

CURRENT THEOLOGY
NOTES ON MORAL THEOLOGY
PASTORAL COUNSELING

Some priests may have the impression that the counseling techniques developed by certain modern psychologists are all designed solely for the benefit of the emotionally disturbed and have no pertinence to the spiritual direction of presumably normal individuals. As Carl Rogers observes in the introduction to a recent article,¹ his notion of "helping relationship" is not so restricted. The term to him implies any relationship "in which one of the participants intends that there should come about, in one or both parties, more appreciation of, more expression of, more functional use of the latent inner resources of the individual." To the psychologist as such, the term applies to educational counseling, vocational counseling, or personal counseling; and certainly there is no intrinsic reason why it should not also pertain to the ordinary pastoral assistance expected of the priest. And if certain psychological devices have proven effective at the secular level, we would be foolish not to adopt or adapt them for our own proper purposes.²

Prof. Rogers' article is a synthesis of his own thinking over the years on this matter of "helping relationships," a development of thought emerging from personal experiences and from the contributions of others in the field. His convictions as to the requisites for proper rapport between the counselor and his client he chooses to express in the form of ten questions addressed to himself. At first sight the phraseology of this self-examination may seem to be just the jargon of the trade, an instance of the obscurantism of which psychologists are often accused. But reflection perhaps will discover in the questionnaire a significance possibly even more profound than was intended, viz., implicit acknowledgment of certain pastoral principles with which we may have become so familiar as to lose sight of their psychological value.

EDITOR'S NOTE.—The present survey covers the period from July to December, 1958.

¹ "The Characteristics of a Helping Relationship," *Personnel and Guidance Journal* 37 (Sept., 1958) 6-16.

² Speaking at the opening of the sixth (1958) annual Institute of Spirituality at Notre Dame, Indiana, Bishop Lawrence J. Shehan of Bridgeport, Connecticut, observed that "our religious must be ready to make use of the knowledge and the techniques developed by modern psychology and psychiatry. The time is long past when we can write off the whole course of modern psychological and psychiatric development as Freudian, materialistic and rooted exclusively in a rank and unwholesome soil of sex. Along with a lot of trash a great deal of treasure has been dug up. Those who are engaged in education and in the treatment of all sorts of human ills must be able to discern the treasure from the trash and must be prepared to use the treasure wisely for the eternal and temporal good of those for whom they are responsible." *Catholic Mind* 56 (Nov.-Dec., 1958) 530.

To cite but two examples: "Can I *be*," asks Rogers, "in some way which will be perceived by the other person as trustworthy, as dependable or consistent in some deep sense?" Is there in context an instinctive groping here towards the ascetical truism, "Nemo dat quod non habet"? There is certainly in our commandment of charity a sublimation of Rogers' subsequent query: "Can I let myself experience positive attitudes towards this other person—attitudes of warmth, caring, liking, interest, respect?"

As though to complement some of the considerations proposed by this secular writer, A. Godin, S.J.,³ affords us a glimpse of the priest-psychologist in action. Fr. Connery⁴ has already called attention to the very valuable contributions which this author has been making to the literature in this field. In this more recent article Fr. Godin undertakes to illustrate in the concrete that receptivity on the part of an advisor which is commonly referred to as acceptance, an attitude which the same writer had previously advocated so strongly in theory. The device he uses is that of an imaginary colloquium between an emotionally upset young woman and a priest consultant—or rather several priest consultants, since the author supposes successively varied reactions on the part of his fancied counselor and demonstrates how his response in each instance to one and the same manifestation of conscience either jeopardizes or insures eventual success in terms of psychological and spiritual benefit for his confidant.

There is a plethora of good sense in Fr. Godin's pastoral psychology, although some of it may not at first sampling titillate the sacerdotal palate. By virtue of our training we develop a predilection for cold reason, inexorable logic, and ungarnished truth; instinctively we look for antecedents and consequents, and having perceived them we quiesce in a rational conclusion. We are exposed over the years to a vast amount of theological knowledge, and a substantial amount of it adheres, begging to be communicated to others. Cast then, as so many of us are, in a magisterial mold, we emerge to some degree handicapped for the function of patient and quasi-passive guide in a client-centered counseling process. But at least some spiritual advisors who have conscientiously tried the technique attest to its effectiveness, and those who propose it with Fr. Godin's sober judgment deserve a respectful hearing.

Not so felicitous in its entirety is M. Oraison's effort to differentiate the roles of confessor and psychoanalyst.⁵ The latter's function he explains

³ "L'accueil dans le dialogue pastoral," *Nouvelle revue théologique* 90 (Nov., 1958) 934-43.

⁴ THEOLOGICAL STUDIES 19 (Dec., 1958) 537-40.

⁵ "The Psychoanalyst and the Confessor," *Cross Currents* 8 (Fall, 1958) 363-76. The article is translated by James J. Greene from the French as it appeared in *Recherches et*

exceptionally well: analysis is a medical procedure which is directed at the life of the unconscious (hence to an infrahuman zone) and which strives to illuminate from below the emotional life of the patient. (And let it be said in passing that the author emphatically denies the psychoanalyst any of those prerogatives which pertain exclusively to the confessor.) Confession he perceives as a religious act wherein the confessor in purely instrumental fashion illuminates from above and confirms the supernatural dimensions of the penitent's life. For purposes of literary contrast there may be a certain aptness in this description of the sacrament of penance, although much of what the author says in its regard would appear to be more appropriately predicated of the virtue of penance. And while expatiating on the instrumentality of the minister of this sacrament, the Abbé comes dangerously close to reducing him to something of an automaton. Such at least is the impression which can easily be taken.

First of all, it would be most difficult to reconcile with the traditional interpretation of Trent's teaching in its fourteenth session⁶ this explanation of the judicial nature of penance:

Situated, so to speak, at the crossroads of the encounter between two persons involved in the dispute, the penitent and God, the confessor is called in, after a fashion, to render a judgment. And yet he must never lose sight of the fact that this "judgment" is a very special one, and the rather ambiguous comparison frequently made between it and a judgment based on human justice, risks falsifying the perspectives. The habitual expression "the tribunal of penance" points up this possibility for confusion, a serious danger from the point of view of a healthy religious doctrine.

We are dealing, in fact, with the only "tribunal" to which one presents oneself with the *absolute* certitude of being pardoned at the very moment we ask for pardon. It is not so much a sentence in the juridical sense that we are dealing with here as it is the warm welcome extended to the one who has strayed. It is this that the Gospel stresses time after time: the parable of the prodigal son, Mary Magdalene, the Samaritan. Without doubt the Sacrament of Penance has, over the course of the centuries, suffered a certain contamination by the legislation of a visible ecclesiastical society, a society which, for the good of the community, has been compelled to adopt the juridical and legislative paraphernalia which we associate with civil justice. Thus the public sinner, the one who is divorced and remarried in official opposition to the Christian view of marriage, is visibly rejected from the community, that is to say from participation at the Table where the faithful gather for the Eucharistic meal. But the *personal* and private relationships of each man with

débats, a publication which unfortunately is not at hand. While aware of the hazards involved in working from translations, I nevertheless presume that the substantial content of the original article has been faithfully reproduced in this English version.

⁶ DB 902 and 919.

his God are not of the same order, and the legalisms necessary for the external organization of the temporal community must not be allowed to contaminate our conception of the Sacrament of Penance itself. It can serve only as a term of comparison, or more exactly, of analogy, but not as an adequate expression of the Sacrament. The priest as such, that is to say the minister of the Sacrament, the instrument of the Mystery, might be compared, rather than to a judge, to the anonymous servant who, upon the return of the prodigal son, is charged with preparing the feast which is to celebrate the "re-union."

This manner of speaking could certainly create the impression, perhaps unintended in its fullest implications, that penance is a judicial process not in any literal sense of the words of institution but only because of certain extrinsic trappings with which the Church has since adorned it. In fact, the last sentence of the excerpt quoted above would make the confessor no more a judge than is the priest who distributes Holy Communion. However, the Abbé immediately qualifies his meaning considerably by affirming in the next paragraph that the confessor is not "merely a mechanical instrument," but that he must "as the dispenser of this gift [of grace] . . . judge as to whether it should take place." "But," he continues, "the confessor's judgment stops there: it is concerned with the acknowledgment of guilt, contrition, with the firm resolution, according to the traditional expressions." The remainder of the paragraph leaves little doubt that the author denies the confessor's competence—apparently in every case—to judge the penitent's subjective guilt:

It is quite evident that the confessor can in no way judge the inner personal responsibility of the penitent; that belongs to God alone. While the confessor can point out that a certain act is *in itself* gravely wrong, and indicate why, he cannot, without presumption, determine the question of what in traditional theology is called the formal responsibility of the subject who is speaking to him. That would be clericalism, not the work of the priesthood.

It is this sort of unhappy statement that can create and perpetuate unfortunate hostilities between the theologian and the psychologist. No one is naive enough to imagine that his knowledge of moral and pastoral theology, or the character of his priesthood, equips him charismatically to plumb the depths of human souls. Neither moral theologian nor competent confessor would claim ability always to determine the degree or even the fact of human guilt. At times that can be perceived only by God. But to contend that the confessor cannot in any case, or should not in the majority of cases, estimate the subjective guilt of his penitent—that is to make meaningless the very concept of binding and loosing as responsible minister of God's

grace. How does one determine sufficiency of matter for valid absolution unless in terms of subjective guilt reasonably so judged? How does one impose congruous sacramental penances in accordance with the mandate of Trent except on the basis of the same reasonable judgment? There is no denying the possibility of imprudence at times in communicating this judgment to the penitent. But to deny universally the confessor's ability or right or duty to formulate such a decision would seem to be theologically untenable and irrelevant to the defense of any legitimate theory of psychology.

It is truly regrettable that this phase of Abbé Oraison's article should invite such criticism, since in major part it provides some most valuable insights into proper pastoral guidance.

