



The Personalist Basis of the Church's Teaching on Human Sexuality and the Natural Law in the Work of John Paul II. Part II¹

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Abstract

Responding to Pope John Paul II's call to give the "ethical grounds and personalistic reasons" behind the Church's teaching on sexual morality, this reflection written over the span of two articles analyzes the norms of the natural law related to human sexuality from a personalist perspective. The key ideas of this study are drawn from two passages: one from *Gaudium et spes* which states that "The sexual characteristics of man and the human faculty of reproduction wonderfully exceed the dispositions of lower forms of life", the other from *Humanae vitae* stating that "Conjugal love reveals its true nature and nobility when it is considered in its supreme origin, God, who is love ... and it is of supreme importance to have an exact idea of these." (9) Drawing on the analysis of parts I and II shows, first, that the spousal act is in its original structure an "embodying act" intrinsically fashioned to embody spousal love: the self-donation, the intimacy, and the fruitfulness proper to the spirit's act of love animates the bodily act of sex from within, so that the spirit and the body form "one thing" in the spousal act. Secondly, this truth about the spousal act as structured by spousal love will mean that the norms governing human sexuality are not based on biological laws, but on the laws of love. Finally, Part II culminates in a reflection on the individual norms of sexual morality, showing how each of them follows the nature of spousal love. The precepts of the natural law are our guides to properly reverencing the sacred sphere of human sexuality, which is a condition for our flourishing as human persons.

Keywords

Contraception, Natural law, Personalism, Sexuality, Sexual morality, St. John Paul II

This article is the second of a two-part article considering the personalist foundations of the Church's teaching on sexual morality, drawing on the work of Pope St. John Paul II. Part I contained the following: (1) it provided a brief overview of natural law theory, which showed that the norms of the natural

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law are not arbitrary, but that they dictate a *due* or *just* response to things around us based on the nature and value of those things. If Catholic sexual morality is rooted largely in the natural law, it follows that to understand the norms of sexual morality which govern our relation to the sexual sphere, we must understand the nature and value of human sexuality. (2) As a preliminary to unfolding the nature and value of human sexuality, Part I considered the special relation between body and soul within the human person, generally, and how this special relation manifests itself in certain kinds of acts called “embodying acts”—bodily acts that are fashioned to contain an act of the spirit; for the spousal act is not either only bodily or only spiritual, but an act which is simultaneously bodily and spiritual. (3) Finally, Part I contained a reflection on the nature of love and its laws, in anticipation of the idea to be explained in Part II that the Church’s moral norms surrounding human sexuality are grounded in the nature of love and its laws.

In the present article, we bring the conclusions of Part I to bear on the interpretation of human sexuality and the Church’s teaching concerning it by considering (1) the spousal act as an embodying act, (2) how the spousal act embodies spousal love in particular, and (3) how the Church’s moral laws relating to sex are derived from this truth about the spousal act as love-embodying, looking at each specific teaching in turn.

The Spousal Act as Embodying Act

Following the first part of this article, we are now in a position to understand what it is to say that the spousal act is an embodying act and that it is metaphysically fashioned to be ensouled by spousal love. Applying the features of embodying acts discussed in Part I, this means, first, that it is not complete as a physical-behavioral reality, but has an interior metaphysical space fashioned to be animated by the spirit’s act of love. In the bodily act of

sexual self-giving, spousal love has become, as it were, two-dimensional, spiritual-bodily. I believe that John Paul is referring to this when he writes that, “[a]s an incarnate spirit, that is, a soul which expresses itself in a body and a body informed by an immortal spirit, man is called to love in his unified totality. Love includes the human body, *and the body is made a sharer in spiritual love*” (*Familiaris consortio* 1981, 11; emphasis added) and when he speaks of the sphere of sex as having an “inner soul,” saying that the “values of tenderness and affection ... constitute the *inner soul of human sexuality*, in its physical dimension also (*Familiaris consortio* 1981, 32; emphasis added). That the spousal act is an embodying act means, secondly, that the *specific* bodily-behavioral structure of the sexual act (in its original design as fashioned by the Creator) is analogous in its characteristics to the features of spousal love; put the other way around, the spiritual reality of spousal love is here found to have taken on concrete bodily outlines, being analogically but recognizably “repeated” in the realm of bodily structures and behavior (I will give particulars on this in the next section). And thirdly, its embodying character means that entering into it will augment the soul’s playing field, and grow the spirit’s act of love.

Many readers will see the connection between this analysis of the spousal act as embodying and John Paul II’s idea of the “language of the body,” and will notice that the reality of embodiment is a metaphysical condition for the possibility of the body’s having a language inherent to it. Because this language is objective to the body, John Paul says that the spouses are required to “reread [this language] in truth,” which is the language of mutual self-gift.

