

Anthony McCarthy

<https://orcid.org/0000-0003-3420-5605>

International Theological Institute

Elizabeth Anscombe and an argument against contraception

The phenomenologist Aurel Kolnai, in his little-known book *Sexual Ethics: The Meaning and Foundations of Sexual Morality*, provides us with the following thoughts regarding the virtue of chastity:

When we refer to a person's customary and lasting 'disposition' in the fulfillment of the moral demands of a particular sphere of value, we talk about the relevant 'virtue.' A man has the virtue of chastity when, inter alia, he normally refrains from certain kinds of sin and when he considers and deals with questions of sex with the seriousness they deserve [...] Apart from particular actions which have important social consequences, society is more interested in virtue than in the isolated decisions, or moral turning points of its members [...] For the fate of a person's innermost being, the salvation of his soul, is of less social concern than the 'image' others can have of him, the fixed quantity, as it were, which represents the person they have to reckon with.¹

Dr Anthony McCarthy is the Director of the Bios Centre in London and a visiting scholar at the International Theological Institute, Trumau, Austria. He holds a doctorate in Philosophy from the University of Surrey and a B.A. and M.A. in Philosophy from University College, London, and King's College, London. His research interests include life ethics, sexual ethics, social ethics and action theory. He is the author of *Ethical Sex: Sexual Choices and Their Nature and Meaning* (Fidelity Press 2016).

¹ A. Kolnai, *Sexual Ethics: The Meaning and Foundations of Sexual Morality*, Aldershot 2005, p. 242.

Like Kolnai, Elizabeth Anscombe certainly dealt with questions of sex – and indeed with many other questions – with the seriousness they deserve. I was recently reminded that the great philosopher Bernard Williams, an opponent of Anscombe’s on this issue and others, said, in the last interview he gave before his death, on the subject of philosophy and those who influenced him, “Elizabeth conveyed a strong sense of the seriousness of the subject, and how the subject was difficult in ways that simply being clever wasn’t going to get round.”²

McCabe on contraception

With those words in mind, let me turn to the main focus of this paper: a debate on contraception over fifty years ago where Anscombe responded, in her article ‘Contraception and Natural Law,’ to an article in *New Blackfriars* by the Dominican scholar Fr Herbert McCabe. In his article, entitled ‘Contraceptives and Natural Law,’ Herbert McCabe proceeds to cast doubt on the claim that contraception is always in fact contrary to natural law. He tells us:

the theory of natural law is that we are not isolated individuals, we are parts, fragments you might say, of a larger community, the human race. We did not opt to join the human race; we came into existence by being born of this race. Mankind [...] is a reality prior to any living individual. The race as a whole has certain requirements if it is to survive as such, and, because we are its members, in some of our activities we act not simply as individuals fulfilling our private purposes, but as representatives of the race doing a job laid down for us by these requirements of the race.³

McCabe then outlines an argument against contraception based on the idea that because some human activities have built-in functions concerning the requirements of mankind as a whole, and because such

² A. Voorhoeve, *Conversations on Ethics*, Oxford 2011, p. 197.

³ H. McCabe, *Contraceptives and Natural Law*, “New Blackfriars” 46 (1964) 533, p. 90.

functions have an importance greater than any purpose an individual may have, interference with such built-in functions (in this case, the procreation of children) in such a way as to frustrate the function will always be morally wrong.

Note that in the paper McCabe seems to distinguish only, in referring to the purposes that individual people (or “fragments” of the human race) may have, between such purposes people happen to choose for themselves and the needs of humanity itself. Tellingly, he does not at this stage focus on the personal flourishing of individuals fulfilling their own telos in having children (and respecting their fertility), which is not merely a good external to themselves.

It seems as though there are a number of problems with McCabe’s framework even before we get to his qualification of the argument he starts with: a qualification which will ultimately, in his mind, undermine the natural law argument against contraception.

Anscombe rightly faults McCabe’s description of natural law, saying that “he connects the concept of natural law much too closely with the fact ‘that we are not isolated individuals, are parts, fragments [...] of a larger community, the human race.’”⁴ While such a connection to the human community may well be central to sins such as theft, this does not apply so much to some other areas of morality (Anscombe mentions a man of sound mind leading an unexamined life who is nevertheless a good member of a decent community).

