

CURRENT THEOLOGY

PERIODIC CONTINENCE

It has been scientifically established that women are normally fertile only on certain days of their menstrual cycle, and normally sterile on all the other days of the cycle. Furthermore, practical methods have been developed by which it can be predicted of many women with probability, or even with moral certainty, that definite days of the monthly cycle will be sterile for them. Periodic continence, or rhythm, is *the systematic practice of restricting intercourse to the sterile periods for the purpose of avoiding conception.*

The avoidance of conception by this method has altogether different moral implications from the practice of contraception. Contraception involves a substantial infringement of the physical integrity of the generative act or of the generative powers as such. It is always morally wrong because it violates a negative precept of natural law, which binds *semper et pro semper*. But periodic continence does not involve this invasion and infringement of human generative powers, and so the morality of the practice must be judged on other grounds. It must be judged with reference to the ends of marriage, the hierarchy of these ends, and in the total context of conjugal chastity and conjugal love.

So much has been written on this topic that it might appear superfluous to deal with it here again. However, consciences are *de facto* confused about the use of rhythm. Speculative opinions, held by various competent theologians, and based no doubt on careful theological reasoning, are proposed in press and pulpit as if they were binding on the consciences of the faithful. Following such opinions, obligations under pain of sin, even of mortal sin, are sometimes unjustifiably imposed in the confessional. Marriage counselors, physicians, and priests fail at times to distinguish between these theological opinions and the teaching of the Church. This has resulted in widespread confusion of consciences and consequent harm to souls.

It will not be superfluous, therefore, to recapitulate the Catholic teaching and the theological opinions in this matter.¹ In the first section we will survey

EDITOR'S NOTE.—The "Notes on Moral Theology," which regularly appear as the Current Theology for December, will, in this one instance, be published in the next issue (March, 1963).

¹ The moral surveys in THEOLOGICAL STUDIES have frequently dealt with periodic continence, e.g., 2 (1941) 537; 4 (1943) 584; 5 (1944) 508-9; 8 (1947) 104-6; 11 (1950) 71-77; 13 (1952) 81-83; 14 (1953) 54-57; 15 (1954) 100-101, 621-22; 16 (1955) 587-88; 17 (1956) 186-87; 18 (1957) 593-94; 19 (1958) 569-71; 20 (1959) 626; 21 (1960) 603-4. The material in the present article, based in part on some of these surveys, will appear in a forthcoming book, *Contemporary Moral Theology 2: Marriage Questions* (Westminster, Md.: Newman).

the theological state of the question prior to the Allocution of Pius XII to the Midwives, Oct. 29, 1951. The second section will explain and comment on Pius XII's teaching on periodic continence in that Allocution. Our aim is to lay the foundation for a pastoral practice which does justice to the sanctity and meaning of marriage, to the moral teaching of the Church, and to the right of the faithful to know the difference between this teaching and the mere private opinions of theologians—ourselves included, of course.

VIEWS OF THEOLOGIANS BEFORE 1951

St. Augustine's Teaching and Influence

Among the Fathers of the Church St. Augustine is the only one we have found who explicitly speaks of the morality of periodic continence. He was disputing against the Manicheans. According to their peculiar doctrine, sexual intercourse was bad enough, but intercourse resulting in children was still worse, because bringing a child into the world meant harnessing a soul to a body of flesh; and the flesh, of course, was evil. Augustine upbraids them:

Are not you the ones who think that bearing children is a worse sin than intercourse itself, because souls are thus imprisoned in flesh? Aren't you the ones who used to warn us that as far as possible we should take note of the time when a woman, after menstruation, was capable of conception, and abstain from intercourse at that time, lest a soul be immersed in flesh? Whence it follows that you are of the opinion that a wife is not for the procreation of children but for the satisfaction of lust. But marriage, as the very marriage laws proclaim, unites male and female for the sake of procreating children; therefore, whoever says it is a worse sin to have children than to have intercourse excludes marriage, and makes a woman not a wife but a harlot—one who, by reason of certain endowments which are hers, has connections with a man to satisfy his lust. For if she is a wife, it is matrimony. But it is not matrimony where means are employed that she may not be a mother; therefore, not a wife.²

The Manicheans were incorrect in their estimate as to which days were fertile and which sterile, but this error is immaterial in the discussion of the morality of the practice. The severity of the terms in which Augustine condemned periodic continence as practiced by the Manicheans is a strong reason for believing that he considered it not merely sinful but gravely sinful. And at least as far as a permanent or systematic avoidance of conception is concerned, there is little doubt that he would have considered it a gravely

² *De moribus Manichaeorum* 2, 18, 65 (PL 32, 1373), and compare *Contra Faustum Manichaeum* 15, 7 (PL 42, 310). In the last sentence Augustine plays on the words *matrimonium-mater*: "Non autem matrimonium est ubi datur opera ne sit mater . . ."

sinful practice for Christians, as excluding from marriage the principal thing that makes marriage marriage.

But it would be a mistake to think that today, in this matter, we can find practical norms for the faithful in the works of Augustine, or even in the works of the great Scholastics of the classical period. If we were to follow Augustine's views on the ethics of conjugal intimacy, we would have to tell married couples that intercourse during pregnancy is at least venially sinful; that to use marriage after the menopause or in old age is venially sinful; that to use marriage in order to flee temptation and avoid fornication (in other words, to use it as a remedy for concupiscence when procreation is impossible) is at least venially sinful. That is what Augustine taught. And he was followed by the writers of the widely-used penitentials of premedieval times, and by the great Scholastics of the Middle Ages.³

These theological opinions of another and faraway age sound strange to the ears of a modern moralist, but they are consistent with Augustine's conception of concupiscence and its relation to procreation. Since he considered sexual concupiscence to be an evil, almost evil in itself, the deliberate use of this "evil" thing in marriage was justified only because it was a necessary means to the *bonum prolis*. To Augustine, and to many theologians who followed him for centuries after, procreation was not merely the primary end of the use of marriage; it seemed to be the only entirely blameless end. Nothing could have been more foreign to his thought than the rhapsodies of some modern writers about the marriage act, with or without the possibility of progeny, as a personal fulfilment and valuable enrichment of the spouses. Augustine taught not only the essential subordination of the remedy for concupiscence to the procreation of children, but he explained this subordination as one of means to end. The use of concupiscence was entirely without sin only because and only when it was used as a means to begetting children for everlasting life. Augustine's view of the subordination of the ends of marriage can no longer be maintained. It must be confessed, too, that much of Augustine's teaching on and evaluation of concupiscence is no longer accepted by dogmatic theologians. Moralists, following suit, unanimously reject some of his practical applications of that doctrine to the use of marriage. A reference to this gradual historical development has been in some sense necessary in order to put our present discussion in its proper setting. The modern differences of opinion among moralists about the safe

³ John F. McNeill and Helena M. Gamer, *Medieval Handbooks of Penance* (New York, 1938) p. 95 and *passim*; John J. Clifford, S. J., "The Ethics of Conjugal Intimacy according to St. Albert the Great," *THEOLOGICAL STUDIES* 3 (1942) 1 ff.; St. Thomas, *Suppl.*, q. 49, a. 5 c, etc.

period become more understandable when explained in the light of this theological background.

The Nineteenth and Early Twentieth Centuries

The modern discussion of the morality of periodic continence went on for about one hundred years prior to the papal Allocution to the Midwives in 1951. Although there was undoubtedly some previous consideration given to the topic (and physicians had guessed much earlier that a sterile period existed), we may take as a convenient point to mark the beginning of the modern development an answer of the Sacred Penitentiary given in 1853 to a question submitted by the Bishop of Amiens. The Bishop had asked whether married persons who restricted their intercourse to the days of the month then considered sterile were to be disturbed, at least if they had legitimate reasons for abstaining from the marriage act. The Sacred Penitentiary replied that such persons were not to be disturbed, provided they were doing nothing to impede conception.⁴

In 1867 Thomas Cardinal Gousset expressed the view that the marriage act performed (knowingly) during a sterile period was not wrong in itself.⁵ In 1873, with the publication of LeComte's work on the implications for theology of new physiological theories of ovulation, a more complete discussion of the problem took place—a discussion which dealt with many of the essential points which were to engage the minds and pens of moralists in our own times.⁶

LeComte agreed substantially with Gousset, and apparently the majority of those who expressed their opinions at that time were in the same camp. There were dissenting voices, however, from those who, directing their attention more to the systematic choice of sterile periods, considered it a sinful, positive exclusion of the primary end of marriage.⁷ Because of these contrasting views LeComte submitted a series of questions to the Sacred Penitentiary concerning the practice of periodic continence:

1. Could married people behave in this way without sin, either mortal or venial?
2. Could a confessor advise this way of acting either to a wife who detests her

⁴ Hartmann Batzill, O.S.B., *Decisiones sanctae Sedis de usu et abusu matrimonii* (2nd ed.; Rome, 1943) p. 20.

⁵ N. Orville Griese, *The "Rhythm" in Marriage and Christian Morality* (Westminster, Md., 1944) pp. 18-19.

⁶ A. LeComte, *De l'ovulation spontanée de l'espèce humaine dans ses rapports avec la théologie morale* (Paris and Louvain, 1873). Griese, *op. cit.*, p. 18, n. 1, says: "the biological calculations in this book are based on the erroneous Pflüger Theory."

⁷ Griese, *op. cit.*, pp. 18 ff.

husband's onanism but is unable to correct it, or to either spouse anxious to avoid numerous children?

3. Must one avoid the danger of decreasing the offspring, or should that danger be considered secondary to the advantage to be derived from the avoidance of sins and from peace of consciences?

