

the sexual
TOWARD A RENEWED CATHOLIC ANTHROPOLOGY
person

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Sexual Morality in the Catholic Tradition

A Brief History

HUMAN SEXUAL ACTIVITY and the sexual ethics that seeks to order it are both sociohistorical realities and are, therefore, subject to historicity, the quality of the human animal that follows inevitably from his and her situation in real time and space and “provides him with a [human] world that he must accept in freedom.”¹ Before we embark on a presentation of contemporary Catholic sexual anthropology and ethics, therefore, it behooves us to look at their past history. In this chapter we do that in two stages. First, and briefly because it is already well known and well documented, we consider the pre-Christian history that helped to shape Western understanding of human sexuality, sexual activity, and sexual ethics. Second, and more extendedly because it is central to our project, we consider their understanding in specifically Catholic history. This historical conspectus is offered here for readers who do not already understand it and may therefore be surprised by it. Readers who believe they already know this history may skip this chapter and proceed immediately to the meat of the book in chapter 2. Before embarking on the history, however, we must first say a word about historicity.

Historicity

Bernard Lonergan delineates what he calls “the theoretical premises from which there follows the historicity of human thought and action.” They are as follows: “(1) that human concepts, theories, affirmations, courses of action are expressions of human understanding; . . . (2) that human understanding develops over time and, as it develops, human concepts, theories, affirmations, courses of action change; . . . (3) that such change is cumulative; and (4) that the cumulative changes in one place or time are not to be expected to coincide with those in another.”² From these

premises flows the conclusion that the articulations of the meanings, values, moral norms, and moral actions of one sociohistorical era are not necessarily the articulations of another era or, indeed, of different groups in the same era. The world—both the “already, out, there, now real”³ world free of every human intervention and the human world fashioned by socially constructed and interpersonal meanings—is in a permanent state of change and evolution. It is essentially for this reason that Joseph Fuchs argues, correctly in our judgment, that anyone wishing to make a moral judgment about any human action in the present on the basis of its givenness in the past must keep at least two facts in mind.

The first fact is that those living in the past simply did not know either the entire reality of the human person, from its emergence to its full development in the future, nor its individual elements, from the mysterious powers of the physical universe to the long-hidden possibilities of human biology and human sexuality considered physiologically, psychologically, and sociohistorically. “If one wishes to make an objective moral judgment today,” Fuchs points out, “then one cannot take what Augustine or the philosophers of the Middle Ages knew about sexuality as the exclusive basis of a moral reflection.”⁴ The second fact is that “we never simply ‘have’ nature or that which is given in nature.” We know “nature,” rather, “always as something that has already been interpreted in some way.”⁵ The careful attention, understanding, interpretation, judgment, and responsible decision of rational persons about “nature” and what it demands is what constitutes *natural law*, never simply the pure givenness of “nature” alone. In the Catholic moral tradition, argument is never from “nature” alone or reason alone, but always a question of “nature” *interpreted by* reason. For the human person subject to historicity, moral decision making and action are always the outcome of a process of hermeneutics controlled by reason. They are never the outcome of merely looking at the facticity of “*nature*.” (As we discuss in chapter 2, because “nature” is not pure uninterpreted “nature”—because it is, as philosophers and sociologists say, socially constructed—throughout this book we speak of it always within quotation marks, that is, as “nature.”)

Bernard Lonergan was convinced that something new was happening in history in the twentieth century and that, because a living theology ought to be part of what was taking place in history, Christians were living in a new theological age that required a new theological approach. This new approach, he prophesied correctly, would be necessarily historical and empirical. His distinction between a classicist and an empirical notion of culture has itself become classical: “The classicist notion of culture was normative: at least *de iure* there was but one culture that was both universal and permanent.” The empirical notion of culture was “the set of meanings and values that informs a way of life. It may remain unchanged for ages. It may be in the process of slow development or rapid resolution.”⁶ Classicist culture is static; empirical culture is dynamic. Theology, which is necessarily part of culture, mirrors this distinction.

In its classicist mode, theology is a static, permanent achievement that anyone can learn; in its empirical mode, it is a dynamic, ongoing process requiring a free

person who is committed and trained. This distinction is as valid for moral theology as for any other discipline. The classicist understanding, Fuchs writes, conceives of the human person as “a series of created, static, and thus definitively ordered temporal facts.” The empirical understanding conceives of the person as a subject in process of “self-realization in accordance with a project that develops in God-given autonomy, that is, along a path of human reason and insight, carried out in the present with a view to the future.”⁷ Classicist theology sees moral norms coming from the Magisterium as once and for all definitive; sexual norms enunciated in the fifth or sixteenth centuries continue to apply absolutely in the twenty-first century. Empirical theology sees the moral norms of the past not as facts for uncritical and passive acceptance but as partial insights that are bases for critical attention, understanding, evaluation, judgment, and decisions in the present sociohistorical situation. What Augustine and his medieval successors knew about sexuality cannot be the exclusive basis for a moral judgment about sexuality today. The Second Vatican Council adopted a historical, empirical approach to theological (including moral theological) judgments as well as a focus on the *person* rather than on the person’s *acts*, but the Roman Magisterium continues to support its teaching on sexual morality by quoting the past tradition as if it did not suffer from historicity.

In reality, of course, the Magisterium is more than a little schizophrenic when it speaks of making moral judgments. In sexual ethics, it follows the classical approach enshrined, for instance, in the writings of Pius XII; in social ethics it follows the historical approach validated by the Second Vatican Council. The *Catechism of the Catholic Church* teaches that “the Church’s social teaching proposes *principles for reflection*; it provides *criteria for judgment*; it gives *guidelines for action*.”⁸ This trinity of principles for reflection, criteria for judgment, and guidelines for action came into Catholic social teaching via Paul VI’s *Octogesima adveniens* in 1971.⁹ It was repeated in the Congregation for the Doctrine of the Faith’s (CDF’s) important *Instruction on Christian Freedom and Liberation* in 1986,¹⁰ and it was underscored again a year later in John Paul II’s *Sollicitudo rei socialis*.¹¹ This sociomoral teaching, now an established part of the Catholic moral tradition, introduces a model of personal responsibility that increasingly underscores the responsibility of each person. John Paul accentuates this point of view by teaching that, in its social doctrine, the Church seeks “to *guide* people to *respond*, with the support of rational reflection and of the human sciences, to their vocation as *responsible* builders of earthly society.”¹² The relationship of Magisterium and individual believer advanced in this teaching merits close attention. The Church guides;¹³ responsible persons, drawing on the Church’s guidance, their own intellectual abilities, and the findings of the human sciences, respond responsibly.

The notion of responsibility introduces the important personal dimension of human freedom and autonomy to the unnuanced notion of response.¹⁴ In social reality, the Magisterium does not pretend to pronounce on every last detail or to impose final decisions; it understands itself as informing and guiding believers and

as leaving the final judgment and application to their faithful and responsible conscience.¹⁵ Sociomoral principles are guidelines for reflection, judgment, and action, not unchanging moral imperatives based on divine, “natural,” or ecclesiastical law, and demanding uncritical obedience to God, “nature,” or the Church. John Paul adds what the Catholic moral tradition has always taken for granted. On the one hand, the Church’s social teaching is “constant.” On the other hand, “it is ever new, because it is subject to the necessary and opportune adaptations suggested by the changes in historical conditions and by the unceasing flow of the events which are the setting of the life of people and society.”¹⁶ Principles remain constant. Judgments and actions might well change after reflection on changed sociohistorical conditions and the ongoing flow of human events illuminated by rational reflection and the data of the social sciences.

There is, however, a problem. This model of relationship–responsibility seems to apply in the contemporary Catholic moral situation only in *social morality*. A model antithetical to personal freedom and responsibility applies in *sexual morality*, where propositions from the past tradition are accepted not as principles and guidelines for reflection, judgment, and action but as laws to be universally and uncritically obeyed. How this can be is, at least, debatable. Because social and sexual morality pertain to the same person, this double and conflicting approach seems illogical. In fact, because the whole personality is more intimately involved in the sexual domain, should it not “be *more than any other* the place where all is referred to the informed conscience.”¹⁷ The choice between the two moral approaches is neither self-evident nor free from risk. But it is a choice that must be made to find the best theological and pastoral approach to the experience of contemporary women and men. Bressoud judges that the choice is clear, and that there is “a manifest link between the notions dear to social morality, namely, person, freedom, relationship, and responsibility, and the notions of individual sexual development and progression toward marriage.”¹⁸ We are not convinced that the choice is clear or that the link is manifest to everyone, but in this book the conflict between the two Catholic approaches to morality cannot be avoided and will recur regularly.

Sexuality and Sexual Ethics in Ancient Greece and Rome

Generalizations about ancient Greece and Rome are fraught with difficulties, both because their histories were in general written by elite males to the detriment of women’s sexual histories and because we know today more about Athens and Rome than about other Greek city states and other parts of the earlier and later Roman Empire. Yet we can safely say that in both societies sexuality was generally accepted as a natural part of life and that attitudes toward sex were permissive, especially for men.¹⁹ In both societies, marriage was monogamous and regarded as the foundation of social life, but sexual activity was not restricted to marriage. Hallett demonstrates that, at least among elite men and women, erotic intercourse could be sought with

partners other than spouses,²⁰ and concubinage, male and female prostitution, and male intercourse with slaves were also permitted and common. The ancient aphorism attributed to Demosthenes is famous. “Mistresses we keep for the sake of pleasure, concubines for the daily care of our persons, but wives to bear us legitimate children and to be faithful guardians of our households.”²¹ Divorce was readily available in Greece and the later Roman Empire, with both societies legislating for the economic situation of divorced women. Abortion and infanticide were commonly accepted forms of birth control. Marriage was not about love, which is not to say that marital love was never present between spouses. Men were expected to marry to produce an heir, but for them the greatest love was to be had in relationship, sexual or otherwise, with other men, for between men there was an equality that a woman could never attain.

Both Greece and Rome were male-dominated societies in which women were regarded as inferior to men, indeed as belonging to men, either to their fathers or to their husbands. Male homosexual activity was accepted in both as a function of a patriarchal ethos, and female homosexual activity was regarded as adultery because wives were the property of their husbands.²² The approved male homosexual activity was not because some men had an intrinsic homosexual orientation, which was unknown at the time, but because men were generally considered more beautiful than women and a man might reasonably be attracted to the more beautiful. It is misleading, however, to speak of sexual relations between men; relations were most often between adult men and boys. Those relations were to cease when the boy reached a certain age,²³ not because homosexual relations per se were problematic but because adult *male passivity* was problematic.²⁴ We will encounter this same problematic when we consider in chapter 7 the biblical texts proscribing male homosexuality.

Greek and Roman attitudes toward sexuality were fashioned in large part by their great philosophers. The Greek dualism between body and soul, with the body being the inferior component, led to a distrust of physical sex and the categorization of sexual pleasure. Both Plato and Aristotle judged sexual pleasure to be a lower pleasure shared with other animals.²⁵ Plato urged its transcendence for the sake of higher pleasures of good, beauty, and truth; Aristotle urged, in keeping with his general approach, not its transcendence, but its moderation. Though Plato offered in both the *Republic* and the *Laws* a design for the equality of men and women, Aristotle always opposed this. It was not, however, Plato or Aristotle who had the greatest influence on the Christian approach to sexuality. It was the Stoics. We will deal with these in some detail in the next section. Here we make only two summary statements. The Stoics Musonius Rufus, in his *Reliquiae*, and Seneca, in his *Fragments*, considered sexual desire and activity to be irrational and liable to excess. They sought, therefore, to rationally order it by situating it in a larger context of human meaning, and they did this by asking about its *telos*, its purpose or end. That end, they judged, was the procreation of children and, therefore, sexual activity was moral *only* when it was engaged in for the sake of procreation. The later Stoics went

further. Not only was sexual activity for procreation but also it was to be limited to marriage; there could be no moral sex outside of marriage. Foucault's ultimate judgment summarizes the Stoic position well: "The conjugal family took custody of [sexuality] and absorbed it into the serious function of reproduction. On the subject of sex, silence became the rule. The legitimate and procreative couple laid down the law. The couple imposed itself as model, enforced the norm, safeguarded the truth, and reserved the right to speak while retaining the principle of secrecy."²⁶ Stoic philosophers both "conjugalized" and "procreationalized" sexual relations.

Sexuality and Sexual Ethics in the Catholic Tradition

In 1976, the CDF asserted that, to be moral, "any human genital act whatsoever may be placed only with the framework of marriage."²⁷ Earlier, in 1968, Pope Paul VI asserted that in marriage "each and every marriage act [*quilibet matrimonii actus*] must remain open to the transmission of life."²⁸ In traditional Catholic sexual morality, therefore, every sexually moral act takes place only within the institution of marriage, and within marriage each and every such act must be open to procreation. Traditional Catholic sexual morality is essentially *marital* morality; sexuality was carefully confined in the home. Foucault's comment cited above accurately describes the Catholic sexual tradition. "The conjugal family took custody of [sexuality] and absorbed it into the serious function of reproduction." Sexual intercourse is exclusively for marriage and procreation. In the Catholic moral tradition, every intentional genital act outside of marriage is seriously sinful.²⁹

The consonance of that teaching with Stoic philosophy is clear. It would be wholly inaccurate, however, to assume that philosophy is the only root of Catholic sexual morality. Catholicism is "a textualized religion,"³⁰ and its first instinct is to consult not ancient Hellenistic philosophers but its equally ancient sacred text, the Bible, *Dei verbum*,³¹ the very word of God. As Catholic theologians, it is also our first instinct, and so we begin our analysis of the development of traditional Catholic sexual morality with an exploration of, first, the Old Testament and, then, the New Testament. Following the lead of the Second Vatican Council, we then follow the biblical tradition through its subsequent history, in which, under the grace of the Spirit of God, "there is a growth in insight into the realities and words that are being passed on."³²

Ultimately, as the Second Vatican Council taught, "sacred tradition and sacred scripture make up a single sacred deposit of the Word of God entrusted to the Church."³³ Abandoned is the Tridentine distinction between sacred scripture *and* tradition as two distinct sources;³⁴ abandoned also is the post-Tridentine debate about whether all truth is contained in the sacred writings alone or whether some truths not in the writings are found only in the ongoing tradition. There is only one source of the Word of God for humans, and that source is interpretive tradition,

sometime in the form of sacred writings, sometime in the form of oral interpretation.³⁵ It is necessary to study both the sacred writings and the historical interpretive development to understand not only what is the Catholic moral tradition with respect to sexuality, already enunciated at the opening of this chapter, but also how and why that tradition came to be. Both need to be read and interpreted in light of the sociohistorical background of the times when they were created. Given the almost three-thousand-year time differential between the writing of the first Old Testament document and the present day and the fact of historicity—that is, the effect of sociohistorical circumstance on the conceptual and verbal formulation of ideas—it is not surprising to find different interpretive traditions at different junctures of the development.

