

CURRENT THEOLOGY

NOTES ON MORAL THEOLOGY, 1952¹

“His name had become a household word among English-speaking priests on both sides of the Atlantic and his four-volume work on Moral and Pastoral Theology had found an honoured place on their bookshelves and desks. . . . He was a man of intense energy and industry to the end.” Thus writes J. McCarthy² of Fr. Henry Davis, S.J., who died January 4, 1952, at the age of eighty-five. To Fr. McCarthy’s words I should like to add my own small tribute. I spent a summer with Fr. Davis before I started to teach moral theology. He was most gracious in giving his time and advice; and through the subsequent years we kept up a regular correspondence that was interrupted only during the early period of the war. Whether we agreed or differed in our discussions of moral problems, he was always kindly, always encouraging. I shall remember him, not only as one who contributed much to moral theology over a space of some forty years, but also as a good friend and a model priest.

GENERAL AND PASTORAL

Of more than passing interest is the new approach to moral theology suggested by Gérard Gilleman, S.J.³ Our manuals today, says Fr. Gilleman, do not sufficiently express the central theme of the Christian dispensation, as we find it in the Gospels, Epistles, and Fathers. In the course of its development, moral theology has had to incorporate natural morality and law; because of methodological problems, it has become more and more divorced from dogma; and, because of the necessity of instructing with a view to integrity of confession, there has been a tendency to overemphasize sin. Fr. Gilleman would like to re-establish the connection with dogma,

¹ Only by way of exception can material published after October be included in the survey. For the most part, the present notes are limited to the period covering Nov., 1951–Oct., 1952.

² *Irish Ecclesiastical Record*, LXXVII (June, 1952), 447. Referring to his personal correspondence with Fr. Davis, Fr. McCarthy writes: “We gratefully recall and record his kindly helpfulness and co-operation and his sympathetic consideration of views with which he felt inclined or compelled to differ.” The occasion of Fr. McCarthy’s remarks was his comprehensive review of Fr. Davis’ *Summary*.

³ Cf. *Le primat de la charité en théologie morale* (Louvain: E. Nauwelaerts, 1952); see p. 13. Cf. also the author’s own article on his book, “Théologie morale et charité,” *Nouvelle revue théologique*, LXXIV (Sept.–Oct., 1952), 806–20.

and to give moral theology a dynamic unity under its distinctively Christian aspect, charity. Thus he sets out:

... to investigate in a theological way how to apply to the whole organization of moral theology the universal principle enunciated by St. Thomas, *Cariitas forma omnium virtutum*; to establish therefore the principles of a method which would explicitly assign to charity, in the organization of moral theology, the same vital function that it exercises in actual living and in the revelation of Christ: not a role that it would play parallel to other moral realities, but the role of soul, of *animating*, which is exercised on a level that is deeper than that of any act or any definite virtue.

Fr. Gilleman's work is principally methodological. There is no need, he rightly says, to *prove* the primacy of charity; what is needed is to see how the method of moral theology can make that primacy explicit and evident throughout the science. The first part of his work is devoted to a study of St. Thomas, with emphasis on the primacy of charity. The second studies the moral act as an expression of love in the natural order, and of charity in the supernatural order. The third is a practical illustration of how his thesis might be applied in teaching and writing.

Fr. Gilleman recommends a new approach to moral theology, but not a new morality. But there is a "new morality," to which Pope Pius XII devoted a radio message⁴ and an allocution,⁵ and the distinctive mark of which

... is that it is not based in effect on universal moral laws such as, for example, the Ten Commandments, but on the real and concrete conditions or circumstances in which men must act, and according to which the conscience of the individual must judge and choose. Such a state of things is unique and is applicable only once for every human action. That is why the decision of the conscience, as the proponents of this ethic affirm, cannot be commanded by ideas, principles and universal laws.

The discourses do not identify the proponents of this new morality. In one place the Pope says they do "not deny outright general moral concepts and principles"; yet in different parts of the addresses he seems to

⁴ "De conscientia christiana in iuvenibus recte efformanda," *AAS*, XLIV (Apr. 12, 1952), 270-78. This radio message was given March 23, 1952, at the close of a "family day" sponsored by various Catholic Action groups in Italy.

⁵ *Ibid.*, (June 3, 1952), 413-19. The Allocution was given to the World Federation of Catholic Young Women, Apr. 18, 1952. It is summarized by Fr. McCarthy, *Irish Ecclesiastical Record*, LXXVII (June, 1952), 445-46. For complete English translation, cf. *ibid.*, LXXVIII (Aug., 1952), 137-42.

visualize degrees varying from crass existentialists who admit no general principles to Catholics who would soften the rigor of the law by minimizing its prohibitions, or who would remove its complexity and "casuistry" by returning to a primitive simplicity, or who would escape its sanctions by rationalizing that their own situation is "different" and that God, a loving Father, understands them even though the Church does not. In his annotations on the discourses Francis Hürth, S.J.,⁶ suggests that one object of condemnation is the Moral Rearmament Movement.⁷

Incidentally, Fr. Hürth's annotations conclude with a statement of his opinion concerning the doctrinal value of the papal allocutions, radio messages, etc., that have been so frequent during the reign of the present Pontiff. He believes that, in view of the content, audience, and speaker, these messages and addresses have substantially the same doctrinal value as encyclicals: they are a part of the *ordinarium magisterium* of the Pope, and as such, though not infallible, they command both internal and external acceptance.⁸ An analysis of their *content*, he says, shows that they consist largely of matters of faith or morals or of natural truths in their relation to faith and morals. The *audience* varies from the whole world (as in some of the radio messages) to a small professional group (as in an allocution to doctors); but even in the latter case the message assumes a universal character when, by command of the Supreme Pontiff, it is published in the *Acta apostolicae sedis*. As for the *speaker*, though the Pope may, if he wishes, speak as a private person, Fr. Hürth thinks it obvious that such is not his intention when he professedly speaks on matters pertaining to faith and morals in these various public messages.

⁶ *Periodica*, XLI (Jun.-Sept., 1952), 223-49. Preceding the annotations are the discourses themselves in their original Italian and French respectively, as well as in Latin translation.

⁷ He also refers to Jos. Fuchs, S.J., "Situationsethik in theologischer Sicht," *Scholastik*, XXVII (1952), 161-82, and to a book review by the same author, *ibid.*, XXV (1950), 308-10. For further light on the background to the discourses, see Jeremiah Newman, "The Ethics of Existentialism," *Irish Ecclesiastical Record*, LXXVII (May and June, 1952), 321-32, 421-31.

⁸ Concluding paragraph: "Etsi non omnes Nuntii radiophonici et Allocutiones publicae in omnibus in una linea poni possunt cum Litteris Encyclicis, attamen regulariter cum iis quoad substantiam conveniunt in hoc quod sint: Supremi Magistri et Pastoris manifestationes, qui, utens et fungens ORDINARIO MAGISTERIO suo, data opera, in rebus fidei et morum, Christianos, utpote sibi subditos, docet et regit; et cui fideles eam praestare debent subiectionem internam et externam, quae secundum doctrinam catholicam Magisterio ordinario eiusque ordinario exercitio praestanda est. Sunt ergo hae Allocutiones: 'admittendae,' et in iis quae data opera proponunt habendae ut 'verae,' quamvis non assensu absoluto et irreformabili, quippe quae non proponuntur cum suprema auctoritate supremo gradu adhibita ideoque non cum certitudine infallibili."

Is subjective mortal sin a mere abstraction? *L'Ami du clergé*⁹ says that to hold this would be to contradict experience and the ordinary teaching and practice of the Church. Much of the Catholic teaching and practice in moral matters clearly supposes not only that formal mortal sin exists but that it is by no means an absolute rarity. It may well be—as *L'Ami* suggests in another place¹⁰—that the number of merely material mortal sins is very large, but this does not reduce the number of formal sins to a negligible number.

There seems to be an especially prevalent tendency today to find excuses from formal mortal sin, particularly in sexual matters, and very particularly with reference to conjugal onanism and adolescent masturbation. Within certain limits this tendency could be both consoling and reasonable. Any priest who has spent long hours in the confessional knows of the difficulties and the weaknesses that often manifest greatly diminished culpability. But it is clearly transgressing the bounds of the reasonable to argue from these frequent difficulties and weaknesses to a general thesis of impossibility. This is contrary to the teaching of the Church, as Pius XII insisted, with reference to onanism, in his allocution on conjugal morality, and as he reiterated, this time with reference to adolescents, in his discourse on forming the Christian conscience.¹¹

Nor is the thesis of diminished responsibility as “consoling” as it might appear on the surface. The shoe of non-responsibility fits both feet. If it excuses from sin, it also minimizes virtue; if it reduces blame, it also diminishes merit. Moreover, it is not a compliment to human dignity. As the editor of the *Catholic Medical Quarterly* writes, with reference to the statement that conjugal abstinence is impossible, it is “contrary to any valid understanding of the dignity and responsibility of adult human beings and to the evidence of history.”¹² And as the present Holy Father has said, regarding the same charge: “It is wronging men and women of our time to deem them incapable of continuous heroism.”¹³

A dissertation by Matthew Herron, T.O.R.,¹⁴ concludes that “those who hold the theory that all civil laws participating of the true nature of a law bind in conscience both to the act and to the penalty, according to the gravity of the matter, defend the more probable opinion.” Fr. Herron admits that the mere penal law theory has a high degree of extrinsic probability,

⁹ Feb. 28, 1952, p. 140.

¹⁰ Jan. 17, 1952, p. 46. (Signed by F. Girerd, M.I.C.)

¹¹ Cf. *AAS*, XLIV (Apr. 12, 1952), 275. ¹² *V* (Apr., 1952), 73.

¹³ *AAS*, XLIII (Dec. 20, 1951), 847.

¹⁴ *The Binding Force of Civil Laws* (North Miami, Fla.: Brower Press, 1952).

but he finds it wanting on intrinsic grounds. This is but one example of what seems to be a growing tendency away from the purely penal explanation of civil laws. The tendency has been manifested again and again in discussions at the annual meetings of the Catholic Theological Society of America. For instance, when our civil laws regarding gambling were discussed,¹⁵ comparatively few theologians wished to explain such laws as merely penal, although many thought that statutes prohibiting casual or private wagering, betting, and gambling might be of questionable validity.

Francis F. Reh, who led the discussion on the morality of gambling, brought out the interesting and important point that our gambling laws are not simply an expression of a puritanical notion of the inherent wrong in gambling; rather, "such laws have been the result of experience with the evil effects of gambling on the common good, when gaming and gambling were wide open in our country." For this reason there was general agreement that "laws prohibiting or restricting common or organized gambling as a business are just and valid." Moreover, despite some difference of opinion as to the moral character of these laws considered in themselves (i.e., whether preceptive or penal), "it was generally agreed that, because of the *de facto* tie-up of organized gambling with organized crime, they should be considered preceptive laws."

Someone might note a discrepancy between the strict views of American theologians and the very temperate memorandum drawn up some time ago by the hierarchy of England and Wales.¹⁶ On this subject Fr. Reh's report of our discussion is worth noting:

The statement on betting recently submitted on behalf of the Catholic Church in England and Wales to the Royal Commission on Betting, Lotteries and Gaming and the subsequent report of the Royal Commission were discussed. It was noted that they seem to favor legalized organized betting and gambling under certain restrictions, contending that such did not commonly cause poverty in Britain and could not be considered an important cause of crime and delinquency. It was recognized, however, that the Special Committee to Investigate Organized Crime in Interstate Commerce, commonly known as the Kefauver Committee, did consider the report of the Royal Commission in its own Third Interim Report. The Kefauver Committee concluded that whatever the reasonableness of the Royal Commission's recommendations may be in terms of the situation existing in the British Isles today, there is no argument by analogy from their recommendations to the legalization of a \$20,000,000,000 empire built on corruption in the United States.

¹⁵ Cf. "The Morality of Gambling," *Proceedings of the Sixth Annual Convention* [1951], Catholic Theological Society of America, pp. 112-14.

¹⁶ Cf. *THEOLOGICAL STUDIES*, XII (1951), 78-79.

Lack of time prevented the theologians from discussing church raffles and bingo with reference to existing gambling laws. An article by Henry Haacke deals briefly but pointedly with this topic.¹⁷ For Fr. Haacke the issue is simple. Even though these laws may be merely penal (a supposition that he rightly questions), should not Catholics obey them out of respect for law and for the sake of good example? How is the pastor to speak effectively on the duty of citizens to obey lawful civil authority or against civil officials for failing to do their duty, if he himself encourages any kind of law-violation or the "winking" at such violations by officials? Fr. Haacke's courageous statement may be unpalatable to many, but it would be difficult to puncture his logic.