COOPERATION AND SCANDAL

Despite the validity of the principles which should decide them, certain cases involving scandal or cooperation in sin are notoriously refractory. A problem presented to J. Sanders, S.J., is typically such.⁷ The questioner stipulates that an expectant mother is already irrevocably determined to procure a criminal abortion. Aware of that intention, and failing in his best efforts to dissuade her from it, the family doctor finally advises this patient to consult a certain experienced but unscrupulous gynecologist rather than risk her life at the hands of an incompetent quack. He also induces the gynecologist to reduce his usual high fee in this one instance. Is the family doctor justified in so acting? Although willing to concede that in his patient's regard the physician may not be guilty of sinful cooperation or scandal under the circumstances, Fr. Sanders is most reluctant to condone his action in so far as it provides the second doctor with an occasion of serious sin.

The first part of this solution would, it seems, be ratified by those who admit the licitness, under certain conditions, of persuading another to do less evil of the same moral species than originally intended. An abortion performed by the quack means not only certain death for the fetus but also serious risk for the mother; performed by a qualified physician, the procedure entails considerably less danger to the mother's life. Always on the supposition that the abortion will inevitably be attempted in any case, and that the patient is left no reason to misinterpret the referring doctor's motives, there would appear to be grounds for concluding that the latter's intervention in her behalf is a licit form of material cooperation.

But what of this doctor's responsibility for the gynecologist's sin? By his

⁷ "Co-operation in Sin," *Clergy Monthly* 22 (Aug., 1958) 264-65.

referral the family physician consciously provides his confrere with an opportunity to execute a sinful act, even though it is one to which the latter's will is already habitually inclined. This is a decidedly harder nut to crack. But as some theologians will concede, "aliud est inducere [ad peccandum], aliud praeberere occasionem,"⁸ for enticing to sin is intrinsically evil and never permissible, while sufficient reason can justify merely creating an occasion of sin. In the present case, no inducement to sin is needed, although an occasion of sin is presented in order to prevent an even greater evil. Up to this point there would seem to be probable justification for referring the patient to a specific doctor.

However, over and above simple referral, we have here an added complication in the fact that our doctor personally contacts the abortionist and induces him to reduce his fee. It is difficult to see how this request could be made without risk of serious scandal in another sense, i.e., without creating the incorrigible impression of actually conniving in a sinful act even while righteously denouncing it as sinful and disclaiming any approval of it. Perhaps, as Fr. Sanders grudgingly allows, this impression could be avoided in certain cases; but a doctor would certainly seem better advised to refrain from this sort of fraternizing with the enemy.

As can be seen in the instance just cited, material cooperation with another's evil action will as often as not threaten some degree of possible scandal. When such is the case, it is generally the scandal element which becomes the more decisive factor in a moral solution; and scandal is also quite commonly the more elusive of the two considerations. The fact of cooperation is relatively easy to discern; and its specification as formal or material depends only on its moral nature as an act and on the agent's intention. But determination of both the fact and the degree of scandal is sometimes matter of sheer speculation, dependent as it is upon conjecture as to how various witnesses to an action will react in varying circumstances. The consequent appraisal of proportion, as predicated of reasons alleged in justification of indirect scandal, thus becomes doubly difficult.

A problem discussed by Ph. Delhaye⁹ may serve to illustrate the point. It has to do with a sister anesthetist, functioning in a municipal hospital in Communist-controlled territory, who is ordered to administer the anesthetic during a therapeutic abortion. Refusal will expose her community to reprisal, even to possible expulsion from the hospital. Fr. Delhaye solves the case primarily by recourse to the principles of cooperation: since the sister's intentions are undoubtedly beyond question and her cooperative act in itself indifferent, hers is a material cooperation which finds justification in

⁸ Alphonsus de Liguorio, *Theologia moralis* (Gaudé ed.) lib. 2, tract. 3, § 58.

⁹ "Coopération médicale d'une religieuse," *L'Ami du clergé* 68 (Oct. 30, 1958) 645-47.

the serious harm which would otherwise threaten both her religious community and the patients who would be deprived of the sisters' spiritual ministrations. The question of scandal is dismissed with the brief suggestion that the sister might tactfully express her disapproval to the operating surgeon, although Fr. Delhaye is inclined to believe that the latter would have no illusions about her attitude in any event.

On the lone score of cooperation, Fr. Delhaye's ultimate *licet* would doubtlessly be seconded by the generality of moralists. And with proper precautions the threat of serious scandal could in all probability be averted in circumstances as exceptional as these. My only reservation regarding the solution would pertain to so summary a disposal of the element of scandal. Particularly in view of the fact that scandal is potentially the greater when occasioned by one of relatively pre-eminent status, it should be noted that it is not the operating surgeon alone who may misinterpret sister's cooperation. Would her example, for instance, persuade Catholic doctors on the staff that circumstances also justified their inducing abortions under orders from Communist officials? Would nurses and other hospital personnel interpret sister's action as a compromise with religious principles? Would Communist authorities attempt to capitalize on her compliance by making it a propaganda issue? There is no way of knowing except in individual concrete circumstances—and not even then can it be known a priori with certainty. But these are not considerations which can be overlooked entirely, even when treating a speculative question.

Another case in point cites the Catholic owners and publishers of a secular newspaper who accept paid advertisements of non-Catholic religious services. Fr. Connell¹⁰ considers the avoidance of bitterness in the community and the promotion of civic good will as adequate reason to justify this sort of material cooperation with the proponents of heterodoxy. It would be most astonishing if anyone disagreed, either by claiming that such cooperation would be anything more than minimal or, at least in this country, by invoking scandal as a serious consideration. But if the case were changed so as to make a Catholic diocesan weekly the vehicle for the same advertisement, theological reaction would doubtlessly be quite different. This shift in opinion could not be based precisely on grounds of cooperation, which is substantially the same in either case. But there surely would be greater danger of scandal, especially among the faithful, since the advertisement under such auspices could easily be interpreted as indicating an official spirit of religious indifferentism.

It is this threat of indifferentism which P. Damboriena, S.J., perceives as

¹⁰ F. J. Connell, C.S.S.R., "Advertising Non-Catholic Religious Services," *American Ecclesiastical Review* 139 (Oct., 1958) 276.

the prime objection against Catholic participation in Moral Rearmament.¹¹ Fr. Damboriena's lengthy, well-documented article presents both a history of the movement from its inception thirty odd years ago under Buchman and a theological analysis of its ideology. The author shows ample cause for concluding, as others have previously, that MRA is unquestionably religious in character, despite all protestations to the contrary. Besides the 1951 reply from the Holy Office, the article cites a round dozen episcopal statements either proscribing or drastically restricting Catholic cooperation with the movement.¹²

MEDICAL PROBLEMS

Fortunately *The Sanctity of Life* by Glanville L. Williams¹³ does not seem to have made any lasting impression on readers in this country. The book professes to be an argument against the advisability of imposing legal sanction on such practices as abortion, contraception, sterilization, artificial insemination, euthanasia, etc. Instead it emerges as another tiresome diatribe, in the Russell-Blanshard-Fletcher tradition, against Catholic dogma and morals—a welter of misinformation, distortions, and half-truths. It is nothing less than pathetic that a reviewer in the *Times Literary Supplement* could hail it as “this serious and gallant effort to produce an atmosphere of greater tolerance and humanitarian compassion”; or so belie his ignorance of the elemental requirements of scholarship as to commend the author's “research and reflection” or his “thoroughness.”

Thanks to C. B. Daly, one need not subject himself to the tedious process of even paging through the book in order to discover the contrary truth of

¹¹ “Il movimento del Riarmo morale,” *Civiltà cattolica* 109:2 (June 21, 1958) 570-84; 109:3 (July 19, 1958) 143-56; (Sept. 20, 1958) 584-96; 109:4 (Nov. 1, 1958) 260-72. For excellent treatments in English of the same subject, cf. Edward Duff, S.J., “Verdict on MRA,” *Social Order* 6 (June, 1956) 274-90; R. Bastian, S.J., and J. Hardon, S.J., “An Evaluation of Moral Rearmament,” *American Ecclesiastical Review* 135 (Oct., 1956) 217-26.

¹² Understandably, Fr. Damboriena does not include the Aug. 15, 1958 directive of Most Rev. Thomas L. Noa, Bishop of Marquette, within whose jurisdiction is located Mackinac Island, considered comparable now to Caux in Switzerland as a center of training for MRA. Bishop Noa's “Pastoral Instruction on Faith, with a Directive on Catholic Participation in Moral Re-Armament” was, as late as last December, available free upon request from the Bishop's Office, 444 S. Fourth St., Marquette, Mich. The document contains a statement forbidding Catholics of the diocese, and all other Catholics while within the diocese, to “attend the meetings of Moral Rearmament, or participate in or promote its activities.” Cf. *America* 99 (Sept. 20, 1958) 638; and *ibid.* 100 (Dec. 13, 1958) 329.

¹³ New York: Knopf, 1957; British edition, London: Faber & Faber, 1958. The book is an expansion of the Carpentier lectures delivered in 1956 under the auspices of the Faculty of Law, Columbia University.

the matter. In a lengthy review article,¹⁴ Fr. Daly selects some eight generic topics on which Mr. Williams had expressed himself and most effectively demonstrates according to chapter and verse the more substantial fallacies which comprise the latter's polemic. Anyone who has ever been required to review this type of publication in detail will appreciate the enormity of the task and will be proportionately more grateful to the author of this thorough review for services rendered. Other theologically competent commentaries on the same book have been provided in briefer form by L. L. McReavy,¹⁵ R. L. McEwen,¹⁶ and A. F. LoGatto.¹⁷

In several allocutions delivered shortly before his death, Pius XII spoke on a variety of moral topics relevant to the practice of medicine.¹⁸ For the most part the Pope confined himself on these occasions to a repetition of certain principles which he had previously enunciated under similar circumstances. Thus, for example, in his address to members of the newly established International College of Neuropsychopharmacology, he touched briefly again upon the dignity of the human person, the limitations imposed by natural law upon medical research and experimentation, the principle of totality, the Christian attitude towards suffering, and the use of narcotics for the relief of pain. E. Tesson's analytic summary of this allocution is well done;¹⁹ and his concluding paragraphs in explanation of the imputability of the indirect voluntary are most aptly expressed.

