

# DOTTRINA

---

## THE *INCLINATIO NATURALIS* TO CONJUGAL UNION AND THE SPONSAL DIMENSION OF THE HUMAN PERSON IN THE WRITINGS OF PEDRO-JUAN VILADRICH

L'*INCLINATIO NATURALIS* ALL'UNIONE CONIUGALE  
E LA DIMENSIONE SPONSALE DELLA PERSONA UMANA  
NEGLI SCRITTI DI PEDRO JUAN VILADRICH

KATHERINE BEALL\*

ABSTRACT · A proper understanding of the *inclinatio naturalis* to conjugal union is radically inseparable from any authentic comprehension of the nature and characteristics of said union. This paper intends to very briefly examine the general contextual framework within which Viladrich addresses the *inclinatio naturalis* as a foundation for its consideration as a constitutive element of the ontic structure of the human person as a sponsal being, and the implications of this for the canonical system's understanding and protection of the conjugal union.

KEYWORDS · *Inclinatio naturalis*, Sponsality, Conjugal union, *una caro*.

RIASSUNTO · Un'adeguata comprensione dell'*inclinatio naturalis* all'unione coniugale costituisce un elemento imprescindibilmente legato a qualsiasi comprensione delle caratteristiche e natura della stessa unione coniugale. Questo contributo intende brevemente esaminare il quadro contestuale entro il quale Viladrich considera l'*inclinatio naturalis* come elemento costitutivo della struttura ontologica della persona umana in quanto essere sponsale, e le conseguenze di ciò per la comprensione e tutela dell'unione coniugale da parte dell'ordinamento canonico.

PAROLE CHIAVE · *inclinatio naturalis*, sponsalità, unione coniugale, *una caro*.

\* k.beall@pusc.it, Assistente, Pontificia Università della Santa Croce.

SOMMARIO: 1. Fundamental elements of the *inclinatio naturalis*. – 2. The *imago Dei* and the sponsal quality of the human person. – 3. Nuptial sponsality and the *una caro*. – 4. The *ordo amoris* as a dynamic unitive process. – 5. Interpretive elements relevant to the canonical matrimonial system.

#### 1. FUNDAMENTAL ELEMENTS OF THE *INCLINATIO NATURALIS*

THE *inclinatio naturalis* that is the object of this study may be succinctly considered as the natural inclination<sup>1</sup> of the human person toward conjugal union, or the «potency to marry inherent in one's sexually differentiated nature which, by means of consent, is transformed into and actualized as an intimate communion of life and love that is due in justice».<sup>2</sup>

For Pedro-Juan Viladrich, whose work is elaborated from the perspective of juridical realism and rooted in the order of what ontologically ought to be, this inclination is intimately intertwined with the natural dynamic of human love in the specifically conjugal “territory” of the person, which contains an inherent tendency toward unity that, when properly ordered, leads to its concrete assumption by means of a personal *fiat* that effectively transforms this love into the bond of justice that is the conjugal union. Understood as such, it is clear that a proper understanding of the *inclinatio naturalis* to conjugal union constitutes a radical and inescapable premise for any authentically global comprehension of the nature and characteristics of the conjugal union, and thereby also represents an indispensable interpretive key for the protections of said union that the canonical system seeks to provide, as well as for the concrete manner in which these are, or ought to be, concretely enacted in the handling of causes regarding the nullity of marriage.

The general notion of the *inclinatio naturalis* is Thomistic in origin, found within the context of his response regarding whether there exists a natural law in man:<sup>3</sup>

<sup>1</sup> This should be understood throughout this paper according to the sense of the Latin *inclinatio naturalis* as defined here, leaving aside semantic considerations regarding the limitations imposed by the English language and its mutations over time. For a detailed study on this issue, see S. B. CUNNINGHAM, *Natural Inclination in Aquinas*, Washington, D.C., The Catholic University of America, 2013, pp. 3-108.

<sup>2</sup> G. CAPUCCI, *L'essenza del matrimonio in Pedro-Juan Viladrich*, Venice, Facultas Iuris Canonici Venetiana Sancti Pii X, 2012, p. 215, my translation.

<sup>3</sup> Throughout this article, unless explicitly specified, we will employ the term “man” in its general sense as “human person,” thereby implicitly including woman, as well. The same interpretation is to be given to the pronouns “he” and “his,” preferentially adopted in order to avoid clumsy and forced sentence constructions in the English language.

«Wherefore, since all things subject to Divine providence are ruled and measured by the eternal law [...] it is evident that all things partake somewhat of the eternal law, in so far as, namely, *from its being imprinted on them, they derive their respective inclinations to their proper acts and ends*. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper act and end: *and this participation of the eternal law in the rational creature is called the natural law*».<sup>4</sup>

Whereas irrational sensible creatures are directed toward their ends in a necessarily spontaneous manner by way of instincts, such that «the potentiality is found to be very close to the act and the spontaneous integration of the physical and psychic elements is sufficient to trigger the behavior»,<sup>5</sup> the natural inclinations of man are configured as *tendencies* or appetites<sup>6</sup> toward a certain end, by which man seeks out that which he knows with his intellect<sup>7</sup> and wills it, since it pertains to the will, by nature, to will that which is good.<sup>8</sup> In this way, the *inclinatio naturalis* «forms the content of the natural law»,<sup>9</sup> which Thomas describes above as the participation of the Eternal Law in the rational creature.

The late Javier Hervada, brilliant jurist and Viladrich's mentor, develops this Thomistic understanding in his own writings, taking as his starting point the existential premise that man has a specific ontic structure, formed and disposed in a specific, determined way, according to the order imprinted by God in created nature,<sup>10</sup> and describing the natural law as «the complex

<sup>4</sup> T. AQUINAS, *Summa Theologiae* II-1, p. q. 91, a. 2.

<sup>5</sup> A. MALO, *Essere persona: un'antropologia dell'identità*, Armando Editore, Rome 2013, p. 80, my translation.

<sup>6</sup> See also T. AQUINAS, *Summa Theologiae*, I, q. 60, a. 1: «Est autem hoc commune omni naturae, ut habeat aliquam inclinationem, quae est appetitus naturalis vel amor».

<sup>7</sup> Cfr. *STh.*, I, q. 80, a. 1: «Quamlibet formam sequitur aliqua inclinatio [...] Sicut igitur formae altiori modo existunt in habentibus cognitionem supra modum formarum naturalium, ita oportet quod in eis sit inclinatio supra modum inclinationis naturalis, quae dicitur appetitus naturalis. Et haec superior inclinatio pertinet ad vim animae appetitivam, per quam animal appetere potest ea quae apprehendit, non solum ea ad quae inclinatur ex forma naturali».

<sup>8</sup> Cfr. F. RUSSO, J. Á. LOMBO, *Antropologia filosofica - una introduzione*, Rome, EDUSC, 2007, p. 122, my translation.

<sup>9</sup> J. ESCRIVÁ IVARS, J. HERVADA, *Relectura de la Obra Científica de Javier Hervada. Preguntas, diálogos y comentarios entre el autor y Javier Hervada*, vol. II (III vols.), Pamplona, Servicio de publicaciones de la Universidad de Navarra, 2008, p. 614, my translation.

<sup>10</sup> Cfr. J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios. Hacia un sistema de derecho canónico. III: Derecho matrimonial (I)*, in *Una caro. Escritos sobre el matrimonio*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2000, p. 100. All translations of this author are my own.

of rational laws that express the order of natural inclinations and tendencies toward those ends proper to the human being; this order is specific to man *qua* person». <sup>11</sup>

Inclinations *incline* toward an end. All of creation, precisely as such, possesses a particular ontological configuration that corresponds to a specific end. Hervada explains the manner in which «these finalities are present in human nature in two ways: as dynamic principles (naturally ordered potencies, and likewise ordered tendencies), and as goods the attainment of which enriches the personality of man». <sup>12</sup>

Indeed, human nature, understood in the Thomistic sense of the essence as principle of operations or, as Hervada describes it, the “dynamic moment of the structure of the human being”, is configured with certain inclinations and tendencies, which form part of the ontic structure of the human person. <sup>13</sup> Because these, too, pertain to the natural order, they are aptly called *natural inclinations*. The natural order possesses a specific configuration, such that it *is* one way and not another; natural inclinations are a reflection of this reality.