The ultimate goal of this article will be to show how the laws of love bring to bear on the spousal act, which will yield for us the precepts of the natural law relating to human sexuality. Before arriving at this point, however, we have one more building block to put into place—a crucial one, as it will reveal the second significant feature of sex (the first

being its procreative potential) mentioned in Part I. We have to ask the question: what is it about the sexual sphere of our bodily being that makes *just this act* suited to effecting the deepest possible love union between husband and wife—the gift of self that is total and therefore exclusive and permanent? And what is it that makes *just this act* suited to being at the origin of the life of God’s most exalted creation—the embodied rational soul, destined for eternity? For it should be a cause of wonder that just this domain of our bodily being, and not some other, is at issue here, and that this particular bodily act, and not some other, such as a handshake, establishes the unique oneness of spousal unity at the source of new human life. The sheer physical closeness is not enough to explain it, because here it is a matter of a union of persons, and not just of bodies. The answer to this question is to be found in considering a characteristic of sex that is abundantly evident in our experience and reflected in our nontheoretical speech about sex, but one that is rarely considered in the philosophical or theological analysis. I am referring to the *intimacy* of sex already as a bodily reality. We often use the language of spouses’ “being intimate.” But this intimacy *between* husband and wife that the sexual act effects is possible only because of the structural intimacy of the sexual sphere *within* the human person: the sexual dimension of the person exists *within the personal depth of the human being*.

How do we come to know the structural depth of human sexuality? We come to know it by noticing that the *quality of sexual experiences is characterized by intimacy*. By “intimacy” I have in mind its straightforward meaning, namely, *proximity to one’s personal center*. Consider the following: in any sexual experience the body is “awakened” in its vital depth, and simultaneously, the soul is touched in its depth. It is not like other parts of the body, where the personal soul is indeed the animating principle, but where there is no question of our very selfhood at its core being touched when they are touched.² In the case of the sexual sphere,

the bodily is objectively bound up with our deep personal center, the center where we are awake to ourselves, and where we belong to ourselves. Wojtyła captures this intrinsic depth of sexuality in this way: “A very particular link certainly exists between *sexus* and the person in the objective order, to which corresponds in the order of consciousness a particular awareness of the right for personal possession of one’s own ‘I’” (Wojtyła 2013, 82). This connection between body and soul in the sexual dimension means that any entry into the sphere of sex (any type of arousal, or any kind of physical touching) entails an entry into the personal center. Mysterious as this reality is, if we take things as we find them, we can only conclude that though body and soul are wholly united within the human person as a whole (as we saw in our discussion of embodiment, in Part I), *body and soul meet in a uniquely close way, and in their respective depths, in the sexual sphere*. I believe that John Paul has this in mind when in *Familiaris consortio* he refers to the sexual sphere as “the level of the deepest interaction of nature and person” (*Familiaris consortio* 1981, 32). Earlier in the exhortation he writes that “sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is by no means something purely biological, *but concerns the innermost being of the human person as such*” (*Familiaris consortio* 1981, 11; emphasis added).

The reader should note that in the case of sex, *experiential intimacy* and the *ontological* are wholly inseparable: the experiential depth heralds the fact that at issue here is the objective center of the person.³ Indeed, it should be apparent that in the case of the sexual sphere, *the experiential dimension makes up part of the significance of sex*. The fact that some deep place within the human person is touched upon in the experience of sex is part of the reason for the “existential” import of sex, and therefore for its ethical import. I would ask the reader to note that it is this intimate character of sex

which explains one of the central reasons that its misuse is so deeply damaging to the human person. Without this dimension, the act would be merely physical; and though its misuse might have medical fallout if it were only physical, it would not have the particularly deep negative psychological and spiritual effects so conspicuously associated with it.

Now we can answer the question asked above, “What is it about the sexual sphere of our bodily being that makes it suited to effecting the deepest possible love-union between husband and wife—the gift of self that is total and therefore exclusive and permanent—a union that is fruitful with new human life?” It is because of the metaphysical intimacy of sex that it can do so. Because of the unique metaphysical place this sphere of our bodily being occupies within us, it is capable of and fitted to effecting a unique kind of union between man and woman: in the gendered person’s giving of him or herself sexually, *he or she gives his or her very self*. Let us be clear about this: It is a fact of human, embodied existence, simply established by the Creator’s free decision, that the human soul is bound up with the bodily, and—once again, simply by the will and design of the Creator—that our deep personal center is bound up with the specific part of our bodily being which is sexuality. Consequently, the full mutual self-surrender of husband and wife to one another longed for in the experience of spousal love *cannot take place without sexual self-giving*. Conversely, *to give oneself sexually is to give oneself wholly, and in one’s depth*; as Wojtyła writes after considering the intersection of the sexual sphere with the center of the person, “Consequently, out of the question is a sexual self-giving that would not mean a self-giving of the person” (Wojtyła 2013, 82).⁴ Perhaps this is why the Church says that a marriage cannot come into being in the case of impotence. But as we saw in our reflection on spousal love, total self-giving in love is also necessarily exclusive and faithful, or irrevocable. (We will see below why the act

can live up to its nature only when the man and the woman are married.)

