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## [Book Review of] *On Understanding Human Sexuality*, by W. E. May and J. F. Harvey

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our moral lives and take on a certain kind of identity, the identity of killers, for example, or the identity of masturbators or fornicators, if the acts in question are truly acts of killing, of masturbation, of fornication. And, I submit, we ought not to take on this identity, for this is an identity which is simply not the kind to be taken on by a human being, in particular the human being who has become one with Christ in and through baptism.

Keane's book is filled with a sense of concern for people and their needs. Unfortunately, in my judgment at any rate, the moral policy it articulates is one that is not responsive to the deepest needs of people.

Recently (March, 1978), Richard A. McCormick, S.J., attempted to reformulate in a more compelling and persuasive manner the moral theory embodied in Keane's book and to show that those who reject this theory misrepresent it, misunderstand it, and argue in vicious circles (cf. "Notes on Moral Theology," *Theological Studies*, March, 1978). It is not possible here to discuss further the fundamental issues involved. But there is clearly a profound difference in the approach taken to moral questions in general and to issues in human sexuality in particular by writers who, like Keane, hold that it can be morally good directly to intend ontic evil and by many others who believe that it is morally wrong directly to intend, i.e., set one's being, on evil, even if by doing so one can serve some very significant good.

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## *On Understanding Human Sexuality*

W. E. May and J. F. Harvey

*Franciscan Herald Press (Synthesis Series), 1434 W. 51st St., Chicago, Ill. 60609, 1977. 79 pp., \$1.50.*

The subtitle of this little volume tells it all: "A restatement of the position of The Roman Catholic Church on questions of sexuality written in response to *Human Sexuality: New Directions in American Catholic Thought*." *Human Sexuality* by A. Kosnik, et. al. was published in June of 1977 by Paulist Press and has evoked widespread praise and condemnation. In fact, it has incurred official condemnation because it does not restate in detail official Catholic teaching. The May-Harvey endeavor is such a restatement. Although their effort, at times caustic, is not a convincing one, it does provide a brief occasion to re-examine this mystery-laden phenomenon called human sexuality.

The authors begin with an overview of *Human Sexuality* and then direct their analysis to the following topics: the meaning and purpose of "human sexuality", moral methodology, the use of Scripture and Christian tradition, the use of empirical sciences, and the treatment of homosexuality. I shall comment on each topic according to the foregoing sequence. (Throughout this review the abbreviation HS will refer to *Human Sexuality: New Directions in American Catholic Thought*.)

With regard to the meaning and purpose of "human sexuality," May and Harvey would have us note (p. 13) that the authors of HS in defining sexuality place "all their emphasis on the 'other-relating' aspect of sexuality; not a hint is offered that human sexuality is related to the generation of new human life" (this from p. 83 of HS). There is no such hint at this point (although it is mentioned on the

following page, 84, in HS) because the relationship between sex and the generation of new life is self-evident and, more to the point, is not specifically human. May and Harvey make this objection because they believe that the generation of new human life is essential to an understanding of human sexuality. The difference in the two approaches is simply this: the authors of HS argue that procreation is one dimension of human sexuality; May and Harvey argue that human beings are "*animal persons*" and that sexuality, to be truly human, must respect the procreative orientation as normative. In fact, May and Harvey accept the view of George Gilder that "the sexual drive . . . is fundamentally procreative — the product of millions of years of human evolution designed to perpetuate the species" and, hence, the *Human Sexuality* authors "are leading the way to sexual suicide" because they have "loosened the tie between procreation and sexuality" (p. 19). Sexual suicide means the extinction of the species. In view of mind-boggling population statistics today, the existence of sperm banks and the use of AID, the possibility of artificial in ovulation and *in vitro* fertilization, and discussions on cloning, the only path to the non-survival of the species is being paved by the manufacturers of thermonuclear weapons (approved by Vatican II) and by those who do not take demographic evidence seriously.

