

CATHOLIC SEXUAL ETHICS AND THE DIGNITY OF THE PERSON: A DOUBLE MESSAGE

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ROMAN CATHOLIC literature of the last 50 years is marked by a developing tendency to view the morality of sexual behavior and marriage in relation to personalist values. This is true not only of revisionist theologians, who criticize the older focus on procreative finality as excessively biologicistic, but also of magisterial and theological statements defending past teachings as still true to human nature fully understood. This essay will explore the origins and significance of personalist thought in Catholic sexual ethics. It will assess how a common language, alluding to personal dignity, is used by traditionalists and revisionists to advance quite different understandings of sexuality. The more established viewpoint is that to maintain the physical integrity of sexual acts is to respect the *embodied* nature of persons as procreative. The critical counterargument is essentially that physical acts and their outcomes can conflict with and may be subordinated to the needs of persons as *subjects* of bodily existence and to their responsibilities to others. The practical repercussions of these theoretical differences are all too clear; the internecine battle over artificial contraception has been the ecclesial equivalent in our century of the "war to end all wars." Realizing that with this phrase Woodrow Wilson marked World War I as an event never to be repeated, one prays that challenges still arising on the Church's horizon—artificial reproduction, homosexuality, heterosexual expression outside marriage, canonical regulation of marriage and divorce, and most particularly the role of women in marriage, family, and church—will not become the functional equivalents of World War II. Greater understanding of a five-decade struggle to interpret human sexual relationships may enlighten present controversies and clarify productive future directions for sexual ethics in continuity with Catholic tradition.¹

The significance of personalist thought, taking its lead in the 1930s pre-eminently from Herbert Doms,² lies in its explicit turn to marital

¹ I have benefited from suggestions of Paul Lauritzen (John Carroll University) and Barbara Andolsen (Rutgers University).

² Herbert Doms, *The Meaning of Marriage* (New York: Sheed and Ward, 1939); originally *Vom Sinn und Zweck der Ehe* (Breslau: Ostdeutsche Verlagsanstalt, 1935).

experience as a resource for moral reflection. Doms no doubt gave expression to currents of philosophical thought which had become gradually more prevalent and were ripe for application in Roman Catholic sexual theory. Personalism is a characteristically modern phenomenon in that it stresses the priority of the human subject. Hence it construes sexuality's meaning in terms of a range of values, especially intersubjective ones. Although the marital relationship includes the births and education of children, the personal relationship of spouses overshadows the contributions of fertility to family and species. The introduction of personalist themes has precipitated a basic shift in the way the priority of the traditional purposes of sexual acts (procreation and unity) is understood, a shift with effects still to be realized. Although the language even of *Casti connubii* (1930) granted that love, as a "mutual and intimate harmony," is "the elemental cause and reason for matrimony,"³ that encyclical still ranked procreation and mutual help as primary and secondary ends, both of marriage and of sexual acts.⁴ By the time of Vatican II (1965) these two purposes are mentioned equally, as requiring harmonization: "conjugal love" and "the responsible transmission of life."⁵ *Humanae vitae* (1968) follows *Gaudium et spes* by abandoning hierarchical language regarding the meanings of "the conjugal act" (the "unitive" and "procreative"⁶), but by stipulating their "inseparable connection" in each and every sexual act, still manages to retain the ban on artificial contraception originally formulated within the view exalting procreation.⁷

Subsequent teaching on sexuality, especially of the present pope, has attended increasingly to the personalist foundations of sexual obligations. Yet practical conclusions once yielded by the hierarchy of ends are defended even within this expanded understanding.⁸ Except that many writings with personalist foundations and traditionalist conclusions advert explicitly to continuity with past teaching and church authority,⁹ it would be remarkable that so significant a shift in foundations has not yielded parallel practical consequences. A similar inconsistency exists in the Code of Canon Law, particularly in light of the revisions undertaken

³ *Pius XI on Christian Marriage: The English Translation* (New York: Barry Vail Corporation, 1931) 12.

⁴ *Ibid.* 28.

⁵ *Gaudium et spes* (*The Documents of Vatican II*, ed. Walter M. Abbott, S.J. [New York: America, 1966] no. 51).

⁶ Paul VI, *Humanae vitae* (Paramus, N.J.: Paulist, 1968) no. 12.

⁷ *Ibid.* 14.

⁸ E.g., John Paul II, *Reflections on Humanae vitae: Conjugal Morality and Spirituality* (Boston: Daughters of St. Paul, 1984), general audience talks July 11–Nov. 28, 1984.

⁹ See, e.g., *Humanae vitae*, nos. 4 and 6 (New York: Paulist, 1968) 5–6.

in the wake of the Council. The 1983 Code reflects personalist values. It replaces the 1917 Code's definition of marriage as a contract in which is exchanged the right over one another's body with a view to the acts apt for procreation (*ius in corpus*), with a combination of covenant and contract language, and indicates that that to which the partners consent is the partnership of the whole of life (*communio*). One notes, however, that the conclusions about sacramental marriage, indissolubility, and divorce, once undergirded by the obsolete contract definition, remain in place alongside the less congenial covenant and partnership language.¹⁰

These inconsistencies notwithstanding, Catholic thinking about sexuality is on a trajectory toward appreciation of the interpersonal dimension as primary, with procreation in a secondary place. An important future question is how to recognize the importance of fertility and the nurturing of children without limiting the roles of women to motherhood or tying sexuality's meaning too closely to its biological dimensions. Wider concerns are the institutionalization of sexuality in marriage and family, and the morality of sexual activity beyond these institutions.¹¹ These questions can receive adequate replies only out of a thorough re-examination of the basic experiences and the moral and religious implications of human sexuality, marriage, parenthood, and family. Such a re-examination has yet to be accomplished.

PERSONALISM

In the 19th and early 20th centuries, Catholic moral theology approached sex with a narrow focus on the act of sexual intercourse with its natural procreative potential, and saw other dimensions of sexual experience as ancillary. Deliberately sought sexual pleasure was justified only within marriage; in marriage, only through continence could pro-

¹⁰ Space prohibits a thorough discussion of the evolution of canon law on marriage. Theodore Mackin, S.J., gives a detailed history and interpretation, *What is Marriage?* (New York: Paulist, 1982), and *Divorce and Remarriage* (New York: Paulist, 1984). Ladislav Orsy, S.J., critically discusses the 1983 Code, *Marriage in Canon Law* (Wilmington, Del.: Glazier, 1986). Also see Walter Kasper, *Theology of Christian Marriage* (New York: Crossroad, 1981).

¹¹ Works on the viability of marriage as institution, given the economic, social, and gender assumptions under which it has developed, include Franz Böckle, ed., *The Future of Marriage as Institution* (New York: Herder and Herder, 1970); Franz Böckle and Jacques-Marie Pohier, eds., *Sexuality in Contemporary Catholicism* (New York: Seabury, 1976). An important new direction is cross-cultural perspectives on the Western institution on which canon law and Church teaching is based. See the groundbreaking work of Eugene Hillman, *Polygamy Reconsidered: African Plural Marriages and the Christian Churches* (Maryknoll, N.Y.: Orbis, 1975).

creation be avoided,¹² though it need be neither intended nor possible in order for intercourse to be "licit." The morality of sexual acts and the marital relationship were measured with a closely marked ruler. The prevailing mentality is captured by Vermeersch's commentary on *Casti connubii*, posed in question-and-answer form, and embellished with headings like "What Are the Aberrations of the Conjugal Union Which Are Here Condemned by the Holy Father?" and "Are We to Understand This Solemn Promulgation as an Infallible Definition?" (yes).¹³

But how faithful was this approach to the experience of married couples? This challenge was presented by a few Continental theologians influenced by phenomenological philosophy, notably Dietrich von Hildebrand¹⁴ and Herbert Doms.¹⁵ Although von Hildebrand reacted against an overemphasis on procreation, he conceded that it is the primary purpose of marriage, though not its primary meaning, and clearly affirmed the validity of the teaching of *Casti connubii* on contraception. This, no doubt, was what was to save his work from the fate that met Doms's book, which the Congregation of the Holy Office ordered withdrawn from publication in the early 1940s.¹⁶ According to von Hildebrand, the love which gives marriage its primary meaning is a complete and exclusive self-offering or self-surrender of each spouse to the other.¹⁷ Although the experienced married couple might inquire whether any human love ever reaches that pinnacle of complete and total self-gift, von Hildebrand's work was a necessary corrective to an approach to marital sexuality which dislocated the moral analysis of sexual intercourse from its context in the lifelong relationship of the couple. Doms, whose work was to have more influence in the English-speaking world despite the Vatican intervention, sees marriage's meaning in the "two-in-oneness" or community of life of the couple. This two-in-oneness includes both love and sexual acts expressing love and leading to procreation.¹⁸

Of Aquinas' hypothesis that God must have united woman to man to help him only in the work of generation, Doms remarks: "One cannot

¹² Recognized as legitimate by *Casti connubii* 25.

¹³ Arthur Vermeersch, S.J., *What Is Marriage?* (New York: America, n.d.) 35-36.

¹⁴ *Marriage* (New York: Longmans, 1942); originally *Die Ehe* (Munich: Kösel-Pustet, 1929).

¹⁵ See n. 2 above. For discussions of von Hildebrand and Doms, see Mackin, *What is Marriage?* 225-35, and John C. Ford, S.J., and Gerald Kelly, S.J., *Contemporary Moral Theology 2: Marriage Questions* (Westminster, Md.: Newman, 1964) 18-35.

¹⁶ Mackin, *What Is Marriage?* 225.

¹⁷ Von Hildebrand, *Marriage* 5, 9, 16, 49.

