

## CURRENT THEOLOGY

### NOTES ON MORAL THEOLOGY

#### GENERAL MORAL

What is natural—what men do or what they should do? Gerald Vann, O.P., shows how the term is used in both senses, that is, of the conduct of fallen human nature as well as the conduct proper to human nature itself.<sup>1</sup> The confusion arises when people begin to argue from what men do to what they should do. Goodness then becomes identified with numbers. People do not argue that cowardice, dishonesty, etc., are good because they are “natural” in this sense, but they do argue this way in regard to sex. Fr. Vann shows how the goodness of man’s actions is determined by his purpose rather than by his performance. Only those acts which are “natural” in this sense can be considered good. The conduct of fallen human nature is no criterion of goodness, no matter how common such conduct may be.

While not mentioning the Kinsey reports specifically, Fr. Vann is clearly referring to them. Kinsey admittedly took the taxonomic approach to morality. Even if his statistics were representative (which they are not), they would prove nothing regarding the morality of sex. Numbers do not determine morality. A. H. Hobbs and W. M. Kephart show by some rather embarrassing comparisons the weakness of the statistical approach to morality:

Many similar questions arise as to whether morality is to be determined on a statistical basis or whether it should be considered as an ideal standard, designed to serve as a goal even though there is full realization that violations exist. Statistically, disease is common, but we still strive for good health. Statistically mental disorder is prevalent but we still uphold the ideal of sanity. Criminality is quite common, and we could further demonstrate that the majority of specific crimes result in financial gain rather than in punishment, yet few parents would raise their children to accept, much less train them to profit from, this statistical reality.<sup>2</sup>

But numbers do impress people, especially when reinforced by pseudo-biological arguments. Arnold H. Kegel, M.D., cites a Los Angeles judge who complains of the difficulty of handling delinquents who quote the Kin-

EDITOR’S NOTE.—The present survey covers the period from November, 1953, to May, 1954.

<sup>1</sup> “Moral Dilemmas: V. What is ‘Natural?’”, *Blackfriars*, XXXV (Jan., 1954), 4-9.

<sup>2</sup> “Professor Kinsey: His Facts and His Fantasy,” *American Journal of Psychiatry*, CX (Feb., 1954), 614-20.

sey report in an attempt to justify their conduct.<sup>3</sup> He mentions that probation officers have also run into the same difficulty.

Fortunately, the Reports have met with strong opposition from the scientific world. Earlier reviewers tended to concede the scientific value of the Reports but regretted their popularization. The judgment of the later and more mature reviews was that the Reports were neither popular nor to a great extent scientific.

Statistical morality makes right and wrong depend on numbers. Situation ethics, a product of existentialism, puts the stress on the individual situation. William Conway contrasts situation ethics with our own ethics.<sup>4</sup> The basic difference is in the attitude toward law. Situation ethics admits no immutable moral law. Each particular situation is unique and must be judged on its own merits. Morality is not a matter of obedience to laws but of personal decision and personal responsibility. Laws are convenient guides but they will always yield to the individual situation.

Christian morality also has regard for the individual situation but only when the law allows. There are some laws which will not yield to the individual situation, e.g., the law against blasphemy, artificial birth control, etc. And even when the law allows for circumstances, e.g., the law of material cooperation, it is not the individual situation which determines morality but the law itself. The individual situation merely fulfills the conditions of the law.

Situation ethics is a reaction against so-called abstract morality. The followers of situation ethics accuse us of building our morality around essential man, who does not exist. They have built their morality around existential man, that is, man as he is here and now. Pius XII pointed out in an Allocution that there can be no contradiction between essential and existential man.<sup>5</sup> Man's essence is not destroyed or changed by his existence. Nor is Christian morality abstract. Prudence, the virtue of the individual situation, is at the center of Christian morality. But prudence cannot operate from a vacuum. If it is to be a safe guide, it must work from moral principles.

Situation ethics does not present the only current problem regarding the Christian conscience. Francis Hürth, S.J., presents a complete list of these problems under three headings: metaphysical, psychological, and theologi-

<sup>3</sup> *Journal of the American Medical Association*, CLIII (Dec. 5, 1953), 1303.

<sup>4</sup> "Situation Ethics," *Irish Theological Quarterly*, XXI (Jan., 1954), 60-63.

<sup>5</sup> An address to the Fifth International Congress of Psychotherapy and Clinical Psychology, April 13, 1953; *AAS*, XLV (May 25-30, 1954), 278-86; translated in *Catholic Mind*, LI (July, 1953), 428-35.

cal.<sup>6</sup> The important metaphysical problem has its origin in existentialism (or situation ethics) and its efforts to separate the judgment of conscience from its foundation in the moral law. An equally important psychological problem arises from the tenets of depth psychology regarding the so-called unconscious conscience and responsibility.

Fr. Hürth delays a little on the theological problems to give a brief answer. These problems center around the conscience specifically as Christian. Instead of forming conscience according to the principles of natural reason, some would want to center the Christian conscience in Christ. Thus, in forming one's conscience it would suffice to ask: what would Christ do in this situation? In his response Fr. Hürth, while admitting that Christ should be at the center of every Christian conscience, maintains that this would neither exclude instruction in morality nor make it unnecessary. Such a norm is neither sufficiently determined nor easily applicable.

Others would want to center the Christian conscience in charity. Instead of having such a variety of rules and moral principles, they would want just one norm to which all others would be reduced, that is, charity. In responding to this suggestion Fr. Hürth admits that charity obtains the primacy among the virtues. But again, charity is not sufficiently determined to guide one's moral life. Moreover, the law of charity (*Ama et fac quod vis*) may be easily abused, to make licit what is actually illicit. There is no doubt that charity is and would be abused to cover a multitude of sins.

This latter problem is treated more at length by Albert Stevaux.<sup>7</sup> Why cannot one be a Catholic and adopt a freer and easier way of life based on prudence and charity and independent of all the norms dictated by ecclesiastical authority and specialists in moral theology? The Gospel contains only general principles of charity, conjugal fidelity, respect for authority, for life, and for property. How can the Church impose in the name of Christ all the accretions to and refinements of moral doctrine that have occurred since His time? If the early Christians could serve Christ without all the rules laid down later, why cannot we do the same?

Stevaux says that the understanding of and answer to all these difficulties is found in the role which Christ intended the Church to fulfill. The moral message of the Gospel is that of a life of conversion. The gift of charity comes to supernaturalize, to purify, to fortify all the resources of our moral health. Hence the function of Christian morality and the Church is to elaborate a doctrine of life by which one may live as a son of God.

<sup>6</sup> "Hodierna conscientiae problemata metaphysica, psychologica, theologica," *Periodica*, XLII (Sept. 15-Dec. 15, 1953), 238-45.

<sup>7</sup> "L'Eglise et la morale," *Revue diocésaine de Tournai*, VIII (1953), 305-19.

Conscience in the past has received rather unsympathetic treatment at the hands of some depth psychologists. One could hardly escape the conclusion that in their opinion conscience doth make neurotics of us all. At present the pendulum seems to be swinging in the opposite direction. Formerly neurosis was traced to biological frustration. According to O. Mowrer, present evidence seems to indicate that it is moral frustration that leads to neurosis. "Many sources of present evidence indicate that most—perhaps all—neurotic human beings suffer, not because they are unduly inhibited as regards their biological drives, but because they have disavowed and repudiated their own moral strivings. Anxiety comes, not from repressed sexuality or pent-up hatred, but from a denial and defiance of the forces of conscience."<sup>8</sup> In the mind of Mowrer the Super-Ego plays the role of the repressed rather than the repressor in neuroses. As he says, it is not repressed *wishes* that lead to neuroses, but repressed *oughts*. He feels that it is more consistent with rational human nature that anxiety should arise from repressed guilt feelings than from repressed appetites.

There has been a trend in psychology either to deny human responsibility or to relegate it to the ideal order. A reaction to this trend toward determinism is represented in the school of Viktor Frankl of Vienna.<sup>9</sup> As an alternative to the prevailing deterministic view of the human person, he has worked out a theory of personality based on existentialism. According to this philosophy man is not a victim of biological or psychological influences. He is characterized by responsibility in the face of these forces. This is true not only of normal man but also of the neurotic personality. Psychotherapy, then, and particularly psychoanalysis, which is aimed at neutralizing or altering these forces by uncovering their hidden causes, is not enough. It must be supplemented by logotherapy and existential analysis, aimed at making man conscious of his ideal aspirations and responsibility.

This recognition of man as a rational human being capable of self-control and self-direction rather than a victim of unconscious forces is a step in the right direction. This is the opinion of Magda B. Arnold and John A. Gasson, S.J., as expressed in their book, *The Human Person*. The appeal to responsibility and rational motivation seems to coincide also with a recommendation of Pius XII that in the realm of instinct psychiatrists "give more attention to indirect treatment and to the influence of the conscious psychism over the whole of the imaginative and affective activity."

<sup>8</sup> *Learning Theory and Personality Dynamics* (New York: Ronald Press, 1950), p. 568; see also *Psychotherapy* (1953), pp. 140-49.

<sup>9</sup> Cf. Magda B. Arnold and John A. Gasson, S.J., *The Human Person* (New York: Ronald Press, 1954), pp. 462-92.

Dr. Arnold and Fr. Gasson point out quite correctly, however, that Frankl has taken only a step in the right direction. Existentialism does not provide an adequate system for the integration of personality. It was seen above that the ethics of existentialism is individual, situational, and independent of any absolute norm of morality. This limits responsibility to the achievement of a subjective ideal. No self-ideal can be adequate unless it conforms with an objective standard of conduct, or what Dr. Arnold and Fr. Gasson, call the "self-ideal as it ought to be." And some of Frankl's solutions are clearly too existential or situational to be morally acceptable.