Right reason

In this, Anscombe appears to be much closer to Aquinas than the Thomist McCabe, for Aquinas objects to Aristotle’s thought that a profligate is not evil because he does not harm others, stating that “we say here that evil in general, is all that is repugnant to right reason.” (*Summa Theologiae* I-II, q18 a9 ad2) Anscombe concedes, however, that “among sexual sins, fornication and adultery are the ones that are, like theft

⁴ G. E. M. Anscombe, *Contraception and Natural Law*, “New Blackfriars” 46 (1965) 540, p. 517.

among non-sexual sins, shown to be wrong, i.e. against the natural law, by the role of what they have to do with – *here* sexuality, as *there* property – in the community of the human race.”⁵

McCabe’s generalizing social framework, in contrast, would seem particularly ill-suited to addressing problematic sexual choices of certain other kinds, including contraception in at least some of its dimensions. For McCabe does not have an obvious way of distinguishing certain sexual sins – together with non-sexual sins of intemperance – as distinct in kind from more obviously social sins such as theft. Still less does he have a way of identifying sexual sins as ethically ‘special,’ accounting for the sui generis experience of sexual sin that so concerns phenomenologists like Kolnai and von Hildebrand (interestingly the New Natural Lawyers, arguing as they see it from Thomist principles, are also less than ideally equipped to tackle such issues⁶). According to Kolnai, “It is because we experience *sinful sexual experience itself* in sexual sin, and not primarily the logical web of relations and their opposition, that there is inherent in [the] attitude of moral disapprobation an importance and absoluteness which has no parallel.”⁷ Moreover, St Paul in his first letter to the Corinthians (6.18) implores his readers to shun sexual immorality because, “All other sins a person commits are outside the body, but whoever sins sexually, sins against their own body.”

Sexual activity and sexual intercourse

McCabe claims that the argument he has thus far forwarded suffers from a fault in that it identifies sexual *activity* with sexual *intercourse*. And this is a mistake, because

⁵ G. E. M. Anscombe, *Contraception and Natural Law*, op. cit., p. 518.

⁶ See for example A. McCarthy, *Ethical Sex: Sexual Choices and Their Nature and Meaning*, South Bend 2016.

⁷ A. Kolnai, *Sexual Ethics: The Meaning and Foundations of Sexual Morality*, op. cit., p. 13.

we cannot [...] say that sexual intercourse is the precise subject of this function because intercourse itself will not bring about the continuance of the race in this way. In order that the race should continue it is necessary not merely that an ovum should be fertilized but that a child should be born, that it should survive after birth and receive a basic minimum initiation into the traditions of the community [...] Mere intercourse separated from any activity to deal with the fertilized ovum [what McCabe could more accurately have called the human embryo] presents a difficulty for the race not an advantage [...] What is required by the race therefore, is a whole complex of acts [...] This complex, then, must be the sexual activity of which we have been speaking. Intercourse is an important part of sexual activity but I do not see how it can be identified with it, and removed from its proper context it loses touch with its natural purpose.⁸

For McCabe, sexual intercourse is only a part of sexual *activity* (by which he seems to mean something more like marriage as a whole). For him, it seems possible that the complex nature of sexual or marital activity is such that if a ‘part’ of the activity in the form of sexual intercourse is interfered with and frustrated it does not necessarily follow that the built-in purpose of the whole is thereby wrongly suppressed. He suggests that if “contraceptive intercourse came to be regarded as in some cases legitimate, there would be an equally clear, well-established and recognized distinction between the context which would make it a frustration of sexual activity and those in which it would not be so.”⁹ For McCabe, it is those with direct experience of the problems of married life who should decide what those conditions should be.

Elizabeth Anscombe, herself, as she mentions, a married woman with a career and a large family and not always prosperous and “familiar with the fear of having more children”¹⁰ would appear to fit the bill. As we have seen, this particular wife and mother is rather impatient with McCabe’s strongly ‘social’ understanding of natural law, including in some

⁸ H. McCabe, *Contraceptives and Natural Law*, op. cit., p. 92–93.

