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Rape, Marriage, and the Significance of Sex: Why *Traditional* Values Matter

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SYNOPSIS

There is presently a great deal of confusion and controversy over sexual morality. The challenges to a Christian view of life — in particular, the boundaries that should govern sexual relationships — range from casual dismissals to heated debates, and from informal disagreement to organized opposition. Much of the competition, philosophically speaking, finds its root in the form of a *consent-only ethic*, where “anything goes” as long as it happens between consenting adults. This vision of sexual relationships does not take into account, however, the profound significance of sex, which is identified perhaps most clearly in the case of rape; neither can it do justice to that significance once identified. This recognition of the moral gravity of sexuality opens the door to questions such as, “What is the proper response to the significance of sex?” A standard incorporating love and law arises logically out of our rejection of sexual assault as a heinous and debilitating act.

In tracing the moral implications of sexual relationships back to their origin — back to the foundational concepts of traditional marriage as a “one flesh” union of persons — we find a better explanation for the meaningfulness of sex, and correspondingly, the harm of rape. This understanding also suggests that human beings are made for monogamous relationships in a way deeply ingrained into their nature. Rejecting the essential elements of marriage — of commitment in love, law, and monogamy — does real and lasting moral harm to the people involved. Even a brief investigation such as this one indicates that the standard of marriage, embraced by tradition for centuries, is part of that ancient body of wisdom that we ought to cling to, and never toss aside.

“The widest gulf is in sexual ‘morals.’”

This remark went to the heart of the emotional and intellectual difficulties that my online correspondent had with a Christian vision of the good life. In his mind, Christianity’s view of the proper context for sex was a great stumbling block to considering the Christian faith. He went on to complain that the “requirement to get married in order to have sex” is “one that many people nowadays don’t subscribe to.” He concluded his comments by saying that there was no reason why consenting adults couldn’t form whatever sexual arrangements (and ultimately whatever definitions of a family) they thought appropriate.

It would be an understatement to observe that my correspondent is not alone in his views. Today, one of the most significant challenges to the Christian worldview is found in the controversy over sexual ethics. Once, the socially accepted view was that a sexual relationship should occur only in the context of monogamous marriage. Now we face a postmodern culture that has its own definitions for *sex*, *love*, and *romance*, and makes its own rules concerning them. As a result, we are caught in a deluge of

pornography, premarital sex, adultery, and divorce — not to mention a growing sentiment for the full acceptance of homosexuality.

This article will attempt to articulate, in a format accessible (and, I hope, compelling) to the non-Christian, a few reasons why sex is unavoidably, and rightly, connected to traditional marriage. Before we get to that, however, it is important to understand the philosophical undercurrents that give rise to our culture of casual sex. How do people with a non-Christian, or nontraditional, view of ethics define the parameters of appropriate sexual contact?

The Culture of Casual Sex

Philosopher Christopher Wolfe, speaking of what he calls the “central principles of the ‘sexual revolution,’” puts the opposition to a Judeo-Christian or traditionalist understanding of sexuality in these terms: “All consensual sex is legitimate and everyone has a ‘right’ to sexual gratification.”¹ In other words, if two adults agree to a sexual relationship, it is perfectly fine and no further justification is required. It is no one else’s business unless someone “gets hurt” in the process, and any attempt to otherwise define a sexual code — particularly where legislation is involved — should be immediately rejected. For the purposes of this article, I will refer to this as the *consent-only ethic*.

The *consent-only ethic* finds its basis in a certain view of the human person and his or her relationship to the larger community:

There has been a growing tendency in the modern era toward a fully individualistic understanding of human nature. The human person, the modern view maintains, is an independent self, whose essence is to make choices in freedom. The self is fundamentally a free decision maker, and this fundamental nature of the self characterizes all persons regardless of whatever distinctions (such as sex) differentiate one human self from another. In the choosing self, modern anthropology claims to find the transcendent human essence lying beyond all observable differences....As an outworking of this anthropology, the sex act is viewed as one vehicle for the expression of the freely choosing self. Sex is a means whereby the human person as a free agent of action actualizes personal freedom.²

Finding Common Ground

If there is one place where Christian and secular, traditionalist-conservative and liberal can find some agreement in sexual morality, it is on the issue of *rape*. Rape is widely recognized as a particularly heinous and debilitating kind of assault, something that leaves its mark for a long time afterwards. Many people know someone personally who has been raped, and have witnessed the mental and emotional torture it inflicts on individuals. Longer-term effects may include posttraumatic stress disorder, years of counseling, failed relationships, addictions to deal with the pain of the memory, suicide attempts, and so on. After being attacked, the victim may be required to testify to the details of the incident, which can be a horrific reliving of the assault on her person.