In 1880 the Sacred Penitentiary in a private response gave a partial reply to these questions, avoiding in the reply itself any explicit judgment on the morality of the practice. The reply was as follows:

Spouses who use marriage in the aforesaid manner are not to be disturbed, and a confessor can insinuate, cautiously however, the opinion in question to those spouses whom he has tried without success to dissuade from the detestable crime of onanism.⁸

In 1890 the seventh Latin edition of Capellmann's work on pastoral medicine was published, and in 1901 Eschbach's *Disputationes physiologico-theologicae*.⁹ Both these authors were much respected and frequently quoted by the writers of the moral manuals because of their medical and physiological information. Both of them recognized the existence of a sterile period, but unfortunately the period of the month they indicated as sterile has since been discovered to be the very time when conception is most likely to take place. For forty years, from 1890 to 1930, moral manuals were indicating the middle of the menstrual cycle as the time when conception was least probable. There must have been many disappointments among those to whom confessors "cautiously insinuated" the use of this period, and it is not surprising that up until the time of the discoveries of Knaus (1929) and Ogino (1930) the public had little confidence in the effectiveness of periodic continence.

This may well explain, also, why there was relatively little theological controversy about the practice during the first three decades of the 1900's. Many manuals treated the topic. In fact, among the manualists there was great unanimity in the practical conclusion that the systematic practice of periodic continence for the precise purpose of avoiding conception was objectively licit, provided the partners had legitimate reasons for this practice. But since it was not a practically effective or widely used method, there was not sufficient interest in it to motivate profounder studies.

⁸ Batzill, *op. cit.*, pp. 24-26.

⁹ C. Capellmann, *Medicina pastoralis* (7th ed.; Aachen, 1890); A. Eschbach, *Disputationes physiologico-theologicae* (Rome, 1901).

From Casti connubii (1930) to the Allocution to the Midwives (1951)

After the publication of *Casti connubii* at the end of 1930, with its permissive reference to the use of the sterile periods, the problems of periodic continence began again to be discussed in earnest by theologians. For at about that same time the discoveries of Ogino and Knaus became generally known, and it became apparent that there really was scientific basis for asserting the existence of sterile periods. The work of Ogino and Knaus (who arrived separately at substantially the same conclusions) was popularized in this country by the writings of Dr. Leo J. Latz. His book, *The Rhythm of Sterility and Fertility in Women*, first published in 1932, was circulated to the general public and gave wide currency to the term "rhythm" to describe periodic continence.¹⁰

In the Encyclical *Casti connubii* the following passage had occurred:

Holy Church is also very well aware that not infrequently one of the spouses is more sinned against than sinning when, for an altogether serious reason, he or she permits the perversion of right order, and that such a one is without fault provided he or she recalls even then the law of charity and does not neglect to prevent and dissuade the other from sinning. Nor are those married couples to be considered as acting against the order of nature who make use of their right in the proper, natural way, even though, through natural causes either of time or of certain defects, new life cannot thence result. For both in matrimony itself and in the use of the conjugal right there are secondary ends, such as mutual help, the fostering of mutual love, and the quieting of concupiscence, which the spouses are by no means forbidden to intend, provided always the intrinsic nature of that act is preserved, and accordingly its proper relation to the primary end.¹¹

The fact that the licit use of the sterile period was already at that time a common doctrine of theologians, the fact that the phrase "through natural reasons . . . of time" was used, rather than "reasons of age" or some similar expression, and the fact that the immediate context of the Encyclical itself was concern for the difficulties of married people tempted to onanism—all these considerations convinced the great majority of theologians that Pius XI was here referring to the permissible use of the sterile periods as a means of avoiding conception. Pius XII, incidentally, explicitly confirmed this view in 1958, thus dispelling what little doubt had existed on this point.¹²

But though the quoted passage of *Casti connubii* ratified the position that use of the sterile periods was not contrary to nature, it did not say anything

¹⁰ Leo J. Latz, *The Rhythm of Sterility and Fertility in Women* (Chicago, 1932).

¹¹ *Casti connubii*, AAS 22 (1930) 561.

¹² Allocution to Hematologists, Sept. 12, 1958, AAS 50 (1958) 736.

explicitly about the systematic use to avoid conception, or about the circumstances and conditions under which this systematic avoidance could be permissible. During the two decades 1931 to 1951 an immense amount of literature on this topic appeared in Catholic publications, both scholarly and popular. So many points were debated and so much disagreement expressed that many of the laity, not to mention the clergy, were confused. Some lost sight of the fact that underlying this diversity of opinion there was always general agreement on certain important, practical, moral conclusions concerning the use of periodic continence.

Moralists were agreed that it was permissible to practice periodic continence systematically, that is, with the direct intention of avoiding conception for considerable periods of time, (1) provided that both parties were willing to do so. This meant that they were mutually agreed, and neither party forced the practice on the other. (2) Provided that both parties were able to do so. This meant that the practice did not involve either one in the unjustifiable occasion of sin, for instance solitary sin, or other sins against chastity, etc., and did not expose the marriage to other unjustifiable dangers. (3) Provided that there existed a legitimate reason for avoiding conception. The theologians were in agreement, further, that a violation of either of the first two conditions was *per se* mortally sinful. There was a debate about the gravity of the third condition. A small minority held that to practice periodic continence, at least for a long time, without a legitimate reason, was mortally sinful. But there was no justification for allowing a confessor to impose this view on penitents, when the opposite view, that it was only a venial sin, was so obviously probable and so much more widely held. Consequently, for confessional practice, there should have been common agreement on this point: that the third condition could not be imposed on penitents *sub gravi*. Departures from this norm which may have occurred can hardly be squared with sound theological principles, universally admitted, on the proper use of probabilism.

It is the opinion of the present authors that there were few if any moralists during the entire one hundred years, i.e., the entire period in modern times during which this matter has been discussed, who would deny the practical probability (to say the least) of the doctrine that periodic continence was licit under these three conditions. Furthermore, just as this was the common practical teaching in the matter before the Allocution to the Midwives, it remains so after that important document. It seems worth while to call attention to this continuing agreement of theologians on these fundamental practical points, because otherwise one might get the impression that until the Pope spoke in 1951 the whole question was in dispute,

and that there was no unanimity at all at the practical level as to the guidance which should have been given to the faithful in the confessional.

On the other hand, between 1931 and 1951 many points of disagreement, especially at the speculative level, were discussed, and there were many questions to which no definitive answers could be given by moralists. For instance: Do individual couples have an *affirmative obligation* to procreate? *Why* is a legitimate excusing cause required? Is it a *mortal or a venial sin* to practice rhythm without an excusing cause? And the cognate question: *How* serious an excusing cause is required? *What virtue* is violated in practicing the rhythm without legitimate reasons? Finally, there was controversy at the prudential level about *publicizing* periodic continence as a lawful method of family limitation.

As for the obligation to procreate, the great majority of theologians prior to 1951 did not teach an explicit affirmative obligation on the individual couple to have children. Apart from the obligation of intercourse, which the parties owed to one another in virtue of the marriage contract (1 Cor 5:7), and which would normally result in children, they were not generally considered to have a special, additional obligation to conserve or propagate the race. This view seemed to be in entire accord with the passage of *Casti connubii* just quoted.

In this passage Pius XI seemed to be saying that married couples who use the conjugal act for its secondary purposes and who preserve the physical integrity of the act need no further justification for their conduct. He asserted no duty to procreate. And in another section of the Encyclical he studiously avoided such an assertion when he said: "Indeed, a most wise God would have made little provision for the offspring begotten and thus for the whole human race, unless those to whom He had granted the power and right to procreate He had also endowed with the right and duty to educate." The duty of educating was clearly enunciated; the duty of procreating was left unmentioned.

Other documents of the Church prior to and including the period we are discussing were likewise silent as to an affirmative obligation on individual couples to procreate. Neither Leo XIII (Feb. 10, 1880), on whom *Casti connubii* leans heavily, nor the decision of the Rota (coram Wynen, Jan. 22, 1944), nor the decree of the Holy Office (Apr. 1, 1944) on the subordination of the ends of marriage, makes any mention of such an obligation, though all these documents are intent on establishing the procreation and rearing of children as the primary end of marriage.¹³

¹³ Leo XIII, *Arcanum divinae sapientiae*, Feb. 10, 1880; *Sententia S. R. Rotae*, Jan. 22, 1944, coram Wynen, in *Decisiones S. R. Rotae* 36, Decis. 6 (published also in *AAS* 36 [1944] 179-200); Decree of Holy Office, April 1, 1944, *AAS* 36 (1944) 103.

It was not at all surprising, therefore, that Fr. Francis Hürth, S.J., then Professor of Moral Theology at the Jesuit scholasticate at Valkenburg, Holland, in an article published within the first year after the issuing of the Encyclical, expressed the view that there can be no moral objection *ratione sui* to the habitual practice of periodic continence, because the sexual acts placed during the sterile times are natural acts, and because abstinence during fertile times violated no obligation, since neither the married state itself nor the use of marriage imposes on individual couples the duty of preserving the race.¹⁴ This was also the view of Fr. Arthur Vermeersch, S.J., then Professor of Moral Theology at the Gregorian University in Rome. In fact, Fr. Vermeersch expressed surprise that among well-intentioned Anglicans there were several authorities of the opinion that the vocation to married life imposes on the parties the duty to give children to their country and to the Church if they can.¹⁵

Perhaps one reason for this staunch defending of the view that a duty to conserve the race does not fall upon individuals was the historical position in the Church that the practice of perfect continence, even in marriage, if done for a supernatural motive and by mutual consent, is not only legitimate but praiseworthy.

