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Recent Moral Theology

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Survey

Recent Moral Theology

There have been two main trends noticeable in the writings of the moral theologians in recent years. One is concerned with a reorganization or a new orientation of the whole treatise in such a way as to put the emphasis on virtue, avoiding the minimal-obligation approach, stressing charity and the imitation of Christ rather than mere natural, ethical or juridical values. The enrichment of the whole treatise is sought by reintegrating moral theology with dogma and Sacred Scripture. The other noticeable trend is also concerned with integration, the integration of all that is best in modern psychology with the traditional scholastic doctrine concerning the human act and especially the freedom of that act.

The PRIMACY OF CHARITY IN MORAL THEOLOGY by Gerard Gilleman, S.J., is an example of this new orientation and at the same time a defense of its validity for a virtue-centered and, in particular, a charity-centered moral theology.¹ An impressive array of historical arguments show the Scriptural origin of the primacy of charity and the Thomistic explanation of charity as the form of all the virtues. The second part of the book gives a philosophical analysis of the moral act as the product of a profound spiritual tendency that can be nothing but love and which, for the Christian, is supernatural

¹ Gerald Gilleman, S.J., *THE PRIMACY OF CHARITY IN MORAL THEOLOGY*, Translated by Andre Vachon, S.J. and William Ryan, S.J. (Westminster: Newman Press, 1959).

charity. The third part of the book is an attempt to outline a charity-oriented course in moral theology with applications to the traditional divisions of general moral and to the main virtues. The author clearly states that he is not attempting to write a text book but simply trying to develop a few practical applications, pointing the way toward the reduction of theory to practice.

The richness of the arguments of the author is in itself a telling indictment of the impoverishment of moral theology when it drifts away from its profound theological foundations and presents itself as little better than an ethical or juridical science. Still, there remains the problem of keeping moral theology distinct from ascetical and pastoral theology. Confessors must be trained to distinguish numbers and species of sin. What is of counsel must be clearly distinguished from what is of obligation and it is dangerous to allow the distinction to become fuzzy no matter how much we desire souls to press on to the perfection found in love.

Books such as that by Fr. Gilleman whet the appetite for the first manual that will succeed in combining the riches of this charity-oriented approach and the precision, the carefully worded principles, the clear-cut distinctions between commandment and counsel which are the indispensable tools of the good confessor. So far no one has succeeded and some of the proposed solutions have by no means met with approval.²

The integration of the best of modern psychology into the traditional framework of moral theology is the second important discernible trend of our day. The eminent Belgian moralist, Arthur Vermeersch, S.J., had said in 1929 that one of the most important questions facing the moral theologian was the "grave and thorny problem... of subjective imputability". The pro-

² Joseph J. Farragher, S.J., "Notes on Moral Theology", *THEOLOGICAL STUDIES* 21 (December, 1960) 581-584. A two-fold moral theology, one for Christians dealing with virtue and one for confessors stressing confessional practice, may be the only solution. Cf. John J. Connery, S.J., "Notes on Moral Theology", *THEOLOGICAL STUDIES* 20 (December, 1959), 592-593.

blem has yet not been solved but a recent article by Joseph Duhamel, S.J. is a major contribution towards that solution.³

Taking for granted as proven and incontestable man's gift of freedom of the will which is called philosophical freedom, Father Duhamel goes into the question of the degree of freedom present when the will freely chooses good or evil. This is the problem of psychological freedom, the degree of control exercised by the will in the choice of moral good or evil. Moral theology has always allowed for impediments to human freedom. The standard manuals treat of ignorance, inadvertence, concupiscence, the passions, fear, and the effect of deeply rooted habit on subsequent human acts. The question of diminished subjective imputability in relation to moral guilt is not a new one to the moralist. The problem is to explain the way such factors affect a spiritual faculty and to determine, at least in some general way, the degree of interference they exert by their influence.

A new insight into an old truth, namely, the difference between conceptual and evaluational knowledge, is one example of how modern psychology and psychiatry have enriched traditional moral theology. This old truth in modern psychiatric dress was underscored in 1941 when it was argued in a case before the Roman Rota that a spouse was juridically incapable of entering a valid marriage because he lacked the ability to evaluate the nature, the importance, and the consequences of matrimonial consent.⁴ He knew the nature of the act (conceptual cognition) but he could not properly evaluate it (evaluational cognition). Father Duhamel shows how this same concept must be applied in judging a sinful act in order to determine whether the agent was suffering from a permanent or transitory impediment.

³ "Moral and Psychological Aspects of Freedom", *THOUGHT* 35 (Summer, 1960), 179-203. The references within the article will serve as an introduction to the literature in this field.

