

# philippine studies

Ateneo de Manila University • Loyola Heights, Quezon City • 1108 Philippines

---

## Current Moral Theology

Gerald W. Healy, S.J.

*Philippine Studies* vol. 12, no. 1 (1964): 93–112

Copyright © Ateneo de Manila University

---

Philippine Studies is published by the Ateneo de Manila University. Contents may not be copied or sent via email or other means to multiple sites and posted to a listserv without the copyright holder's written permission. Users may download and print articles for individual, noncommercial use only. However, unless prior permission has been obtained, you may not download an entire issue of a journal, or download multiple copies of articles.

Please contact the publisher for any further use of this work at [philstudies@admu.edu.ph](mailto:philstudies@admu.edu.ph).

<http://www.philippinestudies.net>  
Fri June 30 13:30:20 2008

# Survey

## *Current Moral Theology*

### THE POPULATION PROBLEM

In the light of the many contradictory reports on the question of world population, we should maintain a healthy scepticism when faced with certain so-called solutions, especially negative ones such as contraception. Pope John XXIII spoke of the population problem in his two most famous encyclicals, *Mater et Magistra* and *Pacem in terris*. In neither one did he show alarm. His solution was positive: "This demands that peoples should set up relationships of mutual collaboration, facilitating the circulation from one to the other of capital, goods and manpower."<sup>1</sup> Both encyclicals express the same ideas in almost the same words.<sup>2</sup> In both he noted that the conditions varied greatly from country to country, some having "an abundance of arable land and a scarcity of manpower, while in other countries there is no proportion between natural resources and the capital available." This individual approach, studying each nation or each region individually, is the only valid approach to the problem.

The mistakes that the "experts" are capable of in this matter of population prediction are well brought out in an article on Japan by Anthony Zimmerman.<sup>3</sup> The "infallible solu-

---

<sup>1</sup> *PACEM IN TERRIS*, America Press edition (1963), no. 101.

<sup>2</sup> *MATER ET MAGISTRA*, American Press edition (1961), no. 155.

<sup>3</sup> "Birth Control in Japan: Medicine or Quack?", *WORLD JUSTICE* (September, 1963), pp. 4-55.

tion" of Japan's economic plight in 1948 was said to lie in contraception on a mass scale. The experts were believed and the birthrate plunged while, unexpectedly, the abortion rate soared; but the economy boomed. The experts took full credit for the success. Today others are taking a hard second look at the Japanese economic "miracle".

The experts said that Japan could hope for a balanced economy and a modest living standard only if the population figure was maintained at around 80 million. Today the population is going into 95 million and the growth of the Gross National Product has surpassed all previous world's records, even that of West Germany. The Ikeda government hopes to double even that GNP before 1970! The slack of unemployment disappeared before the first effects of the birth-control movement could be felt. Today Japan faces a real danger of labor shortage retarding economic expansion. Industries compete for promising university students and there is talk of importing labor from Korea. Newspaper editors are wondering what will happen when the effects of contraception show up in small classes.

Some might say that the phenomenal economic growth of post-war Japan was due precisely to the fact that Japan followed the advice of the experts and limited births. Dr. R. Komiya, professor of economics at Tokyo University, thinks otherwise. He fears that the sudden drop in births will create a shortage of workers in Japan and create a new problem—an unbalanced age composition rather than over population. He is of the opinion that there is no causal connection between the economic prosperity in Japan today and the birth-control program initiated in 1948. According to him, only someone who does not know Japan well would say that the limitation of births caused the great growth in the economy.<sup>4</sup>

Since the example of Japan is so influential in the Orient it is important to hear from yet another Japanese source. Dr. Paul Manji Iijima, professor emeritus of Osaka University, author of a sizeable shelf of books on economics and chairman of

---

<sup>4</sup> *Ibid.*, p. 46.

a giant Osaka corporation has no patience with those who fear the growth of the population of Japan.