⁹ H. McCabe, *Contraceptives and Natural Law*, op. cit., p. 96.

¹⁰ G. E. M. Anscombe, *Contraception and Natural Law*, op. cit., p. 517.

areas of sexual ethics. For while McCabe reasonably objects to adultery and fornication on social grounds, his approach does not supply him with any obvious objection to such activities as anal sex, as Anscombe points out. And he doesn't appear to think that contraception is necessarily ruled out either – though indeed one might make a very good 'social' case that it contributes to abortion through encouraging a negative attitude to the relationship between sex and the good of children. The frank admissions of some abortion promoters that contraception can decrease tolerance for unplanned pregnancy – together with the fact that many abortions do occur following contraception – bear this out very well.¹¹ In later life McCabe underlined his belief that because “use of artificial contraceptives [...] or homosexual acts or masturbation or in vitro fertilization” are not explicitly prohibited in the Decalogue it is an open question whether they should be seen as mortally sinful or absolutely wrong in themselves in the way that e.g. adultery is.¹²

McCabe appears to hold that an adulterous act is not merely a fragment which lacks its proper context but is rather an act that is only *analogous* to marital intercourse – it is not true marital activity at all (although of course, the fact that it resembles so closely a marital act, without being one, is precisely what makes it wrong). Such an understanding takes it as given that, as McCabe tells us elsewhere, “sex without marriage is just imitation marriage [...] Love is not added to sex; sex without love, or sex with bogus or imitation love, is distorted in itself, one of its essential elements is missing.”¹³

¹¹ See for example *Women Cannot Control Fertility Through Contraception Alone*, <https://www.bpas.org/about-our-charity/press-office/press-releases/women-cannot-control-fertility-through-contraception-alone-bpas-data-shows-1-in-4-women-having-an-abortion-were-using-most-effective-contraception/> (6.10.2019) and <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=acls;idno=heb00493>.

¹² H. McCabe, *Veritatis Splendor in focus: Manual and rule books*, <http://www.natural-law-and-conscience.org/readings/mccabe.asp> (19.07.2017).

¹³ H. McCabe, *The New Creation*, London 2010, p. 107–108.

Contra naturam

This point is well taken, but the question arises why such a point would not also apply to (and apply *a fortiori* to) acts of what Anscombe calls ‘unnatural vice.’ Anscombe is alert to the grave wrongness of such acts, reminding her readers that what distinguishes these acts is that they are not normal acts of intercourse: they are “per se unfitted to generate a child.”¹⁴ For her, such acts are more basically and obviously wrong than the acts of adultery, say, which McCabe rules out as incapable of being legitimate steps within the complex ‘game’ or project of overall marital activity.¹⁵ The distinction between ‘natural’ and ‘unnatural’ acts, held by much of the global population today, was defended by Immanuel Kant (someone about whom Anscombe is altogether too dismissive), when he wrote:

Since such transgressions of laws, called unnatural vice (*criminal carnis contra naturam*) or also unmentionable vices, do wrong to humanity in our own person, there are no limitations or exceptions whatsoever that can save them from being repudiated completely.¹⁶

Certainly it is bizarre for McCabe to treat acts of non-procreative kind, including contraceptive sex, as in a more defensible category than adulterous acts of ‘imitation marriage’ which he rightly sees as distorted in themselves and not merely as genuine fragments which are ‘good insofar as they go’ albeit lacking a proper context.¹⁷ With adultery at least, he would concede that such is the importance of each and every sexual act and the marital unity each act should express that it would be absurd

¹⁴ G. E. M. Anscombe *Contraception and Natural Law*, op. cit., p. 520.

¹⁵ H. McCabe, *Contraceptives and Natural Law*, op. cit., p. 93–94. McCabe uses the analogy of football, where the purpose of the game is to score goals but where a back-pass may serve this overall end.

¹⁶ I. Kant, *The Metaphysics of Morals*, Cambridge 1996, p. 62 (6.277).