May and Harvey quickly caution that "it is not necessary that human beings intend children in every act of genital intercourse" (p.19). The caution is curious and prompts some obvious questions: in which acts of genital intercourse *must* children be intended? in which acts may they be non-intended? May and Harvey do not answer the first question; on the contrary, they dismiss it by asserting that "that is not the question. Rather, the issue is the very meaning of our being as sexual persons and the relationship between procreation and sexuality" (p. 19). For the two authors anatomy is destiny. Nor do they consider what motive other than children might morally justify genital intercourse. I might observe too that as recently as 50 years ago a Catholic moralist (J. Mausbach) was suggesting that spouses need not intend children as long as they respect the natural procreative intention of the sex act itself. The answer to the second question, a hallmark of Catholic teaching and crucial in any discussion of sexual morality, is found on p. 49 where May and Harvey refer to periodic abstinence — in a word, rhythm. This will be considered later under the heading "Christian tradition" but we may note here that with the (then) new knowledge of reproductive biology, Pius XI sanctioned this method of birth regulation and Pius XII taught that it could be used for serious "indications" throughout the entire duration of a marriage. Accordingly, the charge that "they (the HS authors) offer a view of human sexuality that loosens the link between procreation and the genital expression of human sexuality" (p. 20) must be levelled against *Casti Connubii*.

In their understanding the authors of HS include the procreative and unitive elements of the traditional formulation and argue that "creative growth toward integration" as a reformulation "represents a development of, rather than a departure from, the traditional formulation" (p. 86). May and Harvey reject this understanding of human sexuality as "woefully inadequate and in no way a 'development' of the traditional understanding" (p. 15). In *Dignitatis Humanae*, the Declaration on Religious Freedom, the bishops of Vatican II assert: ". . . in taking up the matter of religious freedom this sacred Synod intends to develop the doctrine of recent Popes on the inviolable rights of the human person and on the constitutional order of society" (Art. 1). But recent popes had departed from the doctrine of their predecessors, a departure which Vatican II emphatically canonizes (Art. 2) in the name of development of Catholic doctrine. With good reason, therefore, the authors of HS can speak of development.

May and Harvey begin their analysis of moral methodology (p. 21) by excerpting from the following statement on p. 89 of HS: "Vatican II called for a renewal of moral theology in which morality is seen as a vocation, a way of life, a total

response to God's invitation lived out from the depths of a person's being. Morality must never allow itself to be reduced to a simple external conformity to prejudged and prespecified patterns of behavior. For this reason, we find it woefully inadequate to return to a method of evaluating human sexual behavior based on an abstract absolute predetermination of any sexual expressions as intrinsically evil and always immoral." May and Harvey then observe (p. 21): "They are correct in rejecting such simplistic and aprioristic ways of making moral evaluations." Unfortunately, the observation is mere lip service. For the authors are already (aprioristically) and unalterably committed to the stand that the official Catholic teaching on sexual ethics is valid and immutable. In rejecting the HS approach to moral evaluations, namely that the morality of an action cannot be determined apart from motive and circumstances (which means that an act cannot be said to be intrinsically evil (i.e., evil independent of the other co-factors), May and Harvey simply recall the traditional teaching with some comment. In the tradition, the morality of an action was dependent on the object of the act of choice, the intention of the person making the choice, and the accompanying circumstances; moreover, for an act to be morally good all the factors had to be good. For those not familiar with this scholastic understanding it may be helpful to explain — as May and Harvey do correctly — that the object of the act of choice (the so-named formal object) gave to a human act its specific moral value, namely "a moral meaning that could not be changed by the agent's subjective intent." This specifying object was not the physical event itself that was performed but "the externally observable performance as a purposeful or humanly significant deed. . . . The formal object of the act of choice had its own intelligibility" and as "the object of the inner act of choice . . . could not *not* be intended by the agent" (pp. 24 f.). What all this means, in other words, is that a given act has its own set purpose while the purpose of a given individual who chooses to perform this act may or may not coincide with the purpose of the act itself. In context, the fundamental purpose (formal object) of sexual intercourse is procreation; the purpose of individuals having intercourse may be other. A variety of motives is possible: pleasure, celebration, reconciliation, consolation, domination, monetary gain, etc. According to the traditional view, reasserted by May and Harvey, the specific morality (moral species) of an act is determined by its formal object. The authors of HS, following the thought of a number of respected contemporary moralists, highlight personal intention and accompanying circumstances (value factors) in value-judging the morality of an act.