Let's get the terminology straight. If there are too many people for the number of existing houses, the situation is properly called a housing shortage, not over-population. If more roads, subways, trains, and other facilities seem necessary, we can build them; we don't have to reduce people or the number of customers. There never was and is not now a need for birth control in Japan. The decision about family size belongs to parents in the private family circle. The plan of tailoring a population to fit natural resources is an anachronism (a childish one) in this age of international trade and communications.<sup>5</sup>

The future belongs to men with such vision and positive approach to modern problems. Pope John would have been pleased by such a statement. If such men are heard in Japan the present trends will be reversed and we will not see fulfilled the prophecy that by 2015 Japan will be an old folks' home, an anemic nation, victim of a slow type of national *hara-kiri*.<sup>6</sup>

#### PHILIPPINE POPULATION FIGURES

Here in the Philippines we find one of the highest population growth rates of the world; 3.2% compared to 1.8% for Japan, 2.3% for Hongkong, 3% for India, and 3.3% for Thailand. This presents many problems and challenges but the answer does not lie in contraception. The Government has the task of developing the great economic potential of the nation to meet the demands of a rapidly growing population. The financial reports of the past year show an upswing in the overall economy with a very healthy balance of trade. There is no reason why this can not continue as the country industrializes more and more; the economic potential is almost unlimited.

#### STATISTICS ON PRIESTS AND VOCATIONS

The Church has the burden of developing more vocations to meet the spiritual needs of this increase in souls. The 1964 *Catholic Directory of the Philippines* reports a population of 28,800,074 with 86.27% or 24,846,316 Catholics. The number of priests is 3,900 with more than half (2,137) religious. The

---

<sup>5</sup> *Ibid.*, p. 49.

<sup>6</sup> *Ibid.*

ratio is one priest for 6,320 Catholics. Checking this with the 1958 *Catholic Directory* we see that the Catholic population is increasing at approximately one million a year. This statistic compares favorably with the Government statistic on annual increase in population. In 1958 there were 3,006 priests with a ratio of one priest for 6,155 Catholics. Thus in six years the number of priests increased by 900 while the population increased by 6 million. Likewise the number of seminarians, both major and minor, increased by 2,600, a healthy trend which seems to be due to the increase in the number of minor seminaries. But the number of vocations must grow at a much greater rate to keep up with the present million-a-year increase in population, and even to improve the present ratio of people to priest.

#### CONTRACEPTION

After the December (1963) issue of *Reader's Digest* it will be difficult to discover an English-speaking Catholic who has not heard the rumors concerning the possible change in the official Catholic teaching on contraception. But anyone who has been taken in by the clever juxtapositions and innuendoes in that article would do well to restore his or her moral balance by reading an article by Fathers Ford and Kelly: "Will the Church's Teaching on Birth Control Change?" Their first statement presents their thesis: "In the Catholic Church the repudiation of contraception is unquestionably irrevocable." They then proceed to prove their thesis from the statements of Pius XI and Pius XII.

Pius XII is cited as having said on one occasion that the Church's repudiation of contraception is "as valid today as it was yesterday, and it will be the same tomorrow and always". Although the authors are careful to show the difficulties in assigning a theological note to the Church's doctrine in this matter they conclude that it is "at least definable doctrine", in some sense "included within the object of infallibility". The basis for recent condemnations of contraception is the natural-law principle which demands that the inherent procreative

---

<sup>1</sup> CATHOLIC WORLD (November, 1963), pp. 87-93.

purpose, or procreative design, of the conjugal act must always be respected. Since this has always been a part of the Christian teaching on conjugal morality, as the authors point out, even the condemnation of modern contraceptive devices may be called traditional doctrine.<sup>8</sup>

However, the immutability of the Church's doctrine with regard to artificial contraception does not mean that the Church can not change her pastoral attitude towards legitimate family planning in the light of modern problems. Pius XII did stress the fact that in modern times married couples could have legitimate reasons for limiting the number of offspring.

#### PERIODIC CONTINENCE

When Pius XII spoke on periodic continence in 1951 he settled some controversies that had been current for many years, started new ones that are still very much alive, and changed the whole pastoral approach to this practice. Most priests are now aware of the main points of moral theology concerning the licit use of rhythm but many are not aware of the great change in the pastoral approach to the problem initiated by Pius XII.

Pius XII gave generic grave *reasons* that excuse married couples from the obligation to have children, "for a long time or for the entire duration of marriage." These grave reasons can be medical, eugenic, economic and social. McFadden in his *Medical Ethics* (1961 ed.) gives examples of these generic causes.

