

The Vademecum and Cooperation in Condomistic Intercourse

Joseph M. Arias with Rev. Basil Cole, OP

Abstract. Some difficulties arise when considering the 1930 encyclical letter of Pope Pius XI, *Casti connubii*, and the 1997 *Vademecum for Confessors* in light of the consistent teaching of the magisterium on the intrinsic evil of every contraceptive act. One difficulty is how to reconcile certain teachings of these two documents, which clearly allow for some sort of cooperation with a spouse who voluntarily renders the marital act infecund, with the absolute prohibition against formally acting in a contraceptive manner. The author provides a careful reading of the documents that takes into account related magisterial and curial decisions, and shows that the documents reveal a consistent teaching. The teaching permits a certain limited cooperation with a spouse who renders the marital act infecund in a so-called natural way (e.g., natural onanism, or withdrawal) but excludes active material cooperation in sexual acts with a spouse who employs a condom or its equivalent. This teaching has relevance to recent debates about the prophylactic use of condoms among spouses. *National Catholic Bioethics Quarterly* 11.2 (Summer 2011): 301–328.

In a letter to the editor in the Winter 2007 issue of this journal, Rev. Basil Cole, OP, noted some difficulties that may arise when considering certain Vatican documents in light of the consistent teaching of the magisterium on the intrinsic evil of every

Joseph M. Arias, STL, teaches theology at Christendom College in Front Royal, Virginia, and at the Christendom Graduate School in Alexandria, Virginia, where he serves as librarian. Rev. Basil Cole, OP, STD, teaches moral, spiritual, and dogmatic theology at the Dominican House of Studies and serves as prior of St. Gertrude Dominican Priory in Cincinnati, Ohio. Mr. Arias thanks Rev. Ezra Sullivan, OP, and Rev. John Baptist Ku, OP, for their thorough reviews of significant parts of this article.

contraceptive act.¹ In particular, Fr. Cole mentioned and quoted from the 1930 encyclical letter of Pope Pius XI, *Casti connubii*, and the 1997 *Vademecum for Confessors*, from the Pontifical Council for the Family.² One difficulty is how to reconcile certain teachings of these two documents, which clearly allow for some sort of cooperation with a spouse who voluntarily renders the marital act infecund, with the absolute prohibition against formally acting in a contraceptive manner, which is intrinsically evil.

On a careful reading that takes into account related magisterial and curial decisions, these two documents do reveal a consistent teaching. The teaching permits a certain limited cooperation with a spouse who renders the marital act infecund in a so-called natural way (e.g., “natural” onanism, or withdrawal). However, the consistent reading of magisterial and curial documents, including *Casti connubii* and most especially the *Vademecum for Confessors*, will exclude active material cooperation in sexual acts with a spouse who employs an artifice such as a condom, or what would be equivalent to a condom.

The goal of this article is primarily to set forth a consistent reading of these two documents in relation to the issue of cooperation. It is possible that the way one reads these documents influences one’s evaluation of current debates regarding the employment of certain artifices in sexual acts between spouses to prevent the spread of disease. It is also hoped that by treating explicitly some decisions of the Sacred Penitentiary and the Holy Office, some of which the *Vademecum* makes directly relevant by referencing, it will be easier to discern the mind of the Church on whether or to what extent certain *kinds* of contraceptive practices make a moral difference.³

***Casti connubii* n. 59**

Pius XI is often noted for the following teaching:

Holy Church knows well that not infrequently one of the parties is sinned against rather than sinning, when for a grave cause he or she reluctantly allows the perversion of the right order. In such a case, there is no sin, provided that, mindful of the law of charity, he or she does not neglect to seek to dissuade and to deter the partner from sin.⁴

¹Basil Cole, letter, *National Catholic Bioethics Quarterly* 7.4 (Winter 2007): 653–654.

²Pontifical Council for the Family, *Vademecum for Confessors concerning Some Aspects of the Morality of Conjugal Life* (February 12, 1997). Pius XI, *Casti connubii* (December 31, 1930).

