baptized, "marriage is endowed with the dignity of being a sacramental sign of grace", that is, a specific help towards the eternal salvation of the spouses. It is little emphasized in the Encyclical, for Paul VI intended to emphasize that his teaching in *Humanae Vitae* concerns the natural moral law rather than the supernatural design and means of salvation.

#### 8. *The gift of Revelation to clarify and make certain the givens of natural reason and natural moral law*

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<sup>11</sup> See *Decretals Greg. IX*, lib. V, tit. 12, cap. V (*Si aliquis...*); *Corpus juris canonici*, ed. A. L. Richter and A. Friedberg (Leipzig: Tauchnitz, 1881), 2, 794. *Roman [Tridentine] Catechism* part II c. 8 [cited in *Humanae Vitae* sec. 4] sec. v, where means taken by the spouses, "especially *medicamenta*" in order to "impede conception or procure abortion"

<sup>12</sup> See Germain Grisez, Joseph Boyle, John Finnis and William E. May, "'Every Marital Act Ought to be Open to New Life': Toward a Clearer Understanding" *The Thomist* 52 (1988) 365-426: <http://www.twotlj.org/OW-Every%20marital.pdf>; Italian trans in *Anthropotes* 1988/1, 73-122: <http://www.twotlj.org/OW-Ogni%20Atto.pdf>; also in Grisez, Boyle, Finnis and May, *The Teaching of Humanae Vitae: a Defense* (San Francisco: Ignatius Press, 1988). See also the comment (2009) at <http://www.twotlj.org/Contraception.html>:

"Subsequent discussion has convinced Grisez... of two things: (1) while NFP can be chosen with a wrongful intent, it cannot be chosen as a means of contracepting; and (2) that the use of contraception within marriage can be shown to be wrong independently of its contralife character (see Grisez, *Living a Christian Life*, chapter 9, question A.1 [also question E.1, E.2 and F.1])."

Much more emphatic is Paul VI's statement in *Humanae Vitae* 4 that the moral doctrine he will be expounding in the document is "a doctrine founded on natural law illuminated and enriched by divine Revelation. No member of the faithful will deny that the interpretation of natural moral law pertains to the Church's magisterium [its teaching authority]". And his whole Encyclical is indeed a careful exposition and unfolding of what was implicit in the teaching of the Second Vatican Council, that –

When there is a question of harmonizing conjugal [= marital] love with the responsible transmission of life, the moral aspect of any procedure does not depend solely on sincere intentions or on an evaluation of motives. It must be determined by objective standards. These, **based on the nature of the human person and of his or her acts, preserve the full sense [= full meaning] of mutual self-giving and human procreation in the context of true love. Such a goal cannot be achieved unless the virtue of conjugal chastity is sincerely practised.** Relying on these principles, [the faithful] may not undertake methods of birth control which are found immoral by the teaching of the Church in its **unfolding of the divine law** [in the light of the Gospel].  
(*Gaudium et Spes* 51 with 50.)

By emphasizing (as St Paul did to the Romans long ago) that the revealed divine law is also natural moral law accessible in principle to the intelligence of pagans and secularists, Pope Paul made clear his judgment, in line with the whole theological tradition, that these teachings about marriage and sexuality are valid and true for all, believers and unbelievers alike. For to speak of natural law or natural moral law is simply to speak of what is morally reasonable for everyone, and can in principle be known by anyone to be morally reasonable rather than unreasonable: what among people less confused and distracted be acknowledged by everyone to be true.

## V

Although *Humanae Vitae* three times (secs. 7, 16 and 17) uses the word "artificial" or "technical" as a quick way of referring to acts of contraception, its definition of contraception has nothing to do with artificiality. The definition applies directly and in the same way to the use of the Pill, the use of condoms, Onanism (*coitus interruptus*; withdrawal and extra-vaginal emission) and so forth: "*any act* which – when marital intercourse is anticipated, being engaged in, or leading to its natural consequences – is intended (either as an end or as a means) to impede procreation."

Moreover, sec. 15 firmly restates the well established position that artificial "therapeutic measures necessary for curing physical illnesses are...in no way impermissible

even if they cause an impediment to procreation and even if that impediment is foreseen – unless it is, for whatever reason, directly intended”, that is unless one of the purposes of resorting to this therapeutic device, medicament or procedure is to sterilize sexual intercourse.

