

RIVISTA DI STUDI SULLA PERSONA E LA FAMIGLIA

ANTHROPOS

Rivista ufficiale del Pontificio Istituto Giovanni Paolo II
per Studi su Matrimonio e Famiglia
Pontificia Università Lateranense

Direttore responsabile: CARLO CAFFARRA
Anno II, n. 2 - Dicembre 1986

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Direzione e Amministrazione: Istituto Giovanni Paolo II - Piazza S. Giovanni in Laterano, 4 - 00120 Roma - tel. (06) 6986401/6986113

Abbonamento annuo (2 numeri): Italia L. 25.000 - Estero US \$ 18

Forma di pagamento: assegno bancario (o vaglia postale) intestato a: Carlo Caffarra, Istituto Giovanni Paolo II - P.zza S. Giovanni in Laterano, 4 - 00120 Roma

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Un numero L. 14.000 (US \$ 10) - Per la diffusione della Rivista in libreria e l'acquisto di copie singole, rivolgersi a: Città Nuova Editrice - Via degli Scipioni 265 - 00192 Roma - tel. (06) 3595212/383062/310955 - c.c.p. 34452003

Nel dicembre 1986 ricorre il quinto anniversario dell'Esortazione Apostolica *Familiaris consortio*. In questo documento, frutto di un Sinodo dei Vescovi, la Chiesa cattolica ha, ancora una volta, sintetizzato la sua dottrina sul matrimonio e la famiglia.

La nostra Rivista non poteva lasciare passare sotto silenzio questo anniversario. Ha voluto celebrarlo pubblicando una serie di studi che approfondiscono alcuni temi dell'Esortazione, ritenuti di fondamentale importanza per il pensiero e la vita della comunità cristiana.

Ci auguriamo che la nostra iniziativa dia occasione a molti di riprendere quel testo, di rileggerlo e di meditarlo profondamente.

CARLO CAFFARRA

On December 1986 it will be the 5th anniversary of the Apostolic Exhortation *Familiaris consortio*. In that document, which was the result of a Bishops' Synod, the Catholic Church has, as always, synthetized her doctrine on marriage and family.

Our Review could not forget this anniversary. Thus, we issue some studies aiming at deepening the themes of the Exhortation which are considered of fundamental importance for the thought and the life of the christian community.

We hope that our initiative can encourage all of you to take again this text in your hands, to read it again and to meditate it deeply.

CARLO CAFFARRA

Au mois de décembre 1986, ce sera le Vème anniversaire de l'Exhortation Apostolique *Familiaris consortio*. Dans ce document, fruit d'un Synode des Evêques, l'Église catholique a, encore une fois, synthétisé sa doctrine sur le mariage et la famille.

Notre Revue ne pouvait pas faire passer cet anniversaire sous silence. Elle a voulu le célébrer en publiant une série d'études qui approfondissent certains thèmes de l'Exhortation jugés d'importance fondamentale pour la pensée et la vie de la communauté chrétienne.

Nous souhaitons que notre initiative soit l'occasion pour beaucoup d'entre vous de reprendre ce texte, de le relire et de le méditer profondément.

CARLO CAFFARRA

CHRISTIAN MARRIAGE AND MARRIED LOVE

WILLIAM E. MAY

The best way to appreciate the truth and beauty of the Church's teaching on sexual morality is to understand what the Church teaches about marriage and married or conjugal love. Once a person realizes what marriage is and what marital love means, one can see why the Church teaches that the choice to engage in genital sex can only be rightly made within the covenant of marriage.

This truth is eloquently expressed by Pope John Paul II in his 1981 Apostolic Exhortation on the Family, *Familiaris consortio*. In speaking of the plan of God for marriage and the family the Pope had this to say:

Sexuality, by means of which man and woman give themselves to one another through the acts which are proper and exclusive to spouses, is by no means something purely biological, but concerns the innermost being of the human person as such. It is realized in a truly human way only if it is an integral part of the love by which a man and a woman commit themselves totally to one another until death. The total physical self-giving would be a lie if it were not the sign and fruit of a total personal self-giving, in which the whole person, including the temporal expression, is present: If the person were to withhold something or reserve the possibility of deciding otherwise in the future, by this very fact he or she would not be giving totally.

This totality which is required by conjugal love also corresponds to the demands of responsible fertility. This fertility is directed to the generation of a human being, and so by its nature it surpasses the purely biological order and involves a whole series of personal values. For the harmonious growth of these values a persevering and unified contribution by both parents is necessary.

The only «place» in which this self-giving in its whole truth is made possible is marriage, the covenant of conjugal love freely and consciously chosen, whereby man and woman accept the intimate community of life and love willed by God himself, which only in this light manifests its true meaning. The institution of marriage is not an undue interference by society or authority, nor the extrinsic imposition of a form. Rather it is an interior requirement of the covenant of conjugal love which is publicly affirmed as unique and exclusive in order to live in complete fidelity to the plan of God, the creator. A person's freedom, far from being restricted by this fidelity, is secured against every form of subjectivism or relativism, and is made a sharer in creative wisdom¹.

¹ POPE JOHN PAUL II, Apostolic Exhortation *Familiaris consortio*, n. 11.

Thus the primary purpose of this essay is to set forth as clearly as possible the understanding of marriage and married love mediated to us through the Church. Another purpose is to show how the virtue of chastity, which is rooted in the love of God and of neighbor for the sake of God, is necessary for both the married and the unmarried if they are to be fully the beings they are meant to be and also why a proper appreciation of marriage requires an appreciation of the life of virginity or celibacy.

Nonetheless, before an attempt is made to communicate the Church's vision of marriage and married love, it is useful to call to mind some central truths of Catholic faith about God and the human person and to note briefly how these truths bear upon our understanding of ourselves as sexual beings.

I. SOME CENTRAL TRUTHS ABOUT GOD AND THE HUMAN PERSON

The God professed by Catholic faith is the God of love and the God of the covenant². This God definitively revealed Himself to us in the person of His only-begotten Son, our Lord and Savior Jesus Christ. Through His eternal and uncreated Word, the Word who «made his dwelling among us... filled with enduring love» (*In 1, 14*), this God showed us that He is true to His word, to His covenant. He showed us that He is the One who lives with us and for us, the One who will never betray us, no matter how terribly we may betray Him. Because the God of love is true to His covenant and because He has, in Christ, personally shared our humanity so that we might share His divinity³, we can confidently make our own the words of His apostle Paul: «For I am certain of this: neither death nor life, no angel, no prince, nothing that exists, nothing still to come, not any power or height or depth, not any created thing, can ever come between us and the love of God made visible in Christ Jesus our Lord» (*Rm 8, 38-39*).

The God of love is, then, utterly true to His word, to His covenant. He has made us precisely so that there might be beings to whom He can give His love and with whom He can share His own life.

But love is a gift freely given and freely received. God cannot force His love on us; He can give Himself to us in love only if we freely open our hearts to receive Him. And to do this we must freely choose to be true to the covenant that God wills to exist not only between Himself

² On this see KAROL CARDINAL WOJTYLA (POPE JOHN PAUL II), *Sign of Contradiction*, Seabury, New York 1979, pp. 19-26.

³ This idea is strikingly developed by KARL RAHNER in his essay, «On the Theology of the Incarnation», *Theological Investigations*, IV, Helicon, Baltimore 1966, 107 ff.

and mankind but also in and among mankind⁴. This is the heart of Jesus' teaching. The great commandment He gives us is the command to love: to love God above every being and to love our neighbor as ourselves (*Mt* 22, 37-40 and par.). He teaches us that we are to love even our enemies and pray for our persecutors (*Mt* 5, 48; *Lk* 6, 27). We are told that «such as my love has been for you, so must your love be for one another» (*Jn* 13, 34). We know that «if anyone says: "My love is fixed on God", yet hates his brother, he is a liar» (*1 Jn* 4, 20).

To be true to the covenant, even as God is true to it: this is our task. This means that in and through our choices and actions we must be open to the goods of human persons and of human existence, and to the God who wills that these goods be and that human persons flourish⁵.

A human being — the being with whom God wills to share His own life and love — is therefore not simply an individual specimen of a biological species, replaceable by other members of that species. Rather every human being, precisely by virtue of being created in the image and likeness of God (*Gn* 1, 27) and of being called, in and through Jesus Christ, to be a child of God (cfr *1 Jn* 3, 1) is a person and is therefore irreplaceable, precious, priceless⁶. The inalienable and inviolable rights of human persons are grounded in their being the kind of beings they are:

⁴ For a brief but good account of the significance of the covenant both between God and mankind and in and among human beings see PIERRE GRELOT and JEAN GIBLET, art. «Covenant», in *Dictionary of Biblical Theology*, ed. X. LEON-DUFOUR, S.J., Desclée, New York 1969, pp. 75-79. POPE JOHN PAUL II has made substantive use of the notion of covenant in his series of addresses on marriage, sexuality, and the theology of the body. In all, he gave 62 addresses in three cycles: the first from September 5, 1979 to April 2, 1980; the second from April 16, 1980 to April 8, 1981; and the third from April 15, 1981 to May 6, 1981. The first cycle has been published in one volume under the title *The Original Unity of Man and Woman: Catechesis on the Book of Genesis*, Daughters of St. Paul, Boston 1981; all can be found in the English-language edition of *Osservatore Romano* or in *The Wanderer*. On covenant, see in particular his address of November 14, 1979, «By the Communion of Persons Man Becomes the Image of God», in *The Original Unity of Man and Woman*, pp. 70-77.

⁵ On this see the development by KAROL CARDINAL WOJTYLA (POPE JOHN PAUL II) of the notion of a «personalistic norm» in his *Love and Responsibility*, Farrar, Straus, and Giroux, New York 1981, pp. 40-44.

⁶ Here the words of PAUL RAMSEY are particularly pertinent: «The notion that an individual human life is absolutely unique, inviolable, irreplaceable, noninterchangeable, not substitutable, and not meldable with other lives is a notion that exists in our civilization because it is Christian; and that idea is so fundamental in the edifice of Western law and morals that it cannot be removed without bringing the whole house down» (*Ethics at the Edges of Life: Medical and Legal Intersections*, Yale University Press, New Haven 1978, p. XIV). See also WILLIAM E. MAY, *What Makes a Human Being to Be a Being of Moral Worth?*, «The Thomist», 40 (1976) 416-443. On this question the penetrating observations of POPE JOHN PAUL II concerning the significance of human solitude are pertinent. See in particular his addresses of October 10, 1979 («Meaning of Man's Original Solitude») and October 24, 1979 («Man's Awareness of Being a Person»). The texts are given in *The Original Unity of Man and Woman*, pp. 43-54.

images of the living God, called to be brothers and sisters of the Word-become-flesh, Jesus Christ⁷. To every human being, then, we must extend the covenant of God's love.

This means that in exercising domination over our sexual lives and desires we must be mindful of the requirements of God's covenantal love. We can be true to this covenant — as He is true to it — only by being ready to reverence in our choices and actions the irreplaceable preciousness of all human persons, including ourselves, the persons with whom we live and, in particular, those with whom we choose to share our selves in the intimacy of sexual union, and the persons to whom we can give, in cooperation with God, the gift of life in and through the exercise of our genital sexual powers.

The requirements of this covenantal love in the sexual order are the requirements of chastity, as we hope to show later in this essay. Every human person needs to be chaste in order fully to become himself or herself, to come into possession of sexual desire and not become possessed by it.

The covenantal love that God wills to give us and that He wills to exist in and among mankind is beautifully expressed and symbolized in marriage. It is for this reason that throughout the Scriptures the covenant between husband and wife is used as an apt means for shedding light on the covenant between God and His people, between Christ and His Church. In turn, the surpassing beauty of God's covenantal love for us inwardly illuminates the meaning of marriage⁸. To this great symbol of God's covenantal love we shall now turn.

II. THE CATHOLIC UNDERSTANDING OF MARRIAGE

Marriage is both something very human and a mystery of God's saving love. Our attention will focus first on marriage as a specific sort of human reality, one inwardly capable of being incorporated into the mystery of God's saving grace. It will then center on marriage as a human reality that actually has been, by God's will and in and through the saving mystery of Christ, actually made a source of divine and redemptive grace.

⁷ On this see POPE JOHN PAUL II, «Stand Up» for Human Life, «Origins: NC Documentary Service», 9.18 (October 18, 1979) 277-280 (This was the homily given on October 7, 1979 on the Capitol Mall in Washington, D.C.). On this question it is also useful to consult the valuable collection of source materials, from the 1976 U.S. Pastoral *To Live In Christ Jesus*, bringing together the constant teaching of the Church on the reverence due to human life and on the sacredness of human life, edited by the Daughters of St. Paul: *Yes to Life*, Daughters of St. Paul, Boston 1977.

⁸ On this see EDWARD SCHILLEBEECKX, *Marriage: Human Reality and Saving Mystery*, Sheed and Ward, Inc., New York 1965, pp. 32-33.

1. Marriage as a Specific Kind of Human Reality

Since marriage means very different things to different people and since this term is applied to different sorts of human realities, it is absolutely imperative to distinguish the human reality to which reference is made when the Church speaks of «marriage» from other sorts of human realities to which that terms is sometimes applied.

Whenever the Church, in its teaching, speaks about marriage, it has in mind the kind of human reality we find described in the first chapters of Genesis, in the Priestly and Yahwist accounts of creation, the human reality to which Our Lord referred in His reply to the question about divorce (*Mk* 10, 6 ff, and pars.). The Church has always insisted that God, not man, is the author of marriage, and that from Him, not from human will, it receives its defining characteristics. The Church has always stressed *God's plan* for marriage, the play we find outlined in Genesis. This divine plan for marriage was, as a result of the sin described in Genesis 3, obscured and damaged, with the result that divorce and polygamy disfigured the human reality that God had in mind in bringing marriage into being (cfr *Gaudium et spes*, n. 47); but, so the Church insists in its teaching on marriage, this divine plan has been redeemed and renewed in an incomparably marvellous way by our Lord and Savior, Jesus Christ.

This firm teaching of the church has been consistent throughout the centuries and has been clearly reaffirmed by Vatican Council II, Pope Paul VI, and Pope John Paul II⁹. Perhaps the most powerful expression of this constant teaching is the one we find in Pope Pius XI's encyclical on marriage, *Casti connubii*, where we read:

Let it be repeated as an immutable and inviolable fundamental doctrine that matrimony was not instituted or restored by man but by God; not by man were the laws made to strengthen and confirm and elevate it but by God, the Author of nature, and by Christ our Lord by whom nature was redeemed, and hence these laws cannot be subject to any human decrees or to any contrary pact even of the spouses themselves. This is the doctrine of Holy Scripture; this is the constant tradition of the Universal Church; this the solemn definition of the sacred Council of Trent, which declares and establishes from the words of Holy Writ itself that

⁹ VATICAN COUNCIL II, *Gaudium et spes*, n. 48: «For God Himself is the author of marriage and has endowed it with various benefits and with various ends in view». In a note to this paragraph the Council Fathers provide specific references to the Decree for the Armenians issued by the Council of Florence in 1439, to the teaching of St. Augustine and St. Thomas Aquinas, and to the teaching of POPE PIUS XI in *Casti connubii*. Within the paragraph the Fathers affirm that «marriage has been established by the creator and endowed by Him with its own proper laws»; PAUL VI, Encyclical *Humanae vitae* (1965), n. 8: «Marriage is... the wise institution of the Creator to realize in mankind His design of love»; JOHN PAUL II, *Familiaris consortio*. Part II of this document is entitled «The Plan of God for Marriage and the Family».

God is the Author of the perpetual stability of the marriage bond, its unity and its firmness¹⁰.

The human reality that the Church has in mind, then, in speaking about marriage, is one that has God as its author. It is a human reality that has received, as Edward Schillebeeckx has observed in his commentary on the Genesis accounts, «its intrinsic conditions of existence, its defined limits» from the creative will of God¹¹.

In describing this reality the Church has insisted that it is the union of *one man* and of *one woman*¹²; it has likewise insisted that it is a male-female union ordered by its very nature to the generation and education of children¹³; and it has likewise described it as an intimate partnership of life and love, a mutual giving of two persons, a covenant of conjugal love¹⁴.

When marriage is described as a reality that by its very nature is ordered to the generation and education of children, this does not, of course, mean that a man and a woman incapable of having children cannot truly marry; nor does it mean that a couple capable of having children is not married until or unless they have children. But it does mean that marriage is the sort of human reality that of its own inner dynamism or nature is open to the gift of human life and to the nurturing and educating of that life. Children come into being through the sexual union of man and woman; they are, in God's plan and by His will, meant to come into being through the *marital union of husband and wife*. Human sexuality, as Pope John Paul II reminds us in *Familiaris consortio*, is a

¹⁰ POPE PIUS XI, *Casti connubii* (1930). The text is given in ODILE LIEBARD, ed., *Official Catholic Teachings: Love and Sexuality*, A Consortium Book from McGrath Publications, Wilmington, N.C. 1978, n. 31, p. 24.

¹¹ Schillebeeckx, *Marriage...*, pp. 20, 24. On p. 20 Schillebeeckx writes: «What cannot be justified from the texts is that Genesis as a whole refers merely to the creation of man and woman, and not directly to marriage. The intention of the whole text was to restore the social fact of marriage to a divine institution» (emphasis added). On p. 24 he says: «To be created by God, or to be named by Him, implied a mission to serve Him. The whole of the Old Testament ethic of marriage and family was based on this. The things of the earth and man received their *hog* or *huggah* with their creation: *each received, on creation, its intrinsic conditions of existence, its defined limits*» (emphasis added).

¹² See, for example, POPE INNOCENT III's teaching in his letter *Gaudemus in Domino* (1201). In it he wrote in speaking of polygyny: «Indeed this seems out of place and hostile to Christian faith, since from the beginning *one* rib was changed into *one* woman, and divine Scripture testifies that "on account of this a man shall leave father and mother and shall cleave to his wife and they shall be *two* in one flesh" (*Eph* 5,33; *Gn* 2, 24 f.; cfr. *Mt* 19, 5); it did not say "three or many" but *two*; nor did it say "he will cleave to his wives" but to his *wife*» (Text in *Enchiridion Symbolorum Definitionum et Declarationum de Rebus Fidei et Morum*, H. DENZINGER and A. SCHÖNMETZER eds. (34th ed., Herder, Barcelona/Freiburg im B./Roma, 1967), n. 778. (Hereafter the *Enchiridion* will be referred to as DS).

¹³ On this see *Gaudium et spes*, nn. 48, 49, 50.

¹⁴ On this see *Gaudium et spes*, n. 48; *Familiaris consortio*, n. 11.

fertile sexuality, «directed to the generation of a human being, and so by its nature it surpasses the purely biological order and involves a whole series of personal values», values cherished by marriage¹⁵. In giving themselves to one another in marriage, a man and woman give to one another their procreative powers, their fertility, and they have a mission to «serve life» by respecting their fertility and by giving life to new human persons¹⁶. Children are truly, as Vatican II insisted, «the supreme gift of marriage and greatly contribute to the good of the parents themselves». The Council continued by affirming, «it must be said that true married love and the whole structure of family life which results from it is directed to disposing the spouses to cooperate valiantly with the love of the Creator and Saviour, who through them will increase and enrich his family from day to day» (*Gaudium et spes*, n. 50)¹⁷.

Having children and educating them, in short, is «natural» for married couples. No one considers it odd that they have children, give them a home, and educate them. *Their being married* constitutes them as persons capable of generating and educating children. This is what the Church means when it describes marriage as a human reality that by its very nature is ordered to the generation and education of children¹⁸.

Similarly, when the Church describes marriage as an intimate partnership of life and love or a covenant of mutual love, it is describing not the factual situation observable in every marriage for there are, unfortunately, marriages in which the spouses do not share love with one another. It is rather describing marriage as it *can* and *ought to be* according to the plan of God and marriage as it actually *is* for those who are true to their marriage promises, to the covenant that they establish when they *enter into* marriage. It is important to stress this, for there are some today who maintain that love pertains to the essence of marriage and who conclude that when love between the spouses dies the marriage «dies»¹⁹.

¹⁵ *Familiaris consortio*, n. 11.

¹⁶ *Ibid.*, nn. 28-35.

¹⁷ In affirming this *Gaudium et spes* was simply re-affirming the constant tradition of the Church. On this see the material in Chapter One, above.

¹⁸ Children are not like toys or pets that married couples may regard as a luxury or purely optional feature of their shared life. As VATICAN II affirms, «Married couples should regard it as their *proper mission* to transmit human life and to educate their children» (*Gaudium et spes*, n. 50, emphasis added), and *Familiaris consortio*, POPE JOHN PAUL II's Apostolic Exhortation on the Christian Family in the Modern World strongly reaffirms and develops this teaching of Vatican Council in nn. 28-35. See also his address of November 21, 1979, «Marriage: One and Indissoluble in Genesis», in *The Original Unity of Man and Woman*, pp. 78-84.

¹⁹ The views of these theologians is well described by RICHARD A. McCORMICK, S.J. (who is in substantive agreement with them since he holds that when a marriage has been «irretrievably lost», which is what they mean when they say that it «dies», there no longer is any marriage and a spouse is free to remarry) in his *Notes on Moral Theology* 1965.

The Church clearly teaches that in giving themselves to one another in marriage, a man and a woman indeed give themselves to one another and promise to one another life-long love of a very special kind, for marriage itself is ordered to the fostering of a special kind of love between a man and woman, a love rightly known as conjugal or marital love²⁰. Marriage fosters this kind of love because marriage *alone* makes a man and woman *to be* spouses and hence *capable* of giving to one another this special kind of love. This love, whose essential features will be discussed at length below, is possible only for those who have freely given themselves to one another in a life-long union, committing themselves to one another and to the good of human life.

Yet it is an unfortunate fact that some husbands and wives do not love one another with conjugal love, just as it is an unfortunate fact that some husbands and wives refuse to give life to children. Their refusal to love violates the covenant that they have established, but it does not mean that this covenant ceases to exist, just as it does not cease to exist if they refuse to give life to children. Pope Paul VI — along with common sense — urged this truth when he insisted that the absence of love between a man and a woman who have truly given themselves to one another in marriage does not mean that their marriage has ceased to be. He rejected

without qualification the idea that if a subjective element (conjugal love especially) is lacking in a marriage, the marriage ceases to exist as a juridical reality which originated in a consent once and for all efficacious. No, the juridical reality continues to exist in complete independence of love, it remains even though love

through 1980, University Press of America, Washington, D.C. 1981, pp. 544-561. THEODORE MACKIN, S.J. is among theologians holding this view. In his *What Is Marriage? Marriage in the Catholic Church*, Paulist, New York 1982, he argues that at Vatican Council II a radically new understanding of marriage developed in the Church. On page 315, for instance, he asserts: «Since, according to *Gaudium et spes*, a marriage is to be understood as an intimate community of life and marital love, *it can dissolve and disintegrate*». *Gaudium et spes* does teach, as is evident from material presented thus far in this essay that marriage as God wills it is to be an intimate community of life and marital love. Yet this Council document reaffirms clearly the constant teaching of the Catholic Church that marriage «is an institution confirmed by the divine law and receiving its stability, even in the eyes of society, from the human act by which the partners mutually surrender themselves to each other; for the good of the partners, of the children, and of society this sacred bond no longer depends on human decision alone» (n. 48; emphasis added). It likewise insisted that marital love «excludes adultery and divorce» (n. 49). Thus Mackin is completely wrong in claiming that *Gaudium et spes* endorses the view that marriage «can dissolve and disintegrate».

²⁰ On this see *Gaudium et spes*, nn. 48, 50; *Familiaris consortio*, n. 11. Here too it can be noted that the relevant canons on marriage in the newly promulgated Code of Canon Law describe marriage as a «covenant whereby man and woman institute between themselves a partnership of the whole of life, ordered by its very nature to the good of the spouses and to the procreation and education of children» (*Codex Iuris Canonici*, Libreria Editrice Vaticana, Città del Vaticano 1983, c. 1055).

may have totally disappeared. For, when spouses give their free consent, they are entering into and making themselves part of an objective order or «institution» which transcends them and does not in the slightest depend on them as far as its nature and special laws are concerned. The institution of marriage does not originate in the free will of men but in God who willed it to have its own laws. Spouses, for the most part, spontaneously and freely acknowledge these laws and praise them; in any event they must accept them for their own good and that of their children and society. Love ceases to be a purely voluntary affection and becomes a binding duty²¹.

It is tragic when a husband and wife do not love one another, as it is tragic when they selfishly refuse to give life to children. Yet such spouses are indeed married if, in giving themselves to one another, they consented to enter what the Church understands as marriage, that is, a union of one man and one woman committing them to an intimate partnership of the whole of life until death, a partnership of its very nature ordered to the generation and education of children.

This specific kind of human reality — marriage as God intended it to be — comes into being through a specific and unique kind of act, the act of matrimonial or marital consent. This is the act of irrevocable personal consent whereby a man and a woman surrender themselves freely to each other as husband and wife²². Nothing can take the place of this act of marital consent²³. This is the act that brings marriage into being and makes the man and the woman spouses, husband and wife, a union of two in one flesh²⁴. This act of consent is unique because in and

²¹ POPE PAUL VI, «Address to the Sacred Roman Rota», February 9, 1976 (in LIEBARD, *Love and Sexuality*, cit., n. 1608, pp. 454-455). MACKIN (*What Is Marriage?*, cit., pp. 320-322, especially p. 322) makes much of the fact that Paul VI here speaks of a «juridical reality» of marriage. I believe that Paul VI used this term, not because he was denying the human reality of marriage or trying to distinguish a human reality (which, Mackin would argue, has perhaps disappeared or dissolved because of a lack of love) from a juridical reality, but simply because he was speaking to a group of canon lawyers. He was thus stressing the juridical dimension of the human reality of marriage. His words are fully in accord, so I judge, with what *Gaudium et spes* had to say in n. 48 (cited above, in note 19).

²² The Church has constantly taught that the free personal consent of the man and the woman to live together alone makes marriage to be marriage. A good history of this tradition is given by SCHILLEBEECKX, *Marriage...*, pp. 287-302. The COUNCIL OF FLORENCE taught that «the efficient cause of marriage is the mutual consent duly expressed in words relating to the present» (DS, n. 1327). In *Casti connubii* POPE PIUS XI clearly taught that «each individual marriage... arises only from the free consent of each of the spouses; and this free act of the will, by which each party hands over and accepts those rights proper to the state of marriage, is so necessary to constitute true marriage that it cannot be supplied by any human power» (n. 32 in the numbering of LIEBARD, *Love and Sexuality*, cit., p. 25). This teaching is reaffirmed by VATICAN II in *Gaudium et spes*, n. 48.

²³ This point is constantly stressed in the Catholic tradition. For the teaching of the medieval theologians, see SCHILLEBEECKX, *Marriage...*, pp. 287-302.

²⁴ Here it is important to note that it is the act of consent that brings the marriage into being and makes man and woman spouses, husband and wife. It is not their conjugal union

through it a man and a woman freely give themselves to and are freely received by each other. In and through this act they give to themselves a new identity: the man becomes the woman's *husband* and the woman becomes the man's *wife* and together they become *spouses*²⁵. Before this act of irrevocable and free personal choice the man and the woman are unbound individuals. In and through it they unite their lives, their persons²⁶.

Marriage, in short, comes into being through the free choice of a man and a woman whereby each constitutes the other as *the one* with whom and for whom each wills to be until death. Since marriage is brought into being through an act whereby the spouses give and receive the «word» or person of the other²⁷, it is unconditioned, irrevocable, and dependent for its continuation in being only on the continuation in being of the spouses themselves. Thus both by reason of its nature and by reason of the intending wills of the spouses themselves marriage is a relationship or partnership that is meant to last until death²⁸.

This sort of human reality, and this sort alone, is what constitutes the human reality of marriage as ordinary people and the Church under-

in the spousal act that makes them *to be* husband and wife; rather *their being husband and wife* by reason of their free consent to marriage enables them to unite conjugally in the spousal act. The consent to marriage is, of course, a consent to marriage and all that it involves, including conjugal union. On this see ST. THOMAS AQUINAS, *In IV Sent.*, d. 26, q. 2, a. 4 (= *Summa Theologiae*, Supplement, 42, 4). The medieval theologians (and theologians today as well) saw the symbolism of marriage as signifying the union between Christ and his bride, the Church, as perfected in the one-flesh unity of the spousal or conjugal act. Yet what capacitates man and woman to act spously is their marriage, and this is brought into being by their act of marital consent. On the «dissolubility» of nonconsummated marriages, see below, note 39.

²⁵ On this see J.R. LUCAS, *The «Vinculum Conjugale»: A Moral Reality*, «Theology», 78 (1975) 225-230.

²⁶ POPE JOHN PAUL II brings out the centrality of choice in establishing marriage and in making man and woman husband and wife in his address of November 21, 1979, «Marriage: One and Indissoluble in Genesis». He writes: «The very formulation of Gn 2, 24 indicates not only that human beings, created as man and woman, were created for unity, but also that precisely *this unity, through which they become "one flesh"*, has right from the beginning a *character of union derived from a choice*. We read, in fact: "a man leaves his father and mother and cleaves to his wife". If the man belongs "by nature" to his father and mother by virtue of procreation, he, on the other hand, "cleaves" by choice to his wife (and she to her husband)» (emphasis in the original). Text in *The Original Unity of Man and Woman*, pp. 81-82.

²⁷ On the profound significance of the «word» and of giving one's «word» in biblical thought, see JOHN L. MCKENZIE, *The Biblical Meaning of Word*, in his *Myths and Realities*, Bruce Publishing Company, Milwaukee 1963.

²⁸ As VATICAN II teaches, «by that human act whereby spouses mutually bestow and accept each other, a relationship arises which by divine will and in the eyes of society too is a lasting one. For the good of the spouses and their offspring as well as of society, the existence of this bond no longer depends on human decisions alone» (*Gaudium et spes*, n. 48).

stand it. It is to this sort of human reality, and this sort only, to which the Genesis narratives (1, 27 ff., 2, 18 ff.), the Gospel sayings of Jesus (*Mk* 10, 6-9 and par.), the teaching of Paul (1 Cor 7), and the author of Ephesians 5, 23-28 refer²⁹. And it is this sort of human reality that a man and a woman obviously intend to bring into being when, of their own free choice, they take each other «for richer or for poorer, in sickness and in health, for better or for worse, until death do us part». When a man and a woman commit themselves to one another in this way they «enter into» marriage and make themselves to be husband and wife. It is evident that if they are not intending to enter into this sort of reality they are *not* bringing marriage into being.

From this description of the human reality of marriage, as understood by the Church, we can see how truly Augustine spoke when he referred to the three basic goods of marriage and why the entire Catholic theological and magisterial tradition has made this teaching of Augustine its own³⁰. For the three goods of which Augustine spoke, *proles*, or the good of children to be procreated and educated, *fides*, or the good of steadfast fidelity between the spouses, and *sacramentum*, or the good of indissoluble unity, are perfective of all true marriages, Christian and non-Christian³¹, although their meaning is profoundly deepened in the marriage of Christians.

The good of children (*proles*) is one to which marriage, as we have seen, is naturally and personally ordered. The nature and personality of the spouses call them to be open to this great good. In their love for one another they long that that great good, human life, continue to be. Even more profound is the personal desire that the lover and the beloved, each so clearly mortal, have that they may continue to love one another, in fresh new ways, in their offspring. In giving life to a new human person, to a being equal in dignity and nature to themselves,

²⁹ See SCHILLEBEECKX, *Marriage...*, pp. 1-27, 111-115.

³⁰ For the teaching of AUGUSTINE, see *De Genesi ad literam*, 9.7. PIUS XI, *Casti conubii*, section 1 (n. 36 and following in LIEBARD, *Love and Sexuality*, cit., pp. 26-31) explicitly affirms that under the three goods of marriage set forth by Augustine «is contained a splendid summary of the whole doctrine of marriage». *Gaudium et spes*, n. 48, footnote 1, explicitly refers both to Augustine and to Pius XI on this matter.

³¹ That these goods pertain even to the marriages of non-Christians, including, in a sense, the good of *sacramentum*, is recognized, for instance, by POPE LEO XIII in his Encyclical on marriage, *Arcanum Divinae Sapientiae* (1880). Thus he wrote: «Since marriage has God for its author, and since it has been even from the beginning a shadowing forth of the incarnation of the Word of God, therefore there is in it something sacred and religious, not adventitious but innate, not received from men but implanted by nature. Wherefore INNOCENT III and HONORIUS III, our predecessors, were enabled to say, not unjustly nor rashly, that the sacrament of marriage exists both among the faithful and among infidels» (in LIEBARD, *Love and Sexuality*, cit., n. 9, p. 9).

spouses show — as Pope John Paul II reminds us³² — that the life they share is one that is open to others and that their own love for one another is a love ready to give the gift of life. For Christian spouses, this good has an added significance. They realize that the children to whom they can give life are summoned to a life of intimate friendship with God, one that they can share forever with their parents. They realize that children are not only precious gifts but that they are also to be nurtured lovingly and educated in the love and worship of the one true God³³.

Spousal fidelity (*fides*) is a good that flows from and is rooted in the covenantal character of the consent that brings marriage into being. The promised faithfulness until death in an exclusive friendship that makes a confident sharing in each other's life possible and secure is both a remedy for the loneliness of the human condition (cfr *Gn* 2, 18) and an essential way of realizing the human need for friendship. This great good is meant to exist in all marriages, and it is a good violated, indeed desecrated, by adultery and lustful desire. It is a good that can flourish only when it is grounded in that unique kind of love that marital consent promises and makes possible³⁴. In the marriage of Christians, this good is given even deeper meaning, for Christian spouses realize that the fidelity they are to give to one another is one that is meant to image and signify the fidelity of God to His people, the fidelity of Christ to His bride, the Church.

Both *fides* and *proles* are goods that married people promise to one another in the very act that makes them to be husband and wife. These are goods that they are to bring into being in their married life by the actions they choose to do, and they are obligated to refrain from choosing deeds that are ordered, of their nature, to the destruction of these goods. To fail, by one's deliberate choice, to honor these goods and to bring them into existence is to violate marriage, yet the marriage, rooted

³² *Familiaris consortio* n. 14: «In its most profound reality love is essentially a gift and conjugal love, while leading the spouses to a reciprocal «knowledge» which makes them «one flesh» does not end with the couple, because it makes them capable of the greatest possible gift, the gift by which they become cooperators with God for giving life to a new human person».

³³ Here see THOMAS AQUINAS, *In IV Sent.*, d. 31, q. 2, a. 1 (= *Summa Theologiae*, Supplement, 49, 5, ad 1): «The procreation of children, insofar as it is a good of the sacrament of matrimony, adds something to the good of procreation as intended by nature. For nature intends the generation of children because in this is safeguarded the good of the species; but in the generation of life as a good of the sacrament of matrimony there is understood, beyond this, that life generated is further to be ordered to God».

³⁴ PIUS XI, *Casti connubii*: «This conjugal faith, which is most aptly called by St. Augustine the «faith of chastity», blooms more freely, more beautifully and more nobly, when it is rooted in that more excellent soil, the love of husband and wife which pervades all the duties of the married life and holds pride of place in Christian marriage. For matrimonial faith demands that husband and wife be joined in an especially holy and pure love... as Christ loved the Church» (in LIEBARD, *Love and Sexuality*, cit., n. 49, p. 30).

in the irrevocable consent of the spouses, remains; and because it remains the spouses *are capable* of changing heart and of fostering and honoring these marital goods.

The good of the sacrament (*bonum sacramenti*) is not a good that spouses promise, in giving themselves to one another in marriage, to bring into being by subsequent choices and acts. Rather it *is* the good that they bring into being by their act of irrevocable personal consent to marriage. The good of the sacrament, therefore, *is the good that marriage is*, and it is the good that makes the goods of *proles* and *fides* possible³⁵.

This good, Augustine noted, has two aspects: the *sacramentum vinculum* or bond of indissoluble unity between the spouses, and the *sacramentum signum* or sacramental sign or symbolism. The bond of indissoluble unity is, he taught, rooted in the meaning that marriage has as a symbol or sign of the mystery of Christ's indissoluble union with His Church, a mystery prefigured in all true marriages and explicitly imaged or signified in the marriages of Christians. We shall be concerned with marriage as a *sacramentum signum* or sacramental symbol when we consider marriage as a saving mystery. Here our attention centers on the sacramental bond (*sacramentum vinculum*) aspect of this good of marriage.

As a sacramental bond, the indissoluble unity of spouses in marriage imposes upon them a sacral obligation to remain spouses. It is this obligatory character of the sacramental bond that Augustine and other Fathers of the Church emphasized. Because of this good that marriage is, spouses who separate because of adultery or other acts destructive of the other goods of marriage are nonetheless obligated not to attempt remarriage³⁶. They are so obligated because marriage makes them to be one flesh and brings into being the *sacramentum vinculum*, the good of indissoluble unity.

Medieval theologians such as Thomas Aquinas explicitly developed, in their consideration of the good of the sacrament, an idea rooted in the Gospel sayings of Jesus³⁷ and implicit in the patristic understanding of

³⁵ That the *sacramentum* is the good that marriage *is* was the teaching of the great patristic and medieval theologians (on this see Chapter One, pp. 96). In an excellent article GERMAIN G. GRIZEZ shows how this teaching is central to Aquinas and *Gaudium et spes*. See his *Marriage: Reflections Based on St. Thomas Aquinas and Vatican Council II*, «The Catholic Mind», 64 (June, 1966) 4-19.

³⁶ On the understanding of *sacramentum* in Augustine and the Fathers see SCHILLEBEECKX, *Marriage...*, pp. 280-287.

³⁷ On the understanding of *sacramentum* as an ontological as well as a moral bond in the scholastics, see SCHILLEBEECKX, *Marriage...*, loc. cit. He also notes that the scholastic notion was rooted, as was the patristic tradition, in the sayings of Jesus on marriage (see pp. 141-143). He notes that «both the patristic and the scholastic doctrine are firmly based on Scripture» (p. 141). One must keep clearly in mind that the scholastic tradition of the *sacramentum* as an ontological bond rooted in the *being* that a man and woman give to themselves when they make themselves to be spouses is far more than a legalistically conceived juridical bond. Some contemporary Roman Catholic writers constantly contrast the patristic

the *sacramentum vinculum*. Marriage, as sacrament or as the inseparable union of husband and wife, not only imposes a moral obligation of sacral character upon the spouses to remain spouses but consists in their very being as husband and wife. The sacrament, in other words, is simply another way of looking at the reality of marriage itself. The sacrament is the good that the marriage is, and as such it is rooted in the *being* of the spouses as spouses. A spouse can no more become an ex-spouse than a father can become an ex-father or a mother an ex-mother. Thus, because marriage is a sacrament not only are spouses not permitted to remarry after separation, they simply cannot do so. And the reason why they cannot do so is that they are already uniquely constituted, by virtue of their irrevocable act of marital consent, as spouses of one another³⁸. The moral obligation imposed by the good of the sacrament is, in short, rooted in the sacrament of marriage, itself. And all marriages are sacramental in this sense.

This, then, is the human reality of marriage: an inherently indissoluble³⁹ union of one man and one woman, brought into being by their own free act of irrevocable personal consent, naturally and personally ordered to the procreation and education of children and to the fostering of a unique kind of love, spousal or conjugal love. This reality comes into being when marital consent is freely given; it is consummated when

view of the *sacramentum* as a moral bond with what they erroneously claim to be the scholastic view of it as a juridical bond and urge a return to the patristic view. This claim, which must simply be rejected as erroneous and a gross distortion of the tradition, is found, for instance, in LAWRENCE WRENN's essay, *Marriage: Indissoluble or Fragile?*, in *Divorce and Remarriage in the Catholic Church*, ed. LAWRENCE WRENN, Paulist Press, Paramus, N.J. 1973, and in RICHARD McCORMICK's *Notes on Moral Theology 1965 through 1980*, pp. 544-561.

³⁸ On this see WALTER KASPER, *Theology of Christian Marriage*, Seabury, New York 1980, pp. 49-50.

³⁹ Here it is necessary to note that the Church does «dissolve» both the marriage of non-Christians (of whom one becomes a Christian and the other then refuses to live in peace) and the non-consummated marriages even of Christians. The Church, in «dissolving» non-Christian marriages for the sake of the faith of the spouse who has converted, appeals to the Pauline and Petrine privileges. Yet such «dissolutions» in no way deny that marriage, as a human reality, is of its nature indissoluble, for this is what the Church teaches about marriage willed by God the Creator. What the Church claims is a power, granted to it by God, to dissolve such marriages in His name, for the sake of the «new creation» in Christ.

Similarly the Church claims the power, again one received by God and not from any human authority, to dissolve nonconsummated marriages between Christians. Such marriages are, like those of non-Christians, *intrinsically indissoluble*; they are «extrinsically» dissoluble because of a power granted to the Church, in the one instance for the sake of the «new creation» in Christ, in the other because the mutual handing over of man and woman to one another as husband and wife, although already accomplished through the act of marital consent, has not as yet been actualized in their one-flesh union in the marital act. On both these issues it is useful to read SCHILLEBEECKX, *Marriage...*, pp. 155-168 (on the «dissolution» of non-Christian marriages), and pp. 287-302 (on the «dissolution» of non-consummated Christian marriages).

the spouses give themselves to one another in an act of *conjugal* or *marital* union⁴⁰. And it is this specific sort of human reality that is inwardly capable, so the Church teaches, of being integrated into God's covenant of saving grace, of redeeming love.

2. Marriage as a Saving Mystery, a Sacrament of the Church

The human reality of marriage as an indissoluble union of husband and wife is a *natural* sign of the indissoluble union of covenantal love between God and His people, Christ and His Church. This is what Augustine meant when he spoke of marriage as being a *sacramentum signum* as well as being a *sacramentum vinculum*. This is true of all marriages, including those of non-Christians⁴¹. But in the marriage of Christians, however, this natural sign is fully realized, made explicit, and becomes a sacrament of the new law. When the term *sacrament* is used of marriage in this sense, it has a very precise meaning. By *sacrament* the Church understands a visible, created reality that not only signifies or points to the invisible reality of God's grace but also one that has been made by Christ a means of effecting that grace, of giving it to human persons⁴². A sacrament is a sanctifying sign, one in which Christ is made present, and one conferring the grace of Christ. It is an action of the Church as the body of Christ bringing to men and women the saving grace of God.

The Church teaches that «Christ the Lord raised matrimony to the dignity of a sacrament and at the same time provided that the spouses, sheltered and strengthened by the grace which His merits have won,

⁴⁰ Today some writers suggest that marriage is not consummated until it has been «psychically» realized, and presumably this is a process that may take years to accomplish. This position is suggested by MACKIN, *What Is Marriage?*, cit., pp. 29-30 and by J.T. Finnegan, among others. See FINNEGAN'S *Marriage*, in *The Pastoral Guide to Canon Law*, a special issue of «Chicago Studies», 15.3 (1976) 286. This position is quite mischievous and erroneous; on this view one could never really tell when a marriage is really consummated. In truth marriage is consummated by an act of marriage, a *marital* or *conjugal* act. It is not consummated by a mere act of sexual union, for sexual union between married persons might be violative of the goods either of *fides* or *proles* or both.

But a truly *marital* act, one that respects the *goods* of marriage, does consummate the marriage. In the proposed new canons on marriage consummation is said to have taken place once the spouses have engaged «in a human way in that conjugal act which is of its nature apt for generating children, to which marriage is by its nature ordered, and whereby they become one flesh» («Communicationes», 9 [1977] 120). By saying «in a human way» this canon indicates, in my judgment that the act is one of consummation only if it is marital in the sense of respecting the goods later named in the canon.

⁴¹ On this see the citation from Pope Leo XIII in note 31.

⁴² See COUNCIL OF TRENTO, Session 7, March 3, 1547, Decree on the Sacraments, Canons on the Sacraments in General (DS, nn. 1601-1608).

should attain sanctification in marriage itself»⁴³. This teaching of the Church that marriage is one of the seven sacraments is rooted in the biblical and patristic understanding of marriage⁴⁴. It was explicitly and formally proclaimed in the Middle Ages and has been affirmed again and again by Councils and pontiffs⁴⁵.

The Church's understanding that marriage is a sacrament in this precise sense is based above all on the truth that the marriage of those who give and receive each other «in the Lord» — as the apostle Paul emphasized⁴⁶ — has present within it not only the power of the man and the woman, so very limited, but also the power of Christ's love; by virtue of this love their marriage, despite all difficulties, can not only accomplish the precious human values it is pledged to, but it can also be a bearer of a greater and more healing kind of love. Thus the marriage of Christ-

⁴³ LEO XIII, *Arcanum Divinae Sapientiae* (in LIEBARD, *Love and Sexuality*, cit., n. 6, p. 5). See also the text of the Council of Florence cited previously in note 22. See also *Gaudium et spes*, n. 48: «Just as of old God encountered his people with a covenant of love and fidelity, so our Saviour, the spouse of the Church, now encounters Christian spouses through the sacrament of marriage». See *Familiaris consortio*, n. 13.

⁴⁴ «Our understanding of marriage as a sacrament is based above all on this biblical understanding of marriage as a sign of God's covenant... Marriage is sacramental because it is fundamentally related to the saving work of Jesus Christ... It is, however, hardly possible to base the sacramentality exclusively on a few isolated passages in Scripture. It is only possible to do this by applying the argument from convergence. The sacramentality of marriage emerges from Ephesians 5, 21 ff. above all on the basis of a number of suppositions. There are "that the total self-giving of the person that takes place in marriage implies a relationship with God as the ground and aim of this self-giving that Christ included marriage in the Christian order that the relationship involved in marriage is different from other relationships between human beings: that, wherever fundamental signs that are intimately connected with the life of Christians and the Church exist and these point to the reality of grace, such signs cannot, within the new covenant, be empty and meaningless; that every community of Christians in Christ includes a making present of Christ and therefore of the Church (cfr. Mt 18, 20), with the result that this can also be said especially of the smallest community in Christ, namely marriage. It is possible to understand the sacramental nature of marriage and its historical institution on the basis of these presuppositions. Christ instituted the sacrament by establishing the new covenant as an eternal sign of God's grace and by giving that sign a sacramental reality. This sacramental sign represents and expresses the unity of Christ and the Church"» (WALTER KASPER, *Theology of Christian Marriage*, cit., pp. 27-28, 31). The internal citation is from H. VOLK, art. «Ehe», *Lexikon für Theologie und Kirche* (2nd ed., 1959), III, 681.