¹⁸ *The Meaning of Marriage* 25-26.

help asking whether St. Thomas does not here look at the relationship of men and women very much from the outside!"¹⁹ Doms also observes, contrary to the biological information available to Thomas, that even in structurally natural marital intercourse, sperm very rarely fertilize ova and result in conception. "Does not this seem to show that nature does not care very much in any particular case whether or not they attain their object?"²⁰ According to Doms, experience shows that sexual intercourse in marriage functions first of all as an expression of mutual love and a sharing of lives, an act of which a child can be the "natural fruit." Nevertheless, even though the child "enlarges the marriage community and turns it into a family," it "does not alter it in any essential way" nor fulfil the potential of the woman more than that of the man.²¹

Consequently, it only makes sense to speak of the "one immediate purpose" of the sexual act as "the representation and realisation by husband and wife of their state of two-in-oneness."²² This oneness should be the primary motive for which women and men marry, and is generally the dominant intention in their sexual relations. Doms finally recommends that primary and secondary terminology regarding marriage's "procreative and personal purposes" be abandoned altogether and that both be subordinated to marriage's meaning.²³ A decree of the Holy Office, issued April 1, 1944, which names no names, nevertheless condemns "certain modern writers" who "either deny that the primary end of marriage is the generation and education of children, or teach that the secondary ends are not essentially subordinate to the primary end, but are equally principal and independent."²⁴

The suggestions of Doms drew fire from fellow moralists as well. In his first article in *Theological Studies*, John Ford called Doms's book important but "provocative."²⁵ Ford argued to the contrary that the essence of marriage must be some minimum "without which marriage cannot exist,"²⁶ implying that "two-in-oneness" not only exceeds what is necessary but also neglects a more basic and independent variable, the indissoluble bond created by the marital consent of the couple. The personalist definition fails to usurp the juridical one, tied to canon law. Ford reaffirms the three canonical "ends" of marriage—"procreation and education of offspring, remedy for concupiscence, mutual help"²⁷—and interprets the third as implying a "life-partnership" much resembling

¹⁹ Ibid. 46.

²⁰ Ibid. 175.

²¹ Ibid. 77-78.

²² Ibid. 84-85, 94-95.

²³ Ibid. 88.

²⁴ The decree is cited in full by Ford and Kelly, *Marriage Questions* 27-28.

²⁵ John C. Ford, S.J., "Marriage: Its Meaning and Purposes," *TS* 3 (1942) 333-74, at 334.

²⁶ Ibid. 339.

²⁷ Ibid. 345.

Dom's "two-in-oneship."²⁸ Nevertheless, the actual realization of these ends is not essential to any given marriage. "Even a marriage in which there is no mutual help, no life in common, hatred instead of love, and complete separation, both bodily and spiritually, remains a true marriage in the sense that the essence of marriage is still there. . . ."²⁹

This essence is a bond consisting of rights and duties in regard to the *acts* by which the ends of marriage are to be realized. Ford acknowledges that canonists have said next to nothing about the rights and duties of mutual help, a failing which has led to the personalist reinterpretations.³⁰ On the one hand, Ford is sympathetic: "It seems to be an affront to common sense to tell the world of married people: *You* think that marriage consists in a life-partnership of which the marriage act is only one part, and perhaps not always the most important; but the truth is that the relation of marriage to the marriage act is the only essential thing in it. . . ."³¹ On the other hand, the traditional paradigm scores its victory over "common sense": "The actual virtue of conjugal love is not essential to marriage. In thousands of marriages we find no trace of it; yet they are real marriages."³² According to Ford, it is "unthinkable" that *Casti connubii* could amount to the suggestion that the traditional end of marriage and the marriage act be relegated to a lesser status, and suggests that Pius XI must have meant to refer to love as a motive for marriage, rather than as an objective and essential end.³³

Over 20 years later, Ford's colleague Gerald Kelly joined this critique in their manual *Contemporary Moral Theology*, an entire volume of which was devoted to marriage.³⁴ In the space of two decades, personalist language had made considerable inroads. Ford and Kelly state it as their purpose to "vindicate" "the personalist (secondary) ends of marriage," giving them "the essential place they deserve, while at the same time defending their essential subordination to the primary ends."³⁵ They insist even more clearly on the right of each spouse to acts conducive to these secondary ends. Yet, in the questions of concrete morality with which the book's second half is concerned, we find an incongruous and even droll combination of old-fashioned hairsplitting and the newer experience-sensitive practicality. One is relieved to reach the end of a two-page discussion of just how far the penis must penetrate into the vagina to constitute a complete sexual act (answer: 1/3), and even more so to find finally the opinion that in any event the practice of *copula*

²⁸ Ibid. 347.

²⁹ Ibid. 348.

³⁰ Ibid. 351–52.

³¹ Ibid. 353.

³² Ibid. 360.

³³ Ibid. 371, 372.

³⁴ Ford and Kelly, *Marriage Questions* (n. 15 above).

³⁵ Ibid. v.

dimidiata (partial penetration to reduce probability of conception) would not be wrong if there were "proportionate reasons" to avoid more children.³⁶ Reading at least some of the signs of the times, the authors note that "modern theologians" recognize that sexual pleasure is legitimate and valuable in itself.³⁷ They conclude a technically-phrased discussion of whether multiple female orgasms in one act of intercourse are immoral because each alone is an "incomplete" sexual act, by appealing to "a strong presumption from common sense" to the contrary and conceding that the whole issue "is academic rather than real."³⁸ Although they note that "oral-genital contacts" may be "repugnant and shocking" to some, they assert that culture and education enter into such responses and that a moral judgment should not rest on "emotional reactions" or aesthetics.³⁹ On matters such as these, in which official proclamations are lacking or inconclusive, the authors can be flexible. On questions on which past magisterial teaching and hence credibility already have been hung, experiential and personalist values will have much less influence. "The Catholic Church teaches that contraception is intrinsically and gravely immoral and that no reason whatsoever can justify it." Thus "there can be no substantial change in that teaching."⁴⁰

If contributions to *Theological Studies* are representative, the moral theology of the 40s and 50s was, with few exceptions,⁴¹ decidedly prepersonalist in character, if not chronology. *TS*'s first article on sexual ethics, authored by Gerald Kelly and appearing in the second issue, took up an ongoing dispute over the proper definition—by degrees—of venereal pleasure.⁴² Given the then standard premise that all directly willed sexual pleasure outside of marital intercourse is mortally sinful, the clarification of the conditions of such sin was no light matter either. The most popular subjects of the day were a variety of types of and motives for birth control, especially sterilization. Subcategories of the topic included therapeutic double vasectomy, removal of the uterus during a caesarean section, *amplexus reservatus* (intercourse without ejaculation), co-operation of one spouse in the other's birth control, adequate reason for the use of rhythm and whether it could be continued indefinitely, and, as the

³⁶ *Ibid.* 222.

³⁷ *Ibid.* 32.

³⁸ *Ibid.* 226.

³⁹ *Ibid.* 228.

⁴⁰ *Ibid.* 256.

⁴¹ Personalism did have its early defenders, even among theologians aiming to keep peace with tradition. Among them see Bernard J. F. Lonergan, S.J., "Finality, Love, Marriage," *TS* 4 (1943) 477–510.

⁴² Gerald Kelly, S.J., "A Fundamental Notion in the Problem of Sex Morality," *TS* 1 (1940) 117–29. Kelly thought too narrow a definition of venereal pleasure could have dangerous consequences. Kelly continues this critique in "Notes on Moral Theology, 1950," *TS* 12 (1951) 52–92, at 73–74.

anovulant pill was developed, whether it could be used to suppress ovulation to ensure infertility during lactation or to regularize the menstrual cycle and so guarantee reliable prediction of the infertile period.⁴³ Significant attention was devoted to the pastoral prudence of the confessor,⁴⁴ indicating the moralist's awareness that eventually the clear rule must meet the cloudy situation and that the pastor must be equipped to meet the urgent personal needs of those whom sacramental practice had made dependent on him. Nevertheless, one reads literature of this period with a crowding awareness that conservation of the procreative effect of sexual intercourse within marriage was the dominant interest of theologians addressing sexual morality. Under very few circumstances was the spiritual, psychological, and social welfare of spouses allowed to override their duty to procreate, or at least to conduct themselves in such a way when seeking sexual union that procreation might well occur. Moreover, regard for a woman's life or health is subordinated to procreation's primary place in marriage and in marital sexuality. The sexual situations of persons outside marriage receive scant attention,⁴⁵ excepting determinations of the canonical conditions of such persons' entry into or exclusion from the married state.⁴⁶

CONTRACEPTION

The development of the anovulant pill introduced a new reliability into the separation *de facto* of the unitive and procreative dimensions of

⁴³ Space prohibits a detailed list of representative contributions from *TS* from 1940 through the mid-60s. One indicative essay is Gerald Kelly, S.J., "Notes on Moral Theology, 1949," *TS* 11 (1950) 34-77, which addressed punitive sterilization (42-43); vasectomy following prostate surgery for medical reasons (44); and caesarean hysterectomy, or removal of the uterus with the child, ostensibly as a safer mode of delivery for the woman in some circumstances, but with the background question of whether the real motive is sterilization (48-49); and the possibility of leaving "in good faith" those who practice contraception (answer: maybe) (60-63).

⁴⁴ Ford, "Notes on Moral Theology, 1943," *TS* 4 (1943) 578-85, at 583; Kelly, "Notes on Moral Theology, 1949," *TS* 11 (1950) 37-38, 61; John J. Lynch, S.J., "Notes on Moral Theology," 21 (1960) 221-49, at 231; Lynch, "Notes on Moral Theology," 22 (1961) 228-69, at 251-54.

⁴⁵ Receiving occasional attention were: dating (Kelly, "Notes on Moral Theology, 1950," *TS* 12 [1951] 73-74; John R. Connery, S.J., "Notes on Moral Theology," *TS* 16 [1955] 583; Connery, "Steady Dating among Adolescents," *TS* 19 [1958] 73-80); priestly celibacy, addressed in 1954, Pius XII, *Sacra virginitas* (see Connery, "Notes on Moral Theology," *TS* 15 [1954] 594-626); and homosexuality (appearing in the "Notes" for the first time in 1955, in Connery, "Notes on Moral Theology," *TS* 16 [1955] 583).

⁴⁶ As in infertility and impotence following therapeutic vasectomy, which received extensive attention (n. 43 above), and in cases in which a person with ambiguous sex characteristics receives surgery to enhance female or male gender identity (e.g., Kelly, "Notes on Moral Theology, 1961," *TS* 13 [1952] 78).

marital sexuality, and precipitated a more fundamental discussion of whether it is morally necessary to confine sexual expression to marriage. The contraception debate also exposed fundamental problems in the basic method of Roman Catholic natural-law ethics. What precisely is human sexual nature, and how is that to be determined? To what extent must an "objective" understanding of human sexuality and the moral bonds contingent upon it be grounded in the concrete, variable, and to some degree ambiguous sexual experiences of determinate persons? What is the relation between personal experience and the social expectations and institutions which mediate that experience?

