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UNIVERSITÉ D'OTTAWA ÉCOLE DES GRADUÉS

EVALUATION OF SEXUAL MORALITY REGARDING  
RESPONSIBLE ENGAGED COUPLES

by Ralph Michael Cardillo

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Religious Studies of the University  
of Ottawa as partial fulfillment of  
the requirements for the degree of  
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ABBREVIATIONS

AAS - Acta Apostolicae Sedis

CDD - Constitutiones Decreta Declarationes

CIC - Codex Iuris Canonici

CSEL - Corpus Scriptorum Ecclesiasticorum Latinorum

NCR - The National Catholic Reporter

## INTRODUCTION

The traditional position of the Roman Catholic Church has been and is that fornication - coitus between two unmarried persons - is absolutely (always and everywhere) a serious sin, at least, objectively.<sup>1</sup> This position equally regards as seriously sinful the coital, casual (non-involved, non-caring) relationship of two unmarried persons, for example, prostitution, and the coital relationship of engaged couples. By engaged couples is meant those persons who formally or informally are totally and responsibly committed to each other and to a life with and for each other, and who are seriously intent upon publicizing their private commitment at some future date.<sup>2</sup> Consequently, the apparent incongruency of the Church's position warranted a re-examination of its stand, especially as it is related to engaged couples as defined above. This need for a re-evaluation of the traditional position was further heightened by sociological and related disciplinary findings regarding

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1 See Sanctus Augustinus, "De Bono Coniugali", in CSEL, Vol. 41, Section 5, Part 3, Vienna, F. Tempsky, 1900, p. 185-231; Sanctus Thomas Aquinas, Summa Theologiae, 2a 2ae, q. 154, a. 1-3; Thomas de Vio Cajetan, On The Summa Theologica, 2a 2ae, q. 154, a. 1-3; H. Noldin and A. Schmitt, "De Sexto Praecepto et de Usu Matrimonii", q. 3, a. 1, in Summa Theologiae Moralis, Oeniponte, Lipsiae, F. Rauch, 1940, p. 18-20, and Gerald Kelly, Modern Youth and Chastity, Liguori, Liguorian-Queen's Work, 1964, p. 66-97.

2 See CIC, Canons 1017, 1094, 1098 and 1099.

the incidence of premarital coitus and trends of coital behaviour in the United States, and secondly, by opposing positions of Christian theologians on the question of premarital coitus and engaged couples.

The method employed in the thesis is one of inductive demonstration from extrinsic evidence, that is, from the insights of contemporary Christian theologians and thinkers. The thesis attempts to show that it is reasonably doubtful that fornication (premarital coitus) is absolutely a serious sin. Specifically, it endeavours to establish such a doubt by re-evaluating the traditional position within the context of three criteria: first, contemporary insights into the nature of coitus, marriage, and conjugal love; second, contemporary insights into the nature of responsible engaged persons; and third, contemporary insights into the nature of Christian marriage as to its essence, and beginning for coital relationships. It is believed that those three chapters related to the aforementioned criteria are individually sufficient to render doubtful the official traditional position of the Roman Catholic Church, although, the collective arguments of all three most certainly buttress the principal conclusion of our thesis, namely, it is doubtful that fornication (premarital coitus) is always and everywhere a serious sin.

## INTRODUCTION

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Therefore, we shall consider in our first chapter the sociological and related disciplinary trends of premarital, coital trends in the United States, thereby indicating a need for a re-evaluation of the Church's position on premarital coitus, especially as it pertains to engaged couples. A presentation in the second chapter of the traditional and the non-traditional positions of Christian theologians on the question of premarital coitus and engaged couples will also point out a need for such a re-examination.

A consideration in the third chapter of the insights of contemporary Christian thinkers into the nature of coitus, marriage, and conjugal love will render doubtful the traditional scholastic argument against premarital coitus between engaged couples, especially those insights that clarify the nature and relationship of sexuality and marriage, and the nature and relationship of coitus and marriage.

The fourth chapter will respond to the argument contemporarily expressed that engaged persons who express themselves coitally to each other do not act with full responsibility. The argument will be rendered doubtful both by a consideration of the nature of responsible engaged persons according to definite objective criteria pertaining to the specific problem of premarital coitus and a consideration of the question whether the ideal is a moral

imperative, especially in non-ideal situations.

The fifth chapter will present the views of contemporary Christian thinkers on the nature of Christian marriage as to its essence, and beginning for coital expression. The traditional position - only public marriage in fact admits of coitus - will be rendered doubtful by three opposing positions. The doubt will be enhanced by a response to the various reasons given in support of the traditional position.

Finally, a summary of the four principal conclusions of the thesis will be made, as well as a notation to three areas of learning both directly related to the question of premarital coitus between engaged couples and in need of further research.



## CHAPTER I

PREMARITAL COITUS:  
SOCIOLOGICAL DATA AND RELATED STUDIES

Sociological data regarding the incidence of premarital coitus, sociological trends of premarital, coital behaviour, conclusions from studies related to sociology, and the dilemma of many engaged couples are four factors that warrant a re-evaluation of the Roman Catholic Church's position on premarital coitus. That position states that fornication is absolutely a serious sin, at least, objectively.

Certain factors point to a need for a re-evaluation of the Roman Catholic Church's official position that fornication - coitus between unmarried persons, regardless of the nature of their relationship - is absolutely (always and everywhere) a serious sin, at least, objectively.<sup>1</sup> These factors are: sociological data regarding the incidence of premarital coitus, sociological trends of premarital, coital behaviour in the United States, conclusions from other studies related to sociology, and the dilemma of many engaged couples. These factors do not prove that the

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<sup>1</sup> Gerald Kelly, Modern Youth and Chastity, Liguori, Liguorian - Queen's Work, 1964, p. 66-73.

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position of the Church is invalid, but indicate a need for a re-examination of its position. Before we consider each of these factors, it should be noted that in this chapter engagement is understood to mean a greater sense of commitment than that of dating or "going steady", and a formal or informal agreement or understanding to marry at some future date.

## 1. Incidence of Premarital Coitus.

It is our purpose in this section to present the sociological data of major studies in the United States that are immediately related to the problem of engaged couples and premarital coitus. The most complete studies ever done on the questions of sexual behaviour in the human male and female were undertaken by Alfred C. Kinsey and his associates.<sup>2</sup> These studies were based on surveys made by the Institute for Sex Research at Indiana University. It is on these reports that we and many others have heavily relied. We note that these studies are not without their limitations, but as Robert R. Bell, Associate Professor of Sociology at Temple University, states:

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<sup>2</sup> We refer to: Alfred C. Kinsey, Wardell Pomeroy and Clyde E. Martin, Sexual Behavior in the Human Male, Philadelphia, Saunders, 1948; Alfred C. Kinsey, Wardell Pomeroy, Clyde E. Martin and Paul H. Gebhard, Sexual Behavior in the Human Female, Philadelphia, Saunders, 1953. Hereafter referred to as Kinsey, Male, and Kinsey, Female.

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... almost all experts would agree that even with its limitations, the Kinsey research is far superior to other studies or to armchair speculation about sexual behavior. Scientifically, the hope is that the Kinsey studies will be improved upon in the future research and that more reliable knowledge will be the result. But until that happens, the Kinsey data will continue to provide the most objective and scientific information on American sexual behavior.<sup>3</sup>

Regarding the incidence of premarital coitus, Kinsey found that "85 per cent of the male population engages in pre-marital intercourse"<sup>4</sup> and that "nearly 50 per cent of the females in our sample had had coitus before they were married."<sup>5</sup> Regarding the incidence of premarital coitus among "the nearly 50 per cent" of non-virgins, Kinsey comments:

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<sup>3</sup> Robert R. Bell, Premarital Sex in a Changing Society, Englewood Cliffs, Prentice-Hall, 1966, p. 92. Cf. William C. Cochran, Frederick Mosteller and John W. Turkey, Statistical Problems of the Kinsey Studies, Washington, The American Statistical Association, 1954; Albert Ellis, Sex Life of the American Woman and the Kinsey Report, New York, Greenberg, 1954; Seward Heltner, Sex Ethics and the Kinsey Reports, New York, Association Press, 1953; Jerome Himmelhock and Sylvia F. Fava, eds., Sexual Behavior in American Society, New York, W.W. Norton, 1955.

<sup>4</sup> Kinsey, Male, p. 392. See also p. 549-552.

<sup>5</sup> Kinsey, Female, p. 286.

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Among the married females in the sample who had had pre-marital coitus, 87 per cent had had at least a portion of it with the men whom they subsequently married. Some 46 per cent had confined their coitus to their fiancé. This means that 41 per cent of all the females who had had any such coitus had had it with both the fiancé and with other males. Some 13 per cent had had it with other males but not with their fiancé.<sup>6</sup>

Kinsey did not make this breakdown for males in his earlier book.

Kinsey provides some data on the non-coital experience of the virgin at the time of marriage. For those females born after 1910, with between thirteen and sixteen years of education, 100 per cent had been kissed; 70 per cent had experienced manual stimulation of the breast; 30 per cent had experienced oral stimulation of the breast; 33 per cent had their genitalia manually stimulated; and 22 per cent had manually stimulated the male genitalia.<sup>7</sup> Bell comments that "between one-quarter and one-third of the virgins in the Kinsey sample can certainly be considered as highly experienced 'technical' virgins."<sup>8</sup>

A major study by Burgess and Wallin confirmed Kinsey's finding that "nearly 50 per cent" of brides are not virgins. Their volume comprised the results of many studies,

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6 Ibid., p. 292-293.

7 Ibid., p. 280-281.

8 Bell, Op. cit., p. 96.

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but was based primarily on their study of 1000 engaged and 666 married couples. They found in their sample that 47 per cent of married females born between 1910 and 1920 had premarital coitus, of which 35.6 per cent was had with their future spouse alone, 9.8 per cent was had with their spouse and other men, and 1.7 per cent was had with men other than their husbands.<sup>9</sup> Chiefly on the basis of the Kinsey and Burgess-Wallin studies, Bell concludes that "from one-half to two-thirds of the female respondents who had engaged in premarital sexual intercourse had the relationship only with the male they later married."<sup>10</sup> Regarding 580 husbands born between 1910 and 1920, Burgess and Wallin found that 67.8 per cent had premarital coitus, of which 17.4 per cent was with their fiancée only, 27.9 per cent was with her and others, and 22.4 per cent was only with others.<sup>11</sup>

Regarding the incidence of premarital coitus, Kinsey concluded:

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9 Ernest W. Burgess and Paul Wallin, Engagement and Marriage, Philadelphia, Lippincott, 1953, p. 331.

10 Bell, Op. cit., p. 106.

11 Burgess and Wallin, Op. cit., p. 389.

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The increase in the incidence of premarital coitus, and the similar increase in the incidence of premarital petting, constitute the greatest changes which we have found between the patterns of sexual behavior in the older and younger generation of American females.

... practically all of this increase had occurred in the generation that was born in the first decade of the present century and, therefore, in the generation which had most of its premarital experience in the late teens and in the 1920's following the First World War. The later generations appear to have accepted the new pattern and maintained or extended it.<sup>12</sup>

Robert Bell deemed the situation to be the same in 1966:

Since approximately the time of World War I there is no strong evidence that the rates of premarital coitus have been increasing. Therefore, the belief that premarital sexual experience is much more common, especially for girls since the end of World War II is not supported by available research evidence.<sup>13</sup>

John H. Gagnon, senior research sociologist and successor of Kinsey's at Indiana's Institute for Sex Research, and his colleague William Simon consider Kinsey's statement in 1953 as a valid appraisal of the incidence of premarital coitus in 1968. They state:

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12 Kinsey, Female, p. 298-299.

13 Bell, Op. cit., p. 12.

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About 50 per cent of the females who ever marry have coitus before marriage, and this rate has been stable for some forty years. Of these females who do have premarital coitus, about half confine their experience to the man they ultimately marry, and a large proportion of the remainder have coitus with less than five males.<sup>14</sup>

In the same article, presumably on the basis of new evidence available to the Institute, they wrote that

... at present, there are uneven signs of a shift in rates of premarital intercourse in our society - a shift toward increasing incidence of premarital intercourse on the part of females.<sup>15</sup>

Perhaps, the recent data of Vance Packard regarding the incidence of premarital coitus among college girls in the U.S.A. are part of such evidence. To be specific, Packard found that, while about 27 per cent of Kinsey's college educated women reported they had experienced coitus by age twenty-one,<sup>16</sup> in contrast, 43 per cent of the twenty-one year olds in his sample reported they were coitally experienced.<sup>17</sup> Packard's data represent a 60 per cent increase.

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14 John H. Gagnon and William Simon, "Sexual Deviance in Contemporary America," in The Annals of the American Academy of Political and Social Science, Vol. 376, March 1968, p. 112.

15 Ibid.

16 Kinsey, Female, p. 293-296.

17 Vance Packard, The Sexual Wilderness: The Contemporary Upheaval in Male - Female Relationships, Toronto, Musson, 1968, p. 184-204.

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There is also some research data on the frequency with which engaged couples had premarital coitus. Burgess and Wallin found in their married sample that for those who had premarital coitus, it happened "once" with only 10 per cent of the couples, "rarely" with 21 per cent, "occasionally" with 40 per cent, and "frequently" with 29 per cent.<sup>18</sup> These findings suggest that premarital coitus is not experienced once and just put aside, but rather that it is a fairly common occurrence for a number of engaged couples.

To conclude our consideration of the incidence of premarital coitus, the conclusions drawn from Gail Greene's study of the coital experiences of 538 college girls and 76 college boys from 102 colleges and universities are of significance for this consideration. She states:

It seems clear from my research that geography (California hedonism, Southern fundamentalism, Texas automobilism), location (how far to the nearest metropolis, the most accessible boy's college, the quickest source of alcohol) and type of institution (Big Ten, country club, church-run, Brahmin deb, community college) do influence the sexual climate, the atmosphere of freedom or repression, and the pressures under which sexual decisions are made. The impact of regional mores and the eccentricities of a particular campus have been ignored in most polling efforts.<sup>19</sup>

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<sup>18</sup> Burgess and Wallin, Op. cit., p. 330.

<sup>19</sup> Gail Greene, Sex and the College Girl, New York, Dell, 1964, p. 10.



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Parents and educators will never bridge the chasm between generations until they have the courage to admit there can be good sex outside of marriage. Good: healthy, proper, wholesome, desirable; all possible interpretations of good, including moral.<sup>20</sup>

If adults have the insight, tolerance, intelligence, and optimism to concede the collapse of fear as a sexual control and the need for a new moral orientation, they will be answering not only the desperate needs of youth but pointing to a new direction for adults themselves. Such an orientation must provide both a convincing argument against exploitive, destructive sex and a respect for the immense potential of fulfillment possible in joyous and responsible sex that builds both a relationship and self.<sup>21</sup>

2. Sociological Trends of  
Prëmarital Coital Behaviour.

Premarital, coital patterns of behaviour apparently existing in the United States are another factor warranting a re-evaluation of the Church's position on fornication. In 1953 Burgess and Wallin concluded from their major study:

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20 Ibid., p. 210.

21 Ibid., p. 215.

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The authors take no stand for or against the desirability of premarital sexual relations. Their role is rather to present research findings, and where feasible, to interpret their implications. The findings of research to date of both the authors and of others, while interesting, do not, in our judgment, give any clear mandate for young people or by society. At most, they point to three general conclusions. First, the double standard of morals is being displaced by two single moral standards, one of premarital chastity for both sexes, the other of sexual freedom for both men and women. Second, the value placed on virginity has declined. Kinsey reports that only 50 per cent of the males of the college level require virginity in a mate. Third, young people rate sex as secondary to personality and other factors in mate selection, engagement and marriage.<sup>22</sup>

In 1960 Ira L. Reiss classified sexual behaviour in the United States into two basic types: body-centered and person-centered. The first is primarily concerned with the physical sexual aspects of a relationship, while the second is principally concerned with the totality of a personal relationship of which physical, sexual acts are expressions. He sub-divided these two types into four major classifications:

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22 Burgess and Wallin, Op. cit., p. 389-390.

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- 1) Abstinence -- Premarital intercourse is wrong for both men and women, regardless of the circumstances.
- 2) Permissiveness with Affection -- Premarital intercourse is right for both men and women under certain conditions when a stable relationship with engagement, love, or strong affection is present.
- 3) Permissiveness without Affection -- Premarital intercourse is right for both men and women regardless of the amount of affection or stability present, providing there is physical attraction.
- 4) Double Standard -- Premarital intercourse is acceptable for men, but it is wrong and unacceptable for women. (Except in some cases with women in love or engaged. Reiss calls this the transitional double standard.)<sup>23</sup>

Reiss comments on these four major standards:

Of the three informal standards, only permissiveness with affection is likely to lead to person-centered coitus. Permissiveness without affection and the double standard are most likely to involve a body-centered type of coitus. Permissiveness with affection is one of the more liberal and equalitarian standards which has developed in the last few generations.<sup>24</sup>

Reiss concludes:

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<sup>23</sup> Ira L. Reiss, "The Four Sexual Standards", in Sex in America, ed., Henry Anatole Grunwald, Bantam, 1964, p. 92-93. Cf. Ira L. Reiss, Premarital Sexual Standards in America, New York, The Free Press, 1960, and Ira L. Reiss, The Social Context of Premarital Sexual Permissiveness, New York, Holt, Rinehart and Winston, 1967, p. 15-37.

<sup>24</sup> Ibid., p. 93.

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Many people have expressed their fears concerning the rapid growth of body-centered coitus ... There are, no doubt, many instances of body-centered coitus of the double-standard and type. In fact, this is probably still the dominant type of coitus in America for males. But in the last century, there has been a constantly increasing proportion of person-centered coitus, despite the fact that permissiveness without affection and petting without affection have probably experienced a considerable, although smaller, growth. But our cultural opposition to such body-centered behavior is a strong obstacle to any rapid acceptance of such standards. It appears probable that person-centered coital and petting standards will continue to be the major direction of growth for quite some time to come.<sup>25</sup>

In 1966 Robert Bell drew the following conclusions:

1) Values have probably changed over the past twenty years at least to the extent that more girls accept premarital coitus if there is an emotional involvement with the partner and some commitment by him to marriage in the future. This is reflected in the relatively high rates of premarital coitus occurring during engagement with the male she eventually marries.

2) There is an expanding body of scientific knowledge about the relationships of premarital coitus to marital sexual relationships as well as to overall marital adjustment. In general, premarital chastity does not appear significantly related to marital adjustment.

3) Studies clearly indicate that premarital sexual values and behavior are significantly related to differences in social class, education, race and religion.<sup>26</sup>

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25 Ibid., p. 104.

26 Bell, Op. cit., p. 12. Cf. Kinsey, Female, p. 282-345, and Gail Greene, Op. cit., p. 60-87.

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4) We have suggested that the new patterns of premarital sexual values and behavior were not initiated by the present younger generation, but are a further development of change at least partially instigated by their parents' generation. What is most important is that over the last two generations, new codes of premarital sexual conduct have emerged and that, as Reiss points out, they have been fashioned for the first time by young people themselves.<sup>27</sup>

5) Many Americans are seriously concerned with what they see as an important conflict between the attitudes and behavior related to premarital sex. The old norms and attitudes do not seem to be working in today's American society. Many Americans react to the attitude -- behavior differences with the belief that norms must be strengthened so that behavior will be brought back into line. A minority argues that the norms should be redefined to fit the changes in behavior.<sup>28</sup>

6) Unless some new and unforeseen social forces emerge, we would project that premarital coitus within the setting of permissiveness-with-affection will increasingly be the accepted pattern for larger numbers of young people. This is not to say that all young will accept the pattern and certainly not that there will be any great verbal acceptance of this pattern from the adult world. What is of great importance is that many of the patterns of conduct among the young are not directly controlled by social institutions reflecting adult values. We have argued that the direct influence of religious institutions has been greatly weakened in this area, and there is no present evidence that religion is moving back as a major force over the premarital sexual values and behavior of the young. On the most general level, the movement in the American society seems to be toward greater sexual freedom.<sup>29</sup>

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27 Bell, Op. cit., p. 170.

28 Ibid., p. 164.

29 Ibid., p. 172.

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Regarding the weakening influence of organized religion, a recent Gallup poll survey noted that "sixty-seven per cent of the people in the U.S. feel that religion is losing its influence on American life."<sup>30</sup>

In a public lecture in 1968 on the question of the sexual revolution, Father John L. Thomas stated that the disassociation of coitus from procreation, which he believed to be universal, had led to coitus being seen as a relational act. Consequently, he foresaw a great increase in premarital coitus under the claim that a real relationship existed, but, felt that most of the change had already taken place during the past three or four years. He added that the increase which he claimed to exist would be apparent only in data five years from now, for most of the studies had only been undertaken during the past five years. Finally, he stated that coital activity exists in direct proportion to the opportunities, and that the opportunities had been greatly increased by a permissive society which now puts little or no value on virginity.<sup>31</sup>

To conclude this section, it seems that there presently exists within the United States a trend or movement

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<sup>30</sup> "Poll Sees Religion Losing Grip", in N.C.R., Vol. 4, No. 32, June 5, 1968, p. 6.

<sup>31</sup> John L. Thomas, paraphrased in "Premarital Sex in Proportion to Opportunities", in The Canadian Register, Vol. 153, No. 15, April 6, 1968, p. 12.

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toward a greater incidence of premarital coitus, especially for girls within the context of emotional involvement and some commitment from their partner to marry in the future.

### 3. Studies Related to Sociology.

Another factor that calls for a re-examination of the question of premarital coitus is the conclusions of major studies related to sociology, specifically the studies of Kirkendall and the Committee on the College Student of the Group for the Advancement of Psychiatry. Lester Kirkendall, Professor of Family Life at Oregon State University, interviewed two hundred college-level males and obtained the case histories of 668 premarital intercourse experiences. He divided these experiences into six levels involving: prostitutes, pickups, casual acquaintances, dating partners, with considerable emotional attachment, and fiancées. The significance and major relevance of this study to our problem of engaged couples and premarital coitus lies in the facts that Kirkendall not only reported the sexual histories of a group of college students, but also tried to generalize a tentative new basis for moral judgments. Thus, in effect, he set out to construct an ethical system built on interpersonal relationships rather than on conventional moral standards.

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His criteria for interpersonal morality are as follows:

Basis For Moral Judgments  
Those Actions, Decisions, and Attitudes Are:

Right-Moral

Wrong-Immoral

Which Produce

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|---|---|
| 1. Increased capacity to trust people                           | 1. Increased distrust of people   |
| 2. Greater integrity in relationships                           | 2. Deceit and duplicity in relationships  |
| 3. Dissolution of barriers separating people                    | 3. Barriers between persons and groups  |
| 4. Co-operative attitudes                                       | 4. Resistant, unco-operative attitudes  |
| 5. Enhanced self-respect  | 5. Diminished self-respect  |
| 6. General attitudes of faith and confidence in people          | 6. Exploitive behavior toward others  |
| 7. Fulfillment of individual potentialities and zest for living | 7. Thwarted and dwarfed individual capacities and disillusionment <sup>32</sup> |

Two closely correlated conditions affect his concept in an important way:

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32 Lester A. Kirkendall, Premarital Intercourse and Interpersonal Relationships, New York, Matrix House, Agora Softback, 1961, p. 7.



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First, the dissolution of barriers needs to extend beyond the two-person association, or a tightly knit small unit. This is to say that a good relationship leads its members toward an increasing acceptance of others, and others to an increasing acceptance of them. A good relationship between two or a few persons is like a stone cast in a pool of water. It creates an ever-widening circle of ripples which eventually reach the farthest bank. This capacity to extend to and receive acceptance from an ever expanding world is basic both to the mental health of individuals and to the stability and preservation of society.

Second, consideration needs to be extended to long-range consequences. Certain experiences may create a closer relationship between two or more persons at a particular time, but how will it work out eventually? This is an important consideration.<sup>33</sup>

Kirkendall adds that clear-cut unequivocal answers to the questions posed by these conditions will be impossible in many situations. However, he adds that it is important to establish integrity and develop interpersonal relationships based upon trust, co-operation, and good-will, which, over the long run, will include more and more persons within their range.<sup>34</sup>

This, then, is the value framework in which he evaluates the question in our society whether premarital intercourse tends to create or destroy satisfying interpersonal relations. This, then, is the perspective in which he treats the issue in our culture, whether premarital

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33 Ibid., p. 7-8.

34 Ibid., p. 8.

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intercourse generally leads "to trusting, honest, outstretching, co-operative relationships or to self-doubt, withdrawal, mistrust, recriminations, and deceit".<sup>35</sup>

What conclusions do the compiled data from the sexual experiences of two hundred college-level students indicate? In a summary paper of his book, Kirkendall stated that the data have led him to think:

... that the interpersonal relationship concept, if strictly applied, would rule out the vast majority of premarital intercourse which presently occurs. The great bulk of it appears to be exploitive and advantage-taking, though of course these circumstances would be defined differently by different persons. They are also evaluated within the context of our particular culture, and in light of the group which has been studied.

On the other hand the data indicate this. Some deeply-affectionate couples have, through the investment of time and mutual devotion, built a relationship which is significant to them, and in which they have arrived at a reciprocal respect for each other. Some of these couples are relatively free from the customary inhibitions about sexual participation. Some couples with such a relationship and background can and do experience intercourse without damage to their total relationship. The phrase "without damage" is used in preference to "strengthening" for it appears that in practically all situations "non-damaging" intercourse occurred in relationships which were already so strong in their own right that intercourse did not have much to offer toward strengthening them.<sup>36</sup>

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35 Ibid., p. 8.

36 Lester A. Kirkendall, "Interpersonal Morality", in Sex In America, ed., Henry Anatole Grunwald, Toronto, Bantam, 1964, p. 118.

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Kirkendall further concludes that sexual intercourse or any human act must always be seen in the context of the total interpersonal relationship between two people, not as a fragmented entity.

The important condition in understanding the meaning of sex and its significance in strengthening or weakening a relationship is to avoid fastening our attention upon sex, or making the determination of whether or not a specific act has occurred our major concern. We need instead to be concerned much more broadly with relationships and the various factors and circumstances which make them meaningful, or destroy their meaning for those involved in them.<sup>37</sup>

"Factors and circumstances" that condition the development of a good interpersonal relationship between dating partners are suggested:

1. The willingness of each person to permit the other freedom in deciding how far he wants to go in and how much he wishes to make of the relationship.
2. The establishment of mutual respect.
3. The various aspects of the relationship must develop on a somewhat even front.
4. Simultaneous involvement is important.
5. The capacity for effective communication.
6. A capacity for self-direction and self-government.
7. Consistency and predictability of reaction and behavior.
8. The nature and extent of involvement in other relationships.<sup>38</sup>

These are the factors that have a significant bearing upon the establishment of a strong interpersonal

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37 Kirkendall, Op. cit., p. 200.