The child is not born with a ready-made conscience; it must be developed. According to Adelaide M. Johnson, M.D., and S. A. Szurek, M.D., that development is largely the result of identification with the conduct of the parents.<sup>10</sup> It is their contention that anti-social behavior in delinquents and psychopaths may not ordinarily be ascribed to heredity, bad companions, poor schools, etc. It is due to parents. It is the poorly inhibited anti-social impulses of adults that produce anti-social behavior in children. This seems to work in two ways. Parents with such impulses either adopt a permissive attitude toward immoral conduct on the part of children or out of anxiety give way to frequent suspicion and accusation. In either case damage is done to the conscience of the child.

It was gratifying to see the stand the authors took on the subject of nudity. They were shocked and amazed at the amount of nudity permitted and accepted in the home. They brand this a mistake. Such nudity and exposure to sex is bound to affect the conscience of the child. It is indeed helpful to have the judgment of qualified experts to counteract the prevailing cult of nudity in the home, which pretends that it creates a healthy attitude toward sex.

The conscience of the delinquent and the psychopath is deficient in feelings of guilt, perhaps even to a pathological degree. The delicate conscience is very sensitive to sin. Would it be advisable to acquaint those of delicate conscience with St. Thomas' doctrine on the *peccatum sensualitatis*? It seems clear that St. Thomas held that spontaneous movements of anger, despair, gluttony, etc., were sinful even antecedent to any advertence on the part of reason.<sup>11</sup> But since they were confined to the sensitive part of the soul, they would be no more than venially sinful. He referred to this sin as the *peccatum sensualitatis*. He argued that these movements were sinful because

<sup>10</sup> "Etiology of Antisocial Behavior in Delinquents and Psychopaths," *Journal of the American Medical Association*, CLIV (March 6, 1954), 814-18.

<sup>11</sup> *Sum. theol.*, I-II, q. 74, aa. 3, 4.

they could be avoided individually, if not collectively. From the time of the Council of Trent there has been a tendency to get away from this doctrine because it seems to conflict with what is said in Sess. 5, n. 5, regarding the distinction between concupiscence and sin. The Salmanticenses and other moralists since that time have identified the *peccatum sensualitatis* with the semi-deliberate venial sin, all demanding that there be some kind of advertence before sin is possible. But there are some today who think that St. Thomas' original position can be reconciled with the Council of Trent and that by overlooking it we are depriving ourselves of a refinement regarding the morality of the human act that would be invaluable to those seeking perfection.

A. Michel inclines toward this position. He recommends in a response in *L'Ami du clergé* that the pious, provided they are not scrupulous, be acquainted with the doctrine of St. Thomas and be brought to the point where they will accept the sinfulness of these movements.<sup>12</sup> I find it difficult to agree with this recommendation. Certainly those who are striving for perfection should recognize these impulses as disordered and should be motivated to keep them to a minimum, but I do not see anything to be gained from putting this motivation on the basis of sin. It is difficult enough to keep clear in the minds of the faithful the distinction between temptation and sin. I see no ascetical advantage to be gained from running the risk of further confusion.

The subject of Moral Rearmament still engages the attention of European moralists. J. McCarthy<sup>13</sup> and L. Beirnaert, S.J.,<sup>14</sup> both solve the question of Catholic membership in the negative. While recognizing the movement as a force for good (which has even brought some Catholics back to the practice of their religion), both feel that it must be classed as a religious movement. They arrive at their conclusions after considering several episcopal statements on the subject. Some bishops have been somewhat tolerant of the movement, allowing attendance at meetings, cooperation, etc., but none have expressly permitted membership. Fortunately the movement, although it had its origins in this country, seems to have found its following elsewhere.<sup>15</sup>

<sup>12</sup> *L'Ami du clergé*, LXIV (Jan. 21, 1954), 42-45.

<sup>13</sup> *Irish Ecclesiastical Record*, LXXXI (Jan., 1954), 32.

<sup>14</sup> "A propos du réarmement moral," *Études*, CCLXXX (Feb., 1954), 226-29.

<sup>15</sup> Dr. Buchman, a Lutheran minister, founded the movement in 1908 and began his crusading at the University of Pennsylvania. In the early twenties he moved to Oxford and the organization became known as the Oxford Group Movement. At the beginning of World War II he relaunched his movement under the title, Moral Rearmament. The organization now has its center at Caux, Switzerland.

## MEDICO-MORAL PROBLEMS

Those who accuse the Church of preferring the child to the mother in the so-called mother-or-child dilemma will find in an article by L. Bender, O.P., reason to pause.<sup>16</sup> As the dilemma is usually presented, the choice is not so much between mother and child as between death and murder. The Church obviously must and will always accept the death of the mother in preference to the murder of the child. But what of the case where the choice would be between two deaths, neither of which would involve direct killing? Fr. Bender presents the case of a pregnant woman with an operable cancer of the uterus. If the fetus is allowed to go to viability, the cancer will progress to the point where it is no longer operable, with the consequent death of the mother. On the other hand, if the uterus is removed here and now, the mother's life will be saved but the fetus will be lost. As the case is presented, the woman is unmarried and of low mental caliber. Arguing that the fetus will be more of an asset to society than the mother, the doctor decides to save the fetus.

Father Bender argues, and all moralists would agree with him, that the doctor is guilty of an injustice. Only the mother has a right to make such a decision. The doctor has over a patient only such rights as the patient can and does give him. There is no question here of the mother's right to sacrifice her life. She may do so if she wishes, since an operation would not be obligatory. But the decision to make such a sacrifice rests with her, not with the doctor. It is her life, not the doctor's. The doctor's rights in the case, then, are limited by her wishes.

Even more intimate than the union between mother and fetus is that which exists between Siamese twins. Though of rare occurrence, the phenomenon presents a moral problem arising from the natural desire to separate the twins and allow them to lead a normal life. Francis J. Connell, C.S.S.R., admits the liceity of surgical attempts to separate such twins, even though such attempts would involve considerable danger to life.<sup>17</sup> Everyone would agree, I believe, that the situation of Siamese twins is such that the benefits to be hoped for from separation would warrant even serious risks to life. This would be true even if the risk to the one were far greater than the risk to the other. A reasonable hope for survival would, of course, have to extend to both. Direct killing of one twin for the benefit of the other would be no more licit than direct killing of a fetus to save a mother.

<sup>16</sup> "Licetne medico propria auctoritate postponere matrem fetui?", *Angelicum*, XXX (Oct.-Dec., 1953), 375-81.

<sup>17</sup> *American Ecclesiastical Review*, CXXX (March, 1954), 205.

The question of post-mortem injections to eliminate the danger of being buried alive is raised periodically in those parts of the world where embalming is not a common practice and burial follows quickly upon death. Two authors discuss the subject in the current issues of two European periodicals. An author in *L'Ami du clergé* allows a dying person to exact a promise from a doctor to perform a post-mortem injection before the casket is closed and imposes upon the doctor a slight obligation to fulfill the promise, demanding, of course, that there be certainty of death.<sup>18</sup> A. Gennaro in *Perfice munus* sees no violation of justice if a doctor yields to the wishes of relatives for a post-mortem injection, provided he is certain that the patient is dead.<sup>19</sup> But he does feel that there would be scandal or material cooperation with the illicit intentions of the relatives (who want to settle any doubts regarding the patient's death). He would allow such cooperation if refusal on the part of the doctor would cause him serious trouble, e.g., if the relatives would heap abuse on him.

I find it difficult to admit a real promise in the first case mentioned. If the fears of the dying person were on the pathological level, I would allow the use of a mental reservation by the doctor to reassure him. Otherwise, I do not see how such a promise would not involve cooperation with an illicit desire. It seems a little unreal to speak of a dying person exacting a promise to give him an injection only after death has certainly set in. And even if a doctor had made a promise, I do not see how there would be an obligation to fulfill it. When the time came to fulfill the promise, either the person would be dead or he would not. If he were not dead, it would be wrong to fulfill the promise. If he were dead, it would be useless, and I do not see how one can have an obligation to do something which would be useless.

While direct killing is never permitted, direct mutilation of the body is allowed when the good of the whole person warrants it. Francis Cremin, discussing the morality of psychosurgery,<sup>20</sup> treats in a very thorough and capable manner the conditions necessary for the liceity of such surgery. Speaking of the possible bad effects of lobotomy, he mentions the possibility that certain behavior changes of an undesirable nature may not be due to the surgical intervention but to the preoperative, or even premorbid, mentality or personality of the patient. This is an interesting observation, but it would not necessarily enter into the moral judgment of the operation. Whether the surgery is the cause or merely the condition of certain per-

<sup>18</sup> *L'Ami du clergé*, LXIV (March 11, 1954), 153.

<sup>19</sup> *Perfice munus*, XXIX (Feb., 1954), 90.

<sup>20</sup> "Is Leucotomy Lawful?", *Irish Theological Quarterly*, XXI (Jan., 1954), 16-31.



sonality changes makes little difference from the moral standpoint. They must still be considered in any moral estimate of the surgery.

Great progress has been made in the field of psychosurgery, but it is still largely in the experimental stage. There is still divergence of opinion, for instance, as to whether the effects are due to the amount of cutting or to the specific area where the cutting is done. It is too early, therefore, to consider it as other than a last resort in an otherwise hopeless case. But the impressive results reported in certain cases are sufficient to make it morally permissible, provided the proper moral safeguards are guaranteed. It need not be classed, then, as a dehumanizing procedure. E. J. Mahoney<sup>21</sup> agrees with Gerald Kelly, S.J.,<sup>22</sup> that the Pope did not outlaw lobotomy as such in his talk on the limits of medicine.