⁴ *SACRAE ROMANAE ROTAE DECISIONES SEU SENTENTIAE*, vol. 33, decisio 15, *Nullitas Matrimonii coram Wynen*, 25 Feb. 1941. (Rome: Vatican Polyglot Press, 1950), 144-68.

The power of the will to exercise control over the whole mass of psychic dynamisms in existential man is assessed. The limits of this control are pointed out without establishing any presupposition in favor of the theory that, as a result of original sin, psychic impulses so diminish psychological freedom that moral guilt disappears. Still, the author insists, in a particular case no principle of faith or reason forces us to deny that psychological freedom may be diminished or even completely suppressed by certain impulses.

In treating of the relation between the moralist and the psychologist and/or psychiatrist Father Duhamel lays down basic principles that could well serve in the recent controversy regarding COUNSELLING THE CATHOLIC wherein the validity of the book in part was challenged by Martin E. Gounley, C.S.S.R.⁵ Father Duhamel accepts the findings of the psychologists in so far as they are proven and tries to integrate them with long-established principles concerning subjective imputability and moral guilt.

We have always admitted the existence of many factors that influence a free choice without one's being aware of it; heredity and education and religious outlook are obvious examples. Freud has proposed one more, his unconscious, which is dynamic to a degree not understood before. Moral theology finds no trouble in accepting it as far as it is proven but will not admit that it so impairs freedom in the normal person that he is no longer subjectively guilty of serious sin. To influence is not to compel, as the author stresses. If the explanation of indeliberate actions is sought in the dynamic unconscious, there is no conflict with the established principles of moral theology.

The influence of the Freudian unconscious on acts of virtue is also treated; it is the reverse side of the coin we have just examined. The conclusion of the author is that while the unconscious does influence good acts, still, in the normal per-

⁵"Needed: A Scholastic Psychiatry", *THE PRIEST* (August, 1960) 686-691; "'Counselling the Catholic': A Continuing Debate", *ibid.*, (January, 1961) 38-53.

son, enough freedom is present to attribute the act to the agent together with its subsequent merit; it is not a question of pseudo-virtues attributable solely to the unconscious.

The author concludes with an excerpt from an Allocution of Pius XII to the 13th Congress of the International Society of Applied Psychology, April 10, 1958.⁶ The excerpt stresses the presuppositions psychologists must retain if they are to find the truth: the freedom of man, the fact that every man must be considered normal until the opposite is proven, the control man can exercise over the dynamisms of the unconscious and the subconscious, the fact that abnormal psychological dispositions are not always of a compelling force and do not always deprive the subject of every possibility of acting freely, etc. These basic truths which form the only foundation on which psychologists can build naturally lead to the conclusion that the normal man is responsible for the decisions that he makes. As the author notes, there is no papal document condemning psychoanalysis as such, or depth psychology as such, or the dynamisms of unconscious motivation. The Holy See has expressed certain reservations with regard to certain methods employed in current psychoanalytic practice and certain psychological theories of the pansexual school of Freudian psychoanalysis. There is also the legitimate warning that the conclusions drawn from research in these fields must not contradict reason or faith or the principles of ethics. In the same Allocution Pius XII warned Catholics against rejecting the established findings of psychic research just because they are new or because the terminology is different from that to which we are accustomed.

In his final observations the author stresses the good that can result if the priest and the psychologist clearly realize the boundaries of their respective professions and at the same time have a knowledge of and respect for the principles, purposes and methods of each other. With this knowledge the priest when forced to judge might at times at least doubt of the seriousness of the subjective guilt of his penitent and, when

⁶ ACTA APOSTOLICAE SEDIS, 50 (1958), 272.

necessary, will be able to seek the help of those who are skilled in discovering and remedying irrational psychic states which are beyond the remedial power of the grace the priest can dispense. This the priest can do without in the least yielding to the weakness of human nature or granting license to yield to the temptations that result from the psychic stresses of life on the conscious or the unconscious level. All the psychoanalysis in the world is not going to change the fundamental truth that it is of the very nature of life on earth to be a struggle, and it is normal for man to face conflicts that put his virtue to the test.

MEDICAL ETHICS: PROLONGING LIFE

The much publicized success of cardiac massage in certain cases brings up the question of the obligation to use it. If it is an extraordinary means of preserving life the patient may use it but *per se* he has no obligation to do so. Consequently the physician, who will often have to make the decision, must choose as best he can in the light of what the patient himself would most likely want if he were able to express a rational choice. And in at least the large majority of cases the moralists would doubtless agree in classifying as extraordinary, in the theological sense of the term, this attempt to prolong human life.⁷

To guide him in making a rational choice the patient would have to know the medical prognosis for such a procedure. Supposing a 3-5 minute interval after the cessation of heart-beat the medical prognosis can be extremely poor and there would no longer be verified the element of "reasonable hope of substantial benefit to the patient" which is demanded by the moralist in the theological definition of ordinary means of preserving life.⁸ After such an interval of 3-5 minutes resuscitation could leave the patient permanently disoriented, comatose, even decerebrated, and with a relatively short life expectancy. No physician would want to restore a patient to life in such

⁷ John J. Lynch, S.J., "Doctors Ask These Questions", *THE LINACRE QUARTERLY* 27 (February, 1960), 22.