Our nation’s courts have made pronouncements about the gravity of rape. In the Supreme Court case *Coker v. Georgia* (1977), the court considered the legitimacy of applying the death penalty to rape. The court was divided in the end, but the opinions of the court did not hesitate to classify rape as a serious offense. Writing for the majority (which ultimately considered the death penalty too strong a punishment for rape), Justice White penned the following:

We do not discount the seriousness of rape as a crime. It is highly reprehensible, both in a moral sense and in its almost total contempt for the personal integrity and autonomy of the female victim and for the latter’s privilege of

*choosing those with whom intimate relationships are to be established. Short of homicide, it is the “ultimate violation of self.” It is also a violent crime because it normally involves force, or the threat of force or intimidation, to overcome the will and the capacity of the victim to resist. Rape is very often accompanied...by physical injury to the female and can also inflict mental and psychological damage... . Rape is without doubt deserving of serious punishment. (emphasis added)*³

Given this background, and the emotional and moral weight it brings to the table, what if we were to ask the following question of an advocate of the *consent-only ethic*? Suppose that a referendum came up in your area that asked you to vote in favor of reducing the crime of rape to a misdemeanor offense. Would you vote for it or against it? However unlikely such a scenario may seem, it is not difficult to divine the response of the listener. In the midst of some indignation (or even outrage) at the mere posing of such a question, the answer will undoubtedly come back in the negative — typically, with substantial force: “OF COURSE I WOULDN’T VOTE FOR IT!” In other words, the respondent will indicate, by word and by the emotion evident in the response, his or her adamant opposition to such a proposal.

Consider this response carefully. By vehemently opposing the idea of reducing the penalty for rape, one also implicitly acknowledges that rape is far more serious than misdemeanor assault — it is to be put alongside extremely violent assaults as a felony;⁴ and yet, the common denominator in these offenses is the *lack of consent*. Here we find evidence of an objective moral difference between rape as a nonconsensual crime and other nonconsensual offenses.

The Wedge: Recognizing Sexual Significance

The seriousness of rape is accounted for in the fact that rape is no ordinary “unwarranted setting upon the body of another person.”⁵ Rape is a qualitatively different kind of assault, and its uniqueness can be attributed to its engagement of human sexuality. Just as, out of the recognition of the significance of life, murder is justly punished with sentences harsher than those assigned to stealing or kidnapping, the heinousness of rape as a crime over other offenses is explained out of the recognition of the *significance of sexuality*. If, instead, meeting the standard of consent were the measure of moral gravity, we might well believe that all nonconsensual offenses, or at least those involving the same degree of “physical damage,” should be equally punished under the law, but obviously that is not the case.

The response to the “rape referendum” question indicates something else of interest: a willingness to go so far as to *legislate* — to legislate not only against the contempt shown for a person’s will, but apparently *in response to the significance of sexuality*, and that of sexual intercourse in particular. The advocate of a consent-only standard for sexual morality, by testimony of his or her objection to reducing rape to a misdemeanor offense, demonstrates a willingness to impose his or her view of sexuality’s significance on someone else (i.e., without the attacker’s agreement to such a view of sexuality), to write that significance into law, and even to require penalties on the level of imprisonment in response. That is serious stuff, particularly for those with a “liberated” view of sexuality who consider “imposing morality” a taboo; but it is fitting because sex *is* serious stuff.

The Significance of sex

My contention is that it would be special pleading to restrict the recognition of sexual significance, identified in the paragraphs above, to the crime of rape. Either sex is significant or it is not. To be consistent, we should be ready to apply that significance in circumstances other than rape. It seems fair to say that if rape demonstrates the significance of sexuality apart from what the *consent-only ethic* intends, then in other circumstances, sex must be accompanied by something in addition to consent — something that reflects and protects that profound significance. Otherwise, sex is reduced, by practical logic, to something more trivial than it is.

Consider one such case of reduction to triviality. Wendy Shalit, author of the book *A Return to Modesty*, writes of the New Jersey sex education program *Family Life*, which she described as beginning “instruction about birth control, masturbation, abortion, and puberty in kindergarten.”⁶ She observes: “Ten years ago, when the program was first instituted, there was some discomfort because according to the coordinator of the program... ‘some of our kindergarten teachers were shy — they didn’t like talking about scrotums and vulvas.’ But in time, she reports, ‘they tell me it’s no different from talking about an elbow.’”