Childbirth would be dangerous, or one of the parents is too ill to care for the children [medical reason]. The real likelihood of mental abnormality or serious hereditary defect in the children, or mental weakness on the part of the parents [eugenic].

Lack of household facilities, over-population, the husband's employment in a public office, such as military service, which is at least temporarily incompatible with family life [social].

The inability to provide decently for children according to the papal standard of a family living wage [economic].

<sup>8</sup> *Ibid.*, p. 93.

A grave excusing cause is demanded since, as Pius XII said, "marriage obliges the parties to a state of life which, just as it confers certain rights, imposes also the accomplishment of certain duties with reference to that state of life." Being a positive obligation it does not always oblige but admits of excusing causes such as he enumerated.

Basing their argument on the fact that couples have an obligation to "provide for the conservation of the human race" some moralists have argued that the couple that already has an average family has fulfilled this obligation. Having fulfilled the obligation of their state of life, they are free to practice rhythm without any serious reason. This is a solidly probable opinion enunciated by Fr. Gerald Kelly, S.J. in his 1957 pamphlet, *Rhythm in Marriage*. By the same logic a couple who wish to have a family but want to space their children through the use of rhythm do not need a special reason to justify their action. They are fulfilling the obligation of their state of life and the space of time between children is immaterial.

Thus we can say that it is solidly probable that any couple that already has an average family may use rhythm without further questions as to an excusing cause. Those who intend to space their children and thus have an average family need not be questioned further about excusing causes. Those who have no children may practice rhythm licitly only if they have a serious reason.

It is also a solidly probable opinion that we can not speak of mortal sin in connection with rhythm if the couple have even one child. Time itself, e.g., five or ten years spent in the practice of rhythm without an excusing cause, is not acceptable as a norm for judging sinfulness.

In fact we should say that when it comes to rhythm we should not speak of mortal sin at all, looking at it merely from the point of view of the obligation of their state in life.

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 obligations in the confessional, and improper to preach to the people in terms of unwarranted severity.<sup>9</sup>

That opinion was written in 1954 but it is still true today; Fathers Ford and Kelly cite it and reaffirm it in their 1962 article in the same periodical.<sup>10</sup>

If we read through the two statements of Pius XII on the use of rhythm, we do not find a single statement about the need of the couple to ask permission of their confessor or any other priest. The couple that has a reason which is serious beyond the shadow of a doubt, or the couple who have already fulfilled their obligation to society by begetting a family, are justified *per se* in practicing rhythm. They do not have to ask anyone's permission; in fact no one can *give* them permission. They either have a justifying cause or they don't. The couple that is in doubt about their reason, or about their ability to practice rhythm without falling into sin, may *consult* the priest to help them form their conscience in the matter. But that is very different from obtaining permission, which is an act presupposing jurisdiction.

The question of mortal sin in the use of rhythm will arise not with regard to their reason or lack of reason but with regard to their ability to avoid sin during the fertile periods. This will be the test of their personal ability to practice rhythm. We should remember that scarcely any couple can practice rhythm properly without the help of a doctor or nurse or someone skilled in these matters. If the couple tries to work out their own cycle they may completely err in the matter and cause themselves many unnecessary hardships. Thus they may think that the greater part of the month is the fertile time and restrict their marriage relations to a week, imposing a much greater burden of continence than is necessary. Others work out their own cycle and allow too short a time for the fertile period or completely confuse the fertile and sterile periods. Thus our first reaction to those who say that "they tried

---

<sup>9</sup> John C. Ford, S.J. and Gerald Kelly, S.J., "Notes on Moral Theology," *THEOLOGICAL STUDIES* 15 (March, 1954), p. 101.

<sup>10</sup> "Periodic Continence", *THEOLOGICAL STUDIES* 23 (December, 1962), p. 623.



rhythm but it did not work" should be to inquire whether they sought expert help in the matter or merely went ahead on their own without sufficient information about the biological basis for rhythm. Their fidelity to the biological demands of rhythm may also be questioned. In short, ignorance about the proper way to practice rhythm should be presumed; the opposite must be proven.

