

Catholic Sexual Ethics: Transitioning from Rules and Acts to Virtue and Character

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Abstract: Catholic sexual ethics was established by its great theological Fathers, theologians like Augustine and Thomas Aquinas. It prescribed and proscribed *acts* with absolute rules. Since the Second Vatican Council there has been a gradual retrieval and integration of virtue ethics into Catholic moral theological discourse and a renewal of Catholic sexual ethics. This ancient ethical approach dates from Aristotle and Aquinas. In virtue ethics, the ethical action is the action that gives precedence to the character of the person formed in an ethical community, and not to the person's actions, though there is an ongoing dialectic between character, community, and action. In this essay, we present and distinguish those two approaches to Catholic sexual ethics in three parts. Part one explains the Second Vatican Council's methodological shift from classicism to historical consciousness, which fundamentally transformed Catholic ethical method. Part two provides a biblical and historical overview of Catholic sexual ethics that develops into a rule-based approach to sexual ethics. Part three explains virtue ethics as the culmination of the ethical methodological shift in Catholic theological ethics and its implications for Catholic sexual ethics.

Keywords: Aquinas • Augustine • Conscience • Ethical Method • Sexuality • Vatican II • Virtue Ethics

Introduction

Catholic sexual ethics was established by its great theological Fathers, theologians like Augustine and Thomas Aquinas. It prescribed and proscribed *acts* with absolute rules: do not covet your neighbor's wife, do not have sex with anyone who is not your heterosexual spouse, or with yourself. Since the Second Vatican Council there has been a gradual retrieval and integration of virtue ethics into Catholic moral theological discourse and a renewal of Catholic sexual

ethics. This ancient ethical approach dates from Aristotle and Aquinas. In virtue ethics, the ethical action is the action that gives precedence to the character of the person formed in an ethical community, and not to the person's actions, though there is an ongoing dialectic between character, community, and action. In this essay, we present and distinguish those two approaches to Catholic sexual ethics.

Ethical Method

In its document *Gaudium et spes*, the Second Vatican Council gives evidence of an ethical methodological shift in Catholic theological ethics. For centuries prior to the Council, the methodological approach of the Catholic magisterium to sexual ethics emerged from what is known as a classicist method. In a classicist worldview, reality is static, necessary, fixed, and universal. The ethical method utilized and the ethical norms taught in this classicist worldview are timeless, universal, and immutable, and any act that is condemned by those norms is condemned for all time. *Gaudium et spes* offered a principle that challenged this classicist approach. Urgent human needs, it taught, are to be considered “in the light of the gospel and of human experience.”¹ Human experience is inseparably linked with human history in which “the human race has passed from a rather static concept of reality to a more dynamic, evolutionary one.”² Given this changed approach to human history, the majority of Catholic theological ethicists have replaced the static classicist approach to ethics with a dynamic approach of historical consciousness.

¹ Second Vatican Council. *Gaudium et spes*, n. 46.

² *Ibid.*, n. 5.

Historical consciousness fundamentally challenges the classicist view of reality. It views reality as dynamic, evolving, changing, and contextually particular. The ethical norms taught within this historical worldview are contingent, contextually particular, and changeable, and so are the acts condemned by these norms. The transition from a classicist to a historical critical approach to reality is clearly reflected in the magisterium's proposed method for interpreting scriptural texts, which requires that they be read in the "literary forms" of the writer's "time and culture".³ This historical critical method of interpreting scriptural texts is now established in Catholic theology, but the magisterium continues to proof-text scripture in the classicist mode of the pre-Vatican II manuals and to justify absolute norms condemning certain sexual acts. *The Catechism of the Catholic Church*,⁴ for instance, offers Genesis 19:1-29, the story of Sodom, as a scriptural foundation for the absolute prohibition of homosexual acts. Most biblical scholars, relying upon the historical-critical method, interpret the passage to be about the Jewish law of hospitality (see Gen. 19:8) and argue that it has nothing to do with contemporary definitively homosexual women and men. Though the magisterium advocates the historical critical method for interpreting scriptural texts and the findings of modern science for integration into its teaching,⁵ it continues to cite certain scriptural texts in support of its absolute condemnation of certain sexual acts, even though its own conciliar method holds those texts as irrelevant to the acts it is condemning.

³ Second Vatican Council. *Dei verbum*, n. 12.

⁴ *The Catechism of the Catholic Church*, 1994, n. 2357; https://www.vatican.va/archive/ENG0015/_P85.HTM.

⁵ See *Dei verbum*, n. 62.

Well-known German theological ethicist, Joseph Fuchs,⁶ argues, and we agree, that anyone who wants to make an ethical judgment on any human act in the present day based on its historical givenness in the past must keep two facts in mind. The first fact is that those living in the past simply did not know the entire reality of the human person as it has developed and will continue to develop in the future. “If one wishes to make an objective moral judgment today,” he points out, “then one cannot take what Augustine or the philosophers of the Middle Ages knew about sexuality as the exclusive basis of a moral reflection.”⁷ The second fact is that we never know “nature” in itself and what ethical actions nature demands. Rather, we know nature “always as something that has already been interpreted in some way.”⁸ The interpretation, judgment, and responsible decisions of human beings about nature and what it demands is what constitutes *natural law*, never simply the facticity of uninterpreted nature. In the post-Vatican II Catholic tradition, argument is never from nature alone, but always from nature interpreted by reason, experience, and the contemporary sciences. For humans subject to historicity, and so many other external influences, ethical decisions and actions are always the outcome of responsible interpretation guided by reason.

Conscience

The introduction of the notion of responsibility also introduces the notion of human freedom and personal autonomy. Aristotle taught that “a morally praiseworthy act must be done in full awareness of *what* we are doing

⁶ Joseph Fuchs, *Moral Demands and Personal Obligations* (Washington, DC: Georgetown University Press, 1993).

⁷ *Ibid.*, 36.

