

## CURRENT THEOLOGY

### NOTES ON MORAL THEOLOGY, 1953

#### GENERAL MORAL

The publication last year of Fr. Gérard Gilleman's solid treatise on the primacy of charity in moral theology evoked reviews and articles some of which enlarge on the shortcomings of present-day moral teaching, especially its exclusive preoccupation with sin and the limits of mortal sin.<sup>1</sup> A certain E. R. finds it "astounding, not to say scandalous" that after twenty centuries of Christianity a work like Gilleman's should be necessary to counteract the casuistical, legalistic attitudes of moralists, to whom it has to be proved "in due form" that love is the soul of Christian morality.<sup>2</sup>

But it is thirty years since Vermeersch published his four-volume work and entitled it, *Theologiae moralis principia responsa consilia*, and received the congratulations of the Holy See for stressing the counsels and the pursuit of perfection.<sup>3</sup> Furthermore, a whole generation of moralists has grown up since Vermeersch's time, and has grown up acutely aware of the dangers of legalism and minimalism. Witness the numerous books and articles nowadays on charity as the soul and groundwork of moral theology.<sup>4</sup> The scholarly and enlightening essay of Fr. Gilleman is itself the product of a ferment that considerably antedates the impatient thrusts of later and less constructive critics. With this in mind one can view in better perspective and appraise with more balance books like Jacques Leclercq's on the teaching of moral theology.<sup>5</sup> The truth is that some of the shortcomings alluded to are understandable, and in fact unavoidable, given the practical scope to

NOTE.—For the most part, the present notes are limited to the period covering Nov., 1952–Oct., 1953. Only by way of exception can material published after October be included in the survey.

<sup>1</sup> Gérard Gilleman, S.J., *Le primat de la charité en théologie morale* (Paris: Desclée de Brouwer, 1952); and by the same author, "Théologie morale et charité," *Nouvelle revue théologique*, LXXIV (Sept.–Oct., 1952), 806–20. See THEOLOGICAL STUDIES, XIV (Mar., 1953), 31–32. For reviews and comments on Fr. Gilleman's work, see, for example, *Revue d'ascétique et mystique*, XXIX (Jan.–Mar., 1953), 69–70; *Gregorianum*, XXXIV (n. 1, 1953), 32–55 (Carpentier); *ibid.*, (n. 3, 1953), 538–40 (de Broglie); *Collectanea Mechlinensia*, XXXVIII [XXIII] (Mar., 1953), 237–38; *Études*, CCLXXXV (Dec., 1952), 426–27.

<sup>2</sup> *Revue diocésaine de Namur*, VII (May–July, 1953), 190–91.

<sup>3</sup> Cf. Arthur Vermeersch, *op. cit.*, I (1947), p. v.

<sup>4</sup> Cf. e.g., *Ephemerides theologicae Lovanienses*, XXIX (Jan.–Mar., 1953), 184–85; *ibid.* (Apr.–Sept., 1953), 510–11.

<sup>5</sup> *La enseñanza de la moral cristiana* (Bilbao: Colección Veritas et Justitia, ediciones Desclée de Brouwer, 1952).

which the moral theology class must devote itself today. Francis Clark, S.J., explains this point well:

As to the charge of 'moral minimalism,' it is one that the Catholic moralist must in one sense admit, and about which he can offer little satisfaction to his critics. The chief aim of the science of moral theology as it exists in the Church today is the formation and guidance of confessors whom the Church can officially approve for the ministry of the Sacrament of Penance. . . . It belongs to the Church's power of the keys that her ministers should know clearly what human acts separate man from God, should mark out plainly the edge of the abyss beyond which lies death for the soul.<sup>6</sup>

And in reviewing Leclercq's book, referred to above, E. Guerrero, S.J., comments as follows:

The fact that ascetical and mystical theology have been excluded from moral is due to the multiplication of disciplines, their extent, and to the necessity of specialization in the professorate; but this has not deprived the clergy of competent formation in the science of Christian perfection, which is provided separately. Moral cannot help being, to a certain point, casuistic, but not on that account has the priest given up the study of its historical, philosophical, scriptural, and theological foundations; he has studied them in separate disciplines. One cannot study everything in connection with everything.<sup>7</sup>

But when the whole defense is in, the open-minded moralist will still be ready to say *mea culpa*, and to admit that his discipline would profit much if it were possible to imbue it with the charity of Christ from beginning to end. Confessors should be taught to be constantly on guard to keep their clear-cut distinctions of mortal sins in mind, but to keep them in the back of the mind while actually hearing confessions. The faithful have a right to expect of them inspiration to Christian idealism. But we still await the mystico-ascetico-theologico-confessorial genius who will adapt Fr. Gillemann's theories to the realities of the classroom and confessional, and who will present it all in a text-book that will satisfy critics and professors alike. Meantime the spiritual attitude of the teacher himself and his *viva voce* communication of it to the future confessors in his charge will have to serve as a substitute.

Of the moral virtues St. Thomas says: "prudentia est maxima quia est moderatrix aliarum virtutum." In "Prudence and Morality," John R. Connery, S.J.,<sup>8</sup> gives a thorough exposition of what St. Thomas meant by

<sup>6</sup> "The Challenge to Moral Theology," *Clergy Review*, XXXVIII (Apr., 1953), 214-23.

<sup>7</sup> *Razón y fe*, CXLVIII (July-Aug., 1953), 84.

<sup>8</sup> THEOLOGICAL STUDIES, XIII (Dec., 1952), 564-82.

this somewhat enigmatic dictum. The article is particularly happy in distinguishing prudence from its worldly counterpart, a sort of cautious inactivity, and in explaining how the virtue of prudence plays its part especially in those moral judgments where passion easily interferes with reason.

Knowledge of first principles is necessary to give one the proper moral goals. Prudence is necessary to give one the counsel, judgment, and precept by which he arrives at these goals. One might be inclined to think that, given the principles, the other moral virtues would be sufficient to provide for virtuous acts; but this is not the case. In fact, the more deeply rooted these virtues are in the soul, the greater the need for prudence. The faster a blind horse runs, the greater the danger of injury—even if he is running in the right direction. The horse needs a rider to guide him. And this is precisely the function which prudence serves in relation to the other virtues. In fact, the Fathers refer to it as *auriga virtutum*.

Another article by Fr. Connery may be mentioned here: "Shall We Scrap the Purely Penal Law?"<sup>9</sup> The author does not commit himself, though it is clear where his sympathies lie, to the proposition that the concept is valid or that penal laws *de facto* exist. He is content to point out some of the practical and theoretical difficulties that must be met if purely penal law is done away with. The opinion unfavorable to the penal-law theory has been treated sympathetically, to say the least, in the historico-speculative work of Thomas E. Davitt, S.J.,<sup>10</sup> and has been wholeheartedly embraced in a contribution of Francis J. McGarrigle, S.J., journalistically, and misleadingly, entitled, "It's All Right If You Can Get Away with It."<sup>11</sup> The thoroughgoing speculative defense of the Suarezian view against its modern objectors which is contained in the *De legibus* of Rodrigo has not received the attention it deserves.<sup>12</sup> It is not easy to deny the penal-law theory *in toto* and still explain the laws of religious institutes. They are treated as real laws both by their founders and in the jurisprudence of the Church; yet they do not bind the conscience directly under pain of sin. Moreover, as Fr. Connery concludes:

Before a suggestion to scrap the purely penal law can be taken seriously it might be well to be sure, first of all, that the fault is in the nature of the law rather than in the presentation [which is sometimes a mere caricature]. . . . But if on further analysis it is found that the purely penal law is defective, it might still be

<sup>9</sup> *American Ecclesiastical Review*, CXXIX (Oct., 1953), 244–53.

<sup>10</sup> *The Nature of Law* (St. Louis: Herder, 1951).

<sup>11</sup> *American Ecclesiastical Review*, CXXVII (Dec., 1952), 431–49.

<sup>12</sup> Lucius Rodrigo, S.J., *Praelectiones theologico-morales Comillenses, Tomus II, Tractatus de legibus* (Santander: Sal Terrae, 1944), nn. 338–58.

wise to inquire whether a law that would bind in conscience but would necessarily carry with it a whole carload of exceptions would be any more effective.

Fr. Connery's article, it is hoped, will have the effect of introducing some sober, practical, and prudent considerations into a debate that has been characterized by enthusiasm on one side and apathetic indifference on the other.

If charity is the soul of morality and prudence its practical intellect, both must be brought to bear on the manifold enjoyments and pleasures of modern life. Men and women today are hardly more inclined to pleasure than their forebears; for human nature does not change much. But nowadays there is an increasing availability of a great variety of pleasures. Perhaps this accounts for a new interest in the morality of pleasures on the part of certain moralists and masters of the spiritual life. The remarkable thing is that the moralists are not disputing at the moment the degree of sinfulness in acts posited *ob solam delectationem*, nor are they emphasizing the dangers of worldly pleasures, nor rebuking those who indulge themselves in the everyday pleasures that life has to offer. Rather, without forgetting the dangers and the need of Christian self-denial, they emphasize the positive aspect of the virtuous exercise of legitimate pleasurable activities.

Joseph P. Fisher, S.J., a master of novices, writes "Some Thoughts on Pleasure and the Ascetical Life."<sup>13</sup> Young religious should be taught the true role of pleasure, especially the higher, esthetic pleasures of literature and art. "In general it may be said that not only is it no sin to enjoy moderate pleasure but it can easily be an act of virtue." The article closes with an observation by Fr. Martindale which makes a sort of O. Henry ending for a conference to religious: "But may not one of the great 'difficulties' of dying be this—not that you have worshipped idols, loved created things too much, but that you have not loved them nearly enough?"

Rodrigue Normandin, O.M.I., rector of the University of Ottawa, in "Épines et roses: Le plaisir dans la vie chrétienne,"<sup>14</sup> begins by describing some pleasures of the senses and joys of the spirit. He notes the ineluctable human tendency to pleasure and enjoyment, a tendency which is all the stronger where sense-pleasures are concerned. Three principles of Catholic doctrine are summarized as follows: "Total abstention from evil or dangerous pleasures; moderate use of legitimate or necessary pleasures; occasional sacrifice of some legitimate satisfactions." The second part of the article shows how these principles are derived from the life and Gospel of our Lord, and points out that the Christian use of pleasure avoids the extremes of

<sup>13</sup> *Review for Religious*, XII (Sept. 15, 1953), 225-30.

<sup>14</sup> *Revue de l'Université d'Ottawa*, XXIII (Jan.-Mar., 1953), 7-19.

outmoded Stoicism, of which there is little practical danger at the moment, and all too current Epicureanism.

Louis N. Boutin, O.M.I., proposes the question: Is a Christian under obligation to abstain from food and drink which goes beyond what is necessary for full health and vigor?<sup>15</sup> He takes issue with two theses, one of them from a book on Christian renunciation by M. Fernand Paradis, who holds that there is a precept, a general obligation on all Christians, to refuse at least at times certain pleasures even though permissible in themselves and in their concrete circumstances. The second thesis, defended apparently by certain preachers and spiritual directors, holds that a Christian is obliged to deprive himself as much as possible of natural pleasures. "Massacrons la nature." Fr. Boutin, after a well-reasoned examination of these propositions, rejects them, and concludes that the Christian and the religious when presented with pleasures that are permissible here and now in the concrete, are not obliged by the virtues of abstinence or *eutrapelia* to renounce the pleasures. It is a counsel which they may practice voluntarily. Fr. Fisher had noted, too, that the degree of renouncement to be chosen by the individual religious "is a very personal question."

A more complete treatment of the theology of recreation and amusement is found in *Le plaisir sanctifié: Pour une spiritualité des loisirs*, by P. Lorson, S.J.<sup>16</sup> "It is true that pleasure does not occupy the principal place in life. But it does occupy one; it has its role to play, a very alluring one to be sure. It is important to show that amusement can and ought to be Christian." In the past moralists were too intent on merely exorcising pleasures, instead of "sacramentalizing" (*sacraliser*) them. This book attempts a positive theological discussion and appreciation of seventeen amusements and pleasures, such as those of the table, of dress, of the dance, of pleasure-trips, etc.

The recent discourse of the Holy Father on "Sport and Gymnastics in Their Relation to the Religious and Moral Conscience" is particularly satisfying intellectually and humanistically because of its careful philosophical analysis of the place of sport in the hierarchy of human and eternal values, and its sympathetic appreciation of modern man's predilection for these activities.<sup>17</sup> He draws attention to certain dangers in the cult of the

<sup>15</sup> "Conseil ou précepte en matière d'abstinence," *ibid.*, 20-36.

<sup>16</sup> Paris: Alsatia, 1952. See also V. Osende, O.P., *Sabiduría y eutrapelia. Para los que piensan y para los que rien* (Villava [Navarra]: Seminario de Misioneros Dominicos, 1952).

<sup>17</sup> AAS, XLIV (Dec. 23, 1952), 868-76; English translation in *Catholic Documents*, XII (July, 1953), 1-8.

body: "What is of interest to the masses in this regard is not the beauty of the nude, but the nudity of the beauty."

Among the sports he mentions, as presumably in some sense legitimate, are wrestling and boxing, but it would be rash to conclude that any mark of favor is intended for the modern prize-fight or that debased appeal to spectator instincts of cruelty which goes by the name of professional wrestling. In fact, a notable omission in the discourse is any mention of the moral implications of the mass spectatorship at sports as contrasted with actual participation in them. The Holy Father, like the authors cited above, is not preoccupied with moral dangers and moral abuses, though he recognizes them and calls attention to them.

All this leaves some questions unanswered. How does the man in the world find the actual measure of that self-renunciation which is fundamental in the following of Christ? How can married people distinguish between virtuous enjoyment of the pleasures of sex and that hedonistic over-indulgence explicitly condemned in recent papal pronouncements? Are there such things as "worldly" pleasures, in themselves unbecoming to priests and religious, e.g., the theatre, the novel, smoking, gum-chewing, snuff-taking, back-scratching, drinking, dancing, attendance at public sports and spectacles, or for that matter chewing the betel nut and the coca leaf?<sup>18</sup> Which ones? Are they the same for men and women religious? And how is the religious to distinguish between what is worldly and therefore to be renounced, and what is "religiously agreeable and agreeably religious"? And how, in any event, to draw the line between Christian humanism and pagan hedonism? To decide these questions in the concrete, will it not tax to the utmost that Christian virtue of prudence with all its acts—counsel, judgment, precept—and all its parts—knowledge, memory, docility, sagacity, inventiveness, foresight, circumspection, and caution?

Far weightier questions than these, however, are treated in two papal discourses on the education of the Christian conscience, and on its relation to existentialist morality. The two discourses should be read in their entirety (for they have not received the attention they deserve), but there is an excellent summary of them, together with a commentary, and including use-

<sup>18</sup> Someone has estimated that ten per cent of the race chews betel nuts daily, and the chewing of the coca leaf is a widespread form of self-indulgence in some parts of the world; see the report on this subject to the World Health Organization, fully summarized in *Cahiers Laënnec*, XIII (n. 2, 1953), 30-55.

ful references to the apposite literature in an article by P. DeLetter, S.J.<sup>19</sup> There is also a paper by Franz Hürth, S.J.<sup>20</sup>

In the discourse on existentialist morality or *Situationsethik*,<sup>21</sup> which denies the validity of universal or absolute moral principles, the Holy Father refers to an "attempt to transplant this 'new morality' into Catholic soil, in order to make the hardships of Christian life more bearable for the faithful." According to this morality, in the form in which some Catholics seem to adopt it, moral precepts and principles are not denied outright, though at times the doctrine "comes very close to such a denial," but they are relegated to the outer periphery of consideration. At the center is the superior value and validity of the personal conscientious judgment of the individual.