Nevertheless, at the speculative level there were dissenting voices from the more common opinion, and probably a growing number of them. One of the present writers, a year or two before the Allocution to the Midwives, gave it as his opinion that "the very nature of the married state demands that married people do what they reasonably can to have a family." And he suggested that "this view needs further consideration by theologians."¹⁶ Others spoke similarly. But as far as we have been able to judge from the literature, the majority of theologians before 1951 taught that there was *per se* no affirmative obligation on the individual couple to procreate. Consequently, at the practical level it was improper to impose this obligation on the faithful.

But if there was no affirmative obligation to procreate, why did the theologians require so unanimously a legitimating reason for the practice of periodic continence? The position of the minority was clear and logical. Since they held an affirmative obligation to procreate, they demanded justifying causes as an excuse from this obligation. But the position of the

¹⁴ F. Hürth, S.J., "De sterilitate physiologica," *Nouvelle revue théologique* 58 (1931) 674-89.

¹⁵ A. Vermeersch, *Theologiae moralis principia, responsa, consilia* 4 (4th ed.; Rome, 1954) nn. 61, 68.

¹⁶ Gerald Kelly, S.J., "Notes on Moral Theology, 1949," *THEOLOGICAL STUDIES* 11 (1950) 74.

majority was equivocal. For they held, first, that there was *per se* no obligation to procreate; secondly, that the use of marriage for its secondary ends was *per se* permissible even when conception was impossible; and yet, thirdly, demanded an excusing cause for the systematic use of the sterile period. Why?

A frequent explanation was that the use of the safe period without a justifying cause was a sin of selfishness, which manifests itself in such purposes as these: inordinate love of pleasure, inordinate love of wealth, shunning of the effort required to rear a family, and the desire to escape the ordinary pains of childbirth. In other words, because of selfish motives the practice becomes sinful *ex fine operantis*. But it was nowhere shown that the desire to gain wealth, avoid pain, and escape the labor involved in raising a family are in themselves sinful. It is true that selfishness easily leads to sin, for it is an inordinate tendency deep-seated in all of us. But it is not actually sinful unless it leads to the violation of obligations that bind under pain of sin. And this brings us back to the question: Are married people obliged to have children?—a question already answered in the negative by these theologians.

This weakness seems typical of much that was said about periodic continence by moralists, professional and nonprofessional, clerical and lay. Again and again we heard that even though rhythm is perfectly sinless on the part of object and circumstances, yet one commits the sin of selfishness in practicing it without proportionate reason. Latent in all this seems to be the assumption that there is no distinction between precept and counsel, and that the inordination vaguely referred to as selfishness admits of no division into sin and imperfection. Perhaps the real explanation of this insistence on the sin of selfishness lies in the fact that the necessity of emphasizing the obligations of married people has led some to forget that in marriage, as in other states of life, there are both ideals and duties, counsels and precepts.

Similarly, it was not logical to appeal to the Catholic "ideal of fertility" as the basis for requiring excusing causes under pain of sin, for this ideal was admittedly not obligatory under pain of sin.

Fr. Griese's position as to the reason why justifying causes are required (he considered the practice *per se* illicit without them) was still more ambiguous. He says explicitly that "there is no law which states that married people must have children"; yet, on the other hand, he contends that they do have an obligation to keep the primary end first in their intention.¹⁷ These statements do not seem compatible.

¹⁷ N. Orville Griese, "Objective Morality of the Rhythm Practice," *American Ecclesiastical Review* 120 (1949) 475-79; cf. Kelly, *art. cit.*, p. 76.

The more logical position for all these authors would have been this: if there is *per se* no obligation to have children, then *per se* no excusing cause at all is required for avoiding children by rhythm, supposing always, as all these authors did, that the secondary ends are legitimate purposes of intercourse even when, "through natural causes either of time or of certain defects, new life cannot thence result." And thus one would be forced to conclude that it is not *per se* sinful, not even venially sinful, to practice rhythm without any justifying cause.

However, even one who held this logical position speculatively, could admit with the common opinion that in practice some justifying cause is required, at least *sub levi*. It is required *per accidens*, for example, because of the dangers which are so commonly present when married couples practiced rhythm without having special justifying reasons. For instance, Fr. J. Goeyvaerts puts the whole emphasis on danger. The choice of the system, he explained, is not wrong *ex objecto*, but the attempt to practice rhythm is open to many dangers and is therefore justifiable only for reasons proportionate to these dangers. As a practice extending over the whole, or almost the whole, of married life, it creates such serious dangers that without a very weighty reason it seems to be forbidden *sub gravi*.¹⁸

This leads us to the further dispute about the gravity of the sin of practicing rhythm without a sufficient cause, and the cognate question as to how serious a cause was required to justify it. The minority view, represented above by Goeyvaerts, and also by Griese, Salsmans, and a few others, held that it was mortally sinful (for one reason or another) to practice rhythm without a justifying reason, at least for a long time.¹⁹ Consequently, they demanded really serious reasons to justify it. Those who held it was at most venially sinful, naturally required less weighty justifying causes. But there was a very wide variety of opinions as to what causes were serious enough to justify the practice, and this led to great confusion in the minds of confessors, physicians, and the married laity themselves.

Another problem was a more theoretical one. What moral species of sin is committed, what virtue is violated, when rhythm is practiced unjustifiably? The answers given to this question varied, of course, with the theological presuppositions of the various authors. Those who held there was an obligation to procreate spoke of an obligation of legal justice to the human race. Some spoke, rather inaccurately as we have seen, of a sin of selfishness. Others, if they had discussed the matter, would undoubtedly have spoken

¹⁸ J. Goeyvaerts, "De moralitate usus matrimonii ad tempus agenneseos restricti," *Collectanea Mechliniensia* 33 (1948) 701-5; cf. Kelly, *art. cit.*, pp. 74, 76.

¹⁹ Griese, *op. cit.*, pp. 53-54.

in terms of the particular kind of danger to which the practice exposed those who used it unjustifiably. In general, the treatment of this question was sketchy and left much to be desired.

Finally, there was much disagreement as to the prudence of publicizing the Ogino-Knaus method. There were undoubted abuses in this regard, which made some ecclesiastics and physicians seem to be "counselors of infertility," to use Vermeersch's expression. Then, too, the moral difference between natural birth control and contraception was not easily grasped by the masses, and there was always the danger that if the former failed to work, they would see no reason why they might not resort to the latter. But on the question of publicity, as on the question of the gravity of the sin and the gravity of the reasons required, each theologian's attitude, favorable or unfavorable, to the method itself played a large part in determining the answers given. And one cannot escape the suspicion that even at this late date Augustine's definitely derogatory evaluation of sexual pleasure may still have been exerting some vague and unrecognized influence on the minds and opinions of some theologians.

These were the questions which were still being discussed when Pius XII delivered the memorable Allocution to the Midwives on Oct. 29, 1951. In the following section we will discuss these questions in the light of the papal teaching in that Allocution.

PIUS XII ON PERIODIC CONTINENCE

Pope Pius XII's teaching on periodic continence is given in the third part of his Allocution to the Midwives.²⁰ The Pope begins this section by exhorting the midwives to try to inspire married women with an appreciative love of motherhood. But since many women might want to avoid childbirth and might seek the advice of midwives for this purpose, the Pope points out to the midwives their duty to know the teaching of the Church on the moral aspects of family limitation. He briefly recalls his predecessor's and his own official pronouncements against contraceptive practices and direct sterilization, enlarging somewhat on the latter point. He then takes up the problem of the use of marriage during the woman's sterile periods, and particularly the question of periodic continence.

As regards the medical aspects of the female cycle, he tells the midwives that they should have accurate and up-to-date knowledge derived from

²⁰ Oct. 29, 1951, *AAS* 43 (1951) 835-54, at 844-46. The "midwives" would more properly be called obstetrical nurses in our usage. See also Allocution of Pius XII to the "Family Front" and Association of Large Families, Nov. 26, 1951, *AAS* 43 (1951) 855-60, at 859; and Allocution to Hematologists, Sept. 12, 1958, *AAS* 50 (1958) 732-40, at 736-37.

competent professional sources, and they should be prepared to explain these things to others either verbally or by means of serious publications.

He did not discuss in so many words the prudence of publicizing periodic continence as a lawful method of family limitation. But the fact that he himself was discussing it publicly, in the vernacular, to a group of laywomen, and later returned to the topic before a nonprofessional audience of both men and women, with world-wide newspaper publicity given to both these addresses, is a sufficient indication that he considered it prudent and desirable that the general public be instructed about periodic continence. Prudence obviously requires that this instruction of the public be accurate, serious, and adapted to the capacities of the audience, in order to avoid misunderstandings and abuses. But the "cautious insinuation" of the safe period which was the prudent course suggested to confessors by the Sacred Penitentiary one hundred years ago can no longer be considered the only norm of prudent procedure today. Premarital and marital instructions are incomplete today without clear instructions on the morality of periodic continence.

On the juridical side, the Pope poses the question familiar to canonists: Is a marriage valid if the parties contract it with the intention of limiting intercourse to the sterile periods? And his answer is given with the distinction also familiar to canonists: the marriage would be invalid if the parties intended to restrict the marriage right, not merely its use, to these periods, because this would mean that they are not giving the perpetual right which is essential to marriage. We conclude that Pius XII must here have been speaking only of an exclusion of the fundamental marriage right, because the exclusion of the proximate right would not necessarily be incompatible with valid consent. At all events, nobody should be encouraged to believe that it would be easy to obtain an annulment of a marriage on the grounds that it was contracted with an intention or even an agreement to practice periodic continence. The presumption that such an intention or agreement was not intended to restrict the right itself would be so strong in practice that only the most extraordinary circumstances would provide enough proof to overcome this presumption.²¹ If the parties merely intended to restrict their use of the marriage act to the sterile periods, the marriage would be valid, said Pius; but there would still be the problem of the lawfulness of such an intention.