In 1951 Pius XII changed the whole pastoral approach of the Church to the question of rhythm. He spoke in the vernacular to a group of laymen, the Italian midwives, and later returned to the topic before a non-professional audience of men and women, with world-wide newspaper coverage given to both addresses. He could not have made it clearer that he wanted general instruction in the use of periodic continence to be available. The time of "cautious insinuation" is past. Prudence today demands that the instruction be accurate, serious, and adapted to the capacities of the audience in order to avoid misunderstandings and abuse. Today premarital and marital instructions are incomplete without clear instruction on the morality of periodic continence.

We find this change reflected in recent writers. Canon Mahoney changed his doctrine to bring himself abreast of the times. In his 1957 book, *Priests' Problems*, answering a question (235) concerning the liceity of publicizing the knowledge of rhythm, he examines the allocutions of Pius XII. He says that if Pius XII had only spoken to the midwives he would have considered it a professional audience and the priest should have followed the same policy. But after his second allocution which was to family associations, non-professionals, Canon Mahoney concludes "the Pope's words must be taken to modify the conservative view amongst the theologians which was, generally speaking, averse to any publicity being given to the new reckoning of the fertile period." The Canon wisely states that an "unrestricted propaganda must be avoided, but after this papal lead no one may criticize adversely those priests or social workers who bring the matter to the notice of married peo-

ple, or to those contemplating marriage, in sermons, addresses and pamphlets."<sup>11</sup>

The importance of understanding this new pastoral approach made by Pius XII a dozen years ago has been emphasized by three leading Catholic moralists in the past year: John C. Ford, S.J. and Gerald Kelly, S.J. in their joint article on periodic continence in *Theological Studies* (1962), and John J. Lynch, S.J. in a paper read at the 1963 meeting of the Catholic Theological Society of America in St. Louis. Until this important change is appreciated the faithful will get different answers from different confessors.

The ideal of a large family is still a valid one. But the couple themselves must decide whether they wish to embrace this ideal with all that it entails. Only the couple themselves can decide this since no one else knows what they are capable of when it comes to weighing the pros and cons, the joys and sorrows, the sacrifices and inestimable rewards involved in raising a large family in the modern world. Two recent articles in *America* by married laity are rewarding for the insights that they give into this problem as seen through the eyes of articulate modern Catholics.<sup>12</sup>

#### ANOVLANTS

The invention of anovulants, synthetic steroids with progestational activity, has succeeded in sharply accentuating the controversy about the morality of contraception. Under the trade names Enovid and Norlutin, they have been put on the world market almost invariably as contraceptives, their other uses being mentioned only incidentally. The volume of writing about these drugs shows at once their present importance and the complexity of the issues involved. Not every aspect of the question has been settled once and for all but it will be useful to

<sup>11</sup> Canon E. J. Mahoney, *PRIESTS' PROBLEMS* (London: Burnes & Oates, 1958) p. 322.

<sup>12</sup> Jane Hanover Adams, "Love, O Love, O Careful Love," *AMERICA* (October 26, 1963), pp. 481-84; and "Husband and Wife Reports," Editorial, *AMERICA* (November 23, 1963), pp. 660-62.

give the best available teaching or opinions regarding these various uses.

It is clear and the theologians agree that anovulants may not be used by married couples to prevent conception. Anovulants differ from the ordinary contraceptives in that they suppress the generative function itself, inhibit the normal release of an ovum, thus producing a temporary sterility. The other contraceptives attempt to impede the function, to prevent the normal consequences of the marriage act. This use of a drug to inhibit ovulation while at the same time freely making use of marriage rights is nothing more than direct contraceptive sterilization, and, as such, is a grave offense against the moral law. This use of "the pill" is not open to discussion, as is clear from consulting any of the theologians writing on the matter. The arguments against such contraceptive use are based on the intrinsic arguments on the morality of direct sterilization and the authoritative statement of Pius XII precisely on this use of anovulants. An impressive listing of recent theological discussions of anovulants unanimously condemning such contraceptive use was given us by Fr. John J. Lynch, S.J., when discussing Dr. John Rock's writings on the matter.<sup>13</sup>

#### ANOVULANTS AS AN AID TO FERTILITY

The other effects which anovulants can produce involve the same inhibiting of ovulation and so require an application of the principle of double effect to be justified. This is due, of course, to the fact that the sterilization involved in inhibiting ovulation can only be justified by the principle of the double effect; the principle of totality does not suffice to justify a mutilation, even a temporary one, when the generative organs are involved.