Reading Sacred Scripture

Christianity is a religion of the book, and Christians automatically appeal to their sacred scripture, believed to be *Dei verbum*, the very word of God, to substantiate their theological claims, including their moral theological claims.³⁶ A special question arises here, namely, whether or not the canonical writings that constitute the Christians scriptures are as subject to historicity as any other writings. The Catholic answer to that question is an unqualified “yes they are,” but this answer requires careful explanation. The contemporary Catholic approach to biblical exegesis was established by Pope Pius XII’s 1943 encyclical letter on the promotion of biblical studies, *Divino afflante spiritu*. The pope left no doubt about the historicity of the biblical corpus. Having first stated that the biblical exegete’s “foremost and greatest endeavor should be to discern and define clearly that sense of the biblical words that is called literal,”³⁷ Pius goes on to insist that that literal sense “is not to be determined by the rules of grammar and philology alone. The interpreter must go back wholly in spirit to those remote centuries of the East and with the aid of history, archaeology, ethnology, and other sciences, accurately determine what modes of writing the authors of that ancient period would be likely to use, and did use.”³⁸ The Second Vatican Council picked up that instruction and put it forcefully: “The exegete must look for that meaning that the sacred writer, *in a determined situation and given the circumstances of his time and culture*, intended to express and did express through the medium of a contemporary literary form.”³⁹ Sociohistorical circumstance—that is, historicity—is a factor in the correct translation, interpretation, and inculturation of the biblical Word of God.⁴⁰

The Pontifical Biblical Commission’s 1994 document *The Interpretation of the Bible in the Church* insists that “holy scripture, in as much as it is ‘the word of God in human language,’ has been composed by human authors in all its various parts and in all the sources that lie behind them. Because of this, its proper understanding not only admits the use of [the historical-critical] method but actually requires it.”⁴¹ It further insists that “religious texts are bound in reciprocal relationship to the

societies in which they originate [in the way we have explained above]. . . . Consequently, the scientific study of the Bible requires as exact a knowledge as possible of the social conditions distinctive of the various milieus in which the traditions recorded in the Bible took shape."⁴² The very "nature" of the biblical texts requires the use of a historical methodology for their correct interpretation. "Diachronic research," the commission insists, "will always be indispensable for exegesis."⁴³

Of particular relevance to this book is the Pontifical Biblical Commission's applications of its principles for biblical exegesis to moral theology. Though the Bible is God's word to the Church, "this does not mean that God has given the historical conditioning of the message a value which is absolute. It is open both to interpretation and being brought up to date." It follows, therefore, that it is not sufficient for moral judgment that the scripture "should indicate a certain moral position [e.g., the practice of polygamy, slavery, or divorce, or the "prohibition" of homosexual acts] for this position to continue to have validity. One has to undertake a process of discernment [as we have explained above]. This will review the issue in the light of the progress in moral understanding and sensitivity that has occurred over the years."⁴⁴ And so Fuchs writes that what Augustine, Jerome, Aquinas, and Trent said about sexuality cannot exclusively control what moral theologians say today.

A characteristic of sacred scripture, then, is the historicity it shares with every other document subject to sociohistorical conditions. If that is the case with scripture, the normative theology of the earliest churches, it will be the case also with the theology and doctrine of every later church. That this is so is demonstrated from magisterial documents. In 1965, in his encyclical letter on the Eucharist, *Mysterium fidei*, Pope Paul VI claimed that doctrinal formulas "are not tied to a certain specific form of culture, or to a certain level of scientific progress";⁴⁵ that is, they do not have the characteristic of historicity. Eight years later, in its 1973 document on the Church, *Mysterium ecclesiae*, which Paul VI approved, the Congregation for the Doctrine of the Faith (CDF) asserted with no demur that "difficulties arise from the historical condition that affects the expression of revelation. . . . It sometimes happens that some dogmatic truth is first expressed incompletely (but not falsely) and at a later date, when considered in a broader context of faith or human knowledge, is expressed more fully and perfectly."⁴⁶ Doctrinal and theological, including moral, formulations share the characteristic of historicity with scriptural formulations. They are subject, therefore, to the same historical-critical hermeneutic.

Scripture, then, and traditional theological, doctrinal formulations are the result of reflexive, critical, human construal and have to be, therefore, as sociohistorically conditioned as its construers themselves.⁴⁷ It cannot be otherwise. If God is to be really revealed to concrete, historical women and men, there is no alternative but for the revelation to be mediated in sociohistorical symbols. If the foundational revelation is to be expressed in human language, oral or written, as it is in scriptural, doctrinal, and theological formulations, there is no alternative but for the expression to be in a language that is sociohistorically mediated. There is no synchronic, trans-historical, transcultural language valid for all times and for all peoples. The condition of the possibility of real human encounter with God, as transcendentalists like

Heidegger, Rahner, and Lonergan will say, *pace* Milbank, is precisely that it be sociohistorically mediated in the symbols available to them. Because the scriptural rule of faith and the theological writings selectively derived from it are historically and culturally conditioned, they will require translation, interpretation, and inculturation to truly disclose God in every different historical and cultural situation. Because the translators, interpreters, and inculturators may stand in different socio-historical contexts, their interpretations of the classic tradition will almost certainly be pluriform, which will lead to dialectic. That dialectic will be resolved only by intellectually, morally, religiously, and psychically converted theologians in respectful dialogue.

Discovering what scripture says about sexual morality, therefore, is never as straightforward as simply reading the text. The reader must get behind the text to understand how the Church and its theologians construe scripture and what authority they assign to it.⁴⁸ The standard answer is that scripture is construed as a normative authority for the Catholic Church and, therefore, for Catholic theology. Kelsey's detailed case study of seven Protestant theologians, however, demonstrates the diversity of ways in which that authority is construed.⁴⁹ It is construed with equal diversity by Catholic theologians. We begin our analysis with the Catholic teaching of how the sacred scriptures came to be and how they are to be interpreted. They came to be in a four-stage process: a first generation of followers construed their experience of the life, death, and resurrection of Jesus of Nazareth as religious and revelatory of God; the growth of interpretive traditions about that experience; the preservation of those traditions in written form in the third generation;⁵⁰ and the canonization of certain writings as authoritative Church scripture.⁵¹ How theologians understand this four-stage process, we suggest, determines how they construe scripture and its authority in theology.

With the Second Vatican Council, the Catholic Church embraced this four-stage scheme with respect to the writing of the four gospels and issued instruction on how the scriptures of both the Old and New testaments are to be read. "Those who search out the intentions of the sacred writers," it teaches, "must, among other things have regard for 'literary forms.' For truth is proposed and expressed in a variety of ways, depending on whether a text is history of one kind or another, or whether its form is that of prophecy, poetry, or some other type of speech. The interpreter must investigate what meaning the sacred writer *intended to express and actually expressed* in particular circumstances as he used contemporary literary forms in accordance with the situation of his own time and culture."⁵² It is never enough simply to read the text to find out what it says about sexual morality. Its original sociohistorical context must first be clarified and then the text can be translated, interpreted, and inculturated in a contemporary context. An example of how sexual morality and sociohistorical context are connected appears from an analysis of patriarchy.

The dominant characteristic of patriarchy is that it describes women in relation to men, and in ways that serve and further men's interests. Patriarchy is the "social

order in which women are declared to be the possessions of, first, fathers and, later, husbands—the aim of which is to produce children who ‘belong to’ the father and take his name.”⁵³ It is “the systematic social closure of women from the public sphere by legal, political, and economic arrangements which operate in favor of men.”⁵⁴ There are minority strands in both testaments that are critical of patriarchy: the Hebrew midwives refusal of Pharaoh’s order to murder the male children (Ex 1:15–22); Lot’s two daughters who get their father drunk in order to become pregnant by him (Gen 19:30–38); Ruth making herself sexually available to Boaz by her own free choice (Ruth 3:1–15); Queen Vashti’s refusal to obey her drunken husband’s command to flaunt herself before him (Esther 1:1–12); Jesus’ open attitude toward women; Paul’s assertion of equality between men and women in Christ (Gal 3:28), and in sexual intercourse (1 Cor 7:3–4). Anne Carr calls these examples of nonpatriarchal behavior “liberating strands.”⁵⁵

In spite of these liberating strands, patriarchal assumptions abound in both testaments and the New Testament uses them to enforce women’s subordination to men (1 Cor 11:7–12; Col 3:18), to silence them in church, and to suggest the way for women to atone for their collective guilt in causing men to sin is to bear men children (1 Tim 2:12–15). Genesis 2–3 is the aetiological and mythical justification for all patriarchy in the Bible. In this account, the earlier creation account, woman is created as an afterthought from man and for man. She is to be “a helper fit for him” (Gen 2:20). A quite different perspective is given in the later account in Genesis 1, where both male and female are created together “in [God’s] own image” and together are declared to be ‘*adam*, humankind (Gen 1:27). This presumed equality between male and female as human vanishes in Genesis 3, where the woman is blamed for the man’s sin (Gen 3:12) and condemned to be under the man’s rule (Gen 3:16).

If we accept the Bible as a source for moral judgments about sexual morality, the Catholic tradition requires that we first examine the sociocultural assumptions that underpin what is said about sexual morality. If what is said is inseparably linked to the underpinning judgment that the proper relationship between a man and a woman is a patriarchal relationship with the man as superior, then a careful process of separating what is synchronically true but culturally limited and what is diachronically and transculturally true must be undertaken. The criterion for such a refining process is provided by the New Testament and Jesus’ behavior toward women, the woman with the issue of blood (Mark 5:25–34), the sinful woman in the house of the Pharisee (Luke 7:36–50), and the Samaritan woman at Jacob’s well (John 4:8–30). Jesus deals with and speaks to none of these women in a demeaning or patriarchal way. In the Israel of Jesus’ time, women were surely among the oppressed promised liberation in Luke’s Magnificat: “he has put down the mighty from their thrones and has exalted the lowly” (Luke 1:52). It was but a small further step to Paul’s egalitarian judgment that, for Christians in the fictive family of Jesus (“whoever does the will of God is my brother, my sister, my mother,” Mark 3:35), “there is neither male nor female, for you are all one person in Christ” (Gal 3:28).

Hayter is correct. There are “two views of womanhood in the Bible, the subordinationist and the egalitarian.”⁵⁶ The two need to be discriminated in a dialogue that includes the Bible, Christian tradition, and contemporary human experience. Only such discrimination will yield a true sexual theology rather than a theology of sexuality,⁵⁷ which results from unidirectional instruction from the Bible and Christian tradition to human sexual experience. This book presents a sexual theology in which the contemporary human experience and understanding of sexuality and sexual activity are equal partners in the moral dialogue.

Old Testament Teaching

Old Testament teaching on sexuality and marriage must be situated in the context of the ancient Near Eastern cultures with which the biblical peoples had such intimate links. It is not our intention here, because it is not necessary to our purpose, to dwell at length on these cultures and their approach to sexuality and marriage. They were all syncretistic, and a brief overview will provide a sufficient sense of both the general context and its specific distinction from what we find in the Hebrew Bible. Underlying the themes of sexuality and marriage in the cultures surrounding Israel are the archetypal figures of the god-father and the goddess-mother, the sources of universal life in the divine, the human, and the natural realms. Myths celebrated the marriage, the sexual congress, and the fertility of this divine pair, simultaneously divinizing sexuality and legitimating the marriage, the intercourse, and the fertility of every earthly pair. Rituals acted out the myths, establishing a concrete link between the divine and the earthly worlds, enabling men and women to share in both the divine action and the efficacy of that action. This is especially true of sexual rituals, which bless sexual intercourse and ensure that the unfailing divine fertility is shared by a man’s plants and animals and wives, all important elements in his struggle for survival in those primitive cultures.

The Hebrew view of sexuality and marriage makes a radical break with this polytheistic perspective.⁵⁸ Sexuality is not divinized. There is no god-goddess couple, only Yahweh who is unique (Deut 6:4). There is no goddess associated with God who creates. In the later Priestly account, God creates merely by uttering a creative word (Gen 1) and, in the earlier Yahwist account, by shaping creation as a potter (Gen 2–3). At the apex of Yahweh’s creation stands ‘adam, man and woman together: “Male and female he created them and he blessed them and named them ‘adam” (Gen 5:2). The fact that Yahweh names male and female together ‘adam, that is, earthlings or humankind, founds the equality of man and woman as human beings. They are “bone of my bones and flesh of my flesh” (Gen 2:23), and because they are equal they can marry and become “one body” (Gen 2:24). In marriage, equal man and woman take on the unequal gendered roles of husband (*ish*) and wife (*ishsha*),⁵⁹ which gives aetiology and foundation for biblical patriarchy. These ideas are taken from the Yahwist creation account in Genesis 2, written about 950 B.C.E., but the Priestly account in Genesis 1, written four hundred years later around

550 B.C.E., also records the creation of *'adam* “in the image of God, . . . male and female” (1:27).

Equal man and woman, and their separate sexualities, do not derive from a divine pair whom they are to imitate. They are called into being by the creative action of the sovereign God. “It was not the sacred rites that surrounded marriage that made it a holy thing. The great rite which sanctified marriage was God’s act of creation itself.”⁶⁰ It was God alone, unaided by any partner, who not only created *'adam* with sexuality and for marriage but also blessed him and her, making them fundamentally good. Man and woman, humankind, *'adam*, their sexuality, and their marriage are all good, because they are the good gifts of the Creator God. Later Christian history, as we shall see, will have recurring doubts about the goodness of sexuality and its use in marriage, but the Hebrew tradition had none.