The Pontiff had already explained that there is no moral problem in the

²¹ Cf. N. Orville Giese, *The Marriage Contract and the Procreation of Offspring* (Washington, D.C., 1946) pp. 60 ff., esp. pp. 64-65.

use of marriage during sterile periods when the use is not limited to these periods—in other words, when these periods are also used:

If the actuation of this theory means nothing else but that the spouses can make use of their matrimonial right also on the days of natural sterility, there is nothing against it: thereby, in fact, they do not impede or prejudice in any way the consummation of the natural act and its further natural consequences. It is precisely in this that the application of the theory of which we are speaking is essentially distinguished from the abuse already indicated which consists in the perversion of the act itself.²²

He now says that the problem is not so simple in the case of those who restrict intercourse to the sterile periods only. It is not sufficient for them to place the act in a natural manner, with the willingness to accept parenthood should conception take place. Over and above this they need justifying reasons for using this method of family limitation.

Why are justifying reasons needed? In answering this question, the Holy Father contributes significantly to the development of the theology of periodic continence; hence, we wish to quote him completely and as literally and accurately as possible. He says:

The reason is that matrimony obliges to a state of life which, while carrying with it certain rights, also imposes the fulfilment of a positive work concerning the state of life itself. In such a case one can apply the general principle that a positive prestation²³ can be omitted if grave motives, independent of the good will of those who are obliged to it, show that this prestation is not opportune or prove that it cannot be justly demanded by the claimant—in this case, the human race.

The matrimonial contract, which confers upon the spouses the right to satisfy the inclination of nature, constitutes them in a state of life, the state of matrimony. Now on partners who make use of matrimony by the specific act of their state, nature and the Creator impose the function of providing for the conservation of the human race. This is the characteristic prestation from which their state of life

²² Allocution to Midwives, *op. cit.*, pp. 844–45.

²³ In the interests of accuracy we have translated the technical Italian legal word “pre-stazione” by the corresponding technical English word “prestation,” which is defined by the *Oxford Universal English Dictionary* thus: “The action of paying, in money or services, what is due by law or custom, or feudally; a payment or the performance of a service so imposed or exacted; also the performance of something promised.” Although this is an unfamiliar word today even in legal language, it is an exact translation of the word used by Pius XII. It was the only accurate word we could find to convey the legal flavor and the technical legal meaning of the Italian used by the Pope. Even though his use of this language in this context may be analogical or partly metaphorical, it does provide grounds for interpreting the obligation he is speaking of in terms of legal justice. Cf. Stanislas de Lestapis, *La limitation des naissances* (Paris, 1958) p. 143, n. 2; tr. Reginald F. Trevett, *Family Planning and Modern Problems* (New York, 1961) p. 133, n. 7.

derives its peculiar value, the *bonum prolis*. The individual and society, the people and the state, the Church itself, depend for their existence, in the order established by God, on fertile marriage. Consequently, to embrace the state of matrimony, to use continually the faculty proper to it, and in it alone, and on the other hand to withdraw always and deliberately, without a grave motive, from its primary duty, would be to sin against the very meaning of conjugal life.

Serious motives, such as those which are frequently present in the so-called "indications"—medical, eugenic, economic, and social—can exempt from this positive, obligatory prestation for a long time, even for the entire duration of the marriage. Hence it follows that the observing of the sterile periods can be *licit* from the moral viewpoint; and under the conditions mentioned it is really so. If, however, there do not exist, according to a reasonable and equitable judgment, grave reasons of this kind, either personal or deriving from external circumstances, the will to avoid deliberately the fertility of their union while at the same time continuing to satisfy fully their sensuality cannot but derive from a false appreciation of life and from motives foreign to right ethical norms.²⁴

In these paragraphs two points are highlighted: (1) there is a duty to procreate; and (2) being an affirmative obligation, it admits of excusing causes. At present we wish to consider some special questions raised by the papal teaching on the duty to procreate.

This teaching was the cause of some surprise and has been the source of much theological discussion. It was surprising, not so much for its content—because, as we shall see, the existence of such a duty seems eminently reasonable—as for the circumstances of the statement. As far as we have been able to discover, it was the first official document to enunciate this duty. *Casti connubii* and other important Roman documents had said nothing about such a duty.²⁵ The statement was made at a time when the majority of theologians were teaching that individual couples do not have a duty to procreate, and at a time when no such duty seemed necessary to provide for

²⁴ Allocution to Midwives, *op. cit.*, pp. 845–46.

²⁵ The previous official silence on a duty to procreate may be easier to understand and partially explained if we recall the following points. The Church has traditionally approved of a mutual agreement to practice perfect continence in marriage for supernatural reasons. There was, accordingly, no need of asserting an obligation to procreate as regards the exceptional couples who practiced perfect continence, because they were excused from it or were outside the ambit of the obligation altogether. There was no need of asserting it as regards couples using marriage regularly without regard for or knowledge of the sterile periods, because they were fulfilling it. And there was no *practical* need in the past of asserting it as regards couples practicing periodic continence, because they were relatively few, and because this was not known as an effective method of avoiding conception until our own day. According to F. Hürth, *De re matrimoniali* (Rome, 1955) p. 112, n. 23, the Allocution to the Midwives is the first pontifical document to enunciate an affirmative duty to procreate.

the conservation of the race; in fact, at a time when many demographers were in fear of overpopulation. And though from the viewpoint of theology it was a most significant development, the statement was made, not in an encyclical letter or some similarly imposing document, but in an address given in the vernacular to a group of laywomen.

Furthermore, it was introduced into this discourse only *in obliquo* and indirectly, in order to explain why excusing causes are required to justify the systematic practice of periodic continence. Perhaps this is a reason why some authors, writing after the publication of this Allocution, continued to speak as if there were no affirmative obligation on individual couples to procreate. Possibly they felt that since this doctrine was introduced here as an explanation of the moral teaching on the use of rhythm, to give reasons for the central moral teaching enunciated, it is less authoritative than that central teaching. We take that central teaching to be that the systematic practice of periodic continence can be legitimate, but only when justified by proportionate excusing causes. Sometimes, in ecclesiastical documents, the reasons given for a doctrine do not enjoy the same degree of authority as the doctrine itself.

Because of these various circumstances, the papal teaching on the duty to procreate came as a surprise to many. But surprising or not, and prescinding from the degree of solemnity or authority which attaches to it, it is now the accepted theological position and has become the object of much discussion. For the most part this discussion has revolved around four points: (1) whether the basis for the duty is the married state itself or only the use of marriage; (2) the virtue or virtues that inculcate the obligation; (3) whether the duty is limited only by excusing causes, or is fulfilled when a certain number of children is reached; and (4) whether it is a grave obligation, binding upon individual couples under pain of mortal sin. The remainder of this section will be devoted to a discussion of these four points.

The Basis of the Obligation

The first question is whether this obligation is derived directly from marriage itself, i.e., from the stage of marriage, or rather from the use of marriage by those in the married state. It cannot be denied that on a first reading of the Allocution one is likely to conclude that the obligation is directly derived from and dependent upon the actual use of marriage. We believe, however, that the text of the document does not preclude further discussion of this view, and, because of the difficulties encountered in explaining it, we wish to offer tentatively to the consideration of our theological colleagues some reasons for thinking the obligation may derive directly from the state of marriage.

Pius XII asserts that those married couples who *de facto* use their right habitually and completely are obliged to contribute to the conservation of the race. But he does not assert that they have this obligation precisely because they make use of their right. Nor does he assert anywhere that those who do not use their right do not have this obligation. Is it not possible that the meaning of the document may be: "At least those who use their rights habitually and completely etc." have this obligation? Such an interpretation should not be offered gratuitously. But we think there is good reason for believing that this may be the true explanation of the obligation asserted in the text.

It must be remembered that the moral question which the Pontiff proposes to answer directly and *ex professo* at this point is not the question as to which married couples have such an obligation. The moral question which has, as it were, been proposed to him for his solution is that of the moral lawfulness of the systematic practice of periodic continence. Since in this system married couples *de facto* use marriage completely and habitually, he would have good reason to answer the question for them and go no further.

He says that they may adopt the practice if they have sufficiently good reasons for doing so. He says further, by way of explanation why they need justifying reasons, that it is because of their affirmative obligation to procreate. This obligation follows the general rule for affirmative obligations, namely, it does not urge when there are proportionate excusing causes. Obviously, the wording of such an explanation had to be couched carefully in terms that would leave intact the ancient Christian tradition of "virtuous continence, permitted even in marriage, if both partners consent."²⁶ This could have been another reason for restricting his explicit statement of the obligation to those married couples who actually do use their rights completely and habitually. This was the problem he was called on to solve and to which he seems to have directly addressed himself. But he did not declare explicitly, not even incidentally or *in obliquo*, that married couples have this obligation precisely because they use their marriage rights, nor did he say that those who do not use their rights do not have the obligation.