The content of the natural law consists precisely in the rational rules that express the demands inherent in these natural inclinations at an ontological level. <sup>14</sup> These inclinations are inherently *ordered* toward the ends that are proper to man and befitting of his dignity, and are manifested in man’s tendency toward such ends through his actions. In this sense, Hervada affirms: «Human nature provides the fundamental measure of human action because, being what makes man, man, it is also the criterion for what pertains to man as such». <sup>15</sup>

The order imprinted by God in man’s nature may be described as «the natural and pre-established ordination of the *inclinatio* toward such ends, according to the proper way of being of the *inclinatio*». <sup>16</sup> The human person is naturally dynamic: he *tends* toward the ends to which his existence is ordered, such that the natural inclinations, which possess an internal structure of their own, lead man to his realization as a person.

While these ends are numerous, <sup>17</sup> the object of this study is limited to

<sup>11</sup> J. HERVADA, *Introduzione critica al diritto naturale*, Milano, Giuffrè, 1990, p. 143.

<sup>12</sup> J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 101.

<sup>13</sup> Cfr. *ibid.*, p. 100.

<sup>14</sup> Cfr. J. HERVADA, *Introduzione critica al diritto naturale*, cit., p. 144.

<sup>15</sup> J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 141.

<sup>16</sup> *Ibid.*, p. 101.

<sup>17</sup> Hervada sums up the natural inclinations of man as the following, in no specific order: a) the inclination or tendency to the conservation of one’s being; b) the inclination to the conjugal union of man and woman; c) the inclination toward a relationship with God, as a

examining the natural inclination to *marriage*, which Thomas categorizes as natural in the following way: «[...] *that is said to be natural to which nature inclines* although it comes to pass through the intervention of the free will; thus acts of virtue and the virtues themselves are called natural; and in this way matrimony is natural, because natural reason inclines thereto [...]».<sup>18</sup> Thus, the person is naturally inclined to conjugal union precisely on account of his natural reason, which inclines him toward marriage in light of its proper ends.

Hervada describes this as «the inclination to the conjugal union of man and woman, so as to form together the primary community of the human species, ordered toward the generation and education of children». As human nature manifests the order imprinted by God in the essence of the human person, marriage is said to be a natural institution not only because it was instituted by God himself in the order of Creation and itself possesses the specific inherent configuration of its nature, ends and laws, but also because it «corresponds to an ordination, or order, of human nature», specifically «the sexual dimension of the human person and its ordination toward the integration of man and woman in marriage».<sup>19</sup>

Indeed, marriage derives from and reflects the ontic structure of the human person,<sup>20</sup> which is expressed in a threefold way: «a) in that each man is naturally a man (masculine structure) or woman (feminine structure); b) in the mutual and natural attraction between man and woman; c) consequently, in the natural tendency or impulse to be united in marriage».<sup>21</sup> Hervada thus defines the *inclinatio naturalis* to conjugal union as «the masculine or feminine structure of the person, in the aspect according to which these are called to be united together in the conjugal society, and considered dynamically».<sup>22</sup>

Hervada describes this dynamic ontic structure of the human person as the *lex naturae* of marriage:

«Since marriage responds to an ontic structure of the human being (the natural *inclinatio*), the juridical structure of marriage is determined by the demands inherent in said ontic structure (*lex naturae*). That is to say, the natural *inclinatio*, given that it is a structure of the human being and of the tendency toward his ends, is present as a necessity [*exigencia*] (with certain demands for order within its dynamism); it

manifestation of the *condition of creature*; d) the tendency to work and to rest; e) the inclination toward political society and various forms of association; f) the tendency to communicate; g) the inclination to know and give life to different forms of culture and art. Cfr. J. HERVADA, *Introduzione critica al diritto naturale*, cit., p. 143.

<sup>18</sup> T. AQUINAS, *Summa Theologiae, Suppl.*, q. 41, a. 1 (emphasis added).

<sup>19</sup> J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 100.

<sup>20</sup> *Ibid.*, p. 103.

<sup>21</sup> *Ibid.*, p. 100.

<sup>22</sup> *Ibid.*

is manifested as a necessity of the person and of his development in the realm of sexuality». <sup>23</sup>

For this reason, it is also possible to affirm, with Hervada: «Marriage [...] is the development of the natural *inclinatio*, the very development of sexuality in conformity with the ontological structure of the human person, in conformity with the personal nature of man», since the order of sexuality inherently tends toward union with the opposite sex. <sup>24</sup>

On his part, Pedro Juan Viladrich expresses this concept employing the metaphysical perspective of «the ought», <sup>25</sup> that which truth offers to our freedom, <sup>26</sup> and which, in the case of marriage, «is directly connected with God's design 'from the beginning' for the creation of human beings, man and woman». <sup>27</sup> This truth, which is the objective, natural order of reality, can either be accepted by man through his personal *fiat*, or rejected, which would be the definition of disorder. <sup>28</sup> In this way, there is a clear distinction, at the level of principles, between the “ought” and the *de facto* circumstances of reality, which can either manifest or corrupt the natural order of things.

To illustrate this distinction, Viladrich draws on Jesus's reply to the Pharisees in Mt 19:3-12 regarding the inadmissibility of divorce, referring to “the beginning.” For Viladrich, this “beginning” is to be understood in an ontological, rather than chronological sense. The “beginning” would thus represent the perennial, actual ontological structure of man and woman, the order inherent in that which exists; in a word, the “ought.” <sup>29</sup>

Understanding “the beginning” in this sense reveals the existence of a nat-

<sup>23</sup> *Ibid.*, p. 103.

<sup>24</sup> Cfr. *ibid.*, p. 104.

<sup>25</sup> With this term we intend to render the notion of “*dover essere*” or “*deber ser*”. In contrast with the contingent, alterable *de facto* state of affairs at any given point in time, the “ought” may be said to represent the order of reality at an ontological level, “the way things ought to be,” following the nature proper to them.

<sup>26</sup> Cfr. P.-J. VILADRICH, *Il consenso matrimoniale*, Rome, EDUSC, 2019, p. 49. All translations of this author are my own.

<sup>27</sup> *Ibid.*, p. 39.

<sup>28</sup> Javier Hervada raises this point as well, with reference to the nature of the dynamic of conjugal love: «The dynamic of conjugal love is not pure *factum*, a mere fact based on unforeseeable psychic or sentimental forces [*instancias*], which impose themselves on the person or arise in him as a result of the uncontrollable rules of natural forces. The dynamic of conjugal love is the dynamic of the person who loves, transcended [...] by will, freedom and responsibility; true conjugal love is an aspect of the love of the person, an act or habit of the potency of his will, the dynamism of which [...] is not a pure *factum*, but an ‘ought’ [*deber-ser*]. And in this ‘ought’ is founded the juridical relationship. This dimension of voluntary responsibility, transcended by the ‘ought’, is inherent in the dynamic of love such that, when it is lacking, when it is merely *factum*, this dynamism becomes corrupted and engenders abhorrent modalities, even though they may be similar in appearance to true conjugal love» (J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 99).