³In answering the question “Is it morally permissible to have sex with a contraceptive spouse?” respected Catholic moralists Janet Smith and Christopher Kaczor write that “the Church does not specify whether the kind of contraceptive a spouse is using makes a difference” (89). This position, as will be seen, is not easily defensible. *Life Issues, Medical Choices: Questions and Answers for Catholics* (Cincinnati, OH: Servant Books, 2007).

⁴Pius XI, *Casti connubii*. This is the Vatican translation of “Optime etiam novit Sancta Ecclesia, non raro alterum ex coniugibus pati potius quam patrare peccatum, cum ob gravem omnino causam perversionem recti ordinis permittit, quam ipse non vult, eumque ideo sine culpa esse, modo etiam tunc caritatis legem meminerit et alterum a peccando arcere et removere ne negligat.” *AAS* 22.13 (1930): 561.

This passage has been interpreted by some theologians to teach or imply that if a husband approaches the other for intercourse using a condom, the wife may cooperate without sin on her part, provided she allows it only reluctantly and does not neglect, or has not neglected, to seek to dissuade and to deter the husband from this sin. It should be noted that, as there is no explicit reference in the passage to any use of artifice (such as a condom), the passage on its face does not warrant the reading which finds approval of cooperation in intercourse employing such contraceptive artifice.

It might be thought that the Pope was referring to a case involving an instrument such as a condom or its equivalent, since the oral contraceptive pill and its equivalents did not exist at the time the encyclical was written. There is another option, however, which allows for an alternative reading. It is much more probable that the Holy Father was writing about situations involving the perversion of the right order by one spouse practicing so-called natural contraception, or onanism.

Magisterial or Curial Judgments prior to *Casti connubii*

On April 23, 1822, the Sacred Penitentiary responded to an inquiry concerning the lawfulness of a wife's permitting compliance with her husband whom she knows from experience is disposed to commit natural onanism, if she would otherwise be exposed to cruelties or if he would go to prostitutes. The response was as follows:

Since in the proposed case the woman, on her part, performs no action against nature and is involved in something lawful, the whole deordination of the act however comes from the malice of the husband who withdraws instead of consummating and loses his seed outside the *vas*; thus if a woman, after due entreaties, achieves no effect, yet the man persists, with threats of blows or death or other serious cruelties, she may (as approved theologians teach) remain passive, since in such circumstances she is simply permitting the sin of her husband and for a grave cause which excuses her, since charity, by which she would be bound to impede the sin, does not oblige in so great inconvenience.⁵

A very similar judgment, verbatim for the most part, was given again by the Sacred Penitentiary on June 8, 1842.⁶ From these judgments it appears to be the position of

⁵Trans. Nicholas Halligan, in his *The Administration of the Sacraments* (New York: Alba House, 1964), 566–567. See Heinrich Denzinger, *Enchiridion symbolorum et definitionum*, ed. Adolf Schönmetzer (Freiburg: Herder, 1963), n. 2715 (Denz.-Schön): “Qu.: Potestne pia uxor permittere, ut maritus suus ad eam accedat, postquam experientia ipsi constiterit eum more nefando Onan se gerere . . . , praesertim si uxor denegando se exponat periculo saevitiarum aut timeat, ne maritus ad meretrices accedat? Resp.: Cum in proposito casu mulier e sua quidem parte nihil contra naturam agat detque operam rei licitae, tota autem actus inordinatio ex viri malitia procedat, qui loco consummandi retrahit se et extra vas effundit, ideo si mulier post debitas admonitiones nihil proficiat, vir autem instet, minando verbera aut mortem aut alias graves saevitias, poterit ipsa (ut probati theologi docent) citra peccatum passive se praeberere, cum in his rerum adiunctis ipsa viri sui peccatum simpliciter permittat idque ex gravi causa quae eam excuset; quoniam caritas, qua illud impedire teneretur, cum tanto incommodo non obligat.”