The *Journal of the American Medical Association* describes a treatment of severe neurosis by prefrontal procaine injection.<sup>23</sup> Such injections are also used as a test to predict the effects of lobotomy. Not enough is known as yet about either of these procedures to evaluate them. But should they become established at some future date, they would certainly have to be considered either as a necessary precaution or as a less drastic measure before resorting to lobotomy.

Direct mutilation is permitted where it contributes to the total good of the person. It is not absolutely forbidden like direct killing. There is a legitimate subordination of part to whole in direct mutilation which is not found in direct killing. It is clear, then, that the good of the whole person will justify even the direct removal of a member. But a further question arises: Does the good of the whole person define the moral limits of direct mutilation? Though moralists will sometimes use misleading terminology, I think all of them would agree that the morality of direct mutilation cannot be determined by an application of the principle of the double effect. This would put direct mutilation on the same level as indirect mutilation and make the distinction between the two meaningless from a moral standpoint. Pius XII has made it clear, too, that medical experimentation will not justify direct mutilation, at least of a serious nature.<sup>24</sup> But the question of organic transplantation is still being discussed by moralists.

<sup>21</sup> *Clergy Review*, XXXIX (March, 1954), 169.

<sup>22</sup> Cf. THEOLOGICAL STUDIES, XIV (March, 1953), 44.

<sup>23</sup> J. M. Myers, Jr., M.D.; F. E. Nulsen, M.D.; H. Dillon, M.D.; C. S. Drayer, M.D.; M. M. Pearson, M.D.; F. C. Grant, M.D.; and L. H. Smith, M.D., "Obsessive-Compulsive Reaction Treated with Prefrontal Procaine Injection," *Journal of the American Medical Association*, CLIII (Nov. 14, 1953), 1015-16.

<sup>24</sup> *AAS*, XLIV (Oct. 16, 1952), 782.

L. Bender, O.P., denies the liceity of organic transplantation.<sup>25</sup> He is dealing specifically with the morality of transplanting a kidney. Briefly, he argues that direct mutilation involves a permanent impairment of bodily function. Such permanent impairment is permitted only where the good of the whole person demands it. In any other instance it would involve an illicit subordination of person. Thus, for one person to deprive himself of a kidney for the good of another would be illicit. Such operations as blood transfusions, skin grafts, etc., since they do not involve permanent impairment of bodily function, are not classed as mutilations. They are not limited, therefore, by the good of the person himself but may be allowed even for the good of another.

Fr. Bender is certainly presenting a traditional opinion on the subject of mutilation. But it is not altogether certain that, if St. Thomas and the classic moralists were handling the specific problem of transplantation, they would not make some allowance for it. Certainly Bert J. Cunningham, C.M.,<sup>26</sup> and other moralists<sup>27</sup> who have discussed it in recent times have presented a good case in its favor. It is unfortunate that Fr. Bender does not seem aware of the work moralists have done on the problem in more recent times. In his opinion it involves nothing more than an application of old principles to a new case. This may be true. But it also happens that discussion of a new case will lead to a refinement and a restatement of old principles.

Personally, I am in favor of Fr. Cunningham's position. I am not sure either that some justification of transplantation may not be found in traditional moral teaching. All moralists agree, for instance, that a mother may undergo a dangerous operation to save the life of a fetus. In certain instances they would even impose (at least in the abstract) an obligation to undergo such surgery. This operation would involve either incising or excising the uterus, that is, a mutilation in the strict sense of the term.<sup>28</sup> If the good of the whole person (or the principle of totality, as it is sometimes called) defines the moral limits of mutilation, it is difficult to explain the liceity of such surgery, not to mention the obligation. The purpose here is clearly

<sup>25</sup> "Organorum humanorum transplantatio," *Angelicum*, XXXI (Apr.-June, 1954), 139-60.

<sup>26</sup> *Morality of Organic Transplantation* (Washington, D. C.: Catholic University of America, 1944).

<sup>27</sup> Cf. Gerald Kelly, S.J., *Medico-Moral Problems*, III (1951), pp. 22-28.

<sup>28</sup> Even a Caesarean section involves permanent impairment of uterine function. It does not ordinarily incapacitate the uterus for future pregnancies but it usually does make normal delivery a dangerous procedure. Hence the expression: once a Caesarean, always a Caesarean.

the good of the fetus. The relationship between mother and fetus is, of course, unique, but it is not such that it destroys the distinction of person. If a mother is permitted to undergo such surgery in favor of her child, who however closely united is still another person, can one argue that it is absolutely wrong for one person to sacrifice an organ for the good of another?

In arguing from authority, besides the classic text in *Casti connubii*,<sup>29</sup> Fr. Bender also cites the condemnations of direct sterilization by the Holy Office.<sup>30</sup> The text in *Casti connubii* certainly offers a difficulty against organic transplantation, though some feel that here Pius XI was speaking of mutilation with reference to sterilization. But Fr. Bender seems to have oversimplified the Holy Office's condemnation of sterilization. He feels that the only reason direct sterilization has been condemned is that it involves mutilation.<sup>31</sup>

I do not think this gives a complete picture of the Church's attitude toward direct sterilization. It may reflect the fundamental reason why direct sterilization imposed by the state is wrong. The state has no right to violate the corporal integrity of innocent subjects. But it hardly expresses the reason behind the Church's condemnation of voluntary direct sterilization, e.g., to avoid a dangerous pregnancy. If there were question merely of mutilation, there would seem to be no objection to suppressing the generative function where it could be considered a reasonable means of obtaining the good of the whole person.

The fundamental reason why direct sterilization is not permitted seems to be that the function in question is not directed primarily to the good of the individual but to that of the species, and therefore may not be directly suppressed even when the good of the individual might demand it. This seems to be precisely the reason why a distinction is made between direct and indirect sterilization.<sup>32</sup> Indirect sterilization involves nothing more than mutilation. It is governed, therefore, by the good of the whole person. Direct sterilization is aimed at contraception, and it is primarily for this reason and not because it is a mutilation that it is forbidden. I do not see, then, how the problem of direct sterilization can be reduced to the problem

<sup>29</sup> Pius XI, *AAS*, XXII (1930), 565.

<sup>30</sup> Condemnation of eugenic sterilization, March 21, 1931; *AAS*, XXIII (1931), 118; condemnation of direct sterilization, Feb. 22, 1940; *AAS*, XXXII (1940), 73.

<sup>31</sup> "Nulla alia videtur haberi ratio, qua sterilizatio sit illicita, nisi quia est mutilatio" (p. 156).

<sup>32</sup> The difference between direct and indirect sterilization is that in the former sterility is the *purpose* (*finis operis* or *finis operantis*) of the sterilizing procedure; in the latter sterility is merely the *result* of a procedure aimed at some other immediate goal, e.g., an orchidectomy performed to prevent the spread of cancer.

of mutilation. So it is not clear to me how the condemnation of direct sterilization by the Holy Office has much application to the problem of organic transplantation.

That sterilization offers a special problem is clear from a case taken up by J. J. Danagher, C.M.<sup>33</sup> The case concerns a tubal ligation to prevent a dangerous pregnancy. The wife threatens to separate from the husband and then have the operation performed if he refuses to sign a paper giving permission. May the husband sign? Fr. Danagher concludes that the husband need not be guilty of more than material cooperation in signing such a document and that he has sufficient reason in the serious inconvenience involved in being left alone with several children. He argues, and in my opinion correctly, that the husband's signature need not carry with it approval of the sterilization itself. It might be limited to a waiver of rights to enter damages against the doctor performing the surgery.

A more difficult case often presents itself in states where sterilization of the mentally unfit has been legalized. Inmates of public institutions in these states are often given the choice of remaining in the institution or submitting to sterilization. Since the patients themselves are frequently not in a position to make such a decision, it often rests with the nearest of kin. Would a patient, or a near relative, be allowed in such circumstances to sign a document permitting the sterilization?

There is a difference between this case and the one discussed above. In the former case the husband is merely cooperating with a decision already made. In this case the patient, or nearest of kin, is making the decision and choosing a sterilizing procedure in preference to confinement. If the problem can be reduced to the problem of mutilation, there would be no difficulty in solving it. Moralists often give the case of the tyrant who orders an individual to mutilate himself to save his life. They would also allow a person who had been unjustly condemned to life imprisonment to mutilate himself if it were necessary to obtain his freedom. So if there were question of simple mutilation, there would be no difficulty in making the decision.

But the state makes the way to freedom contingent, not on a simple mutilation, but on a direct sterilization. So, in the mind of the state at least, the choice is not between the loss of a bodily organ and freedom but between the loss of the generative function and freedom. The state, then, clearly intends direct sterilization. So the question resolves itself into this: Must the intention of the patient coincide with that of the state? If the operation in itself, independently of the intention of the agent, has to be considered a direct sterilization, the intention of the patient will have to

<sup>33</sup> *Homiletic and Pastoral Review*, LIV (Nov., 1953), 174.

coincide with the intention of the state. But it is not clear to me that the operation in itself must be considered a direct sterilization. For the sake of clarity it might be well to consider the case in the concrete.

In all probability the state would achieve its goal with a male patient by performing a double vasectomy. Since the intention of the state is to produce sterility, this operation certainly constitutes direct sterilization from the viewpoint of the state. But must the operation in itself be considered a direct sterilization? Such surgery would have to be classed objectively as direct sterilization only if the sole immediate effect of the operation were sterility. That a double vasectomy can have other effects equally immediate is clear from the fact that the operation is permitted to prevent epididymitis after a prostatectomy. One can hardly say, then, that the sole immediate effect of a double vasectomy is sterility. So I do not see why such surgery must be classified objectively as direct sterilization.