The discussion of oral contraceptives in scholarly theological publications began in 1957-58, allowing their use for therapeutic reasons only, i.e. when the intention behind their use is not to prevent ovulation as such, but to regulate the menstrual cycle.⁴⁷ This limitation was reinforced by a discourse of Pius XII.⁴⁸ Couples were urged to use self-restraint and abstinence from sexual relations when circumstances demanded that family size be controlled.⁴⁹ Commenting on the first few years of the discussion, John Lynch was able to say in 1962 that "moralists have never been less than unanimous" in condemning the use of the pill for contraceptive purposes.⁵⁰ But even the most strenuous arguments against contraception were appealing to personal, relational values, not resting their case exclusively on the physical integrity of the act or on the idea that the generative faculty is directed toward the good of the species, not that of the individual. To fit constant readiness (if not willingness) for procreation into a personalist understanding of marriage, it was virtually necessary to define the woman's part in the spousal union in terms of domesticity, motherhood, and allied "feminine" traits. Paul M. Quay, vehement but not unrepresentative, advanced the view that "each single act of coition is a natural sign of the full, mutual, procreative love of the two partners," and that contraception substitutes a sign of "monstrous

⁴⁷ See F. J. Connell, C.S.S.R., "The Contraceptive Pill," *American Ecclesiastical Review* 137 (1957) 50-51; W. J. Gibbons, S.J., and T. K. Burch, "Physiologic Control of Fertility: Process and Morality," *ibid.* 138 (1958) 246-77; Lynch, "Progestational Steroids: Some Moral Problems," *Linacre Quarterly* 25 (1958) 93-99; L. Janssens, "L'Inhibition de l'ovulation est-elle moralement licite?," *Ephemerides theologicae Lovanienses* 34 (1958) 357-60.

⁴⁸ Address to the 7th International Hematological Congress, Sept. 12, 1958, in Odile M. Liebard, ed., *Official Catholic Teachings: Love and Sexuality* (Wilmington, N.C.: McGrath, 1978) 237.

⁴⁹ See Léon Joseph Cardinal Suenens' influential *Love and Control: The Contemporary Problem* (Westminster, Md.: Newman, 1961) 80, which uses personalist language.

⁵⁰ "Notes on Moral Theology," *TS* 23 (1962) 239.

selfishness."⁵¹ The man who uses a condom "worships" his wife "with his body—but not enough to share with her his substance." In turn, "The woman who uses a diaphragm has closed herself to her husband. She has accepted his affection but not his substance. She permits him entrance but does not suffer him to be master." Thus sex as the "sign and symbol of wifely submission, of patriarchal authority, is made over covertly to serve the purposes of a weakly uxorious male and a domineeringly feminist wife."⁵²

In 1961 the situation of religious missionary sisters thought to be in danger of rape in politically unstable circumstances in the Congo gave new direction to the ongoing discussion of contraceptive drugs. This "test case" turned attention away from the context of marriage, concentrating instead on the autonomy and welfare of women threatened with sexual violence. Would it be justifiable to use such drugs with a directly sterilizing intention, at least as part of an effort of legitimate self-protection?⁵³ Three Roman moral theologians (P. Palazzini, F. Hürth, F. Lambruschini) made a generally favorable argument, particularly since the woman is potentially an unwilling participant in an act which has no capacity to be an expression of love or to be part of a relationship suited to the birth of a child.⁵⁴ These essays provoked a debate in which others responded with the more traditional view that the pre-emptive defense would be an intrinsically evil action, because it is a direct interference with the natural reproductive function.⁵⁵ But the proposal continued to have defenders.⁵⁶ Some even extended the principle of legitimate self-defense to the case of a married woman who is pressured by her husband to engage in intercourse when conception would be a likely as well as disastrous outcome.⁵⁷

⁵¹ Paul Quay, S.J., "Contraception and Conjugal Love," *TS* 22 (1961) 18–40, at 40. See n. 66 below for additional cases of this line of thinking.

⁵² *Ibid.* 35.

⁵³ A detailed discussion is provided by Ambrogio Valsecchi, *Controversy: The Birth Control Debate 1958–1968* (Washington, D.C.: Corpus, 1968) 26–36. This book is highly recommended as a guide to the literature of that period.

⁵⁴ The three, all in *Studi cattolici* 27 (1961) and cited by Valsecchi, *Controversy* 27, are Palazzini, "Si può e si deve proteggere l'equilibrio della persona," 63–64; Hürth, "Il premunirsi rientra nel diritto della legittima difesa," 64–67; and Lambruschini, "E legittimo evitare le conseguenze dell'aggressione," 68–71.

⁵⁵ E.g., Joseph J. Farragher, S.J., "Notes on Moral Theology," *TS* 24 (1963) 81–85.

⁵⁶ M. Zalba, S.J., "Causa de usu artificii contraceptivi," *Periodica de re canonica, morali, et liturgica* 51 (1961) 167–92; J. Fuchs, S.J., "Moraltheologisches zur Geburtenregelung," *Stimmen der Zeit* 170 (1962) 364; Ford and Kelly, *Marriage Questions* 365 ff.

⁵⁷ Implied by Hürth and Palazzini, and developed by K. Demmer, M.S.C., "Die moraltheologische Diskussion um die Anwendung sterilisierender Medikamente," *Theologie und Glaube* 53 (1963) 429–33.

The significance of these exchanges lies not in any explicit development of traditional teaching toward arguments favoring artificial birth control. The fact that intercourse is an act of aggression would be inconsequential within the standard framework, for the perpetration of an immoral act by a first agent would not justify a second agent's defense against that act by any means which in itself is morally objectionable. A favorable reply to the question would rely logically on the presupposition that acts which interfere deliberately in the procreative outcome of sexual intercourse do not possess a moral character independently of circumstances in which both the sex act and procreation can be viewed in relation to the persons who undertake or are affected by them. But this line of argument was not one which the authors of 1961 were prepared to adopt explicitly. The debate was important, instead, because it presented the possibilities that practical problems could challenge the accustomed ways of thinking about contraception, and because it joined respected theological voices in a re-examination of the prohibition on it—although it is revealing of racial attitudes that these particular circumstances were required to raise the question in the European mind. The debate was one of several movements in the Church which together, at the time of Vatican II, were to sponsor a hope among both theologians and laypersons that the traditional strictures on control of conception would be revised.⁵⁸

Another important theological "event" was the publication in late 1963 of three essays (by L. Janssens, W. van der Marck, and J. M. Reuss) which openly defended the use of contraceptive pills to regulate birth.⁵⁹ Both Janssens and van der Marck saw the pill as preferable to other contraceptive devices, because it leaves intact the structure of the act. Janssens and Reuss, archbishop of Mainz, used strongly personalist and experiential language. Janssens distinguished a "physiological norm" from "a more deeply moral norm, based on the more fundamental values of marriage, namely, the exigencies of mutual love and upbringing of children."⁶⁰ Reuss argued that it would be contrary to the demand of

⁵⁸ Note the optimistic book of the Catholic developer of the anovulant pill, John Rock, *The Time Has Come* (London: Longmans, 1963).

⁵⁹ Valsecchi cites and assesses all three, as well as the extensive responses (*Controversy* 37-71). L. Janssens, "Morale conjugale et progestogènes," *Ephemerides theologicae Lovanienses* 39 (1963) 787-826; W. van der Marck, O.P., "Vruchtbaarheidsregeling: Posing tot antwoord op een nog open vraag," *Tijdschrift voor theologie* 3 (1963) 379-413; J. M. Reuss, "Eheliche Hingabe und Zeugung: Ein Diskussionsbeitrag zu einem differenzierten Problem," *Tübinger theologische Quartalschrift* 143 (1963) 454-76. The essays are also analyzed critically by Gerald Kelly, "Confusion: Contraception and 'the Pill,'" *Theology Digest* 12 (1964) 123-30; and Lynch, "Notes on Moral Theology," *TS* 26 (1965) 251, 255.

⁶⁰ From a translation of part of the 1963 *Ephemerides* article (n. 59 above) by Mary Ilford, "Canon Janssens' Argument: Morality of the Pill," *Commonweal* 80 (1964) 332-35,

marital love to limit sexual acts to the times when an intention of generation is appropriate and shared. At other times the prevention of procreation is a morally good intention. Although use of infertile periods is of positive value, a physiological intervention might also be used to protect the harmony and mutual love of husband and wife.⁶¹

These arguments favoring a more flexible integration of procreation into the personal meanings of marital sexuality hardly went without riposte. John Lynch called it "theologically surprising" that Catholic moralists would challenge—for the first time—the teaching against artificial birth control which had been taught by the Church "from time immemorial."⁶² Gerald Kelly relied on previous papal teaching in calling all contraceptive techniques "intrinsically immoral."⁶³ According to Kelly, the historical setting of *Casti connubii*, a direct response to the 1930 Lambeth Conference of the Anglican Church, is of particular significance in determining its weight. Although not technically *ex cathedra*, it seems to Kelly to be beyond error.⁶⁴

In a later argument Kelly lays out the teaching's rationale. The body's generative functions are in particular "inviolable" because they are life-giving.⁶⁵ Moreover, Kelly offers what he thinks is a stronger natural-law argument against contraception; his formulation rallies personalist forces to defend magisterially tendered conclusions. The conjugal act is an act of "mutual self-donation" and of procreation, is "a life-giving act of love."⁶⁶ Even sex acts which do not eventuate in conception still by their

at 332. Janssens expands his position in *Mariage et fécondité: De Casti connubii à Gaudium et spes* (Paris: Duculot, 1967). After *Humanae vitae* Janssens contributed "Considerations on 'Humanae vitae,'" *Louvain Studies* 2 (1968) 231–53, insisting that "the lived experience of couples" ought to ground evaluations of birth control. The encyclical's claim that "the practice of contraception is a danger to marital fidelity and an affront to the dignity of woman . . . flies in the face of convictions they hold as the result of continued dialogue, of standards they maintain on the basis of lived experience" (246). Rosemary Ruether, invited to offer her views as a Catholic mother of three children, concurs: it is "academic" to divide the family-building relationship into ranked ends ("Marriage, Love, and Children," *Jubilee* 11 [1963] 18–20). G. E. M. Anscombe, however, does not, since contraception is a self-evidently "counter-natural" act and hence malicious ("Contraception and Natural Law," *New Blackfriars* 46 [1965] 517–21). See Anscombe's pamphlet *Humanae vitae, Contraception and Chastity* (London: C.T.S., 1975). Such opposite interpretations testify that "experience" is not an unmediated reality, rendering superfluous any further standards.