If a seriously trained conscience decided that abandoning the Catholic faith and joining another religion brings it closer to God, then such a step would be 'justified'. . . . Or again, in the domain of morality, another example is the corporal and spiritual gift of one's self among young people. Here a seriously trained conscience would decide that, because of a sincere mutual inclination, physical and sensual intimacies are in order. . . . In what concerns the rights of married persons it would be necessary in case of conflict to leave to the serious and upright conscience of the parties, according to the demands of concrete situations, the power to frustrate directly the realization of biological values, for the benefit of personality values.

In answer to these claims of existentialist or "situational" morality the Pope declares:

From the essential relationships between man and God, between man and man, between husband and wife, between parents and children; from the essential community relationships found in the family, in the Church, and in the state, it follows, among other things, that hatred of God, blasphemy, idolatry, abandoning the true faith, denial of the faith, perjury, murder, bearing false witness, calumny, adultery and fornication, the abuse of marriage, the solitary sin, stealing and robbery, taking away the necessities of life, depriving workers of their just wage (James 5:4), monopolizing vital foodstuffs and unjustifiably increasing prices,

<sup>19</sup> "In Defence of Christian Conscience," *Clergy Monthly*, XVII (Apr., 1953), 81-88.

<sup>20</sup> "Hodierna conscientiae christianae problemata metaphysica, psychologica, theologica." This paper was delivered in October, 1953, as part of the academic celebration of the four-hundredth anniversary of the Gregorian University. For a brief bibliography on existentialist morality, cf. *Theology Digest*, II (Winter, 1954), 53-63.

<sup>21</sup> *AAS*, XLIV (June 3, 1952), 413-19; translated in *Catholic Documents*, VIII (July, 1952), 15-20. Cf. A. Peinador, C.M.F., "El problema de la formación de la conciencia en el discurso pontificio del 19 abril 1952," *Ilustración del clero* (1953), 52-61.

fraudulent bankruptcy, unjust maneuvering in speculation—all this is gravely forbidden by the divine Lawmaker. No examination is necessary. No matter what the situation of the individual may be, there is no other course open to him but to obey.

For the rest, against the 'ethics of situations' we set up three considerations or maxims. The first: We grant that God wants, first and always, a right intention. But this is not enough; He also wants the good work. A second principle is that it is not permitted to do evil in order that good may result (Rom. 3:8). Now this new ethic, perhaps without being aware of it, acts according to the principle that the end justifies the means. A third maxim is that there may be situations in which a man, and especially a Christian, cannot be unaware of the fact that he must sacrifice everything, even his life, in order to save his soul. Of this we are reminded by all the martyrs. . . . Did they, in the face of the 'situation' in which they found themselves, uselessly or even mistakenly incur a bloody death? No, certainly not, and in their blood they are the most explicit witnesses to the truth against the 'new morality.'

In the earlier discourse on the Christian conscience as the object of education,<sup>22</sup> the Pope had contrasted the complaints of the new morality against "the sophistic subtleties of casuistic method," with the demands of the moral teachings of Jesus Christ as proclaimed by His Church. His reaffirmation of traditional morality is in the most solemn and authoritative terms:

Mindful, however, of the right and duty of the Apostolic See to intervene authoritatively, when need arises, in moral questions, in the address of 29th October last we set out to enlighten men's consciences on the problems of married life. With the self-same authority we declare to-day to educators and to young people also, that the divine commandment of purity of soul and body still holds without any lesser obligation for the youth of to-day. They also are morally bound and, with the help of grace, are able to keep themselves pure. We reject, therefore, as erroneous the assertion of those who regard lapses as inevitable in adolescence, and therefore as not worthy of serious notice, as though they were not grave faults, because, they add, as a general rule passion destroys the freedom needed for an act to be morally imputable.

#### PSYCHIATRY AND MORAL RESPONSIBILITY

Keeping this last pronouncement of the Pope in mind, and turning to the much discussed work of Marc Oraison, *Vie chrétienne et problèmes de la sexualité*,<sup>23</sup> we find it difficult to reconcile the two. The book is a doctoral

<sup>22</sup> AAS, XLIV (Apr. 12, 1952), 270-78; translated in *Catholic Documents*, VIII (July, 1952), 1-7.

<sup>23</sup> Paris: Lethielleux, 1952.



dissertation by a gifted and zealous priest who is also a physician and psychiatrist; but though the author won his theological spurs with this contribution, it must be confessed that he shows greater familiarity with the medical and sexological side of his subject than with the theological. It is a work inspired by Freudian psychoanalysis and Freudian sexological theory, from which, nevertheless, the moralist can learn a great deal. But it is to be deeply regretted that at a moment when the thorny problems of subjective morality and formal guilt are in need of careful scrutiny and development, and when the moralist needs to reappraise his norms for estimating subjective guilt, especially where the mentally or emotionally sick are concerned, a serious work of this kind should appear, and by clearly passing the limits set by traditional Catholic doctrine and practice run the risk of an official condemnation which would inevitably discourage even conservative efforts along the same lines.

Abbé Oraison does not deny traditional standards of the objective order of sexual morality. He insistently defends these standards and claims that modern scientific sexology confirms them. In this he differs from many Freudians and many existentialists. But he finds a solution for the sexual crises of Christian conscience by urging to the limit—and beyond—the distinction between material and formal sin. Almost all mankind is so sexually immature, and so dominated consciously or unconsciously by passion, that in practice and as a general rule we must presume sexual sins to be only materially grave. Man's unconscious profoundly influences his "voluntary of execution," depriving him, practically, of the power of inhibiting his sinful sexual acts. But he still has his "voluntary of choice" by which he approves or disapproves these acts and actions. It is only in the rare case in which he deliberately approves of them that he will be guilty of formal mortal sin. The sin consists, formally, not in being sick, or in exhibiting the symptoms of the sickness, but in not wanting to get well. This doctrine is applied not only to people who suffer from obvious mental, emotional, or sexual pathology, but also to all those persons whom most of us would describe as normal.

The inevitable inference from this is that sins of masturbation (p. 98), homosexuality (p. 117, pp. 250–51), fornication and adultery (pp. 195–97), and conjugal onanism (pp. 223–27) must be presumed in the vast majority of cases to be only material mortal sins. Those who commit them should be properly instructed as to their grave malice, and gradually educated to that (rare) stage of sexual maturity where they will no longer occur. But while they continue to occur, the sacraments are not to be refused, and the victims of this pathology should be instructed that it is permissible to receive Holy

Communion after these things happen without first confessing them (e.g., pp. 223, 251); for after all they have not been guilty of formal mortal sin.

This brief summary picks out only objectionable points and in doing so doubtless oversimplifies, omitting a great deal that is instructive and worthwhile. These good points, as well as the author's courage in confronting an acute moral problem, probably account for the fact that some of the reviews, while definitely critical, have been surprisingly temperate and sympathetic.<sup>24</sup>

Underlying these practical conclusions of Abbé Oraison there seems to be a fundamental misconception, the idea that normality is illusory, that everyone is a victim of sexual pathology. And this in turn is based not only on Freudian theory but on a misconception of what original sin did to human nature. Of course there is a certain improper sense in which it can be said that we are all emotionally sick, or sexually sick, as a result of original sin. Concupiscence itself can be broadly described as a sort of sickness of human nature in its fallen state. But it is only in the topsy-turvy world of certain psychoanalysts that everyone is a pathological problem—certainly not in the world of common sense, nor in the world of Christian tradition and Catholic practice. This point is emphatically reaffirmed by Pius XII in his address to the psychotherapists on April 13, 1953.<sup>25</sup> Again, it seems to us that the following excerpt from the papal address contradicts both the theory and the practice proposed in the work under discussion:

It is not possible, therefore, when studying the relationships of the ego to the dynamisms that compose it, to concede unreservedly in theory the autonomy of man—that is, of his soul—but to go on immediately to state that in the reality of life this theoretical principle appears to be very frequently set aside or minimized to the extreme. In the reality of life, it is argued, man always retains his freedom to give his internal consent to what he does, but in no way the freedom to do it. The autonomy of free wills is replaced by the heteronomy of instinctive dynamism. That is not the way in which God fashioned man. Original sin did not take away from man the possibility or the obligation of directing his own actions himself through his soul. It cannot be alleged that the

<sup>24</sup> See Géraud, *L'Ami du clergé*, LXIII (Jan. 8, 1953), 21–23; Mahoney, *Clergy Review*, XXXVIII (Sept., 1953), 566–68. A. Lallemand, S.J., of the Indian Institute of Social Order, has three articles (largely inspired by Oraison's book) in *Social Action* (Poona): "Sexuality," III (June, 1953), 103–11; "Moral Rehabilitation," III (July, 1953), 133–41; "Sex and Vocation," III (Aug., 1953), 173–79.

<sup>25</sup> *AAS*, XLV (May 25–30, 1953), 278–86; translated in *Catholic Documents*, XII (July, 1953), 9–16. Accounts of this congress are given by Hubert Thurn, S.J., *Stimmen der Zeit*, CLII (June, 1953), 230–32; and by P. Mesaguer, S.J., *Razón y fe*, CXLVII (June, 1953), 623–29. See also Louis Beirnaert, S.J., "L'Attitude chrétienne en psychothérapie," *Études*, CCLXXVII (June, 1953), 356–64.

psychic troubles and disorders which disturb the normal functioning of the psychic being represent what usually happens. The moral struggle to remain on the right path does not prove that it is impossible to follow that path, nor does it authorize any drawing back.

The following points of the papal discourse are of particular interest to moralists. The emphasis on the soul with its free will as the fundamental governing force in man, not the instinctive drives of the unconscious: "That these energies may exercise pressure upon an activity does not necessarily signify that they compel it." Even in cases of psychological sickness, the misdirected instincts should not be prematurely considered "as a sort of fatality, as a tyranny of the affective impulse streaming forth from the subconscious and escaping completely from the control of the conscious and of the soul." The Pope also reiterates his strictures on existential morality with its attempt to establish moral values by neglecting *homo ut sic* and considering only *homo ut hic*. He rejects exaggerated altruism; the ordinate love of self is the measure of charity for the neighbor, not the other way round. The need of candor in the psychoanalytical interview will never justify the revelation of a confessional secret, rarely of a professional secret. Guilt feelings are not the exclusive competence of the psychiatrist, because real guilt differs from morbid or irrational guilt, and its cure is in the sacramental forum. Finally, psychotherapy must never "counsel a patient to commit material sin." The address closes with a cordial, encouraging, but noncommittal remark as to the work and achievements of psychotherapy.

In this same discourse the Holy Father reaffirms his condemnation of "the pansexual method of a certain school of psychoanalysis,"<sup>26</sup> but it has never been quite clear which psychoanalysts are referred to, though presumably there must be Catholics among them. What is clear from the statement is that so-called therapeutic necessity is no justification for abandoning certain well-established principles of Catholic sexual morality. What are these principles?

<sup>26</sup> Cf. *AAS*, XLIV (Oct. 16, 1952), 779-89. Cf. Louis Beirnaert, S.J., "L'Eglise et la psychanalyse," *Etudes*, CCLXXV (Nov., 1952), 229-37, who thinks that there is a very limited school of pansexualism anywhere, perhaps none in the United States. But Jesús Muñoz, S.J., *Estudios eclesíásticos*, XXVII (Apr.-June, 1953), 282-84, believes the papal Allocution had reference to orthodox Freudian analysis, and that writers like Fr. Beirnaert are too favorable to this method. Dr. Karl Menninger says that "many psychoanalysts assume that the methods of Wilhelm Reich are referred to." Fr. Joseph Nuttin, not commenting on this Allocution, thinks there are many schools of psychoanalysis "more pansexualist than Freud himself ever was" (*Psychoanalysis and Personality*, New York: Sheed and Ward, 1953).

They are at least these three. It is immoral deliberately to indulge the desire of unchaste sexual acts. It is immoral deliberately to acquiesce, as it were complacently, in unchaste sexual fantasies. It is immoral deliberately to excite within oneself, or to acquiesce in, unchaste sexual feelings and emotions. To do any of these things even for therapeutic purposes is forbidden by moral law. . . . It is not at all clear, however, that the method of free association or the phenomenon of abreaction in themselves, or necessarily, involve any of these immoral activities. . . . It is the deliberate indulgence of unchaste sexual desires, fantasies and emotions, and the deliberate exploitation of them which is forbidden by moral law. . . . The neurotic patient may find the psychoanalytic interview, the process of free association, and the necessity of expressing the sexual content of consciousness a source of temptation and excitement. When this is merely incidental to the treatment, and not a means to an end, it is not necessarily immoral. . . . Somewhere here a delicate line needs to be drawn. It is not drawn by the papal pronouncement. Nor have moralists discussed adequately as yet the moral implications of free association and abreaction.

This quotation is from a comment on the Pope's statement entitled: "May Catholics Be Psychoanalyzed?"<sup>27</sup> The article ends with this answer to the question: "Catholics may be psychoanalyzed provided the analysis does not make use of immoral means or involve undue moral dangers. The only practical way to guard against these deviations is to choose an analyst whose principles and practices are known not to offend against Catholic morality."

Articles and books too numerous for comment deal with the pastoral uses of psychoanalysis and psychiatry, including spiritual direction of souls and the education of youth.<sup>28</sup> As already intimated, some of these lean heavily on Freud. But there are later developments in psychoanalysis which correct some of the objectionable features of Freudianism.<sup>29</sup> Furthermore, excellent Catholic books are being written which develop the psychological role of the spiritual intellect and will of man, and attempt a psychology of normality. *Fundamental Psychiatry*, by John R. Cavanagh, M.D., and James B. McGoldrick, S.J., emphasizes the psychogenic origin of mental disorders, but abandons the repressed unconscious of Freud.<sup>30</sup> *Psychoanalysis and Person-*

<sup>27</sup> John C. Ford, S.J., *Linacre Quarterly*, XX (Aug., 1953), 57-66; reprinted from the *Vincentian*, April, 1953.

<sup>28</sup> See, e.g., *Ephemerides theologicae Lovanienses*, XXIX (Jan.-Mar., 1953), 210-13; *ibid.* (Apr.-Sept., 1953), 526-27.

<sup>29</sup> Wilson van Dusen, "New Developments in Psychoanalysis," *Revue de l'Université d'Ottawa*, XXII (n. 4, 1952), 405-21. There is a school of "existential analysis" led by Victor E. Frankl of Vienna, which starts with the fact of conscience as a psychological observation, and is led from there to surmise the existence of a personal God.

<sup>30</sup> Milwaukee: Bruce, 1953.

*ality: A Dynamic Theory of Normal Personality*, by Joseph Nuttin, a priest and professor of psychology at Louvain, accepts many Freudian concepts, but bases its theory on the spiritual as well as the lower nature of man.<sup>31</sup> Most welcome of all is the insistence on the normal as the foundation from which to start. Without this the concepts of morality and responsibility can be watered down to the vanishing point. A forthcoming work which promises to be of great interest to Catholic moralists and psychiatrists is edited and partly written by Magda B. Arnold, Ph.D., and John A. Gasson, S.J.: *The Human Person: An Approach to an Integral Theory of Personality*.<sup>32</sup> The papers by various authors contained in this book are based on the idea that "a comprehensive theory is better built on the foundation of life, freedom and intelligence, rather than on mechanism, determinism and instinct."

The responsibility of a psychopath for his deeds is highly problematical.<sup>33</sup> Is he capable of giving valid matrimonial consent? Twelve years ago in these pages we commented on a Rota decision which involved a person who, it was claimed, was incapable of appreciating the ethical side of marriage, though rational in other respects. The case was interesting because the judge considered it necessary to discuss at length the psychological theory that requires an "appreciative perception" of an object consented to, and recognized the possibility of deciding a case on such psychological grounds.<sup>34</sup>

This case has now been made the subject of a juridical monograph by G. M. Fazzari, S.J.<sup>35</sup> The author examines matrimonial consent from all sides, including its affective elements. He concludes that "constitutional immorality" can amount to a psychic incapacity to give valid consent:

The use of reason which is required in order not to be ignorant [of the substantial of marriage within the meaning of canon 1082] is not sufficient for the capacity to give a valid consent. [There is required in addition] a maturity and normalcy of psychic elements (*collegamenti*) which permit the spontaneous trans-

<sup>31</sup> New York: Sheed and Ward, 1953.