A few days later Pius addressed delegates to the Seventh Congress of the International Society of Hematology on certain moral and canonical problems pertaining to their specialty.²⁰ In reference to various measures which have been recommended to prevent the transmission of hereditary defects to children, the Pope again repeated the natural-law prohibition against the

¹⁴ "A Criminal Lawyer on the Sanctity of Life," *Irish Theological Quarterly* 25 (1958) 330-66.

¹⁵ "Life and the Law—A Positivist Speaks Rashly," *Tablet* 211 (Apr. 19, 1958) 362.

¹⁶ "Don of Crudities," *Month* 20 (Aug., 1958) 92-95.

¹⁷ *Catholic Lawyer* 4 (Spring, 1958) 188-92.

¹⁸ To the Seventh Congress of the International Society of Blood Transfusion, Sept. 5; to the International College of Neuropsychopharmacology, Sept. 9; to the Seventh Congress of the International Society of Hematology, Sept. 12; and to the Tenth National Congress of the Italian Society of Plastic Surgery, Oct. 4. The official texts of these allocutions will be found respectively in *AAS* 50 (Oct. 1-4, 1958) 726-32; 687-96; 732-40; and *ibid.* (Dec. 13, 1958) 952-61.

¹⁹ "Derniers enseignements de Pie XII aux médecins," *Etudes* 299 (Nov., 1958) 240-44. The rest of Fr. Tesson's commentary (pp. 245-48) treats of the Sept. 12 address to hematologists.

²⁰ R. Carpentier, S.J., provides a synopsis of this allocution, largely in the form of verbatim excerpts, in *Nouvelle revue théologique* 90 (Nov., 1958) 974-78.

use of contraceptives, direct sterilization, and artificial insemination.²¹ He then spoke briefly of the "new drugs" which have been developed for the alleviation of some menstrual disorders, but which are also capable of inducing a reversible state of sterility by controlling ovulation. After a reference to certain theologians who have erred in this matter by condoning the use of these drugs for purposes which are actually contraceptive,²² Pius confirmed the conclusions of others who have distinguished the licit from the illicit in this case.²³ If these synthetic hormones are taken as a necessary means of controlling menstrual dysfunction, the resultant temporary sterility can qualify as indirect and, *suppositis supponendis*, is justifiable; but their use designedly for the purpose of avoiding conception must be condemned as illicit sterilization.

After a two-year study of the medical use of hypnosis, the American Medical Association's Council on Mental Health submitted its report for approval at the June, 1958 convention in San Francisco.²⁴ More sober and reserved a judgment could scarcely have been made. While conceding that hypnosis can be employed to advantage by physicians and dentists in their respective specialties, the report deplores the present lack of adequate facilities for the training of truly qualified hypnotists. Although induction techniques are easily mastered, the Council warns that proper teaching programs must be devised and implemented against a background of sound psychodynamic psychology and psychiatry. The procedure may be properly employed only when medically indicated; and its use for entertainment purposes is "vigorously condemned." The report includes a lengthy bibliography of pertinent medical literature.

²¹ Later on in this address (AAS 50 [Oct. 1-4, 1958] 736) the Pope made a highly significant reference to *Casti connubii* in a context which beyond doubt confirms the opinion of those theologians who have maintained that Pius XI was including the "rhythm method" of avoiding conception when he said: "Neque contra naturae ordinem agere ii dicendi sunt coniuges, qui iure suo recte et naturali ratione utuntur, etsi ob naturales sive temporis sive quorundam defectuum causas nova inde vita oriri non possit" (AAS 22 [1930] 561).

²² The Pope did not identify the theologians in question. The theological literature to date available to this writer has contained nothing but orthodox opinion on the question. Fr. Tesson also remarks (*art. cit.*, p. 247) that up to the time of his writing there had been to his knowledge no theological opinion whatever out of France on the subject, perhaps because the drugs in question were not yet in use in that country.

²³ Cf. William J. Gibbons, S.J., and Thomas K. Burch, "Physiological Control of Fertility: Process and Morality," *American Ecclesiastical Review* 138 (Apr., 1958) 246-77; L. Janssens, "L'Inhibition de l'ovulation est-elle moralement licite?", *Ephemerides theologicae Lovanienses* 34 (Apr.-June, 1958) 357-60; J. J. Lynch, S.J., "Progestational Steroids: Some Moral Problems," *Linacre Quarterly* 25 (Aug., 1958) 93-99, and "Pharmaceutical Fertility Control: Moral Aspects," *Proceedings, Thirteenth Annual Convention of CTSA* (1958); J. R. Connery, S.J., in *THEOLOGICAL STUDIES* 19 (Dec., 1958) 549-51.

²⁴ *Journal of the American Medical Association* 168 (Sept. 13, 1958) 186-89.

It is significant that this statement, rather than enlarging upon the medical advantages of hypnosis, emphasizes the precautions which should attend its use. There would seem to be no doubt that this procedure has achieved a respectable status in medicine, both as a psychotherapeutic agent and as a form of analgesia.²⁵ But as the Council notes, the very ease with which hypnosis can be induced, even by the professionally untrained, represents one of its principal dangers, "since it lends itself to oversimplification and overdramatization with a production of spectacular phenomena that are meat for the charlatan." Especially since its psychological hazards are still a matter of medical controversy, we would perhaps do well as moralists to continue putting particular stress on the conditions required for the licit use of hypnosis, principally on the proviso that it be employed only in carefully selected cases and by those who are fully qualified according to accepted medical standards.

Another salutary bit of information from the same Association touches on a question discussed in these notes two years ago,²⁶ viz., the lawfulness of allowing a resident surgeon to operate on another physician's private patient without the patient's prior knowledge and consent. It is my own conviction that this practice is morally unjustified in so far as it represents a violation of the patient's right to require the personal services of the surgeon of his choosing. An opinion formulated by the Law Department of A.M.A. makes it eminently clear that in their judgment civil law would sustain this objection. The following excerpt is lengthy, but it seems worth the space to make this legal opinion available to those who may be consulted on the moral question by physicians:

It should be noted that it is the operating surgeon to whom the patient grants his consent to perform the operation. The patient is entitled to the services of the particular surgeon with whom he contracts. The surgeon in accepting the patient obligates himself to utilize his personal talents in the performance of the operation to the extent required by the agreement, creating the physician-patient relation. He cannot properly delegate to another the duties which he is required to perform personally.

Under the normal and customary arrangement with private patients, and with reference to the usual form of consent to operation, the surgeon is obligated to perform the operation himself, and he may use the services of assisting residents or other assisting surgeons to the extent that the operation reasonably requires the employment of such assistance. If a resident or other physician is to perform the operation under the guidance of the surgeon, it is necessary to make a full dis-

²⁵ Cf. Gerald Kelly, S.J., *Medico-Moral Problems* (St. Louis, 1958) pp. 288-93.

²⁶ THEOLOGICAL STUDIES 18 (June, 1957) 233-34; *Linacre Quarterly* 23 (Nov., 1956) 117-22. Cf. also Gerald Kelly, S.J., *op. cit.*, pp. 256-57.

closure of this fact to the patient, and this should be evidenced by an appropriate statement contained in the consent.

If the surgeon employed merely assists the resident or other physician in performing the operation, it is the resident or other physician who becomes the operating surgeon. If the patient is not informed as to the identity of the operating surgeon, the situation is "ghost surgery."

An operating surgeon is construed to be a performing surgeon. As such his duties and responsibilities go beyond mere direction, supervision, guidance, or minor participation.

He is not employed merely to supervise the operation. He is employed to perform the operation. He can properly utilize the services of an assistant to assist him in the performance of the operation. But he is not performing the operation where his active participation consists of guidance or standby responsibilities in the case of an emergency.²⁷

Medically informed and informative, but in its ultimate achievement theologically disappointing, would appear to be a fair appraisal of an article by José Janini on surgery in its relation to the moral problem of ordinary and extraordinary means of preserving life.²⁸ The first part of this discussion provides a representative survey of sixteenth- and seventeenth-century theological teaching on the obligation to preserve life, with particular emphasis—perhaps even overemphasis—on the element of excruciating pain entailed in most surgery of the time. Part 2 notes the subsequent discovery of anesthetics, antibiotics, and improved surgical procedures which have practically eliminated pain during actual surgery and drastically reduced its mortality rate. With the advantage of a professional medical background before entering the seminary, the author can speak here with special authority. But a rather sparse sampling of concurrent theological opinion would leave one with the impression that moralists meanwhile have been lagging far in the wake of advancing science, chiefly because of their reluctance to concede that surgery in general has at last become an ordinary and obligatory means of preserving life. At least by implication, this seems to be the conclusion which Fr. Janini is urging in his third and final section—a conclusion based totally on the reduction of surgical risk through antisepsis, of surgical pain through anesthesia, and of surgical cost through the advent in Spain of compulsory medical insurance plans.

One can only suggest that Fr. Janini is still under the predominant influence of the medical notion of ordinary means as contrasted with the theo-

²⁷ *Journal of the American Medical Association* 168 (Nov. 15, 1958) 1556.

²⁸ "La operación quirúrgica, remedio ordinario," *Revista española de teología* 18 (1958) 331-47.

logical. As Fr. Kelly,²⁹ for instance, has demonstrated within recent years, the element of reasonable hope of benefit to the individual patient is no novel consideration in medico-moral theology and is as essential to our concept of ordinary means as is the exclusion of excessive pain, expense, or other inconvenience. And preservation of life alone does not always constitute that reasonable hope of benefit. Not even so simple a procedure as intravenous feeding can be declared theologically ordinary means in any absolute and universal sense, but only in relation to individual prognoses. Anesthesia, antisepsis, and the antibiotics have removed from surgery many of the elements which formerly conspired to make major operations extraordinary measures for preserving life. Discerning moralists have readily acknowledged that medical difference and qualified certain conclusions accordingly.³⁰ But they cannot ignore other considerations which in an individual context reveal as theologically extraordinary and nonobligatory a considerable number of surgical procedures.