Whatever may be said of the preceptive character of civil laws, it is clear enough that some existing laws are unjust and therefore invalid. Very clear examples, of course, are laws promoting racial discrimination, eugenic sterilization laws, and so forth. Robert F. Drinan, S.J.,¹⁸ introduces us to another field in which invalid laws seem to be all too frequent. Fr. Drinan's article concerns a certain George W. Solesbee, who was condemned to death for murder in the State of Georgia, and who claimed to have become insane after his condemnation. Since every State in the Union forbids the execution of a condemned criminal who has become insane, it was necessary to examine Mr. Solesbee's claim before proceeding to the execution. The State of Georgia appointed three physicians, who examined Mr. Solesbee behind closed doors and pronounced him sane. The Solesbee attorney insisted that his client had a right to a public hearing, with his own witnesses and his own psychiatrist.

The case finally reached the Supreme Court, which handed down a majority decision sustaining the State of Georgia. Strong dissent, however, was registered by Mr. Felix Frankfurter, who claimed that the Georgia system does not offer the rudimentary safeguards of due process of law. If the insane criminal's right to live is not protected by judicial process, it is rendered nugatory. Fr. Drinan agrees with Mr. Frankfurter and takes occasion of the Solesbee story to remind us "that there are many laws in the United States, especially in the field of criminal jurisprudence, which are not compatible with the Constitution or with basic natural-law justice."

On the pastoral side, a brief word about alcoholism. An interesting article by Marvin A. Block, M.D.,¹⁹ states that alcoholism is a disease of both body

¹⁷ "Church Gambling and the Civil Law," *Priest*, VIII (Feb., 1952), 111-12.

¹⁸ "The State and Insane Condemned Criminals," *Jurist*, XII (Jan., 1952), 92-96.

¹⁹ "Alcoholism: the Physician's Duty," *GP*, Sept., 1952, pp. 53-58. ("*GP*" is the full title of a magazine published by the American Academy of General Practice.)

and mind; that the alcoholic is principally distinguished from the heavy drinker by a sense of compulsion, that is, "an uncontrollable urge to get himself under the influence of alcohol at any cost—a compulsion which persists regardless of his judgment to the contrary"; and that the cure must be along medical, psychiatric, and socio-economic lines. Under socio-economic he includes education, social study, and especially cooperation with Alcoholics Anonymous. Contrary to the many clinical reports that portray the high percentage of men alcoholics, Dr. Block says that his practice and that of many other physicians would indicate that there are as many, or almost as many, women alcoholics.

Two reports on the treatment of alcoholism (one from Canada,²⁰ the other from the United States²¹) agree with Dr. Block on the value of cooperation with Alcoholics Anonymous, and—intimately associated with this—they stress the need of proper motivation in the alcoholic patient. Relative to motivation, a report from Chile offers this significant observation: "the greater the economic sacrifice the patient had to make to undergo therapy the better the results obtained."²²

Should the scrupulous be referred to psychoanalysts? E. Ranwez²³ answers tentatively that many scrupulous persons do not need psychoanalysis and many others would be hurt by the intense introspection. He concedes, also tentatively, that in rare cases psychoanalysis might be needed for diagnosis and that it might be used in these cases if the analyst were carefully chosen. Writing in general, and not merely about scrupulosity, J. Ghoois²⁴ points out that no Catholic can admit the Freudian philosophy, which denies the spiritual principle in man; the analytic method, however, though open to many dangers, is not absolutely illicit and may be used for the cure of mental illnesses when other less dangerous remedies are ineffective and when the analyst himself is capable and conscientious.

The distinction between Freudian philosophy and analytic technique is not new. Many sound Catholic scholars have made it, though not a few others deny that the distinction is valid. The objection raised by these

²⁰ Robert C. Larimer, M.D., "Treatment of Alcoholism with Antabuse®," *Journal of the American Medical Association*, CL (Sept. 13, 1952), 79-83.

²¹ *Ibid.*, CXLVIII (Feb. 2, 1952), 405-6.

²² *Ibid.*, CXLIX (Aug. 23, 1952), 1591.

²³ "Psychanalyse et scrupules," *Revue diocésaine de Namur*, VI (Sept., 1951), 306-21. My brief summary of his conclusions hardly does justice to the author's careful analysis of the problem.

²⁴ "Quid sit psychanalysis et quomodo de ea sit judicandum," *Collectanea Mechliniensis*, XXXVII (Aug.-Sept., 1952), 477-82.

latter is that the technique is inseparable from the philosophy. Did Pius XII, in his Allocution of September 14, 1952,²⁵ confirm this view? I am ignorant of the background of his remarks about psychoanalysis; consequently, I would not attempt to give an adequate interpretation of his words. However, from the careful manner in which he directed his remarks at "the pansexual method of a certain school of psychoanalysis," one might justifiably conclude that he intended no blanket condemnation of psychoanalysis. A few days after the Allocution *L'Osservatore Romano*²⁶ made it a special point to refer to the section on psychoanalysis, and it stressed the fact that the Pope was not talking about psychoanalysis in general. Moreover, it explicitly added that all the psychoanalytic systems have certain principles and methods that are in no way contrary to natural ethics or Christian morality and that are, therefore, not affected by the Pope's words.

MEDICINE

Among the many memorable statements in the papal Allocution on conjugal morality is the following paragraph on the direct killing of the innocent:

Now, the child, even the unborn child, is a human being, a human being in the same degree and by the same title as is its mother. Moreover, every human being, even the child in its mother's womb, receives its right to life *directly* from God, not from its parents, nor from any human society or authority. Therefore there is no man, no human authority, no science, no "indication," whether medical, eugenical, social, economic or moral, that can show or give a valid juridical title for a deliberate and *direct* disposing of an innocent human life, that is to say, for an action which aims at its destruction, whether such destruction be intended as an end or as a means towards some other end which may itself be in no way illicit. So, for example, to save the life of the mother is a most noble end, but the direct killing of the child as a means to that end is not lawful. The direct destruction of the so-called "valueless life," whether born or unborn, which was practised a few years ago in numerous instances, can in no way be justified. And therefore when this practice began the Church formally declared that it is contrary to the natural law and to the positive law of God, and consequently illicit—even under instruction from the public authority—to kill those who, although innocent, are nevertheless by reason of some physical or psychical taint useless to the nation and even become a burden on the community. The life of an innocent human being is

²⁵ On the moral limits of medical research and treatment; cf. *AAS*, XLIV (Oct. 16^o 1952), 779-89. For English translations, cf. *Linacre Quarterly*, XIX (Nov., 1952), 98-107; *Catholic Medical Quarterly*, VI (Oct., 1952), 5-12.

²⁶ Sept. 21, 1952. See also Gordon George, S.J., "The Pope on Psychoanalysis," *America*, Oct. 4, 1952, p. 12.

inviolable, and any direct assault or attack on it violates one of those fundamental laws without which it is impossible for human beings to live safely in society. We have no need to teach you the particular significance of this fundamental law and its bearing upon your profession. But do not forget it: above any human law, above any "indication" whatsoever, there stands the indefectible law of God.²⁷

No one familiar with Catholic teaching would see in the quoted words any aspect of novelty. And no one conscious of their implications would find in them any lack of humanity. Yet from the uproar that followed in some parts of the world, one would think that Pius XII had just promulgated some very new and very brutal teaching. This seems to have been particularly true in England. A splendid editorial in the *Catholic Medical Quarterly*²⁸ defended the papal statement and pierced the emotional confusion with a simple dilemma:

Either one admits the validity of that commandment ["Thou shalt not kill"] or one denies it. If one qualifies it by saying, "Thou shalt not kill—except in hard cases," then the principle is destroyed and its practical value lost. . . .

Those who assert that it is legitimate to kill an unborn child where the mother's life or health would suffer from her remaining pregnant make a moral assumption that cannot be upheld unless it is based on some objective principle, and the principle in this case appears to be that where the life of one innocent person is incompatible with the health or life of another, then one or the other must be put to death. It was here of course that the issue really lay, and here that it might have been argued had it not been abundantly clear to those who had a vested interest in denying the logic and practical necessity of the Catholic argument that they would be equally ill at ease defending the right of men to determine the relative value of the lives of their fellow men. They had precedents numerous enough and close enough to make them think more than twice before they implied that human rights are to be upheld or set aside in proportion to the alleged value of individual members of society. Values change; the principles of right and wrong do not.

In his address to the "Family Front," the Pope again insisted on the inviolability of all innocent human life against any form of direct attack. He called attention to the fact that his former condemnations had been clearly and explicitly leveled against *direct* killing, and he took this occasion to make a careful distinction between this and indirect killing.

On purpose We have always used the expression 'direct attempt on the life of an innocent person,' 'direct killing.' Because if, for example, the saving of the life of the future mother, independently of her pregnant state, should urgently require

²⁷ *AAS*, XLIII (Dec. 20, 1951), 838-39; translation from *Clergy Review*, XXXVI (Dec., 1951), 382-83.

²⁸ V (Jan., 1952), 35-41; see pp. 36-37.

a surgical act or other therapeutic treatment which would have as an accessory consequence, in no way desired or intended but inevitable, the death of the foetus, such an act could no longer be called a direct attempt on innocent life. Under these conditions the operation can be licit, like other similar medical interventions, granted always that a good of high worth is concerned, such as life, and that it is not possible to postpone the operation until after the birth of the child, or to have recourse to other efficacious remedies.²⁹

What is direct killing? Pius XII had defined it as an action which aims at destruction of life, either as an end or as a means to some other end. It was a natural result of the Allocutions, however, that theologians would subject the notion to more minute analysis. J. McCarthy,³⁰ with Louis Bender, O.P.,³¹ says that killing is direct when "the destruction of human life, foetal or other, is the immediate and *per se* object of the lethal act or omission." On the other hand, he says, "the term indirect killing is used to describe the situation in which death arises *per accidens*, by reason of the presence of factors which lie outside the immediate object of the act performed." Thus, when he explains the licitness of the emergency removal of a cancerous pregnant uterus, Fr. McCarthy says that the death of the inviable fetus is only a *per accidens* effect of the operation.

Though he admits a close similarity between an *actio directe occisiva* and an *actio per se occisiva*, Fr. Hürth denies their identity.³² He believes that an action can have two equally immediate and *per se* effects, only one of which is death; and in this case, the determination of whether the action is a direct killing cannot be made from the nature of the action itself but must be sought in the *finis operantis*. Thus, according to Fr. Hürth, in the case of two or more equally immediate and *per se* effects, the direct effect is the one chosen by the agent himself and those which he merely tolerates are indirect effects. This is not to say, of course, that Fr. Hürth denies the existence of any direct killing *ex fine operis*; but this would be verified, it seems, only in the case in which the sole immediate effect of the action is destruction of life.

Of these various analyses of direct and indirect effects, Fr. Hürth's strikes me as preferable. I believe that the essential notion of an *effectus indirectus* is aptly expressed in English by the word "by-product," and an

²⁹ AAS, XLIII (Dec. 20, 1951), 859; translation from *Irish Ecclesiastical Record*, LXXVII (Jan., 1952), 59.

³⁰ "Recent Papal Address and Indirect Killing," *ibid.* [IER], pp. 38-41.

³¹ "Occisio directa et indirecta," *Angelicum*, XXVIII (Aug.-Sept., 1951), 224-53.

³² *Periodica*, XL (Oct.-Dec., 1951), 405-6. See also the (unsigned) analysis of direct killing, *ibid.*, XXIX (1940), 346. In the latter volume, p. 149c, the analysis of direct sterilization (also unsigned) follows the same pattern.

effect is indirect in the complete sense when it is “an unintentional by-product” of an action which is intentionally aimed at producing another effect. But a by-product is not necessarily a *per accidens* effect. Thus—if I may be pardoned a homely analogy, as well as an excursion into a field in which I certainly cannot speak with authority—I should think it is not merely *per accidens* that buttermilk is produced when butter is made, yet buttermilk seems to be a by-product with respect to the churning of butter. And—to return immediately to the sphere of medicine—I would not say that the death of an inviable fetus which results from the removal of a cancerous pregnant uterus is a merely *per accidens* effect. Nor would I say that the sterility resulting from the same operation is only *per accidens*. Yet both the death of the inviable fetus and the sterility are by-products, unavoidable by-products, of the hysterectomy. Therefore, they are essentially indirect effects of this particular operation; and they retain this character of “indirectness” as long as they are genuinely not intended.

It is principally the question of therapeutic abortion that generates resistance to the papal teaching on direct killing of the innocent. Underlying this resistance are several false or gratuitous assumptions. For instance, it is falsely assumed that Catholics prefer the child to the mother, so that the latter may be sacrificed for her child, but not vice versa. A step beyond this is the gratuitous assumption that the mother’s life is of greater value than the life of the child. Thirdly, it is gratuitously (if not falsely) assumed that the mother’s life is less safe in hospitals where therapeutic abortion is not performed than in hospitals where it is practised. Finally, it is falsely assumed that therapeutic abortion is good medicine.