⁶¹ See Valsecchi, *Controversy* 43–45.

⁶² "Notes on Moral Theology," *TS* 25 (1964) 232–53.

⁶³ Kelly, "Confusion" 124.

⁶⁴ *Ibid.* 128.

⁶⁵ Gerald Kelly, "Contraception and Natural Law," *Proceedings*, CTSA, 1963, 25–45.

⁶⁶ *Ibid.* 32. Kelly concedes (40–43) that the line of argument that "contraception falsifies married love" is an "oversimplification." An example is Joseph S. Duhamel, S.J., *The Catholic Church and Birth Control* (New York: Paulist, 1963), which borrowed Doms's

nature symbolize the procreative good. Kelly does admit difficulty in explaining how the sexual acts of sterile couples can symbolize "willingness to become parents and openness to God's creative act." Still, he is convinced of the validity of this "indirect" argument against contraception: "if the use of sex can be divorced from all reference to procreation there is no such thing as sexual morality."⁶⁷

This concern with the *consequences* of a change in teaching—especially the fear that immediate consequences may gather momentum and produce a social scenario qualitatively different and intolerably worse—is typical of many attempts to defend the tradition on this point. The negative consequences of a retraction of the ban on contraception are perceived to be dangerous both for the credibility of the magisterium and for sexual practice. Retrospectively, it seems possible that *Humanae vitae* precipitated the very consequences it aimed to deter: first, by undermining the perception of many church members that the magisterium fully appreciates not only the value but also the complexity and difficulty of sustaining responsible sexual, marital, and parental relationships; and second, by missing an opportunity to offer the sort of prudent and charitable counsel which could encourage the efforts of Christian adults to transcend modern distortions of sexual meaning and achieve a mutual commitment which can also nurture children.

In any event, it is significant that the traditional defense, mounted on the notion of the "intrinsic evil" of acts considered in themselves and apart from situational idiosyncrasies, is from another perspective quite concerned, in determining valid teaching, with the importance of social context and of projected effects on persons and communities. This point is noted not to suggest cynically that magisterial teaching and revisionist parries are equally "relative" to circumstance or politically motivated, but rather to highlight the fact that historical location is the very condition of possibility of normative thinking, necessary both to the framing of questions and to the formulation of answers.⁶⁸ The personalist movement in Catholic sexual ethics instantiates a critical awareness of

phrase "two-in-oneness" but interpreted it in terms similar to Quay, "Contraception and Conjugal Love" (see n. 51 above). Duhamel also used Ford, "Marriage," and a source then frequently used on population problems, S. de Lestapis, S.J., *La limitation des naissances* (Paris: Spes, 1960).

⁶⁷ *Ibid.* 44, 45.

⁶⁸ In an essay to become influential, Charles E. Curran distinguished the marks of the "classicist world view" from those of the "historically minded" one, and criticized a "physicalist" bias in church teaching ("Natural Law and Contemporary Moral Theology," in *Contraception: Authority and Dissent* [New York: Herder and Herder, 1969] 151–75, at 169 and 159).

this fact, insofar as personalism turns attention to the *experience* of spouses in all its cultural and social variability.⁶⁹ At the same time, there was in early personalist thought, as well as in subsequent adaptations of it by the magisterium, a tendency to construe “the” experience of marital sexuality as an invariant thing, a reification which the turn to experience itself already had begun to undermine. The further implications of this turn, in terms of a critical approach to sexual norms, were to be felt more completely after *Humanae vitae*.

Of course, the growing realization that Roman Catholic sexual teaching has a history and a context is not merely a consequence of the encyclical; it had been a crucial contributing factor to the Church’s perception that birth control needed to be addressed again, and possibly reconsidered thoroughly. The atmosphere of the early 60s and most of the parameters of the discussion since can be captured by a comparison of two opposite books, each by an author notable both for intellectual acumen and for willingness to rise to the occasion of the Church’s defense. These are John Noonan’s *Contraception*,⁷⁰ and Germain Grisez’s *Contraception and*

⁶⁹ Numerous authors furthered personalist approaches to sexual morality during the 1960s. See Louis Dupré, “Toward a Reexamination of the Catholic Position on Birth Control,” *Cross Currents* 14/1 (1964) 63–85, and “From Augustine to Janssens,” *Commonweal* 80 (1964) 336–42; the two articles formed the basis for *Contraception and Catholics: A New Appraisal* (Baltimore: Helicon, 1964). Janssens championed personalist and experiential themes (see n. 59 above). Robert O. Johann developed their philosophical bases, “Responsible Parenthood: A Philosophical View,” *CTSA Proceedings* 20 (1965) 115–28. Bernard Häring’s work contrasts with Ford and Kelly’s *Contemporary Moral Theology*. As part of the renewal leading toward the Council, Häring authored a multivolume “system” of moral theology. Although his conclusions are consistent with the magisterium, he builds them not on natural faculties but on biblical love of God and “fellowman” (*The Law of Christ 3: Special Moral Theology* [Westminster, Md.: Newman, 1966] 268). After the birth-control encyclical, Häring adopted a “personalist approach,” linking union and procreation to relationships, not acts (“The Inseparability of the Unitive-Procreative Functions of the Marital Act,” in Curran, ed., *Contraception* 176–92). His revised systematic ethics incorporates the “language” metaphor, and questions traditional conclusions (*Free and Faithful in Christ 2: The Truth Will Set You Free* [New York: Seabury, 1979] 516–30). Important rejoinders to personalist revisions include Josef Fuchs, S.J., “Diskussion um die ‘Pille,’” *Stimmen der Zeit* 174 (1964) 401–18; Germain Grisez, “Reflections on the Contraception Controversy,” *American Ecclesiastical Review* 152 (1965) 324–32; Gustave Martelet, S.J., “Morale conjugale et vie chrétienne,” *Nouvelle revue théologique* 87 (1965) 245–66 (using personalist terms to call contraception sex a “falsehood”); John J. Lynch, S.J., “The Contraceptive Issue: Moral and Pastoral Reflections,” *TS* 27 (1966) 242–65; John M. Finnis, “Natural Law and Unnatural Acts,” *Heythrop Journal* 11 (1970) 365–87.

⁷⁰ John T. Noonan, Jr., *Contraception: A History of Its Treatment by the Catholic Theologians and Canonists* (enlarged ed.; Cambridge: Harvard Univ., 1986; original ed., 1965). The present version is augmented by an appendix, originally “Natural Law, the

*the Natural Law.*⁷¹

Noonan's book concludes that "it is a mistake to confuse repetition of old formulas with the living law of the Church."⁷² Throughout Catholic history the values of procreation, innocent life, education of offspring, marital love, and the dignity of spouses have been asserted through "a variety of formulas" whose specific content has been different. The 20th-century prohibition of artificial means of birth control such as the anovulant pill serves like earlier formulations to build "a wall" around these values; yet, as in times past, "the wall could be removed when it became a prison rather than a bulwark."⁷³

A crucial motif of the book is Noonan's construal of the moralist's business as "line drawing."⁷⁴ Catholic teaching on contraception protects procreation and related values by constantly redefining the limits to legitimate control of births. The specific religious and social pressures characterizing various historical periods correlated with particular condemnations of contraceptive means which addressed the needs and conflicts of the times.⁷⁵ In particular, the Church reacted against religions and philosophies, such as Gnosticism, Manicheism, and Catharism, which rejected all procreation. As Noonan remarks of Augustine, it is "piquant" that this influential author rejected sexual abstinence in the fertile period as a means of avoiding birth, since this is the one method unanimously accepted by 20th-century Catholic theologians. "History has made doctrine take a topsy-turvy course."⁷⁶

Shedding light on current controversies over Catholic sexual teaching is Noonan's treatment of the factors militating for and against change between 1450 and 1750. The primary pressure toward change was socio-economic; the very poor and the nobility had reason to avoid large families. Noonan contrasts the eventual resolution against change with the Church's contemporaneous removal of the prohibition of usury. In the case of contraception, there was little direct involvement by the institutional Church, which as an organization had a practical interest in lending practices. On contraception, there was also lack of public representation of the married laity, which Noonan calls "a silent group."⁷⁷ Further, there were no technological improvements which made contraception a substantively different issue; there was no population problem in Western Europe; there had been no change in teaching among the

Teaching of the Church, and the Regulation of the Rhythm of Human Fecundity," *American Journal of Jurisprudence* 25 (1980).

⁷¹ Germain G. Grisez, *Contraception and the Natural Law* (Milwaukee: Bruce, 1964).

⁷² *Contraception* 532.

⁷³ *Ibid.* 533.

⁷⁴ *Ibid.* 459.

⁷⁵ *Ibid.* 1-6.

⁷⁶ *Ibid.* 120.

⁷⁷ *Ibid.* 346.

Reformers; and the Church saw all sexual sins as interconnected in one great edifice whose foundation rested on the teaching of the past. Noonan also describes factors which have emerged since 1880: excessive population increase; the emancipation of women; the duration and expense of formal education of children; increased knowledge of reproductive biology, and related shifts in the understanding of the purposes of sexual intercourse; the historical spirit of modern philosophy; and the modification of Thomistic natural law by a more personalist view. Most importantly, pleasure and love were newly recognized as purposes and values in marital coitus.⁷⁸ These shifts seem to prepare the way for a redrawing of the line delineating restrictions on birth control.

Objections which could be leveled against Noonan by those who are more conservative are that, whatever the historical circumstances, the Church has always in some way excluded direct interference in conception; and that, even if this consistency alone is not enough to make the teaching irreversible, the authority of *Humanae vitae* should conclusively terminate the probings Noonan had suggested. The appendix of Noonan's second edition seems to grant the latter argument. He there notes that *Humanae vitae* develops teaching by considering love on a par with procreation and by encouraging responsible control of birth, but he accepts it as at least a provisional close to discussion of contraception's permissibility. A final criticism—this time from those whose sympathies remain with the original study—might concern the consistency of the new conclusion with the historical review, which implied that *Humanae vitae* could be situated along on a continuum of evolution and restatement.