⁶Denz.-Schön. 2758–2760.

the Sacred Penitentiary that for certain serious causes a wife may engage in intercourse with her husband which is accomplished in a natural fashion (being “involved in something lawful”) up to the point of his committing onanism, at which point she remains passive (i.e., does nothing to positively aid him).

The wife is permitted to do this in principle because the act which she does up to that point is, or at least can be, in conformity with nature. The deordination of the act comes from the malice of the husband who withdraws instead of consummating and loses his seed. This implies that the actual withdrawal and wasting of seed by the husband is something in which the wife cannot actively concur; she is to remain passive. However, even this passivity is something that is resorted to and tolerated after due entreaties achieve no effect and the man has persisted with threats of blows or death or other serious cruelties. In the face of such evils, the wife is excused from the ordinary obligation arising from charity to impede the sin of her husband. But her disapproval is presupposed to have been made known previously.

Another very important decision from the nineteenth century came from the Holy Office on April 19, 1853.⁷ The Holy Office responded to two questions:

Question 1) Is the imperfect use of marriage, either onanistically or condomistically accomplished, as in the case, lawful?

Response: Negative; for it is intrinsically evil.

Question 2) Can a wife be knowingly passive in condomistic intercourse?

Response: Negative; for it would be an involvement in something intrinsically unlawful.⁸

In the response to the first question, it is acknowledged that engaging in intercourse onanistically in marriage is intrinsically evil and that engaging in intercourse condomistically is intrinsically evil. Because such imperfect uses of marriage are intrinsically evil, such uses are obviously unlawful. This first question and its response appear to treat these imperfect uses of marriage according to their objective morality, insofar as they are freely chosen kinds of behavior on the part of either spouse. This question and its response are not concerned with the case of the wife who is asked to cooperate in sexual congress with a cruel spouse given to natural onanism. Rather, it is determined that onanistically or condomistically accomplished intercourse, simply considered, is unlawful because it is objectively intrinsically evil.

⁷“The Holy Office” is the short name for the Sacred Congregation of the Roman and Universal Inquisition, established by Pope Paul III in the Constitution *Licet ab initio* of July 21, 1542. The task of judging matters touching on faith and morals for the whole Catholic world has since been the task of this Office. It was named the Sacred Congregation of the Holy Office by Pope St. Pius X in 1908 and, later, the Congregation for the Doctrine of the Faith by Pope Paul VI in the motu proprio *Integrae servandae* of December 7, 1965.

⁸Trans. Halligan, 566–567. See Denz.-Schön. 2795: “Qu.: 1) An usus imperfectus matrimonii, sive onanistice sive condomistice (seu adhibito nefario instrumento vulgo “condom”) fiat, prout in casu, sit licitus? 2) An uxor sciens in congressu condomistico possit passive se praebere? Resp. (decr. 6., publ. 19. Apr.): Ad 1) Negative; est enim intrinsece malus. Ad 2) Negative; daret enim operam rei intrinsece illicitae.”

The second question does consider the potential involvement of a wife in a particular kind of intercourse, namely, condomistic intercourse. It is determined that the wife cannot remain knowingly passive in condomistic intercourse, for this would be an involvement in something intrinsically unlawful. This decision is noticeably different from the previous decisions given by the Sacred Penitentiary. Those decisions explained with necessary qualifications why and under what conditions it was permissible for a wife to remain passive when her husband sins onanistically. However, the response to this second question posed to the Holy Office provides no qualifications, but states simply that a wife may not be knowingly passive in condomistic intercourse.