¹⁷ The word fragment can be used to single out a genuine part of a larger whole; in contrast, as with an amputated limb, it can be used to refer to something which is no longer a part of such a whole at all.

to say that an extramarital act or entire affair could be pursued if that were somehow in the interests of the marriage as a whole. An extramarital sexual act is not a fragment good in itself, any more than an amputated limb is a working part of a human being. It is an act bad in itself, as it is lacking the element of marital commitment that is part of a marital act and not just part of the act's 'surroundings.'

But could not something very similar be said about a contracepted or other distorted sexual act? Anscombe confidently asserts that it is an enormously grave sin to, as she puts it, "perform a sexual act [...] (what used to be called a venereal act, an act procuring orgasm), so that it is *not* a normal act of copulation but is *per se* unfitted to generate a child."¹⁸ In her later, much better-known paper 'Contraception and Chastity,' focusing specifically on acts of contracepted sex, she tells us that "contraceptive intercourse within marriage is a graver offence against *chastity* than is straightforward fornication or adultery. For it is not even a proper act of intercourse and therefore is not a true marriage act."¹⁹

What might be the reasoning behind this claim? Although Anscombe does not cite Aquinas, she is continuing in his tradition by assuming that every emission of seed that takes place in such a way that generation cannot result or suitably result is against a good of the human being. Deliberately acting to bring this about is sinful and sex has a teleology that must be respected. Aquinas notes first the case of sins against nature (which would include contraception) and then goes on to consider the case of an emission of seed that takes place in such a fashion that a child can indeed be conceived but appropriate education of the child has been impeded (*Summa Contra Gentiles* III, c. 122.). Education of children is, as we've seen, what McCabe identifies as the telos of sexual or marital activity as a whole, and McCabe would certainly see such education as hampered where a child is conceived by parents who have made no permanent commitment to each other.

¹⁸ G. E. M. Anscombe *Contraception and Natural Law*, op. cit., p. 520.

¹⁹ G. E. M. Anscombe, *Contraception and Chastity*, in: *Faith in a Hard Ground: Essays on Religion, Philosophy and Ethics by GEM Anscombe*, eds. M. Geach, L. Gormally, Exeter 2008, p. 185.

The passages in the *Summa Contra Gentiles* make very clear that the good of individuals and not just societies is at stake when children are born from sexual acts outside the marital commitment. However, elsewhere (in the *Summa Theologiae* this time) Aquinas explains as follows the serious wrongness of sins against nature (as opposed to e.g. the sexual sin of normal fornication or adultery) when he addresses the objection that unnatural vices are not the greatest sins coming under the species of lust:

I answer that, In every genus, worst of all is the corruption of the principle on which the rest depend. Now the principles of reason are those things that are according to nature, because reason presupposes things as determined by nature, before disposing of other things according as it is fitting. This may be observed both in speculative and in practical matters. Wherefore just as in speculative matters the most grievous and shameful error is that which is about things the knowledge of which is naturally bestowed on man, so in matters of action it is most grave and shameful to act against things as determined by nature. Therefore, since by the unnatural vices man transgresses that which has been determined by nature with regard to the use of venereal actions, it follows that in this matter this sin is gravest of all. After it comes incest, which, as stated above (Article 9), is contrary to the natural respect which we owe persons related to us. (*Summa Theologica* II-II, 154, 12)

Now someone like McCabe might object to Aquinas and Anscombe that their treatment of unnatural vice locates the perversion of the function of sexual intercourse primarily in the immediate physical species of the act chosen – and not, it might be claimed, in the *telos* of marital activity in terms of the proper nurturing and education of children, and the kind of spousal coupling conducive to that. And indeed, it is not immediately clear why concern for immediate structure should take priority over concern for education. After all, is not conceiving children outside of marriage insufficiently taking account of their welfare and also clearly perverting the function of sexual intercourse and in a very serious way?