Germain Grisez, on the other hand, urged prior to *Humanae vitae* that, were the Church to set aside the ideal by which procreation and union "together and inseparably govern each sexual embrace," she would "surrender to Freud and Kinsey," with the result of "making herself absurd and invalidating her own claims to holiness."⁷⁹ Grisez defends the thesis that "For one who engages in sexual intercourse directly to will any positive deed by which conception is thought to be prevented, or even rendered less probable, is intrinsically and seriously immoral."⁸⁰ But the customary "natural law" defenses marshaled in favor of this thesis have been inadequate. Certainly it is not always wrong to prevent a physical faculty from attaining its end; procreation is not an absolute good or duty; and even if procreation is a contribution to the common good, the duty to make this contribution has limits (or else no method of birth control would be licit).⁸¹ Grisez has trenchant criticisms both of the

⁷⁸ Ibid. 491.

⁷⁹ *Contraception and the Natural Law* 210.

⁸⁰ Ibid. 12.

⁸¹ Ibid. 20.

“conventional natural-law theory,” which mistakenly tries to ground objective moral norms on purely speculative knowledge, and assigns an unduly limited role to practical reason;⁸² and of a “situationist” revision of natural-law theory, which is dualistic toward the agent’s intention and outward behavior, making “the preferred value” the “psychic, subjective, personal or interpersonal” one.⁸³ Grisez proposes a more adequate theory, grounded in Aquinas, and allowing a significant place for empirical inquiry in determining the basic goods which, revealed in experience, also become the principles which guide practical reason.⁸⁴ In a paraphrase and expansion of Aquinas,⁸⁵ Grisez summarizes the basic human inclinations and hence goods:

...the tendency to preserve life, especially by food-seeking and by self-defensive behavior; the tendency to mate and to raise his children; the tendency to seek certain experiences which are enjoyed for their own sake; the tendency to develop skills and to exercise them in play and the fine arts; the tendency to explore and to question; the tendency to seek out the company of other men and to try to gain their approval; the tendency to try to establish good relationships with unknown higher powers; and the tendency to use intelligence in guiding action.⁸⁶

Immorality consists in acting directly against any of these equally basic goods, even for the sake of another on the list. Contraception differs from periodic continence since it is a direct act against the good of procreation, and hence an assault on a fundamental and inviolable human good.⁸⁷

At least two questions may be raised against Grisez’s position. First, are these goods actually all equally basic, and basic in the same way, as he insists? Aquinas does not go so far as to assert that they are, and in fact distinguishes them by levels of human nature, which has inclinations in common with all animate creatures, with other animals, and as having some humanly unique qualities. Do experience, tradition, and Scripture bear out the idea that procreation is on a par with life, or that life is on a par with our relationship to God? Second, why is contraception (especially within an otherwise procreative marriage) genuinely an act “against” the good of procreation, rather than a deferment of it to a more appropriate time? The definition of a contraceptive act as an act violating the procreative good seems to require that the significance of each act of intercourse be defined as an isolated event, rather than in relation to a

⁸² *Ibid.* 46–53.

⁸³ *Ibid.* 56.

⁸⁴ *Ibid.* 65.

⁸⁵ *Summa theologiae* 1–2, q. 94, a. 2.

⁸⁶ *Ibid.* 64.

⁸⁷ *Ibid.* 69, 85, 90–92.

continuum of events within a sexual, personal, and social relationship. But it is this reciprocal narrowing of the meaning of sex acts to their immediate contexts, and of the procreative and unitive goods to single acts which do or do not realize them concretely, which is precisely the target of personalist revisionism. It was the act-focus which was to be effectively ratified by the prescriptions of *Humanae vitae*, even as the relationship of "responsible parenthood" was upheld. After the release of the encyclical, Grisez's efforts turned from support for its substantive norms to the defense of its authority as "infallible," according to the criteria of Vatican II.⁸⁸

As is well known, the Second Vatican Council itself took no definitive position on contraception,⁸⁹ since this was a topic which Paul VI had reserved to himself, pending the recommendations of the Pontifical Commission for the Study of Population, Family, and Birth.⁹⁰ The eventual report of the Commission's majority, repudiated by *Humanae*

⁸⁸ Grisez's article with John C. Ford, S.J., "Contraception and the Infallibility of the Ordinary Magisterium," *TS* 39 (1978) 258-312, sparked an extended debate with Garth Hallett (Hallett, "Contraception and Prescriptive Infallibility," *TS* 43 [1982] 629-50; Grisez, "Infallibility and Contraception: A Reply to Garth Hallett," *TS* 47 [1986] 134-45; Hallett, "Infallibility and Contraception: The Debate Continues," *TS* 49 [1988] 517-28). See Joseph Komonchak, "*Humanae vitae* and Its Reception: Ecclesiological Reflections," *TS* 39 (1978) 221-57. On infallibility see also Richard A. McCormick, S.J., "Notes on Moral Theology," *TS* 26 (1965) 596-622, at 633-37, discussing Noonan and Grisez.

⁸⁹ *Gaudium at spes* mentions only the equal ends of love and procreation; acts involving them must be evaluated by objective standards based on human personal nature (no. 51, pp. 255-56 in Abbott). The double meaning of sexual acts was emphasized even prior to the Council by Joseph Fuchs, S.J., *De castitate et ordine sexuali* (Rome: Gregorian Univ., 1963) 45. During and after the Council the pope alluded to contraception, indicating that for the time being, past teaching should be taken as the sole permissible guide to action. These statements were given in June 1964 and October 1966; for discussion, see Richard A. McCormick, S.J., *Notes on Moral Theology: 1965 through 1980* (Washington, D.C.: University Press of America, 1981) 115, 164, 208. On the meaning of these preliminary indications, esp. *Gaudium et spes*, see McCormick, "The Council on Contraception," *America* 114 (1966) 47-48; John C. Ford, "Footnote on Contraception," *ibid.* 103-7; and McCormick's reply *ibid.* 107.

⁹⁰ The so-called "majority report" was in fact the only report formally submitted (on June 26, 1966, as *Schema documenti de responsibili paternitate*), although a dissenting opinion was authored under the leadership of John C. Ford, with the assistance of Germain Grisez. The majority report is available in Liebard, *Love and Sexuality* 314-20. For discussion of the tortuous events, alliances, and competitions leading from the establishment of the Commission, through the Council, to the authoring of *Humanae vitae*, see H. & L. Beulens-Gijsen and Jan Grootaers, *Mariage catholique et contraception* (Paris: Epi, 1968); Robert Blair Kaiser's journalistic *The Politics of Sex and Religion* (Kansas City: Leaven, 1985), which names among those Commission members favorable to change Häring, Fuchs, Reuss, Suenens, Noonan, Doepfner, and Auer, and among those opposed Ford and Ottaviani (member K. Wojtyla missed every meeting); Joseph A. Selling, "Moral Teaching, Traditional Teaching and *Humanae vitae*," *Lowain Studies* 7 (1978) 24-44.

vitalis, focuses on the places of sexuality and parenthood within the marital relationship. It is quite traditional in continuing to see marriage as the sole appropriate context for sexual expression, but tries to maneuver the Church's affirmation of the ends of marriage away from single acts of sexual intercourse, united only as a consecutive series of single events, each of which is burdened to sum up all that a marriage is. Procreation is "a specific task of marriage" but must be seen in the "totality" of the marital community, which has sexuality as its unifying force. "If an arbitrarily contraceptive mentality is to be condemned, as has always been the Church's view, an intervention to regulate conception in a spirit of true, reasonable and generous charity (cf. Matt. 7.12; John 13.34-5; 15.12-17; Rom. 13.8-10) does not deserve to be, because if it were, other goods of marriage might be endangered."⁹¹

The arguments distilled in the majority's report were convincing to many committed to a renewed understanding of sex within a broadly Catholic context.⁹² Richard McCormick acknowledged that while church teaching has evolved by seeing love as an integral meaning of intercourse, he was no longer persuaded that love and procreation are so linked in every act that "one who deliberately renders coitus sterile attacks its meaning as an expression of mutual self-giving."⁹³ Appealing to Vatican II's criterion of "the nature of the persons and his acts,"⁹⁴ he insisted that "the basic criterion of the meaning of human actions is the human person, not some isolated aspect of the person."⁹⁵ The encyclical did not rebut effectively the counterargument of the "Majority Report." Although a theologian could concede "that the teaching is clear and certain simply because the papal magisterium has said so," to do so would imply the unacceptable "supposition that the clarity and certainty of a conclusion of natural-law morality are independent of objective evidence."⁹⁶

Since female authors have been few in the ranks on either side of this debate, Rosemary Ruether shall be granted a last word here. The "early" Ruether, with customary fearless energy, opened a window onto the

⁹¹ Liebard, *Love and Sexuality* 317.

⁹² For an attempt to broaden the meaning of procreation to include the good of the family while retaining a basic goods theory, see M. John Farrelly, O.S.B., "The Principle of the Family Good," *TS* 31 (1970) 262-74. Norbert J. Rigali replied, "Artificial Birth Control: An Impasse Revisited," *TS* 47 (1986) 681-90, noting perhaps insurmountable differences in approach between traditionalists and revisionists.

⁹³ *Notes on Moral Theology 1965 through 1980* 216. For another "conversion" account crediting the experience of married couples, see Charles E. Curran, "Personal Reflections on Birth Control," in *Christian Morality Today* (Notre Dame: Fides, 1966) 67-76.

⁹⁴ *Gaudium et spes*, no. 51, in Abbott 256.

⁹⁵ Notes 219.

⁹⁶ *Ibid.* 227.

incongruities in the tangle of various theories of sex and birth control with the experience of the committed couple. A mistake often made by the celibate, she said, is to presume that his own experiences of cultivating sexual self-control and asceticism can be transferred to wives and husbands.⁹⁷ What he fails to understand is that a spouse "has sublimated the sexual drive into a *relationship* with another person,"⁹⁸ the demands of which are "real and meaningful demands." The relational use will necessarily be "far more frequent" than its procreational. "Thus in actual practice man has no real choice . . . but to find some method of birth control which allows him to continue to use the sexual act for its relational purpose and to do this under as ideal emotional circumstances as possible."⁹⁹

RECENT DIRECTIONS

The re-examination of sex provoked by *Humanae vitae* has been even more far-reaching and iconoclastic than it might have been had the magisterium permitted its categories to be molded more to the personalist plea for practical flexibility in the ethics of marital sex. Given access to a historical perspective on Church teaching through critiques of the thinking behind *Humanae vitae*, Catholic laypersons and theologians have experienced a birth of confidence in their own powers of judgment. Discussions of sexual ethics since the encyclical have had a remarkably different character from earlier ones. Advocates of sexual expression (and also parenthood) outside of traditional marriage lift up the experience of such expression as a reliable resource in evaluating its goodness. Also, moral theologians have made use of the natural and social sciences, which describe sex and reproduction more adequately and illumine the social conditions through which sex is mediated and in which it is realized experientially. The remainder of this essay can do no more than sketch the implications of this shift *toward* sexual experience and, to a considerable extent, *away* from a focus on the marital context, in these areas: reinterpretation of sexuality as such, homosexuality, in vitro fertilization, and feminism.