38 Ibid., p. 196-199.

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relationship, and disregard for them can be destructive of interpersonal relationship. For Kirkendall, then, our focus regarding premarital sexual standards needs to be centered on the really important issue -- the creation of sound interpersonal relations. This means, in other words, that our main attention must be directed to human relations and to the character and importance of interpersonal relationships rather than to sexual intercourse per se. The part, premarital coitus in this case, has to be evaluated in the context of the whole interpersonal relationship.

The Committee on the College Student of the Group for the Advancement of Psychiatry alluded to the "general agreement that premarital sexual relations among undergraduate college students are more frequent than they were a generation ago."<sup>39</sup> Recent findings of Packard help to substantiate their statement. While the college-educated males interviewed by the Kinsey group in the 1940's reported that 51 per cent were coitally experienced by the age of twenty-one, Packard's data indicated that 58 per cent of them were coitally experienced. It would appear that no radical coital revolution has occurred among college men in the past

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<sup>39</sup> Committee on the College Student of the Group for the Advancement of Psychiatry, Sex and the College Student, New York, Atheneum, Fawcett Crest Paperback, 1965, p. 46.

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twenty years. However, such does not seem to be the case for college-educated females. While about 27 per cent of Kinsey's college-educated females reported they had experienced coitus by the age of twenty-one, Packard's data, in contrast, indicated that 43 per cent of them had been coitally experienced. This finding represents an increase of 60 per cent.<sup>40</sup>

The Committee added:

Twenty-five years ago, a college boy seeking sexual experience most often chose a girl of a different social class whom he would not consider marrying; today, the partner of the boy is likely to be a girl of similar class and background; in addition college girls often initiate sexual activity. With the revised concept of the female role, girls are becoming more concerned with the development of the sexual freedom and expression.<sup>41</sup>

The pursuit of pleasure is usually the principal motive associated with premarital coitus. The Committee noted other primary motives possible for such behaviour.

We misread the message conveyed by college students in their discussions and demands in the sexual area if we see only defense of the pursuit of pleasure. Under the guise of asking for sexual freedom, the student may be concerned with such fundamentals as identity, relatedness, and security.<sup>42</sup>

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<sup>40</sup> Vance Packard, "Sex on the Campus", in McCall's, Vol. 95, No. 11, August 1968, p. 116.

<sup>41</sup> Committee on the College Student of the Group for the Advancement of Psychiatry, Op. cit., p. 46.

<sup>42</sup> Ibid., p. 49.

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In this connection Fromm points out that "most urges for pleasure, if they are compulsive, including sex, are not caused by the wish for pleasure but by the wish for avoidance of anxiety."<sup>43</sup>

The Committee did not openly advise the college student to reject the policy that coitus belongs only in marriage, but, neither did they advise the student to adhere to it. It referred to various attitudes and behaviour existing at college campuses.

Issues of sexual morality are complex and confusing for the college student. The oversimplification of the moral position in which abstinence equals right and indulgence equals wrong is not at all consistent with actual conduct at most colleges or in society at large. ... In search of criteria by which to consider sexual relations prior to marriage, students often conclude that sex with love is right and moral, sex without love is not.<sup>44</sup>

Finally, the Committee alluded to the maturity required for sexual acts.

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<sup>43</sup> Erich Fromm, The Revolution of Hope: Toward a Humanized Technology, Toronto, Bantam, 1968, p. 125.

<sup>44</sup> Committee on the College Student of the Group for the Advancement of Psychiatry, Op. cit., p. 51.

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Progress toward sexual maturity is measured in part by the degree of respect of the participants for each other as well as by the absence of manipulation, exploitation and compulsion in the relationship. Successful maturity also eventually requires the capacity to combine sexual pleasure with a member of the opposite sex with other life goals, responsibilities and experiences. Some individuals achieve this much earlier or later than others.<sup>45</sup>

To conclude, both the Committee's study and that of Kirkendall's point to a need for a re-evaluation of the question of premarital coitus.

## 4. The Dilemma.

The dilemma of many engaged couples is a fourth factor that strongly points to such a need. Burgess and Wallin conclude from their "interviews with engaged couples that the question of premarital intercourse poses a serious dilemma for many engaged couples".<sup>46</sup> On the basis of their experience Burgess and Wallin describe the dilemma by classifying engaged couples into three broad groups.

The first group is made up of couples in which both man and woman are firmly opposed to premarital coitus. The firmness of these convictions, whatever their basis, leads them to limit their physical intimacies, that is, they avoid prolonged and passionate kissing, petting, excessive

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<sup>45</sup> Ibid., p. 52.

<sup>46</sup> Burgess and Wallin, Op. cit., p. 387.

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drinking, erotic entertainment, being alone together for long periods of time, etc. Their ideals and restricted stimulation combine to make these couples relatively free of strain in refraining from intercourse.

At the other extreme, are the couples who engage in intercourse without violating their particular religious, moral, ethical or rational standards. Both the man and his fiancée agree in regarding coitus as desirable and proper for them. They consider it their own private affair. In most cases they take measures to avoid pregnancy. These couples are sure of their love and have no doubts as to the wisdom of what they are doing. Premarital relations for them appears to be satisfying and constitutes no problem.

In the middle are those couples who are faced with the dilemma - they experience the intensity of desire for intercourse on the one hand and the inhibiting effects of the moral standards of one or both couple members on the other. For Burgess and Wallin and the writer from his five years of counselling experience with engaged couples, "the majority, perhaps, fall in the third group".<sup>47</sup>

Burgess and Wallin add that within this middle group are two principal types. First, there are those

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47 Ibid.



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couples who have relations and experience mixed emotions. One or both members may suffer from a sense of guilt or at least uncertainty as to whether they are doing the right thing. They may worry about detection and the possibility of pregnancy and its consequences. Some persons may find themselves more committed to marriage than they prefer and some may wonder whether they have lost the respect of their partner. Sexual intercourse may also have to take place hurriedly or secretly in a motel or hotel under fictitious names, or in the car. Any of these or other unpleasant associations may reduce considerably the pleasure of physical gratification for the couples and in some instances, deny complete satisfaction to the female. These couples may free themselves of the strain of inhibiting their sexual drives, but in so doing, assume the burden of other stresses.<sup>48</sup>

Second, there are those couples who stop short of coitus but who face another kind of stress. They must always be on guard lest in their intense passion they weaken and have intercourse. If one of the two - more often the man - has no objection to sex relations he may press for them, placing the onus on the woman of constantly having to defend her virginity. A few women may go so far in

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<sup>48</sup> Ibid., p. 387-388.

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defense of their virginity as to sanction the fiancé's attainment of sexual release with a prostitute or some other woman, and some men take this course without the knowledge or permission of their engaged partner. Even where moral convictions of couples are moderate they may undergo conflict about the question whether they should or should not have intercourse. Some obtain relief from the tension and strain of recurrent desire by mutual masturbation or by petting to orgasm. However, this does not always prove satisfying for such reasons as a sense of guilt or dissatisfaction with physical incompleteness.<sup>49</sup>

To repeat, the dilemma of the couples of the third group is that regardless of whether or not they have intercourse they find themselves troubled, tense and agitated. The cause of the dilemma has roots stemming from conflicting aspects of our culture. As soon as boys and girls reach sexual maturity they are permitted, if not encouraged, to engage in extensive physical intimacies.<sup>50</sup> Some males have sexual intercourse with greater or less frequency before the courtship state. Burgess and Wallin reported that of 580 husbands born between 1910 and 1920 that 67.8 per cent had premarital coitus, of which 17.4 per cent was with their

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49 Ibid., p. 388.

50 Cf. Winston Ehrmann, Premarital Dating Behavior, New York, Henry Holt, 1959.

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fiancée only, 27.9 per cent was with her and others, and 22.4 per cent was only with others.<sup>51</sup> Most of them enter courtship conditioned to anticipate considerable sex play. Women, likewise, are conditioned to anticipate considerable sex play in courtship. Burgess and Wallin point out:

Since, however, premarital intercourse (especially for the female) is strongly condemned by the moral agencies of our society there are probably few couples who do not have reservations about the propriety of engaging in sex relations before marriage. Moreover, their reservations may be strengthened by the fear of pregnancy.<sup>52</sup>

But these barriers to intercourse are undermined because of the conditions of courtship in our society. Middle-class couples characteristically keep company and are engaged for two or three years before marriage. During these years they are unsupervised and unchaperoned. They are thus free to engage in intensive sexual stimulation which time and again brings them to the verge of intercourse. Their moral reservations may then be weakened by the thought that they plan to marry or that repression is doing them harm, and the fear of pregnancy may be temporarily reduced by the assumption that they have access to effective birth control measures. Under these circumstances many couples find themselves sorely tried and frustrated in refraining

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51 Burgess and Wallin, Op. cit., p. 389.

52 Ibid., p. 389.

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from intercourse, but by no means entirely happy or conscience-free if they yield.<sup>53</sup> Burgess and Wallin comment:

The dilemma described here is significant because of the stress and agitation it imposes on many couples during their courtship. However, it is perhaps more significant because of the consequences for the courtship process. Insofar as the dilemma concentrates the attention of couples on the experience of intercourse, it can seriously interfere with the most important function of courtship - the testing of compatibility in temperament, personality, common interests, and values.<sup>54</sup>

This, then, is the dilemma which many engaged couples now face. How changes in our culture will finally resolve it cannot be predicted with certitude. Burgess and Wallin note that two extreme possibilities have been proposed:

The one is a return to the Victorian conditions of courtship with (a) the close supervision of young people and the restriction of sexual play before and during courtship and (b) a more complete and effective indoctrination on the immorality of premarital intercourse. The other proposal is the acceptance by society of sex relations as proper for couples who have pledged themselves to marry.<sup>55</sup>

They comment on these two positions:

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53 Ibid., p. 388-389.

54 Ibid., p. 389.

55 Ibid.

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Neither of these extreme positions is likely to be adopted by society in the near future. Social institutions such as the family, the school, and the church will continue to uphold the ideal of premarital chastity. However, engaged couples will consider it their privilege to decide for themselves whether or not to have premarital intercourse. Some will decide to postpone sexual relations until after marriage on religious, moral, and prudential grounds. Some will make the same decision in order to utilize the engagement period for effecting personality adjustment with a minimum complication of sex. Others, who are emancipated from restraining influences, will engage in sexual relations. Some, more or less unintentionally will find themselves involved in sexual intercourse.<sup>56</sup>

To conclude, Burgess and Wallin take no stand for or against the desirability of premarital coitus. Their role has been to present research data and to interpret, where feasible, their implications. One of their significant findings has been the dilemma of many engaged couples regarding the question of premarital coitus.

Commenting on the Kinsey studies, Margaret Mead stated:

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56 Ibid.

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Let no one suppose that these data that describe what people are doing can be taken as the basis of what is right. What is right may, of course, be different from what they're doing. If the church of the future is worth its salt, it must rethink these things, and if the sex ethic is changed, it must be changed toward finding a standard that has a theological base. That is, we must arrive at a new understanding -- a reinterpretation -- of sexual relationships between people under God.<sup>57</sup>

It is precisely those factors that we have considered in this chapter that warrant "a new understanding -- a reinterpretation --" of the Roman Catholic Church's position that fornication (coitus between two unmarried persons, regardless of the nature of their relationship) is absolutely (always and everywhere) a serious sin, at least, objectively. In the next chapter we shall present various theological attitudes that also strongly indicate a need for such a re-evaluation.

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<sup>57</sup> Margaret Mead, quoted in "Religion and the New Morality", in Playboy, Vol. 14, No. 6, June 1967, p. 66.

## CHAPTER II

PREMARITAL COITUS:  
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Essentially, Christian theological attitudes regarding premarital coitus fall into two classes. First, there is the traditional position that coitus must be expressed in public marriage; to express it otherwise, would be, at least, objectively sinful. Second, there is the non-traditional position that premarital coitus can in particular situations under certain criteria be at least permissible, if not beneficial and good. Common to both these fundamental positions is the contention that coitus is ideally expressed within the context of public marriage. We shall elaborate on them respectively, noting in particular what is stated regarding premarital coitus between engaged couples, that is, those couples who have committed themselves to one another and who plan to publicly marry at some future date.

It should be noted at the outset of this chapter that if our presentation seems to be selective, it is because of two significant factors: first, until recently, very few Christian theologians have seriously written on the specific question of premarital coitus and engaged couples; and secondly, even much of their writings have not been very extensive. With this understanding we proceed to

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a presentation of the traditional and non-traditional positions on premarital coitus, especially as it pertains to engaged couples. We shall subdivide each of these two categories into Roman Catholic and Non-Roman Catholic.

## 1. Traditional Position.

The traditional position contends that coitus must be expressed only in public marriage; to do otherwise, would be a serious sin, at least objectively. Various reasons are given for such a position: divine law, natural law, possible conception, possible infection, the fear of detection, the nature of coitus, the possibility of breeding mistrust, possible severance of the relationship, etc. We shall proceed to a specific consideration of this traditional position.

## i) Roman Catholic.

Father Gerald Kelly states that the Roman Catholic Church's position on premarital coitus is best expressed by Pius XI:



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Nor must we omit to remark that since the duty entrusted to parents for the good of their children is of such high dignity and of such great importance, every use of the faculty given by God for the procreation of new life is the right and the privilege of the married state alone, by the law of God and of nature, and must be confined absolutely within the sacred limits of that state.<sup>1</sup>

It is sufficient at this point to indicate that the teaching of Pius XI is strongly influenced by the writings of St. Thomas Aquinas.<sup>2</sup> We shall elaborate on this influence in Chapter III. To continue, according to Kelly:

In those words the Holy Father stated what has been the teaching of the Church from the beginning. The expression, 'the law of God', refers to the will of God as expressly manifested in divine revelation; the expression, 'the law of nature', refers to the so-called natural law, that is, to the will of God as written in human nature itself and binding all people of all times. Chastity, therefore, is not a precept that is distinctively Catholic or distinctively Christian, or Jewish, but it is distinctively human. According to Catholic teaching it binds every human being, regardless of race or creed.<sup>3</sup>

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1 Gerald Kelly, S.J., Modern Youth and Chastity, Liguori, Liguorian-Queen's Work, 1964, p. 67. Cf. Pius XI, Encyclical Letter Casti Connubii, December 31, 1930, in A.A.S., Vol. 22, 1930, p. 546. *Neque id denique silendum quod, cum tantae dignitatis tantique momenti sit utrumque hoc munus parentibus in bonum prolis commissum, facultatis a deo ad novam vitam procreandam datae honestus quilibet usus, ipso Creatore ipsaque naturae lege iubentibus, solius matrimonii ius est ac privilegium et intra sacros connubii limites est omnino continendus.*

2 See St. Thomas Quinas, Summa Theologiae, 2a 2ae, q. 154, a.1-3

3 Kelly, Op. cit., p. 67.

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Kelly states that many texts of Scripture can be cited in support of chastity, but limits himself to I Cor. 6. This chapter, he feels, is an apt one because it is substantially the same in all versions, Catholic and Protestant. Following the Westminster Version, he quotes:

Be not deceived; neither fornicators nor idolaters nor adulterers nor effeminate, nor sodomites, nor thieves, nor cheats, nor drunkards, nor railers, nor robbers shall inherit the kingdom of God (I Cor. 6:9-11).

Kelly, like St. Thomas, interprets the Greek word, porneia, to mean "fornicators" which they interpret in turn to mean coitus between unmarried people, regardless of the nature of their relationship. Since fornication excludes from the kingdom of God, both Kelly and St. Thomas conclude that such coitus is a mortal sin.<sup>4</sup> A different interpretation of porneia based on modern biblical research is given elsewhere.<sup>5</sup>

Arguing from "the law of nature" ("right reason") Kelly states that the natural purpose of generative activity is three-fold: biological (reproduction), psychological (expression of love), and social (education of children). Therefore, all generative activity exercised outside of

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<sup>4</sup> Ibid., p. 67. See St. Thomas Aquinas, Op. cit., q. 154, a. 1-2.

<sup>5</sup> See 2. of this chapter and the final Conclusion of the thesis.

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marriage defeats one or more of these natural purposes and is, therefore, seriously wrong.<sup>6</sup> Kelly concludes:

Whenever men have been foolish enough to think (or think they think) that certain exceptions are permissible, moral chaos has been the result.

: . . . : . . . . .

Once human beings seek one exception to the law of nature, they start down a steep precipice ending in general moral ruin. We cannot uphold the dignity of chaste wedlock unless at the same time we defend the absolute necessity and high dignity of extra-marital chastity.<sup>7</sup>

We note the absolute quality of the statements by Pius XI and Father Kelly. For them all sexual intercourse between unmarried people is categorized as fornication and seriously wrong, at least objectively. For them this classification exists, regardless of the relationship between the persons - whether it is loveless intercourse with a prostitute on the one hand, or genuine love with one's fiancée on the other.

A New Catechism from Holland exhibits a certain understanding of the present predicament of many engaged couples in the matter of premarital coitus, but, concludes, however, that "sexual intercourse in such a situation is irresponsible." It states:

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6 Kelly, Op. cit., p. 70-72.

7 Ibid., p. 73.

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Ideally, people should marry as soon as both are decided. But this ideal date has to reckon with difficulties from two angles. One is the fact that marriage might come too early, because the young people are too immature spiritually to guarantee that they have chosen each other calmly and seriously. And there is also the overhasty precipitation if a child is on the way - as if a 'shot-gun' marriage was the best solution. The other difficulty is the prolonged wait for housing or the completion of studies. In this case the young people will be well-advised not to allow themselves to adopt too quickly the attitude of future husband and wife. As long as the bond has not been confirmed by Church and State, it is not definitive. Hence, though the young people may have become intimate, sexual intercourse in such a situation is irresponsible. The reason is that it has by its very nature a definitive character. It implies that it is 'for good'. If they surrender themselves to it, there is an inner change in the young man and the young woman. From then on they experience each other as husband and wife, and each act of union conjures up one to follow. This brings with it on the one hand the sense of being married, and on the other, the conflict of knowing that they are not married. And a step backwards - at any rate if a long period is involved - is only possible at the cost of profound inner tensions.<sup>8</sup>

Fathers Bernard Häring and Franz Böckle also regard coitus between engaged couples as "irresponsible". Father Häring recently wrote to this writer that sexual intercourse between engaged couples who are not "yet ready to make their covenant" public is "irresponsible, though we may not call it fornication in the strict sense". He added that "they may well love each other and understand the intercourse as

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<sup>8</sup> A New Catechism, trans. by Kevin Smyth, New York, Herder, 1966, p. 387.

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as expression of love, but it is not love in the fuller sense of responsibility."<sup>9</sup> Böckle concludes that although the coitus of couples "before and close to marriage" may have "some merit and meaning", such couples cannot give themselves to one another unreservedly and in a consciously responsible manner."<sup>10</sup> In Chapter IV we shall consider this argument more elaborately and attempt to clarify the notion of full responsibility as it pertains to the question of premarital coitus and engaged couples.

Like the Dutch catechism, Häring, and Böckle, Father Herbert Rogers demonstrates a very definite understanding of the situation of certain couples in the matter of premarital coitus, and like them also he states that coitus must be expressed only in marriage. He states:

If you are going to judge the sinfulness of any sexual act today, I think you have to take careful account of the mentality and the attitudes of the person involved. For the most part, I do not think an attitude of mere condemnation is very helpful in evaluating such a situation. I feel it is more important to uphold the sacredness of a sacramental marriage and yet to adopt a certain sensitivity in treating each situation of illicit sex as it presents itself. There is certainly a very significant difference between a relationship built upon love--in terms of respect, concern, tenderness--and one built upon lusts or mere convenience. In other words,

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9 Bernard Häring, Letter of February 16, 1968, p. 1.

10 Franz Böckle and Josef Köhne, Geschlechtliche Beziehungen vor der Ehe, Mainz, Matthias-Grünwald-Verlag, 1967, p. 32.

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although I feel that as a Catholic I must maintain that marriage is the proper situation for a complete sexual relationship, I must also be prepared to respect the feelings and persuasions of those who do not find themselves quite up to the standard, and be prepared to evoke the best response that they are capable of.<sup>11</sup>

## ii) Non - Roman Catholic.

The Roman Catholic Church is only one major Church within the Christian tradition that maintains that coitus must be expressed within public marriage under pain of serious sin. There are other non - Roman Catholic Churches and theologians who hold this position. In 1966 the British Council of Churches passed the following resolution:

That the Council, while convinced that Christians must always show compassion to those who fall below the highest standards, and neither condemn nor condone, affirms as Christian the rule that sexual intercourse should be confined within the married state. It believes that the maintenance of this rule is in accordance with the will and purpose of God and that God's grace and strength are available to help all who seek to reach that demanding and rewarding standard. In light of this and while regretting that the Working Party did not proceed to state unambiguously these conclusions, the Council receives the report 'Sex and Morality' which has much to contribute of value to the contemporary discussion of moral questions by both Christians and non-Christians.<sup>12</sup>

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<sup>11</sup> Father Herbert Rogers, "Religion and the New Morality", in Playboy, Vol. 14, No. 6, June 1967, p. 60.

<sup>12</sup> British Council of Churches, Sex and Morality, London, SCM Press, 1966, p. 4.

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Dr. Ian Fraser reported the work on sex of the consultative group for the Committee of Scottish Churches' House owned jointly by nine non - Roman Catholic denominations. The consultative group noted serious factors militating against premarital coitus between engaged couples: the possibility of pregnancy, the possibility of infection, the possible termination of the relationship, the assumption of a form of trial marriage that inadequately expresses the real nature of marriage, the fear of detection, and the possibility of breeding distrust in each other by coital indulgence.<sup>13</sup> However, the major reason that the group opposed premarital coitus between engaged couples was that the engagement-relationship lacks "the stamp of permanency given by public commitment." The group elaborated:

This stamp has a large part to play in the effectiveness of the union. The intention is taken out of private seriousness of acceptance of one another and is placed before the world. It becomes a public binding. In spite of all the failures in marriage, to take solemn vows before God and man helps to cement union. Society throws its weight behind its permanency. People are helped over rough and disturbing spells which, without public commitment, might drive them apart. The very fact that they have to face society and not just one another helps them to stick at it.<sup>14</sup>

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<sup>13</sup> Ian M. Fraser, Sex as Gift, London, SCM Press, 1967, p. 34-36.

<sup>14</sup> Ibid., p. 36.

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In brief, the seal of permanent union effected by public marriage is required for coitus and the fulfillment of two persons who are prepared to give themselves totally to one another.

For one person who might be found to defend promiscuity, there are many who would argue that when a man and a woman are sincerely in love, and especially when they are engaged, the situation is entirely different--for them the conditions exist which would appear to justify coitus. To this statement Dr. Sherwin Bailey replies:

But do such conditions really exist, even during engagement? Admittedly the two are in love; but because coition should always be an expression of love, it does not follow that love must always be expressed in coition. In any case, the act is a symbol of a particular friendship, founded upon love, but consisting essentially in a common life at bed and board which means marriage. If a man and a woman are not actually living together in the fullest sense, their coition occurs out of its proper context and inevitably loses something of its intrinsic meaning and its relational value; often the very circumstances in which it must perforce take place emphasize its incongruity. Since engagement lacks the absolute finality of marriage, it cannot suitably be signified by an act that is so irrevocable in its personal coition as coition.

The same argument can be stated in a different way. Love needs physical expression, but this should always be appropriate to the relation at the time, and should not anticipate what belongs to a more developed stage. As love grows and deepens, the simple endearments which satisfied at first are naturally and spontaneously elaborated into a more complex pattern of caresses; but the answer to the frequent question: How far should we go? remains the same: As far as is appropriate to the quality



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and character of the relation at the stage now reached. Somewhere by mutual consent, a line must eventually be drawn--and it should be short of coition. The significance of the consummation in the formation of the marriage comes partly from the fact that at last the relationship of the couple has entered a new and final phase, of which coition is the only appropriate expression.

Premarital tests of coital compatibility are really valueless because they are not true tests at all. Coition belongs to marriage, and cannot be tested, save under the relaxed conditions that marriage alone can secure; its true context is a relation to which the pair have already irrevocably committed themselves.<sup>15</sup>

Hugh Montefiore echoes the convictions of Bailey that sexual intercourse should be confined within marriage. He states that the risk of venereal disease and unwanted pregnancy, the difficulties caused by social conventions, the frustration of childlessness and emotional problems of self-control are factors that may have great cumulative force, but are insufficient to prove that premarital sexual intercourse is in itself wrong. For this, he thinks, a deeper look into the nature of human personality and its relationship to sexual intercourse is needed.<sup>16</sup> Accordingly, he presents two arguments:

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<sup>15</sup> Sherwin Bailey, Sexual Ethics, New York, Macmillan, 1962, 1963, p. 117-118.

<sup>16</sup> Hugh Montefiore, "Personal Relations Before Marriage", in God, Sex and War, ed., D.M. MacKinnon, et. al., London, Fontana, 1963, p. 88-89.

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... the lover desires the good of the beloved, and vice-versa. If they do not, they do not truly love one another. He and she will show care and consideration, unselfishness and kindness, respect and responsibility, loyalty and confidence in each other. Now, so far as sex is concerned, the good of the beloved is something more than giving and taking physical gratification. There is a real progression of love: there is physical delight; there is light-hearted gaiety; there is companionship; and there is the lover's yearning to be united to each other; there is the lover's desire to create. It would seem clear that only where lover and beloved share their lives without reserve can the act of sexual intercourse be a fitting physical expression, and so fulfill the law of love.

.....

Because sexual intercourse involves so much more than physical feelings, men and women have often been wounded in pre-marital relationships. For two lives which are not fully shared can seldom fittingly express themselves thus. If for men and women the very nature of sexual intercourse expresses a physical unity of shared lives, and if the experience of the act confirms this unity, then seldom if ever will this unity be realised outside marriage, considered as an exclusive union of two lives.<sup>17</sup>

Our specific problem is engaged couples and pre-marital coitus. What does Montefiore have to say on this particular question?

But what of the engaged couple who have genuinely fallen in love; who share each other's interests and who are bound up in each other's lives; who through the experience of mutual love have had their lives transformed; who are looking forward to their own family? ... They have promised to marry each other: they are formally betrothed. But circumstances forbid their immediate marriage.

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17 Ibid., p. 89-90.

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They are enormously attracted to each other; and they feel a strong desire to be united in the most intimate manner possible. Why, they ask, should they not anticipate their marriage?<sup>18</sup>

Montefiore replies that to his two previous arguments these three considerations should be added:

In the first place engagement is a difficult time of waiting and testing. Betrothal is not the same as marriage. However bound up two people may be in each other, until they are actually married it is unlikely that they will be able to share their lives without reserve. Until that happens, the sexual act cannot fully symbolize their union. And, secondly, betrothals may be terminated. A broken engagement a short time ago may have seemed an absolute impossibility; but it can actually take place. In such a case, if and when either fiancé marries someone else, they may deeply regret that they cannot give themselves in their wholeness to their new partner. And there is also a third point. Love demands security if it is to flourish. It needs strength on which to draw in its dark days. A husband or a wife can, later in their marriage, gain mutual confidence and security from the knowledge that both have exercised sexual self-control during engagement. If love demands tokens of security for its growth, there is no more personal or intimate token of confidence than this that it can have.<sup>19</sup>

Montefiore concludes that,

Those who believe that premarital chastity is to be preserved will wish to guard themselves from occasions of stumbling, in the knowledge that a few moments' loss of mutual self-control may cause them to act against their convictions.<sup>20</sup>

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18 Ibid., p. 94.