So when sec. 16 points to the great difference between natural family planning and contraception, which it calls “two approaches to birth regulation that really differ from one another greatly”, the difference has nothing to do with the use or non-use of technical devices. It is a difference in what is intended and chosen.

As we know, the Encyclical’s main teaching is that intervention in the processes of the human reproductive system is morally wrong when choosing it deprives an act of intercourse (foreseen, present or past) of its expressiveness of marriage’s and marital love’s procreativeness – that is, when choosing that intervention deprives the spouses’ act of intercourse of its orientation or openness to procreation, its “procreative meaning” (one of the two meanings which, if intercourse is to be truly marital – enabling the spouses to express, experience and actualize their marriage – must each be preserved and never separated). There is inevitably such a deliberate deprivation of procreative meaning or expressiveness whenever husband or wife, wishing (perhaps for good and sufficient reason) to avoid children and to make sure that none are likely to come, *do something to [= in order to] impede* an act of intercourse from having the generative outcome which they believe *that act* would or might otherwise lead by natural processes.

There are married couples whose “approach to regulating procreation [= ‘regulating birth’]” is radically different in moral character. These are the spouses who, though similarly having good and sufficient reason “to avoid children and to make sure that none are likely to come” (sec. 16), are resolved never to deprive any of their acts of sexual intercourse of procreative meaning or expressiveness, so essential to those acts being authentically marital. They therefore abstain from intercourse whenever they think : having intercourse now might result in *a baby coming to be unless we were to do something to prevent or impede its coming to be* from that intercourse.

Their approach – call it resort to periodic abstinence, or natural family planning, or use of fertility awareness – may of course involve the use of technical instruments or means of observing temperature or other symptoms of fertility and of thus reaching a judgment about the possibility or probability or improbability of conceiving on a particular occasion. *Humanae Vitae* 24 says that it is pre-eminently desirable that scientific research should “medically establish a secure enough basis for regulating birth in a morally acceptable way by observation of the natural cycles”. For then there will be good hope of success for a married couple who, in the words of sec. 16, “have sound reasons for spacing subsequent conceptions, reasons arising

from their physical or psychological condition or from external circumstances”, and who intend to “follow the natural cycles immanent in the reproductive system, [abstain from intercourse during the fertile period], and engage in marital intercourse only during those times when conception will not occur – and thus plan the birth of their children in a manner that in no way infringes the moral doctrine just restated” in the Encyclical. These couples, says Paul VI, “give real witness to a love that is truly and integrally right” (16). For, as we have seen him say, that love can be truly marital because it preserves both of the two elements and meanings essential to marriage, and essential to the *marital* character of the intercourse that in a specially marital way enables spouses to experience, actualize and express their marriage.

In short: the difference between the morally appropriate choice of periodic abstinence and the choice of contraception is this. In the former kind of choice, the spouses honour their present responsibility not to conceive, *and* their desire to express their marital love sexually, *and* the universal responsibility of everyone at all times not to seek sexual satisfaction in a non-marital way. But by any contraceptive kind of choice, spouses repudiate that universal responsibility. Whatever their hopes, they ensure that their intercourse will fail to express sexually a *truly marital* love, an authentic mutual self-giving.

And so we see that the great gift that I put first of all, the gift of mutual commitment – the gift that the tradition called *fides* and treated as a motive and reason not only for chastity in the sense of abstention from adultery (whether in act or in heart) but also for the willingness of each spouse to give himself or herself in the marital *act* in a truly marital *way* – is a gift that includes not only that gift of chastity (purity) implied by “in a truly marital way” but also *that gift of chastity which consists in helping each other to abstain from marital intercourse whenever such intercourse would be irresponsible*. Such help includes maintaining all other forms of marital affection and all the signs and other expressions of mutual help and comfort, and doing so without limit of time and patience.<sup>13</sup>

## VI

What has this encyclical meant for the Church and for the world? How was it understood immediately upon its promulgation many years ago in 1968? Has it been truly read and understood?