⁸ *Ibid.*

circumstances. He could reasonably conclude that his patient who knew the medical facts would not desire such cardiac massage after the 3-5 minutes interval had elapsed. If the relatives were to request such massage after apparent death the physician should advise against it after such an interval has elapsed.

This decision not to prolong human life under these circumstances is in no way opposed to the Catholic teaching on the sacredness of human life. Such a decision is in perfect accord with the Allocution of Pius XII of November 24, 1957 on artificial respiration of the incurable. This needs to be stressed today because of the occasional failure to distinguish between euthanasia and the discontinuance of what is clearly an extraordinary means of preserving life especially when there is no solid hope of success or utility.⁹ Euthanasia is a pagan practice which fails to see any possible purpose in the sufferings of life, and has no respect for the dominion of the Creator; it would allow a person suffering from a hopeless ailment to be put to death by some direct means. However, Christian theory does not go to the other extreme of holding earthly life to be an end in itself, something to be preserved under all circumstances even when death would be a relief and the patient would hardly be capable of further human acts. It demands that ordinary means be used to preserve life and forbids that any direct action be taken to end life. But extraordinary means may be discontinued when the point is reached where further efforts become futile gestures, when no purpose can be served by, e.g., keeping a person alive for a few more hours or even days in a comatose state, or when the additional great expense or hardship or suffering bring no commensurate good, but only "to emerge from a coma into a painful, hopeless existence, which will eventually be climaxed by a fatal hemorrhage, or by a coma and death".

Still, when all is said and done, the patient may choose to use extraordinary means or the family may so decide for an

⁹ For a series of articles and editorials on this point of "quantity and quality in life", and the prolongation of life in the incurably ill and the dying, see "Current Literature", *THE LINACRE QUARTERLY* 27 (November, 1960). 166-69.

incapacitated member and such a decision must prevail. There are "proportionate limits to the duty of doing good". There is no strict obligation to go to inordinate lengths to do good, but a person may choose to go further and it would usually be difficult, if not impossible, to say that there was a moral fault in so doing.

ECTOPIC PREGNANCIES

A far cry from the current efforts to prevent conceptions and births was the good news from Jamaica concerning the safe delivery of four ectopic babies.¹⁰ A report in the *BRITISH MEDICAL JOURNAL*, Oct. 15, 1960, relates the successful delivery of live babies following extra-uterine pregnancies. One of them died from prematurity but the other four were alive and well at the time of the report. Instead of the usual practice of operating as soon as diagnosis of abnormal pregnancy was made, the obstetricians delayed, in one case as much as five weeks, although the pregnancy was discovered in the 30th week. The exact technique used to bring the babies to viability and delivery is not described in the secondary source at hand but it will most certainly be available to well-informed obstetricians before long.

MODERN PRIZE FIGHTING

The thinning ranks of those who would try to defend modern prize fighting from the moral point of view will find little consolation in a recent article entitled "Death by Knockout" with the subtitle "The Shocking Story of Boxing's Tragic Victims".¹¹

In the past two years twelve men have met their death in the prize ring and countless others have been punched into insanity or groping stupor, we are told. It is claimed that no one can read the record of the maimed, the halt, the blind and the dead without asking: Is prize fighting sport or is it murder?

¹⁰ *SCIENCE NEWS LETTER* 78 (October, 1960), 278.

¹¹ James Stewart-Gordon, *READER'S DIGEST* (November, 1960), 70-74.

The opinion of the moralists in this matter is almost unanimous: prize fighting as we know it today can not be approved.¹² The Church has taken no official position in the matter but what worries the moralists is the intention to injure one's opponents, an intention found *per se* in prize-fighting and in no other sport. This is shown to be present at least implicitly when a boxer continues to jab at an injured and even bleeding eye. The damage to the brain that often results and even the possibility of death cannot be overlooked. The precautions needed to eliminate these objectionable features would so modify the fight as we know it that they would never meet with the approval of the *aficionado*.

Francis J. Connell, C.S.S.R., states in a recent work that "it is difficult to reconcile prize fighting, as we have it today, with Catholic principles of morality."¹³ Admitting that this doctrine will probably seem severe to many he still maintains that "it is difficult to see how any other interpretation of the fifth commandment can be given." This expresses very well the position of nearly all who have written on the question.