Shalit turns a corner to talk about “the new problem of sodomy-on-the-playground” — that is, of sexual assault among children — making the logical connection between this act and the perception of sex within our culture: “The associative link between the disenchanting of sex and increased sexual brutality among children works like this: if our children are raised to believe, in the words of that New Jersey kindergarten teacher, that talking about the most private things is ‘no different from talking about an elbow,’ then they are that much more likely to see nothing wrong in certain kinds of sexual violence. What’s really so terrible, after all, in making someone touch or kiss your elbow?”

Shalit’s analysis indicates clearly the reductive consequences of adhering to a consent-only ethic. If we are to recognize the profound significance of sexuality in circumstances other than rape (i.e., where consent is given by the participants), what shape should this recognition take? What would the proper response look like, and why?

What Is the Proper Response?

Requiring Love. I think we can gather still more clues from examining our response to the case of rape. One approach is to look for the ingredients missing from rape that make it so horrific an assault. Even a cursory examination reveals that, apart from consent (though not entirely unrelated), the elements strikingly absent in the crime of rape are respect and genuine care or love for another human being. The absence of these qualities gives birth to such a heinous act.

Love is the fullest expression of these qualities, and is therefore the one most rejected in rape and other forms of assault. So if we, out of our horror for the crime of rape, wish to flee from it and embrace what rape rejects, then love must be our aim. If anything demonstrates a special care, a devotion to another, and a commitment between individuals that is morally significant, it is love. Consequently, we have an obligation to pursue love in relationships involving sex, and that pursuit must be undertaken in a way consistent with the importance of love — that is, with respect, care, devotion, and commitment. Any other response is inadequate. This consideration alone is enough to condemn the philosophical underpinnings of “casual sex.”

Demanding Law. We have seen that the application of the law is necessary in the case of rape, in order to acknowledge the significance of sex (and not only to protect individuals from violations of their will). This legal acknowledgement of the significance of sex suggests that the law may have an equally necessary role to play in other contexts involving consenting, caring relationships. Hadley Arkes explains the application of law in such cases:

To say that two people are bound together in love is to say that they are connected by more than a casual attraction....When that deeper source of attachment is present it becomes a proper ground for commitment. And few things express the sense of commitment as literally as a tie made solemn and binding with the public imprint of law. Nothing could signify more precisely the nature of that commitment than the willingness of lovers to forego their own freedom to quit this relation when it no longer suits their convenience. It might be said

*that the union consecrated by law stands as the most appropriate symbol of a moral connection between lovers. For as we have seen, the law arises in the most proper sense only from imperatives of moral standing; moral propositions entail the existence of law because the logic of morals is a logic of commitment. The binding of a marriage with law may draw to itself then the same sense of solemnity and moral import that invests the notion of "law."*⁷ (emphasis added)

Applied to sexual relationships, law is what marks and secures commitment and, thereby, permanence of relationship between lovers. It means that significant moral reasons must be given if the relationship is to be severed and another intimacy pursued. Without the involvement of law, the commitment between individuals is lacking in substance; there is, in the end, no assurance that the relationship cannot be dissolved at will, even for the most frivolous of reasons.

It may be that those traditions insisting on lawful marriage as the only rightful context for sex did so as an expression of their understanding of its intense significance. They consistently applied the same understanding that explains the utter rejection of a crime such as rape.

Explaining Significance. The core inadequacy of the *consent-only ethic* is its inability to explain the harm of rape, or, conversely, the profound significance of sex. It offers no mechanism for distinguishing the differences in harm of nonconsensual offenses; neither can it address the comparative goodness of consensual acts. A richer account of sexuality is required to meet that challenge. Otherwise, we would find ourselves, like those proponents of the *consent-only ethic*, impoverished in our dialogue and without the resources to answer such questions.

Traditional marriage, properly understood, offers a richer account that begins to explain the significance of sexuality. According to tradition, marriage is not just a social construction, and thus only a contract with no objective and obligating requirements other than fulfilling the agreement; neither is it adequate to say that marriage is merely a relationship involving sex or long-term commitment.⁸ Marriage, as traditionally understood, is a "multi-level relationship that unites [a man and woman] at the bodily, emotional, dispositional, and spiritual levels of their being."⁹ In short, it is a natural association *inviting oneness in all aspects of the person*. Sex facilitates this union in the following manner: "Though a male and female are complete individuals with respect to other functions — for example, nutrition, sensation, and locomotion — with respect to reproduction they are only potential parts of a mated pair, which is the complete organism capable of reproducing sexually. Even if the mated pair is sterile, intercourse, provided it is the reproductive behavior characteristic of the species, makes the copulating male and female one organism."¹⁰