⁴⁵ The teaching of the magisterium on this matter is found in the following: SECOND LATERAN COUNCIL (1139), DS, n. 718; COUNCIL OF VERONA (1184), DS, n. 761; INNOCENT III (1198-1216), DS, nn. 769, 79; SECOND COUNCIL OF LYONS (1274), DS, n. 850; JOHN XXII (1318), DS, n. 916; COUNCIL OF FLORENCE (1439-1445), DS, n. 1327; COUNCIL OF TRENT (1545-1563), DS, n. 1801; PIUS IX (1864), DS, nn. 2965-2974; LEO XIII, *Arcanum Divinae Sapientiae* (1880), DS, n. 3142; PIUS X, Decree *Lamentabili* (1907), DS, n. 3451; PIUS XI, *Casti connubii* (1930), DS, n. 3700, 3710 ff.; VATICAN COUNCIL II, *Gaudium et spes*, n. 48.

⁴⁶ On this see SCHILLEBEECKX, *Marriage...*, pp. 133-140.

ians, of those who have been baptized and through baptism entered into the body of Christ, not only points to or symbolizes the indissoluble love that Christ has for His Church, it also inwardly participates in this love and is capable of making it present in the world and in the lives of the spouses⁴⁷, provided only that they do not put any obstacles in the way.

In his Apostolic Exhortation *Familiaris consortio* Pope John Paul II stressed the relationship between baptism and the sacramentality of Christian marriage, saying: «Indeed by means of baptism, man and woman are definitively placed within the new and eternal covenant, in the spousal covenant of Christ with the church. And it is because of this indestructible insertion that the intimate community of conjugal life and love, founded by the creator, is elevated and assumed into the spousal charity of Christ, sustained and enriched by his redeeming power»⁴⁸. Precisely because they are baptized persons and indelibly sealed with the name and blood of Christ, a Christian man and woman, in giving themselves to one another in marriage, are acting in the name of Christ and His Church. Their act of marrying is therefore an ecclesial act, an act of the Church, a sacrament of the new and everlasting covenant. Thus the marriage of Christians is truly a sacrament of the new law, a created reality capable, by reason of Christ's saving death and resurrection, of communicating God's love and grace⁴⁹.

As a sacrament of saving grace, marriage enables the love of the spouses to be caught up «into divine love and be governed and enriched by Christ's redeeming power and the saving activity of the Church. Thus this love can lead the spouses to God with powerful effect» (*Gaudium et spes*, n. 48). It is therefore true to say, with Pope Pius XI⁵⁰ and with

⁴⁷ As SCHILLEBEECKX puts it, «Experience of marriage "in the Lord", does not imply any extrinsic addition to secular marriage; that is, *the making Christian... of marriage, of its natural and human interrelationships... is an entirely intrinsic process*» (*Marriage...*, p. 137).

⁴⁸ *Familiaris consortio*, n. 13.

⁴⁹ During the Middle Ages, when the doctrine first became clear that marriage is a sacrament in the precise theological sense of a created reality capable of signifying and conferring grace, the earlier theologians, e.g., Peter Lombard, attributed to this sacrament only a remedial, not a sanctifying grace, because of their concern over the relationship between sexual desires and original sin. Yet, since the Church itself taught that marriage is truly a sacrament and that sacraments give sanctifying grace, Thomas Aquinas came clearly to see that marriage must give sanctifying grace. On this matter see SCHILLEBEECKX, *Marriage...*, pp. 327-338.

⁵⁰ PIUS XI, *Casti connubii*: «The mutual inward moulding of husband and wife, this determined effort to perfect each other, can in a very real sense, as the Roman Catechism teaches, be said to be the chief reason and purpose of matrimony, provided matrimony be looked at not in the restricted sense as instituted for the proper conception and education of the child, but more widely as the blending of life as a whole and the mutual interchange and sharing thereof» (in LIEBARD, *Love and Sexuality*, cit., n. 50, p. 31). On this question see MICHAEL F. McAULIFFE, *Catholic Moral Teaching on the Nature and Object of Conjugal Love*, The Catholic University of America Press, Washington 1954.

Pope John Paul II⁵¹ that the marriage of Christians, as a sacrament of saving grace, is a reality that has as its goal the sanctification of the spouses and that it has within it, by virtue of Christ's presence, the power to achieve this goal.

Indeed, as Pope John Paul II stresses, Christian marriage or sacramental marriage establishes the Christian family, a Church in miniature. Thus Christian spouses «have their own special gift among the people of God» (*Lumen gentium*, n. 11), and have a crucial role to play in the life and mission of the Church itself, participating in a unique way in the prophetic, priestly, and kingly mission of Jesus Christ⁵². It is, indeed, in and through Christian spouses that Christ brings into being a new believing and evangelizing community, one in dialogue with God and at the service of all mankind. And the sacramental character of their spousal union is what enables Christian husbands and wives and the families they found to be the Church present to the world⁵³.

The marriage of Christians is thus caught up in the saving mystery of God's love for mankind. It is, as it were, the sacrament of God's friendship for human persons, of his covenant of utterly faithful and oblate love. But it is not only those marriages that are actually and explicitly Christian that can be touched by this saving reality. Wherever people really seek earnestly the precious goods that marriage pursues — and that in fact do, in God's plan, symbolize the love between Christ and the Church — there can be an openness to saving goods not actually or explicitly known; when people are open to grace, grace can touch them deeply too. Thus one can say that the marriages of non-Christians brought into being by an authentic human covenant of irrevocable personal consent are intrinsically open to and enriched by the goods proper to marriage, goods that «come from God the creator and are integrated in an inchoative way into the spousal love of Christ for His Church»⁵⁴.

Marriage, the great good gift of the God who has created us, is thus a human, created reality that is inherently capable of being assumed into His covenant of redeeming and saving grace; by the grace of Jesus Christ this reality has actually been so assumed, and it is this reality, human and divine, that comes into being when Christian men and women give themselves to one another in marriage.

⁵¹ *Familiaris consortio*, n. 13.

⁵² *Ibid.*, nn. 49-64.

⁵³ For a development of the teaching in *Familiaris consortio* on this subject see WILLIAM E. MAY, *Sharing in the Life and Mission of the Church*, in MICHAEL WRENN, ed., *Commentary on Familiaris consortio*, Franciscan Herald Press, Chicago 1982.

⁵⁴ INTERNATIONAL THEOLOGICAL COMMISSION, *Theses de doctrina matrimonii christiani*, 3.4, «Gregorianum», (1978) 453-464, at 450; found in English translation in «Origins», 8.12 (September, 1975).

III. THE MEANING OF MARITAL OR CONJUGAL LOVE

In consenting to marriage man and a woman promise to one another married or conjugal love, and marriage itself should constantly foster and deepen this love.

Yet what is the precise nature of this love that leads a man to leave father and mother and cleave to his wife so that the two become one flesh (cfr *Gn* 2, 24; *Mk* 10, 7-8)? Here we shall attempt first to offer some reflections on the nature of married love as the Church, pondering the Scriptures, has described it. Then we shall focus on the unique and exclusive character of this love in order to show that a recognition of the beauty of married love is necessary if we are to understand the meaning of our lives as sexual persons and the wonderful goodness of properly ordered sexuality.

1. *Conjugal Love: A Special Kind of Friendship*

In an important passage, the Fathers of Vatican Council II describe marital love. «Married love», they affirm,

is an eminently human love because it is an affection between two persons rooted in the will and it embraces the good of the whole person; it can enrich the sentiments of the spirit and their physical expressions with a unique dignity and enoble them as the special elements and signs of the friendship proper to marriage. The Lord, wishing to bestow special gifts of grace and divine love upon it, has restored, perfected, and elevated it. A love like that, bringing together the human and the divine, leads the partners to a free and mutual giving of self, experienced in tenderness and action, and permeates their whole lives; besides, this love is actually developed and increased by the exercise of it. This is a far cry from mere erotic attraction, which is pursued in selfishness and soon fades away in wretchedness.

This love, the Council Fathers continue,

is uniquely expressed and perfected by the exercise of the acts proper to marriage. Hence, the acts in marriage by which the intimate and chaste union of the spouses takes place are noble and honorable; the truly human performance of these acts fosters the self-giving they signify and enriches the spouses in joy and gratitude. Endorsed by mutual fidelity and, above all, consecrated by Christ's sacrament, this love abides faithfully in mind and body, in prosperity and adversity, and hence excludes both adultery and divorce. The unity of marriage, distinctly recognized by the Lord, is made clear in the equal personal dignity which must be accorded to man and wife in mutual and unreserved affection. Outstanding courage is required for the constant fulfillment of the duties of this Christian calling; spouses, therefore, will need grace for leading a holy life; they will eagerly

practice a love that is firm, generous, and prompt to sacrifice and will ask for it in their prayers (*Gaudium et spes*, n. 49)⁵⁵.

Almost immediately following this, the Council Fathers further affirm that «marriage and married love are by nature ordered to the procreation and education of children... It must be said that true married love and the whole structure of family life which results with the love of the Creator and Saviour, who through them will increase and enrich his family from day to day» (*Gaudium et spes*, n. 50).

The teaching of Vatican Council II on the nature of marital love, so clearly expressed in the previous citations, is central to the teaching of both Pope Paul VI and Pope John Paul II. Paul VI developed briefly the features of conjugal love as described in *Gaudium et spes* in his encyclical *Humanae vitae*. After first observing that «marriage... is the wise institution of the Creator to accomplish in mankind his designs of love» Pope Paul writes that it is in the light of this divine and loving plan that «the characteristic marks and demands of conjugal love clearly show themselves». He then described these characteristic marks as follows:

This love is first of all fully *human*, namely of the senses and the spirit. It is not merely a drive of instinct and sentiment, but also, and mainly, an act of the free will, intended to endure and to grow by means of the joys and sorrows of daily life, in such a way that husband and wife become one heart and one soul, and together reach their human perfection.

This love, then, is *total*. It is a unique 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 for what he receives, but for the partner's self, rejoicing that he can enrich his partner with the gift of himself. Besides, this love is *faithful* and *exclusive* until death. In fact, this is the way that bride and groom understand on the day when they freely and in full awareness assume the commitment of the marriage bond. This fidelity can sometimes be difficult, but nobody can deny that it is always possible, always noble and meritorious. The example of so many married persons down through the centuries shows not only that fidelity is according to the nature of marriage, but also that it is a source of deep and lasting happiness.

Finally, this love is *fruitful*. It is not exhausted by the communion between husband and wife, but is destined to continue by raising up new lives⁵⁶.

Pope John Paul II, both in his series of Wednesday conferences addressed to the theology of the body and of human sexuality and mar-

⁵⁵ It is important to note that this teaching of Vatican II, while beautifully set forth at that Council, is by no means new in the Church. Pius XI spoke clearly of marital love, and in doing so referred to earlier teaching set forth in the Roman Catechism whose publication was mandated by the Council of Trent.

⁵⁶ POPE PAUL VI, *Humanae vitae*, n. 9.

riage⁵⁷ and in *Familiaris consortio*, has frequently written on the subject of conjugal love. It is a subject, too, on which he had written extensively and profoundly, prior to being elected Pope, in his book *Love and Responsibility*⁵⁸. It is not possible to cite, from his extensive probings of this subject, a single summarizing passage. Yet in his reflections on conjugal love he has, along with Vatican Council II and Pope Paul VI, emphasized that it is a love that is human, total, faithful, exclusive, procreative and in the service of life and sacramental⁵⁹.

It is most important to realize that the love of which the Fathers of Vatican II, Paul VI, and John Paul II write is no figment of the mind. It is a reality, for it is a love to which all married couples aspire, a love that a man and a woman promise to one another when they irrevocably give themselves to one another in the act of marital consent that makes them to be husband and wife. The love in question is an ideal, to be sure, but it is more than an ideal, for it is a realizable and achievable reality. Yet how is it possible for ordinary men and women to be capable of such total love, such generosity, such unselfishness? If marital love is so sublime, how can it be realistic?

To answer this question it is perhaps helpful to reflect on the question of how we can love God with our whole heart, our whole soul, our whole being. The answer to this question is that we certainly can, but we cannot do so perfectly all at once or even in the whole of our earthly life. The love with which we love Him is His gift, and its inner dynamism is to absolute perfection in love, a perfection fully realized only in eternal life. But it can be and is realized basically and essentially in our daily lives: one really loves God with his whole heart if one will love nothing more than God, will do nothing that separates from the love of God, will do deeds that lead toward the fullness of love, and will not do deeds that separate from this love. What is required, Pope John Paul II reminds us, «is a continuous, permanent conversion which, while requiring an interior detachment from every evil and an adherence to good in its fullness, is brought about concretely in steps that ever lead us forward»⁶⁰. This same love God pours in a special way into the lives of the married. Married love is a kind of love that really pursues not simply one's own pleasure or self-fulfillment, but real goods of married life: the

⁵⁷ See note 4 for details of these talks. An excellent summary of all 62 of Pope John Paul's addresses has been provided by RICHARD M. HOGAN in his very helpful article, *A Theology of the Body*, «Fidelity», 1.1 (December, 1981) 10-15, 24-27.

⁵⁸ A useful summary of the main themes of *Love and Responsibility* is offered by JOSEPH DE LESTAPIS, S.J., in his essay, *A Summary of Karol Wojtyla's «Love and Responsibility»*, in RAYMOND DENNEHY, ed., *Christian Married Love*, Ignatius Press, San Francisco 1981, pp. 101-132.

⁵⁹ See, for instance, *Familiaris consortio*, nn. 11, 13, 14, 20, 21, 28.

⁶⁰ *Ibid.*, n. 9.

foods in which husband and wife rejoice, in which each seeks the other's good as his or her own, in which they rejoice in the newness of life, in children of their own and of God⁶¹. It is a love that is ready to seek forgiveness and to forgive, to be open to graces and to be willing to overcome little by little one's own flaws in love.

From the descriptions of married love given by Vatican II, Paul VI, and John Paul II, and from the lived experience of married persons, it is evident that marital love is essentially connected to the goods of marriage.

It is first and foremost a *sacramental* love. It is indeed a human love, a special kind of human friendship, but it is a *special kind* of human friendship love precisely because it is one «proper», as the citation from Vatican Council II put it, «to marriage». As such it has been given special gifts of grace and divine love by our Lord, who has (again in the words of Vatican Council II) «restored, perfected and elevated it» so that it merges a human love with the divine. Christian spousal love is sacramental because, as Pope John Paul II puts it, «by virtue of the sacramentality of their marriage, spouses are bound to one another in the most profoundly indissoluble manner. Their belonging to one another is the real representation, by means of the sacramental sign, of the very relationship of Christ with the church». He continues by affirming:

Spouses are therefore the permanent reminder to the church of what happened on the cross; they are for one another and for the children witnesses to the salvation in which the sacrament makes them sharers. Of this salvation event marriage, like every sacrament, is a memorial, actuation, and prophecy. «As a memorial, the sacrament gives them the grace and duty of commemorating the great works of God and of bearing witness to them before their children. As actuation, it gives them the grace and duty of putting into practice in the present, toward each other and their children, the demands of a love which forgives and redeems. As prophecy, it gives them the grace and duty of living and bearing witness to the hope of the future encounter with Christ»⁶².

Christian conjugal love is sacramental because it is rooted in and made possible by the *bonum sacramenti*, the good of the sacrament, *the good that marriage is*. The sacrament makes this love possible and makes it to be the kind of love that merges the human with the divine. The sacrament makes it possible because only spouses are capable of giving to one another this kind of love, and what makes a man and a woman spouses is the sacrament, the bond of indissoluble unity, that *they* bring into being when they marry. Moreover, because this indissoluble covenant is intrinsically receptive of God's grace and, by the will of God, has actually been integrated into His saving plan, husband and wife can confi-

⁶¹ On this, see *Love and Responsibility*, pp. 73-84.

⁶² *Familiaris consortio*, n. 13.

dently trust that God will enable them to love one another as spouses. He, after all, is their creator and redeemer, the author of marriage and the one who has irrevocably espoused Himself to mankind in the person of Jesus Christ. Christians have always believed that with God's help we can do what we ought to do. God is with us and for us! The sacrament of marriage is God's pledge to spouses that He will be with them and for them and that with His help they can love one another as spouses, as Christ loves His Church⁶³.

Moreover, because marital love is a sacramental love it is a sanctifying love. Indeed, as Pius XI taught in *Casti connubii*,

The mutual inward moulding of husband and wife, this determined effort to perfect each other, can in a very real sense, as the Roman Catechism teaches, be said to be the chief reason and purpose of matrimony, provided matrimony be looked at not in the restricted sense as instituted for the proper conception and education of the child, but more widely as the blending of life as a whole and the mutual interchange and sharing thereof⁶⁴.

As a sacramental and therefore sanctifying love, conjugal love summons spouses to bring the love of Christ to perfection not only in themselves but also «to communicate Christ's love to their brethren and thus become a saving community»⁶⁵.

Conjugal love is, therefore, intimately related to the good of the sacrament.

It also requires the good of *fides*, for it is a faithful love. As a love that totally excludes adultery and divorce (cfr *Gaudium et spes*, n. 49), conjugal love can exist only if husband and wife honor the good of fidelity. Infidelity violates this love. Yet this love, precisely because it merges the divine with the human and is rooted in the sacrament or covenant of marriage itself, is capable of healing the wounds of infidelity and of re-

⁶³ Here it important to note that Catholic theologians, taking John 15, 5 («without me you can do nothing») as one key text, have always held that with God's help we can do what we ought to do. AUGUSTINE put it eloquently when he said, «God does not command the impossible, but when He commands He warns us to do what can be done and to ask for what cannot and gives you help so that you can» (*De natura et gratia*, c. 43, n. 50; PL 44, 271). At the Council of Trent the Church formally proposed this teaching in Session VI, ch. 2, in the decree on justification. It is a teaching found frequently in ST. THOMAS (e.g., *Summa Theologiae*, II-II, q. 156, a. 2, ad 1). In addition to citing Scripture Aquinas refers to a passage from ARISTOTLE's *Nichomachean Ethics* (3,3, 1112b 27) on the help of friends. Although Aristotle held that there could be no friendship between God and man, Christians affirm this, for God is our greatest and best friend (cf. *Summa Theologiae*, I-II, q. 108, a. 4, «Christ is our wisest and best friend».) Thus the love that spouses are to give each other is possible because Christ is present to the spouses.

⁶⁴ PIUS XI, *Casti connubii* (in LIEBARD, *Love and Sexuality*, cit., n. 50, p. 31).

⁶⁵ *Familiaris consortio* n. 49.

conciling the spouses. As a love that honors the good of fidelity, marital love is ready to give of self. It is an oblative kind of love⁶⁶.

Conjugal love, moreover, is ready to share life with others. As such it reverences the good of *proles* and is open to the great human good of giving life to new human persons and of educating them in the love and friendship of God. A fruitful, procreative character is distinctive of marital love because only spouses are truly capable of procreating human life. Nonmarried persons can, and unfortunately at times do, generate children, and the children they generate are indeed irreplaceably precious beings of moral worth. Yet when unmarried persons generate children they do not truly procreate and fail to honor properly the human good of procreation. Such persons are not capable of giving the life they have generated the home to which it has a right, the home in which it can take root and develop properly the potential it has by virtue of being human life. The conception and birth of a child outside of marriage is a mixture of good and evil. It is good that there is now in being a new human person, a precious and irreplaceable image of the living God. But it is not good that this person is conceived and born in circumstances in which he or she is deprived of the home that only procreative, spousal love can give.

Marital love is procreative insofar as marriage and the love that it makes possible capacitates the spouses *to be parents*, to be persons who can give life procreatively, participating in the life-giving love of God⁶⁷. For God not only brings us to life through His creative word, but He also brings us to a new life of grace through His redeeming Word, His only-begotten Son who for love of us became one of us and espoused Himself to us in His bride, the Church.

The love that spouses have for one another, and which they express in conjugal acts, is a love that is open to life and is thus procreative. This is true of married love even for spouses who are unable, at times despite their own ardent desires, to give life to children⁶⁸. It is true of them and of all spouses who truly give spousal love because this kind of love is one that is open to life, not closed to it. Spousal love, though exclusive in that it embraces spously only the other who has been made irreplaceable by the act of marital consent, is by no means a selfish, hedonistic pseudo-love, locking husband and wife in a selfish egoism a

⁶⁶ It is a basic truth of Catholic moral life that charity or agapeic love is the «form» of all the virtues, including the virtue of spousal love and the virtue of chastity. On this see THOMAS AQUINAS, *Summa Theologiae*, I-II, q. 23, aa. 7 and 8; *De Charitate*, a. 3. Thomas says that charity is the root, motor, and mother of the virtues (*Summa Theologiae*, I-II, q. 62, a. 4; *De Charitate*, a. 3) and that it ultimately «produces» the acts of these virtues (*De Charitate*, a. 2, ad 14).

⁶⁷ *Familiaris consortio*, n. 28 ff.

⁶⁸ *Gaudium et spes*, n. 50.

deux, a pseudo-friendship that will soon wither and fade away. Rather spousal love is a love that enables the spouses to share in an intimate and exclusive way life with one another while at the same time enabling them to open themselves to others and to the goods of life itself⁶⁹, and in particular to the good of giving life to children of their own, beings who are to be begotten in acts of self-giving love.

Conjugal love is, therefore, a love that is essentially connected with the goods of marriage. It is a love that is one of friendship between human persons, a love, therefore, in which the other is loved not for the goods that this other can give but for himself or herself, a love in which one wills for the other the true goods of human existence⁷⁰. But conjugal love is a special kind of friendship, and it is special because it is sacramental and exclusive. Its sacramental character has already been noted; now attention will focus on the *exclusive* character of marital love.

While the spouses are capable of being friends with other persons — and in fact their special love for one another, enables them to be open to the human good of friendship with others⁷¹ — their spousal love for one another is exclusive of others. The exclusive character of conjugal love must, however, be properly understood. We have already seen that husband and wife are not, through conjugal love, locked in an egoisme a deux and through it cut off from friendship with other persons. Nor is conjugal love exclusive in the sense that husband and wife are «property» of each other. Such possessive language is utterly foreign to and destructive of marital love⁷².

Still conjugal love is exclusive, and its exclusivity is grounded in the sacrament itself. For the *marital sacrament*, which is constituted by the

⁶⁹ Here it is useful to consult, among others, KAROL WOJTYLA (POPE JOHN PAUL II), *Love and Responsibility*, cit., pp. 40-44, 73-141; ROBERT JOHANN, S.J., *The Meaning of Love*, Paulist Press, Paramus, N.J. 1968, p. 52; and JOSEF PIEPER, *About Love*, Franciscan Herald Press, Chicago 1974. The following observation of Pieper is particularly apropos: «If we look at the well-documented experience of great lovers we learn that precisely this intensity of love toward a single partner seems to place the lover at a vantage point from which he realizes for the first time the goodness and loveableness of all people, in fact of all living things. This exceptional love offered to one single person who takes precedence over all others, this love that fills us so utterly that it would seem there was no room left for any other love — this very love that is so restrictive evidently makes possible a universality of affirmation that prompts the lover to say, «how wonderful that all this exists». A heart that loves one person cannot hate another» (p. 51).

⁷⁰ On the requirements of the personalistic norm, see *Love and Responsibility*, pp. 40-44.

⁷¹ On this see ERICH FROMM, *The Art of Loving*, Harper and Row, New York 1966, p. 55.

⁷² Many contemporary critics of the notion of marriage set forth here misconceive it as a matter of property rights. This is the view for instance, of ROBERT and ANNA FRANCOEUR, *The Technologies of Man-Made Sex*, in *The Future of Sexual Relations*, ed. ROBERT and ANNA FRANCOEUR, Prentice-Hall, Englewood Cliffs, N.J. 1974.

free and irrevocable act of mutual consent of this man and this woman to be husband and wife, *establishes their uniqueness and exclusivity*. Each is made to be utterly irreplaceable, non-substitutable and non-interchangeable with others. The consent that brings marriage into being and makes this man to be this woman's husband and this woman to be this man's wife is an act of *choice*, a truth that Pope John Paul II has noted eloquently in his commentary on Genesis 2, 24⁷³. In and through this choice spouses freely constitute each other as the one and the only one with whom and for whom each hence-forward wills to live until death. Just as we are constituted irreplaceable and non-substitutable persons for each other by the act that brings marriage into being. For this reason marriage can fittingly be described as the sacrament of divine friendship, for it is a human, created reality that inwardly shares in and makes manifest to the world the exclusive choice whereby God espouses Himself to us in the person of His definitive Word to us, Jesus Christ.

The exclusive character of marital love is manifested in a unique way by the marital or conjugal act. Yet before we consider how this act illuminates the exclusive nature of conjugal love, it is important to offer some brief remarks about the relationship between married love and the marital act.

Conjugal love inclines the spouses to the marital act. Indeed, as the Fathers of Vatican II affirm, spousal love «is uniquely expressed and perfected by the exercise of the acts proper to marriage» (*Gaudium et spes*, n. 49)⁷⁴. Because Christian marriage is a participation in the mystery of Christ's saving act, it follows that the act proper to marriage, the marital act, likewise participates in this mystery and is thus a graced act⁷⁵. Marital intercourse is, as such, something that of its nature is very good, indeed holy.

But it would be a serious error to equate conjugal love with the conjugal act. The conjugal act *expresses* conjugal love in a unique and beautiful way, but it by no means exhausts this love; nor is the marital act the only way even sexually, that this love can be nourished, expressed, and deepened. Husband and wife are called upon to deepen and nourish their conjugal love throughout their lives. But there will necessarily be occasions, sometimes lasting for prolonged periods and perhaps

⁷³ See text cited in note 26.

⁷⁴ POPE PAUL VI makes this his teaching in *Humanae vitae*, n. 11; POPE JOHN PAUL II offers a remarkably beautiful commentary on the beauty of the marital act as one in which husband and wife «know» each other in a uniquely incomparable way in his Address of March 5, 1980, «Analysis of Knowledge and of Procreation», in *The Original Unity of Man and Woman*, pp. 146-152.

⁷⁵ On this see the texts from Thomas Aquinas referred to in Chapter One, notes 121, 123.

even for the duration of the marriage⁷⁶, when it is either impossible to express conjugal love through acts of marital intercourse or *when acts of intercourse would not be marital acts*. At times acts of sexual union simply cannot express conjugal love and inwardly participate in the marital covenant; at times they are irresponsible and unloving and as such *not marital acts*. Such is the case, for instance, when one or the other spouse is seriously ill or, for one legitimate reason or another, is not able freely and rightly to engage in coition and the other nonetheless insists on forcing himself or herself on the other.

2. The Conjugal Act and the Exclusive Character of Married Love

Conjugal love is truly expressed in the marital act. The marital act symbolizes and reveals the nature of spousal love and, in particular, its exclusive character. It does so because it is an act that is itself open to and expressive of the *goods* of marriage. As marital, and not simply as a physical act of coition, it is an act chosen not by unbound individuals but by a man and a woman who have made themselves spouses by their own act of irrevocable consent. Thus as marital it participates in the *sacramentum* of marriage, the indissoluble union of the spouses. In and through this act husband and wife become one flesh; through it they «know» each other in an exclusive and intimate way — an aspect of the marital act that has been beautifully noted by John Paul II in his conferences on marriage⁷⁷. The marital act symbolizes the intimate and exclusive union of Christ and His Church. As such, this act is a sign or symbol of the marriage itself, of its indissoluble unity⁷⁸.

This act, as marital, likewise realizes the good of *fides* and in this way uniquely exhibits the exclusive character of marital love. When non-married individuals have sexual relations they do so as *individuals* who are in principle replaceable and substitutable. There is no *fides*, no *foedus* or covenant between them⁷⁹. When husband and wife choose to unite in

⁷⁶ It is quite possible that one or the other spouse may, even shortly after marriage, suffer a crippling accident or disease making coition impossible. At times the spouses are sentenced, perhaps unjustly, to jail, absent on business or in defense of their country, etc.

⁷⁷ JOHN PAUL II, «Analysis of Knowledge and of Procreation», in *The Original Unity of Man and Woman*, pp. 146-152.

⁷⁸ On this see JOHN KIPPLEY, *Birth Control and the Marriage Covenant*, Liturgical Press, Collegeville, Mn 1976, pp. 105-113; DIETRICH VON HILDEBRAND, *In Defence of Purity*, Sheed and Ward, New York 1935 (reprint Franciscan Herald Press, Chicago 1970, pp. 54-76); MARY ROSERA JOYCE, *Love Responds to Life*, Prow Press, Kenosha 1970, pp. 8-26.

⁷⁹ On this see PAUL PALMER, S.J., *Christian Marriage: Contract or Covenant?*, «Theological Studies», 33.4 (1972) 617-665.

the marital act they do so as irreplaceable and non-substitutable spouses. They have already given themselves to one another through their act of irrevocable marital consent, and in their spousal union they actualize this irrevocable gift of self.

Since husband and wife, in the marital act, share with one another their procreative powers, the marital act is open to the good of *proles*. In and through this act they are able not only to share their own lives intimately but also to give life to a child who is their living image and God's as well. The marital act is one in which the spouses, as John Paul II has noted, submit to the blessing of fertility and express and reveal the nuptial meaning of the body as a gift from God that is open to the great gift of life itself⁸⁰. The marital act, in truth, is the only sort of act in which husband and wife can exercise their procreative sexual powers in an intimacy of loving union and at the same time give life to a new human being⁸¹. Moreover, and here again we see how the marital or spousal act manifests the exclusive character of conjugal love, only a man and a woman made husband and wife by the covenant of marriage can generate life procreatively, that is, in a way that is respective of the good of human life, a life that is to be begotten lovingly, nourished humanely, and educated in the love and worship of God⁸². The love of husband and wife is exclusively a procreative kind of love, and the marital act, as one that is open to the good of procreation, exhibits and manifests the exclusive nature of this love.

The marital act, in short, is not any act of *sexual* union, but one that is *unitive* and *procreative*. It is unitive in a way that no other act of sexual coition is unitive insofar as the persons united in it are irreplaceably unique; only *spouses* are capable of expressing, in marital union, an oblate and exclusive kind of love. And it is procreative and exclusively so because only *spouses* can truly procreate human life and they can procreate human life only in the marital or conjugal act.

Since the marital act is a unique revelation or manifestation of marital love, it is an act that intrinsically respects and indeed participates in the goods of marriage. This kind of act is marital for this reason, and because it is this kind of act it truly consummates marriage⁸³. Because the *marital* act is the kind of act intrinsically respectful of and participating

⁸⁰ POPE JOHN PAUL III, Address of January 9, 1980, «Revelation and Discovery of the Nuptial Meaning of the Body», in *The Original Unity of Man and Woman*, pp. 106-112.

⁸¹ For a development of this theme see WILLIAM E. MAY, *Reverencing Human Life it Its Generation*, in *New Technologies of Birth and Death*, ed. DONALD McCARTHY, Pope John XXIII Medical-Moral Center, St. Louis 1980, pp. 56-80.

⁸² This was the theme developed by Augustine and continually affirmed through the Catholic theological and magisterial tradition.

⁸³ Merely physical acts of intercourse between married persons that are anti-procreative and anti-faithful do not consummate marriage.

in the goods of marriage, it follows that acts of *sexual union* between husband and wife deliberately and directly opposed to the goods of marriage are not marital acts or expression of marital or conjugal love. This is the point of Pope Paul VI's teaching in *Humanae vitae*, where he wrote:

Indeed it is justly considered that a conjugal act [understood materially as an act engaged in by spouses] imposed upon one's partner without regard to his or her condition and lawful desires [that is, in a way destructive of the good of *fides*] is not a true act of love, and therefore goes against the requirements which the right moral order calls for in the relationship between husband and wife. By the same token it must also be acknowledged that a mutual act of love which jeopardizes the possibility of transmitting life [that is, is deliberately directed against the good of *proles*] — which God the Creator of all things has, according to particular laws, imprinted there in — goes against both the divine design of marriage and the will of the first Author of life. To use this divine gift destroying, even if only partially, its meaning and its purpose is to contradict the nature of man and of woman and of their most intimate relationship and therefore it is to contradict also the plan of God and his will⁸⁴.

The *conjugal act*, precisely and formally as conjugal or marital, is thus an act that exhibits and reveals conjugal love. This is a love that as such is open to and participates in the goods of marriage. The conjugal act is thus not the same as any act of *sexual union* between husband and wife. In order to be *marital*, sexual union between husband and wife must participate in the marital bond and be open to the goods of marriage. When sexual union is *anti-unitive* or opposed to the good of *fides*, or when it is *anti-procreative* or opposed to the good of *proles*, it is, by the same token, *anti-marital*.

The claims made in the previous paragraphs are rooted in the teaching of the Church on the nature of conjugal or marital love. These claims need to be explored in depth in order to manifest their truth. An effort will now be made to do this by reflecting on the meaning of human sexuality and the virtue of chastity.

IV. HUMAN SEXUALITY AND CHASTITY

Sexuality permeates the being of man and woman; it is, as Pope John Paul II rightly notes, «by no means something purely biological, but concerns the innermost being of the human person as such»⁸⁵. Indeed,

⁸⁴ POPE PAUL VI, *Humanae vitae*, n. 13.

⁸⁵ *Familiaris consortio*, n. 11.

because of sexuality, the human species is differentiated into male and female persons. Sexuality is more than a mere anatomical or biological structure because a human person is more than a mere anatomical or biological mechanism; a human person is not an undifferentiated instance of «humanity» with a body attached to it, but is rather a living human body, a male or a female.

Our sexuality is not limited to our sexual organs. These organs are indeed integrally personal, however. They are not tools extrinsic to the person that we can use, now for one purpose (to relate creatively to others) and now for another (to reproduce)⁸⁶. Nonetheless, these organs do not exhaust our sexuality; rather they are *revelatory* of our being as sexual persons, as males and females. Human sexuality, in short, is not only genital, but is a modality or dimension of our being as sentient, affective, emotional persons⁸⁷.

It is possible for a human person, male or female, to be fully himself or herself without expressing himself or herself in acts of genital intercourse. To be a full human person, to be fully in possession of one's sexuality, one does not need to experience orgasm. This is something we know by reflecting on human experience, and it is something that has been made very clear for us in the person of Jesus Christ.

What enables a person to be fully himself or herself, to be the being he or she is meant to be, fully integrated within himself or herself, is virtue. And with respect to the integration of our sexuality the virtue in question is chastity. This, far from being anti-sexual, enables human persons to integrate their sexual powers and desires within themselves and to exercise intelligent and loving dominion over their sexual impulses; without it they become dominated by their desires and enslaved by them. Since concupiscence or unruly desire⁸⁸ is the source of difficulty in inte-

⁸⁶ This is the view held, for instance, by JOSEPH FLETCHER in his *Ethics of Genetic Control: Ending Reproductive Roulette* Doubleday Anchor, New York 1973. It is subtly present in the «majority report» of the papal commission on the regulation of natality. For the dualism of such views see GERMAIN G. GRIZEZ, *Dualism and the New Morality*, Atti del Congresso Internazionale Tommaso d'Aquino nel suo Settimo Centenario, Edizioni Domenicane Italiane, Napoli 1977, 5, *L'agire orale*. See also WILLIAM E. MAY, *Sex, Marriage, and Chastity: Reflections of a Catholic Layman, Spouse, and Parent*, Franciscan Herald Press, Chicago 1981, ch. 1, for a critique of the «separatist» or dualist understanding of human sexuality.

⁸⁷ In addition to the works cited in note 86, see also the following: MARY ROSENA JOYCE and ROBERT JOYCE, *New Dynamics in Sexual Love*, Liturgical Press, Collegeville, Mn 1970), chapter 2 (by Mary) and chapter 9 (by Robert); ROBERT JOYCE has since developed the ideas set forth in this book in his *Human Sexual Ecology* University Press of America, Washington, D.C., 1980, in particular in chapter 5; ALBERT PLÉ, *Chastity and the Affective Life*, Herder and Herder, New York 1965, Part Two.

⁸⁸ On concupiscence see the COUNCIL OF TRENT's Decree on Original Sin (Session V, June 17, 1546), DS, nn. 1512, 1521; see also VATICAN COUNCIL II, *Gaudium et spes*, n. 13.

grating within ourselves our sexuality, chastity can well be described, as it has been by Pope John Paul II, as «simply a matter of efficiency in controlling... concupiscent impulses. "Efficiency"», he goes on to explain,

in doing something means more than the «ability» to do it. For virtue is effectiveness, and indeed «constant» effectiveness. If it were only occasionally effective it would not be efficient, for we should only be able to say that a given person had succeeded in controlling an impulse, whereas virtue must guarantee that he will certainly control it. The ability merely to subdue the appetites originating in sensuality as they arise falls short of virtue, it is not chastity in the full sense of the word, even if the individual concerned nearly always succeeds in controlling himself. Fully formed virtue is an efficiently functioning control which permanently keeps the appetites in equilibrium *by means of its habitual attitude to the true good (bonum honestum) determined by reason*⁸⁹.

All human beings need the virtue of chastity: single persons, married persons, heterosexual persons, homosexual persons, those who have freely chosen the celibate state, and those who have not freely chosen this state but who can find no one to marry them. And chastity in no way deadens or repudiates sexuality. Rather chastity enlivens it so that, being «vitally integrated into the person», it «makes the subject capable, on the plane of his passionnal life, of the self-determination and self-control which characterizes a mind»⁹⁰.

Chastity is a virtue concerned with touches, with our lives as affectionate beings who need to and long to touch others and be touched by others, and in particular with touches that bring into exercise our genital sexuality⁹¹. But here it is essential to realize that as sexual persons we can meet our needs and the needs of others by reaching out and touching others in a myriad of ways. Coition and genital sex are simply very special ways of doing this⁹². The chaste person is the one who is capable of touching others as they ought to be touched; he or she is the one who refrains from offensive touches.

As men and women who lovingly and intelligently, through the virtue of chastity, order our lives and integrate within ourselves our sexual powers and desires, we ought to reach out and touch in genital coition (and in acts that of their own inner dynamism are preparatory for and ordered to coition) only that person with whom we can share marital or conjugal

For some thoughtful reflections on concupiscence as related to our lives as sexual persons see KAROL WOJTYLA (POPE JOHN PAUL II), *Love and Responsibility*, pp. 147-153.

⁸⁹ KAROL WOJTYLA (POPE JOHN PAUL II), *Love and Responsibility*, p. 169 (emphasis added).

⁹⁰ See PLÉ, *Chastity*, pp. 126-127; on the virtue of chastity also see WILLIAM E. MAY, *The Nature and Meaning of Chastity* Franciscan Herald Press, Chicago, 1976.

⁹¹ *Ibid.*

⁹² On this see THOMAS AQUINAS, *Summa Theologiae*, II-II, q. 151, a.2, ad 2; q. 151, a.3.

love. In our discussion of marriage and of married love we have already seen some reasons why this is true. But here it is worthwhile to reflect at more length on this subject. By doing so we will come to an understanding of what the virtue of chastity is and what it enables us to do.

An act of genital coition is one that unites a man and a woman. In it they open themselves up to one other, exposing themselves as vulnerable beings. In it, too, they manifest the *complementarity* of male and female, for this is an act made possible only because the male is capable of personally entering into and giving himself to the woman, and only because the female is uniquely capable of personally receiving him and, in receiving him, of giving herself to him⁹³. Sexual coition is, therefore, a unitive act, one that is person-uniting and life-sharing and capable of expressing love. When husband and wife choose this act they can fittingly choose it to express their deep, personal, and exclusive love for one another, a love that is oblative in character, rooted in their willingness to accept one another fully exclusively, and spously as irreplaceable persons. But when a man and a woman who are not married choose to engage in this act, they cannot choose it as a way of expressing this kind of love. They may have some affection for one another, and in choosing this act they may show some degree of tenderness. But in choosing this act as unmarried persons, they show that the affection they have for one another is *not* a deep, giving, exclusive love but rather its counterfeit; they are not choosing to touch each other as irreplaceable persons, as non-substitutable beings for whom and with whom each wills to live. Genital coition between the unmarried unites two replaceable and substitutable individuals, at liberty to share their lives, their persons, with others; it does not unite two irreplaceable and not-substitutable persons and it does not do so precisely because those joining in the act have failed to make each other irreplaceable by the act of irrevocable personal consent that brings marriage into being. In the very act of uniting sexually, of becoming one flesh, an unmarried male and female *fail to be united, to become one flesh*, and they fail to do so precisely because they are not married. They have not made themselves *to be* the same flesh and bones by an act of choice whereby they forswear all others and give themselves to one another irrevocably and unconditionally. They thus speak a lie in choosing this act, as Pope John Paul II correctly observes in *Familiaris consortio*⁹⁴. They do so because in choosing an act symbolizing and manifesting an intimate personal union honoring the irreplaceability of the other they set aside this irreplaceability. Their act of genital union, far from being *person-uniting* and *person-loving*, is one that momentarily joins *individuals* whose place can be taken by other individu-

⁹³ See ROBERT JOYCE, *Human Sexual Ecology*, pp. 67-74.

⁹⁴ *Familiaris consortio*, n. 11.

als; it is an act in which the pleasure each provides is loved, but it is not an act in which the irreplaceable person giving the pleasure is loved. Their act violates what John Paul II, as Karol Wojtyla, designated as the personalistic norm, which, «in its negative aspect, states that the person is the kind of good which does not admit of use and cannot be treated as an object of use and as such the means to an end», and «in its positive form... confirms this: the person is a good towards which the only proper and adequate attitude is love»⁹⁵.

How different this sort of nonmarital coital act is from the marital act! When the genital act is marital it is person-uniting and person-loving, for then it unites uniquely irreplaceable persons whose love is with and for the other both in giving and in receiving pleasure and *in being* with and for the other when there is no pleasure.

Serious reflection on the life-uniting and love-giving character of the genital act shows both why conjugal love is an exclusive kind of love and why the «touch» of genital sex is a truthful touch only between persons who have been made irreplaceable and non-substitutable in each others lives by marriage. This reflection also helps us to realize more profoundly the complementarity of male and female sexuality, for in this touch the male gives himself in a loving sort of way to the female who receives him into herself by giving herself to him in a loving sort of way.

The genital act is also, in addition to being life-uniting and person-loving, a life-loving, procreative, person-creating act. Human sexuality is indeed a procreative sexuality; human fertility is indeed not merely a biological function but, as *Familiaris consortio* puts it, «directed to the generation of a human being; and so by its nature it surpasses the purely biological order and involves a whole series of personal values»⁹⁶. The power of giving life to a new human person, a new and irreplaceably precious image or word of God, is a human sexual and personal power. And here again the complementarity of male and female is disclosed, for no human person, male or female, can exercise this awesome, God-given power without the collaboration of another human person in an act of sexual coition, in the genital touch. The unitive and procreative dimensions of human sexuality and of genital activity are intrinsically and inherently interrelated⁹⁷. It is therefore irresponsible, unloving and unintelli-

⁹⁵ WOJTYLA (POPE JOHN PAUL II), *Love and Responsibility*, p. 41.

⁹⁶ *Familiaris consortio*, n. 11.

⁹⁷ This is true even now that life is capable of being generated by artificial means. Men and women who collaborate in these artificial processes, even if they are married, collaborate *not as spouses* but as producers of male and female gametic cells. The act generating life is not the spousal act but is rather the technician's act of reproducing life. On this, in addition to the work cited in note 81, see WILLIAM E. MAY, «Begotten, Not Made»: *Reflections on the Laboratory Generations of Human Life*, in Pope John Paul II Lecture Series in Bioethics, ed. FRANCIS J. LESCOE and DAVID Q. LIPTAK, vol. 1, *Perspectives in Bioethics*, Pope John Paul II Center in Bioethics, Cromwell, Ct. 1983, pp. 31-60.

gent, to choose to touch another in this life-giving way unless those who choose to do so are willing (a) to share their life and love with one another as irreplaceable persons and (b) to share their life and love with the irreplaceably precious human person whose coming-into-being depends upon their choice to touch each other in this life-giving way⁹⁸.

The chaste person, the one who understands why he or she is a sexual being and who realizes that the genital touch is a person-uniting, person-loving, and life-giving touch, will freely choose to touch in this way only the man or woman who has become irreplaceably unique by an irrevocable act of free personal choice. This person, and this person alone, is loved in the genital touch *as a person*, an irreplaceable being of moral worth: only with this person is the genital touch truly *person-uniting* and *person-loving*. In addition, only a man and a woman who have made one another irreplaceable spouses in marriage can truly give life through the life-giving genital touch, for they alone are capable of receiving the life they bring into being through this touch and of giving it a home where it can be properly recognized as a new living icon of God.

V. MARRIAGE AND VIRGINITY

Everything has been put in proper perspective by Christ⁹⁹. One of the most striking aspects of His wonderful reaffirmation of the beauty and indissolubility of marriage (Matt 19, 3-12) is that it is merged with His teaching about those who have made themselves eunuchs for the sake of the kingdom of heaven. As Edward Schillebeeckx has noted,

the kingdom of God makes sovereign claims which take precedence over everything else... The earlier revelation of Yahweh to Israel first demythologized marriage by taking it out of its mythical framework and putting it back into the order of creation so that it could later be used to refer to Yahweh's covenant of grace from the perspective of faith in the same God, Yahweh. Similarly, the eschatological primacy of redemptive grace was affirmed by the revelation of Christ, first of all, and marriage was accordingly interpreted as belonging to this transient world¹⁰⁰.

What this means is that men and women who want to be the beings they are meant to be must judge everything in the light of the require-

⁹⁸ The Church does not, of course, advocate irresponsible begetting. Every child should be wanted and loved — and *every child can be wanted and loved*. The way to secure this is to practice chastity.

⁹⁹ This is the theme developed by SCHILLEBEECKX in the section devoted to the New Testament in his *Marriage*...