On the strictly medical side it is claimed that the medical aspects of prize fighting throw a heavy responsibility on the profession.¹⁴ It is argued that prize fighting causes material cerebral damage in many cases if it is fatal for a few "since death is a pretty rough measure of cerebral damage." It is even claimed that "the medical case against boxing is now so strong that doctors have a clear duty to fight for its total abolition." Mere control is rejected since the "main object is to put out of action the most important and vulnerable organ in the body." This is stronger language than the moralists have been using but it is in substantial agreement with their position.

¹² John J. Connery, S.J., "Notes on Moral Theology", THEOLOGICAL STUDIES 17 (December, 1956), 564-565. Father Connery gives references to and comments on various European opinions, nearly all unfavorable to prize fighting.

¹³ FATHER CONNELL ANSWERS MORAL QUESTIONS, (Washington, D.C.: Catholic Univ. of America Press, 1959), p. 60.

¹⁴ Editorial Comment: Boxing, LANCET (May, 1959), 1185-1186. Cf. the abstract in LINACRE QUARTERLY (November, 1960), 169-170.

SHOOT-TO-KILL ORDERS

From time to time in the war against outlaws and Huks the papers carry a challenging headline announcing that orders have been given to shoot so-and-so on sight and shoot to kill. This thrills some readers no doubt but makes others wonder about the morality of such orders. Dr. Andres T. Quiaoit points out the necessary moral and legal distinctions that must be made in judging the morality of such orders.¹⁵ The right of policemen or other law-enforcement officers to kill in self-defense is admitted, but outside of self-defense the killing of a felon, "to be justified, must be necessary, not merely reasonably necessary, and the law does not clothe an officer with authority to arbitrarily judge necessity of killing." The life of the felon may be taken only as a last resort and under circumstances indicating that the felon cannot be taken otherwise. "The officer is not justified in using unnecessary force or resorting to the use of firearms or other dangerous weapons where with diligence and caution the prisoner can be otherwise arrested and detained."

Going a step further, he argues that the subordinate carrying out an illicit shoot-to-kill order could be held civilly and criminally liable for his action when such orders were given without considering the circumstances of the case. The officer giving such orders would also be responsible legally and morally. The illiciteity of such orders would have to be palpable before a subordinate would be held responsible for executing them.

HYPNOTISM

The increased use of hypnotism as a recognized aid to medical and psychiatric practice and as an adjunct to other techniques has led to further studies about the medical and moral aspects of its use. One very satisfactory example of such studies is the medico-moral evaluation by Joseph T. Man-

¹⁵ "Shoot to Kill": Its Moral and Legal Aspects, *THE LAW REVIEW* (September-October, 1959), 125-133; University of Santo Tomas, Manila.

gan, S.J.¹⁶ Starting with a questionnaire sent to leading Catholic psychiatrists and to doctors who have been using hypnosis in their clinical practice Fr. Mangan has succeeded in giving us a complete picture.

The very nature of hypnosis has eluded analysis thus far, but as it is ordinarily understood we know that it does not transcend the natural powers of man. It is founded on relaxation, concentration, and suggestion. The hypnotized person can be made aware of certain areas of sensation while remaining insensitive to others, and the depth of the hypnotic state admits of many degrees. There is a difference of opinion among the doctors as to whether or not certain states should even be called hypnotic and there is also a great variety of techniques for inducing the hypnotic state.

In this do-it-yourself age we are not too surprised to find mention of self-hypnosis. It is not mere auto-suggestion. It is real hypnotism which supposes that the subject has been hypnotized first by another person who instills in him a post-hypnotic suggestion which enables the patient to hypnotize himself when he wishes by performing certain actions. But the harm that might result from self-hypnosis would almost preclude its licit use. One doctor goes so far as to say that "there is little in the whole field of psychodynamics with so great a potential for harm."

Despite its advantage when used as an anesthetic during surgery or as an adjunct to the use of drugs, there are definite dangers associated with the use of hypnotism, and Fr. Mangan does not minimize or exaggerate them. Neither do the doctors that he cites. The emotional stability of the patient is a very important, almost a crucial, factor in deciding the liceity or the use of hypnotism. This supposes a careful selection of patients after the preliminary screening, which often takes place naturally since it is estimated that only about 10% of carefully selected patients can be hypnotized sufficiently to allow major surgery without the aid of drugs. Adverse psycho-

¹⁶ "Hypnosis: A Medico-Moral Evaluation", *THE LINACRE QUARTERLY* 26 (May, 1959), 39-48.

logical reactions could be precipitated by hypnotizing an emotionally unstable person. This danger alone would almost be enough to condemn the use of hypnotism for the purpose of entertainment.