It is not easy for all doctors to accept our theological principle that as a general rule patients are not in conscience obliged to employ extraordinary measures to keep themselves alive, and that physicians are consequently justified on occasion, with the consent of the patient so expressed or reasonably presumed, in withholding or discontinuing treatments which in the circumstances truly qualify as extraordinary. Of those doctors who do appreciate and agree with our position, not all are capable of expressing accurately our distinction between the illicit induction of death which is euthanasia and that toleration of death which is implicit in a decision to forego supererogatory means of fending it off. An editorial by Martin Donelson, Jr., M.D.,³¹ quite successfully avoids any confusion on the point. Wisely restricting his consideration to the hopeless terminal case which is being kept in comatose existence by artificial means, Dr. Donelson makes a most effective plea in defense of such a patient's right to die. To persist in these circumstances with cortisone, repeated blood transfusions, parenteral and tube feedings, and the like, would be in this doctor's opinion "not prolonging life, but death."

While discussing various methods of preventing conception subsequent to

²⁹ Gerald Kelly, S.J., "The Duty of Using Artificial Means to Preserve Life," *THEOLOGICAL STUDIES* 11 (1950) 203-20; and "The Duty to Preserve Life," *ibid.* 12 (1951) 550-56. Cf. also the same author's *Medico-Moral Problems* (1958 ed.) 128-41.

³⁰ For example, it is inconceivable that any medically informed moralist today would put all major surgical operations *eo ipso* into the category of extraordinary means.

³¹ "Overtreatment of the Hopelessly Ill Patient," *Current Medical Digest*, Sept., 1958, p. 46; reprinted from *Virginia Medical Monthly*, June, 1958.

rape, John R. Connery, S.J.,³² expresses doubt as to whether uterine curettage in these circumstances admits of any immediate objective purpose which is licit. That the doubt is altogether justified will be evident to those who have listened to any representative number of doctors on the question. There have been some few physicians in my own experience who in sincerity suggest that semen adhering to the uterine wall is still capable of impregnating an ovum. Since, as they further claim, this semen is impervious to douching, the only effective way of removing it is via curettage performed, it should be noted, prior to the time when nidation could possibly have occurred. Only on condition that this is medically true could we cite any legitimate motive behind a decision to curette in rape cases, viz., to prevent aggressor semen from encountering an ovum. Otherwise only two conceivable motives could be adduced, both of them illicit as objects of direct intent: either removal from the uterus of an impregnated ovum, or the destruction of the endometrium in order to make nidation impossible for an impregnated ovum. The burden of proof would certainly seem to lie with any who might claim that curetting is both effective and necessary for preventing fecundation itself.

Since whatever doubt involved is one of medical fact which moralists cannot presume to decide, perhaps the best we can do when advising doctors on the point is to stress the more generic rule and assure them that they are justified in doing what is truly calculated to prevent conception after rape, but that any impregnated ovum must be regarded as a human life with all the rights of a human person.

RELIGIOUS POVERTY

Diocesan priests especially may find both informative and interesting a lengthy article by Joseph F. Lynn, O.S.F.S., on the nature of the religious vow of poverty.³³ In fact, the professed purpose of the author is "to bring about a closer understanding of [this vow] . . . an understanding that cannot but bring together in bonds of common understanding the two great corps of ambassadors laboring towards a common goal in the sacred priesthood." Fr. Lynn does his part of the job well; and one consequence should be a dissolution of some few misconceptions which result at times in a certain scandal being taken because of an entirely legitimate disposition of material goods on the part of a religious, and which again sometimes result in scandal of sorts being innocently given when proper observance of poverty is unwittingly made more difficult by certain stipulations attached in all gener-

³² "Emergency Treatment of Rape Cases," *Hospital Progress* 39 (Aug., 1958) 64-65.

³³ "The Religious Priest and His Vow of Poverty," *American Ecclesiastical Review* 139 (July, 1958) 12-21; (Aug. 1958) 82-92; (Sept., 1958) 165-75.

osity to gifts made to individual religious. Also for religious themselves—lest scandal originate from this side of the monastery wall—the article can serve as a salutary refresher course in the essential requirements of our vow of poverty, with special emphasis on the simple vow.

In his treatment of the moral aspects of offenses against poverty, Fr. Lynn makes the standard initial distinction between sins against poverty alone and those which also include a violation of justice. He then faces the problem of estimating the gravity of defections in either order—no easy task, as evidenced by the failure of moralists to agree on a norm which will apply satisfactorily to all cases. Speaking of the religious in simple vows who spends his own money (patrimony) on himself, the author adopts Vermeersch's opinion that such expenditures constitute grave matter when they conduce to a mode of living which is seriously at variance with the subject's profession of poverty.³⁴ This is far from being the mathematical criterion that many might prefer. But it may well be that the very attempt to establish an absolute standard in monetary terms—thus assimilating to commutative justice a problem which is actually one of the virtue of religion—has been to a large extent responsible for the obscurity which envelops this question.

Religious poverty is a poverty of dependence; and dependence in its turn says acting only under the authority of one's superior, whose right to grant permission for the disposition of material goods is not unlimited. Some proprietary acts he simply cannot allow; others he may legitimately permit only for a grave reason. Hence a violation of poverty is reductively an act of sinful independence in the disposition of material goods. Should not its gravity, then, in any case be estimated according to the degree of one's withdrawal from a superior's authority—a matter which cannot always be measured according to the pecuniary value of the material goods involved? Or to word it in another way: a violation of poverty, as an act of irreligion, is serious if it entails an independent disposition of material goods such as an informed and reasonable superior either could not allow or, if his permission were asked, would be unwilling to allow except for a grave reason.

The gravity of this sinful independence will sometimes be apparent in the monetary value of the item involved,³⁵ but there would seem to be reason for doubting that this is always the total decisive factor. We can suppose,

³⁴ *Theologiae moralis principia responsa consilia* 3 (4th ed.) § 121, 3. As worded ("... eum graviter peccare existimamus qui inde tenorem vitae ducit qui professioni paupertatis graviter derogat . . ."), Vermeersch's norm seems to apply more readily to a *modus vivendi* than to the single violation of poverty.

³⁵ For an especially good treatment of this phase of religious poverty, cf. *Review for Religious* 3 (1944) 282–88. Adjustment, of course, would now have to be made in the estimate of the absolutely grave sum; cf. *infra* n. 45.

for example, a religious, habitually meticulous in his observance of poverty, who on one occasion (in circumstances which preclude legitimate recourse to presumed permission) violates his vow by allowing a friend to buy him a genuinely necessary item as a personal gift, permission for which the superior would have granted if proper request had been made. Imagine the gift to be a typewriter worth two hundred dollars, and our religious one whose assignment is writing. Meanwhile a brother religious in the same community accepts a personal gift of two hundred dollars in cash which he spends on luxury items, or which for a period of two years obviates the necessity of his ever approaching the community treasurer for requisite incidentals. Whatever may be said about the absolute gravity of the first man's breach of poverty, it seems that there is greater objective malice in the second case in which the will of the subject is farther removed from the authority of his superior.

It would also appear that some such norm as this is applicable in certain cases where assessment of the cash value involved is more or less arbitrary, as could often be true if religious poverty should be violated by borrowing without permission. Put our mythical religious into a situation where he can do a lay friend a favor by caring for (and, of course, operating) said friend's car while the latter is abroad for the summer. The religious does so without permission, even presumed, of his superior. Who can estimate accurately the use-value of that car over a three-month period? It would seem less difficult to judge the gravity of the offense by estimating the degree to which the religious subject has withdrawn himself from his superior's authority in this independent disposition of material goods.

Fr. Lynn may have substantially the same notion in mind when he states that

. . . the status of the religious is that of a person who has by vow renounced his right to independent acts of proprietorship, without any reference to the wealth or poverty of the Institute of which he is a member.³⁶ His gift to God was the sacrifice of this fundamental joy of human life, and so the extent to which he retracts this gift should be the measure of his guilt or innocence. If he fails in this obligation and exercises acts of proprietorship to the extent that he lives, for a time, as a person without vows, as one who makes free use of wealth of any considerable proportions, then his sin is grievous.

However, in context it would seem that the author is momentarily confusing the two virtues of religion and justice, for he is here intent on demonstrating

³⁶ Presumably this is not to deny that the approved practice of poverty differs from institute to institute and that the individual religious pronounces his vow according to the constitutions of the institute to which he belongs.

that the gravity of poverty violations involving commutative injustice to one's community should not be measured according to the financial harm actually inflicted on that moral entity or on the common good of society as a whole. I would agree that precisely as an offense against the virtue of religion it cannot and should not always be so measured. But under the aspect of injustice it simply must be so calculated, as is every other species of commutative injustice against a moral person. It would be a mistake, of course, to conclude that unless the injustice is objectively grave there is never a grave violation of the vow. The two malices involved are specifically distinct and need not equal each other in gravity. It is relatively easy to determine the degree of injustice entailed in certain violations of religious poverty; the principal difficulty lies in estimating the gravity of the offense against the virtue of religion alone.

MISCELLANEA

Under the title "Problemi del quinto comandamento," G. B. Guzzetti has contributed one of the more significant articles in recent months.³⁷ This rather lengthy discussion begins with a highly representative review of current opinions on four very live issues: the definition of direct and indirect killing; the morality of organic transplantation from living donors; the moral obligations of those who operate motor vehicles;³⁸ and the ethical aspects of automobile racing³⁹ and boxing. In the subsequent installment Fr. Guzzetti proposes a methodology for an effective presentation of the definitions and principles invoked when determining the morality of actions which entail either destruction of human life or some loss of bodily integrity—somewhat along the lines of Fr. Gerald Kelly's article several years ago on mutilation.⁴⁰ As the author insists, he is not intent on proposing or defending solutions of concrete cases; his purpose is to clarify the principles on which these solutions depend.