¹⁰⁰ *Ibid.*, p. 123.

ments of God's reign of self-giving love. They will recognize that marriage, as human reality, is something very good and that it is, indeed, holy and salvific insofar as it now participates in God's saving covenant. But marriage is not the be-all and end-all, nor need men and women marry in order to lead chaste lives, ones filled with love for God and neighbor. Celibacy or virginity, a life in which genital sexual activity is freely forgone and in which the good of marriage is honored yet sacrificed, is an enduring possibility for the Christian. Indeed, as Pope John Paul II says in *Familiaris consortio*,

virginity or celibacy for the sake of the kingdom of God not only does not contradict the dignity of marriage but presupposes it and confirms it. Marriage and virginity or celibacy are two ways of expressing and living the one mystery of the covenant of God with his people. When marriage is not esteemed, neither can consecrated virginity or celibacy exist; when human sexuality is not regarded as a great value given by the creator, the renunciation of it for the sake of the kingdom of heaven loses its meaning¹⁰¹.

Those who freely choose this way of life for the sake of God's reign of love remind all of us of our true destiny and of our vocation *here and now* to be true children of God, persons capable of loving even as we have been and are loved by Him. The consecrated celibacy or virginity of those who freely enter upon this way of life has a real meaning for all of us, whether we are married or not.

Persons who choose the virginal state of life for the sake of answering God's call to love in no way repudiate the goods of human sexuality. Such persons stand as constant reminders to us that we can come into full possession of our sexuality without engaging in sexual intercourse and that we can properly and responsibly choose coition only if we do so as chaste persons, as persons prepared to honor and respect the goods of human sexuality and of human persons; only if we are ready to love the goods given to us by God. And chaste persons will choose to exercise their genital sexuality only in marriage, for they realize that only in marriage can genital touches respect the goods of sexuality, of human persons called to be children of God.

Some persons freely choose the virginal state of life, some through an act of religious consecration. There are many others, Christian and non-Christian alike, who would like to marry, but unfortunately are not able to find someone suitable who is willing to marry them. These unmarried persons need friends; they would like, sometimes desperately, to have a conjugal friend, but their longings go unanswered. Such persons are still called to be chaste and to put first in their lives the requirements

¹⁰¹ *Familiaris consortio*, n. 16.

of God's reign of love; for them a life of virginity or celibacy is the way to be chaste and to meet these requirements¹⁰². And they *can* lead this life, for the God who loves us in Christ Jesus is with them and for them and will enable them to be chaste.

Within marriage itself there is need to abstain from genital sex. The genital touch is, as we have seen, a beautiful and uniquely revealing expression of marital love but it expresses marital love only when it honors the goods of marriage and of human sexuality. True marital love at times demands that chaste spouses refrain from the genital touch. They are required to do so whenever choosing to engage in genital coition would entail acting against the goods of marriage, when it would entail anti-unitive or anti-procreative intents.

Because the requirements of God's love are sovereign, and because the consecrated lives of those who freely choose the virginal state for the sake of His reign of love remind us of the vocation and destiny to which we are called, the meaning of marriage itself can rightly be understood only if we are willing to recognize the authenticity of the life of virginity and celibacy¹⁰³. This great truth was not lost to Paul (cfr *1 Cor 7*), nor has it ever been forgotten in the Church. «It is no longer possible», a contemporary theologian has noted,

within the Christian order of salvation, to define marriage perfectly without at the same time calling upon total abstinence for the sake of the kingdom of God as a correlative possibility... Christianity will never be able to close its ears to the authentic biblical call to total abstinence as a possibility which forms an intrinsic and essential part of Christianity itself¹⁰⁴.

¹⁰² On this see ROGER BALDUCCELLI, O.S.F.S., *The Decision for Celibacy*, «Theological Studies», 36 (1975) 219-242.

¹⁰³ *Familiaris consortio*, n. 16.

¹⁰⁴ SCHILLEBEECKX, *Marriage...*, p. 131.

FUNDAMENTO MORAL DEL ACTO CONYUGAL: ASPECTOS UNITIVO Y PROCREATIVO

FRANCISCO GIL HELLIN

Al hablar hoy día de la moralidad de los actos íntimos de la vida conyugal es obligado referirse a los dos significados — unitivo y procreador — del acto conyugal, como condiciones necesarias y entre sí inseparables. Sin embargo, hace algún tiempo se señalaba preponderantemente, si no exclusivamente, la apertura a la procreación como la exigencia precisa para la rectitud moral de la vida matrimonial.

¿Cuál es la causa de esta modificación? Ciertamente ha existido un desarrollo y progreso en la exposición doctrinal de la moralidad de la vida conyugal. Pero ¿ha quedado por ello consagrado como doctrina de la Iglesia la teoría de algunos estudiosos, según la cuál el amor puede justificar por sí mismo las relaciones conyugales con independencia del fin de la procreación? ¿No es acaso este significado *unitivo*, añadido ahora al significado *procreativo* la expresión más clara de la necesaria relevancia adquirida por el amor conyugal en la estructura íntima del matrimonio? ¿Cuál es, de lo contrario, el sentido que el aspecto unitivo se constituya en condición necesaria de la moralidad del acto conyugal?

Estas cuestiones no obligan por necesidad a una respuesta afirmativa. La identificación formal entre aspecto *unitivo* y amor conyugal es el origen de tantas conclusiones superficiales y erróneas, que han retardado — por las ambigüedades — el reconocimiento del valor pleno de la unión de las personas de los cónyuges en la vida íntima matrimonial. Efectivamente hay que afirmar el desarrollo y precisión doctrinal adquirido por el amor conyugal, pero a la vez se debe indicar el contenido integral del significado *unitivo* como condición esencial, que no exclusiva, de la moralidad de la vida íntima de los esposos.

Estos aspectos unitivo y procreador del acto conyugal determinantes de su moralidad, frecuentes en la catequesis de Juan Pablo II sobre el matrimonio, y por él expuestos en la Exhortación Apostólica *Familiaris consortio*, fueron formulados inicialmente por su Santidad Pablo VI en la Encíclica *Humanae vitae*, y tienen sus raíces en la exposición doctrinal sobre la moralidad de la vida conyugal del Concilio Vaticano II.

Es la finalidad de este estudio, recogiendo la doctrina del Magisterio de la Iglesia a partir de la Encíclica *Casti connubii* de Pío XI, detectar la continuidad, perfección y desarrollo de los criterios morales que especifi-

can y determinan la moralidad de la vida conyugal. Los pasos principales son sin duda la referida Encíclica *Casti connubii*, la *Allocutio conventui unionis italicae inter obstetrices* de Pio XII, el capítulo *De dignitate matrimonii et familiae* de la Constitución pastoral *Gaudium et spes* del Concilio Vaticano II, la Encíclica *Humanae vitae* de Pablo VI, y finalmente la Exhortación Apostólica *Familiaris consortio* de Juan Pablo II.

Un aspecto especialmente importante que quedará subrayado es que la estructura de los criterios de moralidad del acto conyugal es el reflejo de la estructura del ser mismo del matrimonio. En otras palabras: el *bien* del matrimonio especifica la bondad de su acto propio y específico. Y en la terminología clásica de san Agustín: los *bona matrimonii* que constituyen el bien del matrimonio, es decir su ser, fundamenta también el bien, la verdad y por ello el ser del acto conyugal.

El desenfoque sobre los bienes del matrimonio, presente en muchos de los actuales tratados de teología, que reducen y empobrecen la aguda percepción de san Agustín, analizada y acogida por Santo Tomás, no es ajena a la imprecisión y aun desorientación de tantos autores a la hora de perfilar las coordenadas teológicas de la bondad moral del acto conyugal. Cuando una exposición como la realizada por la Constitución pastoral *Gaudium et spes* ha querido presentar la doctrina natural y revelada sobre el matrimonio, ha enlazado necesariamente con la estructura de los bienes, en la que aquellos grandes Maestros vieron las raíces del ser del matrimonio, y por ello de su bondad. Ajena es a ellos, propia de una teología decadente, todo el planteamiento de los bienes como causas excusantes de la maldad del acto conyugal. El sentido auténtico de los bienes es pues ser causa de la bondad del matrimonio, no circunstancias excusantes de su maldad.

1. La Encíclica «*Casti connubii*»

Aparecen perfectamente claras en la Encíclica *Casti connubii* de Pio XI tres indicaciones precisas para la moralidad de las relaciones íntimas de los esposos. La primera de ellas es el significado procreador del acto conyugal; la segunda es que este valor comprendido en el significado procreador no depende del fruto logrado de la procreación, sino de la actitud de respeto objetivo a la orientación de la unión carnal a la procreación; y la tercera es que cualquier otro significado legítimo que pueda tener la unión conyugal, nunca debe excluir dicha apertura a la vida por propia voluntad de los cónyuges.

El significado procreador del acto conyugal queda expuesto de un modo claro y patente. Siendo así — dice la Encíclica — que el acto conyugal está destinado por su misma naturaleza a la procreación, todo desorden voluntario atenta contra su naturaleza, haciéndolo moralmente des-

honesto¹. La orientación a la vida del acto conyugal es esencial para su bondad moral. Pero se trata de orientación no de consecución; de apertura objetiva del acto respetada por los cónyuges, no necesariamente de apertura subjetiva, es decir, de deseo personal de procreación. No se oponen por tanto a esa orientación natural — dice el documento pontificio — aquellos cónyuges que usando rectamente de su derecho no engendran una nueva vida, debido a los ciclos normales infecundos o por algún defecto involuntario². Y como si necesitara justificación lo anteriormente dicho — ya que la vida del hijo no está en el horizonte previsible de la acción de los cónyuges — añade que en este caso si no se consigue el fin primario de la procreación, se alcanzan con ello los fines secundarios, «*mutuum adiutorium mutiusque fovendus amor et concupiscentiae sedatio*», que no son despreciables con tal que respeten la naturaleza intrínseca del acto y por tanto su debida orientación al fin primario³.

He aquí el amor conyugal asimilado con la mutua ayuda como fines secundarios del matrimonio y del acto conyugal, que irrumpirá en la reflexión teológica compitiendo con la procreación por la primacía en la finalidad del matrimonio y que justificaría según sus propugnadores la rectitud moral del acto conyugal con independencia del fin de la procreación.

La exposición de la Encíclica, deudora de la concepción de los teólogos de su tiempo sobre los bienes del matrimonio, identifica el bien de la prole con el fin principal de la procreación y educación de la prole, el bien de la fidelidad con los fines secundarios de la mutua ayuda, amor conyugal, etc.

El amor conyugal como fin secundario y por ello subordinado al fin de la procreación será en los años sucesivos el punto de batalla entre quienes quieren defender a la letra la doctrina del Magisterio y quienes prefieren exponer el valor personalizante del amor conyugal en la existencia y vida del matrimonio.

Desde esta exposición de la *Casti connubii* está claro y manifiesto el significado proveedor del acto conyugal como criterio de moralidad. No

¹ «Cum autem actus coniugii suapte natura proli generandae sit destinatus, qui, in eo exercendo, naturali hac eum vi atque virtute de industria destituunt, contra naturam agunt et turpe quid atque intrinsece in honestum operantur» (PIUS XI, Litt. Enc. *Casti connubii*, AAS, 22 [1930], p. 559). «Quemlibet matrimonii usum, in quo exercendo, actus, de industria hominum naturali sua vitae procreandae vi destituatur, Dei et naturae legem infringere, et eos qui tale quid commiserint gravis noxae labe commaculari» (*ibid.*, p. 560).

² «Neque contra naturae ordinem agere ii dicendi sunt coniuges, qui iure suo recta et naturali ratione utuntur, etsi ob naturales sive temporis sive quorundam defectuum causas nova inde vita oriri non possit» (*ibid.*, p. 561).

³ «Habentur enim tam in ipso matrimonio quam in coniugalis iuris usu etiam secundarii fines, ut sunt mutuum adiutorium mutiusque fovendus amor et concupiscentiae sedatio, quos intendere coniuges minime vetantur, dummodo salva semper sit intrinseca illius actus natura ideoque eius ad primarium finem debita ordinatio» (*ibid.*).

lo está sin embargo, al menos plenamente patente, como criterio el significado unitivo. Algunos quieren verlo radicado ya en el valor de la mutua ayuda y el amor al que sin duda puede contribuir la unión íntima de los esposos. La raíz del significado unitivo del acto conyugal no puede ser un fin secundario, supuesto que como secundario no sería necesariamente requerido para la bondad esencial del acto, sino que ha de ser algo cuya sola ausencia destruye la bondad moral del acto conyugal: un componente tan necesario para la bondad moral del acto conyugal como el mismo significado procreativo.

Según la *Casti connubii* el significado procreativo del acto conyugal

- 1) *no es único*, puesto que puede pretender otros fines secundarios como el amor y la mutua ayuda o el remedio de la concupiscencia;
- 2) *es por sí mismo suficiente* para justificar la bondad moral del acto conyugal, sin referencia alguna a otros valores del matrimonio;
- 3) y más aun, *es necesario*, en cuanto que cualquier otro aspecto considerable no puede por sí mismo ser suficiente en contraposición al fin de la procreación.

Interesa subrayar el primero y tercero de estos aspectos: el significado procreativo *no es el único* componente del valor moral del acto conyugal. Hay por tanto *otro* al menos; pero *es necesario*. Sea cual sea ese o esos otros componentes de su bondad moral, ésta no existirá independientemente del significado procreador.

Queda sin embargo en entredicho la — si no afirmada, sí supuesta — *suficiencia* del significado procreador del acto conyugal, como si de por sí mismo e independientemente de todo otro aspecto fuese suficiente para fundar y sostener el valor moral del acto conyugal. Según esto se ve la distinción y progreso de clarificación existente desde el Magisterio de la *Casti connubii* a la *Humanae vitae* o *Familiaris consortio*, puesto que estos últimos documentos afirman la necesaria comparencia del significado unitivo junto al significado procreador para la bondad moral del acto conyugal. Por tanto, ninguno de estos dos aspectos por separado fundamenta plenamente la bondad moral del acto conyugal.

Digamos además, antes de concluir el examen de la *Casti connubii* sobre este aspecto concreto del fundamento moral del acto conyugal, que sus fines, tanto el principal de la procreación como los secundarios de la mutua ayuda, amor reciproco de los esposos y el aquietamiento de la concupiscencia, son aquellos mismos predicados de la institución del matrimonio en cuanto tal⁴. Es decir, el acto conyugal no es ciertamente el único en el que se realizan los fines del matrimonio, pero sí el *acto específico*, por lo que refleja su estructura esencial: orientación a la vida como

⁴ Cf. nota precedente.

fin primordial de la institución. Y dicho de un modo general, los mismos fines del matrimonio formalmente considerado son los fines del acto conyugal.

Es de subrayar por lo que al primero de ellos se refiere, llamado bien de la prole, el mismo modo de estar presente en el ser del matrimonio y en la bondad moral del acto conyugal:

— Es necesaria su presencia para la existencia de la institución matrimonial y necesaria su presencia para la bondad moral del acto conyugal.

— Es sin embargo, en uno y otro caso una presencia connatural y por ello presupuesta implícitamente en la directa voluntad de contraer el matrimonio o de realizar el acto conyugal.

— Por ello mientras con voluntad positiva no se excluya directamente la orientación a la prole del matrimonio o del acto conyugal, aunque uno u otro no sean motivados por su explícita consecución, contribuye esencialmente a su existencia en el caso de la institución matrimonial, y a su bondad en el caso del acto conyugal.

— Por el contrario, cuando se la excluye positivamente como finalidad del matrimonio no se contrae la institución que se pretende establecer; y cuando se la excluye positivamente como finalidad intrínseca del acto conyugal se destruye la bondad natural del acto específico del matrimonio.

2. Una Alocucion de Pio XII

Pio XII en su Alocución a las Comadronas italianas, que es toda una exposición sobre las exigencias morales de la vida conyugal, enlaza plenamente con los planteamientos expuestos en la *Casti connubii* por Pio XI, y sale al frente de las pretensiones de quienes quieren justificar la rectitud moral del acto conyugal como actividad sexual al servicio de la perfección personal de los cónyuges, con independencia de la finalidad de la transmisión de la vida. Recuerda en primer lugar, citando explícitamente la doctrina de su predecesor, la *ley fundamental* del acto y de las relaciones conyugales: su orientación a la prole. Por ello, todo intento de los cónyuges sea en la realización del acto conyugal o sea en el desarrollo de sus consecuencias naturales que pretenda privarle de la fuerza a él inherente, e impedir así la procreación de una nueva vida, es por su propia naturaleza inmoral; por lo que ninguna circunstancia, por recta que sea, podrá convertir en moralmente lícito aquello que es intrínsecamente inmoral⁵.

⁵ «Il Nostro Predecessore Pio XI di f. m. nella sua Enciclica *Casti connubii* del 31 dicembre 1930 proclamò di nuovo solennemente la legge fondamentale dell'atto e dei rapporti

Propuesta esta *ley fundamental* de la vida conyugal que, como afirma explícitamente Pio XII, gozará de pleno vigor ayer, hoy y por siempre, dado que no se trata de un precepto jurídico humano sino de la expresión de una ley natural, y por ello divina⁶, examina el Papa todas aquellas expresiones que de uno u otro modo le son contrarias en el uso de la vida conyugal, y por ello immorales. En primer lugar plantea el caso de la esterilización directa, es decir aquella que pretende como medio o como fin hacer imposible la procreación. Queda patente que esta esterilización implica una voluntad positivamente contraria a la prole, por lo que es intrínsecamente ilícita; y, sea que sus efectos tengan sólo una eficacia temporal o sea perpetua, hace intrínsecamente inmoral la actividad conyugal de los esposos durante ese mismo espacio de tiempo⁷.

Otro de los supuestos examinados a la luz de esa *ley fundamental* de la vida íntima conyugal es el recurso a los períodos infecundos o de esterilidad natural de la mujer. Apuntado y enjuiciado globalmente en la *Casti connubii* este supuesto, es ahora objeto de un detenido y minucioso análisis. Si por una parte no parece reprobable la actividad sexual en dichos períodos por la infertilidad natural que llevan, no deja de aparecer por otra parte cuando son buscados expresamente, un claro exponente de la voluntad contraria a la procreación⁸.

Esa voluntad contraria a la procreación no puede afirmarse como verdaderamente tal cuando la esterilidad natural no es la circunstancia considerada para la actividad sexual, sino que el uso del matrimonio se realiza en esos días como en cualesquiera otros. En esas ocasiones no se puede hablar en modo alguno de voluntad positivamente contraria a la generación⁹. Pero si el recurso a estos días agenesicos de la mujer es de

coniugali: che ogni attentato dei coniugi nel compimento dell'atto coniugale o nello sviluppo delle sue conseguenze naturali, attentato avente per scopo di privarlo della forza ad esso inerente e di impedire la procreazione di una nuova vita, è immorale; e che nessuna "indicazione" o necessità può mutare un'azione intrinsecamente immorale in un atto morale e lecito» (Pius XII, *Allocutio Conventui Unionis Italicae inter Obstetrics*, AAS, 43 [1951], p. 843).

⁶ «Questa prescrizione è in pieno vigore oggi come ieri, e tale sarà anche domani e sempre, perché non è un semplice precesto di diritto umano, ma l'espressione di una legge naturale e divina» (*ibid.*).

⁷ «Sarebbe assai più di una semplice mancanza di prontezza nel servizio della vita, se l'attentato dell'uomo non riguardasse soltanto un singolo atto, ma toccasse l'organismo stesso allo scopo di privarlo per mezzo della sterilizzazione della facoltà di procreare una nuova vita (...). La sterilizzazione diretta — cioè quella che mira, come mezzo o come scopo, a rendere impossibile la procreazione — è una grave violazione della legge morale, ed è quindi illecita (...). La sterilizzazione diretta, sia perpetua che temporanea, sia dell'uomo che della donna, è illecita, in virtù della legge naturale...» (*ibid.*, pp. 843 s.).

⁸ «Si presenta inoltre oggigiorno il grave problema, se ed in quanto l'obbligo della pronta disposizione al servizio della maternità sia conciliabile col sempre più diffuso ricorso ai tempi della sterilità naturale (cosiddetti periodi agenesici nella donna), il che sembra una chiara espressione della volontà contraria a quella disposizione» (*ibid.*, p. 844).

⁹ «Se l'attuazione di quella teoria non vuol significare altro se non che i coniugi possono far uso del loro diritto matrimoniale anche nei giorni di sterilità naturale, non vi è nulla

un modo *exclusivo*, podría significar algo más grave: haber atentado un matrimonio en sí inválido. Pues si entonces se limitó la facultad propia de los cónyuges, al menos por parte de uno de ellos, a su realización única y exclusivamente en los días agenésicos, no se contrajo verdadero matrimonio por la exclusión del *bonum prolis*, es decir, por la existencia en los contrayentes de una positiva voluntad contraria al bien de la prole que invalida toda posibilidad de matrimonio¹⁰.

El uso exclusivo de los días agenésicos, no como privación del derecho sino como práctica de hecho, si bien no contradice directamente la naturaleza del acto conyugal — pues no existe una voluntad positivamente contraria — está en franco y estudiado desacuerdo con la misión de los esposos de transmitir la vida. Por ello, de no existir unos motivos que hagan moralmente justificado tal proceder, de evitar sistemáticamente la fecundidad del propio matrimonio, la actitud de tales esposos no estaría exenta de pecado contra el sentido mismo de la vida conyugal. Y esto no obstante que cada uno de los actos conyugales sea respetado en las exigencias de su propia naturaleza¹¹. Tal proceder niega en la realidad de la vida cotidiana el *bonum prolis*, es decir la orientación a la procreación de la mutua entrega espousal. Se opone, aunque sea de mutuo acuerdo, a aquel derecho que se entregaron un día y que constituyó un elemento esencial de su entrega matrimonial. En tal caso, más que hablar de desorden de la vida íntima de los esposos y de la actividad sexual, habría que situar dicho proceder — de no existir razones proporcionadas objetivamente — en el plano de la manifiesta incoherencia entre el ser y la vida matrimonial globalmente considerada¹².

da opporre: con ciò, infatti, essi non impediscono né pregiudicano in alcun modo la consumazione dell'atto naturale e le sue ulteriori naturali conseguenze» (*ibid.*, p. 845).

¹⁰ «Se invece si va più oltre, permettendo cioè l'atto coniugale esclusivamente in quei giorni, allora la condotta degli sposi deve essere esaminata più attentamente (...). Se già nella conclusione del matrimonio almeno uno dei coniugi avesse avuto l'intenzione di restringere ai tempi di sterilità lo stesso *diritto* matrimoniale, e non soltanto il suo *uso*, in modo che negli altri giorni l'altro coniuge non avrebbe neppure il diritto di richiedere l'atto, ciò implicherebbe un difetto essenziale del consenso matrimoniale, che porterebbe con sé la invalidità del matrimonio stesso, perché il diritto derivante dal contratto matrimoniale è un diritto permanente, ininterrotto, e non intermittente, di ciascuno dei coniugi di fronte all'altro» (*ibid.*).

¹¹ «Se invece quella limitazione dell'atto ai giorni di naturale sterilità si riferisce non al diritto stesso, ma solo all'uso del diritto, la validità del matrimonio resta fuori di discussione; tuttavia la liceità morale di una tale condotta dei coniugi sarebbe da affermare o da negare, secondo che l'intenzione di osservare costantemente quei tempi è basata, oppure no, su motivi morali sufficienti e sicuri. Il solo fatto che i coniugi non offendono la natura dell'atto e sono anche pronti ad accettare ed educare il figlio, che, nonostante le loro precauzioni, venisse alla luce, non basterebbe per sé solo a garantire la rettitudine della intenzione e la moralità ineccepibile dei motivi medesimi» (*ibid.*).

¹² «Il contratto matrimoniale, che conferisce agli sposi il diritto di soddisfare l'inclinazione della natura, li costituisce in uno stato di vita, lo stato matrimoniale. Ora ai coniugi, che ne fanno uso con l'atto specifico del loro stato, la natura e il Creatore impongono la funzio-

Plantea a continuación Pio XII los ataques al principio fundamental expuesto sobre la moralidad de la vida conyugal, procedentes durante los años 30 y 40 de los llamados *valores de la persona*. El acto sexual de los esposos estaría orientado según estas exigencias más que a la procreación de una nueva vida — fruto que no se niega, pero que se expone como externo y periférico — al servicio de la persona de los cónyuges. Su sentido propio y más profundo consistiría en expresar y actualizar por la unión de los cuerpos la compenetración de sus afectos y personas¹³.

En el juicio negativo dado al conjunto de los postulados de tal teoría, no deja el Papa de señalar como aspecto en sí mismo considerable la acentuación puesta sobre el valor de la persona de los esposos. Aspecto este que en el conjunto de la teoría está de hecho orientado a invertir el orden de los fines inscritos por el Creador en la institución matrimonial¹⁴. El matrimonio no tiene como fin primario e íntimo la perfección personal de los cónyuges, sino la procreación y educación de los hijos. Los demás fines, aunque sean pretendidos también por la naturaleza de la institución no se hallan en ese grado de prioridad y mucho menos son superiores al de la procreación, sino a él esencialmente subordinados¹⁵. Ahora bien, tal finalidad no es únicamente primordial para una etapa fecunda de la vida de los cónyuges sino del matrimonio como institución, y por ello exige

ne di provvedere alla conservazione del genere umano. È questa la prestazione caratteristica, che fa il valore proprio del loro stato, il *bonum prolis* (...). Quindi abbracciare lo stato matrimoniale, usarc continuamente la facoltà ad esso propria e in esso solo lecita, e, d'altra parte, sottrarsi sempre e deliberatamente, senza un grave motivo, al suo primario dovere, sarebbe un peccare contro il senso stesso della vita coniugale» (*ibid.*).

¹³ «I "valori della persona" e la necessità di rispettarli è un tema che da due decenni occupa sempre più gli scrittori. In molte loro elucubrazioni anche l'atto specificamente sessuale ha il suo posto assegnato per farlo servire alla persona dei coniugi. Il senso proprio e più profondo dell'esercizio del diritto coniugale dovrebbe consistere in ciò che l'unione dei corpi è l'espressione e l'attuazione dell'unione personale ed affettiva» (*ibid.*, p. 848).

¹⁴ «Ora, se questo apprezzamento relativo non facesse che mettere l'accento sul valore della persona degli sposi piuttosto che su quello della prole, si potrebbe a rigore lasciar da parte tale problema; ma qui si tratta invece di una grave inversione dell'ordine dei valori e dei fini posti dallo stesso Creatore. Ci troviamo dinanzi alla propagazione di un complesso d'idee e di affetti, direttamente opposti alla chiarezza, alla profondità e alla serietà del pensiero cristiano» (*ibid.*). «Si vuole forse con ciò negare o diminuire quanto vi è di buono e di giusto nei valori personali risultanti dal matrimonio e dalla sua attuazione? No certamente, poiché alla procreazione della nuova vita il Creatore ha destinato nel matrimonio esseri umani fatti di carne e di sangue, dotati di spirito e di cuore, ed essi sono chiamati in quanto uomini, e non come animali irragionevoli, ad essere gli autori della loro discendenza. A questo fine il Signore vuole l'unione degli sposi» (*ibid.*, p. 849).

¹⁵ «Ora la verità è che il matrimonio, come istituzione naturale, in virtù della volontà del Creatore non ha come fine primario e intimo il perfezionamento personale degli sposi, ma la procreazione e la educazione della nuova vita. Gli altri fini, per quanto anch'essi intesi dalla natura, non si trovano nello stesso grado del primo, e ancor meno gli sono superiori, ma sono a esso essenzialmente subordinati» (*ibid.*, pp. 848 s.).

una apertura formal de todo matrimonio en aquellos actos íntimos que de por sí tienden a transmitir la vida¹⁶.

Unos aspectos en sí considerables como son los valores de la persona de los cónyuges, revestidos con el ropaje impropio de los fines, han pretendido descabalgarse al de la procreación y educación de los hijos de su primacía, y han quedado atrapados y encuadrados en la estructura de los fines, asimilados así a la mutua ayuda y al amor conyugal, y con ellos subordinado al fin de la prole. No cabía otra posibilidad; se trataba de un verdadero valor que reclamaba su puesto en la estructura del matrimonio, pero al acceder por la puerta impropia de los fines, pretendiendo destrozar a la procreación de su primacía como fin natural del matrimonio y quedar asimilado a los fines secundarios, sólo ha aportado en parte la riqueza que contenía. La razón última es que se no se trata de un verdadero fin¹⁷.

A un planteamiento confuso de dichas teorías dió Pío XII una solución imprecisa, resolviendo sólo de momento el verdadero ataque que suponían a un aspecto esencial de la estructura del matrimonio: la prioridad de la prole como fin del matrimonio. Prueba de que solo en parte quedó resuelta la problemática planteada por los llamados valores personales es que el mismo Papa quien acaba de situarlos en el lugar de fin secundario, relaciona estos mismos valores con el *ser* mismo del matrimonio. Y lo hace precisamente para afirmar que no se trata de aspectos irrelevantes y sin importancia:

«Si vuole forse con ciò negare o diminuire quanto vi è di buono e di giusto nei valori personali risultanti dal matrimonio e dalla sua attuazione? No certamente... Infatti di Dio la Sacra Scrittura dice che creò l'uomo a sua immagine e lo creò maschio e femmina, ed ha voluto... che "l'uomo abbandoni il padre e la madre, e si unisca alla sua donna, e formino una carne sola"»¹⁸.

Afirmado lo cual expone que lejos de atentar estos valores personales al fin de la transmisión de la vida y educación de los hijos, contribuyen perfectamente a su consecución según el orden querido por Dios:

«Non soltanto l'opera comune della vita esterna, ma anche tutto l'arricchimento personale, lo stesso arricchimento intellettuale e spirituale, perfino tutto ciò che vi è di più spirituale e profondo nell'amore coniugale come tale, è stato messo, per volontà della natura e del Creatore, al servizio della discendenza»¹⁹.

¹⁶ «Ciò vale per ogni matrimonio, anche se infelice; come di ogni occhio si può dire che è destinato e formato per vedere, anche se in casi anormali, per speciali condizioni interne ed esterne, non sarà mai in grado di condurre alla percezione visiva» (*ibid.*, p. 849).

¹⁷ Cfr F. GIL HELLÍN, *El lugar propio del amor conyugal en la estructura del matrimonio según la «Gaudium et spes»*, en «Anales Valentinos», 6 (1980) 1-35.

¹⁸ PIUS XII, *Allocutio...*, p. 849.

¹⁹ *Ibid.*, pp. 849 s.

A quien siga viendo en este pasaje un contexto de fines, orientado uno al otro, y no más bien el mismo ser del matrimonio — institución y amor — con todo el enriquecimiento de quienes lo componen orientado a la descendencia, puede convenir leer el parrafo 1º del número 50 de la Constitución pastoral *Gaudium et spes*, especialmente en su último periodo, que parece inspirado en este texto de Pio XII.

Es el ser del matrimonio que hace de dos «una carne sola» quien configura la naturaleza y las exigencias del acto propio y específico de esa institución. No se agota la exigencia moral del acto conyugal en garantizar la eficaz transmisión de los gémenes de vida²⁰. La plena moralidad del acto conyugal requiere ademas de la apertura a la vida, ese otro elemento esencial, reflejo del don recíproco de las personas de los cónyuges imprescindible en la realización del matrimonio:

«L'atto coniugale, nella sua struttura naturale, è un'azione personale, una cooperazione simultanea e immediata dei coniugi, la quale, per la stessa natura degli agenti e la proprietà dell'atto, è la espressione del dono reciproco, che, secondo la parola della Scrittura, effettua l'unione "in una carne sola"»²¹.

Apertura a la vida y mutua entrega personal como expresión del don recíproco son las dos coordenadas requeridas para la rectitud moral del acto conyugal. Convendrá recordar, para que nadie se llame a engaño, que se trata de características fundantes de la bondad moral del acto conyugal, no de circunstancias extrínsecas que adviniendo al acto lo hacen bueno. Son aspectos constitutivos del ser del acto, y por ello de su bondad. Aunque impropiamente hablando el acto puede existir sin alguno de estos aspectos constitutivos — apertura a la vida o donación de los cónyuges como tales —, en ese supuesto no se podría hablar formalmente de verdadero acto conyugal, sino sólo en la media que a la deformación se la califica a veces con el mismo término del bien debido, v. gr. matrimonio nulo. La carencia de verdad, de ser es la causa de la maldad de un acto semejante: falta de la bondad debida. Destruida la entidad del acto conyugal, no sólo no se puede hablar de la bondad de tal acción sino que comporta necesariamente la maldad.

Es de resaltar en el último pasaje transscrito de la Alocución de Pio XII que esta característica del acto conyugal, «expresión del don recíproco», es requerida por la misma naturaleza de las personas de los cónyuges.

²⁰ «Ridurre la coabitazione dei coniugi e l'atto coniugale ad una pura funzione organica per la trasmissione dei germi sarebbe come convertire il focolare domestico, santuario della famiglia, in un semplice laboratorio biologico» (*ibid.*, p. 850).

²¹ *Ibid.* «Ciò è molto più della unione di due germi, la quale si può effettuare anche artificialmente, vale a dire senza l'azione naturale dei coniugi. L'atto coniugale, ordinato e voluto dalla natura, è una cooperazione personale, alla quale gli sposi, nel contrarre il matrimonio, si scambiano il diritto» (*ibid.*).

ges y por la naturaleza del acto en sí. Decía así: «per la stessa natura degli agenti e la proprietà dell'atto». Y al principio de la frase: «L'atto co-niugale, nella sua stessa struttura naturale...». Hacemos todas estas precisiones porque, independientemente de que haya sido o no este texto del Magisterio de Pio XII la fuente directa de la redacción del pasaje de la Constitución *Gaudium et spes* sobre los criterios de moralidad del acto conyugal, hay gran identidad entre uno y otro texto, presupuesta en el caso de la Alocución que examinamos el criterio procreator del que viene hablando anteriormente.

No obstante todo lo dicho y el progreso doctrinal conseguido en la clarificación de este segundo elemento esencial de la moral conyugal, puesto que junto a la apertura a la vida es exigido que el acto conyugal refleje el don recíproco de la entrega matrimonial, sigue presente una dificultad estructural para percibir todas sus consecuencias. Mientras esta dificultad no se supere, aunque este nuevo aspecto se predique como esencial, la donación personal de los esposos no adquirirá en el enjuiciamiento práctico la misma fundamental importancia que la apertura a la vida propia de la configuración moral del acto conyugal. Es decir, se seguirá enjuiciando moralmente la bondad o maldad del acto conyugal preferente, si no exclusivamente, por el valor de la apertura a la vida, omitiendo en la práctica al menos, toda la exigencia moral configurativa en su condición de ser expresión del don mutuo de los esposos.

Así lo expone el mismo Pio XII, a quien en un pasaje anterior hemos considerado como posible antecesor de un aspecto renovador de la moral conyugal del Concilio Vaticano II:

«Questi valori personali, sia nella sfera del corpo o dei sensi, sia in quella spirituale, sono realmente genuini, ma... dal Creatore nella scala dei valori sono stati messi non al primo, ma al secondo grado»²².

¿Cuál es la dificultad estructural que sigue impidiendo entender toda la proyección de la doctrina expuesta? Que Pio XII como su antecesor es deudor de los bienes del matrimonio, y sigue identificando el *bonum pro-lis* con el fin primordial del matrimonio y el *bonum fidei* con el fin secundario de la mutua ayuda, del amor conyugal, etc. Por ello aunque descubra y exponga el valor esencial del acto conyugal como expresión de la donación recíproca de los esposos, más aun, aunque lo exponga como proyección en la vida conyugal de la «una caro» que se hacen los esposos por el matrimonio, sigue afirmando que dicho valor ha sido colocado no en el primero, «ma nel secondo grado». Está gravitando sobre tal exposición la jerarquía de fines concretada en el *bonum prolis* como fin primordial y el *bonum fidei* como fines secundarios.

²² Ibid.

Esta dificultad estructural no está sólo presente en el Magisterio de los Papas defendiendo la necesaria jerarquía de fines, sino que está también presente en quienes atacan esta misma doctrina. Partiendo de igual identificación y correspondencia entre los *bona prolis et fidei* y los fines primario y secundarios, todo su empeño es lograr que estos valores personales de la mutua entrega sean considerados como fin principal o al menos coprincipal con el de la procreación²³.

Por todo lo dicho podemos concluir que Pío XII, habiendo desarrollado unas bases doctrinales de las que hubiera podido concluir ese segundo aspecto esencial para todo enjuiciamiento moral del acto conyugal y de toda la vida íntima de los esposos, no lo ha incorporado explícitamente a esa norma moral. Así sigue afirmando:

«La retta norma è dunque questa: l'uso della naturale disposizione generativa è moralmente lecito soltanto nel matrimonio, nel servizio e secondo l'ordine dei fini del matrimonio medesimo»²⁴.

Todo otro valor considerado y considerable queda en el contexto de los demás fines del matrimonio, y por ello ordenados y subordinados «a quell'unica grande legge della "generatio et educatio prolis", vale a dire al compimento del fine primario del matrimonio come origine e sorgente della vita»²⁵.

3. La Constitución pastoral «Gaudium et spes»

Etapa singularmente importante en la investigación teológica para la clarificación del problema que venimos analizando fueron los años de la celebración del Concilio Vaticano II. Entre tantos otros centros de interés de la doctrina teológica sobre el matrimonio, uno sobre todos acaparaba la atención por sus consecuencias prácticas de inmediata y directa incidencia en los matrimonios y las familias, y por éstos en toda la sociedad. Era llegada la hora de exponer en un documento del Magisterio extraordinario de la Iglesia el valor del amor conyugal y del perfeccionamiento de los cónyuges, no en el plano subordinado de los fines secundarios sino

²³ «La trasgressione di questa norma è tanto antica quanto il peccato originale. Però al tempo nostro si corre pericolo di perdere di vista lo stesso principio fondamentale. Al presente, infatti, si suole sostenere, con le parole e con gli scritti (anche da parte di alcuni cattolici), la necessaria autonomia, il proprio fine e il proprio valore della sessualità e della sua attuazione, indipendentemente dallo scopo della procreazione di una nuova vita. Si vorrebbe sottoporre ad un nuovo esame e ad una nuova norma l'ordine stesso stabilito da Dio» (*ibid.*, p. 852).

²⁴ *Ibid.*, p. 851.

²⁵ *Ibid.*, p. 852.

en una plataforma que sin postergar y desconocer la importancia de la procreación, no sea ésta la única medida y norma de la moralidad de la vida íntima de los cónyuges.

Cuestión ésta sumamente compleja pues en ella se entrecruzaban — tal como algunos de sus propugnadores la exponían — aspectos verdaderos, merecedores de ser expuestos como tales en la doctrina de la Iglesia sobre el matrimonio, y otros aspectos equivocos, que hubieran dado lugar a conclusiones erróneas para la vida y la estabilidad del matrimonio. Ante un peligro de esta transcendencia, algunos Padres se oponían a la incorporación de novedades doctrinales, pidiendo que el texto recogiese explícitamente la doctrina sobre la jerarquía de fines, es decir la primacía del fin de la procreación sobre los demás fines del matrimonio. Estas posturas divergentes, con el respaldo de teólogos posicionados de una y otra parte, y con la resonancia de los medios de comunicación acapararon la atención de los cristianos de tal modo que en ocasiones daba la impresión que, de una u otra solución, dependiese el fruto del Concilio.

Mientras tanto la gran mayoría de los Padres conciliares era partidaria de estudiar a fondo el núcleo de la cuestión e incorporar a la redacción las conclusiones ciertas. Nadie claramente negaba el valor e importancia para el matrimonio del fin de la procreación y la grandeza del amor conyugal, pero a su vez temían que subrayar el valor que los otros querían resaltar fuese ensombrecer el que personalmente juzgaban de mayor relieve.

De nuevo, porque no se había superado, aparecía aquí la dificultad estructural ya aludida. Lógicamente mientras siguiera concibiendose el amor conyugal, la mutua entrega personal de los cónyuges como fin junto al de la mutua ayuda, realzar doctrinalmente el amor conyugal conllevaba ensombrecer un tanto el fin de la procreación. La causa era haber encerrado en el contenido del *bonum fidei* — concepto claramente delimitado en san Agustín y en santo Tomás, inventor y valedor respectivamente — otros conceptos, que si bien pueden tener algo en común con él, ni pueden desarrollarse plenamente en tal contexto de los fines, ni dejan al concepto originario expresar toda su riqueza. Así pues en los años del Concilio se seguía entendiendo por *bonum fidei* la mutua ayuda y el amor conyugal como fines secundarios en relación al *bonum prolis*. También significaba la unidad del matrimonio, mientras que la indisolubilidad era propia del *bonum sacramenti*. Como se ve, según considerasen los *bienes* del matrimonio en categoría de fines o de propiedades el *bonum fidei* acogía lo que no acomodaba a otro de los bienes. Así se había perdido la noción propia de *bienes* del matrimonio y sobre todo el concepto claro de *bonum fidei*. El concepto de *bonum* no se identifica de por sí con el de fin, ni necesariamente con el de propiedad²⁶.

²⁶ Cfr F. GIL HELLÍN, Los «*bona matrimonii*» de San Agustín, «Revista Agustiniana», 23 (1982) 129-185.

Los Padres conciliares, no de una manera académica sino a través del ejercicio de su Magisterio expusieron las verdades acerca del matrimonio superando los aspectos que parecían antagónicos dentro del marco estructural imperante hasta entonces. Afirman la suma importancia de la procreación y de la educación de los hijos como fin al que se orienta por sí mismo el matrimonio; la grandeza y dignidad del amor conyugal; la existencia de otros fines propios del matrimonio, distintos del de la procreación; la mutua entrega de los esposos que hace de ellos «una sola carne», presente en la misma raíz del matrimonio; y finalmente, los fines naturales y propios del matrimonio, exigidos a la vez por la institución y por amor conyugal²⁷.

La profunda verdad de estos enunciados ha sido la causa de superar doctrinalmente las posturas enfrentadas a que aludíamos. Quienes no han percibido esta novedad doctrinal han seguido defendiendo la propia postura como si fuese, la acogida por el Concilio, citando aquellos textos que podían reforzarla y callando sigilosamente otros que en su día hubieran querido modificar. Sería errado concluir de aquí que el capítulo conciliar sobre el matrimonio y la familia es un texto de compromiso, informado por un espíritu ecléctico que la hecho compatibles las posturas más divergentes. No es verdad. Se ve de modo claro cuando se descubren las coordenadas rectoras de su exposición.

En primer lugar el matrimonio es institución y amor conyugal, o si se quiere la institución del amor conyugal, o el amor conyugal institucionalizado. El binomio «*institutio matrimonialis et amor coniugalis*» indican el sujeto de quien se predica todo el contenido de fines, propiedades... en fin, toda la estructura y la vida del matrimonio. A diferencia del llamado «amor libre», el amor conyugal da existencia a una institución; no una institución que lo aprisiona y lo limita, sino hecha a su medida. Es la mayor expresión del amor conyugal, la mutua entrega espousal — dos en una carne — la que hace nacer la institución. Esta protege el amor y lo resguarda contra el egoísmo y el hedonismo, que son sus sucedáneos.

Esta mutua entrega conyugal, acto fundante del matrimonio por el que los dos se hacen *una sola carne* es el contenido del clásico *bonum fidei*, al que sólo negativamente alude el nombre. Connaturales le son dos propiedades que le delimitan perfectamente: la unidad y la indisolubilidad; esa mutua entrega es de uno a una total y plena, es decir única y para siempre. Toda la finalidad del matrimonio es significada clásicamente por el *bonum prolis*, no porque sólo exista la finalidad de la procreación y educación de la prole, sino porque toda finalidad natural del matrimonio está contenida en este *bonum* cuyo nombre indica directamente el fin principal, y por ello de algún modo toda finalidad. Entre estos otros fines

²⁷ Cfr F. GIL HELLÍN, Los «*bona matrimonii*» en la Constitución pastoral «*Gaudium et spes*» del Concilio Vaticano II, «*Scripta theologica*», 11 (1979) 127-176.

está el de la mutua ayuda y el remedio de la concupiscencia; no el amor conyugal, que no es fin ni primario ni secundario.

Dejando aparte el discurso sobre el *bonum sacramenti* que no se precisa para el objeto que venimos examinando, podemos antes de sacar conclusiones, hacer las siguientes precisiones. Si el matrimonio como decíamos es la institución del amor conyugal, los fines y propiedades del matrimonio no son sólo aspectos estructurales o institucionales, sino ámbitos informados por el amor conyugal. Ciertamente la mutua ayuda tiene que ver con el amor conyugal: un aspecto estructural y un aspecto vital, que unidos hacen la mutua ayuda conyugal. También el amor conyugal tiene que ver con la procreación y educación de los hijos, no como fines distintos que compiten por la primacía sino como aspectos estructural y formal de un mismo fin principal del matrimonio propio de seres racionales. Asimismo el amor conyugal no es ajeno a la unidad e indisolubilidad del matrimonio. No en el sentido que estas propiedades dejen de serlo para el matrimonio de no estar vivificadas por el amor. Desde que el amor de mutua entrega conyugal ha hecho nacer la institución, aunque el amor muera — que nunca muere plenamente, porque siempre puede resurgir —, no se puede decir que la institución no existe. Existe y por eso exige siempre ser vivificada por el amor.

Descendiendo ahora al concreto de nuestro argumento existen algunos textos de gran interés. El primero en un contexto de amor conyugal, dice:

«Haec dilectio proprio matrimonii opere 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»²⁸.

Venia diciendo el texto conciliar que este amor eminentemente humano comprende el bien de toda la persona del cónyuge, y es capaz de enriquecer las expresiones del cuerpo y del espíritu con una dignidad especial, y ennoblecidas como elementos y signos específicos de amistad conyugal. Un amor tal lleva a los cónyuges al don libre y mutuo de sí mismos, manifestado con delicado afecto de la voluntad y obras que llenan toda su vida; más aun un amor que se perfecciona y crece con su generosa actividad. Pues en este contexto afirma: Este amor conyugal se expresa y perfecciona singularmente por la actividad propia del matrimonio²⁹. No haría falta la frase siguiente para entender que se habla de

²⁸ Constitutio pastoralis *Gaudium et spes*, n. 49, 2.