<sup>32</sup> New York: Ronald Press, 1954.

<sup>33</sup> Completely rewritten, *The Mask of Sanity*, by Hervey Cleckley, M.D. (St. Louis: C. V. Mosby Co., 1950), gives a fascinating account of these numerous, unfortunate, extremely trying, and baffling personalities. He considers psychopaths to be psychotic and largely irresponsible for their erratic behavior. Cavanagh and McGoldrick (*op. cit.*, p. 464) would probably endorse this view while recognizing the practical difficulties of having it acknowledged for juridical purposes at the present time.

<sup>34</sup> THEOLOGICAL STUDIES, II (1941), 565, commenting on S. R. Rota, "Causa nullitatis matrimonii coram Wynen," Feb. 25, 1941; reported partially in *Periodica*, XXX (1941), 5 ff.

<sup>35</sup> *Valutazione etica e consenso matrimoniale* (Napoli: Editore M.D. D'Auria, 1951); cf. R. Colin Pickett, *Mental Affliction and the Church Law* (Ottawa: University of Ottawa, 1952).

formation of the knowledge of marriage into a rational appreciation, at least confused and implicit, of all its essential aspects, particularly the ethical.

It will take time before opinions like this will be acted on in the matrimonial courts of the Church, especially in the case of psychopaths, where the expert psychiatric witnesses themselves will not be in agreement. But "though man may be more reasonable than the psychiatrists believe, he is less so than the philosophers think."<sup>36</sup>

The moral responsibility of the alcoholic is treated in some detail in an article in the latest supplement to the *Catholic Encyclopedia*.<sup>37</sup> The article describes alcoholism—distinguishing it from mere drunkenness—and its incidence in the United States; explains the senses in which it can be spoken of as a disease, a triple disease of body, mind, and soul; sketches the problems and methods of the rehabilitation of alcoholics and the prevention of alcoholism, emphasizing the necessity of cooperation with Alcoholics Anonymous. The obsessive narrowing of consciousness, the chain of fascination that binds the alcoholic to the supremely important object of attraction degenerates into a pathological condition that frequently diminishes and sometimes eliminates his responsibility. But each case must be judged on its merits. Similar psychological mechanisms, and even stronger physiological ones, are at work in the case of drug addicts, including those addicted to sleeping pills (barbiturates).<sup>38</sup>

The concept of alcoholism as a disease is frankly recognized in a recent issue of the *Journal of the American Medical Association*. Daniel J. Feldman, M.D., and Howard D. Zucker, M.D., write on "Present-Day Medical Management of Alcoholism."<sup>39</sup> They are not concerned with psychotherapy, though recognizing its necessity and benefits. They speak only of the medical treatment during and after acute episodes and for the long-range program of rehabilitation. This excellent article is comprehensive, sensible, and courageous; for it does not hesitate to say:

The ideal place for treatment of the acutely alcoholic patient is the hospital, and every effort should be made to convince both the patient and the hospital of the wisdom of this arrangement. It is surprising how little difficulty most acutely alcoholic patients cause in hospitals, a fact repeatedly confirmed by those

<sup>36</sup> Roland Dalbiez, *Psychoanalytical Method and the Doctrine of Freud*, II (London and New York: Longmans Green, 1941), 327.

<sup>37</sup> "Alcoholism," by John C. Ford, S.J., *Catholic Encyclopedia Supplement II*, Section Four, 1953.

<sup>38</sup> See "Les stupéfiants," *Cahiers Laënnec*, XIII (n. 2, 1953); the whole issue is devoted to drugs and drug addiction.

<sup>39</sup> *Journal of the American Medical Association*, CLIII (Nov. 7, 1953), 895-901.

hospitals courageous enough to admit this type of patient on the same basis as any other. It seems as though merely treating these people as any other sick person somehow makes them more tractable and cooperative.

Treating alcoholics as sick persons may give some of them an excuse to go on drinking, but to ask the question, "Alcoholism—Vice or Disease?,"<sup>40</sup> and to answer without qualification that it is a vice, oversimplifies the problem and distorts the facts. The same kind of oversimplification and distortion is observed at times when general alcohol problems are discussed. Hence the need for more effective alcohol education. Given the enormous size of these problems in the United States,<sup>41</sup> educators should accept their share of the responsibility for preparing young people to live in a world where alcohol plays a very significant social role. *Drinking in College* is a valuable statistical and sociological study of the drinking habits of American college men and women.<sup>42</sup> The number who drink at least occasionally is very large (and most of them started before entering college); but the amount they drink is surprisingly moderate, and the number of those who frequently drink to excess is surprisingly small. Factual studies of this kind give educators a realistic basis from which to approach the many problems that do exist.

Unfortunately there are not available at the present time basic educational materials of a general kind which give not only the scientific facts but Catholic spiritual principles with regard to the use of alcohol. *Basic Information on Alcohol*, by Albion Roy King, contains such materials presented from a Protestant point of view, unfavorable even to the moderate use of alcohol.<sup>43</sup> We need to present our own doctrine on the two ways of practicing the Christian virtue of sobriety, by total abstinence and by moderate use. High school is the time of choice for this kind of education.

As for professional education to deal with problem drinking, both medical schools and seminaries are increasingly aware of their responsibilities. The American Medical Association's Mental Health Committee is setting up a new subcommittee on alcoholism, whose tentative objectives are outlined as follows:

<sup>40</sup> Milton Lomask in the *Sign*, XXXII (Jan., 1953), 22-24.

<sup>41</sup> There are about 4,000,000 alcoholics in the United States, whereas the United States Public Health Service estimated about 400,000 cases of tuberculosis in 1952. The United States ranks among the highest in incidence of alcoholism among those nations reporting to the World Health Organization.

<sup>42</sup> By Robert Straus and Selden D. Bacon (New Haven: Yale University Press, 1953; London: Geoffrey Cumberlege, Oxford University Press).

<sup>43</sup> Mount Vernon, Iowa: Cornell College, 1953.

1) To promote the inclusion of proper teaching on alcoholism and its treatment in the curriculum of medical schools throughout the country; (2) to promote the establishment of committees on alcoholism in both county and state medical societies; (3) to establish terminology and definition in the field of alcoholism; (4) to urge medical service insurance companies, the Blue Cross-Blue Shield, etc., to accept and treat alcoholism as is now done for other diseases; and (5) passage of new legislation to get rid of present antiquated laws.<sup>44</sup>

As for the seminaries, the *Proceedings of the National Catholic Educational Association* in its Golden Jubilee issue this year publishes a paper which concludes as follows:

Alcohol problems are so extensive and so pervasive in the lives of the Catholic faithful and clergy that the seminary has an educational responsibility to prepare the seminarian to meet these problems. Although something is being done to discharge this responsibility, it is not nearly enough, considering the extent of the problems. The seminary can and should provide for the personal education of the seminarian where alcohol is concerned, and for his professional education in the pastoral care of excessive drinkers and alcoholics. This can be done without the institution of new courses of study, by the use of materials now or soon to be available, and by the exercise of commensurate ingenuity within the academic and spiritual programs already in existence.<sup>45</sup>

But in speaking of science and education it must not be forgotten that in the last analysis the excessive use of alcohol is a problem of human behavior. Like every such problem it has theological implications which illustrate vividly the mysterious interplay of free will and divine grace within the soul of man. To prescind from the moral problem and from problems of responsibility is to prescind from half of the problem itself.

#### MEDICINE

For some years prominent theologians have been defending the licitness of removing even a healthy organ when its presence or its functioning exercises a harmful influence on the body. A case in point is castration as a palliative measure for carcinoma of the prostate gland. Pius XII confirmed this view in an address to the Italian Society of Urologists. "The decisive point here," he said,

is not that the organ that is removed or inactivated is itself diseased, but that its preservation or its functioning entails either directly or indirectly a serious threat

<sup>44</sup> *Journal of the American Medical Association*, CLIII (Nov. 7, 1953), 931.

<sup>45</sup> John C. Ford, S.J., "Alcohol Education in the Seminary," *op. cit.*, I (Aug., 1953), 98-106.



to the whole body. It is quite possible that by its normal functioning a healthy organ may exercise on a diseased organ an influence of such a nature as to aggravate the disease and its consequences throughout the whole body. It can also happen that the removal of the healthy organ and the suppression of its normal functioning will remove from a disease (for example, cancer) its area for growth or, in any case, will essentially change the conditions of its existence. If there is no other means at our disposal, surgical intervention on the healthy organ is permitted in both cases.<sup>46</sup>

The possibility of licitly removing a healthy organ is unfortunately overlooked by L. Bender, O.P., in a recent article.<sup>47</sup> He implies that removal of a healthy organ is always intrinsically evil. He also introduces some confusion into the concept of mutilation by suggesting that the licit removal of organs is not really mutilation. These points, however, are merely incidental to Fr. Bender's main purpose, which is to discuss the removal of a morbid uterus which creates no present danger to life but which would create such a danger in the case of pregnancy. He does not state in what the morbidity consists. The example usually given concerns repeat cesarean section, that is, the uterus is so badly damaged by previous sections that it cannot in all likelihood sustain another gestation, although, according to the supposition, it offers no present threat to life.

Fr. Bender's solution is that hysterectomy in this case is illicit. His argument is developed with unusual interest and skill, and the entire article is well worth reading; but for our present purpose it suffices to say that his objection reduces itself to the view that the hysterectomy is a direct sterilization. This is the principal, and would be the only really valid, argument against the removal of the damaged uterus, because it can hardly be seriously questioned that, if the operation is only an indirect sterilization, there would be a sufficient reason for permitting it. No married woman would be required to resort to the heroic means of sexual abstinence to safeguard her life, if the same result could be achieved by an indirect sterilization. On the other hand, if the only alternative to sexual abstinence is direct sterilization, abstinence is clearly the sole legitimate means of avoiding the danger.

Before discussing the removal of the damaged uterus in terms of direct sterilization, it may be useful to note two observations made by Fr. Hürth on the analogous topic of direct killing.<sup>48</sup> Fr. Hürth insists that the mere

<sup>46</sup> Cf. *L'Osservatore Romano*, Oct. 10, 1953.

<sup>47</sup> "Extirpatio uteri morborum ut actus coniugalis tuto fieri possit," *Angelicum*, XXX (July-Sept., 1953), 273-80.

<sup>48</sup> *Periodica*, XL (1951), 406. In a previous number of *Periodica*, XXIX (1940), 149c, an unsigned analysis of direct sterilization follows the same pattern as Fr. Hürth's analysis of direct killing.

fact that death is an immediate and per se result of an action does not necessarily make the action *directe occisiva*. Some actions, he says, have two immediate and per se effects; and in such a case the direct effect of the action, in the theological sense, must be determined by the *finis operantis*. His second observation is that in concrete cases it is sometimes very difficult to determine whether an action is a direct killing and the theologian should withhold judgment till he clearly understands all the pertinent facts. This is particularly the case in complicated surgical procedures.

This second observation is of special significance here, because concrete cases of direct sterilization are sometimes as difficult to analyze as are cases of direct killing; and the essence of the controversy over the removal of the damaged uterus seems to be precisely a question of fact: is it or is it not a direct sterilization? In this sense it bears a close parallel with the controversy over ectopic operations; the real dividing line between theologians on that case was the question of fact, namely, whether the operation could be reasonably explained as an attack on a pathological condition which only indirectly aborted or killed the fetus.

To Fr. Bender the removal of the damaged uterus is a direct sterilization. He argues to this by showing that any means that would prevent pregnancy, even the sterilization of the husband, would be sufficient to protect the woman's life; consequently, the real object of the operation is to prevent pregnancy. This is a familiar argument, and it certainly is appealing. It is essentially the same kind of argument that was urged against the ectopic operation. Its weakness lies in the fact that pregnancy, though clearly one of the factors required for endangering the woman's life, is not the sole factor. Another factor required for the danger is the pathological condition of the uterus itself. Neither of these factors is sufficient of itself to endanger the woman's life; both are required. That is the reason why the elimination of either factor would remove the danger. Theologians who hold that hysterectomy in this case is only an indirect sterilization deny that the prevention of future pregnancies is the sole immediate effect of the operation; they contend that with at least equal immediacy the operation removes the other factor which contributes to the danger, the pathological organ. Hence, if the operation is performed precisely with a view to removing the pathological organ, it is not a direct sterilization. That some doctors can and do view the matter in this light is illustrated by a recent article in the *American Journal of Obstetrics and Gynecology*.<sup>49</sup> After indicating some attempts to

<sup>49</sup> LXV (Mar., 1953), 517-27, "Total Hysterectomy at Cesarean Section and in the Immediate Puerperal Period," by Isadore Dyer, B.S., M.D., Frank Gilbert Nix, M.D., John C. Weed, B.S., M.S., M.D., and Curtis H. Tyrone, B.S., M.D.

solve the problem of the dangerously damaged uterus by direct sterilization, the authors of this article continue:

In these patients we have accepted the line of thought that the uterus itself becomes the diseased organ. If this observation is conscientiously made, then by logic there is justification for its removal. This judgment should not be influenced by the number of previous cesarean sections, by sentimental, economic, or eugenic reasons. One then acts within the limits of clear scientific principles which are basically moral.

This is a clear expression of the estimate of one group of competent and conscientious obstetricians. They remove the uterus as a pathological organ and not precisely to prevent pregnancy. Other physicians would view the matter in a different light and would look upon the procedure as being primarily a sterilization.<sup>50</sup> Thus, both theologians and physicians divide into two camps on this particular operation. Perhaps one reason why many consider the operation to be a direct sterilization is that it is easy to give examples in which the prevention of pregnancy alone would remove the danger, whereas in the normal course of things it is impossible to offer a single illustration in which the damaged uterus could be removed without at the same time preventing pregnancy. This difficulty can be greatly mitigated by resorting to a technique which is not uncommon among theologians, that is, making a supposition. The supposition here would be that a woman has a double uterus (a condition that occasionally exists), one damaged, one healthy. Granted the supposition, the removal of the damaged uterus would eliminate the source of danger without at the same time inducing sterility. This indicates very strongly that the damaged uterus is a separate cause of danger and that it may be made the precise object of surgical intervention even in the normal case without at the same time any direct intent of sterilization.<sup>51</sup>

All this makes it abundantly clear that the case of the damaged uterus is a

<sup>50</sup> Evidence of this diversity of views may be seen in the discussion at the end of the article; theologians who have discussed the problem with doctors have no doubt noticed this difference of outlook.

<sup>51</sup> The supposition is not less valuable because it is "unrealistic." For instance, to show that a man who hurls himself from a forty-story building to escape excruciating death by fire does not accomplish this good effect by killing himself, Edwin F. Healy, S.J., supposes that the man "landed in a deep pool of water or on the thirty-eighth floor landing, etc." (*Moral Guidance*, p. 21). A theologian would not question the value of this supposition even if in actual fact the building were four hundred stories high and the softest material on which to land were concrete. The point of the supposition is, "even if the man were not killed by jumping, he would still avoid the fire." So, too, one may say, "even if the woman were not rendered sterile by the hysterectomy, it would remove the source of danger to her life."

complicated and difficult one. The application of the principle of the double effect is notoriously slippery and open to dispute in such cases; but there is much less danger of abusing it in a case where the results coincide with common sense. Is it in accordance with common sense to tell a woman who has had many cesareans: "You have worn out this uterus in the service of motherhood. Nevertheless you must keep it; and if you wish to protect yourself against the danger inherent in using it, you must abstain from marital intercourse"? Or take an actual case in which a woman who had had seven children by cesarean section began hemorrhaging during the eighth pregnancy and an emergency hysterectomy had to be done. Let us suppose that the hemorrhage had not occurred and that the eighth child had been carried to term and delivered by cesarean section. The doctor has opened the uterus and delivered the baby. He turns to the chaplain and says: "Father, I can sew up this uterus; but no obstetrician in the world can repair it so that it can properly carry on its function of gestation. It is simply beyond safe repair. Must I sew it up"? If the chaplain says he must sew up the uterus, on what principle does he oblige him to do it? And if he says he need not sew it up, would he not permit him to remove it?