Sterilization of a female patient would probably be achieved by a tubal ligation. It may be true that the only reason a tubal ligation is performed today is to effect sterility. But who would want to say that the sole immediate effect of a tubal ligation is sterility so that such an operation must be classified *ex objecto* as direct sterilization? There seems to be no more reason for classifying a tubal ligation as direct sterilization *ex objecto* than there is for classifying jumping from a forty-story building as direct killing.<sup>34</sup> It would certainly seem strange, moreover, if a double vasectomy could be permitted, whereas the equivalent operation on the female would have to be considered intrinsically evil.

Since it seems, then, that both of these operations become direct sterilization only by reason of the intention of the state, a patient in consenting to them would not necessarily consent to direct sterilization. He could limit his intention to the mutilation itself. The liceity of such consent will depend upon whether the mutilation involved is warranted by the good of the whole person. The case is reduced, then, to that of the person whom the tyrant orders to mutilate himself. Escaping a life of confinement is certainly a sufficient reason to allow such a mutilation. If the above reasoning is correct, these unfortunate people need not be condemned to a life of confinement.

<sup>34</sup> Thus, if a rapist had trapped a young girl on the fortieth story of a building and gave her the choice of submitting or jumping to her death, moralists would allow her to jump. The intention of the rapist would be that she kill herself. But her intention need not coincide with his; her goal is achieved just as soon as she has escaped the room. Similarly, the goal of the mental patient is achieved just as soon as the *cause* for sterility is placed; it is not achieved by the sterility itself. Her intention, then, does not have to extend to the sterility but may be limited to the mutilation which caused it.

Another problem of cooperation in illicit medical practice is taken up by John J. Lynch, S.J.<sup>35</sup> The problem is put in the form of a question. Can a Catholic physician ethically form a partnership with a non-Catholic who (1) advocates and performs direct sterilizations; (2) performs therapeutic abortions; (3) dispenses contraceptive devices? Fr. Lynch concludes that such partnerships would be morally reprehensible unless possibly because of an extraordinary and grave reason. He arrives at this conclusion after a discussion of the scandal and cooperation to which such a partnership would give rise. In the realm of cooperation he finds that such an association might readily bring Catholics to the office of the non-Catholic doctor, misinterpreting his association with a Catholic doctor as a guarantee of the morality of his medical procedures; that the Catholic doctor would find it difficult not to refer patients looking for contraceptive information to his partner; and that the Catholic doctor would be sharing in the proceeds from the illicit practices of the non-Catholic doctor. In the realm of scandal he believes that such an association would lead many to believe that the Catholic doctor approved of the practices of his non-Catholic partner.

I think everybody would agree with Fr. Lynch that such partnerships are morally undesirable. In fact, it is difficult to understand today how an association with a man who practices so-called therapeutic abortion can be tolerated even on purely medical grounds. My own personal reaction, as far as the other illicit practices are concerned, is that the danger of scandal is the more important consideration. If that could be eliminated, I am not sure that the problem of cooperation could not be worked out with a sincere non-Catholic who respected the Catholic conscience.

Should the cancer patient be told? A poll of Philadelphia doctors showed that seventy per cent do not tell their patients that they have cancer; thirty per cent do.<sup>36</sup> It is interesting to note that, among the thirty per cent, the dermatologists have the highest percentage. This is because cancer of the skin is ordinarily curable. Next highest group were the psychiatrists. From the moral viewpoint there is no obligation to tell a person he has cancer. But there is a moral obligation to advise a person of approaching death, if such a warning would be necessary to prevent either material or spiritual loss to the patient.

<sup>35</sup> "A Doctor Wants to Know about Medical Partnerships," *Linacre Quarterly*, XXI (Feb., 1954), 4-11.

<sup>36</sup> W. T. Fitts, Jr., M.D., and J. S. Ravdin, M.D., "What Philadelphia Physicians Tell Patients with Cancer," *Journal of the American Medical Association*, CLIII (Nov. 7, 1953), 901-5. For a treatment of this subject from the moral viewpoint, see Gerald Kelly, S.J., *Medico-Moral Problems*, II (St. Louis: Catholic Hospital Association), 7-9.

The moral manuals are usually quite jejune in their treatment of addiction to drugs. A thorough treatment of the moral aspect of the subject is therefore very welcome. Giles Staab, O.F.M.Cap., takes up several practical questions dealing with the moral aspects of drug addiction.<sup>37</sup> It would be impossible to do justice to this article in a short space, but a salutary bit of pastoral advice with which Father Staab concludes the article is worth quoting: "It may not be out of place to warn the priest confronted with a case of drug addiction that his theological studies do not make him competent in either psychology or psychiatry. His job is to deal with souls while being aware of the possibility of pathological conditions. This is another opportunity for the priest to appreciate the help of the medical profession."

This is good sound advice, not only for problems of drug addiction, but also for handling other psychological problems. The priest must be able to distinguish between a simple moral defect and a psychic defect. His studies equip him to deal with the former but not with the latter. Where the psychic defect is involved, though he may never abandon a penitent, he may have to call for the professional help of a clinical psychologist or psychiatrist. Clerical studies as such do not prepare a priest to handle a compulsion any more than they prepare him to handle a case of virus pneumonia.

Another article on the subject of drug addiction takes the form of an interview with Fr. Lawrence Farrell, chaplain of the California State Prison.<sup>38</sup> He recommends the establishment of legalized public clinics for drug addicts. He feels they would go far toward stopping crime by drug addicts "who are driven to crime not by the dope but by the need for it." It is the high cost of addiction (as high as \$70 a day) that drives addicts to crime, even to acting as "pushers" among teenagers. He also argues that the percentage of cure of addiction is so low that it is better to provide clinics where addicts can get controlled dosages at reasonable prices. He claims that many addicts can lead useful lives for many years in such a controlled environment.

If such clinics were set up with a view to curing addicts, they would constitute no moral problem. Otherwise, they would have to be regarded as a *minus malum* and judged according to the principles set down for advising and cooperating in a *minus malum*. The chief danger I see in such

<sup>37</sup> "Drug Addiction," *American Ecclesiastical Review*, CXXX (April, 1954), 238-49.

<sup>38</sup> Ted Le Berthon, "Solving the Narcotics Problem," *Catholic Digest*, XVIII (March, 1954), 120-23; reprinted from *Central California Register*, Fresno, California, Dec. 25, 1953.

a program is that of spreading the disease. I am no advocate of prohibition, but I certainly do not feel that we have solved the problem of drink by making alcohol easily accessible. Any program providing clinics to dispense drugs to addicts would have to carry with it strict guarantees against abuse.

## SACRAMENTS

If the bishop is not available, pastors have the power to confirm anyone within their territory who is in danger of death. Do they have an obligation to administer this sacrament? Moralists hold that pastors have an obligation to meet any reasonable request for confirmation and that refusal of such requests over a long period of time would constitute a serious sin. J. McCarthy takes up the case of a pastor who is being subjected to frequent calls from a maternity hospital in his parish to administer the sacrament of confirmation to dying infants.<sup>39</sup> The pastor wonders if he can satisfy his obligation by paying one visit a week to the hospitals and ignoring all calls in the meanwhile. Fr. McCarthy rightly demands that more attention be given to the hospital. The pastor can hardly say that going to the hospital more than once a week would involve a serious inconvenience. On the other hand, one can understand how a busy pastor might feel that priority should be given to more important spiritual needs.

What about confirming a fetus? A. Bride admits that such confirmation might at times be administered both validly and licitly, but he fails to show much enthusiasm for confirming a fetus.<sup>40</sup> This can easily be understood. Even in the rare case where a priest would be available before the fetus expired, the circumstances are usually such that his presence is inadvisable.

The new Eucharistic legislation continues to occupy the attention of moralists and canonists. The Sacred Congregation of Rites issued a decree providing for certain changes in the Missal and the Roman Ritual, necessitated by the new legislation.<sup>41</sup> The changes in the Missal reveal nothing of importance, but the changes in the Ritual have some significance in the dispute regarding the necessity of a *personal* inconvenience for those in special circumstances. The wording of the faculty for the faithful in special circumstances follows the wording of the *Christus Dominus* quite closely, but a slight variation removes some of the support from the opinion that

<sup>39</sup> *Irish Ecclesiastical Record*, LXXXI (March, 1954), 204.

<sup>40</sup> *L'Ami du clergé*, LXIV (March 11, 1954), 154.

<sup>41</sup> "Variationes in rubricis Missalis et Ritualis Romani," June 3, 1953; *AAS*, XLVI (Feb. 16, 1954), 68-71.



fulfillment of the objective condition suffices for the use of the dispensation (that is, even when there is no personal inconvenience).<sup>42</sup> I do not think this opinion has as yet lost its probability, but neither does it have the strength it once could claim. No mention is made in the decree of a grave inconvenience for priests in special circumstances, an omission which gives strength to the opinion that for the priest fulfillment of the objective condition suffices.

A decree of the Holy Office has settled the discussion regarding the abrogation of the fasting regulations for the Easter Vigil.<sup>43</sup> The previous legislation is no longer in force. If the vigil service falls within the category of an evening Mass (before midnight), the provisions of the *Christus Dominus* regarding evening Masses are to be followed. If the Mass is at midnight, the norm for fasting contained in cc. 808 and 858, 1, is to be followed, that is, the obligation to fast begins at midnight. The decree indicates that the new Eucharistic legislation does not apply to midnight Masses. It also indicates the mind of the Church that fasting for midnight Masses be regulated by the prescriptions in the Code of Canon Law.