The Meaning of Sexuality

Paul Ricoeur earlier had stimulated the project of reinterpreting sexuality in a pair of typically provocative essays.¹⁰⁰ Desiring to "clear the

⁹⁷ Rosemary R. Ruether, "Birth Control and the Ideals of Marital Sexuality," in *Contraception and Holiness: The Catholic Predicament*, ed. Thomas D. Roberts, S.J. (New York: Herder and Herder, 1964) 72-91.

⁹⁸ *Ibid.* 87.

⁹⁹ *Ibid.* 80.

¹⁰⁰ "Wonder, Eroticism and Enigma," *Cross Currents* 14 (1964) 133-41; and *ibid.* 246-47.

air of erotically-mystical lyricism," Ricoeur urged that, after Freud, we have learned that "sexuality is not simple, and that the integration of its multiple components is an unending task."¹⁰¹ Ricoeur describes sex as a language which can express tenderness, as long as it is kept in balance with eroticism, the cultivation of pleasure. A "wager" of our culture is that the institution of marriage is the best chance for tenderness in sexuality, for the "duration and intimacy of the sexual bond."¹⁰² Contraception carries the risk of making the sexual act facile and insignificant. The task of tomorrow's sexual ethics is to preserve sexuality's value as a union of the spiritual and carnal aspects of the person, and as a vehicle of tenderness. The analogy of sexuality to language captures its interpersonal expressiveness and has been important in furthering subsequent experience-based phenomenologies of sexuality. An influential elaboration of this analogy is André Guindon's *The Sexual Language*.¹⁰³ Drawing especially on psychological theories of human sexual development, he discerns an intrinsic communicative character of sex, and assigns pleasure a positive role in its moral and theological interpretation.¹⁰⁴ Coition is a "language of totality" and is immoral in the absence of proportionate commitment.¹⁰⁵ Prescriptive norms must be inferred from experience and confirmed in social consensus.

Although not all authors address them directly, a crucial set of *practical* questions concerns the precise content and limits of the relational and procreative meanings of sex. If a normative meaning of sex is relationship, intimacy, or love, does that require that sexual expression be appropriate only in a fully committed relationship (marriage or its practical equivalent¹⁰⁶)? If a normative meaning of sex is procreation, parenthood, or fecundity, does that require that procreation be a part of every sexual relationship, except in the case of infertile persons? Finally, are these two meanings intrinsically interdependent, so that the relational signif-

¹⁰¹ Ibid. 137.

¹⁰² Ibid. 136-37.

¹⁰³ *The Sexual Language: An Essay in Moral Theology* (Ottawa: Univ. of Ottawa, 1976).

¹⁰⁴ See also John Giles Milhaven, "Christian Evaluations of Sexual Pleasure," *American Society of Christian Ethics Selected Papers 1976* (Missoula, Mont.: Scholars, 1976) 63-74; Jacques-Marie Pohier, "Pleasure and Christianity," in *Sexuality in Contemporary Catholicism* 103-10; Joan Timmerman, *The Mardi Gras Syndrome: Rethinking Christian Sexuality* (New York: Crossroad, 1984).

¹⁰⁵ *The Sexual Language* 414.

¹⁰⁶ On "premarital" sex in a committed but nonpublic relationship as possibly the moral equivalent of marriage, see Paul Ramsey, *One Flesh: A Christian View of Sex within, outside, and before Marriage* (Nottingham, Eng.: Grove, 1975); C. Jaime Snoek, "Marriage and the Institutionalization of Sexual Relations," in *The Future of Marriage as Institution* (n. 11 above); and an entire issue of *Eglise et théologie* (8, no. 1, 1977) devoted to "Pre-Ceremonial Christian Couples."

icance of a sexual relationship is itself incomplete without procreation, and conversely, so that responsible procreation can take place nowhere but in a committed love relationship with one's procreative partner?

To liken sexuality to a language does not resolve these questions, since it leaves open the standards of "truthfulness" or objectivity which sexual communication must meet. Roman Catholic authors typically are concerned about fidelity to the traditional vocabulary (the twin purposes of sex affirmed by *Gaudium et spes* and *Humanae vitae*), although they are not always equally supportive of the standard practical applications (reiterated, e.g., by the 1975 Vatican *Declaration*¹⁰⁷). They tend to rewrite practical moral guidelines by redefining procreation and union as "natural" meanings of sexuality—rather than by turning to another resource, e.g. Scripture (though that may be included).¹⁰⁸

A fairly drastic and hence instructive renovative effort is the study commissioned about ten years after *Humanae vitae* by the Catholic Theological Society of America, *Human Sexuality*.¹⁰⁹ Upon publication, it was hailed and assaulted with about equal frequency and enthusiasm. While retaining the language of sex's double purpose, this study employs historical, biblical, and social-scientific tools to cut that language to a more inclusive model of sexual morality. Although a rigorous methodology for integrating these resources is not achieved, the authors succeed in presenting forcefully the question whether past church teaching can meet the tests of external criteria. The study's major constructive proposal is a translation of "procreation and union" into "creativity and integration." How the latter might function as criteria for acts is specified in terms of seven values of human sexuality. The creative and integrative sexual act will be self-liberating, other-enriching, honest, faithful, socially

¹⁰⁷ *Declaration on Certain Questions concerning Sexual Ethics*, issued by the Sacred Congregation for the Doctrine of the Faith, Dec. 29, 1975 (Washington, D.C.: U.S.C.C., 1976). The document cites the reference of Vatican II to the person as the norm for sexual morality, but far from undertaking a re-examination of the meaning of this norm, does little more than reassert church authority and repeat traditional conclusions about pre-marital sex, homosexual acts, and masturbation. Perhaps notably, it does not take up contraception.

¹⁰⁸ Some attempts to develop a more flexible approach to specifics, while maintaining loyalty to the tradition's essence, are Philip S. Keane, S.S., *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977); Vincent J. Genovesi, S.J., *In Pursuit of Love: Catholic Morality and Human Sexuality* (Wilmington, Del.: Glazier, 1987); Gennaro P. Avvento, *Sexuality: A Christian View* (Mystic, Conn.: Twenty-third, 1982). Keane's book in particular deserves more attention than is possible here, since it provided a "revisionist" model intended for much the same audience as the old seminary manuals.

¹⁰⁹ Anthony Kosnik et al., *Human Sexuality: New Directions in American Catholic Thought* (New York: Paulist, 1977). For reactions see Dennis Doherty, ed., *Dimensions of Human Sexuality* (Garden City, N.Y.: Doubleday, 1979).

responsible, life-serving, and joyous—it will not necessarily be heterosexually and monogamously committed or literally reproductive. The authors are reluctant in the extreme to arrive at necessarily negative readings of any voluntary sexual activities.¹¹⁰

One of the most serious questions about *Human Sexuality* (and similar, if less sweeping, programs) is whether it has paid adequate attention to the embodied nature of sexuality, especially to the possibility that the physical reality of sexual intercourse ought to draw our moral attention beyond the element of physical pleasure and its attendant personal and interpersonal opportunities. Does physical female-male complementarity and its potential for shared parenthood mandate further reflection on the significance of heterosexuality and of parenthood as also *personal* relationships with normative value grounded in sex's embodied character? Quite obviously, both heterosexuality and procreation are physical and personal *possibilities*—but are they possibilities which a sexual agent *ought* to try to realize? How would one arrive at such a determination? And what, if anything, could count legitimately against a moral obligation to realize them? This issue is important not only for the CTSA study. Although in many respects outside the mainstream, the study does reflect a notable recent tendency to emphasize essentially personal values while allowing their realization in a spectrum of physical actions with few limits beyond freedom of choice and an attitude of respect toward oneself and one's partner. Yet it is hard to fault its underlying thesis that sex should be liberating rather than the morally dangerous and emotionally painful venture Catholic teaching had made it.

In a recent contribution André Guindon also causes intersubjective values to dominate heavily over those relations of persons which are grounded in sex's potential for conception and birth. He redefines "fecundity" open-endedly, distancing it from "a mere fertility concept."¹¹¹ Fecundity "is a creative power of meaningful and loving relational life": it promotes humanly *tender/sensuous life, self identity, personal worth, and community*.¹¹² Guindon has chapters on both celibate¹¹³ and gay

¹¹⁰ They come closest on bestiality, *ibid.* 230.

¹¹¹ André Guindon, *The Sexual Creators: An Ethical Proposal for Concerned Christians* (Lanham, Md.: University Press of America, 1986) 78.

¹¹² *Ibid.*

¹¹³ A surge of interest in the theological and ethical interpretation of celibacy reflects the facts that marriage is no longer clearly seen as a "second class" option, and that sexuality is seen in relation to the whole personality, not just the acts from which the celibate abstains. See George H. Frein, ed., *Celibacy: The Necessary Option* (New York: Herder and Herder, 1968); Joseph Blenkinsopp, *Celibacy, Ministry, Church* (New York: Herder and Herder, 1968); Donald Goergen, *The Sexual Celibate* (New York: Seabury, 1974); Mary Anne Huddleston, I.H.M., ed., *Celibate Loving* (Ramsey N.J.: Paulist, 1984);

fecundity. In one way such an approach may seem to offer too few practical standards, but in another it is almost certainly too demanding. "Fecundity," expanded to cover virtually all the qualities which make human existence secure, hopeful, and creative, may force the sexual dimension of experience—important but not all-encompassing—to bear more than its share of human meaning.