Together, a man and woman join with one another to become a single body capable of reproduction, forming a relationship unique in human experience. As sexual intercourse consummates the *wedding* — the "bringing together" in complementary completion — of the man and woman, it actualizes the *marriage*, quite literally, of two multidimensional individuals. This is the "becoming one flesh" described in the Bible and so often cited in ceremony.¹¹ Such an understanding of sexuality not only restores meaning to the terms of our common language ("wedding" and "marriage"), but it also explains the *intimacy* typically recognized in discussions of sex: the closeness of lovers is made possible by the exclusive lock-and-key oneness of biological purpose.

It is important, moreover, to recognize that the intimacy being described is not merely physical; it is also *interpersonal*. The body is not a subpersonal instrument — one that we drive around like a car. It is rather an integral aspect of the person.¹² Our language bears this out. When an individual is raped, she cries out, "I was raped!" not "My body was raped!" It is the *I* — the person, the complete package — that is

involved. In this way, a real *marriage* of the *persons* is achieved during heterosexual marital intercourse, being secured and ultimately confirmed in its procreative nature. Of course, interpersonal union does not stop there. Sexual coupling between male and female invites questions of complementarity on other levels: emotional, spiritual, and so forth.¹³ As these aspects of life cooperate in the sexual experience, a single act of sexual intercourse binds one person, in all his or her dimensions, to another; therefore, one cannot walk away from sex without taking something of the other.¹⁴

This intimate bond between lovers — the union of two whole persons as one flesh — gives a much deeper meaning to the sex act than a mere fusing of bodies. It is something real beyond the physical, connecting the participants by more than mere agreement and pleasurable experience. The superiority of traditional marriage is explained by this high standard for sexual encounter; in the same way the harm of rape is explained by its utter rejection of that standard. The rapist, in this understanding, doesn't only violate the will — he attacks the wholeness of person in his victim. He joins her to himself in a profoundly personal manner against her will, and simultaneously discards her humanity by fracturing the perfect union that such an act should express. The rapist steals into a depth of oneness suited only to a relationship of love and mutual respect.¹⁵

Exclusivity. We have seen a need for the traditional elements of love and law in marriage. The deeper understanding of sexuality developed above adds a third element — it requires monogamy (enduring exclusivity) in addition to a loving commitment marked by law. This puts out of bounds behaviors both promiscuous and polygamous, including irresponsible patterns of divorce and remarriage. Such behavior is inappropriate because “only two people, not three, only one man and a woman, can procreate a child.”¹⁶ This naturally ordained exclusivity, inherent in the act of heterosexual intercourse, is also confirmed in the plainest way in the life of the child, where “children embody the ‘wedding’ of the couples by combining [in] themselves the features of both parents.”¹⁷

If this last observation is correct about the child, it is also correct about those involved in the initial act of sexual intercourse; they are imprinted, just as they were as children, with the physical union of their parents. During sex, the participants join together in “one flesh communion,” fulfilling the “sexual template” — the vision of oneness — implicit in each of them. The natural result of this act is offspring who again embody the remarkable synthesis of parents.

Our brief survey yields the following observation: a consistent and uninterrupted pattern of exclusive male-female union is represented by all stages of the sexual process, beginning with the initiators themselves, extending through their cooperative action, and finding fulfillment again in the product of that action. Exclusive, two-person, male-female union is a pattern deeply pressed into our nature, admitting only one variation — a departure due to human will.

The call to limit sexual relationships exclusively to marriage, therefore, is simply an extension and fulfillment of that indelible, archetypal pattern already within each of us. To throw sexual monogamy to the wind in behavior that is blatantly promiscuous, or which implicitly denies the grounds of such exclusivity,¹⁸ is to create a deep-seated contradiction in one's own person. To embrace monogamous marriage, in contrast, is to be blessed, finding fulfillment and freedom, in the embracing of one's own nature.

The Fallout

What, then, are the ramifications if sexual relationships are pursued outside the marriage bed? At least four consequences follow, varying in particular cases with the degree to which sex is pursued and the other elements of marriage are missing: (1) significant *moral harm* is done to the parties involved,

corresponding to that described in comparing rape to other assaults; (2) *loss of meaning* occurs in the life and relationships of the people involved, as the significance of sexuality (which is ultimately fulfilled only in marriage) becomes unmoored from its foundation; (3) sexual assault (e.g., rape, molestation, harassment) may become *increasingly* common in a culture that (in circumstances other than rape) fails to respect the significance of sex; and (4) in the strictest sense, it may be technically impossible to provide *informed consent* to sex outside the marriage bed. It should be clear that “if something is in principle wrong, the wrongness is not affected in any way by the consent of the participating adults.”¹⁹ The *consent-only ethic* cannot bear the burden that its proponents believe it can.