This connection of bodily sex with the self-possessing center contains one important clue that the sexual sphere is given to the human person as a means for making a gift of himself. How so? Consider first the ultimate dual vocation of the human person, to make a gift of herself to God in return for His gift of Himself, and to make a gift of herself to other human persons entrusted to her. Though this truth about the human person becomes most clear in the teaching of the Gospel, it is accessible to our natural experience that our true fulfillment as persons, our true happiness, comes to us as a gift upon the condition of our making a sincere gift of ourselves to others. Now, when we consider the way that the sexual sphere in its structure intersects with the self-possessing center of our being, as described above, it becomes evident that our sexuality is given to us not for ourselves, but as a means of making a gift of self to another. We are given to ourselves by the Creator not to keep ourselves for ourselves but to make a gift of ourselves. In a parallel way, our sexuality is not our possession in an absolute sense, but is given to us as a means of making a gift of ourselves.

The Features of Love Embodied in the Spousal Act

We are now ready to consider the features of love embodied in the spousal act, and this will allow us to see how the laws governing love give rise to the precepts of the natural law when it comes to sex; the biological/physical laws will turn out to be an expression of the spiritual laws of love. The bodily-psychic depth of the sexual sphere considered above, the physical structures and concrete “gestures” involved, and the “laws of nature” in the narrower sense that make up the spousal act embody the features of love in the following ways. In each case, a feature of love will be named, followed by the particular bodily feature of the spousal act that embodies it.

(1) Spousal love is dynamic in its *emotional yearning*, a yearning which deeply grips the soul, carrying the lover out of himself toward the beloved. The bodily-psychic *dynamism* of sexuality (what Wojtyła calls “the sexual urge”) is fashioned to embody the affective dimension of love. (2) Spousal love is a special kind of love occurring only between man and woman, and makes for the possibility of a uniquely close personal/spiritual union. Genital sexuality embodies this truth about complementary gendered differences, making possible a genital mutual self-giving based on the complementarity of male and female sexuality not possible between persons of the same sex. (3) Spousal love is intimate, bringing a man and a woman into the closest possible union of souls. In its bodily-psychic intimacy, seen above, sex is fashioned to embody and thus enhance this closeness. (4) The mutual self-giving and receiving of persons in love is spiritually fruitful. The same bodily act which effects the spousal union of persons is fruitful with a unique fruitfulness most proper to it, namely, with the coming into existence of new human life. (5) The creation of new human life lies ultimately in the hands of God, as he alone can create a human soul. This reality is reflected in the fact that “nature” takes over when it comes to the moment of conception, such that conception is not directly accomplished by what the spouses freely do, but rather “happens” beyond their free agency and hidden from their consciousness. (6) There is great spiritual happiness in the union of love, and this happiness is also the medium of the experience of union. This happiness of love is embodied in the physical pleasure of sexual union, by means of which spouses experience their closeness to one another.⁵

We conclude our analysis of human sexuality with the following: Given the sacred character of the human person; given the centrality of the self to spousal love and the great importance of spousal love to human existence; given the integral connection between human sexuality and spousal love, and therefore, of sexuality with the deepest self; given the connection of sex with the coming into existence of new human life; given all of these, we can

conclude to the *great moral relevance of the sphere of sex and of the human person’s use of it*.⁶ How we use the sexual sphere cannot be arbitrarily decided but must be guided by the values contained there. We must respond with reverence to these values, and may not violate them. The precepts of the natural law relating to sexuality are the set of norms governing our behavior in relation to the values contained within the sexual sphere. Having seen these values, we can now draw out these precepts.⁷

The Precepts of the Natural Law Relating to Sexuality

*First Precept: The Spousal Act May Be Used Only Within the Context of Marriage*⁸

While the bodily act of sex accomplishes something the act of the spirit by itself cannot accomplish, it is nevertheless the case that the act is able to “live up to” its nature only in the context of marriage—that is, only in the case that the man and woman have made a permanent commitment to one another in the marriage vows.⁹ We saw that totality, and therefore exclusivity and permanence, belong to the essence of spousal love. We saw also that the sexual act “speaks” of totality, and therefore of exclusivity and of permanence. And yet, when we consider the matter closely, we see that, *as bodily, even though by its nature implicating the soul, the spousal act cannot by itself establish permanence*. Rather, only a *free act of the will* is able to do this—because only by the will can persons reach into the future and commit themselves in a permanent way. Once this foundational level of mutual commitment exists, the spouses can then *complete* their mutual belonging in sexual self-giving. Reflecting all of this, the Church states that the couple is validly married (the marriage is *ratum tantum*) upon taking the vows (that is, they are already “spouses” to one another), but that the marriage is completed or