That a man and a woman become one body in marriage has often been restricted in the Western tradition to only one facet of marriage, namely, the act of uniting bodies in sexual intercourse. That facet is undoubtedly included in becoming one body, but it is far from all there is, for “body” in Hebrew implies the entire person: “One personality would translate it better, for ‘flesh’ in the Jewish idiom means ‘real human life.’”⁶¹ In the debate on sexuality and marriage at the Second Vatican Council, the biblical scholar Bernard Cardinal Alfrink pointed out that “the Hebrew verb *dabaq*, in Greek *kollao*, does suggest physical, bodily, sexual union, but it suggests above all spiritual union which exists in conjugal love.”⁶² In marriage a man and a woman unite in an interpersonal union, not just a sexual or genital one. In such a union they become one coupled social person and one life, so complementing one another that they become again, as in the beginning, *'adam*. They enter into a union that establishes not just a juridical relationship but also a quasi-blood relationship that makes them one social person. Rabbis go so far as to teach that it is only after marriage and the union of man and woman into one person that the image of God may be discerned in them. An unmarried man, in their eyes, is not a whole man. The mythic stories, interested as always in etiology, the origin of things, proclaim that it was so “in the beginning,” and that it was so by the express design of God. For both Jew and Christian, there could be no greater foundation for the human and religious goodness of sexuality and marriage. Nor could there be a secular reality better than marriage for pointing to God and his steadfastly loving relationship with Israel. That was the next step in the development of the religious character of marriage. Before we consider that, however, we should consider the different mythic meanings we find in Genesis 1 and 2.

The older Yahwist creation account in Genesis situates sexuality in a relational context. “It is not good that the male [*ish*] should be alone,” God judges, “I will make a helper [*ezer*] fit for him” (2:18). The importance of the helper to the one helped may be gleaned from the fact that twice in the Psalms (30:10 and 54:4) God is presented as such a helper (*'ezer*) of humans. The equality of the partners in this helping relationship is underscored. Male and female are “bone of my bones and flesh of my flesh” (2:23), they have the same strengths and the same weaknesses,

and the myth asserts that it is precisely because of their equality and, therefore, potential intimacy that male and female may marry. Significantly, they are presented as being totally comfortable with each other's sexuality, for they "were both naked and not ashamed" (1:25), a comfort that is celebrated frankly in that great Jewish love song, the Song of Songs.

About four hundred years later, the Priestly tradition has God bless 'adam, male and female, and enjoin them to "be fruitful and multiply, and fill the earth and subdue it" (1:28). Male and female, their sexuality, and their fertility are blessed by God; ever afterward there can be no doubt that sexuality is good. The Priestly myth situates sexuality in a procreative context, that is, a context of cooperation with the creator in both the creation of children and caring providence for them. Collins notes that "procreation was valued in Israel insofar as large Israelite families were considered to be the fulfillment of the promise made to Abraham."⁶³ From the beginning of the biblical tradition, therefore, sexuality as created by God is linked to two perspectives, to the relationship of mutual help between male and female and to their procreative activity together. These two perspectives are the ones we found also in the Greco-Roman, Stoic tradition. The Stoic Musonius Rufus argues that marriage is a natural institution⁶⁴ with two broad purposes, the one sexual intercourse (*homilia*) and procreation, the other community of life (*koinonia*) between the spouses,⁶⁵ and that it is the most important and venerable of all human communities.⁶⁶ These two broad purposes have convoluted histories in the postbiblical Catholic tradition.

Central to the Hebrew notion of their special relationship with God was the idea of the covenant. The Deuteronomist reminded the assembled people: "You have declared this day concerning you that you are a people for his own possession" (Deut 26:17–19). Yahweh is the God of Israel; Israel is the people of Yahweh. Together Yahweh and Israel form a union of salvation, a union of grace, a union, one could say, of one body. It was probably only a matter of time until the people began to image this covenant relationship in terms drawn from marriage, and the first to speak of marriage as image of the covenant was the prophet Hosea. He preached about the covenant relationship of Yahweh and Israel within the biographical context of his own marriage to a harlot wife, Gomer. To understand his preaching, about both marriage and the covenant, we must first understand the sociohistorical times in which Hosea lived.

Hosea preached in the middle of the eighth century B.C.E., at a time when Israel was well established in Canaan. Many Israelites thought, indeed, they had become too well adapted to their promised land, for among the new ways they learned was the cult of the fertility god Baal. This cult, which seriously challenged their worship of Yahweh, was situated in the classic mold presented earlier, that of the god-goddess pair, with Baal as the Lord of the Earth and Anat as his consort. The sexual intercourse and fertility of these two were believed to establish the pattern of the fertile intercourse of every human pair, and this belief was acted out in worship as ritual sexual intercourse in the temple of Baal. Such sexual rituals were prohibited

in the cult of Yahweh (Deut 23:18), and any Jewish woman participating in them was regarded as a harlot. It was such a harlot, Gomer, whom Yahweh instructed Hosea to take for his wife (1:2–3).

It is irrelevant to our discussion whether the book of Hosea tells us what Hosea did in historical reality, namely, took a harlot-wife and remained faithful to her despite her infidelity to him, or whether it offers a parable about marriage as steadfast covenant. The only thing that is relevant is that Hosea found in marriage, either in his own marriage or in marriage in general, an image in which to represent the steadfastness of Yahweh's covenantal love for the people of Israel. On a superficial level, the marriage of Hosea and Gomer is like any other marriage. But on a more profound level, it serves as prophetic symbol, proclaiming, revealing, and celebrating in representation the covenant relationship between Yahweh and Israel. The names of Hosea's two younger children reflect the sad state of that relationship: A daughter is Not Pitied (1:6), and a son is Not My People (1:9). As Gomer left Hosea for another, so too did Israel abandon Yahweh in favor of Baal and become Not Pitied and Not My People. But Hosea's remarkable reaction to Gomer's infidelity proclaims and makes explicit in representation the remarkable reaction of Yahweh to Israel's infidelity. He redeems Gomer (3:2); that is, he buys her back. He loves her "even as Yahweh loves the people of Israel, though they turn to other gods" (3:1), and his unflinching love for Gomer reveals in representation Yahweh's unflinching love for Israel. As Hosea has pity on Gomer, so Yahweh "will have pity on Not Pitied," and will "say to Not My People 'you are my people,'" and they will say to him, "Thou art my God" (2:25). The covenant union, that between Hosea and Gomer as well as that between Yahweh and Israel, is unshakeable. A sundering of the marital relationship is not possible for Hosea because he recognized that his God is not a God who can abide the dissolution of covenant, no matter what the provocation.

There is a serious possibility of anachronism to be avoided here, connected to that overworked word *love*. In contemporary usage, love always means a strong affection for another person, frequently a passionate affection for a person of the opposite sex. When we find the word in our Bible, it is easy to assume that it means exactly these same things; but it does not, at least not exclusively. The covenant love of which Hosea speaks is more than the love of interpersonal desire and commitment; it is a love that is ultimately a decision for "loyalty [or fidelity], service and obedience."⁶⁷ When we read, therefore, of Hosea's steadfast love for Gomer and of Yahweh's faithful love for Israel, we ought to understand intentional fidelity, service, and obedience, not only felt interpersonal affection.

What ought we to make of the story of marriage that Hosea leaves to us? There is a first, and clear, meaning about Yahweh: God is faithful. There is also a second, and somewhat more mysterious, meaning about marriage. Not only is it, on one level, the intimate communion of a man and a woman, but it is, on another level, also a prophetic symbol, proclaiming and revealing in representation the steadfast love of Yahweh for Israel. First articulated by the prophet Hosea, such a view of marriage recurs again in the prophets Jeremiah and Ezekiel (Jer 3:6–14; Ezek 23:4).

Israel and Judah are as much the harlots as Gomer, but Yahweh's faithfulness is as undying as Hosea's. Yahweh offers a declaration of undying love: "I have loved you with an everlasting love; therefore, I have continued my faithfulness to you" (Jer 31:3; cf. Ezek 16:63; Isa 54:7-8). The belief in and experience of covenant fidelity creates and sustains the belief in and the possibility of fidelity in marriage, which then and only then becomes a prophetic symbol of the covenant. Yahweh's covenant fidelity becomes a characteristic to be imitated, a challenge to be accepted, first, in every Jewish marriage and, later, in every Christian one.

Another Old Testament book, the Song of Songs, is intimately related to a biblical analysis of sexuality. The Song has always been an embarrassment for interpreters, posing the difficulty of deciding whether it is a paean to divine or human love. For centuries, under the shadow of the negative presuppositions about sexuality that developed in the postbiblical Church and, therefore, unwilling to assign erotic love a place in the sacred writings, Christian commentators opted for a spiritualized meaning. The Song, they prudishly and allegorically explained, was about the love of Yahweh for Israel, even the love of God for the individual soul. This argument ignores the historical fact that the Song was included in the Hebrew canon before there was any suggestion of an allegorical interpretation, which in itself provides "a powerful argument for believing that Israel's faith did not see its profane nature as an impediment to its acceptance as 'biblical literature.'"⁶⁸ Embodied men and women need no elaborate literary or philosophical argument; they need only listen to the extraordinarily explicit words and imagery of sexual love to know what the poetry means.

"I am sick with love," the woman exclaims (Song 2:5; 5:8). "Come to me," she cries out in desire for her lover, "like a gazelle, like a young stag upon the mountains where spices grow (2:17; 8:14). When he comes and gazes upon her nakedness, he is moved to poetry. "Your rounded thighs are like jewels. . . . Your vulva⁶⁹ is a rounded bowl that never lacks wine. Your belly is a heap of wheat encircled with lilies. Your two breasts are like fawns, twins of a gazelle. . . . You are stately as a palm tree and your breasts are like its clusters. I say I will climb the palm tree and lay hold of its branches" (7:1-8). Her response is direct and far from coy. "I am my beloved's and his desire is for me. Come, my beloved, let us go forth into the fields. . . . There I will give you my love" (7:10-13). No woman or man who has ever been sick with love and desire can doubt the origin of the language or its intent. Karl Barth, who argued that the Song was a "second *Magna Carta*" that develops the relationship view hinted at in Genesis 2,⁷⁰ notes the equality between the man and the woman in the Song: "It is to be noted that in this second text we hear a voice which is lacking in the first. This is the voice of the woman, to whom the man looks and moves with no less pain and joy than she to him, and who finds him with no less freedom . . . than she is found. Implicitly, of course, this voice is heard in Genesis as well. But now it finds expression in words. And what words!"⁷¹

Such explicitly erotic language has always raised doubt about the claim that the Song of Songs is about divine love, and today a consensus has emerged among

scholars that its clear and literal meaning is the one enshrined in any human love song.⁷² The Song may be an allegory about divine love but only secondarily; it may be about spiritual love, but only derivatively. The primary analogate is human, erotic love, love that makes every lover “sick with love” (2:5). This love is celebrated as image of the love of the creator God who loves women and men as the two lovers love one another. It is celebrated as good, to honor both the Giver and the gift, and also the lovers who use the gift to make both human and, in representation, divine love. It is as intentional and explicit analogy that human love and sexual intercourse become outward sign or sacrament of the God who is Love (1 John 4:8) and loving. Sexuality is no more divinized in the Song than anywhere else in the Old Testament; it may provide the basis for spiritual analogy, but the basis remains a secular, profane, and good reality. What this love poetry celebrates, and what we can learn from it, is “not eroticism for its own sake, and certainly not ribaldry or promiscuous sex, but rather the desires of an individual woman and man to enjoy the bond of mutual possession” (Song 2:16; 6:3; 7:10).⁷³ Barth notes an item of importance, namely, the woman speaks as openly as the man, and just as often. “There is no male dominance, no female subordination, and no stereotyping of either sex.”⁷⁴ Nor is there any mention of marriage or procreation to justify sexuality. The Song is a far cry from Plato’s and Aristotle’s downgrading of sexual desire and pleasure; it is a celebration of human love and of the sexual desire of the lovers. Christian history will seriously patriarchalize the equal sexual relationship between male and female, will institutionalize it within the confines of marriage and procreation, and will follow Plato and Aristotle in their suspicion of sexual pleasure.

In summary, sexuality plays a relatively small role in the Old Testament. At the apex of Yahweh’s creation stands ‘*adam*, created “in the image of God, . . . male and female” (Gen 1:27), that is, sexual. Male and female are “bone of my bones and flesh of my flesh” (Gen 2:23); that is, they are equal as human, and because they are equal they can marry and become “one body” (Gen 2:24). The common Western interpretation of this text refers it to the sexual union of man and woman in marriage. In its sociohistorical context, however, it refers to their becoming one coupled life together, one social person. The early Yahwist creation account sets this couple in a *relational* context; “it is not good that the male should be alone” (Gen 2:18). The later Priestly account sets it in a *procreational* context; male and female are to “be fruitful and multiply” (Gen 1:28). This twofold relational and procreational purpose of both sexuality and marriage will continue in the Catholic tradition to the present day, and will be widely controverted. Marriage, however, and sexuality within marriage, are simply “good,” because they were created good in the beginning by the good God. They will be so good that, in the prophet Hosea, the marital union of man and woman will become the prophetic symbol of the covenant union between God and God’s people and, in the Song of Songs, sexual union will be celebrated in itself and as the image of the love of God who loves women and men as two human lovers love one another. This Old Testament judgment of both sexuality and marriage pass naturally into the New Testament.