Homosexuality

The vast literature on homosexuality, a major stimulant to which has been John T. McNeill's *The Church and the Homosexual*,¹¹⁴ manifests the importance of attending seriously to the testimony of those who experience a profoundly same-sex orientation.¹¹⁵ It also highlights use of the best available scientific information about the complex human phenomenon of sexuality. The "compromise" positions of some authors, led by Charles Curran,¹¹⁶ have attempted to recognize that while homosexual acts do not fulfil the full meaning of human sexuality, moral advice to "gay" persons must be sensitive to their situations. Not all are called to celibacy, especially as a "second best" option rather than a vocation.¹¹⁷ Instead, a morally acceptable choice is a committed same-sex relationship. This position has been attacked from both sides: as pejorative in its stance toward homosexuals¹¹⁸ and as encouraging "intrinsically evil acts" of sex outside marriage.¹¹⁹ Yet it does acknowledge the forms of sexual expression most associated historically and cross-culturally with

William C. Spohn, S.J., "St. Paul on Apostolic Celibacy and the Body of Christ," *Studies in the Spirituality of Jesuits* 17/1 (1985) 2–30.

¹¹⁴ Updated and expanded edition (Boston: Beacon, 1988; original, 1976). The new edition recounts the history of McNeill's censorship by the Church, and his decision to break the command of silence, which led to his expulsion from the Society of Jesus and the revocation of his priestly faculties.

¹¹⁵ As James P. Hanigan has pointed out, homosexuality can serve as a "test case" for Christian sexual ethics because it requires the question: Just how essential is parenthood—at least symbolically retained by the heterosexual acts which generally lead to it—to a normative view of human sexual relationships? (*Homosexuality: The Test Case for Christian Sexual Ethics* [New York: Paulist, 1988]).

¹¹⁶ Charles E. Curran, "Dialogue with the Homophile Movement," *Catholic Moral Theology in Dialogue* (Notre Dame: Univ. of Notre Dame, 1976).

¹¹⁷ On celibacy for the homosexual person, see the pastoral encouragements of John Harvey, O.S.F.S., *The Homosexual Person: New Thinking in Pastoral Care* (San Francisco: Ignatius, 1987); and the more psychological approach of Marc Oraison, *The Homosexual Question* (New York: Harper and Row, 1977).

¹¹⁸ McNeill, *The Church and the Homosexual* 25–35.

¹¹⁹ His position on homosexuality was a contributing factor in the Vatican decision that Curran could no longer teach as a "Catholic" theologian, and his consequent dismissal from the pontifical faculty of the Catholic University of America. A history of these events is Charles E. Curran, *Faithful Dissent* (Kansas City: Sheed and Ward, 1986).

human sexual embodiment, recognize that broad and deep human experiences or inclinations can serve as the basis of value judgments (the key premise of the natural-law tradition), and attempt to reach persons whose experience does not match the norm, tailoring the general rule to accommodate divergent realities.¹²⁰

While recent revisionist authors are clear that the sheer biological structure of sexual intercourse is inadequate as a moral norm, they still face the task of bringing the values and moral mandates demanded by the intersubjective dimensions of sexuality back into significant relationship with the embodied nature of the subject.¹²¹ Have traditionalist authors been more successful in relating these two poles convincingly?

John Paul II and the "Language of the Body"

John Paul II has been particularly energetic in pursuing personalist as well as biblical values, using the metaphor "language of the body" to play out sexuality's intersubjectivity.¹²² The pope suggests that Adam's excla-

¹²⁰ Additional works on homosexuality include Edward Batchelor, ed., *Homosexuality and Ethics* (New York: Pilgrim, 1980); Edward A. Malloy, *Homosexuality and the Christian Way of Life* (Lanham, Md.: University Press of America, 1981); Jeannine Gramick, ed., *Homosexuality and the Catholic Church* (Chicago: Thomas More, 1983); Robert Nugent, ed., *A Challenge to Love: Gay and Lesbian Catholics in the Church* (New York: Crossroad, 1983). On the CDF letter to the bishops of the Catholic Church "On the Pastoral Care of Homosexual Persons," Oct. 1, 1986, see Bruce Williams, O.P., "Homosexuality: The New Vatican Statement," *TS* 48 (1987) 259-78, and Gerald D. Coleman, S.S., "The Vatican Statement on Homosexuality," *ibid.* 727-34.

¹²¹ Works advancing fundamental moral and theological reflection on sexual intimacy include Rosemary Haughton, *The Mystery of Sexuality* (London: Darton, Longman & Todd, 1973); John Giles Milhaven, "Conjugal Sexual Love and Contemporary Moral Theology," *TS* 35 (1974) 692-710; Jack Dominican, *Proposals for a New Sexual Ethic* (London: Darton, Longman & Todd, 1977); Margaret A. Farley, "Sexual Ethics," *Encyclopedia of Bioethics* 4 (Washington, D.C.: Georgetown Univ., 1978) 1575-89; Joan Meyer Anzia and Mary G. Durkin, *Marital Intimacy: A Catholic Perspective* (Chicago: Loyola Univ., 1980); E. Schillebeeckx, *Marriage: Human Reality and Saving Mystery* (New York: Sheed and Ward, 1966); James P. Hanigan, *What Are They Saying about Sexual Morality?* (New York: Paulist, 1982); David M. Thomas, *Christian Marriage: A Journey Together* (Wilmington, Del.: Glazier, 1983); William P. Roberts, ed., *Commitment to Partnership: Explorations of the Theology of Marriage* (New York: Paulist, 1987); John C. Dwyer, *Human Sexuality: A Christian View* (Kansas City: Sheed and Ward, 1987).

¹²² The "theology of the body" was the theme of the Pope's Wednesday afternoon general-audience talks in 1979-81. The series was published in three volumes by the Daughters of St. Paul (Boston): *Original Unity of Man and Woman: Catechesis on the Book of Genesis* (1981); *Blessed Are the Pure of Heart: Catechesis on the Sermon on the Mount and Writings of St. Paul* (1983); *Reflections on Humanae vitae: Conjugal Morality and Spirituality* (1984). A defense of the tradition which the pope represents is Ronald Lawler, O.F.M.Cap., et al., *Catholic Sexual Ethics: A Summary, Explanation & Defense* (Huntington, Ind.: Our Sunday Visitor, 1985).

mation "This at last is bone of my bone and flesh of my flesh" (Gen 2:23) recognizes the woman's human identity, realized bodily as "femininity" and in "the reciprocity and communion of persons" which sexual difference makes possible.¹²³ Moreover, the "finality" of "the life of the spouses-parents" is to make their "humanity" "subject in a way" to "the blessing of fertility, namely, 'procreation' (Gen 1:28)."¹²⁴ Leaving aside the question whether or how these theological interpretations are linked to the original meanings of the biblical texts, one can still appreciate John Paul II's attempt to engage Catholic sexual morality with Scripture and to explore basic male-female relationships. Woman and man are addressed in egalitarian terms as able in and through their sexuality to experience mutual self-donation, a personal relationship which opens onto the ideal of Christian self-offering love.

Yet questions follow. On exactly what basis (other than tradition) is it affirmed that the marital *experience* requires procreation as the completion of conjugal love (especially if tied to each sex act)? Has the experience of married persons been consulted adequately to confirm such an assertion?¹²⁵ Second, are the ideals of unity and mutual self-donation really conceived equally for men and women? The ideals are presented with little attention to the social conditions which would make true reciprocity in sexuality, marriage, and parenthood a genuine possibility. The "mutual self-gift" language must be placed against the backdrop of gender roles, especially the pre-eminence of motherhood for women, which clearly color the picture John Paul II paints of sexual fulfilment in marriage.¹²⁶ One commends the pope for speaking out against injustice to women¹²⁷ and giving attention to biblical evidence for the equality of women and for the sinfulness of their subordination to men.¹²⁸ Yet the practical consequences of biblical and personalist themes are far from receiving full recognition. One is struck by the coalescence of a sexual ethics of procreation and union represented in each and every sexual act, and a social context in which motherhood must constitute the primary

¹²³ *Original Unity of Man and Woman* 109–10.

¹²⁴ *Ibid.* 111.

¹²⁵ Is the pope entirely justified in his claim that the "lack of direct personal experience" is "no handicap" at all to celibate authors, who can rely on experience which is "second-hand, derived from their pastoral work"? See Karol Wojtyła, *Love and Responsibility* (New York: Farrar, Straus, Giroux, 1981) 15.

¹²⁶ See, e.g., the general-audience talk of March 12, 1980, "Mystery of Women Revealed in Motherhood," *Original Unity of Man and Woman* 153–61; *Familiaris consortio*, no. 23; *Mulieris dignitatem* (Sept. 30, 1988), *Origins* 18, no. 17 (Oct. 6, 1988) nos. 17–19, esp. 18.

¹²⁷ *Familiaris consortio*, no. 24; *Mulieris dignitatem*, no. 14.

¹²⁸ See *Mulieris dignitatem*, no. 10, on Gen 3:16 as a consequence of sin; and no. 16 on Mary Magdalene as the first witness to the resurrection and "apostle to the apostles."

identity of sexually active women.

One suspects that, were it not for a "bottom line" of consistency with *Humanae vitae*,¹²⁹ these personalist insights would lead ineluctably to the conclusions that, if mutual "self-gift" is to be the most basic norm of the male-female relationship, then (1) interpersonal values are the essence of marriage, to which sex and procreation are linked in firm but subordinate relationships; (2) full interpersonal and sexual reciprocity of women and men implies equality in all spheres of familial and social life; (3) full equality in family, church, and society likewise implies the necessity to control reproduction adequately to permit women as well as men to mesh family life with their contributions in other spheres. As a final point, the elevated self-gift language of papal writings romanticizes sexual commitment. Romanticism militates against success in meeting the more practical demands of sexual, marital, and family life, and when aligned with an "authoritative" overemphasis on procreation, can conscript married persons' positive experiences of sexuality into the service of extrinsic evaluative standards rejecting any compromise of the ideal as "selfish."

Reproductive Technologies

A related testing-ground of the love-procreation link in recent Catholic sexual ethics has been the debates over reproductive technologies, spurred by the 1987 Vatican *Instruction*.¹³⁰ Relying on the papal framework, the *Instruction* condemns any technique which achieves conception outside of sexual intercourse, even if the gametes of a married couple are used to conceive a child which they see as the fruit of their love and the realization of their cherished parental aspirations. "Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the

¹²⁹ Affirmed vehemently in *Familiaris consortio*, no 32, and in *Reflections on Humanae vitae*.