<sup>29</sup> Cfr. P.-J. VILADRICH, *Il consenso matrimoniale*, cit., p. 59.

ural order, inscribed in the *esse* of all creation. According to this order or disposition, beings *are* (have their being) in a specific way rather than any other, according to the nature inscribed in the most profound aspect of their being. For this reason, it is possible to speak of the “ought” not as a hypothetical, but rather as a dimension intrinsic to reality. In man, considered in his rationality, this is configured as a potency, tendency and ontological necessity offered to his freedom; it is a call to live according to this original order, which cannot be realized except through a personal *fiat*. In this sense, Viladrich affirms:

«The reference to ‘the beginning’ in Jesus Christ has an ontological rather than an archaeological meaning. On one hand, this implies that the being and the ‘ought’ of the male human person and the female human person *are* this way.[...T]his being and ‘ought’ are in force in the here and now, regardless of historical circumstances. This ‘current-ness’ of the original principle dwells in every man and woman, of every time and place; it beats within a love that is good and true and serves as its potency, the interior invitation felt by those who are in love, the sign which marks the path that leads to its fulfillment». <sup>30</sup>

One manifestation of the “ought,” or the corruption thereof, is found in man’s natural inclinations and tendencies:

«Obviously, some ‘inclinations’ that our innermost dimensions suffer are anomalies and egocentricities, far from self-giving [...]. But, because they were not ignorant, the Classics never supposed that inclinations were all excellent, nor did they employ the qualification of ‘natural’ with a similar type of naïveté. What they called “natural” were not the frequent facts pertaining to our limited and flawed nature, but rather the ‘ought’ that lies within it, which is ‘natural’ because it is inscribed in the human soul and body like a voice that can never be definitively silenced [...].» <sup>31</sup>

Indeed, this “ought” cannot be understood as though it were a closed and concluded determinism, as though man’s actions were already written; such an understanding would be inherently contrary to man’s free, rational nature:

«The human being is not concluded, he does not receive a closed original nature, but rather, precisely because he is a personal being, possesses his being; on account of his freedom, he is open to his own realization. This self-possession for one’s own self-realization is, for him, ‘nature,’ that of *those who are persons*, rather than just another being». <sup>32</sup>

<sup>30</sup> ID., *Por qué y para qué “uno con una para toda la vida”. La cuestión de la unidad de vida en el amante, en la correspondencia con el amado y en la unión de amor conyugal*, «Ius Canonicum», 55/110 (2015), p. 544.

<sup>31</sup> ID., *Il consenso matrimoniale*, cit., pp. 60-61.

<sup>32</sup> *Ibid.*, p. 59.

As a personal being, man has both the need and capacity to

«interpret one's own being and existence, so as to [...] assume a determined position with respect to the impulses and tendencies that one finds in himself and in other men. [...] It is 'natural' for us to establish a dialogue between the being that we are, which we experience as a factor that we have received, prior to our reason and freedom, and the being that we can and prefer to be because, thanks to the creative ingenious of our reason and free will, we perceive it as our 'ought'». <sup>33</sup>

In this way, the configurations pertaining to the realm of the "ought" – in this case, the natural inclinations –, may be understood in the sense of a "natural vocation," as a potency that must be voluntarily assumed in order to attain its perfection. <sup>34</sup> For this reason, there are ultimately two anthropological extremes that condition one's vision of marriage (and, ultimately, life itself): either «we were created, out of love and to love, by a loving God, or we are a useless existence, fruit of chaos and the needs of cosmic forces». <sup>35</sup> To the first, corresponds the vision of the conjugal union as part of the *ordo amoris*, according to the existential "ought" inscribed in creation; to the second, the predominant contemporary secular vision of marriage as nothing more than a «circumstantial legal framework that brings together the dominant cultural, social and political interests» in any given moment of history. <sup>36</sup>

## 2. THE *IMAGO DEI* AND THE SPONSAL QUALITY OF THE HUMAN PERSON

The dynamic described above is one manifestation of the sponsal constitution of the human person. Man and woman, as *imago Dei*, are characterized by the connatural capacity or potency to enter into communion with another through the gift of self and acceptance of the other. Viladrich refers to this ontological quality as "sponsality," which is fundamentally the openness to self-donation and union that characterizes all human donational relationships in a manner proper to the specific nature of each. <sup>37</sup>

<sup>33</sup> ID., *La institución del matrimonio: los tres poderes*, Madrid, Ediciones Rialp, S.A., 2005, pp. 38-39.

<sup>35</sup> ID., *Il consenso matrimoniale*, cit., pp. 25-26.

<sup>34</sup> Cfr. *ibid.*, pp. 36-37.

<sup>36</sup> *Ibid.*, p. 26.

<sup>37</sup> ID., *Antropología del amor. Estructura sponsal de la persona*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2019, pp. 238-239: «La sponsalidad hace referencia a la radical constitución donal de la persona humana masculina o femenina y, por lo tanto, la sponsalidad está como substrato de todos los géneros de amores en los que hay don y acogida personales, si bien cada clase de amor implica diferentes niveles de intimidad y contenidos donales unos de otros. Por ejemplo, es sponsal la amistad y también la fraternidad, pero ni amigos ni hermanos son marido y mujer;» «Ahora bien, según qué territorio de intimidad se implica en la comunicación humana, entonces la sponsalidad de fondo se conforma y especifica según la naturaleza y contenido donal que, de sí, las personas comprometen».



The spousal nature of the human person derives from the fact that man and woman are created, as *persons*, in the image and likeness of God, whose essence is a loving communion of Persons. For this reason, the human person has a *natural* potency for self-donation, which pertains to his own proper mode of being, to his *esse*.<sup>38</sup>

This dynamic also reflects the constitutional dignity of the person, created and loved by God as someone unique and unrepeatable.<sup>39</sup> Indeed, the human person «is constitutionally spousal. His or her very *esse* is that of *being a loving co-existence*, structure, and dynamic so as to be a gift of self and to accept the other in oneself. Every person, in their very act of existence, is donation: they have come into existence out of love and to love». <sup>40</sup> This sponsality pertains to the *personal* nature of man and woman, since, «In every area of the intimate identity of the human person, precisely because he is person, there is a specific potency to donate the content of that whole dimension, and to accept that of the other». <sup>41</sup>

Drawing on the scriptural passage cited above, Viladrich examines the original order inscribed in the being of the human person – male and female – as «image and likeness of God», communion of three persons: *imago Dei*. The *una caro* of Genesis reveals «the origin [in] and destiny of the human being to love»: «the *una caro* [is] inscribed in the spousal and loving *esse* of man and of woman». <sup>42</sup>

Precisely because it constitutes the essence of the person, this *imago Dei* sublimely reveals his origin and destination. First of all, it reveals that man and woman are *persons*, that their existence is a *personal* existence, rendering them inherently distinct from the rest of creation. For this reason, man and woman cannot be adequately understood or considered according to an anthropology “of the species,” as though they were mere specimens of the human race; rather, every person is unique and unrepeatable, precisely because their origin and destination is love.

In this sense, it pertains to the constitution of the human person to be – at an existential level – *beloved*. However, just as the Trinity is a communion of persons, so, too, «male and female He created them»: the human person is created not just as *beloved*, but also to be a *lover* in the sense of *one who loves*. In a word, the human person is constitutionally *sposal*, and from this spousal nature derive the *una caro* and its entire configuration, as well as the natural inclination to such union.

<sup>38</sup> Cfr. ID., *El ser conyugal*, Madrid, Ediciones Rialp, S.A., 2001, p. 25.

<sup>39</sup> Cfr. ID., *Antropología del amor*, cit., p. 238.

<sup>40</sup> ID., *Il consenso matrimoniale*, cit., p. 59.

<sup>41</sup> *Ibid.*, p. 82.

<sup>42</sup> *Ibid.*, p. 25.