The conclusion from the foregoing paragraphs is that the removal of the damaged uterus does not necessarily involve a direct intent to sterilize. But on this point there are two opinions, both of which we consider to be solidly probable.

Whatever may be said about the damaged uterus, recent medical studies show conclusively that some doctors are too prone to remove the uterus, not only on the occasion of repeat cesareans but in other instances as well. One investigator who made a study of more than six thousand hysterectomies found that about forty percent of the cases were subject to some kind of criticism.<sup>52</sup> Referring to this study, *GP* editorializes as follows:

There is no avoiding the thought that some surgeons are too ready to remove the uterus. Sometimes this may be because, in all sincerity but without real justification, they expect too much of this operation. It never has sufficed as a method for relieving vague female ills. Other times, surgeons may do a hysterectomy purely for reasons of expediency. Then there is the woman-patient's part in the problem—her strange passivity or even willingness to sacrifice this part of her body. If the record for this operation is to be improved, hospital discipline and surgeons' and patients' education need reorientation.<sup>53</sup>

<sup>52</sup> James C. Doyle, M.D., "Unnecessary Hysterectomies: Study of 6,248 Operations in 35 Hospitals during 1948," *Journal of the American Medical Association*, CLI (Jan. 31, 1953), 360-65.

<sup>53</sup> Cf. "Surgeon, Spare That Uterus," *GP*, Apr., 1953, p. 31. In the March number, pp. 29-30, *GP* called upon physicians to remedy another serious abuse, the unnecessary prescribing of antibiotics.

The medical campaign against unnecessary hysterectomies is only a small part of a general campaign against unnecessary surgery, ghost surgery, and fee-splitting.<sup>54</sup> All these practices involve moral issues; yet the theologian should be sure of the *status quaestionis* before pronouncing judgment. Ghost surgery, which means that an operation is scheduled to be done by one physician and is secretly done by another, is clearly a deception of the patient and a scheme that lends itself to fearful abuses. Unnecessary surgery, if truly and objectively unnecessary, is a violation of the sound principle of licit mutilation; but the actual judgment of the necessity of surgery may be a matter of debate among physicians. Fee-splitting, when censured by moralists, is usually understood to mean a secret division of a fee, so that the referring physician gets a part of the specialist's fee, not for actual service rendered, but simply for the referral. It is hard to find any moral objection to a division of fees (*a*) which is not secret; (*b*) which allots to each physician a share of the fee proportionate to service actually rendered; (*c*) in which the total fee is no more than it would be if only one doctor were involved; and (*d*) in which the total fee is scaled down according to the patient's ability to pay.<sup>55</sup> It is not clear, however, whether a plan of division that includes these points would meet with the approval of some of the professional men who are criticising the practice of fee-splitting.

Another word about hysterectomies. The present medical campaign to reduce their number should not be interpreted as a trend against sterilization. The objection is purely and simply one of "unnecessary" surgery. Sterilization and contraception seem to be very definitely in the medical saddle,<sup>56</sup> and the so-called "Catholic" objections to these procedures are either ignored or treated as "religious" scruples. We have yet to formulate an ethical argument of sufficient weight to impress the medical profession

<sup>54</sup> See the editorial from the *Bulletin of the American College of Surgeons*, as partially reprinted in *Hospital Progress*, Sept., 1953, p. 46. It is good to see medical men dealing with these problems in their professional journals; but it is regrettable that such subjects are aired in popular magazines. Sensational broadcasting of the comparatively rare abuses tends to undermine confidence in physicians as a group.

<sup>55</sup> A plan including these points is described in "How We Apportion Fees Ethically at Our Hospital," *Medical Economics*, June, 1953, pp. 100 ff. Similar suggestions have appeared in other medical magazines. See also, on fee-splitting, *Linacre Quarterly*, XIX (Nov., 1952), 108-9; XX (Feb., 1953), 15-17.

<sup>56</sup> The *Bulletin of the American College of Surgeons*, XXXVIII (May-June, 1953), 97-102, went out of its way to reprint "Indications for the Sterilization of Women," by James F. Donnelly, M.D., and Frank R. Lock, M.D., F.A.C.S.; this article frankly praises a law providing for eugenic sterilization. The *Journal of the American Medical Association* frequently has articles, reports, correspondence, advertising, and *obiter dicta* that favor contraception and direct sterilization.

as a whole. And, for that matter, the same is true of therapeutic abortion. Although there is a discernible trend away from therapeutic abortion, the reasons for this are solely medical; and the fundamental principle that no doctor has the right directly to take the life of an unborn child is seldom recognized in medical literature. The very judgment that there is no "indication" for therapeutic abortion in a given case often carries with it the implication that the procedure would be justifiable if there were an "indication."

Nevertheless, despite our failure to impress the medical profession with the inviolability of fetal life, we can take some measure of joy out of the continuing trend away from therapeutic abortion on medical grounds. A noteworthy expression of this trend during the past year is a statement made by Nicholas J. Eastman, M.D.,<sup>67</sup> who informs us that the percentage of therapeutic abortions is steadily reducing at Johns Hopkins Hospital; he says that "the hard jolts of clinical experience have demonstrated to us rather clearly that therapeutic abortion is rarely necessary to achieve this objective [of saving maternal life and health]." It is clear from this statement that Dr. Eastman has not yet come the whole way to an absolute repudiation of therapeutic abortion on medical grounds. Moreover, cheering though his article is, the very principle enunciated at the beginning is not sound morality and is at best questionable obstetrics. "The paramount aim of obstetrics," he writes, "is the preservation of maternal life and health; and therapeutic abortion must find its sole justification (if it can be justified) in the degree to which it serves that end." One might reasonably ask why the paramount aim of obstetrics is not the preservation of maternal *and* fetal life and health. The mere fact that the fetus is completely helpless to speak for himself does not make him less the obstetrician's patient than is the mother.

Another impressive article on "Changing Indications for Therapeutic Abortion," is by Keith P. Russell, M.D.<sup>68</sup> He records the experience at the Los Angeles County Hospital, and his main conclusions are as follows:

Whereas the average incidence of therapeutic abortion in the Los Angeles County Hospital 20 years ago was 1 in every 106 deliveries, during the past five years it has been 1 in 2,864 deliveries and in the past year, 1 in 8,383 deliveries. . . . No abortions have been performed for hyperemesis gravidarum since 1937. None has been performed for pyelitis since 1939. . . . No abortions have been performed for fetal indications in the past 20 years. . . . No abortions have been performed for mental or nervous system diseases since 1942. . . . Despite a greatly lowered

<sup>67</sup> Cf. *Current Medical Digest*, May, 1953, pp. 85-88.

<sup>68</sup> *Journal of the American Medical Association*, CLI (Jan. 10, 1953), 108-11.

incidence of therapeutic abortion, the maternal mortality rate in the hospital has not risen; rather, it has shown a progressive decline.

After summarizing Dr. Russell's article, J. P. Greenhill, B.S., M.D., F.A.C.S., tells of his visit to the Scandinavian countries, where he found the incidence of legal abortions "appalling."<sup>59</sup> This is not surprising to one who has followed reports from these countries. Nevertheless, there is no reason for complacency in any country where any form of direct abortion is "legalized." As long as the principle of legitimate abortion is accepted, the danger of an increasing number of abortions is always present because, as the "medical indications" decrease, the "psychiatric indications" tend to increase. The only genuinely progressive position is the absolute exclusion of direct abortion. This absolute policy not only saves more infants; it is at least as conservative, if not more so, of maternal lives.<sup>60</sup>

The challenge of modern medicine is not limited to the correction of abuses. The very progress of medicine brings with it its own problems. One of these concerns the classification of new operations, medicines, and treatments as ordinary or extraordinary means of preserving life, and the consequent duties relative to the use of the various procedures. Another concerns the degree and kind of experimentation that may be justified.

An attempt was made in this review several years ago to formulate definitions and practical principles concerning the use of ordinary and extraordinary means in terms of modern medicine.<sup>61</sup> This same material is presented more briefly in recent issues of *Hospital Progress*.<sup>62</sup> As regards ordinary means, the main difficulty today is a matter of classification, because physicians are apt to use the term in a broader sense than theologians. To the theologian, a means is ordinary if it can be obtained and used without excessive inconvenience, and if it offers a reasonable and proportionate hope of success. To the physician, on the other hand, a procedure may be considered ordinary because it is the accepted way of treating a certain condition, even though it be an extremely radical operation. It would be helpful if we could agree on the terminology; but in the absence of such agreement, the theologian must first apply his principles according to his own terminology, and then transfer the conclusions into terms intelligible to the physician.

From what has just been said, one might correctly conclude that some

<sup>59</sup> *Yearbook of Obstetrics and Gynecology, 1953-1954 Series* (Chicago: Year Book Publishers, 1953), 32-35.

<sup>60</sup> Cf. *Linacre Quarterly*, XX (May, 1953), 34-35.

<sup>61</sup> Cf. XI (1950), 203-20; XII (1951), 550-56.

<sup>62</sup> Nov., 1952, pp. 64-65; Dec., 1952, pp. 65-66.

procedures deemed ordinary by the medical profession are actually extraordinary means in the theological sense. Apart from very exceptional circumstances, the patient may refuse such a treatment with a good conscience. But the patient may use it if he wishes, and the doctor is obliged to conform to his wishes in this matter. This brings us to a very practical—one might say, pastoral—problem for the doctor: how is he to present the matter of some very radical procedure to his patient so that the latter can make a reasonable decision? With the physician as counselor primarily in mind, an article in the *Journal of the American Medical Association* discusses an interesting case of radical surgery, and outlines the various points that the physician should consider: the patient's spiritual welfare; his desire to prolong his life, even by extraordinary measures; the actual gain for the patient in terms of survival and comfort; and the advancement of science in case the operation is performed.<sup>63</sup> These points are suggested for the doctor's consideration because they are the very points that the patient himself ought to ponder; and the doctor's role as counselor is ultimately reducible to putting himself in the patient's place.

Under the general title, "The Problem of Experimentation on Human Beings," *Science* has a group of four articles based on a symposium held at the University of California School of Medicine.<sup>64</sup> The articles are mainly concerned with experimentation for the advancement of science on normal healthy persons or the incurably and fatally ill. As regards healthy individuals, it is conceded that no experiment should be conducted until the experimenters are in possession of the most thorough information available from animal and clinical studies; and in the case of the incurably ill, palliation must be the first medical consideration. Experimentation, therefore, must be understood within these limits.

In the first article, "The Research Worker's Point of View," Michael B. Shimkin outlines the whole problem, cites the rules for human experimenta-

<sup>63</sup> CLI (Feb. 28, 1953), 711-16, "Advising Radical Surgery: A Problem in Medical Morality," by John C. Ford, S.J., and J. E. Drew, M.D. In "Surgery and Medical Morality," *ibid.*, CXII (May 2, 1953), 77, J. A. del Regato, M.D.; took exception to the fact that Fr. Ford and Dr. Drew spoke of such pragmatic things as "excessive expense" and the "social value" of the patient's life. Such concepts, however, are part and parcel of the traditional theological discussion of ordinary and extraordinary means—a tradition founded on a Catholic view of life that completely excludes euthanasia. Perhaps the real difficulty today is the fact that the "euthanasian atmosphere" makes it difficult to express these concepts without danger of being misunderstood. Cf. also on the present topic, "The Physician's Duty to Preserve Life by Extraordinary Means," *Proceedings of the Seventh Annual Convention* (1952), Catholic Theological Society of America, pp. 125-38, the report of a discussion led by John A. Goodwine.

<sup>64</sup> CXVII (Feb. 27, 1953), 205-15.



tion formulated by the Tribunal at Nuremberg,<sup>66</sup> refers to similar rules adopted by medical committees, and says:

Analysis of the rules shows that they can be reduced to two primary principles: First, the investigators must be thoroughly trained in the scientific disciplines of the problem, must understand and appreciate the ethics involved, and must thus be competent to undertake and to carry out the experiment. Second, the human experimental subject must understand and voluntarily consent to the procedure, and must not be selected upon any basis such as race, religion, level of education, or economic status. In other words, *the investigators and the subjects are human beings with entirely equal, inalienable rights* that supersede any considerations of science or general public welfare.

Giving "The Physician's Point of View," Otto E. Guttentag explicitly discusses the type of experiment on the sick which "is of no immediate value to the patient but is made to confirm or disprove some doubtful or suggested biological generalization." He believes such experimentation to be necessary; yet he points to the fact that the conducting of the experiment conflicts with the traditional role of the physician as the friend and helper of the sick man, and the physician must be extraordinarily careful to preserve the attitude of "utmost concern" for the patient's welfare.

The lawyer's side of this question is given by Alexander M. Kidd in the third article, "Limits of the Right of a Person to Consent to Experimentation on Himself." He stresses the legal need of consent by any subject for experimentations; suggests that it is not a matter of good public relations for physicians to use any procedure on a patient that is not for his own benefit; and states two general limits to the rights of persons to permit experimentations that are not for their benefit: i.e., one may not consent either to one's own death or to an injury amounting to a maim. In the last article, "Civil Rights of Military Personnel Regarding Medical Care and Experimental Procedures," Colonel W. H. Johnson cites a military regulation which he believes might be the basis for authorizing the use of volunteer military personnel for experimentation, but he adds: "Needless to say, the Medical Department would not receive volunteers in this field if it considered the experimentation unduly hazardous or unnecessary."

The foregoing paragraphs, which seem to represent the main line of thought of the articles, may be summarized thus: experimentation for the advancement of science should be permitted on the healthy and the incurably ill, provided (a) that the subject freely consents, (b) that no experiment which directly inflicts grave injury or death is used, and (c) that

<sup>66</sup> These rules are reprinted in *Linacre Quarterly*, XX (Nov., 1953), 65.

all reasonable precautions are taken to avoid even the indirect causing of grave injury or death. Thus expressed, the dominant thought of the articles seems to be within the moral limits of medical experimentation and research,<sup>66</sup> as explained by Pope Pius XII.<sup>67</sup>

#### PRECEPTS

Special attention is given to the duties of travel agents, book reviewers, car drivers, and lawyers. Pope Pius XII urged travel agents to look upon their work as a profession and to have a code which would embody not only their rights and prerogatives, but also Christian ethical norms pertinent to their occupation.<sup>68</sup> He admitted that among their chief concerns must be the "comfort and convenience" of the voyage and the providing of "enjoyment and legitimate recreation." But the comfort must be in "discreet and reasonable measure," and the agents should in no way connive with those who make travel an occasion for luxurious and dissipated living. The recreation, without disregarding the profit-motive, must not be made the occasion for exploiting the traveler or of willingly exposing him to occasions of sin.

Fr. Bender reminds book reviewers of their duties: e.g., to read the book; to review it with the author's purpose in mind; to publish the review within a reasonable time; to express a sincere judgment without overemphasizing either good or bad points.<sup>69</sup> In "Some Moral Aspects of Driving a Car," Kenneth B. Moore, O.Carm., discusses failure to obtain a license, obtaining a license under false pretenses, drinking before driving, using a car with defective tires or brakes, reckless driving, going through stop lights, beating a red light, and speeding.<sup>70</sup> These points are considered with reference to both natural and civil laws. The natural law is obviously violated when the license is obtained through fraud or bribery. Aside from these special considerations, the test for a violation of natural law is this: does the act or omission involve the unjustifiable endangering of life or property?