⁸ *Ibid.*

and *why* we do it. It must be an act freely chosen and not done from coercion.”⁹ We are ethically obliged “not only to *act* well but also to *think* well.”¹⁰ In the Catholic tradition, there is no genuinely ethical action without a human being’s free choice to do this action, nor is there any ethical praise to be earned from simply obeying or imitating another person. In contemporary ethical language, a genuinely ethical action is one that follows from the practical judgment called conscience.

Already in the thirteenth century, Thomas Aquinas¹¹ established the authority and inviolability of conscience, arguing that “anyone upon whom the ecclesiastical authorities, in ignorance of the true facts, impose a demand that offends against his clear conscience should perish in excommunication rather than violate his conscience” (d. 38, q. 2, a. 4). Almost seven hundred years later, the Second Vatican Council taught unequivocally that “in all his activity a man is bound to follow his conscience faithfully, in order to come to God for whom he was created. It follows that he is not to be forced to act contrary to his conscience. Nor, on the other hand, is he to be restrained from acting in accord with his conscience, especially in matters religious”¹² and, we add, ethical. Pope Francis speaks out of this conciliar tradition when he teaches that “we have been called to form consciences, not to replace them”¹³ and that “individual conscience needs to be better incorporated into the Church’s praxis in certain situations which do not objectively embody our

⁹ Robert J. Fitterer, *Love and Objectivity in Virtue Ethics: Aristotle, Lonergan, and Nussbaum on Emotions and Moral Insight* (Toronto: University of Toronto Press, 2008), 6; emphasis in original.

¹⁰ *Ibid.*; emphasis in original.

¹¹ Thomas Aquinas, *Scriptum super libros iv sententiarum* (Paris: P. Lethielleux, 1929).

¹² Second Vatican Council, *Dignitatis humanae*, n. 3.

¹³ Francis, *Amoris laetitia*, n. 37.

understanding of marriage.”¹⁴ Following Aquinas, he also insists that the devil in every situation is not in general ethical principles but in the details of the situation.¹⁵ For the first time in a magisterial document, Pope Francis quotes this passage from Aquinas. “In matters of action, truth or practical rectitude is not the same for all, as to matters of detail, but only as to the general principles; and where there is the same rectitude in matters of detail, it is not equally known to all.... The principle will be found to fail, according as we descend further into detail.”¹⁶ Aquinas’ principle has often been cited by Catholic theological ethicists to refute claims to absolute sexual doctrines. By citing this text from Aquinas, at the very least, Francis is both cautioning against a deductive, one-rule-fits-all approach to ethical decision-making and emphasizing the importance of contexts and circumstances and an inductive approach. To think well and act well in every situation, ethical agents must always be open to ongoing inquiry, understanding, judgment and decision, for personal bias can always distort them and may need to be conscientiously corrected.

A decision of right conscience is a complex process. It is an *individual* process but far from an *individualistic* process. The Latin word *con-scientia* literally means knowledge together. It suggests what human experience universally demonstrates, namely, that being freed from the prison of one’s own individual self into a community of others is a surer way to arrive at correct knowledge of ethical truth and right ethical judgment of what one ought to do or not do. This community basis of Christian

¹⁴ Francis, *Amoris laetitia*, n. 303.

¹⁵ *Ibid.*, n. 304.

¹⁶ *Ibid.*, *Amoris laetitia*, n. 304; Thomas Aquinas, *Summa theologiae*, I–II, 94. English Dominican Fathers (Trans.) (New York: Benzinger Brothers, 1947), 4.

ethical truth, conscience, and action builds a safeguard against an isolating egoism and subjective relativism that can negate all universal truth. The community dimension of conscience has been part of the Christian tradition since Paul, who clearly believed in the authority and inviolability of conscience (1 Cor 10:25-27; 2 Cor 1:12; Rom 14:23). Conciliar *peritus*, Bernard Häring, calls this community dimension of conscience “the reciprocity of consciences”.¹⁷ It is within this reciprocity of consciences that church authority functions, not guaranteeing conscience (past errors preclude that simplistic claim)¹⁸ but offering principles leading to a right conscience judgment. We can do no better than conclude this section with Cardinal Newman’s famous comment in a letter to the Duke of Norfolk: “If I am obliged to bring religion into after-dinner toasts (which indeed does not seem the right thing), I shall drink to the Pope if you please, still to conscience first and to the Pope afterwards.”¹⁹ The practical, individual judgment of conscience supersedes any teaching of even the Pope in ethical importance.

Catholic Sexual Ethics

Before getting into sexual ethics, there are some definitional issues to be attended to: first, the distinction between sex and sexuality. *Sex* is a biological characteristic of all animals that distinguishes them as either male or female. It has physical, emotional, and spiritual dimensions that sometimes lead to, and are

¹⁷ Bernard Häring, *Free and Faithful in Christ: Moral Theology for Clergy and Laity*, vol. 2 (New York: Seabury, 1980), 25.

¹⁸ Charles Curran, ed., *Change in Official Catholic Moral Teachings* (New York: Paulist Press, 2003).

¹⁹ John Henry Cardinal Newman, n.d., “Letter to the Duke of Norfolk,” <http://www.newmanreader.org/works/anglicans/volume2/gladstone/section5.html>.

manifest in, sexual intercourse, orgasm, and the conception of a child. *Sexuality* is rooted in sex and is a fundamental dimension of personality that enables relationship with self, with others, with the world, and ultimately with God. Second, sex and sexual activity reflect, affirm, and create that fundamental dimension of sexual identity called *gender*, but only partially. Gender gives rise to the terms *masculine* and *feminine* and the meanings, actions, and social roles culturally associated with them, but all those meanings, actions, and social roles are culturally constructed and may vary from culture to culture. Gender, then, is based not only on a person's sex but also on the cultural rearing the person receives. The traditional Catholic understanding of gender, sadly, is hierarchical; male gender is understood as more important and powerful than female gender, and females in all walks of life are subject to males. An outstanding Catholic example of this gender hierarchy is that females cannot be ordained to the priesthood.²⁰

A Textualized Religion

Catholicism is “a textualized religion”,²¹ and its first instinct is to consult its sacred text, the Bible, which it believes to be the very word of God. As Catholic theologians, it is also our first instinct, and we begin our analysis of Catholic sexual ethics with what the Bible says about it. We then follow that biblical tradition through its subsequent history, in which, under the grace of God's Holy Spirit, “there is growth in insight into the realities and words that are being passed on.”²² Of great

²⁰ See, Phyllis Zagano, *Just Church: Catholic Social Teaching, Synodality, and Women* (New York: Paulist Press, 2023).