When the anovulants are being used to foster fertility in a woman who is sterile or subfertile, the moralists allow their use and easily find justification for the temporary sterility involved. Since the woman is already sterile or subfertile and wishes fertility, there can be no question of an illicit contrac-

---

<sup>13</sup> "Notes on Moral Theology," *THEOLOGICAL STUDIES* 23 (June, 1962), p. 242.

tive intent, nor any desire for sterilization in itself. This fertility is due to what is sometimes called the "rebound" effect, a reaction to the inhibiting of ovulation over a period. It seems that there is a concentration of hormonal resources which are suddenly released when the woman ceases to take the pill. The resultant biological conditions are much more favorable to pregnancy and gestation. The married woman who is sterile or sub-fertile may licitly use anovulants to bring about this condition.

#### REGULARIZING THE FEMALE CYCLE

Women who are justified in using rhythm are sometimes handicapped by an irregular cycle. Anovulants have been said to have been used with success to achieve this regularity. What is sought is a regular monthly cycle of both ovulation and menstruation, not merely regular menstruation. We must assume that the regularity to be ultimately achieved is not due causally to the temporary period of sterility which occurs during the treatment, but rather results from restoration of the proper hormonal balance accomplished by the medication.<sup>14</sup> Although this is very much disputed among the moralists the solid probability of the opinion that allows its use for such a purpose must be admitted.<sup>15</sup> The main objection of the dissenters is the supposition that an irregular cycle is a pathological condition of nature. Since it offers no threat of physical harm irregularity of cycle cannot be considered a pathological condition in the strict medical sense, but since it does constitute a notable departure from what should be the normal physiological rule in women, those who defend the liceity consider it an abnormality that warrants such treatment.

The length of time of treatment is important. Those who approve of this use of anovulants have in mind a short period, some few months, during which the steroids are taken according to a prescribed dosage for twenty consecutive days, followed by a temporary withdrawal to allow the next menstruation to occur, and then resumed for another twenty consecutive

---

<sup>14</sup> *Ibid.*, p. 244.

<sup>15</sup> *Ibid.*, p. 245.

days, and so on. If regularity is not achieved after a few months of such treatment, the experiment would have to be abandoned; the sterilization that was being permitted according to the principle of the double effect could not be justified indefinitely.

#### FERTILITY CONTROL DURING LACTATION

Nature normally prevents conception during the period of lactation by suspending ovulation by her own hormonal process. It has been argued that this is the normal procedure in nature and ovulation during lactation should be considered a failure of, a defect in nature. Now that anovulants are available to remedy this so-called defect the nursing mother, it is said, should be allowed to take them to do what nature should have done but failed to do. What is the morality of this opinion?

This is one of the most sharply disputed points concerning the uses of anovulants. Some writers defend it but the tide seems to be running against them.<sup>16</sup> The sterilization seems to be direct and so contrary to papal teaching, which was not restricted to suppressing normal generative function. The difficulties and absurd consequences that would follow are enough to make us suspect the principle that would justify such a procedure. Those who approve are judging that nature wishes a woman sterile at the time of lactation and so the pill may be used. Using that norm one might argue that nature wishes an unhealthy mother sterile or select an age beyond which nature does not approve of childbearing, and so step by step justify direct sterilization, in many cases deducing corollaries from the "nature-wishes-sterility" argument. Such inadmissible consequences should keep us from approving the first step.

#### ANOVLANTS TO DELAY MENSTRUATION

When the reason is proportionate it is solidly probable that anovulants may be taken to postpone menstruation. To

---

<sup>16</sup> John J. Lynch, S.J., "Notes on Moral Theology," *THEOLOGICAL STUDIES* 23 (June, 1962), pp. 246-47.

improve efficiency in a fairly important scheduled sports event is offered as an example of a sufficiently serious reason.<sup>17</sup> The supposition is that there is not a long delay of ovulation. The resulting sterility is willed only indirectly and the whole moral problem revolves around the proportion between the seriousness of the effect and the reason for so doing. The mere convenience of avoiding menstruation would not suffice as a reason, neither would an ordinary sporting event.

#### HARMFUL SIDE EFFECTS OF ANOVULANTS

A careful study of the side effects of anovulants should chill the ardor of any enthusiasts and raise legitimate questions in the minds of those who might be contemplating their use. Dr. Herbert Ratner, Commissioner of Public Health in Oak Park, Illinois, in reviewing Dr. John Rock's writing on the Pill has some strong reservations from the strictly medical angle.