It seems to us, therefore, that an important question is left open for discussion here. Just as Pius XI left open the question whether there is an obligation to procreate, Pius XII seems to have left open the question whether the obligation is based on the state or on the use of marriage. It is left open because he did not explicitly settle it. In fact, the wording of some parts of the passage in question even favors the idea that this obligation is attached *per se* to the married state itself. "Matrimony obliges to a state of

²⁶ *Casi connubii*, AAS 22 (1930) 559.

life," the passage reads, "which, while carrying with it certain rights, also imposes the fulfilment of a positive work concerning the *state itself*."⁷

This latter doctrine, that the married state itself imposes this obligation *per se* on all married couples, seems preferable to us for the following reasons. (1) Procreation is the primary, intrinsic purpose of marriage, and marriage consists in an exchange of rights and obligations with a view to procreative acts. It is an easy and entirely reasonable inference that all who freely embrace a state of life which has this primary and intrinsic purpose should by reason of that very fact have an obligation *per se* to achieve this purpose. Compare the priesthood. Its most fundamental purpose is the offering of the Sacrifice of the Mass. One who chooses the priesthood as his state in life has, by that very fact, an obligation *per se* to offer the Sacrifice of the Mass. Ecclesiastical law imposes further duties in some cases, but the duty to offer sacrifice in virtue of the priesthood springs from the nature and the essential purpose of the priesthood. Since the nature of the married state itself provides an adequate basis for the obligation, there is no need philosophically of looking further for an additional natural-law basis in the sexual use of marriage.

2) Pius XII did not assert—and in our opinion it would be difficult to show—that the natural moral order obliges partners to procreate precisely because they make sexual use of marriage completely and habitually.

It is admitted by all that complete use of marriage during sterile periods on individual occasions, even many individual occasions, does not impose any obligation to procreate. The reason is that the marriage act has other natural and intrinsic ends in addition to procreation which are separable from actual procreation or any intention of actual procreation. (The teachings of both Pius XI and Pius XII confirm this theological position.) Then how can it be shown that merely because complete acts are performed habitually, and precisely because they are performed habitually, the natural law itself imposes on them an ordination to actual procreation? *Magis et minus non mutant speciem*.

The idea of a natural ordering of sexual activity to actual procreation such that it imposes an obligation to procreate, which obligation is present only when complete acts are performed habitually and is absent in all other cases, is not an easy concept to understand. It becomes still harder to understand when we recall that even this ordination does not obtain, and no longer imposes any obligation to procreate, whenever the partners have serious proportionate reasons for not procreating.

If there is some necessary order established by natural law between the

⁷ AAS 43 (1951) 835–54, at 845; italics added.

use of sex and the intention of procreation or the actual achievement of procreation, why is it not present in all sexual activity? If it were, then it would be impossible to justify the use of the sterile period at all.²⁸ St. Augustine believed there was such a necessary order and very logically rejected the use of the sterile period.

3) We confess to a certain concern that an explanation of the affirmative duty based precisely on sexual use might tend to revive outmoded concepts concerning the theology of conjugal intimacy. Our explanation avoids the very beginnings of a return to the notion that the secondary ends of marriage have genuine value and are properly subordinated to the primary end only when they are used as means to the achievement of the primary end. It also avoids the appearance of a return to the obsolete way of looking at sexual concupiscence as an evil, the use of which has to be compensated by offspring, or the still less acceptable idea that children are the price one is obliged to pay for the pleasures of sex.

4) Furthermore, if the obligation to procreate is consequent upon actual regular use, why is it not consequent upon regular, incomplete use of marriage? Incomplete sexual acts in marriage are of their very nature ordered to the complete act and to procreation. It is only because they are so ordered that they are permissible in marriage. How explain that couples who regularly enjoy complete sexual relations have this obligation to the race, while those who regularly indulge only in incomplete acts (such as *amplexus reservatus*?) do not have the obligation? What reasons can be found for making these distinctions in natural-law obligations?

It is argued that to safeguard the achievement of the primary end nature had to impose the obligation of procreation only on those who regularly and

²⁸ F. Hürth, S.J., writing in 1931 said: "Coniuges autem ex ipsa operis coniugalis natura et ex fine primario matrimonii ulterius obligari ad curam *positivam* adhibendam et ad finem operis *positive*, pro posse, saltem ita promovendum, ut quoad *tempora* agenneseos naturae defectum quodammodo suppleant, et ita efficiant, ut fructus copulae ob intervenientia obstacula naturalia periclitatus, tamen obtineatur: *gratis asseritur*. Valet, quod modo dictum est, scilicet si huiusmodi haberetur obligatio, numquam naturalis copula, quotiescumque origo novae vitae ex defectu causarum naturalium est impossibilis, licita esset. Quod enim ex natura rei sequitur et contra rei naturam offendit, semper valet, et semper prohibitum est. . . . Quae dicta sunt, valent tum de uno alterove casu particulari tum de habituali temporum observatione: neutra praxis (ratione sui) probatur illicita." "De sterilizatione physiologica," *Nouvelle revue théologique* 58 (1931) 686-87. But in his commentary on the Allocution to the Midwives, Fr. Hürth favors the view that the natural law establishes a necessary order (with its consequent obligation) between habitual complete use and the achievement of the primary end which is not present in occasional complete use or in incomplete use; cf. *De re matrimoniali*, nn. 23 and 24.

completely use marriage. An obligation on those who use marriage rarely, or only incompletely, is not necessary to safeguard the primary end, because there is little danger that large numbers of people would be in this category. But argumentation which is based merely on the need of an obligation to insure the achievement of the primary end for the conservation of the race is unconvincing. The facts of history deny such a need. There is no danger that the world would be underpopulated, whether this obligation exists or not. We have not known about the obligation hitherto, and yet the population of the world has not suffered thereby at all. Despite devastating wars and plagues, despite the widespread use of contraception and abortion, the human race has continued to grow to the point where even sober-minded scholars recognize a real problem of overpopulation.

The foregoing points show that an explanation of the duty to procreate based on the use of marriage is unconvincing. It is particularly hard to accept a natural-law obligation to procreate which comes into existence only when, and precisely because, the partners make complete, habitual use of sex in their marriage.

On the other hand, the explanation that this obligation derives from the married state is logical in itself. It recognizes that there is a natural order established by God between matrimonial society and its primary end, and that this natural order includes *per se* an obligation upon those who choose this state of life to achieve its primary end.

Furthermore, this explanation adequately protects the ancient tradition concerning perfect continence in the married state. To assert that all couples are *per se* obliged to make an affirmative contribution to the conservation of the race means that the nature of the married state requires this in ordinary circumstances, but it also leaves room for the exceptional case in which a devout couple by mutual consent agree to practice perfect continence. Surely such cases will be rare and exceptional. It is not derogatory to Christian continence to say that it is only by exception compatible with Christian marriage, whose primary purpose is procreation.²⁹ Incidentally we may remark: if the underlying reason for attaching the obligation to the use of marriage is, as we suspect, the desire to protect the Christian tradition of continence in married life, we arrive at a strange ascetical anomaly when we exempt from the obligation those who use marriage regularly but incompletely. Christian tradition has little or nothing to say about such half-way continence.

²⁹ See John C. Ford, S.J., *The Validity of Virginal Marriage* (Worcester, Mass., 1938) p. 132, n. 46.

The position we consider preferable, then, and which we propose tentatively for discussion by other theologians, may be summarized as follows:

The institution of marriage has as its primary, intrinsic end, from nature and from God, the procreation of children. Consequently, all those who enter this state are *per se* obliged to procreate, if they can. Consequently, they are obliged to use their marriage rights during fertile periods often enough to discharge this obligation.³⁰ But this obligation is an affirmative one, and individual couples may be excused from it temporarily or permanently for proportionate reasons. The desire and ability to practice perfect continence for a supernatural motive, if shared by the partners, is a legitimate, permanent excuse from the obligation to procreate which would otherwise be incumbent on the partners from their very state as married. The desire to practice periodic continence for one or more of the various motives or indications mentioned by Pius XII is also a legitimate excusing cause, either temporary or permanent.

The Virtues That Regulate the Obligation

The bringing of children into the world involves the tremendous responsibility of co-operating with God in the production of human beings who are thus launched on a course that leads, for better or worse, to an eternal destiny. Procreation, therefore, should be undertaken above all under the guidance of supernatural prudence.

The field for the exercise of this prudence has been considerably enlarged now that there exists a legitimate and more or less effective method of family planning. When the only legitimate method was the generally impracticable one of complete continence for long periods of time, decisions often made themselves, demanding only reliance on divine providence. Today, where periodic continence is feasible, married couples have more complex decisions to make. More often must they combine reliance on divine providence with reliance on their own human providence in planning a family. In other words, procreative activity must be regulated by supernatural prudence.

This would be true, of course, whether we recognized an affirmative obligation to procreate or not. But once the obligation is recognized, it becomes

³⁰ This position raises questions like these: Is it licit to choose knowingly a sterile partner for marriage, without any special excusing cause, simply through a desire for a childless marriage? Is there an obligation to use ordinary means to insure the fertility of intercourse or to correct curable sterility? Could there be an obligation to make use of assisted insemination? Most such questions are academic. In any case, we do not believe that married couples, precisely in virtue of the affirmative obligation to the race, are obliged to undergo notable inconvenience to insure the fertility of their union.

more pertinent, from the theologians' viewpoint, to determine more in particular the virtue or virtues which govern this duty to procreate.

We have quoted in full the only passage of the Allocution that gives any key to the specific nature of the duty to procreate. In this passage the Holy Father says nothing explicitly about the virtue that inculcates the obligation. Some theologians have explained it as an obligation of legal justice, the procreation of children being a contribution to the race imposed for the common good of the race.³¹

The idea that legal justice is involved is strongly suggested by the technical language of Pius XII, especially where he uses the words "prestation" and "claimant." He represents the human race as having a claim or right against married couples to contribute to its conservation. It is possible, however, that this language is metaphorical and not to be taken too literally. Certainly, the good of the social community is not the only basis for the duty. Less than a month after the Allocution to the Midwives, Pius XII warned against "a deeper misery still from which the family must be preserved, namely, the degrading bondage to which it is reduced by that mentality that tends to make of it a mere organism at the service of the social community for the purpose of procreating therefor a sufficient mass of 'human material.'"³² He later said that "the primary office of marriage is to be at the service of life."³³ But he is far from admitting that the procreation of life is primarily at the service of the state or of human society.