²¹ George Lindbeck, “Barth and Textuality,” *Theology Today* 43, no. 3 (1986): 361.

²² Second Vatican Council, *Dei verbum*, n. 8.

importance to that tradition is the Pontifical Biblical Commission's application of its principles for biblical exegesis to what the tradition says of sexual ethics. Though the Bible is God's word to the Church, "this does not mean that God has given the historical conditioning of the message a value that is absolute. It is open to both interpretation [exegesis] and being brought up to date." It is not sufficient for ethical judgment, therefore, that the Bible "should indicate a certain moral position [e.g. polygamy, slavery, the subservience of women to men, the prohibition of homosexual acts] for this position to continue to have validity. One has to undertake a process of discernment [as we explained above]. This will review the issue in the light of the progress of moral understanding and sensitivity that has occurred over the years."²³ What, therefore, the Bible says about sexual ethics in the distant past cannot *exclusively* control what theological ethicists should say in the present without analysis, and neither can what Augustine, Aquinas, Pope Paul VI say in the past exclusively control sexual ethics in the present.

The ancient Hebrew view of sexuality and marriage made a radical break with the polytheistic view that dominated the view of their Near Eastern Neighbors. There is no goddess associated with the God of Israel who creates. In the Priestly account of creation, God creates by uttering a creative word (Gen 1) and in the earlier Yahwist account God creates by shaping human beings as a potter shapes a pot (Gen 2-3). At the apex of creation stands '*adam*, man and woman together: "Male and female he created them and he blessed them and named them '*adam*'" (Gen 5:2). The fact that God names male and female together as '*adam*, that is earthlings or humankind, establishes their equality as human beings.

²³ Pontifical Biblical Commission. *The Interpretation of the Bible in the Church*, 1994, 519.

They are bone of bone and flesh of flesh (Gen 2:23), and because they are equal they can marry and become “one body” (Gen 2:24). Sadly, when equal man and woman marry in the Jewish Bible, they take on the unequal culturally gendered roles of husband and wife, and this patriarchy has been institutionalized in the Christian theology of marriage. Given what we explained above, however, about the need for the exegesis of biblical texts, this patriarchy need not be prolonged in twenty-first century Christian marriages or, indeed, in any marriage.

In reality sexuality plays a relatively small role in the Old Testament. At the apex of God’s creation stands ‘*adam*, created “in the image of God...male and female” (Gen 1:27), that is, sexual. Male and female are equal and so they can marry and become “one body” (Gen 2:24). The common Christian interpretation of this “one body” refers it to the bodily union of a husband and wife in marriage, but in its sociohistorical context it refers also to their personal union, their becoming one coupled person. In the debate on sexuality and marriage at the Second Vatican Council, biblical scholar, Bernard Cardinal Alfrink explained that “the Hebrew verb *dabaq*, in Greek *kollao*, does suggest physical, bodily, sexual union, but it suggests above all spiritual union which exists in conjugal love.”²⁴ In marriage, a man and a woman enter into an interpersonal, spiritual union, not just into a bodily, sexual one. The early Yahwist creation account places this couple in a *relational* context: “It is not good that the male should be alone” (Gen 2:18). The later Priestly account places them in a procreational context: male and female are to be “fruitful and multiply” (Gen 1:28). This twofold relational and procreational purpose of marriage will become deeply rooted in Catholic sexual ethics, and will be much controverted in history. There is

²⁴ *Acta et documenta Concilio Vaticano II apparando: Series II (Praeparatorio)*, vol. 2 (Roma: Typis Polyglottis Vaticanis, 1968), 961.

no doubt that marriage and sexual activity within marriage are good, since they have been created good by the good God. They are so good that the Prophet Hosea will offer the marital union of a husband and a wife as the symbol of the covenant union between God and God's chosen people, and the Song of Songs will offer sexual union as the symbol of the love of God who loves his human creation as two human lovers love one another. These ideas will pass naturally into the New Testament.

Lisa Sowle Cahill rightly judges that "it is striking that sexuality plays a relatively small role in the New Testament. Only twice does Jesus refer to it [John 8:1-11 and Matt 5:31-32], and in both cases he protects women from the customs of his day and culture."²⁵ The New Testament provides no more of a systematic code of sexual ethics than the Old Testament. It records interpretations of the words and deeds of Jesus "in view of the situation of the churches"²⁶ and their application in the sociohistorical contexts in which the followers of Jesus lived in the first century. The presupposition for its every statement, including every statement about sexual ethics, sex, marriage, divorce, and remarriage, is the belief that the disciples of Jesus are the *ekklesia*-church and the People of God of the last times. Jesus preached that the kingdom of God is at hand (Mark 1:15) and Paul preached that "the form of this world is passing away" (1 Cor 7:31). Every statement in the New Testament is to be interpreted with this presupposition in mind.

The most extensive teaching in the New Testament about sexuality is in Paul's First Letter to the Corinthians, apparently in answer to a question the Corinthians had asked: "Is it better for a man not to touch

²⁵ Lisa Sowle Cahill, *Women and Sexuality* (New York: Paulist, 1992), 33; Raymond F. Collins, *Sexual Ethics and the New Testament: Behavior and Belief* (New York: Crossroad, 2000).