Pope Paul, as I have said, omitted to state openly in the Encyclical something which he took for granted, something which he assumed all Christians willingly or reluctantly accepted as they had accepted from the Church’s beginning: the proposition, believed even if not fully practised, that everyone at all times has the arduous responsibility not to seek sexual

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<sup>13</sup> On this aspect of the good of *fides* see Grisez’s letter of 31 May 1966 (n. 10 above) at pp. 7-9 esp. 9.



satisfaction in a non-marital way. That omission had a wholly unintended effect. It made it easier for many bishops and priests and other Christians to suppose (or tell themselves) – mistakenly – that the Pope *could* (and in their view *should*) have made some “opening” or “loosening” of the “rule” or “ban” against contraception. For they supposed, without careful thought, that he could have done so *and yet leave intact* the rest of the teaching about sex that you find throughout the New Testament. They paid no attention to the fact that the advisory Commission who by majority urged him in 1966 to make this “opening” had tried *but wholly failed* to find any persuasive argument against the conclusion that any such “opening” would also be an opening to homosexual sex acts, solitary self-gratification, consensual adultery, pre-marital intercourse. And that majority had likewise failed to show that their principle of “totality” could be adopted without abandoning the whole Christian teaching about kinds of act intrinsically immoral *whatever the circumstances*.

So those bishops and clergy, by what they said and did not say, swiftly rendered *Humanae Vitae* in most respects a dead letter, for very many people in the Church and the world. And instead of redoubling their efforts to promote an understanding of fertility awareness and its moral relevance, as Paul VI most earnestly requested of them in sec. 30, those very many bishops and clergy mostly slackened and diminished or altogether abandoned such efforts as there had been. Starting with the bishops of Belgium,<sup>14</sup> followed by many other national or regional Conferences of Bishops, They published guidance about conscience and conscientious dissent from moral teaching, guidance that makes no sense except on the presupposition that those who issued the guidance considered that that moral teaching might well be false or outside the teacher’s proper authority and competence. The public spectacle of open dissent by many priests, and of lip-service thinly veiling covert or implicit dissent by many bishops, and of media-magnified dissent by many lay Catholics, presented a spectacle of disunion *within the Church* on a scale quite unknown for many centuries, if ever.

Paul VI repaired what I have called his omission, by approving the Declaration *Persona Humana* in 1975. And John Paul II’s Apostolic Exhortation *Familiaris Consortio*, issued in November 1981 after the Sixth Synod of Bishops in October 1980, recalls that –

Christian revelation recognizes two specific [= proper] ways of realizing the vocation of the human person to love: marriage and virginity or celibacy. ...sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses... is realized in a truly human way only if it is an

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<sup>14</sup> See on this (and on some important background to the encyclical and to the Commission that Paul VI inherited from John XXIII) Leo Declerck, “La réaction du cardinal Suenens et de l’épiscopat Belge à l’encyclique *Humanae Vitae*: Chronique d’une Déclaration (juillet – décembre 1968)”, *Ephemerides Theologicae Lovaniensis* 84/1 (2008) 1–68.

integral part of the love by which a man and a woman commit themselves totally to each other until death. (sec. 11)

As I mentioned near the beginning this morning, section 2390 of the 1992 *Catechism* put that pillar of Christian faith and sound high reason even more clearly. And *Familiaris Consortio* also affirmed that –

It is part of the Church's pedagogy that husbands and wives should first of all recognize clearly the teaching of *Humanae Vitae* as indicating the norm for the exercise of their sexuality, and that they should endeavour to establish the conditions necessary for observing that norm.

.... They cannot... look on the law as merely an ideal to be addressed in the future: they must consider it as a command of Christ the Lord to overcome difficulties with constancy. "And what is known as the 'law of gradualness' or 'step by step advance' cannot be identified with 'gradualness of the law', as if there were different degrees or forms of precept in God's law for different individuals and situations...." (sec. 34)

Sec. 35 called for "a broader, more decisive and more systematic effort to make the natural methods of regulating fertility known, respected and applied."

The dissent from *Humanae Vitae* was magnified in its impact by the related, simultaneous, ongoing and even more misguided dissent from the teaching of the Second Vatican Council (and of the whole Catholic tradition) on the historical veracity and reliability of the Gospels. So, in many parts of the world, the dissent has had countless very bad consequences. But none of that detracts in the least from the truth of the teachings in *Humanae Vitae*, or from our responsibility to make those teachings our own, both in our innermost thought and heart, and in *giving* by word and deed.