That the first assumption is false (and often malicious) is evident from the repeated papal statements to the effect that both lives, and all innocent lives, are inviolable. As for the claim that the mother’s life is of greater value, it is irrelevant when there is question of directly killing one or the other; yet even if it were relevant, it would still be gratuitous. As Pius XII said so well: “Besides, who can judge with certainty which of the two lives is in fact the more precious? Who can know what path that child will follow and what heights of achievement and perfection he may reach? Two greatneses are being compared here, one of them being an unknown quantity.”⁸⁸

The assumption that conservatism costs more lives than therapeutic abortion is also unfounded, and very likely false. At any rate, the scant statistics we have indicate that doctors who conscientiously strive to save both lives and refuse to make a direct attack on either, actually do save

⁸⁸ *AAS*, XLIII (Dec. 20, 1951), 858.

more lives than do those who resort to abortion. To cite only some recently published statistics, the *Catholic Medical Quarterly*³⁴ presents a comparison between two representative Catholic hospitals in London during 1948-50 and the National Health Service Hospitals in England and Wales during 1949-50. The comparison covers stillbirths, neo-natal deaths, and maternal deaths, and it reveals that the Catholic hospitals were safer on all three counts. It is true that in this case the number of deliveries in the Catholic hospitals was only a handful compared to the deliveries in the National hospitals. However, the same periodical³⁵ cites statistics concerning some American hospitals in which this is certainly not the case. "Between the years 1944 and 1951 inclusive there were 66,101 deliveries at the Margaret Hague hospital [not a 'Catholic' hospital, by the way] and in that period there were no therapeutic abortions at all, yet the maternal mortality rate was only 0.103% of the total deliveries." On the other hand, at two large hospitals where therapeutic abortion is not excluded, "the maternal mortality was 0.12% in a series of 21,990 deliveries and 0.21% in a series of 20,679 deliveries." There is surely no evidence here that the exclusion of therapeutic abortion makes a hospital less safe for a mother.

As for the question of "good medicine," it should first be noted that, like the problem of the relative value of lives, this is also irrelevant, and even positively misleading, if it is taken to mean that conservatism is morally justifiable only if it is good medicine. Even if therapeutic abortion were the best possible medicine, it would still be morally wrong. However, it is consoling to note that here, as in other matters, good morality *is* good medicine. The statistics just cited indicate this, and many thoroughly scientific articles published in recent years confirm it. Perhaps the most thorough and the most scientific of all these articles is "Is Therapeutic Abortion Scientifically Justified?" by Roy J. Heffernan, M.D., F.A.C.S., and William A. Lynch, M.D.³⁶ The merits of this article, according to a British physician,

³⁴ V (Jan., 1952), 62.

³⁵ V (Apr., 1952), 89-90. The statistics for the American hospitals were supplied by Dr. Samuel Cosgrove, whose competency as an obstetrician cannot be questioned, and whose personal studies have led him to the conclusion that therapeutic abortion is not legitimate from the standpoint of good medicine.

³⁶ *Linacre Quarterly*, XIX (Feb., 1952), 11-27. Articles similar to this, but of narrower scope, are: M. C. Wilkinson, F.R.C.S., "Pregnancy and Tuberculosis," *Catholic Medical Quarterly*, V (Jan., 1952), 42-49; and J. V. O'Sullivan, M.D., M.R.C.P., F.R.C.S., F.R.C.O.G., "Gynaecological Problems," *ibid.*, pp. 50-57. It is unfortunate that at the conclusion of their splendid survey Dr. Heffernan and Dr. Lynch should have introduced quotations from Albert Schweitzer, relative to reverence for life. Whatever may be said of the personal heroism of Dr. Schweitzer, his concepts of life and ethics, as portrayed in

are "that it is by two distinguished American doctors, that it is heavily documented with recent medical work, and that it relates not only the most recent evidence on such old topics as tuberculosis, nephritis and heart disease, but also recent work on the possible effect of the Rhesus factor or virus diseases on the foetus. . . . Drs. Heffernan and Lynch's article clearly demonstrates that the scientific evidence against therapeutic abortion could scarcely be stronger."⁸⁷

In view of the mounting scientific testimony against therapeutic abortion, it would be interesting to know what excuse a progressive country like Sweden might offer for the 6,000 legal abortions induced there during 1950.⁸⁸ Approximately thirty per cent of these abortions were induced in Stockholm, where the live births during the same time totalled 11,587. Reports from a psychiatrist and a social worker who are helping to investigate the abortions indicate that a very large percentage of the women admit no regret or sense of guilt. These reports also present an interesting contrast. The psychiatrist, impressed by the fact that many of the women immediately become pregnant again, concludes "that it is impossible to solve the abortion problem before the problem of teaching the prevention of conception has been successfully solved." But the dominant impression of the social worker is "the slight value attached to human life by both the community as a whole and the individual. Weighing decisively in the balance between life and death may be such apparently trifling factors as warm clothing or a few weeks' rest for a worn-out mother."

"It seems to be an increasingly common practice to induce labor for no indication other than the convenience of the attendant or the parturient. Can this be considered good obstetric practice?"⁸⁹ This question, proposed to the editor of the *Journal of the American Medical Association*, is typical of many that have been sent in recent years to the Catholic Hospital Association, except that the latter questioners are primarily interested in the moral-

"The Ethics of Reverence for Life," *Christendom*, I (1936), 225-39, are morally unsound. His thesis of reverence for life applies to all forms of life; he recognizes no essential distinction between the various forms. Moreover, besides seeing no essential difference between animal and human life as *objects* of ethics, he says that "any instance of creatures giving aid to one another" reveals them as *subjects* of ethics. This last is illustrated by stories of wild geese, monkeys, and sparrows.

⁸⁷ *Catholic Medical Quarterly*, V (July, 1952), 138. The same reviewer has another quotable quotation: "A re-statement is required, in scientific language, of the homely dictum instilled into us as students, that pregnancy is not a disease but a physiological process and that like other physiological processes it may often be health preserving."

⁸⁸ Cf. *Journal of the American Medical Association*, CXLIX (Aug. 30, 1952), 1666; also *ibid.*, CXLVII (Dec. 29, 1951), 1775.

⁸⁹ *Ibid.*, (Dec. 22, 1951), 1719.

ity of induction for convenience. Since the moralist's answer must depend on whether the practice is really good obstetrics (which follows the principle, "do no unnecessary harm"), he will naturally be interested in the obstetrician's answer. The reply in the *Journal* is similar to many that I have received from very competent and conservative obstetricians. On the one hand, says the *Journal*, this is unquestionably not good practice in general; on the other hand, some doctors have "found that it was perfectly safe to induce labor by rupture of the membranes if the patient was near term, the cervix was soft and effaced, and if there were no contraindications such as malposition." The tone of this reply, as well as of many private replies given to me, indicates unwillingness on the part of good obstetricians to sponsor either a universal approval or a universal condemnation of induction for convenience. They admit that it can be done safely in selected cases; but it is a practice easily open to abuse and it should be carefully controlled by some kind of staff regulation.⁴⁰

In his Allocution on experimental medicine Pius XII says that a man may not permit medical procedures which alleviate physical or psychic illness, but which at the same time "involve the destruction or the diminution to a considerable and lasting extent of freedom—that is to say, of the human personality in its typical and characteristic functions. In that way man is degraded to the level of a purely sensory being—a being of acquired reflexes or a living automaton."⁴¹ I have been asked whether this passage is a condemnation of prefrontal lobotomy and other methods of psychosurgery. Frankly, I see no condemnation of the procedures; rather, the Pope seems to be saying in different words just what many reputable moralists have written about these operations: namely, they are permitted when less radical procedures are not available or would be useless and when they offer the patient a proportionate hope of benefit.⁴² Granted the conditions outlined by the Holy Father, there would be no proportionate hope of benefit.

It is sometimes said that psychosurgery converts a patient into an amoral

⁴⁰ For a more complete treatment of this topic, see "Induction of Labor," *Medico-Moral Problems*, IV (St. Louis: Catholic Hospital Association, 1952), 24-28.

⁴¹ *AAS*, XLIV (Oct. 16, 1952), 783; English from *Catholic Medical Quarterly*, VI (Oct., 1952), 7-8.

⁴² Cf. *THEOLOGICAL STUDIES*, X (1949), 88; XI (1950), 45-47; XIII (1952), 73-76. See also *Cahiers Laënnec*, March, 1951, which is entirely concerned with psychosurgery. The general trend of the articles indicates that the operations are justifiable under certain conditions. Under the heading, "Pour ou contre la leucotomie préfrontale?", the September, 1952, number of *Cahiers Laënnec* gives abstracts from answers to a questionnaire sent to many doctors. There is much difference of opinion, but the majority of the answers say the operation is beneficial in properly selected cases.

being, a sort of vegetable. There seems no doubt that something like this can happen when the operation is too extensive, and because of stories I have heard I can hardly doubt that similar drastic effects are sometimes produced. Yet there seems to be plenty of evidence for saying that such effects are not usual. In former Notes, as well as in other places, I have cited reports by reliable medical authorities of good effects actually produced in a fair percentage of cases. A very recent report from Norway tells of 143 patients, mostly schizophrenic, who, after other methods of therapy had failed, underwent prefrontal lobotomy. There were three deaths as direct results of the operations. The general results relative to patient improvement are described as follows:

Nearly two-fifths of the patients could be discharged from the hospital, and among them were five men who had been inmates for more than 10 years. About three-fourths of the patients who remained in the hospital could be regarded as improved. The operation evidently rendered the patients more amenable to educational therapy, which called for great patience and tenacity on the part of the hospital staff. The patients were put to work as soon as possible, and the special attention paid them helped to encourage them and to achieve the desired results.⁴³

Nothing in this report or in many others that I have seen indicates that the patients suffered any permanent or notable loss of liberty. Rather, the evidence seems to be that psychosurgery can be beneficial in mental cases and in cases of intractable pain when the operation is properly performed in properly selected cases. I realize that there are differences of opinion among physicians themselves as to the relative value of psychosurgery; but a moralist can hardly wait till physicians have ironed out all their differences before he gives a conservative approval to a procedure that is considered beneficial by an appreciable number of sound medical authorities. I see nothing in the Pope's words which forbids such conservative approval.

Recent medical literature contains occasional references to the "cervical cap" as a means of promoting fertility; and these references usually trace back to an article entitled, "Use of the Cervical Cap to Increase Fertility in Cases of Oligospermia," by M. James Whitelaw, M.D.⁴⁴ In the article there is question of artificial insemination between husband and wife, the purpose of the procedure being to place the husband's entire ejaculate close to the cervix. The semen is obtained, according to Dr. Whitelaw, "either by withdrawal or masturbation," and, once obtained, it is placed in a small cup-like container (the cap), which is then fitted over the cervix. From this

⁴³ *Journal of the American Medical Association*, CL (Sept. 13, 1952), 151.

⁴⁴ *Fertility and Sterility*, I (1950), 33-39.

brief description one can readily see that, both by reason of the methods of obtaining the semen and because the procedure is a substitute for natural intercourse, the proposed use of the cervical cap is contrary to the moral principles on artificial insemination as expounded by Pope Pius XII, September 29, 1949.⁴⁵

The "cervical cap" should be carefully distinguished from the "cervical spoon," which was described in these Notes some years ago.⁴⁶ The cervical spoon was invented by Joseph B. Doyle, M.D., as a means of promoting sperm migration.⁴⁷ Its general purpose, therefore, is the same as that of the cap, namely, to promote fertility. But it accomplishes this purpose in a morally unobjectionable manner. The use of the spoon allows for complete natural intercourse; and, being simply a means of helping such intercourse to be fertile (by protecting the semen and furnishing the maximum opportunity for migration through the cervix), it is one of the methods of artificial insemination which were explicitly excluded from the papal condemnation.

SOCIAL ORDER

An entire number of *Social Action*⁴⁸ is devoted to helping Indian Catholics make intelligent use of their right and duty of suffrage in the national elections. Of special interest in this number is a statement by the Standing Committee of the Catholic Bishops' Conference of India, calling attention to certain fundamental principles which should guide the people in voting. Of the seven principles enunciated, the first four are as follows:

1. Every Catholic who is entitled to exercise the franchise, is morally bound to take part in the elections.

2. He must vote for candidates who will uphold the dignity and liberty of human personality, safeguard the integrity of the family and of society and defend the freedom of religion and education, and thus effectively check totalitarian materialism.

3. He may not vote for candidates who deny the existence of God, the human soul and a future life, or for such as maintain the principles of atheistic Communism. Without belief in God, the foundations of democracy, of family life and society would be undermined. Those who are blind to the spiritual realities of life cannot safely guide and shape the destinies of our land and people.