“consummated” (*ratum et consummatum*) in the spousal act—an act proper to a man and woman already vowed to one another.¹⁰ We have here the ground of our first precept of the natural law, which is the prohibition against fornication. *Any* use of the sexual sphere outside of marriage is *intrinsically* wrong.

Second Precept: The Norm Forbidding Adultery

A second precept becomes immediately evident and in no need of further elucidation, namely, the precept forbidding adultery.

Third Precept: The Precept Against Contraception—That Is, Against the Direct Removal in Any Way (Whether Hormonal, Chemical or Mechanical) of the Procreative Capacity of the Spousal Act This Precept Encompasses the Prohibition Against in Vitro Fertilization

What about the procreative dimension of the act? It is a great gift for embodied beings that some acts of the spirit take on *concrete outlines* in embodied acts. Through sexual self-giving, the union of love between husband and wife reaches new proportions; because of the intimate union of body and soul in the sexual sphere, this bodily act expands the playing field of the spirit, augmenting the union of persons. But then we discover that this act—of such great importance to the spouses as the source of a union longed for but unattainable without the participation of the body—is *also* at the source of new human life. Here, again, the body immeasurably expands the playing field of the spirit: because of it, mere human beings are able to bring into existence new human life!¹¹ And once we see the specific procreative potential of sexual union, we recognize that the conception of new human life embodies *in a concrete way* within the spousal act the *fruitful* dimension proper to the essence of love—strictly

parallel to the way the concrete physical, genital self-giving embodies the (spiritual) self-giving of love. We discover that the concrete fruit proper to *this* concrete act of union is the conception of new human life. Thus, to remove the fruitfulness proper to this concrete embodiment of self-giving is to destroy the act as an act of love—and here we come to the Church’s prohibition against contraception. I would like to take some time to reflect on this teaching, to show more clearly the values spouses are being called upon to revere in this prohibition.

It would not have been a contradiction if the spousal act of union was not in fact also at the source of new human life; in fact, we must retain our wonder and gratitude that this gift of cooperating with God in the creation of new human life has been entrusted to us—for it is a pure gift. And yet, once we see that—by God’s design—this highest act of love between husband and wife gives rise to such an exalted fruit, we recognize that it is eminently fitting that it should be so. Far from being simply juxtaposed to one another simply as a matter of fact, the unitive and procreative factors of sex are meaningfully and organically connected to one another. Indeed, in the order of justice, *personal life must have love at its origin*—and this is exactly the structure of the procreation of human persons in the love-embodying act proper to spouses. Unlike in the case of animals, new human life does not come to be in a straightforward act of generation. Rather, it comes to be by way of another act: the act of mutual self-giving of the spouses.¹² The love-origin of human persons is thus concretely instantiated in the spousal act, and thus safeguarded Wojtyła writes in an early meditation on *Humanae vitae*:

The fact that this value of life [is examined in the encyclical] ... within the vision of the love and the responsibility of the partners, places the value of human life itself in a new light. Man and woman in their matrimonial life together which is a living together of persons, must create a new human person. The conceiving of a person by means of persons – this is the just

measure of values which must be used here (*The Truth of the Encyclical Humanae vitae* 1969).

And earlier in the same document he says, "This loving communion of a married couple, through which they constitute, according to the words of Genesis 2:24, 'a single body' is a kind of *condition of fecundity, a condition of procreation*."¹³

But once we understand the nature of embodying acts, and once we have understood the love-embodying nature of the spousal act, we see not only the fittingness that new human life should come to be in this way, but we at the same time see that we *may not directly remove the procreative fecundity from the act*. To take this concrete love union and separate it from its proper concrete fruit is to dismantle it as an act of love. Since love is dual-faceted, consisting of union and its fruit, it is impossible to have one without the other, or to reject one and to retain the other. It emerges that the reality of the unification of the spouses and the reality of generating form one unified act, each one embodying one of the two dimensions of the one reality of love. Notice that *Humanae vitae*'s teaching on contraception is not that spouses *may* not separate the two meanings of the spousal act; *Humanae vitae* rather states that they *are* inseparable, and that man is *unable* to break them apart. The norm itself is: *because the two meanings are inseparable*, spouses are obliged to use the act in such a way that this inseparability is *respected by them*. Here are the two statements:

[T]he Church ... teaches that each and every marriage act (*quilibet matrimonii usus*) must remain open to the transmission of life. That teaching, often set forth by the magisterium, is founded upon the inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning." (*Humanae vitae* 1968, 12–13)

Once again, the third precept of the natural law is hereby stated, which is the prohibition

against contraception, understood as any direct attempt to separate the unitive from the procreative within the spousal embrace. I say "attempt," because—as we have seen above—it *cannot actually be done*: to remove the embodied fruit of this embodied union is not to reject one and retain the other, but, to rend love—in this particular concrete instantiation—asunder, and thus to *have no embodied love at all*. Consider: if love takes on *concrete bodily form*, where the soul "expresses itself" in a concrete way, then altering the bodily reality will necessarily be to make impossible the presence of the inner soul that expresses itself in that bodily form; at that point, the body may be used in some way, but the spiritual act is not present in it. Since the fruitfulness of love is made concrete in the coming to be of new human life, to enter the act while being closed to its fruit means that the coming together of the spouses was not a physical embodiment of love, but only a bodily meeting; *for love consists of a union overflowing into a fruit, and to deny the fruit means that the union was not one of love*. The body no longer "speaks" love, but is only an instrument external to their love. John Paul II writes in *Familiaris consortio* that when spouses contracept they do not respect and promote sex in its "truly and fully human dimension", but rather "use" it as an "object"; in this case, he continues, the "personal unity of soul and body" is broken, and thus "God's creation itself [is struck at] at the level of the deepest interaction of nature and person" (*Familiaris consortio* 1981, 32). Though the spouses may "have a loving attitude" in entering into contraceptive sex, their body no longer *embodies* that love, but is an instrument used by them.

A note on the naturally "occasional" character of procreative fecundity, and of the legitimacy of entering into the act when conception is not possible. Since the creation of new human life is a gift ultimately given by and belonging to the Creator, it was within his authority to put conditions or limits on the actual procreative fruitfulness of the spousal act. Receiving the gift of sexuality as it is,

spouses are permitted to use the act according to the Creator's design, and enter into it when they are not fertile, and even (for well-grounded reasons) purposely avoid engaging in it when they are fertile. If they avoid conceiving in this way, it is an entirely different thing from using the act and directly removing its fertility on their own initiative. Not entering into the spousal embrace is manifestly a different way of avoiding conception than is entering into the act and rendering it sterile. Hence the moral permissibility of "the rhythm method" or "natural family planning,". Though the spouses may be guilty of selfishness in their *motivation* when they avoid pregnancy by means of abstinence, it should be clear that the guilt is about something different than in the case of contraception; avoiding entering into relations *altogether* at a specific moment in time is not the same as using the act but *dismantling* it in its original structure by removing the fruitfulness; only in the latter case do the spouses "[break] the personal unity of soul and body."

Parallel to the way the ability to consummate the union of marriage is the condition for the validity of a marriage, the *openness* to conception is another condition for the validity of the marriage. We see that we are bound by the essentially fruitful character of spousal love in its embodied dimension. If marriage is an institution of spousal love, then anyone rejecting the concrete, embodied realization of spousal love cannot constitute a marriage. On the other hand, it is not necessary that the spouses *actually* be fertile for a marriage to be valid. We see in this reflected the truth that the conception of new life is ultimately a gift, and ultimately belongs to God.

Once we have understood what is at the heart of the prohibition against contraception, it becomes clear that *in vitro* fertilization is also morally prohibited. Contraception removes the fruitful dimension of the spousal act, while *in vitro* removes the child from the position of being a *fruit* of the love-union of the spouses. *In vitro* thus turns the child into a "product made" (see footnote 12) and not proceeding from love. The love-origin of new human life

metaphysically indispensable, as well as *required in justice* is realized *only* when the child is the *embodied overflow* of an *embodied* instance of union between the spouses. While the love of the Divine being is fully present as the source of the child's coming into existence, God's design of having the spouses provide a human love-origin is dismantled. Further, as we saw, the original structure of human generation reflects and ensures God's ultimate ownership of human life, and the child's position as a gift to be received by the parents. When the parents take direct action in uniting the gametes for the "production" of human life, the child is "appropriated" rather than received. The Church's document *Donum vitae* (Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation) is a powerful defense of the child's right to be conceived in a concrete act of love between the spouses.