19 Ibid., p. 95-96.

20 Ibid., p. 128.

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He adds that,

... in particular they will avoid handling of the breasts and the sexual organs, the most erogenous parts of the body; they will avoid also prolonged and passionate kissing on the lips; such stimulation will lead them either to damaging frustration or to humiliating loss of self-control.<sup>21</sup>

To conclude this section, it is the traditional position of both the Roman Catholic Church and non - Roman Catholic Churches that coitus must be expressed in a public marriage and to do otherwise, is seriously sinful.

## 2. Non-Traditional Position.

The non-traditional position fundamentally states that coitus between engaged couples can be at least permissible if not beneficial or good for the parties concerned; the particular circumstances existing in each situation allow for such a position. For some, private total commitment constitutes a marriage in essence which admits of coitus as an appropriate expression of the relationship. For others, coitus between totally committed couples constitutes a clandestine (private) marriage. For still others, a responsible decision that has seriously considered all the factors in each particular case may culminate in permissible coital behaviour. We shall

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<sup>21</sup> Ibid., p. 97.

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proceed to a specific consideration of this non-traditional position.

i) Roman Catholic.

Fathers Enda McDonagh and Dennis Doherty are both agreed that coitus between engaged couples is in no way sinful when such persons have totally, permanently and exclusively committed themselves to one another and when they intend to publicize their private commitment. Both regard such coitus as marital. In a recent letter to this writer, McDonagh writes that the private "exclusive permanent choice" of couples does in fact admit of coitus as an authentic expression of the relationship. He states that "sexual expression is morally good if it is appropriate or true to the relationship" of two persons. "Intercourse would be appropriate to the exclusive permanent choice which one-flesh implies and which we normally call marriage". Although marriage - "exclusive permanent choice" - needs to be publicly pronounced to the community through "some recognizable form - church wedding, state marriage, common-law marriage, or some other form where the conventional ones were not feasible" - "people apparently not married could have intercourse but this would really be marital" in the cases of those who have made "this exclusive permanent choice". He concludes that "this is not a definitive

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conclusion on my part but I would need weighty arguments to shift from it."<sup>22</sup>

Father Dennis Doherty very strongly implies that marriage begins when engaged couples intend to publicize their commitment by stating "nor can there be any question of serious sin granted the same basic orientation with which they intend to formalize publicly their commitment to each other, an orientation that bespeaks generosity, exclusiveness, and permanence" and by concluding that, "otherwise, to insist that intercourse on Friday night is vicious but virtuous on Saturday night following the wedding ceremony is to encourage the idea that marriage, to use the popular (and apt) expression 'makes sex legal'."<sup>23</sup>

In a recent letter Doherty confirmed this writer's analysis of his position and even altered it somewhat. He writes:

You are correct regarding my view. I distinguish marriage in intent and marriage in law; the latter simply publicizes (i.e. makes a matter of public record) the former. How that intent is actually expressed in private between the couple will, of course, vary. I would add that not only is there no serious sin, there is no sin at all.<sup>24</sup>

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22 Enda McDonagh, Letter of April 21, 1968, p. 1-2.

23 Dennis Doherty, "Sexual Morality: Absolute or Situational?" in Continuum, Vol. 5, No. 2, Summer 1967, p. 249-250.

24 Idem, Letter of November 8, 1968, p. 1.

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In the final chapter we shall elaborate on the positions of McDonagh in relation to the essence, and beginning of marriage.

## ii) Non - Roman Catholic.

The report of the Working Party to the British Council of Churches closely parallels the position of McDonagh and Doherty. The report states that marriage in a real sense begins with a private, serious love-commitment, and thereby, implies that such a relationship admits of coitus as an appropriate expression of the relationship of engaged couples. It states:

Undoubtedly, the withering away of the harsh physical and economic necessities by which marriage was dominated has enabled our own generation to decide more firmly that marriage is primarily about human relationships and that it is at the service of love. Logically, it might seem to follow that marriage in some sense begins not at consummation nor at the ceremony but at the point where a couple's love for each other becomes fully serious; and conversely that marriage ends, and can decently be terminated, at the point where love - not only erotic emotion but all feelings of companionship and belonging - has died. It is evident that large sections of the community do in fact and would prefer to act upon this reasoning.<sup>25</sup>

To the criticism that the Working Party is out of step with the main body of Christian judgment in one important matter, namely that they refuse to endorse the view

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<sup>25</sup> British Council of Churches, Sex and Morality, London, SCM Press, p. 48.

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that chastity consists in obedience to an invariable rule which forbids sexual intercourse outside marriage, the Working Party responded as follows:

It may be so, but we do not wish our position to be misrepresented. We have tried to show that rules by themselves are an inadequate basis for morality. No rule can cover all the varied and complex situations in which men and women find themselves. Moreover, an action which is in outward conformity with a rule may none-the-less be immoral because the motive and the spirit behind it are wrong. Our reluctance to spell out the meaning of chastity in terms of basic rules is not due to any lack of conviction about the value of chastity, but rather to a desire to give adequate content to the word.<sup>26</sup>

The Working Party added:

We notice that even a sex pundit as radical as Dr. Alex Comfort dares to enunciate two 'unbreakable rules'. 'Thou shalt not exploit another person's feelings and want only expose them to an experience of rejection' and 'Thou shalt not under any circumstances negligently risk producing an unwanted child.' In so far as rules are relevant we are prepared to endorse these two, which would, we believe, at present rule out most of the extramarital intercourse which actually occurs.<sup>27</sup>

Paul Ramsey defends premarital coitus between engaged couples on the basis that they become married thereby.<sup>28</sup> In other words, coitus between totally and responsibly committed couples constitutes a clandestine (private) marriage.

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<sup>26</sup> Ibid., p. 62-63.

<sup>27</sup> Ibid., p. 55.

<sup>28</sup> Joseph F. Fletcher, Moral Responsibility: Situation Ethics at Work, Philadelphia, Westminster, 1967, p. 134.



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Elsewhere, he adds that,

... however important legalities and ceremonies may be, they are only external checks which exhibit to others the fact that the lovers are married, and which may help the lovers themselves to be steadfast in the responsible resolve which alone made them married.<sup>29</sup>

The Quaker report on sexual problems also admits of clandestine (private) marriage effected by coitus between totally and responsibly committed engaged couples. The report notes:

... the couple, who, with their wedding day fixed and immanent, deliberately anticipate it, in order that the moment when they take each as man and wife shall be completely private to themselves alone. For them their marriage begins then and there. Censure seems, in such a case impertinent; yet it must also be said that for others their great joy is to wait until they have gladly and publicly exchanged their promises.<sup>30</sup>

We shall elaborate on the position of Ramsey and the Quaker report in the final chapter.

The report refuses to endorse a code of absolutes in sexual matters. It prefers to endorse a responsible situational morality that is open to departure from general norms of sexual behaviour. The report states:

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<sup>29</sup> Paul Ramsey, Deeds and Rules in Christian Ethics, New York, Scribner's, 1967, p. 14-15.

<sup>30</sup> Towards A Quaker View of Sex, 2nd ed., London, Friends House, 1964, p. 53.

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... it must be made clear that to hold that an external pattern of morality is inapplicable in some instances does not imply that we condone fornication and adultery: wayward sexuality is often appallingly destructive. Those who read this essay with care will realize that we are asking for an approach that starts from something deeper than a conventional moral judgment: rather it is from a concern for full responsibility in personal relationships.

The essentials of Christianity are simple, but demanding; their implications in conduct have to be sought afresh in every phase of our rapidly changing society. Christianity is not a book of rules, the application of which has to be worked out in a pattern. It springs from a living relationship with each other and with God; and its fulfillment is in relationship. Its implications can, therefore, be reached only through an understanding which is personal and intimate; without compassion there can be no understanding at all. The compassion of Jesus was his point of entry into each human situation. We must accept and begin from the truth about each human being in his own predicament, here and now in the modern world.<sup>31</sup>

Joseph Fletcher, a chief proponent of responsible "situation-ethics", is highly critical of the traditional position on premarital coitus. He comments:

The fact that all along churchmen have relied on prudential arguments against sexual freedom - the triple terrors of conception, infection, and detection - not upon Christian sanctions. But modern medicine and urban anonymity have made sex relatively safe. The danger argument is old hat. It is true, of course, that coital adventures may bring on delayed emotional reactions, but the same is true of petting. And in any case, these feelings are largely guilty feelings which changing cultural norms are making archaic or even antediluvian. The guilt is going. If Christians honestly

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31 Ibid., p. 4.

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and seriously believe that there are matters of principle at stake, as distinct from the situational factors, they had better make them clear. And whatever they come up with, they aren't going to make a good case for absolute, universal, and unexceptionable ethical negatives. Or positives. The new morality is a better morality than that - than the old morality.<sup>32</sup>

Furthermore, he critically adds:

The Bible clearly affirms sex as a high-order value, at the same time sanctioning marriage (although not always monogamy) but any claim that the Bible requires that sex be expressed solely within marriage is only an inference. Only extramarital acts, i.e., adultery are forbidden.<sup>33</sup>

For Fletcher the new morality - new in contemporary emphasis, not new in existence - has only one absolute principle - "love is the only measure",<sup>34</sup> that is, "the only independent variable is concern for people, love thy neighbor as theyself."<sup>35</sup> This is the only absolute principle which must be responsibly applied on a situation to situation basis. In short, the new morality for Fletcher is responsible moral relativism.

Regarding the specific question of premarital coitus, Fletcher states that,

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32 Fletcher, Op. cit., p. 41.

33 Ibid., p. 134.

34 Ibid., p. 41.

35 Ibid., p. 138.

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... just as there are two ethical orientations, theistic and humanistic, so there are two distinct questions to ask ourselves.

One is: Should we prohibit and condemn pre-marital sex? The other is: Should we approve of it? To the first one I promptly reply in the negative. To the second I propose an equivocal answer, yes and no - depending on each particular situation.

The most solid basis for any ethical approach is on the common ground to both the religiously orientated and the humanistically orientated - namely, the concern both feel for persons. They are likely personalistically orientated. For example, both Christians and non-Christians can accept the normative principle, 'We ought to love people and use things; immorality only occurs when we love things and use people'. They can also agree on a companion maxim: 'We ought to love people, not rules or principles; what counts is not any hard and fast moral law but doing what we can for the good of others in every situation'.<sup>36</sup>

Concerning the specific implications of these two principles, Fletcher states:

The first principle means that no sexual act is ethical if it hurts or exploits others. This is the difference between lust and love: lust treats a sexual partner as an object, love as a subject. Charity is more important than chastity, but there is no such thing as "free love". There must be some care and commitment in premarital sex acts or they are immoral.

The second principle is one of situation ethics - making a moral decision hangs on a particular case. How, here and now, can I act with the most

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<sup>36</sup> Ibid., p. 137. See Martin Buber, I and Thou, 2nd ed., New York, Scribner's, 1958, and John Macmurray, Reason and Emotion, Barnes and Noble, 1962. These books emphasize the significance of the person in human relationships, and are influences upon Fletcher.

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certain concern for the happiness and welfare of those involved - myself and others. Legalistic moralism, with its absolutes and universals, always thou-shalt-nots, cuts out the middle ground between a virgin and a sexual profligate. This is an absurd failure to see that morality has to be acted out on a continuum of relativity, like life itself, from situation to situation.<sup>37</sup>

In summary, the question of premarital coitus must be decided within a framework of situation ethics in the particular case of each individual. More specifically, if coitus is to take place between two people there must be "some care and commitment" and the best interests of each other must be served in each situation.

Another principal proponent of "situation ethics" or the "new morality" is the English, Anglican theologian and New Testament scholar, Bishop John A.T. Robinson of Woolwich. As with Fletcher we will present the general framework of Robinson's concept of morality and then proceed to the specific question of premarital coitus and engaged couples. Robinson states:

For nothing can of itself always be labelled as wrong. One cannot, for instance, start from the position that 'sex relations before marriage' or 'divorce' are wrong or sinful in themselves. They may be in 99 cases or even 100 cases out of 100 but they are not intrinsically so, for the only intrinsic evil is the lack of love. Contineny and indissolubility may be the guiding norms of love's response; they may, and should be hedged about by the laws and conventions of society, for these are

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37 Ibid., p. 138.

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the dykes of love in a wayward and loveless world. But morally speaking, they must be defended, as Fletcher puts it, 'situationally, not prescriptively' - in other words, in terms of the fact that persons in this particular situation matters, more than anything else in the world.<sup>38</sup>

Robinson's whole system of morality operates on one absolute principle, namely, the mandate to love.

In Christian ethics the only pure statement is the command to love: every other injunction depends on it and is an explication or application of it. There are some things of which one may say that it is inconceivable that they could ever be an expression of love - like cruelty to children or rape - that one might say without much fear of contradiction that they are for Christians always wrong. But they are so persistently wrong for that reason. There is not a whole list of things which are 'sins' per se. That is not to say there are not working rules which for practical purposes one can lay down as guides to Christian conduct - the catechetical passages in the New Testament epistles give plentiful examples. But in the last resort - St. Paul makes it as clear as Jesus - these various commandments are comprehended under the one command of love and based upon it. Apart from this there are no unbreakable rules.<sup>39</sup>

Now let us consider specifically Robinson's views on the question of premarital coitus and engaged couples.

Take for instance, the much debated problem as to the limits of pre-marital sex for engaged couples (and I deliberately put it this way). You can only find things of dubious relevance in the Old Testament - where the social context was so utterly different and offences against women were

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<sup>38</sup> John A.T. Robinson, Honest to God, London, SCM Press, 1963, p. 118.

<sup>39</sup> -----, Christian Morals Today, Philadelphia, Westminster Press, 1964, p. 16.

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primarily offences against property.<sup>40</sup> Jesus really said nothing about it (his only recorded utterances are about adultery or prostitutes). And to settle what is a responsible and searching question by a sweeping reference to "fornication and all uncleanness" (Eph. 5.3) is to invite the recent comment of an atheist that these questions are too serious to be discussed at the religious level. For porneia, as its derivation implies, always has associations in the New Testament with promiscuity, if not with prostitution. It 'describes the relationship in which one of the parties can be purchased as a thing is purchased and discarded as a thing is discarded and where there is neither union or, nor respect for, personality'. To assume that this applies to all relationships between engaged couples is to prejudge the moral issue in an utterly insensitive and irresponsible way.<sup>41</sup>

Robinson notes that all too often the church has failed to acknowledge even the possibility that the suspension of the norm or ideal in sexual conduct may, in certain cases, find ethical justification in the conscience of the individual. In many other cases, such as war, capital punishment and suicide, he alludes to the fact that Christian thinking has adapted itself to different conditions and new knowledge; only in sexual questions is it generally assumed that some things are always right and others always wrong.<sup>42</sup>

In summary, the "new morality" for Robinson is deeply personalistic and situational because the needs and

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40 See William Graham Cole, Sex and Love in the Bible, New York, Association Press, 1959, ch. VII.

41 John A.T. Robinson, Christian Morals Today, p. 32.

42 Ibid., p. 14-15.

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best interests of the persons in each particular case must be given top priority. Consequently, Robinson sanctions pre-marital coitus between engaged couples where those conditions are met in each predicament.

William Graham Cole is also deeply personalistic in his concept of morality and emphasizes the criterion that Jesus gave for Christian conduct was the sincere, inner attitudes of the persons in each particular case. He notes that "apart from a few verses the Gospel records are silent with Jesus' interpretation of sex."<sup>43</sup> Nevertheless, he says that "these few verses, meager though they may be, are thoroughly consistent with his teachings as a whole, and it is perfectly possible without doing violence to that teaching to draw certain implications from it."

No elaborate code of sexual morality can legitimately be based upon Jesus' ethics, for such a code would perforce deal primarily with external behavior and would fail to do justice to the uniqueness of the individual. What is legitimate, however, is to say that in every concrete situation Jesus' primary concern was with the inner attitude and that he sought to lead men to a life of love.<sup>44</sup>

Cole applies Christ's concern for the inner spirit in sexual relationships:

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<sup>43</sup> William Graham Cole, Sex in Christianity and Psychoanalysis, New York, Oxford University Press, 1955, p. 21.

<sup>44</sup> Ibid., p. 21.



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In his ethic, that which is normative in sexual relations is not - as it is for society, Christian or otherwise - the external marital status of the persons involved. Rather, the norms must be sought in inner attitudes and motives.

.....

Sex which is motivated by the 'I - IT' attitude, which uses other human beings as the means to the ends of one's own gratification is, in Jesus' terms, immoral even if the persons involved are thoroughly and respectably married before the law.<sup>45</sup>

Referring more specifically to the problem of pre-marital coitus and engaged couples, he says that the development of an infallible contraceptive device may very well, over a period of time, modify such conditions as pregnancy and detection in such a way that all outer bans will be removed. Although "the Christian will then still have to face the fact that the powers of human rationalization are very great, and he must constantly ask himself whether what he labels as love may not rather be a counterfeit excuse for sexual indulgence," nevertheless, "his primary concern will be the genuineness of inner attitude."<sup>46</sup> We note that since this book was published medical science has discovered an almost infallible oral contraceptive device, namely, the "Pill", and is presently seeking to perfect it and other means of contraception.

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<sup>45</sup> Ibid., p. 27-28.

<sup>46</sup> Ibid., p. 31.

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To summarize, the sincerity and genuineness of the person is of prime importance in matters of decision involving sexual matters. Specifically to our concern, if engaged couples have these attitudes, Cole infers that premarital coitus is acceptable according to the teachings of Jesus Christ.

Richard Taylor writes of "anticipated" marriage - premarital coitus between couples committed to each other in intended marriage.<sup>47</sup> He accepts the fact that such relations can be sinful, but asks whether the Bible or Christian tradition teaches that "they are always sin". He notes:

To this question the Bible gives no definite clear-cut answer. The New Testament forbids πορνεία (porneia), but that is a general term for illicit intercourse. Πορνεία evidently includes promiscuous sexual relationships (e.g. with prostitutes or as temporary 'affairs'), and in New Testament thought probably includes sexual relations resulting solely from ἐπιθυμία (epithymia). The Old Testament use of זָנָה (zanah) is not relevant to the question of anticipated marriage since the word always involves some promiscuity.<sup>48</sup>

From a specific consideration of Deuteronomy 22 in the Old Testament, Taylor concludes that the Hebrews evidently felt that sexual relations carried with them the responsibility of marriage, but attached no penalty to premarital

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<sup>47</sup> Richard Taylor, "Another Look at 'Anticipated' Marriage", in The Expository Times, Vol. 76, No. 8, May 1965, p. 253.

<sup>48</sup> Ibid., p. 253.

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coitus if the couple involved were free to marry and were ready to assume the obligations of marriage.<sup>49</sup>

Regarding Christian tradition he says that "early Christians evidently felt that a mutual commitment to life as man and wife was sufficient as a basis for marriage" and that they considered ceremonies highly desirable, but not necessary for a valid marriage. For support of this he quotes Joyce who says the Christian Church has always

taught that the constitutive factor of marriage lay, not in the benediction, but in the mutual consent of the partners, and this sufficed to form a marriage even though no priest were present. Throughout the Middle Ages she enjoined the public religious celebration of marriage with ever increasing stringency and under pain of grave ecclesiastical penalties. But even where her commands were flouted, she did not question the validity of the union. (G.H. Joyce S.J., Christian Marriage, p. 103).<sup>50</sup>

Schillebeeckx corroborates Joyce's statement regarding the form of marriage by noting that before the Council of Trent (1545-63),

every form of mutual consent to marriage - whether celebrated liturgically in the church, conducted outside the church, or even not a public ceremony at all, but clandestine - was, for baptized Christians, both a valid and a sacramental marriage.<sup>51</sup>

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49 Ibid.

50 Ibid.

51 E. Schillebeeckx, Marriage: Human Reality and Saving Mystery, New York, Sheed and Ward, 1965, p. 343. See also p. 231-397.

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In light of the Jewish tradition, the meaning of porneia, and the Christian tradition, Taylor concludes that it cannot be justly taught that those engaged couples who anticipate their marriage by coital expression can necessarily be guilty of sin. Taylor states:

Thus in both Jewish and Christian tradition the criterion that legitimized sexual relations included neither the blessing of the Church nor the permission of the state, but the freedom of the principals to marry, and a mutual commitment to marry. Christian teaching about marriage and fornication points to the conclusion that mutual lifetime commitment is the factor which distinguishes licit from illicit intercourse.

.....

The sex act is primarily an expression of lifetime commitment between two persons. Both the Bible and Christian theology remain indifferent to the circumstances of an initial commitment, so long as the principals are free to make it. Church and society have surrounded sex with various taboos to ensure that the commitment is real; that goal should remain, but the taboos may be changed at will. Churchmen who resolutely oppose 'anticipated marriage' should be careful lest they defend dated social conventions while ignoring the essential significance of the sex act. Churchmen may continue to teach that sexual relations unaccompanied by a lifetime commitment are sin. But they cannot justly teach that 'anticipated' marriage necessarily involves sin unless they can demonstrate that it always and inevitably harms either the individuals or society itself.<sup>52</sup>

At the outset of Richard Hettlinger's major work addressed specifically to male college students, he stated:

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52 Taylor, Op. cit., p. 254.

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In the course of my research and discussion, I became convinced that students are, contrary to popular opinion, at least as responsible in sexual matters as any group in our society. At the same time, they are the inheritors of an extremely confused and irrational moral code. They are not satisfied with the traditional religious approach to sex, nor with the libertarianism of many who have reacted against the approach. My own present view is that neither the negation of sex nor the unrestrained enjoyment of it is possible for the responsible, mature man.<sup>53</sup>

Regarding the specific question of premarital coitus he says:

... there is no evidence to show that premarital intercourse is either necessary for a successful marriage or more probable to lead to it, that are some considerations to show that intercourse is best engaged in within the marriage commitment, but that in certain circumstances, exceptions may be justifiable or even beneficial. Whether any individual can or should claim such circumstances, and whether in his case it will prove to be a valid claim, I do not know - and indeed he will not either until long after.<sup>54</sup>

Hettlinger points to three considerations which must be weighed before any couple can reasonably conclude that premarital intercourse is likely to be the right solution to this dilemma.

First, once moral absolutes are abandoned--as they are already in this field among students--there is danger of complete chaos and untold disaster unless those who claim to order their actions by

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<sup>53</sup> Richard F. Hettlinger, Living With Sex: The Student's Dilemma, New York, Seabury Press, 1966, preface.

<sup>54</sup> Ibid., p. 141.

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love rather than law are absolutely honest in examining their motives carefully. Second, it is exceptionally difficult to be objective about one's own sexual life. There is no field of human activity in which it is so easy to deceive oneself and to be convinced by arguments which are in fact nothing but rationalizations of clamant desires. Finally, the criterion, "so long as nobody gets hurt" is extremely difficult to apply with any consistency. The decision must surely take of the effect not only upon the girl and any possible child but also upon the parents and friends and classmates of both parties. I think there may be occasions on which the relative pain caused to others is justified by the much greater benefit to the engaged couple.<sup>55</sup>

Dr. Allen J. Moore reflects the thinking of Hettlinger on the question of premarital coitus. He says that "there are many levels of human sexuality, and although premarital intercourse may not be the most appropriate, it offers the possibility of being meaningful." He continues:

It might be entirely possible for two people who are very much concerned with the relationship, and who are struggling to find a deeper way of communicating with one another, who out of this level of communication are trying to find some renewal, some hope for the future, to have sexual intercourse premaritally.<sup>56</sup>

However, as a social theologian he points to three things he considers that must be involved in any sexual act whether it be outside or inside marriage.

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55 Ibid., p. 141-142.

56 Allen J. Moore, "Religion and the New Morality", in Playboy, Vol. 14, No. 6, June 1967, p. 62.

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The first is that people involved should have some shared history that is significant. Sex is meaningless unless two people have some significant shared experiences other than sex. The second thing is that these two people should have a commitment to each other--a commitment they are willing to make public. By commitment I mean a promise to share life together. I don't necessarily mean "till death do us part", but there should be a willingness to make their commitment public; they needn't announce it in the local newspaper, but they shouldn't have to hide or lie about the nature of their relationship either. Finally, I think that the two people should have some hope for the future. They should see that this act is not an end in itself; it is not just self-gratification, not just mutual masturbation, but points to something beyond them in both space and time. My point is that the state of marriage alone does not ensure "right", appropriate, meaningful sexual intercourse --although this, for me, is where it most appropriately belongs.<sup>57</sup>

Harvey Cox is critical of traditional, Christian attitudes toward the problem of premarital chastity.

One weakness of the traditional formulation on premarital chastity is its sweeping inclusiveness and total lack of discrimination. Reduced to a precept, the ideal of premarital chastity permits no distinction between intercourse by engaged couples, for example, and the chilling exploitation of high schools at fraternity parties. Both are transgressions of the Law, and there is no middle ground between virginity and nonvirginity.<sup>58</sup>

Cox continues:

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<sup>57</sup> Ibid., p. 62.

<sup>58</sup> Harvey Cox, The Secular City, New York, Macmillan, 1965, p. 212.

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I do not believe that an evangelical ethic of premarital sex can be chopped down to a flat answer to this weighted question without impoverishing and distorting it. Instead of registering an answer, the Gospel poses a question of its own (as Jesus himself frequently did with such questions). It asks how I can best nourish the maturity of those with whom I share the torments and transports of human existence.<sup>59</sup>

Elsewhere, Cox notes that premarital coitus between engaged couples would in certain cases, not only be permissible, but advisable. He states:

I think it's wrong to insist that in every instance and with every unmarried couple, intercourse is wrong. There are many times, however, when I would advise against it. It may unduly commit people to each other before they've really found out if they have enough common interests on a wide range of things. For many people it becomes a kind of excuse for not developing a commonality in other things; you can always go to bed. But, of course, there are many instances in which it would not only be permissible but advisable for people to have intercourse before they're married. This might be the case, for example, during engagement periods that for one reason or another have to be prolonged. I'm against any absolute proscription or prescription of sex before marriage. I think it varies from case to case.<sup>60</sup>

Cox raises a significant question regarding the relation between premarital sexual conduct and future marriage.

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59 Ibid., p. 214.

60 Harvey Cox, "Religion and the New Morality", in Playboy, Vol. 14, No. 6, June 1967, p. 60.



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By definition, premarital refers to people who plan to marry someone someday. Premarital sexual conduct should therefore serve to strengthen the chances of sexual success and fidelity in marriage, and we must face the real question of whether avoidance of intercourse beforehand is always the best preparation.