4. Candidates chosen should be men of character, integrity and ability, men who

⁴⁵ Cf. THEOLOGICAL STUDIES, XI (1950), 67-68.

⁴⁶ *Ibid.*, X (1949), 105.

⁴⁷ It is also used for semen sampling; cf. "Moral Aspects of Sterility Tests and Artificial Insemination," *Medico-Moral Problems*, II, 14-22.

⁴⁸ I (Dec., 1951); see especially pp. 280-82. *Social Action* is published by the Indian Institute of Social Order, St. Vincent's Street, Poona 1, India; I have found it very helpful.

will promote social justice by securing for the working classes a just living wage and a fair place in industry, agriculture and the professions.

The statement continues that the voters should endeavor to choose candidates who will guarantee liberty of conscience, equality of treatment and opportunity. And they should beware of men whose philosophy or associations indicate danger to national unity, personal freedom, civic peace, etc. The statement concludes by repeating that "Catholics should consider the exercise of the vote a moral duty," and by directing that "special prayers be offered in all the churches before and during the elections to secure the blessings of Almighty God for our country and people, light and guidance for the voters, and the return of worthy representatives for Parliament and State Legislatures."⁴⁹

Another number of *Social Action*⁵⁰ has an article by A. Nevett, S.J., on the duty of joining a union. Fr. Nevett first sketches advantages of unions: they protect the workers, and make for friendly cooperation between labor and management. He admits that there is a dark side, a story of abuses; but his general judgment is decidedly in favor of unions. As for India in particular, he says that only a very small portion of the workers are organized and that organization is badly needed. Having sketched the general picture, he puts the question: "Must I join my union?" The answer, he says,

is that unless your union is nothing but a tool of a ruthless party out to destroy true liberty and impose a crushing tyranny on all, then you should join your union. Among the reasons for taking this decision are the following: although I myself may get nothing more out of my union in its *present* state than continual annoyance and a feeling of frustration, yet if I, and the many like me who could do something to improve my union, keep out of it, all other members and the labour movement in general suffer from my action. In other words, I must sacrifice my own convenience for the common good of my fellow workers, just as the soldier must be ready to sacrifice his life for his country, and a good doctor or devoted statesman sacrifice their health for a common cause.

The one defect that I would note in Fr. Nevett's article is that in discussing the purposes of unions he confines himself to protection of the workers and cooperation with the management. These, it is true, are im-

⁴⁹ Discussion of principles similar to those enunciated by the Bishops of India, as well as many papal and episcopal statements and other points on suffrage, may be found in *The Moral Obligation of Voting* (Washington, D.C.: Catholic University, 1952), a dissertation by Titus Cranny, S.A. References to other articles, apparently overlooked by Fr. Cranny, are given in *Review for Religious*, XI (Sept., 1952), 265-69.

⁵⁰ II (Sept., 1952), 181-89: "Why Join Your Union?"

portant functions of unions and perhaps it is sufficient to stress them in a country where unionism is not long and firmly established. But in other countries, and particularly in our own, it is time to stress the further purpose of organization: namely, cooperation between the various organized branches of society for the good, not only of the workers and their employers, but of the entire community—in other words, for the common good in the true sense of the expression.⁵¹

William J. Smith, S.J.,⁵² would certainly agree that the ultimate purpose of unions is to promote the common good of the whole society. But on the concrete question of the duty of forming or joining a union, the most definite conclusion that I can draw with certainty from Fr. Smith's article on the subject is that such an obligation exists "when, if and as such an organization is needed for the common good." It is easier to draw a definite conclusion from an article by William A. Durbin.⁵³ Mr. Durbin has apparently noted some individual cases in which he would consider there is no duty to join a union; from these particular instances he argues to the non-existence of a general obligation. If this form of argumentation were applied to all laws, one could legitimately question the universality of almost all affirmative obligations. For example, we might say: in some cases Catholics are excused from attending Sunday Mass, therefore there is no general duty to attend Mass on Sunday; or, in some cases thieves are excused from making restitution, therefore there is no general duty to make restitution; and so forth. Mr. Durbin concludes that the individual worker has to form his own conscience—a very correct observation, because individuals must always form their consciences before their voluntary acts and omissions. But they ought to have clearly-phrased principles to assist them in this important task; and it is hard to find such principles in Mr. Durbin's article.

Those who argue for a general duty to unionize are almost certain to be confronted with the case in which employers and employees, without benefit of union, already enjoy ideal mutual relationships. The employer is just and kindly; the employees are well paid, have many security benefits, and are perfectly content. Why should such men join unions, we are asked. In reply, I would point to the words of Pius XII, when he warned Italian employers against exaggerating the importance of employer-employee relationships

⁵¹ "There remains, also, the problem of how the union in the single plant and throughout a whole industry can be not only a protective organization but one which works together with management for the general welfare of the company, the industry and the country" (Labor Day Statement, 1952, Social Action Depart., NCWC). Cf. *Catholic Mind*, L (Nov., 1952), 703.

⁵² "The Duty to Join a Union," *Social Order*, II (Nov., 1952), 387-91.

⁵³ "The Right Not to Join a Union," *ibid.* (Sept., 1952), 301-5.

and passing over "more or less in silence the chief part of the encyclical *Quadragesimo anno*, which contains the social policy embodying the idea of an occupational, corporative order of the whole economy."⁵⁴ It is not enough for employers and employees to achieve harmony among themselves; they must also unite with other employers and employees towards the organic reconstruction of the entire economic order.

Personally, I have been more than a little surprised at the hesitancy of some Catholic scholars to enunciate an obligation to join and take active part in such professional organizations as unions and employers' associations. It seems to me that this duty is a logical consequence of the papal teaching on the need of organic society. From this papal teaching we know that economic reconstruction is a moral imperative; we know too that this cannot be properly accomplished except through the formation of some kind of organic society. And, though it is true that organic society in itself does not postulate the separate organizations of workers and employers (in fact, the ideal seems to be the uniting of both into one vocational society), nevertheless the one form of organic society that seems to promise success in our country is the industry council plan, of which unions constitute one of the functioning groups. For the proper functioning of industry councils on a national basis we must have extensive membership in unions—something which can be accomplished only if individual workers are made conscious of the necessity of furthering the common good by their own participation in the unions.

It seems to me, therefore, that in view of the necessity of establishing truly representative industry councils, there is a general obligation upon workers to join existing unions or to form new ones, just as it is incumbent upon employers to form or join their own organizations; and there is an obligation upon all to use these organizations as instruments of cooperation for the common good, not as means of perpetuating class conflict. Obviously, the principles of legitimate excusing causes are valid and would apply to some particular cases; but this in no way detracts from the generality of the duty.⁵⁵

I say that more extensive union membership is necessary for the proper functioning of industry councils *on a national level*, because I do not wish to give the impression that nothing can be done until such extensive membership is had. There seems no doubt that we now have sufficient organization

⁵⁴ *Catholic Mind*, L (Sept., 1952), 571.

⁵⁵ The argument outlined here is more completely developed in "The Common Good and the Socioeconomic Order," *Proceedings of the Seventh Annual Convention* [1952], Catholic Theological Society of America.

to make a beginning of the industry council plan; and I should like to include here the suggestion of a friend who is a profound student of the social question and who has had long practical experience in the field of labor-management relations. It is his conviction that the ideal places for beginning industry councils are in the large industries, like steel and coal. I offer this suggestion for the thoughtful consideration of readers.

Some who object to the thesis of obligatory unionism do so because they consider the unions instruments of conflict or because they think of unions in terms of corrupt labor leaders. In this respect it seems that unions and their leaders follow the pattern of everyday life: it is evil, not good, that gets most of the publicity. As Joseph P. Fitzpatrick, S.J., points out in the *New York Times*, labor unions are not only *de jure* but also, in the majority of cases, *de facto* instruments of cooperation.⁵⁶ And as the *Mediator* says in an editorial: "The majority of labor leaders are honest, overworked, often underpaid men. And, by-and-large, they are making an important contribution to the common good."⁵⁷

Can racial discrimination in industry be abolished without legislation regarding fair employment practices? The Most Reverend Francis J. Haas would answer in the negative.⁵⁸ He believes—and he is certainly not alone in this conviction—that both education and legislation are necessary. Of those who want all progress to be on a voluntary and educative basis, he says: "The sad fact is that apparently such persons do not want to abolish discrimination at all, and that is why they would put off doing anything, let us say, until the year 1982 or 2022."⁵⁹

Welfare projects often present difficult moral problems. Another bishop, the Most Reverend Cornelius Lucey,⁶⁰ makes a careful analysis of one of these problems, the means test, which he defines as "a test or examination, carried out by public authority, of the means, property, or income an individual and his family are possessed of here and now; the standard of which varies upwards from the subsistence level; and the purpose of which is to find out who qualify for free social services on the score of inability to pay." Bishop Lucey's conclusion, stripped of all qualifications, is that, though such tests are not desirable in themselves, they are a necessary evil to be tolerated in order to prevent the undeserving from benefiting equally with the de-

⁵⁶ Cf. "Union-Employer Relations," *Catholic Mind*, L (Jan., 1952), 19-20.

⁵⁷ *Ibid.*, XLIX (Nov., 1951), 771.

⁵⁸ "Rights for Negroes in Industry," *Interracial Review*, XXV (July, 1952), 102-4.

⁵⁹ For other references on race relations, see *Review for Religious*, XI (Nov., 1952), 296-300.

⁶⁰ "The Moral Aspect of Means Tests," *Irish Theological Quarterly*, XIX (July, 1952), 205-22.

serving. This is merely his essential conclusion. His entire article is to be highly recommended because of the illuminating manner in which it discusses the various aspects of welfare for citizens.

Can a crusading war against Communism be morally justified? Leone Babbini, O.F.M.,⁶¹ answers in the negative, first, because of the terrible consequences of modern warfare, and secondly, because there are other ways of fighting Communism. Other problems of war are discussed by J. M. Granero, S.J.⁶² For instance, Fr. Granero believes a "preventive" war is justifiable when it is certain that the enemy is preparing to attack; he thinks that modern conditions, which point to intimate union between nations and even to the necessity of some kind of super-state, justify a war of liberation; and he considers that the use of atomic, toxic, or bacteriological weapons can be justified only as a defense against an enemy who employs them first—otherwise, he says, there is no proportionate reason for the destructive effects of such weapons.

The first international Catholic congress on problems of rural life met at Castel Gandolfo, June 25 to July 1, 1951. The conclusions of the congress are published in a small brochure entitled *Christianity and the Land*.⁶³ It would be impossible for me to summarize the conclusions because they are themselves merely summaries. Nevertheless, since many of them concern important moral problems in the sphere of social reconstruction, I wish at least to call attention to the existence of the brochure.

SEX AND MARRIAGE

Mark Brocklehurst, O.P.,⁶⁴ wisely observes that, though the world at large often listens respectfully and approvingly to the pronouncements of the Church, "one of the great exceptions, perhaps the greatest, is in everything connected with sexual morality and human reproduction." One reason, no doubt, for this non-acceptance of Catholic sex teaching is failure (which in some instances seems little less than intentional) to understand it. Thus, to Seward Hiltner the Catholic approach to family morality is "legalistic,"⁶⁵

⁶¹ "Intorno alla liceità della guerra," *Palestra del clero*, XXX (Nov. 15, 1951), 1181-83.

⁶² "Sobre la moralidad de las guerras modernas," *Razón y fe*, CXLV (Apr., 1952), 341-60.

⁶³ The brochure is published by the National Catholic Rural Life Conference, 3801 Grand Ave., Des Moines 12, Iowa.

⁶⁴ "Human Reproduction," *Blackfriars*, XXXIII (July-Aug., 1952), 293-99.

⁶⁵ "The Protestant Approach to the Family," *Pastoral Psychology*, May, 1952, pp. 25-32. The first part of this article, which outlines the "common denominator" of Christian family teaching, is well done. When he contrasts the distinctive Protestant and Catholic attitudes, the author gets noticeably off-key.

and clerical celibacy is primarily "a strategic and political attempt to enhance the power of the Roman Church."⁶⁶ Robert H. Bonthius⁶⁷ finds our teaching on virginity to be a symbol of our negative attitude toward sexuality; and the same writer says without any qualification that we teach that "conjugal intercourse is only for the purpose of procreation" and "sex education of children and youth is undesirable."

Perhaps some of this misunderstanding is to be attributed to our own failure to state our teachings clearly. For instance, Fr. Brocklehurst himself writes:

The Church does not say that divorce is wrong. The Church says that divorce is impossible. It is not that the marriage vows are of such a nature that they should not be broken; they *cannot* be broken. And this arises, not because the man and the woman are human persons solemnly pledged to love one another, but because they are male and female dedicated to the purposes of the universe. For sexual reproduction to be human it must be the function of a unity and identity that already exist.