Fr. Moore's conclusions regarding civil law can hardly be summarized in a nutshell. He favors the opinion that civil laws bind in conscience, while acknowledging the probability of the opinion that many are penal. He believes, however, that in some of the matters here treated practically all

<sup>66</sup> We say, "the dominant thought," because some *obiter dicta* are not above suspicion: e.g., Mr. Kidd's observations on abortion, euthanasia, and sterilization.

<sup>67</sup> Cf. *AAS*, XLIV (Oct. 16, 1952), 779-89.

<sup>68</sup> An address in English to American Travel Agents; complete text in the *Pilot* (Boston), Nov. 14, 1953, p. 10.

<sup>69</sup> "Doctrina moralis de recensione librorum," *Periodica*, XLII (Mar. 15, 1953), 24-32.

<sup>70</sup> *American Ecclesiastical Review*, CXXVIII (Jan., 1953), 9-17.

authors would appraise the civil laws as being more than penal. One question that he does not explicitly raise concerns the precise nature of these laws. Are they not laws made to guard against dangers to life and property, and as such would they not have the same binding force as ecclesiastical laws made to guard against a common danger? If so, they would not only bind in conscience—the view which Fr. Moore favors—but they would retain their binding force even in circumstances in which the actual danger would not be present. We should not want to opt unconditionally for this explanation; yet it seems worthy of some discussion in these days when traffic accidents take such a huge toll in human life and property.

*Lawyers' Problems of Conscience* comprises five lectures given by prominent lawyers to Harvard law students.<sup>71</sup> The purpose is to “analyze the practical ethical problems of the tax lawyer, the trial lawyer, the criminal law specialist, the lawyer in government or politics and the lawyer as a citizen.” The booklet is interesting and informative; but those looking for clear-cut solutions to concrete moral problems would be disappointed. The treatises on lawyers in our manuals, jejune though they are, would probably be more useful for the guidance of conscience than would this booklet. The ideal might be a combination of the two, that is, a supplementing and concretizing of the moral treatises by the use of problems suggested in the booklet.

In his commentary on the papal Allocutions on the “New Morality,” Fr. Hürth stated that not a few of the ideas and tendencies of the new morality are found in the Moral Rearmament Movement;<sup>72</sup> and he included in his commentary several paragraphs from an official *monitum* of the Cardinal Archbishop of Milan. This is but one of a whole series of warnings issued by various members of the hierarchy, which are briefly listed and explained by Msgr. F. M. Catherinet.<sup>73</sup> The list of hierarchical warnings and condemnations forms one part of a comprehensive survey of the Moral Rearmament Movement, which first describes its origin and success, then recounts the episcopal interventions, and finally shows that the severity of these pronouncements is justified. Whatever be the theoretical assertions of the Buchmanites that the Movement is not a religion, in actual fact it is not only a religious movement but is distinctively Protestant in its background and in its attitude towards basic religious questions. Christ for them

<sup>71</sup> Chicago: American Law Student Association, 1953.

<sup>72</sup> Cf. *Periodica*, XLI (Jun. 15–Sept. 15, 1952), 236–37.

<sup>73</sup> *L'Ami du clergé*, LXIII (Mar. 19, 1953), 185–91. Msgr. Catherinet's remarks are based on a book by His Excellency, Msgr. Suenens, Auxiliary Bishop of Malines, *Que faut-il penser du réarmement moral?* (Bruxelles et Paris: Editions Universitaires, 1953).

is the Protestant Christ who does not live in an authoritative Church and in the Eucharist. The Church includes all denominations, and the Bible is interpreted independently of the Church. Obviously, a movement like this has dangerous consequences: religious indifferentism; quietism, because of insistence on individual guidance through the whisperings of the Holy Spirit; and a form of existentialism, since moral problems are solved according to interior individual guidance and not according to objective and unchanging principles.

Less than three years ago Eugene Hillman, C.S.Sp., found modern professional prize-fighting morally objectionable because of the intent to render the opponent unconscious, because of the physical harm necessarily involved, and because of the brutalizing effect on the spectators.<sup>74</sup> In his dissertation entitled, *The Morality of Prizefighting*, George C. Bernard, C.S.C., sponsors this conclusion and develops the points at greater length.<sup>75</sup> The dissertation is a courageous and painstaking contribution on a controversial question that is of widespread interest and of unusually practical import.<sup>76</sup>

Also of universal interest, and with terrifying implications, is the problem of atomic warfare. The *Code of International Ethics*, one of the most important English publications of 1953, treats this topic with exquisite prudence.<sup>77</sup> Having first indicated the lack of agreement among theologians on certain points, the *Code* gives this minimum practical conclusion:

It must be remembered that we are dealing here with a new implement of war of which it is not yet possible to foresee the appalling range of destruction. One thing seems certain: it can never be right to use the atom bomb against elements of the population whose actual participation in a war is only very remote, with the intention of breaking the enemy's will to fight through the horror of the dreadful massacres which this deadly weapon causes. And all those who draw their inspiration from the Christian tradition will agree in hoping that the use of the atomic bomb will be outlawed by an international convention.

Until a convention has been concluded, and until there is sufficient assurance that it will be strictly observed by all the powers, it seems difficult to deny States the right to build up a stock of atomic weapons for purely defensive purposes. The fear of immediate reprisals would very probably induce a State to refrain from using these terrible implements of war, knowing that others possess them

<sup>74</sup> "The Morality of Boxing," *THEOLOGICAL STUDIES*, XII (1951), 301-19.

<sup>75</sup> Washington, D. C.: Catholic University, 1952; see the excellent review by John J. Danagher, C.M., *American Ecclesiastical Review*, CXXIX (Sept., 1953), 213-16.

<sup>76</sup> For references to various plans to reduce risks of professional fighting, see *Linacre Quarterly*, XX (Nov., 1953).

<sup>77</sup> Westminster, Md.: Newman Press, 1953; see pp. 132-33.

as well. It was thus that, during the Second World War, the belligerents abstained from using poison gas, because they knew that each side was equally equipped with it.

Pope Pius XII also expressed the hope that atomic, as well as bacteriological and chemical, warfare might be effectively eliminated by international compacts. This was in an address to a congress on military medicine.<sup>78</sup> In another and more momentous address, to the Sixth International Congress on Criminal Law, he spoke of the need of international agreements that would make it possible to punish certain extremely grave crimes during normal times and during war, no matter where such crimes were committed.<sup>79</sup>

Before these Notes are published, perhaps even before they reach the printer, the Supreme Court will very likely have made its momentous decision on the school cases. At present it seems to be rather generally expected that the Court will outlaw segregation in the public schools but will try to phrase its decision in such a way as to allow for a gradual transition from segregation to integration. In fact, plans for gradual integration are already being proposed. Of special interest is the plan outlined by Edwin L. Brook, a Southerner who frankly recognizes the fact that segregation must go.<sup>80</sup> In essence, his plan is to bring about perfect integration in the public schools through a period of eight or twelve years by working "from the ground up." He cites the example of a town which has a Negro school and a white school. He suggests that integration here should begin in the first grade, by dropping that grade in the Negro school and having an interracial first year in what is now the white school. In each subsequent year another grade will be assimilated; and thus over a period of years segregation will disappear from the public elementary and high schools. The integration of teachers would follow the same pattern.

It should be noted that the proposed plans for gradual integration are all based on the supposition that complete integration cannot be immediately accomplished without violence and bitterness. Certainly, if this supposition is not verified, there can be no moral justification for delaying full integration. It seems, however, that if the gradual plan is necessary in order to avoid such evils as physical violence and prolonged bitterness, it is morally justified, just as, for example, the duty of restitution may be fulfilled gradually when complete restitution cannot be made immediately without incurring proportionately great evils.

<sup>78</sup> *L'Osservatore Romano*, Oct. 21, 1953.

<sup>79</sup> *Ibid.*, Oct. 4, 1953; English version in the *Tablet*, (Brooklyn), Oct. 10, 1953.

<sup>80</sup> "Toward a Nonsegregated South," *Christian Century*, LXX (Sept. 9, 1953), 1022-24.

Whether or not the fear of violence is solidly grounded is not for us to decide. The editor of *The Crisis* believes that these prophecies of racial outbreaks are "foolish, insincere, and absurd"; and he points to numbers of instances in which similar fears were not verified.<sup>81</sup> The experience of the armed forces and of many Catholic institutions apparently upholds the position of *The Crisis*. Thus, to cite some accounts, Archbishop Robert E. Lucey of San Antonio writes: "With the fine cooperation of priests, sisters and the laity, we have ended educational segregation in our seminaries, colleges, high schools and elementary schools in this archdiocese."<sup>82</sup> Gerald J. Schnepp, S.M., describes more in detail the same accomplishment in the Archdiocese of St. Louis.<sup>83</sup> And Stephen P. Ryan, after telling of certain precautionary measures taken to bring about peaceful racial integration in the Institute of Industrial Relations of Loyola University of New Orleans, says:

As was expected, the precautions were superfluous. There were no serious difficulties. A few, a very few, minor incidents (scowls, frowns, mutterings) noted in the first integrated term were never repeated in succeeding sessions. A positive spirit of Christian camaraderie grew up instead, and in the most recent graduating class (May, 1952) members of both races received certificates and joined in the reception which followed the graduation ceremonies. The roof is still on the building, and the presence of white and colored students in the same classroom is now accepted without comment.<sup>84</sup>

Historically, the race question is closely connected with slavery; hence this seems the logical place to refer to an excellent article by A. Michel, who discusses the question: "Is slavery an institution of divine or human law?"<sup>85</sup> The author concludes, with the majority of theologians, that slavery stems from the *jus gentium*. Although it is found and legislated for in the Old Testament, this fact cannot be used as an argument of divine origin, because Moses was simply legislating for a *de facto* situation. The Apostles too were dealing with a *de facto* situation; and the same is true of the Church throughout subsequent centuries. The Fathers apparently did not regard the institution as intrinsically evil; St. Augustine considered it a punishment for sin. St. Thomas, besides viewing it as a punishment for sin, also considered it to be founded on nature when it was for the good of both the slave, who could not guide himself, and the master. Without this twofold

<sup>81</sup> LX (June-July, 1953), 357.

<sup>82</sup> *Social Order*, III (Nov., 1953), 409.

<sup>83</sup> *Catholic Mind*, LI (Oct., 1953), 613-17.

<sup>84</sup> "Toward Better Industrial Relations," *America*, LXXXVIII (Mar. 28, 1953), 702-4.

<sup>85</sup> *L'Ami du clergé*, LXIII (Mar. 12, 1953), 161-63.

good it would be an institution of violence and would have no foundation in natural law. Whatever may be said of the past, concludes Fr. Michel, the progress of civilization makes slavery now untenable.

There was a time—and it was not so long ago—when the condition of the workingman was a modified form of slavery, and the main social objective urged by the Popes was the lifting up of “this class of society, exposed defenselessly to the caprices of economic ups-and-downs, to a status of dignity equal to that enjoyed by the other classes, and of endowing it with clearly defined rights.” In his broadcast to Austrian Catholics, September 14, 1952, Pope Pius XII rejoiced that this objective had been attained, at least in its essentials, and he stated that today’s objective includes the two-fold aim of overcoming class struggle through organic cooperation and of protecting the individual and the family against an “all-embracing socialism.” This address, which struck a decisive blow against the theory that wage-earners have a natural right to co-management, is made the center of a brief survey of “Catholic Social Doctrine,” published in the *Clergy Monthly*.<sup>86</sup> It is also one of four social pronouncements selected by J. Sommet as the most significant of 1952.<sup>87</sup> The other three are: the letter of Pius XII to Charles Flory, July 5, 1952; the papal message to German Catholics, August 10, 1952; and the letter of Msgr. Montini to the Italian Catholic Social Week, read at the opening session, September 21, 1952. Having analyzed these four documents, Fr. Sommet concludes that the present social aims of the Pope include: distribution of property through responsible usage; production through a spirit of co-responsibility of all who aspire to property rights; and action on the part of the state that fosters these two aims.

Responsible ownership—a frequently recurring theme of papal social statements—is a logical consequence of the social function of property. A clear and profound analysis of this function has been presented by Ugo Viglino, I.M.C., and is now available in readable condensed form in *Theology Digest*.<sup>88</sup> A partial and particularly forceful statement of his argument as it appears in the *Digest* is as follows:

<sup>86</sup> XVII (May, 1953), 147–49. Also included in this summary of Catholic social doctrine are the Holy Father’s letter to Charles Flory and the messages of Msgr. Montini to the Catholic Social Weeks at Turin and in Canada; English versions of all these letters are in *Catholic Mind*, LI (Jan., 1953), 44–56.

<sup>87</sup> “Pie XII et les problèmes sociaux en 1952,” *Revue de l’action populaire*, LXIV (Jan., 1953), 4–16. The pertinent sections of the documents are given in French after the article, pp. 17–22.

<sup>88</sup> I (Autumn, 1953), 164–68; the original article was in *Doctor communis*, II (1949), 127–45.

Now the fundamental condition, the very basis of social co-existence is real and effective regulation and availability of material commodities for all. Lacking this condition, society is not a healthy organism. Any unbalance, any deficiency, however localized, reacts on the whole organism. If many men go hungry, the very premises of general well-being are absent, not only as regards economic well-being, which is evident, but also as regards spiritual, ethical, and civil well-being.

The economic condition of other men is, then, my concern. The misery of the hungry man reflects on me as a real diminution of my person. If I help raise his scale of living, I improve myself. Because wealth and property are so intimately related to the greater good of society, owners have a responsibility before God and man for the use they make of their property.

Are family allowances, social security, and such things due in justice; and, if so, what kind of justice? E. Garrigou, with conditions in France in mind, shows how distributive, social, and commutative justice are involved.<sup>89</sup> Distributive justice affects the state itself and requires that, since the distribution of property is so uneven, some means must be taken to equalize conditions; and among these means are social security and family allowances. On the part of the citizens themselves, social justice, which requires their cooperation for the common good, demands obedience to the laws providing for these benefits. And the beneficiaries, once the laws are made and the money collected, have a title in commutative justice to their fair share. Fr. Garrigou concedes that social security and family allowances are not ends in themselves; the ultimate goal is wider distribution of property, as the Popes have so often proclaimed. And he concludes significantly that these various objects of social legislation are by no means complete substitutes for personal charity. On this last point, one could hardly speak more forcefully than did Pius XII in his Christmas Eve address of 1952.<sup>90</sup>

On the more concrete level, Francis J. Corley, S.J., recommends a tentative plan for family allowances in the United States.<sup>91</sup> He suggests "a system which would make monthly payments of \$12 for the third child in every family, \$10 for the fourth child, and \$8 for the fifth and each succeeding child." This is merely his own translation into dollars of a plan which he first discusses in great detail. The whole article, which states that some form of family allowances exists in forty-five countries and which surveys some of these systems before making the recommendations for the United States, is well worth reading.

A question put to Fr. Connell runs as follows: "If the spiritual director

<sup>89</sup> *L'Ami du clergé*, LXIII (Jan. 8, 1953), 24-26.

<sup>90</sup> *Catholic Mind*, LI (Feb., 1953), 111-22; see pp. 121-22.

<sup>91</sup> "Family Allowances: U. S. Plan," *Social Order*, III (Apr., 1953), 145-56.



of a seminarian finds out from the young man's own admission (made extra-sacramentally to the director in his capacity as such) that the youth is utterly unworthy of advancement to Holy Orders, but despite that fact intends to seek admission to the priesthood, is the director permitted, for the sake of the common good, to reveal the fact to the proper authorities?"<sup>92</sup> Fr. Connell admits that there are cases in which a committed secret may be revealed, but he says that the case presented does not fall into that category. "Far greater harm would be done to the common good," he writes, "if a director could reveal what has been committed to him confidentially than would be prevented if he revealed the secret information given him by the unworthy aspirant to Holy Orders." This greater harm would consist in the diminished confidence in the director, with consequent loss of guidance and the probability of many more unsuitable individuals assuming orders.