The subject of evening Masses on Sundays and holy days brings up the question of obligation. Is one who cannot get to Mass on Sunday morning obliged to attend an evening Mass? W. Conway and Francis J. Connell, C.S.S.R., maintain that he does.<sup>44</sup> They do not feel that the dispute about the obligation to use a privilege pertains to the present question. The new Eucharistic legislation does not confer on the faithful a new right to fulfill their Sunday Mass obligation but only a new opportunity. There is no question then of a privilege, which always confers a right. And as far as opportunity is concerned, the faithful have an obligation to use any convenient opportunity to get to Mass on Sunday, whether in the morning or evening. Some might want to dispute this distinction between right and opportunity, but it would certainly seem that the whole purpose of evening

<sup>42</sup> The wording of the *Christus Dominus* reads: "Christifideles . . . qui ob grave incommodum—hoc est, ob debilitantem laborem . . . ad Eucharisticam mensam omnino ieiuni adire nequeant . . ." (Reprint from *AAS*, XLV [Jan. 16, 1953], 8). The wording of the Ritual reads: "Christifideles . . . qui ob debilitantem laborem . . . Eucharisticam mensam omnino ieiuni adire nequeant." In the wording of the *Christus Dominus* the fatiguing labor, etc., seem to be identified with the serious inconvenience. In the Ritual revision no such identification is made and the emphasis seems to be shifted to the word *nequeant*.

<sup>43</sup> *De disciplina ieiunii Eucharistici in celebratione instauratione vigiliae paschalis servanda*, April 7, 1954; *AAS*, XLVI (April 12, 1954), 142.

<sup>44</sup> *Irish Ecclesiastical Record*, LXXXI (March, 1954), 209; *American Ecclesiastical Review*, CXXXI (July, 1954), 34. Genicot (*Clergy Monthly*, XVII [1953], 53) and Mahoney (*Clergy Review*, XXXVIII [1953], 358) also maintain the obligation to attend evening Mass, though Mahoney allows the other opinion.

Mass would be defeated if the very people for whom it was permitted were free not to attend.

The meaning of the term *liquores* in the new Eucharistic legislation continues to be discussed. L. L. McReavy mentions three different norms that have been mentioned for determining the meaning of the term: the alcoholic content of the beverage, common usage, and the method of production. He prefers the distinction based on method of production.<sup>45</sup> *Liquores* are the product of distillation; these are forbidden at meals. Alcoholic beverages which are the product of fermentation are permitted. This distinction is certainly the most reasonable and the easiest to follow. Common usage may be a safe norm in such countries as Italy, where wine is practically the only alcoholic drink taken with meals, but in England, and more so in this country, where individual taste prevails, such a norm would be completely ineffective. Moreover, the wording of the Instruction seems to exclude *liquores* even when customary. It seems to me also that the distinction based on alcoholic content (less than 20% content would not be considered liquor) would cause great confusion, particularly if it were extended to mixed drinks.

The priest saying the evening Mass is not without problems. If a priest saying an evening Mass also says a morning Mass, is he allowed to take wine in the ablutions after the morning Mass? E. J. Mahoney argues that he may.<sup>46</sup> Although the instructions for binating given in the legislation allow only water in the ablutions after the first Mass, he feels that this supposes a second Mass to be said later in the morning. He bases his positive argument on an old directive of the Holy Office which, in his opinion, allowed a priest who could take liquids between Masses to take wine in the ablutions after the first Mass. He concludes that until there is some authoritative pronouncement to the contrary the priest may take wine in the ablutions. It does seem a little incongruous that a priest binating in the morning and evening should be allowed to take wine later in the day with his meal and forbidden to take it in the ablutions after Mass. But the authors who have commented on this point up to now have concluded from the specific regulation set down that the priest may not take it.<sup>47</sup>

Treating the subject of the morning fast, W. Conway takes up the case of a person who usually walks to church but sometimes gets a ride.<sup>48</sup> May such a person take a cup of tea before going to Communion? And if he

<sup>45</sup> *Clergy Review*, XXXIX (Apr., 1954), 239.

<sup>46</sup> *Clergy Review*, XXXIX (Jan., 1954), 29.

<sup>47</sup> Cf. John C. Ford, *New Eucharistic Legislation*, p. 110; also Hürth, *Periodica*, XLII (March 15, 1953), 77.

<sup>48</sup> *Irish Ecclesiastical Record*, LXXXI (Jan., 1954), 40.

does, must he refuse the ride? He argues that, as long as the person is in good faith when he takes the cup of tea, he may do so. This is certainly the only reasonable solution to such a problem. A reasonable expectation that the conditions will be fulfilled is sufficient to allow one to avail himself of the dispensation. To demand any more would only lead to doubts and scruples.

But while an unforeseen circumstance will not remove a dispensation already qualified for, it will prevent reception of Communion if it shortens the one-hour fast prescribed for those in special circumstances. So if one had calculated the one hour depending on a sermon which for some reason was omitted, he would not be allowed to receive before the hour had elapsed. This might mean receiving after Mass, or perhaps waiting for another Mass. This is the opinion of E. J. Mahoney,<sup>49</sup> and no moralist or canonist would dispute it. The reason for the difference between this case and the previous case is that the long journey is a condition *for* the dispensation; the one-hour fast is a condition *within* the dispensation. It is a condition, moreover, which limits the dispensation. The one-hour fast is part of the fasting law itself and is to be observed just as strictly as the fast from midnight is to be observed by those who are not dispensed. The calculation of this hour will always be difficult for the lay person because of the uncertainty regarding the time of Communion. The only practical solution is to leave a safe margin.

For purposes of gastric analysis a patient in a hospital is sometimes asked to take a cracker and some water in the morning before X-ray. Gerald Kelly, S.J., is asked if this could be considered as medicine.<sup>50</sup> Since diagnosis is part of medicine, Fr. Kelly feels that the cracker and water are being taken for medical purposes and can therefore be considered as medicine. I think Fr. Kelly would find considerable agreement with this solution among moralists.

The confession of conditionally baptized converts is a recurrent question in clerical journals. J. McCarthy explains why the absolution in such cases must be conditional.<sup>51</sup> If the first baptism was invalid, the sins confessed, being antecedent to the valid baptism, would not be matter for the sacrament of penance. E. J. Mahoney maintains that such confession is obligatory in England.<sup>52</sup> But it is licit for pastoral purposes to hear the confession before the baptism, provided that the absolution is given afterwards.

<sup>49</sup> *Clergy Review*, XXXIX (March, 1954), 172.

<sup>50</sup> *Hospital Progress*, XXXV (April, 1954), 67.

<sup>51</sup> *Irish Ecclesiastical Record*, LXXX (1953), 418.

<sup>52</sup> *Clergy Review*, XXXIX (Jan., 1954), 32.

Joseph Marbach cites the opinion of those who hold that such confession is not obligatory.<sup>53</sup> It is true that the obligation from divine law is disputed, but where ecclesiastical law has intervened, as in our own country, there is general agreement that such confession is obligatory.<sup>54</sup>

All moralists admit that there are times when the confessor must refuse absolution. But good pastoral practice usually recommends that such refusals be kept to a minimum. A. Gennaro takes up the case of a woman guilty throughout her married life of birth control and abortion.<sup>55</sup> When she reaches the age of fifty and no longer fears pregnancy, she comes back to confession. She says that she is sorry for the past. The confessor asks her if she is still of the same mind regarding children and, if it were necessary, whether she would resort to the same means to avoid them. When she answers that she would, he refuses her absolution. Fr. Gennaro takes issue with the confessor, not indeed for refusing absolution, but rather for inept questioning. Once she said she was sorry, he thinks the confessor, rather than question her, should have tried by positive means to improve her dispositions. The confessor was certainly premature with his question. If, after attempts to improve her dispositions, he was still in doubt, there might have been some excuse for such a question, but before such attempts the question was certainly out of place.

Penances given by the priest usually take the form of prayers and, for the most part, prayers which the penitent can say without having recourse to a prayer book. This custom, while it runs the risk of reducing penances to a routine, at least guarantees that the penance will be said and reduces forgetting to a minimum. Francis J. Connell, C.S.S.R., discusses the advisability of giving penances conditioned on a future relapse. He also takes up the question of lifetime penances.<sup>56</sup> He accepts as licit penances conditioned on a future relapse. Even if there is no future relapse, the penance will be fulfilled in the efforts made to prevent it. Practically, this means that the priest is giving an alternate penance. I would have a somewhat speculative difficulty with a penance conditioned on a future relapse. It might readily be connected in the mind of the penitent with a future sin rather than a past sin.

Fr. Connell admits that lifetime penances would be theoretically licit but practically inadvisable because of the danger of forgetting. I might add

<sup>53</sup> *Priest*, X (Feb., 1954), 155.

<sup>54</sup> Cf. Gerald Kelly, S.J., "Conditionally Rebaptized Converts and Integral Confession," *THEOLOGICAL STUDIES*, XII (1951) 343-53.

<sup>55</sup> *Perfice munus*, XXIX (March, 1954), 139.

<sup>56</sup> *American Ecclesiastical Review*, CXXX (April, 1954), 271.

that such penances might accumulate and cause confusion in the mind of the penitent. The best principle is to give a penance which can be performed before the next confession whenever this is possible.

A small leaflet entitled, "What a Priest Should Do When Called Suddenly to the Dying," has been published by O. M. Cloran, S.J.<sup>57</sup> The leaflet gives in brief form the procedure to be followed in administering the last sacraments in various emergencies. An occasional quick review of such a leaflet would keep a priest prepared to meet such emergencies.

