

# Piety and a Marriage Open to Life

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ABSTRACT: Philosophical criticism of artificial contraception has traditionally focused on a particular kind of act analysis that requires every marital act to be “open to life.” In this paper I argue that while such act analysis can explain the moral wrongness artificial contraception, it cannot adequately explain the moral obligation of spouses to have a fruitful marriage. I suggest that the best way to understand how a marriage as a whole should be “open to life” requires us to think about marriage through the virtues tradition, with a particular emphasis on the natural virtue of piety.

I FIRST HEARD ABOUT NATURAL FAMILY PLANNING when I was in graduate school (and before I became Catholic). At the time, my impression was that it sounded more than vaguely ridiculous and indeed irrational. I reasoned: if the *end* of avoiding pregnancy was legitimate, then why should the *means* of artificial contraception be problematic? Of course, I am sure that if I had been pressed, I would have acknowledged that the end does not always justify the means – indeed at the time I fancied myself something of a Kantian – but I would have been deeply skeptical of the claim that there were some inherent or intrinsic evil involved in artificial contraception as such.

I thought that what really mattered in moral evaluation was intention, and the ultimate intention in the two cases seemed to be the same, regardless of whether the means adopted was artificial contraception or “periodic abstinence.” In fact, given that the former seemed more reliable than the latter, it was obvious to me at the time that to adopt the less reliable means was not just unnecessary but even irrational.

With all of that said, I was nonetheless persuaded that in some sense marriage was *for* the procreation of children, and that while contraception did not seem to me to be intrinsically immoral, nonetheless a marriage in which the spouses deliberately refused children in all circumstances seemed obviously defective. At the time my thinking was captured rather elegantly by Gilbert Meilaender and Philip Turner in their 1998 contribution to a *First Things*

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symposium on *Humanae Vitae* in which they write:

The encyclical seems mistaken...in holding that intentional use of infertile periods and use of contraceptives are essentially different in that the one “uses a faculty that is given by nature” and the other “impedes the order of generation from completing its own natural processes.” If a husband and wife want, as they ought, to hold together within their marriage the love-giving and life-giving purposes of sex, they must “make love” not as the other animals mate but in ways that will fittingly and appropriately realize and sustain each of these purposes within a union of one flesh. Hence, the use of technique to assure the spacing of children and to enhance the shared love of spouses should be understood not as a violation of the natural law but as a right use of reason in support of the divinely intended purposes of marriage.

By giving a couple moral permission to use the natural rhythms of the menstrual cycle as a means of spacing the birth of children, the encyclical itself recognizes the distinctively human character of the sexual act. Likewise, contraceptive intercourse may sometimes be a fitting means by which husband and wife aim to nourish simultaneously the procreative and unitive purposes of their marriage. We recognize, of course, that the encyclical itself rejects the line of argument we put forward here, but we simply cannot find in its reasoning any coherent rationale by which to reject contraceptive intercourse within marriage as long as procreation is not excluded *in principle* from the overarching good of the one flesh union.<sup>1</sup>

Meilaender and Turner here basically judge the Catholic position to be irrational in that it (putatively) seems to privilege the sub-rational animal powers of reproduction (i.e., “mating”) over the human exercise of reason (i.e., “making love”). It seems to them ridiculous to sanction the permissibility of periodic abstinence in light of a rational understanding of “the natural rhythms of the menstrual cycle” while denying the use of artificial contraception, which is obviously also a product of human reason, and indeed perhaps a higher one.

At the same time, though, they insist that a marriage that is (intentionally) completely sterile is defective as well. “Contraceptive intercourse” as such does not seem wrong to them, and indeed it “may sometimes be a fitting means by which husband and wife aim to nourish simultaneously the procreative and unitive purposes of their marriage.” They acknowledge, however, that procreation may not be legitimately “excluded *in principle* from the overarching good of the one flesh union.”

Let’s call this the Conservative Protestant view. On this view, particular acts of contraceptive intercourse are fine, so long as the marriage as a whole is,

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<sup>1</sup> *First Things* (December 1998), accessible at: <https://www.firstthings.com/article/1998/12/contraception-a-symposium>.

as we might say, “open to life.” A lifelong deliberately sterile marriage would not properly express “the one flesh union” that is the proper understanding of marriage, but that does not mean that every given act of intercourse would have to be “open to life” in the sense of precluding the use of artificial contraceptives.