The Church has condemned the use of hypnotism for superstitious purposes but when there is medical indication for its use it is morally unobjectionable in itself provided it is used by a reasonably trained professional. A proportionate cause is demanded since we are not permitted to give up dominion over our faculties without a compensating reason. This sufficient reason would be the judgment of a responsible doctor that it is medically indicated. The consent of the patient is required and there must be no unjustifiable risk of harm for the patient. The usual obligation of professional secrecy would bind the hypnotist with regard to information acquired during the treatment.

In another article we learn that Dr. Sidney Epstein, a lecturer in Psychology at the University of California School of Dentistry, told the American Dental Association meeting in Los Angeles that it takes months or even years to learn who should or should not be hypnotized.¹⁷ He noted that students could easily learn to hypnotize but could not easily learn to judge their subjects since emotionally disturbed people do not go around carrying identity cards. For such sick people hypnosis may be like opening a Pandora's box and a real psychotic episode might be precipitated. Those who are tempted to use hypnotism for controlling such minor afflictions as nail-biting might release a patient from one set of behavior patterns only to involve him in a more serious set. Dr. Epstein stresses the disadvantages of using hypnosis in daily practice because of the small percentage of people who can achieve satisfactory sedation with hypnosis alone and because of the considerable amount of time needed to indoctrinate or train the patient for hypnosis.

Dr. Robert P. Odenwald writes in substantial agreement with the authors we have just cited but is firm in his conviction

¹⁷ SCIENCE NEWS LETTER 78 (October, 1960), 276.

tion that hypnotism can never make a person act "contrary to the moral or basic principle of his own personality."¹⁸ Dr. Odenwald speaks from 30 years of psychiatric practice in which he used hypnosis "and found it to be a valuable asset and a useful adjunct to psychotherapy." One of his warnings against the abuse of hypnotism by amateurs is the provocative statement that a certain type of patient may be cured by hypnosis and thereby lose his faith — the last thing he clings to as a motive for struggling against his deep-seated depression.

On this question of the power of the hypnotized person to resist commands that are against his moral convictions Dr. Odenwald's certainty is not shared by Fr. Mangan. The latter holds that it is still a disputed point, alleging the claim of some that they can induce a hypnotized person to act against his conscience depending on the depth of the hypnotic trance.

NUCLEAR WARFARE

The morality of nuclear warfare is a question that weighs heavily on the conscience of the free world. From the countless books and articles on the subject the following points may be chosen as representing doctrine agreed upon by Catholic writers. First, it is held that nuclear war is an extremely grave physical evil that must be avoided by all honorable and just means available, especially through United Nations action. Secondly, it is agreed that an aggressive nuclear war cannot be justified; there is no good to be obtained that would be in proportion to the evil. Likewise it is agreed that conventional weapons must be used rather than nuclear ones whenever they are adequate to achieve legitimate military goals just as effectively and safely. This would seem to rule out as irreconcilable with Catholic theology the extreme pacifist position that all killing in any war is immoral and sinful.¹⁹

When face to face with the choice between waging a defensive nuclear war or allowing the Communists to dominate

¹⁸ "Hypnosis", *THE PRIEST* (September, 1961), 777-82.

¹⁹ Joseph J. Farraher, S.J., "Notes on Moral Theology", *THEOLOGICAL STUDIES* 21 (December, 1960), 590-593.

the world there is not such unanimity of opinion among Catholics. Since it involves the weighing of two evils to see which is greater there is room for discussion in the abstract; but in the practical order the vast majority of authorities on moral theology agree with what seems to be the opinion of Pius XII and John XXIII, that Communist domination is definitely the greater evil.²⁰ Patrick Henry once summed up a somewhat analogous situation by saying "Give me liberty or give me death"; this was long before the world had heard of atomic warfare or of brainwashing and ideological warfare.

It is almost certain that the choice will never be between these two alternatives in all its savage sharpness. But to embrace pacifism is to rule out in advance the right to self-defence with nuclear weapons, when and if necessary, and to set the stage for international blackmail by the Communists who know there will be no retaliation. No matter what the motives of those of the free world who would defend this position, it would be taken as a proof of weakness and decadence by the Communist who are incapable of appreciating moral difficulties or qualms of conscience.

THE PROBLEM OF CONTRACEPTION

As anyone who reads a newspaper today knows, the Church is caught up in a world-wide struggle against the doctrine of contraception. Not every reader will understand why the Church is so adamant in taking so unpopular a position. They may not easily understand that the Church is defending the sanctity of marriage and an immutable doctrine based on the very nature of man and of marriage. The thoughtful person must perforce often ponder on the nature of this Church that is willing, while other churches slowly capitulate one by one in the face of the growing pressure, to hold resolutely and uncompromisingly to its doctrine that contraception is intrinsically evil. If popularity is sought, this is no doctrine to stress in modern times; if mere increase in numbers is sought, or prestige and wealth and power as the world measures them,

²⁰ *Ibid.*, p. 593.

this is the wrong policy to pursue. Expediency might even dictate a temporary compromise until the common enemy, Communism, is dispatched; but the Church will not hear of it. There could hardly be a more non-Machiavellian approach to a problem with so many emotional, economic and political overtones. It is truly the approach of a Church that is not afraid of being unpopular, even of being persecuted. It is a powerful argument that this Church is, like its Founder, in the world but not of the world.