Michael Fabregas, S.J., gives the same solution as Fr. Connell, though his solution is only incidental to a treatise on the requisite chastity for assuming Holy Orders.<sup>93</sup> The present writers would heartily sponsor this absolute position. Whatever be the theory of exceptions to the duty of professional secrecy, the only genuinely safe practical rule for a spiritual director, or for anyone else who received a manifestation of conscience, is to make no exception.

In recent years various uses of the so-called truth-drug have been discussed; and the general consensus of theological opinion has been that, with proper consent and due safeguards, its use for therapeutic purposes is justified, but the use in criminal trials is morally objectionable. A recent article by Edouard Hamel, S.J., contains a good survey of the problems and includes a comprehensive bibliography.<sup>94</sup> It is worth noting also that, in his Allocution to the Congress on Criminal Law, Pope Pius XII insisted that the judicial examination "must exclude physical and psychic torture and narco-analysis; first of all, because they violate a natural right, even if the accused is really guilty, and, secondly, because they too often give erroneous results."<sup>95</sup>

<sup>92</sup> "A Spiritual Director's Obligation of Secrecy," *American Ecclesiastical Review*, CXXVIII (Mar., 1953), 200-201.

<sup>93</sup> "De castimonia requisita in Sacrorum alumnis," *Periodica*, XLII (Jun. 15, 1953), 121-38. As regards his main theme, Fr. Fabregas holds that one has a serious duty not to assume sacred orders unless one has a well-founded hope, based on character and experience, that one can observe celibacy without excessive difficulty. This position squares with sound reason and with the papal directives cited in the article.

<sup>94</sup> "Le 'serum de vérité' et la théologie morale," *Sciences ecclésiastiques*, V (Jan., 1953), 43-56.

<sup>95</sup> Cf. *Tablet* (Brooklyn), Oct. 10, 1953, p. 20.

## THE SACRAMENTS

G. Montague discusses the desirability and the difficulties of explaining the rites of baptism to the faithful in connection with its administration.<sup>96</sup> The difficulties of this procedure are already partly eliminated in those countries which have obtained the permission of the Holy See to make a large use of the vernacular in the sacramental rites. In the mission countries of New Guinea, China, Japan, Indo-China, India, Indonesia, and Africa, as well as in Austria, France, and Germany, a great deal of the vernacular is now being used.<sup>97</sup> Furthermore, "in 1949 permission was granted for China to employ Mandarin Chinese even for the Mass, the Canon alone being kept in Latin."<sup>98</sup> Newspaper reports have it that a movement for a vernacular ritual is under official study in the United States.<sup>99</sup> The great majority of priests and faithful would welcome with open arms a new ritual modeled on the German one of 1950.<sup>100</sup>

When children born in a home for unmarried mothers are to be baptized, the registration of the baptism with the local pastor may involve injury to the reputation of the unmarried mother. The whole question of recording baptisms and issuing certificates for adopted children is difficult because of the reputations and the feelings of the persons involved. An excellent article by Msgr. E. Robert Arthur, Vice-Officialis of the Archdiocese of Washington, entitled "Baptismal Certificates for Adopted Children," treats these matters thoroughly.<sup>101</sup> As for the children born of unmarried mothers, he notes the superior right of the mother to her reputation as against any right canon law may give the pastor to be informed of the baptism. But most important of all, this article has some very practical and workable recommendations in the matter of certificates in adoption cases.

<sup>96</sup> *Irish Ecclesiastical Record*, LXXIX (Apr., 1953), 310-13; *Rituale Romanum*, tit. 1, 10; *Decreta S. R. C.*, n. 3496, II.

<sup>97</sup> Gerald Ellard, S.J., "The Vernacular in Recent Rituals: Ten Years of Progress," *American Ecclesiastical Review*, CXXV (1951), 324-42; cf. *Rituale parvum ad usum dioecesium hindicae linguae* (Indore: Sat-Prachar Press, 1950); *Rituale parvum (Rituel latin-français)* (Turin: Mame, 1948); Indult for Italy on use of vernacular in baptism, Feb. 2, 1953, *AAS*, XLV (Mar. 21, 1953), 195-98.

<sup>98</sup> S. Paventi, *La Chiesa missionaria: Manuale de missiologia* (Rome, 1949), p. 388.

<sup>99</sup> *The Register*, Nov. 20, 1953, quoting a report in the *Catholic Herald*, London.

<sup>100</sup> *Collectio rituum ad instar appendicis Ritualis Romani pro omnibus Germaniae dioecibus a Sancta Sede approbata* (Ratisbonae: Pustet, 1950); Cf. Clifford Howell, S.J., "The New German Ritual," *Clergy Review*, XXXVIII (June, 1953), 339-44.

<sup>101</sup> E. R. Arthur, "Baptismal Certificates for Adopted Children," *Jurist*, XIII (Jan., 1953), 57-63.

We can safely conclude that although there is no explicit canonical legislation either authorizing or condemning the re-registration of Baptism following adoption, and the issuance of baptismal certificates under the adoptive name, nonetheless the actual legislation does furnish us with certain principles. . . . Guided by these principles and the prescriptions of the Church's actual legislation, there is no reason why Directors of Charities and canonists, working together, cannot devise a procedure for issuing baptismal certificates that will protect the interests of the Church and the interests of the adopted.<sup>102</sup>

*La Maison-Dieu*, at the end of 1952, devoted an entire issue to the studies of baptism contributed to the *Session de Versailles*, September 1952, conducted under the auspices of the *Centre du pastorale liturgique*. Outstanding among several good papers is one on the legislation of the Church as to the baptism of children whose parents are non-practicing Catholics.<sup>103</sup> Though written with a view to conditions in France it is unusually instructive for moralists everywhere.

A recurring pastoral problem in the reception of Holy Communion is discussed in "Confession Before Communion."<sup>104</sup> Under what conditions may one who has committed a mortal sin receive Holy Communion without first going to confession? The article contains a complete discussion of the following propositions, especially the third:

- I. It is *always* necessary to be in the state of grace when receiving Communion.
- II. It is *ordinarily* necessary to confess before receiving Communion if one has committed a mortal sin since one's last good confession.
- III. In certain *extraordinary* circumstances it is sufficient to regain grace before receiving Communion by making an act of perfect contrition.

The practical applications in the article are adapted principally to religious, men and women. If they, and the faithful generally, are obliged to keep a law, it does not seem fair to keep insisting on what the law demands without letting them know also "what are at least the more common legitimate exceptions."

By far the most important event of 1953 in the field of sacramental moral

<sup>102</sup> Cf. also F. Contassot, C.M., "Les registres de Catholicité," *L'Ami du clergé*, LXIII (June 18, 1953), 389-97; on p. 393 he discusses at length the recording of baptisms. A complete pastoral discussion of hospital baptisms in France is contributed by Alphonse Honoré, "Le baptême dans les cliniques," *La Maison-Dieu*, XXXII (n. 4, 1952), 129-42. An historical and sociological note on canon 770 ("infantes quamprimum baptizentur") by Pierre-Marie Gy appears *ibid.*, 124-28.

<sup>103</sup> Roger Etchegaray, "La législation de l'Eglise sur la baptême des enfants de catholiques non pratiquants," *ibid.*, 90-117.

<sup>104</sup> Gerald Kelly, S.J., *Review for Religious*, XII (May 15, 1953), 135-50.

theology was the issuing on January 6th of the Apostolic Constitution *Christus Dominus*, with an accompanying Instruction of the Holy Office. It made the first fundamental change in the general law of the Eucharistic fast in over 1500 years (water no longer breaks the fast), mitigated the fast for a very large number of particular cases, and made possible the celebration of evening Mass about 150 times a year throughout the world, and every day of the year in mission countries.

The universal acclaim with which this great document was received has been unavoidably marred in one respect. Given the wide scope of the concessions, the great variety of cases they are intended to provide for, and the language in which they were couched, it was inevitable that canonists and moralists would not be of one mind as to their meaning. In fact queries, cases, scruples, doubts, opinions and counter-opinions continue to issue in endless profusion in private consultation and in ecclesiastical magazines. Although the time has now arrived for sifting these opinions, comparing them and evaluating them, this is not the place to do it.<sup>106</sup> It is not at all unlikely, either, that Rome will give authoritative answers to some of the questions which are baffling the commentators.

The Holy Office has already answered authentically, in reply to a question, that Ordinaries can permit evening Masses at sea, and that the competent Ordinary is the Ordinary of the place "in cuius territorio est portus, in quo navis habitualiter consistit."<sup>106</sup> There is also at least one private reply of the Holy Office (to the Episcopal Curia of Trieste-Capodistria) whose text we give in a footnote.<sup>107</sup>

<sup>106</sup> William Conway, "The New Law on the Eucharistic Fast," *Irish Ecclesiastical Record*, LXXX (Nov., 1953), 295-325, surveys the opinions of about twenty authors. An even more detailed survey with a bibliography of thirty-two commentators, whose opinions are presented in graphic form, is contributed by Oren W. Key, S.J., "The Eucharistic Fast," *Theology Digest*, II (Winter, 1954), 53-63.

<sup>106</sup> *AAS*, XLV (June 30, 1953), 426. The phrase, "portus in quo navis habitualiter consistit," could mean either the home port of the ship or any port in which it regularly makes stops. The Mass may be permitted in favor of those "qui navibus addicuntur." It is not clear whether this expression includes passengers as well as employees.

<sup>107</sup> A correspondent, Don Giuseppe Policardo, supplies the text of this private response to *Palestra del clero*, XXXII (Aug. 15, 1953), 862; the italics apparently are Don Giuseppe's. The document is dated Feb. 13, 1953, and is signed by Cardinal Pizzardo: "(1) Il confessore, di cui nei nn. 2 e 11 delle istruzioni, può essere qualunque sacerdote, che ha la facoltà di confessare il fedele che a lui si rivolge, anche se questo fedele di fatto non si è confessato o non si confessa da lui. *Tuttavia il confessore non può dare il prescritto consiglio in iscritto, o per telefono, o per mezzo di terze persone.* (2) L'esemplificazione relativa al n. 10 a) non è restrittiva; la dispensa può quindi estendersi anche ad altre donne, oltre le gestanti e la madri di famiglia, che analogamente attendano alle facende domes-

While we await authentic replies and a settled, uniform casuistry and interpretation, the widest latitude should be allowed in following the various opinions of commentators in accordance with general principles of probabilism as to doubts of law. Consequently when individuals ask the confessor for approval he should grant it to them whenever there is good authority for the favorable reply. But as to teaching the people publicly, or instructing them in printed books and articles, it seems more prudent, in the present confused state of affairs, not to publicize opinions which, though probable at the moment, may soon be officially deprived of their probability. To take back publicly and unteach what has been taught publicly in pulpit and press is not going to be easy; whereas to extend still further concessions already announced in general but conservative terms will involve no special hardship for anyone.<sup>108</sup>

One aspect of the Eucharistic fast that has not been stressed in the past is its ascetical or penitential aspect. Penance is not given as a reason for the fast in the first part of the Apostolic Constitution where the other reasons are listed, but the Holy Father definitely alludes to it, perhaps for the first time in an official document, towards the end of the Constitution. It is going to be more and more difficult to explain the Eucharistic fast in terms of reverence for Our Lord, especially to children. For they see all around them numberless people who receive not fasting—and it is hard for them to understand why a liquid breakfast is reverent and a solid one is not. But if the penitential aspect of the fast is emphasized, it is more comprehensible that some should do more penance than others.

This idea of the spiritual and penitential meaning of the fast is cogently and beautifully developed by Dom Godfrey Diekmann, O.S.B., in an article which should be reprinted for wider distribution. He summarizes:

The principle of the eucharistic fast is not to be viewed in isolation. It is in its origin and in its purposes simply the most important example of a general rule of the spiritual life: that death to self and to sin is the only path to receiving an abundant outpouring of divine life. We therefore fast from natural food as our preparation for receiving the Bread of Life. For unless we are willing to die with Christ, we cannot hope to live with Him.<sup>109</sup>

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tiche. (3) Circa il n. 13, *oltre al pasto principale, di cui è parola e durante il quale soltanto sono permessi gli alcoolici, secondo la necessità e con temperanza, si possono prendere altri solidi fino a tre ore dall' inizio della S. Messa vespertina o dalla S. Comunione.*"

<sup>108</sup> Cf. John C. Ford, S.J., "The New Eucharistic Legislation (New York: Kenedy, 1953), p. 56, note 2.

<sup>109</sup> "The Fast Ought Not Prevent Communion," *Worship*, XXVII (Oct., 1953), 516-23. See also Angelo Grazioli, "La nuova disciplina del digiuno Eucaristico: Osservazioni generali," *Perfice munus*, XXVIII (Jun., 1953), 383-92; see p. 386.

The pastoral problems of the sacrament of penance in a modern world, where many never feel the need of repentance, were the central theme of the sixty-sixth Congress of the *Union des oeuvres catholiques de France*, held at Nancy in 1952. The papers read at the Congress have been gathered together under the title, *L'Eglise, éducatrice des consciences par le sacrement de pénitence*.<sup>110</sup> Among the subjects treated are the sacrament of penance and the modern world, psychological culpability and the situation of the sinner in the sight of God, problems of spiritual direction, and the conditions under which the sacrament of penance can be an effective educator of consciences.

Sometimes the confessor is hard put to it to decide whether a penitent has the minimum dispositions. For instance, a dying Catholic, married outside the Church, seems firmly convinced that she has done no wrong, refuses to acknowledge her guilt or promise amendment in the event of recovery. The sacraments could not ordinarily be given, because ordinarily there would be a culpable rejection of the authority of the Church, especially after instruction on the point. But perhaps allowance can be made for the ignorance and stupidity of certain people who cannot be taught anything that runs counter to their own preconceived ideas of right and wrong. It is held that in such a case one would not be forced to refuse conditional absolution to a dying person.<sup>111</sup>

This problem of "Muddled Marriages," as Gerald Vann, O.P., calls them, plagues every zealous pastor of souls.<sup>112</sup> The number of such marriages, in the United States at least, is alarmingly high.<sup>113</sup> Fr. Vann wants to provide constructive norms of pastoral care and encouragement for those who have otherwise good dispositions, and yearn to return to the sacraments, but cannot bring themselves, humanly speaking, to do the one thing necessary to return—abandon the marriage, or at least abstain from intercourse. A peculiar ambivalence runs through this article, for it seems to say that these people are contrite and not contrite at the same time, capable of being close to God at a given moment, though they are far from Him at the same moment. And some readers might draw the inference that the laws of the Church are one thing and the will of God is another; that God will be merciful although the Church is adamant. In fact, the zeal and sympathy of the

<sup>110</sup> *Union des Oeuvres Catholiques de France*, 31 Rue de Fleurus, Paris (6<sup>e</sup>), 1953. See also Pierre Charles, S.J., "Doctrine et pastorale du sacrement de pénitence," *Nouvelle revue théologique*, LXXV (May, 1953), 449-70.

<sup>111</sup> James Madden, *Australasian Catholic Record*, XXIX (Oct., 1952), 329-31.

<sup>112</sup> *Blackfriars*, XXXIV (Sept., 1953), 374-80.

<sup>113</sup> But hardly amounting to "about 40% of the marriages in which one or both parties are Catholic." This estimate is cited in *Worship*, XXVII (Nov., 1953), 553, note 1; Fr. Vann's article is reprinted in this issue, pp. 533-39; it is also reprinted in *Catholic Worker*, Oct., 1953, p. 3.

author at times seem to run away with him. But if one makes allowance for a certain confusion of ideas, and discounts the sniping at the "abstract formulae" of moral theology, the article has some worth-while points. For it inculcates a Christlike and sympathetic pastoral attitude, and makes practical suggestions for helping these anguished souls:

The first is constant prayer. . . . Secondly, it is essential not to be led, by the fact of the one continuing infraction of God's law, into thinking it useless to try to keep God's law in general. On the contrary the attitude must be: since I am failing in this, at least I will make every effort to do God's will in everything else, and to do it more fully, more perfectly, every day. Thirdly, the prayer of sorrow must be constantly associated with the thought of God's mercy and with the hope that goes with it. . . .