This question includes consideration of the appropriate degree of sexual intimacy during increasingly extended engagement periods. The reason it cannot be answered once and for all is that circumstances vary from couple to couple. Guidance must be given with specific persons rather than with general conventions in view.<sup>61</sup>

We shall comment on this question in the conclusion of our thesis when some positive values of premarital coitus to marriage are considered.

To conclude, we have presented both the traditional and the non-traditional positions on the question of premarital coitus, especially in regard to engaged couples. We have noted that both positions have been supported by Roman Catholic and non - Roman Catholic theologians alike for both common and different reasons. What is of prime significance for our work is the very fact of the existence of a rather strong non-traditional position indicating the serious need for a re-evaluation of the traditional position as it especially pertains to engaged couples.

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<sup>61</sup> Cox, Op. cit., p. 215.

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Therefore, we shall take up that challenge and begin in Chapter III with a consideration of the insights of contemporary Christian thinkers into the nature of coitus, marriage, and conjugal love and their effect on the traditional scholastic argument against premarital coitus and their effect on the clarification of the nature and relationship of marriage and sexuality, and coitus and marriage.

## CHAPTER III

## COITUS, MARRIAGE, CONJUGAL LOVE, AND SEXUALITY

In this chapter we shall consider the Roman Catholic Church's official position on fornication (premarital coitus) as it finds expression in Pius XI. The influence of St. Thomas Aquinas and Cardinal Cajetan upon this position will be noted. Then, we shall consider the insights of contemporary Christian thinkers regarding the nature of coitus, marriage, and conjugal love, and regarding the nature and relation of sexuality and marriage, and coitus and marriage. Finally, we shall consider the effect of these insights on the traditional scholastic argument against fornication (premarital coitus).

1. Primary Purpose of Coitus and the Scholastic Argument Against Fornication.

One of the major arguments that prompted the Roman Catholic Church to absolutely forbid and condemn fornication (premarital coitus) as seriously sinful was the scholastic argument that perceived sexual intercourse primarily in terms of procreation, and marriage in terms of the best state for generation to occur. This argument is re-iterated in modern times by Pius XI. The influence of St. Thomas Aquinas and Cardinal Cajetan upon this modern expression is very strong. We shall proceed to a consideration of this

expression by Pius XI and the influence of Aquinas and Cajetan upon it in the paragraphs to follow.

i) Pius XI.

Continuing this traditional outlook, Pius XI looked to the nature of coitus to determine its primary purpose - "the generation of children."<sup>1</sup> He added that "the blessing of children, however, is not completed by the mere generation of them, but something else must be added, namely the proper education of the offspring."<sup>2</sup> Consequently, the primary purpose of coitus extended to both the procreation and education of offspring.

As regards our interest in the relation of the primary purpose of coitus to premarital coitus, Pius XI adds:

Nor must we omit to remark that since the duty entrusted to parents for the good of their children is of such high dignity and of such great importance, every use of the faculty given by God for the procreation of new life is the

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1 Pius XI, Encyclical Letter *Casti Connubii*, December 31, 1930, in *AAS*, Vol. 22, 1930, p. 559. Cum autem actus coniugii suapte natura proli generandae sit destinatus ...

2 *Ibid.*, p. 545. Procreationis autem beneficio bonum prolis haud sane absolvitur, sed alterum accedat oportet, quod debita prolis educatione continetur.

right and the privilege of the married state alone, by the law of God and of nature, and must be confined absolutely within the sacred limits of that state.<sup>3</sup>

Father Gerald Kelly comments that these words best express the official Church's position on premarital coitus and that "in those words the Holy Father stated what has been the teaching of the Church from the beginning."<sup>4</sup>

To note the major sources of influence upon Pius XI, and to give some historical perspective to the scholastic argument against premarital coitus as perpetuated by him in modern times, we shall consider the argument as it was presented by its major exponent, St. Thomas Aquinas, in the thirteenth century. Then, we shall consider the argument as it was maintained and advanced by Cardinal Cajetan in the sixteenth century.

ii) St. Thomas Aquinas.

To determine the purpose of coitus, St. Thomas looked to the nature of sexual intercourse itself. Nature

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<sup>3</sup> *Ibid.*, p. 546. Neque id denique silendum quod, cum tanta dignitatis tantique momenti sit utrumque hoc munus parentibus in bonum prolis commissum, facultatis a deo ad novam vitam procreandam datae honestus quilibet usus, ipso Creatore ipsaque naturae lege iubentibus, solius matrimonii ius est ac privilegium et intra sacros connubii limites est omnino continendus.

<sup>4</sup> Gerald Kelly, *Modern Youth and Chastity*, Liguori, Liguorian-Queen's Work, 1964, p. 67.

primarily intended coitus for procreation, and the permanent state of marriage with definite spouses was the best place for the procreation, nurture and education of children. Furthermore, he believed that the male seed immediately acted upon female matter and effected conception; of course, this was a biological misconception.<sup>5</sup> Therefore, St. Thomas concluded that simple fornication - coitus between an unmarried man and an unmarried woman - was seriously sinful and absolutely forbidden because it was an act contrary to the good of the child about to be born. St. Thomas expresses this aforementioned argument in the following texts:

... Fornicatio autem simplex importat inordinationem quae vergit in nocentem vitam eius qui est ex tali concubitu nasciturus ... Manifestum est autem quod ad educationem hominis non solum requiritur cura matris, a qua nutritur, sed multo magis cura patris, a quo est instruendus et defendendus, et in bonis tam interioribus quam exterioribus promovendus. Et ideo contra naturam hominis est quod utatur vago concubitu, sed oportet quod sit maris ad determinatam feminam, cum qua permaneat, non per modicum tempus, sed diu vel etiam per totam vitam ... Haec autem determinatio certae feminae matrimonium vocatur. Et ideo dicitur esse de iure naturali ... Unde cum fornicatio sit concubitus vagus, utpote praeter matrimonium existens, est contra bonum prolis educandae. Et ideo est peccatum mortale.<sup>6</sup>

According to St. Thomas, therefore, the nature of coitus per se looked to procreation, and matrimony was the

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<sup>5</sup> Herbert Doms, Du sens et de la fin du mariage, revised ed., trans. by Paul and Marie Thisse, Paris, Desclée de Brouwer, 1937, p. 73-74.

<sup>6</sup> St. Thomas Aquinas, Summa Theologiae, 2a 2ae, 9. 154, a. 1-2.

natural and best state for the procreation and education of offspring. In light of this argument against premarital intercourse any considerations relating to persons such as one's financial ability to care for the upbringing of the child born of fornication,<sup>7</sup> or the engaged status of the couple to be married<sup>8</sup> were regarded by St. Thomas as merely accidental and in no way detracted from the serious sinfulness of the act of fornication itself. For according to St. Thomas, "that which fell under the determination of the law was judged according to what ordinarily happened, not according to what could happen in a particular case."<sup>9</sup>

What ordinarily or generally happens is the occurrence of coitus within marriage and the procreation and rearing of children therein.

However, the Thomistic basis for prohibiting fornication disappears when contraceptive means are successfully

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7 Ibid. Nec obstat si aliquis fornicando aliquam cognoscens, sufficienter provideat proli de educatione.

8 Ibid., Suppl. q. 46, a. 2 reply 3 ... si sponsa sponsum admittat credens eum velle matrimonium consummare, excusatur a peccato: nisi aliqua signa expressa fraudis appareant, sicut si sunt multum distantis conditionis vel quantum ad nobilitatem vel quantum ad fortunam, vel aliud signum evidens appareat. Sed tamen sponsus peccat et fornicando; et quod plus est, fraude quam facit.

9 Ibid., 2a 2ae, q. 154, a. 2 ... Quia id quod cadit sub legis determinatione, indicatur secundum id quod communiter accidit, et non secundum id quod in aliquo case potest accidere.

taken to avoid conception, for in these cases there can be no harm or disadvantage "to the child about to be born."<sup>10</sup> Even though St. Thomas' argument prohibiting fornication on the grounds of harm done "to the child about to be born" is irrelevant in cases of contraceptive fornication, nevertheless, St. Thomas would absolutely prohibit fornication on another basis, namely, that contraception is never permissible because "it is the vice against nature which attaches to every venereal act from which generation can not follow."<sup>11</sup>

To conclude, prescinding from cases of contraceptive fornication, St. Thomas condemns premarital coitus as seriously evil and absolutely forbidden because the nature of coitus per se looks primarily to procreation and, therefore, fornication does harm "to the child about to be born" of this indeterminate union. At most the argument proves the possibility of injustice to a potential child.

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10 *Ibid.*, 2a 2ae, q. 154, a. 2 reply 4. ... fornicatio simplex contrarietur dilectioni proximi quantum ad hoc, quod repugnat bono prolis nasciturae ... dum scilicet dat operam generationi non secundum quod convenit proli nasciturae.

11 *Ibid.*, 2a 2ae, q. 154, a. 1. ... inquantum impeditur generatio prolis, est vitium contra naturam, quod est in omni actu venereo ex quo generatio sequi non potest.



iii) Cardinal Cajetan.

Like St. Thomas, Cardinal Cajetan looked to the nature of coitus to determine its purpose and he maintained and advanced the Thomistic argument against fornication because of the harm involved "to the child about to be born." The serious criticism of Martin Le Maistre of the scholastic sexual ethic condemning fornication acted as a catalyst and a serious challenge to Cajetan to refute him. Admitting that the Thomistic argument proved that fornication with a fertile prostitute was evil, Le Maistre advanced four cases where there would be no injury "to the child about to be born":

(1) The woman was the king's concubine, and hence would be amply provided for; (2) the woman was known to be sterile; (3) the couple swore to be faithful to each other and to bring up any children born of their intercourse; (4) the state provided for the nurture and education of the children (Moral Questions II, fol. 56v).<sup>12</sup>

St. Thomas would have dismissed these four cases as "per accidens" and therefore, these four particular situations would have proved nothing against the general rule, namely, "that which fell under the determination of the law was judged according to what ordinarily happened, not

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<sup>12</sup> Martin Le Maistre, "On Temperance", in Moral Questions, Vol. 2, Paris, 1490, quoted by John T. Noonan, Jr. Contraception, Cambridge, Belknap Press, 1966, p. 354.

according to what could happen in particular cases."<sup>13</sup> However, Le Maistre rightfully argued that Thomas' answer assumed the existence of the rule to be proved and that "it first must be shown rationally that there is a universal rule"<sup>14</sup> condemning all fornication as seriously evil *semper et pro semper*.

Cajetan reacts to Le Maistre's opposition to the Thomistic argument against fornication by defending and advancing the scholastic argument. Cajetan said that "by looking at the intention of the act in itself" one could see that "nature intends semination for generation."<sup>15</sup> He added that "moral precepts depend on what is according to nature, and not on what is per accidens found in this temperament or that age"<sup>16</sup> and therefore, Le Maistre's fundamental error was "a confusion of that which is per se with that which is per accidens."<sup>17</sup>

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13 Aquinas, Op. cit., 2a 2ae, q. 154, a. 2c.

14 Le Maistre, Op. cit., p. 354.

15 Thomas de Vio Cajetan, On The Summa Theologica, 2a 2ae, q. 154, a. 2, 10 reply 1. ... *ad intentionem ipsius actus secundum se, spectando: intendit enim natura seminationem proper generationem.*

16 Ibid., 2a 2ae, q. 153, a. 3, 10. ... *quia praecepta moralia attendunt ad id quod secundam naturam est, et non ad id quod per accidens in hac vel complexione vel aetate invenitur.*

17 Ibid.

According to Cajetan "all doctrine perishes, unless one stands on what is per se."<sup>18</sup> Therefore, the cases presented by Le Maistre such as sterility, the provision for the offspring by the parents or state or the intention of the couple not to generate were merely accidental or irrelevant and did not invalidate the universal rule that nature intended coitus for procreation.

Cajetan advanced the Thomistic purpose of coitus by increasing the emphasis on the aspects of the upbringing and education of the progeny. In other words, he saw the primary purpose of coitus as a process that entailed the insemination, conception, birth, nurture and education of a child. As he said, "human semination is in itself ordained to the generation, upbringing, and education of offspring" and that "this is easily evident from the nature of the seed, and from the offspring's needs of body and soul."<sup>19</sup> Consequently, fornication was against a human good and was of its very nature a mortal sin and was forbidden because

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18 *Ibid.*, 2a 2ae, q. 154, a. 2, 4. Perit omnis doctrina nisi sistatur in his qual sunt per se.

19 *Ibid.*, 2a 2ae, q. 154, a. 2, 4. Seminatio humana secundum se ordinatur naturaliter ad generationem, educationem instructionemque prolis. Haec facile patet ex natura seminis, et prolis necessitate secundum corpus et secundam animam.

it was evil, not because it was prohibited by the divine law.<sup>20</sup> To express the conclusion in other words, every act of fornication is a mortal sin because it is copulation between persons not bound to a natural bond intended for the procreation and education of children.<sup>21</sup> In short, premarital coitus is intrinsically wrong because it is an act of coitus outside of the natural bond of marriage.

To conclude, St. Thomas, Cardinal Cajetan and Pius XI looked to the nature of coitus to determine its primary purpose - the procreation and education of offspring - and that the bond of marriage was the proper state for this purpose to occur. Consequently, fornication is intrinsically evil, and therefore, absolutely forbidden, because it is an act of coitus outside of marriage. Commenting on this scholastic argument, Doherty stated:

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20 Ibid., 2a 2ae, q. 154, a. 2, 13. Si ergo praeceptum de nōn fornicando est praeceptum divinae legis, ergo est de actu contra humanum bonum ... Si autem est de actu qui ex sua propria ratione est peccatum mortale et est prohibitus quia malus, et non malus quia prohibitus.

21 Ibid., 2a 2ae, q. 154, a. 2, 5. Concubitus inter personas non naturali vinculo convenientes ad educationem et instructionem prolis, caret naturali ordine ad educationem et instructionem. Sed omnis fornicatio simplex est concubitus inter personas non naturali vinculo devinctas ad educationem et instructionem. Ergo omnis fornicatio caret naturali ordine ad educationem et instructionem prolis.

To affirm that such relations are immoral precisely because they are premarital is to affirm at most that marriage is the ideal situation in which the best interests and greatest happiness of all can be realized.<sup>22</sup>

We shall proceed in the next section to present the insights of contemporary Christian thinkers into the nature of coitus, marriage, and conjugal love. In the final section we shall consider their effect on the traditional scholastic argument against premarital coitus.

## 2. Contemporary Christian Insights into the Nature of Coitus, Marriage, and Conjugal Love.

What are the contemporary insights of Christian thinkers into the nature of coitus, marriage, and conjugal love which affect the traditional argument against premarital coitus? Chiefly, they are four in number. First, where Aquinas, Cajetan and Pius XI looked to the nature of coitus to determine its primary purpose, two major, theological documents of modern times look to the nature of marriage and conjugal love to determine the primary purpose of coitus.<sup>23</sup> Second, as a consequence of this perspective

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22 Dennis Doherty, "Sexual Morality: Absolute or Situational?", in Continuum, Vol. 5, No. 2, Summer 1967, p.247.

23 We refer to Vatican II's "Constitutio Pastoralis de Ecclesia in Mundo Huius Temporis", in Constitutiones Decreta Declarationes, Rome, Vatican Library, 1966, p. 753-766, and "Birth Control Commission Texts", in The National Catholic Reporter, Vol. 3, No. 25, April 19, 1967, p. 8-12.

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of determining the primary purpose of the part - coitus - by determining the primary purpose of the whole - marriage and conjugal love, these modern and very significant theological writings view the primary purpose of coitus in terms of procreation and education of offspring, and a unique and responsible expression and fostering of conjugal love. Third, as a consequence of the perception of the primary purpose of coitus in terms of generation and education of children, and a special and responsible expression and promotion of marital love, the terms "responsible parenthood" have become the distinguishing hallmark of Christian marriage and therefore, effective and decent means of contraception in addition to total abstinence and rhythm have become very closely connected and associated with "responsible parenthood". In other words, at certain times married Christian couples would intend coitus for procreation, while at other times of their marriage they would intend sexual intercourse as an expression and fostering of their love, all the while taking effective and dignified means to avoid conception because of the totality of the circumstances in which they find themselves. In short, coitus would become dissociated and divorced from procreation - a separation which has led to coitus being perceived as an interpersonal and inter-relational act of conjugal love independent of procreation at various times because of the

fundamental, responsible nature of marriage and conjugal love. The fourth insight is that sexuality and marriage are closely related, but are distinct realities in themselves, and are therefore not to be equated as to ends and purposes. The same can be said of coitus and marriage - two intimately related entities, but separate in themselves.

Before we relate these new insights to the scholastic argument against fornication, we shall first elaborate on them as they appear specifically in Vatican II, the papal commission's report to Pope Paul VI on birth control, and the works of Christian thinkers. It is not very significant to our purpose in this chapter to present the historical development of the many areas of influence that led to these contemporary insights both regarding the primary purpose of coitus, marriage, and conjugal love, and regarding the related question of contraception. For this we refer the reader to other sources.<sup>24</sup> Our purpose again

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<sup>24</sup> John T. Noonan, Jr., Contraception, Cambridge, Belknap Press, 1966, 561 p.; Franz Böckle, "Birth Control: A Survey of German, French and Dutch Literature", in Concilium, Vol. 5, 1965, p. 97-129; Enda McDonagh, "Recent English Literature on the Moral Theology of Marriage", in Concilium, Vol. 5, 1965, p. 130-154; The Commonweal (entire issue), Vol. 80, No. 11, June 5, 1964; John C. Ford and Gerald Kelly, Contemporary Moral Theology, Vol. 2, Westminster, Newman, 1963, 474 p.

will be to elaborate on the end products or results of that historical development as they appear in the aforementioned documents and works of Christian thinkers.

i) Vatican II.

We shall first consider these insights in the "Pastoral Constitution on the Church in the Modern World" in Vatican II. The Council looks to the nature of marriage and conjugal love to determine the purpose of coitus. It sedulously avoids the traditional terminology of primary and secondary ends of marriage by stating that "marriage and conjugal love are by their nature ordained toward the begetting and education of children."<sup>25</sup> Furthermore, the mutual love between husband and wife which manifests itself in a variety of ways is:

... uniquely expressed and perfected through the marital act. The actions within marriage by which the couple are united intimately and chastely are noble and worthy ones. Expressed in a manner which is truly human, these actions signify and promote that mutual self-giving by which spouses enrich each other with a joyful and a thankful will.<sup>26</sup>

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<sup>25</sup> Walter M. Abbot, ed., "Pastoral Constitution on the Church in the Modern World", in The Documents of Vatican II, N.Y., Guild Press, 1966, p. 253. CDD, Op.cit., par. 50, p. 759., Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur.

<sup>26</sup> Ibid., p. 253. CDD, Op.cit., par. 49, p. 758. Haec dilectio proprio matrimonii operè singulariter exprimitur et perficitur. Actus proinde, quibus coniuges intime et caste inter se uniuntur, honesti ac digni sunt et, modo vere humano exerciti, donationem mutuam significant et fovent, qua sese invicem laeto gratoque animo locupletant.



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Finally, married couples are to use coitus or fulfill their tasks as parents "with human and Christian responsibility" whereby they plan their families according to the particular demands of their peculiar situation. In the words of the Council:

They will thoroughly take into account both their own welfare and that of their children, those already born and those which may be foreseen. For this accounting they will reckon with both the material and spiritual conditions of the times as well as of their state in life. Finally, they will consult the interests of the family group, of temporal society, and of the Church herself.<sup>27</sup>

It will be noted here that the Council clearly intended to present "certain key-points of the Church's doctrine" on marriage but to leave untouched those aspects of contraception and its related themes to the special birth control commission set up by Pope Paul VI.<sup>28</sup> On this note we proceed to consider in the papal commission's report

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27 Abbot, *Op.cit.*, p. 254. *CDD*, *Op.cit.*, par. 50, p. 760. *Ideo humana et christiana responsibilitate suum munus adimplebunt ac docili erga Deum reverentia, communi consilio atque conatu, rectum indicium sibi efformabunt, attendentes tum ad suum ipsorum bonum tum ad bonum liberorum, sive iam nati sint sive futuri praevideantur, dignoscentes temporum et status vitae condiciones tum materiales tum spirituales, ac denique rationem servantes boni communitatis familiaris, societatis temporalis ipsiusque Ecclesiae.*

28 Abbot, *Op.cit.*, p. 250. *CDD*, *Op.cit.*, par. 47, p. 754. *Quapropter Concilium, quaedam doctrinae Ecclesiae capita in clariorem lucem ponendo, christianos hominesque universos illuminare et confortare intendit, qui nativam status matrimonialis dignitatem eiusque eximium valorem sacrum tueri et promovere conantur.*

those major insights into the nature of coitus, marriage, and conjugal love, the value of coitus as a responsible and unique expression and fostering of conjugal love, and the significance of responsible parenthood.

ii) Papal Commission's Report on Birth Control.

On June 23, 1964, Pope Paul VI established a commission of specialists - theologians, philosophers, psychologists, scientists, economist, sociologists, etc. - to study the question of birth control and its attendant themes. After two years of study the commission presented their reports to a special group of fifteen bishops who in turn presented the reports in a slightly condensed form to Pope Paul VI on June 26, 1966.<sup>29</sup> Although the reports have only advisory status, they crystallize the strenuous years of debate on the subject of birth control.

The documents - the final reports of majority and minority groups of theologians on the papal birth control commission - set forth basically opposed views not only on marriage but also on the meanings of natural law and on the development of Catholic doctrine in the area of contraception. The majority group, which favoured acceptance of effective and decent forms of birth control besides the

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<sup>29</sup> "Birth Control Commission Texts", in The National Catholic Reporter, Vol. 3, No. 25, April 19, 1967, p. 8-12.

officially permitted means of total abstinence and rhythm, explained its position in two separate papers. One of them was a position paper designed to sketch a total and complete theology of marriage; the other, was intended to refute opposing views of the minority group. Both papers base their argument primarily on the right and duty of man to intervene in natural processes in order to achieve proper human goals, including the regulation of births.<sup>30</sup> The minority group said that the Catholic ban on contraception could not be dropped because it is part of the Church's "irreformable" teaching. Its authors said also that such a change could destroy the confidence of the faithful in the Church's moral guidance, might raise "grave doubts about the very history of Christianity" and would open the door to other sexual abuses.<sup>31</sup>

We have given a brief and general review of the salient features of the three reports. In the one majority report, "A Schema for a Document on Responsible Parenthood", we shall consider contemporary insights into the nature of coitus, marriage, and conjugal love, the value of coitus as a responsible and special expression and fostering of marital love and the significance of responsible parenthood.

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30 Ibid., p. 8-9, 11-12.

31 Ibid., p. 9-11.

We have selected this document not just because nineteen of the theologians of the papal commission signed both it and the other document on "The Morality of Birth Control" while only four theologians of the same commission supported the minority report.<sup>32</sup> We have chosen it for three reasons. First, because the document sketches a total and broad theology of marriage whereas the other two documents are mainly concerned with one particular aspect of responsible parenthood, namely, contraception. Second, because the document's concepts of marriage coincide with the views and existential experience of recent writings of articulate married Catholics.<sup>33</sup> We shall refer specifically to them in the next section and in the final chapter of the thesis. Finally, because the document's future-looking, progressive, developmental momentum in the spirit of Pope John XXIII's "aggiornamento" offers a reasonable basis for a living,

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32 Ibid., p. 8-9.

33 See Michael Novak, ed., The Experience of Marriage, New York, Macmillan, 1964, xviii-173 p.; Frederick von Gagern, Marriage Partnership, Westminster, Newman, 1966, 240 p.; Rosemary Haughton, On Trying To Be Human, Springfield, Templegate, p. 76-113; José de Vinck, The Virtue of Sex, New York, Hawthorn, 1966, 255 p.; Joseph Bird and Lois F. Bird, The Freedom of Sexual Love, Garden City, Doubleday, 1966, 189 p.; Peter A. Bertocci, Sex, Love and The Person, New York, Sheed and Ward, 1967, xiv-173 p.; Perkins Ryan and John Julian Ryan, Love and Sexuality: A Christian Approach, New York, Holt, 1967, xii-196 p.; Sydney Cornelia Callahan, Beyond Birth Control: The Christian Experience of Sex, New York, Sheed and Ward, 1968, 248 p.

up-dated, and meaningful theology of Christian marriage which is sorely needed.

The document looks to the nature of marriage and conjugal love to determine the purpose of coitus. Like Vatican II the document avoids the traditional terminology of primary and secondary ends of marriage by stating that marriage is "a community of persons which has in itself the beginning of new human life"<sup>34</sup> and concludes that "therefore those things which strengthen and make more profound the union of persons within this community must never be separated from the procreative finality which specifies the conjugal community."<sup>35</sup> The document proceeds to elaborate on the nature of conjugal love and its intimate relation with procreation.

But conjugal love, without which marriage could not be a true union of persons, is not exhausted in the simple mutual giving in which one party seeks only the other. Married people know well that they are only able to perfect each other and establish a true community if their love does not end in a merely egotistic union but according to the condition of each is made truly fruitful in the creation of new life. Nor on the other hand can the procreation and education of a child be considered a truly human fruitfulness unless it is the result of a love existing in a family community. Conjugal love and fecundity are in no way opposed, but complement one another in such a way that they constitute an almost indivisible unity.<sup>36</sup>

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34 Birth Control Commission Texts, Op.cit., p. 8.

35 Ibid., p. 8.

36 Ibid.

The distinguishing feature and fundamental value of Christian marriage is "responsible parenthood (that is, generous and prudent parenthood)" which "is a fundamental requirement of a couple's mission."<sup>37</sup> Responsible parenthood is concerned with the private and public welfare of persons and, therefore, married persons are "to observe and cultivate the essential values of matrimony with a view to the good of persons (the good of the child to be educated, of the couples themselves and of the whole of human society)."<sup>38</sup> Essential to responsible parenthood is birth control and effective means of contraception.

The regulation of conception appears necessary for many couples who wish to achieve a responsible, open and reasonable parenthood in today's circumstances. If they are to observe and cultivate all the essential values of marriage, married people need decent and human means for the regulation of conception. They should be able to expect the collaboration of all, especially from men of learning and science, in order that they can have at their disposal means agreeable and worthy of man in the fulfilling of his responsible parenthood.

It is proper to man, created to the image of God, to use what is given in physical nature in a way that he may develop it to its full significance with a view to the good of the whole person. This is the cultural mission which the Creator has commissioned to men, whom he has made his cooperators. According to the exigencies of human nature and with the progress of the sciences, men should discover means more and more apt and adequate ...<sup>39</sup>

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37 Ibid.

38 Ibid.

39 Ibid.

The document, therefore, approves of "decent and human means" of contraception and adds that these means "should have an effectiveness proportionate to the degree of right or necessity of averting a new conception temporarily or permanently."<sup>40</sup> Also, "the means to be chosen, where several are possible, is that which carries with it the least possible negative element according to the concrete situation of the couple." In short, any effective and decent means of contraception is permissible and good within the context of conjugal love and responsible parenthood except abortion, sterilization in general, and doubtful abortifacient devices.