²⁹ Esta expresión aparece en el *schema receptum* o de Ariccia y es completado a petición del Card. Florit que la Comisión conciliar acoge: «suggeritur ut addatur: "singulariter exprimitur" ad accuratorem doctrinae expressionem (E/5499)». Había propuesto el Arzobispo de Florencia: «"Haec dilectio proprio matrimonii opere singuli ratione exprimitur". Verba su-

todo aquello que cae dentro del objeto de la fidelidad conyugal, pero el Concilio continúa aplicando la doctrina a las acciones singulares de las relaciones íntimas: Por tanto los actos en los que los cónyuges se unen íntima y castamente son en sí mismos honestos y dignos, y además, ejercidos de un modo humano, expresan y favorecen la mutua donación por la que con ánimo alegre y agradecido se enriquecen mutuamente³⁰.

Queda así expresado admirablemente el valor de la unión conyugal como signo de la mutua donación de los esposos, ya que además de significarla la favorece perfeccionándola. Está claro que el significado de la unión conyugal no es sólo el procreativo, es congénito también el significado unitivo: la unión conyugal por ser acto propio y específico del matrimonio traluce en sí la naturaleza de la institución: mutua entrega de los cónyuges. Este aspecto esencial del matrimonio es el que el acto singular traluce en su esencia. De lo contrario, de no ser expresión, coherencia y actualización de aquella entrega mutua, el acto concreto sería un lenguaje sin sentido humano, sin contenido real, sería un signo que no reflejaría con fidelidad la mutua entrega contenida en el significado. A la mutua entrega conyugal que inicia el matrimonio y a los actos concretos que son signo y manifestación de aquella se les ha aplicado en la teología clásica indistintamente un mismo concepto revelado: «y serán dos en una sola carne»³¹.

No hay que confundir sin embargo el amor conyugal y la donación mutua de los esposos. Tanto si se trata del momento inicial del matrimonio o de cualquiera otro en el que se expresa esa mutua donación, una cosa es ésta, la mutua entrega de los esposos o el *bonum fidei*, elemento

blineata opportune introducerentur ad accuratiorem expressionem doctrinae» (F. GIL HELLÍN, *Constitutionis pastoralis «Gaudium et spes» synopsis historica*: vol. II *De dignitate matrimonii et familiae fovenda* remitimos a esta obra para todas las citas de la historia de la Constitución).

³⁰ También esta frase procede fundamentalmente del *schema* de Ariccia. Decía así: «Actus proinde, quibus coniuges intime et ordinatim inter se uniuertur, honesti sunt et, modo vere humano perpetrati, donationem mutuam plenam significant et fovent». Las modificaciones han sido todas del *textus recognitus*: Se modifica el adverbio *ordinatim* por *caste* «ut ordo moralis hac in re indicetur secundum propriam virtutem»; se añade el «honesti ac digni» a petición de 60 Padres con el Card. Rossi — «honesti sunt ac digni» — y R. De Roo a quien se adhieren otros tantos Padres: «Actus coniugales non solum honesti sunt, sed sunt sancti quia ipsum Christi amorem exprimunt». Se mantiene la expresión «modo humano» porque indica orden humano, no subjetivista como parece entender I. Cuenca; también el *significant* a pesar que I. Reuss afirma que se debe sustituir por *efficiunt*, ya que como dice la «donatio mutua plena, de qua textus loquitur, per actum ordinatum coniugum habetur et non solum significatur. Ideo verbum *significant* non sufficit». Finalmente se añade «qua sese invicem laeto gratoque animo locupletant» para indicar la condición interpersonal de la vida conyugal — sugerida por el Card. Colombo — y el gozo de ella resultante. La redacción definitiva no reflejó ninguno de los muchos *modos* sugeridos por los Padres. Cf. *ibid.*

³¹ Gn 2, 24.

estructural del matrimonio y otra distinta el amor conyugal, elemento animador y vivificador de aquella mutua entrega; amor que mueve a la entrega y a la vez se enriquece de ella. Sin estas precisiones alguien se puede sentir tentado a identificar, según el esquema ya criticado, el *bonum fidei* con el fin de la mutua ayuda o del amor conyugal, y a ver en este pasaje la confirmación de la gran importancia del amor conyugal en la categoría de fin principal o al menos coprincipal con el de la procreación. La consecuencia inmediata sería dar por superado la tradicional jerarquía de fines, o por el contrario lamentar que en dicho contexto no se haya inserto una referencia a la ordenación del amor a la procreación³².

Otro texto importante y necesario es el que habla de los fines del matrimonio³³, y especialmente de la procreación y educación de los hijos:

«Matrimonium et amor coniugalis indole sua ad prolem procreandam et educandam ordinantur. Filii sane sunt praestantissimum matrimonii donum et ad ipsorum parentum bonum maxime conferunt. Ipse Deus qui dixit: "non est bonum hominem esse solum" (*Gn* 2, 18) et "qui hominem ab initio masculum et feminam fecit" (*Mt* 19, 14), volens ei participationem specialem quamdam in Suiipsius opere creativo communicare, viro et mulieri benedixit dicens: "crescite et multiplicamini" (*Gn* 1, 28). Unde verus amoris coniugalis cultus totaque vitae familiaris ratio inde oriens, non posthabitis ceteris matrimonii finibus, eo tendunt ut coniuges forti animo dispositi sint ad cooperandum cum amore Creatoris atque Salvatoris, qui per eos Suam familiam in dies dilatat et ditat»³⁴.

La finalidad claramente expresada es la procreación y educación de la prole. Lo que se ordena a tal finalidad es el matrimonio y el amor conyugal, o si se quiere precisar más, la institución matrimonial y el amor conyugal³⁵. Esta finalidad de la prole pretendida por el matrimonio es formalmente humana, es decir no es término sólo de una estructura biológica que orienta a aquella, sino que es la institución y el amor conyugal los que se ordenan a ella. Por ello continúa el texto conciliar con unas

³² «Post "uniuntur" (in lin. 32): — Unus proponit ut addatur: "in ordine ad generationem". — 109 Patres petunt ut addatur: "ad prolis generationem per se apti". *Expensio Modorum* 56 d); cfr. F. GIL HELLÍN, *Const. past. synopsis historica*.

³³ «Inspecta ratione allata — fines matrimonii et amoris coniugalis hoc modo verbis Sacrae Scripturae enuntiantur; insuper textus sequens hoc modo tanquam conclusio ex S. Scriptura sequitur —, prima pars textus, in forma paupulum mutata, inter phrases primam et secundam huius parraphi inseratur, ut iuxta vota plurium Patrum modo magis scripturistico de matrimonio sermo fiat: *Ipse Deus qui dixit...*» (*Responsum ad Modum* 68). Cfr F. GIL HELLÍN, *Los «bona matrimonii» en la Constitución pastoral «Gaudium et spes» del Concilio Vaticano II*, *Scripta theologica*, 11 (1979) 150 ss.

³⁴ GS 50, 1.

³⁵ Dice la Comisión justificando la introducción en el texto del término *matrimonio*: «mentio de matrimonii instituto addita est, ut elementum iuridicum cum vita personali amoris coniungatur». Y en un texto paralelo el mismo texto conciliar dice: «Indole autem sua naturali, ipsum *institutum matrimonii* amorque coniugalis...» (GS 48, 1).

expresiones que nos hacen recordar otro de Pio XII ya analizado: el auténtico cultivo del amor conyugal y toda la estructura de la vida familiar tienden a capacitar a los esposos para cooperar con el Creador en la transmisión de la vida³⁶.

Conviene subrayar también que si antes decía et texto conciliar que el acto íntimo de los esposos expresa y favorece la donación mutua de ellos, añade ahora que la ley que orienta el matrimonio y el amor conyugal a la fecundidad «plenam coniugalis significationem ostendit, illumque protegit et ad eiusdem vere humanam perfectionem impellit»³⁷. Si antes hemos visto cómo el Concilio subrayaba el sentido de mutua entrega que el acto conyugal y el mismo matrimonio tienen como elemento esencial y estructural, ahora pone de relieve el sentido procreativo que siempre se ha predicado como fin del matrimonio.

El matrimonio y el amor conyugal según el Concilio tiene dos significados claros y naturales: mutua entrega de los esposos y procreación y educación de los hijos. Dos significados, dos sentidos — que no dos fines — íntimos y connaturales a la institución y al amor conyugal. Dos significados o sentidos que no son otra cosa que lo expresado por San Agustín y Santo Tomás con el término *bonum*: el *bonum fidei* y el *bonum proli*.

Ahora bien estos dos valores, sentidos o significados del matrimonio ¿fundamentan su bondad moral por separado e independientemente, o necesariamente son correlativos entre sí y complementarios? Si fuesen independientes sería suficiente la presencia de uno de ellos para que el matrimonio y en concreto el acto conyugal fuese ajustado a la moral, sobre todo cuando algún motivo al menos grave hiciese imposible la comparecencia del segundo. Esta tesis parece fundamentar el caso de los matrimonios involuntariamente estériles y el de aquellos otros contraídos a sabiendas de la propia incapacidad para la procreación sea por la edad avanzada o por cualquiera otra circunstancia. La propia naturaleza además hace que la mujer no sea siempre fértil, ni siquiera durante la edad fecunda. Estos mismos motivos eran aducidos por algunos teólogos y Padres conciliares para presentar como razonables las teorías que defendían como recomendable el uso del matrimonio para expresar y fortalecer el amor conyugal, excluyendo a su vez voluntariamente el significado procreativo cuando esos dos valores no eran entre sí compatibles en circunstancias concretas. En este contexto aparecía como posible justificar el uso de anovulatorios que impidiendo el proceso de ovulación en la mujer hiciese posible la unión conyugal sin riesgo de procrear³⁸. Esta cuestión práctica,

³⁶ Cfr texto de la precedente nota 19.

³⁷ GS 50, 2.

³⁸ «Pauci tantum (e quibus 2 solummodo haesitanter) usum mediorum anticonceptivo-rum in gravioribus casibus non excludunt» (*Relatio ad schema receptum* 63, 1).

por motivos muy comprensibles S. S. Pablo VI la reservó para sí, deslindándola de las discusiones conciliares, para pronunciarse sobre tan polémico tema una vez que la Comisión especial nombrada al efecto le hiciera llegar las conclusiones desde todos los ángulos del problema.

Si el Concilio pues, no debía llegar a enjuiciar aquellas consecuencias concretas de la doctrina expuesta sobre el matrimonio, no por ello podía ni debía dejar en suspense sobre la mutua relación interna que media entre los dos sentidos que tiene el matrimonio y el acto conyugal: sentido de donación mutua de los cónyuges y orientación a la procreación y educación de los hijos. Eran conscientes los Padres conciliares de que con frecuencia los esposos se encuentran en circunstancias tales en las que no es fácil coordinar el fiel cultivo del amor con la obligación de no aumentar, al menos por cierto tiempo, el número de hijos³⁹.

A estas dificultades reales de la vida conyugal no quisieron los Padres añadir otras provenientes de la imprecisión doctrinal sobre la rectitud moral en el modo de proceder. Nace así, en un estadio ya avanzado de la historia de la redacción del texto un periodo singularmente expresivo y sugerente en cuanto a la doctrina moral de la vida conyugal⁴⁰:

«Moralis igitur indoles rationis agendi, ubi de componendo amore coniugali cum responsibili vitae transmissione agitur, non a sola sincera intentione et aestimatio-ne motivorum pendet, sed obiectivis criteriis, ex personae eiusdem actuum natura desumptis, determinari debet, quae integrum sensum mutuae donationis ac humanae procreationis in contextu veri amoris observant; quod fieri nequit nisi virtus castitatis coniugalis sincero animo colatur»⁴¹.

Recordemos que Pío XII no obstante haber acogido el valor del mutuo don de los esposos, a la hora de reseñar el criterio moral del acto conyu-

³⁹ GS 51, 1.

⁴⁰ Todo el siguiente pasaje es nuevo en el *Textus recognitus*, excluida la precisión posterior del «ex personae eiusdemque actuum natura desumptis» — que sustituye en la redacción definitiva a otra expresión más indeterminada «in eadem personae dignitate fundatis» —; también es de la última redacción la referencia a la necesidad de la virtud de la castidad. La inclusión del texto en el *Textus recognitus* la explica la Comisión así: «Quibus verbis... omnis subjectivismus omnino excluditur et asseritur intentionem personalem et mere individualem aestimationem nullatenus sufficere ad rectum iudicium de moralitate efformandum. Criteria enim obiectiva adhibenda sunt, quibus intrinsecus sensus donationis mutuae in actu humanae procreationis servetur, in contextu quidem veri amoris, ut verus amor recte exprimatur». Así se responde al deseo de algunos Padres entre ellos el Card. Colombo que pide según cita la Comisión «ut omnes valores, tum amor tum aspectus physici actus coniugalis, tanquam elementa in norma morali efformanda, integrerentur». Efectivamente pedía el Purpurado que se perfeccionase el texto así: «Ipse vero actus vitae coniugalis proprii, ut humanae suae dignitati pareat serventur, tam in spiritu quam in carne integri sint oportet, iuxta doctrinam constanti traditione ab Ecclesia propositam». Cfr F. GIL HELLÍN, *Const. past. synopsis historica*.

⁴¹ GS 51, 3.

gal siguió haciéndolo depender todo y sólo del fin de la procreación, al que cualquier otro valor había de estar subordinado. No sacó las consecuencias de las premisas expuestas, porque todo otro valor era encuadrado en el fin secundario de la mutua ayuda. El Concilio por el contrario después de haber desarrollado las bases doctrinales de los dos sentidos del matrimonio y el amor conyugal: mutua entrega de los cónyuges y humana procreación, afirma que son estos dos precisamente, los criterios necesarios para un juicio moral de la vida íntima matrimonial; y la razón no es otra que son ellos los dos elementos integrantes de su sentido pleno. Así lo afirma expresamente: «*integrum sensum mutuae donationis ac humanae procreationis*».

La indole moral del comportamiento de los esposos que trata de conciliar el amor conyugal con la procreación responsable no depende de criterios subjetivos más o menos considerables, sino que está en estricta dependencia de criterios objetivos. Estos criterios son dos y sólo dos: *mutua donación* y *humana procreación*. Criterios objetivos enraizados en la misma naturaleza de la persona y de sus actos: «...obiectivis criteriis ex personae eiusdemque actuuum natura desumptis». Efectivamente surge de la naturaleza de la persona la asociación conyugal que lleva en sí misma inscrita la apertura a la vida. Tan propios son de la persona estos dos criterios objetivos que unitariamente definen a la perfección la primera y primordial expresión de la sociabilidad humana que es el matrimonio. Así expresa esta idea el Concilio: «At Deus non creavit hominem solum: nam inde a primordiis *masculum et feminam creavit eos* (*Gn 1, 27*), quorum consociatio prima formam efficit communionis personarum»⁴².

Tan inscritos están también dichos criterios objetivos en el acto conyugal que mientras les une como expresión de la más plena donación personal les hace capaces de transmitir la vida.

«In contextu veri amoris». Hemos dicho sobradamente que el Concilio Vaticano II ha colocado el amor conyugal en su verdadero lugar, que no es otro sino el del *ser* del matrimonio; ahora bien, este *ser* del matrimonio es institución y amor conyugal. Si los dos criterios de mutua donación y humana procreación surgen del *ser* conyugal de la persona así como del acto que lo expresa y realiza, para que la vida íntima matrimonial refleje todo lo que significa, habrá de ser vivida *en contexto de verdadero amor*. Todo esto es requerido por la castidad y es imposible sin ejercitarse en dicha virtud⁴³.

Aunque los distintos criterios objetivos — en plural — indicados por el texto conciliar proporcionan el *sentido integral* — en singular —, *total* de la vida conyugal, no se puede concluir por el sólo sentido literal, que

⁴² GS 12, 4.

⁴³ La adición sobre la castidad procede de un *modo* enviado a la Comisión por S. S. Pablo VI a través de la Secretaría de Estado.

estos dos criterios fuesen necesariamente inseparables para garantizar la rectitud moral de la vida conyugal. Al menos no se puede concluir incontrovertiblemente que los dos son necesarios y ninguno por separado suficiente. De lo contrario no hubiera tenido sentido la expectación suscitada en torno a los trabajos de la Comisión especial y posterior pronunciamiento del Papa. No obstante todo el contexto, especialmente el de la redacción definitiva, que introdujo algunas precisiones por expresa indicación de Pablo VI⁴⁴, lleva a concluir la necesaria presencia de ambos criterios como condición de rectitud moral del acto conyugal. Era tan clara la deducción de la necesaria inseparabilidad de dichos dos sentidos en la última redacción que para dejar abierta — para no prejuzgar — la cuestión a Sí reservada por el Papa, creyeron necesario algunos miembros de la Comisión conciliar dejar explícita constancia en nota a pie de página de los límites de la doctrina expuesta: «Sic stante doctrina Magisterii, S. Synodus solutiones concretas immediate proponere non intendit». No obstante esta limitación, el sentido global y el contexto llevaban a concluir que dichos criterios eran requeridos ambos a dos para fundamentar la rectitud moral de la vida conyugal. Cada uno de ellos es necesario pero por sí mismo insuficiente para justificar la bondad moral del acto conyugal.

4. *La Encíclica «Humanae vitae»*

Promulgada la Constitución pastoral *Gaudium et spes* el 7 de diciembre de 1965 contenido esta doctrina sobre el matrimonio como Magisterio extraordinario de la Iglesia, la opinión pública siguió pendiente durante bastante tiempo de los trabajos de la Comisión especial, y sobre todo en expectación de la decisión de Pablo VI acerca de la cuestión concreta y práctica de la moralidad del uso de los anovulatorios.

La Encíclica *Humanae vitae* con que dio respuesta a la cuestión pendiente no se limitó a una escueta exposición de la postura de la Iglesia ante tan debatido problema, sino que enlazando con el Magisterio precedente y en especial con el del Concilio Vaticano II, contribuyó eficazmente a clarificar la razón doctrinal de la intrínseca malicia del acto pretendidamente infecundo por positiva voluntad contraria de los cónyuges. Esto quedó especialmente patente al expresar que el sentido, el valor del acto

⁴⁴ La expresión «et illicitis usibus contra generationem» aunque variada en la formulación y en su ubicación se debió fundamentalmente al deseo de Pablo VI de incluir entre las deformaciones: «artibus anticonceptionalibus». Sobre la conveniencia de otra expresión por la ambivalencia de tales términos vease la Respuesta al Modo 5. Cfr F. GIL HELLÍN, *Const. past. synopsis historica*.

conyugal está compuesto unitaria e inseparablemente por el significado unitivo y por el significado procreativo de la relación conyugal.

Pero veamos más detenidamente algunos pasajes sobre el particular que más directamente nos atañen. El primero de ellos versa sobre una descripción del matrimonio en el contexto de un párrafo que expone la naturaleza y dignidad del amor conyugal. Dice así: el matrimonio no nació al acaso ni por el ciego impulso de las fuerzas naturales, sino que lo instituyó Dios creador sabia y providencialmente, «ut in hominibus suum amoris consilium efficeret»⁴⁵. Y añade seguidamente:

«Quocirca per mutuam sui donationem, quae ipsorum propria es: et exclusoria, coniuges illam persequuntur personarum communionem, qua se invicem perficiant, ut ad novorum viventium procreationem et educationem cum Deo operam socient»⁴⁶.

Nos interesa el texto como fundamento de los que luego denominará significado unitivo y significado procreativo del acto conyugal, que no son sino la proyección en el acto íntimo y específico del matrimonio de su propio *ser*. Digamos también que estos dos aspectos en el ser del matrimonio, como claramente se percibe, son el *bonum fidei* y el *bonum prolis*. Tanto en esta descripción transcrita como en el posterior análisis de las cuatro notas definitorias del amor — *humanus, plenus, fidelis et exclusorius y fecundus* — están presentes necesariamente la estructura fundamental del matrimonio: mutua entrega conyugal abierta a la transmisión de la vida. ¿Qué son esas tres primeras notas si no la concreción y delimitación de lo que es la mutua entrega conyugal: entrega entre varón y mujer, para siempre y en exclusiva?⁴⁷.

Pasando luego a los actos propios de la vida conyugal «quibus coniuges intime et caste copulantur et per quos vita humana propagatur» les aplica la calificación moral dada por el Concilio Vaticano II: «honesti ac digni sunt»; y añade que son tales, es decir que no dejan de ser *honestos y dignos*, aunque se prevean infecundos por causas ajenas a la voluntad de los esposos, dado que ne cesa por ello su orientación a significar y fortalecer la unión de ellos⁴⁸. He aquí un sustancial desarrollo de la enseñanza del Magisterio en torno a la relación existente entre aquellas dos criterios objetivos reseñados por el Concilio Vaticano II, necesarios y

⁴⁵ PAULUS VI, Litt. Enc. *Humanae vitae*, AAS 60 (1968), p. 485.

⁴⁶ *Ibid.*, pp. 485 s.

⁴⁷ Cfr. *ibid.*, pp. 486 s.

⁴⁸ «Hi actus, quibus coniuges intime et caste copulantur et per quos vita humana propagatur, quemadmodum recens Concilium admonuit, *honesti ac digni sunt*; iidemque legítimi esse non desinunt, etsi infecundi praevideantur propter causas a coniugum voluntate nequam manantes, cum non cessen eorum destinatio ad coniugum coniunctionem significandam roborandamque» (*ibid.*, p. 488).

por sí cada uno insuficiente para fundamentar el valor moral del acto conyugal: mutua donación y humana procreación. Esta humana procreación, criterio necesario para la moralidad del acto conyugal es compatible con la prevista infecundidad por causas ajenas a la voluntad de los cónyuges. Es decir, este criterio imprescindible, ni se identifica con la fecundidad de hecho del acto conyugal, ni requiere necesariamente que la voluntad de los cónyuges desee el término de tal posibilidad. Exige, eso sí, que la natural orientación de la entrega matrimonial no quede desordenada a su fin de la procreación por positiva voluntad contraria de los cónyuges.

Este peculiar modo de ser requisito esencial de la moralidad del acto conyugal, propio del aspecto o significado procreativo, no es una sutileza arbitraria o extraño artificio de una teología especulativa, sino la escueta transparencia al acto conyugal del modo específico en que el fin esencial de la procreación estructura el ser mismo del matrimonio. La orientación a la prole es elemento esencial para la existencia del matrimonio, tanto que si por voluntad de los contrayentes se la excluye positivamente, sólo se dará entre ellos apariencia de matrimonio. Por el contrario, cuando no existe esta voluntad contraria, la orientación a los hijos está ya presente en la misma donación conyugal. Es doctrina de la Iglesia que recoge el Concilio Vaticano II⁴⁹.

Así pues la relación existente entre los dos significados del acto conyugal — podríamos decir asimismo del ser del matrimonio —, mutua entrega conyugal abierta a la vida, no es la de simple o estricta yuxtaposición. No se trata de elementos constitutivos del ser del matrimonio o de la bondad de la unión íntima de los esposos *a se* y entre sí independientes, sino que requieren e implican por su propia naturaleza. Así por ejemplo la mutua donación conyugal engloba en sí la natural orientación a la prole; y por ello, si por positiva voluntad se excluye ésta se desnaturaliza aquélla. Asimismo la procreación como término pretendido de la relación conyugal implica la mutua donación personal de los progenitores; de lo contrario se desnaturaliza un bien cual es la procreación, al hacer de la unión física de hombre y mujer un simple instrumento deshumanoizado de fecundidad.

Precisado todo esto se entiende mejor la doctrina de la Iglesia en torno al significado procreativo del acto y por ello de la vida conyugal:

«Verumtamen Ecclesia, dum homines commonet de observandis praeceptis legis naturalis, quam constanti sua doctrina interpretatur, id docet necessarium esse, ut quilibet matrimonii usus ad vitam humanam procreandam per se destinatus permaneat»⁵⁰.

⁴⁹ «Ideo etsi proles saepius tam optata, deficiat, matrimonium ut totius consuetudo et communio perseverat, suumque valorem atque indissolubilitatem servat» (GS 50, 3).

⁵⁰ PAULUS VI, Litt. Enc. *Humanae vitae*, AAS (1968), p. 488.

Para que sea respetada la naturaleza de la donación conyugal cada uno de los actos íntimos de los cónyuges que la expresan y perfeccionan — «*quilibet matrimonii usus*» — ha de permanecer en su orientación a la procreación.

Y analiza la razón, el *porqué* de esta doctrina, respondiendo a todos aquellos que piensan de modo contrario; es decir a cuantos piensan que sería lícita una libre determinación de los cónyuges por una fecundidad menos pródiga y más responsable, aunque sea empleando para ello una provocada esterilidad física⁵¹. Esta es la razón de la respuesta negativa⁵²:

«Huiusmodi doctrina, quae ab Ecclesiae Magisterio saepe exposita est, in nexu indissolubili nititur, a Deo statuto, quem homini sua sponte infringere non licet, inter significationem unitatis et significationem procreationis, quae ambae in actu coniugali insunt»⁵³.

Propuesto el fundamento doctrinal, desciende el Papa a razonamientos de vida práctica para constatar lo razonable de la doctrina expuesta. Los hombres estiman con razón que no es un verdadero acto de amor el acto conyugal impuesto al otro conyuge sin tener en consideración su estado y sus justos deseos⁵⁴. De igual modo habrá que considerar aquel otro que queriendo ser reflejo del don mutuo de amor, se opone a otra exigencia del recto orden moral cual es su apertura a la vida⁵⁵. Se trata de dos significados que manan indisolublemente unidos de la misma naturaleza del acto conyugal. Por lo que

⁵¹ «An praeterea, principio totalitatis, quod appellant, in hac re adhibito, non licet arbitri consilium fecunditatis minus uberis, sed magis consentaneae, posse actum, physice sterilitatem afferentem, in licitam providamque gignendae prolis moderationem vertere. An vide-licet fas sit opinari finem procreandae prolis potius ad totam vitam, quam ad singulos quo-sque eius actus pertinere. Quaerunt insuper num, ob suorum officiorum conscientiam, qua hodie magis homines fruuntur, tempus iam ipsis advenerit, quo tradendae vitae munus potius rationi et voluntati suae, quam certis sui corporis vicibus, sit tribuendum» (*ibid.*, pp. 482 s.).

⁵² «Quapropter erret omnino, qui arbitretur coniugalem actum, sua fecunditate ex indu-stria destitutum, ideoque intrinsece dishonestum, fecundis totius coniugum vitae congressi-bus comprobari posse» (*ibid.*, p. 491).

⁵³ *Ibid.*, p. 488.

⁵⁴ «Homines enim merito animadvertisunt, usum matrimonii alteri coniugi impositum, nul-la ratione habita eius status eiusque iustorum optatorum, non esse verum actum amoris, at-que adeo iis adversari rebus, quas circa necessitudines inter coniuges moralis recte postulat ordo» (*ibid.*, p. 489).

⁵⁵ «Pariter, si rem considerent, fateantur oportet, actum amoris mutui, qui facultati vi-tam propagandi detrimento sit, quam Deus omnium Creator secundum peculiares leges in ea insculpsit, refragari tum divino consilio, ad cuius normam coniugium constitutum est, tum voluntati primi vitae humanae Auctoris» (*ibid.*).

«cum quis dono Dei utitur, tollens, licet solum ex parte, significationem et finem doni ipsius, sive viri sive mulieris naturae repugnat eorumque intimae necessitudini, ac propterea etiam Dei consilio sanctaeque eius voluntati obnittitur»⁵⁶.

Está clara la respuesta de la doctrina del Magisterio a quienes pretendían sostener la licitud de los anovulatorios por los que se obtendría la infecundidad física de los singulares actos matrimoniales en beneficio del amor y de la unión de los esposos que ya poseían una vida fecunda⁵⁷. Enlazando con toda la enseñanza del Magisterio sobre el tema rechaza la licitud del uso de los anovulatorios, de los anticonceptivos y en general de toda práctica onanística:

«Item quivis respondeat est actus, qui, cum coniugale commercium vel praevideatur vel efficitur vel ad suos naturales exitus ducit, id tamquam finem obtainendum aut viam adhibendam intendat, ut procreatio impediatur»⁵⁸.

Distinto es el caso de quienes, conociendo los ritmos naturales de fertilidad propios de la mujer, limitan voluntariamente el uso del matrimonio a aquellos ciclos infecundos, motivados por causas que les obligan a distanciar en el tiempo o aun evitar de por vida una nueva gestación⁵⁹. En este caso el uso del matrimonio conserva totalmente el sentido de mutua entrega en el amor y su orientación a la excelsa misión de paternidad, precisamente porque «utraque eiusmodi essentialis ratio, unitatis videlicet et procreationis, servatur»⁶⁰.

Es distinto el juicio moral en la enseñanza de la Iglesia ante una misma situación conyugal en la que existan causas para hacer recomendable y aun obligatoria la decisión de evitar la procreación de una nueva vida, sea que los cónyuges acudan a cualquier práctica anticonceptiva, o sea que mantengan las relaciones íntimas los días inhábiles para la procreación y se abstengan los días de fertilidad. Mientras en el primer caso

⁵⁶ *Ibid.*

⁵⁷ «Neque vero, ad eos coniugales actus comprobando ex industria fecunditate privatos, haec argumenta ut valida afferre licet: nempe, id malum eligendum esse, quod minus grave videatur; insuper eosdem actus in unum quoddam coalescere cum actibus fecundis iam antea positis vel postea ponendis, atque adeo horum unam atque parem moralem bonitatem participare» (*ibid.*, p. 490).

⁵⁸ *Ibid.*

⁵⁹ «Si igitur iustae adsint causae generationes subsequentes intervallandi, quae a coniugum corporis vel animi condicionibus, aut ab externis rerum adjunctis proficiuntur, Ecclesia docet, tunc licere coniugibus sequi vices naturales, generandi facultatibus immanentes, in maritali commercio habendo iis dumtaxat temporibus, quae conceptione videntur, atque adeo nasciturae proli ita consulere, ut morum doctrina, quam modo exposuimus, haudquaquam laedatur» (*ibid.*, p. 492).

⁶⁰ «Quodsi utraque eiusmodi essentialis ratio, unitatis videlicet et procreationis, servatur, usus matrimonii sensum mutui verique amoris suumque ordinem ad celsissimum paternitatis munus omnino retinet ad quod homo vocatur» (*ibid.*, p. 489).

sería siempre un proceder ilícito, que se opone directamente a la concepción no obstante las causas que la desaconsejan, no hay nada que objetar en el segundo caso por tener en cuenta los ciclos de fecundidad⁶¹.

El *porqué* de este diferente valor moral en uno y otro caso es claro. En este segundo caso, junto a la expresa voluntad negativa respecto a la nueva vida en la intención y en el comportamiento de los cónyuges, existe una directa apertura a la vida, respetada por ellos conscientemente, usando según su naturaleza la estructura íntima de la entrega conyugal. Por el contrario, en el primero de los casos, la razonable voluntad negativa inicial de los cónyuges ha dado paso y desencadenado una positiva voluntad contraria que les lleva a desnaturalizar el acto de entrega conyugal despojándolo de su intrínseca apertura a la vida⁶².

5. La Exhortación apostólica «Familiaris consortio»

Juan Pablo II, en la Exhortación Apostólica *Familiaris consortio*, reafirma la doctrina de la Iglesia anteriormente expuesta sobre el matrimonio y la familia, como fruto del Sínodo de los Obispos celebrado sobre tal argumento. Nos interesan algunos de los análisis aportados por el Pontífice.

Para desarrollar ampliamente la misión de la familia — capítulo III de la Exhortación —, expone en el anterior, el *designio de Deus sobre el matrimonio y la familia*. Es ciertamente el ser del matrimonio el que especifica y contiene en sí de alguna manera la misión de la familia que de él deriva. Ahora bien, si los actos propios de la vida conyugal tienen unas coordenadas naturales e intrínsecas que especifican su moralidad, éstas necesariamente deben estar radicadas ya en el mismo ser del matrimonio. Es pues, delimitando el ser del matrimonio como se percibe la necesaria exigencia de los criterios de moralidad en la mutua entrega conyugal de los esposos.

El Santo Padre acomete dicho análisis a través de un método induktivo: parte de los actos concretos por los que hombre y mujer se entre-

⁶¹ «Ecclesia sibi suaequae doctrinae constat, sive cum iudicat, coniugibus licere rationem habere temporum, quae fecunditate careant, sive cum usum earum rerum ut semper illicitum improbat, quae conceptioni directo officiant, etiam si haec altera agendi ratio argumenta repeat, quae honesta et gravia videantur» (*ibid.*, p. 492).

⁶² «Etenim hae duae causae inter se maxime discrepant: in priore, coniuges legitime facultate utuntur, sibi a natura data; in altera vero, iidem impediunt, quominus generationis ordo suos habeat naturae processus. Si infitandum non est, coniuges in utroque casu mutua certaque consensione prolem ob probabiles rationes vitare velle, atque pro explorato habere liberos minime esse nascituros, attamen fatendum pariter est, in priore tantum casu fieri, ut ipsi coniuges se a maritali amplexu temporibus fecunditatem invehentibus abstinere valeant, quotiescumque ob iustas rationes liberorum procreatio optanda non sit; cum autem tempora conceptibus non apta redierint, fieri ut ipsi utantur commercio ad mutuum testandum amorem atque ad promissam sibi fidem servandam» (*ibid.*).

gan como esposos de acuerdo con su capacidad sexual, y deja patentes las exigencias naturales que el uso de dicha comunicación requiere. La conclusión es que el matrimonio es el único lugar natural y adecuado para la expresión y desarrollo de la humana sexualidad.

Los actos de mutua entrega conyugal de los esposos, en los que se expresa y realiza la capacidad sexual de hombre y mujer, no es algo puramente biológico sino profundamente humano: «tangit personae humanae ut talis veluti nucleum intimum»⁶³. La entrega conyugal exige una mutua donación personal que hace del varón y la mujer respectivamente esposo y esposa. Esta entrega original y primordial hace posible que aquella unión íntima entre los esposos no quede al nivel de una relación física, biológica y en definitiva extrínseca a sus personas, sino que sea una comunicación plenamente humana, expresión en la carne de aquella unión total de la cual es signo y manifestación.

Sólo así el ejercicio de la actividad sexual es verdaderamente humana:

«Sexualitas ideo, per quam vir ac femina se dedunt vicissim actibus coniugum propriis sibi ac peculiaribus, minime quiddam est dumtaxat biologicum, sed tangit personae humanae ut talis veluti nucleum intimum. Sexualitas modo vere humano expletur tantummodo, si est pars complens amoris, quo vir et femina sese totos mutuo usque ad mortem obstringunt»⁶⁴.

De lo contrario, roto el lenguaje de la auténtica donación se cae lógicamente en la falacia, en la mentira y el engaño, porque conscientemente se asume la no correspondencia entre significante y significado. Ocurre esto cuando se usa el signo sin contenido, por inexistencia del término significado, o cuando el signo no expresa, por deformación, la riqueza esencial de su significado. En el primer caso los actos de unión íntima sexual, que por su naturaleza significan la mutua y total entrega de hombre y mujer como esposos, quedan violentados, pues no pueden significar lo que es inexistente bien por falta de voluntad positiva en los agentes, bien porque, aunque su voluntad sea positiva, tienen al menos uno de ellos incapacidad para la entrega por previa donación conyugal⁶⁵. En el segundo caso la mentira del lenguaje de la comunicación sexual consistiría en la inadecuación existente entre signo y significado, cuando por ejemplo el signo o acto conyugal no refleja algún aspecto esencial de la entrega matrimonial significada, está induciendo a error, pues no manifiesta la verdad de su ser.

⁶³ IOANNES PAULUS II, *Adhortatio Apostolica Familiaris consortio*, AAS 74 (1982), p. 92.

⁶⁴ *Ibid.*

⁶⁵ «Tota physica corporum donatio mendacium esset, nisi signum fructusque esset totius donationis personalis, in qua universa persona, etiam secundum temporalem rationem, praesens adest» (*ibid.*)

Conviene señalar, aunque ya está incluido en lo hasta ahora dicho que ni el acto físico de los esposos ni la donación conyugal de la que aquél es signo admiten limitación alguna de aquello que comporta la totalidad de la entrega, sin quedar por ello desvirtuados en su misma estructura esencial. Así pues, ni la mutua entrega conyugal es compatible con la posibilidad de reservarse algo o de decidir diversamente en el futuro⁶⁶ como pretende la mentalidad divorcista, ni el acto conyugal es coherente con la ley de totalidad que debe reflejar, cuando excluye la relación como esposos o la posibilidad de progenitores como pretenden los propugnadores del «amor libre» y del onanismo.

Cuando la donación conyugal se realiza según las leyes intrínsecas inscritas en la sexualidad humana de varón y mujer da origen al matrimonio:

«Unicus autem "locus", ubi haec donatio accidere potest ex omni sua veritate, matrimonium est sive amoris coniugalis foedus vel conscientia ac libera electio, qua vir ac mulier in se recipiunt vitae amorisque communitatem intimam, a Deo ipso praestitutam, quae hac tantum ratione germanam suam ostendit significationem»⁶⁷.

No es pues, esta institución una indebida injerencia de la sociedad o de la autoridad, ni la imposición extrínseca de una forma, sino la exigencia interior del pacto de amor conyugal que se expresa públicamente como único y exclusivo para vivir en fidelidad el designio de Dios Creador⁶⁸.

Mientras que anteriormente califica al acto conyugal de los cónyuges como *signum fructusque* de la donación matrimonial⁶⁹, y más tarde llamará a la fecundidad *fructus signumque* del amor conyugal, viva prueba de la mutua y plena entrega de los esposos⁷⁰, del hijo afirma que es «*sui viventem amoris imaginem, perpetuum unitatis coniugalis signum necnon comprehensionem vivam et indissolubilem sui status, ex quo sunt pater et mater*»⁷¹.

Estas afirmaciones de la fecundidad en general y del hijo en concreto radican y se fundamentan en lo dicho de la unión conyugal. Porque ésta

⁶⁶ «Si enim aliquid homo sibi retineret vel facultatem aliud postea statuendi, iam idcirco se non totum donaret» (*ibid.*).

⁶⁷ *Ibid.*, pp. 92 s.

⁶⁸ «Coniugale institutum non est illegitimus quidam interventus societatis vel auctoritatis neque exterior formae impositio, verum interior necessitas ipsius foederis amoris coniugalis, qui palam affirmatur tamquam unicus et peculiaris omnino ut ex fidelitate erga Dei conditoris consilium vivatur. Haec fidelitas tantum abest ut personae libertatem restinguat ut tuto eam defendat ab omni subiectiva et relativa ratione eamque Sapientiae creatricis reddat participem» (*ibid.*, p. 93).

⁶⁹ Cfr *ibid.*, p. 92.

⁷⁰ Cfr *ibid.*, p. 114.

⁷¹ *Ibid.*, p. 96.

es expresión y fruto de la entrega de los cónyuges se puede declarar de la fecundidad y de los hijos cuanto queda dicho, puesto que tanto aquella como éstos la presuponen necesariamente. Pero si el valor de la fecundidad como signo y fruto de la donación matrimonial está en dependencia del valor de la unión conyugal, ésta conserva todo su sentido aunque de hecho no consiga el término al que naturalmente tiende: «Verumtamen haud obliiscivi licet, etiam cum procreatio evenire non possit, non eam ob causam sua praestantia destituit vitam coniugalem»⁷². Dada la natural e intrínseca orientación de la mutua entrega conyugal a suscitar la vida, ésta es prueba y reflejo de la existencia de aquella. Nuevamente han quedado aquí mutuamente relacionados de un modo empírico el significado unitivo y el significado procreador del acto conyugal.

De modo magistral queda expuesta a continuación la mutua conexión entre ambos significados, sea referidos a la institución del matrimonio en cuanto tal, sea atribuidos directamente al acto por el que los esposos se hacen *una caro*:

«In intima veritate sua est amor essentialiter donum, neque coniugalis amor, dum maritos adducit in "cognitionem", quae facit ut sint "in carnem unam", expletur omnino intra ipsum par coniugum, cum eos idoneos reddat maximae, quae fieri potest, donationi, qua Dei fiunt cooperatores in tradendo vitae dono novo alicui homini»⁷³.

Es este un claro ejemplo que describiendo las coordenadas esenciales del acto conyugal se está describiendo a la perfección el acto constitutivo del matrimonio, del que aquél es signo y fruto. De uno y otro se afirma que por su medio se hacen los esposos *una caro*, aunque en este caso el «conocimiento» — *cognitio* — por el que llegan a ello está aludiendo concretamente a la unión sexual como indica el término bíblico. Asimismo por uno y otro — matrimonio y acto conyugal — mediata o inmediatamente se hacen los esposos cooperadores de Dios en la transmisión de la vida. Es de resaltar en el texto la conexión intrínseca existente entre uno y otro significado: «dum maritos adducit in "cognitionem"... eos idoneos reddat... in tradendo vitae dono». La unión de los esposos es condición y causa de la transmisión de la vida.

Con el precedente análisis del ser del matrimonio y del acto conyugal en el que quedan expuestas las bases empírico-doctrinales de la sexualidad humana, reafirma ahora en el capítulo sobre *la misión de la familia cristiana* la enseñanza de la Iglesia en torno a la transmisión de la vida. De acuerdo con el sentir de los Padres participantes al Sinodo, el Santo

⁷² *Ibid.*, p. 97.

⁷³ *Ibid.*, p. 96.

Padre reafirma la adhesión a la doctrina expuesta sobre la materia por el Concilio Vaticano II y por la *Humanae vitae* de Pablo VI⁷⁴.

Ne será fácil comienza diciendo el n.º 32 de la Exhortación Apostólica, comprender el sentido profundamente humano de los criterios expuestos por la doctrina de la Iglesia acerca de la moralidad de la vida íntima de los cónyuges en una cultura como la de hoy que deforma gravemente y aun pierde el sentido humano de la sexualidad. Es en este contexto de la sexualidad como valor y función de toda la persona — continúa afirmando — en el que se encuadra la exposición conciliar referente a la moralidad de la vida conyugal⁷⁵. Transcribe todo el pasaje sobre el criterio de moralidad en la vida íntima matrimonial que ya hemos visto anteriormente, subrayando la expresión «*objectionis criteriis, ex personae eiusdemque actuum natura desumptis*» para dejar patente que las exigencias morales de la vida conyugal están en consonancia con los requisitos de la sexualidad humana⁷⁶.

Después del texto conciliar, central para enjuiciar la moralidad de la vida íntima conyugal, transcribe el pasaje de la *Humanae vitae* en que la doctrina del Concilio Vaticano II queda precisada en cuanto a la inseparable unión de los dos aspectos o significados unitivo y procreativo del acto conyugal, requeridos así en correspondencia a los valores integrales de la persona⁷⁷. Propuesta la afirmación de la inseparable unión del significado unitivo y procreativo como exigencia de la rectitud moral del acto conyugal, adjunta inmediatamente con palabras de su Predecesor una de las conclusiones claras que de aquel principio se derivan: la intrínseca malicia de toda acción tendente a impedir la fecundidad de la unión⁷⁸.

⁷⁴ «Hac de causa Synodi Patres in ultimo Coetu haec ipsa verba sunt elocuti: "Haec Sacra Synodus in unitate fidei cum Successore Petri congregata firmiter tenet quae in Concilio Vaticano II (cfr *Gaudium et spes*, 50) et postea in Encyclica *Humanae vitae* proponuntur et in specie quod amor coniugalis debet esse plene humanus, exclusivus et apertus ad novam vitam"» (*ibid.*, p. 115).

⁷⁵ «In adiunctis cultus humani, qui graviter deformat, quin immo etiam amisit veram significationem sexualitatis humanae, quoniam eam ab essentiali coniunctione sua cum persona ipsa divellit, Ecclesia sentit magis urgere nec substitui posse officium suum exhibendi sexualitatem velut bonum opusque totius personae, quae ut mas ac femina ad imaginem creata est Dei» (*ibid.*, p. 118).

⁷⁶ *Ibid.*

⁷⁷ «Admonens quidem Paulus VI, Pontifex Maximus: "totum hominem totumque, ad quod is vocatus est, munus complectitur, quod non tantum ad naturalia et terrena sed etiam ad supernatura et aeterna pertinet", hoc affirmavit super Ecclesiae doctrina: "in nexu indissolubili nititur, a Deo statuto, quem homini sua sponte infringere non licet, inter significationem unitatis et significationem procreationis, quae ambae in actu coniugali insunt"» (*ibid.*, pp. 118 s.).

⁷⁸ «Et concludens id denique inculcavit: tamquam suapte natura in honestus "qui vis respuendus est actus qui, cum coniugale commercium vel praevidetur vel efficitur vel ad suos naturales exitus ducit, id tamquam finem obtainendum aut viam adhibendam intendat, ut procreatio impediatur"» (*ibid.*, p. 119).

Se detiene luego a examinar la diferencia antropológica existente entre todo método anticonceptivo y el recurso a los períodos infecundos de la mujer: En el primero de los casos todo procedimiento anticonceptivo destruye la naturaleza íntima de la sexualidad humana, cuyos aspectos esenciales son el significado unitivo y el significado procreador, al separarlos pretendiendo alcanzar uno rechazando el otro. Lejos de respetar la naturaleza de la comunión sexual de hombre y mujer, los esposos se comportan entonces como *árbitros* del designio divino inscrito en el ser de la sexualidad humana. Lógica y necesariamente esta pretendida *manipulación* de la sexualidad es vehículo de desorden respecto a la propia persona y a la persona del cónyuge, pues sólo en apariencia expresa aquel acto el valor de la donación total⁷⁹.

«Sic naturali verbo, quod reciprocum plenamque coniugum donationem declarat, conceptuum impeditio verbum opponit obiectivae contradictionis, videlicet nullius plenaे sui donationis alteri factae: hinc procedit non sola recusatio certa ac definita mentis ad vitam apertae, verum simulatio etiam interioris veritatis ipsius amoris coniugalis, qui secundum totam personam dirigitur ad sese donandum»⁸⁰.

Queda claramente expresado el desorden del lenguaje anticonceptivo, tanto en su aspecto estructural como en su aspecto formal: no solo el rechazo positivo de la apertura a la vida, sino también una falsificación de la verdad interior del amor conyugal. Es de subrayar, para apreciar mejor la diferencia indicada entre métodos anticonceptivos y recurso a los períodos infecundos de la mujer, lo apuntado de *rechazo positivo de la apertura a la vida*. No se trata de una voluntad simplemente opuesta a la transmisión de la vida, sino de una voluntad que expresa su oposición con actos concretos que por su naturaleza misma ciegan la posibilidad de la vida en aquella intimidad conyugal que en sí misma es apertura a la generación.