Fr. Guzzetti's treatment of his subject commands respect because of what

³⁷ *Scuola cattolica* 86 (May–June, 1958) 161–85; (July–Aug., 1958) 241–63.

³⁸ For a thorough treatise on the moral obligations of those who drive cars, cf. A. Jansen, "Le Code de la route et la morale," *Ephemerides theologicae Lovanienses* 34 (July–Sept., 1958) 522–34. See also L. Azzollini, S.J., "Legislazione ed educazione stradale," *Civiltà cattolica* 109:3 (July 19, 1958) 125–42; and the Social Justice Statement of the Australian Hierarchy issued Sept. 7, 1958 and reprinted under the title "Massacre on the Roads" in *Catholic Mind* 56 (Nov.–Dec., 1958) 554–66.

³⁹ On this subject, cf. L. Azzollini, S.J., "Una inutile strage: le gare automobilistiche di velocità," *Civiltà cattolica* 109:4 (Oct. 4, 1958) 14–27. The title is mildly suggestive of Fr. Azzollini's views on the subject of auto racing as conducted on the continent of Europe.

⁴⁰ Gerald Kelly, S.J., "The Morality of Mutilation: Towards A Revision of the Treatise," *THEOLOGICAL STUDIES* 17 (Sept., 1956) 322–44.

it reveals especially of the author's own competence: a genuine familiarity with the more significant contributions to this field and an exceptional talent for delineating, without bias or prejudice, the precise *status quaestionis* of disputed issues. This is particularly evident in his consideration of the divergent concepts behind the terms "direct" and "indirect" as predicated of *occisio*, as well as in his analysis of the arguments for and against transplantation. One can hope that as a result of this article certain irrelevancies which have been allowed to obscure these issues in the past will now be abandoned and that future discussion will proceed along lines of closer mutual understanding.

According to Fr. Guzzetti's explanation of the position adopted by Bender and others, their terminological distinction between direct and indirect killing must be understood as being in effect not one conceptual distinction, but two. As employed in one sense, the terms look to the relationship between an act and its result, and say no reference to the human will. Thus, if a particular act is conducive to certain death, either of its very nature or by reason of the particular circumstances in which it occurs, that act is *occisio directa* within the first meaning of the term; otherwise it is *indirecta*. As used in the other sense, the same verbal distinction looks to the relationship which exists between the lethal act and the will. If the act is voluntary, killing is direct in this second sense, but indirect if the act is indeliberate. As Fr. Guzzetti thereupon remarks, this ambiguity of expression is not calculated to clarify theological concepts—nor, one might add, does it facilitate the exchange of theological opinions.

For this reason the author himself restricts the terms "direct" and "indirect" so as to designate only the nature of the causal nexus existing in the ontological order between an act and its effect. The nexus between the act and the will in the intentional order he prefers to express in the terms "voluntary" and "involuntary." Thus a direct killing, according to Fr. Guzzetti, would seem to imply any act which has as its sole immediate and certain result the destruction of human life. An act which admits of an immediate effect in addition to death he would term *indirecte occisiva* in the objective order. Only in the latter of the two cases would it be possible for the will which elicits a lethal act to exclude from its intention, and make involuntary, the effect of death.

Subsequently, when Fr. Guzzetti comes to the enunciation of principles which govern, for example, the morality of acts which result in death to self, he proposes the following in accordance with his previous definition of terms: (1) direct killing is *de se* always objectively evil, and hence can never be the object of one's intention, whether as an end or as a means; (2) indi-

rect killing, if death be intended, is likewise always evil; (3) indirect killing, if death is not intended, is permissible, provided that it is an unavoidable accompaniment of an act required for the accomplishment of a greater good.

One cannot deny the validity of these principles if their terminology is understood in the sense already specified. What many, however, will fail to see—without being in the least querulous about it—is the necessity or even the advantage of thus multiplying distinctions in this matter. In determining one's moral responsibility for inflicting death upon himself, is it of first importance to distinguish between an act which is productive exclusively of death as an immediate result and one which admits also of other immediate results? The primarily decisive factor in every case, as far as imputability is concerned, will be the relationship between death as an effect and the human will as its cause in the intentional order. (Note how each of Fr. Guzzetti's principles requires qualification in terms of this relationship.) If the words "direct" and "indirect" are allowed to express only this more pertinent distinction, is it not just as accurate, and far less confusing, to say that unauthorized direct killing of self is intrinsically wrong and that truly indirect killing can be justified for proportionately serious reason? Sometimes further distinctions are necessary in order to determine whether there is proportionate reason for permitting unintended death to result. But to incorporate these subdistinctions into the initial principle seems both unnecessary and an obstacle to clarity.

S. Tumbas, S.J.,⁴¹ would agree that the terms "direct" and "indirect" would be better predicated of an action or its result only in so far as either is a *voluntarium*. Taking the occasion of Fr. Guzzetti's article to express himself on the subject, Fr. Tumbas observes that otherwise we would be needlessly complicating the familiar principle which states that the direct killing of an innocent person is intrinsically evil and always gravely sinful. For unless "direct" in this context is understood as referring to the intentional order, one is immediately forced to invoke additional distinctions in order to vindicate the principle as absolute and universal.

In regard to organic transplantation from living donors, Fr. Guzzetti is to some extent noncommittal. But he insists that mutilation in these instances is beyond all question directly intended and that any attempt to classify it otherwise is an evasion of the issue. He also challenges those who enter this discussion on an a priori assumption which begs the question by stipulating that direct mutilation, except when required for one's own physical good, is intrinsically evil. Fr. Guzzetti sees in blood transfusions, skin grafts, and certain cesarean sections mutilations for the benefit of others which differ

⁴¹ "L'uccisione diretta o indiretta", *Palestra del clero* 37 (Oct. 15, 1958) 1064-68.

only in degree, and not specifically, from the type of organic transplantation whose lawfulness is disputed. To him, therefore, the problem consists not in establishing that the law of charity permits certain self-mutilations for the benefit of others, but in determining the limits beyond which charity forbids the sacrifice of physical integrity for altruistic motives. And finally he suggests the possibility of rethinking the principle of totality in terms of charity to self, i.e., of examining the concept of the *bonum totius* to which our bodily members are ordained to see whether it admits of legitimate extension to the spiritual benefits, in terms of supernatural merit, to be gained by this type of charity to others.

If Fr. Guzzetti's article succeeds only in stimulating further discussion exclusively along the very relevant lines which he has so clearly drawn, he will have done a major service in this area of theology.

Mention should be made of James Madden's excellent miniature treatise on the morality of gambling.⁴² Its general content will not be unfamiliar to those who have completed their moral theology, but the article provides a neat and convenient summary of proven doctrine. One consideration which moralists in this country would add to Msgr. Madden's treatment is a factor emphasized some years ago at a seminar discussion during an annual convention of the Catholic Theological Society of America, viz., the established nexus here in the United States between organized illegal gambling and organized crime in general.⁴³ The implicit problem of material cooperation in racketeering gangsterism is not one that can be ignored when the total picture of gambling in America is subjected to moral scrutiny.

Another tidy synopsis of a considerably more subtle topic is presented in L. L. McReavy's answer to a query about the gravity of sins of theft.⁴⁴ His explanation of both the relative and absolute standards of objective gravity is as clear as it is concise. Following Arendt's proposed criterion of the absolutely grave sum, Fr. McReavy concludes to an estimate of about ten pounds for England at the present time—something less than thirty dollars at the current rate of exchange.⁴⁵

One initial point stressed by Fr. McReavy deserves repetition:

⁴² "The Morality of Gambling," *Australasian Catholic Record* 35 (July, 1958) 222-26.

⁴³ Cf. *Proceedings, Sixth Annual Convention* (1951) pp. 112-14; THEOLOGICAL STUDIES 14 (1953) 35.

⁴⁴ "Grave Matter in Theft," *Clergy Review* 43 (Oct., 1958) 620-24.

⁴⁵ Some seven years ago, at a seminar gathering of moralists during the annual convention of the Catholic Theological Society of America, there was, as I recall, more or less general agreement that the absolute grave sum for this country would have to be set at no less than \$60-75. It does not seem likely that economic conditions at present would require any lower an approximation.

... assessments of grave matter in theft are made with a view to judging the gravity of the thief's obligation to restore, rather than with a view to estimating the gravity of his guilt. His formal guilt will depend on the antecedent verdict of his own conscience which, in view of the fact that thieves are not commonly theologians, nor, we hope, theologians thieves, is unlikely to tally even approximately with the findings of the manualists. When, however, he submits his sin for absolution, whether or not he has been found to be gravely guilty, the confessor must assess his obligation to restore according to the objective value of the property stolen, and, if the amount is theologically grave, must bind him gravely to restore it, under pain of refusal of absolution.

Perhaps *ad complectendam doctrinam* the last sentence quoted should include explicit acknowledgment of possible circumstances excusing from restitution; and perhaps, too, it should be conceded that estimation of the objective grave sum does sometimes play a part in determining subjective guilt in theft. But I would certainly agree that at least the primary purpose of our estimated grave sum is to facilitate the appraisal of gravity in the consequent obligation of restitution. For that reason, formal instruction of the laity in regard to the grave sum as estimated in specific monetary terms is, generally speaking, unnecessary. That it would also be highly imprudent should be even more evident to one who reflects on the inability of many of the faithful to apprehend the niceties of a theological *status quaestionis*.