To conclude, the document approves

of the regulation of conception by using means, human and decent, ordered to favoring fecundity in the totality of married life and toward the realization of the authentic values of a fruitful matrimonial community,

and consequently,

an egotistical, hedonistic and contraceptive way which turns the practice of married life in an arbitrary fashion from its ordination to a human, generous and prudent fecundity is always against the nature of man and can never be justified.<sup>41</sup>

To conclude this section, reference will be made to the culmination of the papal commission's report, namely,

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40 Ibid.

41 Ibid.

the encyclical of Pope Paul VI, Of Human Life (Humanae Vitae),<sup>42</sup> and to the crisis of authority occasioned by it within the Roman Catholic Church. The crisis was largely precipitated by the encyclical's rejection of the majority report's acceptance of any effective and decent means of family limitation by endorsing the rhythm method as the only acceptable method of family regulation outside of total abstinence. The Pope stated:

... the church, calling men back to the observance of the norms of the natural law, as interpreted by her constant doctrine, teaches that each and every marriage act ('quilibet matrimonii usus'), must remain open to the transmission of life.

. . . . .

If then, there are serious motives to space out births, which derive from the physical or psychological conditions of husband and wife, or from external conditions, the church teaches that it is then licit to take into account the natural rhythms immanent in the generative functions, for the use of marriage in the infecund periods only, and this way to regulate birth without offending the moral principles which have been recalled earlier.<sup>43</sup>

What is radically different in the two positions is that Pope Paul VI maintains "that each and every use of the marriage act ... must remain open to the transmission of life" because of "the inseparable connection ... between the two meanings of the conjugal act: the unitive meaning and

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42 Pope Paul VI, Encyclical Letter "Of Human Life", July 29, 1968, in NCR, Vol. 4, No. 40, August 7, 1968, p. 5-6.

43 Ibid., Par. 11-16, p. 5.



the procreative meaning."<sup>44</sup> Whereas, the majority report dissociates and separates coitus from the possibility of procreation at various times by viewing coitus within the context of its understanding of responsible parenthood as a unitive act of conjugal love independent of procreation. What is common to both positions is that they accept the use of rhythm as a method of family regulation. However, for the majority position, rhythm must be an effective method of limitation in order to be acceptable form of family regulation.

The encyclical effected a crisis of authority within the Roman Catholic Church. For one example, "650 U.S. teachers of theology, philosophy or canon law" signed a statement by Father Charles Curran and other faculty members of Catholic University of America to the effect that they disagreed with Pope Paul VI and endorsed a position of freedom of a sincere and informed conscience in the matter of the method of family regulation.<sup>45</sup> For other examples, the pastoral letters issued by the national hierarchies of Belgium<sup>46</sup> and Canada<sup>47</sup> qualified but did not contradict the

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<sup>44</sup> Ibid., Par. 12, p. 5.

<sup>45</sup> See NCR, Vol. 4, No. 40, August 7, 1968, p. 8, and NCR, Vol. 5, No. 11, January 8, 1969, p. 1.

<sup>46</sup> See NCR, Vol. 4, No. 45, September 11, 1968, p. 7.

<sup>47</sup> See NCR, Vol. 4, No. 49, October 9, 1968, p. 6.

central thesis of Humanae Vitae, allowing more latitude for the conscience of the married couple, the extenuating circumstances of their conditions, and for the differences between ideal norms of morality as stated in the encyclical and the standards possible of attainment by specific couples. Undoubtedly, the crisis of authority has been a serious factor in the decision of Pope Paul VI to summon a special synod of bishops to meet in October 1969. Furthermore, Pope Paul VI will presumably have more to state on the question of family limitation at that time. Perhaps, he will reinforce his earlier position with further arguments; perhaps, he will accept the position of the majority report; or perhaps, he will admit of a plurality of theological attitudes to prevail in light of the complexity of the question and the opposing views regarding the question. This is relevant speculation, but, time will tell - probably this October - what further thoughts the Holy Father has on the matter.

iii) Nature and Relation of Sexuality and Marriage, and Coitus and Marriage.

It should be noted at the outset that traditional, and even contemporary Roman Catholic theology on marriage - specifically, Vatican II, the report of the papal birth control commission, and Humanae Vitae - do not satisfactorily clarify the nature and relation of sexuality and

marriage, and the nature and relation of coitus and marriage. There still remains in these specific documents some confusion as to their precise nature and inter-relation. Insights of certain contemporary Christian thinkers do much to crystallize their nature and inter-relationship. We shall consider the nature of sexuality, marriage, and coitus; then, we shall note the relationship between sexuality and marriage, and between coitus and marriage.

a) Nature of Sexuality. - What is sexuality? What is this complex reality that is so often equated with genitality? For Masters and Johnson, sexuality "is our maleness or femaleness, from infancy onward, that stamps our whole being"<sup>48</sup> and is a reality that will not develop and grow by accident but by concentrated efforts. They state:

Sexuality does not suddenly emerge at puberty. The infant 'learns' it as his mother's breast, from the touch of her hand, the warmth of her body, the sound of her voice. He learns it from the different way in which his father holds him, the different sound of his father's voice. He learns it by touching and being touched when he is bathed. He learns the pleasures of sensual stimulation, the pleasures of sounds, of smells, of warmth, of embrace. And it is from this learning, from these beginnings of sexuality, that his capacity for tenderness, for warmth, for love and for sex is nurtured.<sup>49</sup>

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<sup>48</sup> William H. Masters and Virginia E. Johnson, "Sex and Sexuality: The Crucial Difference", in Sex and Marriage, Montreal, Reader's Digest, 1968, p. 8.

<sup>49</sup> Ibid., p. 8-9.

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For Anciaux, "sexuality is also a task, a calling to become 'man' or 'woman' in a bisexual world" and "being male or female goes beyond mere libido even though it does find particular expression and realization there."<sup>50</sup>

Sexuality "as a fundamental dimension of human life" is intimately related with man's development as a person. He states:

Sexuality is essentially connected to personal maturation within the community. Man is 'other' for a woman and woman is 'other' for a man. Only insofar as a person successfully becomes who he is within this bisexual community does he really achieve personhood.

Reflection on sexuality must also touch on the meaning of physical union between man and woman. In itself, sexuality is orientated towards their fuller life as 'man' and as 'woman'.<sup>51</sup>

For Nodet, sexuality is to be perceived in terms of man's "whole being" and "the plenitude of humanity." He states that sexuality is not a fragment or isolated part of man and, therefore,

... is not reducible either to an organic capacity for reproduction or to a specific pleasure. To possess a whole-hearted sexuality implies above all that the whole being, in both his conscious and unconscious psychological intimacy, accepts the characteristics - with attendant risks and advantages - of his sexual differentiation, and that he

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<sup>50</sup> Paul Anciaux, "Sexuality and the Engaged Couple", in Theology Digest, Vol. 15, No. 3, Autumn 1967, p. 218-219.

<sup>51</sup> Ibid., p. 219.

is profoundly and spontaneously attracted to the other sex, without unconscious fears or possessiveness. The plenitude of humanity (which in its fullness is not automatically given to each individual, and must be acquired through a delicate psychological evolution in childhood and youth) is, therefore, at the service of personal choice and marriage, conferring on the choice the precious character of solidity and harmony.<sup>52</sup>

For Regina Quinlan, man is a whole being who expresses his person through his body. She states:

We are not a flock of neuter souls awaiting release to freedom in purely sexless world of contemplation. We are persons - who are conscious and able to love and to be free - who express our consciousness and love through our bodies. I do not just have a body. I am my body. The more mature I am, and the more I integrate all the forces of my being, then the more my body expresses me, becomes me, the me God wants me to be.<sup>53</sup>

It would follow from her reasoning that the less mature man is, and the less he integrates all the forces of his being, then the less his body expresses him, and becomes him, and thereby, the less sexual he becomes.

For the Ryans, sexuality has a very significant role in our growth and development as persons. They state that sexuality is

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<sup>52</sup> Charles H. Nodet, "Sexuality and Situation", in Cross Currents, trans. from (La Sexualité, Esprit, Novembre 1960), 1964, p. 168.

<sup>53</sup> Regina Quinlan, "Becoming a Sexual Person", in Marriage, Vol. 50, No. 12, December 1968, p. 40.

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... the force in human nature meant to provide psychological impetus and urgency to the drive of our whole being to find fulfillment where alone we can find it, in union and communion with others; it urges us, physically and psychophysically to seek completion in an 'opposite' to ourselves. Our sexuality at once makes it evident that we are not self-sufficient and impels us to seek fulfillment outside ourselves.<sup>54</sup>

To conclude, "Christians and others have erred when they have isolated human sexuality from man's personality as a whole or from the rest of human life."<sup>55</sup> In essence, sexuality is our whole being - body and soul - as male or female. It is our maleness or femaleness expressed as an incarnated, total being in relation to other persons, things, and events; it is not just one part or fragment of our total being, such as the physical dimension of our being, or even a single important aspect of the physical dimension, namely, coitus. Sexuality needs to be developed by inter-relationships with other persons, things, and events for our continuous growth and development as human persons called to personal fulfillment. Finally, sexuality admits of various forms for the individual fulfillment of different persons. Marriage is one specific form; celibacy in the lay or religious state are other concrete forms of sexuality.

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<sup>54</sup> Mary Perkins Ryan and John Julian Ryan, Love and Sexuality: A Christian Approach, New York, Holt, Rinehart and Winston, 1967, p. 43.

<sup>55</sup> Sidney Cornelia Callahan, Beyond Birth Control: The Christian Experience of Sex, New York, Sheed and Ward, 1968, p. 55.

We shall concern ourselves with one of them - marriage.

b) Nature of Marriage. - Christian marriage is a multi-dimensioned relationship which essentially involves the mutual, total, permanent, exclusive, and responsible commitment of two persons to live with and for each other for the purpose of creating a more perfect or fulfilled life for each other which as a general rule entails the responsible procreation and education of children.<sup>56</sup> Because marriage is one specific form of sexuality as a ray is of the sun, marriage is permeated and pervaded by sexuality. Joseph and Lois Bird express this relationship well when they state:

Everything in the relationship between husband and wife is sexual - in the broadest and deepest meaning of the word. It is the relationship between a man and a woman, two individuals of complementary sex joined in an inseparable and mysterious union. Everything in their relationship reflects their sexual identities. From the cup of coffee she pours for him in the morning until they fall asleep in each other's arms, they emotionally interact, not merely as two human beings, but as a man to a woman, and a woman to a man. Where the couple have attained that unity which should be the goal of those called to the vocation of Christian marriage, it is no more realistic to think and speak of a 'sex life' than of a 'dishwashing life', an 'eating life', or even a 'prayer life'. They have one life, one marriage, one quest for fulfillment and salvation. Theirs is a single identity which they strive to perfect. In the physical expression of their love, their separate and distinct sexual identities merge, synthesize, and grow in oneness which symbolizes their sacramental vocation.<sup>57</sup>

<sup>56</sup> See Chapter V of the dissertation.

<sup>57</sup> Joseph W. Bird and Lois F. Bird, The Freedom of Sexual Love, New York, Doubleday, 1966, p. 45-46.

To conclude, marriage normally involves coitus (genitality) which is only one important aspect of the many significant aspects of the physical dimension of marriage uniting spouses. Other aspects of the physical dimension include: presence, touches, embraces, glances, smells, sounds of voices, warmth of bodies, etc. We shall concern ourselves with coitus in the paragraphs to follow.

c) Nature of Coitus. - Coitus is one physical expression of the many possible physical expressions of the interpersonal relationship of spouses. It varies in frequency according to such factors as the needs, the dispositions, the temperaments, and capacities of the couples. We have noted two purposes that coitus can have - procreation, and expression of conjugal love. We have also noted that according to Humanae Vitae that coitus must always remain open to the possibility of new life, whereas the majority report of the papal commission on birth control stated that conjugal love could be coitally expressed independent of possible conception by the use of effective and decent means of contraception. We noted also that the crisis of authority precipitated by the opposing position of the majority report has probably influenced the Holy Father's decision to summon a synod of bishops where he will presumably speak further on the matter of birth control. We, however, shall continue to present other noble purposes of



coitus beyond those of procreation, and expression of love.

For Böckle, marital coitus has three meanings:

"a symbol of unity, an expression of love, and an act of mutual knowledge."<sup>58</sup> Coitus can symbolize the unity of the couple and can be an inter-relational act which gives the spouses knowledge of both themselves and the marriage partner.

For Michael Novak, marital coitus can have other purposes:

It unifies the couple; it often restores their spirits and their energies; it heals wounds; it sends out rays of harmony into all the moments of the day; it sets a standard of trust and communion to which they must live up in all their other actions; it nourishes, judges, and expresses their mutual bond.<sup>59</sup>

In addition to the purposes noted above that marital coitus can have, we wish to note still other purposes: to give pleasure both to one's spouse and to one's self, to relieve tensions, to develop self-confidence and courage, to contribute to the desirability, self-worth, beauty and self-esteem of the wife or husband, and to be a source of communication opening and broadening the range and growth of other relationships.

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<sup>58</sup> Franz Böckle and Josef Köhne, Geschlechtliche Beziehungen vor der Ehe, Mainz, Matthias-Grünwald-Verlag, 1967, p. 31.

<sup>59</sup> Michael Novak, "Closing the Gap Between Theology and Marital Reality", in The Commonweal, Vol. 80, No. 11, June 5, 1964, p. 344.

To conclude, marital coitus admits of many noble purposes besides those of procreation, and expression of conjugal love.

d) Relation between Sexuality and Marriage, and Coitus and Marriage. - What is the more lucid relation between sexuality and marriage in light of the insights of certain contemporary Christian thinkers? Sexuality admits of various forms, of which marriage is one specific form that persons assume to best cultivate their personal growth and development. Consequently, marriage is closely connected with sexuality as a ray is to the sun, but both are distinct entities in their own rights, and are, therefore, not to be equated with each other as to ends and purposes.

What is the more crystallized relation between coitus and marriage in view of the insights of certain contemporary Christian thinkers? Coitus (genitality) is one important aspect of the physical dimension of the multi-dimensional reality we call marriage. Coitus itself in turn admits of many purposes. Consequently, coitus is intimately related to marriage as one significant aspect of the part to the whole, but both are distinct entities in themselves, and are not to be equated with each other as to ends and purposes.

We shall proceed now to the conclusion of this chapter wherein we shall consider the effect of the insights

of contemporary thinkers on the scholastic argument against fornication.

3. Conclusion: Effect of Contemporary Insights on Scholastic Argument against Fornication.

The scholastic argument against fornication (pre-marital coitus) has been a major argument of the Roman Catholic Church against coitus between unmarried persons. Pius XI, St. Thomas, and Cardinal Cajetan looked to the nature of coitus to determine its primary purpose - procreation and education of children. They added that the determinate union of man and woman in marriage is by nature the best state for the generation and rearing of offspring. Therefore, they concluded that fornication is intrinsically and seriously evil, and therefore, absolutely forbidden.

However, Vatican II, the majority group of the papal birth control commission, and even Humanae Vitae itself<sup>60</sup> have looked to the nature of marriage and conjugal love to determine the purpose of coitus. These aforementioned documents avoid the traditional terminology of primary and secondary ends of marriage. They perceive coitus not only in terms of procreation and education of children, but also in terms of a responsible and unique

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60 Pope Paul VI, Op. cit., Par. 8, p. 5.

expression and fostering of conjugal love within the broad perspective of responsible parenthood that looks to the totality of the circumstances in which couples find themselves. Therefore, at certain times married persons will intend coitus for procreation, while at other times they will intend coitus as a special expression and fostering of their love, all the while taking morally good means to avoid conception.

In light of these insights, and in view of the nature and relation of sexuality and marriage, and the nature and relation of coitus and marriage, it is doubtful whether the Roman Catholic Church can state that every act of fornication (premarital coitus) is absolutely (always and everywhere) a serious sin, especially in the cases of totally and responsibly committed couples who are planning to publicize their private commitment in the near future, and whose particular situation makes it very difficult to avoid expressing and fostering their love by coitus.

Finally, we ask whether the coital and regulative expression of love that accrues to the nature of responsible parenthood can be extended to certain totally and responsibly committed couples whose total situation is such that publicization of their private commitment is wisely put off for some time, while all the while the coital progression of desires and attendant tensions increase and

perhaps do harm to their relationships.

In the fourth chapter we shall respond to the argument contemporarily expressed that engaged persons who express themselves coitally to each other do not act with full responsibility. We shall respond by considering the nature of responsible engaged persons and the question whether the ideal is a moral imperative, especially in non-ideal situations.

## CHAPTER IV

## RESPONSIBLE ENGAGED PERSONS

In this chapter we shall consider the argument that premarital coitus between engaged couples is not fully responsible, the notion of full responsibility in light of three objective standards, the question whether the ideal is a moral imperative, and finally, the effect of our major conclusions on the Roman Catholic Church's position that premarital coitus is absolutely a serious sin.

1. Coitus between Engaged Persons  
is not Fully Responsible.

Another major argument against premarital coitus between engaged couples is that such an act is not fully responsible, and is, therefore, absolutely a serious sin. We shall consider this argument as it finds expression in Fathers Bernard Häring and Franz Böckle. Then, we shall attempt to precise the notion of full responsibility which these theologians do not clearly specify. We shall do this by presenting three objective standards or criteria for engaged couples to apply to their respective situations.

i) Bernard Häring.

Father Bernard Häring recently wrote to this writer that coitus between engaged couples who are not "yet ready

to make their covenant" public is "irresponsible though we may not call it 'fornication' in the strict sense." He added that "they may well love each other and understand the intercourse as expression of love, but it is not love in the fuller sense of responsibility."<sup>1</sup> Häring's argument is obscure and unclear in so far as he does not precisely explain what he means by "irresponsible" or "fuller sense of responsibility" in so far as these terms pertain to the question of premarital coitus between engaged couples.

ii) Franz Böckle.

Father Franz Böckle elaborates on the argument of the lack of full responsibility of premarital coitus, but he also is obscure and nebulous on the precise notion and nature of full responsibility as it pertains to the specific question of coitus "before and close to marriage."<sup>2</sup> He approaches the question of premarital coitus by presenting his meaning of marital intercourse and his understanding of the demands of Christian love. For him marital coitus has three meanings: "a symbol of unity, and expression of love, and an act of mutual knowledge."<sup>3</sup> What makes the act of coitus fully meaningful is marriage - the consent of the two

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1 Bernard Häring, Letter of February 16, 1968, p. 1.

2 Franz Böckle and Josef Köhne, Geschlechtliche Beziehungen vor der Ehe, Mainz, Matthias-Grünwald-Verlag, 1967, p. 32.

3 Ibid., p. 31.

parties to a mutual, permanent and total gift of themselves.<sup>4</sup> Moreover, Christian love presupposes and demands that engaged couples be prepared or ready for full responsibility for one another at the time they mutually give their marital consent. Therefore, Böckle concludes that, although the coitus of couples "before and close to marriage" may have "some merit and meaning", such couples cannot give themselves to one another unreservedly and in a consciously responsible manner.<sup>5</sup> Furthermore, he concludes that without the marital exchange of full responsibility for one another the sexual gift of coitus cannot attain its deepest and profoundest meaning. Moreover, only in the context of full responsibility for one another could a possible child be borne.<sup>6</sup> In brief, the nature of marital coitus and the demands of Christian love exclude premarital intercourse.

Böckle readily admits that the conclusion of his argument is negative in character.<sup>7</sup> The conclusion states what engaged couples should not do. It does not say what they should do nor does it offer any definite and positive

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<sup>4</sup> Ibid., p. 32. Böckle uses the terms "Wille zur Bindung", "die Bereitschaft zur Hingabe der Person mit dem Willen zur Übernahme der vollen Verantwortung", and "Wille zur gegenseitigen dauerenden Hingabe und Bindung." These terms do not directly translate into consent, but it is clear that Böckle means this from the context.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., p. 33.

<sup>7</sup> Ibid., p. 34.



solution to the many engaged couples who find themselves in a painful dilemma because of the Church's prohibition of premarital coitus as mortally sinful. Häring and Böckle have reformulated the official teaching of the Church in a contemporary moral language by asserting that premarital coitus is "not fully responsible". However, what they precisely and exactly mean by the terms "not fully responsible" as they pertain to the question of premarital coitus between engaged couples is not clear from their writings.

iii) Clarification of the Notion of Full Responsibility.

Certain facts, therefore, call for an amplification and clarification of the notion of full responsibility as it pertains to the question of engaged couples and premarital coitus. We shall refer to them, and, then, endeavour to precise the notion of full responsibility in relation to the question of premarital coitus and engaged persons.

a) Need for Clarification. - Certain factors warrant a lucidity of the notion of full responsibility. First, as we have stated, Häring and Böckle's concept of full responsibility as it pertains to this question is both incomplete and unclear. Second, we are passing into an age of new moral maturity. Vatican Council II readily admitted this fact when it stated that "modern man is on the road to a more thorough development of his own personality and to a

growing discovery and vindication of his own rights."<sup>8</sup>

Moreover, the Council emphatically recognized man's new age of personal responsibility by affirming "that children and young people have a right to be encouraged to weigh moral values with an upright conscience and to embrace them by personal choice."<sup>9</sup> In this connection Bernard Suran states:

It is mankind's abiding hope, the hope that the individual will have his own moral gyroscope, that he will internalize his own moral principles, that he will make his moral choices truly his own. And yet, no individual can stand completely on his own. No man can articulate his own moral system independent of culture, community, and history. Every man needs the help of others, and, in the absence of any well-grounded sexual ethic, the individual is left rudderless.<sup>10</sup>

In light of these aforementioned factors and in light of Vatican II's insistence in the matter of responsible parenthood that "the moral aspect of any procedure does not depend solely on sincere intentions or on an evaluation of motives" but also "must be determined by objective standards"<sup>11</sup>, I propose to better amplify and clarify the

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8 "Pastoral Constitution on the Church in the Modern World", in The Documents of Vatican II, ed., Walter M. Abbot, New York, Guild Press, 1966, p. 240.

9 "Education", in Ibid., p. 639-640.

10 Bernard Suran, "The Nature and Import of the Sexual Revolution", in Insight, Vol. 6, No. 2, Fall 1967, p. 26.

11 "Pastoral Constitution on the Church in the Modern World", in Op. cit., p. 256.

concept of full responsibility by employing Vatican II's method of presenting certain "objective standards" or criteria which engaged couples can apply to their particular situations. With this presentation it is hoped that such couples will better be able to evaluate the degree of their own moral responsibility or irresponsibility in the matter of premarital coitus.

Before we proceed to a presentation of these "objective standards" it is significant to recall from Chapter II that situation ethics as advocated by its present two leading exponents, Fletcher and Robinson, conceives moral responsibility in terms of the most loving response of a person to the needs of others in the context of their particular situations. The only absolute is to do the most loving act. Consequently, in certain situations premarital coitus between engaged couples could be a morally good act on their part.<sup>12</sup> On the other hand, objective morality conceives moral responsibility to be a loving response to an established principle, supposedly for man's greatest good

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<sup>12</sup> See John A.T. Robinson, "The New Morality", in Honest to God, London, SCM Press, 1963, p. 105-121; Idem, Christian Morals Today, London, SCM Press, 1964, 47 p.; Joseph Fletcher, Situation Ethics: The New Morality, Philadelphia, Westminster, 1966, 176 p.; Idem, "Moral Responsibility" and "Ethics and Unmarried Sex", in Moral Responsibility: Situation Ethics at Work, Philadelphia, Westminster 1967, p. 231-241 and p. 125-140.

and which in some matters is an absolute one. If the principle is an absolute one as in the matter of premarital coitus, then, such an act is always and in every situation regarded as an objective or material serious sin, although the couple involved may not always be guilty of subjective or formal serious sin by reason of the circumstances in which the couple find themselves.<sup>13</sup> However, in either system of morality a serious need for and a serious consideration of "objective standards" is both compatible and essential to a responsible situation ethics and a responsible objective morality that propose to regulate and foster man's moral behaviour and welfare.

b) Three Objective Standards. - Three objective standards or criteria will be presented for the serious consideration of engaged couples to aid them in evaluating the degree of their responsibility or irresponsibility in the matter of premarital coitus. They are as follows: first, the relationship between the couples must be one of mutual love; second, there must be an honest evaluation of motives; and third, there must exist a mutual promise to marry and the intention to make their commitment public to the community. We shall proceed to elaborate on each of them.

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<sup>13</sup> Gerald Kelly, Modern Youth and Chastity, Liguori, Liguorian-Queen's Work, 1964.

The relationship between the engaged couples must be one of mutual love. By mutual love we mean two things: first, two people who have decided to give or commit themselves totally to each other for each other's good and to work and strive for their mutual welfare, and second, two people who are probably capable of assuming this serious interpersonal relationship. We use the term, probably, because one does not know with certitude that such a love can be realized or not until one lives and experiences this reality. To continue, the nature of mutual love is such that if this phenomenon is to grow and develop, a regulated and expressive use of physical manifestations of love commensurate with the quality of the interpersonal relationship of each particular couple is essential to the growth and development of mutual love. Accordingly, the regulation and physical expressions of love will vary according to the mutual needs of individual couples and their degree of maturity.<sup>14</sup> Consequently, the needs - physical or psychological or both - of certain engaged couples may be so pronounced and urgent and the degree of their maturity so advanced that their relationship would call for coitus as a proper expression and promotion of their interpersonal

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<sup>14</sup> We define maturity here primarily as the ability to voluntarily respond to one's needs and to effectively cope with the consequences of one's response.

relationship. Of course, in addition to the needs and the degree of maturity of the couples, genuine love would demand a serious consideration of three factors before coitus could become an appropriate loving response of certain engaged couples. First, that the couple would consult with competent persons if a doubt about such a contemplated act existed, and that "where either partner feels doubt or guilt, it would be dangerous for them to anticipate their wedding night."<sup>15</sup> Second, that the couple would avail themselves of scientific advances to exclude the possibility or probability of conception where pregnancy was not a desired effect, and that if the fiancée did become pregnant, the couple would advance their wedding date. Third, that the couple would terminate coitus if such behaviour was de facto causing serious harm to the growth and development of their relationship or to the community at large, such as parents, friends or acquaintances. To conclude, the first objective standard is that the relationship must be one of mutual love.