To this end, Viladrich affirms:

«This *imago Dei*, imprinted in the very act – *esse* – by which each human person, man and woman, comes to exist, is, in a profound and mysterious paradox, either a great blessing (resembling God and being a lover – in the sense of one who loves – as part of one’s constitution as a person), or a great temptation, that is to say, to reject this loving origin and destination, substituting it instead with a rebellion that, far from loving, turns the human being into an egocentric being, proud of deriving from mere chance or necessity and, for this very reason, bound and condemned to the insatiable satisfaction of oneself. In other words, the anthropological battle is fought on the plane of the existence, acceptance and possible definition of a natural marriage – the *una caro* inscribed in the sponsal and loving *esse* of man and woman – or, by contrast, in the rejection of any sort of original conjugal order, and its replacement by relativistic sexual relationships with ever-changing rules [...]».<sup>43</sup>

Sponsality is, thus, «a radically oblativ condition».<sup>44</sup> While the content of its corresponding donation will, naturally, vary according to the specific relationship in question, the root nature of sponsality lies in this capacity to give oneself and receive the other, which is proper to the *personal nature of the human being*, and thus configures nuptial and consanguine relationships, friendships, etc.<sup>45</sup> The human person, by nature, is «radically and limitlessly ‘an openness to give of oneself and to receive [the other] in oneself’»; sponsality, thus, is «the potency to be lover, beloved, and union by means of the gift and acceptance of one’s own nature in one of its specific dimensions».<sup>46</sup>

As a communicative potency, sponsality

«is realized according to specific lines of communication, which differ among themselves: firstly, according to the nature of the subject to whom the human person gives himself by means of his sexually differentiated body; and, secondly, according to the nature of the formal principle, the title or reason of goodness according to which the human person gives his body to the participation of the other person».<sup>47</sup>

Sponsality, thus, is not circumscribed to the conjugal dimension; rather, the sexually-differentiated human body possesses a more general or “global” sponsal meaning and quality, which represents the «substrate of all of man’s interpersonal communication»,<sup>48</sup> and thus embraces, according to their respective titles and reasons of goodness, man’s relationship with God (i.e. radical sponsality), the «territories of intimate family loves»,<sup>49</sup> and the conjugal relationship,<sup>50</sup> each constituting a dimension of man’s personal identity.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, p. 84.

<sup>45</sup> Cfr. *Id.*, *Antropología del amor*, cit., pp. 235-260.

<sup>46</sup> *Id.*, *Il consenso matrimoniale*, cit., p. 82.

<sup>47</sup> *Id.*, *El ser conyugal*, cit., p. 33.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Id.*, *Il consenso matrimoniale*, cit., p. 82.

<sup>50</sup> Cfr. *Id.*, *El ser conyugal*, cit., pp. 33-35.

This spousal nature, understood in the general sense described above, is radically connected with the bodily condition of the human person, precisely as a *personal* and sexually differentiated body, «in virtue [of which] the person is capable of incarnating and communicating the gift and acceptance that are proper to his or her personal being».<sup>51</sup> For this reason, Viladrich considers the substantial unity of the human person to be the first «anthropological radical,” or element, in the sequence of harmonic associations that constitute human love.<sup>52</sup> This substantial unity – «the unity of the human substance» -, consists of the unity between the personal spirit and the personal soul and body, which are sexually differentiated: «we are a spirit, with our own soul and body».<sup>53</sup> This substantial unity is a quality of the human *person* precisely as such, and is what enables us to speak of *man* and of *woman*, rather than just *male* and *female*, thereby expressing the equality of both in personhood, as well as the fact that body and soul are both characterized by sexual differentiation. The notion we commonly understand as *identity* is conferred by this personal quality as well:

«The condition of being this man or this woman is all-encompassing and integral. It resides in our singular and unique personal identity, which is not an asexual abstract; and it does this throughout our entire psychosomatic organism, in that which we call soul and body. In each of our dimensions or human substance, we are *this* man or *this* woman... rather than any other human person».<sup>54</sup>

The substantial unity of the human person entails a «harmonic association, or unified integration” between the body and soul, which is «brought about by the spiritual principle, aided by the personal faculties of the intellect and the will, by means of which the personal identity presides over the dynamics that are most proper to the body and governs the material limitations of the merely bodily sexual inclination, spiritualizing them».<sup>55</sup>

The bodily condition of the human person entails that «one’s own body is the manifestation of each human person that is most properly his, precisely as a person».<sup>56</sup> Thus, «By means of his sexually-differentiated body, the human person is not limited to giving things that he *has*, but that he is not; on the contrary, human persons can give of themselves and receive one another in the intimate nature of their humanity».<sup>57</sup>

<sup>51</sup> *Ibid.*, p. 33.

<sup>52</sup> Cfr. *Id.*, *Il consenso matrimoniale*, cit., pp. 60-69. Viladrich enumerates the following associations as comprising said sequence: a) the substantial unity of the human person; b) the harmonic integration of the inclinations of soul and body for maturity in love; c) the association between sexual human love and conjugal love: marriage consent; d) the association between marriage and procreation; e) the association between the family founded in marriage and society.

<sup>53</sup> *Ibid.*, p. 61.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> *Id.*, *El ser conyugal*, cit., p. 30.

<sup>57</sup> *Ibid.* Emphasis added.

Sexual duality is, then, the «primary *donational* and *sponsal* structure and dynamic” of the human person,<sup>58</sup> since «the dual modalization of the human body, as masculine or feminine, enables the person to donate him or herself through the gift of his or her own body»: <sup>59</sup> «[Man and woman] modalize [this humanity] in a different and complementary way, so that this very same *being* humanity can constitute [...] the human nature through which they communicate». <sup>60</sup>

This “communicative potency” is actuated in different and essentially distinct ways, according to the title and reason of goodness appropriate to each sponsal relationship. In this way, while the human person is always constitutively *this man* or *this woman* and thus the concrete modalization of their sponsality is always marked by their masculine or feminine configuration in one way or another, the precise implications of this vary according to the type of sponsal love in question. <sup>61</sup>

Thanks to its sexually differentiated nature, the body also becomes the *content* of this communication, <sup>62</sup> which is, inherently, the gift or acceptance of self, or the sponsal donation (ultimately, love<sup>63</sup>). To this end, Viladrich affirms:

«Being a body seems to manifest a structure of human nature that is even more primary than the sexual modalization of said body. It is not a chronological, but ontological relationship. Sexuality seems to be a complete reorganization of this ‘being a body’ so as to adapt to the communicative condition of the personal spirit of man, so that his body might manifest in a ‘human’ way – by means of this quality of the body – this possibility of being gift of self and acceptance of the other, which so thoroughly defines the nature of being a person». <sup>64</sup>

### 3. NUPTIAL SPONSALITY AND THE *UNA CARO*

Just as the sponsality of the human person, and specifically its nuptial dimension, is the foundation and root of the configuration of the *una caro*, so, too, does the inclination to this conjugal union derive from the very same sponsal nature. Indeed, Viladrich affirms throughout his body of work that,

<sup>58</sup> *Id.*, *Il consenso matrimoniale*, cit., p. 59.

<sup>59</sup> *Id.*, *El ser conyugal*, cit., p. 33.

<sup>60</sup> *Ibid.*, p. 31. The original text reads: «Ambos son humanidad. Pero la modalizan en forma diversa y complementaria, para que el mismo ser humanidad pueda constituirse, por la diversidad de modalización, en la naturaleza humana en la que se comunican».

<sup>61</sup> Viladrich identifies four orders of being that enter into relationship, as interlocutors, with the human person: a) beings without a living soul; b) living, but non-personal beings; c) fellow human beings; d) God. Cfr. *ibid.*, pp. 31-32.

<sup>62</sup> *Ibid.*, p. 30.

<sup>63</sup> Cfr. *ibid.*, p. 31: «La persona humana, que puede amar por ser persona, ama por ser humana (persona corpórea) mediante la capacidad de don y acogida de la persona que posee su cuerpo sexuado».

<sup>64</sup> *Ibid.*, p. 29.

«Marriage follows after the human person»;<sup>65</sup> in this way, the inclination's natural configuration as a *potency* inherent in this sponsal nature becomes clear.