New Testament Teaching

“It is striking,” Lisa Cahill judges, “that sexuality plays a relatively small role in the New Testament at all. Only twice does Jesus direct his concern toward it [Jn 8:1–11 and Matt 5:31–32], and in both cases he protects women from the customs of his day and culture.”⁷⁵ The New Testament provides no more of a systematic code of sexual ethics or even an approach to a sexual ethics than does the Old Testament. It records interpretations of the meaning of the deeds and words of Jesus “in view of the situation of the churches”⁷⁶ and their application in the sociohistorical situations in which Christians lived in the first century. The foundational presupposition for its every statement, including every statement about sexual ethics, is the belief that the followers of Jesus, the *ekklesia*-church, are the people of God of the last times. Jesus himself preached that the Kingdom of God was at hand (Mk 1:15), and Paul was convinced that “the form of this world is passing away” (1 Cor 7:31). Any interpretation of any statement about sexuality in the New Testament must be interpreted with this presupposition in mind.

The most extensive New Testament teaching about sexuality is in Paul’s first letter to the Corinthians, apparently in response to a question the Corinthians had asked: “Is it better for a man not to touch a woman?” (1 Cor 7:1). Paul’s answer, under the mistaken apprehension that the last days have arrived (7:31), is a mixed message. He prefers celibacy over marriage in the situation of the last days, but “because of the temptation to sexual immorality, each man should have his own wife and each woman her own husband” (7:2). It is “better to marry than to be aflame with passion” (7:9). Marriage is good, even for Christians, he seems to say, against the ascetical Encratites and Gnostics who urged celibacy on all Christians, even if only as a safeguard against sexual sins (7:5–9). Much more telling, however, than his lukewarm affirmation of marriage and sex in the circumstances is his countercultural assertion of the equality between husband and wife in marriage: “The husband should give to the wife her conjugal rights, and likewise the wife to her husband. For the wife does not rule over her own body, but the husband does; likewise the husband does not rule over his own body, but the wife does” (7:3–4).

A modern Christian might seize, as did medieval canonists seeking a precise juridical definition of marriage, on Paul’s dealing with marital intercourse as an obligation owed mutually by the spouses one to the other. His contemporaries would have seized on something else, totally astounding to them, namely, his assertion of strict equality between husband and wife in this matter: “A modern Christian may wince at finding the apostle writing of sexual intercourse as an obligation, or even a debt, owed by spouses to one another, and writing of husbands’ and wives’ marital relationship as containing authority over one another’s bodies. But Paul’s contemporaries—at least those bred in the tradition of Torah and of its rabbinic interpreters—would have winced for another reason. This was Paul’s assertion of equality between husbands and wives, and equality exactly on the juridical ground of authority and obligations owed.”⁷⁷

When a Christian man and a Christian woman marry, first-century Paul suggests, the covenant they make with one another is a covenant of equal and intimate partnership, and it embraces their human sexual activity within it. It is a suggestion that the Second Vatican Council would pursue twenty centuries later.⁷⁸

Hosea's conception of marriage as a prophetic symbol of the mutually faithful covenant relationship is continued in the New Testament, with a change of dramatis personae, from Yahweh-Israel to Christ-Church. Rather than presenting marriage in the then-classical Jewish way as a symbol of the covenant union between Yahweh and Israel, the writer of the letter to the Ephesians presents it as an image of the relationship between the Christ and the new Israel, his church.⁷⁹ This presentation is of central importance to the development of a Christian view of marriage and sexuality and, unfortunately, has been used to sustain a diminished Christian view. We shall have to consider it here in some detail.

The passage in which the writer offers his view of marriage (Eph 5:21–33) is situated within a larger context (5:21–6:9), which sets forth a list of household duties that exist within a family in his time and place. This list is addressed to wives (5:22), husbands (5:25), children (6:1), fathers (6:4), slaves (6:5) and masters (6:9). All that concerns us here is what is said to wives and husbands. There are two similar lists in the New Testament, one in the letter to the Colossians (3:18–4:1), the other in the First Letter of Peter (2:13–3:7), but the list in Ephesians opens with a singular injunction: “Because you fear [or stand in awe of] Christ give way to one another” or, in the weaker translation of the Revised Standard Version, “be subject to one another out of reverence for Christ” (5:21). This injunction, commentators agree, is an essential element of what follows. Mutual giving way is required of all Christians, even of husbands and wives as they seek holiness together in marriage, and even in spite of traditional patriarchal relationships, which permitted husbands to lord it over their wives.

Because Christians have all been admonished to give way to one another, there is no surprise in the instruction that a Christian wife is to give way to her husband, “as to the Lord” (Eph 5:22). There is a surprise, however, at least for the ingrained male attitude that sees the husband as supreme lord and master of his wife and appeals to Ephesians 5:22–23 to ground and sustain that un-Christian attitude, that a husband is to give way to his wife. This follows from the general instruction that Christians are to give way to one another. It follows also from the specific instruction given to husbands. This instruction is not that “the husband is the head of the wife,” the way in which the text is frequently cited, but rather that “*in the same way* that the Messiah is the head of the church the husband is the head of the wife.” A Christian husband's headship over his wife is to be modeled upon and model of Christ's headship over the Church, and the way Christ exercises authority is never in doubt: “The Son of Man came not to be served but to serve, and to give his life as a ransom (redemption) for many” (Mark 10:45).

Diakonia, service, is the Christ way of exercising authority; it was as a servant that “Christ loved the church and gave himself up for her” (5:25). A Christian

husband, therefore, is instructed to be head over his wife by serving, giving way to, and giving himself up for her. Marital authority modeled on that of Christ does not mean control, giving orders, making unreasonable demands, reducing another person to the status of servant or, worse, of slave to one's every whim. It means loving service. The Christian husband-head, as Markus Barth puts it so beautifully, becomes "the first servant of his wife."⁸⁰ It is such a husband, and only such a one, that a wife is to hold in awe (v. 33b) as all Christians fear or hold in awe Christ (v. 21b). There is no reversal of Paul's judgment of equality between spouses in marriage, but rather a confirmation of it from another perspective, that of mutual and equal service, in every part of their life including the sexual.

A husband is further instructed to love his wife, for "he who loves his wife loves himself" (v. 28b; cp. v. 33a). Viewed within the perspective we have just elaborated, such reasoning makes sound sense. It makes even more Christian sense when we realize that it is a paraphrase of Jesus' great commandment: "You shall love your neighbor as yourself" (Lev 19:18; Mark 12:21). The great Torah and Gospel injunction applies also in marriage: "You shall love your neighbor as yourself." As all Christians are to give way to one another, so also each is to love the other as himself or herself, including a husband and a wife in marriage. This love is essential to marriage, and the marriage it founds reveals a profound mystery about Christ and his Church.

The mystery, most scholars agree, is embedded in the text of Genesis 2:24, cited in 5:31. As the Anchor Bible translation seeks to show, "this [passage] has an eminent secret meaning," which is that it refers to Christ and Christ's Church. The writer is well aware that this meaning is not the meaning traditionally given to the text in Judaism, and he states this forthrightly. Just as in the great antithesis of the Sermon on the Mount Jesus puts forward his interpretations of biblical texts in opposition to traditional interpretations ("You have heard that it was said to the men of old, . . . but *I* say to you"), so also here the writer asserts clearly that it is his own reading of the text ("*I* mean in reference to Christ and the Church," v. 32b). He acknowledges the meaning that husband and wife become one body in marriage; indeed, in verse 33, he returns to and demands that husband and wife live up to this very meaning. He chooses, however, to go beyond this meaning to insinuate another. Not only does the text refer to the union of husband and wife in marriage, but it refers also to that union of Christ and his church which he has underscored throughout Ephesians 5:1–33.

On one level, Genesis 2:24 refers to the covenant union between a man and a woman in marriage; on another level, it refers to the covenant union between Christ and his Church. It is a small step from there to interpret human marriage as prophetic symbol of the covenant between Christ and his Church, and to interpret the communion between Christ and his Church as providing a model for human marriage and for the mutual conduct of the spouses within it. It will take a thousand years for Catholic theologians to become comfortable with this notion of marriage as prophetic symbol, or sacrament,⁸¹ of the Christ–Church covenant, and the constant

stumbling block was the negative view of sexuality and, therefore, of marriage that came into the Christian tradition in the post–New Testament period.

In summary, then, we can say that the New Testament teaching does not mythicize sexuality and marriage as an imitation of the sexuality and marriage of some divine pair, nor does it idealize it beyond the capacity of any embodied man and woman. Rather, it leaves sexuality and marriage what they are, human realities in which a man and a woman seek to become one person in a communion of intimate and equal life, love, and service. What is added is only this, simple and yet mysteriously complex. As they become one body-person in covenant love, they provide through their marital and sexual union a prophetic symbol of a similar union that exists between their Christ and their Church. Marriage is not so secular a reality that Christ and his Church cannot be represented by it; not so base a sexual union that it cannot become image and symbol of another, more mysterious union; and not so mythical a reality that women and men cannot live it together as one. It is, as the Second Vatican Council will later teach, “an intimate partnership of conjugal life and love.”⁸²

The Fathers of the Church

The doctrine about sexuality and marriage in both Old and New testaments was a Jewish doctrine, developed in the originating Jewish culture of the Christian movement. The developing Church soon moved out of that Jewish culture into a Greco-Roman one in which Greek and Latin Fathers of the Church shaped the biblical doctrine about marriage and sexuality within their own cultural contexts and established the Catholic approach to sexuality we noted at the outset, namely, sexual morality as marital morality. To understand fully the Christian tradition about sexuality and marriage that came down to our day, we must seek to understand not only their teaching but also the sociohistorical situation in which it developed. As we have already discovered for the Bible, there was no systematic and full treatment of either sexuality or marriage as a social and Christian institution. The Fathers’ teaching was almost exclusively a defense of marriage and marital sexuality against certain errors that threatened both its Christian value and its future. The majority of these errors had Gnostic sources, and it will be to our benefit to consider, however briefly, the Gnosticism from which they came.

Gnosticism, a Hellenistic religious philosophy characterized by the doctrine that salvation is achieved through a special knowledge (*gnosis*), antedated Christianity and exercised a great influence on many Christian communities in the Mediterranean basin. Christian Gnostics looked upon themselves as the only faithful interpreters of the Jesus movement. They disagreed with orthodox Christian teaching on two major points. First, they preached predestination, denying free will to humans in either salvation or damnation. Second, they preached a dualistic and pessimistic view of the world, a view in which good and evil are equally real. Both these views

affected their attitude toward sexuality and marriage and, therefore, the Fathers' expositions on them in response. Because matter, and therefore sexuality and marriage with their very material bodily intercourse and bodily outcome, was essentially evil, the Gnostics believed, it could not have been created by a good God. That meant they had to revise the classic Jewish approach to creation, a task that was accomplished by Marcion. He taught there had to be two gods, one who created evil, the other who created good. The god who created evil is Yahweh, the god of the Old Testament; the god who created good is the Father of Jesus, who alone reveals him. The Old Testament, therefore, should be rejected along with all its doctrines and its laws. Among these doctrines is the one that men, women, sexuality, and marriage were created good by God; among such laws are those that legislate the relationships of men and women and their mutual sexual activity. Such attitudes generated, on the one hand, a negative, ascetic approach to sexuality and marriage and, on the other hand, a licentious, permissive approach, known as antinomianism. The second- and third-century Fathers had to defend marriage against attacks on both these fronts.

By the middle of the second century of the Christian era, Alexandria had become established as the intellectual capital of the Hellenistic world. We would expect to find powerful Gnostics there, and our expectation is verified via the writings of Clement, the bishop of Alexandria. He tells us of the two kinds of Gnostics we have noted, namely, the ascetics who abstained from marriage and sexual intercourse because they believed them to be evil, and the antinomians who believed they are saved by their special *gnosis* no matter what and are, therefore, above any law regarding sexuality and marriage.⁸³ He tells us of the ascetic Julius Cassianus, whose work *On Continence* he cites: "Let no one say that because we have these members, that because the female is structured this way and the male that way, the one to give the seed and the other to receive it, that the custom of sexual intercourse is allowed by God. For if this structure were from God, toward whom we tend, he would not have pronounced blessed those who are eunuchs."⁸⁴ We might note in passing the false biology in Cassianus' statement, a biology shared by the majority of thinkers of the time; the man is the one who gives "seed," the woman is but the "ground" or the "field" in which the seed is sown.⁸⁵ The woman has no active part in procreation.