Those especially who are engaged in education at the college and university levels will welcome a proposal advanced by John J. Reed, S.J.,⁴⁶ that some further provision could be made to facilitate the procural of proper permission for certain of the faithful to read forbidden literature. It is Fr. Reed's belief that, far from lessening the effectiveness of extant legislation, an extension of delegated authority in this matter would actually result in better observance of the law. After reviewing the current provisos of the Code and of our bishops' quinquennial faculties, the author suggests three difficulties which still beset many a serious student in quest of permission to do certain necessary reading: "the time element in the processing of a request and reply, the reticence of the general faithful in the matter of recourse to chanceries, and the understandable reluctance of ordinaries to grant permission to petitioners whose needs and qualifications are not personally familiar to them." Fr. Reed sees two possible solutions to the problem, neither of which, he maintains, would be without canonical precedent. The first, proposed as only a partial solution, would consist in delegating to confessors—as could be done even now—the power which ordinaries already

⁴⁶ "Permission to Read Prohibited Books," *THEOLOGICAL STUDIES* 19 (Dec., 1958) 586-95.

possess from the Code for dealing with urgent cases. The second, which in the author's opinion is the more desirable, would require petitioning the Holy See for an entirely new faculty which would allow ordinaries to delegate the same power even for nonurgent cases.

Fr. Reed's proposition as stated seems eminently reasonable, and only one qualification occurs as perhaps a means of making the suggestion more attractive to ecclesiastical authorities. Would it be altogether necessary that such a faculty be extended to all confessors within a diocese, or would it suffice for practical purposes to grant it upon request to those who are most likely to be approached for literary guidance at the professionally academic level? Those who come immediately to mind are the priest professors in our Catholic colleges and universities; and for secular institutions, Newman Club directors, chaplains, or one or more of the local parochial clergy. It would remain also for the ordinary to decide, according to the peculiar needs of his own diocese, into what other hands this delegated power would be committed.

Domestically there has been no little chastisement of moralists in the recent past for what is sometimes hyperbolized into being their intransigent espousal of raw censorship as our last defense against the blandishments of world, flesh, and devil under the camouflage of literary art. One can yet hope that these critics will not overlook such balanced expression of representative moral opinion as can be found in "Prudent Censorship" by John R. Connery, S.J.⁴⁷ Fr. Connery's admirable article is a most rational treatment of a most delicate subject, and in any controversy over censorship all parties concerned will find there much that will both enlighten and assuage.

SACRAMENTS

In a discussion of conditional baptism administered to the unconscious dying, Robert H. Dailey, S.J.,⁴⁸ proposes to establish the intrinsic probability of two points in particular: the validity of baptism conferred upon a person whose only expression of intention while conscious was an act of attrition or contrition; and the lawfulness of baptizing those unconscious dying about whose intention nothing is known. In regard to the first proposition, Fr. Dailey—even while conceding greater probability to the contrary doctrine—concludes that the arguments presented by Coninck, Lacroix, and others

⁴⁷ *Catholic Mind* 56 (Nov.-Dec., 1958) 500-513. The article is the text of Fr. Connery's address to the annual convention of the Catholic Theological Society of America, St. Paul, Minn., June 26, 1958.

⁴⁸ "The Baptism of Unconscious Dying Persons: The Problem of Intention," *THEOLOGICAL STUDIES* 19 (Sept., 1958) 374-94.

provide sufficient theological basis for the opinion which discerns as implicit in an act of attrition a real and absolute desire for baptism. On the strength of even this lesser likelihood, he then unhesitatingly defends the licitness of baptizing in these circumstances. Although in the practical order this latter conclusion is the more important, theologians will be especially appreciative of the more speculative phase of this section of the article.

In developing his second thesis favoring the licitness of baptizing the unconscious dying person whose intention and dispositions relative to baptism are entirely unknown, Fr. Dailey first shows sound theological cause for maintaining that neither canon 752, § 3 nor any response from the Holy Office is opposed to this opinion, provided always that scandal can be avoided in its practical application. He then proceeds to cite from personal missionary experience a number of factors which argue to some slight degree of probability that in each individual case sufficient desire for baptism exists in the dying, unknown, and unconscious man. As the author is at pains to point out, the ultimate justification for baptism in these circumstances is not the gratuitous supposition that all such individuals have requisite intention for the reception of this sacrament, but rather a founded assumption that at least some few undoubtedly do. And since it is impossible to disprove with certainty the presence of proper intention in any single instance, the resultant slight probability of its existence here and now suffices in this extreme necessity to justify conditional baptism *secluso scandalo*. Even those who may take issue with Fr. Dailey's approach to the question should nonetheless be impressed with the extrinsic authorities which he cites in support of his conclusion.⁴⁹ While no one claims more than speculative probability for this opinion, it would appear to represent a probability which may certainly with good conscience be invoked in practice. And the very arguments which justify baptism in these circumstances likewise apply to the administration of penance and extreme unction.

A question submitted to *Perfice munus* evokes from A. Boschi, S.J.,⁵⁰ a neat disquisition on confessional jurisdiction as granted by common law to itinerant priests "on land, on sea, and in the air." Since the case proposed concerns a confession heard during a train trip from Rome to Milan, Fr. Boschi treats only briefly of the stipulations of canon 883 in its application to sea voyages, and of the *Motu proprio* of 1948 which extended the canon to air travel. The remainder of his answer considers at some greater length the arguments for and against that interpretation of canon 883 which declares a *lacuna legis* as regards confessional faculties on long overland trips

⁴⁹ To these may be added M. Zalba, S.J., *Theologiae moralis summa* 3 (1958 ed.) § 155.

⁵⁰ "Confessione in mare—in aereo—in treno," *Perfice munus* 33 (Dec., 1958) 687-97.

and which therefore invokes canon 20 in justification for arguing to an analogous grant of jurisdiction for this last type of travel. Fr. Boschi concludes to the far more common opinion that there is no genuine lacuna in this matter and that the analogy is juridically invalid.

As the author points out, it seems unrealistic to assume that the Holy See, ever since the publication of the Code, has overlooked the difficulties which conceivably could be encountered by overland travelers when they start casting about for a priest with local confessional faculties. One can only conclude that failure as yet to make special provision for this situation is neither indeliberate nor without reason. And perhaps the most likely reason for the omission is apparent in the essentially different canonical predicament which faces those who travel by ocean-going ship or by plane. These individuals while *in via* are generally beyond all episcopal jurisdiction, while the overland traveler is usually within the territory of some local ordinary. Hence, if the Holy See did not grant priests confessional jurisdiction on the high seas and in the air, it would be impossible for such travelers ever to be absolved while actually in transit—except, of course, by one possessing ordinary faculties or unless danger of death, common error, or other such basis for *delegatio a lege* could be legitimately invoked. With all deference to those few who defend an analogy between canon 883 and the long trip overland,⁵¹ those who hold the contrary would seem to have the advantage of a far stronger canonical position. As is true in so many instances, there is a most significant difference between what the Church could have done in this regard for the convenience of travelers and what *de facto* she has done. And it would seem far more likely that for one or another good reason she has as yet left the overland itinerant to the tender mercies of the native clergy.

May a priest who possesses only the confessional faculties of one diocese invoke either canon 522 or 523, according to circumstances, to hear a nun's confession in another jurisdiction? Since neither canon expressly stipulates that one must have received faculties from the ordinary of the place in which the confession is heard, and since favorable legislation is subject to broad interpretation, G. Rossino believes that such a confession would be both licit and valid.⁵²

Admittedly there is some extrinsic authority for the opinion that a woman religious who is seriously ill, even short of danger of death, may by virtue of

⁵¹ Cappello (*De sacramentis* 2 [4th ed.] § 300, 3) is commonly cited as extrinsic authority for this position. But it should be noted that Cappello postulates an overland journey which would be "valde diuturnum," and illustrates with the example of a trip "through Siberia" where, I should imagine, an analogy with canon 883 is far more likely to obtain.

⁵² *Perfice munus* 33 (July-Aug., 1958) 409.

canon 523 confess to a priest whose faculties for the confessions of women derive from the local ordinary of a diocese other than that in which the confession is heard.⁵⁶ The basis of this interpretation is the phrase "quemlibet sacerdotem ad mulierum confessiones . . . approbatum," as contrasted with the previous canon's requirement of "confessarium . . . ab Ordinario loci pro mulieribus approbatum." If words mean anything, the difference here in phraseology certainly seems to imply a difference in the requisite source of one's approbation for the hearing of women's confessions, viz., a greater latitude in the one case than in the other. But if "quemlibet sacerdotem . . . approbatum" be understood to mean necessarily "approved by the ordinary of the place where the confession is heard," that greater latitude is denied. So, in concluding as he does of canon 523, Canon Rossino could adduce both intrinsic reason and extrinsic authority in his favor.

But justification for so broad an interpretation of canon 522 would be most difficult, if not impossible, to find. Strangely enough, relatively few of the standard commentators consider the problem. Of those who do, Fanfani⁵⁴ and Goyeneche⁵⁵ deny flatly the legitimacy of the more favorable interpretation, while A. Coronata⁵⁶ hesitates to denounce it as erroneous only because of a certain few authors⁵⁷ who are sometimes cited as defending it, viz., Iorio, Marc, and E. J. Mahoney. The fact, however, would seem to be that all three of these latter authorities are actually not discussing canon 522 but rather 523 exclusively. Finally, when commenting on canon 519—the masculine counterpart of 522—Aertnys⁵⁸ and Schaeffer⁵⁹ insist that the local ordinary there specified is the ordinary of the place where the confession is heard. It would seem most unlikely that either author would interpret any differently the other canon, which is worded in substantially the same way.

With that weight of expressed opinion against the broader interpretation of canon 522, and with no discernible authorities in its favor,⁶⁰ Canon Rossino's conclusion in this instance would appear to be more or less a

⁵⁶ Cf. T. Iorio, S.J., *Theologia moralis* 3 (3rd ed.) § 450, 7; Marc-Gestermann-Raus, C.S.S.R., *Institutiones morales Alphonsianae* 2 (20th ed.) § 1764, b; E. J. Mahoney, "Confessions of Sick Religious," *Clergy Review* 10 (1935) 396-98.

⁵⁴ *Manuale theorico-practicum theologiae moralis* 4, § 413, B.

⁵⁵ *Commentarium pro religiosis* 31 (1952) 11-15; *Quaestiones canonicae de iure religiosorum* (Naples, 1954) 212.