²⁶ Second Vatican Council, *Dei verbum*, n. 19.

a woman?” (1 Cor 7:1). Under the mistaken impression that the last days have arrived, Paul answers with a mixed message. In the last days, he prefers celibacy over marriage, but “because of the temptation to sexual immorality each man should have his own wife and each woman her own husband” (7:2). It is better “to marry than to be aflame with passion” (7:9). Marriage, with its sexual activity, he urges, is good, even if only as a guard against sexual sin (7:5-9), and the spouses are equal in it (7:3-4). He repeats this teaching in his Letter to the Ephesians, where the followers of Jesus are instructed to “be subject to one another out of reverence for Christ” (5:21), an instruction that applies to both Christian husbands and wives in marriage. A wife, unsurprisingly, is instructed to give way to her husband “as to the Lord” (5:22) and a husband, surprisingly given the patriarchy of the times, is instructed to give way to his wife. Paul makes this instruction clear in his assertion, not that the husband is the head of the wife, which is the patriarchal way it is usually cited, but that “*in the same way* that the Messiah is head of the church the husband is the head of the wife” (5:22). Mark makes it quite clear how Christ is head and exercises authority, namely, by serving: The Son of Man-Christ, he says, “came not to be served but to serve and to give his life as a ransom [redemption] for many” (Mark10:45). So it is too with Christian wives and husbands in marriage.

Catholic Sexual Ethics in History

In the two thousand years between the writing of the New Testament and the present day, many theologians wrestled with issues related to sex and sexuality, mostly about marriage and sex in marriage. We focus only on the two great theologians whose writings mostly shaped Catholic doctrines about marriage and sex in marriage,

fifth-century Augustine of Hippo and thirteenth-century Thomas Aquinas. The influence of Augustine is always present in Catholic talk about marriage, and it is not always positive. In his influential 1930 encyclical on Christian marriage, *Casti connubii*, his response to the Anglican Church's approval of artificial contraception, Pope Pius XI turned to Augustine as to the wellspring of Catholic truths about Christian marriage. In *Gaudium et spes*, the document in which it dealt with Christian marriage, the Second Vatican Council presented its teaching on marriage and sex within marriage in the context of the three goods of marriage taught by Augustine.

Augustine's basic statement is ubiquitous, firm, and clear: sex and marriage are created good by a good God and cannot lose that intrinsic goodness.²⁷ He teaches that the good of marriage is threefold: fidelity, offspring, and sacrament. "It is expected that in fidelity neither spouse will indulge in sexual activity outside of marriage; that offspring will be lovingly accepted, kindly nurtured, and religiously educated; that in sacrament the marriage will not be dissolved and that neither partner will be dismissed to marry another, not even for the sake of offspring."²⁸ Procreation has priority among these three goods because "from this derives the propagation of the human race in which a living community is a great good."²⁹ It could be argued, however, that Augustine values the good of sacrament or marital stability above

²⁷ Augustine, *De nuptiis et concupiscentia*, in *Patrologia Latina*, vol. 44 (cols. 413-474), edited by Jacques-Paul Migne (Paris: Garnier, 1865), 468-9; Augustine *De bono coniugali*, in *Patrologia Latina*, vol. 40 (cols. 373-396), edited by Jacques-Paul Migne (Paris: Garnier, 1865), 373-396.

²⁸ Augustine, *De genesi ad litteram*. In *Patrologia Latina*, vol. 34 (cols. 219-486), edited by Jacques-Paul Migne (Paris: Garnier, 1865), 397; Augustine, *De bono coniugali*, 394.

²⁹ Augustine, *De bono coniugali*, 380.

the good of procreation since a marriage is not to be dissolved “even for the good of offspring.” There is here the seed of an attitude to marriage that values the union of the spouses above procreation and sees it as the historical image of the union between Yahweh and Israel and Christ and church. These two procreational and relational priorities have competed throughout Catholic ethical history until the Second Vatican Council established them as equal.

The problematic in Augustine’s sexual ethics is what he says about marital sexual intercourse. His basic position, again, is firm and clear: sexual intercourse between a wife and a husband is created good by God. As can any good, however, it can be used sinfully, but when it is used sinfully it is not the good of marriage that is sinful but its disordered use. He believes there is concupiscence in women and men, a disordered pursuit by any appetite of its proper good that causes sin. He explains that “evil does not follow because marriages are good, but because in the good things of marriage there is also a use that is evil. Sexual intercourse was not created because of the concupiscence of the flesh, but because of good. That good would have remained without that evil if no one had sinned.”³⁰ Again, his position is much clearer and more ethically positive than many have been willing to admit. Marital sexual intercourse is good in itself when it is for procreation, but concupiscence or disordered desire can make it evil.³¹

Augustine’s teaching controlled the Catholic approach to marriage until the thirteenth century when Scholastic theologians made some significant alterations to it. The Scholastic sexual ethic remained an ethic for

³⁰ Augustine, *Contra Julianum*, in *Patrologia Latina*, vol. 44 (cols. 641-874), edited by Jacques-Paul Migne (Paris: Garnier, 1865), 729-730.

³¹ Augustine, *De bono coniugali*, 377.

marriage, but Thomas Aquinas transformed Augustine's three *goods* of marriage into three *ends* of marriage. "Marriage," he argues, "has as its principal end the procreation and education of offspring...and so offspring are said to be a good of marriage." It has also "a secondary end in man alone, the sharing of tasks which are necessary in life, and from this point of view husband and wife owe each other faithfulness. Which is one of the goods of marriage." There is another end in believers, "the meaning of Christ and church, and so a good of marriage is called sacrament. The first end is found in marriage insofar as man is animal, the second insofar as he is man, the third insofar as he is believer."³² This primary end-secondary end terminology dominated discussion of the ends of marriage in Catholic sexual ethics for seven hundred years. It is, however, a curious argument, for it makes the claim that the primary end of specifically *human* marriage is dictated by humans' generically *animal* nature. It was precisely this curious argument that would be challenged by Catholic ethicists in the twentieth century, leading to a more personal approach to the ethics of sex in marriage.