The particular configuration of sponsality in which resides the *inclinatio naturalis* to conjugal union is *nuptial sponsality*, or conjugality, which is the most intimate of interhuman sponsalities, and has as its proper and particular reason of goodness «the intimate union of the [spouses'] personal souls in and through the co-belonging of their sexually distinct bodies, according to the title of that which is theirs in justice».<sup>66</sup> Indeed, Viladrich affirms that «the *una caro* is inscribed in the sponsal and loving *esse* of man and of woman».<sup>67</sup> «*Conjugability*,» or the potency to effect this intimate union between man and woman, thus,

«really exists exclusively as a potency for the joining of man and woman as 'one flesh.' [...] That is to say, [man and woman] are able to constitute their bodies as 'that which of ours is joined' and to communicate according to a specific and exclusive intimacy the gift and acceptance of their personal souls by, through, and on account of the common co-belonging of their sexually-differentiated bodies».<sup>68</sup>

Viladrich describes conjugality as a communicative order that embraces the totality of the substantial unity of the human person, body and soul, by means of the manner most proper to realizing the conjugal union of the souls «in and through the joining of the sexually-differentiated bodies»,<sup>69</sup> according to that specific potency for communication of self that the body possesses by virtue of its personal nature. For this reason, «The co-belonging in justice of the bodies constitutes the prime matter of the communication of the spouses' souls, that is to say, the proper order of the conjugal communication of the souls, to the extent that it is properly and specifically a *conjugal* communication».<sup>70</sup>

Such communication is realized according to a specific dimension, which consists of «communicating with the sexually-differentiated body of the other person according to the very same title of lordship [*señorío*] and belonging that one has with his or her own sexually-differentiated body».<sup>71</sup> No other type of sponsal relationship entails a bodily «co-possession» of this nature, as «that which is held in common between us». This is, by definition, the content of the conjugal union;<sup>72</sup> indeed, Viladrich describes marriage as «the

<sup>65</sup> For example, cfr. ID., *Il consenso matrimoniale*, cit., p. 59.

<sup>66</sup> ID., *El ser conyugal*, cit., p. 34.

<sup>67</sup> ID., *Il consenso matrimoniale*, cit., p. 25.

<sup>68</sup> ID., *El ser conyugal*, cit., pp. 34-35.

<sup>69</sup> *Ibid.*, p. 38.

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*, p. 36.

<sup>72</sup> Cfr. ID., *Il consenso matrimoniale*, cit., p. 54: «In questo senso, il matrimonio è, per eccellenza, l'unione nella duale condizione sessuale e la sua caratteristica inequivocabile e distintiva è la co-appartenenza tra gli sposi dei loro corpi dualmente sessuati come bene in comune».

spouses themselves, in the aspect of their union», as a manner of co-being.<sup>73</sup>

One of the seemingly most basic aspects of the *inclinatio naturalis* toward conjugal union is that of the attraction between sexes.<sup>74</sup> Perhaps this notion presents itself most immediately to many authors as an exhaustive definition of the *inclinatio* simply because it entails an immediate sensible perceptibility. However, while the attraction between sexes certainly forms a significant part of the inclination, it would be altogether reductive and ultimately incorrect for them to be considered equivalent dynamics. For this reason, Viladrich explores the attraction between sexes according to a deeper meaning, which embraces the whole of the human person in his spousal dimension, refusing to be circumscribed to his mere physical-sexual dimension.

Indeed, the difficulty in considering the attraction between sexes lies primarily with the reductive anthropological model that often tends to accompany it, which is inclined to confuse the inclination with a merely biologically-focused dynamic, at the level of a de-personalized, animalistic sexuality. Such would be a model that views man merely as a member of the human species, entailing «an excessively physical conception of our ‘nature,’ submerged in what is instinctive and biological, determined and concluded, which would impose itself on the human person, leaving no chance for his freedom or power of discretion».<sup>75</sup> According to such an anthropological framework, the *inclinatio* would be configured as «a psychosomatic attraction that is biochemical in nature, an irrational passion foreign to freedom which besieges the will, something like – according to a popular expression – ‘sex without love’».<sup>76</sup>

For this perspective, the ‘natural’ content of the inclination would consist of nothing more than a deterministic reading of “sexual impulse,” understood as a reductive equivalent of attraction between man and woman. However, such a reading of the inclination fails to grasp the personal and rational nature of the human person, in which all human dynamics are rooted.

«In this sense, there has been a use and abuse of the term ‘nature’ applied to the human being, to marriage and to the family. [...] The human being is not concluded; rather, precisely as a personal being, he possesses his being and, on account of his freedom, is open to his own fulfillment».<sup>77</sup>

Ultimately, the problem with the flawed comprehension of this specific *inclinatio* lies in the fact that, drawing from a reductive and misdirected anthropology, it mistakenly equates “attraction between the sexes” with “sexual

<sup>73</sup> ID., *El ser conyugal*, cit., p. 24.

<sup>74</sup> This notion is specifically addressed in ID., *Por qué y para qué “uno con una para toda la vida,”* cit., pp. 530-533.

<sup>75</sup> *Ibid.*, p. 530.

<sup>76</sup> *Ibid.*, p. 531.

<sup>77</sup> ID., *Il consenso matrimoniale*, cit., pp. 58-59.

impulse” and, in turn, conceives the sexual impulse as nothing more than a physical/biochemical mechanism.

Attraction, in its true and proper sense, understood as a tendency toward the good, is clearly much more profound than a movement circumscribed to the psychosomatic sphere of the person. In this sense, it is indeed possible to affirm that the natural inclination to conjugal union consists in an attraction between man and woman – a “unitive and procreative attraction”<sup>78</sup> – that is, an attraction to the conjugal union between them, perceived as a good desired for oneself and integrated into an ordered loving process. The understanding of the *inclinatio naturalis* as a dynamic, ontological structure thus provides the key to distinguishing the *inclinatio* from its manifestations. As an integral part of the ontic configuration of the human person, his sponsal condition cannot be circumscribed to the sensitive order but rather characterizes and configures the person as a whole.<sup>79</sup>

Indeed, as the *inclinatio* is a potency, not for any type of union, but for the union proper to the *una caro*,<sup>80</sup> which Viladrich describes as an “act of co-being,”<sup>81</sup> it is thus configured as an attraction that embraces the entire biography of the person<sup>82</sup> and inclines toward the integration of this biography with that of another according the modality proper to the conjugal union, with its specific properties and ends. It is an attraction to the good of such union, considered as the «potency of that which we can *be*, invitation to fulfill it, and indication of the path».<sup>83</sup> For Viladrich, the natural inclination appears as a sign or path pointing to the goodness and truth of the conjugal

<sup>78</sup> *Ibid.*, p. 26.

<sup>79</sup> J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 100.

<sup>80</sup> Viladrich specifies that the expression “*una caro*”, with which he often refers to the conjugal union (i.e. marriage, with emphasis placed on its natural, rather than legal-positivistic configuration), is to be understood in the sense that «the flesh intends to signify our entire mode of being incarnate, our corporeality in an integral sense, the body that we are and that we animate, and, therefore, not a mere material organism that we have, nor its reduction to the physical or biological level», Cfr. VILADRICH, *Por qué y para qué “uno con una para toda la vida,”* cit., p. 447.

<sup>81</sup> Indeed, Viladrich affirms: «Varón y mujer es un modo íntimo de ser humanidad y, por lo tanto, conyugarse en razón de ello es conyugarse íntimamente en nuestra misma naturaleza humana y modo de ser. Pero, al mismo tiempo, nuestra condición de seres personales esconde, en cuanto personas, un acto de ser constituidos en un singular e irrepitible sujeto y un destino de comunión esponsal que trasciende el horizonte intrahumano», *Id.*, *El ser conyugal*, cit., p. 81.

<sup>82</sup> «Tampoco la *inclinatio* o atracción entre los sexos es una compulsión instintiva irresistible, una fuerza autónoma del cuerpo que, por principio, procesa al margen de la persona o anulándola, sin que ésta pueda hacerla suya y personalizarla [...]. La inclinación, por principio, no puede ser una energía atractiva que, de suyo, fractura necesariamente la unidad del ser humano», in *Id.*, *Por qué y para qué “uno con una para toda la vida,”* cit., p. 531.