⁵⁶ *Institutiones iuris canonici* 1 (4th ed.) p. 669, note 1.

⁵⁷ Cf. supra n. 53.

⁵⁸ *Theologia moralis* 2 (15th ed.) § 365, 1°.

⁵⁹ T. Schaeffer, O.F.M.Cap., *De religiosis* (Rome, 1947) § 624.

⁶⁰ Although Fr. Goyeneche in his 1952 article (cf. supra n. 55) had inadvertently cited Iorio, Marc, and Mahoney as defending the affirmative opinion, he later remarks in his *Quaestiones canonicae* (*loc. cit.*, note 1) that of the commentaries available to him, none can be found in favor of that interpretation.

juridical *hapax legomenon*, lacking that degree of probability required to establish a genuine *dubium legis* in the sense of canon 209.

Out of ingredients culled from several recent sources, one could quite readily compile a model *casus conscientiae* on the obligation incumbent upon the person in mortal sin to receive sacramental absolution before receiving Communion or celebrating Mass. Because of the nature of the problem proposed to him for solution, C. L. Parres, C.M.,⁶¹ restricts himself for the most part to noting the uniqueness of this prerequisite of confession as it applies to offering or receiving the Eucharist. All other sacraments of the living, as is evident, likewise require of the recipient a prior state of sanctifying grace; but their reception is per se licit after an act of perfect contrition without confession. For obvious reasons Fr. Parres does not recommend this procedure in preference to confession, but merely admits, as one must, its lawfulness.

M. Huftier⁶² goes into considerably more detail in expounding the teaching of Trent as regards obligatory confession for the would-be communicant or celebrant who is in mortal sin—doctrine now epitomized in canons 856 and 807. The exceptive clauses in these prohibitory canons are familiar to all students of theology: unless confession is morally impossible, and unless also there is genuine necessity for celebrating or communicating, one in mortal sin must either abstain from the Eucharist or interpose confession.

As Fr. Huftier notes, there is remarkable uniformity among commentators as regards both the substantial meaning of this law and its application to individual cases. One point, however, on which opinions vary revolves about the extraordinary and insuperable embarrassment which might be experienced by a particular penitent if required to confess to a particular priest. An example commonly given is that of the nun confessing an especially shameful sin to her priest brother. Can embarrassment arising from such a circumstance qualify as extrinsic to confession and therefore, if it is truly extreme and invincible, serve to verify a "deficientia confessarii" or "impossibilitas confitendi" when no other priest is available? After citing Merkelbach⁶³ as representative of those who answer in the negative, Fr. Huftier quotes both Genicot⁶⁴ and Vermeersch⁶⁵ as typical authorities for the more benign opinion. Apparently the author acknowledges at least the

⁶¹ "Confession and Sacraments of the Living," *Homiletic and Pastoral Review* 59 (Nov., 1958) 196-200.

⁶² "Confession nécessaire avant la communion en cas de péché mortel," *L'Ami du clergé* 68 (Dec. 4, 1958) 719-22.

⁶³ *Summa theologiae moralis* 3 (5th ed.) § 272.

⁶⁴ *Institutiones theologiae moralis* 2 (17th ed.) § 191.

⁶⁵ *Epitome iuris canonici* 2 (6th ed.) § 79; *Theologia moralis* 3 (4th ed.) § 290.

extrinsic probability of the latter solution, although he consciously refrains from committing himself in either direction.

While discussing essentially the same question as it would apply to a curate whose only available confessor is his pastor, U. Rocco, S.J.,⁶⁶ stresses a very salutary point which should not be overlooked when the relative merits of either opinion are discussed or when concrete cases present themselves for solution. Fr. Rocco's observation is substantially this: it would be theologically disastrous to make universal moral principles out of solutions to individual cases, and to conclude in this instance, for example, that extraordinary and insuperable embarrassment would always be verified if a curate in mortal sin were to confess to his pastor, and that consequently, if no other confessor is available, any such curate is automatically excused from confessing before a Mass which he must celebrate. Those who defend the more lenient, but respectable, opinion on the question at issue do not, of course, go to that extreme. They merely contend (1) that this and similar situations can conceivably cause such a degree of invincible embarrassment for the penitent as would make confession to a particular priest extremely difficult; (2) that this type of embarrassment, if and when it occurs, is something extrinsic to the nature of the sacrament; and (3) that it can therefore in certain individual cases constitute, in the proper canonical sense, a temporary moral impossibility of confessing. Granted, then, a genuine necessity for communicating or celebrating, an act of perfect contrition will suffice, according to these authorities, to make licit the reception of Communion or the celebration of Mass in accord with canons 856 and 807.

It need scarcely be said that this opinion in no sense condones the reception of the Eucharist or the offering of the Holy Sacrifice by one in mortal sin. Sanctifying grace is regained by the stipulated prerequisite of perfect contrition. Nor does it relieve the sinner permanently of the obligation to confess. There remains the necessity of submitting the unconfessed grave matter in one's next confession, to be made by a celebrant "quam primum" and by others within a time unspecified except by the law of annual confession. The doctrine is not one to be disseminated indiscriminately; but its prudent application when occasion warrants cannot be denied those who invoke it as properly defended.

A similar case presented to F. J. Connell, C.S.S.R.,⁶⁷ presupposes that it is physically impossible for a sister in mortal sin to get to confession before

⁶⁶ "Un caso pratico circa l'obbligo di confessarsi prima di celebrare," *Palestra del clero* 37 (Nov. 15, 1958) 1168-71.

⁶⁷ "Holy Communion without Confession," *American Ecclesiastical Review* 139 (Sept., 1958) 196-97.

community Mass. The question then proposed looks to the second condition (“urgens necessitas communicandi”) of the two required before a person in this predicament may depend on perfect contrition alone as preparation for Communion. Does the danger that abstention from Communion will create general suspicion of one’s grave guilt constitute such a necessity? While admitting the possibility that certain other extraordinary circumstances within a convent might make reception of Communion necessary in the canonical sense, Fr. Connell is unwilling to concede, except perhaps in rare instances, that such necessity obtains merely because failure to communicate is likely to be interpreted by some in the community as seriously self-incriminatory.

One can appreciate and must commend a refusal to give any answer which might be misconstrued as condoning an abuse in this regard. No thoughtful moralist would maintain that the mere fact of living in a religious community, where daily Communion is common practice, should make occasional abstention remarkable to any degree; or that a religious, upon finding confession necessary but impossible, may without further consideration choose the alternative of communicating in order to avoid suspicions. But Vermeersch, for example, whose realism was no less than his eminent prudence, makes cautious admission of the possibility that the danger of otherwise betraying oneself as guilty of serious sin would in some circumstances constitute a necessity which would satisfy this part of the canon.⁶⁸ The preferable solution to most such problems lies in their prevention by faithful observance of the directives contained in the 1938 Instruction from the Congregation of the Sacraments.⁶⁹ But while human nature remains what it is, not even those precautions can totally eliminate the possibility envisioned by such authorities as Vermeersch.

Writing a year and a half ago, John R. Connery, S.J., observed that on the question of reckoning the time element of the Eucharistic fast under current legislation “only Regatillo suggests the possibility of a moral estimate of the one- and three-hour limits.”⁷⁰ In the same context it was noted that J. L. Urrutia, S.J., had argued in favor of parity of matter in relation to the stipulated duration of the fast. Although these two theses differ to some extent, they share this in common: both admittedly represent a certain departure from the strict mathematical estimate which formerly characterized the common interpretation of canons 808 and 858, and which was understood to oblige *sub gravi*. Those who now suggest the legitimacy of a

⁶⁸ *Theologia moralis* 3 (4th ed.) § 359; *Epitome iuris canonici* 2 (6th ed.) § 120.

⁶⁹ Cf. T. L. Bouscaren, *Canon Law Digest* 2, pp. 208–15.

⁷⁰ THEOLOGICAL STUDIES 18 (Dec., 1957) 585.

moral computation of time under the mitigated law would require no particular reason to justify, e.g., one's fasting from liquids for only "approximately" an hour before Communion. Those who instead invoke parvity of matter maintain that this approximation to mathematical exactitude would be per se sinful, but only venially so; and that if employed for reasonable cause it would be sinless.

In more recent months both F. J. Connell, C.S.S.R.,⁷¹ and L. L. McReavy⁷² have again questioned the justifiability of the merely moral estimate, admission of which M. Zalba, S.J., now attributes to "some authors" whom he leaves unidentified.⁷³ Meanwhile James Madden⁷⁴ has concluded that "it seems probable that the obligation of a certain period of fast is a grave one *ex genere suo*: it admits of parvity of matter—a few minutes. Sufficient reason to excuse from all guilt with regard to the few minutes would be the inconvenience of waiting for another opportunity later in the day to receive Communion, and *a fortiori*, the impossibility of receiving any other time." Although Msgr. Madden depends to a considerable extent on the arguments presented by an anonymous commentator in *Monitor ecclesiasticus*,⁷⁵ he also adds a consideration of his own:

The circumstances surrounding the matter of the law are also helpful in arriving at a correct interpretation. Formerly, the *terminus a quo* for the fast was fixed at midnight, a point of time easily determined. Now, however, the moment when the fast begins depends on a future event—the moment of Communion—from which one is to reckon back. It is not always possible for the faithful to foresee with absolute accuracy when they will communicate. . . . Since the modifications of the *Sacram Communionem* were promulgated to facilitate the frequent reception of Communion, it would be hard to deprive a person of It, if he were a few minutes short of the prescribed three hours' or one hour's fast, because he was unable to know with mathematical accuracy the moment when he should begin the fast. After all, a law is to be observed *humano modo*.

It is true that the tools proper to the moralist are not the slide rule and calipers and that very often it simply is not feasible to measure obligations in terms of inches, ounces, and minutes. But sometimes a degree of mathematical exactitude is necessary—a fact recognized by the Code, for example, in its section *De temporis supputatione*, whose various definitions may strike the canonical neophyte as ridiculously superfluous until experience has

⁷¹ *American Ecclesiastical Review* 139 (Sept., 1958) 198; cf. *ibid.* 137 (July, 1957) 52.