Fourth Precept: The Prohibition of Homosexual Use of Sex

Another precept of the natural law is the prohibition against homosexual sex acts. Here, we can argue in three ways from our considerations on the nature of human sexuality. Firstly, we can argue from the fact that the spousal love for which the sexual act is interiorly fashioned cannot exist between persons of the same sex. Secondly, recalling the specific character of embodying acts, we can argue "backwards" from the structure of the masculine and feminine body: same-sex acts of sex do not *embody* the self-donating nature of gendered spousal love, and are thus not unifying; the bodily structures simply do not "incarnate" mutual self-gift.¹⁴ And thirdly, we can argue backwards from the concrete fruitfulness proper to embodied sexual love: homosexual acts of sex cannot embody the concrete fruitfulness flowing from the concrete union of embodied spousal love. In this use of sex, as in contraceptive sex, the body is vacated of its interior soul, and the sexual sphere is abused in its objective nature and meaning.¹⁵

Fifth Precept: The Prohibition Against Solitary sex-Acts

A fifth precept of the natural law is the prohibition against masturbation, which also implies the prohibition against pornography; both entail turning in on one's own sexuality. Our argument here comes from the metaphysically unitive structure of human sexuality, which is the same as to say from its essentially other-oriented character. We have seen that, in being bound up with the deep personal center of the human person, it is bound up with the vocation of the person to be a gift for others. My sexuality is mine, but it is mine only because one cannot give what one does not have; its *meaning* (or end) is to be the medium of exclusive self-donation to one's spouse in marriage. Thus, any turning back on ourselves in the use of sex is a violation of its ordination to be used as a means of self-giving.

Sixth Precept: The Prohibition of the Unchaste Use of Sex Within Marriage

Sixth is the natural law tradition which denies that just any use of sex is automatically chaste simply because it takes place within the bond of marriage. John Paul II's *Theology of the Body* is a masterpiece of sustained analysis of this point, crowning the already awe-inspiring work he undertook in this connection in *Love and Responsibility*. Unchastity occurs when sex is vacated of the love act of the spirit it is fashioned to contain and is instead pursued the sake of pleasure (or even for the sake of procreation, wherein one's own body and that of one's spouse is used to conceive). Before looking at the three ways that spouses can be unchaste in their use of sex, we must make an important remark about the proper use of the spousal act. We have seen that the conjugal embrace is properly lived as an act of love between spouses. While there is an "ideal" here, in which the spouses are truly filled with a tender affective love for one another when entering into the act, there is a "minimum" sufficient for the act not to be unchaste. That minimum is that the spouses

not use each other for pleasure (or procreation, or any end other than self-giving), but approach one another as "ends," in the words of Wojtyla. This resistance to being unloving by using the other is already a loving way of being, regardless of one's emotional state. Having established this, let us now look at the three ways spouses can be unchaste. The first is by pursuing pleasure as an end when entering the spousal act, thus treating the other (and their own body) as an instrument to achieve pleasure. Union with the beloved is the objective goal of the spousal act, in which pleasure is meant to be the medium of the experience of union, and thus received as a gift following upon the giving of self and reception of the other. Another way of being unchaste is the following: as we saw in the discussion of how the spousal act embodies love, spousal giving and receiving have been given concrete outlines by the Creator in the specific gestures of the spousal act. When the use of the spousal act strays outside of these specific gestures, it is a signal that union is not being pursued, but something else—once again, most probably pleasure.¹⁶ The bodily use of sex that does not conform to its original love-embodying structure will not be animated by love—and will thus violate the nature and meaning of the spousal act. In this case, one's own body as well as that of the other becomes an instrument of use. Thirdly, since (as we saw above) contraceptive sex alters the fruit-embodying aspect of spousal love, contraceptive sex is also no longer love-embodying; here, again, the body is used as an instrument, and the use of sex becomes unchaste.¹⁷

Seventh: The Evil of Rape and Sexual Abuse

I finally consider evils that involve the misuse of sex but that are not primarily about the misuse, but about the offense this misuse perpetrates against its victims, namely, the evil of rape and the evil of sexual abuse, generally. These acts are of course also unchaste; but the idea of locating the evil of these acts in

the aspect of unchastity would seem to be wholly inadequate in capturing the essence of the evil at hand. Rather, the evil of these offenses stands clearly before our eyes in light of our consideration of the *intimacy of sex*, as discussed above: in these terrible acts, the intimate depth of the victim is entered into and appropriated by violence; a greater opposite of the loving use of this sphere cannot be imagined. The intimate character of the sexual dimension of the human person explains why someone's violent entry into the sexual domain of another's being inflicts such a deep wound within the soul of the victim. Poetical and mystical language speaks truly of the experience of being "pierced" and "wounded" by love—an experience that is expansive and life-giving. A negative mirror image of this tragically occurs when a person suffers the brutal entry of another into this most intimate sphere where the person belongs to herself, which is to be given freely as a gift, and to which love alone is the proper response. In this entry, the perpetrator seeks by force to "appropriate" the other in his intimate core, and thereby causes a form of spiritual death within the victim's soul. The victim (especially a child) receives an injury that because of its depth level affects life as a whole, though this suffering is often eclipsed from consciousness because of its intensity. It is a great gift of our time that the seriousness of sexual abuse has been recognized in various scientific fields, and that means for healing from these wounds are available in a way that was not the case in the past.