The second objective standard we propose is that there must be an honest evaluation of motives. We agree with Hettlinger that "it is exceptionally difficult to be objective about one's sexual life" and that "there is no

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<sup>15</sup> Towards a Quaker View of Sex, 2nd ed., London, Friends House, 1964, p. 54.

field of human activity in which it is so easy to deceive oneself and to be convinced by arguments which are nothing but rationalizations of clamant desires."<sup>16</sup> Furthermore, we agree with him that,

... the man who is seriously convinced that intercourse is the appropriate expression of mutual love may in fact be seeking merely to bolster his own sense of inadequacy or to stifle some inner loneliness. He may only be looking for a mother image or a status symbol. He may be using sex merely as an expression of power over another person.<sup>17</sup>

On the other hand, we must also admit that in the context of a mutual love relationship as presented as our first objective standard, sexual intercourse can also be a gesture of joy and delight and love and gratitude, sincerely expressing the relationship of a couple who are committed to each other but have not yet publicized their commitment. Furthermore, we must also admit that in the context of a mutual love relationship, coitus can serve the love of a couple in many ways. In addition to the purpose of procreation, there are the following: as an outlet or release for tensions, as a means of knowledge of one's self and the partner, as a means of communication broadening the possibilities of communication in other important areas of their

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<sup>16</sup> Richard F. Hettlinger, Living with Sex: The Student's Dilemma, New York, Seabury Press, 1966, p. 142.

<sup>17</sup> Ibid.

relationship, as a means of reconciliation, as a means of celebrating their love by giving pleasure to each other, as a symbol of their unity, as a means of reassurance of the partner's love or of one's own desirability and need by the other, etc.

In conclusion, it seems to be part of the human condition that the best and most honest intentions of man in the matter of premarital coitus are very frequently not absolutely pure. However, as Patricia Marshall states:

We need I think to accept this ambiguity without anxiety while at the same time trying to eliminate as far as possible the selfish element in our love relationships - this I think, is what chastity is and why it is just as important, and as difficult, for married, unmarried and celibate alike.<sup>18</sup>

The third objective standard the writer proposes is that there must exist a mutual promise to marry and the intention to make public to the community their commitment to share a permanent life together. When should the public commitment take place? Since the circumstances and situations of each couple vary from case to case, we would have to answer in general terms, namely, as soon as suitable conditions are present in each situation that call for a public commitment of marriage. It is enough to note here that in the following chapter we will concern ourselves with

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<sup>18</sup> Patricia Marshall, "Love Before Marriage", in The Furrow, Vol. 19, No. 4, April 1968, p. 198.



what essentially constitutes a Christian marriage, when such a marriage really and truthfully begins to admit of coitus in practice, and what consequent implications the constitution and beginning of a Christian marriage have regarding the question of coitus and certain engaged couples.

We have presented three objective standards for the serious consideration of engaged couples to aid them in evaluating the degree of their responsibility or irresponsibility in the matter of premarital coitus. In light of this presentation, therefore, it seems doubtful that coitus between engaged couples is "not fully responsible" if the relationship between these couples is one of mutual love, and if sexual intercourse "is not just self-gratification, not just mutual masturbation, but points to something beyond them both in space and time,"<sup>19</sup> and if the engaged couples have promised to marry and publicize their commitment to the community.

## 2. Is the Ideal Situation a Moral Imperative?

A very significant question related to the subject of responsible engaged couples is the question, Is the ideal situation a moral imperative? Expressed in other words,

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<sup>19</sup> Allen J. Moore, "Religion and the New Morality", in Playboy, Vol. 14, No. 6, June 1967, p. 62.

are persons in non-ideal situations morally obliged to act ideally? Are the only morally permissible acts those which are ideal? It is not difficult to see, as Doherty states, that,

... marriage is the ideal situation for sexual activity since marriage provides an overall atmosphere of spontaneity and confidence ... Waiting until marriage to enjoy sex leaves one with no regrets, with a feeling of real satisfaction for having waited; it highlights the first act of sexual relations whereby in a real sense the two become related to each other and removes both the fear of a pregnancy which is not accepted socially (at least in this country) as well as the possible danger of suspicions of infidelity later on when spouses are separated by an enforced and perhaps prolonged absence.<sup>20</sup>

In brief, more can be said for waiting till marriage to have coitus than for not waiting. However, we ask if the expression of coitus only in marriage is such an ideal that regardless of the circumstances engaged persons must strive for it under pain of serious sin?

In response to this question, we shall present two specific cases from our counselling experience to situate the particular predicament of certain engaged couples. Then, we shall consider the question of the validity of the Roman Catholic Church's position in equally binding under pain of serious sin the ideal of expressing coitus only in

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<sup>20</sup> Dennis Doherty, "Sexual Morality: Absolute or Situational?", in Continuum, Vol. 5, No. 2, Summer 1967, p. 248-249.

marriage both for engaged couples whose situation is ideal and for engaged couples whose situation is non-ideal.

i) Two Specific Cases of Non-Ideal Situations.

From our counselling experience we wish to present two cases to illustrate more clearly the specific circumstances which surround certain engaged couples. Case One: Bill and Mary are both twenty years old, go to the same college and have one year remaining to graduate. They have known each other for three years and plan to marry in two years. By working for a year after graduation, Bill will be able to pay off most of his debts for his college education and Mary will be able to financially help her parents pay for the wedding and to economically contribute to their future marriage. In this way Bill and Mary will get a fresh start in a very significant area of married life, namely, finances. Needless to say, Bill and Mary love each other; like the same kind of friends; and for the most part, their histories and values are basically in harmony. They see one another every day at school for lunch, and sometimes in the evenings they study together. Usually, they confine their dates to the week-ends. With prayer, the sacraments, self-restraint, and mutual understanding and help they have been able to refrain from sexual intercourse even though on a number of occasions they almost went "all

the way". Lately, however, such occasions have been more frequent, regardless of their good intentions and honest efforts to regulate their sexual conduct. They want each other so much that their moral resistance is either virtually non-existent or very low. Also, as their love has increased, their desires for union in every way have greatly heightened and intensified. They believe that if ever two persons could symbolize the unity they feel, celebrate their joy and commitment to each other by coitus, they could. They also believe that the coital release of tension would rid themselves of the sex-hang-up on intercourse and thereby free them to concentrate more serenely and integrally on all aspects of their personalities and total interpersonal relationship. They know they can prevent the probability, if not the possibility, of pregnancy, and in the event of actual pregnancy, they would advance the wedding date and Mary would temporarily postpone the rest of her education while Bill finished his degree. They both see that ideally coitus belongs in marriage, but since their situation is far from ideal, they seriously doubt that they should have to wait two more years to coitally express their love and commitment to one another.

A Second Case: Tony and Jane are thirty-two and thirty respectively; he works as a business executive and she as a nurse. They had known each other for one year

and had planned to marry in six months. However, Jane's widowed mother was stricken ill and her illness was diagnosed as terminal cancer. The doctor gave her two years to live. Jane, an only child and quite attached to her mother, quit her job at the hospital to remain at home to nurse her. Needless to say, the illness was disruptive of their marriage plans. Nevertheless, Tony and Jane recognized the parental responsibility in the situation and decided that for their greatest good it would be best in the long run to postpone their marriage till Jane's mother had deceased. But, to two people seriously committed to one another and eager to start a life and family together the waiting period seemed like an eternity and only three months had passed. Also, Jane was more and more desirous to give herself to Tony because of his understanding, concern and care in the situation. Consequently, their physical expressions of love progressed more and more toward sexual intercourse. After nine months the biological and psychological tensions were very intense, and not seeing one another for two or three days on end only heightened their already deep desires for one another. They were aware of the availability of effective means to prevent pregnancy and were ready to responsibly adjust to a situation of pregnancy. Like Bill and Mary in the case cited, they both realized that coitus ideally belonged in marriage, but since their situation was

far from ideal, they seriously doubted that they should have to wait about another year and a half to coitally express their love and commitment to each other. As stated above, these two cases have been presented from the writer's counselling experience to illustrate more clearly the specific circumstances which surround certain engaged couples, and thereby, present a more lucid setting for the question, Is the expression of coitus only in marriage such an ideal that regardless of the circumstances engaged persons must strive for it under pain of serious sin?

ii) Ideal and Non-Ideal Situations: Equally Binding?

The official position of the Roman Catholic Church states that coitus must be absolutely confined within marriage by reason of natural law.<sup>21</sup> We would just note that the birth control issue within the Roman Catholic Church has been very significant in effecting a serious reconsideration of the whole question of natural law, with the result that there has been strong disagreement as to its precise nature. The majority and minority reports of the papal commission on birth control epitomize and concretize the opposing positions of Roman Catholic scholars on

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21 Pius XI, Op. cit., p. 546.

the question of natural law.<sup>22</sup> To continue with the specific matter of the Church's position on fornication, pre-marital coitus is regarded as absolutely a serious sin.<sup>23</sup>

We have noted above two specific instances of engaged couples whose situations are such that they are not conducive to the ideal of expressing coitus only in public marriage. In fact, the presence of concrete factors in these two cases and the presence of certain factors in the cases of other engaged couples make it very difficult, if not virtually impossible, to avoid expressing their love coitally. On the other hand, we note there are engaged couples whose situation is such that the presence of certain factors combine to make the couples relatively free of strain in refraining from sexual intercourse before public marriage. Their particular situations are more conducive to a moratorium. Their situation, so to speak, is ideal for an ideal - the expression of coitus in public marriage. Now, in connection with

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22 "Birth Control Commission Texts", in *NCR*, Vol. 3, No. 25, April 19, 1967, p. 8-12. See also Joseph T.C. Arntz, "Natural Law and Its History", in *Concilium*, Vol. 5, 1965, p. 39-57; Franz Böckle, "Birth Control: A Survey of German, French and Dutch Literature", in *Ibid.*, p. 97-129; Enda McDonagh, "Recent English Literature on the Moral Theology of Marriage", in *Ibid.*, p. 130-154; Peter Chirco, "Tension, Morality, and Birth Control", in *Theological Studies*, Vol. 28 No. 2, June 1967, p. 258-285; and Francis Simons, "The Catholic Church and the New Morality", in *Cross Currents*, Vol. 17, No. 4, Fall 1967, p. 429-445.

23 Gerald Kelly, *Op. cit.*, p. 66-73.

the matter of the ideal as a moral imperative, Fuchs states:

Perhaps for many questions there could be, theoretically, an ideal solution. But this ideal solution could be applied to ideal conditions only when they are actualities in a certain time or certain culture. And if these particular conditions are not realized, then neither could this ideal solution be realized.<sup>24</sup>

Consequently, it seems doubtful that the ideal - the expression of coitus only in public marriage - is equally a moral imperative obliging under pain of serious sin both for engaged persons in ideal situations and for engaged persons in non-ideal situations. The ideal, however, still stands, but the fact that some engaged persons do not realize in their own existential predicaments can hardly mean as von Gagern states, "nothing can justify their choice."<sup>25</sup>

### 3. Conclusion: Doubt regarding Church's Position on Fornication.

We have concluded from the first section of this chapter that it seems doubtful that coitus between engaged couples is "not fully responsible" if the relationship between these couples is one of genuine love, if there are honest and noble motives for sexual intercourse, and if the

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<sup>24</sup> Josef Fuchs, "Theology of the Meaning of Marriage Today", in Marriage in Light of Vatican II, ed., James T. McHugh, Washington, Family Life Bureau, 1968, p. 17.

<sup>25</sup> Frederick von Gagern, Marriage Partnership, Westminster, Newman, 1966, p. 131.



engaged couples have promised to marry and to publicize their private commitment. We have concluded from the second section that it seems doubtful that the ideal - the expression of coitus only in marriage - is equally a moral imperative obliging under pain of serious sin both for engaged couples in ideal situations and for engaged couples in non-ideal situations. Consequently, it seems doubtful that fornication (premarital coitus) is absolutely (always and everywhere) a serious sin.

The decision to enjoy coitus apart from marriage, but in view of it, must always be a responsible and intelligent one, guided by the three objective criteria that we have presented and by the particular situation of engaged couples. At the same time, as Doherty states,

... to suggest that premarital intercourse is licit at times is not to advocate it; on the contrary, it is to condemn explicitly such intercourse indulged in indiscriminately. It is, further, to remove in restricted instances anxiety of conscience (guilt feelings traceable to cultural conditioning) and to encourage a positive appreciation of one's own sexuality.<sup>26</sup>

In brief, it is doubtful that premarital coitus is always and everywhere a serious sin.

In the final chapter we shall consider the insights of contemporary Christian thinkers into the nature of

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26 Doherty, Op. cit., p. 250.

Christian marriage, as to its essence, and beginning for coital expression. What essentially is Christian marriage? When does it begin? What are the implications of these two questions for the problem of premarital coitus and engaged couples? These are the questions which will be the subject of our consideration in the last chapter.

CHAPTER V

MARRIAGE: ESSENCE, BEGINNING,  
AND IMPLICATIONS

In this chapter we are concerned with three areas: the constitution of marriage, the beginning of marriage, and the implications of these two considerations regarding the question of premarital coitus and engaged couples. What is marriage? When does marriage begin? What are the implications of these two questions for the specific problem of premarital coitus and engaged couples? Research in the area of these three questions is the subject matter of this chapter.

1. Essence of Marriage.

What is marriage? What essentially constitutes this multi-dimensional reality? Before we consider at length the essential constitution of this reality, we shall briefly consider the constitution of this reality from a legal and from a sacramental point of view to provide background and perspective for a broader and deeper understanding of the essence of marriage, without which, the legal, the sacramental, and we add, the moral or existential, dimensions of marriage cannot authentically exist.

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## i) Legal Constitution.

Regarding the legal constitution of marriage, the Code of Canon Law of 1918 states:

Canon 1081. §1. Marriage is effected by the consent of the parties lawfully expressed between persons who are capable according to law; and this consent no human power can supply.

§2. Matrimonial consent is an act of the will by which each party gives and accepts a perpetual and exclusive right over the body, for acts which are themselves suitable for the generation of children.<sup>1</sup>

By "lawfully expressed" is meant that for the validity of the marriage the parties must express their genuine consent "before the pastor or Ordinary of the place or a priest delegated by either of these and at least two witnesses."<sup>2</sup> It is significant to note that before the Council of Trent (1545-1563) there was no legislation on the legal form of marriage affecting its validity. Before the enactment in 1563 of the first invalidating law, the "Tametsi", requiring "for the validity of the marriage the pastor or Ordinary of one of the parties according to domicile or quasi-domicile,"<sup>3</sup>

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1 T. Lincoln Bouscaren, S.J., and Adam C. Ellis, S.J., Canon Law, A Text and Commentary, Milwaukee, Bruce, 1946, p. 543.

2 Ibid., Canon 1094, p. 562.

3 Ibid., p. 562.

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... every form of mutual consent to marriage - whether celebrated liturgically in the Church, conducted outside the Church, or even not a public ceremony at all, but clandestine - was for baptized Christians both a valid and a sacramental marriage.<sup>4</sup>

It should be evident from the modern insights into the nature of marriage noted in Chapter III that the Code's legal concept of marriage is an obsolete and inadequate expression of the nature of Christian marriage. However, it should be stated that the present revision of canon law now under way will undoubtedly incorporate many of these insights and thereby reflect a broader and deeper concept of Christian marriage. In the meantime, however, the narrowness and inadequacy of the present legal expression of marriage will become even more lucid when we consider the essential constitution of marriage as a human reality.

## ii) Sacramental Constitution.

Sacramentally constituted, what is marriage? What is sacramental marriage? The fact of baptism of both parties elevates the lawful contract to a sacrament<sup>5</sup> by giving it a character whereby the loving union of husband and wife

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<sup>4</sup> E. Schillebeeckx, Marriage: Human Reality and Saving Mystery, trans. by N.D. Smith, New York, Sheed and Ward, 1965, p. 343.

<sup>5</sup> Bouscaren and Ellis, Op. cit., Canon 1012, p. 445.

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symbolizes and represents the mystery of Christ's love for and unity with His Church, and whereby the couple receive grace to accomplish the ends of Christian marriage. The sacramental character enables the marriage to become "a saving instrument" through which the mystery of Christ and His Church becomes active in the marriage of the baptized.<sup>6</sup> In short, Christ lives again in the love of husband and wife.

As we have noted above the Code of Canon Law regards the marriage contract between the baptized as itself a sacrament. However, fully cognizant of the fact that grace perfects nature, Catoir begs to differ:

The sacrament of matrimony is the consecration of human love. By the exchange of their mutual juridical consent, two people may visibly contract marriage, and it may have legal binding force according to the state and the Code of Canon Law, but if the mysterious ability to enter a love union is missing from the beginning, the sacrament cannot be conected. We are dealing with mystery. The sacrament is not something that comes into existence by virtue of a legal presumption.<sup>7</sup>

Also fully conscious of the fact that grace ordinarily builds upon and is operative within an existing reality, de Vinck states:

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<sup>6</sup> Schillebeeckx, Op. cit., p. 343.

<sup>7</sup> John T. Catoir, "What is the Marriage Contract?" in America, Vol. 118, No. 7, February 17, 1968, p. 229.

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There are unions of a man and a woman who live together for years without ever being truly married, without the union of body and soul that constitutes the essence of marriage. They may have received the external form of the sacrament, but since the sacrament of marriage is conferred by the spouses upon each other, whenever there is no true union, there is no true sacrament to confer.<sup>8</sup> And when there is no sacrament, there is no bond.<sup>8</sup>

On this note we shall proceed to a consideration of the essence of marriage as a human reality.

## iii) Essential Constitution.

What precisely is marriage? What constitutes the essence of Christian marriage? Essentially what is the human reality of marriage? Before marriage can have real meaning as a legal institution governing and guiding, and thereby, securing man's social relationships in community, it must be essentially constituted as a human reality. Before marriage can have sacramental value for man as a redemptive instrument, it must be essentially constituted as a human reality. Before marriage, we would add, can have moral significance obliging man "to preserve the integrity and permanence of their union, and to spare no effort to deepen and enrich in every possible way the common life to which they are committed,"<sup>9</sup> it must be essentially

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<sup>8</sup> José de Vinck, "Greener Pastures", in Marriage, Vol. 50, No. 8, August 1968, p. 41.

<sup>9</sup> Sherwin Bailey, Sexual Ethics, New York, Macmillan, 1962-63, p. 158.

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constituted as a human reality. What then is the human reality of marriage that is called to be a sacramental reality - a redemptive manifestation of the union of Christ and His Church?

The question of the human reality of marriage is an anthropological one. Schillebeeckx states:

But it is important to bear in mind that, although Christ declared that marriage was indissoluble, he did not tell us where the element that constituted marriage was situated - what in fact made marriage a marriage, what made it the reality which he called absolutely indissoluble. This is a problem of anthropology since it is concerned with a human reality, the essence of which man must try to clarify in its historical context.<sup>10</sup>

We note here that if one is to consider this reality in all its human density, there are definitely cultural considerations involved in the determination of what constitutes the human reality of marriage. In view of the cultural dimension of marriage, the various mating arrangements in different human societies make it very difficult to define precisely what constitutes the essential reality of marriage. However, our consideration in this dissertation is not the prodigious scope of what every human society considers the essential reality of marriage to be, but what a contemporary Christian society considers this reality to be. Because our present work is directed to those whose heritage is Christian

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<sup>10</sup> Schillebeeckx, Op. cit., p. 389.



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we shall be concerned, then, with what contemporary Christian thinkers perceive the essential constitution of marriage to be. Our concern is the insights of contemporary Christian thinkers. As Monsignor Conway notes:

Our Catholic concepts of marriage have probably changed more in the past forty years than they had in the previous nineteen centuries. ... Two human factors have contributed greatly to their growth. First, laymen experienced in the realities of marriage have contributed a new empirical dimension to our thought; and secondly, we have experienced a growing awareness of the human person, of his dignity and integrity.<sup>11</sup>

We would add two other important factors, namely the recent birth control issue precipitating many fruitful insights into the nature of marriage both from lay married persons and clerical scholars, and secondly, the development of ecumenism within the Roman Catholic Church with its openness to the wisdom and insights of other Christian sects, especially regarding the nature of marriage and responsible family limitation.

a) Survey of Contemporary Christian Thinkers. -

We shall survey, then, an essential constitution of the human reality of marriage according to those contemporary Christian minds that have somewhat considered this particular question, and we shall then present a summary of those

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<sup>11</sup> Monsignor J.D. Conway, "Foreword", in Joseph W. Bird and Lois F. Bird, The Freedom of Sexual Love, New York, Doubleday, 1967, p. 9.

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essential elements that constitute the human reality of marriage for Christian man at this juncture in his developing history and in his fundamental quest for self-understanding. In our survey it will be necessary in a number of cases to quote the authors at length to do justice to their concepts of the essential constitution of marriage; in other cases, justice will be served by either paraphrasing the authors or quoting their brief statements on the subject.

According to Pope Paul VI in his encyclical, Of Human Life,

Marriage ... is the wise institution of the Creator to realize in mankind His design of love. By means of the reciprocal personal gift of self, proper and exclusive to them, husband and wife tend toward the communion of their beings in view of mutual personal perfection to collaborate with God in the generation and education of new lives.<sup>12</sup>

Proper to the nature of conjugal love are very definite qualities:

This love is first of all fully human, that is to say, of the senses and of the spirit at the same time. It is not, then, a simple transport of instinct and sentiment, but also, and principally, an act of the free will, intended to endure and grow by means of the joys and sorrows of daily life, in such a way that husband and wife become one only heart and one only soul, and together attain their human perfection.

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<sup>12</sup> Pope Paul VI, "Of Human Life", in The National Catholic Reporter, Vol. 4, No. 40, August 7, 1968, Nos. 8-9, p. 5.

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Then this love is total; that is to say, it is a very special form of personal friendship, in which husband and wife generously share everything, without undue reservations or selfish calculations. Whoever truly loves his marriage partner loves not only for what he receives, but for the partner's self, rejoicing that he can enrich his partner with the gift of himself.

Again, this love is faithful and exclusive until death. Thus in fact do bride and groom conceive it to be on the day they freely and in full awareness assume the duty of the marriage bond.

And finally, this love is fecund, for it is not exhausted by the communion between husband and wife, but is destined to continue raising up new lives.<sup>13</sup>

According to a report presented to the British Council of Churches:

Mating arrangements in different human societies are so various that social anthropologists are now rather reluctant to define precisely what constitutes marriage. In our own society, however, marriage conveys that a man and a woman are living together, generally with the intention of founding a family; that their relationship is assumed to be life-long and to be distinguished from other less regulated types of sexual union; and that it had been preceded by a public ceremony, if not expressly before God, at least in the sight of a secular congregation.

In Christian societies, though not only in them, it is assumed that marriage also has to do with love, of a kind which includes but goes beyond sexual attraction and desire ... Visibly there exist loveless marriages, and also love affairs which transcend the sexual appetites of the partners yet are conducted without the thought of marriage. Nevertheless, in most people's understanding love and

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<sup>13</sup> Ibid., p. 5.

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marriage go together: our ideal of marriage includes all the elements which we understand by the word love.<sup>14</sup>

According to the Quaker report on sex marriage essentially involves being "fully committed to responsibility for each other's good and to a joint creative family enterprise."<sup>15</sup> The report adds:

Most men and women look forward to marriage and to making of it a faithful and lasting commitment which will draw out all their capacities for companionship, caring and delight in one another.<sup>16</sup>

According to Sherwin Bailey:

Ethically it is of the utmost importance never to lose sight of the fact that marriage, whatever else it may be, is essentially a personal union of man and woman founded upon love, and sustained and governed by love.<sup>17</sup>

Bailey expounds on the nature of such love:

But properly conceived as a relation of mutual self-committal based on free and responsible decision, sustained by fidelity, directed to the great enterprise of creating a common life, and marked by all the distinctive features analyzed in the preceding pages, there can be no doubt that love embodies and expresses the heart of marriage as we have now come to understand it.<sup>18</sup>

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<sup>14</sup> British Council of Churches, Sex and Morality, London, SCM Press, 1966, p. 43-44.

<sup>15</sup> Towards a Quaker View of Sex, 2nd ed., London, Friends House, 1964, p. 25.

<sup>16</sup> Ibid., p. 22.

<sup>17</sup> Sherwin Bailey, Sexual Ethics, New York, Macmillan, 1963, p. 106.

<sup>18</sup> Ibid.

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"All the distinctive features" to which Bailey refers are: "responsive relations as persons with the respect and responsibility due to persons", "self-giving", "desire for the whole person", "friendship", "need for bodily communion", and kind, warm and tender "affection".<sup>19</sup>

Frederic C Wood, Jr., presents a covenant concept of marriage where covenant is understood to be "a contract between two parties who bind themselves together with the promise of certain reciprocal services." Such a marriage relationship involves three essential elements: "the mutual consent of the two parties, the assent of the social order, and the lifelong intention of the relationship."<sup>20</sup>

For Frederick von Gagern marriage is a permanent "love union" of couples "completely giving themselves to one another." It is a partnership based on mutual love which involves: "respect for the person", "protection against harmful influences", "advancement", and "signs" of love.<sup>21</sup>

For Cavanagh marriage is essentially "a relationship based on love, in which a man and a woman give themselves to one another knowingly and willingly for life, and

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19 Ibid., p. 97-105.

20 Frederic C. Wood, Jr., Sex and the New Morality, New York, Newman, 1968, p. 101-110.

21 Frederick von Gagern, Marriage Partnership, Westminster, Newman, 1966, p. 101-112.

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this relationship is specified by an act through which may spring more human beings made in the image and likeness of God."<sup>22</sup> He elaborates on the significance and meaning of love:

If love is the basis of marriage one must examine more closely what love means. Love is a manifestation of the great Christian virtue of charity. Love means to give, to give service. Husband and wife give themselves to one another in a life partnership, in an institution, and since this is a giving of two human beings to one another it can only be a real act of love if it is a permanent giving. To give until she grows fat or wrinkled is not love. Love must be giving for life; hence it is indissoluble.

Secondly, because it is a total giving of two people to one another, it must be exclusive; hence monogamy. So indissolubility and monogamy stem not only from any legal charter but from the very foundation of marriage itself, as an institution in which two human beings give themselves to one another in the service of love.<sup>23</sup>

Marriage for Dietrich von Hildebrand is essentially "the closest love union between man and woman, constituting the most intimate human I - thou communion" and it is this irrevocable bond which Christ has elevated to a sacrament. He elaborates on the nature of this love union:

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22 John R. Cavanagh, M.D., "A Psychology of Conjugal Love: A Phenomenological Approach", in Marriage in the Light of Vatican II, ed., James T. McHugh, Washington, Family Life Bureau, 1968, p. 117.

23 Ibid., p. 106.

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The union is itself constituted by the consensus of the spouses, a mutual self-donation over the span of their entire lives, made by the expressed will of the partners, and solemnly pronounced before God, thereby, as it were, entrusting this bond to Him. The intentio unionis of marital love finds its valid expression in this consensus and its fulfillment in the irrevocable union which results. A still greater fulfillment is attained in the conjugal act consummating the gift of self initiated and promised in the consensus.<sup>24</sup>

For Sydney Calahan marriage essentially is "a permanent mutual commitment."<sup>25</sup> For Rosemary Haughton marriage is "a relationship which is total and legal and (at least in intention) permanent." She adds that it is "the most complete form of self-giving."<sup>26</sup> For Joseph and Lois Bird marriage involves a mutual commitment to and with each other as persons, based on the trust that through each other they will attain fulfillment and aspire to a life of Christian perfection.<sup>27</sup> For Jeannière marriage is the total gift of self to the other; it is founded in the free choice of each partner for the purpose of intimacy, resulting in a unique

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24 Dietrich von Hildebrand, "Marriage as a Way of Perfection", in Marriage in the Light of Vatican II, ed., James T. McHugh, Washington, Family Life Bureau, 1968, p.126.