A Catholic scholar might interpret these words in such a way that they square with canons 1119-26. But what is to be said of the sincere Protestant who has heard of some of the cases covered by these canons? Can one reasonably expect that he will not be confused by reading a statement such as Fr. Brocklehurst's? To him this might well be simply a confirmation of a charge he has often heard: that the Church teaches one thing and practises another.

Ignorance of philosophical principles is another reason—and a very fundamental one—for the lack of appreciation of the Catholic teaching on sex. This is especially noticeable in the vast amount of quasi-scientific and "pastoral" literature that is published for the benefit of college students and young married couples. It is commonplace, for example, to judge masturbation, as does Lester W. Dearborn,⁶⁸ only in terms of its effects. The only evil effect of the practice, says Mr. Dearborn, is that it causes a "sense of guilt" in some people. The simple remedy for this problem is to explain to these people that there is nothing wrong with masturbation; then their "sense of guilt" will be prevented and masturbation will have no evil effects.

It is appalling to note that Mr. Dearborn's lucubrations are published in a magazine which should have great influence in the sphere of sexual and

⁶⁶ "Sex—Sin or Salvation?", *ibid.*, Sept., 1952, pp. 27-33; see p. 29.

⁶⁷ "Christian Self-Acceptance," *ibid.*, pp. 65-72; see p. 70.

⁶⁸ "The Problem of Masturbation," *Marriage and Family Living*, XIV (Feb., 1952), 46-55. This periodical, a quarterly, is the journal of the National Council on Family Relations.

family morality. The same magazine contains a report of a recent panel discussion of premarital sex relations.⁶⁹ The professed purpose of the discussion was to get at the facts, that is, to determine what is actually done; but invariably the question of a moral code had to be faced. Of the six members of the panel—all influential “marriage counselors”—only one seems to have had a conviction that there must be a code, something deeper than the conduct itself; but he had not the grasp of philosophical principles needed for expressing his conviction. The only light came from the audience, from a person designated in the report as “*Indian gentleman* (name not obtained).” This gentleman said:

Is the sexual act an act for its own sake, or is it a means of the preservation of the race? The problem is fundamental. If we have the means allocating to itself the role of the end, we get into a confusion. In this, we get into confusion because we have not defined the relationship between means and end. If the family structure seems to preserve the social continuity, etc., then that is a value that must be preserved. On the basis of that value, eating, drinking, sex relations—all other things that satisfy biological urges—must be considered as means. Now our amoralists are trying to say that these things are values in themselves rather than that they are means. The point is that when we say that this is a biological need and that therefore we must satisfy it, it is nonsense.

Despite the fact that the chairman tried to terminate his comments, the gentleman would not stop till he had said a word about statisticians. “Our statisticians give us the curve of ‘normal’ distribution. Sixty per cent of our young women have violated their virginity! It is ‘normal’! Our confusion is that the statistical norm is considered the ethical norm, the desirable norm. Until our statisticians get rid of the word ‘norm,’ I think we will always have these confusions.” Whether or not we agree with the gentleman in blaming the statisticians, we can rejoice that he introduced into the discussion the sound principle of means-and-end; and we might take some consolation from the reporter’s note that his remarks were greeted with applause from the audience.

Typical of the theologian’s consideration of sex morality is a series of five articles on the nature and gravity of sins of lust, by V. Vangheluwe.⁷⁰

⁶⁹ “Premarital Sex Relations: The Facts and the Counselor’s Role in Relation to the Facts,” *ibid.* (Aug., 1952), 229–38.

⁷⁰ The articles appeared in successive numbers of *Collationes Brugenses* from Nov.–Dec., 1951, to July–Aug., 1952: XLVII, 417–25; XLVIII, 36–44, 108–15, 186–92, 263–68. In sequence the titles are: “De intrinseca et gravi malitia luxuria perfectae,” “De intrinseca et gravi malitia luxuria imperfectae,” “De intrinseca et gravi malitia pollutionis,” “De gravitate luxuria in causa voluntariae,” and “De luxuria interna.” Only in the last article does the author’s usual clarity seem somewhat lacking. At any rate, I am not sure I have grasped his thought, especially as regards his division of sins of desire.

In general, these articles are marked by qualities that we have come to take for granted in the writings of Fr. Vangheluwe: clarity, profundity, and completeness without the needless sacrifice of brevity. The arguments from Scripture, the magisterium, and reason are all presented; and in the sphere of reason the author properly stresses the role of finality.

In a former survey I referred to Fr. Babbini's opinion favoring a twofold genital pleasure: sensual, which is attached to the erectile processes; and venereal, which is attached to the ejaculatory processes.⁷¹ As I mentioned at that time, a similar theory had been proposed by Alberti and Antonelli. Fra T. A. Zippari Garola, O.P. (a physician and surgeon), discusses Fr. Babbini's view and, by means of a lengthy exposition of anatomy and physiology, shows that the theory is without scientific foundation.⁷² The erectile and ejaculatory processes form a natural unity, says Fra Garola; they are directed to the same end, respond to the same stimuli, and are accompanied by specifically the same pleasure. The difference between initial pleasure and culmination is one of degree, not of kind.⁷³

Previous to Pius XII's Allocution on conjugal morality, theologians were agreed that family limitation through the practice of rhythm, by mutual consent, for proportionate reasons, and with due safeguards against dangers, would be licit. They also agreed that the practice without a good reason would involve some degree of moral fault. These points were explicitly confirmed by the Holy Father. Theologians also held that the fault could be mortal by reason of injustice or the grave danger of incontinence, divorce, or serious family discord. Pius XII did not explicitly touch these aspects of the matter; but, had he done so, he would undoubtedly have confirmed the common view of theologians because it is simply an expression of principles that apply throughout moral theology.

Theologians were naturally eager to examine the Allocution to see whether the Pope taught more than the least common denominator of common opinion, as expressed in the preceding paragraph. I have collected a number of theological comments on the Allocution and I should like to present them very briefly, with an eye to these four questions: (1) Did the Pope teach that married people who use their right to *coitus* have a duty to procreate? (2) If they have such a duty, is it binding under pain of mortal sin? (3) If the duty is a serious one, how is a grave violation to be estimated? (4) Does this duty, if it exists, admit of a more or less definite limit, even independently of "excusing" causes?

⁷¹ THEOLOGICAL STUDIES, XII (1951), 73-74.

⁷² "La valutazione morale degli atti di impudicizia," *Perfice munus*, XXVI (Nov. 15, 1951), 201-16.

⁷³ See also THEOLOGICAL STUDIES, I (1940), 117-29.

Fr. Hürth answers the first two questions in the affirmative.⁷⁴ He suggests no norm for determining when the sin is mortal, and he makes no attempt to determine limits to the duty, apart from excusing causes. Fr. McCarthy's⁷⁵ answer to the first two questions is also affirmative. In his opinion, the one clear case of a serious violation of this duty would be had when husband and wife *frequently* use their rights, while at the same time unjustifiably practising rhythm to the exclusion of all children. For those who already have one or two children the norm for grave sin would be the proximate danger of such things as incontinence or injustice. Fr. McCarthy touches my last question only under the aspect of "gravity," and of this he says: "It cannot be held that spouses are gravely bound to intend to have, or to try to have, any definite number of children, or even to have all the children reasonably possible in their circumstances."

Fr. Babbini⁷⁶ and Saturnino Pani⁷⁷ discuss only the problem of mortal sin and do not formally touch the other questions. Fr. Babbini thinks there is still much to be said for the Vermeersch opinion,⁷⁸ though he is willing to concede that, in view of the Allocution, the unjustifiable use of rhythm to exclude *all* children is *probably* a serious sin. He insists, however, that this would not apply to those who have already made some slight contribution to the conservation of the race. Fr. Pani first points out that the Pope himself merely spoke of sin and avoided any explicit mention of mortal or venial sin; nevertheless, he thinks there is little doubt that the Holy Father meant mortal sin when he spoke of the perpetual practice of rhythm without a serious reason. If not perpetual, says Fr. Pani, it would not be seriously sinful.

A discussion in the *Clergy Review* includes E. J. Mahoney,⁷⁹ A. Bonnar, O.F.M.,⁸⁰ and J. Diamond, S.J.,⁸¹ as participants. Fr. Diamond holds that

⁷⁴ *Periodica*, XL (Oct.-Dec., 1951), 413-22.

⁷⁵ "Instruction on the Sterile Period—Morality of Exclusive Use of this Period," *Irish Ecclesiastical Record*, LXXVII (June, 1952), 441-45.

⁷⁶ "La moralità della continenza periodica nel discorso del Papa alle ostetriche," *Palestra del clero*, XXXI (Mar. 15, 1952), 241-44.

⁷⁷ "Le più gravi questioni matrimoniali nella recente parola del Sommo Pontefice," *ibid.*, XXX (Dec. 15, 1951), 1151-55.

⁷⁸ Cf. Vermeersch, *Theologia moralis*, IV (1933), n. 61: "Neque usus vetatur diebus quibus modica vel nulla spes sit fecunditatis. Immo qui, ex mutuo consensu usum istis diebus reservent, non ex obiecto sed tantum ex fine improbando (venialiter) peccarint. Mirati sumus esse non nullos, potissimum in Neerlandia et Anglia, qui coniugibus obligationem positivam adesse putent prolem generandi."

⁷⁹ "Papal Teaching on the Infertile Period," *Clergy Review*, XXXVII (Apr., 1952), 235-37.

⁸⁰ *Ibid.* (May, Aug., and Oct., 1952), 316-18, 510-11, 638-39.

⁸¹ *Ibid.* (Aug., 1952), 511-12.

married people do have a duty to use marriage fruitfully, and he thinks that the Pope's words leave no doubt that this is a serious duty, and that at least one example of a serious infraction would be "the extreme case to which the Holy Father specifically refers, namely the exclusive use of the sterile period for the whole duration of the marriage without any justifying reason." It is not possible for me to align the remarks of Canon Mahoney and Fr. Bonnar with my questions, but, on the matter of mortal sin, I believe I am reporting them correctly when I say that neither acknowledges any certain source of mortal sin in the practice of rhythm independently of injustice or some special circumstance such as danger of incontinence or discord.

In the United States, Joseph W. Buckley, S.M.,⁸² Francis J. Connell, C.S.S.R.,⁸³ and Edgar Schmiedeler, O.S.B.,⁸⁴ all agree that the Pope taught the existence of a duty to procreate. Fr. Connell and Fr. Schmiedeler say that this is a serious duty, and that there would be mortal sin in the unjustifiable practice of rhythm for "more than five years" (Fr. Connell) or "five or six years" (Fr. Schmiedeler). Since Fr. Buckley's purpose in writing was positive, he does not explicitly discuss the problem of mortal sin. Regarding the size of the family, he cites E. C. Messenger's opinion that parents should try to have four children, but it is not clear whether he approves this as a norm of duty. The ideal, he says, "is that parents have as many children as they can reasonably afford a decent opportunity to get to heaven." Fr. Schmiedeler mentions nothing about the size of the family; nor does Fr. Connell in his first article, but his objections to my suggestion indicate that he considers the procreative duty to be limited only by the excusing causes.

In my own writings since the Allocution I have held that the Pope clearly taught the existence of a duty to procreate and that his words can hardly be interpreted as meaning less than a grave obligation. I have admitted that the method of estimating a grave violation of this duty is not clear and have contended that, in view of the Pope's manner of speaking, a serious violation of the duty could be attributed, at the most, only to those who unjustifiably practise rhythm to avoid all children or to limit their families to one or two children. This was merely a tentative estimate which I am willing to change. I have also suggested that, as regards child-bearing, there ought to be some distinction between duty and supererogation.

⁸² *Catholic Action of the South*, Nov. 15, 1951, p. 12.

⁸³ *American Ecclesiastical Review*, CXXVI (Jan., 1952), 64-67; CXXVII (Aug., 1952), 136-41.

⁸⁴ *Southern Cross*, Mar. 6, 1952, p. 10; also *Register*, Mar. 6, 1952, p. 5.

With this in mind, I proposed that the duty itself, independently of excusing causes, might be limited to four or five children—a number that would allow for both the conservation and a moderate increase of the population.⁸⁵

The preceding survey is very likely far from adequate, but it seems sufficiently extensive to be typical of the present status of theological opinion regarding rhythm. It is deplorable, no doubt, that there is so much disagreement over the question of mortal sin; but this can be remedied by further discussion. In the meantime, the fact that such disagreement exists should prompt both theologians and confessors to be very cautious about enunciating rigid practical rules. The dictum, “non est imponenda obligatio nisi certo constet,” applies just as much to the gravity of an obligation as to its existence.