As to this last point, however, it would hardly be fair to the sinners themselves to lull them into a false sense of security in the mercy of God; for it was the same merciful Jesus who gave us the Sermon on the Mount and who made this a part of it: "And if thy right eye scandalize thee, pluck it out and cast it from thee. For it is expedient for thee that one of thy members should perish, rather than that thy whole body be cast into hell." It is not suggested that the threat of hell-fire should be the approach or the point of emphasis in these cases. But a one-sided presentation of God's mercy does not give the whole doctrine of Christ and can be positively misleading. The Holy Father, in his discourse on existentialist morality or *Situationsethik*, already cited, is at pains to defend the "abstract formulae" of moral theology, especially where negative obligations of natural law are concerned. He appeals to the example of the Christian martyrs, and gives it as a maxim "that there may be situations in which a man, and especially a Christian, cannot be unaware of the fact that he must sacrifice everything, even his life, in order to save his soul."

An engaging little discussion on the necessity of satisfaction for the validity of absolution appears in the pages of *Palestra del clero*.<sup>114</sup> After receiving his penance and before receiving absolution, Titius, who is otherwise well disposed, resolves within himself, "I will not perform this penance." Is the absolution valid? The discussants finally agree, with an exchange of Italian urbanities, that if Titius means, "I will not perform this penance, or any penance," the absolution is invalid; but if he means, "This penance I will

<sup>114</sup> Leone Babbini, O.F.M., "E necessaria la soddisfazione per la validità della confessione?", *Palestra del clero*, XXXI (Nov. 15, 1952) 1050-51; reply by Saturnino Manzoni, O.F.M., *ibid.*, XXXII (Jan. 15, 1953), 92-93; replication by Babbini, *ibid.*, (Mar. 15, 1953), 281-82.

not perform," being willing to perform another in its place, the absolution is valid. In any case, only Titius can say what he really meant. And what a remarkable Titius he is, if he is the master of all these subtleties.

The confession of the penitent as one of the necessary acts for the validity of the sacrament is recognized in some sense by most of the theologians. Is there any true probability, therefore, for Ballerini's opinion that one may give absolution to a dying unconscious individual who has made no external confession even of the most general kind? A doctoral dissertation by Paul E. McKeever answers this question in the negative.<sup>115</sup> This careful work deserves careful study, and the author's scholarly argumentation cannot be lightly set aside. The moralist must stick to his principles even when the result is on the unpopular side. It is safe to say, however, that it will be some time before Ballerini is deserted in practice.

Another intriguing discussion: May a husband and wife be allowed at their own request to make their confessions in one another's presence? They feel that separate confession violates the basic unity that should obtain between them. ("Bless us, Father, for we have sinned"! ). Even though the Code does not explicitly forbid this, and even though the seal of confession is not necessarily violated, such a practice should never be permitted. It invites bad confessions; it seriously hampers the priest's freedom in asking appropriate questions; and it practically amounts to an agreement by the partners obliging themselves to reveal their most secret thoughts and sins to one another. Such an agreement is contrary to all Catholic usage.<sup>116</sup>

Confessors are often worried about practical norms for fulfilling the injunction of the Council of Trent, and of canon 887, that for grave sins a proportionately grave penance is to be imposed. But what works or prayers, looked at in themselves, constitute a grave penance? There is practical unanimity in the assertion that the Pater, Ave, and Gloria five times is not such.<sup>117</sup> As examples of penances which would be admitted nowadays as absolutely grave the following are mentioned: the hearing of mass, a day's fast, recital of one of the hours of the divine office, the litany of the saints (but not the litany of the Blessed Virgin), the Way of the Cross, a visit to a distant church, five decades of the beads.<sup>118</sup> This last is considered absolutely

<sup>115</sup> *The Necessity of Confession for the Sacrament of Penance* (Washington, D. C.: Catholic University, 1953).

<sup>116</sup> See Jos. F. Marbach, *Priest*, IX (June, 1953), 446-47. On the seal of confession and its legal recognition see V. C. Allred, "The Confessor in Court," *Jurist*, XIII (Jan., 1953), 2-32.

<sup>117</sup> Henry Davis, S.J., is apparently an exception in his *Moral and Pastoral Theology: A Summary* (London: Sheed and Ward, 1952), p. 292.

<sup>118</sup> James Madden, *Australasian Catholic Record*, XXX (Jan., 1953), 55-58.



grave because it is sometimes imposed *sub gravi* by the Church in commutation of the divine office.<sup>119</sup>

It must be admitted, however, that according to a quite widespread usage, at least in this country, much smaller penances are frequently imposed, e.g., the Pater, Ave, and Gloria five times or ten times. And there are places where the faithful would consider the Rosary an unusually large penance and be surprised at it, even though most of them would be ready to accept it. We should not condemn too hastily confessors who impose rather small penances. There are many general reasons which may justify it in the individual case.<sup>120</sup> The conscientious priest who wants to fulfill his obligation, *per se* grave, in this matter might recall that five or ten Our Fathers, Hail Marys and Glorys repeated once a day for several days may be considered a grave penance; that one may impose Sunday mass, which is already of obligation anyway, under an additional grave obligation as a sacramental penance;<sup>121</sup> that the very fact of a widespread usage of light penances in a given locality may make it correspondingly difficult to impose a heavier one, and that this difficulty can amount to an excusing cause.

The important thing is that priests should have clear ideas of what is required *per se*, and should not depart from these standards without sound reasons. Such reasons are not too hard to find. During the course of the centuries the Church seems to have become increasingly aware that it is our Lord's passion and death that gives value to whatever satisfaction we make. The staggering penances of early times are now no longer heard of. But if the present practices are abuses, no reform can be hoped for at this point without the active cooperation of administrative as well as of doctrinal authorities. And as the necessary forerunner of any successful reform, there will be required a preliminary campaign of education for clergy and laity alike.<sup>122</sup>

#### SEX AND THE USE OF MARRIAGE

Reference to sex inevitably suggests some discussion of the Kinsey Reports, especially the second volume, on the sexual habits of women. Obviously, it would be impossible to survey the vast literature that has al-

<sup>119</sup> E. J. Mahoney, *Clergy Review*, XXXVIII (Oct., 1953), 615-17.

<sup>120</sup> See "Patron and Ideal of Confessors: The Confessor as a Physician," *South African Clergy Review*, VI (Aug., 1953), 51-57, esp. p. 55.

<sup>121</sup> E.g., *L'Ami du clergé*, LXIII (Apr. 9, 1953), 238.

<sup>122</sup> Cf. Pierre Charles, S.J., "Doctrines et pastorales du sacrement de pénitence," *Nouvelle revue théologique*, LXXV (May, 1953), 449-70; esp. pp. 466 ff. He discusses satisfaction, modern penances, and the pastoral implications of the Thomistic theology of the sacraments.

readily accumulated on this subject. It seems to us that the main observations to be made on the Kinsey projects are very well expressed by W. E. Garrison when he writes of "Morals and Majorities."<sup>123</sup> Mr. Garrison does not review the new Kinsey book. Rather, he takes occasion of the preliminary publicity to make some comments on the "project as a whole," and on the second book in particular. "Three questions," he says, "seem to arise":

1) Did the 5,940 women who were interviewed all tell the truth about themselves? (2) Supposing they did, are they a sufficient sample on which to build a sound generalization regarding the other 50 or 60 million women in the country? (3) Supposing they are (though I think they are not), what conclusion will this generalization inevitably suggest to the wavering and immature—including mentally and morally immature adults—in regard to the conduct of their own lives?

Mr. Garrison doubts that the women told the truth. "Volunteers for interviews on this subject would inevitably include a large proportion of verbal exhibitionists, more concerned to tell an exciting story than to tell a true one." And he thinks that a sampling of one out of 10,000 is not a sufficient basis for any generalization on the habits of the majority. As for the third and most important question he fears that all too many people, who are guided not by ethical principles but by the conduct of the majority, will generalize from the survey and be led to act accordingly. The antidotes, he believes, are these two:

First, to make it clear that the boasted 'facts' pertain to exactly 5,940 women, not to 50 million, and therefore throw no perceptible light on the behavior of the 'human female' in general as comprehensively claimed in the title; and second, to get it into the minds of as many people as possible as quickly as possible that matters of right and wrong are not decided by majority vote.

Mr. Garrison's main fear seems to be, not the use made by scientists of such surveys and polls, but rather the direct effect of these things on the general reading public. Yet an even greater danger seems to exist in the perverted use of the surveys by influential neo-pagan scientists. To these men even the essentials of our scriptural and traditional code of sex ethics are merely a taboo. They have no genuine moral principles. Their whole view of sex is magnificently analyzed by Jacques Leclercq as "Free Love Ethics." They readily seize upon every new survey of sexual experience as a tool with which to undermine the moral structure built upon natural law. An example, one among many, is had in a recent discussion on "Premarital

<sup>123</sup> *Christian Century*, LXX (Sept. 16, 1953), 1053.

Sexual Behavior," sponsored by the American Association of Marriage Counselors.<sup>124</sup> Only one of the fourteen participants explicitly committed himself as "on the whole against" premarital sexual experience; and even he admitted that the question is debatable and made no attempt to formulate the ethical bases of his own attitude. The first speaker, Walter R. Stokes, M.D., frankly criticised the Hebraic-Christian tradition of premarital virginity and made frequent references to Kinsey studies to confirm his own more liberal views. Another of the participants, Albert Ellis, Ph.D., a clinical psychologist, heartily sponsored the laissez-faire position, and, speaking of a number of young patients of his own, he said:

Most of these patients came to me with serious sex problems, and most of them were having quite free premarital sex relations when they came. I have helped them work through their sex and love problems; and I also can report that when they are properly instructed in contraceptive methods by a competent physician, and when they are helped to overcome their needless sex fear and guilt—which are by no means difficult for them to lose if the counselor or psychotherapist *himself* is free of sex fear and guilt—they get along quite satisfactorily, even in this puritanical culture.<sup>125</sup>

The data of modern genetics are also appealed to at times in order to justify deviations from the Christian laws of sex and marriage. In his discourse to the geneticists on Sept. 7, 1953,<sup>126</sup> the Pope first summarized the data of modern genetics, without committing himself to their validity, then made some valuable observations of a theoretical kind on the relation between scientific and revealed truth, and finally descended to practical moral considerations concerning matrimony. He upholds in surprisingly forthright

<sup>124</sup> *Marriage and Family Living*, XV (August, 1953), 234-49.

<sup>125</sup> In a previous issue of *Marriage and Family Living*, XV (Feb., 1953), 53-59, Dr. Ellis had an article entitled, "Marriage Counseling with Couples Indicating Sexual Incompatibility." In this article he ridiculed the idea that the only legitimate means of achieving orgasm is *coitus*. When courteously challenged by a professor of The Catholic University of America, he replied that her view is "authoritarian, unscientific." "It is just as logical," he wrote, "to insist that orgasm and vaginal-penile intercourse *must* go together as it is to insist that meals *must* end with desserts, that everyone *must* read Shakespeare, or that all married couples *must* have children" (*ibid.*, Aug., 1953, p. 253). This grouping together of such diverse matters is a perfect example of the neo-pagans' failure to perceive or admit the objective teleology of the sexual faculties. One might say of all of them what Dr. Herbert Ratner is quoted as saying of Dr. Kinsey: "Kinsey fails to realize that one can count noses till doomsday and yet, through this method, never learn the purpose of a nose" (*Parade*, Sept. 27, 1953, p. 9).

<sup>126</sup> *AAS*, XLV (8 Oct., 1953), 596-607.

language the right of the individual to marry and make use of marriage even when his heredity is very questionable from the viewpoint of genetics.

When the bearer of a hereditary taint is not capable of conducting himself humanly and is consequently incapable of contracting marriage, or if later he should become incapable of claiming by means of a free act the right acquired through valid marriage, then he can be lawfully prevented from procreating a new life. Outside of these cases the prohibition of marriage and matrimonial relations for biological, genetic, or eugenic reasons is unjust, whoever imposes such a prohibition, whether it be a private person or a public authority.

Certainly a person has good reason, and in most cases has a duty, to point out to those who are unquestionably bearers of a markedly defective heredity what a burden they are about to impose on themselves, on their spouses and their offspring. It is a burden that may become intolerable. But to advise against is not to forbid. There may be other motives, particularly those of a moral or personal nature, which are so preponderant as to authorize the contracting and using of marriage even under the circumstances already indicated.

Despite the sweeping character of these statements it does not seem improper to argue that the Church could make a temporary impediment, or a permanent impediment to marry certain individuals (like the impediment of consanguinity), based on biological, genetic, or eugenic reasons, without infringing the natural-law right of the individual to marry. It seems likely that the papal statement was couched in such broad terms in order to safeguard not only the general natural-law right to marry, but also the Church's exclusive competence to make impediments of any kind for the baptized. In *The Right of the State to Make Disease an Impediment to Marriage*, Joseph P. O'Brien discusses both these questions.<sup>127</sup>

Another passage in the discourse has made trouble for the interpreters. The original French is given below.<sup>128</sup> Its meaning becomes intelligible if one keeps in mind while reading it the canonical controversy as to whether double

<sup>127</sup> Washington, D. C.: Catholic University, 1952.

<sup>128</sup> "Pour justifier la stérilisation eugénique directe ou l'alternative de l'internement, on prétend que le droit au mariage et aux actes qu'il implique n'est pas atteint par la stérilisation, même pré-nuptiale, totale et certainement définitive. Cet essai de justification est condamné à l'échec. Si, pour un esprit sensé, le fait en question est douteux, l'inaptitude au mariage est elle aussi douteuse et c'est le moment d'appliquer le principe que le droit de se marier persiste aussi longtemps que le contraire n'est pas prouvé avec certitude. Aussi dans ce cas, le mariage doit être permis; mais la question de sa validité objective, reste ouverte. Si par contre il ne subsiste aucun doute sur le fait susdit de la stérilisation, il est prématuré d'affirmer que le droit au mariage n'est malgré cela pas mis en question et, en tout cas, cette assertion permet les doutes les plus fondés."

vasectomy constitutes impotence. The following paraphrase is suggested as an attempt to interpret the passage: "In order to justify direct eugenic sterilization or the alternative of segregation, it is claimed that the right to marriage and the acts that it implies are not impaired by vasectomy even if it is prenuptial, total, and certainly permanent. Such an attempt at justification is doomed to failure. If a qualified person judges that the fact of a prenuptial, total, and permanent vasectomy is doubtful, then the unfitness for marriage is also doubtful, and this is the moment to apply the principle of canon 1068, §2, that the right to marry continues as long as the contrary is not proved with certainty. In these cases marriage should be permitted, even though its objective validity continues in doubt. But if there remains no doubt as to the fact of prenuptial, total and permanent vasectomy, it is premature, given the state of canonical opinion, to assert that there is no question as to the right to marry, and in any case this assertion is open to very serious doubts."