25 Sydney Cornelia Callahan, Beyond Birth Control: The Christian Experience of Sex, New York, Sheed and Ward, 1968, p. 158.

26 Rosemary Haughton, The Transformation of Man, Springfield, Templegate, 1967, p. 52-53.

27 Joseph W. Bird and Lois F. Bird, The Freedom of Sexual Love, New York, Doubleday, 1967, p. 55.

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community upon the condition of a life-long commitment to each other.<sup>28</sup>

For Peter Bertocci:

A marriage is made and not contracted either before the justice of the peace or before the altar. Real marriage comes to be as love realizes it can grow in responsiveness through a mutual commitment and trust more intimate than any other human relationship. Marriage is the form that love takes as it fulfills its human possibilities.<sup>29</sup>

For José de Vinck:

... man is made for woman and woman is made for man in a relation of mutual personal completion that leads to the summit of spiritual, emotional, and physical union, through rational, sentimental and erotic love, for the sake of the offspring and of individual fulfillment.<sup>30</sup>

Elsewhere, de Vinck significantly notes that "there are unions of a man and a woman who live together for years without the union of body and soul that constitutes the essence of marriage."<sup>31</sup>

For the Ryans "marriage is essentially a mode of the Christian vocation to love" in which "a man and a woman must

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28 Abel Jeannièrre, The Anthropology of Sex, trans. by Julie Kernan, New York, Harper and Row, 1967, p. 160-165.

29 Peter A. Bertocci, Sex, Love, and the Person, New York, Sheed and Ward, 1967, p. 163.

30 José de Vinck, The Virtue of Sex, New York, Hawthorn, 1966, p. 196.

31 Idem, "Greener Pastures," in Marriage, Vol. 50, No. 8, August 1968, p. 41.



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intend to live with and for each other in this unique kind of companionship if they are truly to be married."<sup>32</sup> They also strongly imply that "the quality of consent necessary to constitute a marriage" must be one of complete freedom that considers not just physical factors of force and fear but also "many other psychological factors that can condition free consent." In this connection they note:

How many teen-age marriages, for example, are entered into because the girl became pregnant and her parents could not bear to see her 'disgraced', or because of more subtle pressures such as a desperate need for status or affection, or the even more subtle pressure of 'everybody's doing it'? In such instances can the two people be said freely to have consented to marry?<sup>33</sup>

Furthermore, the Ryans strongly imply that a certain "degree of emotional maturity is necessary for a person to be able to make a real commitment to live with and for another in the union of marriage." In this regard they note:

It would doubtless be extremely difficult to work out practical methods of determining the existence of such maturity before allowing people to enter Christian marriage. Certainly, better pre-marriage preparation and counseling could do a great deal to help people see the need for this maturity before committing themselves to marriage. But if it is clear that a married couple (or one of them) have in fact not made such a commitment

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<sup>32</sup> Mary Perkins Ryan and John Julian Ryan, Love and Sexuality: A Christian Approach, New York, Holt, Rinehart and Winston, 1967, p. 154.

<sup>33</sup> Ibid., p. 155.

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and are incapable of making it to each other, are they living in Christian marriage? Still more, leaving the original commitment out of the question, if a couple prove incapable of living with and for each other with some degree of good will, is their marriage really a Christian marriage? Must it necessarily be considered indissoluble by Church law?<sup>34</sup>

For Rosemary Reuther marriage essentially is a constructive interpersonal reality. She states:

The traditional ecclesiastical discipline on marriage has become untenable because it no longer has anything to do with the present social reality of marriage. Stemming from a period when marriage was really a public institution, it views the marital bond in legal terms and not in interpersonal terms. ... The validity of marriage rests on the validity of the relationships which make it a viable context for personal development. Once the relationships have become destructive beyond repair, then the raison d'être of marriage ceases to exist.<sup>35</sup>

For Charles Kindregan "the essence of marriage is two persons seeking to form a more perfect life through the giving of themselves totally to each other." He elaborates:

Marriage is more than an agreement between a man and a woman to live together; more than a mutual exchange of promises of support and comfort; more than an agreement to observe the civil and ecclesiastical laws of marriage; more than a promise to help each other achieve union with God. A marriage may involve all of these intermingled agreements, but none of them define marriage. Only two seeking to become perfectly one flesh with each other do that. The Hebrew word for flesh denotes a

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<sup>34</sup> Ibid.

<sup>35</sup> Rosemary Reuther, "Divorce: No Longer Unthinkable", in Commonweal, Vol. 86, No. 4, April 14, 1967, p. 118.

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complete union, a complete being. It carries connotations for the unity of the couple's families, but primarily it refers to continuing creation of the fulness of human life which takes place when man and woman marry. Their union is based on the incomplete sexuality of the male or female, a lack of wholeness which is remedied only in a union of total commitment between them. This incompleteness of each sex alone is apparent in the physical dimension, but it runs deeply into the psychological order. 'Then the Lord God said, 'It is not good that man should be alone; I will make a helper fit for him.' (Gen. 2:18). The Israelites who wrote these words were not psychologists, but they recognized that the marital union fills a physical-psychological void existing in male and female alone. They believed that in marriage man procreates the fulness of life.<sup>36</sup>

For canonist James Hertel marriage is essentially a mutual total commitment. He states that "without an unreserved bequeathing of the total person on both sides, no 'bond' can arise."<sup>37</sup> For canonist John Catoir:

The sacrament of matrimony is the consecration of human love. It is the consecration of a human commitment that society regards as an authentic expression of human love.

The matter and form of the sacrament are therefore the mutual giving and receiving of all that marriage means in terms of human love, namely, care, responsibility, respect, fidelity and the will to engage in a lasting sexual union. If a genuine love commitment was absent at the time the marriage was contracted, it would follow that the

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<sup>36</sup> Charles P. Kindregan, A Theology of Marriage, Milwaukee, Bruce, 1967, p. 17-18.

<sup>37</sup> James R. Hertel, "Save the Bond? or Save the Person?" in America, Vol. 118, No. 7, February 17, 1968, p. 218.

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matter and form of the sacrament would be absent. In this case there would be no sacrament, but only a juridical fiction. The sacrament is the consecration of human love.

It is the mutual exchange of the love commitment that constitutes the matter and form of the sacrament. In this view validity depends on the radical fitness or ability of the two parties to love, to enter into and sustain a marriage union.

... The sacrament of matrimony is the consecration of human love. If there is to be a consecration, there must be human love, at least in embryo form. This is not an easy thing to dissect and analyze. We are dealing with mystery, not a legal presumption.<sup>38</sup>

According to Monsignor Kelleher:

Marriage today is intended to be a deeply, personal, spiritual, psychological and physical relationship that leads to the mutual fulfillment of the couple and to the birth of children who will form themselves as responsible persons in the pattern of their parents' lives. If the parties to such a marriage are Christian, their marriage is a Christian sacrament.<sup>39</sup>

According to Bernard Häring:

The marriage contract allows the individual marriage to come into being: without it there is no marriage. But the outward contract is meaningless unless it is deliberate consent to what marriage and family essentially signify. The essential significance we see in love: ... it is the love that unites all members of the family, which cannot be conceived without conjugal love

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38 John T. Catoir, Op. cit., p. 229-230.

39 Stephen J. Kelleher, "The Problem of the Intolerable Marriage", in America, Vol. 119, No. 7, September 14, 1968, p. 182.

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aimed at fruitfulness, a love which is not exhausted in the act of generation, but expresses itself in life together, in bringing up the children and in its special solidarity in all things. To sum up then it is love that provides all this with its ultimate meaning and basic structure, just as conversely, it is being directed towards fruitfulness that distinguishes conjugal love from any other kind.<sup>40</sup>

Häring adds:

Marriage lives on the love between man and woman who, due to the essential nature of marriage and its enduring bond of love, are authors of the marriage contract. In plighting their troth they give each an irrevocable love, a love which enriches both of them precisely because they are different. Each must consent to the order of being to which the other belongs.<sup>41</sup>

Marriage for Josef Fuchs is essentially a permanent interpersonal "two-in-one community ... with a fundamental relation to procreation."<sup>42</sup> He elaborates on his concept of the human reality of marriage:

Marriage as a two-in-one unity consists not only in the mutual help given to one another on the level (as in the household, for example) but also in the interpersonal relationship of marital love. Marital love is Eros, Eros in all the different levels of human reality; and it is philia, friendship. And both Eros and philia have to be expressed in man

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<sup>40</sup> Bernard Häring, Marriage in the Modern World, trans. by Geoffrey Stevens, Westminster, Newman, 1965, p. 76-77.

<sup>41</sup> Ibid., p. 88.

<sup>42</sup> Josef Fuchs, S.J., "Theology of the Meaning of Marriage Today", in Marriage in the Light of Vatican II, ed., James T. McHugh, Washington, Family Life Bureau, 1968, p. 25.

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through sex, in the proper sense. On the other hand, Eros and friendship and sex have to be supported, and even permeated by a self-giving charity.

Then too, the whole reality of this two-in-one unity is not understandable, at least not in its full sense, unless it is perceived as having a fundamental orientation to procreation. This interpersonal unity of marriage is fundamentally a procreative community. However, this fact by itself does not determine how many children there should be in the marriage; nor whether in every case there should be children at all ...; nor whether in the whole realization of married life, or at least in intercourse, there should always be the intention of procreation and education of children.

Marriage even without children, if there can not be any, has its own value insofar as it is, according to its own nature, this marital two-in-one community for a lifetime. It is not against the true nature of marriage that the fundamental connection of the interpersonal relationship to procreation cannot be realized.<sup>43</sup>

For Enda McDonagh marriage is essentially an interpersonal relationship involving a mutual "exclusive and permanent choice" with all that the Biblical "one-flesh" concept of marriage implies.<sup>44</sup>

According to Dennis Doherty the essence of marriage is the generous, permanent and exclusive commitment of a couple to each other.<sup>45</sup> Elsewhere he comments on the

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<sup>43</sup> Ibid., p. 21-24.

<sup>44</sup> Enda McDonagh, Letter of April 21, 1968, p. 2.

<sup>45</sup> Dennis Doherty, "Sexual Morality: Absolute or Situational?" in Continuum, Vol. 5, No. 2, Summer 1967, p. 249-50.

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significance of love to marriage:

... since love is clearly essential for a successful and happy marriage the ability to love - with a love normally considered proper to human marriage - should also be a legal requisite just as it is a moral one.

Although of its nature love cannot be legally defined nor the degree of existing love between a couple legally delineated, legal recognition could be given to a prudential establishing of whether marital love, by which we understand psychological or psychosexual consummation (or spiritual union), really exists and whether it exists to a degree sufficient to determine that dissolution is no longer possible. Since the ability to love and to love in a way proportionate to the demands of marriage is something that can be determined only in the framework of an existing marriage (in a given culture) its presence or absence can be objectively established by prudent men in terms of situations that arise and perdure.<sup>46</sup>

b) Summary and Definition. - We have presented a survey of the concepts of the essential constitution of marriage according to contemporary Christian thinkers. From a collective consideration of their concepts we shall now summarize those essential elements of the human reality of marriage and conclude a definition of its essential constitution in order that we might better perceive and understand this reality as a multi-dimensional, integrated whole.

Marriage, then, is two persons seeking to become one flesh, that is, a complete union, a complete being. Expressed

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<sup>46</sup> Idem, "Consummation and the Indissolubility of Marriage", in Absolutes in Moral Theology, ed., Charles Curran, Washington, Corpus, 1968, p. 221-222.

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in other words, marriage is two persons seeking a more perfect life together by totally giving themselves to one another. Marriage is the mutual love and commitment of two persons whose consent is based on a free and responsible decision on the part of both; this decision also presupposes that both partners are capable of love and a commitment to a life with and for each other on a permanent and exclusive basis. Moreover, their mutual love will be ordered and directed to the responsible procreation and education of children where this is both possible and conducive to the growth, development, and total welfare of both spouses and any existing children and the society at large. For it is in children that most spouses can and do find "their ultimate crown" and "the supreme gift of marriage;"<sup>47</sup> it is generally through children that spouses attain to that more perfect communal life or that complete union of "two-in-one flesh" which they seek when they commit themselves totally, permanently, exclusively and responsibly to each other. To conclude, we define the essential constitution of marriage to be a mutual, total, permanent, exclusive and responsible commitment of two persons to a life with and for each other for the purpose of creating for themselves a more perfect

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<sup>47</sup> Walter M. Abbot, ed., "Pastoral Constitution of the Church in the Modern World", in The Documents of Vatican II, New York, Guild Press, 1966, p. 250-254.



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and a more fulfilled life which as a general rule necessitates the responsible procreation and education of children.

c) Conclusion. - Schillebeeckx stated that Christ did not tell us "what in fact made a marriage a marriage" and that the problem of the human reality of marriage is an anthropological one, "the essence of which man must try to clarify in its historical context."<sup>48</sup> He adds that any dogmatic study of marriage must take into account the fundamental fact "that marriage is without qualification a secular reality, fully human and consequently subject to development and evolution."<sup>49</sup> We have presented a summary of the essential elements of the human reality of marriage according to contemporary Christian thinkers at this point in man's history and self-understanding; we have also deduced from that summary a definition of this essential reality. We would note here the very relevant statements of Father Josef Fuchs on the essential constitution of marriage.

... the richer married life becomes either in a certain period, or in a certain people, or in a certain couple, so much the richer becomes the concept, the description of marriage as institution. We have to reflect again and again on what

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48 Schillebeeckx, Op. cit., p. 389.

49 Ibid., p. 396-397.

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marriage really is. So perhaps we will emphasize now some aspects of marriage we did not emphasize before; or emphasize some aspects less today than before - at least as regards a description of the qualities, the characteristics, the ends, the values of marriage. We will retain perhaps the same definition of marriage; but in such a way that this same definition will suggest to us other aspects than it did to men of other periods. We could think, for instance, of cultures in which the inter-personal relationship is perhaps not considered or is not appreciated as much as the good of offspring.<sup>50</sup>

Therefore, in view of the historical development of man and his growth in self-understanding, it would be unwise to assert that we have conclusively and absolutely determined the essential constitution of the human reality of marriage as if nothing could be added or subtracted, or emphasized or de-emphasized in the summary definition aforementioned of the essence of marriage. For as Doherty states, "the reality that is marriage is something vastly complex" for "it is something natural, sexual, historical, societal, juridical, interpersonal, sacramental."<sup>51</sup> Nevertheless, the constitutive elements of the essence of marriage as perceived by the aforementioned contemporary Christian thinkers do represent the best understanding of this reality for Christian man at this point in Christian man's history and development

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<sup>50</sup> Fuchs, Op. cit., p. 19-20.

<sup>51</sup> Dennis Doherty, "The Problem of Divorce and Re-marriage", in Marriage, Vol. 48, No. 7, July 1966, p. 16.

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in self-understanding. Moreover, this broader and deeper understanding of the essential reality of marriage does provide us with an adequate basis for our next enterprise - the beginning of marriage.

## 2. Beginning of Marriage.

We have considered and defined the essential constitution of marriage. We note now that certain engaged couples are in fact in the state or at the level of commitment that characterizes the essential constitution of marriage, namely, the mutual, total, permanent, exclusive and responsible commitment of two persons to a life with and for each other for the purpose of creating a more perfect or more fulfilled life which as a general rule necessitates the responsible procreation and education of children. Consequently, we ask, when does marriage begin? More precisely, does the interpersonal commitment existing between certain engaged couples constitute a sufficient beginning of marriage to admit in fact of coitus? In response to this specific question a number of positions have been put forth. There is the position which states that coitus can begin both in theory and in practice only when couples publicly proclaim their private commitment to each other through some recognizable form. There is the position which states

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that coitus should theoretically commence when couples decide to mutually commit themselves to a communal life, but, for various reasons, should not practically begin until the private commitment has been made public. There is the position which states that coitus between engaged couples transforms into a clandestine (private) marriage a private commitment which has been seriously intended as a permanent relationship. There is another position which states that when couples privately decide to permanently and exclusively commit themselves totally to one another marriage has begun for them to admit in fact of coitus as a true and appropriate expression of their relationship. We shall subsequently proceed to elaborate on these positions.

## i) Position of Public Commitment Both in Theory and Practice.

There are those who state that coitus can be initiated both in theory and in practice only when they publicly proclaim their mutual commitment to the community through some recognizable form. Such is the position of the Roman Catholic Church which requires for the validity of a marriage that the couple marry before a priest and two witnesses<sup>52</sup> except in the two extraordinary cases of danger of

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<sup>52</sup> Bouscaren and Ellis, Op. cit., Canon 1094, p. 562.

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death and the prudently foreseen absence of a priest for a month where in both cases at least two witnesses only would be required for validity.<sup>53</sup> It is significant to recall at this juncture that before the Council of Trent (1545-1563) there was no legislation on the legal form of marriage affecting its validity. Before the enactment in 1563 of the first invalidating law, "the Tametsi", requiring "for the validity of the marriage the pastor or Ordinary of one of the parties according to domicile or quasi-domicile,"<sup>54</sup> Schillebeeckx noted that "every form of mutual consent to marriage - whether celebrated liturgically in the church, conducted outside the church, or even not a public civil ceremony at all, but clandestine - was, for baptized Christians both a valid and a sacramental marriage."<sup>55</sup> Sufficient is to recall this historical fact at this point in conjunction with the present Roman Catholic Church's position on the beginning of marriage; it will behoove us to comment on its implications in the last section of this chapter.

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53 Ibid., Canon 1098, p. 571.

54 Ibid., p. 562.

55 Schillebeeckx, Op. cit., p. 343.

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a) Various Reasons for the Position. - To continue, then, various reasons are given in support of the position that only with public commitment can coitus be an apt and true expression of the interpersonal relationship of engaged couples. Jeannière states:

To become the social expression of a definitive love, the sexual encounter should be the fulfillment of a solemn vow taken before society, in history. Specifically it will be taken at the time of marriage, which makes the search for sensual pleasure unequivocal and personal for both. The vow is the solemn expression of a love that will be manifested as the days go by.

Love's fragility is fortified by the fact that it is expressed solemnly and publicly. The vow assures continuity of presence against dispersal in the moment. From the start, bodily union is made an expression of perpetual giving ... By exteriorizing and binding itself under the laws of an institution, conjugal love insures itself against its own weaknesses and manifests itself as a particular community in society.<sup>56</sup>

Dr. and Mrs. J.C. Willke have written:

We see premarital coitus as psychologically harmful, particularly to the woman who, however unconsciously, simply cannot relax and be as secure in the situation as she can after he has publicly testified to his lifetime pledge and legally bound himself to her, and her offspring.<sup>57</sup>

Bertocci also states that coitus is properly initiated only after the mutual and total gift of self has been

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<sup>56</sup> Jeannière, Op. cit., p. 164-165.

<sup>57</sup> Dr. and Mrs. J. C. Willke, Letter of November 21, 1967, p. 1.

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publicly expressed to the community. He explicitates:

I would agree that if two persons do love each other, they are indeed married in spirit, and no marriage is a marriage that is not a marriage of spirit. Yet that very spirit involves the overwhelming concern that they join their lives together not simply in the sexual experience but in that common sharing that only actual marriage and dedication to home make possible.

For the marriage ceremony is love becoming mature enough to take a public stand, gladly and solemnly, before all that is holy in life. It is to perform the movements of rituals in public, to say out loud what young people began to say when they started to 'go together', when they expressed their affection and promised their loyalty to each other by the gesture of gifts and then by an engagement ring. The marriage ceremony is not the end of the inner dance they felt when they fell in love; but it is to make it known by taking formal steps, showing before all men that they wish to accept responsibility for everything that they can possibly possess and share.<sup>58</sup>

Frederic C. Wood, Jr., notes his reasons for the position that coitus is properly initiated with public commitment.

The need for public assent to the marriage covenant underlies the legal requirement for witnesses at a wedding. For the same reason, a 'church marriage' represents the affirmation (blessing) of a union by the religious community. This betokens recognition that every heterosexual relationship has social implications beyond itself. Just as 'no man is an island', so also no twosome can be an island. For one thing, every heterosexual union is potentially reproductive. It has the potential to add a new human life to the community. For another, every deep heterosexual

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58 Bertocci, *Op. cit.*, p. 17-18.

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relationship has implications for one's other relationships. Thus, establishment of a sexual union which involves mutual consent and a dimension of lifelongness cannot help but influence the relationships two people will establish with others. The posture of each partner vis-à-vis the social order is altered by a full heterosexual relationship. Therefore, the community sees itself as having a stake in this covenant, and emphasizes the need for its assent. This underscores the socially defensive function of the marriage institution itself.

Hence, intercourse not publicly acknowledged is lacking in something. For example, it is lacking in a public assumption of the responsibilities of sexual relations. This includes the responsibility for potential offspring and the responsibility of the partners to one another and for one another's welfare. All this is spelled out in most formal religious marriage vows.<sup>59</sup>

For the Ryans coitus is also proper only to public commitment for other reasons.

A man and a woman need to live together in the sense of sharing each other's lives if they are able to be accepted by their society as sharing each other's lives, if they are to be able to develop all the values of sexual intercourse as the focal expression and means of fostering their mutual commitment. If sexual intercourse is to become the human experience and act of love it should be, it needs freedom from worry, freedom to take time, freedom not to succeed perfectly and to try again, in the context of a lovingly shared life. In spite of modern contraceptives and in spite of the increased social acceptance in some milieux of extramarital relationships, these freedoms cannot ordinarily exist outside of marriage.<sup>61</sup>

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59 Frederic C. Wood, Jr., Op. cit., p. 105-106.

60 Bird, Op. cit., p. 147.

61 Ryan, Op. cit., p. 77.



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b) Summary of the Reasons. - To summarize, then, coitus is the appropriate and true expression of public commitment according to the aforementioned for these reasons: the protection of love against its own weaknesses, the security effected by society's acceptance of the couple's relationship, the social and responsible nature of marriage, the possibility of pregnancy, the authentic acknowledgement of coitus as a permanent and irrevocable gift of self, and the growth and development of the coital expression of love.

ii) Position of Public Commitment in Practice, but Private Commitment in Theory.

There is the position which states that coitus should theoretically commence when couples decide to mutually commit themselves to a communal life, but should not practically begin until the commitment has been made public. This is the position of Sherwin Bailey and he offers his reasons for this position.

The offer of marriage itself is a proposal to establish the common life which love demands as the condition of its fulfillment and creativity, and acceptance should theoretically lead straight to the consummation by which that common life is initiated. That this does not happen so simply in practice is because not even in this most intimate and personal of all transactions are man and woman independent of the community to which they belong; indeed, the community nowhere concerns itself more with the private business of its members. The reason for this is obvious; marriage means the emergence of a new social unit, and probably the birth of children who will be citizens

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of the future. Therefore society has both the right and duty to ensure, as far as it can, that the couple act responsibly and in a manner not likely to prejudice their own interests or those of their fellows; and the couple, in turn, are bound morally to honor their obligations to society by submitting to its lawful and reasonable requirements. Hence the institutional formalities which attend the making of a marriage.<sup>62</sup>

As is obvious Bailey's position is the same as the aforementioned position in practice; however, his position decidedly differs from it in theory.

## iii) Position of Clandestine Marriage.

There is also the position which states that coitus between engaged couples transforms into a clandestine (private) marriage a private commitment which has been seriously intended as a permanent relationship. Actual coitus within such a context would be regarded as marital. Such is the position of Ramsey, Callahan and the Quaker report on sex. Paul Ramsey of Princeton has tried to defend premarital coitus between engaged couples on the basis that they become married thereby.<sup>63</sup> Elsewhere he adds that,

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62 Bailey, Op. cit., p. 107-108.

63 Joseph F. Fletcher, Moral Responsibility: Situation Ethics at Work, Philadelphia, Westminster, 1967, p. 134.

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... however important legalities and ceremonies may be, they are only external checks which exhibit to others the fact that the lovers are married, and which may help the lovers themselves to be steadfast in the responsible resolve which alone made them married.<sup>64</sup>

Sydney Callahan attests to the clandestine marriage effected by coitus between seriously committed engaged couples, but clearly states that public commitment followed by coitus is the ideal.

Engaged couples, of course, have already committed themselves socially and entered into a community of life. If permanent commitment to each other has been made and meant, then sexual intercourse transforms their betrothal into clandestine marriage, a different moral situation. Clandestine marriage, however, confuses the social order and makes any marriage rite anticlimatic. Verbal commitment, sexual commitment, and social commitment given together mutually help keep the inner and outer man from divisions and build up the human community.<sup>65</sup>

The Quaker report on sex also admits of clandestine marriage effected by coitus between seriously committed engaged couples. The report draws specific attention to

... the couple, who, with their wedding day fixed and imminent, deliberately anticipate it, in order that the moment when they take each other as man and wife shall be completely private to themselves alone.

The report adds:

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<sup>64</sup> Paul Ramsey, Deeds and Rules in Christian Ethics, New York, Scribner's, 1967, p. 14-15.

<sup>65</sup> Calahan, Op. cit., p. 127-128.

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For them, their marriage begins then and there. Censure seems, in such a case, impertinent; yet it must also be said that for others their great joy is to wait until they have gladly and publicly exchanged their promises.<sup>66</sup>

In regard to the position of Ramsey, Callahan and the Quaker report of sex, it should be obvious from our lengthy consideration of the essence of marriage that one act of coitus alone does not effect a marriage. In this connection Fletcher also states that "marriages are not made by the act itself" because essentially "marriage is a mutual commitment willed and purposed interpersonally" whether sexual intercourse actually occurs or not.<sup>67</sup> For a serious consideration of coital consummation as a "process" and "a psychosexual consummation (or spiritual union)" we refer the reader elsewhere.<sup>68</sup>

## iv) Position of Private Commitment.

There is another position which states that when couples privately decide to permanently and exclusively commit themselves totally to one another the relationship has begun to admit in fact of coitus as a true and appropriate

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66 Towards a Quaker View of Sex, Op. cit., p. 53.

67 Fletcher, Op. cit., p. 134.

68 Dennis Doherty, "Consummation and the Indissolubility of Marriage", in Absolutes in Moral Theology? ed., Charles Curran, Washington, Corpus, 1968, p. 211-231.

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expression of their interpersonal relationship. Actual coitus within such a commitment is to be regarded as marital. Dan Sullivan clearly implies that such is the case when he states:

Concerning pre-marital sex, I would say that at least some of it is largely impossible, because the real sacramental union takes place in a loving commitment that precedes the marriage ceremony. Much of the rest of such experience is mistaken or wrong.<sup>69</sup>

In some cases of committed couples, then, Sullivan implies that sexual intercourse is not a question of premarital but marital coitus because the marriage has already begun with the private "loving commitment."