If condomistic intercourse were considered equivalent to intercourse that terminates onanistically, one would expect that the same qualifications, explanations, and conditions which permit passivity in the face of onanism would apply to condomistic intercourse as well. But from the reply of the Holy Office, there is no indication that condomistic intercourse is to be considered equivalent to intercourse that terminates onanistically. On the contrary, the simple exclusion of passivity on the part of the wife, without any sort of qualification, seems to indicate that in the judgment of the Holy Office (which was certainly aware of the previous judgments of the Sacred Penitentiary within the thirty or so years prior) there is an understood difference between intercourse accomplished onanistically and intercourse accomplished condomistically. This seems to be indicated especially in that the judgment of the Sacred Penitentiary spoke of the wife, on her part, as performing no action against nature and being “involved in something lawful” (*detque operam rei licitae*), the *whole deordination coming from him*; whereas the judgment of the Holy Office speaks of passivity in condomistic intercourse as, *on the part of the wife*, “an involvement in something intrinsically unlawful” (*daret operam rei intrinsece illicitae*).

Between an involvement in something lawful and an involvement in something intrinsically unlawful, there is a significant moral divide. Such a divide regarding the judgments at hand would seem to indicate that there is a significant moral difference between cooperation in onanistic intercourse and cooperation in condomistic intercourse.

There were at least two other very important decisions that issued from the Sacred Penitentiary prior to *Casti connubii*, which provide a consistent context for understanding that encyclical and the later *Vademecum for Confessors*. In 1916, the Sacred Penitentiary issued two sets of decisions relevant to the issues at hand. These decisions were issued within just two months of each other. The first was given on April 3, and is directly relevant for understanding the later *Vademecum*. The question posed to the Sacred Penitentiary and its responses are as follow:

Question: Whether a woman can lawfully cooperate with a husband who, that he may indulge in pleasure, wishes to commit the crime of Onan or of the Sodomites, and who threatens her under the pain of death or grave troubles, unless she complies?

Response: a) If in the use of marriage the husband wishes to commit the crime of Onan, namely, by losing his seed outside the *vas* after intercourse has begun, and likewise threatens his wife with death or grave troubles, unless she conform to his perverse wishes, according to the opinion of approved

theologians the wife may lawfully have intercourse with her husband in this case: to be sure, since on her part she addresses herself to a lawful thing and action, she is but permitting the sin of the husband for a serious cause which excuses her: since charity, by which she is bound to impede the sin, does not oblige in so great inconvenience.

b) But if the husband wishes to commit with her the crime of the Sodomites, since this sodomistic intercourse is an act contrary to nature on the part of each spouse so copulating, this in the judgment of all Doctors is gravely evil: hence for simply no cause, not even to avoid death, can a wife lawfully behave in this matter as her impure husband does.⁹

The question asked of the Sacred Penitentiary received two distinct responses, evidently based on an essential moral difference that can exist between cooperating in onanistic intercourse and cooperating in sodomistic intercourse.

That the wife can, if her husband has previously threatened her, engage in intercourse that terminates in onanism on his part is affirmed again in the same vein as the previous judgments from the Sacred Penitentiary referenced above. It is again recognized that the wife on her part addresses herself to a lawful thing and action (“*ex parte sua det operam rei et actioni licitae*”). She is but permitting the sin of her husband for a serious cause (“*peccatum autem mariti permittat ex gravi causa*”).

The case of sodomistic intercourse between husband and wife is completely different, however. In such a case the wife may never cooperate (provide positive assistance). For the wife cannot be said on her part to address herself to a lawful thing and action. On the contrary, sodomistic intercourse is “an act contrary to nature on the part of each spouse so copulating.” It is noted by all moralists that this is gravely evil, and it is not permissible for a wife to behave this way even to avoid death.

On the other hand, the judgment about engaging in intercourse that terminates in onanism on the part of the husband is recognized as representing the opinion of approved theologians. This was recognized by the Sacred Penitentiary in the April 23, 1822, decision as well. Evidently, this judgment regarding when and why a wife may engage in intercourse with her husband who sins by natural onanism