Clement declares the opinion of Cassianus "impious" and responds with a simple argument. There is only one God, and that God is good; sexuality and marriage were created by the one God and, therefore, are good from their origin. "If marriage according to the law is sinful," he argues, "I do not see how anyone can say he knows God, and say that sin was commanded by God. But if the law is holy, marriage is holy. The apostle, therefore, refers this mystery to Christ and the church."⁸⁶ Irenaeus of Lyons employs this same argument in his extensive refutation of the Gnostics. He mentions Marcion and Saturnius, "who are called the continent," and accuses them of frustrating the ancient plan of God and of finding fault with him "who made both male and female for the begetting of men."⁸⁷ Marriage

is primarily for procreation,⁸⁸ and for two other things secondarily. It is for a wife to bring help to her husband in the funding of his household, particularly in his sickness and old age,⁸⁹ and it is a union for a pious wife to seek “to persuade her husband, if she can, to be a companion to her in those things that lead to salvation.”⁹⁰

The early Greek Christian understanding of the nature of sexuality resembles that of the Stoic philosophers, represented in a statement from the Christian African Lactantius: “Just as God gave us eyes, not that we might look upon and desire pleasure, but that we might see those actions that pertain to the necessity of life, so also we have received the genital part of the body for no other purpose than the begetting of offspring, as the very name itself teaches. This divine law is to be obeyed with the greatest of devotion.”⁹¹ This was a commonly accepted teaching, which carried with it several conclusions. First, by its very nature sexual intercourse is for the procreation of children; second, any such intercourse for purposes other than procreation is a violation of nature and, therefore, immoral; and third, any sexual intercourse when conception is impossible is similarly immoral. From this established position, the Church Fathers would argue that the Gnostics, or anyone else, engaging in sexual intercourse for any purpose other than procreation, lovemaking, for instance, or pleasure were in violation of nature. It is an argument that the Latin Church Fathers continued to make into the twenty-first century.

Already in the second century, in his apology for Christians, Justin had replied to Roman accusations about the sexual immorality of Christians by insisting that “either we marry only to have children or, if we do not marry, we are continent always.”⁹² But Clement goes much further, arguing that the only purpose for sexual intercourse is to beget a child and that any other purpose must be excluded. “A man who marries for the procreation of children,” he argues, “must exercise continence, lest he desire his wife whom he ought to love, and so that he may beget children with chaste and moderated will. For we are not children of desire but of will.”⁹³ Origen, his fellow Alexandrian, is just as clear, arguing that the man who has sexual intercourse only with his wife, “and with her only at certain legitimate times and only for the sake of children,” is truly circumcised.⁹⁴ He underscores what he means by legitimate times, insisting that once a wife has conceived, intercourse is no longer good. Those who indulge in sexual intercourse with their own wives after they are already pregnant are worse than beasts, “for even beasts know that, once they have conceived, they do not indulge their mates with their largesse.”⁹⁵ So ruthlessly consistent was Origen in his belief that sexual activity was only for procreation in marriage that, having decided not to marry, he castrated himself.⁹⁶

Tertullian also argued that abstinence from sexual activity is the surest way to the grace of God. Commenting on Paul’s “It is better to marry than to burn with passion” (1 Cor 7:9), Tertullian adds that “it is better neither to marry nor to burn with passion.”⁹⁷ Virgins, he goes on, have “full holiness” because “continence is more glorious” than marriage.⁹⁸ Tertullian seems to have been the first to make this

evaluation of virginity as holier than marriage but, in the fourth century, that theological judgment was concretized in a new ascetic practice, the rejection of marriage and the embracing of virginity as a way to live a Christlike, holy life. It was not that the Fathers of the time were opposed to marriage; they were not. It was rather the way they expressed their preference for virginity in their Greek rhetorical styles that made marriage look less than good.⁹⁹ Tertullian can argue that Paul permits marriage as a concession and that something good needs no concession.¹⁰⁰ Athanasius can say both “blessed is the man who in his youth is joined in marriage for the procreation of children” and “there are two ways in life, one inferior and vulgar, namely marriage, the other angelic and supreme above all, namely, virginity.”¹⁰¹ John Chrysostom can say “I believe that virginity is a long way better than marriage, not because marriage is evil, for to those who would use it correctly [for procreation] it is the doorway to continence.”¹⁰² The same Chrysostom can also argue that “whoever denigrates marriage also diminishes the glory of virginity. . . . What appears good only in comparison with evil would not be particularly good. It is something better than what is admitted to be good that is the most excellent good.”¹⁰³ Basil also affirms the goodness of sexual intercourse in marriage which is “entered into according to the sacred scriptures and legitimately,” that is, for procreation, but he also excoriates marital intercourse sought for pleasure.¹⁰⁴

Marriage is good, especially when sought for procreation; it has to be good because God created it. But virginity is better. This ambiguity about the goodness of sexuality and marriage, introduced early into the Catholic tradition, perdures to the present time. Writing an Apostolic Exhortation *On the Family*, John Paul II, citing Chrysostom as above, removes any ambiguity about the Church’s position: “The Church throughout her history has always defended the superiority of this charism [virginity] to that of marriage, by reason of the wholly singular link which it has with the Kingdom of God.”¹⁰⁵ When it comes to a comparison of sexual intercourse and marriage with virginity, one could say that John Paul has removed the Greek ambiguity.

Two Latin Fathers advanced the church’s thinking on sexuality and marriage and left both with a theology that became a given in Christian thinking ever afterward. The lesser one is Tertullian, who wrote about marriage in both the orthodox Catholic and heretical Montanist periods of his life. In his first book, *To a Wife*, he exhibits the same ambivalence to sexuality and marriage that we have seen already in Origen. He grants that in the beginning marriage was necessary to populate the Earth but argues that, when the end of the world is near (note his sociohistorical assumption), there is no need for such activity. Paul may have allowed marriage as an antidote to desire, but Tertullian is in no doubt: “How much better it is neither to marry nor to burn [with concupiscence].” He will not even allow that marriage can be called good, for “what is *allowed* is not good, . . . nor is anything good just because it is not evil.”¹⁰⁶ One would be excused for thinking that Tertullian has no time for marriage and the sexual intercourse it legitimates. This same man, however, who is so pessimistic about marriage in his first book, in a second book under the same

title writes the most beautiful lines on Christian marriage that one could ever hope to find: “What a bond is that of two faithful who are of one hope, one discipline, one service; both are siblings, both are servants. . . . They are truly two in one flesh, and where there is one flesh there is also one spirit. They pray together, they sleep together, they fast together, teaching one another, exhorting one another, sustaining one another.”¹⁰⁷ It would seem that between the first and second books, Tertullian had found a wonderful wife. When he became a Montanist, however, he regressed to his earlier judgment that Paul had simply allowed marriage and the sexual activity it encompasses, which is, though not a sin, none the less a blot on a perfect Christian life.¹⁰⁸

When we reach Augustine, the great bishop of Hippo, we reach the systematic insight into sexual morality and marriage that was to mold and control the doctrine of the Latin Church down to our own day, so much so that Augustine is frequently called the doctor of Christian marriage. His influence is always present in Catholic talk about marriage. Pius XI, for instance, in the opening of his influential encyclical on Christian marriage, *Casti connubii*, turned to him as to the wellspring of the truths about Christian marriage to which the Catholic Church adheres. The Second Vatican Council also turned to him, developing its teaching about marriage within the schema of the threefold good of marriage as he described it.¹⁰⁹ Because Augustine’s influence on the doctrine of marriage is beyond doubt, we must look closely at it. His teaching too must be viewed in its sociohistorical context, a context which is again largely a defense against attack. As the Alexandrians defended sexuality and marriage against the attacks of the Gnostics, so did Augustine defend them against the attacks of the Manichees, who at root were Gnostics, and of the Pelagians. We need to say a word, therefore, about these two groups.

The Manichees took their name from their founder, Mani, who was born in Babylonia about the year 216 C.E. Mani claimed to have received from an angel, at the ages of twelve and twenty-four years, the definitive revelation about the nature of the world and of history. Here we need to consider only those aspects of Manichaeism that impinge on its teaching on sexuality and marriage. First, it is a dualistic system, the dual opposites being, as always, good and evil, light and darkness, spirit and matter. Sexuality is listed among the dark and evil realities, along with wine and meat. Second, because Mani was looked upon as the ultimate prophet in the line of Jesus, he was said to have completed the latter’s teachings and to have organized the ultimate church. That church had two kinds of members, a group of the perfect and a group of auditors, those we would call today catechumens. The perfect always abstained from wine, meat, and sexual activity; the auditors abstained only on Sundays. It is not difficult to imagine the Manichean approach to sexuality and marriage. Both were evil in themselves and, therefore, to be avoided. Against this approach Augustine repeated the argument of Clement and Irenaeus: Sexuality and marriage, created by God, must be essentially good.

Pelagianism derived its name from a Briton, Pelagius, who lived in Rome around the year 380, though the Pelagian debate with Augustine was led more by Pelagius’

disciple, Julian, the bishop of Eclanum. The debate centered around the extent of *'adam's* original fall from grace. Augustine taught that the original sin seriously impaired human nature, so that after the Fall men and women could not do without grace what they had been able to do without it before the Fall. Pelagius, on the contrary, taught that the Fall left human nature unimpaired, so that men and women could do after the Fall what they had been capable of doing prior to the Fall without any help from grace. Against the Pelagians Augustine taught that the results of the Fall make it very difficult to avoid sin in sexual intercourse, even in marriage. The Pelagians, therefore, accused him of being a Manichee and of teaching that marriage and sexual intercourse are necessarily sinful.¹¹⁰ They will be followed in this by many a modern writer who adverts only to Augustine's anti-Pelagian writings. For such a complex writer, caught in the crossfire of two opposing heresies, that is too simple a procedure to be correct.

Augustine's basic statement about sexuality and marriage is ubiquitous, firm, and clear. Contrary to those Manichee heretics who hold that sexuality is evil and who condemn and prohibit marriage and sexual intercourse, he states that sexuality and marriage were created good by a good God and cannot lose that intrinsic goodness.¹¹¹ He specifies the good of marriage as threefold and insists that even after the Fall the marriages of Christians still contain this threefold good: fidelity, offspring, sacrament. "It is expected that in fidelity neither partner will indulge in sexual activity outside of marriage; that offspring will be lovingly accepted, kindly nurtured, and religiously educated; that in sacrament the marriage will not be dissolved and that neither partner will be dismissed to marry another, not even for the sake of offspring."¹¹² In this triple good, Augustine intends the mutual fidelity of the spouses, the procreation of children, and indissolubility. Procreation has priority because "from this derives the propagation of the human race in which a living community is a great good."¹¹³ And yet, to some extent, the good of the sacrament is valued above the good of procreation, for he insists, as we have just seen, that a marriage cannot be dissolved, "not even for the sake of offspring." There may be here the seed of a Christian attitude toward marriage that moves away from the priority of procreation to the priority of communion between the spouses, in the image of the communion between Yahweh and Israel and between Christ and the Church. We shall see throughout this book that these two priorities have been given quite different weights at different times in Roman Catholic history, and that in the contemporary Roman Catholic approach they are given equal weights.

Alongside the tradition of the threefold good of marriage, Augustine advances yet another good, that of friendship between the sexes. In *The Good of Marriage*, after asserting that marriage is good, he gives an interesting explication of why it is good: "It does not seem to me to be good only because of the procreation of children, but also because of the natural companionship between the sexes. Otherwise, we could not speak of marriage in the case of old people, especially if they had either lost their children or had begotten none at all."¹¹⁴ Later in the same work, he returns to that idea: "God gives us some goods which are to be sought for their own sake,

such as wisdom, health, friendship, [and] . . . others for the sake of friendship, such as marriage or intercourse, for from this comes the propagation of the human race in which friendly association is a great good.”¹¹⁵ “In these passages,” Mackin judges, “Augustine has enriched the source whence Catholic canonists and theologians will later draw one of their ‘secondary ends’ of marriage, . . . the *mutuum adiutorium* of the spouses, their mutual help, or support.”¹¹⁶ We believe Augustine has done more. He has falsified in advance the claim of those modern commentators who say that only in modern times have sexual intercourse and marriage been seen in the context of the relationship of spouses. But the source of what appears problematic in Augustine’s teaching about marriage seems always to derive from what he says against the Pelagians. To this, therefore, we now turn.

The basic position can be stated unequivocally, and there can be no doubt about it: Sexual intercourse between a husband and a wife is created good by God. It can, as can any good, be used sinfully but, when it is used sinfully, it is not the good itself that is sinful but its disordered use. It is a balanced principle to which Augustine will return at the end of his life in his *Retractiones*. Evil and sin are never substantial; they are only in the will. Nevertheless, he believes there is in men and women a concupiscence that causes sin, a disordered pursuit by any appetite of its proper good, a pursuit that since the Fall is difficult to keep within proper limits. With this belief in mind, it is not difficult to understand all that Augustine says about sexuality and marriage. Against the Pelagian, Julian, he explains carefully: “Evil does not follow because marriages are good, but because in the good things of marriage there is also a use that is evil. Sexual intercourse was not created because of the concupiscence of the flesh, but because of good. That good would have remained without that evil if no one had sinned.”¹¹⁷ His judgment appears beyond doubt: There is one thing that is good, namely, sexual intercourse in marriage, and another thing that is evil, namely, concupiscence, that can mutate the good into evil. His position is much more nuanced than many notice or admit: Sexual intercourse is good in itself, but there are uses which can render it evil.

The condition under which intercourse is good is the classic Stoic condition we have already seen in the Alexandrians, namely, when it is for the begetting of a child. After the Fall, any other use, even between the spouses in marriage, is at least venially sinful. “Conjugal sexual intercourse for the sake of offspring is not sinful. But sexual intercourse, even with one’s spouse, to satisfy concupiscence [disordered desire] is a venial sin.”¹¹⁸ It is not sexual intercourse per se between spouses that is sinful, but intercourse vitiated by concupiscence. Sexual intercourse for the stoically natural reason, the procreation of children, is good; intercourse that results from concupiscence is sinful. In effect, since the Fall of humankind and the rise of concupiscence, the sexual appetite is always threatened by disorder and, therefore, by sinfulness. It is not, however, the sexual appetite that is sinful; it is good. The Fathers of the Old Testament, Augustine argues, took a “natural delight” in sexual intercourse and it was not sinful because it “was in no way given rein up to the point of unreasoning

and wicked desire.”¹¹⁹ It is clear that it is disordered and unreasonable sexual intercourse fired by concupiscence that is sinful, not sexual intercourse per se. “Whatever, therefore, spouses do together that is immodest, shameful, filthy, is the vice of men, not the fault of marriage.”¹²⁰ And what is “immodest, shameful, and filthy” is the concupiscent desire for sexual pleasure.