Conclusion

In this article, I have given a personalist foundation to the traditional norms of the natural law concerning human sexuality. The spousal act was shown to be an embodying act, while the two outstanding features of intimacy and fruitfulness proper to it indicate that the act is fashioned to embody spousal love. Therefore, it is ultimately the laws of love that ground the norms governing our use of

human sexuality. Objectively inseparable from love, and existing at the center of human personal reality, human sexuality binds us morally to great reverence in our use of it. At the same time, the personalist foundation also makes clear why the misuse of sex is not only morally wrong but also deeply wounding to the human person. The misuse of this intimate sphere of our being, destined to make possible the deepest communion of persons and most intimate cooperation with God in the creation of new human life, cannot but injure us spiritually and psychologically in our depth. Obedience to the precepts of the natural law is not only a matter of conscience but is also bound up with some of the most important aspects of our flourishing as human persons, serving our true good and happiness.

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Notes

1. My thanks to Deacon William Williams and Peter Colosi for their helpful comments on an earlier draft of this article.
2. Edith Stein writes about how the soul of the human person does not experience itself all at once, and that it has different depth-levels within it; the person dwells sometimes on the more superficial or "surface" level of her soul and sometimes in the deeper levels; "the resolve to take a walk, for example, derives from a layer that is much closer to the surface than a decision that concerns the choice of avocation." (Stein 2002, 376). What I

am saying here, is that bodily sexuality is connected to the depth of the soul.

3. The term “ontological” is similar to “metaphysical” in its meaning, but stands in more direct contrast with the ephemeral existence of the “merely experiential”; it means to emphasize that the very *being* of the person is at issue. Some experiences, such as for example the pleasure we experience when someone compliments us, are ephemeral in this way, and do not implicate the very being of the soul. The intimacy of sexual experience is not like this; rather, *here we have an experiential reality bound up with the very being of the personal ego*, indicating that the personal ego is at issue in some way when it comes to sexual experiences. It is because of this “internal” side of sex that we discover that it is about love, and not merely about pleasure; and that its generative power is the embodied overflow of the union of love, and is thus truly a cooperation in God’s creative love (“procreation”) and not merely “reproduction.”
4. The particular condition of the human person in this regard is also seen in considering that the “wedding” of the human soul with Christ in the state of virginity has as its specific matter the sexual dimension of the human person: the virgin becomes the bride of Christ *precisely* by sealing off this sphere of her being and handing it over to God in a solemn vow; neither the vow of poverty, nor the vow of obedience makes the religious the bride of Christ, but only the vow of virginity does so.
5. I thank one (anonymous) reviewer of this article for bringing to my attention an article by C.S. Lewis titled “Transposition” (Lewis 2001) in connection with my discussion of the relation between the body and soul in the sexual sphere. It is possible that some part of my idea of embodiment is captured by Lewis’s idea of transposition, which he defines as occurring “wherever the higher reproduces itself in the lower” (103). I would say that the reality of embodiment is one species within the genus of “transposed” realities. Lewis writes of the relation between spiritual-emotional experiences and certain bodily sensations, insisting that there exists here no

mere cause-effect relation, but that the two are somehow one unified reality, existing in two dimensions. Here are some of the features in the relationship between the spiritual and the bodily articulated by Lewis that would be true of the relation between spousal love and its embodiment in bodily sexual experiences (some of the following points partially overlap with one another): (1) “In varying degrees the lower reality can actually be drawn into the higher and become part of it. The sensation which accompanies joy becomes itself joy: we can hardly choose but say ‘incarnates’ joy.” (113) (2) The bodily sensations “do not merely accompany ... experiences as an irrelevant or neutral addition.” (97) (3) The bodily feeling that corresponds to a (spiritual) emotion “is not a mere sign of [that emotion]: it becomes what it signifies.” (98) (4) A sensation does not merely accompany an emotion, but becomes part of it under its “formative” power; “The emotion descends bodily, as it were, into the sensation and digests, transforms, transubstantiates it, so that the same thrill along the nerves *is* delight or *is* agony.” (103) (5) There is a kind of “completion” of the spiritual experience in the bodily: “When ... joy thus flows over into the nerves that overflow is its consummation: when ... anguish thus flows over that physical symptom is the crowning horror.” (98)

6. Elizabeth Anscombe writes, “There is no such thing as a casual, nonsignificant sexual act; everyone knows this. Contrast sex with eating—you’re strolling along a lane, you see a mushroom on a bank as you pass by, you know about mushrooms, you pick it and you eat it quite casually—sex is never like that” (Anscombe 2003, IV).
7. It is worthwhile to repeat here the foundational passage from *Gaudium et spes*: “The sexual characteristics of man and the human faculty of reproduction wonderfully exceed the dispositions of lower forms of life. Hence the acts themselves which are proper to conjugal love and which are exercised in accord with genuine human dignity must be honored with great reverence” (*Gaudium et spes* 1965, 51).