If this is the correct interpretation of the paragraph, then the Holy Father has purposely abstained from settling the controversy about double vasectomy. This reserve is highly significant, considering recent Rota decisions, and considering a Roman rumor as to the Pope's personal inclination to favor the opinion on which they are based.<sup>129</sup>

Closely connected with the question of impotence and the definition of the marriage act is the problem of intercourse when a wife uses an occlusive pessary against her husband's will. For the moralist cannot determine whether the cooperation of the husband in such intercourse could ever be allowed, unless it is first determined whether such a marriage act contains the minimum essentials of a true marriage act. Whether the vagina has been occluded by nature, by legitimate operation, by sinful operation, by legitimate pregnancy, by sinful pregnancy, by accidental obstruction, or by the sinful use of a contraceptive pessary makes little difference in determining the fundamental question: Does intercourse with the vagina oc-

<sup>129</sup> For the opinion that double vasectomy, even if permanent, does not constitute the impediment of impotency see Antonius Lanza and Petrus Palazzini, *Theologia Moralis: Appendix, De castitate et luxuria* (Turin: Marietti, 1953), 259; John McCarthy, *Irish Theological Quarterly*, XX (July 1953), 333; Edward H. Nowlan, S.J., "Double Vasectomy and Marital Impotence", *THEOLOGICAL STUDIES*, VI (Sept., 1945), 392-427. The recent jurisprudence of the Rota requires some microscopic testicular element to verify the definition of *verum semen*, even if that element is completely infertile. This involves the ecclesiastical courts in discussions of the histopathology of cryptorchidism, and of the presence of "preternemaspermatic" secretions. Cf. Tribunal Appellationis Bononiense, "Nullitas matrimonii ob impedimentum impotentiae, A. Sabattani, ponens"; reported in part in *Monitor ecclesiasticus*, LXXVIII (n. 2, 1953), 240-46.

cluded contain the minimum essentials of a true marriage act? Moralists are keenly aware of the practical difficulties and dangers of a lenient solution to this case. Furthermore they speak hesitantly about it for the added reason that they wish to signify beforehand their submission to any decision the Holy See may make. But an increasing number of authoritative writers, having examined the matter for themselves, feel compelled to admit that the opinion which in certain cases permits the cooperation of the husband is intrinsically probable. Some of the reasons for this opinion were given two years ago in these pages.<sup>120</sup> In a recent article Pedro Lumbreras, O.P., of the Angelicum in Rome, summarizes some of these reasons, without passing explicit judgment on their validity.<sup>121</sup>

As for extrinsic authority, it is not important to find it, considering the weight of the reasons on which the opinion is based. But it cannot be seriously questioned at the present time that the opinion really has, to say the least, extrinsic authority. When a moralist, writing for other moralists, merely reports that a certain opinion is held by someone, he himself cannot be quoted to show its extrinsic probability. But when he writes a manual for the use of confessors, to help them to hear confessions, and includes such an opinion without condemning it, one can generally conclude that he recognizes its probability for practice, or at least that he would not refuse absolution to a penitent who wants to follow it. Let it be said again that this opinion should be used with great caution in practice lest it be misunderstood or abused, but unless the Holy See decides otherwise it deserves to be recognized as a solidly probable opinion both because of the intrinsic reasons and the extrinsic authority which support it.<sup>122</sup>

A modern question, frequently proposed, concerns the use of vaginal tampons during menstruation. A recent answer in the *Journal of the American Medical Association* has this to say on the subject:

Many gynecologists are opposed to the use of this type of pad for the following reasons: the dry cotton may irritate the vaginal mucosa when dragged across it; it is felt that the tampon dams the menstrual flow; many times it is handled by unclean hands; injury may occur if it is improperly inserted; and the pads are often 'lost' in the vagina, giving rise to a foul discharge. Other gynecologists apparently see no harm in their use.<sup>123</sup>

<sup>120</sup> THEOLOGICAL STUDIES, XIII (Mar., 1952), 79-80.

<sup>121</sup> "Vis et metus in cooperatione ad onanismum", *Doctor communis*, VI (nn. 1 and 2, 1953), 59-78, at 74. Fr. Lumbreras considers it permissible for a wife for very serious reasons to omit physical resistance against a husband who insists on condomistic intercourse.

<sup>122</sup> *Contra*, Angus J. Macdougall, S.J., "The Occlusive Pessary Problem", *Sciences ecclésiastiques*, V (Oct., 1953), 209-225, with bibliography.

<sup>123</sup> CLI (Apr. 11, 1953), 1376.

This brief reply says in a nutshell all that one can discover in the medical literature, or by means of personal consultation with gynecologists. On the medical aspect of using menstrual tampons the doctors do not agree.

Not infrequently it is suggested that the use of the tampons is contrary to the Sixth Commandment, at least in the sense that they create serious and unjustifiable danger to chastity. Thus the authors of *Marriage, Morals and Medical Ethics* say that they "furnish a stimulus to masturbation."<sup>134</sup> On this, John R. Cavanagh comments:

This opinion deserves special comment both because of the widespread discussion of this subject and the effect which their opinion that vaginal tampons are likely to lead to masturbation may have on spiritual advisers. There is no genuine basis for this opinion. There is an extensive literature on this subject most of which expresses a contrary opinion. Once the tampon is in the vagina it is in a 'silent area' and produces no sensation.<sup>135</sup>

These are the two main issues often connected with the use of the tampons. In neither case is there universal agreement among doctors; and the use of tampons ultimately resolves itself into a personal matter on which generalizations are impossible.

Contraceptive sterilization can now be accomplished temporarily by swallowing pills; or at least it is not at all unlikely that such methods of temporary sterilization will soon be made available and effective. Dr. Benjamin Sieve of Boston, since deceased, published in October, 1952, a preliminary report of his experiments with the oral administration of an hesperidin derivative.<sup>136</sup> It is exactly the old problem of contraceptive sterilization and contraceptive intercourse. The condemnations of onanism and of sterilization in *Casti connubii* in 1931, and the condemnation of direct sterilization whether perpetual or temporary by the Holy Office in 1940, leave no room for discussion by Catholics. But it is important to explain the implications of these new methods, especially to Catholic physicians. This is done by John J. Lynch, S.J., in two excellent papers contributed to the *Linacre Quarterly*.<sup>137</sup> The first is devoted to the sterilization aspect, the second to the contraceptive aspect of the problem. He concludes:

<sup>134</sup> By Frederick L. Good, M.D., and Rev. Otis F. Kelly, M.D.; see p. 42.

<sup>135</sup> *American Ecclesiastical Review*, CXXVIII (Jan., 1953), 76; for other discussions of this question, see *Linacre Quarterly*, XVII (Feb., 1950), 5-7; (Nov., 1950), 15-16; XIX (Feb., 1952), 7-8.

<sup>136</sup> "A New Anti-Fertility Factor", *Science*, CXVI (Oct. 10, 1952), 373-85.

<sup>137</sup> "Fertility Control and the Moral Law", *Linacre Quarterly*, XX (Aug., 1953), 83-88; "Another Moral Aspect of Fertility Control," *ibid.*, (Nov., 1953), 119-23.

To summarize finally this and the preceding article: 1. Human fertility control involves direct sterilization, and as such constitutes serious violation of the fifth commandment. 2. Those who undertake a program of fertility control with contraceptive intent, or who actually engage in intercourse while practicing fertility control, incur the added grave guilt of onanism, a sin against chastity. 3. For the practical purpose of impressing upon patients the sinfulness of fertility control, doctors may find it more effective to answer inquiries by simply stating that the practice is a forbidden form of birth prevention.<sup>138</sup>

The individual couple practicing birth control usually has personal aims if not selfish ones. Among the scientific men who are seeking anti-fertility methods of one kind or another are many who are concerned rather with world problems of population. "Doctrine catholique et le problème de la population" explains the fundamental esteem for life and the sources of life which prevent Catholics from resorting to the neo-Malthusian solution of the problem.<sup>139</sup> The article also contains many useful references to current literature on this subject. In India the population problem is so grave that this is one of the first places that comes to mind when the argument is offered: does not the common good itself require birth control in overpopulated countries? *Too Many of Us?* is a sober consideration of this problem (and this argument) as it applies to India.<sup>140</sup> Fr. Nevett, with a certain cautious optimism, points out that a 10% increase in food production would make India self-sufficient in this regard, and he believes it is possible to achieve this goal. One is reminded of Chesterton's story of the ten boys and the nine caps. One way to equalize the situation is to cut off the head of one of the boys; the other is to provide another cap. Catholics are not the only ones who do not believe that it is necessary to resort to some kind of birth control, even enforced birth control, to solve the problem. Ghandi's views, which have been abandoned by the present government, are well known. And among the scientists some are enthusiastic in their belief that science can provide new methods which will produce enough food.<sup>141</sup>

Some critics—for example, Albert Einstein—are only too ready to cast

<sup>138</sup> A. Snoeck, S.J., "Fécundation inhibée et morale catholique," *Nouvelle revue théologique*, LXXV (July-Aug., 1953), 690-702, treats the same topic, coming to the same substantial conclusions.

<sup>139</sup> Clement Mertens, S.J., "Doctrine catholique et problème de la population," *ibid.*, LXXIV (Dec., 1952), 1042-61. See also S. de Lestapis, "L'Eglise catholique et les problèmes de la population," in *Population*, 1952, pp. 289-306.

<sup>140</sup> A. Nevett, *Too Many of Us? The Indian Population Problem* (Poona: Indian Institute of Social Order, 1952).

<sup>141</sup> For example, Robert Brittain, *Let There Be Bread* (New York: Simon and Schuster, 1952).



the Church in the role of villain in this population question, because, they say, the Church has only a negative attitude and offers nothing constructive. It should be pointed out, however, even to some Catholics that it is not the primary mission of the Church to raise the standard of living or to solve the social problems of this world. Her mission is to preach the Gospel of Christ and to lead people to eternal life in the next world. But as an example of a positive and constructive Catholic attitude on the population problem, the annual Social Justice Statement of the Australian hierarchy is outstanding.<sup>142</sup> This was read in all the churches of Australia on Sept. 6, 1953. Its central theme is that "people without land have the right to land without people." They insist that Australia has a moral obligation to continue to welcome immigration; that the all-pervading principle of Christian charity requires that she thus do her share in the solution of population problems.

When fertility control is mentioned as a solution to population problems, there is usually no reliance placed on the observance of the sterile periods. The question has been asked, however, whether in overpopulated countries married couples would have an obligation to practice rhythm or even to observe abstinence.<sup>143</sup> It is quite clear from the papal statement quoted above that Catholic morality would impose no such general obligation, because of the preponderant personal values and moral claims of the individual to normal relations.

Incidentally, a German writer, Hermann Stieve, makes the claim as a result of medical experiments that the Ogino-Knaus theory is not at all reliable in any case, and J. F. Groner, O.P., concludes that a priest should never advise penitents about the use of the sterile period if he wants to keep their confidence.<sup>144</sup> We will have to await further medical opinion before we can judge whether these surprising contentions deserve serious consideration.

The Pope, treating *ex professo* of the use of the sterile period, did not explicitly say that its continual use without justifying reasons is mortally sinful; and this, even at a time and in a context in which he could easily have done so. Theologians are still debating this point. Last year in these *Notes* a survey of opinions of theologians on the question of mortal sin showed they were far from agreement;<sup>145</sup> and some still hold it is not a mortal

<sup>142</sup> Reprinted in *Catholic Mind*, LI (Nov., 1953), 690-98.

<sup>143</sup> Fr. Connell answers in the negative, *American Ecclesiastical Review*, CXXIX (July, 1953), 64-65.

<sup>144</sup> Hermann Stieve, *Der Einfluss des Nervensystems auf Bau und Tätigkeit der Geschlechtsorgane des Menschen* (Stuttgart: Thieme, 1952); this book is reviewed and commented on by J. F. Groner, O.P., *Theologisch-praktische Quartalschrift*, CI (n. 3, 1953), 207-11.

<sup>145</sup> THEOLOGICAL STUDIES, XIV (Mar., 1953), 54-57. There are already some rather lengthy commentaries on the papal Allocution to midwives, given on Oct. 29, 1951; see, for example, Alfredo Boschi, S.J., *Problemi morali del matrimonio* (Turin: Marietti, 1953); Sebastiano di Francesco, *Il diritto alla nascita* (Roma: Studium, 1952).

sin, independently of such circumstances as injustice and danger of incontinence.<sup>146</sup> In this country, apparently, theologians have accepted the view that it is or can become seriously sinful. The debate here is rather as to what constitutes a serious sin in this regard. One view is that to use the safe period without serious excusing causes for five years is a mortal sin.<sup>147</sup> At a meeting of the Catholic Theological Society of America held at Notre Dame, June 24, 1952, more than thirty theologians were asked to give their opinions on this view. By a vote of more than four to one in favor of an opposite view, they implicitly rejected the opinion that the sin should be measured according to the length of time the rhythm is practiced.

The other view favored by the theologians holds that the main question is whether the given couple has gravely neglected its obligation to the race, by having no children, or by not having the number of children they should.<sup>148</sup> Those who hold this view have not agreed on any definite number of children which married couples must have in order to fulfill their strict duty, especially their strict duty under pain of mortal sin. Most of them would undoubtedly agree that no couple can be accused as certainly guilty of grave sin if they already had one or two children. After that an indefinite use of rhythm without any excusing causes would not be or become mortally sinful.

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

The *Monitum* of the Holy Office on *amplexus reservatus* has now been commented on by several authors.<sup>149</sup> Holding a distinctly minority view, Hyacinthus M. Hering, O.P., still maintains that such intercourse is intrinsically and gravely sinful.<sup>150</sup> A confrère of his at the Angelicum, Marius Castellano, O.P., points out exactly what the Holy Office had in mind in this *Monitum*.<sup>151</sup> He enumerates three opinions. The first holds that the *amplexus*

<sup>146</sup> E.g., Leone Babbini, O.F.M., "Continenza periodica e questioni connesse nel discorso di Pio XII alle ostetriche," *Palestra del clero*, XXXI (Nov. 1, 1952), 967-73; A. Bonnar, O.F.M., *Clergy Review*, XXXVIII (Jan., 1953), 62.

<sup>147</sup> Francis J. Connell, C.S.S.R., *The Register* (National Edition) XXIX (Nov. 29, 1953), 6, reprinting an article from *Catholic Men*.

<sup>148</sup> Gerald Kelly, S.J., *Linacre Quarterly*, XIX (May and Nov., 1952), 39-43, 111-15.

<sup>149</sup> *Amplexus reservatus* means intercourse in which penetration takes place and is continued for a time, but neither party experiences orgasm before, during, or after the act.

<sup>150</sup> "Adnotationes ad Monitum de litteratura sexuali et de amplexu reservato," *Monitor ecclesiasticus*, LXXVII (n. 4, 1952), 568-85.

<sup>151</sup> "Adnotationes ad Monitum S.S.C.S. Officii de 'amplexu reservato,'" *Ephemerides iuris canonici*, VIII (n. 4, 1952) 341-45.

*reservatus* is "simpliciter licitus, castus, omnibus commendabilis." The second holds that it is not evil *ratione objecti* but only *ratione finis vel adiunctorum*, which make it or can make it illicit. The third holds that it is evil in itself, either gravely or venially. "The second and third opinions are not touched by the *Monitum*; the Holy Office intended to reprove only the first—so at least it seems to me—and to put an end to the dangerous habit of certain writers and confessors of praising and advising the use of the *amplexus reservatus* as permissible and commendable." Fr. Castellano gives this merely as his personal opinion, but since he is a consultor of the Holy Office and one of its principal officials, he is in a position to have a particularly well-founded opinion on this point.

The finest and most complete exposition of all these opinions is given by Jules Paquin, S.J.<sup>152</sup> His bibliography of moralists who have treated this topic contains about eighty names. As to the argument from authorities he concludes: "The incomplete conjugal act [*amplexus reservatus*] does not involve in itself grave malice (the common and morally certain opinion), and it does not even involve [in itself] any venial malice (the common and solidly probable opinion today)." Fr. Paquin's clear exposition of this entire matter avoids both the Scylla of severity and the Charybdis of laxity, illustrating vividly the practical reasons for the pastoral prescriptions of the *Monitum*.<sup>153</sup>

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<sup>152</sup> "L'étreinte réservée," *Sciences ecclésiastiques*, V (May, 1953), 81-106.

<sup>153</sup> Other comments on the *Monitum* include. J. McCarthy, *Irish Ecclesiastical Record*, LXXIX (Jan., 1953), 57-60; René Carpentier, S.J., *Nouvelle revue théologique*, LXXIV (Nov., 1952), 974-80; Tomas Garcia Barberena, *Revista española de derecho canonico*, VIII (Jan.-Apr., 1953), 163-78; THEOLOGICAL STUDIES, XIV (Mar., 1953), 58-60.