Telos of sex

This question fails to grasp the extent to which the unitive and procreative aspects of marital sex are intimately united. We will turn to this shortly: at this point it is worth just noting that a society which normalises and promotes both contraception and homosexual sex (as our own aggressively does) is far more likely than, say, a polygamous society to lose sight of the fact that sexual acts and organs have any *telos* at all.²⁰)

If Aquinas is indeed claiming that e.g. adultery (which usually involves betrayal) and e.g. heterosexual incest (which involves the serious compromising of family structures and often some form of abuse), are somehow less basically wrong than masturbation, this does indeed seem a rather strange position. A more plausible claim is that the ‘overall’ wrongness of such acts as solitary sex is not always and everywhere worse than the evils involved in the above cases. Rather, the wrongs involved are of a different kind and order. Analogously, bestiality does not harm other human beings in the same ways that adultery typically does, but it is nevertheless at some level more disturbing to people precisely because it involves sexual activity that is anti-teleological to an extreme degree and at the most basic level. It is undermining of human dignity insofar as it fails to respect at all the purposes of human sexuality. Similarly, incest is disturbing in terms of its blurring of fundamental

²⁰ The current explosion of requests to change gender, not just from adults but from teenagers and even young children is a complex phenomenon, and responses to it need to bear this in mind (see e.g. H. Watt, *Gender Transition: The Moral Meaning of Bodily and Social Presentation*, ‘New Blackfriars,’ (forthcoming) <https://doi.org/10.1111/nbfr.12465>). There are many potential causes but among them is the sexualisation of young people, something that causes some to retreat into another social gender, and the fact that society at large increasingly treats very different kinds of sexual act as if they were the same. Also relevant is the fact that for decades, heterosexual couples have treated healthy fertile functioning as something to be shunned and prevented, even by means of permanently disabling such functioning. We may begin with contraceptively motivated sterilisation, but we end with sterilisation of those who recoil from their own reproductive organs simply as such. This is not to deny that some individuals will be inherently vulnerable to developing distressing feelings of gender dysphoria – but it would be naive in the extreme to assume that social changes are having no effect here.

roles and sexualisation of familial relations which, if they are to retain their meaning and function, will require separation from the sexual realm. However, even in this context, the incestuous act, although involving deep harms, is not quite the same as a masturbatory act which does not even possess the basic teleology without which we cannot make sense of sexuality and its purpose and inherent meaning. The question is not about what causes more harm to more people, but more about the type of act and how it relates to our understanding of the phenomenon of sexuality itself.

The adulterous act is not maritally unitive – but neither, we should note, is the contracepted act even between husband and wife. When we talk abstractly about the physical unity of the marital act we are simply talking about procreative striving: the bodies of even infertile spouses are striving towards conception in a way they have done nothing to obstruct. However, if we are talking about the unitive in the richest and widest human sense, the unity experienced by a good spousal coupling, we are talking about something of which the physical procreative striving is simply a necessary aspect. This necessary aspect of the couple's unity, in the richer wider sense, is not necessarily superior to it even though this unity is dependent upon procreative physical striving. My body's overall good health is dependent upon the good health of my stomach, but it does not follow that my stomach is more important than my body's overall health.

Similarly, if we understand the procreative good of sex in the rich human sense as something conducive to the 'completed' procreative good of bearing, rearing, and educating a child (something more like what McCabe calls 'sexual activity'), then we are also talking about something identical to the unitive good in the rich sense (i.e. creating the right environment for child-rearing). So, the social function of the act, which is what we are discussing at this level, isn't something entirely relative to changing cultural practices, but is rather bound up with what is truly good for children – for the flourishing of new human beings.

Anscombe is absolutely right, then, in flagging up the importance of going against the telos of sex at this most basic structural level, for the

identity just described makes it clear how serious is any fragmentation of the sexual act.