Pope Gregory the Great shared Augustine’s judgment that, because of the presence of concupiscence, even genital pleasure between spouses in the act of procreation is sinful. He went further and banned from access to the Church those who had just had pleasurable intercourse. “The custom of the Romans from antiquity,” he explained, “has always been, after sexual intercourse with one’s spouse, both to cleanse oneself by washing and to abstain reverently from entering the church for a time. In saying this we do not intend to say that sexual intercourse is sinful. But because every lawful sexual intercourse between spouses cannot take place without bodily pleasure, they are to refrain from entering the holy place. For such pleasure cannot be without sin.”¹²¹ Again, it is clear that it is sexual pleasure that is sinful, and it is not difficult to see how such a doctrine could produce a strong ambivalence toward sexuality and marriage. That ambivalence weighed heavily in subsequent history on the theory and practice of Christian marriage.

In summary of this section on the Fathers of the Church, we can say that, though the relational and procreational meanings of sexual activity we found in Genesis remain, they have been seriously prioritized. Though the judgment remains that sexuality and sexual activity are good because they were created good by the good God, their goodness is threatened by the pleasure associated with sexual intercourse and by the concupiscence engendered by sin. This position is much in evidence in Augustine, who taught that sexual activity in marriage is good when it is for the purpose of procreation and venially sinful when, “even with one’s spouse, [it is] to satisfy concupiscence.”¹²² The Catholic aversion to sexual pleasure reached its high point when Pope Gregory the Great banned from access to church anyone who had just had *pleasurable* intercourse. We accept as accurate Brundage’s judgment of the effect of that patristic history: “The Christian horror of sex has for centuries placed enormous strain on individual consciences and self-esteem in the Western world.”¹²³ This might be the place, however, to introduce a linguistic caveat. Medieval Latin had no words for the modern concepts of “sex” and “sexuality.” Payer, therefore, correctly points out that “in the strictest sense there are no discussions of sex in the Middle Ages.” He goes on to point out that Foucault’s claim that “the relatively late date for the invention of sex and sexuality is, I believe, of paramount significance. The concept of sex and sexuality as an integral dimension of human persons, as an object of concern, discourse, truth, and knowledge, did not emerge until well after the Middle Ages.”¹²⁴ This caveat has significance for all that has gone before and all that comes after in this book.

The Penitentials

Many of the attitudes and teachings of the Fathers with respect to sexuality and marriage can be found in the manuals known as Penitentials, which flourished in

ecclesiastical use from about the sixth to the twelfth century C.E. The Penitentials were designed to help confessors in their pastoral dealings with penitents in confession, providing lists of sins and corresponding penances. They were, however, more than just lists of sins and penances. They were also manuals of moral education for the confessor, and what the confessor learned, of course, his penitents also learned. Penitentials took the abstract teachings of the Church and concretized them at the level of practice, in this case the practice of the new penance introduced by the Celtic monks in the sixth century. They are sure guides for us as we explore the moral teaching of the Church at the time of their publication with respect to sexuality and marriage.

John McNeill's opinion is impossible to gainsay: "It is doubtful whether any part of the source literature of medieval social history comparable in importance to the Penitentials has been so generally neglected by translators. The difficulty of the texts and an unjust contempt on the part of some historians for the materials have probably contributed to this neglect."¹²⁵ Luckily, that neglect has been somewhat rectified since McNeill wrote, and we have plenty of material to choose from. Both the sins and the accompanying penances in the Penitentials are frequently curious and extreme, but for the purposes of this book we concentrate only on those sexual sins inside and outside marriage, what was sexually prescribed and proscribed in and out of marriage, and how seriously offences were punished.

The general rule for sexual behavior in the Penitentials is the ancient Stoic one and the one we have found in the Christian tradition from Clement onward: Sexual intercourse is permitted only between a man and a woman who are married and, even then, only for procreation. Every other sexual act is proscribed and, therefore, nonprocreative intercourse is prohibited. The sixth-century Irish Penitential of Finnian of Clonard prescribes that "if anyone has a barren wife, he shall not put away his wife because of her barrenness, but they shall both dwell in continence and be blessed if they persevere in chastity of body until God pronounces a true and just judgment upon them."¹²⁶ There is, however, no mention of any sin or penance if they do not remain continent. Both oral and anal sex are also prohibited, most frequently between male homosexuals but also between heterosexuals. The Anglo-Saxon canons of Theodore (ca. 690) prescribe that "whoever emits semen into the mouth shall do penance for seven years; this is the worst of evils,"¹²⁷ and "if a man should practice anal intercourse he must do penance as one who offends with animals," that is, for ten years.¹²⁸ Masturbation falls into the category of nonprocreative sexual behavior and is, therefore, prohibited.¹²⁹ The Celtic Penitential of Columban (ca. 600), closely related to that of Finnian, prescribes that "if anyone practices masturbation or sins with a beast, he shall do penance for two years if he is not in [clerical] orders; but if he is in orders or has a monastic vow, he shall do penance for three years unless his [tender] age protects him."¹³⁰ This is an interesting exception for those of tender age, though whether age protects from the sin or from the penance is not clear from the text.

Theodore also proscribes male homosexuality with severe penances: "A male who commits fornication with a male shall do penance for ten years"; "sodomites shall

do penance for seven years”; and “he who commits this sexual offense once shall do penance for four years, if he has been in the habit of it, as Basil says, fifteen years.”¹³¹ There is some mitigation, however, for what may be seen as experimentation; if a boy engages in homosexual intercourse, the penance is two years for the first offense and four years if he repeats it. Payer notes that “for the writers of the Penitentials *adulterium* seems not to have been a univocal term but to have had a wider extension than the word *adultery* does today.”¹³² It can be understood in its modern meaning of sexual intercourse between two people, one of whom, at least, is married; it can also be understood in the modern meaning of fornication. It is prohibited but the penances, except for higher ecclesiastics, are relatively short. Finnian decrees that “if any layman defile his neighbor’s wife or virgin daughter, he shall do penance for an entire year on an allowance of bread and water and he shall not have intercourse with his own wife.”¹³³

Besides the sexual sins enumerated, there are also concerns for ritual purity, the most widespread being concern for seminal emission other than masturbation, usually named pollution. The early-sixth-century *Excerpts from a Book of David* prescribes that “he who *intentionally* becomes polluted in sleep shall get up and sing seven psalms and live on bread and water for that day; but if he does not do this he shall sing thirty psalms.”¹³⁴ The Celtic Penitential of Cummean (ca. 650) has a similar canon: “He who is *willingly* polluted during sleep shall arise and sing nine psalms in order, kneeling. On the following day he shall live on bread and water or he shall sing thirty psalms.” It adds a second canon: “He who desires to sin during sleep, or is unintentionally polluted, fifteen psalms; he who sins and is not polluted twenty four.”¹³⁵ How one could sin during sleep is a question, but it need not detain us here. What concerns us is the idea of seminal pollution needing the remedy of penance. Sexual intercourse between a husband and a wife is not always a good thing. Cummean prescribes that “he who is in a state of matrimony ought to be continent during the three forty-day periods [prior to Christmas, prior to Easter, and after Pentecost] and on Saturday and Sunday, night and day, and in the two appointed week days [Wednesday and Friday], and after conception, and during the entire menstrual period.”¹³⁶ A quick calculation reveals that few days remain available for intercourse.¹³⁷

Women’s sexual purity also figures in the Penitentials. Theodore prescribes that “women shall not in the time of impurity enter into a Church, or communicate, neither nuns nor laywomen; if they presume [to do this], they shall fast for three weeks.” He further prescribes that “in the same way shall they do penance who enter a Church before purification after childbirth, that is, forty days,” and “he who has intercourse at these seasons shall do penance for twenty days.”¹³⁸ Recall here Gregory the Great (d. 604), contemporaneous with the early Penitentials, who agreed with Augustine’s judgment, that because of concupiscence, genital pleasure between spouses even in the act of procreation is sinful. He banned from access to the Church those who had just had pleasurable intercourse and required them to cleanse themselves by washing.

An obvious summary and conclusion emerges from this medieval analysis: a strong Catholic negativity toward sexuality, even between a husband and a wife in marriage. Gula's judgment is accurate. The Penitentials helped shape "a moral perspective which focused on individual acts, on regarding the moral life as a matter of avoiding sin, and on turning moral reflection into an analysis of sin in its many forms."¹³⁹ They also helped shape, in Catholic moral teaching, an immature focus on genitalia. That focus and the act-centered morality it generated were perpetuated in the numerous manuals published in the wake of the reforms of clerical education mandated by the Council of Trent. These manuals controlled seminary education well into the twentieth century and continued to propagate both an act-centered morality and a Catholic ambivalence toward both sexuality and marriage.¹⁴⁰

Scholastic Doctrine

Augustine's teaching controlled the approach to sexuality and marriage in the Latin Church until the thirteenth century, when the Scholastic theologians made some significant alterations to it. The Scholastic sexual ethic remained an ethic for marriage, and Thomas Aquinas took over Augustine's three goods of marriage and transformed them into three ends of marriage. Aquinas shared Aristotle's view that humans, though sharing in the genus animal, were constituted by their reason a species apart from all other animals. This reason enables them to apprehend the ends proper to human animals, inscribed in the so-called natural law flowing from the design of the creator God. What were for the Neoplatonic Augustine goods of marriage therefore become for the Aristotelian Aquinas ends of marriage, and ends established in a "natural" priority.

"Marriage," Aquinas argues, "has as its principal end the procreation and education of offspring, . . . and so offspring are said to be a good of marriage." It has also "a secondary end in man alone, the sharing of tasks which are necessary in life, and from this point of view husband and wife owe each other faithfulness, which is one of the goods of marriage." There is another end in believers, "the meaning of Christ and Church, and so a good of marriage is called sacrament. The first end is found in marriage in so far as man is animal, the second insofar as he is man, the third is so far as he is believer."¹⁴¹ As is customary in Aquinas, this is a tight and sharply delineated argument, and its terminology *primary end–secondary end* came to dominate discussion of the ends of marriage in Roman Catholic manuals for seven hundred years. But neither the sharpness of the argument nor the authority of the author should be allowed to obscure the fact that it is also a very curious argument, for it makes the claim that the primary end of specifically *human* marriage is dictated by humanity's generically *animal* nature. It was precisely this curious argument that would be challenged in the twentieth century, leading to a more personal approach to the morality of both sexual activity and marriage.

Aquinas, of course, wishes to insist that reason must have control. Not that there is any rational control *in* the act of sexual intercourse, for animals lack reason. But there is reason *before* human intercourse and, because there is, sexual intercourse between a husband and a wife is not sinful. Excess of passion, which corrupts virtue and which is, as in Augustine, sinful, is what not only impedes reason but also destroys it. Such is not the case with the intensity of pleasure in sexual intercourse for, “though a man is not then under control, he has been under the control of reason in advance.”¹⁴² Besides, nature has been created good by God, so that “it is impossible to say that the act in which offspring are created is so completely unlawful that the means of virtue cannot be found in it.”¹⁴³ Some ambivalence toward sexual desire, activity, and pleasure remains. As in Plato and Aristotle, they are “occupations with lower affairs which distract the soul and make it unworthy of being joined actually to God,”¹⁴⁴ but they are not sinful at all times and in all circumstances. Indeed, within the ends of marriage they are meritorious,¹⁴⁵ and Aquinas asserts explicitly that to forgo the pleasure and thwart the end would be sinful.¹⁴⁶ This latter opinion leads Messenger to go beyond Aquinas and declare that “both passion and pleasure are natural concomitants of the sex act, and so far from diminishing its goodness, if the sex act is willed beforehand according to right reason, the effect of pleasure and passion is simply to heighten and increase the moral goodness of the act, not in any way to diminish it.”¹⁴⁷ That is a defensible opinion within Aquinas’s system, and a far cry from Augustine and Gregory. It is also a move toward the liberation of marriage, legitimate sexual intercourse, and sexual pleasure from any taint of sin and also toward their recognition as a sign and a cause of grace, that is, as a sacrament.

The early Scholastics did not doubt that marriage was a *sign* of grace. But because of their negative evaluation of sexual activity, they seriously doubted that it could ever be a *cause* of grace. They hesitated, therefore, to include it among the sacraments of the Church, defined in the categories of both sign and cause. “A sacrament, properly speaking,” Peter Lombard teaches, “is a sign of the grace of God and the form of invisible grace in such a way that it is its image and its cause. Sacraments are instituted, therefore, not only for signifying grace but also for causing it.”¹⁴⁸ He proceeds to list the sacraments of the New Law, carefully distinguishing marriage from sacraments properly so called. “Some offer a remedy for sin and confer helping grace, such as baptism; others offer a remedy only, such as marriage; others support us with grace and virtue, such as eucharist and orders.”¹⁴⁹ Marriage is a sacrament for Lombard, as it was for Augustine, only in the general sense that it is a sign, “a sacred sign of a sacred reality, namely, the union of Christ and the Church.”¹⁵⁰

The Dominicans Albert the Great and Aquinas had no such hesitations and they firmly established marriage among the sacraments of the church. In his commentary on Lombard, Albert lists the various opinions about the sacrament of marriage and characterizes as “very probable” the opinion holding that “it confers grace for doing good, not just any good but that good specifically that a married person should do.”¹⁵¹ In his commentary on Lombard, Aquinas goes further, characterizing as

“most probable” the opinion that “marriage, insofar as it is contracted in faith in Christ, confers grace to do those things which are required in marriage.”¹⁵² In his *Contra Gentiles*, he is even more positive, stating bluntly that “it is to be believed that through this sacrament [marriage] grace is given to the married.”¹⁵³ By the time he achieved his mature thought in the *Summa theologiae*, he lists marriage among the seven sacraments with no demur whatever about its grace-conferring qualities and, by the Reformation, his opinion was held universally by theologians. A further scholastic teaching about marriage that was to become central to marriage discussions in the twentieth century should be noted here, namely, the personal relationship and equality between husband and wife. Both Aquinas and Bonaventure write about the importance of this relationship. Aquinas understood, at least inchoately, that the relationship between men and women should be one of friendship and that sexual intercourse enhances that friendship as well as being a means to procreation;¹⁵⁴ Bonaventure calls the friendship between spouses the sacrament of the relationship between God and the soul.¹⁵⁵ Sufficient proof that any claim that the mutual love between spouses is an exclusively modern concern is quite unhistorical.