The fourth section of the Allocution on conjugal morality begins with a restatement of the Church's teaching on the ends of marriage—a familiar topic to all who have followed theological literature of the last decade, especially with reference to theories concerning the interrelationship of the ends of marriage. Articles by William Conway⁸⁶ and E. P. Ennis, S.J.,⁸⁷ present good surveys of this background.

The Pope's concluding remarks, which concern the “safeguarding of human dignity in the use of the generative instinct,” contain perhaps the strongest expressions in the Allocution—expressions directed against “anti-Christian hedonism.” Little more than a month previously, he had used equally strong terms to excoriate writers who propagate this hedonism, the essential characteristic of which is that it makes, or tends to make, sexual

⁸⁵ Cf. THEOLOGICAL STUDIES, XIII (Mar., 1952), 82–83; *America*, May 3, 1952, pp. 128–30; *Linacre Quarterly*, XIX (May and Nov., 1952), 39–43, 111–15. In general, theologians' reception of the suggestion of a limited duty has been favorable, as those who attended the 1952 meeting of the Catholic Theological Society of America will recall. Some objections raised by Fr. Connell are considered in the November *Linacre Quarterly*. I had intended to discuss some of the fine points here, but it seems to me that enough has been said about rhythm.

⁸⁶ “The Recent Papal Allocution: The Ends of Marriage,” *Irish Theological Quarterly*, XIX (Jan., 1952), 75–80. Fr. Conway refers to Louis Lochet, “Les fins du mariage,” *Nouvelle revue théologique*, LXXIII (1951), 449–65, 561–86. Fr. Lochet thinks that the decree of 1944 was not intended to stop discussion of the ends of marriage, but only to keep such discussion in the right channel. He believes it is in keeping with the decree to say that marriage as a *society* has as its primary end the procreation and education of children, but as a *community* of persons its chief end is union of hearts. Fr. Conway does not commit himself on this theory. A good summary of Fr. Lochet's articles is in *Theology Digest*, I (Winter, 1953). *Theology Digest* is a new publication, edited by Jesuits at St. Mary's College, St. Marys, Kansas. It aims to make present-day theological thought more readily available to interested priests, religious, seminarians, and laity.

⁸⁷ “The Ends of Marriage,” *Clergy Review*, XXXVII (May, 1952), 270–81.

pleasure an end in itself.⁸⁸ Noting this characteristic, the theologian immediately recalls the proposition, "opus coniugii ob solam voluptatem exercitum omni penitus caret culpa ac defectu veniali," condemned almost three centuries ago by Innocent XI.⁸⁹ Pius XII repeats the condemnation, with emphasis.

How is this hedonism manifested? By any conduct which inverts the law that enjoyment is subordinate to action. The Holy Father insists on this. Pleasure-seeking is legitimate in marital relations, but only in so far as it preserves the inherent purposes, or values, of the conjugal act itself. These purposes have already been outlined in the Allocution. The conjugal act is primarily procreative; but it is also an expression of love, a safeguard of chastity, and a debt of justice. Pleasure-seeking which preserves all these values, as well as their natural interdependence, is not rightly called hedonism; but there is hedonism when, through pleasure-seeking, the spouses either frustrate or endanger any of these purposes or invert their natural order of importance.

The Pope had previously mentioned two practices that would involve, each in its own way, this ill-regulated pleasure-seeking: contraception and the unjustifiable practice of rhythm. Applying the basic principle he enunciated, we could add such things as these: the use, by either spouse, of a method of stimulation offensive to the other; the making of unreasonable demands as regards frequency; and the unjustifiable risking of solitary orgasm. Practices like these could exemplify the statement that, "though an act may be licit in substance, it is possible to sin in the manner of performing it."

These few suggestions are not offered as an adequate interpretation of the papal condemnation of hedonism. I frankly admit that, as I read the various strong remarks of this concluding part of the Allocution, I am not always sure just what procedure is being condemned. However, it now seems clear enough that the denunciation includes *coitus reservatus*.⁹⁰ Well-intentioned Catholic writers had proposed this practice as the perfection of the "art of love," and as the best means of family limitation. They had judged

⁸⁸ AAS, XLIII (1951), 730-34; cf. especially p. 733. (Allocution "ad patresfamilias e Gallia," Sept. 18, 1951.)

⁸⁹ DB, n. 1159.

⁹⁰ Cf. the *monitum* given by the Holy Office, June 30, 1952: AAS, XLIV (Aug. 4, 1952), 546. It is important to note that by *coitus reservatus* theologians generally mean incomplete *copula*, without orgasm of either party. In medical and psychological literature, on the other hand, the expression usually means merely that the male orgasm is restrained. It seems that in some recent Catholic writings this distinction was not made clear. In my text I am using the expression in the first sense.

it, moreover, to be licit, without qualification; and their writings had given scandal. This was a repetition, *mutatis mutandis*, of the story of *copula dimidiata*.

It is one thing to say, without qualification, that *coitus reservatus* is licit; another thing to say it is intrinsically evil. Reputable theologians readily see in it the possibility of sinful circumstances, e.g., the danger of solitary orgasm, of a "birth-control" mentality, of a perversion of marital values; consequently, they would judge the practice sinless only in concrete cases (which they consider to be very rare) in which such dangers would be sufficiently removed. Hyacinth-M. Hering, O.P.,⁹¹ does not limit his condemnation to circumstances. He holds that *coitus reservatus*, even without danger of orgasm, is intrinsically evil, and gravely so.

A complete review of Fr. Hering's arguments is not possible here. However, I believe they are all reducible to this: *coitus reservatus* is not an *actus per se aptus ad generationem*; therefore, it is not a natural sex act, and it cannot serve any of the purposes of the conjugal relationship. According to Fr. Hering, an incomplete venereal act can serve these purposes only when it is intended as an actual preliminary to the complete act. It is precisely on this point that he is receiving and will receive strong criticism. Theologians who hold no brief for the practice of *coitus reservatus* (because of its dangers and disadvantages) rightly contend that an incomplete venereal act can serve the purposes of marriage by fostering love and preserving mutual sex attraction. It is true that it is not proximately and actually procreative; but, by preserving mutual sex attraction, it remotely and habitually serves the procreative purpose.⁹²

Fr. Hering's position may be clearer if we consider his attitude towards conjugal intimacies. Apparently he recognizes as legitimate manifestations of affection, apart from intercourse, only the kisses and embraces that would be styled *honesta* even outside marriage. As for very intimate fondling,⁹³ he thinks this is not required to manifest love—in fact, that it is not in itself a manifestation of conjugal love—and it is permissible only as a preparation for actual intercourse. This attitude takes no account of the realities of conjugal life, as sanctioned by a centuries-old Christian conscience. The very fact that our tradition permits and even encourages married people

⁹¹ "De 'amplexu reservato,'" *Angelicum*, XXVIII (Oct.–Dec., 1951), 313–45.

⁹² For an excellent analysis of an incomplete venereal act, as well as for an illuminating explanation of the meaning and background of the *monitum*, see *Periodica*, XLI (Dec., 1952), 251–69.

⁹³ Fr. Hering speaks of only two classes of preliminary acts: "oscula et amplexus honesti," and "tactus verendorum." I refer to the latter classification when I say, "very intimate fondling."

to sleep together seems to be a devastating refutation of Fr. Hering's position. Sleeping together is itself an act of intimacy completely outside the sphere of extra-marital manifestations of affection. It expresses a mutual union and possession that is characteristic of marriage, and it undoubtedly supposes a right to further intimacy even on occasions when there is no intention of *coitus*.

Of the many possible items on the juridical aspect of marriage, there is space for mentioning only a few that seem to be of special interest. The background to the first is the reply of the Holy Office, given in 1937, concerning the application of canon 1127 to the case of doubtful baptisms.⁹⁴ When both parties in a marriage are doubtfully baptized, said the reply, nothing can be done; when one party is certainly unbaptized and the other doubtfully baptized, each case must be referred to the Holy Office. The first of these decisions caused no surprise, but the second made inapplicable the opinion of eminent canonists to the effect that the bishops themselves could follow canon 1127 in the case described. No doubt, many bishops have hoped for a mitigation of this second decision. Recently, however, when the Bishops of India requested the favor of being allowed to use the canon, at least in urgent cases, if a doubt concerned a single baptism, their request was refused and the former answer was repeated: *recurrendum est in singulis casibus*.⁹⁵

Fr. Paul V. Harrington, and Joseph B. Doyle, M.D., present an excellent, intelligible statement of the procedure to be followed in *ratum, non consummatum* cases.⁹⁶ The article first explains the doctrinal basis for the papal power, then discusses the various requirements for the court trial and for the physical inspection by doctors. Premarital double vasectomy, according to the authors, appears to be a clear basis for non-consummation, provided it has lasted "throughout the entire duration of the marriage." The statement has two interesting implications: first, that the vasectomized man is impotent;⁹⁷ secondly, that the condition is probably (or certainly?) remediable, and not, therefore, a basis for the impediment of impotence.

Some years ago the Rota declared a marriage null by reason of defective consent when it was proved that the woman had married with the intention

⁹⁴ *AAS*, XXIX (1937), 305.

⁹⁵ Cf. J. Sanders, S.J., "Beyond the Pauline Privilege," *Clergy Monthly*, XVI (July, 1952), 206-18; see pp. 206-7.

⁹⁶ "Indications and Proof of Non-Consummation," *Linacre Quarterly*, XIX (Aug., 1952), 61-76.

⁹⁷ For the opposing view, see, e.g., *THEOLOGICAL STUDIES*, XI (1950), 71; XIII (1952), 77-78. See also the historical study by Fr. McCarthy, "The Traditional Concept of the Impediment of Impotence," *Irish Theological Quarterly*, XIX (July, 1952), 223-33.

of always frustrating conception by the use of such things as an occlusive pessary and destructive chemicals.⁹⁸ The marriage contract, said the Rota, includes not only the right to *copula perfecta* (which the proposed contraceptive acts did not certainly exclude) but also the right to acts "qui ex natura sua corpus mulieris subjiciant oneri praegnationis, gestationis, partus." When the Rota was criticised for not distinguishing between a *jus ad prolem* and the *jus ad actus per se aptos ad generationem*, Fr. Hürth came to its defense by insisting that the marriage contract includes, besides the positive right to *coitus*, a right to the omission of acts that would frustrate the natural effects of *coitus*. In a good review of this case, Fr. Conway,⁹⁹ while admitting the question is controversial, disagrees with Fr. Hürth. Fr. Conway strongly inclines to the view that, according to canon 1081, §2, the substance of the marriage contract is the (exclusive and perpetual) right to normal *coitus*, and nothing more. He admits that husbands and wives have other mutual rights, but he thinks these rather flow from the contract than constitute it. In other words, granted the contract, these other rights are *ipso facto* acquired from the natural law.

VARIOUS PRECEPTS

May non-Catholic pupils sing with the Catholic children at Mass and Benediction in the parish church? The Code does not formulate any general principles regarding participation of non-Catholics at Catholic worship, but it does cover some particular cases and there have been some pertinent particular replies of the Holy See. Having surveyed a number of the replies, Fr. McCarthy¹⁰⁰ concludes that these cases are to be judged according to the same principle that governs the material, or passive, assistance of Catholics at non-Catholic services, namely, participation by non-Catholics may be tolerated for sufficiently grave reasons and provided there is no danger of scandal or perversion. This agrees with what has been written by Ignatius Szal in his dissertation, *The Communication of Catholics with Schismatics*.¹⁰¹ Fr. Szal, however, emphasizes the point that the worship of the faithful is a sign of their unity; hence, participation of non-Catholics in our services must never be such as to "signify that a unity and agreement in religious profession" exists between Catholics and non-Catholics.

The old problem of counseling the lesser evil has a way of reappearing

⁹⁸ Cf. THEOLOGICAL STUDIES, XII (1951), 86-87.

⁹⁹ "Marriage with Intention of Preventing Conception," *Irish Ecclesiastical Record*, LXXVII (Jan., 1952), 46-48.

¹⁰⁰ "Participation of non-Catholic in Catholic Ceremonies," *ibid.*, LXXVI (Nov., 1951), 414-16.