Since he teaches that man is a specifically rational animal, Aquinas insists that, to be free from sin, reason must be in control of sexual intercourse. Not that it is control *during* intercourse but *before* intercourse, and when reason is in control then sexual intercourse between a wife and a husband in marriage is not sinful. Human nature has been created good by God, and "it is impossible to say that the act in which offspring are created is so completely unlawful that the means of *virtue* cannot be found in it."³³ Within the context of the ends of marriage, sexual intercourse and its accompanying

³² Aquinas, *Summa theologiae*, III (Suppl.), 65, 1, corpus.

³³ *Ibid.*, 65, 1, ad. 1, emphasis added.

pleasure are meritorious,³⁴ and Aquinas teaches that to forego the pleasure and thwart the end would be sinful.³⁵ Up until Aquinas, marriage was not listed among the sacraments of the church because of its connection to sex, but Aquinas had no such hesitation. In his *Contra Gentiles*, he asserts firmly that “it is to be believed that through this sacrament [marriage] grace is given to the married.”³⁶ Aquinas has another teaching that was to become very important in the twentieth century. He recognized that friendship between husband and wife was important in a marriage and taught that, besides being a means to procreation, sexual intercourse also enhances the friendship between spouses.³⁷ This fact is proof that every claim that the issue of the union between the spouses in marriage is a purely modern concern is thoroughly unhistorical.

The Modern Period

We begin the modern period with the Second Vatican Council. Before the Council opened in 1962, the participants had been sent a preparatory schema on “Chastity, Virginity, Marriage and Family” prepared by Cardinal Ottaviani, Prefect of the Holy Office, detailing the erroneous “theories that subvert the right order of values and make the primary end of marriage inferior to the biological and personal values of the spouses and proclaim that conjugal love itself in the objective order the primary end.”³⁸ That schema was rejected in the

³⁴ Aquinas, *Summa theologiae*, III [Suppl.], 41, 4; 49, 5.

³⁵ Aquinas, *Summa theologiae*, II-II, 142, 1.

³⁶ Thomas Aquinas, *Summa Contra Gentiles* (Rome: Aeterna Press, 2014), 4, 78.

³⁷ See Aquinas, *Summa theologiae*, II-II, 26, 11; Aquinas, *Summa Contra Gentiles*, 3, II, 123, 6.

³⁸ *Acta et Documenta Concilio Vaticano II Apparando; Series II* (Praeparatoria), vol. 2, 910, n. 16 and 917, n. 50.

Preparatory Commission where Cardinal Alfrink of Utrecht argued that “conjugal love is an element of marriage itself and not just a result of marriage...and in the objective order the primary end of this conjugal love remains offspring.”³⁹ Cardinal Dopfner of Cologne agreed. The entire section of the schema dedicated to marriage, he argued, should be withdrawn because of the absence of any serious discussion of conjugal love that modern spouses take so much for granted: “It is not enough to propose conjugal love as a virtue, or as an extraneous subjective end of marriage, and to exclude it from the very structure of marriage itself.”⁴⁰ The theological ethical battle lines were clearly drawn in the Preparatory Commission: either the then traditional, biological approach to marriage or a renewed interpersonal approach in which conjugal love is of the essence of marriage. The latter approach won in the Council.

Gaudium et spes, in which the Council presents its teaching on marriage, describes marriage as a “communion of love.”⁴¹ In the face of minority demands to relegate the love of the spouses to its traditional secondary place in marriage, the Council Fathers declared conjugal love to be of the very essence of marriage. The Council also taught that “by its very nature *the institution of marriage and married love* is ordered to the procreation and education of children, and it is in them that it finds its crowning glory.”⁴² We have added emphasis to this citation to underscore the teaching of the Council and of the entire Catholic tradition prior to Pope Paul VI’s *Humanae vitae*, namely,

³⁹ *Acta et Documenta Concilio Vaticano II Apparando*, 961.

⁴⁰ *Ibid.*, 952.

⁴¹ Second Vatican Council. *Gaudium et spes*, 47, and as an “intimate partnership of conjugal life and love,” *Ibid.*, 48.

⁴² *Ibid.*, 48.

that *marriage*, not *each and every marriage act* as Paul VI taught,⁴³ is to be open to the procreation of children. Once procreation had been mentioned, one would expect a discussion of the traditional hierarchical ends of marriage, but again despite insistent minority demands to the contrary, the Council Fathers rejected the primary end-secondary end dichotomy. Marriage and conjugal love “are by their very nature ordained to the generation and education of children,” but that “does not make the other ends of marriage of less account,” and marriage “is not instituted solely for procreation”.⁴⁴ In the second half of the twentieth century, the Catholic Church renewed its model of marriage to embrace in the essence and end of marriage the conjugal love and communion of the spouses.

In 1976, the Congregation for the Doctrine of the Faith (CDF) taught that, in order to be ethical, “any human genital act whatsoever may be placed only within the framework of marriage.”⁴⁵ Earlier, in 1968, Pope Paul VI had taught that “each and every marriage act [of sexual intercourse] must remain open to the transmission of life” (n. 11). In traditional Catholic sexual ethics, therefore, to be ethical every act of sexual intercourse must take place within the institution of marriage, and within marriage each and every act of sexual intercourse must be open to procreation. In imitation of ancient Stoic philosophers, Catholic teaching both *conjugalized* and *procreationalized* sexual relations. Michel Foucault’s summary of Stoic sexual teaching accurately summarizes also Catholic sexual teaching: “The conjugal family took custody of [sexuality] and absorbed it into the serious function of reproduction. The

⁴³ Pope Paul VI. *Humanae vitae*, n. 11.

⁴⁴ Second Vatican Council, *Gaudium et spes*, 50.