On the surface, this sounds eminently reasonable to someone with a largely traditional view of marriage but without a proper understanding of the nature of the “marital act.” Since what putatively matters is the overarching intention that the marriage as a whole be procreative, the fact that individual sexual acts are not seems rather insignificant in the grand scheme of things.

At this point I want to pursue two themes that might seem to be in tension with each other. First, I want to argue that the Conservative Protestant view is wrong because it expresses a flawed understanding of the marital act *qua* act. At the same time, however, I think they are right about the general obligation of spouses to produce children and further that this obligations is not adequately explained in terms of the kind of act analysis that Catholic philosophical discussions of contraception tend to emphasize.

Let’s begin with an analysis of the defect in my own earlier views and in the Conservative Protestant view expressed above. I have already adumbrated the problem: my own earlier view (and at least implicitly the Conservative Protestant view) places primary emphasis on agent intention. Periodic abstinence and contraceptive intercourse seem like alternate means for achieving the same end, though the latter frankly seems more likely to be successful. What is missing from this account, however, is an adequate understanding of the nature of what is properly called the “marital act.” Specifically, what is missing is an Aristotelian-Thomistic teleological conception of the physical structure of this human act.

The Catholic tradition emphasizes that the only morally legitimate expression of human sexuality must take place within the context of marriage. Indeed, the human sexual act is denominated the “marital act” precisely for this reason. Properly speaking, only spouses can exercise the *marital act*. The same is obviously not true for “contraceptive intercourse.”

On the teleological view, contraception is wrong precisely because it frustrates the internal meaning – the intrinsic finality – of the marital act. The same is not true of periodic abstinence. Generally speaking, there is no direct duty to accomplish the marital act in any given circumstance (though there may

be in specific circumstances).<sup>2</sup> Accordingly, refraining from the marital act is *not* an alternate means for achieving the same end; it is a fundamentally different kind of act from engaging in “contraceptive intercourse.”

We can see this point even better if we consider an analogy to lying. I will grant that this position may seem like a rather a hard sell, for I suspect that arguing that “contraceptive intercourse” is just as bad as lying will seem to be a case of “praising with faint condemnation” in our present culture. That said, the pervasiveness of prevarication in our age does nothing to diminish its moral wrongness.

Furthermore, on a teleological act analysis the wrongness of lying is directly parallel to the wrongness of contraception. An assertion (*qua* speech act) is teleologically ordered to the expression of propositions that one believes to be true. Of course, one can be mistaken, but to assert a sincerely held belief that happens to be false is not to lie. In fact, it is perfectly possible to lie while asserting a true proposition (provided that one believes it to be false). The key point is that the act (of assertion) is intrinsically and internally ordered to the specific end of communicating what one believes to be true. To deliberately frustrate that end is to undermine the act as such. Lying is wrong not because others have a right to the truth, but because in asserting a proposition the speaker is *ipso facto* committing himself to the expression of what he believes to be true.

All of that said, it is worth noting that not all speech acts are assertions. Besides such obvious alternatives as interrogatives and imperatives, even apparent assertions may not be genuine assertions (e.g., saying something in sarcasm or when an actor says lines). Furthermore, assertions may be deeply misleading and deceptive without being lies through conversational implicatures, etc. (though other moral considerations may come into play in such cases). At the end of the day, what really matters for our purposes here is that assertions are speech acts with a specific teleological structure. To deliberately assert a proposition that one believes to be false is to undermine the very meaning structure of that act. Furthermore, I want to emphasize that the structure of a speech-act is fundamentally objective and built into the nature of the act as such. That is why attempts to get around the problem along the lines of “mental reservation” cannot really work. It is no more up to the liar to subjectively determine the meaning of his sentences than it is for Humpty

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<sup>2</sup> Thomas Aquinas, *Summa theologiae, Supplementum*, q. 64 (Marriage Debt).