¹³⁰ Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day*, Feb. 22, 1987. The issue of "artificial" reproduction is not new, having been considered in *TS*'s first review of the moral literature ("Recent Canon Law and Moral Theology," *TS* 1 [1940] 429). It receives mention in the early "Moral Notes" in 1955 (Connery, 16 [1955] 587), 1956 (Lynch, 17 [1956] 188 and 581), 1959 (Connery, 20 [1959] 628-29; and Farragher, 605), 1961 (Lynch, 22 [1961] 623-26). See also Gerald Kelly, S.J., "The Teaching of Pope Pius XII on Artificial Insemination," *Linacre Quarterly* 23 (1956) 5-17. In the 1970s the literature becomes more expansive, especially after the birth of the first IVF baby, Louise Brown, in 1978. For subsequent literature see Richard A. McCormick, *Notes . . . 1965 through 1980* 787-800; Edward V. Vacek, S.J., "Notes on Moral Theology: 1987, Vatican Instruction on Reproductive Technology," *TS* 49 (1988) 111-30; Thomas A. Shannon and Lisa Sowle Cahill, *Religion and Artificial Reproduction: An Inquiry into the Vatican "Instruction on Respect for Human Life"* (New York: Crossroad, 1988).

meanings and the values which are expressed in the language of the body and in the union of the human person."¹³¹ *Humanae vitae* is revisited, clothed in personalist language, in the proposal that three variables are inseparable in each act, whether of sex or conception: sexual intercourse, love, and procreation. Parallel questions present themselves: Do infertile would-be parents experience laboratory conception as a violation of their sexually-expressed love relationship, or as an assisted fulfilment of it? If there are limits to be set on the use of such technologies, does the "each and every act" standard capture them appropriately? Is there a significant moral difference between methods using donors, and those used by spouses alone (which the *Instruction* denies)? If so, in what does it consist? A recognition of the priority of love as the moral *condition* of sexual and procreative acts would lead to the conclusion that if there is one inviolable value in the marital-sexual-parental scenario, it is the love union of the couple. Donor methods are morally more dubious because they involve a third party in the procreative effort of a marriage. Moreover, they induce the donor dualistically to separate his or her physical partnership in the creation of a child from any psychological and social relationship to that child. (Donorship is different from adoption in that the former involves the premeditated conception of a child *for the purpose* of giving it up.)

In failing to make any significant distinction between homologous and heterologous methods of conception, the magisterial teaching document misses another opportunity to offer prudent and reliable guidance to Catholics and others in a culture which makes any conjunction among sex, commitment, and procreation virtually dependent on free choice. The Vatican fails to elucidate what reasonable relationship might actually be affirmed between love and procreation, once the act-focus is overcome. This shortcoming feeds into the revisionist personalists' difficulty in incorporating the physical experiences of sex and parenthood into the normative meaning of sex as important even if not controlling. One illustration is an essay of Louis Janssens, who, having established a "personalist foundation" for sexual responsibility and recognized the corporeality and sociality of the person, still can only lift up the personal *relationship* of the infertile couple—its strength and balance—as the final criterion for the acceptance of artificial insemination by donor.¹³² The value of corporeality is ambiguous if the level of its practical authority is undefined. If the "prophetic" message of today's Church is to be that sexual expression should arise from personal commitment

¹³¹ *Instruction*, no. 4.

¹³² Louis Janssens, "Artificial Insemination: Ethical Considerations," *Louvain Studies* 8 (1980) 3–29, esp. 28.

which, barring extraordinary circumstances, is open to and responsible for children, it will have to find a language to ground the meanings of sex and parenthood convincingly in the personal devotion of partners. Certainly the sexual-marital partnership is neither defined morally by nor fully recapitulated in any one sexual act. Hence the tie of love, sex, and procreation must be construed *primarily* in view of the couple's total partnership.

Feminism: The Example of Rosemary Ruether

Feminist writings about sexuality carry through an analysis of the social context which is implicit but undeveloped in most personalist thought.¹³³ This underdevelopment particularly marks insights about egalitarian union used to back norms generated in social settings in which women were subordinate to men, the welfare of the conjugal couple was subordinate to that of the family and social group, and sex was understood primarily in terms of its contributions to family, clan, and species. Beginning with the experience of women, feminism situates sexual experience and relationships in the context of gender roles, their socioeconomic rationale, and their oppressive effect on women's (and to a lesser extent men's) self-understanding and social opportunities.

Rosemary Ruether's long-standing interest in Catholic sexual morality was given a radically new sense of direction in the aftermath of *Humanae vitae*. In *Sexism and God-Talk* she locates the unique contribution of feminism "not in its use of the criterion of experience but rather in its use of women's experience, which has been almost entirely shut out of theological reflection in the past."¹³⁴ The critique of sexism implies a vision of more equal participation of women and men in family, culture, church, and society. Feminist ethics does not have a global blueprint for the definition and content of "full humanity" for either sex; its method is more inductive, practical, and critical in relation to existing patterns of male-female relationships. The groundedness of feminist theology in personal and social experience, including sexuality, is manifest in Ruether's proposals for liturgical rituals recognizing events in women's lives which are ignored or distorted in the patriarchal sacramental tradi-

¹³³ Literature on feminist ethics is extremely extensive. An introduction is Barbara Hilkert Andolsen et al., eds., *Women's Consciousness: A Reader in Feminist Ethics* (Minneapolis: Seabury/Winston, 1985).

¹³⁴ Rosemary Radford Ruether, *Sexism and God-Talk: Toward a Feminist Theology* (Boston: Beacon, 1983) 13; the same point is made in her "Feminist Interpretation: A Method of Correlation," in *Feminist Interpretation of the Bible*, ed. Letty M. Russell (Philadelphia: Westminster, 1985) 111-24, at 112. See Ruether's essays on similar themes, *New Woman, New Earth: Sexist Ideologies and Human Liberation* (New York: Seabury, 1975).

tions.¹³⁵

Also helpful in achieving an undistorted view is cultural analysis, at which Ruether is skilful and prolific.¹³⁶ One of her major social causes is the reintegration of the public and domestic spheres through new forms of community allowing both sexes to participate in economic and political life, while sharing the responsibilities and opportunities of early child care.¹³⁷ Despite its role in the traditional sacralizing of celibacy and of the patriarchal family, Ruether holds out hope for the Church as repository in our culture for "the values of community life, for the ethic of mutuality and mutual service," and for the biblical ideal of "a new kind of humanity, overcoming the old division of patriarchal society of male over female."¹³⁸ But the demons of patriarchy have yet to be exorcised, not least of all in Roman Catholicism's attitudes toward sexuality. Ruether surmises that the "pro-life" stance of the Catholic hierarchy "conceals the fact that they have never come to terms with the question of contraception," a failure which has as its practical consequence the promotion of abortion.¹³⁹ "The inability to deal with reproductive rights in the church is ultimately rooted in an inability of a patriarchal Christianity to deal with women as autonomous persons and moral agents in their own right."¹⁴⁰ One can trace in Ruether's work a 25-year struggle to make sexual, marital, familial, and women's experience heard in the Church; her later work increasingly reflects the desperate loyalty of an internal critic for whom quiet acquiescence would be faithless.

CONCLUSIONS

1) The contemporary Western experience of sexuality reveals sex's intersubjective orientation as key to its moral character. Recognizing

¹³⁵ Ceremonies include rites of healing from rape, from violence, from a miscarriage or stillbirth; birthing preparation liturgy; and, more iconoclastic, rite of healing from an abortion, ritual of divorce, and covenant celebration for a lesbian couple (Rosemary Radford Ruether, *Women-Church: Theology and Practice of Feminist Liturgical Communities* [San Francisco: Harper and Row, 1985]).

¹³⁶ See Ruether's *New Blackfriars* 65 (1984) series: "Church and Family in the Scriptures and Early Christianity," 4-13; "Church and Family in the Medieval and Reformation Periods," 78-85; "Religion and the Making of the Victorian Family," 110-18; "The Family in Late Industrial Society," 170-78; "Feminism, Church and Family in the 1980's," 202-11.

¹³⁷ "Feminism, Church, and Family in the 1980's," *ibid.* 208-11; "Home and Work: Women's Roles and the Transformation of Values," in *Woman: New Dimensions*, ed. Walter J. Burghardt, S.J. (New York: Paulist, 1977) 71-84, originally an issue of *TS*, December 1975.

¹³⁸ "Feminism, Church, and Family" 212.

¹³⁹ Rosemary Radford Ruether, "Crises and Challenges of Catholicism Today," *America* 154 (1986) 152-58, at 155.

¹⁴⁰ *Ibid.*

this, recent Roman Catholic teaching has evolved from the primacy of procreation to the equality of love and procreation; toward greater appreciation of the interpersonal, relational context as grounding the moral significance of any particular act; and, finally, toward what may be an eventual realization that the committed love relationship is the condition of possibility of moral sexual acts as well as their primary "goal."

2) To place procreation appropriately in relation to the sexually expressed union remains a major task for Catholic thinkers. Traditionalists, including the magisterium, tend to so tie procreation to acts that their affirmation of procreation is premised on what amounts to a denigration of the relationships in which it takes place. Consequently, the Catholic "message" that sex, love, and procreation are not only somehow bound together, but that parenthood is attractive and worthwhile, is lost in unedifying boundary-marking around "licit" and "illicit" variations on the sex act itself. Revisionists, reveling in the liberating if commonsensical realization that the essence of sexual morality is love, react so strongly against a legalistic casuistry of procreative sexual acts that the shared project and fulfilment of parenthood becomes a negligible byway on the moral landscape of sexual meaning. Resolution of these differences awaits an integrated approach which sees both sexual expression and procreation as crucial but derivative and hence secondary dimensions of a committed (and equal) male-female partnership.

3) Personalism in sexual ethics coincides with the modern turn to the perspective of the acting subject. It also reflects a more general phenomenological turn in natural-law thinking. Hence personalism implies the question of the evaluation of the subject's "experience," which is always partial and socially conditioned. Thus it also implies the interdependence in ethics of experience, social science, philosophy, Scripture, and Christian tradition.

4) The category "experience" becomes more inclusive as the voices of persons outside the monogamous, permanent, procreative, heterosexual union are heard. The situations they report further the insight yielded by the contraception debate, i.e. that human realities do not always conform to a general ideal, however admirable, and that morally right choices will often depend on prudent, practical adaptation of the ideal to the reality.