There are difficulties if we press the concept of legal justice too far. Where strict legal justice is concerned, the obligation of the individual corresponds to a right, usually an enforceable right, on the part of society. It would hardly have been the thought of Pius XII that his "claimant—in this case, the human race"—had a right in legal justice to insist that married couples procreate, and to punish those who failed to make their obligatory prestation. Much less would he have been likely to attribute to the state or to society or to some future world government the legal right, in a case where the common good of the race required fewer children rather than more, to demand that married couples not procreate, and to punish those considered too prolific.³⁴ But if strict legal justice is involved, then rights on the part of society should correspond to duties on the part of the citizen, and if the

³¹ It goes without saying that since the partners are obliged to render the debitum and to fulfil this obligation by acts which are *per se* suitable for procreation, the duty of procreation is to this extent regulated also by the virtue of commutative justice.

³² Allocution to "Family Front" and Association of Large Families, Nov. 26, 1951, *AAS* 43 (1951) 855-60, at 856.

³³ *Ibid.*, p. 859.

³⁴ Cf. e.g., Allocution to Geneticists, Sept. 7, 1953, *AAS* 45 (1953) 596-607, at 606.

common good can ordinarily demand procreation of them, the common good might at other times require a limit to be put on procreation.³⁵

Then, too, it is somewhat strange to speak of an obligation in legal justice to the whole race, because we do not usually think of the whole human race as a moral person capable of being the subject of rights in legal justice. On the other hand, all human beings form under God some sort of natural, universal society, which, with expanding means of communication, should and will become more and more organized. The common good of this natural society of all mankind in its present unorganized condition may be hard to define and delineate in this as in other matters, but the race seems to have sufficient natural unity of general destiny under God to become a subject of rights of legal justice, somewhat as nations are.

It is because of considerations like these that we hazard the opinion that the attribution of this obligation to legal justice, while valid perhaps in some incomplete or analogical sense, requires further clarification before it can be accepted as the entire basis of the obligation. While not denying, then, that legal justice is somehow involved in this duty to procreate, we suggest that the virtue of piety (*pietas*) may be even more closely and appropriately associated with this duty.

Piety is a virtue which is exercised chiefly toward family and fatherland. Why can it not be extended further to the whole human race? The concept of piety toward the whole human family has its difficulties, but seems easier to understand than legal justice toward the whole of mankind. But why invoke it? Why multiply obligations? The reason for introducing piety into the discussion is not to multiply obligations (in fact, it does not multiply them) but to point out an aspect of this duty to procreate which would otherwise be overlooked.

When obligations are explained in terms of justice, even of legal justice, debtor and creditor are represented as opponents, or at least as opposite and separate. A basic, characteristic note of all justice is alterity. When the human race is represented as a claimant or creditor, and the married couple as debtors bound to make a certain prestation, this way of looking at the relationship necessarily emphasizes the element of alterity. This is inadequate, because there is also a fundamental element of identity and unity. The virtue of piety, like charity, emphasizes the unity of the individual family and of the individual fatherland. Why can there not be a piety toward the human race which emphasizes the unity of the whole human family?

* Anthony F. Zimmerman, *Catholic Viewpoint on Overpopulation* (Garden City, N.Y., 1961) p. 190, speculates curiously about a situation of absolute overpopulation in which the state would enforce a natural-law duty (declared by the Church) not to procreate.

Procreation to conserve this human family would then be an act not only of legal justice in some sense, but also of piety.

Furthermore, there is a sentence in the Allocution which seems to hint at piety towards one's family, one's country, and the Church; for the Pope, explaining the affirmative obligation, said: "The individual and society, the people and the state, the Church itself, depend for their existence, in the order established by God, on fertile marriage." This would make it appear that the affirmative duty of procreation regards not only the whole human race, but also these lesser divisions of it. The rearing of children is an act of piety toward them (the children themselves) or at least toward the family unit, including the parents.

There is in human nature a natural urge and need for self-continuation, not just race-continuation. The parents' continuation of themselves in their children is one of the highest and most fundamental of the personalist values in marriage. Thus, procreation joins together in itself both the good of the species and the personal good of the parents. Canon Jacques Leclercq makes some profound reflections in this regard:

... It is too simple, and even partially false, to set the continuation of the race and the happiness of the married couple in opposition to each other; for it is partly false to present reproduction under the sole aspect of continuation of the human race.

The use of abstract terms like "human race" or "human species" offers the same disadvantage here that it does in political science. To speak always of the State or nation causes people to lose sight of the human reality to which these entities are reducible. In like manner, to speak of the human race causes one to overlook the fact that the human race are men, that men are men and women, that they are couples, that the child is the offspring, not of the human race, but of his parents, and that he continues the human race only in so far as he continues his parents who are men.

Instead of speaking of continuing the human race, let us rather say that men have the duty of continuing themselves. For men to continue themselves, it is imperative that men and women marry, at least as a general thing—that is the lot of the great mass of men and women. For men to marry, it is essential that this union be the ordinary requisite for their happiness. Moreover, for them to desire to have children in their union, it is necessary that such children be the complement of their union; and for the children to find in the family the formative factors which they need, it is indispensable that this education be tied up with the happiness and the union of the parents.

In this way, such a close bond of mutual dependence exists between the conjugal union and reproduction that it is wrong to separate them, and still more so to oppose them to each other. Love begets the child, and the conditions for reproduction are all the more perfect as the love between the parents is more perfect. For

the sake of convenience of treatment one may indeed distinguish love and procreation as two separate ends. Yet it often happens that clearness runs the risk of turning into obscurity, because the desire for clarity leads to the neglect of certain nuances and thus to a distortion of the terms of the problem.

The tendency to separate the two terms has ever been strong. The essential corruption of the family order consists in the separation of love and reproduction. It assumes the most varied forms: we shall meet with it more than once in the course of this volume. In some societies, for instance, it reserves reproduction for marriage, while to the man it permits and even encourages love outside of marriage. In other societies, again, as in ours, it desires the radical separation of love and reproduction.

Another aspect of this separation is the tendency to see only the citizen in the child, to admit no moral bond between him and his parents, and to look upon reproduction solely as a social service. The parents are consequently to seek after love without considering anything else; when a child is born, society is to take charge of him. On the other hand, however, it follows from what has been set forth that, according to the natural order, the child continues his parents and does not continue society except in so far as his parents are members of it; that the parents are responsible for the child, and they have also the right, since he is their child and the being who is the continuation of themselves, to direct his education. Every doctrine that separates love from reproduction promotes the view that the child belongs more to the community than to his parents.

When treating the family, then, one may develop the subject equally well by starting from the child or by commencing with love, inasmuch as the child calls for love and love leads to the child.⁸⁶

It seems theologically correct, then, to look upon the duty of procreation as regulated also by conjugal love, which, says *Casti conubii*,

pervades all the duties of married life and holds pride of place in Christian marriage. . . . By this same love it is necessary that all the other rights and duties of the marriage state be regulated, so that the words of the Apostle, "Let the husband render the debt to the wife, and the wife also in like manner to the husband," express not only a law of justice but a norm of charity.⁸⁷

Furthermore, since it is part of the supernatural vocation of marriage to beget children for heaven, to raise up citizens for the City of God and for His worship, the virtue of religion, too, is regulatory of Christian procreation. St. Thomas says that the marriage act is meritorious if motivated by virtue: either the virtue of justice, when performed to render the debitum, or the

⁸⁶ Jacques Leclercq, *Marriage and the Family* (New York, 1941) pp. 13-14.

⁸⁷ *AAS* 22 (1931) 539-92, at 547-48.

virtue of religion, when performed to procreate children for the worship of God.³⁸

Finally, we must consider conjugal chastity. Writing shortly after the Allocation, J. Diamond, S.J., asserted: "Positively to flout the primary end of marriage in this way [by practicing periodic continence without justifying reasons] is a disordered use of the specific act of the married state—the use of the generative faculty, and is therefore a sin against conjugal chastity."³⁹ We agree that chastity governs the affirmative obligation to procreate and that a failure to fulfil this obligation is a sin against chastity; but we do not agree with the argumentation or explanation sometimes given to establish this position, because that argumentation seems to suppose that the obligation is consequent upon the actual use of sex. We prefer the explanation that it is based on the married state itself.

The virtue of chastity is quite commonly taken in a restricted sense, according to which its object is the regulation of strictly venereal operations, that is, operations of the genitals as genital, and as normally accompanied by venereal pleasure. In a wider sense, accepted by many theologians, its object is taken to be the regulation of the whole generative function. Zalba defines it as a "special moral virtue, a subjective part of temperance, which inclines one to regulate the use of the generative faculty according to right reason illumined by faith."⁴⁰ When taken in this broader sense, it includes the regulation of acts which are not strictly venereal. For example, most theologians would consider that chastity is violated when contraception is practiced by means of antifertility drugs, or by spermicides used after the act. Yet, these abuses precede or follow the sexual act itself; they are not immediately and directly concerned with venereal activity strictly so called. Whether taken in the restricted or the broader sense, we consider chastity to be the virtue that governs the duty to procreate.

Any affirmative obligation means in the concrete the performance of certain affirmative acts. The duty to procreate obviously means the performance of sexual acts during fertile periods. It may include other acts, but before all else it must mean the positing of sexual acts during fertile periods by those who are capable of them. It is these acts of intercourse which

³⁸ *Suppl.*, q. 41, a. 3 c: "Si enim ad actum matrimoniale virtus inducat vel iustitiae, ut debitum reddat, vel religionis, ut proles ad cultum Dei procreetur, est meritorius."