Dumpty.<sup>3</sup>

To use contraception in marriage is to do something markedly similar. As with assertion, the marital act has a teleological structure that is objectively determined by the nature of the act, apart from whatever subjective intentions that the agents involved may have. To deliberately frustrate that end is to undermine the fundamental nature of the act. Accordingly, to utilize contraception within marriage is to render the act itself *non-marital*. This is where the Conservative Protestant view above goes wrong. An act of “contraceptive intercourse” can no more realize “the procreative and unitive purposes of their marriage” than a (deliberate) lie can realize the purpose of assertion.

This is particularly clear if we play out the analogy. Suppose that one spouse says to the other: I want our marriage as a whole to be open to the truth. But, of course, that does not mean that every time I make an assertion to you I will be telling the truth. Sometimes, I will be deliberately lying to you, but that is not a problem because the truth “is not excluded *in principle* from the overarching good of [our] one flesh union.” It seems rather unlikely that the spouse on the receiving end of this explanation would cheerfully agree to the arrangement, and if she did, there would surely be something defective in that relationship. Just as a loving, trusting relationship of any kind cannot be built on consistent dishonesty, so a loving, trusting marriage cannot be built on a bed of lies.<sup>4</sup>

In short, the contraceptive model of marriage involves a fundamental misunderstanding of what marriage is and how marriage is fundamentally defined by the marital act. The Conservative Protestant view fails to recognize the objective act structure of the marital act and in so doing mischaracterizes marriage itself. Because of that misunderstanding, the very nature of marriage of itself missed. It is, of course, no surprise that Protestants would downplay or simply fail to recognize the sacramentality of marriage.

With all of that said, however, I also want to acknowledge that reflecting

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<sup>3</sup> Lewis Carroll used Humpty Dumpty to illustrate this point in *Alice’s Adventures in Wonderland* (1865).

<sup>4</sup> Of course, one might object that a longstanding relationship will not likely be destroyed by a single lie. And while that is perhaps true, it does not change the fact that the lie itself is an evil. Similarly, while a single act of “contraceptive intercourse” within a marriage will not destroy a relationship, I think it does (somewhat ironically) constitute almost a kind of adultery as an offense against the marriage itself, even if both spouses jointly agree to it (much as an “open marriage” is still adulterous even if neither spouse hides their acts of infidelity from the other).

on contraception only in terms of an act analysis (as some Catholic philosophers are wont to do) is also incomplete. Though they are mistaken in thinking that “contraceptive intercourse” can be part of a marriage open to life, Meilaender and Turner were surely correct in emphasizing that the marriage as a whole does have to be about children. This is where I want to bring Natural Family Planning into the discussion.

Natural Family Planning is morally permissible precisely because periodic abstinence does not undermine the act structure of the marital act. That is what the Conservative Protestant view missed. However, that is obviously not the whole story because, in principle at least, an otherwise fertile couple could successfully practice periodic abstinence for their entire marriage and end up without children. On an act analysis alone, we would have to grant that each expression of the marital act was non-contraceptive and therefore, in principle at least, morally permissible. And yet, obviously, such a marriage would be defective in some very important way. There is some important sense in which a marriage that does not produce children is a failed marriage, and that natural evil becomes a moral evil if that childlessness is by choice. So, how do we explain to the perfect practitioners of periodic abstinence where they have gone wrong?

The obvious place where most Catholics would go is to point out that *Humanae vitae* (and the Catholic discussion more broadly) emphasizes the moral licitness of Natural Family Planning primarily for “serious” or “grave” reasons. We might just be inclined to say that practicing periodic abstinence through an entire marriage to avoid children violates this condition. At this point, however, I am inclined to ask: to which *specific* marital acts does this apply? To all of them from the beginning? Perhaps, in normal circumstances, periodic abstinence is not morally permissible at the beginning of a marriage, but only later once the marriage has proven fruitful. Maybe that is right, but it is worth noting that many Catholic couples today marry with the intention of using periodic abstinence to “wait a while.” Is that morally wrong?