In a *Motu proprio* Pius XII has decreed that the words, *contra praescriptum c. 1063, §1*, be struck from c. 2319, §1, 1<sup>o</sup>.<sup>58</sup> Thus this part of the canon now reads: Catholics who marry before a non-Catholic minister incur an excommunication *latae sententiae* reserved to the ordinary.

This decree puts an end to two disputes that arose over the meaning of c. 2319, §1, 1<sup>o</sup>. Since c. 1063, §1 dealt with marriages between Catholics and baptized non-Catholics, some held that only these marriages would certainly fall under the penalty. Thus, if two Catholics or a Catholic and an infidel were married before a non-Catholic minister, they would not clearly incur the excommunication. Also, c. 1063, §1 dealt with a marriage before a non-Catholic minister which took place before or after a marriage before a Catholic minister. Some argued, therefore, that if a marriage took place before a non-Catholic minister but without any Catholic marriage, the excommunication would not be incurred. These disputes have now been settled. It is clear now that *any* attempted marriage by a Catholic before a non-Catholic minister is subject to the excommunication of c. 2319, §1, 1<sup>o</sup>.

It is clear, too, that c. 2319, §1, 1<sup>o</sup> is coextensive with Decree 127 of the Third Council of Baltimore and therefore supplants it. The privilege of Regular confessors to absolve from cases reserved by the Code to the ordinary applies to this excommunication. Those who have faculties from their bishop to absolve from censures reserved by the Code to the ordinary may also absolve from this excommunication.

#### JUSTICE

J. J. Danagher, C.M., discusses the case of a boy who was taken three or four times by his uncle, a railroad brakeman, with him on the train.<sup>59</sup> The boy paid no fare. Now, grown to manhood, he wonders if he is obliged to

<sup>57</sup> Reprinted from O. M. Cloran, S.J., *Previews and Practical Cases* (Milwaukee: Bruce, 1951).

<sup>58</sup> Dec. 25, 1953; *AAS*, XLVI (March 18, 1954), 88.

<sup>59</sup> *Homiletic and Pastoral Review*, LIV (Apr., 1954), 642.

make restitution. I think everyone would feel almost instinctively that there would be no obligation to make restitution in this case. Fr. Danagher reaches his solution by applying the conditions required for unjust damage. Since the boy was not formally guilty of the loss to the railroad, he concludes that he is not obliged to make restitution. He supposes, of course, that the boy at the time did not think he was doing anything wrong. I would certainly agree with Fr. Danagher's solution, but I would be more inclined to look upon the boy as an unjust possessor in good faith. Since the boy did get something for nothing, the case does not seem to be one of simple damage. But he would not be obliged to make restitution because, when he realized his obligation, the free rides were but a distant memory. It may also be, of course, that the railroad would be indulgent toward brakemen's nephews, at least *post factum*.

The subject of unjust damage is taken up from a more theoretical viewpoint by S. Tumbas.<sup>60</sup> When dealing with unjust damage, moralists usually lay down three conditions which must be fulfilled before one is obliged to make restitution. The action from which the damage follows must be *stricte* (against commutative justice), *efficaciter*, *et formaliter injusta*. It is with the second condition that Fr. Tumbas' dissertation is concerned. When is an action said to be *efficaciter* unjust? He states that, as long as the action has some positive influx, it must be considered efficacious. It does not make any difference whether it is classified as a *causa per se*, a *causa per accidens*, or a condition. Thus, for instance, the man who cuts the thread suspending a dagger over another man's heart effects the man's death, even though cutting the thread would be classified philosophically as a condition. Similarly, the bombardier who releases his bombs over enemy territory places a condition rather than a cause of the resulting damage, but his action must certainly be admitted as efficacious.

But it is not enough that an action be efficacious; it must be foreseen as efficacious. How is one going to judge an efficacious action beforehand? If an effect follows an action almost universally, there is no difficulty in judging such an action to be efficacious. Thus, jumping from a forty-story building is certainly efficacious of death. On the other hand, if an effect is merely possible, it need not cause concern. The real difficulty arises when the effect is probable, that is, somewhere between certain and possible. It is here that some authors use the distinction between a *causa per se* and a *causa per accidens*. Others distinguish between an effect which is intended and one which is foreseen. If the effect is intended, there is unjust damage and an obligation to make restitution. Fr. Tumbas does not like to see the

<sup>60</sup> *Periodica*, XLII (Sept.-Dec., 1953), 318-61.

obligation to make restitution based on intention. He prefers the following norm. If the damage is very serious, e.g., loss of life, just the probability that it will occur is sufficient to make one responsible. If the damage is less serious, e.g., damage to material goods, the probability should be greater.

Fr. Tumbas has certainly cleared up much confusion regarding the nature of the efficacious act. His norm of basing the obligation to make restitution on a relationship between the seriousness of the damage and the probability that it will occur rather than on the intention of the agent seems more in accord with the principles of justice. It is difficult to see how a bad intention will make unjust an action which is not unjust. But in practice it will still be difficult to determine the obligation to make restitution in such cases.

Determining obligations where commutative justice is involved can offer difficulties, but they seem insignificant when compared with the difficulties involved in dealing with social or legal justice. If the family wage can be established in commutative justice, it will still be a problem, but not quite as elusive as a social-justice obligation. Paul Crane, S.J., argues that the mind of the Popes is that commutative justice obliges employers to pay a family wage.<sup>61</sup> But if the economic condition of a country is such that employers cannot pay this wage, social justice demands that sufficient reform be brought about to make it possible.

Fr. Crane is not alone in his interpretation of the mind of the recent Pontiffs on the family wage. It is the more common opinion among moralists also that the family wage is based on commutative justice. It is a regrettable fact that our own economy does not take the family into consideration in determining a man's wages. This does not mean, of course, that wages paid in our economy are necessarily unjust. In many cases they undoubtedly cover the needs of the workingman's family, but this is coincidental rather than intentional. Whether it will be possible to rebuild our economy around the concept of the family living wage may be debatable. At any rate, Francis J. Corley, S.J., suggests family allowances as a remedy for the situation.<sup>62</sup> If social justice cannot achieve a situation in which employers can and do pay a family living wage, it would seem that the next best approach is to supplement the wages that are actually paid to the point where they will be adequate for the individual family.

Does the laborer have a right to a share in management? If so, how far does it extend? This question of cogestion or codetermination has been much discussed since the end of World War II. Pius XI in *Quadragesimo*

<sup>61</sup> *Christus Rex*, VIII (April, 1954), 131-37.

<sup>62</sup> "Why Federal Family Allowances?", *Social Order*, IV (June, 1954), 249-56.

*anno*, while maintaining the liceity of the simple wage contract, had recommended that it be modified somewhat by the partnership contract. This would allow workers to participate in ownership or management, or share in the profits of the enterprise. But this was just a recommendation; nothing was said of right or obligation. Certain private groups, however, began to speak of a right to a share in management. Pius XII in an Allocution denied the right to economic joint-management and put it beyond the recommendations of Pius XI.<sup>63</sup> Over the last few years there has been considerable discussion of this statement of Pius XII. Gustav Gundlach throws considerable light on the meaning of the Pope's statement.<sup>64</sup>

According to Fr. Gundlach, Pius XII had no intention of rejecting the idea of cogestion. He actually made his own the words of Pius XI, recommending that the work contract be modified. Such modification would be impossible without some form of cogestion. What he did was to set a limit to the extent of cogestion. Cogestion could never be total, that is, it could never be extended to the point where workers would have complete juridical equality with the owners or their representatives.

Those who argued to a right to total cogestion derived their arguments from a presumption regarding the nature of the individual enterprise or a misunderstanding regarding the wage contract. Some argued that the individual enterprise was governed by the same principles as a public society, that is, by legal and distributive justice. This would put all the members of that society on the same juridical level and would give all an equal right to management. Others argued that a right of codetermination was necessary to keep the wage contract just. In the simple wage contract the employer alone is the subject, the laborer being reduced to the status of a mere object of the contract.

The Holy Father refuted both of these arguments. Neither the nature of the private enterprise (which is regulated by private contract) nor the nature of the wage contract demands total cogestion. But between total cogestion and the simple wage contract there is a vast area open to the working man in which he can share in management. What must be safeguarded is the right of private property. Total cogestion would give the worker (*qua* worker) as much right as the owner and would put the non-owner on the same level as the owner, thus destroying the right of property. But as long as ownership and the rights of ownership are safeguarded, there is nothing wrong with cogestion. Fr. Gundlach feels that it may even extend to economic matters, provided they are of very great importance. It might

<sup>63</sup> June 3, 1950; see *Catholic Mind*, XLVIII (1950), 508.

<sup>64</sup> *Periodica*, XLIII (March 15, 1954), 25-31.



also include the right of referring decisions to an arbitrator, to be viewed from the aspect of the total economy.

Briefly, then, it would seem that the mind of the Holy See on employer-employee relationships is as follows. The simple wage contract is licit. In present-day conditions, however, it is advisable that it include some share in management.<sup>65</sup> Total cogestion is illicit.