³⁹ *Clergy Review* 37 (1952) 766 (Correspondence).

⁴⁰ M. Zalba, *Theologiae moralis summa* 2 (2nd ed.; Madrid, 1957) n. 259. See also Vermeersch, *op. cit.*, nn. 5, 77; V. Vangheluwe, "De temperantia stricte dicta eiusque partibus subiectivis," *Collationes Brugenses* 47 (1951) 38–48; John R. Connery, S.J., "Notes on Moral Theology," *THEOLOGICAL STUDIES* 20 (1959) 590–629, at 628–29

positis ponendis are acts of the virtue of chastity. It is the omission of them which at some point becomes a sin against the virtue of chastity.

In the theory that the duty to procreate stems from marriage itself, this fault against chastity would be committed even if the partners also omitted intercourse during sterile periods. For in this theory it is not the pleasure of sex, enjoyed during sterile periods, which carries with it the obligation of having children, and therefore of having intercourse during fertile periods too. It is not the sexual activity itself, as systematically restricted to sterile periods, which is disordered. It is not that the sexual acts eventually become somehow infected with a violation of chastity simply because additional fertile acts are not also performed. Rather, it is the omission of the fertile acts, required *per se* by marriage itself, that constitutes a violation of chastity.

We have become accustomed to thinking of chastity as a negative virtue. It prohibits all sexual activity in the unmarried. It prohibits unchaste sexual activity in the married. We do not readily enough think of sexual activity in marriage as being a positive act of the virtue of chastity. We think of it, of course, as the debitum, which is an act of the virtue of justice. Perhaps we even slip back at times into thinking of it as somehow tainted, needing to be justified, and excusable only because it is a debt of justice. This view would be theologically retrogressive.

The virtue of conjugal chastity is a positive virtue, regulating affirmative acts, including those sexual acts performed during fertile periods as part of the duty to procreate. Since these acts are venereal acts strictly so called, it is chastity in the restricted sense that governs them. But chastity in the broader sense may also be invoked. The affirmative duty may imply other acts which are not strictly venereal. For example, there may be a duty to take reasonable measures to insure fertility, and there certainly is a duty to take reasonable measures to safeguard the conceptus from harm. These are uses of the generative faculty which seem to be part of the affirmative duty to procreate (there are doubtless others) and which are therefore part of chastity taken in a broader sense. Furthermore, contraception and other abuses of the generative faculty could violate the duty to procreate even if they involved no immediate abuse of venereal activity. Consequently, it seems correct to attribute the affirmative duty to procreate to chastity taken in the broader sense, as regulating "the use of the generative faculty according to right reason illumined by faith."

What we have said about the affirmative duty to procreate and about the virtues which govern it has been necessarily tentative. The doctrine has been so recently accepted into theology that its place, its meaning, and its

implications cannot be fully explored without the passage of more time and the expenditure of more study. We have made no attempt to make an exhaustive list of all the pertinent virtues. We have not attempted to say which virtue elicits those affirmative acts that fulfil and inasmuch as they fulfil the duty. Nor have we attempted to distinguish whether legal justice, to whatever extent it is involved, elicits its own acts in this matter, or merely imperates acts of other virtues as having a necessary ordination to the common good. Further studies on these points might be enlightening, at least for academic purposes.

At all events, justice, whether legal or commutative, is not enough. Conjugal love, conjugal piety, conjugal chastity, and the virtue of religion are needed to give us a true understanding of the duty to procreate. The language of justice is "mine and thine." These are ice-cold words. The language of love and piety is "ours"—our marriage, our family, our human society, our religion. We believe that the theology of marriage will suffer if we accept the affirmative obligation to procreate without acknowledging at the same time the role these other virtues play in that obligation.

Limits to the Duty to Procreate

The only explicit limits to the duty to procreate stated by the Pope are the various excusing causes. But in the discussion of this important papal pronouncement, it was soon suggested that another limit is implicitly determined by the fact that the purpose of the duty is the conservation of the family, the state, the Church, the human race.⁴¹ This seems to mean that one measure of the duty, as far as legal justice and piety to the race are concerned, is the population need of the time. When this suggestion of an inherent limit to the obligation was first made, the best social scientists seemed to think that fertile couples should have four or five children in order to make provision for the conservation and slight increase of the human race. Since then, with increased consciousness of the population problem, this number has been slightly reduced, at least for some countries. For instance, it has been estimated that a family of three children would sufficiently provide for the needs of the United States.⁴²

Those who place the basis of the duty to procreate in the use of sex find it difficult to accept this theory.⁴³ And in this they seem to be logical; for if use of sex is the basis for the obligation, the duty to procreate will depend,

⁴¹ See Gerald Kelly, S.J., "Rhythm in Marriage: Duty and Idealism," *America* 87 (May 3, 1952) 128-30.

⁴² Cf. John L. Thomas, S.J., *Marriage and Rhythm* (Westminster, Md., 1957) pp. 116-17; also, Edwin F. Healy, S.J., *Medical Ethics* (Chicago, 1956) p. 166.

⁴³ E.g., Joseph Fuchs, S.J., *De castitate et ordine sexuali* (2nd ed.; Rome, 1960) p. 103.

apart from excusing causes, entirely upon the decision of fertile couples to use or abstain from the marriage act.

But to us, and to others who place the basis for the obligation in the married state itself, the idea of a duty of legal justice or piety which is inherently limited by the population needs seems very reasonable. For one thing, it follows the analogy of other duties, whether to individuals or to society. For instance, on the individual plane, the strict duty of charity to one's neighbor is measured, not only by one's ability to help, but also by the neighbor's need. No one is strictly obliged in charity to give as much as he conveniently can to a neighbor whose needs are satisfied by much less than that. Another analogy, this time in the social sphere, is the duty of paying taxes. No government can justly set up a tax rule that each citizen must give the government as much as he can. The just measure of taxes must begin with the society's need. Once the general need is determined, then the tax is levied on the citizens proportionately, according to norms that include their relative ability to pay.

It has been objected that this theory of an inherent limit to the duty to procreate does not make allowance for the proportionate distribution of the duty to procreate. In our opinion, this objection misses the point of the theory. The theory is simply that there is a limit to the duty beyond which no couple is strictly obliged by legal justice or piety to have more children. The theory does not say that all couples have the same obligation as regards the number of children they should have. The excusing causes sufficiently take care of this need for proportion. As the Pope himself mentions, by reason of excusing causes, some couples would be entirely exempt from the duty of having children.

The theory of the limited duty to procreate has decided merit, it seems to us, in a Christian society which recognizes the important distinction between duty and supererogation. It provides a workable norm of child-spacing for those married couples whose main interest is to fulfil their duty; and it acknowledges that even the wealthy and the healthy can be acting beyond the call of duty by rearing large families.

This theory, that the duty to procreate is limited by the population needs, seems to us, as we have already explained, intrinsically reasonable. Moreover, though some have objected against it, it has won favor with many theologians,⁴⁴ and it certainly merits the status of a solidly probable opinion.

⁴⁴ Verbal acceptance of the theory was expressed by a great majority of some thirty moral theologians who discussed it at Notre Dame in June, 1952, on the occasion of the annual meeting of the Catholic Theological Society of America. It has also been accepted by Fr. Thomas and Fr. Healy (see *supra* n. 2) and by John R. Connery, S.J., "Notes on Moral Theology," *THEOLOGICAL STUDIES* 19 (1958) 569-71.

There may be difficulty in determining the exact limit for various countries, but certainly today in the United States a family of four children would be sufficient to satisfy the duty.

The Gravity of the Obligation

Before the Allocution to the Midwives in 1951, the question of the gravity of an affirmative obligation to procreate was not generally discussed, because most theologians denied the obligation. At that time the question took another form. Is it gravely sinful to practice rhythm, at least for a long time, without a justifying cause? Only a handful of theologians were of the opinion that it was gravely sinful. The overwhelming weight of theological authority throughout the Catholic world rejected this opinion.⁴⁵

Since the Allocution, the weight of authority seems to have shifted, because of certain language used by Pius XII in explaining the morality of periodic continence. Today, apparently, the majority hold that to practice rhythm without a serious justifying motive, at least for a long time, or for the whole of marriage, or at least when no children have already been born, would be a grave sin. But other theologians still maintain that this would be only venially sinful.⁴⁶

Our question can be proposed in either of two forms which are almost equivalent: Is it a mortal sin to practice rhythm without a justifying cause? or: Does the affirmative obligation to procreate bind individual couples under pain of mortal sin?

Our answer to these questions can be summarized as follows. Pius XII did not settle the issue of mortal sin in practicing rhythm unjustifiably. His words leave the question open for further discussion. The affirmative obligation seems to be grave *ex genere suo*, and therefore admits of *parvas materias*. Objective grave violations of the affirmative obligation would, in our opinion, be rare. In pastoral practice no one can legitimately impose on the consciences of the faithful a grave obligation in this matter.

The principal passage quoted to invoke the authority of Pius XII in favor of the gravity of the obligation reads as follows: "Consequently, to embrace

⁴⁵ Giese, *The "Rhythm" in Marriage and Christian Morality*, pp. 53-56.