⁴⁵ Congregation for the Doctrine of the Faith, *Persona humana*. 1976, n. 7.

legitimate and procreative couple laid down the law. The couple imposed itself as model, enforced the norm, safeguarded the truth, and reserved the right to speak.”⁴⁶ In the Catholic tradition, ethical sexual intercourse takes place only within heterosexual marriage and every intentional sexual act outside of marriage is seriously sinful.⁴⁷

Virtue Ethics

We begin this important section with a definition of virtue. Thomas Aquinas defines virtue as a habit or a disposition ordered to an act (Aquinas, 1947, I-II, 49, 1, 3). We offer a more extended definition. A virtue is a character state, habit, or disposition that moves a human person to feel, understand, judge, and perform an act of the virtue. Justice is a character state, habit, or disposition that moves persons to perform just acts; chastity is a character state, habit, or disposition that moves them to perform chaste acts; and so on for all the virtues. We distinguish three dimensions of a virtue: it is a character state, habit, or disposition; it involves a judgment of truth and a decision for action; the action lies on a continuum between excess and defect. We can add a fourth dimension. Virtues are not only preconditions for human well-being-doing but also constituents of that well-being-doing. They are character traits that “human beings, given their physical and psychological nature, need to flourish (or to do and fare well)”⁴⁸. The person who

⁴⁶ Michel Foucault, *History of Sexuality: An Introduction*, vol. 1 (New York: Pantheon Books, 1976), 3.

⁴⁷ See James, F. Keenan, “Catholicism, history of,” in *Sex from Plato to Paglia: A Philosophical Encyclopedia*, ed. Alan Soble (Westport, CT: Greenwood Press, 2006), 143-152.

⁴⁸ Rosalind Hursthouse, “Applying Virtue Ethics,” in *Virtues and Reasons: Philippa Foot and Moral Theory: Essays in Honour of*

has the virtues of justice and love will be a person who acts justly and lovingly, at least most of the time.

In contemporary theological ethics, there are three normative approaches to determining the morality of an action. There is the utilitarian approach, in which the ethical action is the action that maximizes utility for the greatest number of people. There is the deontological approach, in which the ethical action is the action that follows laws and obligations; this is the historical approach of Catholic sexual teaching. There is the renewed virtue ethical approach in which the ethical action is the action that gives precedence, not to actions but to the characters of agents formed in an ethical community. We share with many contemporary ethicists the judgment that virtue ethics is a normative ethics more promising to the ethical life of humans than either utilitarianism or deontology, for it focuses primarily on their character rather than on the actions they perform. Those actions will, indeed, be either virtuous and ethical or non-virtuous and unethical, but only because their human agents are themselves virtuous and ethical or non-virtuous and unethical. In virtue ethics, human character comes first, and human action comes second.

Virtuous action comes at the conclusion of the process of knowing, understanding, judging, and deciding. To know, understand, judge, decide, and act rightly follows from a character that is rightly and virtuously formed. “All human beings desire to know by nature,” Aristotle teaches.⁴⁹ Bernard Lonergan agrees, teaching that human knowing begins in “the pure desire to know.”⁵⁰ To

Philippa Foot, ed. Rosalind Hursthouse (Oxford: Clarendon Press, 1995), 68.

⁴⁹ Aristotle, *Nicomachean Ethics*, trans. David Ross (Oxford: Oxford University Press, 2009), 980a20.

⁵⁰ Bernard J. F. Lonergan, *Insight: A Study of Human Understanding* (London: Longmans, 1957), 74, 372-375.

know something is much more than simply taking a look at it. Knowing is discursive, cycling through sensation, understanding, judgment about the truth of the situation, and decision to act on that truth. I see a homeless woman sleeping on the street, I understand that she is being economically abused and open to being sexually abused, I judge that this is the right person and the right situation for my compassion and charity, and I decide to help her find suitable accommodation. It is in the judgment of the truth of the situation and the decision to act that ethics enters in and, if I do decide to help the woman, I have acted virtuously and ethically.

A critical question arises here: how do we know what is the truth of any situation and what is the action I should do? We learn what are compassionate acts, charitable acts, and all other virtuous acts from respected and trusted exemplars, parents, teachers, mentors, friends, saints, whom I accept as ethical and virtuous. I judge an action virtuous and ethical if it is one that one of these ethical and virtuous persons would do in the situation, and it is by such imitation that I learn which actions are ethical and virtuous. We must be careful, however, how we understand the word *learn*. Aristotle points out that “a morally [or ethically] praiseworthy act must be done in full awareness of *what* we are doing and *why* we are doing it. It must be an act freely chosen and not done from coercion.”⁵¹ There is no virtuous, ethical, or unethical, action prior to my free decision to help this homeless woman find accommodation, nor is there any ethical praise to be earned by doing it simply in imitation of some exemplar. “We are ethically obliged,” Fitterer writes, “not only to *act* well but also to *think* well.”⁵² To think well demands that virtuously ethical agents be open to reflective grasp of their understanding,

⁵¹ Fitterer, *Love and Objectivity in Virtue Ethics*, 6.

⁵² *Ibid.*

judgment, and decision to act, for personal pleasure and bias can always distort them.⁵³

Virtues, then, are learned, and must be learned, in a community. They get their content from that community; they get their value from and in that community; they can be sustained only in that community; and they act back on that community to sustain it in its ongoing virtuous, ethical life.⁵⁴ Humans are not absolutely autonomous persons. Respected persons who are “role figures”⁵⁵ first exemplify virtuous, ethical acts of sexual love, justice, and so on for the other virtues, and then personal repetition of acts of sexual love, justice, and so on, establishes those virtues as personal character states, habits, and dispositions. As habits, virtuous or not, are stabilized they need to be critically examined and reexamined in a process of knowing that issues in the personal practical or conscience judgment of truth that is followed by decision and action. This critical examination and reexamination purifies ethical agents and leads them toward the self-determination and authenticity that establish them as fully ethical agents. The child’s virtue is not his virtue but the virtue of his role model. To become authentically virtuous, he must develop his own personal authenticity, his own virtue. The process of learning virtue begins with the imitation of role models but ends with personal decision and responsibility. Alasdair MacIntyre, however is still correct when he asserts that “separated from the *polis* [community and

⁵³ Aristotle, *Nicomachean Ethics*, 1109b1-12; Lonergan, *Insight*, 225-252.