Dr. Rock's candor and authority when it comes to the Pill has the same value as the commercial advertisement of a drug manufacturer, though I think all of us can appreciate the understandably human bias of one talking about his baby. The Pill unquestionably is the most dangerous contraceptive product now on the market. It has caused deaths and heartbreaking medical complications and its safety is still under consideration by the government. Because of its alleged high acceptance rate by the indigent, a group which has rejected other contraceptives in the past, its dangers are being minimized.<sup>18</sup>

In support of his opinion Dr. Ratner cites the results taken at a 1963 meeting of the World Health Organization which showed that of all the doctors questioned, "no single doctor I asked would advise his daughter to use [the Pill]."<sup>19</sup> A Russian doctor at the same meeting stated that "We have no right to alter the harmonious hormonal structure given by nature". To advocate the use of the Pill under these conditions would, Dr. Ratner asserts, contribute to the destruction of one of the great traditions of medicine: "that physicians do not prescribe for others what they will not prescribe for their own."

<sup>17</sup> Joseph J. Farraher, S.J., "Notes on Moral Theology," *THEOLOGICAL STUDIES* 22 (December, 1961), p. 631.

<sup>18</sup> "A Catholic Viewpoint," *COMMONWEAL* (July 5, 1963), p. 394.

<sup>19</sup> *Ibid.*

Fr. John J. Lynch, S.J. has consistently warned against the possible side effects of the use of the Pill. He cites one doctor warning against their use over a long period "because of their carcinogenic potential and various side effects".<sup>20</sup> There is also a very real danger of malformed, even mongoloid children being born to women who use the Pill. Also some infants exhibited signs of masculine pseudohermaphroditism. We can easily agree with the conclusion of Dr. Kautsky; "Much more research is needed before a method loaded with the danger of producing malformed children should be recommended on a mass basis".

The fact that more than thirty women died of embolism after taking the drug caused the Federal Food and Drug Administration to appoint a committee to investigate. Doctor E. I. DeCosta writing in July 1962 stated that the fatal embolisms have been the only hint so far that Enovid is not completely safe. He says simply that these cases were not reported in the literature and predicts that if a causal connection is proven, the oral contraceptives as we know them today "would soon be only another memory in man's vain attempt to control his own destiny."<sup>21</sup>

#### USE OF ANOVULANTS BEFORE RAPE

One of the most interesting problems to arise was concerned with a use of the Pill under circumstances which were probably never envisioned by the manufacturers—as an act of defense when rape is likely to happen. The chaotic conditions in the Congo a few years ago provided a case in point.

At first blush one might condemn such a use since the woman would be taking a drug to procure temporary sterilization to protect herself against the semen of an unjust aggressor. In other words she is using direct sterilization as a means to a good end. And the papal statements (prescinding now from the question of punitive sterilization) have always condemned direct sterilization whether as an end or as a means for con-

<sup>20</sup> "Notes on Moral Theology," THEOLOGICAL STUDIES 22 (June, 1961), p. 258.

<sup>21</sup> *Ibid.*, 24 (June, 1963), p. 233.

trapection. But further analysis will show that the papal statements supposed a certain context and that context is not verified in the case of a woman raped.

As Fr. Farraher has well demonstrated on various occasions the evil of contraception is in placing contradictory acts, willing intercourse and at the same time frustrating its natural consequence.<sup>22</sup> In this case the woman wills to inhibit ovulation by a direct but temporary sterilization but, in as much as she positively intends to resist any act of intercourse, her direct sterilization is legitimate self-defense against the unjust aggression of rape. She is not guilty of placing contradictory acts; she is not guilty of the sinful contraceptive sterilization mentioned in papal documents. We can also argue by analogy from the liceity of the use of a douche after rape, something not allowed to a woman who has willed the intercourse. The same act would be considered sinful contraception for the one and a legitimate act of self-defense against unjust aggression for the other. Also, as many moralists agree, a diaphragm contraceptive could be used as self-defense against a real danger of rape, but the selfsame act would be sinful contraception for one who willed a subsequent intercourse. The action in itself, then, is not enough to enable us to make a proper moral judgment; the relation of the act to subsequent intercourse is all-important.