<sup>83</sup> *Ibid.*, p. 532 emphasis added.

union as one possible response to the invitation extended by our spousal condition:

«Within the intimate conscience and heart [of man] there remained as paths, signs or ‘*inclinations*’ to the truth and goodness of *original* human nature, ‘from the beginning’, preceding the fall. It was to these paths or signs that scholars referred with the expression ‘*inclinatio naturalis*.’ In these lay the foundations for the real possibility of loving one another and being united as *una caro*». <sup>84</sup>

And again:

«There is, without a doubt, an inclination in the human heart to the truth of love and of the *una caro*, not in terms of an instinctive and elemental fact [...], but rather in the framework of an *ought*, an invitation of truth made to one’s personal freedom, which seeks a *fiat mihi*, an interior acceptance». <sup>85</sup>

Ultimately, this more profound understanding of the natural attraction between man and woman consists precisely in the potency to loving union that exists between them, which reaches fulfillment when freely assumed by the will and configured as a bond of justice. In this sense, Viladrich affirms:

«With the expression *inclinatio naturalis* the great masters of tradition summarized the existence of certain bonds or associations underlying not only the sexual attraction between men and women, but, in a broader and more profound sense, the power to love one another in forming the *una caro*, capable of forming themselves into the co-identity of being spouses, and capable of generating children [...]». <sup>86</sup>

#### 4. THE *ORDO AMORIS* AS A DYNAMIC UNITIVE PROCESS

Precisely because the *inclinatio* is configured as a potency offered to the rational freedom of the human person, it can either be freely assumed in its inherent elements of goodness and truth, or else become corrupted. This dimension highlights the relationship between nature, understood as a “given being,” and the power to make dispositions that is characteristic of human rationality. Within such a dynamic, the *inclinatio* manifests the ultimate call of human freedom to be fulfilled precisely in the spousal donation to which each person is constitutionally called at the level of their existence:

«Between given nature and our power of disposition exists a relationship that can be described as a transition from what we are (what we have received) to what we can be (what is chosen and disposed); that is to say, *between the given being and the ‘ought’ attained*. In this sense, the *inclinatio naturalis* is not a fatal dynamism, but a potency of what we can be [...]. It is an offering, because that to which it invites is

<sup>84</sup> ID., *Il consenso matrimoniale*, cit., p. 59.

<sup>85</sup> ID., *Por qué y para qué “uno con una para toda la vida,”* cit., p. 533.

<sup>86</sup> ID., *Il consenso matrimoniale*, cit., p. 58.



a class of being and good that demands to be welcomed freely and without cost by the person in his or her bare intimacy. With exactitude we should say that these are *gifts* that cannot attain completion except through *the acceptance* proper to love. In this way, the man is for the woman, and vice versa, reciprocal gift and acceptance. [It is] a radically loving inclination offered to their personal freedom». <sup>87</sup>

The dynamic of the process by which man and woman rationally and voluntarily assume the *inclinatio naturalis* to conjugal union, configuring themselves as spouses by means of the act of consent, is the *ordo amoris*, which also possesses a vocational quality, as Viladrich discusses in his commentary to St. Paul's Letter to the Romans (2: 15-16): «St. Paul [...] indicates that the natural law – the internal normative structure of nature, as *vocatio* – is written in the heart of man, intending by this that nature is a call and inspiration for man – since what is written is destined for another action, that of being read –; and this call resides in his innermost depths, which is – like the heart – the sanctuary of his personal conscience». <sup>88</sup>

In line with the the free and rational nature of man and woman, this inclination must be assumed by the will, by means of the consent to conjugal union, in order to pass to act: «Due to the free and rational voluntariness of consent, the conjugal union actualizes, here and now, the profound and intense potency for the intimate communion of life and love that exists in human sexual duality». <sup>89</sup> This dynamic represents yet another manifestation of the personal nature of man and woman and of the personalizing force of the substantial union of body and soul, since,

«really bringing into existence that communion possible for human sexuality, giving form to that manner of joined co-being which constitutes *being spouses*, is rightly a *personalization* or *humanization* of the unitive and procreative inclination, articulating this into a single joining, which is the *intimate bond of life and love that the spouses establish as something due to one another in justice*». <sup>90</sup>

For Hervada, too, the *inclinatio* toward marriage manifests a characteristically vocational aspect, traditionally understood to be articulated in two ways: as a general vocation of the human race, and as a personal vocation to conjugal union. <sup>91</sup> It contains this general vocation as a constitutive element, which cannot rightly be understood as an extrinsic element, law or commandment, but is rather an openness or tendency from which derives the *ius connubii*.

However, given that marriage pertains not to the *substance* of the structure of the human person, but rather to his “secondary constitutive”, or

<sup>87</sup> ID., *Por qué y para qué* “uno con una para toda la vida,” cit., p. 532.

<sup>88</sup> ID., *La institución del matrimonio: los tres poderes*, cit., p. 37.

<sup>89</sup> ID., *Il consenso matrimoniale*, cit., p. 70.

<sup>90</sup> *Ibid.*, pp. 70-71.

<sup>91</sup> J. HERVADA, P. LOMBARDÍA, *El derecho del Pueblo de Dios*, cit., p. 102.

accidental dimension, it is not necessary for the full development of the human person precisely as such,<sup>92</sup> nor for the realization of his sponsal condition. Rather, the *inclinatio*, understood as a personal vocation, is seen as the integration of this general vocation on the individual level, offered as a possibility that may be freely assumed and chosen by each man or woman as a concrete configuration of his or her existence.<sup>93</sup>

For this reason, Viladrich's treatment of the *inclinatio naturalis* also finds its context within the *ordo amoris*, or the singular and unitive natural structure and dynamic of love between man and woman which is comprised of various qualitatively diverse phases or stages, and is considered as the process's connatural ordination toward union:

«There is an *ordo amoris* because love contains a determined organization of its particular principle of life [...]; more precisely, it is a specific vital process comprised of successive entries to different levels or spaces of union, and this process is impregnated with a potency of life that, from within and in the midst of the rest of human biographical times and spaces, seeks to form those who love, reorder and enliven the whole of their life [...] as a co-biography of their sponsal intimacy as man and woman».<sup>94</sup>

Connatural to the sponsal nature of man, the *ordo amoris* rightly possesses its own natural configuration, to which man is called to respond in accordance with his nature as *imago Dei*: «Man is not his own creator, nor is he the creator of love, although his being and his power to love are the most intimate things that he has».<sup>95</sup> The *ordo amoris* is what ensures that the potency for union is not «submerged and drowned by what is [merely] cyclical, when the good or goods on account of which a man and a woman unite themselves are goods whose reason of good pertains only to the cyclical realm»,<sup>96</sup> but rather that it can reach its proper fulfillment in the sponsal donation of the *una caro*. For this reason, «the essence of the *ordo amoris* is virtue».<sup>97</sup>

Fundamental to an understanding of the *ordo amoris* is the distinction between what Viladrich describes as two moments, the “before” and “after”, represented by the *in fieri* and the *in facto esse* of marriage, and the consequent identification of consent as the efficient cause of the conjugal union. Indeed, this distinction «manifest[s] the underlying reality of the nature of

<sup>92</sup> Cfr. *ibid.*, p. 103.

<sup>93</sup> Cfr. *ibid.*

<sup>94</sup> Cfr. *Id.*, *El amor conyugal entre la vida y la muerte. La cuestión de las tres grandes estancias de la unión (I)*, «Ius Canonicum» 44/87 (2004), p. 27.

<sup>95</sup> *Id.*, *Por qué y para qué “uno con una para toda la vida,”* cit., p. 543. In this sense, Viladrich continues: «In this loving origin and destiny resides the nucleus of the *imago Dei*. And, in this sense, love and loving [...] are the most intimate and radical anthropological cause of the human condition or, better, of being man or woman».

<sup>96</sup> *Id.*, *El amor conyugal entre la vida y la muerte. La cuestión de las tres grandes estancias de la unión (I)*, cit., p. 28.