¹⁰¹ Pp. 150-51.

in various guises. For example, Giuseppe Rossino is asked whether a confessor might recommend sterilization to an inveterate onanist who already has a large family, because the single act of sterilization would be a lesser evil than the continued practice of contraception.¹⁰² Canon Rossino concedes that, as regards the *number* of sins, the sterilization might be the lesser evil. Nevertheless, it would involve a specifically different sin (against the Fifth Commandment), and it would virtually include in itself all the acts of intercourse which it is intended to frustrate. Moreover, even if it were in itself the lesser evil—a supposition the Canon does not concede—it would not necessarily follow that a confessor might recommend it. The scandal occasioned by the confessor's recommendation could readily be a greater evil than what he is trying to prevent. In confirmation of his solution that the principle of counseling the lesser evil could not be applied, Canon Rossino cites the replies of the Holy Office regarding *copula dimidiata*. This analogy seems to be partially pertinent, because one reason for the replies of the Holy Office was the fact that the recommending of *copula dimidiata* by confessors was giving great scandal. But it seems that these priests also considered *copula dimidiata* to be licit, without qualification, and that they were recommending it to both confirmed and potential onanists.¹⁰³

Is religious profession in a schismatic or Protestant community valid? Msgr. James Carroll¹⁰⁴ and Clement Pujol, S.J.,¹⁰⁵ both answer in the negative, the reason being lack of jurisdiction in the superiors. According to Msgr. Carroll, however, the vows would be valid as private vows, and a convert from Anglicanism would need a dispensation from the vow of chastity before he could licitly marry. Fr. Pujol distinguishes between the present jurisprudence of the Church and that which formerly prevailed. Formerly, he says, it was presumed that the vow of chastity was intended to be binding, even though the religious profession was invalid; but this is no longer the case.¹⁰⁶ Fr. Pujol would say, therefore, that today invalid profession means invalid vows, not excluding the vow of chastity. This strikes me as the only reasonable solution. It seems to me that one takes

¹⁰² *Perfice munus*, XXVI (Nov. 1, 1951), 511-12.

¹⁰³ Most textbooks give only the *dubia* sent to the Holy Office by the Bishops of Holland. The expository part of their letter, which is both interesting and illuminating, is in *Periodica*, XII (1923), 33-36.

¹⁰⁴ "Marriage of Former Anglican Religious," *Australasian Catholic Record*, XXIX (Jan., 1952), 55-56.

¹⁰⁵ "De valore professionis monasticae orientalium dissidentium," *Periodica*, XLI (Jun.-Sept., 1952), 130-49.

¹⁰⁶ Cf. *ibid.*, XIV (1925), pp. (4)-(5).

vows in religion precisely because of the helps and safeguards and other spiritual advantages provided by the religious life. This would logically mean, I think, that the validity of the vows would be implicitly conditioned on the validity of the profession.

Students of the papal encyclicals have their doubts and their debates about the meaning of co-education. This yearly survey would be particularly incomplete if it did not include at least a part of the statement on co-education recently made by the Most Reverend Edwin V. O'Hara. "As I have read the Papal Encyclicals," he said, "I find the objection to co-education to be that it gives the same education to boys as to girls—not to the fact that they are educated in day schools under the same roof. After all, boys and girls are reared under the same roof in Christian homes—and our day schools are only an extension of our Catholic homes."¹⁰⁷

Previous surveys have recorded some strong moral objections to professional prize fighting.¹⁰⁸ Convinced that, despite such criticisms, the sport will continue, Ewald W. Busse, M.D., decided that the physicians' task is to provide some kind of protective measures for the participants. Accordingly, he made a recommendation to the state athletic commission of Colorado, and the commission acted upon the recommendation by setting up the following regulations: "1. A professional boxer must have an electroencephalogram at least once a year. 2. In the case of a 'knockout,' an electroencephalogram must be done within two weeks of the injury. 3. Frequent, repeated examinations could be done in the case of a boxer with suspicious recording."

-Dr. Busse and Albert J. Silverman, M.D.,¹⁰⁹ explain the background of these regulations and give the results of the first year of their enforcement. Of special interest is their account of one boxer who was first temporarily suspended because of suspicious recordings, and finally permanently suspended from boxing for his own good. Those of us who object to prize fighting on moral grounds would be willing enough to congratulate the doctors on doing something towards diminishing the evil; but we would hardly settle on such preventive measures as being a final solution.

"We are inclined therefore to accept the suggestions of Father Arendt . . . that absolute grave matter would be the weekly income of the mass of workers who are skilled at their occupation, but require no great intellectual

¹⁰⁷ *American Ecclesiastical Review*, CXXVII (July, 1952), 7.

¹⁰⁸ THEOLOGICAL STUDIES, XII (1951), 75-78; XIII (1952), 86-87; see especially Eugene Hillman, C.S.Sp., "The Morality of Boxing," *ibid.*, XII (1951), 301-19.

¹⁰⁹ "Electroencephalographic Changes in Professional Boxers," *Journal of the American Medical Association*, CXLIX (Aug. 23, 1952), 1522-25.

education to follow their pursuits. This amount is something over and above the basic wage fixed by the competent authority—say about £12 Australian currency.” With these words Msgr. James Madden¹¹⁰ joins the many moralists who in recent years have come to favor Fr. Arendt’s norm for the absolutely grave sum.¹¹¹ Msgr. Madden’s discussion of both relative and absolute gravity is remarkably clear and practical.

Suppose that while in Kansas City you bought something produced in Kansas City, yet you were forced to pay the same price as if it had been shipped from Chicago—would you feel cheated? Most, if not all, of us would say yes. This almost instinctive judgment is approved by Raymond C. Jancauskas, S.J.,¹¹² in his moral appraisal of basing-point pricing, which, in its simplest form, means that all products of a given nature are priced to all buyers in all markets as if they originated at a single shipping point. Thus, in the example just given, Chicago would be the basing-point for the product, and all buyers in all places would have to pay for it as if it came from Chicago. Fr. Jancauskas brands this as a violation of commutative justice because the individual buyer must often pay for freight when there was none (phantom freight) or for a more expensive type of freight (e.g., railway shipping) than the buyer himself could have arranged if he were allowed to do so. Moreover, by artificially restricting markets, the system involves an injustice to the community. Finally, a third possible injustice is the charging of exorbitant prices—a circumstance which, according to Fr. Jancauskas, can easily arise under artificial pricing systems.

Msgr. Donato Venditti¹¹³ answers the always intriguing question about copying in examinations by distinguishing three cases. In itself, he says, the copying is the equivalent of telling a lie; and under this aspect it is a venial sin. But, if the copying takes place in a competitive examination and is a means of depriving a rightful winner of a prize, it is unjust and may easily be serious. There is also injustice when the copying is a means of obtaining a certificate or diploma which allows the examinee to practice a profession for which he is actually not qualified. Fr. Ford pointed out some years ago that in this last case the actual injustice is committed when the unqualified professional man begins to practice.¹¹⁴ Msgr. Venditti would hardly deny this, because he says that the rights violated in the case are those of the clients who will come for professional help. I can add nothing

¹¹⁰ “Grave Sin of Theft,” *Australasian Catholic Record*, XXIX (July, 1952), 237–41.

¹¹¹ Cf. THEOLOGICAL STUDIES, VIII (1947), 115; X (1949), 92; XI (1950), 51.

¹¹² “The Morality of Basing-Point Pricing,” *Thomist*, XV (July, 1952), 349–73.

¹¹³ *Perfice munus*, XXVI (Sept. 1, 1951), 411–12.

¹¹⁴ THEOLOGICAL STUDIES, II (1941), 252–56.

to these solutions except to voice a sort of confused notion that even in obtaining certain diplomas by cheating a man gets a title to honor which does not really belong to him. Is there something wrong with this besides the mere telling of a lie?

A. Bride¹¹⁵ insists that, when a deceased infant is certainly unbaptized, the law excluding him from Christian burial must be observed, but in a kindly manner. He would allow the priest to say some prayers at the home and to bless the little casket, since blessings are legitimately given even to purely material things. He thinks, too, that the priest may assist, without sacred vestments, at the burial in unblessed ground. And of course he admits that exclusion from the privilege of Christian burial applies only to the certainly unbaptized; those who are probably baptized are not to be denied the privilege.

There was a time when theology had its *tortores infantium* who gave the babies at least a touch of the positive pain of hell; also a time when the burial of an unbaptized infant in a consecrated cemetery, even with its mother, would violate the cemetery. The day of the *tortores* is long since gone, and the canonical attitude has considerably softened. Thus, it is now conceded that the burial of an unbaptized infant in a consecrated cemetery does not violate the cemetery. Also, as Bouscaren-Ellis note: "An unborn and unbaptized fetus of a Catholic mother may be buried with the mother, and even an infant already born of a Catholic mother, if he dies with her, may probably be treated in the same way although he did not receive baptism."¹¹⁶ Aside from these cases, however, no exception is made for the unbaptized infant. Charles A. Kerin offers the following explanation of the apparent severity of the law:

Possibly the main reason for not granting Christian burial to unbaptized children is that it is of no avail to them. Canestri states that the prayers and rites of Christian burial are, by their nature, meant to assist the soul in purgatory; thus the ceremony is fruitless when performed over those who will not go there in any event. Further, Canestri detects a distinct danger and an abuse in the granting of Christian burial to unbaptized children. For, he states, it contradicts the dogma of the necessity of baptism to remove original sin; it is opposed to the doctrine that sanctification is acquired by individual effort and loyalty to Christ, not by heredity; parents will become careless and postpone baptism if allowed to forget its vital necessity.¹¹⁷

¹¹⁵ *L'Ami du clergé*, Jan. 24, 1952, pp. 62-64.

¹¹⁶ *Canon Law: A Text and Commentary* (Milwaukee: Bruce, 1951), p. 682.

¹¹⁷ *The Privation of Christian Burial* (Washington, D.C.: Catholic University, 1941), pp. 161-62.

The arguments—at least in the abbreviated form—do not sound absolutely convincing. There are other and more effective ways of inculcating the vital necessity of baptism; and the parents most deeply affected by the privation would be devout Catholics who would never be careless about baptism. No matter how devout or careful they are, there is nothing they can do in the case of a stillborn infant, especially when it has already reached the state of maceration. Moreover, it is not correct to state without qualification that the ceremonies of Christian burial are by their nature intended to help the souls in purgatory, because we do have a ceremony—and a very beautiful one—for baptized infants, who are certainly not in purgatory. Perhaps some rubricist could plan a religious ceremony for the burial of unbaptized infants which would jeopardize no dogma and which would be approved by the Holy See. This might palliate the sorrow of Catholic parents, already tortured by the thought that their baby died without the opportunity of baptism.

When an Ordinary grants permission for the celebration of Mass outside a church or oratory, according to the conditions of canon 822, §4, can those who assist at this satisfy the precept of hearing Mass? For a long time the question was a matter of dispute, the argument for the negative being that canon 1249, which enumerates the places for satisfying the obligation, does not mention this particular privilege. Recently, however, the Code Commission answered the question with an unqualified affirmative.¹¹⁸ This reply, says Fr. McCarthy, means “that the obligation is discharged by assistance at Mass in any place where a priest may lawfully celebrate.”¹¹⁹ Perhaps his conclusion is too broad. There still remains the restriction on private oratories; and it seems that the Holy See sometimes places a similar restriction when it grants the privilege of a portable altar.¹²⁰

It is now history that the 1952 Lenten regulations in practically all the dioceses of the United States officially approved the relative norm of fasting. The main purpose in adopting this norm is certainly not to mitigate the practice of mortification, but rather to strengthen it by making it possible for the vast majority of the faithful to observe the fast. Generally speaking, too, the regulations are so clear and flexible that all but the very meticulous should be able to observe them without anxiety. It seems inevitable, however, that regulations of this kind should give rise to some questions. Typical questions are answered by Francis P. Sweeney, C.S.S.R.,¹²¹ and by Fr.

¹¹⁸ *AAS*, XLIV (July 1, 1952), 497.

¹¹⁹ *Irish Ecclesiastical Record*, LXXVIII (Oct., 1952), 297.

¹²⁰ Cf. *AAS*, XLI (1949), 504.

¹²¹ “The New Regulations on Fast and Abstinence,” *Homiletic and Pastoral Review*, LII (May, 1952), 693–99.

Connell.¹²² Since I could not digest their points into brief compass, while faithfully presenting the minds of the authors, I shall be content with merely giving the references. Also to be noted is a lengthy historical study by John Rogg Schmidt, which shows that a relative norm of fasting is by no means a twentieth-century novelty.¹²³

Readers of moral and canonical treatises on the obligation of reciting the Divine Office often see references to the *oraculum vivae vocis* by which Leo X is said to have granted the Franciscans the privilege of saying the Office mentally. Msgr. Madden¹²⁴ gives us the following translation of the petition presented to the Holy Father:

Lest the Brethren be impeded in the recitation of the Divine Office and be an annoyance to others, may Your Holiness be pleased to grant that they be not bound to pronounce vocally what is prescribed by the Ordinarium to be said secretly and in silence, both in the Canonical Hours and the Mass, but may satisfy their obligation by saying it in their minds or reading it from the book for themselves, because some thus say it more devoutly and without annoyance to others. And may he who says the Office alone be allowed to act in the same manner, since the pronouncing of words is principally that they may be understood.