En el recurso a los períodos infecundos de la mujer, existe sin duda una voluntad negativa en relación a la vida, por lo que se buscan expresamente aquellos días agenésicos, pero no se rechaza la apertura a la vida que la estructura de la vida íntima conyugal conlleva, sino que se respeta y asume como propia y connatural de aquella comunicación propia de los esposos, que a la vez que les une como expresión de la plena donación mutua, les hace capaces de trascenderse en la comunicación de la vida⁸¹.

⁷⁹ «Quotiens vero coniuges, methodis contra conceptionem utentes, disiungunt ambas illas significaciones, quas Creator Deus in naturam ipsam inseruit viri ac mulieris atque in dynamicam actionem eorum communionis sexualis, sese gerunt tanquam "arbitri" divini consilii et "detroquent" deiciuntque sexualitatem humanam et cum ea propriam atque personam coniugis, immutato momento donationis "totalis"» (*ibid.*).

⁸⁰ *Ibid.*

⁸¹ «Cum coniuges, contra, per usum temporum infecundorum observant nexum indissolubilem significationum unitatis ac procreationis, quae in sexualitate humana insunt, sese ge-

Sentirse y actuar como *árbitros* o como *ministros* del designio divino especifica y diferencia uno y otro comportamiento. Aquellos manipulan la actividad de los cónyuges desconectándola del ser y esencia del matrimonio; descoyuntan el significado unitivo de la entrega del coesencial significado procreativo, haciendo que la vida no esté en coherencia con el ser de su unión conyugal. Por ello mismo pretenden atribuir como jueces a esa vida desordenada una bondad de la que ciertamente carece. Mientras que los segundos, conscientes de la estructura y bondad del ser del matrimonio, y sabedores de las leyes propias de la fertilidad humana adecuan su comportamiento en la vida conyugal a las exigencias de una procreación responsable.

Dice finalmente el Papa Juan Pablo II, que la diferencia *antropológica y al mismo tiempo moral* entre una y otra práctica es tal que implican dos concepciones de la sexualidad y de la persona humana inconciliables entre sí⁸². Dos concepciones sobre la sexualidad y sobre la persona que cristalizan en la aceptación o rechazo del *ser* total del matrimonio: unión de marido y mujer con apertura a la transmisión a la vida. Lo que de una manera consciente no manifiestan los esposos al contraer el matrimonio puede inconscientemente traslucirse en el comportamiento de la vida matrimonial. Mientras la actitud de recurso a los períodos infecundos en la vida conyugal es compatible con las notas esenciales del ser del matrimonio, y por ello tal actitud en el *fieri* del matrimonio no lo invalidaría, la actitud de fondo del recurso a la anticoncepción, de haber estado presente ya en el *fieri* del matrimonio como condición total de la entrega conyugal, lo hubiera hecho nulo por excluir uno de los bienes constitutivos, cual es la prole.

Es de interés trascibir un pasaje del número de esta Exhortación Apostólica en el que Juan Pablo II apela a la ayuda que médicos y educadores, consejeros y expertos han de proporcionar a los esposos «ut amore suum in vita foveant, simul observantes structuram ac fines actus coniugalis, qui illum declarat»⁸³. Dos subrayados: *Observantes structuram ac fines*. Con esta expresión está indicando el Papa el sentido de aquella otra anteriormente citada por él, propia del Concilio Vaticano II, «quae integrum sensum mutuae donationis ac humanae procreationis», que definen las coordenadas de la moralidad del acto conyugal en coherencia

runt tamquam "ministros" divini consilii et "utuntur" sexualitate secundum pristinam virtutem dynamicam "totalis" donationis sine fallaciis aut mutationibus» (*ibid.*).

⁸² «Praelucente experientia tot coniugum ac suppetentibus variarum scientiarum humanarum indicis, theologica consideratio percipere potest atque altius perspicere debet *discrimen anthropologicum simulque morale*, quod inter conceptuum impeditiōnem et observationem intervallorum temporis intercedit: de differentia enim agitur longe ampliore ac profundiore quam plerumque cogitatur, quae tandem aliquando implicat duas personae ac sexualitatis species, quae inter se nequent conciliari» (*ibid.*, p. 120).

⁸³ *Ibid.*, p. 125.

con el ser del matrimonio. El otro: *qui illum declarat*. El acto conyugal observado en su estructura y fines expresa y declara el amor conyugal de los esposos. No se puede dar verdadero amor conyugal distorsionando el acto conyugal; y éste, respetado en sí mismo como tal es ya acto de amor conyugal.

Queda así explicada aquella expresión del Concilio Vaticano II que tras las palabras de los criterios objetivos añadía «*in contextu veri amori observant*». El amor conyugal no es un tercer elemento que junto a los dos precedentes hay que considerar como componente del ser del matrimonio y por ello esencial al acto conyugal, sino el aspecto formal con el que aquellos deben estar informados.

IL BATTESSIMO E LA SACRAMENTALITÀ DEL MATRIMONIO

ANTONIO MIRALLES

1. Stretto legame esistente tra i sacramenti del battesimo e del matrimonio

Tutti e sette i sacramenti della Nuova Legge formano uno splendido insieme, che dà alla Chiesa struttura, forza vitale e ornamento, cosicché essa a giusto titolo viene detta «sacramento universale di salvezza»¹. I legami esistenti tra i sacramenti fanno apparire l'intero organismo sacramentale come un tutto bene architettato, le cui linee di forza la teologia, lungo i secoli, ha tentato di evidenziare, trovandone eco nel Magistero della Chiesa, che le ha esposte sia in prospettiva antropologica che in prospettiva ecclesiologica². Tali legami ci permettono alle volte di capire meglio la natura e il ruolo specifici di un sacramento nella vita della Chiesa. Questo è il caso del battesimo riguardo al sacramento del matrimonio. Al battesimo infatti ricorre Giovanni Paolo II, nell'Esortazione Apostolica *Familiaris consortio*, per evidenziare la sacramentalità del matrimonio cristiano. Parte, per questo, dal dogma come è stato definito: «Accogliendo e meditando fedelmente la Parola di Dio, la Chiesa ha solennemente insegnato ed insegna che il matrimonio dei battezzati è uno dei sette sacramenti della Nuova Alleanza»³.

A questo punto, per cogliere meglio l'approfondimento dottrinale che si trova nella *Familiaris consortio*, giova seguire il suo ragionamento confrontandolo con l'argomentazione che troviamo nei principali documenti del Magistero solenne sul matrimonio, vale a dire, nel decreto dogmatico del Concilio di Trento e nella Costituzione pastorale *Gaudium et spes* del Concilio Vaticano II.

¹ CONCILIO VATICANO II, Cost. dogm. *Lumen gentium*, 48b, trad. it.: *Enchiridion Vaticanicum*, 1: *Documenti del Concilio Vaticano II*, 12^a ed., Ed. Dehoniane, Bologna 1981, n. 416.

² La prospettiva antropologica, che guida l'idea di perfezione dell'uomo in se stesso e della Chiesa, è presente nella formulazione della bolla *Exsultate Deo* del Concilio Fiorentino (cfr Dz.-SCH. 1311); invece la prospettiva ecclesiologica domina l'esposizione dei sette sacramenti nel paragrafo 11 della *Lumen gentium*.

³ N. 13: *Insegnamenti di Giovanni Paolo II*, IV-2 (1981), Libreria Editrice Vaticana, Città del Vaticano 1982, p. 1056.

Così, dunque, il Concilio di Trento:

«Cum igitur matrimonium in lege evangelica veteribus connubiis per Christum gratia praest: merito inter Novae Legis sacramenta annumerandum sancti Patres nostri, Concilia et universalis Ecclesiae traditio semper docuerunt»⁴.

Ciò che i Padri di Trento si apprestavano a definire nel canone 1 — la sacramentalità del matrimonio cristiano — era secondo loro l'insegnamento costante della Chiesa lungo i secoli e detta sacramentalità specifica risultava dal fatto che per mezzo del matrimonio della Nuova Legge si conferiva la grazia *per Christum*. Il senso del *per Christum* era spiegato poche righe piú avanti:

«Gratiam vero, quae naturalem illum amorem perficeret, et indissolubilem unitatem confirmaret, coniugesque sanctificaret, ipse Christus, venerabilium sacramentorum institutor atque perfector, sua nobis passione promeruit»⁵.

La grazia scaturita dalla Passione redentrice di Cristo arriva ai coniugi cristiani attraverso il matrimonio, che perciò si manifesta come sacramento e perfeziona non soltanto la solidità del vincolo, ma anche l'amore che deve essere alla base della loro unione.

La *Gaudium et spes* va oltre la grazia, nel senso che fa vedere ai coniugi come la donazione di grazia che ricevono col matrimonio sia nel contempo donazione di Cristo stesso, che vuole rimanere con loro perfezionando il loro amore, anzi assumendolo nell'amore divino:

«Come un tempo Dio venne incontro al suo popolo con un patto di amore e fedeltà⁶, cosí ora il Salvatore degli uomini e Sposo della Chiesa⁷ viene incontro ai coniugi cristiani attraverso il sacramento del matrimonio. Inoltre rimane con loro perché come Egli stesso ha amato la Chiesa e si è dato per essa⁸, cosí anche i coniugi possano amarsi l'un l'altro fedelmente, per sempre, con mutua dedizione. L'autentico amore coniugale è assunto nell'amore divino ed è sostenuto e arricchito dalla forza redentiva del Cristo e dalla azione salvifica della Chiesa, perché i coniugi, in maniera efficace, siano condotti a Dio e siano aiutati e rafforzati nella sublime missione di padre e madre⁹»¹⁰.

⁴ Sessione XXIV, Decretum de sacramento matrimonii: Dz.-Sch. 1800.

⁵ Dz.-Sch. 1799.

⁶ Cfr Os 2; Ger 3, 6-13; Ez 16 e 23; Is 54.

⁷ Cfr Mt 9, 15; Mc 2, 19-20; Lc 5, 34-35; Gv 3, 29; 2 Cor 11, 2; Ef 5, 27; Ap 19, 7-8; 21, 2-9.

⁸ Cfr Ef 5, 25.

⁹ Cfr CONC. VAT. II, Const. dogm. De Ecclesia, *Lumen gentium*: AAS, 57 (1965), pp. 15-16; 40-41; 47.

¹⁰ N. 48b: *Enchiridion Vaticanum*, 1, n. 1472.

L'amore di Cristo alla Chiesa è più che paradigmatico per l'amore coniugale: ne diviene il modello perché lo configura a sé, trasformandolo dal di dentro. E così, due capoversi più avanti, la *Gaudium et spes* dice che il matrimonio «è l'immagine e la partecipazione del patto d'amore del Cristo e della Chiesa»¹¹. Non soltanto immagine, ma anche partecipazione¹².

La *Familiaris consortio* fa un passo in avanti nella medesima via tracciata dai Concili di Trento e Vaticano II e spiega la sacramentalità in rapporto all'amore redentore di Cristo, aggiungendo però che l'inserimento dell'uomo e della donna nell'alleanza sponsale di Cristo con la Chiesa è già avvenuto nel battesimo e quindi, perché battezzati, cioè inseriti nel mistero di Cristo e della Chiesa, la loro unione coniugale viene anch'essa assunta nella carità sponsale di Cristo. Così, a spiegazione delle parole succitate¹³, continua:

«Infatti, mediante il battesimo, l'uomo e la donna sono definitivamente inseriti nella Nuova ed Eterna Alleanza, nell'Alleanza sponsale di Cristo con la Chiesa. Ed è in ragione di questo indistruttabile inserimento che l'intima comunità di vita e di amore coniugale, fondata dal Creatore, viene elevata e assunta nella carità sponsale del Cristo, sostenuta ed arricchita dalla sua forza redentrice»¹⁴.

La sacramentalità del matrimonio cristiano viene presentata come conseguenza ineluttabile della condizione di battezzati degli sposi. Cristo viene incontro a loro e non possono sottrarsi a Lui, perché difatti già Gli appartengono, inseriti come sono nell'Alleanza sponsale del Redentore con la Chiesa. In questo modo, mettendo il battesimo alla base della sacramentalità del matrimonio, Giovanni Paolo II poneva il fondamento per la sua risposta affermativa alla questione teologica circa l'inseparabilità tra contratto e sacramento nel matrimonio dei battezzati. Tale questione, come si sa, era rimbalzata di nuovo in primo piano agli inizi degli anni '70, dopo oltre un secolo di pressoché unanime consenso, dando origine ad un acceso dibattito teologico, con importanti risonanze pastorali, per ciò che concerneva la celebrazione del matrimonio dei battezzati non credenti e l'atteggiamento da tenere nei confronti dei cattolici uniti col solo

¹¹ N. 48d: *Enchir. Vat.*, 1, n. 1474.

¹² Queste parole fanno eco a quelle altre della *Lumen gentium*, 11b: «Coniuges christiani, virtute matrimonii sacramenti, quo mysterium unitatis et fecundi amoris inter Christum et Ecclesiam significant atque participant (cfr Eph. 5, 32)...». La Relazione sul penultimo testo della Costituzione (3 luglio 1964) sottolineava che volutamente s'intendeva parlare di partecipazione: «Matrimonium non tantum unionem Christi cum Ecclesia repraesentat, sed etiam participat» (*Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II*, Typis Polyglottis Vaticani, vol. III, pars I, p. 197).

¹³ Vedi nota 3.

¹⁴ N. 13: *Insegnamenti di Giovanni Paolo II*, IV-2, pp. 1056-1057.

matrimonio civile e dei divorziati risposati¹⁵. Ci si attendeva, pertanto, un chiarimento su questo tema dopo la V Assemblea Generale del Sinodo dei Vescovi, nel 1980, dedicata al tema della famiglia cristiana. La risposta è giunta puntuale nell'Esortazione Apostolica *Familiaris consortio*, del 22 novembre 1981.

Da parte di alcuni veniva invocata a torto l'autonomia delle realtà terrene, per giustificare il ricorso all'unione meramente civile da parte di cattolici praticamente non credenti o divorziati¹⁶. C'è, per questo, da sottolineare che la *Familiaris consortio* ribadisce con forza la consistenza del matrimonio come realtà della Creazione, specie per il suo frequente richiamo alla verità originaria del matrimonio «nel principio»¹⁷. Ciò nondimeno l'elevazione a sacramento della stessa realtà del matrimonio esistente nell'economia della Creazione viene sottratta alla volontà dei coniugi, che non possono scegliere fra matrimonio della creazione e matrimonio-sacramento. Cosa, dunque, ha causato il battesimo negli sposi, perché non sia in nessun modo possibile che il loro patto coniugale esista senza essere inserito nel mistero dell'unione sponsale di Cristo con la Chiesa?

Con questo inserimento, il vincolo coniugale acquista una solidità che supera di gran misura l'indissolubilità che per natura appartiene al matrimonio come realtà istituita dal Creatore nel principio. La pur limitata solubilità del matrimonio legittimo e del matrimonio rato e non consumato mette ancor più in risalto l'assoluta indissolubilità del matrimonio rato e consumato. Cosa hanno di speciale i coniugi battezzati perché la consumazione del loro matrimonio abbia tale rilevanza sul loro vincolo coniugale, mentre nel caso in cui almeno uno degli sposi non sia battezzato la consumazione non ha nessuna rilevanza sul vincolo?¹⁸ Hanno appunto il battesimo, il quale incide profondamente sulla sacramentalità del matrimonio. Ma in che modo?

2. Le risposte dei teologi sul ruolo del battesimo nella sacramentalità del matrimonio

Non è stata una questione sulla quale i teologi abbiano fornito in genere una risposta approfondita, e meno ancora esauriente. La stragrande

¹⁵ Un'ampia informazione su questo dibattito e sulle sue implicazioni teologiche e pastorali la si può trovare in: C. CAFFARRA, *Le lien entre mariage-réalité de la création et mariage-sacrement*, «Esprit et Vie», 88 (1978) 353-364, 369-384; T. BINCON, *Implicaciones doctrinales del matrimonio civil de los católicos*, «Ius Canonicum», vol. XIX, n. 38 (jul.-dic. 1979), pp. 77-158; G.B. GUZZETTI, *Il nesso contratto-sacramento nel matrimonio dei battezzati in un recente dibattito*, «La Scuola Cattolica», 110 (1982) 211-253.

¹⁶ Su questo punto, cfr CAFFARRA, *Le lien...*, p. 374.

¹⁷ Cfr nn. 11, 13, 19 e 68.

¹⁸ Tale differenza emerge con chiarezza nel caso dello scioglimento del matrimonio in favore della fede: cfr S.C.D.F., *Instructio Ut notum est*, 6 dic. 1973: *Enchiridion Vaticanum*, 4, nn. 2730-2744.

maggioranza di essi ha considerato la sacramentalità del matrimonio senza un altro riferimento al battesimo, se non quello di essere *ianua sacramentorum* e, quindi, necessario per contrarre il sacramento del matrimonio, ma allo stesso modo che per gli altri sacramenti. Tuttavia la controversia circa l'inseparabilità fra contratto e sacramento, sorta nel secolo XIV e fattasi vivace nei secoli XVI-XIX, spinse alcuni teologi ad accennare al ruolo del battesimo riguardo alla sacramentalità del matrimonio, soprattutto nell'affermarla nei casi di matrimoni contratti nell'infedeltà, le cui parti, però, si convertivano in seguito ed erano battezzate.

Forse il teologo — e anche canonista — che più decisivamente contribuì all'affermazione della linea di soluzione che prevalse dal secolo XIX in poi fu Tommaso Sánchez. Tuttavia prima di lui va citato Tommaso d'Argentina (m. 1360), che lo aveva preceduto nel proporre detta soluzione. Questi sostiene che il matrimonio dei non battezzati, pur non avendo una significazione attuale e perfetta dell'unione di Cristo con la Chiesa, la possiede attitudinalmente. Infatti, nel momento in cui due coniugi infedeli si convertono e vengono battezzati, il loro matrimonio, già esistente in precedenza, assume il nuovo significato dell'unione fra Cristo e la Chiesa, senza bisogno di un nuovo contratto matrimoniale¹⁹. Alla base di questo parere c'è la distinzione proposta da san Tommaso d'Aquino tra ciò che è sacramento *habitualiter* e ciò che è sacramento *actualiter*: il primo in qualche modo può essere detto del matrimonio come realtà della creazione, ma non il secondo, che si può attribuire soltanto al matrimonio cristiano²⁰.

Tommaso Sánchez fa esplicito riferimento a questa distinzione proposta da san Tommaso d'Aquino e interpreta il *sacmentum habitualiter* nel senso che il matrimonio naturale dei non battezzati è in potenza riguardo al matrimonio sacramentale, potenza riducibile all'atto²¹. Tuttavia il ruolo

¹⁹ «Sacmentum ecclesiae, quod est matrimonium, quantum ad suam aptitudinem significationalem potest convenire ei, qui non est baptizatus. Ad probationem dicendum, quod licet ex baptismi parentia bene arguatur, quod sacramentum ecclesiae non conveniat non baptizato, secundum actualiem, et perfectam significationem; ex hoc tamen non habetur, quin possit ei convenire secundum aptitudinem suam significationem: quod patet, quia si duo coniuges infideles ad fidem Christi conversi, baptizantur, tunc sine aliquo novo matrimoniali contractu idem matrimonium, quod habebant ante baptismum, significabit actualiter post baptismum illud, quod significat matrimonium fidelium scilicet coniunctionem Christi cum ecclesia» (THOMAS AB ARGENTINA, *Commentaria in IV Libros Sententiarum*, IV, d. 39, q. 1, a. 1, apud A. Orerium, Genuae 1585, fol. 172rA).

²⁰ «Matrimonium non tantum est institutum in sacramentum, sed in officium naturae; et ideo, quamvis infidelibus non competit matrimonium, secundum quod est sacramentum in dispensatione ministrorum Ecclesiae consistens; competit tamen eis, inquantum est in officium naturae. Et tamen etiam matrimonium tale est aliquo modo sacramentum habitualiter, quamvis non actualiter, eo quod actu non contrahunt in fide Ecclesiae» (*In Sent. IV*, d. 39, q. un., a. 2, ad 1: *Opera omnia*, 11, ed. Fretté, Parisii 1874, p. 225).

²¹ «Statim ac baptizantur, matrimonium illud reprezentat unionem Christi cum Ecclesia, cum in Christi fide contractum perseveret, efficiturque indissolubile, saltem ut matrimonium

del battesimo trova presso il Sánchez poco spazio, ridotto quasi a una *conditio sine qua non* affinché il matrimonio *habeatur in fide Ecclesiae*.

La sentenza di Tommaso Sánchez nei secoli della controveisa sull'inseparabilità fra contratto e sacramento trovò diversi sostenitori, sia teologi, come Laymann²², sia canonisti, come Pirhing e Zallinger²³. Invece, coloro che sostenevano la separabilità fra contratto e sacramento logicamente non facevano riferimento al ruolo del battesimo nella sacramentalità del matrimonio, poiché a loro parere era possibile l'esistenza di un matrimonio non sacramentale fra i battezzati.

Nel secolo XIX prevalse fra i teologi e i canonisti la sentenza dell'inseparabilità fra contratto e sacramento e si ritornò così al comune sentire anteriore al secolo XIV. I diversi interventi dei Romani Pontefici, soprattutto di Pio IX e di Leone XIII, costituirono un fattore decisivo per raggiungere una tale unanimità²⁴. Pur tuttavia l'argomentazione di Tom-

ratum fidelium, ergo statim ac baptizantur, efficitur sacramentum. Huius sententiae videtur D. Thom. 4, d. 39, q. unica, artic. 2. ad 1. dicit enim matrimonium infideliū esse sacramentum, non actu, quia non contrahunt in fide Ecclesiae, sed habitu, ergo sentit statim, ac baptizantur, effici sacramentum: alias frustra esset potentia illa, quae ad actum non reducetur» (THOMAS SANCHEZ, *Disputationes de Sancto Matrimonii Sacramento*, t. 1, lib. II, disp. IX, n. 6, apud Iuntas, Venetiis 1625, p. 138B). Quest'idea del sacramento *in potentia*, sebbene riferita alla sola significazione, la si trovava già presso SAN ROBERTO BELLARMINO: «Alii tamen, ut Thomas de Argentina in 4, dist. 39, q. 1, art. 1, ad 1, et Paludanus loco citato (si riferisce a *In Sent. 4, dist. 26, q. 4, art. 3, ad 5*), dicunt, sine novo contractu Matrimonium quod ante Baptismum non erat sacramentum, statim post Baptismum esse sacramentum, quia iam actu significat, quod antea solum *in potentia* significabat» (*De Controversiis Christianae fidei*, III: *De Matrimonii Sacramento*, contr. II, cap. V, apud Ios. Giuliano, Neapoli 1857, p. 789). In realtà il ragionamento di PIETRO PALUDANO segue un'altra via e vede la sacramentalità del matrimonio nell'efficacia riguardo all'effetto nell'anima, senza alcun riferimento alla significazione: «Matrimonium prout est sacramentum novae legis imprimis ornatum qui vocatur vinculum vel nexus: et non solum est relatio rationis sed res absoluta disponens ad gratiam prout habet specialiter perficere ut sciat suum vas possidere et cetera. Unde sicut si confirmetur quis vel ordinetur ante baptismum non imprimitur character ideo non est sacramentum et nihil est actum: sed si velit recipere characterem totum est iterandum: ita per matrimonium contractum ante baptismum nihil reale impressum est: et sic sacramentum formaliter et proprio non est quod semper realem effectum habet: sed si post baptismum de novo consentiunt vel in pristino consensu persistant: tunc imprimitur ornatus ille et gratia nisi ponant obicem: et sic non est sacramentum matrimonii ante baptismum sicut nec aliud: licet concurrant essentialia sacramenti» (*In 4um Sententiarum*, d. 26, q. 4, a. 3, ad 5, apud F. Regnault, Parisiis 1514, fol. 142rA).

²² Cfr P. LAYMANN, *Theologia Moralis*, t. I, lib. V, tract. IX, pars. II *De Matrimonio secundum se*, cap. III, Venetiis 1729, p. 346.

²³ Cfr E. PIRHING, *Iuris Canonici methodus nova*, t. IV, lib. 4, t. 19, n. 41, Dilingae 1678, p. 184; A. ZALLINGER, *Institutiones iuris ecclesiastici maxime privati ordine decretalium*, lib. 4, t. 1, Romae 1823, pp. 13-14.

²⁴ Cfr PIO VI, Ep. *Deessemus nobis*, 16 sett. 1788; Dz.-SCH. 2598; PIO IX, Lettera Ap. Ad Apostolice Sedis, 22 agosto 1851: *Pii IX Pontificis Maximi Acta*, pars I, vol. I, pp. 287-

maso Sánchez continuava ad essere riproposta senza ulteriori sviluppi²⁵.

Una menzione a parte merita Matthias Ioseph Scheeben. Nella sua opera *I Misteri del Cristianesimo*²⁶, dà una risposta alquanto sviluppata sul ruolo del battesimo nella sacramentalità del matrimonio. Questo ruolo non si limita a quello di aprire l'accesso al matrimonio-sacramento, bensì si colloca, per così dire, nel nucleo stesso del matrimonio cristiano quale realtà soprannaturale. «Il contratto assume un *carattere propriamente sacramentale* solo allorché le parti che convergono *si trovano in uno stato soprannaturale e come tali si uniscono per uno scopo soprannaturale*»²⁷. Dunque, la realtà sacramentale non si sovrappone al contratto coniugale a modo di rivestimento di un nucleo, che resterebbe intatto, ma lo penetra completamente, proprio perché i due sposi sono inseriti tramite il battesimo nel Corpo mistico di Cristo. «Cos'è il cristiano? Nel Battesimo, mediante il carattere impressogli da Cristo, viene accolto nel Corpo mistico dell'Uomo-Dio, onde gli appartiene anima e corpo. Quando egli si unisce in Matrimonio con una battezzata, non sono due semplici creature umane, e neppure due esseri semplicemente dotati di grazia, ma sono due consacrati membri del Corpo di Cristo che si uniscono per dedicarsi all'accrescimento di questo Corpo»²⁸.

288; Lettera al Re Vittorio Emanuele, 9 sett. 1852: *Pii IX Acta*, p. I, vol. II, pp. 295-296; Allocuzione *Acerbissimum*, 27 sett. 1852: *Pii IX Acta*, p. I, vol. I, pp. 392-393; LEONE XIII, Enc. *Arca*, 10 febb. 1880: Dz. SCH. 3145-3146.

²⁵ Lo si può verificare, per esempio, presso L. BILLOT, *De Ecclesiae Sacramentis*, II, ed. 6, Romae 1922. Parla del ruolo del battesimo, come faceva Sanchez, quando tratta della sacramentalità del matrimonio contratto nell'infedeltà, nel caso in cui i coniugi si convertono e vengono battezzati. Ripropone l'argomentazione di Sanchez, citando anche il suddetto testo di san Tommaso d'Aquino (cfr p. 384). Tuttavia qualche passo in avanti lo si può vedere quando scrive: «sive matrimonium contractum fuerit ante baptismum sive post, statim ac coniugale vinculum incipit colligare personas christiano charactere insignitas, eo ipso unit eos qui ad Novum Testamentum iam pertinentes, membra sunt corporis Christi, ac per hoc effici debet sacramentum illud magnum in Christo et in Ecclesia, quod est interioris gratiae de se exigitivum» (p. 382). Ciò nondimeno nell'affrontare direttamente la sacramentalità del matrimonio il ruolo del battesimo non viene considerato (cfr pp. 352-365; 368-377). Prima di Billot, a metà dell'Ottocento, Perrone scriveva con notevole ampiezza sul matrimonio, difendendone la sacramentalità e il nesso inscindibile tra contatto e sacramento, senza attribuirvi, però, un ruolo specifico al battesimo, oltre all'essere *ianua sacramentorum* (cfr I. Perrone, *De Matrimonio Christiano*, Romae 1858, t. I, pp. 1-203; t. II, pp. 295-306).

²⁶ La prima edizione di quest'opera apparve nel 1865. L'Autore stava preparandone una seconda edizione riveduta quando morì il 21 luglio 1888. Ne aveva già rielaborato i primi otto capitoli e, pertanto, anche il paragrafo sul mistero o sacramentalità del matrimonio cristiano, che si trova nel capitolo settimo (cfr M.-J. SCHEEBEN, *I Misteri del Cristianesimo*, 3 ed., trad. di I. Gorlani sull'edizione tedesca curata da J. HÖFER, Morcelliana, Brescia 1960, pp. XIII-XIX).

²⁷ *I Misteri...*, p. 591.

²⁸ *I Misteri...*, pp. 591-592.

Lo Scheeben insiste sul fatto che il matrimonio è in se stesso un mistero, non semplicemente simbolo di un altro mistero. Egli interpreta le parole di Ef 5,32 come riferite all'unione dell'uomo con la donna, ma in rapporto a Cristo e alla Chiesa. «Il senso secondo il quale il Matrimonio deve essere un mistero così grande, dipende manifestamente dal come si definisce il suo *rappporto a Cristo e alla Chiesa*. Questo rapporto può essere concepito come puramente *simbolico* o come *reale*. Nel primo caso l'Apostolo presenterebbe il Matrimonio secondo la sua essenza naturale come simbolo dell'unione soprannaturale di Cristo con la Chiesa; il Matrimonio da parte sua non sarebbe un mistero, ma sarebbe una immagine puramente formale nella quale vi sarebbe sensibilmente rappresentato un mistero esistente fuori di esso (...). Il Matrimonio cristiano, invece, sta in *relazione reale, essenziale, intrinseca col mistero dell'unione di Cristo con la Chiesa*; ha la sua radice in esso, è intrecciato organicamente con esso, e quindi partecipa della sua natura e del suo carattere soprannaturale»²⁹.

Qui si innesta di nuovo il discorso sul battesimo, perché a questo punto occorre mostrare come difatti il matrimonio cristiano sia intrecciato organicamente col mistero dell'unione di Cristo con la Chiesa. «Ma questo come avviene? I coniugi cristiani, secondo le parole dell'Apostolo, per effetto del Battesimo sono membri del Corpo di Cristo, carne della sua carne e ossa delle sue ossa. Già sono inclusi nell'unione misteriosa di Cristo con la Chiesa; come membra della Sposa di Cristo essi stessi sono sposati con Cristo; e così vale anche per essi il mistero dell'unione di Cristo con la Chiesa (...). Così la loro unione o società diviene *un membro organico nella grandiosa e articolata società fra Cristo e la sua Chiesa, un membro emanato, circondato e penetrato da questa mistica società*, che partecipa del carattere soprannaturale del tutto e lo riflette nel più intimo della sua natura»³⁰.

Lo Scheeben sottolinea che nel parlare della sacramentalità del matrimonio, questa va intesa in senso pieno, cioè non soltanto come simbolo, ma anche come partecipazione del mistero³¹. La partecipazione al mistero dell'unione di Cristo con la Chiesa fa sì che il matrimonio sia un efficace strumento di comunicazione di grazia, com'è proprio e specifico dei sa-

²⁹ *I MISTERI...*, pp. 593-594.

³⁰ *I MISTERI...*, pp. 594-595.

³¹ «Questa unione soprannaturale di coniugi come membri del Corpo di Cristo è perciò anche il gran mistero del Matrimonio cristiano nella sua più intima natura. Ma poiché in questa sua intima natura è espresso al tempo stesso il mistero più sublime del Matrimonio tra Cristo e la Chiesa, perciò è detto anche Sacramento di questo mistero; e siccome da questo mistero attinge, quale sua immagine e suo organo, la propria essenza, così si può dire ancora che il carattere mistico della sua natura sta in quella sacramentalità. Solo che allora il concetto di Sacramento va preso in senso pieno: in modo cioè che il Sacramento non sia soltanto il simbolo del mistero, ma si pensi come intimamente compenetrato e trasformato dal medesimo, anzi, come nato insieme e confuso con esso» (*I MISTERI...*, p. 595).

cramenti della Nuova Alleanza. «*L'efficacia produttrice di grazia del Matrimonio cristiano costituisce la sua sacramentalità in senso rigoroso. Ma questa si fonda sulla sua intima natura mistica, sulla sacramentalità dell'unione coniugale come tale, in quanto essa è un'immagine ed un organo del conubio di Cristo con la Chiesa, e perciò è da quest'ultima che deve ricevere la sua determinazione e la sua spiegazione»*³².

Le indovinate osservazioni dello Scheeben aprivano una strada che si prometteva ricca di sviluppi per la teologia del matrimonio. Purtroppo rimase praticamente infrequentata e i suggerimenti di questo grande teologo non trovarono posto nei trattati e nei manuali sul sacramento del matrimonio.

3. Legame che intercorre fra battesimo e matrimonio alla luce di Ef 5, 21-33

Se a fondamento di ogni discorso autenticamente teologico deve trovarsi sempre la Sacra Scrittura, nel caso presente, in cui tentiamo di approfondire la base battesimalle della sacramentalità del matrimonio, il ricorso a *Ef 5, 21-33* appare l'unica strada percorribile, vista la storia teologica della questione, che non ha offerto altre vie di approfondimento. Questo brano della Lettera agli Efesini stabilisce un legame esplicito fra battesimo e matrimonio. Di questi due sacramenti se ne parla a diverse riprese lungo tutto il Nuovo Testamento, ma non vengono visti insieme tranne che in questi versetti, che più di altri permettono di capire la sacramentalità del matrimonio.

L'amore di Cristo, che ha dato se stesso per la Chiesa, sua sposa, rendendola santa per mezzo del battesimo, viene presentato come modello e paradigma del rapporto tra marito e moglie: «E voi, mariti, amate le vostre mogli, come Cristo ha amato la Chiesa e ha dato se stesso per lei, per renderla santa, purificandola per mezzo del lavacro dell'acqua accompagnato dalla parola»³³. Il collegamento tra i due sacramenti è esplicito, ma non immediato, poiché si stabilisce attraverso il riferimento al processo salvifico della Chiesa da parte di Cristo. Per ciò occorre analizzare questo brano, affinché emerga con maggiore chiarezza il ruolo del battesimo nella sacramentalità del matrimonio.

In queste analisi seguiremo spesso la scia di Giovanni Paolo II. Infatti, ogni discorso teologico sulla sacramentalità del matrimonio cristiano dovrà tener conto, d'ora in poi, delle 22 allocuzioni su *Ef 5, 21-33* pronunciate dal Santo Padre nelle udienze generali del mercoledì, nel periodo che va dal 26 luglio 1982 al 9 febbraio 1983. Queste allocuzioni ap-

³² *I Misteri..., pp. 598-599.*

³³ *Ef 5, 25-26; cito secondo La Sacra Bibbia, Edizione ufficiale della CEI, UECI.*

partengono all'insieme dei discorsi papali sul matrimonio tenuti nelle udienze generali lungo un intero quinquennio, dal 1979 al 1984³⁴. Esse costituiscono un momento di riflessione teologica forse senza paragone per ciò che concerne la profondità di analisi unitamente all'ampiezza della riflessione.

a) *Il contesto di Ef 5, 21-33* — Le parole dell'Apostolo in questo passo costituiscono un discorso parenetico sui rapporti tra i coniugi, situato in un duplice contesto: uno, più ampio, formato dall'intera lettera, l'altro, più ristretto, formato dalle ammonizioni rivolte ai diversi componenti della società familiare. Il primo contesto è descritto con chiarezza da Giovanni Paolo II: «Il contenuto essenziale di questo testo "classico" compare all'incrocio dei *due principali fili conduttori* dell'intera Lettera agli Efesini: il primo, quello del mistero di Cristo che, come espressione del piano divino per la salvezza dell'uomo, si realizza nella Chiesa; il secondo, quello della vocazione cristiana quale modello di vita dei singoli battezzati e delle singole comunità, corrispondente al mistero di Cristo, ossia al piano divino per la salvezza dell'uomo»³⁵. Il primo è l'oggetto principale della prima parte della lettera (cc. 1-3), il secondo lo è degli altri tre capitoli (cc. 4-6). Proprio l'inizio del capitolo 4 serve di ammonizione introduttiva dell'intera seconda parte parenetica della lettera e dei suoi singoli brani, anche di quello che ora analizziamo: «Vi esorto dunque io, prigioniero del Signore, a comportarvi in maniera degna della vocazione che avete ricevuto» (4, 1). Il fondamento di una così pressante esortazione è la dottrina esposta nei tre primi capitoli³⁶.

La parenesi rivolta ai diversi componenti della società domestica, che va da 5, 21 a 6, 9, costituisce il contesto immediato del brano riguardante i rapporti tra i coniugi. In esso la famiglia è considerata con le particolarità che aveva in quel tempo e nella cornice di questo contesto sociale

³⁴ Questi discorsi sono stati raccolti nel volume *Uomo e donna lo creò. Catechesi sull'amore umano*, Città Nuova Editrice - Libreria Editrice Vaticana, Roma 1985. Delle 22 allocuzioni su *Ef 5, 21-33*, ne sono state raccolte 21, mancando quella del 29 settembre 1982, e costituiscono i capitoli LXXXVII-CVII del libro.

³⁵ *Uomo e donna lo creò*, cit., p. 347.

³⁶ «La pretesa di una tale condotta è giustificata da tutto ciò che Paolo ha finora espresso nella sua lettera, cioè dal fatto che essi, membri della Chiesa (e tra essi sono compresi anzitutto i cristiani ex-gentili), sono santi e fedeli; dal fatto che Dio li ha benedetti, eletti, accolti, illuminati in ogni forma e nei cieli; dal fatto che nel battesimo li ha fatti risorgere, con Cristo, dai morti, e, anche se stanno sulla terra, in Cristo, nella Chiesa, ha concesso loro una dimora, insieme con Cristo, nei cieli; dal fatto che egli, mediante l'unico corpo di Cristo che li regge, ha dischiuso ad essi, insieme coi fedeli ex-giudei, l'accesso a sé e li ha fatti cittadini della città celeste del corpo di Cristo, e mediante gli apostoli e profeti porta a compimento la meravigliosa economia di grazia che tende al luogo della sapienza di Dio in Cristo: la Chiesa» (H. SCHLIER, *La lettera agli Efesini*, trad. O. Soffreitti, Paideia, Brescia 1973², p. 282).

vengono enunciati gli obblighi morali che regolano i rapporti tra marito e moglie, tra genitori e figli, tra padroni e servi³⁷.

Il versetto 21 funge da principio direttivo dei diversi rapporti personali in seno alla famiglia: «Siate sottomessi gli uni agli altri nel timore di Cristo», e viene formulato in dipendenza dal «siate ricolmi dello Spirito» del v. 18³⁸. Questa proposizione introduttiva si protende come titolo sulle successive argomentazioni³⁹, facendo capire che le relazioni tra i componenti della società familiare debbono scaturire dalla loro comune relazione a Cristo, la quale viene caratterizzata dal «timore di Cristo»⁴⁰.

Il principio direttivo della reciproca sottomissione nel timore di Cristo si sviluppa in seguito venendo applicato ai tre binomi mogli-mariti, figli-genitori, servi-padroni, secondo uno schema molto evidente nell'originale greco: prima viene la parte che per condizioni naturali e storiche è sottomessa, e poi quella che in qualche modo regge l'altra:

Aἱ γυναῖκες	(5, 22)...	Oἱ ἄνδρες	(5, 25)
Tὰ τέχνα	(6, 1)...	καὶ οἱ πατέρες	(6, 4)
Oἱ δοῦλοι	(6, 5)...	Καὶ οἱ κύριοι	(6, 9)

L'esortazione alla sottomissione si fa in ogni caso in rapporto a Cristo:

mulieres subditae sint...	ώς τῷ κυρίῳ
filii, obedite... ⁴¹	ἐν κυρίῳ
servi, obedite...	ώς τῷ Χριστῷ

³⁷ Cfr *Uomo e donna lo creò*, cit., p. 347; SCHLIER, *op. cit.*, p. 395.

³⁸ Infatti, al πληροῦσθε del v. 18 fanno seguito quattro partecipi (λαλοῦντες, ὁδοῦντες, καὶ φαλλοῦντες — sono concetti indistinguibili formanti un tutt'uno —, εὐχαριστοῦντες, ὑποτασσόμενοι), che precisano in che modo si compie l'essere ricolmi dello Spirito Santo (cfr *Épître aux Ephésiens*, traduzione e commento di A. MÉDEBIEILLE, *La Sainte Bible*, L. PIROT - A. CLAMER, XII, Paris 1946, p. 66). La Neovulgata giustamente mette il punto alla fine del v. 21, anziché del 20, come si trovava nella Vulgata Clementina (cfr *Novum Testamentum graece et latine. Textus Graecus, cum apparatu critico-exegetico, Vulgata Clementina et Neovulgata*, curante G. NOLLI, Città del Vaticano 1981). Schlier vede i tre primi partecipi riferiti all'assemblea liturgica, soprattutto quella riunitasi per l'Eucaristia; il quarto, invece, fa passare quasi impercettibilmente dalla comunità cristiana radunata nell'assemblea liturgica alla comunità domestica (cfr SCHLIER, *op. cit.*, pp. 388-395).

³⁹ Tant'è vero che il verbo del v. 22 viene sottinteso e dedotto dall'ὑποτασσόμενοι del v. 21: così P⁴⁶ BCHier^cVgNvg (cfr SCHLIER, p. 395).

⁴⁰ «In questo caso non si tratta di timore o paura, che è un atteggiamento difensivo davanti alla minaccia di un male, ma si tratta soprattutto di rispetto per la santità, per il *sacrum*; si tratta della *pietas*, che nel linguaggio dell'Antico Testamento fu espressa anche col termine *timore di Dio*» (*Uomo e donna lo creò*, p. 349). SCHLIER ne sottolinea un altro significato complementare del precedente, richiamandosi a 2 Cor 5, 10-11 e a Col 3, 22.24: «La reciproca subordinazione nel timore di Cristo è una subordinazione suggerita dalla conoscenza di Cristo quale giudice» (*op. cit.*, p. 398).

⁴¹ In *Domino* (ἐν κυρίῳ) di 6, 1 manca nei codici B, D*, Clemente, Tertulliano, Cipriano e Marcione. Nell'edizione di Nolli (cfr *supra*, nota 38) viene attribuita la stessa autorità a en-

Il comportarsi in maniera degna della vocazione ricevuta (cfr 4, 1) non sovrverte i rapporti dentro la famiglia. La parte che per condizione naturale e storica è subordinata non viene esortata a ribaltare la sua posizione e nemmeno i mariti, i genitori e i padroni devono abdicare dalla loro naturale autorità. Tuttavia questi rapporti domestici, pur mantenendo la loro struttura, acquistano un'altra vitalità in forza alla nuova vita in Cristo ricevuta nel battesimo. Infatti, quando l'Apostolo fa considerare a ciascun cristiano la propria condotta familiare alla luce del suo rapporto a Cristo, non imposta un discorso generico e indeterminato, poiché tale rapporto risulta ben delineato da quanto ha scritto nei capitoli precedenti della stessa lettera. A riprova di questo basta leggere ciò che dice riguardo al cristiano, che è stato impiantato nel mistero salutare della morte e risurrezione di Cristo: «Dio, ricco di misericordia, per il grande amore con il quale ci ha amati, da morti che eravamo per i peccati, ci ha fatti rivivere con Cristo (...). Con lui ci ha anche risuscitati e ci ha fatti sedere nei cieli, in Cristo Gesù» (2, 4-6). Perciò l'Apostolo più avanti esorta i cristiani: «Dovete rinnovarvi nello spirito della vostra mente e rivestire l'uomo nuovo, creato secondo Dio nella giustizia e nella santità vera (...). Fatevi dunque imitatori di Dio, quali figli carissimi, e camminate nella carità, nel modo che anche Cristo vi ha amato e ha dato se stesso per noi, offrendosi a Dio in sacrificio di soave odore» (4, 23-24; 5, 1-2). Tutta la vita del cristiano è contrassegnata dal rapporto a Cristo e per Lui nello Spirito dal rapporto al Padre.

La pericope riguardante gli sposi, pur nella visione unitaria della parentesi rivolta all'intera famiglia, presenta nondimeno dei tratti specifici non applicabili agli altri due binomi: figli-genitori, servi-padroni. I rapporti in questi due casi, anche se vissuti *in Domino*, non appartengono di per sé al mistero dell'unione di Cristo con la Chiesa; invece, il rapporto marito-moglie sì vi appartiene.

b) *L'isomorfismo dei legami marito-moglie e Cristo-Chiesa come esclusivo del matrimonio cristiano* — Ciò che traspare subito a una prima lettura del brano di Ef 5, 21-23 è il parallelismo dei rapporti marito-moglie e Cristo-Chiesa. Ma ci si pone allora la domanda se questo parallelismo sia applicabile a ogni matrimonio o resti specifico dell'unione tra i coniugi cristiani, visto che la lettera è rivolta ai battezzati.

Che gli sposi formino una sola carne e che il marito possa dirsi capo nella comunità matrimoniiale, sono cose che si verificano in ogni matrimonio. A livello di semplice metafora o di figurazione lontana, il parallelismo con il mistero dell'unione tra Cristo e la Chiesa è applicabile a ciascuna legittima unione coniugale, poiché, come spiega Giovanni Paolo II, il «so-

trambe le lezioni, anche se nel testo è stampata la lezione piena. Questa certo fa più evidente il parallelismo dei tre binomi.

prannaturale conferimento dei frutti della redenzione compiuta da Cristo acquista, secondo la Lettera agli Efesini 5, 22-33, il carattere di un darsi sponsale di Cristo stesso alla Chiesa a somiglianza del rapporto sponsale tra il marito e la moglie»⁴².

Tuttavia, le parole dell'Apostolo mirano ben al di là della semplice somiglianza, quando riguardano il matrimonio originario tra Adamo ed Eva. Nel riportarsi al principio per mezzo della citazione di *Gn 2, 24*⁴³, l'Apostolo fa vedere che il matrimonio dei progenitori dell'intera famiglia umana costituisce il prototipo secondo il quale viene costruita la fondamentale struttura portante della nuova economia della salvezza e dell'ordine sacramentale, che trae origine dalla gratificazione sponsale che la Chiesa riceve da Cristo⁴⁴. Giovanni Paolo II ama parlare del matrimonio originario come sacramento primordiale e quale parte integrante del sacramento della creazione, che trae la sua efficacia da Cristo, il Figlio diletto del Padre⁴⁵.