<sup>97</sup> *Ibid.*

love and human sexuality».<sup>98</sup> This is to say, aside from all of the evident consequences of such a distinction with regard to the nature and requirements of consent and its effects, the individuation of a *before* and *after* also sheds immense light on the understanding of the *ordo amoris* as a single unitive process:

«On one hand, [the Classics] distinguished a period, a ‘time,’ in which the love of a man and a woman, in and of itself, did not entail a bond, and another period, another ‘time,’ in which loving one another in a conjugal way, in and of itself, contained an essential bond of justice. On the other hand, there was [seen to be] a nexus of causality between both moments, which supposed perceiving the underlying presence of a *singular loving unitive process*, comprised of spaces of union distinguished according to quality. The love between man and woman, as a consequence, appeared as a unitive process or, in the terminology of the era, as the ordination toward union of the *inclinatio naturalis*».<sup>99</sup>

To affirm that the *ordo amoris* is a natural process ordered toward conjugal union ultimately entails that the nature of marriage organically derives from and corresponds to the proper inclination of authentic, ordered love between a man and a woman.<sup>100</sup> In this sense, Viladrich affirms:

«There is an association, which freedom has to want to actualize, but which lies within the nature of true love between a man and a woman as an intense invitation, in virtue of which the love between them inclines them to desire to belong to one another, to unite themselves and their lives, that is to say, to constitute themselves as spouses. This unitive tendency, the desire to attain fulfillment in marriage, is natural to human love if it contains truth and goodness».<sup>101</sup>

For Viladrich, this evolution of ordered love occurs by means of a dynamic sequence or process, comprised of distinct phases of love which ultimately configure the characteristics of the conjugal union. The first of these phases consists in the desire to spend time together [*estar juntos*], mutually enjoying the presence of the other: «This tendency [...] is an invitation to ‘be together’ as a mode of co-being, it is an inclination to form such a union».<sup>102</sup> Lovers, then, naturally perceive or desire that their encounter must not perish or pass away with time, but rather is destined to withstand, that it is somehow eternal: «This is the invitation to the perpetuity of the loving relationship, since authentic love, as such, remains and overcomes time».<sup>103</sup> Further, those who are in love create a world among themselves, which admits neither the interference of others or the inclusion of a third party, i.e. the tendency toward exclusive fidelity. Finally, lovers are inclined both «to give

<sup>98</sup> *Ibid.*, p. 31.

<sup>100</sup> Cfr. ID., *El modelo antropológico del matrimonio*, Madrid, Ediciones Rialp, S.A., 2001, p. 78.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*, p. 80.

<sup>99</sup> *Ibid.*, p. 34.

<sup>103</sup> *Ibid.*

the best of oneself as a mutual and shared good», and to irradiate their love in such a way that it enlivens the world around them and generates life: the tendency towards the good of the spouses, and to the good of children.<sup>104</sup>

Understood in this sense, these dynamics can be considered as the content of the *inclinatio naturalis* to conjugal union. Indeed, Viladrich affirms:

«Doctrine summarized these invitations, the objective movement proper to authentic love, with the expression *inclinatio naturalis* (natural inclination of true and authentic sexual love between a man and a woman). It is the intrinsic *unitive tendency* proper to the dynamic of love and of its essential characteristics, since this natural tendency to union is neither formless nor without order».<sup>105</sup>

Moreover, since marriage follows the human person, and the configuration of the *una caro* naturally proceeds from the dynamics of authentic love, it is precisely this dynamic which configures the characteristics of the conjugal union: unitive and exclusive, ordered toward the good of the spouses and the procreation and education of children.

Having examined the characteristics of the conjugal union, understood in the proper sense as those elements by which the conjugal union is identified and distinguished from all other unions, that is as the fulfillment of the invitations proper to the dynamics of love, highlighted by the distinction between marriage *in fieri* and *in facto esse*, it is clear that there is a specific, distinctive cause which actualizes the inherent potencies of love according to the conformation proper to the conjugal union. This cause, ultimately, effects the transformation of the *inclinatio* into its fulfillment in the union itself, configured as a bond of justice:

«To institute marriage is, in the first place, to transform the sexual and reproductive inclination present in human nature into a bond of love and procreation. This is a ‘metamorphosis’ of the tendencies and impulses that have a strongly egocentric meaning, into dynamics of oblation, into a personal commitment and a debt of love that can only be effected by the lovers themselves».<sup>106</sup>

Indeed, the role of consent within the *ordo amoris* consists precisely in the voluntary assumption of a dynamic that previously existed only in the factual order, so as to configure it as a form of co-being due in justice. In this way,

«conjugal consent is so free with respect to all that which precedes it because within this consent there is an unprecedented novelty, an extraordinary metamorphosis of the prior loving inclination between woman and man, a transformation of the love between them that does not derive from the mere flow of its course, but rather from a certain enormous creative power and specific transforming actuality that is only possessed by an act which implicates the person, from within, over

<sup>104</sup> Cfr. *ibid.*, p. 81.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Id.*, *Il consenso matrimoniale*, cit., p. 70.

his or her flesh and over the dynamics of his or her own sexually-differentiated dimension, in virtue of which here and now he or she gives and accepts this as something due». <sup>107</sup>

«This process of the vital fulfillment of the love of joining [...] encompasses two great and very different grades of union: a loving space in which the relationship, in and of itself, was freely dissoluble by the will of just one of the lovers: all that which is pre-matrimonial. And another unitive space in which the union had acquired such a level of cohesion that, in and of itself, it was indissoluble even in the presence of the dissent of both lovers, and this was marriage or the conjugal union, strictly speaking». <sup>108</sup>

Thus, the unitive nature of intentionality represents a characteristic element of the loving dynamic of the *ordo amoris*, since «it is connatural to the loving inclination to seek out its fulfillment in the conjugal union», <sup>109</sup> precisely by means of this intentionality, which is capable of transforming the biography of the person into one characterized by the mode of co-being and co-belonging proper to the *una caro*. For this reason, Viladrich considers marriage consent to be an inherent act of love.

##### 5. INTERPRETIVE ELEMENTS RELEVANT TO THE CANONICAL MATRIMONIAL SYSTEM

Considering the unified nature of the order of creation, manifested in both the fact that marriage and its characteristics follow the nature of the human person, as well as the manner in which the *inclinatio naturalis* and the nature of the *una caro* constitute parts of the very same dynamic of the *ordo amoris*, it logically follows that the configuration of the *inclinatio naturalis* will also be manifest in the configuration of the conjugal union in its essential elements. Indeed, Viladrich affirms:

«Marriage arises “naturally” from a call of bodily human nature to the free rationality of the personal spirit, as a response to the capacity for a need to interpret and organize the tendential dynamisms of the relationship between both sexes and the transmission of life – the *inclinatio naturalis* – in light of ‘the best and truest human form possible.’ This responsibility, from ‘the beginning,’ was entrusted by God to the freedom and responsibility of man, male and female». <sup>110</sup>

«Marriage is the response to the capacity for and need to interpret and organize the tendential dynamisms of the relationship between both sexes and of the transmission of life – that which classic canonical doctrine called the *inclinatio naturalis* – according to criteria of anthropological truth and moral perfection in the love between man and woman, as such [...]». <sup>111</sup>

<sup>107</sup> ID., *Por qué y para qué “uno con una para toda la vida,”* cit., p. 34.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*, p. 35.

<sup>110</sup> ID., *La institución del matrimonio: los tres poderes,* cit., p. 39.

<sup>111</sup> ID., *Il consenso matrimoniale,* cit., p. 57.

Given this union between the ontological configuration of the human person as a sponsal being, and the nature of the conjugal union, with its proper characteristics and ends, «The properties of the conjugal union respond to the demands inscribed in the heart of human nature»,<sup>112</sup> manifested in the nature of the dynamic proper to the authentic, rightly-ordered *ordo amoris*, which leads to the exclusive, unitive donation among spouses in the *una caro* as a mode of fulfillment of the connatural demands of sponsality articulated in the dynamic of human love. In this way, it is possible to affirm: «The origin, structure and essential ends that allow for the recognition of a union between man and woman as marital, are understood to be founded in immutable human nature itself».<sup>113</sup>

This reality has unavoidable consequences for the canonical expression of the conjugal union, as well. Indeed, as a matrimonial system founded first and foremost on Divine Law, the canonical system cannot be indifferent to the nature of the *inclinatio naturalis*, precisely given its existence as a real dimension of the natural law, since «The canonical expression of marriage rests upon the anthropological recognition that there is a nexus of naturalness between loving one another and marrying, between human sexual love and marriage»,<sup>114</sup> according to the understanding of these terms described above.