Codetermination has been a fact in Germany since 1951. Originally limited to the coal and steel industries, it was extended by the new plant-constitution law of 1952 to nearly all German industrial workers. The new law is more in accord with papal directives. More representation is given to workers in plants and less to union representatives. Also, the employee representation on the board of directors has been reduced to one-third, thus giving the owners effective control in economic matters.<sup>66</sup>

Up to the present, American labor has not been actively interested in a share in management. George Meany, president of the AFL, wrote to this effect to the president of the German Trade Union, though at the same time he gave his support to the German movement.<sup>67</sup> American labor has even shown a certain hesitancy and suspicion toward profit-sharing movements.<sup>68</sup> The labor union movement in this country is inclined to resort solely to collective bargaining as a means of procuring the interests of labor. The more intimately the laborer becomes involved in the company and its affairs, the less interested he is liable to be in labor and its interests. Fr. Nell-Breuning has caused considerable consternation among German labor leaders by presenting them with exactly this problem.<sup>69</sup> The day may come when union demands for wage increases will be turned down by union men representing labor on the board of directors.

As a final contribution on the subject of justice, we can mention an article by Michael Fabregas, S.J., on the common good.<sup>70</sup> He bases his concept of the common good on the pronouncements of the recent Pontiffs.

<sup>65</sup> Though neither the nature of the private enterprise nor the nature of the wage contract demands a share in management for the laborer, the common good might make such a demand. If a law were passed stipulating a share in management for labor, such a share would be an obligatory part of the wage contract. Cf. V. Vangheluwe, "De opificum iure consortii in lucris atque in curatione suscepti negotii," *Collationes Brugenses*, XLVI (1950), 365-80.

<sup>66</sup> Cf. E. A. Kurth, "Peace in Codetermination?," *Social Order*, IV (Jan., 1954), 19-28.

<sup>67</sup> Cf. E. A. Kurth, "Codetermination in West Germany," *Review of Social Economy*, XI (March, 1953), 54, note 2.

<sup>68</sup> Cf. James A. O'Brien, S.J., "Profit Sharing and Organized Labor," *Social Order*, IV (March, 1954), 111-15.

<sup>69</sup> Cf. Joseph B. Schuyler, S.J., "Germany's DGB," *Social Order*, IV (June, 1954), 259.

<sup>70</sup> *Periodica*, XLII (Sept. 15-Dec. 15, 1953), 246-62.

The common good must be distinguished from common goods. More goods are common in the communist state than anywhere else, but no one in his right mind would consider such a state a paradise of the common good. Fr. Fabregas defines the common good as the complexus of all the goods and advantages which citizens really possess precisely as citizens and which endow them with the capacity for the development and exercise of their faculties.

#### CHASTITY AND MARRIAGE

It was undoubtedly a desire to promote the virtue most often associated with the name of Mary that the Holy Father wrote his Encyclical on Holy Virginity during the Marian Year.<sup>71</sup> On the negative side he was prompted by certain errors on the subject of sex and marriage that have recently gained some acceptance. These errors fall under two headings: exaggeration of the sex instinct; exaggeration of the role of marriage in personal development. The importance of the sex instinct has been exaggerated in various degrees, even to the point of pansexualism, but in general the conclusion drawn from these exaggerations is that chastity is impossible or at least bad for mental health.<sup>72</sup> Marriage is said to be essential to personal development. There is a completion of personality in marriage and, specifically, in marriage relations which is otherwise unattainable.<sup>73</sup> The Holy Father condemns both these errors and upholds virginity as a Christian virtue.

But virginity is not a Christian virtue unless one embraces it for the Kingdom of Christ. To embrace a life of chastity out of exaggerated self-interest or a desire to shun the burdens of married life or pride is not to embrace the Christian virtue. To be a Christian virtue, chastity must be properly motivated. But if properly motivated, the life of chastity is a higher calling than the married state. The Holy Father reprehends those who discourage youth from following this vocation, arguing that a holy life in the world is more effective than the isolated sanctity of celibates. The sanctity of celibates is not sterile but productive of countless works of charity that would otherwise have been left undone.

<sup>71</sup> *De sacra virginitate*, March 25, 1954; AAS, XLVI (May 16, 1954), 161-91; translated in *The Pope Speaks*, I (Second Quarter, 1954), 101-23.

<sup>72</sup> A very impressive array of medical and psychiatric testimony that chastity is not detrimental to mental health has been gathered by Luigi Scremin; cf. *Il vizio solitario* (Milan: Istituto di propaganda libreria), Appendice V, pp. 138-51.

<sup>73</sup> This error has its origin in the marriage theories of Herbert Doms, *Sinn und Zweck der Ehe* (Breslau, 1935), and more explicitly of Bernardine Krempel, *Die Zweckfrage der Ehe in neuer Beleuchtung* (Einsiedeln, Zurich, 1941). See *Periodica*, XXXIII (1944), "De finibus matrimonii, Annotationes," pp. 221-22.

But a life of perpetual chastity is not necessary for perfection. In fact, for many it might be an obstacle. Such an obligation should not be assumed by those who from experience know that they are weak. The Holy Father urges priests who are dealing with candidates for the priesthood or religious life to weigh carefully their suitability and, if they have serious doubts, especially by reason of the candidate's past experience with chastity, to use their authority to get them to give up this vocation. *Melius est nubere quam uri.*

This warning is certainly of greatest importance. The desire for the priesthood or the religious life is not enough. It must be accompanied by experiential knowledge of one's capacity for perfect chastity. The priesthood or the religious life is not the place to acquire the capacity for chastity. It would be a serious mistake, for instance, to send a youngster to the novitiate to cure a habit of impurity. Even if such a cure did occur, it would not guarantee the capacity of such an individual to lead a chaste life in a normal religious or clerical environment. A novitiate cure will not long survive the novitiate.

The Pope goes on to say that chastity can be perfectly observed. God will give this grace to those who have vowed chastity at the invitation of Christ. No one can say, then, that he cannot observe the vow perfectly. The Encyclical continues with a treatment of ways and means to protect and foster the virtue of chastity, chief of which is devotion to the Virgin Mother of God.

The Holy Father was speaking of chastity as a vocation. It would be a mistake, though, to think of the virtue of chastity in this connection only. Chastity also has its place in marriage. But there are those who think that too much is said about chastity in married life and not enough about love. E. Ranwez discusses a desire expressed by some that moral treatises on marriage shift their emphasis from chastity to mutual love.<sup>74</sup> Fr. Ranwez admits that the emphasis in moral treatises has been on chastity and the obligations it imposes on married couples. He ascribes this rightly to the fact that these treatises are written for the most part by confessors and for the benefit of confessors and spiritual directors. Had they been written by lay people, the aspect of mutual love would have received more attention. Actually, treatises written by lay people in recent years have been a little unbalanced in this respect, though they have enriched the literature on the subject of marriage by stressing the need for the complete gift of self and castigating the egoism which prevails in many marriages.

<sup>74</sup> "Morale conjugale," *Revue diocésaine de Namur*, VIII (July–Nov., 1953), 288–97.

Fr. Ranwez argues correctly that there is no real conflict between chastity and charity in marriage. Certainly charity ranks higher in the order of virtue, but one must be careful to distinguish between charity and disordered love. It is the latter that conflicts with chastity. Genuine charity will look for no expression outside the limits of marital chastity, as defined by the goal of marriage.

Moralists, in their efforts to establish the primary obligations of marriage, have perhaps neglected the concept of mutual love. For instance, moral treatises will refer to the marriage act as the *debitum*. This is certainly a fundamental concept in marriage, but if the attitude of married couples in their relations with each other never rises above the level of justice, marriage will not be the unitive force it is meant to be. On the other hand, one can exaggerate the importance of marital relations as an expression of love. The marital act is sometimes referred to as the greatest expression of human love. This is an exaggeration. Abstinence may be a far greater expression of love between husband and wife. To insist on the marital act as the supreme expression of human love is to create an artificial dilemma for those who, for one reason or another, must abstain.

An apparent solution of the conflict between mutual love and chastity is offered by contraceptive intercourse. The pastoral handling of such cases is admittedly difficult. The strength of the purpose of amendment is often in question. J. J. Danagher, C.M., is asked if a promise to try is sufficient evidence of a purpose of amendment. In answering the question he discusses two cases.<sup>75</sup> If the penitent were using contraceptives, he would not accept the promise to try unless it included the promise to get rid of the instruments. If the penitent refused to get rid of the instruments, the promise to try could hardly be accepted as sincere. But what if a couple who do not intend to perform the marriage act continue love-making, even knowingly, to the point of complete satisfaction? Would a promise to try to control themselves be sufficient for absolution? In this case Fr. Danagher would accept the promise to try, but if it were repeated without fruit, he would eventually have to refuse absolution. This is certainly good pastoral advice and I think all confessors would agree with it.

While it has condemned artificial birth control, the Holy See has explicitly stated that a serious reason will justify the practice of periodic continence or rhythm, as it is ordinarily called. The question arises: how long may one practice rhythm? Noldin did not think that a sufficient reason could be found for practicing rhythm for a lifetime. E. J. Mahoney rightly

<sup>75</sup> *Homiletic and Pastoral Review*, LIV (Nov., 1953), 171.

maintains that this opinion is no longer tenable.<sup>76</sup> The Pope explicitly stated in his talk to the Italian midwives that reasons for practicing rhythm might possibly last for the whole time of marriage.