### A Principal Difficulty

One of the principal difficulties of the traditional moral methodology is the reputed "intelligibility" or set purpose of the formal object. With regard to sexual activity, May and Harvey and others assume and then attempt to show that there is an essential and inviolable connection between procreation and human sexuality. In describing the formal object of an act, May and Harvey speak of it as "the externally observable performance as a purposeful or *humanly significant deed*" (emphasis added). But human significance will vary as insights vary from era to era and culture to culture. The relationship between sexuality and procreation is necessarily biological but its human significance is not necessarily intrinsic. By way of comparison, one may ask in what the essence or intrinsic nature of parenthood consists. Is parenthood essentially biological? If it is, then the nurturing aspect of parenthood is an added or secondary consideration, the primary one being the aspect of begetting. Hence, adoptive parents are parents only in a manner of speaking. But as everyone knows — perhaps in particular adopted children — adoptive parents, humanly speaking, are indeed truly parents. That is, the human significance of parenthood is not primarily the biological capacity to pro-

create but the ability and willingness to care for children whether or not they be one's own flesh and blood. As the old adage has it, parents are born when the first child arrives. Or, in the case of artificial insemination by a donor, in what humanly significant sense is a donor a parent? Clearly, the essence of parenting is not biological.

In a footnote reference to the matter of exceptions to general norms in the teaching of Aquinas, May and Harvey observe that the understanding by the authors of HS and other moralists "obviously is not what Thomas intended" (n. 24, pp. 72 f.). But it seems strange that something so obvious should escape the notice of such eminent moralists as J. Fuchs, L. Janssens, B. Schuller, R. McCormick and others. What *is* obvious is that Thomistic texts are open to interpretation. (For example, St. Thomas does say — *Summa Theol.* 1-2,7,4 — that the circumstance of intention is the "most principal cause of an act" [*causa principalissima*] and "therefore a moral act is specified especially by reason of the end" which is "the motive and object of the will.")

For the rest, May and Harvey choose not to give a detailed criticism of the methodology which they oppose; they refer, rather, to the authors who are arguing it pro and con. They "do not recommend," however, "a return to the manuals of the moral theology of the past" because of the casuistic and legalistic nature of the manuals (p. 29). This non-recommendation is well founded in contemporary approaches to moral theology but coming from May and Harvey in the present context, it rings hollow. For in the area of sexual ethical teaching, they are echoing the manuals all the way. It might be said that in their own regard and in that of like-minded authors this observation is superfluous; one cannot return to what one has never left.

With regard to the use of scripture, in particular the review of biblical sources by the HS authors, May and Harvey recall the authors' "caution that one cannot validly abstract statements about sexuality from their context and apply them to contemporary situations. Yet they engage in their own form of universalizing" (pp. 31 f.). A few lines later May and Harvey admit "agreeing with the authors that the Scriptures do not provide an explicit and detailed sexual ethics or a set of absolute norms" (p. 32) — and then they proceed with an attempt to provide just that. They try to do this with the help of the well known E. Schillebeeckx and P. Grelot. They quote Schillebeeckx to the effect that whatever has been created by God, including marriage and family, "received, on creation, its intrinsic conditions of existence, its defined limits. This intrinsic reality was none other than God's creative will which called an order, a system, into existence" (p. 33). (In the footnote to this citation — n. 45, p. 75 — May and Harvey incorrectly refer to pp. 20-21 of the work by Schillebeeckx; the correct reference is p. 24.) But had they read Schillebeeckx further, they would have found, on p. 287: "Although Christ had said that marriage was indissoluble, he had not said in what the anthropological reality of marriage precisely consisted. In other words, precisely *what* was indissoluble?" Or, in other words, even if we accept on faith that God instituted marriage and family and that Christ wished to restore marriage to its pristine dignity, we still do not know what its "defined limits" are. The lived reality of marriage and family is a product of cultural conditioning, of evolution, and it is part of the task of theology to articulate insights appropriate to given times and cultures. This is what the authors of HS are trying to do. In discussing the inadequacy of abstract apprehensions of man, Bernard Lonergan (who, like Schillebeeckx, is not primarily known as an exegete) notes that this approach is not theological and adds: "I think our Scripture scholars would agree that its abstractness, and the omissions due to abstraction, have no foundation in the revealed word of God" (in "The Transition from a Classicist World View to Historical Mindedness" in J. E. Biechler, ed., *Law For Liberty* [Baltimore: Helicon, 1967], pp. 126-136, at pp. 129 f.).