⁵⁴ See Lawrence Bloom, “Community and Virtue,” in *How Should One Live: Essays on the Virtues*, ed. Roger Crisp (Oxford: Clarendon Press, 1998), 231-250.

⁵⁵ Daniel Statman, “Introduction to Virtue Ethics,” in *Virtue Ethics: A Critical Reader*, ed. Daniel Statman (Washington, DC: Georgetown University Press, 1997), 15.

culture] what could have been a human [and virtuously ethical] being becomes instead a wild animal.”⁵⁶

Virtue Ethics and Emotion

Since Kant and his categorical imperative of invariant duty, it has been fashionable to dismiss human emotions as of no ethical value. Only the rational appetite or will, is of importance for ethics. Modern virtue ethicists judge that to be a mistake. Martha Nussbaum argues that emotions “are forms of *evaluative* judgments that ascribe to certain things and persons outside a person’s own control great importance for the person’s own flourishing or well-being.”⁵⁷ They are ways of perceiving objects as “invested with value or importance” for humans.⁵⁸ We agree that emotions have a share in rationality to the extent that they signal initial cognitive content of the value of persons, objects, and situations for a person’s well-being-doing. We differ from Nussbaum, however, to the extent that for her emotions are forms of thought and for us they are appetitive motions,⁵⁹ initially of the sensory appetite and ultimately of the rational appetite or will. Emotions, we suggest, apprehend the *possible* value of a person, thing, or situation for an individual, tend toward or away from that person, thing, or situation as being inimical to the individual’s well-being-doing, or toward that person, thing, or situation as being valuable to the individual’s well-being-doing. The sensory appetite, exercised through the five senses, first

⁵⁶ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (University of Notre Dame Press, 1988), 98.

⁵⁷ Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (London: Cambridge University Press, 2001), 22, emphasis added.

⁵⁸ *Ibid.*, 30.

⁵⁹ Aquinas, *Summa theologiae*, II-II, 13, 1.

tends toward or away from a person, thing, or situation as *possibly* being inimical or valuable to the individual's well-being-doing, leading to the cognitive process and the practical judgment of truth that the person, thing, or situation is *actually* inimical or valuable to her well-being-doing. That practical or conscience judgment of truth is followed by a virtuous ethical action following from that truth; the homeless woman is not sexually abused but is taken off the street.

The virtues, and their corresponding vices, are ethically significant. They are all character states, habits, and dispositions both to act and to feel emotions as impulses to action. "In the persons with the virtues, these emotions will be felt on the *right* occasion, toward the *right* people or objects, for the *right* reasons, where 'right' means [ethically] correct."⁶⁰ Focus on the total human person rather than on her isolated actions led some to the assertion that virtue ethics focuses on a person's being and character whereas deontological ethics focuses on her action and doing. That assertion is true enough in a general sense, but it is quite wrong if it is understood to mean that virtue ethics ignores action and doing, for we expect the virtuous person to act virtuously. Virtue ethics expects the person with the virtues of charity, justice, and compassion to act virtuously, and to save the homeless woman from the street and to feed her. Critics of virtue ethics complain that virtue ethics offers no rules for ethical behavior, but it does offer rules that Rosalind Hursthouse calls "v-rules".⁶¹ Sometimes those v-rules are prescriptive: do justly, do lovingly, do compassionately. Sometimes they are proscriptive: do not act unjustly, unlovingly, or meanly. The ethics of Aristotle and Aquinas, and

⁶⁰ Rosalind Hursthouse, *On Virtue Ethics* (Oxford: Oxford University Press, 1999), 108, emphases in original.

⁶¹ *Ibid.*, 36-39.

contemporary virtue ethics, is indeed an ethics of character and being, but there is always the axiom *agere sequitur esse*, action follows being. As human persons are, so will they act. It is, in fact, as we argued earlier, the habitual acts of justice, love, and compassion, and of all the virtues, that first instills and then habituates the virtues and the actions to which they are ordered. Paul Wadell's claim is indisputable: "the project of the [ethical] life is to become a certain kind of person"⁶² namely, a virtuous person who knows how to feel and to act in ways appropriate to the circumstances. We believe this approach to and articulation of virtue ethics is more revealing of its true nature than the bald statement that virtue ethics is an ethics of being rather than doing.

We conclude this section by a brief consideration of *Christian* virtue ethics. Many of the virtues and the actions they demand and enable appear to be the same for Christians and non-Christians. The community, however, in which Christians learn virtues and their appropriate actions, the vast rainbow of virtuous exemplars they have for imitation and habituation of virtues and their appropriate actions, and the perspective in which they learn and practice virtues and their actions, are all different, and create differences between natural and Christian virtue ethics. We call attention to two biblical texts that specify what a Christian virtue ethics is to be. The first comes in the conclusion to Jesus parable of the Good Samaritan. Jesus asks the lawyer who initiated the discussion "Which of these do you think proved neighbor to the man who fell among robbers?" The lawyer answered, "the one who showed mercy on him." Jesus then instructed him "Go and do likewise" (Luke 10:36-7). That "Go and do likewise" controls everything ethical and virtuous that Christians are called to do. Paul

⁶² Paul Wadell, *Friendship and the Moral Life* (University of Notre Dame Press, 1989), 136.

understands that, though he articulates it in different language: “Have this mind among yourselves which is yours in Christ Jesus, who...emptied himself, taking the form of a servant” (Phil 2:5-7). Self-sacrificing love for neighbor, and for God, in imitation of Jesus: this is the virtuous ethic that is to distinguish the Christian.