As a caution against any unnecessary alienation of those who do not agree with the position of the Catholic Church in this matter of contraception, John J. Lynch, S.J., gives some practical and pertinent advice.²¹ Name-calling is as useless as it is harmful; non-Catholics can be in good faith in not understanding our position for the simple reason that revelation and faith are morally necessary for a complete and certain knowledge of the natural law, and today that applies especially to the teaching of the natural law in the matter of artificial contraception. Proselytizing is almost useless and the most that can be done is to try to establish clearly just what the Church teaches and to give her reasons showing that this is not a matter of positive mutable human law or solely of ecclesiastical law. We must also be realistic in assessing the demographic arguments and evaluating the true implications of the so-called "population explosion." But the answer is not to be found in despair or in a violation of nature but rather in responsible parenthood and responsible stewardship of the resources of the earth. There is no room for fatalism nor for complacency; neither is there need for despair nor pessimism. It is ultimately a problem that will call for the highest form of international cooperation if a solution is to be found that will be morally acceptable to all.

THE MORALITY OF USING A TES-TAPE

Pius XII once expressed the hope that medical science would one day perfect the rhythm theory to the point where it

²¹ "Notes on Moral Theology", *THEOLOGICAL STUDIES* 21 (June, 1960), 229.

could be practiced with total confidence by those who are justified in using it.²² One step in that direction has been taken in working out a new technique for determining the time for ovulation. An alteration in the chemistry of the cervical mucous takes place coincident with ovulation. This chemical change can be detected by studying the color response of a strip (Tes-Tape) which is applied to the cervical mucous by means of a modified plastic syringe-like instrument. This test is simple and inexpensive, and it is claimed that it is more reliable than the ordinary calendar calculation or the unaided use of the often misleading basal temperature charts. This claim of reliability has, however, been challenged.²³

Whatever its reliability may be — a judgment medical scientists must make — there is no moral problem in the use of the Tes-Tape method of determining ovulation and consequently the fertile period. For married women who seek pregnancy and wish to know their fertile period there is likewise no moral problem. The use of such a technique for determining ovulation is as legitimate as the practice of rhythm itself which has its own prerequisites for liceity.²⁴

PESSARIES: MEDICO-MORAL EVALUATION

A short note by Thomas J. O'Donnell, S.J., of the Georgetown University School of Medicine, gives a medico-moral evaluation of various types of intravaginal instruments.²⁵ His purpose is to distinguish the various types of pessaries, some of which have purposes other than contraceptive and which may or may not be occlusive. A representative medical dictionary lists thirteen kinds of pessaries, species and subspecies of the

²² Address to the Family Front on the ethical aspects of marriage and childbirth. *ACTA APOSTOLICAE SEDIS* 43 (1951), 855-860. For an English version of the Allocution see *CATHOLIC MIND* 50 (1952), 307-311.

²³ "Current Literature: Titles and Abstracts", *THE LINACRE QUARTERLY* 26 (November, 1959), 152-153.

²⁴ John J. Lynch, S.J., "Doctors Ask These Questions", *THE LINACRE QUARTERLY* 27 (February, 1960), 21-22

²⁵ "Intravaginal Instruments: A Medico-Moral Evaluation", *THEOLOGICAL STUDIES* 21 (September 1960), 460-64.

genus, and only one is specifically contraceptive. The list is not meant to be exhaustive.

Three general classes of pessaries are noted as currently used in American medicine: supportive pessaries, dilative pessaries, and contraceptive or occlusive pessaries. The purpose of supportive pessaries is to exert corrective support for the prolapsed or retroflexed uterus. Normally the type used does not interfere with coitus or is removed by the patient before the act and thus presents no moral problem. The dilative pessary is more likely to be used by women in the childbearing period. Its purpose is to maintain the artificially induced dilation of the neck of the uterus. It permits menstrual flow through the patency of the stem. While ordinarily not installed with contraceptive intent the artificial channel from the end of the vagina into the uterus may be expected to inhibit natural sperm migration. This, however, is not due to the occluding of the channel (a patent stem pessary in such a condition of the cervix provides a larger channel) but because "the presence of this foreign body is disruptive of the built-in natural anatomical aids to sperm migration." Sperm migration is possible and after the removal of the pessary it is even improved. The principle of double effect will readily solve the temporary inhibiting of the migration but it will not solve the more serious problem of abortion which will follow due to the uterine musculature contraction set up by the presence of the stem pessary. Therefore unless there is assurance that conception will not take place either coitus must be avoided when a stem pessary is being used or the pessary removed within twelve to twenty-four hours after coitus.