Significance of sex

And in pointing out that there is no such thing as an insignificant sexual act, Anscombe reveals herself as someone who understands the importance, with regard to every claimed ‘fragment’ of a marriage in the sexual arena, that it be a genuine fragment and not a mere simulacrum. As she puts it:

It’s so important in marriage and quite generally, simply because there just is no such thing as a casual, non-significant sexual act. This in turn arises from the fact that sex concerns the transmission of human life [...] There is no such thing as a casual, non-significant sexual act; everyone knows this [...] Virtue in connection with eating is basically only a matter of the *pattern* of one’s eating habits but Virtue in sex – chastity – is not *only* a matter of such a pattern, that is of its role in a pair of lives. A single sexual action can be bad even without regard to its context, its further intention and its motives.²¹

This is certainly taking sex seriously. And indeed, in their own response to Anscombe on contraception, Bernard Williams and Michael Tanner²² criticize her for calling shallow those who try to make room on occasion for sex as casual enjoyment, and for what they see as her unwarranted assumption that those doing so on occasion will necessarily adopt a frivolous attitude towards sex generally.

One way of answering Williams and Tanner is to focus especially on marriage and say perhaps a little more about it than Anscombe does in her response to these authors, or indeed to Herbert McCabe. It is necessary to think not only about the point of the institution of marriage (in terms of nurturing children and the special friendship conducive

²¹ G. E. M. Anscombe, *Contraception and Chastity*, op. cit., p. 186.

²² B. Williams, M. Tanner, *Correspondence and Comments*, “The Human World” 9 (1972), p. 47.

to that), but also about the importance of keeping sex as an act which carries a reference, however implicit, to children, both in the way it is reserved to marriage and in the way it is kept 'open to life.'

Designing Marriage

Following on from what Anscombe says about marriage and its significance, and what McCabe rightly says about society's own stake in the education of children, we might imagine trying to 'design' an institution which would best protect children's interests and also the interests of their parents and more broadly of society. First by making a procreative kind of act a necessary condition for a 'complete' marriage, a consummated marriage – the gateway by which one enters marriage – one would tie the natural and appropriate act for generating children to the appropriate institution for the upbringing of children. Secondly, by restricting that act to the institution one would protect children against the possibility of their coming to be outside of the appropriate institution for their upbringing. Moreover, the institution of marriage sex expresses makes sense on account of its relation to children in general, even if, by a natural accident, no children are ever born from a given marriage.

The question for a critic of this 'designed' institution would be, what is it that necessitates lifelong monogamy in marriage? Without the potential relationship to children it is difficult to see 1) why the arrangement should be life-long and 2) why the relationship should be restricted to two people. By privileging sexual intercourse within the institution such that the very definition of and entry to the institution depends upon the marital act and vice-versa, one protects the rationale for the institution. When one thinks in this way, it becomes clear why every sexual act, just as it should take place within the institution best fitted for rearing children, should appropriately express the good of children by being 'open to life' (which of course, is not the same thing as being fertile).

In the light of this understanding of the institution, what should we say of a couple who choose to engage in what are (at some level)

experientially similar sexual experiences – the kinds of unnatural act that Anscombe takes to be gravely wrong (oral or anal sex, mutual masturbation, contracepted sex)? Here, the special connection between the conjugal act (if seen as a sexual act not relevantly morally dissimilar to other consensual sex acts) and the institution of marriage becomes difficult to sustain. Why, for example, ought a couple who choose these relevantly similar forms of sex get married – a point Anscombe makes at the beginning of *Contraception and Chastity*?²³

We might formulate the thought in the following, rather unAnscombian way:

You ought to marry and/or favour the marriages of others because, among other things, you want, or should want, yourselves and/or others to engage in, *procreative-type* sex of a socially significant and valuable kind (call it PS for short). Insofar as you engage in *substitutionary* sex (call it SS) you reduce the rationale for getting married in your own minds and in the minds of others.²⁴

So if a couple are intending to gain sexual experiences through a substitutionary²⁵ form of sex they dilute or endanger their ability to appreciate the relevance of normal sexual intercourse to the institution of marriage. If the couple view what I am calling their substitutionary sex as not relevantly similar to procreative-type sex,²⁶ it becomes difficult to see why

²³ G. E. M. Anscombe, *Contraception and Chastity*, op. cit., p. 172.

²⁴ Of course the increased practice of substitutionary sex (SS) may not lead to a decrease, in all cases, of procreative-type sex (PS). But the point here is that dispositions are affected in important ways such that the possible commitment to PS is rendered more difficult. While various kinds of *non*-sexual activity can also undermine commitment to PS, SS is especially relevant and serious in undermining it precisely because it is, like PS, sexual activity (see below). The argument of this section is adapted from A. McCarthy, *Ethical Sex: Sexual Choices and Their Nature and Meaning*, South Bend 2016.