Ora, siccome il peccato entrò nel mondo, il sacramento della creazione è continuato dal sacramento della Redenzione, dal quale trae origine ed efficacia un nuovo ordine di segni sacramentali, di cui il matrimonio fa parte integrale, rivolto però non all'uomo della giustizia e innocenza originarie, bensì all'uomo gravato dall'eredità del peccato originale⁴⁶.

⁴² *Uomo e donna lo credo*, cit., p. 367.

⁴³ *Ef 5, 31*: «Per questo l'uomo lascerà suo padre e sua madre e si unirà alla sua donna e i due formeranno una carne sola».

⁴⁴ «Il matrimonio come sacramento primordiale costituisce, da una parte, la figura (e dunque: la somiglianza, l'analogia), secondo cui viene costruita la fondamentale struttura portante della nuova economia della salvezza e dell'ordine sacramentale, che trae origine dalla gratificazione sponsale che la Chiesa riceve da Cristo, insieme con tutti i beni della redenzione (...). In tal modo il matrimonio, come sacramento primordiale, viene assunto ed inserito nella struttura integrale della nuova economia sacramentale, sorta dalla redenzione *in forma, direi, di prototipo*» (*Uomo e donna lo credo*, cit., p. 380).

⁴⁵ «Quella santità conferita originariamente all'uomo da parte del Creatore appartiene alla realtà del «sacramento della creazione». Le parole della Genesi 2, 24, «l'uomo... si unirà a sua moglie e i due saranno una sola carne», pronunciate sullo sfondo di questa realtà originaria in senso teologico, costituiscono il matrimonio quale parte integrante e, in certo senso, centrale del «sacramento della creazione» (...). In questo senso è sacramento primordiale. L'istituzione del matrimonio, secondo le parole della Genesi 2, 24, esprime non soltanto l'inizio della fondamentale comunità umana che, mediante la forza «procreatrice» che le è propria («siate fecondi e moltiplicatevi»), serve a continuare l'opera della creazione, ma essa nello stesso tempo esprime l'iniziativa salvifica del Creatore, corrispondente alla eterna elezione dell'uomo, di cui parla la Lettera agli Efesini. Quella iniziativa salvifica proviene da Dio-Creatore e la sua efficacia soprannaturale s'identifica con l'atto stesso della creazione dell'uomo nello stato dell'innocenza originaria. In questo stato, già fin nell'atto della creazione dell'uomo, fruttificò la sua eterna elezione in Cristo. In tal modo occorre riconoscere che l'originario sacramento della creazione trae la sua efficacia dal Figlio diletto» (*Uomo e donna lo credo*, cit., p. 375).

⁴⁶ «Cristo, nel suo colloquio con i Farisei (*Mt 19*), non solo conferma l'esistenza del matrimonio istituito dal «principio» dal Creatore, ma lo dichiara anche parte integrale della nuova economia sacramentale, del nuovo ordine dei «segni» salvifici, che trae origine dal sa-

Se a sentire Giovanni Paolo II, il matrimonio originario di Adamo ed Eva oltrepassava il livello della metafora, in confronto al mistero dell'unione tra Cristo e la Chiesa, nella misura in cui il sacramento della creazione traeva la sua efficacia dallo stesso Cristo, a maggior ragione si deve dire che il matrimonio cristiano ha un rapporto tutto nuovo — «rinnovato», dice il Papa — con tale mistero, non condivisibile dai matrimoni naturali legittimi⁴⁷. Si può ben dire che la Lettera agli Efesini, rapportando al mistero l'unione originaria dei nostri progenitori, vi include ogni unione coniugale; ciò nonostante, la specificità sacramentale del matrimonio dei battezzati non è assente, bensì fortemente presente, poiché si trova alla base delle esortazioni rivolte agli sposi. «Nel testo è usato il tono esortativo: "Le mogli siano sottomesse ai mariti... come la Chiesa sta sottomessa a Cristo". E d'altra parte: "Voi, mariti, amate le vostre mogli, come Cristo ha amato la Chiesa...". Queste espressioni dimostrano che si tratta di un obbligo morale. Tuttavia, per poter raccomandare tale obbligo, bisogna ammettere che nell'essenza stessa del matrimonio si racchiude una particella dello stesso mistero. Altrimenti, tutta questa analogia rimarrebbe sospesa nel vuoto. L'invito dell'autore della Lettera agli Efesini, rivolto ai coniugi, perché modellino il loro rapporto reciproco a somiglianza del rapporto di Cristo con la Chiesa ("come - così"), sarebbe privo di una base reale, come se gli mancasse il terreno sotto i piedi»⁴⁸.

c) *La comunità coniugale vivificata dal battesimo dei coniugi* — La coppia cristiana di marito e moglie è in quanto tale coppia introdotta nel

47) «In base al sacramento della redenzione, così come l'economia originaria è emersa dal sacramento della creazione (...). La nuova economia sacramentale, che viene costituita sulla base del sacramento della redenzione, emergendo dalla sponsale gratificazione della Chiesa da parte di Cristo, differisce dalla economia originaria. Essa, infatti, è diretta non all'uomo della giustizia e innocenza originarie, ma all'uomo gravato dall'eredità del peccato originale e dallo stato di peccaminosità (*status naturae lapsae*)» (*Uomo e donna lo creò*, cit., pp. 380-381).

⁴⁸ «In base al sacramento della redenzione si può comprendere la sacramentalità della Chiesa, o piuttosto la sacramentalità dell'unione di Cristo con la Chiesa, che l'autore della Lettera agli Efesini presenta nella similitudine del matrimonio, dell'unione sponsale del marito e della moglie. Un'attenta analisi del testo dimostra che in questo caso non si tratta solo di un paragone in senso metaforico, ma di un reale *rinnovamento* (ovvero di una «ri-creazione», cioè di una nuova creazione) di ciò che costituiva il contenuto salvifico (in certo senso la «sostanza salvifica») del sacramento primordiale» (*Uomo e donna lo creò*, cit., p. 382).

⁴⁹ *Uomo e donna lo creò*, cit., p. 353. Questo concetto del matrimonio, che l'Apostolo dimostra di avere in questo brano, è ben colto da H. SCHLIER nel suo commento. Non possiamo riprodurre qui la presentazione che egli ne fa, perché assai lunga, ma citiamo almeno alcune frasi di sintesi: «Il matrimonio ora deve e può manifestarsi in ciò che è e significa perennemente dalla fondazione del suo mistero nella creazione. L'esigenza è implicita nel fatto che esso rende anche visibile il rapporto Cristo-Chiesa nel quale consiste e nel quale in se stesso rimanda, e nel fatto che esso stesso apertamente si rivela come esistente in quel rapporto. A ciò allude l'Apostolo in 1 Cor 7, 39, quando esige che ogni matrimonio avvenga *èv xupiō*, ciò che per lui significa: nel corpo di Cristo, nella *εκκλησίᾳ*» (*op. cit.*, p. 442).

mistero del processo salvifico che unisce Cristo e la Chiesa, proprio perché i due sposi appartengono al mistero per mezzo del loro battesimo. Il sacramento del matrimonio fa sì che il battesimo, che ognuno dei coniugi ha ricevuto separatamente, dispieghi la sua efficacia sulla comunità coniugale che essi creano col loro consenso matrimoniale⁴⁹.

In ogni battesimo si attua la donazione di Cristo sulla Croce in favore della Chiesa per santificarla. È questo un elemento costitutivo del processo salvifico presentato con singolare espressività dalla Lettera agli Efesini: «... Cristo ha amato la Chiesa e ha dato se stesso per lei, per renderla santa, purificandola per mezzo del lavacro dell'acqua accompagnato dalla parola, al fine di farsi comparire davanti la sua Chiesa tutta gloriosa, senza macchia né ruga o alcunché di simile, ma santa e immacolata» (5, 25-27)⁵⁰. «L'amore sponsale di Cristo si riferisce ad essa, alla Chiesa, ogni qualvolta una persona singola riceve in essa la purificazione fondamentale per mezzo del battesimo. Chi riceve il battesimo, in virtù dell'amore redentore di Cristo, diviene al tempo stesso partecipe del suo amore sponsale verso la Chiesa»⁵¹.

Il battezzato è reso partecipe dell'amore sponsale di Cristo verso la Chiesa e in qualche modo ne diviene tramite perché l'amore redentore di Cristo dispieghi la sua efficacia sulla Chiesa quale sua sposa. Già san Giovanni Crisostomo spiegava questo ai catecumeni che si accingevano a ricevere il battesimo, che per loro sarebbe stato come la celebrazione di nozze spirituali⁵². I doni che porta lo sposo sono quelli indicati da Ef 5, 25-27 e ne fa donazione alla Chiesa proprio attraverso la rigenerazione e la santificazione operate in ognuno dei battezzati⁵³. Nella prospettiva

⁴⁹ «Das Ehesakrament bewirkt, wie wir früher darlegten, dass das Taufskrakment, das beide Ehegatten getrennt empfangen haben, sich nun auf sie als Paar auswirkt. So wird sichtbar, wie die Ehe die Zugehörigkeit der beiden Gatten zur Kirche in Fortsetzung der Linie ihrer Taufe näher bestimmt: Wie der einzelne durch seine Taufe ein Glied der Kirche wird, so wird durch die Ehe zuerst das Paar, dann die Familiengemeinschaft, die sich um das Paar herum bildet, gleichsam zu einer Zelle der Kirche» (J.-H. NICOLAS, *Das Sakrament der Ehe, in Christusbegegnung in den Sakramenten*, Hrsg. H. Luthe, 2. Aufl., Butzon & Bercker, Kevelaer 1982, p. 565).

⁵⁰ «La donazione di Cristo si rinnova perennemente nel battesimo. La Chiesa, che Cristo una volta presentò a se stesso come promessa sposa (nell'offerta che egli ha fatto di se stesso), come promessa sposa si presenta a lui in ogni battesimo. Cristo si è donato per la santificazione della Chiesa nel senso che perennemente, nel battesimo di ogni fedele, egli presenta la Chiesa a se stesso come promessa sposa immacolata» (SCHLIER, *op. cit.*, pp. 408-409); cfr J. CAMBIER, *Le grand mystère concernant le Christ et son Église. Ephésiens 5*, 22-33, «Biblica», 47 (1966) 71-72.

⁵¹ GIOVANNI PAOLO II, *Uomo e donna lo creò*, cit., p. 357.

⁵² A. WENGER, *Jean Chrysostome. Huit catéchèses baptismales inédites*, «Sources Chrétiennes», 50bis, Cerf, Paris 1970², pp. 108-118.

⁵³ «Vedi la grandezza dei doni? Vedi l'eccesso ineffabile dell'amore? Come anche Cristo amò la Chiesa e diede se stesso per lei: chi accetterebbe mai di fare questo, di versare il sangue per colei che sta per essergli unita? Invece il Signore amorevole, agendo ad imitazione della propria bontà, accettò questo fatto grande e paradossale per la sollecitudine verso di

del Crisostomo il doppio binomio Cristo-Chiesa Chiesa-cristiano, che fa trasparire il carattere strumentale della Chiesa come via d'unione tra Cristo e i singoli fedeli, viene visto piuttosto come un unico binomio con la Chiesa personificata in qualche modo dai singoli battezzati e identificata con essi.

Se dunque il battezzato è divenuto strumento affinché l'amore redentore di Cristo dispieghi la sua efficacia sulla Chiesa come amore sponsale verso di essa, appare estremamente coerente con questa economia divina il fatto che il matrimonio sacramentale sia l'unica comunità coniugale possibile alla coppia di battezzati. Il loro amore sponsale e la loro unione coniugale non possono assolutamente discorrere al margine del mistero dell'amore e dell'unione di Cristo con la Chiesa, sua sposa; e questo è così non solo perché essi già appartengono al mistero di questa unione, ma anche perché attraverso loro si attua l'amore sponsale di Cristo verso la Chiesa.

Se nel piano naturale ciascuno di noi non può fare a meno del fatto di essere figlio dei propri genitori, nel piano soprannaturale questo si verifica in modo ancora più radicale. Il rigenerato per mezzo del battesimo è segnato dal carattere sacramentale e porta in sé i lineamenti che lo indicano come figlio di Dio in Cristo. Comporta un profondo senso realistico l'asserzione di san Tommaso d'Aquino secondo cui il carattere sacramentale è carattere di Cristo, cioè impronta di Cristo. Ma c'è di più, perché l'Angelico aggiunge che i fedeli essendo segnati dal carattere sacramentale si configurano con Cristo Sacerdote e sono resi partecipi del suo sacerdozio³⁴. Con questa intuizione teologica san Tommaso raggiunge una vetta di vera sapienza, quella che sa trovare unità nelle diverse sfaccettature dei misteri soprannaturali³⁵.

Ora, la Lettera agli Efesini nel brano che stiamo considerando mostra in primo piano l'amore sponsale di Cristo verso la Chiesa proprio nel

lei allo scopo di renderla santa mediante il proprio sangue e, dopo averla purificata con il lavacro del battesimo, porre accanto a sé la Chiesa gloriosa. Per questo versò il sangue e sopportò la croce, per dare anche a noi in questo modo la grazia della santificazione, per purificarcisi mediante la rigenerazione del lavacro e porre accanto a sé gloriosi, senza alcuna macchia o ruga o qualcosa di simile, coloro che prima erano indegni e non potevano avere alcuna fiducia» (GIOVANNI CRISOSTOMO, *Le catechesi battesimali*, traduzione, introduzione e note a cura di A. CERESA-GASTALDO, Città Nuova Editrice, Roma 1982, quinta catechesi, 17, pp. 96-97).

³⁴ «Character sacramentalis specialiter est character Christi, cuius sacerdotio configuranatur fideles secundum sacramentales characteres, qui nihil aliud sunt quam quaedam participations sacerdotii Christi, ab ipso Christo derivatae» (*Summa Theologiae*, III, q. 63, a. 3c).

³⁵ Cfr J. GALOT, *La nature du caractère sacramentel. Étude de théologie médiévale*, Desclée de Brouwer, Paris-Louvain 1958², pp. 186-190. L'Autore mette in rilievo l'originalità di san Tommaso riguardo a questa dottrina del carattere sacramentale, pur sottolineando come egli si sia giovato dei passi in avanti fatti da Alessandro di Hales e da Filippo il Cancelliere.

suo sacrificio redentore sulla Croce⁵⁶. In quel momento Cristo, «gran sacerdote», come viene chiamato dalla Lettera agli Ebrei (10, 21), compie il perfetto sacrificio della Nuova Alleanza, esercitando al massimo il suo sacerdozio eterno. Se, dunque, l'uomo e la donna si uniscono in matrimonio, formando una comunità d'amore sponsale, e per il fatto di essere battezzati partecipano entrambi del sacerdozio di Cristo, è davvero comprensibile che tale unione sia contrassegnata dalla loro appartenenza a Cristo sacerdote e venga introdotta a partecipare del mistero dell'altra grande unione sponsale, quella di Cristo con la Chiesa. «Gli sposi sono pertanto il richiamo permanente per la Chiesa di ciò che è accaduto sulla Croce»⁵⁷.

Se torniamo alla domanda iniziale sul ruolo del battesimo nella sacramentalità del matrimonio, posta al fine di chiarire il collegamento armonico fra questi due sacramenti, le analisi fin qui fatte ci permettono di dire che tale ruolo va ben al di là del semplice aprire la porta al matrimonio-sacramento, poiché ne determina la struttura sacramentale, presupponendo certo la volontà istitutrice di Dio riguardo a tutta l'economia sacramentaria, anzi a tutta l'economia dell'incarnazione e della redenzione.

Se ogni battesimo attua l'amore sponsale di Cristo verso la Chiesa, amore di donazione totale, amore d'alleanza, amore incarnato, e rende colui che lo riceve partecipe del sacerdozio eterno di Cristo, diventando mezzo di azione di Cristo Sacerdote, allora la coppia di battezzati, nell'unirsi e nel restare uniti in matrimonio, necessariamente trova come la loro comunità di vita e di amore coniugale sia introdotta nel mistero dell'unione sponsale di Cristo con la Chiesa e venga modellata secondo tale unione. Perché la loro unione matrimoniale potesse restare fuori del mistero dell'unione sponsale tra Cristo e la Chiesa, dovrebbero essere cancellati nelle anime degli sposi i lineamenti di Cristo che costituiscono i loro caratteri battesimali; ma questi lineamenti sono incancellabili, più ancora che i tratti somatici che li identificano come figli dei loro genitori in terra.

Si capisce ora meglio che il Concilio Vaticano II parli di una quasi consacrazione dei coniugi per mezzo del sacramento del matrimonio⁵⁸. Certo, non viene loro impresso un carattere sacramentale, ma l'inserimento della loro unione coniugale nel mistero dell'unità tra Cristo e la Chiesa fa sì che essi ne diventino segno permanente e vi trovino una fonte continua di grazia per vivere fino in fondo la loro vocazione matrimoniale.

⁵⁶ «E voi, mariti, amate le vostre mogli, come Cristo ha amato la Chiesa e ha dato se stesso per lei» (5, 25). La natura sacrificale di tale donazione è più che sottintesa, poiché viene affermata esplicitamente all'inizio del medesimo capitolo: «Camminate nella carità, nel modo che anche Cristo vi ha amato e ha dato se stesso per noi, offrendosi a Dio in sacrificio di soave odore» (5, 2).

⁵⁷ Es. Ap. *Familiaris consortio*, n. 13: *Insegnamenti di Giovanni Paolo II*, IV-2, p. 1057.

⁵⁸ «Quapropter coniuges christiani ad sui status officia et dignitatem peculiari sacramento roborant et veluti consecrantur» (*Gaudium et spes*, 48b).

Infatti, di vocazione nel matrimonio parla il Concilio Vaticano II⁵⁹. Vocazione vuol dire chiamata di Dio, cioè un suo disegno che riguarda la persona singola in tutta la sua esistenza, tanto nei momenti più rilevanti quanto nella quotidianità più piccola, e che fa confluire su di essa l'aiuto costante della grazia divina, fino al raggiungimento del traguardo della santità, che si addice al figlio o alla figlia di Dio. Questa vocazione, riferita al matrimonio s'inserisce, come abbiamo visto, nel contesto della vocazione cristiana resa visibile e operante attraverso il battesimo.

Le riflessioni precedenti sul ruolo determinante del battesimo nella sacramentalità del matrimonio non restano a livello di semplice teoria. Esse infatti fanno capire che così come il sacramento del matrimonio fa sì che il battesimo, che ognuno dei coniugi ha ricevuto separatamente, dispieghi la sua efficacia sulla comunità coniugale, che essi creano col loro consenso matrimoniale, parimenti il matrimonio concretizza la vocazione battesimalle alla santità. Servano dunque, per concludere, queste parole di richiamo alla pienezza di vita cristiana in concreto da parte di un grande apostolo della chiamata universale alla santità: «Gli sposi sono chiamati a santificare il loro matrimonio e a santificare se stessi in questa unione. Commetterebbero perciò un grave errore se edificassero la propria condotta spirituale volgendo le spalle alla famiglia o al margine di essa. La vita familiare, i rapporti coniugali, la cura e l'educazione dei figli, lo sforzo economico per sostenere la famiglia, darle sicurezza e migliorarne le condizioni, i rapporti con gli altri componenti della comunità sociale: sono queste le situazioni umane più comuni che gli sposi cristiani devono soprannaturalizzare»⁶⁰.

⁵⁹ Sia la Cost. *Lumen gentium*: «Ibi coniuges propriam habent vocationem, ut sibi invicem et filiis sint teste fidei et amoris Christi» (n. 35c); sia la Cost. pastorale *Gaudium et spes*: «Ad officia autem huius vocationis christianaec contanter exequenda virtus insignis requiritur» (n. 49b). Per uno studio di questa dottrina del Concilio mi sia permesso rinviare a A. MIRALLES, *Amor y matrimonio en la «Gaudium et spes»*, «Lateranum», XLVIII-2 (1982) 344-354.

⁶⁰ L. ESCRIVÁ, *È Gesù che passa. Omelie*, Ares, Milano 1982⁴, Omelia «Il matrimonio, vocazione cristiana», p. 65.

GRADUALNESS IN A LAW, AND A LAW OF GRADUALNESS

ELISABETH ANSCOMBE*

Pope John Paul II insists in *Familiaris consortio* (n. 34) that we not identify these two things. «Gradualness of the law» he explains with the phrase: «as if there were different degrees or forms of precepts in God's law for different individuals and situations». In context, it is clear what this means: many will have heard how the Church's teaching on contraception «represents an ideal». Towards this people must presumably strive; but the effect of the defence is to make them feel easy in their continuing contraceptive life, or untroubled about that of their friends.

I do not know whether there are any examples of «gradualness of law» so explained. Examples which suggest themselves are the counsels of perfection, which are the «ideals» pursued in the religious life, and the debt to the poor in respect of one's superfluities. So regarding the counsels of perfection comes very natural to someone who continues to live in the world and who has not taken the religious vows. But then neither does he have any obligation to live as if he had taken them, or to pursue that «ideal». And it is extremely doubtful to suggest that someone who has taken the vows would be right to regard the counsels of perfection as expressing ideals towards which he is to strive, but failures in following them are no sin in the early stages. — As for the debt to the poor in respect of one's superfluities, it is a dodge or excuse for salving one's conscience and ceasing to think about the matter, if one says «That is an ideal reached by people holier than I. I in my lowlier stage am only obliged to give some alms».

It appears to me quite possible that there are in fact *no* true examples of «gradualness of the law». Certainly it is not necessary that there be such, in order for the Pope to characterize the idea and say that it must not be confused with that of «a law of gradualness», or step-by-step advance. One can say that a donkey is not a unicorn without implying that anything is a unicorn.

That there should be a law of gradualness is unsurprising. Here it is worth reflecting on our Lord's saying that «Moses for the hardness of

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your hearts allowed you to put away your wives; but from the beginning it was not so» (*Mt* 19, 8; see also *Mk* 10, 4-5). Our Lord rescinded this permission to divorce. Are there any other examples of permissions which may be understood in this way, and which are to be found in the Mosaic law? We may think of two: someone who accidentally killed someone else could be killed by the «avenger of blood» — i.e. someone in the dead man's family — if he did not betake himself to a «city of refuge» and stay there for the lifetime of the high priest. This model of law-giving shews how to wean people of bloody and vengeful traditions from habits of murder in vengeance for even an accidental killing (*Nm* 35, 9-39). Again, the Mosaic law forbade a Jew to take interest on a loan to a fellow Jew, but allowed him to take it from a Gentile (*Dt* 23, 19-20).

Since these were laws, we might think that they were examples of «gradualness in laws», for they allow what is forbidden by the law of Christ. This, however, would seem to be inaccurate. They are part of the juridical system of the ancient Hebrews. The avenger of blood will not be guilty (juridically) of murder, so long as he respects the rule about the cities of refuge. The permission to give your wife a «bill of divorcement» is a matter of civil law and does not go against the teaching that «God hates divorces» (*Mt* 2, 16). And it is surely not improper to think that the permission to exact usury from Gentiles was also a concession to «the hardness of your hearts». That it was forbidden to exact it from your brother Jew may well have been part of the civil law, and should have worked as a training, might with a would-be just person work as a weaning.

The Jews had the advantage of being a state. It is therefore possible to distinguish between the juridical and the moral. The fact that you are not juridically condemnable for murder does not mean that a certain act of killing is not a murderous one. King David could order his general Joab to place soldier in the forefront of the battle without thereby becoming subject to the criminal law, because he was commander in chief of Israel's army. (This would be an immunity independent of whether he, being King, could in any case be subject to the criminal law). The wickedness of his so procuring the death of Bathsheba's husband was a purely personal, non juridical wickedness.

Whether «Christendom» could be said to have laws like the laws of a state, I will not pause to ask. I certainly have insufficient knowledge to do so. At any rate Christendom never was a state as Israel was. There is therefore no room for laws like the Mosaic law which our Lord explained as being «because of the hardness of your hearts». The law of Christ is a law of perfection; obeying this, you will not do anything that is merely allowed by the law because of the stage you are at.

This poses a grave problem. People are baptized in infancy in a Christian country, but may be taught little and brought up in small regard for, or even consciousness of, the demands of Christian teaching.

The conversion of the first Christians was sudden and multitudinous. — I mean the conversion of three thousand at Pentecost. These however were Jews, and we should reflect that their Judaism was *the praeparatio evangelica, the catechumenate*. Within a short time there were another five thousand *men* (male: ἄνδρες, *Ac* 4, 4) and therefore we must suppose a far greater number of believers, «both men and women». These too were Jews. When Stephen and his companions were chosen to minister at the common tables, this was because of a dissension, a complaint of the Greeks against the Hebrews; but the «Greeks» too are at this stage most likely to have been Jews. So these massive swift conversions were of people who had had a catechumenate in the same religion before what it prophesied had come about so that it was transformed. That there were Gentile proselytes is evident too; but they are recorded as e.g. studying the prophet Isaiah (the Ethiopian eunuch of *Acts* 8) or as devoutly praying to God always (the centurion Cornelius).

In (I believe) the third century there was the practice of a long catechumenate; a vestige of this used to be before us in the name of the instructive part of the mass: the mass of the catechumens. How long the catechumenate would be, I do not know; perhaps its lengthening was at the discretion of the catechumen. A description of the Sacrament of Penance (Reconciliation) as «raft after shipwreck», as also the story of St. Augustine's conversion, suggests that becoming a baptized Christian was taken very seriously as a step into what even in the eyes of the world was a new life. (Or, as people speak nowadays, a new life-style).

With whole populations being Christian, and the conversion of the Empire arousing an enthusiastic belief that the Church on earth in this present age was the promised City of God, things nevertheless were considerably changed. Unless there is strong instruction, everybody being brought up to say their prayers and think of the prospects of heaven or hell, baptism could be no guarantee of conversion to a life-style other than what is common in the world. That is still more so now, even though what is common in the world and taken as perfectly respectable would have been taken in former Christian and often even in pagan societies as great wickedness.

This means that the law of gradualness, or «step by step advances», assumes a peculiar importance for the present day. I do not mean that it is *more* important at this time than it has been at others; only that the importance is of a peculiar kind. There are very large numbers of baptized Christians who know no more about Christian teaching and Christian life than their unbaptized neighbours. This makes a contrast with such baptized Christians of former times as did not care.

In the circumstances, there would seem to be a great need of a catechumenate for baptized and unbaptized alike. And here a new law of gradualness will perforce be operative. There is no doubt a law of gradualness governing the advance in the religious life of monks and nuns, and

of devout Christians generally — if they are making progress. The new law of gradualness that I am speaking of is of gradualness in learning about Christianity at all — whether by baptism you are already a Christian, or, by not having been baptized, you are formally in the same position as an ancient pagan convert.

THE DISTINCTION BETWEEN THE "LAW OF GRADUALNESS" AND THE "GRADUALNESS OF THE LAW"

WOLFGANG WALDSTEIN*

St. Augustine shows in his *de doctrina Christiana* the fundamental importance of logic in the search for truth¹. But he does not fail to show also that wrong use of correct logic or the use of wrong logic can and does lead to disastrous errors. One of the most dramatic examples for this is given by John Henry Newman in his surprisingly timely book about the Arians of the Fourth Century².

St. Augustine mentions among the examples for a logically conclusive sentence the following: «If someone is a speaker ("orator" which means the scholarly trained orator), then he also is a human being». This is logically conclusive, because the quality «speaker» implies necessarily the quality «human being». But the sentence would become inconsistent by turning it round: «If someone is a human being, he is an orator»³. This is obviously not true. Surprisingly enough, I discovered that exactly this inconsistency plays a decisive role for the difference between the "law of gradualness", and the "gradualness of the law". Among the laws by which our life is ruled there is, no doubt, a "law of gradualness"⁴. But from this it in no way follows, that all laws as such are subject to gradualness, no more than it would follow from the quality «human being» that every human being is an orator. This turning round of the "law of gradualness" into the "gradualness of the law" is logically inconsistent. The fact that it is done just the same can only be understood against the background of a situation, in which, for many and different reasons, the validity and binding force of objective laws are generally contested as soon as they are found inconvenient in some way or other.

This was, for instance, done as soon as the law protecting human life appeared to be a hindrance for allowing abortion in cases in which

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¹ AUG. *doct. christ.* 2, 31 ff.; PL 34, 57 ff.

² New edition 1968. See there esp. pp. 38 ff.

³ AUG. *doct. christ.* 2, 34; PL 34, 59.

⁴ See *Familiaris consortio* 34; *L'Osservatore Romano*, Weekly Edition in English language 10 October 1983, p. 7.

it was thought by many to be convenient to allow it. In these cases it is hardly possible or rather impossible to show by true arguments that the law does not comprise the protection, say, of unborn children, or aged and sick persons. As far as one thinks it to be convenient to deny the validity of a law in a certain respect, one is, therefore, somehow forced to resort to sophistical arguments⁵. But this is not a specific problem concerning the dispute of the validity of laws. It is a general problem in every search for truth. Therefore sophistical arguments can be found most frequently, where truth is being contested⁶.

Our Holy Father, Pope John Paul II, has already made clear the fundamental difference between the "law of gradualness" and the "gradualness of the law" in a relevant context by saying: «And so what is known as the "law of gradualness" or step-by-step advance cannot be identified with "gradualness of the law", as if there were different degrees or forms of precept in God's law for different individuals and situations»⁷. These words from the highest authority make me feel somewhat out of place if I now have the task to speak exactly about this distinction. But they give me confidence at the same time. In order to make the distinction more obvious, I will first try to elaborate a little more in detail what the "law of gradualness" is, second I will try to show what is meant by the "gradualness of the law", and finally third I will draw the conclusions for the distinction between both, from what their respective essence appeared to be.

THE "LAW OF GRADUALNESS"

The "law of gradualness" manifests itself in manyfold ways in the entire created world. It is in fact one of the fundamental laws of creation itself which took place in successive steps⁸. We can observe this law in the whole of nature. Furthermore we know that this law does not only manifest itself in natural growth, maturing, aging, and death, but that also man's spiritual and moral development is gradual. Compared with natural growth, however, a completely new and different kind of gradualness appears here. It does not take place automatically like the natural growth of

⁵ Examples given by W. WALDSTEIN, *Das Menschenrecht zum Leben* (1982), pp. 49 ff.

⁶ NEWMAN, *The Arians*, p. 196, has to say there about one question from which the Arians departed in order to reach their conclusions the following: «However, it is easy to see that the ground was prepared for the introduction of a subtle and irreverent question, whenever the theologizing Sophists should choose to raise it». Unfortunately the same is true with respect to the question concerning the "gradualness of the law".

⁷ *Familiaris consortio* 34, p. 56.

⁸ Gn 1 and 2.

a plant or the body according to the immanent laws of growth in the physical nature. On the contrary, it depends on man's use of a capacity, which is unique in all of created nature, namely the capacity of free will. I can not at this point go into the very controversial question; whether man has a free will or not. Many have thought that this question has, scientifically, to be answered in the negative. They did, however, not realize, that, if this were true, their findings would themselves necessarily be a product of mere causal processes. As one of the great philosophers of law, Hans Welzel, has shown in a stringent way, a radical determinism miscarries on the selfcontradiction of its own system. He says: «Cognition presupposes not only that attempts to know occur uncausally (that is, not blindly determined through earlier conditions), but also that the knower can responsibly take upon himself as a meaningful task the winning of knowledge. But since the possibility of cognition cannot in principle be contested — for to contest it would itself involve a cognition — so also the conditions which are required for cognition cannot be meaningfully contested»⁹.

On these grounds it can also be shown to be selfevident that only free will enables men to respond to a legal imperative in a meaningful way. But men can also act contrary to such an imperative, and in this way they can establish the fact of injustice that is unknown and unthinkable in the realm of nature outside of men¹⁰. As Aristotle has shown in his *Nicomachean Ethics*, it is men's «voluntary performance that constitutes just and unjust conduct»¹¹. This involves still another kind of gradualness. If for instance someone killed another person out of hatred knowingly and voluntarily, the degree of guilt is a different one than if he did the same involuntarily out of some negligence or even by accident outside of his own control. It is very important to see clearly that this does not imply any "gradualness of the law". But it takes into account the fact that men can be guilty in different degrees, which was recognized since ancient Roman law. The degree of guilt or responsibility for an act depends decisively on the degree of free will and knowledge involved in it. The capacity of using one's free will in the right way can and ought to be developed by acts of free will. It can, however, also be diminished, and one can be responsible for that too. Once one has become, for instance, a drug addict, one has diminished one's capacity of acting freely to a great extent. But in the beginning one was free, and one still would have the possibility to start anew, even though in certain limits.

⁹ Cfr HANS WELZEL, *Das deutsche Strafrecht* (1969), XI ed., pp. 147 f.

¹⁰ See WALDSTEIN, *Willensfreiheit und rechtliche Ordnung*, Festschr. F. Schwind (1978) 339 with further references.

¹¹ EN V 10, 1135 a 16 - b 8.

A still further dimension of gradualness enters when man comes to know not only the created world, what it contains and what can be known by the «intelligence common to us all»¹², but when man discovers the creator himself. Already Aristotle has seen clearly that if one inquires into the origin of any being, one must logically come to a First Being ($\tauὸ\piρῶτον$), however one more exactly understands such a being. Without such a First Being there would arise an infinite regress. The denial of such a First Being would, in consequence, even make science impossible, as Aristotle shows by saying: «Those who speak thus destroy science»¹³. It has been shown also by great scholars of our times that the denial of God does not lead to more rationality, but to the contrary, as the consequences from all kinds of scientific and especially totalitarian atheistic systems demonstrate¹⁴. The Second Vatican Council was therefore able to affirm also on strong scientific grounds: «God, the beginning and end of all things, can be known with certainty from created reality by the light of human reason». But it teaches further: «Through divine revelation, God chose to show forth and communicate Himself and the eternal decisions of His will regarding the salvation of men. That is to say (as the Council continues), He chose "to share those divine treasures which totally transcend the understanding of the human mind"»¹⁵. This opens the whole dimension of answering to God's personal call and to cooperate with the mysteries of his grace. Pope John Paul II says regarding this call in *Familiaris consortio*: «But man, who has been called to live God's wise and loving design in a responsible manner, is an historical being who day by day builds himself up through his many free decisions; and so he knows, loves and accomplishes moral good by stages of growth»¹⁶. This growth depends on constant and patient endeavors to fulfill the vocation «to holiness, and this is (as Pope John Paul II also says) a vocation which may even demand heroism»¹⁷. This is especially true in our times in which this vocation is not only challenged by all kinds of temptations and confusions coming from «the world» as Christ speaks about it for instance: «because my choice withdrew you from the world, therefore the world hates you»¹⁸. Already Pope Paul VI was forced to say in his first

¹² CIC. leg. 1, 44; see also there 1, 47 for the reasons why «we fail to discern clearly what things are by Nature good». Cicero shows «pleasure» (*voluptas*) to be the main reason for that.

¹³ ARISTOT. *metaph.* II 2, 994 b 20. Here the translation given by H. TREDENNIK in the Loeb Classical Library seems to me misleading.

¹⁴ See E. VOEGELIN, *The New Science of Politics* (Chicago 1952), German translation: *Die neue Wissenschaft der Politik* (1977), II ed., 47 ff.

¹⁵ *Dei verbum* 6. See also the First Vatican Council (quoted there), DENZINGER-SCHÖN-METZER 3004 and 3005.

¹⁶ *Familiaris consortio* 34, p. 56.

¹⁷ L'Osservatore Romano, Weekly Edition in English language 10 October 1983, p. 16.

¹⁸ In 15, 19.

Encyclical *Ecclesiam suam* that the spirit of the World has entered the Church itself. He deplored the errors spreading within the Church, and into which all those fall who know only in part the nature and mission of the Church and who do not pay sufficient attention to the documents of the divine revelation and to the teaching authority of the Church which has been constituted by Christ himself¹⁹. This makes it more difficult «to live God's wise and loving design» in the true way.

In spiritual life there exist, no doubt, commandments or laws which can only be fulfilled gradually, and probably never be fulfilled completely in this life. Such is the commandment of the Lord «You must... be perfect just as your heavenly Father is perfect»²⁰, or «the greatest and the first commandment» of the Law: «You must love the Lord your God with all your heart, with all your soul, and with all your mind», and the «second...: You must love your neighbor as yourself»²¹. But growth towards fulfilling these commandments would never be possible at all, if one thought that these commandments were themselves gradual. Only because they are absolutely valid for everyone and under all circumstances, can one start endeavors to fulfill them with God's help. Therefore they are far from being «merely an ideal to be achieved in the future»²². On the contrary they have immediate consequences for our life. They prescribe acts and actions which we ought to do absolutely and they judge our actions which deviate from these commandments as imperfect or evil. Nevertheless, the concept of these commandments as so called *Zielgebote* contains some truth because their immediate and perfect fulfillment is impossible for fallen human beings. While they are not «gradual laws», they oblige us primarily to *striving* towards their gradually increased fulfillment, not to their complete and immediate fulfillment. Different are those commandments fulfillment of which is more or fully within our power, as «thou shalt not commit adultery». To fulfill these commandments is also the immediately and absolutely prescribed fulfillment of the first and greatest commandment. For, if we want to love God at all, we have to start by «keeping his commandments». As St. John says: «this is what loving God is — keeping his commandments»²³.

One of the most classical, and in the spiritual life of the Church most fruitful descriptions of the true «law of gradualness» is given by the Rule of St. Benedict regarding the *humilitatis gradus*, the degrees of humility. To the «first degree of humility» St. Benedict ascribes the condition to «ever remember all the commandments of God» and guarding

¹⁹ AAS, 56 (1964), pp. 617 f.; German edition Paulus Verlag, p. 10.

²⁰ Mt 5, 48.

²¹ Mt 22, 37 and 39.

²² *Familiaris consortio* 34, p. 56.

²³ 1 Jn 5, 3.

oneself «always from sins and vices, whether of thought, word, hand, foot, or self-will»²⁴. That is what one has to start with. After having described all twelve degrees of humility, St. Benedict says: «Then, when all these degrees of humility have been climbed, the monk (about whom St. Benedict speaks in his Rule, but that is also true for any Christian) will presently come to that perfect love of God which casts out all fear; whereby he will begin to observe without labour, as though naturally and by habit, all those precepts which formerly he did not observe without fear: no longer for fear of hell, but for love of Christ and through good habit and delight in virtue»²⁵. St. Paul the Apostle expresses that “law of gradualness” in a different, but in substance similar way when he says: «In this way we are all to come to unity in our faith and in our knowledge of the Son of God, until we become the perfect Man, fully mature with the fullness of Christ himself. Then we shall not be children any longer, tossed one way and another and carried along by every wind of doctrine, at the mercy of all the tricks men play and their cleverness in practising deceit. If we live by the truth and in love, we shall grow in all ways into Christ»²⁶.

THE “GRADUALNESS OF THE LAW”

While the “law of gradualness” presupposes and accepts the absolute validity and binding force of the law, exactly the opposite is the case when one turns it round into the “gradualness of the law”. The essence of this notion can only be understood in connection with the spirit of the World, to which Pope Paul VI referred in his already mentioned Encyclical *Ecclesiam suam*, and many times later on. This spirit has among other things developed the idea that all laws, legal or moral, are made by men and can therefore also be changed by men according to their wishes or alleged needs. Where a law exists which cannot simply be changed by the will — let’s say — of a parliament, because it is for instance codified in a constitution, or in an international human rights convention, or given as natural law by nature, or by God, a problem arises if one wants to depart from it. The law protecting human life according to Article 2 of the European convention on human rights, for instance, was felt to be an

²⁴ Chap. 7.

²⁵ Chap. 7 last passage.

²⁶ Eph 4, 13 ff. See also *Familiaris consortio* 9, pp. 20 f. For further details I may refer to a much more extensive article by the Archbishop of Paris, JEAN-MARIE LUSTIGER, *Stufenweises Wachstum und Bekehrung, in Familie, werde, was Du bist*, Kommentare zu *Familiaris consortio*, Hrsg. d. dt. Ausg.: NORBERT und RENATE MARTIN, Patris-Verlag, 1983. Titel der Originalausgabe: *La «Familiaris consortio»*, Libreria Editrice Vaticana 1982.

obstacle for allowing abortion as soon as one wanted to do that. Therefore one started arguing that the law does not extend its protection to the unborn. Of course, all sorts of arguments were used to rationalize these decisions, but they all amounted to a gradualization of the law protecting human life²⁷. And the result of all this is that about 50 million unborn are killed every year in the whole world. It is hard to imagine what that means in all its consequences, especially for those performing these actions and taking part in them. A disregard for human life and human rights is developed on an unimaginable scale.

Once one starts graduating the law, no necessary limit remains. The logical consequence of this first step is that discussions promote more and more openly the idea of further gradualizing the law. Aged and seriously ill persons are often felt to be a heavy burden for their own families as well as for society. This is, however, not admitted openly. Rather, one speaks about sparing the sick and aged further suffering. Death with dignity has become a convenient catchword²⁸. One pretends to help human beings to die in a humane way. But in fact one is about to arrogate the right to decide over the life and death of another person as soon as someone thinks that his life has become meaningless. It has been openly stated that modern science compels society to take over God's decision over life and death²⁹.

It is, however, necessary here to make an important distinction which Pope Pius XII already has made very clearly³⁰. On the one side, it would not be killing, if from a hopelessly ill person, who would have died naturally already earlier, supplies are removed which keep the person arti-

²⁷ SCIENTISTS FOR LIFE, *The Position of Modern Science on the Beginning of Human Life*, Thaxton Virginia, USA (1976), II ed., p. 13, gives a good example for what kinds of arguments can be used and that the arguments in favour of abortion are not true arguments, but rather sophistic ones. It has been revealed in an astonishingly candid way by an editorial in the pro abortion journal *California Medicine*. The argument defended there, which leads to «graduating» the law, is, that abortion is not killing at all. It says: «Since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from the idea of killing which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception, and is continuous, whether intra- or extrauterine, until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because, while a new ethic is being accepted, the old has not yet been rejected.»

²⁸ See WALDSTEIN, *Das Menschenrecht zum Leben* (Schriften zum öffentlichen Recht Bd. 423, Berlin 1982), p. 83 note 255 with further references.

²⁹ This was proposed by N.N. KITTRIE, *Das Recht auf Leben und das Recht auf Sterben*, in A. ESER (Hrsg.), *Suizid und Euthanasie als human- und sozialwissenschaftliches Problem*, «Medizin und Recht», 1 (1976) 390.

³⁰ See WALDSTEIN, *Das Menschenrecht zum Leben* (above note 28) 101-107, where the most important texts are quoted.

ficially alive, if the use of these supplies turns out to be futile. In this case the intention is not directed to killing the person, but to finishing futile endeavors to help someone who can't be helped anymore. The person may then die naturally, but he may also fail to do so (as the famous Quinlan case teaches). On the other side, no good motive whatsoever would allow killing an «innocent» person directly and purposely. I cannot discuss details here, although many confusions arise from the failure to make clear the distinction between killing and letting die.

The positivistic spirit led to many other momentous forms of gradualizing the laws. Probably one of the gravest consequences for the future is the legally imposed sex education, which, in reality, is not only «dissociated from moral principles»³¹, but, as can be seen from published programs, intends deliberately to free children from moral taboos which are thought to be out-of-date obstacles for their right to enjoy life and pleasure. The teaching of the Church on these questions is not even deemed worthy of being rejected. One affirms that the real development went in another direction and that one cannot turn back the wheel of history.

It was against this flood of new secular, positivistic, relativistic, and atheistic ethical ideas (which have been shown to be part of the development of a new Gnosis in our times)³² that Pope Paul VI dared, against massive pressure but founded on the rock which is Christ, to publish *Humanae vitae*. As our present Holy Father says in *Familiaris consortio*, his predecessor, by this action, «handed on to our times a truly prophetic proclamation»³³. He himself adds to that, saying about the Church: «As Teacher, she never tires of proclaiming the moral norm that must guide the responsible transmission of life. The Church is in no way the author or the arbiter of this norm. In obedience to the truth which is Christ, whose image is reflected in the nature and dignity of the human person, the Church interprets the moral norm and proposes it to all people of good will, without concealing its demands of radicalness and perfection»³⁴.

Given the situation sketched out above the reaction was, as is well known, a worldwide organized yell of protest. Most moral theologians, who, in large numbers had already presumed the Church would change its teaching and had accepted some kind of new ethic, thought they

³¹ *Familiaris consortio* 37, p. 61. For the parents' rights according to Art. 2 of the first Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms see also WALDSTEIN, in *Demokratie in Anfechtung und Bewährung*, Festschr. für J. Broermann, hrsg. von J. LISTL und H. SCHAMBECK (1982) 251 ff.; and now the Charter of Family Rights Art. 5, published by the Holy See 22 October 1983.

³² See VOEGELIN (above note 14), pp. 158 ff., esp. pp. 186 ff.

³³ *Familiaris consortio* 29, p. 47.

³⁴ *Familiaris consortio* 33, p. 53.

ought to help people not to feel bound to such an out-of-date law as they alleged the prohibition against contraception to be. One of the subterfuges among others to rationalize the non binding force of *Humanae vitae* was the idea of the "gradualness of the law". Another one is the divorce of subjective moral conscience from an objective moral law. These conceptions are best exemplified by quotes from certain documents. It is terribly sad to be confronted with the fact that theological experts were able to persuade even many Bishops' Conferences to adopt statements by which a "gradualness of the law" was introduced. Thus the Austrian Bishops' Conference passed such a statement known as «Maria Troster Erklärung» in September 1968, and repeated it in a still more general way after the Synod of Bishops in 1980 in the following words: «Married people, who think after serious consideration not to be able to accept the method of regulating conception proposed by the Encyclical *Humanae vitae*, do not commit any wrong if they are ready to continue their considerations conscientiously»³⁵. It is perfectly clear that here the binding force of the law is made dependent on the addressees' readiness to accept it. The law itself is in this way gradualized to no more than «the measure of the various situations in which spouses find themselves»³⁶.