Reinstating Marriage

This article has moved from the principles of casual sex — requiring only agreement between individuals — to understanding sex as profoundly significant, to knowing it as an ingredient of relationships requiring a commitment marked by love and secured by law. As explanations for the harm of rape and the significance of sex are traced back to traditional marriage with its one-flesh union of persons, the ground for monogamy characteristic of Christian morality is established as well. Where the *consent-only ethic* falls short, traditional marriage emerges as the richer, more rational, and more desirable approach to sexual morality.

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Notes

1 Christopher Wolfe, “Homosexuality in American Public Life,” *Same-Sex Matters: The Challenge of Homosexuality* (Dallas: Spence Publishing, 2000), 17.

2 Stanley Grenz, *Sexual Ethics: An Evangelical Perspective* (Louisville, KY: Westminster John Knox Press, 1990), 30.

3 *Coker v. Georgia*, 433 U.S. 584 (1977) (<http://laws.findlaw.com/us/433/584.html>).

4 In Pennsylvania law, for example, rape is listed as a felony of the first degree alongside violent crime involving “serious bodily injury,” which is defined as, “Bodily injury [impairment of physical or mental condition or substantial pain] which creates [a substantial] risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.” (<http://www.pacode.com/secure/data/101/chapter27/s27.135.html>)

5 Hadley Arkes, *The Philosopher in the City: The Moral Dimensions of Urban Politics* (Princeton: Princeton University Press, 1981), 412. The introductory argument for the significance of sex is an adaptation and expansion of Arkes’s thoughtful reasoning (see 399–413; also recommended: 413–26).

6 This quote and the ones after it are taken from Wendy Shalit, *A Return to Modesty: Discovering the Lost Virtue* (New York: The Free Press, 1999), 18–19.

7 Arkes, *The Philosopher in the City*, 407.

8 See David Orgon Coolidge’s excellent discussion of current “models of marriage” vying for acceptance in the public square in Christopher Wolfe, ed., “The Question of Marriage,” *Homosexuality and American Public Life* (Dallas: Spence Publishing, 1999), 211–20.

9 Robert P. George, “Same-Sex Marriage and Moral Neutrality,” *Homosexuality and American Public Life*, 144.

10 Germain Grisez, “The Christian Family as Fulfillment of Sacramental Marriage,” as quoted in George, 144–45.

11 Gen. 2:24; see also Matt. 19:3–6, in which Jesus makes his argument against divorce by appealing to the one flesh union as part of the created order.

12 Robert P. George, "A Clash of Orthodoxies," *First Things*, Aug–Sept 1999, 33–40 (<http://www.firstthings.com/ftissues/ft9908/articles/george.html>).

13 J. Budziszewski, "What's Good about Sex" (<http://www.pureintimacy.org/online2/essays/a0000021.html>).

14 Ibid.

15 This explanation does not go far enough. A comprehensive treatment of sexuality's significance (the intensity of meaning on one hand, or harm on the other) in relation to marriage as a one-flesh union is beyond the scope of this article. Human sexuality ultimately is tied to our dignity as human beings; in Christian terms, it is reflective of the image of God. For some additional detail in this regard, consult Grenz, *Sexual Ethics: An Evangelical Perspective*.

16 Hadley Arkes, "Odd Couples: The Defense of Marriage Act Will Firm up the Authority of the States to Reject Gay Marriage," *National Review*, 12 August 1996, 48; quoted in Francis J. Beckwith and Gregory Kousser, *Relativism: Feet Firmly Planted in Mid-Air* (Grand Rapids: Baker, 1998), 123.

17 Ibid, 124.

18 The homosexual lifestyle generally has these characteristics: homosexual acts deny the marital oneness described above, and statistics indicate that the relationships incorporating these acts also exhibit a strong tendency toward multiple partners and unstable relationships. (See Christopher H. Rosik, "Conversion Therapy Revisited: Parameters and Rationale for Ethical Care," *The Journal of Pastoral Care*, Spring 2001, 47–67 [<http://www.narth.com/docs/conversiontherapy.html>]). This dual violation may be taken as corroborating evidence for understanding marriage as a "one flesh" union.

19 Arkes, *The Philosopher in the City*, 418.