The "quite defective exegesis" attributed by May and Harvey (p. 35) to the authors of HS is partly illustrated by the discussion of divorce and remarriage — what Jesus said, what Paul meant, etc. (pp. 35-39). The discussion is, at best, speculatively interesting. But it would be instructive for May and Harvey to recall that the Eastern Orthodox tradition, among other Christian traditions, justifies divorce with the right to remarry and, according to Vatican II's *Decree on Eucumenism* (Art. 15), "that it is of supreme importance to understand, venerate, preserve, and foster the exceedingly rich liturgical and spiritual heritage of the Eastern Churches, in order faithfully to preserve the fullness of Christian tradition." May and Harvey are, understandably enough, adducing authors who favor their own views, which means, in a word, that it is a question of exegetical probabilism. Their parting shot is unnecessary, namely that the authors of HS fail "to do full justice to the richness of the biblical teaching and its significance for understanding human sexuality" (p. 43). The HS authors would be the first to admit that no work will ever do *full justice* to the richness of biblical teaching in any regard.

### Aquinas Was Negative

Concerning Christian tradition, May and Harvey are in error when they impute to the authors of HS "a very unbalanced view of Thomas' teaching" on marriage, conjugal intercourse and marital friendship (p. 44). Aquinas was decidedly negative regarding sexual intimacy in marriage even when marriage was "rendered honorable" by the compensatory goods of children and fidelity (this latter, misunderstood by May and Harvey, meaning helping one's spouse to avoid adultery). Here are a few typical texts which are not taken out of context and which May and Harvey either do not know or else conveniently choose to ignore. Aquinas taught that only for childbearing does a man need a woman "since for any other work a man is more conveniently helped by another man than by a woman" and that "a woman is naturally subject to a man since in a man the discretion of reason is more in abundance" (*Summa Theol.* 1,92,1). He repeats this in 1,98,2 and adds: "Brute animals lack reason. Hence it is that in sexual intercourse man becomes like a brute animal because he cannot moderate the pleasure of coitus and the heat of concupiscence." This sentiment is repeated in several places, as is the following one: "The use of sex keeps the soul back from that perfect intention of tending toward God" (*ibid.*, 2-2,186,4). So too is this passage from Augustine: "I think there is nothing which perverts a man's mind more than the caresses of a woman and that bodily contact without which a wife cannot be had" (*ibid.*, and also in his commentary on I Cor.). For St. Thomas conjugal intercourse is truly conjugal, and therefore sinless, only when it is motivated by the desire for procreation or for rendering the debt, a motive that must be explicit at the time of intercourse; "otherwise there is always sin involved, at least venial" (*Suppl.* 49, 5). Finally, after reviewing the opinions concerning whether marriage was a sacrament that conferred grace, a disputed issue since marriage is so sexual, Aquinas concludes that the affirmative opinion is "more probable" (*ibid.*, 42,3). These and other passages could have been but are not adduced by the authors of HS; the point is, these authors do not misrepresent St. Thomas' teaching. In fact, they do say — contrary to the misleading assertion by May and Harvey that the HS authors "do not even mention" (p. 44) what is positive in Aquinas — that "Thomas' synthesis of the human reality of marriage as both a civil and sacramental institution was unparalleled in previous writings, and it marked a high point in the scholastic discussion of marriage and sexuality" (p. 41 of HS). An explication of his views on friendship between spouses would not have balanced things since Aquinas does not and, in view of the earlier tradition, cannot speak positively of the affective overtones of intercourse, viz., of sexual lovemaking within marriage.

May and Harvey are in error too when they charge misuse of the documents of Vatican II. For example, they supply a concluding sentence to a paragraph in Art. 51 of *Gaudium et Spes*, the Pastoral Constitution on the Church in the Modern World, which the HS authors do not cite: "Relying on these principles, sons of the Church may not undertake methods of regulating procreation which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law" (p. 45). Except for completeness, there was no urgent need to cite this since it does not resolve anything. If it did, there would have been no need to take the issue of contraception out of the Council and entrust it to a special papal commission. It is recalled simply to bolster the aprioristic approach taken by May and Harvey, an approach that ultimately rests on authority. The full text refers to "objective standards" in judging the morality of an action, and May and Harvey would have done better to explain where these standards come from and to explain, as well, the meaning of "divine law." The authors of the Minority Report of that special commission were more on target when they admitted: "If we could bring forward arguments which are clear and cogent based on reason alone, it would not be necessary for our commission to exist. . . . It depends on the nature of human life and human sexuality, as understood theologically by the church" (in R. Hoyt, ed., *The Birth Control Debate* [Kansas City, Mo: The National Catholic Reporter Publishing Co., 1968], pp. 34, 36). The past theological understanding has been quite checkered (recall the views of Aquinas), and the Church today is better understood as the whole people of God, not the hierarchical magisterium. Why discuss anything if, in the final analysis, authority is decisive anyway? In point of historical fact, as May and Harvey should well realize, any number of instances can be recalled in which papal teaching has been negated. We can reflect with profit on Art. 59 of *Gaudium et Spes* in which "the ability . . . to make personal judgments" is emphasized, and on Art. 3 of *Dignitatis Humanae* which stresses "personal assent" to truth. In the discussion of contraception the HS authors do discuss the theological respectability of dissent (pp. 117 ff.) which May and Harvey somehow fail to note.