Whether the bishops involved realized it or not, it is a most unfortunate fact that they hereby, and others with all the similar statements, as for instance the «Königsteiner Erklärung», concurred with the theological experts in the failure to respond to the urgent appeal of *Humanae vitae* to the priests for the right use of their «sacred office», saying: «In the performance of your ministry you must be the first to give an example of that loyal (sincere) obedience, inward as well as outward, which is due to the Magisterium of the Church»³⁷. The fact that so many bishops concurred in the failure to respond to this appeal does have very serious consequences for their own authority, and therefore for the entire life of the Church, because, as Vatican II stated clearly in the Dogmatic Constitution on the Church, only «Bishops, teaching in communion with the Roman Pontiff, are to be respected by all as witnesses to divine and Catholic truth»³⁸. It is undeniable however, that the "gradualness of the law" was not introduced in communion with the Roman Pontiff.

To generalize this "gradualness of the law" would either mean that

³⁵ Wiener Kirchenzeitung 16, November 1980, p. 4, translated by myself. Cfr Erklärung der österreichischen Bischöfe zur Eheencyklika, Graz-Maria Trost, 22. September 1968, Verordnungsblatt der Erzdiözese Salzburg Oktober 1968, p. 229; see also Schreiben der deutschen Bischöfe zu «*Humanae vitae*» («Königsteiner Erklärung»), Herder Korrespondenz, 22 (1968), p. 486 (n. 12).

³⁶ L'Osservatore Romano, Weekly Edition in English language 10 October 1983, p. 7.

³⁷ *Humanae vitae* 28.

³⁸ *Lumen gentium* 25. It says further, the bishops should be «vigilantly warding off any errors which threaten their flock».

the moral conscience does not have to bind itself to objective moral norms, or even more: namely that any valid law could be deprived of its strictly binding force thus being «graduated» or even of *any* binding force by alleging that the addressee does not feel able to respond to it. In fact, this consequence has been drawn regarding the law protecting human life and many other fundamental laws.

It may be easier to see that it would under no circumstances be lawful or morally admissible to kill an innocent person, whatever the intentions or motives for doing that are. One main reason for the immorality of this act is the fact that man must not assume the role of God whose «possession man is» as Plato says. The fact that even those arguing for euthanasia see that this implies assuming God's right over life and death is most revealing. But, as our Holy Father made clear, also «married couples» by practicing contraception «assume the qualification not of being cooperators in God's creative power, but the ultimate source of human life. In this perspective, contraception is to be judged objectively so profoundly unlawful as never to be, for any reason, justified. To think or to say the contrary is equal to maintaining that in human life situations may arise in which it is lawful not to recognize God as God»³⁹. The truth of this is expressis verbis confirmed by a well-known Austrian gynaecologist, who, however, promotes rather the abolition than the «graduating» of the law in question. He wrote the following in 1981: «The divine creative act of procreation of new human life is not any longer a divine creative act. Man has taken this creative act in his own hands, and, as it seems, he never will give it out of his hands again». He then asks, whether the Church will be ready to follow man in that. This was not said by an atheist, but by a prominent Catholic. And it was published in the leading Catholic Newspaper in Austria, «Die Furche»⁴⁰. Its frankness does not leave any doubt about the consequences from the “gradualness of the law”.

From all these facts, to which, of course, many others could be added, it becomes obvious that the “gradualness of the law”, has not been introduced in order to help people slowly to accept a law even «as merely an ideal to be achieved in the future»⁴¹, — a notion which likewise would be an inapplicable interpretation of strict moral obligations as mere *Zielgebote*. On the contrary. It is clearly an instrument to free men from the obligation of a law which is thought to be «not suitable for every man, for every situation, and so it is desired to replace it with

³⁹ Cfr note 36.

⁴⁰ «Die Furche», Nr. 11/18, März 1981, p. 15.

⁴¹ *Familiaris consortio* 34, p. 56.

an order different from the divine»⁴². Those who teach the "gradualness of the law" probably believe in most cases that they have to promote this teaching out of love for men. They do, however, obviously not believe in the truth of Christ's words to which *Humanae vitae* itself refers in the following statement: «To diminish in no way the saving teaching of Christ constitutes an eminent form of charity for souls»⁴³. In fact they fail to respond to the right of every «disciple of Christ... to receive "the word of faith" not in mutilated, falsified or diminished form but whole and entire, in all its rigour and vigour»⁴⁴.

CONCLUSIONS FOR THE DISTINCTION BETWEEN THE TWO NOTIONS

From these brief considerations one can already conclude that between the "law of gradualness" and the "gradualness of the law" exist fundamental differences.

The "law of gradualness", on the one side, appeared to be the immanent law of every growth, physically and spiritually. It is a law intimately linked with creation itself. Especially in spiritual life any growth presupposes the absolute validity of the laws according to which it is to take place. Among these there are laws which by their very nature can only be fulfilled gradually by constant and patient endeavours, and with the help of God's grace. Such is «the greatest and the first commandment» of the Law, to love God above everything. But even to start with the fulfillment of this commandment presupposes the determined and instant will to keep all those commandments of God which we are obliged to keep in order to avoid sin. It is completely clear that in both cases there is no place for any "gradualness of the law" itself. What — with respect to the commandment of a law — can differ gradually are the merit for just and the guilt for formally unjust conduct. The formal fulfillment as well as the transgression of a law can have many different reasons, according to which the degree of virtue on the one side or of

⁴² Cfr note 36. See also A. GÜNTHÖR, *Das Gesetz der Gradualität oder das Wachsen und Reifen im christlichen Leben*, in J. BÖKMAN (Hrsg.), *Befreiung vom objektiv Guten?* (1982) 139 ff., esp. 152 ff., where he deals with an article of B. Häring promoting a kind of "gradualness of the law".

⁴³ *Humanae vitae* 29; cfr *Familiaris consortio* 33, p. 54. See also *Gaudium et spes* 28; and cfr Mt 5, 19; Jn 2, 10; also Jn 8, 32.

⁴⁴ See *Catechesi tradendae* 30. In addition POPE PAUL VI said to the priests in *Humanae vitae* 28: «Your first task — especially in the case of those who teach moral theology — is to expound the Church's teaching on marriage without ambiguity. Be the first to give, in the exercise of your ministry, the example of loyal internal and external obedience to the teaching authority of the Church». Knowing the reality one can not help but feel a deep pain in one's heart.

personal responsibility and guilt on the other can differ very much. It is, however, important to see, that in every case in which one is responsible in any degree for an act of transgressing a law which can and ought to be kept by us, no growth in the direction of better fulfillment of the law would be possible without realizing the fact of transgression and feeling sorry for it. That is already so on the level of natural justice. And it is still much more so on the level of obeying God's commandments. Without repentance for one's sins one cannot turn back to God's mercy and grow in the love of God. The growing awareness of one's faults with the equally growing desire to overcome them is essential for spiritual growth. Even those moral obligations which demand that we strive towards an always growing perfection, while they do not demand an *immediate* perfect fulfillment, still prescribe immediately that we have to strive towards perfection.

The "gradualness of the law", on the other side, is assumed to be somehow related to the well founded notion of the law of gradualness which refers, at least in its strict sense, only to the *Zielgebote*. But it turns out to be a logically inconsistent reversal of it. The general situation of the spirit of this world makes a relativistic and positivistic climate. In this situation, as Newman said regarding the Arians of the fourth century, «the ground was prepared for the introduction of a subtle and irreverent question, whenever the theologizing Sophists should choose to raise it»⁴⁵. Concerning *Humanae vitae* they had expected the law to be abolished according to the majority vote of experts. In practice it had been taught long before, with the consent of many Bishops, not to be valid anymore. When *Humanae vitae* was published to the dismay of all those who had already worked for a long time in the opposite direction, many simply were not prepared to accept it. So the "gradualness of the law" appeared to be a suitable way to avoid obedience to the law by arguing that it does not bind in every case. This, however, led quickly to the prevailing conviction that it is not obligatory at all. When one is told that if one feels unable to obey the law, one is also not obliged to obey it, then very soon a habit follows with the conviction that one has a right to act contrary to it. The next step is that it simply is ignored. This way people are led to accept the wrong one of the «two irreconcilable concepts of the human person and of human sexuality», which *Familiaris consortio* speaks of⁴⁶. This way they get caught more and more by the spirit of this world. The false peace of conscience, which one gives them, keeps them from realizing that they do any wrong and therefore cuts them off from the possibility to turn back truly to God's mercy. The way back which is

⁴⁵ *The Arians*, p. 196.

⁴⁶ *Familiaris consortio* 32, p. 52.

shown by *Humanae vitae* in a most appealing way, that one should «have recourse with humble perseverance to the mercy of God, which is poured forth in the sacrament of Penance»⁴⁷, being one of the main fruits of salvation, cannot be used for reconciliation under these circumstances. This worldwide effect is certainly one of the reasons for the alarming decline of the sacrament of Penance itself which the ordinary Bishops' Synod was confronted with. In the last analysis the "gradualness of the law" is therefore opposed to any growth towards justice or loving God more. On the contrary, it carries men away on a completely different track which leads to the «wide and spacious» road which «many take». And one does not believe the word of Christ that this road «leads to perdition», whereas «it is a narrow gate and a hard road that that leads to life, and only a few find it»⁴⁸.

Whatever the personal motives or intentions of those leading people the wide and spacious road may be, in fact the "gradualness of the law" turns out to belong to what St. Paul describes in his letter to the Ephesians; as «all the tricks men play» in «their cleverness in practicing deceit». It does not help people to become more lawful and just or morally better and to grow spiritually. On the contrary. It is in fact opposed to the existing laws and intends to replace them by others, which are thought by those promoting them to be more convenient. This leads in consequence to the disregard of any natural or divine law, and finally for truth as a whole. So it becomes evident that there is not only a fundamental difference between the "law of gradualness" and the "gradualness of the law", but that these two notions are in fact radically opposed. The first accepting the law and trying to grow according to it more and more, the other in reality rejecting the law and trying to free men from their obligation in order to enable them to enter the «wide and spacious» road which «many take»: For the sake of man's true welfare it must be recognized as a wrong way.

May I conclude with a personal remark. Several years ago the Austrian diocesan weekly published an article according to which most Catholics have in the meantime found their own way in practicing the "gradualness of the law". A small minority still responds, often under great sacrifices, to that which is still partly taught, as it was expressed. The author asks somehow pityingly what will happen with this little minority when they one day discover that all their sacrifices have been in vain, because the Church finally changed her teaching after all⁴⁹. There-

⁴⁷ *Humanae vitae* 25.

⁴⁸ Mt 7, 13 f.; cfr *Humanae vitae* 25.

⁴⁹ *Rupertusblatt* 18 April 1976, p. 22. Exactly the same attitude is expressed in a comment in the «Münchener Katholische Kirchenzeitung» of 2 October 1983 on the Pope's statement of 17 September 1983 (see above note 35) saying that probably nobody will be

fore I would like to say how deeply grateful I am with many others, who have tried, in spite of all difficulties, to live the way shown by *Humanae vitae* and *Familiaris consortio*, that we were able to rely on the solid ground of this teaching. I can testify to the experience made in more than thirty years of married life that the teaching of the Church is the only way to enable married couples to develop the human natural values and the supranatural graces of the sacrament of marriage, and to grow in love, and happiness. The Pastoral Constitution on the Church in the Modern World speaks remarkably about the attitude towards those «who think or act differently than we do». It says that the «love and good will» for those «must in no way render us indifferent to truth and goodness. Instead (it says) love itself impels the disciples of Christ to speak the saving truth to all men»⁵⁰. Many more people than is normally assumed desire this saving truth. Therefore I can only hope and pray that the endeavours of this article give new impulses to make the saving truth more known. But these endeavours will necessarily be impeded by strong obstacles as long as those documents are not withdrawn which introduce the "gradualness of the law", as for instance the Austrian «Maria Troster Erklärung» from 1968, and the German «Königsteiner Erklärung» from the same year⁵¹. Therefore they ought to be withdrawn, in order to prepare the ground for a new beginning. And then, as St. Paul says: «If we live by the truth and love, we shall grow in all ways into Christ»⁵².

interested in it anymore. See for that L. SCHEFFCZYK, *Persönlicher Personalismus? Zur Kritik päpstlicher Lehraussagen*, «Münchner Theologische Zeitschrift», Heft 1, 1984, p. 61, the whole article pp. 60-68. See also B. SCHÜLLER, *Die Begründung sittlicher Urteile* (1980), who is promoting some kind of "gradualness of the law".

⁵⁰ *Gaudium et spes* 28.

⁵¹ See above note 35.

⁵² *Eph* 4, 15.

NOTE CRITICHE

LA COLLABORAZIONE DEI TEOLOGI CON IL MAGISTERO RIFLESSIONI SU ALCUNI COMMENTI ALLA «FAMILIARIS CONSORTIO»

RAMÓN GARCÍA DE HARO

Consapevole delle difficoltà che oggi presenta la trasmissione responsabile della vita e, allo stesso tempo, dell'importanza della dottrina sulla regolazione delle nascite insegnata dal Concilio Vaticano II e dall'*Humanae vitae*, il Santo Padre si è sentito in dovere «di rivolgere un pressante invito ai teologi, affinché, unendo le loro forze per collaborare col Magistero gerarchico, si impegnino a porre sempre meglio in luce i fondamenti biblici, le motivazioni etiche e le ragioni personalistiche di questa dottrina»; anzi, ha sottolineato la particolare *urgenza* di un tale «concorde impegno dei teologi, ispirato da convinta adesione al Magistero, unica guida autentica del Popolo di Dio», a motivo «dell'intimo legame che esiste tra la dottrina cattolica su questo punto e la visione dell'uomo che la Chiesa propone» (*Familiaris consortio*, n. 31).

A questo invito, F. Böckle¹ risponde contrapponendo la dottrina del Concilio (che sarebbe personalista) a quella dell'*Humanae vitae* (la cui fondazione si dovrebbe cercare, alla fine, in una confusione tra leggi biologiche e leggi etiche), e presentando la *Familiaris consortio* come un tentativo incoerente di sostegno dell'*Humanae vitae* in chiave personalista. In concreto, l'autore giudica che l'affermazione dell'enciclica — ripresa dalla *Casti connubii* — sull'esigenza «che qualsiasi atto matrimoniale deve rimanere aperto alla trasmissione della vita» si trova «in sostanziale contrasto con l'argomentazione propria del personalismo, che il Papa ha sviluppato nel n. 32 della *Familiaris consortio*» (*Kommentar*, cit., p. 184). La ragione addotta è la seguente: sia il Concilio che la *propositio 22* del Sinodo dei Vescovi del 1980, si limitano ad affermare che il matrimonio e l'amore coniugale, nel suo insieme, si orientano verso la procreazione; ma non affermano che ogni atto debba ordinarsi alla procreazione. Ne sarebbe pro-

¹ Ci riferiamo, concretamente, al suo *Kommentar* all'edizione della *Familiaris consortio*, fatta sotto gli auspici della Conferenza episcopale tedesca (pp. 167-203), e al testo della conferenza proferita nel Congresso di Stuttgart (18-20 maggio 1984), distribuito col titolo: F. BÖCKLE (Bonn), *Anthropologie und Sittliche Weisung dem Apostolischen Schreiben «Familiaris consortio»* (pp. 82-96).

va la storia del testo del n. 50 della *Gaudium et spes*, nella cui redazione furono respinti due modi proposti da alcuni padri conciliari, nei quali si chiedeva che si affermasse che ogni atto matrimoniale deve essere ordinato alla procreazione e che l'amore coniugale senza il desiderio di procreare non giustifica l'atto matrimoniale (*Kommentar*, cit., pp. 185-186). Pensare altrimenti non è più possibile dopo le conoscenze scientifiche raggiunte: la scienza sa che non tutti, ma solo alcuni degli atti coniugali sono ordinati alla procreazione; cioè quelli dei periodi fertili della donna. Inoltre, con simile impostazione, cosa si potrebbe dire della vita coniugale fra persone di più di 50 anni? L'argomentazione è corretta, salvo in un punto sul quale ci soffermeremo dopo: l'*Humanae vitae* non afferma che ogni atto debba *ordinarsi* alla procreazione, bensì che i coniugi non possono *chiuderlo* — di propria iniziativa — alla trasmissione della vita.

La stessa *Humanae vitae*, prosegue Böckle, avrebbe fatto qualche significativo passo nei riguardi della *Casti connubii*. Infatti, meglio considerando le leggi biologiche, osserva giustamente che l'atto coniugale rimane aperto alla vita in alcuni periodi e in altri no. Perciò, considera che chi usa del matrimonio rispettando tali leggi non si comporta da arbitro della vita ma rimane al servizio del progetto creatore. Così, l'uso del matrimonio nei tempi agenesici sarebbe una manifestazione di vero amore; le leggi biologiche diventerebbero il cammino legittimo per scegliere fra procreazione e non procreazione, mentre sarebbe intrinsecamente cattivo l'uso dei contraccettivi. Ma ciò, afferma, costituisce una indebita elevazione delle leggi biologiche al piano antropologico ed etico (*Kommentar*, cit., pp. 187-188).

Nella stessa linea si situerebbe la *Familiaris consortio*, quando richiede l'aiuto di tutti per rendere più chiara la radicale differenza antropologica ed etica fra contraccezione e continenza periodica (*Kommentar*, cit., p. 188). Il Papa — continua Böckle — espone questa dottrina poggiando sull'autorità della propria missione, il che la rende insegnamento autentico del Magistero, non però infallibile. Ciò permette ai teologi di continuare ad esprimere i loro dubbi (*Kommentar*, cit., p. 189)². In concreto, la *Familiaris consortio* propone una prima differenza essenziale tra continenza periodica e metodi contraccettivi, nel fatto che questi ultimi comportano riserve all'integrità della donazione sessuale, riserve che introdurebbero una manipolazione nel mutuo dono personale dei coniugi. Ma, aggiunge Böckle, il concetto di manipolazione si restringe agli atti sulle persone fatti senza rispettare la loro libertà (come accade, ad esempio, con le attività statali di controllo delle nascite). D'altronde, se si considera manipolazione l'intervento diretto ad evitare l'ovulazione, perché non lo sarebbe la frustrazione metodica e calcolata della generazione, mediante l'uso esclusivo dell'unione sessuale durante i periodi agenesici? Ciò conduce, d'imme-

² Ci riferiremo all'argomento più avanti.

diato, ad una seconda domanda: perché si dà tanta importanza ai ritmi biologici e invece non si tengono presenti i ritmi psicologici, che guardano alla situazione psicologica del *partner*, almeno laddove non è possibile il ricorso alla continenza periodica ed esiste, invece, una ragione sufficiente per usare il matrimonio affinché si salvaguardi la comunità coniugale (*Kommentar*, pp. 189-190)?

ALLA RADICE DEI DUBBI DI BÖCKLE

Innanzi tutto, Böckle non risponde all'appello del Santo Padre ai teologi, affinché diano il loro contributo per far sempre più comprensibili le ragioni della dottrina della Chiesa, stabilita dal suo Magistero, particolarmente nel Vaticano II, *Humanae vitae* e *Familiaris consortio*; non agisce secondo la genuina missione della teologia come *intellectus fidei*, fede della quale il Magistero rappresenta la «norma prossima e obbligatoria — anche circa i problemi della famiglia» (*Familiaris consortio*, n. 73). Anzi, tenta di seminare dubbi sull'insegnamento della *Familiaris consortio*, riproposto in perfetta continuità con il Magistero precedente, con la quale il Santo Padre ha voluto porre fine alle controversie sull'argomento. Questo è sufficiente a qualificare i suoi commenti come poco ecclesiali. Comunque, ci conviene anche analizzare le ragioni per cui l'autore non è riuscito a capire bene il Magistero e sulle quali, quindi, fonda il suo sbagliato dissenso.

1) Le difficoltà che Böckle trova per seguire la distinzione tra continenza periodica e contraccezione tracciata dal Magistero, sembrano avere una prima causa nella sbagliata interpretazione dell'insegnamento della *Humanae vitae*, sull'esigenza che ogni atto matrimoniale deve rimanere aperto alla vita. Il n. 11 dell'*Humanae vitae* — dove si stabilisce che «qualsiasi atto matrimoniale deve rimanere aperto alla trasmissione della vita» — sia nella sua lettera che nel suo rapporto con il n. 12, dal quale non si può isolare, insegna che «tale dottrina, più volte esposta dal Magistero, è fondata sulla connessione inscindibile, che Dio ha voluto, e che l'uomo non può rompere di propria iniziativa, tra i due significati dell'atto coniugale: il significato unitivo e il significato procreativo». In una parola, quello che il Magistero considera intrinsecamente immorale non è l'uso del matrimonio nei tempi infecundi — e quindi, la separazione non volontaria tra amore e procreazione —, ma il rompere di propria iniziativa la connessione stabilita da Dio tra i due aspetti, unitivo e procreativo: il che renderebbe i coniugi arbitri e non più servitori della vita (cfr *Gaudium et spes*, n. 50; *Humanae vitae* n. 10 §§ 5 e 6). Lo spiega in dettaglio Giovanni Paolo II, nel suo discorso del 17-IX-1983: «All'origine di ogni persona umana v'è un atto creativo di Dio: nessun uomo viene all'esistenza per caso; egli è sempre il termine dell'amore creativo di Dio. Da que-

sta fondamentale verità di fede e di ragione deriva che la capacità inscritta nella sessualità umana è — nella sua verità più profonda — una cooperazione con la potenza creativa di Dio. E deriva anche che di questa stessa capacità l'uomo e la donna non sono arbitri, non sono padroni, chiamati come sono, in essa ed attraverso di essa, ad essere partecipi della decisione creatrice di Dio. Quando, pertanto, mediante la contraccezione, gli sposi tolgono all'esercizio della loro sessualità la sua potenziale capacità procreatrice, essi si attribuiscono un potere che appartiene solo a Dio: il potere di decidere in *ultima istanza* la venuta all'esistenza di una persona umana. Si attribuiscono la qualifica di essere non i *co-operatori* del potere creativo di Dio, ma i depositari *ultimi* della sorgente della vita umana. In questa prospettiva, la contraccezione è da giudicare, oggettivamente, così profondamente illecita da non poter mai, *per nessuna ragione*, essere giustificata».

La contraccezione viene allora respinta come atto *intrinsecamente immorale per il suo oggetto*: cioè la volontà di rompere di propria iniziativa l'unione che esiste — almeno, potenzialmente (se non si teme la gravidanza, non si adoperano contraccettivi) — tra il significato unitivo e quello procreativo dell'atto coniugale, volontà con la quale i coniugi si attribuiscono la qualifica di arbitri, e non più di servitori, della vita.

2) La seconda causa delle difficoltà che Böckle riscontra nel distinguere la continenza periodica dalla contraccezione è, a nostro avviso, il fatto che egli non tiene a sufficienza presente che la Chiesa ammette il ricorso alla continenza periodica, come mezzo di regolazione delle nascite, soltanto quando vi siano gravi e giuste cause. Perciò, la ritiene illecita, invece, quando la si pratica per la sola ragione di massimizzare il piacere, che si giudica minacciato dalle responsabilità che comportano la maternità e la paternità. Il ricorso ai periodi infecundi con una finalità contraccettiva rende immorale l'atto coniugale, non già per il suo oggetto ma per l'intenzione. Si tratta di qualcosa che molti anni or sono, quando era Arcivescovo di Cracovia, l'attuale Santo Padre aveva già voluto sottolineare: «Parlando del metodo naturale, si accetta spesso lo stesso punto di vista che per i "metodi artificiali", cioè lo si deduce dai principi utilitaristici. Così concepito, il metodo naturale finisce con l'essere solo uno dei mezzi destinati ad assicurare il *maximum* di piacere, salvo che vi condurrebbe per vie diverse da quelle dei metodi artificiali»³. Insomma, la continenza periodica può essere legittima soltanto quando è frutto della virtù della castità, e non dell'egoismo della carne: «La continenza, in quanto virtù, non può venir considerata un mezzo antifecondativo. Gli sposi possono praticarla anche per altri motivi, per esempio per motivi religiosi. Una continenza per interesse, calcolata, è ambigua. Come tutte le altre virtù, deve essere disinteressata, imperniata sul bene e non sull'utile... Soltanto

³ K. WOJTYLA, *Amore e responsabilità*, Marietti, Torino 1969, p. 228.

allora il *metodo* naturale corrisponderà alla natura delle persone, perché il suo segreto è racchiuso nella pratica della virtù: la *tecnica* non rappresenta qui una soluzione»⁴. Nella sua condizione di Supremo Pastore della Chiesa, K. Wojtyla è ritornato sull'argomento, per sottolineare che mentre la determinazione dei tempi fertili e sterili è una questione scientifica (di cui si occupano i *metodi diagnostici* della fertilità), invece il tema della liceità o illecitità del ricorso ai periodi agenesici è una questione etica⁵.

Non si tratta, quindi, contro quanto afferma Böckle, del fatto che le leggi biologiche si tramutino in leggi etiche, ma di studiare eticamente le condizioni cui si può ricorrere — per cause gravi — all'uso del matrimonio limitatamente ai giorni infertili, la cui esistenza viene conosciuta attraverso le scoperte della scienza sulle leggi biologiche. Così facendo, la Chiesa vuole garantire la *rettitudine dell'intenzione* o fine dell'agente che, insieme all'oggetto dell'atto, ci dà la moralità sostanziale dell'azione. Quando ciò si tiene presente non è più facile che si facciano confusioni tra il ricorso alla *continenza periodica* — come uno dei modi di vivere la castità coniugale — e la *contraccezione*.

Non si può negare, malgrado tutto, che è questo un punto difficile da capire, e sul quale devono ancora ricadere gli sforzi dei teologi per aiutare alla comprensione della dottrina della Chiesa. Già Pio XII lo ebbe presente nel suo famoso discorso alle ostetriche del 29-X-1951: il problema della liceità del ricorso ai periodi agenesici scaturisce, appunto, non nel riconoscere che «i coniugi possono far uso del loro diritto matrimoniale, anche nei giorni di sterilità», ma nel limitarne l'uso «esclusivamente a quei giorni», il che sembra chiara espressione di «una volontà contraria» alla disposizione fondamentale di servizio alla vita. Dunque, la «condotta dei coniugi deve essere attentamente esaminata» per assicurare che non ci sia un'intenzione contraccettiva⁶.

PER L'ADEGUATA COMPRENSIONE DELLA RADICALE DIFFERENZA ETICA TRA CONTRACCEZIONE E CONTINENZA PERIODICA

1) Da quanto abbiamo visto diventa chiaro che mentre qualsiasi metodo contraccettivo comporta un atto *intrinsecamente immorale per l'oggetto*, la liceità o meno della continenza periodica deve giudicarsi tenendo conto dell'*intenzione dei coniugi*: se questa è contraccettiva lo sarà il ricorso ai periodi infecondi; ma non invece se l'intenzione è retta.

⁴ K. WOJTYLA, *Amore e responsabilità*, cit., p. 229.

⁵ GIOVANNI PAOLO II, Discorso 7-VI-1984 sulla procreazione responsabile nel dialogo tra scienza, fede e teologia.

⁶ Cfr Pio XII, Discorso 29-X-1951, in *Insegnamenti pontifici*, I. *Il Matrimonio*, Ediz. Paoline, Roma 1957, nn. 615-617.

In concreto, lungo il passare degli anni il Magistero ha segnalato i criteri fondamentali per discernere la rettitudine d'intenzione dei coniugi: a) innanzi tutto, la loro disposizione ad accogliere con gioia la nuova vita che, malgrado le loro previsioni, potesse venire⁷; b) l'esistenza di gravi cause che possano giustificare il desiderio di ritardare una nuova gravidanza, punto sottolineato da tutti i documenti⁸; c) infine, che si tratti veramente — lo hanno rilevato particolarmente il Vaticano II (*Gaudium et spes*, n. 51) e la *Familiaris consortio* (n. 32) — di un frutto della virtù della castità, il che verrebbe escluso ad esempio dal ricorso a metodi contraccettivi durante i tempi fertili.

2) In questo senso — e contro le apparenti contraddizioni che Böckle vorrebbe trovare nei diversi documenti del Magistero — si può dire che c'è stata una crescita armonica e costante della dottrina della Chiesa nel chiarire quando concorrono le giuste cause per un ricorso ai periodi agenesici. Pio XII aveva detto che la liceità o meno «di tale comportamento sarà d'affermare o negare, secondo l'intenzione di osservare tali tempi si basi o no in motivi morali sufficientemente sicuri»⁹. Il Vaticano II, confermando che si richiede la bontà dell'atto sia per il suo oggetto quanto per l'intenzione, aggiunge che il giudizio sulla gravità delle cause, in ultimo termine, «lo devono formulare davanti a Dio, gli sposi stessi», e non a loro arbitrio ma «retti da una coscienza che si deve conformare alla legge divina stessa, docili al Magistero della Chiesa, che in modo autentico quella legge interpreta alla luce del Vangelo» (*Gaudium et spes*, n. 50). Il Concilio completa il proprio pensiero sottolineando che questo implica che i coniugi agiscano «confidando nella divina provvidenza e coltivando lo spirito di sacrificio», essendo particolarmente degni di lode quelli che «accettano con grande animo un numero più grande di figli» (*ibid.*). Inoltre, come abbiamo accennato, rileva che questo «non è possibile se non viene coltivata con sincero animo la virtù della castità coniugale», e che nessuno può emettere un retto giudizio con criteri solo temporali, poiché «la vita dell'uomo e il compito di trasmetterla non sono limitati a questo tempo... ma riguardano sempre il destino eterno degli uomini» (*Gaudium et spes*, n. 51).

L'Humanae vitae aggiunge, a quanto aveva detto il Magistero precedente, la necessità di rassicurare i coniugi nel fatto che è sempre possibile osservare la legge di Dio, con l'aiuto della grazia (n. 20); di formarli nel-

⁷ Cfr *ibid.*, n. 619.

⁸ Pio XII impiegò sempre termini come «motivi gravi», «motivi seri», «ragioni gravi», «motivi seri e proporzionali», ecc.: cfr J.L. SORIA, *Paternità responsabile*, Japadre, L'Aquila 1969, pp. 53-54. *L'Humanae vitae* parla di «seri motivi» o «giusti motivi» (cfr nn. 10 e 16).

⁹ Pio XII, Discorso 29-X-1951, *loc. cit.*, n. 619.

l'apprezzamento dei valori della famiglia e della pratica della castità coniugale (n. 21), e favorire un ambiente casto e una giusta politica familiare (nn. 22-23).

Infine, la *Familiaris consortio*, riconfermando la necessità che concorrono seri motivi (cfr n. 32), insiste soprattutto sulle disposizioni di fondo che portano a una retta valutazione dell'esistenza di tali motivi. In concreto, tener presente la grandezza del dono della vita (nn. 14 e 28); la gioia di suscitare nuove vite (nn. 6 e 30); la generosità e bontà dei disegni divini; la necessità di amare la croce (n. 34); l'umiltà che spinge a riconoscere e a lottare contro il proprio egoismo (n. 33); la frequenza ai sacramenti (nn. 57 ss.); il saper agire al di sopra dei pregiudizi tali come il falso pericolo demografico, le promesse dell'edonismo, o la mentalità anti-vita (n. 30); ecc.

3) Perciò, il Magistero della Chiesa ha ripetutamente insistito sul fatto che la presentazione della continenza periodica «mai si deve ridurre all'esposizione di questo o quell'altro metodo biologico, e molto meno costituire un mezzo per attenuare la sfidante chiamata del Dio infinito»¹⁰. I metodi diagnostici rimangono al livello di una informazione scientifica, che non si può separare dalla dottrina morale della Chiesa riguardo alla legittimità del suo uso, nell'integrità con cui l'abbiamo esposta¹¹. Solo allora, la continenza periodica si capisce quale essa è: una forma piuttosto eccezionale di vivere — per giuste cause — la paternità responsabile, la cui espressione più normale è portare avanti una famiglia più numerosa se Dio la concede¹².

SULLA NOZIONE D'INSEGNAMENTO NON INFALLIBILE

Il più strano — volevamo finire con questo — è che le critiche di Böckle alla *Familiaris consortio* le vengono rivolte proprio in una presentazione se non ufficiale almeno ufficiosa del documento, e adducendo come motivo che esso non è infallibile. Ripercorre, infatti, un certo accordo fra teologi, senza che ci sia nessuna ragione di peso a favore, conforme al quale ogni insegnamento non infallibile sarebbe, in pratica, quasi una opinione sulla quale ognuno può discutere.

¹⁰ GIOVANNI PAOLO II, Discorso al Congresso della famiglia d'Africa e di Europa, 15-I-1981, n. 3.

¹¹ Così ad es. il Discorso già citato sulla procreazione responsabile nel dialogo tra scienza, fede e teologia, n. 3; cfr pure S.C. per la E.C., *Orientamenti educativi sull'amore umano* 1-XI-1983, nn. 89 e 110, e *Familiaris consortio*, nn. 33 e 37.

¹² Così *Humanae vitae*, n. 10; cfr anche *Gaudium et spes*, n. 50.

Nel numero 25 della *Lumen gentium* si dice invece, molto chiaramente, che si deve prestare un «religioso ossequio della volontà e dell'intelligenza», «in modo particolare al magistero autentico del romano pontefice, anche quando non parla «ex cathedra», così che il suo magistero sia con riverenza riconosciuto, e con sincerità si aderisca alle sentenze che egli esprime, secondo la sua intenzione e volontà, che si palesano specialmente sia dalla natura dei documenti, sia dal frequente riproporre la stessa dottrina, sia dal tenore della espressione verbale». Il Nuovo Codice di Diritto Canonico ha coerentemente interpretato questa indicazione come divieto di ogni dissenso pubblico, sotto minaccia di pene (cfr cc. 1371, 10 e 752).

D'altronde, se certamente non tutta la *Familiaris consortio* è infallibile, non c'è dubbio — mi pare — che lo sia la sua riaffermazione della dottrina dell'*Humanae vitae*: basta rileggere il tenore delle parole del paragrafo 2 del numero 29. Perché un atto del Magistero diventi infallibile, non è necessario che si definisca come tale; basta che riunisca le condizioni del paragrafo 2 del numero 25 della *Lumen gentium*¹³.

Ben diverso giudizio merita una raccolta di saggi dedicati ad alcuni temi dell'Esortazione Apostolica e raggruppati in quattro parti corrispondenti a quelle del documento (la prima comprende anche l'Introduzione). Essendo numerosi gli articoli, e diversi in estensione, passeremo in rassegna soltanto i più segnalati¹⁴.

Della prima parte merita di essere sottolineato il contributo di J.M. LUSTIGER, su *Gradualità e conversione* (pp. 31-57), corrispondente al numero 9 del Documento. Il problema affrontato è il modo di reagire di fronte al divario esistente tra l'insegnamento della Chiesa e la realtà del costume sociale. Una prima accezione del termine gradualità servirebbe a legittimare — pur mantenendo i principi dottrinali — i compromessi di fatto: «soluzione pratica quanto misericordiosa, un accomodamento con la legge renderebbe possibile la vita cristiana a uomini e donne che, altrimenti, rimarrebbero sia privati dei sacramenti, sia scoraggiati da esigenze ritenute incomprensibili e disumane» (p. 33). Una simile interpretazione, presente senza dubbio in alcune delle discussioni del Sinodo, portò Giovanni Paolo II a un «capovolgimento di nozioni». Escluse «ogni gradualità della legge. La legge non può essere che riconosciuta, voluta e amata tutta intera dal credente: essa, infatti, rivela la volontà di Dio e ne espri me la saggezza» (p. 33). Scelse, invece, la nozione contrapposta di *legge della gradualità* che, escludendo ogni compromesso, segna «l'itinerario che

¹³ Cfr sull'argomento G. GRIZEZ - J.C. FORD, *Contraception and the Infallibility of Ordinary Magisterium*, «Theol. Studies» (1978), pp. 258-312.

¹⁴ AA.VV., *La «Familiaris consortio»*, Lib. Ed. Vaticana, Città del Vaticano 1982.

Dio fa percorrere al suo Popolo e che la Scrittura descrive; ed anche l'itinerario dei discepoli che seguono Cristo; l'itinerario, infine, della crescita individuale e collettiva, nella perseveranza mediante la fedeltà al dono della grazia» (p. 34).

Questa crescita a cui è invitato il cristiano non può essere intesa in chiave evoluzionista: «L'idea di evoluzione che tende ad un sempre maggiore perfezionamento e che colloca l'imperfezione all'origine, proviene da un *a priori* filosofico che ha caratterizzato nel secolo XIX — e talvolta segna ancora — tanto la critica biblica quanto l'etnologia e le scienze ad essa connesse: storia delle religioni, storia delle culture, ecc. Questo *a priori*, almeno in teologia, non regge... teologicamente, la totalità del contenuto è data fin dall'inizio. La storia santa non consiste né nella generazione dello spirito assoluto, né nella genesi della verità della legge. La storia consiste nella liberazione dello spirito e nella sua redenzione perché possa accedere al pieno possesso di ciò che, *fin dall'inizio*, la misericordia di Dio, che si concede a lui, vuole donargli senza riserve» (p. 37).

La crescita del cristiano non si opera né per una evoluzione necessaria né poggiando sulle sole forze dell'uomo; risponde invece ad una pedagogia divina. Infatti, non proviene dalla dinamica dei poteri del soggetto, ma dalla grandezza del dono di Dio, la cui generosità e il cui amore suscitano l'amore dell'uomo: «La pedagogia divina consiste niente meno che nella storia di un concepimento in cui si rivelano parallelamente la paternità divina e, in essa, l'uomo stesso quale figlio di Dio che nasce ad una vita nuova e originale nello stesso tempo» (p. 41). Paradossalmente, essa può iniziare col fallimento dell'uomo, consci delle proprie colpe, che la legge gli rivela: «In effetti, la chiave che apre o chiude l'accesso al seguito di Cristo è nella trasformazione stessa degli apostoli che, seguendolo sperimentano la loro fragilità, la loro incapacità di comprendere, la loro cecità e, al prezzo della sua passione e risurrezione, accedono infine al dono dello Spirito ed alla fede» (p. 49).

La legge della gradualità segna quindi il modo in cui la grazia cresce negli uomini, in virtù del potere divino e della nostra corrispondenza. È un dono e una crescita nella comprensione della sua grandezza, che ci rende più consapevoli di non meritarlo. Tutti i grandi santi, gli uomini che si sono di più avvicinati a Dio, si ritenevano — sinceramente — grandi peccatori. La Chiesa «non deve proporre una pedagogia che passi, come per gradi, da una minore ad una maggiore accumulazione, ma una pedagogia la cui logica obbedisca al rigore della grazia, che cominci — attraverso il dono — a suscitate progressivamente l'amore (...). La legge non provoca dunque la disperazione, ma apre all'amore; ad essa si accompagna la misericordia e il dono dello Spirito Santo, che permettono di confrontarsi con la legge senza disperazione né abbattimento, ma con coraggio, forza e speranza» (p. 55). Il linguaggio chiaro ed esigente della Chiesa non è sconfortante, ma il solo capace di aprire l'uomo alle grandezze divine.

Interessante anche l'articolo di D. MARTIN, *La questione dell'inculturazione* (pp. 58-73), neologismo che trae le sue radici dal mistero stesso dell'incarnazione. I punti centrali sono, da una parte, assicurarsi che quello che si prende da una cultura sia compatibile col Vangelo e serva a mantenere la comunione con la Chiesa Universale; d'altra parte saper scoprire gli aspetti positivi di ogni cultura, particolarmente di quelle che, pur carenti di tecnologia, sono ricche di saggezza umana e profondi valori morali. Riguardo al matrimonio, ciò si deve applicare tanto alla celebrazione delle nozze quanto all'intero sviluppo della vita familiare.

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Nella seconda parte, merita innanzi tutto menzione il lavoro di J. RATZINGER, *Matrimonio e famiglia nel piano di Dio* (pp. 77-88). La nozione di matrimonio e famiglia non può «essere scissa» dal quesito dell'uomo su se stesso, a sua volta inscindibile dalla domanda su Dio. Allora si scopre l'uomo quale immagine di Dio perché chiamato all'amore, poiché Dio è Amore. L'uomo, d'altronde, è fatto di spirito e corpo, cosicché la donazione fisica totale non si può spiegare che nell'integrità della donazione personale: solo allora c'è vero amore; e perciò l'amore vero è allo stesso tempo istituzione. Queste verità essenziali vengono poi viste nel piano della storia della salvezza: l'amore di Dio per il popolo d'Israele si esprime nei termini dell'amore nuziale e il suo tradimento è designato come adulterio o prostituzione. Ma la perfezione dell'amore di Dio, che sarà allo stesso tempo rivelazione della pienezza del matrimonio, viene con Cristo: «Solo l'alleanza definitiva di Dio con gli uomini, che viene creduta e riconosciuta nell'assunzione della natura umana da parte di Gesù Cristo, ha potuto mettere in luce il matrimonio definitivamente uno e indissolubile» (p. 82).

In questo culminare dell'amore di Dio in Cristo, culmina la verità del matrimonio, come perfetta donazione. Ciò mostra anche come il soprannaturale non è una qualche aggiunta esterna alla natura, che la violenta; la grazia penetra dall'intimo la natura e la porta al suo compimento, come in un ritorno alla perfezione del principio. E poiché l'incarnazione rivela il suo significato nella Croce, così l'amore coniugale non può esistere se vuole sottrarsi alla croce; invece, con essa, acquisisce la forza per un dono, che può riscontrare la sua sicurezza nell'aldilà di questo mondo e delle forze umane, nella forza divina della Chiesa. Tutto ciò permette anche di vedere matrimonio e verginità come le due forme di vivere la vocazione all'amore, come due realtà che si confermano a vicenda nella richiesta della fedeltà e nel valore della fecondità, paternità-maternità, umana o spirituale.

Segue il lavoro di C. CAFFARRA (pp. 89-93), incentrato sull'immagine divina nell'uomo, come vocazione all'amore e alla comunione, e sulle sue conseguenze etiche, poiché non si può scindere l'etica dalla verità sull'u-

mo. «L'etica come tale, è la riflessione sulla verità della persona umana in quanto verità che esige il consenso e la libertà: il discorso etico si incunea dentro al rapporto che lega interiormente verità e libertà nell'amore. È la rottura di questo legame la radice dei mali dell'uomo: la radice profonda anche dei mali della vita matrimoniale e familiare. È per questo che l'Esortazione Apostolica afferma: "questa fedeltà" (la fedeltà, cioè, al disegno di Dio), "lungi di mortificare la libertà della persona, la pone al sicuro da ogni soggettivismo e relativismo, la fa partecipe della Sapienza creatrice"» (p. 91). E ne trae le conseguenze nel piano della realizzazione della comunità matrimoniale e familiare, e nella dimensione istituzionale del matrimonio, come unica forma di vivere l'amore coniugale degna della persona.

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Tra i commenti della terza parte rileviamo quello di E. GAGNON, *La Chiesa colloca la sua speranza nella famiglia cristiana* (pp. 111-128). L'articolo inizia sottolineando la visione di fede e l'ottimismo con cui l'Esortazione fa affidamento sul carisma e sul dinamismo proprio della famiglia. Senza dimenticare le difficoltà che essa incontra, prevale la tendenza a confidare nelle sue ricchezze di natura e grazia: «famiglia, diventa ciò che sei». Non possiamo, quindi, lasciare «che si valuti impossibile ciò che, certo, è difficile, ma che solo è degno dell'uomo. Si chiama autenticità ciò che è infrazione delle regole, la mediocrità si trova delle giustificazioni, l'egoismo si ammonta di prudenza, e noi siamo così affascinati da questo spettacolo da essere tentati di ridurre le esigenze della giusta coscienza e del Vangelo. Credendo di tranquillizzare coloro che si sentirebbero peccatori, noi li priviamo di ragioni valide per ridare un senso alla loro vita. Seminiamo il dubbio in coloro che avevano un senso più alto del dovere e li rendiamo più deboli per il momento della prova. Soprattutto, deludiamo coloro che attendono che diciamo loro tutto quello che devono fare per costruire un mondo migliore. Noi non calcoliamo fino a quale punto certe concessioni e certi accomodamenti alla "debolezza" umana possano confermare l'impressione che non si debba chiedere all'amore di essere grande, generoso e senza riserve, né sappiamo a quanta parte delle nuove generazioni facciamo perdere la speranza e il desiderio di vivere un tale amore» (pp. 112-113).

Il Santo Padre, perciò, si dirige particolarmente ai giovani; sviluppa davanti a loro, l'immenso e attrattivo panorama della famiglia e dei suoi compiti, intesi come capacità, vocazione e ruolo insostituibile, che essa adempie diventando quel che deve e può essere. L'autore commenta, uno ad uno, questi compiti, sottolineando che si tratta di diverse forme dell'unica missione di custodire, rivelare e comunicare l'amore (p. 119). I compiti di sviluppare una comunità di persone, del servizio alla vita, della propria funzione sociale (che non consiste tanto in attività che portano fuori dalla

famiglia, quanto nel creare quella comunità di persone che spontaneamente rende un servizio indispensabile alla società) e della sua partecipazione alla missione e alla vita della Chiesa. Quest'ultima secondo i suoi diversi aspetti: così, la funzione profetica, attraverso particolarmente «la testimonianza stessa che i nuovi sposi danno chiedendo al sacramento del matrimonio di confermare pubblicamente la vocazione cristiana ricevuta nel battesimo e che essi vogliono realizzare insieme, amando alla maniera stessa di Cristo» (p. 125); la funzione santificatrice, che la famiglia compie diventando una comunità di dialogo con Dio.

L'autore conclude sottolineando che, in modo parallelo a come la famiglia realizza il suo compito sociale, diventando una comunità al servizio dell'uomo, così essa realizza il proprio compito ecclesiale vivendo il commandamento nuovo dell'amore; è la stessa «famiglia il luogo dove la vita di tutti i giorni offre il maggior numero di occasioni per la pratica di un tale amore e dove l'eroismo di tutti i piccoli gesti dell'intesa, della pazienza e del dono di sé, che costituiscono l'amore, ha più bisogno di essere sostenuto dalla grazia di Cristo e dalla dolcezza dello Spirito» (p. 127).