⁴⁶ Cf. Joseph Fuchs, S.J., *op. cit.* (supra n. 43): "Those who choose the sterile period without sufficient reason sin. In fact gravely, if they act thus throughout the whole duration of the marriage—as seems more probable to us and is at least insinuated by Pius XII, although others deny it. The same is to be said perhaps if they act thus for years without a reason. This is not so evident if the spouses already have a child or children." Compare Hürth, *De re matrimoniali*, p. 114: "If, however, such proportionately grave motives are lacking, then the continued use of the sterile period is not without fault, which eventually can become grave" ("... quae aliquando evadere potest gravis"); his italics.

the state of matrimony, to use continually the faculty proper to it, and in it alone, and on the other hand to withdraw always and deliberately, without a grave motive, from its primary duty, would be to sin against the very meaning of conjugal life."⁴⁷

One thing is very clear. In this passage Pius XII did not end the controversy over mortal sin. Had he wished to do this, he could easily have done so effectively and conclusively by inserting the one word "mortally" after the word "sin" in this passage. He failed to do so. So glaring an omission must have been deliberate.

But does the language perhaps provide grounds for a conclusive inference that the obligation must be grave, by speaking of the violation of it as "to sin against the very meaning of conjugal life," by calling it the "primary duty" of marriage, and by requiring "a grave motive" to excuse from the obligation?

The expression "to sin against the very meaning of conjugal life" is not definite enough to be the basis of a conclusive inference as to the gravity of the obligation. Lying is a sin against the very meaning of the faculty of human speech, but it does not follow that lying is gravely sinful.

To take the phrase "primary duty" in a literal theological sense proves too much; for it is simply not true, in a literal theological sense, that this duty is *the* primary duty of marriage. Pius XII would be the first to defend the traditional Catholic doctrine that the primary duty of marriage is the mutual duty that corresponds to the essential *jus in corpus*. It is a duty in commutative justice to perform acts which are *per se* apt for generation, but it is a duty which the partners owe not to society but to one another, in virtue of their contractual consent.⁴⁸

As for the expressions "grave motive," "serious reasons," etc., we believe that a careful analysis of all these phrases in the context would justify the interpretation that they are the equivalent of the expression "proportionate reasons."⁴⁹ Furthermore, in papal documents and in theological literature—

⁴⁷ *AAS* 43 (1951) 845–46.

⁴⁸ Perhaps he calls it a primary duty because it is a duty concerned with the primary end of marriage. Whatever the meaning—and we confess it is obscure—it does not form a basis for a conclusive inference as to the gravity of the obligation.

⁴⁹ *AAS* 43 (1951) 845–46. On Nov. 26, 1951, a month or so after the Allocution to the Midwives, Pius XII, addressing a convention of the "Family Front," referred to the Allocution to the Midwives, and mentioned that in it he had asserted the legitimacy, within limits, of using periodic continence for the control of births. And he said of these limits (which are equivalently the "grave motives" of the Allocution) that they are "indeed quite broad" ("... i limiti—in verità ben larghi"). *AAS* 43 (1951) 855–60, at 859. In his Allocution to the Hematologists, Sept. 12, 1958, shortly before his death, he referred once

even more so in nontechnical language—phrases like these do not always mean, clearly and definitely, “sub gravi.” In our opinion, therefore, the language of this document, which is sometimes technical and sometimes not, does not require us to equate “serious reasons” with “binding under pain of mortal sin,” nor does it force us to infer that a violation of the affirmative duty to procreate is mortally sinful.

The conclusion from the foregoing is that Pius XII did not wish to settle any controversy about mortal sin.

Our own opinion, nevertheless, is that the duty to procreate is grave *ex genere suo*. Therefore it admits *parvitas materiae*. According to theologians, the obligations of legal justice, of marital chastity, and of piety are grave *ex genere suo*, because the values involved, the good of the human race, of the nation, the family, and the Church, are so important. But they admit *parvitas materiae*, because so often the effects of individual violations are of negligible consequence to the values they protect.

But, in any event, we believe that objective grave violations of this duty would be rare. First of all, most of those who are serious enough about their moral obligations to take the trouble to practice rhythm rather than resort to contraception would have a justifying reason for doing so. Others would have reasons at least partially justifying—not sufficient perhaps to make their practice licit, but enough to excuse it from grave sin. Then, too, couples who already have even one child cannot, in our opinion, be accused of a grave dereliction of their affirmative duty if they decide to have no more.

A more fundamental reason for holding that objective grave violations are rare may be drawn from a consideration of the virtues that impose the obligation. Violations of these virtues are *ex genere suo* grave, but not *ex toto genere suo*, while the kind of duty involved here is such that actual grave violations in practice would be the exception rather than the rule.

Pius XII, using legal language which may be somewhat metaphorical, tells us that the claimant to whom this prestation is owed by the partners is the human race. It is a duty imposed by nature and the Creator for the conservation of the human race. He amplifies this by stating that “the individual and society, the people and the state, the Church itself, depend for their existence . . . on fertile marriage.” Although he does not mention the family explicitly here, it is doubtless included. This way of speaking invites us to measure the gravity of the obligation as it applies to any individual

more to the Allocution to the Midwives, used the phrase “serious proportionate motives,” and said that he had spoken on periodic continence on that occasion “in order to put an end to the anxieties of conscience of many Christians.” *AAS* 50 (1958) 732–40, at 736.

instance in terms of the needs of the race and of the other entities mentioned. What other measure or criterion of gravity can be assigned?

Our fundamental reason, then, for thinking that objective grave violations of the obligation would be of rare occurrence is that the omission of this prestation in any individual instance would rarely have any seriously damaging effect on the good of the race, the people, the country, the Church, and the family. This would be true, in our opinion, whether the failure is considered as a violation of legal justice, or of chastity, or of piety, or of some combination of these or other virtues.

It may be objected that if everyone refused to have children, the common good would suffer grave damage. Therefore, it is necessary to impose a grave obligation on individuals, even if individual omissions would not of themselves be seriously damaging. This line of reasoning is not conclusive. If everyone lied habitually, the common good would suffer grave damage; if everyone refused to go the polls, the common good would suffer grave damage. Yet, individuals do not ordinarily sin gravely by lying (even habitually) or by failing to vote. Besides, as far as an obligation based on the needs of the race is concerned, it is very unconvincing to speak of the necessity of imposing a grave obligation in practice and in each individual instance in order to conserve the race at a time when the danger, if any, is of overpopulation, not underpopulation.

The further objection may be made that this explanation is so generous that it makes the affirmative obligation nugatory. This would be true only for those to whom obligations under pain of venial sin are nugatory. We consider obligations under pain of venial sin anything but nugatory, and some of them to be extremely important matters. Think, for example, of the obligation of veracity, which is necessary to safeguard the whole structure of human social intercourse. But we do confess that this affirmative obligation remains a somewhat vague and indefinite thing in the present state of our theological knowledge. We propose our own opinions tentatively, with a view to inviting their revision through further discussion by other theologians.

Much of what we have said has been of a somewhat speculative character. But the question of mortal sin is so important that we think it advisable to stress this practical conclusion: Given the present state of theological thought, no one, in pastoral practice, may legitimately impose a grave obligation on the consciences of the faithful to fulfil an affirmative obligation to procreate. To put the same thing another way, it is not allowed to any confessor, no matter what his personal views may be, to refuse absolution to those who intend to practice periodic continence even for life, merely on the grounds that they do not have any justifying reasons.

This point has been brought out repeatedly in recent years, notably in two important survey articles, one by Msgr. Lawrence J. Riley, the other by Fr. John A. Goodwine. Msgr. Riley wrote:

Can we come to some conclusion on this point? Personally, I should subscribe to the view of those theologians who teach that the prolonged practice of periodic continence without a serious reason is a mortal sin. . . . Yet, in view of the fact that the opposite opinion enjoys at least extrinsic probability, I could not in conscience insist on the stricter opinion in confession, i.e., I could not deny absolution to a penitent who intends to continue the habitual practice of periodic continence, even without a serious reason.⁶⁰

And Father Goodwine put it this way:

Because of the diversity of theological opinion on the gravity of the practice, no penitent who insists on continuing the practice of periodic continence can be refused absolution merely because he or she has not sufficient reason. Personally, I feel that the couple who resort to periodic continence without sufficient reason in order to avoid parenthood completely—or even in order to limit their family to one or two children—would be guilty of mortal sin. But if such a couple insists on continuing the practice, even though they have no good reason for doing so, I would not feel justified in denying absolution. Theological opinion is not yet sufficiently unanimous to rule out the probability of the view that their conduct is not certainly a serious sin; nor do we have any clear statement of the Church's magisterium that it is a mortal sin.⁶¹

For ourselves, we repeat what we said in 1954, because we believe it is true a fortiori today:

One thing is clear. In the present state of opinion, when the Pope refused to settle the controversy about mortal sin, when European theologians debate about whether there is a mortal sin, and American theologians debate as to what constitutes the mortal sin if there is one, it is decidedly premature to impose grave obligations in the confessional, and improper to preach to the people in terms of unwarranted severity.⁶²

In helping married people to make a decision as to the lawfulness of using rhythm, it seems much more important to make sure that their consent is truly mutual, and that they are able to practice it without serious dangers to

⁶⁰ Lawrence J. Riley, "Moral Aspects of Periodic Continence," *Homiletic and Pastoral Review* 57 (1957) 820-28, at 824.

⁶¹ John A. Goodwine, "The Problem of Periodic Continence," *American Ecclesiastical Review* 137 (1957) 156-67, at 164-65.

⁶² "Notes on Moral Theology," *THEOLOGICAL STUDIES* 15 (1954) 52-102, at 101.

chastity or marital harmony and family welfare, rather than to inquire meticulously into the justifying reasons. After all, they are almost always the best judges of the reasons they may have for spacing their children or limiting their family by these means, and it was Pius XII himself who said that the limits within which these means are permissible are quite broad.⁶⁸

JOHN C. FORD, S.J.
Catholic University of America

GERALD KELLY, S.J.
St. Mary's College, Kansas

⁶⁸ *Supra* n. 49.