The moral issue with regard to contraceptive pessaries is clear: they are immoral since they are used to frustrate nature. Whether inserted by the woman herself or by a physician, whether used in conjunction with vaginal spermicidal jelly or cream, they have the same purpose: to block the passage of the sperm into the uterus.

PROBLEMS OF JUSTICE: REFUSAL TO JOIN A UNION OR A STRIKE

Should the priest refuse absolution to one who deliberately refrains from joining a union? In answering the question pro-

posed, A. Tillet states that the refusal of absolution could only be justified if there were a certain grave obligation, not only in general, but binding on this particular person.²⁶ Recalling the Papal doctrine that unions are today morally necessary and that the worker is encouraged to join them, Father Tillet concludes that in general, in the present state of society, the worker has an obligation from charity and social justice to at least join a union. He notes that the French Hierarchy in their *DIRECTOIRE PASTORALE EN MATIERE SOCIALE* stopped short of the word "obligation" and were content with a milder statement of approval for those who join unions.

When it comes to an individual worker joining a particular union the virtue of prudence must be invoked to weigh the factors involved: the need of the individual, the future effects, the repercussions on different groups and on the common good, etc. The union must be apt to obtain the good of the workingman and to contribute to the common good before the workingman has an obligation to join it. The worker may be bound to some form of united action but not necessarily through a union in a particular case. In practice it would be most rare, Father Tillet concludes, that an individual worker could be refused absolution because he would not join a union.

In the Philippines, looking at the overall picture, it would seem improper for the priest to refuse absolution for such a cause. Pastorally it would seem to be a very unsound approach to the problem.

Another question treated by the same writer involves the moral obligation of a civil servant in an important position when a strike is called.²⁷ The common good seems to preclude his absence from work or neglect of his responsibilities since it would involve danger to health or interfere with essential services, e.g., pure drinking water for a large city, yet he feels that he has an obligation of solidarity with his fellow workers in their just strike. The reconciliation of these conflicting rights and duties is not easy but the common good cannot be sacrificed

²⁶ *L'AMI DU CLERGE*, (June 23, 1960), 392.

²⁷ *Ibid.*, p. 394.

nor should the just complaints of the workers be ignored. Other means must be found to bring to the public attention when necessary the injustice being done to such public servants.

Teachers, here and elsewhere, policemen and firemen are sometimes in similar circumstances and their rights should not be sacrificed simply because a strike is against the common good. Taking away from them such a powerful weapon in the name of the common good can not justify society in allowing abuses to continue. In some countries teachers have resorted to strikes and closed down the schools as a last resort after exhausting all available means to get justice. Such strikes are normally shortlived since the resulting publicity is so great that their purpose is achieved very quickly.

FIGHTING USURY BY CREDIT COOPERATIVES

An article on NON-AGRICULTURAL CO-OPERATIVES in the Philippines gives solid proof of the progress that can be made in the struggle against usury.²⁸ Working under the Co-operative Administration Office, an agency of the government under the Department of Commerce and Industry, the non-agricultural co-operatives now have 342 operating credit unions scattered through 41 provinces. They are operated on a self-help basis; the interest on loans is low; and there is not a single centavo of government money loaned by the credit union. The credit unions had accumulated over 4 million pesos as of December 31, 1958, and had loaned over 31 million pesos in five years. The average rate of interest is 3.9% per annum versus the 20% a month rate commonly demanded. The author figures that the members of the credit unions were saved the princely sum of 73 million pesos in unjust interest.

THE ABSOLUTE SUM IN THEFT

In a matter that is always as interesting as it is difficult an eminent canonist and moralist, George Vromant, C.I.C.M., ventures to set the absolute sum in matters of theft in the Philippines.²⁹ Taking into account the present economic realities

²⁸ Angel P. Mandao, *SOCIAL ORDER DIGEST* (June-July, 1960), 19-23.

²⁹ "The Many Faces of Sin", *THE CROSS* (July, 1960), 3-32.

Father Vromant fixes the absolutely grave sum of ₱90-100 in the provinces where money has far less purchasing power than it had ten years ago. In the provinces where the purchasing power is almost the same he would set the absolutely grave sum at ₱30-40. Writing in 1948 he had set the absolutely grave sum at about ₱50 in the first category of provinces and about ₱25 in the second category.³⁰ The increase seems to be in harmony with the increased cost of living, the rise in salaries and the rise in standard of living during the past decade especially with its unprecedented advances in industrialization.