#### DUPHASTON

In 1962 it was announced that a new progestational agent would soon be available. It is said to have effects like Enovid but without inhibiting ovulation. If this new drug fulfills expectations it would force the moralists to reassess the liceity of the various uses of the anovulants which were justified according to double effect. The principle of double effect could no longer be fulfilled when there was another drug available to produce the same good effect as effectively and safely and economically without causing sterility.<sup>23</sup>

<sup>22</sup> *Ibid.*, 22 (December, 1961), p. 629; 24 (March, 1963), p. 85.

<sup>23</sup> *Ibid.*, 24 (June, 1963), p. 234.



## BUSINESS ETHICS

Not so many years ago a priest might be hard put to it to lay his hands on or even to name an outstanding Catholic book on business ethics. In a few short years the difficulty has been surmounted with the appearance of three fine books. The first to appear (1956), *Business Ethics* by Herbert Johnston, was well received and covers a wide range of business-related moral problems.<sup>24</sup> Interest never lags even in the discussion of the most abstract universals, since Dr. Johnston salts his passages with the idiom of the contemporary man and he is very much aware of his day-to-day problems.

In 1962 a second book on business ethics appeared.<sup>25</sup> *Morality and Business* by Henry J. Wirtenberger, S.J. is aimed at the upper-division of a school of business. It is presented as a one-semester text book and contains many case studies to relate its treatment of moral principles to the everyday world of the modern business man.

In 1963 yet another book on the subject appeared, *Ethics in Business* by Thomas M. Garrett, S.J.<sup>26</sup> A quick check of his table of contents reveals a modern flavor and an awareness of the contemporary business climate. Some of his basic observations show that he has his feet on the ground, as when he notes that a businessman's willingness "to face responsibility in business involves a corresponding effort in other departments of life." His reason is sound and universally valid: "So long as a man's private life is in tatters, it is not to be expected that he will face the problems of business with constancy and courage."

Not one of these books covers all the matter that could be treated, but each makes a definite contribution to relating morality to the market place, the stock market, the advertising pages and the world of the computer. Facing the need of adjusting theory to local practices and customs Fr. Vitaliano R. Gorospe, S.J. has taken the first step towards publishing

<sup>24</sup> BUSINESS ETHICS (New York: Pitman Publishing Co., 1956).

<sup>25</sup> MORALITY AND BUSINESS (Chicago: Loyola University Press, 1962).

<sup>26</sup> ETHICS IN BUSINESS (New York: Sheed and Ward, 1963).

a business ethics for the Philippines.<sup>27</sup> Rich with statistics on the local economic scene, facing the problem of development in the teeth of a rapid growth in population with a low standard of living, Fr. Gorospe shows how serious the local economic problems are. Although "the per capita income is 30% above pre-war level, the buying power of wages of skilled workers in Manila is actually below pre-war level." There is unfortunately a tendency for real wages of both skilled and unskilled workers to decline rather than increase. Citing the *Journal of Philippine Statistics* for October, 1962, he affirms that the Minimum Wage Law and past land reform codes have been largely symbolic gestures and the figures show a growing concentration of income in the hands of a few with the poor carrying a disproportionate share of the burden of development.<sup>28</sup> One telling figure shows that those "who average at least one peso a day per person for food are in the top 5 percent of the total population."<sup>29</sup>

Remedies are suggested and approaches to the theology of work and the values which help or impede the implementation of moral principles are explored. As this work grows from its present "Ad usum privatum" form, it will fill a real need in the Philippines.

#### EXTENSION OF CONFESSION FACULTIES

With population increase an unprecedented mobility of both laity and clergy has appeared. Pilgrimages to Rome, Lourdes, the Holy Land, trips to International Eucharistic Congresses, the Olympics, and World's Fairs are now becoming more and more common. Also within national borders, on a more modest scale, much travel and tourism takes place today. The Church has provided confession faculties to her priests when traveling by sea or air but the arrangement is still not as satisfactory as it could be. A recent article shows how the hierarchy in various countries are meeting the problem by a

---

<sup>27</sup> BUSINESS ETHICS (Manila: Ateneo de Manila, 1963), For Private Use Only.

<sup>28</sup> *Ibid.*, p. 48.