²⁵ “Substitutionary” here encompasses activities which tend to engender in participants a lack of differentiation between that which needs to be distinguished (SS and PS) as well as activity which entirely ‘displaces’ PS both in terms of appreciation of its status and in the ability of practitioners to act upon that appreciation.

²⁶ James Alison, in his defence of the moral acceptability of homosexual activity, observes that “if it were the case that the homosexual inclination is simply a thing that just is “like that,” and is not

it should be restricted to the institution of marriage, any more than having a meal with someone not one's spouse. But of course, sexual pleasure is one of the things (along with structural features) that links substitutionary sex to procreative-type sex: it is not realistic to suppose that couples will treat substitutionary sex as a *completely* different kind of activity. Moreover, a question arises as to whether there is some very important human good which this kind of pleasure exists to serve and encourage.²⁷

It does not appear to be a matter of mere cultural conditioning that for one or other spouse to engage in substitutionary sex with a third party is something deeply problematic for anyone committed to the institution of marriage. This, plausibly, is because such behaviour involves sexual activity of a type relevantly similar to procreative-type sex, even if not intended as such. And this point in turn may suggest a built-in significance to sexual activity in general. For it would appear that the motives of people engaging in such activity, while morally relevant, are not morally necessary to identify the damaging nature of such activity in relation to the institution of marriage.

a disfiguration of anything, in that case the official characterisation [of the Catholic Church], and along with it the absolute prohibition, is false." He later adds, "if it were the case that not all human beings are intrinsically heterosexual, then extending the opportunity to marry to same-sex couples would present no threat to the existence of heterosexual marriage, and there would be no logical reason why same-sex couples should be deprived of that opportunity." J. Alison, *Good-faith learning and the fear of God*, in: *In Opening Up: Speaking Out in the Church*, ed. J. Filichowski, P. Stanford, London 2005. Available at www.jamesalison.co.uk/pdf/eng17.pdf. Note however that the worldwide movement for 'gay marriage' necessarily suggests that gay sex (and gay partnership built around sex) are *not* just "like that" i.e. they are related in important ways to heterosexual sex and marriage.

²⁷ It is relevant here that the sensation of orgasm is similar in SS and PS, which further supports the claim that couples are unlikely to treat SS and PS as completely separate kinds of activity. Indeed it is plausible to say that SS is an illusion of PS (more so in the case of contracepted heterosexual sex than homosexual sex) But in order to say this one needs to support the claim that the sensation of pleasure is tied innately to PS. There is a plausible evolutionary story about this – namely that the pleasure is there to motivate PS. And while evolutionary stories aren't conclusive teleologically (how could they be, absent further explanations?), pleasure certainly does make sense teleologically if we think of it as something designed to motivate something as valuable as procreative activity. The orgasm, of course, distinguishes SS from handshakes (indeed, if a handshake were intended to produce the same pleasure as central cases of PS, the handshake would, on this account, be morally problematic).

To return to Anscombe: like a good phenomenologist, Anscombe held on to the importance of what some would call mere discardable fragments of the marital whole. On the one hand, she would reject the radical proposal to see individual intentional sexual acts as not needing any serious meaning (as Williams and Tanner would argue that they do not). She realized that the further you abstract from different moral phenomena the easier it is to assert their identity, a besetting sin of liberalism. By retaining the importance of objective bodily structures and all they mean as well as our immediate intentions in the sexual arena, she honours the marital meaning of our sexual acts and organs and refuses to obscure the *sui generis* nature of the sexual-ethical sphere.