Whether or not it is, my real point is that the putting the primary emphasis on act analysis is not going to help us here as much as we might like. I suspect that many of us (myself included) would really like clear rules about when it is permissible and not permissible to use periodic abstinence, and specifically what counts as a “grave” or “serious” reason and what does not. Unfortunately, this is likely more than a bit of a fool’s errand. While act analysis is important (and indeed shows exactly where the Conservative

Protestant view goes wrong), it is not enough. We need more expansive normative resources, and we are going to have seek those in the virtues tradition.

The central natural *law* question (whether the act is permissible) needs to be contextualized to a marriage as a whole and the virtues that the spouses are called to express in and through that marriage. While there potentially are many relevant virtues, I actually want to focus right now on one that I do not think receives enough discussion in the contemporary context: natural piety.

In my view, piety is a natural (not supernatural) virtue that can be recognized entirely on the basis of natural reason. Thomas characterizes piety as a natural virtue ordered to the “worship” that we owe to the “principles of our being.” The highest expression of piety is actually the natural virtue of religion that we owe to God as “the *first principle of being* and government,” but we have similar obligations to the secondary principles of our being, namely, “our parents and our country, that have given us birth and nourishment.”<sup>5</sup> In short, we might characterize piety as the virtue of contingent beings *qua* contingent beings.

My suggestion here is that the obligation to produce children derives in large part from the virtue of piety. The reason that a deliberately sterile marriage is defective is not best understood in terms of how any particular marital act during an infertile period is somehow unjust. Rather, the couple that refuses to embrace parenthood refuses to pay worship to their own principles of being. Indeed, I think that there is some very real sense in which we owe our parents grandchildren. Similarly, we owe our *patria* successors and future citizens. And, indeed, we owe God our willingness to cooperate with Him in His Providence for our families and communities.

Like all the (practical) virtues, the expression of piety is subject to *phronesis* (prudence), and so we will not be able to give hard and fast *rules* about how many children are “enough” or which particular periods are appropriate or inappropriate to utilize periodic abstinence, just as, for example, we cannot give hard and fast rules about when courage requires advancing towards the enemy or retreating in good order. That said, we *can* confidently say that running away from a noble death out of fear is cowardly and always wrong.

Similarly, a refusal to embrace the demands and privileges of parenthood betokens a disordered soul. Expressing the virtue of piety in this way is, of

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<sup>5</sup> Thomas Aquinas, *Summa theologiae* II-II.101.1.

course, also inevitably going to implicate the virtue of chastity. This virtue is a *hexis (habitus)* related to the sexual passions ordered, like all the virtues, to human fulfillment. Since our fulfillment is ultimately communal (both on a natural level in politics and on a supernatural level in the Church), our “reproductive choices” are not ours alone any more than are our tax policies or religious duties.

At this point, I fear that it may seem that I have wasted a lot of words without saying much. While that might be true, nonetheless I hope that I have given some reasons to think that questions about contraception in general, and Natural Family Planning in particular, are not adequately addressed in terms of the justice or injustice of particular acts, or even of “grave” or “serious” reasons. It will perhaps seem a cop-out to retreat to the old saw about Natural Family Planning being a prudential decision of the couple. But, in the end, the same thing is true of questions like: Have I done enough corporal acts of mercy? Have I done enough to honor my parents? Have I done enough to serve my country and the common good? Have I done enough to worship God?

There is probably some important sense in which the answer to all of these is simply: no. And, yet, in some other sense, couching the questions in these quantitative terms seems to miss something important. The real question should not be whether I have done “enough” (whatever that could mean); the real question is whether or not I have ordered my life around the virtues, recognizing that, in my fallenness, I will always come up short. So, instead of asking a question like how many children are “enough,” I should ask whether or not I have ordered my life as a whole, and my marriage and family life in particular, in the light of my obligations of piety and chastity (and indeed all the other virtues).

As in all questions of prudence, it is much easier to say what is wrong than what is right. Artificial contraception is wrong, and we can recognize that through the right kind of act analysis. But the “right” size of family is not specifiable in the same way. At the end of the day, I think the best we can say is that the “right” family is the one in and through which married spouses piously live out their fruitful participation in the chain of being, recognizing both their own contingency as well as their proper moral agency. I suspect that it is basically an approach along these lines that will ultimately make a marriage as a whole properly open to life.