The Modern Period

Albert the Great and Aquinas established marriage among the sacraments of the Church, and from their era onward the sacrament of marriage began to assume center stage in theological analyses. When Pietro Cardinal Gasparri codified Catholic law in the 1917 *Code of Canon Law*, book 3, title VII, on marriage was heavily inspired by his influential book on marriage, *Tractatus canonicus de matrimonio*, published in 1892. Three prominent notions were developed in that book: Marriage is a contract; the formal object of the contract is the permanent and exclusive right of the spouses to each other’s bodies for sexual intercourse that leads to procreation; and the primacy of procreation over every other end of marriage. These three notions were not traditional in magisterial teachings but were all novel opinions in Gasparri’s work and, therefore, in the code that his work dominated. With respect to the notion of marriage as contract, even Gasparri himself acknowledged that marriage was never considered a contract in either Roman or European law.¹⁵⁶ With respect to the right to the use of the other’s body for procreative intercourse, Fellhauer demonstrates in a comprehensive analysis that there is no magisterial source “which presents the juridical essence of marriage as the *ius in corpus* (right to the body) for procreation or which identifies the object of consent in similar terms.”¹⁵⁷ With respect to the ends of marriage, Navarette points out in an equally comprehensive analysis that, in the documents of the Magisterium and in the corpus of canon law itself, “we find hardly anything about the ends of marriage precisely as goals until the formulation of Canon 1013, 1.”¹⁵⁸ He further points out that a preliminary version of Canon 1013 indicated no hierarchy of ends and concludes that the 1917 *Code of Canon Law* is the first official document of the Catholic Church to embrace

the terminology *primary end–secondary end*. Gasparri’s three contributions, therefore, are hardly traditional Church doctrine, but they did control the Church’s approach to both marriage and the morality of marital sexuality from 1917 to 1964.

The 1917 *Code of Canon Law* yields the following reductionist definition of both the contract and the sacrament of marriage, which are inseparable in the marriages of baptized persons. Marriage is “a permanent society (Can. 1082), whose primary end is procreation and nurture (Can. 1013), a society that is in species a contract that is unitary and indissoluble by nature (Can. 1012 and 1013, 2), whose substance is the parties’ exchanged rights to their sexual acts (Can. 1081, 2).”¹⁵⁹ That definition articulates the essence of marriage that controlled the arguments in Catholic tribunals up to the Second Vatican Council, when it was displaced. We call it a reductionist definition because, though it carefully specifies what is included in the essence of marriage, it equally carefully specifies, at least by implication, what is left out. It was precisely on that basis that it was attacked and eventually displaced.

In December 1930, in response to the Anglican Lambeth Conference’s approval of artificial contraception as a moral action in certain situations, Pope Pius XI published an important encyclical on marriage, *Casti connubii*. In it, predictably, he insisted on everything we have just considered as the juridical essence of marriage but, unpredictably, he did more. He retrieved and gave a prominent place to a long-ignored item from the *Catechism of the Council of Trent*: marriage as a union of conjugal love and intimacy. If we consider only the juridical definition of marriage, we could reasonably conclude that marriage has nothing to do with mutual love, that a man and a woman who hated one another could be married as long as each gave to the other the right over her or his body for procreation. By emphasizing the essential place of mutual love in a marriage, Pius firmly rejected such nonsense and placed the Catholic view of marriage on the track to a more personal definition.

Marital love, Pius teaches, does not consist “in pleasing words only, but in the deep attachment of the heart [will] which is expressed in action, since love is proved by deeds.” This love proved by deeds “must have as its primary purpose that husband and wife help each other day by day in forming and perfecting themselves in the interior life . . . and above all that they may grow in true love toward God and their neighbor.”¹⁶⁰ So important is the mutual love and interior formation of the spouses, he continues, that “it can, in a very real sense, as the Roman Catechism teaches, be said to be the *chief reason and purpose of marriage*, if marriage be looked at not in the restricted sense as instituted for the proper conception and education of the child, but more widely as the blending of life as a whole and the mutual interchange and sharing thereof.”¹⁶¹ In these wise words, Pius directs us to see that there is more to the essence of marriage than can be contained in the cold, precise canonical categories of the reductionist definition. European thinkers were poised to point in the same direction, most influentially two Germans, Dietrich Von Hildebrand and Heribert Doms.

Von Hildebrand and Doms

In the opening paragraph of his work on *Marriage*, written in 1939, Von Hildebrand states the problem precisely. The modern age, he suggests, is guilty of a terrible antipersonalism, “a progressive blindness toward the nature and dignity of the spiritual person.” This antipersonalism expresses itself in all kinds of materialism, the most dangerous of which is biological materialism, which considers the human being as a more highly developed animal: “Human life is considered exclusively from a biological point of view and biological principles are the measure by which all human activities are judged.”¹⁶² The Catholic juridical approach to marriage, with its insistence on rights over bodies and their physiological functions, is wide open to the charge of biological materialism. So, too, is the centuries-old Stoic-cum-Christian doctrine that argues from physiological structure to human “nature” and to “natural” ends (recall the question we raised about this approach in the prologue). So, too, is Aquinas’s position that founds the primary end of *human* marriage in the *biological* structure of men and women. In contrast to this biological approach, Von Hildebrand introduced a radical innovation in thinking about marriage, claiming that Pius XI and *Casti connubii* support his central thesis that marriage is for the building up of loving communion between the spouses. Conjugal love, he claims, is the primary meaning and ultimate end of marriage.¹⁶³

In marriage, Von Hildebrand argued, the spouses enter an interpersonal relationship, in which they confront one another as I and Thou, as Ego and Other, and “give birth to a mysterious fusion of their souls.”¹⁶⁴ This fusion of their innermost personal beings, not merely the fusion of their physical bodies, is what the oft-quoted “one body” of Genesis intends. This interpersonal fusion is the primary meaning of the spouses’ mutual love and of their sexual intercourse, which is the symbol of that love, and intercourse achieves its end when it expresses and leads to such fusion: “Every marriage in which conjugal love is thus realized bears spiritual fruit, becomes *fruitful*—even though there are no children.”¹⁶⁵ The parentage of such thought in modern personalist philosophy is as clear as the parentage of biological-natural thought in Stoic philosophy. Parentage or sociohistorical origin, of course, tells us nothing about the truth or falsity of a statement; to assume that it does is a genetic fallacy. More important than origin, however, is the deep resonance of such an interpersonal description of marriage and lovemaking with the lived experience of married couples.

Doms agreed with Von Hildebrand in that what is natural or unnatural for human animals is not to be decided on the basis of what is natural or unnatural for nonhuman animals. Humans are specifically spiritual animals, vitalized by a spiritual soul, and are not to be judged, as the Stoics and Aquinas judged them, on the basis of animal biology. Human sexuality is essentially the capacity and the desire to fuse, not merely one’s body, but one’s very self with an other person. Sexuality drives a human to make a gift of herself or himself (not just of her or his body) to an other,

in order to create a communion of persons and of lives that fulfills them both. In such a perspective, marital intercourse is a powerful, interpersonal activity in which a woman gives herself to a man and a man gives himself to a woman, and in which they accept the gift of each other, to express and procreate, if you will, marital communion.

The primary end of sexual intercourse in this perspective is the loving communion between the spouses, a communion that is both signified and enhanced, or “made,” in intercourse. Popular language is correct; in their sexual intercourse, spouses “make love.” This primary end is achieved in every act of intercourse in which the spouses actually enter into intimate communion. Even in childless marriages, marriage and intercourse achieve their primary end in the marital communion of the spouses, their *two-in-oneness*, as Doms would have it. He summarizes his case in a clear statement: “The immediate purpose of marriage is the realization of its meaning, the conjugal two-in-oneness. . . . This two-in-oneness of husband and wife is a living reality, and the immediate object of the marriage ceremony and their legal union.” The union of the spouses tends naturally to the birth and nurture of new persons, their children, who focus the fulfillment of their parents, both as individuals and as a two-in-oneness. “Society is more interested in the child than in the natural fulfillment of the parents, and it is this which gives the child primacy among the natural results of marriage.”¹⁶⁶ Since Doms wrote, social scientific data have demonstrated that the well-being of the child is a function of the well-being of its parents,¹⁶⁷ suggesting that the relationship between the spouses is the primary natural result of marriage because all other relationships in the family depend on it.

The Church’s immediate reaction to these new ideas, as has been so often the case in theological history, was a blanket condemnation, which made no effort to sift truth from error. In 1944, the Holy Office condemned “the opinion of some more recent authors, who either deny that the primary end of marriage is the generation and nurture of children, or teach that the secondary ends are not essentially subordinate to the primary end, but are equally primary and independent.”¹⁶⁸ In 1951, as the opinions of Von Hildebrand and Doms persisted and attracted more adherents, Pius XII felt obliged to intervene again. The truth is, he taught, that “marriage, as a natural institution in virtue of the will of the creator, does not have as a primary and intimate end the personal perfection of the spouses, but the procreation and nurture of new life. The other ends, in as much as they are intended by nature, are not on the same level as the primary end, and still less are they superior to it, but they are essentially subordinate to it.”¹⁶⁹ The terms of the problem could not be more precise. Some traditionalists, adherents to what is known as New Natural Law Theory, continue to bring forward these magisterial condemnations as proof that the traditional hierarchy among the ends of marriage is still the official magisterial position and, therefore, is to be followed.¹⁷⁰ They ignore the fact that the balance was seriously altered by the Second Vatican Council’s document *Gaudium et spes*.

The Second Vatican Council

Before the Second Vatican Council opened in 1962, the bishops had been sent a preparatory schema on “Chastity, Virginity, Marriage, and Family.” We consider the fate of this schema to introduce a contemporary Catholic approach to sexuality and marriage and conclude this chapter. The schema had been prepared by the Theological Commission chaired by Alfredo Cardinal Ottaviani, then prefect of the Holy Office, who explained that the schema laid out the “objective order, . . . which God himself willed in instituting marriage and Christ the Lord willed in raising it to the dignity of a sacrament. Only in this way can the modern errors that have spread everywhere be vanquished.”¹⁷¹ Among the many errors specified are “those theories that subvert the right order of values and make the primary end of marriage inferior to the biological and personal values of the spouses, and proclaim that conjugal love itself is in the objective order the primary end.”¹⁷² The schema highlights the primary end–secondary end terminology, the primary end being the procreation and nurture of children, the secondary end the mutual help of the spouses. The debate in the Preparatory Commission, and again in the council when elements of the schema made it to the floor for discussion on what became *Gaudium et spes*, centered on the hierarchy of the ends of marriage, specifically on the relative values of conjugal love and the procreation of children. For our purposes here, only the outcome of that debate, as it was promulgated in *Gaudium et spes*, need be discussed.

The debate was initiated in the Theological Commission itself, and its main direction may be summed up in the words of Cardinal Alfrink. “Conjugal love,” he argued, “is an element of marriage itself and not just a result of marriage. . . . Conjugal love belongs to marriage, at least if marriage be not considered as merely a juridical contract. And, in the objective order, the primary end of this conjugal love remains offspring.”¹⁷³ We have already highlighted the juridical essence of marriage as it is described in the *Code of Canon Law*, and Ottaviani’s proposed schema replicated that juridical essence. Much of the debate in the commission was opposed to that merely juridical way of looking at marriage and marital love. Alfrink, a biblical scholar, pointed out that “the Hebrew verb *dabaq*, in Greek *kollao*, does suggest physical, bodily, sexual union, but it suggests above all spiritual union which exists in conjugal love. Sacred Scripture itself insinuates this when it compares conjugal union to the union between parents and children which is spiritual and presupposes love.”¹⁷⁴ This, he continued, is the way modern women and men think, more spiritually, more humanly, and indeed more biblically and theologically.

Julius Cardinal Dopfner agreed. The entire section of the schema dedicated to marriage should be withdrawn, he suggested, because of the absence of any serious discussion of conjugal love which modern women and men take so much for granted: “Any constitution [on marriage] should speak persuasively to Christian spouses so that they would willingly assume the burden of a numerous family. . . . It is not enough to propose conjugal love as a virtue, or as an extraneous subjective end of marriage, and to exclude it from the very structure of marriage itself.”¹⁷⁵ The

battle lines were already clearly drawn in the Preparatory Commission; either the “traditional”¹⁷⁶ juridical approach to marriage or a renewed interpersonal approach in which conjugal love is of the essence of marriage. The latter approach began to win in the commission¹⁷⁷ and won, finally, in the council itself.