#### Complaint by May and Harvey

The latter complain that "although they cite (p. 115) the words that deal with the need to respect the full meaning of mutual self-giving and human procreation, they do not comment on their significance for our understanding of human sexuality" (p. 45). On the contrary, the HS authors do comment; on p. 119 they repeat the passage and supply three pages of commentary. Because the authors of HS refer to periodic abstinence under the heading "Methods of Contraception" (pp. 292-295) — the additional references by May and Harvey to pp. 184 and 296 are incorrect (p. 50) — the latter object that these authors "do not understand what is entailed in contraception" (p. 50). Despite the essential element of time and the scientific use of thermometers and other paraphernalia, for May and Harvey the commonly spoken of rhythm "method" of birth control is not a "method" of contraception; in other words, for them the divine law is followed when one can scientifically predict the time of ovulation in order that intercourse can be enjoyed when conception can be avoided. They thereby reflect the truth of Gerald Vann's wry comment that in this matter the Church forbids contrivances but permits contrivance! May and Harvey, as noted earlier, accuse the authors of HS of separating procreation from sexuality; for their part May and Harvey do not see rhythm as such a separation. However, since they did not notice the commentary on pp. 119 ff. (as noted above), we might cite a pertinent passage here in which the authors of HS say that the birth control controversy "in no way contests the fundamental fact that there is a connection between the procreative and unitive aspects of the conjugal act that needs to be respected." It is a question

of how one interprets this relationship; the HS authors do not regard the exclusive reliance "on a non-interference with the biological processes as the integrating element" (pp. 121 f.).

Perhaps more incredibly, May and Harvey fault the HS authors because they do not "seriously consider the lived experience of many Catholic couples — and non-Catholic couples as well — who abstain from the great good of marital intercourse" because they would otherwise "be forced to repudiate the meaning of their sexuality by contraceptive intercourse" (p. 50). This is incredible because, for one thing, May and Harvey themselves do not discuss the value of lived human experience in any regard, and they do not substantiate what this "lived experience" is for the Catholic and other couples to whom they refer. For another, there is absolutely no evidence that those who use contraceptives experience a repudiation of the meaning of their sexuality or a detracting from their love. The unfortunate experience of many who have resorted to rhythm is better articulated but is not alluded to by May and Harvey. Moreover, there is an abundance of opportunity for asceticism in marriage quite apart from periodic abstinence. In point of fact, however, the HS authors do affirm: "Natural family planning deserves serious consideration among the alternatives for exercising responsible parenthood" (p. 128).

In criticizing the use of the empirical sciences in HS, namely that the normative function of these sciences is left undetermined, May and Harvey offer nothing constructive. They might have recalled Art. 62 of *Gaudium et Spes* which urges that we make "appropriate use . . . of the findings of the secular sciences." These sciences are inexact, and surely no one would argue that only those findings may be used which reinforce official Catholic teaching or that Catholic scholars in the course of their research cannot be open to the possibility of finding evidence that does not support such official teaching. May and Harvey charge that "no clear criteria are given of what the authors (of HS) hold to be good for 'human development' " regarding the various forms of sexual activity (pp. 51 f.). However, these criteria are detailed in the following chapter, especially pp. 92-95: self-liberating, other-enriching, honest, faithful, socially responsible, life-serving, and joyous.

The treatment of homosexuality by May and Harvey is standard fare to be found, with the same casuistry, in any manual of moral theology — that genre, it will be recalled, to which May and Harvey do not recommend a return.

In sum, May and Harvey believe that they have offered "massive evidence" and "devastating criticism" to show that the HS authors "have done a disservice to truth and to the Catholic community" (pp. 68 f.). The evidence is not massive and the criticism is hardly devastating. *On Understanding Human Sexuality* is a hastily written misunderstanding and, at \$1.50, is overpriced.

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