L'articolo seguente è quello di D. RYAN, *La formazione di una comunità di persone* (pp. 129-143). La «famiglia non è una scelta casuale... ma un gruppo di persone, un gruppo di esseri umani, generati dall'amore, uniti dall'amore, capaci di amore e che hanno bisogno d'amore» (p. 131). È in questa comunità che si capisce l'amore nel suo rapporto con il sesso, e il carattere indissolubile della comunione che ne scaturisce. Da qui l'autore parte per analizzare il ruolo dei componenti della famiglia: la sposa e madre (la cui missione è particolarmente importante, ragione per cui il Santo Padre auspica una più adeguata teologia del lavoro, che dia il dovuto riconoscimento al lavoro della donna nella casa e nell'educazione dei figli); il padre e sposo; i bambini e gli anziani. Insiste sul fatto che la salvezza della comunità familiare è l'antidoto migliore per i diversi egoismi, che sfociano dopo nel divorzio, nella libertà sessuale, nell'aborto, nell'eutanasia, ecc. Solo una famiglia salda è salvezza della società: «Quando la famiglia è sana, il bene della società è garantito» (p. 143).

Una menzione, in questa terza parte, merita anche l'articolo di R. JERVOLINO RUSSO, *La donna in famiglia e in società* (pp. 144-157). Constatato il vivo interesse del Santo Padre per la famiglia, l'autrice rileva il modo in cui «nella prospettiva tracciata dall'Esortazione, ogni vicenda quotidiana del rapporto coniugale e familiare acquista un significato trascendente, facendo emergere insieme il valore e la gioia di compiere gesti significativi sul piano della logica della salvezza e la tremenda responsabilità di vivere in pienezza e coerenza un vincolo d'amore che è immagine della alleanza che unisce Dio e il suo Popolo» (p. 147). Compito fondamentale della famiglia è il servizio alla vita, secondo il piano che Dio ha fatto «per l'uomo e non certamente contro l'uomo. La Chiesa, convinta che "non può esserci vera contraddizione tra la legge divina di trasmettere la vita e quella di favorire l'autentico amore coniugale" ma consapevole

che la mentalità di oggi e le condizioni concrete di vita non sempre mettono le coppie nelle migliori condizioni per comprendere», mette in atto una pedagogia concreta, che incoraggia e dà fiducia, contando sull'azione della grazia (p. 148). D'altronde, l'autrice sottolinea l'importanza che l'educazione religiosa si realizzi fin dalla prima infanzia e nella famiglia, per concludere che «la giusta posizione della donna nella famiglia e nella società deve consentirle l'integrale realizzazione di se stessa secondo il disegno di Dio creatore» (p. 151). Non devono quindi esistere antinomie tra la realizzazione della donna e lo svolgimento dei suoi compiti familiari, «dato il significato originale ed insostituibile del lavoro in casa e dell'educazione dei figli, del valore del compito materno e familiare della donna e della conseguente necessità che essa *non sia costretta* a lavorare fuori casa» (p. 153). Questo, detto senza dimenticare l'uguale dignità e responsabilità dell'uomo e della donna, né il necessario e opportuno accesso di quest'ultima ai compiti pubblici.

Infine, citiamo l'articolo di A. CAPPELLA, *La trasmissione della vita* (pp. 158-164). «Alla paura di fronte ai gravosi compiti da assumersi nell'accettazione di una nuova vita umana, agli egoismi generati dal desiderio di essere unici fruitori dei vantaggi della tecnica, al vuoto ideale di una mentalità consumistica preoccupata solo di aumentare i beni materiali, la Chiesa contrappone il riconoscimento dell'alto valore di ogni vita umana che, "anche se debole e sofferente, è sempre uno splendido dono del Dio della bontà". Non può esservi vera promozione dell'uomo e della donna, se la famiglia non accetta il suo dono fondamentale, che è quello di essere al servizio della vita» (p. 158). Gli uomini debbono sempre essere non arbitri ma servitori del disegno divino. È in questo contesto che si può capire il ricorso ai periodi infertili e la sua differenza radicale dalla contraccezione.

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Circa la quarta e ultima parte faremo menzione dell'articolo di D. TETTAMANZI, *Famiglia Chiesa domestica* (pp. 222-234). Innanzi tutto, fa notare l'autore che nell'Esortazione la famiglia viene chiamata «Chiesa domestica» o «piccola Chiesa» ben quattordici volte in modo esplicito. Il vincolo che lega la famiglia alla Chiesa e la fa diventare «Chiesa domestica» si deve ricercare in primo luogo nella maternità della Chiesa: «I vincoli profondi Chiesa-famiglia cristiana sono *vincoli ontologici soprannaturali*, radicati cioè nell'essere nuovo della famiglia che il sacramento del matrimonio costituisce come Chiesa domestica. Nella famiglia cristiana risplende così il mistero meraviglioso ed ineffabile della maternità della Chiesa: in virtù della parola efficace che Dio in Gesù Cristo pronuncia nel sacramento del matrimonio, la santa Madre Chiesa genera la famiglia cristiana, strutturandola come una cellula viva e vitale del Corpo mistico di Cristo» (p. 226). La Chiesa, quindi, genera la famiglia cristiana; ma

allo stesso tempo ha bisogno di essa per potersi rivelare e attuare nella storia in tutta la sua pienezza. Il dono offerto ai coniugi allo stesso tempo li salva e li costituisce in salvatori di nuove famiglie. Così la famiglia ha un compito ecclesiale proprio e originale; nelle parole del Santo Padre: «La famiglia cristiana è chiamata a prendere parte viva e responsabile alla missione della Chiesa in modo proprio e originale, ponendo cioè al servizio della Chiesa e della società se stessa nel suo essere ed agire, in quanto comunità di vita e di amore» (n. 50). La stessa realtà della vita di famiglia diventa santificata e santificatrice, con la stessa missione della Chiesa. Essa, come la Chiesa, ha Maria come madre (p. 233).

IN RILIEVO

ARE SOME HUMAN BEINGS NOT PERSONS?*

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In the abortion debate we have all heard the argument which says that the fetus is indeed a human being, but not yet a person. One says that we have no moral obligation to respect the lives of sub-personal animals, even if they are human animals, but that we only have a moral obligation to respect the lives of human persons. This obligation, it is said, is not violated by abortion, which destroys only a pre-personal human. The argument is, for many critics of abortion, somewhat disarming at first glance, for they had thought that it was enough to insist on the humanity of the fetus. But the argument *admits* the humanity of the fetus and continues to justify abortion on the grounds that to call the fetus human is simply to designate its membership in a biological species, whereas the only morally relevant factor is the personhood of the human being, and this personhood emerges long after fertilization.

Those who make this argument feel that their position is all the stronger the closer you are to the moment of fertilization. Thus they think that the abortifacient drugs (often mistakenly called contraceptives) which prevent the implantation of a fertilized egg are morally harmless, or at least involve no wrong committed against another person. They think the same thing about *in vitro* fertilization. As this procedure is presently performed many eggs are fertilized *in vitro* and all but a few are destroyed. They think that there is no question of human persons being thereby destroyed. Since they tacitly hold that nothing but a fully actual person can command our moral respect, they can find no moral objection to this destruction of ever so many human zygotes. In fact, in claiming that a human being is at first just a human being and only later becomes a person, one undermines the main moral objection to infanticide. For those who make this claim typically hold that personhood arises in a human sometime well after birth; they think that a human infant is no

* In the contemporary ethical debate, the theme of the embryo's human personality becomes more and more important. This Institute wants to deepen this subject: so, we publish Prof. Crosby's conference, delivered during the International Congress «Philosophy and Theology of Responsible Procreation», Rome.

more a person just after birth than it was before birth. But this means that the justification for abortion must in consistency also be a justification for infanticide.

The argument is especially insidious because it poses as a highly «personalist» argument. It seems to want to overcome a biologicistic view of man, according to which his personal being is not sufficiently differentiated from his biological being. The defenders of this position are usually not behaviorists and crude materialists, and sometimes even have a certain sense for various aspects of man's being as person, such as moral responsibility. Those who object to the killing of human beings at any ever so early stage of their development are likely to be puzzled at the sight of thinkers who seem to have not a little in common with them and who yet defend the most intolerable crimes.

I mean to show in this paper that the defense of these crimes rests on a pseudo-personalism, and that the truth about the human person shows the impossibility of positing human animals who are surely not persons. I shall also challenge the moral assumption, which is rarely argued for explicitly, that only fully actual persons can morally claim our respect.

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We ought not react to the distinction between man as person and man as member of a biological species, by rejecting any and all versions of the distinction. Here is one quite legitimate way of drawing it. There can in principle be non-human persons, even if one did not think that there are in fact any non-human persons. The idea of a person as a being which stands in itself and possesses itself (of which we shall presently say more) in no way prescribes that a person must have a human body, or even have a body at all. Even some atheistic philosophers admit as much.

And there is another right way of making the distinction. The life of man as person is surely not the same thing as the life of man as a living organism. Bodily life is immersed in, indeed, is one with the living body; but the person who possesses himself in understanding the world and in exercising his freedom, is not in the same way immersed in his body, as already Aristotle clearly taught, but leads a life which is in many ways withdrawn from the body. This is why the life of man precisely as person completely lacks the index of the vital, the organic, and rather has the index of the spiritual.

And so we have no intention of challenging the *distinction* between man as person and man as the bearer of distinctively human biological life. Besides, it is not this distinction which is used to oppose the ethics which prescribes respect for human life at all stages of its development. What is it then which leads to the justification of abortion and infan-

ticide? Is it perhaps the claim that there may be a *separation* between man as person and man as member of *homo sapiens*, and that a new human being is, at its beginning, merely a member of *homo sapiens*, and only subsequently becomes a person?

But it is not clear that even this claim necessarily stands in contradiction to the ethics of respect for human life, at least as it has been formulated by the Catholic Church. For after all, the Declaration on Procured Abortion, issued by the Congregation for the Doctrine of the Faith in 1974, recognizes that there is no unanimity in the Catholic tradition regarding the exact moment in which the person is created by God. And in fact many in the past, including St. Thomas¹, and some even in the present, such as Jacques Maritain², have maintained that the person, or the intellectual soul, as they call it, is created at some point in time after fertilization. The Declaration says that the Church's position on abortion is independent of the resolution of this question as to the exact moment of the creation of the personal soul, and it thus leaves the question open, even while reaffirming the Church's condemnation of abortion in all its forms, including abortion performed immediately after fertilization.

The Declaration gives two reasons (above all in paragraph 13 and in note 19) for this limited independence of the ethical from the metaphysical issue: 1) Even if a young embryo could be known to be as yet no person, we would have almost the same obligation towards it as if we knew it to be a person. The moral relevance of a potential person (in the sense in which the pre-personal embryo would be a potential person) is so close to the moral relevance of an actual person, that one can show the wrongness of even a very early abortion without resolving the actual/potential issue. 2) All speculation on the beginning of properly personal life is bound to be tentative and inconclusive and has therefore, in all deliberations about the ethics of abortion and infanticide, to be set aside in favor of the safest assumption, namely that the embryo is a person from fertilization on.

I shall return to these reasons later and explain why I find that both of them, and especially the second one, really do let us admit a certain possible separation between being a human and being a human person, yet without undermining our conviction as to the wrongness of abortion and infanticide. But at present I want only to show that the separation as it is almost always asserted in contemporary ethical discussions goes far beyond the separation envisioned in the Declaration, that is, it goes far beyond admitting the possibility (unknowable to us) of the person being

¹ *Summa Theologica*, 1, q. 118, a. 2, ad 2.

² J. MARITAIN, *Approches sans Entraves*, Roma 1977, «Verso un'idea tomista dell'evoluzione», pp. 87-153, esp. 96-101.

created at some time after fertilization. The separation-thesis as we find it everywhere today claims that it is *intrinsically impossible* that the embryo, or even the fetus, or even for that matter the neonate is a person; furthermore, it knows nothing of any potential personhood in the embryo (assuming that it were not yet a fully real person); finally, it explains the being of real persons in such a way as to undermine (this perhaps contrary to its intentions) the being, and hence the dignity, and hence of the moral relevance of persons. It is clear that this separation-thesis, in contrast to the position of the Declaration, is bound to give rise to justifications of all kinds of crimes against persons.

Our task here is to show the utter philosophical unsoundness of this way of separating human and person. Since the theory rests on a certain metaphysics of the person, we shall begin by characterizing this metaphysics. We think it can be rendered in the following two interrelated theses.

1. One says that the being of the person is not a substantial being, but is rather *a dimension of meaning or significance of the body*. Thus one American author, well known for his defense of the moral permissibility of abortion, writes: «Minds are not in the world as another class of things but as the full significance of certain things»³. His term, mind, is for our purposes equivalent to our term, person. Again: «The mind is the complete or higher significance... of certain very complex bodies» (p. 491). And again: «Minds and bodies are not things but categories of significance ingredient in appearance» (p. 491). And finally: «Mind and body are not two things but, rather, two necessarily bound aspects of one object» (p. 493). One maintains this position partly out of the desire to do justice to the unity of body and soul in man and to avoid what one takes to be an unacceptable dualism of body and soul. But whatever the motive, the result is that one does not want to ascribe too much hard concrete reality to the person, and thus does not want to conceive of the person as a substantial being or thing; one wants to weaken the reality proper to the person by characterizing this reality not in terms of substance but in terms of «meaning» and «significance», and even by going so far as to reckon this meaning to the sphere of «appearance». Perhaps we can render this conception somewhat more concrete by considering

³ H.T. ENGELHARDT, *Bioethics and the Process of Embodiment*, «Perspectives in Biology and Medicine», Summer 1975, p. 490. Since the following quotes in the text are all taken from this article, I will give the page references directly in the text. ENGELHARDT has made his theory of body and mind the basis of an argument for abortion in many articles, perhaps most notably in his *The Ontology of Abortion*, «Ethics», 84 (1974) 217-234. He has developed his theory of body and mind in his doctoral dissertation, *Body and Mind: a Categorial Relation*, The Hague 1973.

for example the meaning or significance of a flag which is not only the sign of a certain nation but also symbolically represents it. This meaning or significance is obviously not a substantial thing, like the flag itself. In calling the person a certain meaning or significance of the body, one wants to say that the person is just as little a substantial being as is the symbolic significance of the flag.

2. The second thesis is closely related to the first, and shows the particular way in which one commonly separates human being from personal being. One says or at least assumes (the author just quoted assumes it without explicitly defending it) that a body takes on the meaning of a person only in personal self-consciousness, and that without personal self-consciousness there is no person. The being of the person exhausts itself in personal self-consciousness⁴. This second thesis is interrelated with the first, because consciousness in general, and thus personal self-consciousness as well, is thought to be somehow irreal, to be the very opposite of substantial being.

You will notice that St. Thomas and those who hold something like the position of Maritain, though they did not think that the personal soul is created at the very beginning of a new human life, certainly did not hold this on the basis of the philosophy of the person which is expressed in these two theses. They know nothing of a reduction of personal being to personal self-consciousness, and they strongly affirmed the substantial reality of the personal soul. And it is with good reason that they are at such a great distance to this philosophy of the person, for it would destroy some of the most basic articles of the Christian faith. For instance, the reduction of personal being to the status of the mere meaning or significance of a body, destroys the possibility of the survival of the person after death. For the meaning or significance of a thing, such as the symbolic significance of flag, since it is not a substantial thing, could of course not continue to exist after the flag is destroyed, and in fact it would not even be a reasonable act of faith to believe in its continued existence, for not even God could make the symbolic significance of a thing remain intact even after the destruction of that thing.

I turn now to the critical analysis of the philosophy of the person epitomized in the two propositions. In a strictly philosophical way I shall try to show the hard concrete, and yet substantial reality of the human person, and to show how this reality gives the person a depth of being which does not exhaust itself in personal consciousness.

⁴ Distinct from the thesis that the human person exhausts his being in personal self-consciousness is the thesis that a divine person is through and through consciously present to himself and that there is no remainder of his being which is not consciously lived through. Such a divine person is not «a person which is nothing but personal consciousness», but rather a person in whom personal self-consciousness and divine self-existence coincide.

Let us begin by saying more exactly what we understand by a person. We follow Karol Wojtyla and many others in taking as the foundational structure of the person the belonging of the person to himself. *Persona est sui iuris*, according to the Scholastic principle so frequently cited by Wojtyla, which we could translate as: a person is a being who belongs to himself, who is his own. What is meant by this belonging to oneself?⁵ Consider an act which flows from and which manifests to us this belonging of the person to himself; consider the act whereby a person takes responsibility for his action. He says in effect that his action is *his own*, that the action is not the result of forces acting through him and in him, but that *he himself* generated the action. Only a being who is gathered into himself as person and who is his own, can generate out of himself action which is radically his own. This is why a person who lets himself be carried to and fro by every want and craving which spontaneously arises in him acts unworthily of himself as person; he is possessed by that which happens in him rather than in possession of himself. This gives us an initial idea of what is meant by the belonging of the person to himself.

Now how are we to understand the place of personal consciousness in the existence of the person? The act of taking responsibility for one's actions is essentially conscious; it clearly cannot be performed in the absence of consciousness. Not only that; the whole belonging of the person to himself becomes consciously lived through when the person posits such an act, and it is only in this conscious living through of one's personal being that one actualizes oneself as person. If a given being could in principle not become consciously present to itself, if such a being were not just hindered by external circumstances or bodily disabilities, perhaps even incurable bodily disabilities, but were *of such a kind* that it could under no circumstances become consciously present to itself, if there were nothing about such a being which required conscious self-presence in order to be itself fully, in order to actualize itself completely, then that being would definitely not be a person. Conscious self-presence is neither an abstract possibility nor an optional excellence of a person, but is *the state of actuality of the person. It does not follow, however, that a person exhausts his whole being in conscious self-presence and cannot exist in the absence of conscious self-presence; nor does it follow that the person lacks substantial reality.*

We begin by bringing to evidence the foundational distinction between, on the one hand, the *acts* which we perform and the *conscious experiences* which we have; and on the other hand *the personal self who acts and who has experiences*. When I perform the act of taking respon-

⁵ KAROL WOJTYLA, *The Acting Person*, Dordrecht 1979, chs. 1, 3, 4.

sibility for my action, there is not only the act of taking responsibility, there is also the I, the personal self who carries out the taking of responsibility. If I proceed to take responsibility for another act of mine, then that is a second act of taking responsibility; but not a second self. It is one and the same self who having performed the first now proceeds to perform the second act of taking responsibility.

It always comes as a surprise to learn that not a few highly influential thinkers have, in analyzing human consciousness, failed to notice the personal self and have even denied that there is a personal self. They have thought that it is enough to recognize conscious acts and experiences, and of course interconnections among them, principles of unity running through them, but that it is quite superfluous to posit a personal self who, distinct from all acts and experiences, lives in them and performs them. I am not just thinking of empiricist philosophers such as David Hume, who is well known for denying that there is a personal self. Even a philosopher such as Max Scheler, who made so many profound and original contributions to the philosophy of the person, failed to do justice to the distinct reality of the personal self. The idea that such philosophers failed to grasp that which is closest to each of them, that than which nothing could be closer to each of them, may seem so unlikely as to make us wonder whether there really is a personal self, and in any case it forces us to bring out as fully and clearly as possible the evidence for it.

Let us be quite clear as to why this evidence is so important for vindicating the ethics of respect for human life. If there were nothing more to a fully actualized person than conscious acts and experiences, and the unity obtaining among them, then the person really could have no actuality apart from consciousness. For it makes no sense to speak of an act, such as an act of freely taking responsibility for my actions, or of an experience, such as an experience of despondency, as if it could be real but not conscious. If then the person were nothing but the unity of his acts and experiences (as the author quoted above quite consistently tends to hold: 488), then the person would begin to exist only with the dawning of personal consciousness, and it would be absurd to assume any being of the person which preceeds consciousness or is not entirely illuminated by consciousness. If however there is a personal self, distinct from all acts and experiences, and the ground of them, it may well be that this personal being can pre-exist personal consciousness. And so if we are to have any chance at all of showing later on that a fetus or a new-born infant, in which there seems to be as yet no personal consciousness, can nevertheless be a person, we have to bring to evidence the existence of a personal self. I shall attempt this in two ways.

There are certain experiences in which my personal self is not given clearly and distinctly. When my conscious state is one of dispersion, when my thinking is dominated by associations, when I am an easy prey

to what is suggested to me from without, when I am lost in the things around me, in things which possess me in such a way as to prevent me from possessing myself, then of course I have no strong sense of my personal selfhood. When however I come to myself, when I recover my center, and stand once again in myself, when I in other words recollect myself, or gather myself back into one, and recover possession of myself, and regain a sense of my incommensurability with the world, then I deeply experience my personal selfhood. Whoever probes such experience of himself and does justice to what he finds there, find a personal self. For in these experiences I become present to myself, but an act or an experience cannot become present to itself, neither can a unified group of acts and experiences become present to itself. I take possession of myself and stand in myself; but an act or an experience or a system of acts/experiences cannot take possession of itself and stand in itself; this is only possible to a personal self, who is not reducible to acts/experiences. A conscious self is, then, an undeniable fact of experience, and it is more perfectly given in experience the more recollected I am, the more awakened I am as a person.

Of course I do not mean that a self *exists* only in those experiences which are characterized by a particularly strong presence of the person to himself; I only mean that in such experiences the self is most clearly *given*. Once the self is clearly given and experienced, it is understood to be the necessary ground of all acts and experiences, however weak the self-presence of the acting or experiencing person may be. The self which takes possession of itself understands that any act or experience can exist only as consciously lived through by itself.

There is another quite different way of bringing to evidence the existence of a personal self. No one understands what a human person is who does not understand that each person is unrepeatable and irreplaceable; that each person is not just an exemplar of a general type but rather has a being of his own, which only he has, or better, which only he *is*. Whoever loves another has caught sight of this unrepeatability in the other. Now it is clear that in experiencing this unrepeatability of the person, we are encountering the personal self of the person, for it is this personal self which is the real «seat» of personal unrepeatability. It is not primarily the acts and experiences of the person, nor even the unique history of the acts and experiences of a person, but rather the personal self, the one who manifests himself in acts and experiences, which is unrepeatable.

Here, then, is our first main result. Acts and experiences of the person can admittedly exist only consciously, and can have no being apart from their conscious performance, but it is by no means obvious that the person who performs the acts and has the experiences can exist only in being consciously lived through. We clearly find in this personal self a being of quite another order than is found in the acts and experiences.

And it is a being which may well be substantial being, though the acts and experiences, considered in themselves, of course lack substantial being. Thus our first main result calls into question, but without yet fully refuting, each of the two theses formulated above.

We proceed now to try to refute them. In what immediately follows we shall refer to the second of the two theses, the thesis that the person exhausts his being in personal consciousness. Then we shall take up the critique of the first.

1. Let us consider what is implied in the fact that the person, in consciously taking possession of himself, becomes himself more perfectly. Though the necessity that this taking possession of oneself can occur only consciously, seems to speak for the position I am trying to overcome, it in fact speaks for my own position. For personal consciousness does not just get added to a human being, as symbolic meaning gets added to a piece of cloth which thereby becomes a flag; personal consciousness *actualizes* something in the human person. This means that the person who consciously takes possession of himself is aware of becoming himself as person more perfectly, of coming into his own as person, and this implies that even in advance of consciously possessing himself he in some way had the being of the person. If it were not for this being, then the emergence of conscious self-possession would simply be the appearance of a new phenomenon in the world, and would lack the index of self-actualization. This underlying being of the person comes to evidence perhaps even more sharply when we consider that a person can fall away from his personhood. If a person lets himself be buffeted back and forth by his drives and urges, letting himself be possessed by them rather than relating himself to them in such a way as to stay in possession of himself, he falls away from his being as person, and will even experience in himself how he is divided against himself. How is this possible if the person does not remain a person on one level of his being even while his conscious life falls more and more away from properly personal consciousness? It misses the mark to say that some norm is proposed which requires conscious self-possession of persons and that as a result the emergence of conscious self-possession is not just the appearance of a new phenomenon but of a phenomenon which has the index of fulfilling something required of it. This misses the mark because the person who takes conscious possession of himself does not have the awareness of conforming to some requirement coming from without, but of becoming himself as person, of coming to himself, to use a very expressive phrase. Or if we have to speak of a norm, let us not overlook the fact that the norm is in this case grounded in man's being as person, which being can therefore not be replaced by the norm.

Perhaps we could terminologically fix our result like this. A person *belongs to himself* even prior to awakening consciously; but the *self-posse-*

sion by which he actualizes his belonging to himself is essentially conscious, it can only exist as a conscious taking possession of himself.

2. Let us recall the teaching of Socrates that just as there is state of well-being for the body, so there is a state of well-being for the soul, and that this well-being of the soul lies in justice, in doing what is just and in avoiding what is unjust. This is why Socrates teaches that it is worse for man to commit injustice than to undergo injustice, for the injustice which is undergone cannot reach man's soul so as to defile it, whereas the committing of injustice, as it issues from what is most inward in the soul, also deforms the soul and makes it sick. We are surely justified in seeing in this Socratic discovery of the soul a certain anticipation of the idea of a person, for it is also true of the person that it is made sound and true by doing what is right and just, and is compromised and defiled by doing what is unjust.

Now Socrates often observes, as in fact anyone can easily observe in his own experience, that the soul of a man can be sick with injustice even though the man is not aware of this sickness. The sickness can be really there, really characterizing the person, though it is not consciously lived through. What does this imply if not that the being of a person which is harmed by doing of injustice has a depth of being which need not be consciously experienced? Even if the person comes to recognize this sickness in himself and to experience it, he is quite aware that he has to distinguish between this experiencing, and the sickness which he experiences. He will for instance be aware that the depth of his experience of the harm to his self will vary considerably from one time to another, though the harm experienced is not subject to any such variations. This means that it would be no argument against my position if someone were to be right in saying, that a criminal can never be entirely and at every level of his being unaware of the unsoundness in himself as person. The very fact that this moral unsoundness, and in and through it the part of the soul which is unsound, can be very incompletely experienced, means that this part of the soul, or of the person, has a depth of being which does not exhaust itself in being consciously lived through.

3. If the being of the person really lay entirely in personal self-consciousness, then it would follow that a person comes into being only gradually. It would follow that towards the end of the first year of life the human infant would have a trace of personal being, that it would in the next year acquire more traces of personal being, and that it would, prior to adulthood, be always only, more or less, a *partial person*; and that even as an adult its personal being would come and go according to its conscious condition.

This understanding of the becoming of the person would be quite natural if there were nothing more to the person than a system of acts/

experiences, if there were no personal self in whom this system were grounded. For then the first properly personal experience of the infant would be a first bit of personal being, which would be enlarged by each subsequent experience. But since, as I have argued (# 1 above), we have to recognize a personal self (and not simply by inference but rather by consulting the immediate evidence of our own consciousness), then this understanding of the becoming of the person ceases to be so natural. For it is not at all obvious that a personal self can come into being gradually. In fact, the more we think about the kind of becoming which the self is capable of, the more clearly we see that a gradual coming into being is impossible for it. Let us try to show this in two ways.

First, a thing may be able to come into being gradually only if it consists in a multitude of elements. Thus a house begins to be when its foundations are laid, and gradually comes to be as first one part of it and then another is built up. But if there is no such multitude of elements in the personal self, if it really has a certain ontological simplicity, about which much has been said in the history of philosophy, then it is not susceptible of a gradual, progressive ontogeny. It will only be able to come into being instantaneously, from one moment to the next.

The second way of getting to see this starts not so much from the *simplicity* of the personal self but from the *totality* which every personal self is. The character of a totality is related to the fact that every person is an end in himself and in a certain sense exists for his own sake, as already St. Thomas observes in one place (*Summa C.G.*, III, cap. 112). It belongs to the essence of a personal self, since it is a certain kind of totality, that as soon as it exists at all, in however infantile a way, it exists in its entirety, in the sense that the only «more» which it is capable of is the «more» which comes from actualizing itself. The self is not like a fragment of a being, which gets completed by being added to, as a house gets completed when walls and a roof are raised on its foundations. Thus there is a sense in which there is no such thing as a partial person; there is either a whole person, or none at all. This alternative is rooted in the very essence of the personal self as a totality of its own, as an end in itself. The talk of partial being, and of progressive development, can only refer to the actualization of the self, which however from the very beginning of its history must in one sense be *entirely* present. It cannot gradually come into being in the sense that it is at first not a totality and only gradually becomes one. This train of thought could of course be more elaborately developed, as could the previous train of thought concerning the simplicity of the personal self.

This conclusion is thoroughly confirmed by our basic intuitions of personal being, whether in ourselves or in others. For we are all quite convinced that there is a core of personal being in adult persons which allows them to remain intact as persons no matter what fluctuations occur in their personal consciousness. We are no less convinced that

there is a core of personal being in children in virtue of which they are persons in the same sense as adult persons. These pre-philosophical intuitions find their full philosophical corroboration in the analysis just offered of the personal self. It cannot come into being gradually, but can only actualize itself gradually in its conscious life. This reveals a being in the person which is not identical with the coming and going, with the growth and decline of personal consciousness.

We now offer three considerations which aim at criticizing the first of the theses on the being of the person which we formulated above, namely the thesis that the person has only the being of «significance», or of «meaning», and must at all costs not be thought of as substantially real. Though it comes natural to many people to speak of consciousness as if it were something unreal, almost nothing, and to conceive of the person in terms of this unreality, we find in fact in the personal self a hard, resistant reality.

1. The personal self can be a causal agent, it can exercise its freedom by initiating a new causal chain and thus intervening in the world. A dimension of «meaning» or «significance» cannot be a causal agent; it would be absurd to imagine, for example, that the symbolic meaning of a flag could take some initiative towards the flag, as by wrapping the flag around the pole, or tearing it in two. Nothing but an individual concrete being can originate causal force of itself. Both PLATO (*Phaedo*, 85e-86e, 92e-94e) and ARISTOTLE (*De anima*, 1, 4, 407b, 28-408b) use this argument to criticize theories of the soul which are very like the theory of personal being held by the contemporary author quoted above.

2. There is a profound idea of Plato's which constitutes further evidence for the hard, resistant reality of the personal self. He observes that though nothing corrupts the soul so radically and from within as moral evil, yet this corruption and defilement wrought by moral evil does not destroy the soul, has no power to dissolve or annihilate the soul. It is as if a body were so strong that the worst diseases which could attack it and corrupt it from within had no power to kill it (*Republic*, X, 608d-611a). It is only a small development of this profound Platonic insight when we go on to say that there is not enough being in the «meaning» or «significance» of a thing for this meaning or significance to be radically corrupted and distorted and yet at one level of itself to remain intact despite this corruption and distortion, and be they ever so great. The fact that the soul, or the person, remains fully intact even when defiled from within by moral evil, and cannot be destroyed by what harms it worst, discloses to us an amazing depth of being, of real, concrete being in person.

3. We come now to some of the most significant evidence of the concrete reality of the person: the evidence which discloses to us the sub-

stanciality of the person. The basic idea of a substance is that of a real, concrete being which stands in itself and is not a part or property of another. Thus any living organism is a substance. But a personal self, which we have found to be real and concrete, preeminently stands in itself; it could not possess itself as it does, and generate action which is radically its own, if it were the property of another and not a being of its own, standing in itself. As Josef Seifert has shown with great originality, a personal self is not only a substantial being, but the most perfect substantial being in the realm of our experience. Seifert shows that no other being in our experience embodies the characteristic features of a substance as the human person does, and especially the feature whereby a substance stands in itself and is its own and is irreducible to everything else⁶. In fact the best way to come to understand what a substance in general is, is to consider a person, who is substance in the most proper sense.

We should not be misunderstood as treating substance as a quantity of being which is postulated in order to explain certain phenomena but which itself is always withdrawn from our experience. This would indeed open us to a serious objection, for it would mean that the substantial being of the person is withdrawn from the consciousness of the person, which would imply that consciousness is on the periphery of man's being, since his substantial being, which is withdrawn from consciousness, is presumably the innermost core of the being of the person. But this would seem to contradict our claim above that consciousness is not an optional or a peripheral condition of the person, but the only condition in which the basic structures of personal being can be actualized.

There is, however, no such internal contradiction in our position because we do not postulate the substantial reality of the person so as to explain certain phenomena in the life of the person; we rather find substantial reality directly given in the self-presence of the person. In our view substantial being centers around *concrete reality* and *standing in oneself*, and nothing prevents these structures of substance from being consciously lived through, and we in fact find them being lived through in ourselves. If, then, there are depths of the person which fall outside the conscious self-presence of the person, this is not because of the substantial being of the person. This substantial being only establishes the possibility of such a discrepancy between being and consciousness in the person; it does not necessarily imply this discrepancy, and is in fact open to a complete coincidence of being and consciousness.

⁶ JOSEF SEIFERT, *Das Leib-Seele Problem in der gegenwärtigen philosophischen Diskussion*, Darmstadt 1979, pp. 71-119. Very important is the examination (72-79) of the various widespread misconceptions of substance, one of which we are about to examine in the text. Some of these misconceptions are such that as long as one is under their spell it is only natural to think that the category of substance is entirely inapplicable to the person.

It is the substantiality of the person which more than anything else shows that the person does not just have the thin and dependent being of some «significance» or «meaning» of the body, but has the much stronger being of a distinct substance. If this leads to an understanding of the body-soul relation which will be called «dualistic», then let us become dualists. Let us prefer to follow the evidence of the things themselves wherever it leads us than to be intimidated by emotively charged epithets. Dualism need not be such a desperate predicament as is commonly thought, for as Seifert has shown, there is a dualism which deeply illuminates the unity of body and soul in man rather than compromises their unity⁷.

With this I complete my critique of the philosophy of the person which one usually presupposes today when one argues that the fetus or new-born infant is not a person but only a pre-personal human and that it therefore has little moral claim on our respect. One sees that my critique has not been merely negative, but that an alternative understanding of the human person has emerged: 1) the human person has real, substantial being, which is far more than the being of «significance» or «meaning»; 2) it is, then, not surprising that the being of the human person is more than what is consciously lived through by the person⁸. We are almost ready to return to our starting point in the issues of abortion and infanticide; I have just one more observation to offer.

I want to show what follows from our reflections for the understanding of the dignity of the human person. If the human person is nothing but a certain meaning or significance of the body, if one evacuates the person of the substantial being proper to him, then one undermines the dignity of the person. It does not suffice to insist, as the author quoted above insists, on the responsibility of the person, and thus to reject deterministic and behavioristic theories of man; one still fails to secure adequately man's dignity as long as one fails to take account of the sub-

⁷ *Ibid.*, pp. 126-130 (on the epithet «dualism»); pp. 130-164 (on the unity formed by body and soul). Seifert's position is epitomized by Bergson when he writes: «By drawing out the extremest consequences of dualism we seemed to open up an unbridgeable gulf between body and soul. In reality we have shown the only possible way of uniting them» (p. 163).

⁸ It is one of the great philosophical merits of KAROL WOJTYLA to have investigated deeply and originally the structure of personal self-consciousness, and to have appreciated many of the contributions in modern philosophy towards the understanding of personal self-consciousness, and yet without falling into the mistake of thinking, as is generally thought today, that the category of substance is irrelevant to the philosophy of the person and belongs to a cosmological view of the world which preceded the discovery of personal subjectivity (see especially *ibid.*, ch. 3 as well as his essay, *Subjectivity and the Irreducible in Man*, «Analecta Husserliana», VII, Dordrecht 1978, pp. 107-114). What Karol Wojtyla has seen and what others are developing, is that substantial being, far from being irrelevant to the philosophy of the person, is preeminently actualized in the person.

stantial reality of the human person. This means that even if one were to maintain the personhood of the fetus, one would still be unable to find grievous wrongness in the crime of abortion as long as one interpreted personhood according to the category of «significance», for one would have fatally weakened the morally relevant factor which determines the criminality of abortion. (It would no be difficult to verify this general observation by showing how unsatisfactory is the treatment of the dignity of the human person in those authors who think that the person adds only a dimension of «significance» or «meaning» to the human body). Only by vindicating the reality proper to the human person can we vindicate the worth and value of the person⁹.

And now we return to our starting point. We have identified the philosophy of the person which leads to a plausible and apparently «personalist» justification of abortion and infanticide, and have shown why this philosophy is radically unsound. We want now to see what follows for these fundamental moral issues from the philosophy of the person which has emerged from our discussion.

Do we have to deal with a new human person from the time of fertilization on? The fact that we cannot detect personal consciousness in the zygote is no argument against the presence of a person in the zygote. For if in persons who possess themselves consciously we find depths of personal being which do not exhaust themselves in being consciously lived through, why should there not be persons who are not yet conscious at all? They would indeed exist in an extreme state of dormancy, but why should they not really exist? At least one main reason for denying the possibility of such persons has been excluded by our analysis, namely the thesis that being a person is nothing other than having personal consciousness.

To proceed. Recall that the new human person comes into being not gradually but instantaneously. What is more natural to assume that it comes into being at fertilization, since no one thinks that it comes into being prior to fertilization, and since it is quite impossible to find any point after fertilization which has to be passed before a person could possibly exist? The most plausible attempt to find such a later point in fetal development is the one based on identical twins. One says that there

⁹I do not say this on the basis of some general law of being according to which the value of a being always follows the reality of the being. One has only to refer to the sublime and sometimes even sacred aesthetic values which belong to beings which exist only as appearances (as the beauty of music) in order to show that there is no such law, at least not in the simple way in which I just formulated it. In the text I have not wanted to apply any general law to the person, but have wanted to speak precisely of the person, and to say that the person cannot be himself as person if he does not have real, concrete existence, and that his value as person cannot emerge as long as he does not have the being proper to himself as person.

can be no person as long as the fertilized egg is capable of undergoing the process of twinning. Since one cannot assume that the person splits and becomes two persons, one cannot, according to this argument, assume a person united with the fertilized egg for the weeks during which twinning is still possible. But as far as I can tell, far too little is known about twinning to draw any such definite conclusions. For all we know there may, in the fertilized egg which divides and gives rise to identical twins, be some as yet undetected physical basis for the existence of two persons, who are therefore both present from the time of fertilization. Besides, the hereditary factor in twinning indicates that it may well be the case that in most cases where twinning does not occur it *could not* occur, and that there is therefore no reason to doubt that in all these cases the new person comes into being at fertilization. Our knowledge does not even approach what would be needed in order to be certain that the person comes into being only after the point in time when twinning no longer occurs¹⁰.

We state the argument again. There is no reason to think that there exists a new human person prior to fertilization, and there is no way to determine conclusively any point in time after fertilization which has to be passed before a person can exist. Thus in destroying even the youngest zygote we may, for all we know, be killing an innocent human person. It is, then, a fundamental requirement of respecting persons from the moment of fertilization.

And so we see that one philosophy of the person — of the being proper to the person, and of the relation of the person to consciousness — leads logically to the justification of the worst crimes, whereas the opposed philosophy of the person — which centers around the substantial reality of the person, a reality which does not exhaust itself in consciousness — makes understandable, and gives a rational foundation to the ethics of respecting all persons, including the pre-born persons.

It remains only to criticize a moral assumption of the defense of abortion and infanticide which is here under review. As we saw, the assumption is that we are morally bound to respect only already existing human persons, so that we are at liberty to destroy human beings who we think are not yet persons. This assumption is unsound. Even if we knew with certainty that a new person becomes present in the fetus only at some time after fertilization, this person would, from the time of fertilization until it became present in the fetus, be a potential person in an absolutely unique sense, and would thus be morally highly relevant for our action. This person is not like the person of whom we could say that he *would* come into existence if a certain egg and a certain sperm cell

¹⁰ See the discussion of the issue of twinning in GERMAIN GRIZEZ, *Abortion: the Myths, the Realities, and the Arguments*, New York 1970, pp. 24-27.

were to unite and form a zygote; such a person is only an abstract possibility. We are rather, in assuming for the sake of argument the distinction between human and person which we are here criticizing, speaking of a person whose body is being formed in advance of his own coming into existence and who can therefore be said to be on the threshold of existence. His body which is being formed will remain radically incomplete, and will not make sense, if he does not become present in it, and if he does not look, as only a person can look, with its eyes, and speak, as only a person can speak, with its mouth, etc. His place in the world is being prepared; that which he will not just use as an instrument but will dwell in as its form, as St. Thomas says, is being developed. In destroying this emerging body of this person and depriving the person of the possibility of crossing the threshold of existence, one performs a highly immoral act, even if one has to distinguish it from murder in the strict sense, which would seem to presuppose as its victim a fully actual person.

We have here the main reason why St. Thomas and followers of his like Maritain can continue to hold the grievous wrongness of abortion even for those cases where they think that no personal soul has yet been created. The high moral relevance which they find in the person whose place in the world is already being prepared suffices for them to make an ever so early abortion a grievous crime. A Maritain also has a subsidiary reason for holding this. It would hardly be reasonable for him to claim that he can establish conclusively and beyond the shadow of a doubt that there can be no person before a certain point in fetal development; he can hardly claim to be able to exclude categorically a new person from the time of fertilization on. (He might claim this if he held the philosophy of the person which we have criticized; but he no more holds this than I do). This inconclusiveness of the ontological analysis gives rise to the ethical requirement to take the safest course of action and to act as if one knew that there really was a person from the very beginning.

As for the grievous wrongness of infanticide, a Maritain might defend it exactly as I have here since he does not doubt that the new-born infant is a person. Again we observe: he would doubt it if he held that persons have the being of meaning and not of substance and exhaust their whole being in being conscious; but he does not hold this, he rather stresses the substantiality of the rational or personal soul, just as I have.

Being now at the end of my analysis I am in a position to offer a critical observation on the way in which the condemnation of abortion and infanticide are often defended. Some think that it is enough to appeal to the well-known facts about fetal development, and that no philosophical interpretation of these facts is needed in order to find in them the wrongness of abortion and infanticide. Some even confuse philosophical interpretation with a matter of faith, and set it aside so as

to address all those who do not share their faith¹¹. Precisely the present paper is well suited to showing what a great mistake they make. The biological facts can in no way dispose of the objection and it can only be countered by philosophy. It can only be overcome by going beyond not only the biological facts but even everything which we can directly experience. The same of course holds for the governing moral principles, such as the dignity of the person, the moral relevance of a (in the sense explained) potential person, and the moral relevance of that which *may well* be the case; these and other moral principles are never gathered out of empirical facts, but are rather always brought to the assessment of them. They derive from another source, and a source distinct from revelation.

¹¹ Thus Dr. and Mrs. J.C. WILKE, *Abortion: Questions and Answers*, Cincinnati 1985, pp. 5-6.

VITA DELL'ISTITUTO

A. SITUAZIONE DEI TITOLI DI STUDIO

DOTTORATO IN SACRA TEOLOGIA

Anno accademico 1985-1986

- RYSZARD SZCZESNY, *La dottrina del Vaticano II sul celibato sacerdotale.*
JOSEPH HATTIE, *The Development of a Marriage Preparation Course for
the Purpose of Assisting Pastors in Teaching the Basic Truths of
Catholic Marriage and Family.*

LICENZA IN SACRA TEOLOGIA

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- ZEFERINO MANTEROLA ROJAS, *El uso de la Sagrada Escritura en la Ex.
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FERNANDO CAINDEC G., *The Filipino Family: An Inquiry into the Effects
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JOHN MC CANN, *Contemporary Christian Marriage and Sexual Morality ac-
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ARISTIDE AYITEY TESSI, *Essai pour l'enracinement du Sacrement de maria-
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MICHAEL MC GINNITY, *The Ethical Evaluation of In Vitro Fertilization in
the Light of the Warnock Report.*

B. ATTIVITÀ SCIENTIFICHE

**CONGRESSI E SEMINARI DI STUDIO
PROMOSSI DALL'ISTITUTO GIOVANNI PAOLO II**

1) Congresso internazionale di Teologia morale

Promosso in collaborazione con il Centro Accademico Romano della Santa Croce, si è svolto dal 7 al 12 Aprile 1986. Ad esso hanno partecipato 300 Congressisti, fra i quali 117 Professori provenienti da 20 Paesi e da 56 Centri Accademici.

Alla fine di un dibattito durato ininterrottamente cinque giorni, i due Presidenti del Congresso, Mons. Carlo Caffarra e Prof. José Luis Illanes, hanno sintetizzato i primi risultati raggiunti nel modo seguente:

1) I Congressisti hanno verificato nei fatti che è possibile affrontare la complessa problematica etica, posta dalla situazione culturale contemporanea, coll'armonico contributo di teologia, filosofia e scienza.

2) Questo ha reso ancor più consapevoli i Congressisti che il loro compito di uomini di scienza è di approfondire e di servire la bellezza dell'esperienza etica, nella quale si manifesta in modo evidente e a tutti la verità e la dignità dell'uomo.

3) Risulta così chiara la fondazione cristologico-antropologica dell'etica. Da essa scaturisce la permanente vitalità dell'etica cristiana la quale, non solo non diminuisce, ma salvaguarda ed esalta la serietà dell'eticità naturale.

4) Questa prospettiva unitaria sarebbe impossibile senza un preciso ancoraggio ad un tempo metafisico e personalistico.

5) Sopra questi fondamenti i Congressisti hanno esaminato gli elementi costitutivi dell'esperienza etica, soffermandosi in modo particolare sui seguenti: la libertà, la virtù, l'oggettività della norma, il peccato, la grazia.

6) I Congressisti hanno voluto verificare la validità di questa impostazione in alcune questioni di particolare gravità ed urgenza, alle quali molti ritengono di non poter dare una risposta. La convinzione del Congresso è che questa risposta esiste, nonostante l'obiettiva complessità dei problemi. Non va dimenticata né tacita la serietà dell'esigenza etica cristiana che esige un incondizionato impegno.

7) I Congressisti hanno constatato che il rapporto teologia e Magistero non è conflittuale; coscienti della distinzione dei compiti, essi intendono proseguire il loro lavoro di intelligenza della fede.

Tutto questo ha rinnovato in ciascuno dei Congressisti la coscienza della loro responsabilità, come docenti e ricercatori, verso la Chiesa e la società.

2) «*L'omosessualità di fronte all'etica e alla religione*»

Seminario di studio, tenutosi l'8 Maggio 1986, con circa 100 partecipanti.

Relazioni:

«Uomo e donna lo creò: verità e significato della mascolinità/femminilità»

- Proff. STANISLAW GRYGIEL - ANGELO SCOLA.

«L'omosessualità: problemi psicologici e psicopatologici» - Prof. GIANFRANCESCO ZUANAZZI.

«L'omosessualità: problemi etici» - Proff. CARLO CAFFARRA - ANGEL RODRÍGUEZ LUÑO.

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