Gaudium et spes, into which the preparatory schema’s section on marriage was inserted in its preliminary stage, opens its teaching on marriage by following Cardinals Alfrink, Dopfner, Suenens, and many other members of the Central Preparatory Commission in describing marriage as a “communion of love,”¹⁷⁸ an “intimate partnership of conjugal life and love.”¹⁷⁹ The position of the majority of the Council Fathers could not be clearer. In the face of strident demands to relegate the conjugal love of the spouses to its customary secondary place in marriage, they declared conjugal love to be of the very essence of marriage, a clear rejection of an exclusively juridical approach. There was another explicit rejection of Gasparri. Marriage, the council declared, is founded in a “conjugal covenant of irrevocable personal consent.”¹⁸⁰ Gasparri’s word *contract* is replaced by the biblical word *covenant*, which has the same juridical outcomes as contract but also situates marriage in a biblical-theological and *interpersonal* context rather than in an exclusively *juridical* one. The insertion into the text of the biblical term *covenant* was explained in the commentary given to the Council Fathers along with the revised text in September 1965: “There is no mention of ‘matrimonial contract’ but, in clearer words, of ‘irrevocable personal consent.’ The biblical term ‘covenant’ (*foedus*) is added at the intuition of the Eastern Churches for whom ‘contract’ raises some difficulties.”¹⁸¹ The understanding of *covenant* as used by the council is dependent upon the intuition of the Eastern Churches and to this intuition, therefore, we must briefly turn.

The Orthodox intuition of marriage as covenant is located within the *oikonomia* of the biblical covenants of God with Israel and the Church. Covenantal election involves both God and people in a steadfast commitment, and in the Church the fullest expression of that commitment takes place in the sacrament of marriage. “The covenantal bond within which God works out our salvation is in essence a nuptial bond. And, conversely, the nuptial relationship achieves its true purpose and attains its true fullness only insofar as it is based upon an eternal covenantal commitment.”¹⁸² The purpose of marriage between a man and woman is to create between them “a bond of covenant responsibility and faithfulness that represents and reactualizes the eternal bond established by God with his chosen people,”¹⁸³ and so it is that marriage is “a great mystery” that refers to Christ and the Church (Eph 5:32). In such an expansive vision of marriage, it is little wonder that the narrow juridical vision of “contract” would create “some difficulties.” The use of *covenant* rather than *contract* deliberately takes marriage out of its traditional, juridical sphere and situates it in the sphere of interpersonal, religious, steadfast commitment and responsibility. Its identification as a “biblical term” insinuates its connection to the eternal covenants between God and Israel and Christ and the Church. This interpersonal characteristic is underscored by the choice, again in the

face of demands to remain with the traditional characterization, of a way to characterize the formal object of the covenanting. The council declares that the spouses “mutually gift and accept one another,”¹⁸⁴ rejecting the reductionist, material biological notion that they gift merely the right to the use of one another’s bodies. In their mutual personal covenanting and gifting, a man and a woman create an interpersonal communion of love that is permanent and is to last for the whole of life.

The Second Vatican Council also teaches that “by its very nature the institution of *marriage* and *married love* is ordered to the procreation and education of children, and it is in them that it finds its crowning glory.”¹⁸⁵ We have added emphasis to this citation to underscore not only the teaching of the council but also of the entire Catholic tradition prior to Paul VI’s *Humanae vitae*, namely, that *marriage*, not *each and every marriage act* as Paul VI taught, is to be open to the procreation of children.¹⁸⁶ Once procreation has been mentioned, one would expect a recitation of the hierarchical ends of marriage but, again despite insistent voices to the contrary, the council Fathers rejected the primary end–secondary end dichotomy. To make sure that its rejection was understood, the Preparatory Commission was careful to explain that the text just cited “does not suggest [a hierarchy of ends] in any way.”¹⁸⁷ Marriage and sexual love “are by their very nature ordained to the generation and education of children,” but that “does not make the other ends of marriage of less account,” and marriage “is not instituted solely for procreation.”¹⁸⁸

The intense debate that took place both in the Preparatory Commission and in the Second Vatican Council itself makes it impossible to claim the refusal to speak of a hierarchy of ends in marriage was the result of oversight or, as some New Natural Law Theorists argue, a mere avoidance of the primary–secondary terminology, leaving the concept in place.¹⁸⁹ It was the result of a deliberate, intentional, and explicit choice of the Catholic Church meeting in council. Any doubt was definitively removed in 1983 by the appearance of the revised *Code of Canon Law*, frequently called the last council document. “The *matrimonial covenant*, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered towards the good of the spouses and the procreation and education of offspring” (Can. 1055, 1). Notice three things. First, it is the *matrimonial covenant* and not *each and every act of intercourse* that is ordered toward procreation. Second, there is no specification of either of these ends being primary or secondary. And third, as in *Gaudium et spes*, the good of the spouses or *conjugal love* is discussed before procreation and education of children or the fruitfulness of marriage. The Catholic Church changed its canon law to be in line with its renewed theology of marriage, moving beyond the narrow juridical essence to embrace in the very essence of marriage the mutual love and communion of the spouses. Toward the end of the twentieth century, the Church had come a long way from the negative approach to sexuality and marriage bequeathed to it in a long tradition going back to the struggles of the Fathers against dualistic Encratites, Gnostics, and Manicheans. It

would be naive, and a complete ignorance of past conciliar history, to assume that the debate ended with the council.

Two theoretical models are available in the modern Catholic tradition for thinking about marriage, and each offers insight into the morality of sexual activity. One is an ancient one, a model of marriage as a procreative institution and of sexual intercourse within marriage as a primarily procreative action; the other is a modern model of marriage as an interpersonal union and of sexual intercourse within marriage as a primarily unitive action.¹⁹⁰ The model of marriage as procreative institution was thrust into center stage in the 1960s in a great debate about artificial contraception. We will provide a detailed analysis of that debate in chapter 5, and we mention it here only as it is connected to our discussion of Catholic models of marriage.¹⁹¹ Rigali offers a useful category in which to consider that debate. He asks not what was the *outcome* of the debate in Pope Paul VI's controverted *Humanae vitae*, which is well known, but what was the *process* whereby that outcome was reached.¹⁹² This process can be easily summarized.

The Papal Birth Control Commission

At the instigation of Leo Cardinal Suenens, archbishop of Malines, Belgium, whose ultimate intent was that an adequate document on Christian marriage be brought before the Second Vatican Council for debate, Pope John XXIII established a commission to study the issue of birth control. The commission was confirmed and enlarged by Pope Paul VI until it ultimately had seventy-one members, not all of whom attended its meetings or voted.¹⁹³ The final episcopal vote took place in answer to three questions. In answer to the question "Is contraception intrinsically evil?" nine bishops voted "No," three voted "Yes," and three abstained. In answer to the question "Is contraception, as defined by the Majority Report, in basic continuity with tradition and the declarations of the Magisterium?" nine bishops voted "Yes," five voted "No," and one abstained. In answer to the question "Should the Magisterium speak on this question as soon as possible?" fourteen voted "Yes" and one voted "No."¹⁹⁴ A preliminary vote of the theologians who were advisers to the commission, in response to the question "Is artificial contraception an intrinsically evil violation of the natural law?," had resulted in a count of fifteen "No" and four "Yes" answers.¹⁹⁵ Both a majority report and a minority report were then submitted to Paul VI, who—professing himself unconvinced by the arguments of the majority and probably also sharing the concern of the minority report that the Church could not repudiate its long-standing teaching on contraception without undergoing a serious blow to its overall moral authority—approved the minority report in his encyclical letter *Humanae vitae*.¹⁹⁶ The differential between the two groups is easily categorized.

The minority report, which became the controverted part of the encyclical, argued that "each and every marriage act [*quilibet matrimonii actus*] must remain open to the transmission of life."¹⁹⁷ As we have already noted, Paul VI was the first

to state the Church's teaching in this way. The tradition had always been that it is *marriage* itself, and not each and every act of intercourse in marriage, that is to be open to procreation, and that is what the majority report argued. It judged that "what had been condemned in the past and remains so today is the unjustified refusal of life, arbitrary human intervention for the sake of moments of egotistic pleasure; in short, the rejection of procreation as a specific task of marriage." It went on to assert that "human intervention in the process of the marriage act *for reasons drawn from the end of marriage itself* should not always be excluded, provided that the criteria of morality are always safeguarded."¹⁹⁸ The differential in the two positions was precisely the differential created by adherence to two different models of marriage, the minority report being based on the traditional procreative institution model and the majority report being based on the emerging interpersonal union model that had its origins in the 1930s and was embraced by the Second Vatican Council. McCormick commented in 1968 that "the documents of the Papal Commission represent a rather full summary of two points of view. . . . The majority report, particularly the analysis in its 'rebuttal,' strikes this reader as much the more satisfactory statement."¹⁹⁹ This continues to be the judgment of the majority of Catholic theologians and the vast majority of Catholic couples, because they adhere to the same interpersonal model on which the majority report was based—so much so that Farley can offer the judgment that "in much of Catholic moral theology and ethics, the procreative norm as the sole or primary justification of sexual intercourse is gone."²⁰⁰ Thirty-eight years after *Humanae vitae*, despite a concerted minority effort to make adherence to *Humanae vitae* a test case of genuine Catholicity, the debate between the procreative and interpersonal models perdures in the Church and is far from resolved, as we will see in the chapters that follow.

A summary of the approach to marriage and sexual activity in the modern period of Catholic theology and teaching is easy to present. The modern period represents yet one more development in Catholic theology and, to a lesser extent, in magisterial teaching. The major development in the Catholic theological approach to marriage is the recovery of the two purposes of marriage and sexual intercourse articulated in Genesis, the relational and procreational, and a rearranging of their relative priorities. Since Clement, Augustine, and Aquinas, the procreational became established in Catholic teaching as the *primary* purpose of sexual intercourse and the relational became relegated to a *secondary* purpose. Beginning with Pius XI's *Casti connubii* and culminating in the Second Vatican Council's *Gaudium et spes*, these two purposes of sexual intercourse have been equalized, so that neither is prior to the other. Marriage and sexual intercourse "are by their very nature ordained to the generation and education of children," but that "does not make the other ends of marriage of less account,"²⁰¹ and marriage "is not instituted solely for procreation."²⁰² Paul VI's *Humanae vitae* tried to change the terms of the debate over marriage and sexual intercourse by teaching for the first time in Catholic history that "each and every marriage *act* must remain open to the transmission of life,"²⁰³ but that judgment is controverted by the vast majority of Catholic believers and, "in much of Catholic

theology and ethics, the procreative norm as the sole or primary justification of sexual intercourse is gone.”²⁰⁴ With the reestablishing of the relational purpose for marriage and sexual intercourse, the judgment about the morality of any sexual act is now made by Catholic ethicists not on the basis of the *act* but on the basis of the place of the act with its *relational* context. We shall see as we proceed what difference that development makes to moral judgments.

Conclusion

This chapter has done two things. First, it has documented the origins and correctness of the claim we made at the outset: that traditional Catholic sexual morality is essentially *marital* morality. This morality is encoded in two magisterial statements: “Any human genital act whatsoever may be placed only within the framework of marriage,”²⁰⁵ and “Each and every act [of sexual intercourse] must remain open to the transmission of life.”²⁰⁶ We traced the origins of these two claims from the ancient Stoic philosophy, through the early, medieval, and modern Catholic tradition, down to the present day, when they are being reevaluated. This reevaluation, which is taking place in both theological and magisterial circles, is the second thing we documented. It was provoked by a new historical-critical approach, approved by the Magisterium, applied first to the sacred scriptures and then to the teaching of the Magisterium itself.

Pope Pius XII, in his 1943 encyclical *Divino afflante spiritu*, approved the historical-critical approach to the study of the Bible and instructed Catholic exegetes that their prime concern was “to arrive at a deeper and fuller knowledge of the mind of [the author].”²⁰⁷ Pius further taught that the way to arrive at that mind is “to discern and define that sense of the biblical words which is called literal.”²⁰⁸ When he wrote in 1943, it was boldly assumed that, at least in most instances, the mind of the author could be determined with “objective” exactitude using the tools of historical-critical analysis. In 1994, when the Pontifical Biblical Commission made the same claim about the importance of the literal meaning of the biblical text, it made it less boldly with the exigencies of a double hermeneutic in mind: “The Bible itself and the history of its interpretation point to the need for a hermeneutics. . . . On the one hand, all events reported in the Bible are interpreted events. On the other, all exegesis of the accounts of these events necessarily involves the exegete’s own subjectivity.”²⁰⁹ Meaning is always sociohistorically constructed and, if an interpreter is to arrive at the meaning intended by an author, then he or she has to be aware of the objective sociohistorical situation of both the ancient writer and the contemporary interpreter. This means in the concrete, for our present concern, that the Bible is not a moral manual to be followed slavishly without careful consideration of the situation of the text and of the situation of the human subject seeking to arrive at a moral judgment on the basis of the text. If this is true of the biblical text, the meanings of which found the Christian religion in general, it is also true a

fortiori of the patristic, medieval, and modern texts of the later ecclesiastical tradition. Textual historicity demands not unquestioning obedience but careful, attention, understanding, judgment, and decisions.

Because the Bible is not a manual of morality, neither is it a manual of sexual morality. It is concerned not with sexuality as such but with living a life according to the will of God. Neither biblical Hebrew and Greek nor medieval Latin had words for the modern concepts “sexuality” and “sex.” There are allusions to sexual acts, some of them frank and explicit but none of them constituting laws to be followed without question. All of them, to repeat, suffer the limitations introduced by their sociohistorical context; some of them also suffer from a seriously inaccurate understanding of human “nature” and a deficient sexual anthropology. This latter is particularly true of what the Bible and the early Fathers of the Church understand about human biology and say, for example, about “spilling the male seed.”²¹⁰ This seriously colors what the tradition has to say about human sexuality in general and about male homosexual activity in particular. It has almost nothing to say about female homosexual activity, but we shall withhold detailed discussion of this until chapter 7. We will present, in chapter 4, a revised but traditional, foundational sexual ethical principle in light of the historical development of sexual teaching in the Catholic tradition we have documented. Before we do that, however, we first investigate two Catholic schools of moral theology that have evolved in the wake of *Humanae vitae*, the traditionalists and the revisionists, together with the sexual anthropologies that each school offers.