Christian virtue ethics offers an unequivocal answer to the universal human question, “Who am I to become?” The Christian answer is “Become like Jesus.” We have already explained that virtues are learned by imitation of respected exemplars, and Christians are to learn their virtues by the imitation of Christ. They are to *be* like Jesus and to *do* like Jesus. The imitation of Christ roots a Christian virtue ethics, something that is an essential constituent of the specifically Christian character. That root is what theologian Karl Rahner calls an *existential* of their Christian character, an ontological modification of their character added to their nature “by God’s grace and therefore ‘supernatural,’ but in fact never lacking in the real order.”⁶³ Aquinas argues that a human being’s happiness is twofold. “One is proportionate to human nature, a happiness which man can obtain by means of his natural principles, The other is a happiness surpassing man’s nature, and which man can obtain by the power of God alone.” Man receives from God special principles “whereby he may be directed to supernatural happiness.... These principles are called *theological virtues*: first, because their object is God; secondly, because they are infused in us by God alone.”⁶⁴ Those theological virtues are the great virtues of faith, hope, and charity. Besides these theological virtues, Christians learn in their community four other great virtues, called

⁶³ Karl Rahner and Heribert Vorgrimler, *Concise Theological Dictionary*, 2nd edition, trans. Richard Strachan et al. (London: Burns and Oates, 1983), 161.

⁶⁴ Aquinas, *Summa theologiae*, I-II, 62, 1, emphasis added.

cardinal virtues because they are the hinge on which all other virtues hinge. They are prudence, justice, fortitude, and temperance, the following of which is, in fact, the imitation of Christ.

***Amoris Laetitia* and Virtues**

The shift from a focus on rules and acts to a focus on virtue in sexual ethics is most clearly reflected in official Catholic teaching in Pope Francis' *Amoris Laetitia* (*AL*). Its focus is not on rules and acts but on ways of being in the world, where the person is invited to strive to live a life like Christ in the service of God, spouse, family, neighbor and society, all the while understanding that God's mercy is infinite if we fall short. Chapter Four of *AL*, "Love in Marriage," is a beautiful reflection on St. Paul's poetic passage on the nature of true love (1 Cor 13:4–7) and the virtues associated with it. Love is patient, directed towards service, generous, forgiving, not jealous, boastful, or rude. It is noteworthy that the virtue of chastity, so central in the *Catechism* and traditional Catholic approach to love, sexuality, and marriage, and so often deductively applied as a legalistic submission to the Church's absolute proscriptive rules on sexuality, is mentioned only once in *AL*, and this in the context of proving "invaluable for the genuine growth of love between persons."⁶⁵ Rather than an exclusive focus on chastity, there is a greater focus on the virtues of love in *AL* (nn. 89-164), mercy (nn. 27, 47, 300, 306), compassion (nn. 28, 92, 308), reconciliation (nn. 106, 236, 238), forgiveness (nn. 27, 236, 268) and prudence (n. 262).

Prudence is a cardinal virtue that guides all other virtues and is a prerequisite virtue for both conscience and discernment. Aquinas argues, indeed, that it is an

⁶⁵ Pope Francis, *Amoris Laetitia*, n. 206.

essential prerequisite for the possession of all other virtues. It discerns the first principles of morality, applies them to particular situations, and enables conscience to make practical judgments that this is the right thing to do on this occasion and with this good motive.⁶⁶ Prudence is said to be a *cardinal* virtue because it is a *cardo* or hinge around which all other virtues turn, integrating agents and their actions and ensuring that they make the right virtuous choice.⁶⁷ It is not difficult to see how it is an essential hinge around which the practical judgment of conscience and its right virtuous choice turns.

Pope Francis clearly teaches a virtuous approach to sexual ethics in general and irregular situations in particular in *Amoris Laetitia*. Speaking of those in the “irregular situation” of being divorced and remarried without annulment, he acknowledges that they “can find themselves in a variety of situations, which should not be pigeonholed or fit into overly rigid classifications [of a rule-based approach] leaving no room for personal and pastoral discernment” (n. 298). In a footnote that became instantly famous, he cites the Second Vatican Council’s judgment that if they take the option of living as brother and sister the church offers them, “it often happens that faithfulness is endangered and the good of the children suffers.”⁶⁸ For these reasons, the Pope continues, “a pastor cannot feel that it is enough simply to apply moral laws [or rules] to those living in ‘irregular’ situations, as if they were stones to throw at people’s lives. This would bespeak the closed heart of one used to hiding behind the church’s teachings, ‘sitting on the chair of Moses and judging at times with superiority and superficiality difficult cases and wounded families” (*AL* n. 305).

⁶⁶ Aquinas, *Summa theologiae*, II-II, q. 47, a. 6.

⁶⁷ Aquinas, *Summa theologiae*, I, q. 65, a. 1.

⁶⁸ *Amoris laetitia*, n. 298; Second Vatican Council, *Gaudium et spes*, n. 51.

Francis rejects prioritization of a narrow rule-based approach to sexual ethics and prefers a new pastoral method that prioritizes virtue, discernment, and the authority of a well-formed conscience over a rigid adherence to rules. This new method leads to a broader approach to ethics that includes the existential, circumstantial reality of people's lives and leads the people themselves to a more personal love of God, neighbor, and self. His response to this and other ethical issues emphasizes a return to Catholic tradition and teaching on the freedom, authority, and inviolability of personal conscience, guided by virtue, which "needs to be better incorporated into the church's praxis in certain situations which do not *objectively* embody our understanding of marriage" (*AL*, n. 303; emphasis added). His argument, of course, applies not only to marriage and divorce and remarriage without annulment but also to every other concrete personal sexual ethical situation.

Conclusion

In this essay, we have considered and distinguished two Catholic approaches to sexual ethics, the traditional Catholic laws approach and the renewed approach of virtue ethics. We have argued that virtue ethics is the better approach to doing sexual ethics today because it demands, not just obedience to absolute magisterial rules, as does traditional sexual ethics, but also a fully reasoned approach to ethics, without which there is no genuine ethics at all. Virtue ethics is, first, an ethics of character and being, but it is also, following the axiom *action follows being*, an ethics of ethical action. It is, we judge, undoubtedly the best way to form both ethical Christian character and ethical Christian action in imitation of the Lord Jesus.

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