<sup>29</sup> *Ibid.*, p. 59.

more generous extension of faculties to visiting priests. The general rule is that the priest must be approved for confessions in the place where he is regularly assigned. Once that condition is fulfilled then the priest acquires faculties by the very fact that he enters another ecclesiastical province or neighboring dioceses, or in some instances, even within the whole nation.<sup>30</sup>

Sometimes, as in the Roman Synod (art. 66,2), this extension of faculties gives religious women the right to go to confession to any priest who has faculties from any Ordinary of any diocese. For priests even this is not required; a priest in Rome may go to confession to any priest, even though he has no faculties anywhere as long as he has no canonical impediment (art. 66,3). Finally, in Rome a parish priest with ordinary faculties in his own diocese can hear not only his own parishioners but also anyone who approaches him for confession while hearing the confessions of his parishioners.

In Japan the Ordinaries agreed to extend to the whole of Japan the faculties that each one has received in his own diocese. Therefore, a priest needs to obtain faculties in only one Japanese diocese, his own, and he receives nation-wide faculties. The Belgian Ordinaries have done the same for their nation.

In the Philippines the Ordinaries in Plenary Council (1956) agreed to grant faculties to every priest to hear the confession of any other priest anywhere in the Philippines and also the confessions of all who dwell in the house of the priest, provided that the priest hearing the confessions has faculties in his own diocese (No. 395,1). Also priests who have been assigned to the care of souls in one parish can hear confessions in the immediately neighboring parish, even though in a different diocese, provided that both parishes are on the same island. This delegated faculty lasts as long as their assignment (No. 395,2). The Fathers of the Plenary Council also granted their parish priests faculties for the whole diocese (No. 396).

<sup>30</sup> Joannes Beyers, S.J., "De iurisdictione ad verbum Dei praedicandum et ad confessiones audiendas requisita magis extendenda," *PERIODICA DE RE MORALI, CANONICA, LITURGICA* 52 (1963), pp. 391-410.

This new movement in the Church, following the inspiring lead of Pope John XXIII and the Roman Synod, cannot help but win the approval of all zealous priests. Granting nationwide faculties as in Japan and Belgium would seem to be a pastoral move in keeping with the rapid communications and transportation that characterize our era. The author of the article in *Periodica* proposes a formula for extending delegation both to favor the laity and priests and religious, men and women. He believes that variety in the wording of the delegation can only lead to confusion; simplicity and clarity and amplitude are to be desired. His proposal, as translated, would read this way: A priest approved by his Ordinary (or the Ordinary of his place) has the same faculty to hear confessions of the faithful everywhere. For religious women he suggests, after hinting that they should be included in the first grant, that all priests approved by the Ordinary of their place to hear women's confessions, *ipso jure* are delegated to hear the confessions of religious women, as long as the confessor is at least thirty five years old and has been a priest for five years.<sup>31</sup>

In line with the new trend Pope Paul VI, in his *Motu Proprio*, "Pastorale Munus", of November 30, 1963, granted worldwide faculties for confessions, even of religious women, to all bishops, titular as well as residential. The bishops now enjoy by privilege what the cardinals have by right. The only condition is that the local Ordinary has not expressly refused to agree to it (II,2). The grant of this faculty to the bishops makes the similar nation-wide provision of the Plenary Council of the Philippines (No. 394) superfluous.

#### THE BREVIARY

May a priest begin to read his present breviary in the vernacular? There was an article by Fr. Haring, C.S.S.R., in *Worship* which did allow a priest under certain conditions, for a time, to use the vernacular.<sup>32</sup> This was by way of *epikeia*, I believe, and as an aid to the better understanding of the Latin

<sup>31</sup> *Ibid.*, p. 410.

<sup>32</sup> Bernard Haring, C.S.S.R., "A Closer Look at the Breviary Obligation," *WORSHIP* 38 (April 1963), p. 283.

breviary when he resumed reading it. But today the Bishops have the faculty to allow their priests to use the vernacular when the priest alleges that there is a grave inconvenience for him in reading the Latin. Once the dispensation is available a priest can no longer appeal to *epikeia* to justify a departure from the law. There is no general dispensation granted and the Latin law is still in force; a dispensation must be obtained before one can proceed to use the vernacular breviary.

GERALD W. HEALY, S.J.