THE EUCHARISTIC FAST: SOME QUESTIONS

A proof of the simplicity and clarity of the present eucharistic fast legislation as contained in *Sacram Communionem*, 1957, is the relatively few problems that have arisen in connection with its interpretation. This verifies the original claim of Cardinal Ottaviani that it was "so simple as not to require comment or exegesis". However, being only human legislation, it was inevitable that a few questions would still remain. John E. Coogan, S.J. does a good job in solving these few remaining problems.³¹

To determine what is non-alcoholic liquid and what is solid he accepts the rule given by Fr. John Ford, S.J. (*THE NEW EUCHARISTIC LEGISLATION*, p. 76): "If it can be poured and if one drinks it, it will come under this heading, even though it is a rather heavy liquid or a very nourishing one, e.g., eggnog, chocolate malted milk, milk-shakes, soups, liquids in which solids have been dissolved, for example, bread crumbs".

Should it be in liquid form before it enters the mouth or does it suffice that it be liquid when swallowed? There is a dispute on this point but there is good authority for the liberal opinion which would thus permit the taking of ice-cream and lozenges. Father Coogan cites Regatillo who classifies chewing gum as something that does not break the fast since the

³⁰ *THE COMMANDMENTS* (Catholic Trade School: Manila, 1948). 217.

³¹ "The Eucharistic Fast: Some Notes", *THE PRIEST* (August 1960), 703-706.

small amount of sugar and flavoring it contains goes down *per modum salivae* but for the harried confessor who prefers the stricter view he gives an umpire-like response: "Not guilty! But don't do it again!" Father Farraher comes out clearly for the liceity of taking ordinary gum (as distinguished from candy-coated gum) holding Regatillo's opinion to be solidly probable intrinsically.³²

As a criterion for judging who is infirm Fr. Ford's norm is approved: "Is he under a doctor's care? Does the state of his health interfere to some extent with his daily duties? Does he have some recognized disease or ailment? Does he need to take medicine? Is he a neurotic sufferer of one kind or another? (*op. cit.*, p. 74) Age alone may qualify one as infirm and an argument is given why the sixtieth year in itself might be accepted.

Infirmity itself is sufficient without any additional inconvenience being required, and the non-alcoholic beverages allowed infirm persons include even liquid food, with no time limit. The medicine allowed them includes true and proper medicine in liquid or solid form with a criterion for *true* medicine being found in the old law (1953) i.e., that (1) it be prescribed by a physician or (2) be commonly accepted as medicine.

In the aforementioned interpretations Fr. Coogan would readily find support among the approved moralists. But his liberal views on the two remaining questions might not be so easily accepted. Could solid *food* ever be considered as a medicine if prescribed by a doctor for a particular illness (e.g., liver for pernicious anemia, salted milk tablets or other concentrated food tablets)? Would liquor ever qualify as a medicine if prescribed by a reputable physician as a treatment for a specific disease or ailment? Although, as he notes, he is deep in the realms of controversy on these two points, he seems to be on sufficiently solid ground and it would seem that his liberal views might prevail as being consonant with the spirit of the new legislation.

³² Joseph J. Farraher, S.J., *op. cit.*, p. 617.

MASS WITHOUT A SERVER

A new approach to an old problem, the liceity of Mass without a server, has been well worked out by John J. Reed, S.J.³³ In recent years there has been much discussion of this problem centering around the interpretation of an Instruction of the Sacred Congregation of the Sacraments given in 1949. The Instruction enumerated four circumstances which would justify Mass without a server. Since then the authors have differed as to whether or not the excusing causes enumerated are meant to exclude all others as justifying Mass without a server. The controversy ultimately arrives at the most difficult case of all—the priest celebrating Mass alone solely out of devotion to his daily Mass.

Other writers have argued to what is now admitted to be a solidly probable opinion permitting the priest to proceed alone under such circumstances after making a proportionate effort to obtain a server.³⁴ Their arguments are based on an analysis of the Instruction, comparing the various excusing causes enumerated with this desire of the priest to say Mass when no server is available. But Father Reed argues from the solid canonical position that custom, which is the best interpreter of the law, might show that the interpretation of edifying priests favors the liberal view when *per modum actus* they wish to celebrate solely from devotion to the Mass and no server is available. One of his arguments to prove that there is such a mentality is “the very persistence with which this question has been raised so long and so universally”, and this when the law is “utterly simple” with no obscurity in the text.

Father Reed's cogent arguments definitely strengthen the position of those who hold this view to be solidly probable. The list of approving voices has been growing slowly since 1949, but it is still a minority opinion.

GERALD HEALY, S.J.

³³ “The Mass Server and Canon 29”, *THEOLOGICAL STUDIES* 21 (June, 1960), 256-270.

³⁴ John J. Lynch, S.J., “Notes on Moral Theology”, *op. cit.*, p. 248.