Different phenomena

That said, there is not nothing to the charge of Williams and Tanner that Anscombe is wrongly assimilating homosexual (and, I would add, contraceptive) acts to masturbation.²⁸ She is right to make the case that all these come under the category of unnatural acts and she can reply that just because two kinds of act are said to have aspects in common this is not necessarily to say that they have all or most aspects in common. However, she does not anywhere discuss the very different phenomena involved in each and so risks being perceived as someone insensitive to the axiological complexities raised by these different acts: acts which – while all failing utterly to constitute a *marital* act – may be structurally alienated from such an act to greater or lesser degrees. On the phenomenological point, thinkers such as Roger Scruton,²⁹ Aurel Kolnai and Thomas Nagel,³⁰ by attending to the nature of sexual desire itself, have tried, with varying degrees of success, to capture some of the differences involved. None of which challenges

²⁸ B. Williams, M. Tanner, *Correspondence and Comments*, “The Human World” 9 (1972), p. 47.

²⁹ Cf. R. Scruton, *Sexual Desire: A Philosophical Investigation*, London 2006.

³⁰ Cf. T. Nagel, *Sexual Perversion*, in: *Mortal Questions*, Cambridge 1979, p. 39–52.

the truth of Anscombe's point with regard to contraception and its intrinsic nature as non-marital, nor the fact that the normalization of what Anscombe bluntly calls unnatural vice has led to devastating results in terms of people's understanding of the reproductive meaning of sexual identity and sexual activity, something which widespread fornication and adultery alone failed to achieve.

We are today surrounded by the results of decisions made by those who ignored Anscombe's warnings and those of others. Just as what Anscombe calls unnatural vice is made into an acceptable part of marriage, so now society redefines marriage and in effect, sacralises unnatural acts and promotes them ubiquitously with those visible symbols of hegemony, flags inverting God's covenant. The connection between widespread use of contraception and this outcome reminds us of Elizabeth Anscombe's prophetic words. What others saw as liberation of sex from procreation she saw as the removal of the thread that held together the garment.

Societies and legislatures seldom remain very tolerant of views opposed to their own for very long, especially when it comes to marriage and sexual ethics. Already people who hold Anscombe's opinions on marriage are under various pressures to keep quiet about such views. That this should happen in regard to opinions on sex in particular is itself evidence of the great specialness and seriousness of this area of ethics, and the extent to which people's sexual lives are seen as part of their identity and therefore to be defended at all costs.

As so often, Anscombe saw more clearly than most the central point about sexual ethics and also what was to come, when she wrote these words:

For we don't invent marriage, as we may invent the terms of an association or club, any more than we invent human language. It is part of the creation of humanity and if we're lucky we find it available to us and can enter into it. If we are very unlucky we may live in a society that has wrecked or deformed this human thing.

This – that the good and the point of a sexual act is marriage – is why only what is capable of being a marriage act is natural sex. It's this that makes the division

between straightforward fornication or adultery and the wickedness of the sins against nature and of contraceptive intercourse.”³¹

In making this point, albeit with characteristic forthrightness, Anscombe showed a far greater concern for and love of the good of society and her fellow-man than those who opposed her in their defence of sexual acts which are in fact extreme denials of community.

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³¹ G. E. M. Anscombe, *Contraception and Chastity*, op. cit., p. 185.

Abstract

Elizabeth Anscombe and an argument against contraception

In the 1960s, before the promulgation of *Humanae Vitae*, the Catholic philosophers Elizabeth Anscombe and Herbert McCabe OP debated whether there are convincing natural law arguments for the claim that contraception violates an exceptionless moral norm. This article revisits those arguments and critiques McCabe's approach to natural law, concerned primarily with 'social sin' and not simply violations of 'right reason,' as one particularly ill-suited to addressing questions in sexual ethics and unable both to distinguish properly between certain forms of sexual wrongdoing and more obviously social sins such as theft, and also to distinguish between 'natural' and 'unnatural' sexual acts. Anscombe's views, I argue, are closer to those of Thomas Aquinas and provide reasons for making the distinctions McCabe does not. An argument concerning the nature of the institution of marriage and the effects of non-marital acts on that institution is proposed as a way of strengthening Anscombe's argument that contraception violates an exceptionless moral norm.

Keywords

Teleology, contraception, sexual ethics, marriage, nature, unnatural, moral philosophy, Thomas Aquinas, Elizabeth Anscombe, Herbert McCabe