⁷² *Clergy Review* 44 (Jan., 1959) 36–37; cf. *ibid.* (June, 1957) 327.

⁷³ *Theologiae moralis summa* 3 (2nd ed.) p. 113, note 5.

⁷⁴ "The Eucharistic Fast," *Australasian Catholic Record* 35 (Oct., 1958) 317–19.

⁷⁵ 82 (1957) 199–200.

demonstrated their value. In the present matter of computing the duration of the Eucharistic fast, would not our insistence on a mathematical calculation (already established by traditional teaching) save us from seeking eventual refuge in other arithmetic estimates, which to the critics of moral theology would seem arbitrary and casuistic, and which to the faithful could be at least mystifying as needless circumvention of a law so easily observed in its literalness? Where precisely would we draw the line for the minimum "moral hour"? Unless one were drawn, proper observance of even the present law of fast could eventually be jeopardized to a considerable degree. But if one were drawn, our only justification for thus defining the "moral hour" would be at best the consensus of theologians or *communis aestimatio*—the former not likely to be achieved, and the latter itself an elusive thing. For the sake of the few minutes of grace which a moral estimate would allow, is it worth our while to invite its concomitant nuisance problems? In any case, most would probably agree with Fr. Connell that the time element of the Eucharistic fast should, at least for the present, be explained to the faithful in unadorned terms of one and three hours before Communion. It is neither more nor less than what they expect to hear.

It would seem, however, that without being inconsistent one could reject a moral approximation of the time element and still be open to conviction as to *parvitas temporis* under our present law. A prudent judgment in individual cases that special circumstances justify the reception of Communion after somewhat less than the prescribed mathematical period seems to differ markedly from a concession a priori that somewhat less than a literal one or three hours is all that is required of anyone. It remains to be seen how theologians generally will receive the opinion tentatively espoused by Msgr. Madden, Fr. Urrutia, and *Monitor ecclesiasticus*.

How valid is the theological assumption that extreme unction is primarily intended to prepare the Christian soul for immediate entrance into heaven? Recent years have witnessed a growing tendency to question that premise and to transfer emphasis to the sacrament's potential as a spiritual and physical comfort for the seriously sick. This latter theory acknowledges, of course, that according to extant Church discipline the sick may not be anointed unless one can prudently judge that there exists at least probable danger of death, whether imminent or remote. It also recognizes the obvious pre-eminence of grace among a plurality of sacramental effects. But it relates the total efficacy of the sacrament primarily to the present *status viae* and only secondarily to the future *status gloriae*. Extreme unction, in other words, is designed principally not to facilitate dying but, by providing solace for both soul and body, to ease the burden of living for the seriously

sick, sometimes to the extent of physical cure. Should death in God's providence actually occur, the spiritual benefits of the sacrament also accompany the soul to judgment and have their consequent effect in eternity.

Paul F. Palmer, S.J.,⁷⁶ writes most convincingly in favor of this view, which, as he demonstrates at considerable length, appears to have been commonly professed up to the middle of the twelfth century. Only then was the designation "*extreme unction*" introduced and this sacrament allowed to supplant viaticum as the Church's ultimate gesture in the administration of last rites to the dying (a ritual sequence which since prevailed until very recently when the original order of administration was restored). From the concept of unction as a spiritual and physical therapy for the sick, theological emphasis thereafter shifted to its function as the *sacramentum exeuntium*, even to the point where anointing was commonly deferred until death was certainly imminent. Although Trent corrected this bit of pastoral malfeasance, we have nonetheless inherited the pre-Tridentine notion, which the Council itself did not by any means confirm, that extreme unction is fashioned primarily as an immediate preparation for eternal glory. At the practical level this doctrine has been largely responsible for the reluctance even yet of many Catholics to consider the reception of this sacrament as early as they could—or even should—legitimately claim its benefits.

Among several telling points which Fr. Palmer makes in defense of his thesis is the seeming lack of logic otherwise entailed in the insistence that danger of death threaten from some intrinsic cause before extreme unction may be administered. The criminal on his way to the gas chamber will just as surely and just as swiftly enter eternity as will the hospital patient in the terminal throes of cancer. Yet the former must be denied extreme unction until after he has breathed the lethal fumes. Viaticum on the other hand—unquestionably a sacrament for the dying—is granted in danger of death from any source. The restriction on unction becomes intelligible, according to Fr. Palmer, only if it be conceded that it is viaticum which is designed to prepare the soul proximately for death and glory, whereas anointing attends first and principally to the spiritual and physical needs of the sick.

In a critical survey of recent literature on this subject, Charles Davis likewise expresses the conviction that extreme unction should properly be termed the sacrament of the sick rather than the sacrament of the dying.⁷⁷ Written professedly for pastoral purposes, his article reaches its conclusion only after a considered appraisal of the speculative arguments advanced by

⁷⁶ "The Purpose of Anointing the Sick: A Reappraisal," *THEOLOGICAL STUDIES* 19 (Sept., 1958) 309-44.

⁷⁷ "The Sacrament of the Sick," *Clergy Review* 43 (Dec., 1958) 726-46.

contemporary proponents of either persuasion. In confirmation of his own position, Fr. Davis leans heavily on Fr. Palmer's article cited above and on an earlier publication by Z. Alszeghy, S.J.⁷⁸ Since any further summarization of a summary would only reduce to pabulum a most significant contribution, perhaps the best service which these notes can do Fr. Davis would be to recommend his article for firsthand perusal.

There is bound to be further exchange of opinion on this most intriguing and reductively most practical problem. Meanwhile one question might be raised with regard to the hypothesis that only by virtue of Church discipline—and hence as a matter of licitness exclusively—is danger of death required for the administration of extreme unction. Canon 941 cites explicitly three situations in which this sacrament is to be administered conditionally rather than absolutely: when there is doubt as to the subject's having attained use of reason, or doubt as to the existence of danger of death, or doubt as to the subject's being still alive. It is difficult to escape an implication in context that in the mind of the Church danger of death is a requisite for valid, and not merely licit, anointing. Principally for this reason, moralists and canonists would probably incline more readily to Fr. De Letter's opinion⁷⁹ that the purpose of extreme unction is perhaps best expressed by calling it "the sacrament of the sick who are in danger of death." This phraseology is capable of accomplishing the ultimate pastoral purpose behind the explanation proposed by Frs. Palmer, Davis, and others, and at the same time maintains this sacrament in what would seem to be an essential reference to "periculum mortis."

While treating the more familiar question of repeating extreme unction during the same illness, C. L. Parres, C.M.,⁸⁰ discusses the so-called thirty-day rule whereby some priests every month or so routinely reanoint patients who remain seriously ill over a long period of time. That this practice is sometimes followed is merely another indictment against the indiscriminate use of a rule of thumb in substitution for the exercise of prudent judgment. Canon 940, § 2 clearly states that "in one and the same illness this sacrament cannot be repeated, unless the sick person has recovered after the reception of extreme unction and has again fallen into danger of death." In some instances recovery from one danger and relapse into another within even a very short period is clearly discernible. The asthma victim, for instance, could be in serious danger of death today, tomorrow completely

⁷⁸ "L'effetto corporale dell'Estrema Unzione," *Gregorianum* 38 (1957) 385-405.

⁷⁹ P. De Letter, S.J., "The Meaning of Extreme Unction," *Bijdragen* 16 (1955) 258-70.

⁸⁰ "Repetition of Extreme Unction in Same Illness," *Homiletic and Pastoral Review* 58 (Sept., 1958) 1165-68.

recovered from his attack, and again in danger the following day. Beyond doubt such a person is entitled to extreme unction on both occasions; and yet one misapplication of the thirty-day rule could result in his being denied the sacrament upon his second attack. At the other end of the scale one could cite the long-term cancer patient who is slowly but perceptibly declining without ever any indication of improvement. In these circumstances there can be no justification for reanointing, since it is evident that it is one and the same danger of death which prevails in progressively more serious degrees. In the intermediate area there can be many cases in which it is truly difficult to judge whether there has been recovery from one danger and relapse into another or merely a continuation of the original danger in perhaps varying degrees. It is for this last doubtful situation that many authors suggest by way of practical guide that if the patient over a notable period (and they commonly suggest a month as illustrative of what they mean)⁸¹ seems to have improved, one can legitimately conclude that danger of death has at least probably ceased. If the sick person thereafter lapses again into danger of death, there is justification for repeating extreme unction.

Genicot,⁸² whom Iorio cites with apparent approval,⁸³ maintains that after a truly long period of time, such as a year, a patient may again be anointed even though danger of death is still physically one and the same, since "in common estimation it is considered a morally distinct crisis." Whatever can be said in defense of this last opinion, most would probably agree with Fr. Parres' implied criticism of the conclusion offered by H. Davis, S.J.: "It is a practice of prudent parish priests to administer this Sacrament once a month to a sick person who, having at first received it in danger of death, gives no evident sign of getting much better."⁸⁴ Unless such a rule is qualified so as to postulate at least probable reason for believing that a new danger of death is entailed, it is difficult to see how the directive can be reconciled with the Code.

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⁸¹ Cappello (*De sacramentis* 3 [2nd ed.] § 286) adds "aut etiam per hebdomadam," as does also Regatillo (*Theologiae moralis summa* 3, § 650); and other authors likewise indicate that they intend a month as illustrative of a perfectly safe moral estimate. But there is also general agreement that merely a few days of apparent improvement would not verify their notion of "tempus notabile" in this context.

⁸² *Institutiones theologiae moralis* 2 (17th ed.) § 428; see also M. Zalba, S.J., *Summa* 3 (2nd ed.) 459, note 16.

⁸³ *Theologia moralis* 3 (3rd ed.) § 772.

⁸⁴ *Moral and Pastoral Theology* 4 (6th ed.) 8.