A serious reason will justify the practice of rhythm, but will the reason for avoiding children ever become so serious that it will impose an obligation to practice rhythm or even total abstinence? The Austrian Bishops' Conference has issued an instruction on the use and abuse of marriage. In the instruction a statement is made which seems to indicate an obligation to practice total abstinence when a pregnancy would mean proximate danger of death for the woman.<sup>77</sup> Father Josef Muller, S.J., in commenting on this statement, cites a passage from the Pope's talk to the Italian midwives in support of such an obligation.<sup>78</sup> The passage reads as follows: "God does not oblige people to do the impossible. But God obliges people to abstain if their union cannot be fulfilled according to the laws of nature. Therefore, in this case abstinence is possible."<sup>79</sup>

This passage, if taken apart from the context, seems to indicate an obligation to abstain from intercourse in a case where pregnancy would be dangerous. But I do not think that the context makes this interpretation necessary. The Holy Father, throughout this section, is dealing with arguments for the use of contraceptives. The argument can be put briefly as follows. If another pregnancy would endanger the life of the mother, the choice is between total abstinence and contraception. But total abstinence is impossible. Therefore, contraception is licit. The choice with which the Holy Father was dealing, then, was not the choice between abstaining and not abstaining but between abstaining and practicing contraception. It is in this sense that the Pope says abstinence is obligatory; that is, when the choice is between contraception and abstinence, one may not choose contraception.

Moralists do maintain that, when marital relations involve a proximate danger of death, it would be wrong to engage in them. But they have always been reluctant to admit a dangerous pregnancy as a case in point, both because of the uncertainty of the pregnancy and the uncertainty of the

<sup>76</sup> *Clergy Review*, XXXIX (Jan., 1954), 34.

<sup>77</sup> "Der Vorsatz muss gehen entweder auf den naturgemässen Gebrauch der Ehe (also objektiv auf das Kind) oder auf die periodische Enthaltbarkeit (Zeitwahl nach Knaus-Ogino) oder auf die volle Enthaltbarkeit. Letztere ist unter Umständen Pflicht, wenn z. B. eine Schwangerschaft für die Frau eine unmittelbare Lebensgefahr bedeuten würde" (*De usu et abusu matrimonii* [Innsbruck: Felizian Rauch, 1954], p. 12, no. 11).

<sup>78</sup> *Ibid.*, p. 57.

<sup>79</sup> Translation taken from *Moral Questions Affecting Married Life* (Washington, D. C.: N.C.W.C.), p. 16.

danger. Conception, first of all, would be very uncertain, especially if some effort were made to avoid the fertile period. Moreover, doctors have erred so often in predicting dangerous pregnancies that such predictions can hardly be taken as a foundation for an obligation. Finally, even if there were certainty, it seems to me that abstinence over a long period of time would have to be considered an extraordinary means of preserving life.

Certainly a confessor should counsel abstinence in such cases. It would be a mistake for a confessor to urge a couple to go ahead with normal married life and trust to Divine Providence. The prudent confessor will let such a decision rest with the married parties themselves. He may certainly acquaint them with the facts regarding dangerous pregnancies, the tendency of doctors to exaggerate the danger, etc., but he should not try to influence their decision where it would involve risk. Such decisions should be left to their own free wills.

J. Geraud touches a somewhat related problem in dealing with the case of a woman who already has undergone three Caesarean sections.<sup>80</sup> If the need for such deliveries results from some congenital defect or from a small pelvis, what attitude should be taken toward having children? He proceeds rather cautiously in answering this question but seems to feel that such a defect or condition is a manifestation of the will of God. The Christian ideal in marriage is not to have as many children as possible but to have them intelligently and according to Christian indications. A married couple in such circumstances would do well to live in conjugal chastity over long periods of time, orienting their love toward God and neighbor. Fr. Geraud recommends that education to this type of chastity should begin even before marriage.

Whatever may be said for Fr. Geraud's recommendation, there does seem to be a tendency to idealize the large family and present it as the ideal Christian family, precisely by reason of its size. The large family is certainly convincing evidence of a healthy Christian attitude toward contraception. But it may also indicate a very un-Christian lack of control. It may be that in our opposition to contraception we have developed a prejudice against the small family. As a result, we have overlooked the possibilities of chastity in marital life. It would be a mistake to confuse the vocation of married people with that of those dedicated to chastity. On the other hand, chastity does not cease to be a virtue after marriage. Properly motivated chastity can be just as virtuous in married life as outside of it. I can see nothing wrong, for instance, in married couples choosing continence over prolonged periods of time in preference to a large family. Such a choice, of course,

<sup>80</sup> *L'Ami du clergé*, LIV (Feb. 23, 1954), 126.

would have to be properly motivated in order to be virtuous and would have to be the result of mutual consent.

The Rh factor is frequently discussed in connection with marriage. The problem arises only when an Rh-negative woman is matched with an Rh-positive man. In discussing the problem, Dr. Jean Hartemann and Père Frison ask whether marriage between such couples should be discouraged.<sup>81</sup> They conclude that the incidence of hemolytic disease in children resulting from such a union is so low that a policy of discouragement would prevent many from getting married without reason. Moreover, if measures were taken to match Rh-negatives, the next generation would see an increase in the Rh-negative population, with a consequent extension of the problem.

It would be difficult to determine who are more deserving of sympathy, those who should not have children or those who cannot. Infertility clinics give some hope to the sterile. It is estimated that at least one out of six cases of sterility can be helped. Unfortunately, many of these clinics are under the auspices of the Planned Parenthood Association, an unhealthy environment for Catholic married couples. It is heartening, then, to see Catholic doctors interested in the problem. The *Linacre Quarterly* presents a symposium on infertility and the operation of a clinic to correct it.<sup>82</sup> In an introductory article J. J. Carty, M.D., makes the following statement: "We feel that an infertility clinic is a most valuable adjunct to a Catholic hospital. . . . In addition, and of even greater importance, it provides Catholic patients with the assurance that their infertility problems will be diagnosed and, if possible, remedied in strict accordance with the principles of sound morality."<sup>83</sup>

Every moralist knows how frequently moral problems connected with sterility and its cure can occur. If more Catholic hospitals operated infertility clinics, the problem of dealing with urologists who are either ignorant of, or else ignore, the moral principles governing their practice would be largely solved. The symposium takes up various aspects, physical, psychic, clinical, etc., of infertility and its cure. John J. Lynch, S.J., gives an excellent summary of the moral principles involved in dealing with sterility.

Artificial insemination is sometimes resorted to as a solution for infertility problems. P. Anciaux gives expression to the Church's opposition to all types of insemination achieved independently of marital union.<sup>84</sup> This includes not only extra-marital insemination but also extracoital insemina-

<sup>81</sup> *Cahiers Laënnec*, XIII (no. 4, 1953), 34-43.

<sup>82</sup> "Plan for Parenthood Symposium," *Linacre Quarterly*, XXI (May, 1954), 36-63.

<sup>83</sup> *Ibid.*, p. 39.

<sup>84</sup> *Collectanea Mechlinensia*, XXXVIII (1953), 341.

tion. All conjugal life looks to the double end of marriage. To dissociate these ends is wrong. Thus, to promote love independently of procreation or to promote procreation independently of love is wrong. Someone has neatly epitomized the attitude of the Church as follows: *nulla copula sine prole; nulla proles sine copula*.

The Church's attitude toward artificial insemination is a clear response to those who claim that she neglects the personal aspects of marriage. She insists that procreation be carried on at a personal level and that children should come into the world as the fruit of an expression of love between two human beings. Procreation carried on at the biological level is not sufficient to achieve the goal of marriage.

*Cahiers Laënnec* devotes a whole issue to the subject of feminine frigidity. A brief article from the gynecological viewpoint is no more than introductory to the main article, which treats the subject from the psychological viewpoint. Frigidity is admittedly a psychological rather than a physiological problem. The only function of the gynecologist is to assure the patient that the genital organs are perfectly normal. Such is the opinion of Dr. Michel Chartier.<sup>85</sup>

Dr. Eck, treating the subject from the psychological viewpoint, makes some excellent and very helpful observations.<sup>86</sup> First of all, he feels that ordinary counseling will suffice to cure most cases, and usually it is the husband who needs the counseling. In some cases, though, frigidity may be the result of education. An unhealthy moral training in sex may be responsible for frigidity. Curiously enough, he has found such training not only in Catholic homes but also in Protestant, Jewish, and even atheistic environments.

He complains that women are usually well prepared to fulfill the role of mother but poorly prepared to fulfill the role of wife. But he does not think that the solution to this problem will be found in instruction. The most important element is a home where father and mother are manifestly leading a happy married life. For a daughter, the best preparation is the example of a mother happy in the role of wife. Frigid mothers breed frigid daughters.

Unfortunately, not everything Dr. Eck says is equally commendable or verifiable. For instance, in noting the difference between boys and girls regarding experiential knowledge of sex previous to marriage, he makes the statement that 95% of boys have experienced voluntary masturbation and the other 5% are to be suspected of abnormality rather than virtue. In his

<sup>85</sup> "Le point de vue de gynécologue devant la frigidity," *Cahiers Laënnec*, XIII (no. 4, 1953), 6-8.

<sup>86</sup> "La frigidity," pp. 9-33.



opinion a boy who has never known masturbation is suspect of troubles of affective or emotional development.<sup>87</sup>

Just how much confidence can be placed in statistics on solitary sin is a matter of debate. The elements of religion, locality, education, etc., enter into this problem so intimately that, unless one knows the background of the sample used, it would be a mistake to draw any conclusions or generalizations from the statistics. But even if it be admitted that a high percentage of adolescent boys have experienced voluntary masturbation, it does not follow that masturbation is an indication of psychic health, so that its absence must be taken as a sign of psychic troubles. The incidence of the common cold is undoubtedly very high, but this does not lead people to suspect the health of those who do not catch colds. It may be true that the type of adolescent who needs psychiatric help is suspect if he has had no previous experience with masturbation. But to make a general statement that all success in dealing with sex is suspect is to reveal a rather cynical outlook on the virtue of chastity. The adolescent who is fighting the battle against such temptations will not get much support from the thought that victory probably means abnormality.

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<sup>87</sup> *Ibid.*, p. 10.