For this reason, «The canonical conception of marriage is that which has, as the ‘principle and constitutional will of its own juridical system,’ the obligation to faithfully adjust itself to the demands of its anthropological model».<sup>115</sup> Thus, the principal and most fundamental implication of Viladrich’s understanding of natural law and the *inclinatio naturalis* is that the canonical matrimonial system – really, every formalized juridical system – must respond to the demands of a reality which long precedes it, seeking out and protecting all those inherent dimensions of its true, natural configuration. This is the *raison d’être* of the canonical matrimonial system. While this principle is, or should be, self-evident, experience never ceases to demonstrate how easily it can become muddled at the level of practical application.

In the same vein, this requires the acceptance, both theoretical and practical, of the fact that this correspondence of marriage and its properties and ends with the unchanging, existential identity of the human person must be the defining and definitive factor in our comprehension of marriage as an “institution.” This understanding places at the forefront the fact that mar-

<sup>112</sup> ID., *El ser conyugal*, cit., p. 54.

<sup>113</sup> ID., *El modelo antropológico del matrimonio*, cit., p. 28.

<sup>115</sup> *Ibid.*, p. 16.

<sup>114</sup> *Ibid.*, p. 83.

riage is an *institutum naturae*,<sup>116</sup> the content of which is therefore inherently immune from modification or other types of interference. What marriage is, in its essence, never changes; whoever chooses something other than this chooses something other than marriage.

Interconnected with this is the understanding that, through marriage consent, one makes an act not so much of adherence to an institution and its content but rather to the other person in their conjugal dimension, with all that this entails.<sup>117</sup> Configuring oneself as a spouse, thus, inherently entails the assumption of the rights and obligations of marriage not as dry, general principles pertaining to an abstract institution but as constitutional elements of this identity, precisely what configure it as such.

This truly personalist perspective consequently provides the framework or criteria for the consideration of the intention and maturity necessary to efficaciously consent to such a union. On the one hand, those involved in both the judicial and pastoral realms must constantly remember and act in complete and total accord with the fact that marriage, in its authentic essence, is both a natural institution and a natural right (cfr. can 1058 CIC); it is thus in consonance with the nature of things to overly “theologize” marriage, treating it as something altogether separate from or even alien to the natural realm, or to require for its constitution anything anything that it is, as Pope St. John Paul II so clearly described, «not possible to require of the majority of people».<sup>118</sup>

This respect for the *ius connubii* is indispensable in the phase of pre-marital preparation and, in equal measure, in the discernment regarding the possible nullity of a failed marriage. Indeed, it would be an abuse against the rights or dignity of a person to, by means of an unjustly erroneous declaration of nullity, deny them *ex post facto* the capacity to have validly married. If this seems evident according to the principles of natural justice, its gravity should weigh ever more heavily in light of the principle enshrined in can. 1752 CIC, *salus animarum suprema lex*. In this light, Viladrich’s contributions to the meaning of what is natural, in addition to his masterful consideration of the specific issues regarding intentionality and maturity,<sup>119</sup> serve as concrete approaches to what may otherwise remain a nebulous concept that, without adequate inquiry, risks misinterpretation or error with serious consequences.

In the same way, Viladrich’s predominant consideration of the person rather than the institution provides a key for both the judicial and pastoral

<sup>116</sup> Cfr. ID., *Il consenso matrimoniale*, cit., p. 70.

<sup>117</sup> Cfr. J. HERVADA, *Esencia del matrimonio y consentimiento matrimonial*, in *Una caro: escritos sobre el matrimonio*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2000, p. 161.

<sup>118</sup> JOHN PAUL II, *Address to the Tribunal of the Roman Rota*, «AAS» 89 (1997), 27/1/1997, n. 5.

<sup>119</sup> For this, cfr. P.-J. VILADRICH, *Il consenso matrimoniale*, cit., pp. 111-218

realms that ought also to serve as a criterion of conscience for those carrying out any sort of related office. Indeed, what is at stake in this domain is not the fate of an abstract institution, but rather the concrete life and salvation of individual persons, created by God to live out a radically oblation existence in which they will find their personal realization. This perspective should shed light on and be the guiding principle of the vocation of these offices.

Ultimately, Pedro-Juan Viladrich's rich development of the *inclinatio naturalis* to conjugal union serves to bring to the forefront of the canonical conception of marriage the realm of anthropological truth pertaining to the intrinsic "ought" of natural law, inscribed in the sponsal dimension of man and woman, created as persons according to the *imago Dei*. Due to this intrinsic sponsality inscribed in the very *esse* of the human person, the properly ordered dynamic of love between man and woman is configured as the *ordo amoris*, a unitive process which tends, according to the natural inclination, toward its most excellent fulfillment in the *una caro* of the conjugal union. It is exactly this sponsal identity of the person and the content of the *ordo amoris* which confer on the marital union its exclusive and defining characteristics. In this way, it is clear that an authentic anthropology, as such, ultimately must serve as the foundation for the canonical conception of marriage, as a pre-existing ontological reality the demands of which necessarily configure its juridical dimension according to its nature and reason of goodness.

#### BIBLIOGRAPHY

- AQUINAS, T., *In Phys. I.*  
 ID., *Summa Theologiae II-I.*  
 ID., *Summa Theologiae, Suppl.*  
 CAPUCCI, G., *L'essenza del matrimonio in Pedro-Juan Viladrich*, Venice, Facultas Iuris Canonici Venetiana Sancti Pii X, 2012.  
 CUNNINGHAM, S. B., *Natural Inclination in Aquinas*, Washington D.C., The Catholic University of America, 2013.  
 J. ESCRIVÁ IVARS, J. HERVADA, *Relectura de la Obra Científica de Javier Hervada. Preguntas, diálogos y comentarios entre el autor y Javier Hervada*, vol. II (III vols.), Pamplona, Servicio de publicaciones de la Universidad de Navarra, 2008.  
 HERVADA, J., *Introduzione critica al diritto naturale*, Milano, Giuffrè, 1990.  
 ID., *Esencia del matrimonio y consentimiento matrimonial*, in *Una caro: escritos sobre el matrimonio*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2000, pp. 623-650.  
 HERVADA, J., LOMBARDÍA, P., *El derecho del Pueblo de Dios. Hacia un sistema de derecho canónico. III: Derecho matrimonial (I)*, in *Una caro. Escritos sobre el matrimonio*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2000, pp. 15-260.  
 JOHN PAUL II, *Address to the Tribunal of the Roman Rota*, «AAS» 89 (1997), 27/1/1997, pp. 486-489.



- MALO, A., *Essere persona: un'antropologia dell'identità*, Rome, Armando, 2013.
- RUSSO, F., LOMBO, J. Á., *Antropologia filosofica - una introduzione*, Rome, EDUSC, 2007.
- VILADRICH, P.-J., *El modelo antropológico del matrimonio*, Madrid, Ediciones Rialp, S.A., 2001.
- ID., *El ser conyugal*, Madrid, Ediciones Rialp, S.A., 2001.
- ID., *El amor conyugal entre la vida y la muerte. La cuestión de las tres grandes estancias de la unión (I)*, «Ius Canonicum» 44/ 87 (2004), pp. 17-67.
- ID., *La institución del matrimonio: los tres poderes*, Madrid, Ediciones Rialp, S.A., 2005.
- ID., *Por qué y para qué “uno con una para toda la vida”. La cuestión de la unidad de vida en el amante, en la correspondencia con el amado y en la unión de amor conyugal*, «Ius Canonicum» 55/ 110 (2015), pp. 515-590.
- ID., *Antropología del amor. Estructura sponsal de la persona*, Pamplona, Ediciones Universidad de Navarra, S.A. (EUNSA), 2019.
- ID., *Il consenso matrimoniale*, Rome, EDUSC, 2019.