The report received by the British Council of Churches clearly states that marriage in a real sense begins with a private, serious love-commitment, and thereby implies that such a relationship admits of coitus. The report notes:

Undoubtedly, the withering away of the harsh physical and economic necessities by which marriage was dominated has enabled our generation to decide more firmly that marriage is primarily about human relationships, and that it is at the service of love. Logically, it might seem to follow that marriage in some sense begins not at consummation, nor at the ceremony, but at the point where a couple's love for each other becomes fully serious; and conversely that marriage ends, and can be decently terminated, at the point where love - not only erotic emotion,

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<sup>69</sup> Dan Sullivan, "Celibacy and the Meaning of Sex", in The National Catholic Reporter, Vol. 2, No. 4, August 17, 1966, p. 6.

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but all feelings of companionship and belonging - has died. It is evident that large sections of the community do in fact accept and would prefer to act upon this meaning.<sup>70</sup>

Father Enda McDonagh very clearly states that the private "exclusive permanent choice" of couples does in fact admit of coitus as an authentic expression of the relationship. McDonagh writes that "sexual expression is morally good if it is appropriate or true to the relationship" of two persons. "Intercourse would be appropriate to the exclusive permanent choice which one-flesh implies and which we normally call marriage." Although marriage - "exclusive permanent choice" - needs to be publicly pronounced to the community through "some recognizable form - church wedding, state marriage, common-law marriage, or some other form where the conventional ones were not feasible" - "people apparently not married could have intercourse, but this would really be marital" in the cases of those who have made "this exclusive permanent choice." He concludes that "this is not a definitive conclusion on my part but I would need weighty arguments to shift from it."<sup>71</sup>

Father Dennis Doherty very strongly implies that marriage begins when engaged couples intend to publicize

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<sup>70</sup> British Council of Churches, Op. cit., p. 48.

<sup>71</sup> McDonagh, Op. cit., p. 1-2.

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their commitment by stating "nor can there be any question of serious sin granted the same basic orientation with which they intend to formalize publicly their commitment to each other, an orientation that bespeaks generosity, exclusiveness, and permanence," and by concluding that, "otherwise, to insist that intercourse on Friday night is vicious but virtuous on Saturday night following the wedding ceremony is to encourage the idea that marriage, to use the popular (and apt) expression 'makes sex legal'."<sup>72</sup> In a recent letter Doherty confirmed the writer's analysis of his position, altered his position somewhat, and elaborated on it. He writes:

You are correct regarding my view. I distinguish marriage in intent and marriage in law; this latter simply publicizes (i.e., makes a matter of public record) the former. How that intent is actually expressed in private between the couple will, of course, vary. I would add that not only is there no serious sin, there is no sin at all.

... my thinking now is that intercourse between engaged persons carries with it the moral obligation of marriage to one another - and this because intercourse of its nature implies exclusiveness and permanence. However, I am not saying that each individual engaged couple must marry. In other words, I would here parallel the indissolubility of engagement with that of marriage. Marriage is indissoluble but certain marriages can be and in fact are dissolved. So, too, therefore, with

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<sup>72</sup> Dennis Doherty, "Sexual Morality: Absolute or Situational?" in Continuum, Vol. 5, No. 2, Summer 1967, p. 249-250.

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engagements. The only difficulty is that marriage in law is regulated by law whereas engagement is not (unless it be solemnized in some societies). This means that without the measure of law an engaged couple who have solidified (consummated) their promise of marriage and who now decide to break off the engagement can have recourse only to their own consciences. I would judge that a very grave reason would have to be present - e.g., if one should find out that the other is a pervert or sociopathic, etc.; I would refer here to my chapter on consummation and the indissolubility of marriage in Absolutes in Moral Theology? (ed. C. Curran, Corpus Books, 1968).<sup>73</sup>

To conclude, we have considered at length the essential constitution of marriage. We have presented various positions as to when marriage begins for seriously committed couples to admit in fact of coitus as a true and proper expression of their interpersonal relationship. On the basis of these two considerations we shall proceed to a presentation of their implications for the question of premarital coitus and engaged couples.

### 3. Implications of Marriage.

A lengthy consideration of the essence of marriage and the beginning of marriage admits of many implications both for the problem of premarital coitus and engaged couples and the problem of the indissolubility of marriage. However, in this dissertation we are concerned with those

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<sup>73</sup> Dennis Doherty, Letter of November 8, 1968, p. 1.



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implications that pertain to the problem of premarital coitus and engaged couples.

- i) Doubt Regarding the Absolute Serious Sinfulness of Premarital Coitus.

Regarding this particular problem Father Joseph Culliton poses a significant question: "Does the commitment involved in the mutual consent to marry constitute a natural marriage which must later be sacramentalized?" He adds that "undoubtedly, further theological research on this problem is necessary."<sup>74</sup> In light of our research on this particular problem, Culliton's question can be more richly and more adequately reformulated - does the total, permanent, exclusive and responsible commitment involved in the mutual and private consent of two persons to live with and for each other for the purpose of creating a more perfect and a more fulfilled life for each other essentially constitute a marriage which admits in fact of coitus as a proper and true expression of the interpersonal relationship which must later be publicly proclaimed in some recognizable form?

In response to this elaborately precised question we have previously noted four different positions among

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<sup>74</sup> Joseph T. Culliton, "Human Sexuality and Christian Development", in Working Papers on the Theology of Marriage, ed., James T. McHugh, Washington, Family of Life Bureau, 1968, p. 58.

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contemporary Christian thinkers. To briefly recall them, one position states that such a relationship is essentially constituted both in theory and in fact only with public commitment. A second position states that such a relationship is essentially constituted in theory to admit of coitus, but for various reasons does not admit of it in fact until public commitment. A third position states that a private commitment consummated by coitus essentially constitutes a clandestine (private) marriage. A fourth position states that such a relationship as indicated in our precised question is essentially constituted by a private commitment. Therefore, in light of the serious opposing positions to the present official stance of the Roman Catholic Church as to what essentially constitutes a marriage which admits in fact of coitus as a true and proper expression of its relationship, we shall conclude that it is reasonably doubtful that premarital coitus is absolutely a serious sin.

## ii) Reinforcement of Principal Conclusion.

We wish to further strengthen and solidify this conclusion by addressing ourselves chiefly to the various reasons<sup>75</sup> given in support of the official position of the Roman Catholic Church that public commitment essentially

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75 See p. 150-153 of this chapter.

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constitutes a marriage to admit both in theory and in practice of coitus as a true and appropriate expression of the interpersonal relationship. Specifically, we shall be addressing ourselves to these four questions: the wedding ceremony and its social values for committed couples, the possibility of pregnancy, the art of love-making, and the possible severance of engaged couples after coitus. We shall now address ourselves to each of these particular questions.

## a) Wedding Ceremony and its Social Values. -

Regarding the wedding ceremony and its social values for committed couples, it is erroneous to presume or to strongly imply that actual coitus before the wedding ceremony is either a denial by seriously committed couples of the important values that such a ceremony can have for them or a denial on their part of the necessity of such a ceremony. Equally false are the implications that a wedding ceremony will lose its strengthening effect on the couple because they have coitally anticipated one significant dimension of the many significant dimensions of which marriage is essentially constituted. Undoubtedly, such would probably be the case if the sole basis for the couple coming together was "to make sex legal"; however, this would hardly be the case for those couples who have many dimensions and aspects of

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their persons to mutually share with and for their loved one. It should, also, be obvious from our research on the essence of marriage that no wedding ceremony can create or compensate for a lack of the essential reality of marriage - the mutual, total, permanent, exclusive and responsible commitment of two persons to live with and for each other for the purpose of creating a more perfect and more fulfilled life which as a general rule necessitates the responsible procreation and education of children. Moreover, if the interpersonal relationship is not essentially constituted as such, then the legal, sacramental and moral dimensions of marriage are fictions and hypocrisies, and have no authentic value or meaning in fact for the constructive growth and development of human persons. Finally, before the enactment of the first invalidating law of the Council of Trent in 1563, every form of mutual consent to marry between lawfully qualified and baptized persons was both a valid and a sacramental marriage.<sup>76</sup> Consequently, before 1563 every private consent to marry between such persons was regarded as a valid and a sacramental marriage even though consent was clandestinely given. Certainly, then, in light of this historical fact and in light of today's great increase in

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<sup>76</sup> See Schillebeeckx, Op. cit., p. 343, and Bouscaren and Ellis, Op. cit., p. 562.

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emphasis among Christians on interpersonal and individual moral responsibility, the Roman Catholic Church is able to alter the present positive law on the required form effecting the validity of marriage, by recognizing the private, mutual consent of committed couples to marry as clandestine marriages which admit in fact of coitus, while at the same time seriously obliging the couples to publicize their commitment in order to fulfill their social and legal responsibilities in society.

b) Possibility of Pregnancy. - Regarding the possibility of pregnancy, we note that it is of no consequence if the couple are essentially married, desire a child, and intend to publicize their commitment. On the other hand, the possibility of pregnancy will be rendered remote or nil in those cases where responsible persons employ effective means to temporarily prevent conception; this possibility will also be rendered nil in those cases where conception is physically impossible, for examples, menopause or sterility on the part of either partner. In those cases where pregnancy does occur responsible persons will adjust accordingly by advancing their wedding date.

c) Art of Love-Making. - Regarding the art of love-making, the incidence of coitus in anticipation of a public ceremony could make for an enjoyable honeymoon in

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many cases and a more enjoyable one in many others. Such enjoyment could be effected by experiencing beforehand the preliminary aspects of awkwardness and fumbling about which accrue to all novel enterprises that require skill and art, not the least of which is the art of love-making. Such enjoyment could also be effected by the discovery of certain physiological (tough hymen, small vaginal aperture, for examples) or psychological (frigidity, impotence, for examples) problems and by making proper adjustments accordingly.

d) Possible Severance of Engaged Couples after Coitus. - Finally, we shall address ourselves to the possible severance of engaged couples after they have had coitus. What if engaged couples after coitus reconsider and decide to sever their relationship? The writer agrees with Doherty that coitus between engaged couples carries with it the very serious moral obligation of marriage (publicizing their private commitment), but he disagrees with Doherty's reason, namely, "because intercourse of its nature implies exclusiveness and permanence."<sup>77</sup> Rather, it is not the nature of coitus, but the nature of mutual and total commitment which implies exclusiveness and permanence that is the basis for such an obligation. We recall for the reader all

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<sup>77</sup> Doherty, Letter of November 8, 1968, p. 1.

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that we have stated in Chapters III and IV regarding the nature and purposes of coitus to support our point of view. However, we would comment here on the positive value of coitus as a means of self-knowledge. Because man comes to know himself principally through inter-action and inter-relation with others, coitus can be the means or occasion of penetrating the sincere and conscious motives of couples for having mutually and totally committed themselves and of laying bare the real and subconscious motive or motives which may in certain cases be discovered to be because of sheer desire for coital pleasure with a certain person, or because of the need to attach oneself to almost anyone during a period of loneliness or insecurity, or because of the challenge to flatter one's pride or vanity, or because of the desire for the other's wealth, or etc. The inter-action of coitus, then, can be the occasion for the discernment of the real and true motives for mutual commitment, and consequently, where such motives are inadequate for the creation of a constructive marital relationship, such knowledge gained by actual coitus could prevent a number of couples from embarking upon a course of disaster for both parties and any children born of the relationship. If, for example, the real and fundamental motive for the mutual commitment has been discovered to have been the sheer desire

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for coital pleasure with a certain person, then surely, this motive is grossly inadequate for the enterprise of marriage which fundamentally admits of many essential dimensions to its reality in addition to the significant, physical dimension of coitus. It seems that the lesser of two evils or the greater of two goods can be served by the knowledge of self afforded by coitus provided the couples have the humility to recognize their basic motives for what they are and the courage to abide by the consequences even though it may probably and painfully mean the temporary or permanent severance of any possible, genuine, marital relationship between them.

By addressing ourselves to the four specific questions elaborated above in relation to the various reasons given for the position that only public commitment essentially constitutes a marriage to admit both in theory and in practice of coitus, we think that we have further buttressed the principal conclusion of the chapter, namely, it is doubtful that premarital coitus is absolutely a serious sin. We look forward in the next section to a general conclusion of the dissertation where we shall summarize the principal conclusions of the chapters and shall note those areas of learning relevant to our particular problem and in need of further research.



## CONCLUSION

Our final task in this dissertation will be a two-fold one: first, a summary of its four principal conclusions, and second, a notation of those areas of learning both directly related to our specific problem and in need of further research.

## 1. Summary of Four Principal Conclusions.

What, then, are the four principal conclusions of this thesis? First and foremost is the conclusion that it is doubtful that fornication (premarital coitus) is absolutely (always and everywhere) a serious sin. We believe that those chapters - III, IV, and V - that treat of contemporary insights into the nature of coitus, marriage, conjugal love, and sexuality, the nature of responsible engaged persons, and the nature of marriage as to its essence and beginning are individually sufficient to render doubtful the official traditional position of the Roman Catholic Church. However, the collective arguments of those chapters most emphatically strengthen and buttress the primary conclusion of our thesis.

Secondly, while we recognize the facts that what great numbers of people do or believe do not necessarily establish the truthfulness or authenticity of a specific

reality, nevertheless, greater weight should be given to the experience of sincere and informed Christians in this regard, whether the particular realities be matters of faith or of morals. Certain factors, among others, warrant this, namely: the numerous complexities of "situations of concrete human existence, in contradistinction to the simpler structures of human living conditions in earlier times,"<sup>1</sup> the Church as "the people of God,"<sup>2</sup> and Vatican II's own endorsement and application of the principles of "the light of the Gospel and of human experience"<sup>3</sup> in its chapter on marriage and the family.

Thirdly, sexuality is our whole being - body and soul - as male or female. It is our maleness or femaleness expressed as an integrated, incarnated, total being in relation to all other persons, things, and events; it is not just one part or fragment of our total being, such as the physical dimension of our being, or even a single important aspect of the physical dimension, namely, coitus. Sexuality needs to be developed by inter-relationships with other

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1 Karl Rahner, The Christian of the Future, trans. by W. J. O'Hara, New York, Herder, 1967, p. 32-33.

2 Walter M. Abbot, ed., "Dogmatic Constitution on the Church", in The Documents of Vatican II, New York, Guild Press, 1966, p. 24-37.

3 Idem, "Pastoral Constitution on the Church", in Ibid., p. 248.

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persons, things, and events for our continuous growth and development as human persons called to personal fulfillment. Marriage is one specific form that sexuality can take for certain persons to best cultivate their sexuality; lay or religious celibacy are other specific forms that sexuality can take for other persons to best develop theirs. Marriage is a multi-dimensional relationship which essentially entails the mutual, total, permanent, exclusive and responsible commitment of two persons to live with and for each other for the purpose of creating for themselves a more perfect or fulfilled life, which as a general rule involves the responsible procreation and education of children. Coitus, a significant aspect of the physical dimension of marriage, admits of many purposes: procreation, expression of love, fostering of love, communication, release of tension, self-knowledge, reassurance, reconciliation, pleasure, knowledge of self and partner, etc.

In view of the illumination that contemporary insights have furnished us in regard to the nature of sexuality, marriage, and coitus, very definite conclusions can be noted as to their inter-relationships. First, marriage is closely connected with sexuality as one specific form of it, but both are distinct entities in their own rights, and, therefore, are not to be equated with each other as to ends and purposes as traditional Roman Catholic theology of

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marriage has done, and which entities even contemporary Roman Catholic theology of marriage - specifically, Vatican II, the report of the papal birth control commission, and the encyclical, Humanae Vitae - does not satisfactorily clarify as to their nature and inter-relationship. There still remains some confusion in these particular documents as to their precise nature and inter-relationship.

Secondly, coitus - genitality - is intimately related to marriage as one significant aspect of the part to the whole, but both are separate entities in their own rights, and are, therefore, not to be equated with each other as to ends and purposes. What has been noted above regarding the traditional and contemporary theology of marriage can equally be said of the inter-relationship of coitus and marriage.

Our fourth principal conclusion pertains to responsibility. Essential to our growth as persons called to personal fulfillment is the development of our capacities as responsible decision-makers in all areas of human relationships, including specifically those of a sexual nature both in the broad sense and the narrow sense of the physical dimension of our being, namely, coitus. Traditionally, the Church has exaggerated out of all proportion the malice of the sins of the flesh, including those of artificial contraception. Regarding sexual matters, it has been and is generally assumed that some matters, such as

premarital coitus, were and are absolutely right, and others, absolutely wrong; yet, in many other areas such as war, capital punishment, suicide, usury, active communication with non - Roman Catholic believers, etc., the Church adapted itself to different conditions and new knowledge.<sup>4</sup>

Man acts best as a person called to fulfillment when he acts responsibly in all areas of human conduct. Consequently, there should be no areas where his conduct should be impelled by the dictates of sheer arbitrariness, except in specific cases where irresponsible people need to be protected from themselves, or where the persons or objects of irresponsible behaviour need to be protected. Outside of exceptional cases responsibility should mean "response-ability" which "indicates there can be no question of arbitrariness or human autocracy"<sup>5</sup> in decisive matters of human relationships. Expressed in other words, responsible persons will neither act solely as mechanical robots or parrots according to the will of others nor act solely as a god unto themselves. Such persons will seriously consider the specific, objective criteria that pertain to each particular case, come to a decision, and act upon it.

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<sup>4</sup> John A.T. Robinson, Christian Morals, London, SCM Press, 1964, p. 14-15.

<sup>5</sup> Bernard Häring, Marriage in the Modern World, Westminster, Newman, 1965, p. 319.

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To conclude, such persons will be particularly mindful of the inter-relationship of freedom and responsibility.

One of the central insights of the new morality is the paradox of moral freedom and moral responsibility. They go together. You cannot have one without the other. And just as the encouragement of the one means the encouragement of the other, so the inhibition of one means the inhibition of the other.<sup>6</sup>

## 2. Notation of Three Related Areas.

Having summarized the four principal conclusions of our thesis, we shall conclude our thesis by noting those three areas of learning both directly related to the specific problem of premarital coitus and engaged couples, and in need of further research. These three areas are: the meaning of the Greek word, porneia, in the New Testament, the nature of serious sin in light of contemporary scholarships, and the positive values of coitus to engaged couples.

First, we shall allude to the meaning of porneia in the New Testament. Pius XI stated that,

... every use of the faculty given by God for the procreation of new life is the right and privilege of the married state alone, by the law of God and of nature, and must be confined absolutely within the sacred limits of that state.<sup>7</sup>

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<sup>6</sup> Frederic C. Wood, Jr., Sex and the New Morality, New York, Association Press, 1968, p. 13.

<sup>7</sup> Pius XI, Encyclical Letter Casti Connubii, December 31, 1930, in AAS, Vol. 22, 1930, p. 546.

What is of particular interest is that fornication (pre-marital coitus) is absolutely forbidden "by divine law". Now, support given by Roman Catholic theologians for the contention of Pius XI is based on a translation by Roman Catholic versions of the New Testament of the general term, porneia, as "fornication". To cite just two examples of texts so translated, and given as support for "divine law", porneia in Eph. 5:5 and I Cor. 6:9-11 is translated as "fornication" by older Roman Catholic versions of the New Testament, such as: the Challoner-Rheims Version, the Confraternity Edition, and the Westminster Version. Newer versions of the New Testament, such as The Revised Standard Version, The Chicago Bible, and The Jerusalem Bible, translate porneia in the two places noted above as "immoral".

Modern biblical research indicates that porneia is a general term used in the New Testament to designate any illegitimate use of coitus, such as, prostitution, adultery, incest, promiscuity, fornication, and invalid marriage.<sup>8</sup> It is nearly always connected with casual

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<sup>8</sup> See William F. Arndt and F. Wilbur Gingrich, A Greek-English Lexicon of the New Testament and Other Early Christian Literature, Chicago, University of Chicago Press, 1957, p. 699-700; Friedrich Hauk and Siegfried Schulz, "Πορνη κτλ", in Theologisches Wörterbuch zum neuen Testament, Band 6, hgrs., Gerhard Friedrich, Stuttgart, W. Kohlhammer Verlag, 1954, p. 579-595; and Franz Zorell, Lexicon Graecum Novi Testamenti, 3rd edition, Paris, P. Lethielleux, 1961, p. 1106-1107.

(non-caring) coitus, if not with prostitution itself.

Bishop John A.T. Robinson writes:

For porneia, as its derivation implies, always has associations in the New Testament with promiscuity, if not with prostitution. It 'describes the relationship in which one of the parties can be purchased and discarded as a thing is discarded and where there is neither union of, nor respect for, personality'. To assume that this applies to all relationships between engaged couples is to prejudge the moral issue in an utterly insensitive and irresponsible way.<sup>9</sup>

If what modern biblical scholarship maintains is correct, then, the writer suggests that when porneia is used in a general context, as it usually is as one vice in a list of vices being condemned, it might be best translated as "promiscuity", understood in a casual (non-caring, non-involved) or exploitive sense.

We have noted that modern biblical research seems to indicate a broader meaning and understanding of porneia beyond that of the traditional translation and understanding of fornication - premarital coitus between two persons regardless of the quality of the inter-personal relationship. However, there is still needed a thorough research into the meaning of porneia in the New Testament and its implications for the official position of the Roman Catholic Church that premarital coitus is absolutely forbidden "by divine law".

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<sup>9</sup> John A.T. Robinson, Op. cit., p. 32.



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What new understanding does contemporary scholarship bring to the question of the nature of serious sin? Traditionally, the Roman Catholic Church has defined serious sin as constituted by the presence of three factors: grave matter, full knowledge, and full consent.<sup>10</sup> The Church has regarded a person dying in the state of serious sin as one who has freely condemned himself for eternity to a life of total separation from God and some form of physical punishment. The research of contemporary studies have raised serious questions in regard to the Church's position.

To be specific, what is the nature of morality? Is the nature of man one of evolution and becomingness or one of staticism and permanency? Is morality a dynamic or a static reality? Is it objective or subjective in its basis? Or is it both objective and subjective in its basis? Does morality admit of absolutes? If so, what specific principle or principles are absolute or ultimate? Is morality situational in character? Or is it both absolute and situational in nature? What degree of knowledge constitutes full knowledge? What degree of freedom constitutes full consent? Can a single act by itself produce man's total alienation from God for eternity? Or are many infidelities required to create a state of being in which man

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<sup>10</sup> Gerald Kelly, Modern Youth and Chastity, Liguori, Liguorian-Queen's Work, 1964, p. 74-87.

becomes totally alienated and disorientated from the God Who has vocationed all men to personal fulfillment? These relevant questions have been raised by contemporary scholarship.<sup>11</sup>

The fact that the authors of serious scholarship hold opposing positions regarding these questions is of significance to the traditional position of the Church which regards coitus between engaged persons as absolutely and seriously sinful. Hence, the need for further research.

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<sup>11</sup> See Charles Curran, ed., Absolutes in Moral Theology? Washington, Corpus, 1968, 320 p.; William Dunphy, ed., The New Morality, New York, Herder, 1967, 192 p.; Louis Dupré, "Situation Ethics and Objective Morality", in Theological Studies, Vol. 28, No. 2, June 1967, p. 245-257; Joseph Fletcher, Situation Ethics: The New Morality, Westminster, Philadelphia, 1966, 176 p.; Josef Fuchs, Le renouveau de la théologie morale selon Vatican II, Paris, Desclée, 1968, 138 p.; Bernard Häring, The Law of Christ, Vol. 1, trans. by Edwin G. Kaiser, Westminster, Newman, 1964, xxxi - 615 p.; Robert O. Johann, "Love and Justice", in Ethics and Society, ed., R.T. De George, New York, Doubleday, 1966, p. 33-37; Louis Monden, Sin, Liberty and Law, trans. by Joseph Donceel, New York, Sheed and Ward, 1965, x - 181 p.; Robert P. O'Neill and Michael A. Donovan, Sexuality and Moral Responsibility, Washington, Corpus, 1968, vii - 154 p.; Peter Schoonenberg, Man and Sin, trans. by Joseph Donceel, Notre Dame, University of Notre Dame Press, 1965, ix - 205 p.; United Church Press, ed., Storm Over Ethics, (no place), United Church Press, 1967, 183 p.; and Jan. H. Walgrave, "Is Morality Static or Dynamic?" in Concilium, Vol. 5, 1965, p. 22-28.

Finally, the third area in need of further research is the positive values of premarital coitus to engaged couples. We address ourselves to premarital coitus in the strictest sense - coitus between those engaged persons seriously intending to publicize their private commitment to each other and to existentially live out that commitment. Traditionally, the Roman Catholic Church in its prohibition of premarital coitus as seriously sinful has understood and does now understand premarital coitus in the broadest sense - all intercourse between unmarried persons regardless of the nature of the relationship between them. Consequently, the positive values of coitus to those engaged couples seriously intending to publicize their private commitment and to existentially live out their commitment have received very little attention and acknowledgement by the Roman Catholic Church until recent times. Various factors present within our present society have contributed to the need for a serious consideration of the positive value of coitus to engaged persons seriously intending to publicize their private commitment and to existentially live out their commitment. Some such factors are: the insights cited in this dissertation of contemporary Christian thinkers into the nature of sexuality, marriage, and coitus, the growth and spread of the philosophy of personalism with its accent on the nature and value of each person and the

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cultivation of inter-personal relationships, the significant impact of responsible "situation-ethics" on moral thinking and behaviour, scientific advancement, especially in the area of simple and effective methods of birth-prevention, and the increasing amount of leisure time being made available to us as a result of technological advances.<sup>12</sup>

We have previously alluded to some possible values of coitus to engaged couples. We stated that coitus by reason of the knowledge it imparts is able to be the means or occasion by which persons may discern the real and true motives for their private commitment or discover certain physiological or psychological obstacles in need of correction, and also that coital adjustment and love-making in a public commitment, especially during the "honeymoon", is able to be facilitated by experiencing beforehand the preliminary aspects of awkwardness and fumbling about which accrue to all novel enterprises that require art and skill. We would add at this point another possibility, namely, that coitus is able to be the human safety-valve releasing much tension between engaged couples and thereby liberating them from a fixation or excessive pre-occupation with coitus and "doing everything but" and, thereby in turn,

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<sup>12</sup> Rustum and Della Roy, Honest Sex, New York, New American Library, 1968, p. 18-19.

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enabling them to be freer and more eager to develop other dimensions of their inter-personal relationships.

Despite the few positive values possible for engaged couples, nevertheless, further research is required to discover what other ways coitus between engaged persons could be beneficial and conducive to their growth and development as married persons existentially living out their total commitment to each other.

To conclude our dissertation, we wish to make very clear two points: first, man is summoned by God to personal fulfillment and he acts best when he is a responsible-decision maker in all areas of human life; and secondly, total, loving, and responsible commitment expressed in some public form to the community remains the ideal context for coitus both as to its fullest and richest expression and to its creative growth and development.

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