A great deal of controversy has raged over the existence of the privilege. Msgr. Madden thinks there is little doubt that the privilege was granted, April 15, 1516. He also considers it probable that the privilege still exists and that by communication of privileges it would be at the disposal of all regulars. Cappello,¹²⁵ Goyeneche,¹²⁶ Coronata,¹²⁷ and Schaefer¹²⁸ all concur in this opinion. Coronata and Schaefer explicitly hold that the privilege applies to the entire Office when it is said privately. On this point Msgr. Madden writes: "Considering the reason given—that words are spoken that they be understood—it is reasonable to take it as meaning the entire Office when recited alone."

Incidentally, one might wonder why this same reasoning should not always apply to the private recitation of the Office. It seems to me that moralists have thought too much in terms of "mere reading" and "vocali-

¹²² "The New Rules on Fast and Abstinence," *American Ecclesiastical Review*, CXXVI (May, 1952), 382-86.

¹²³ "Relative Norm of Fast: Historical Concept and Function," *Jurist*, XII (Jan. and Apr., 1952), 44-65, 156-89.

¹²⁴ "Mental Recitation of the Divine Office," *Australasian Catholic Record*, XXIX (April, 1952), 150-52.

¹²⁵ *De sacramentis*, IV (1947), n. 636.

¹²⁶ *Commentarium pro religiosis*, X (1929), 464-67.

¹²⁷ *Institutiones iuris canonici*, I (1947), nn. 617, 619bis.

¹²⁸ *De religiosis*, (1947), n. 1214.

zation" and have not given sufficient consideration to a *datur tertium*. All of us know by introspection that we can say things interiorly, that is, we actually form words, recite a speech, even carry a tune, note for note, in our imaginations, without at the same time vocalizing in the sense that theologians ordinarily use the term with reference to the saying of the Office. There seems little doubt that this interior pronunciation is not what the authorities mean when they describe the requisites for saying the Office privately; but the intrinsic reason for their insistence on the need of externalized vocalization is not *per se* obvious.¹²⁹

SACRAMENTS

A questioner with a decidedly practical turn of mind wants to know what a priest in a strange city, who happens to be near the scene of an accident, must do in each of these three cases: if he is walking; if he is in an auto or taxi with some friends; and if he is in a bus. Also, what must he do in each of these cases if by stopping he would miss a train or an important engagement? Before answering these questions, F. Girerd, M.I.C.,¹³⁰ discusses extreme, grave, and common necessity, and he suggests that common necessity should be presumed as long as there is no evidence to the contrary. On the basis of this presumption, the need of catching the train or of keeping his appointment would excuse the priest from stopping. Aside from this, he should certainly stop to inquire about the case if he is on foot or in the automobile or taxi with his friends—in fact, he would very likely scandalize the friends if he did not stop. As for the bus, much would depend on whether the priest could get the driver to stop near the accident; there would usually be no real inconvenience in asking, says Fr. Girerd.

These are merely the general lines of an answer that could become complicated by circumstances. Hence, Fr. Girerd concludes with the observation that a priest must use his own prudent judgment in applying the answer to concrete cases. This observation is of great importance. Despite the desire of the practical-minded to have hard-and-fast answers for all situations, it is neither possible nor even advisable to formulate such answers. What one priest can easily do by reason of his own personality, others might find almost impossible. A rule that could easily be followed by one might be a source of scrupulosity to another. Prescinding entirely from the question of obligation, we may certainly say that the conscientious priest wants to do

¹²⁹ Worth recalling here, as a basis for discussion, are the articles on "inner speech" by A. A. Stephenson, S.J., and John A. O'Brien, *American Ecclesiastical Review*, XCIX (1938), 229-45; C (1939), 225-39.

¹³⁰ *L'Ami du clergé*, Jan. 10, 1952, pp. 29-30.

all he can for any afflicted person; but sometimes he is genuinely puzzled as to what can be done in these accident cases. Rules of obligation should be sufficiently broad and general to allow him to make a decision without anxiety of conscience.

Should the children of Catholics who are obviously invalidly married or not fulfilling their religious duties be baptized? A. Verhamme¹³¹ believes that the normal rule should be to baptize the children, even though they are not in danger of death. The principle he follows is that baptism should be conferred unless the danger of perversion is practically certain; and he thinks this would rarely be the case, especially if the pastor would himself follow up the case and also see that a worthy sponsor was chosen. He adds that, even though the child is not in danger of death, yet this danger is never entirely negligible in infancy—a circumstance which justifies some risk of subsequent perversion. Similar answers, for mission countries, are given by Giuseppe Rossino¹³² and Alfonso Bassan, P.I.M.E.;¹³³ and the latter cites a response of the Sacred Congregation of the Propagation of the Faith to confirm his opinion.¹³⁴ The general idea here is that the child of Catholic parents should be given the benefit of any probability that his faith can subsequently be safeguarded. Certainly the practice of refusing baptism to these children as a means of punishing parents, forcing them to validate a marriage, and so forth, is not justifiable.

May the sacraments be given to mental defectives? John J. Danagher, C.M.,¹³⁵ briefly answers this question, with special reference to a person who "cannot be understood except by her parents," and who "is almost incapable of talking, using more signs than words." J. Sanders, S.J.,¹³⁶ has a more complete discussion of the problem, particularly as regards "two boys who are deaf and dumb; one is 16 years old, the other 14. Sons of good Christian parents they were baptized as infants. They come to Mass whenever it is celebrated in their village, and they behave as intelligent pious youths." The priest who refers the case to Fr. Sanders wants to know whether he may give the boys the Last Sacraments in case they become dangerously ill, and whether, independently of such illness, he may permit them to make their First Communion and to receive the sacraments regularly or at least at times.

¹³¹ "De baptizandis filiis malorum catholicorum," *Collationes Brugenses*, XLVIII (May-June, 1952), 219-21.

¹³² *Perfice munus*, XXVII (Mar., 1952), 163-64.

¹³³ *Ibid.* (June, 1952), 353-54.

¹³⁴ *Coll. SCPP*, I (1907), n. 625.

¹³⁵ *Homiletic and Pastoral Review*, LII (Aug., 1952), 1039.

¹³⁶ *Clergy Monthly*, XVI (July, 1952), 219-22.

Though Fr. Danagher gives no absolute answer to his case, he recommends that such persons be given the benefit of the sacraments if they have some minimum knowledge of God, of duties to others, and of the chief points concerning the sacraments of penance and the Holy Eucharist. Fr. Sanders begins his discussion with a survey of manuals. Regarding these manuals he writes:

Among over a score of moralists and canonists whose manuals I consulted, only a few even mention the question of extreme unction, a few more speak about confession, and more still about communion. But a good number of these learned men content themselves with the platitudinous assertion that if those people are sufficiently instructed they may be given communion, otherwise not. They still seem to be up against the idea that all such people are to be considered as *perpetuo infantes* or even as idiots! Among those who give a considered view on the question there is a great divergency of opinions. I shall quote some of these views and then give my own opinion on the case.

From his survey of authors Fr. Sanders concludes that there is ample authority for giving the boys the Last Sacraments, as well as confirmation. On the more immediate question of Communion and confession, he prefers to state his own well-considered opinion rather than to rely on the citation of authorities. The essence of the problem, he says, concerns the possibility of imparting to the boys at least some knowledge that can serve as the basis of supernatural faith. He believes that, even without the specialized techniques of communicating with the deaf-and-dumb, the boys' parents can impart this knowledge—and he points to the fact that these boys, and others like them, actually learn very complicated profane truths. Moreover, the boys have already showed that they can assist at Mass becomingly, and there is no reason to suppose that their conduct in receiving the sacraments would not be reverent. In view of these points, and in view also of the fact that, living in a pious milieu, the boys have undoubtedly already gained some knowledge of God and of the moral law, Fr. Sanders would explain to the parents just what the boys should know—e.g., what is required of small children when they make their First Communion—and have the parents impart this knowledge in their own way. Once the parents judge them to be sufficiently prepared, Fr. Sanders would give the boys at least conditional absolution and Holy Communion “from time to time.”

“It seems to me, *salvo mel. iud.*,” writes Fr. Sanders, “that this way of acting is sufficiently prudent, and at the same time fair and charitable towards the intelligent deaf and dumb boys.” The solution is admirable; and the one small point that raises a doubt in my mind is the statement that he would give the boys Holy Communion “from time to time.” I trust

that this does not mean any artificial limit on the frequency of their receiving Holy Communion. As was mentioned in a previous survey, there seems to be no reason why such children may not receive Holy Communion even daily if they wish to do so and can communicate with reverence.¹³⁷

In a response to a series of questions on confessional secrecy, Fr. McCarthy¹³⁸ includes some good pastoral advice on dealing with the hard-of-hearing penitent. The supposition is that the priest becomes aware of the penitent's condition only in the confessional—as is very frequently the case. If such penitents are completely deaf, "little purpose can be served by taking them to the sacristy." Moreover, even in the case of the partially deaf, the matter of going to the sacristy or to some other place "must depend upon the circumstances of the place and upon the attitude of the penitent." One might add—though I think this is at least implicit in Fr. McCarthy's remarks—that a strange confessor can do little more than follow the lead of the penitent. Some penitents may ask to be heard elsewhere; some may present a paper for their penance and advice; others may be trained to suggest a penance, so that all the confessor needs to do is nod approval; and still others may simply make their confessions, leaving everything else to the confessor. In this last case, as Fr. McCarthy points out, the confessor must be especially careful to safeguard confessional secrecy. This will frequently mean the omission of questions that might ordinarily be called for, and the giving of a very small penance rather than a grave one.

Merkelbach¹³⁹ and Varceno-Loiano¹⁴⁰ say that a confessor should put at least a general question about onanism to all married penitents who are unknown to him unless there is positive indication that they are free from this sin. A writer in the *South African Clergy Review*¹⁴¹ objects that "this rule appears to be too rigid, and might give rise to scandal, render the sacrament odious to the faithful and be a cause of ridicule to the confessor." As a further objection, it could be suggested that the rule violates the due order of presumption, which should favor innocence rather than guilt. On the basis of presumed innocence, the confessor should not question penitents about onanism or any other specific sin unless their confessions create a positive suspicion that they are guilty of such sins. I am not referring, of course, to the case in which the confessor is helping the penitent to make a general confession.

¹³⁷ Cf. THEOLOGICAL STUDIES, XI (1950), 59.

¹³⁸ *Irish Ecclesiastical Record*, LXXVII (May, 1952), 374-75.

¹³⁹ *Quaestiones de castitate et luxuria* (1936), p. 122.

¹⁴⁰ *Institutiones theologiae moralis*, V (1942), n. 161.

¹⁴¹ IV (Feb., 1952), 153-56.

If the confessor must ask about onanism, how should he put the question? Canon Rossino¹⁴² suggests that it is prudent to make the approach with a question about children. For instance, he would say: "Do you have children? How many?" Then, if the number seemed small: "Is this because you did not want more, or because God has not given you more?" This, he contends, is much better than to speak immediately of the delicate topic of conjugal relations.

In conclusion, a word about the frequent confession of venial sins. Fr. Verhamme¹⁴³ discusses various aspects of this topic. He begins by showing there is no obligation to confess venial sins; even the law of annual confession affects only those who have committed mortal sin. Indulgences, too, can be gained without confession; those who communicate daily or almost daily can gain all the indulgences except that of the Jubilee without ever going to confession. Granted all this, yet the Church encourages the frequent confession of venial sins, and it is a practice rich in spiritual benefits—in fact, a sort of moral necessity for growth in holiness. But the reaping of these rich fruits (e.g., the advantages enumerated in *Mystici corporis*¹⁴⁴) calls for special efforts on the part of both penitent and confessor. The penitent, says Fr. Verhamme, must not be content with merely general accusations. He should confess his small sins in some detail, mentioning also the motives that prompted him, and avoiding all tendencies to self-excuse. The confessor, on his part, must be a real spiritual director.

All this is perhaps simply standard asceticism. The special value of Fr. Verhamme's article lies in clarity and adequacy, not originality. Its interest would be considerably enhanced if the author would state frankly his own opinion as to what percentage of ordinary pious penitents might be capable of following his suggestions and thus gaining to a high degree the many benefits outlined in *Mystici corporis*. It is my impression that "only those who are above the average in spiritual perception and earnestness" could profit by his detailed suggestions.¹⁴⁵

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¹⁴² *Perfice munus*, XXVII (Mar., 1952), 167-68.

¹⁴³ "De frequenti confessione peccatorum venialium," *Collationes Brugenses*, XLVIII (Jan.-Feb., 1952), 62-69.

¹⁴⁴ Cf. *AAS*, XXXV (1943), 235.

¹⁴⁵ See *The Good Confessor* (New York: Sentinel Press, 1951), pp. 62-64.