8. The reader is referred to Part I of this article for initial considerations on why only male and female persons can create a marriage.
9. For the Christian the commitment of marriage, made before God and entrusted to him, is truly a vow; for the secular person who does not recognize God's ownership of the bond, it is only a promise, solemn though it may be.
10. Canon Law tells us that a marriage *ratum tantum* can be annulled, whereas a marriage *ratum et consummatum* is binding as long as both spouses are alive. Also: it is illuminating to consider that the Church requires the ability to consummate a marriage as a condition of the validity of the vows themselves; it is as if the vow to belong to another in the way proper to marriage cannot by itself complete what it begins, and so is oriented toward the future event of bodily self-giving which is to complete it. This of course makes sense if we consider that marriage is the state of a *total mutual belonging* of two persons in love, and that total belonging is not possible without the giving of oneself in the spousal act.
11. Benedict XVI seems to imply that not only does the rational soul raise the human body by making it personal, but the body as it were returns the favor; man, he writes, is a "unity in duality ... in which spirit and matter penetrate, and in which each is brought to a new nobility" (*Deus caritas est* 2005, 15). In the ability to procreate, we see the nobility the body bestows on the spirit! No angel is able to participate in the creation of new persons.
12. The Catholic Bishops of England Committee on Bioethical Issues write the following in a document from 1983 *In Vitro Fertilization: Morality and Public Policy*: "... when human life comes to be in and through the marital act, it comes, even when ardently desired, as a 'gift' crowning the act itself. When husband and wife engage in the marital act, they are 'doing' something, that is, engaging in an act open to the communication and fostering of their unique conjugal love (its 'unitive' meaning) and open also to receive the gift of new human life from God should the conditions for receiving this gift be present (its 'procreative' meaning). ... should human life come as a gift crowning their personal union, they [do not] 'make' the baby. ... The life they beget is not the product of their art but, as the Catholic Bishops of England accurately noted some years ago, is a 'gift supervening on and giving permanent embodiment to' the marital act itself. When human life comes to be through the marital act, we can truly say that the spouses are 'begetting' or 'procreating' new human life. They are not 'making' anything. The life they receive is "begotten, not made."
13. We give one more wonderful passage in this connection from *Love and Responsibility*: "Marital intercourse is in itself an interpersonal act, an act of betrothed love, so that the intentions and the attention of each partner must be fixed upon the other, upon his or her true good. They must not be concentrated on the possible consequences of the act, especially if that would mean a diversion of attention from the partner. It is certainly not necessary always to resolve that 'we are performing this act in order to become parents'. It is sufficient to say that 'in performing this act we know that we may become parents and we are willing for that to happen'. That approach alone is compatible with love and makes it possible to share the experience of love. *A man and woman become father and mother only in consequence of the marital act: it must be an act of love, an act of unification of persons, and not merely the 'instrument' or 'means' of procreation*" (Wojtyla 2013, 24).
14. This is especially clear in female same-sex use of sex; but it is also evident in the case of males: we have here at best a parody of the mutual self-donation of man and woman in the spousal act. The fact that there is some psychological experience of intimacy in homosexual sex acts only has to do with the fact that the intimate sphere of the person is touched in some way; but this is not a true spiritual intimacy of persons in love.
15. It would be important to consider the question of why the homosexual use of sex is usually thought to be worse in some ways than other acts that vacate the spousal act of its inner soul, such as fornication between a man and a woman, but this question goes beyond the scope of this

article. I will only suggest one idea, here: I have said that as embodying, the spousal act is not merely symbolic. However, though it is *more* than symbolic, it is *also* symbolic: gendered sexuality, and the spousal act as an act of communion of gendered persons, is symbolic of some of the deepest metaphysical-spiritual realities. Homosexual sex is a misuse of sex that undoes some of its deepest symbolism in a way that, for example, fornication does not. There is something similar in the case of masturbation, due to its solitary nature, which contradicts radically the other-directed character of the human vocation.

16. Robert Fastiggi's *What the Church Teaches About Sex* does an admirable job of articulating what this means in practice.
17. Anscombe's main point in "Contraception and Chastity" is that in contraceptive sex, the sexual act is turned into a means for the end of pleasure, and is thus unchaste.

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