⁹Translation based on Halligan, 567. See Denz.-Schön. 3634: “*Resp. S. Paenitentiariae, 3. Apr. 1916. Qu.: Utrum mulier alicui actioni mariti, qui, ut voluptati indulgeat, crimen Onan aut Sodomitarum committere vult, illique sub mortis poena aut gravium molestiarum minatur, nisi obtemperet, cooperari licite possit? Resp.: a) Si maritus in usu coniugii committere vult crimen Onan, effundendo scilicet semen extra vas post inceptam copulam idemque minetur uxori aut mortem aut graves molestias, nisi perversae eius voluntati sese accommodet, uxor ex probatorum theologorum sententia licite potest hoc in casu sic cum marito suo coire, quippe cum ipsa ex parte sua det operam rei et actioni licitae, peccatum autem mariti permittat ex gravi causa, quae eam excusat, quoniam caritas, qua illud impedire teneretur, cum tanto incommodo non obligat. b) At si maritus committere cum ea velit Sodomitarum crimen, cum hic sodomiticus coitus actus sit contra naturam ex parte utriusque coniugis sic coeuntis isque doctorum omnium iudicio graviter malus, hinc nulla plane de causa ne mortis quidem vitandae licite potest uxor hac in re impudico suo marito morem gerere.*”

had been the approved teaching of theologians and of the Sacred Penitentiary for around a century prior to *Casti connubii* in 1930.

The other set of decisions from the Sacred Penitentiary, relevant to understanding *Casti connubii* and the *Vademecum for Confessors*, was given on June 3, 1916. The questions and responses from this date are as follows:

Question 1. Is a woman held to positive resistance in the case in which to practice onanism the husband wishes to use an instrument?

2. If the answer is negative, do reasons equally serious as for natural onanism (without an instrument) suffice to justify passive resistance on the part of the woman, or rather are very grave reasons entirely necessary?

3. So that this whole matter might be developed and taught in a safer manner, must a man using such instruments be truly compared to an oppressor: to whom then the woman must oppose that resistance which a virgin puts up to an attacker?

Response. Ad 1: Affirmative.

Ad 2: Provided for in the first reply.

Ad. 3: Affirmative.¹⁰

The two affirmative responses of this decision of the Sacred Penitentiary appear to develop and bring to their natural complement the other decisions of the Penitentiary and the Holy Office considered thus far.

The second response of the Holy Office on April 19, 1853, stated that, because of its intrinsic unlawfulness, a wife is not permitted to be knowingly passive in condomistic intercourse. The first of the present responses from the Sacred Penitentiary goes further in affirming explicitly that “positive resistance” is also morally required on the part of the wife whose husband wishes to commit onanism *using an instrument*, or what would effectually be condomistic intercourse. The other affirmative response demands, in order that the whole matter may be developed and taught more safely, that the husband who wishes to commit onanism using an instrument be truly compared to an oppressor, who must then be resisted by the wife with the opposition a virgin puts up to an attacker.

These two affirmative responses taken together mark a striking difference compared with the way a wife is permitted to act when her threatening husband wishes to commit natural onanism, which employs no instrument. For while it seems that a wife must manifest at some time some sort of resistance in the case of

¹⁰Trans. Halligan, 567. See Denz.-Schön. 3638–3640: “Resp. S. Paenitentiarum, 3. Iun. 1916. De usu matrimonii onanistico ope instrumenti. Qu.: 1. Utrum mulier casu, quo vir ad onanismum exercendum uti velit instrumento, ad positivam resistantiam teneatur? 2. Si negative, utrum sufficient ad resistantiam passivam ex parte mulieris cohonestandam rationes aequae graves ac pro onanismo naturali (sine instrumento) vel potius omnino necessariae sint rationes praegravissimae? 3. Utrum ut tutiore tramite tota haec materia evolvatur et edoceatur, vir talibus utens instrumentis, oppressori vere debeat aequiparari, cui proinde mulier eam resistantiam opponere debeat, quam virgo invasori? Resp.: Ad 1. Affirmative. –Ad 2. Provisum in primo. –Ad 3. Affirmative.”

a husband who desires to commit natural onanism (for her having intercourse with her threatening husband is permitted her, at least ordinarily, “after due entreaties”), there is no indication that she must behave in the manner of a virgin who resists an oppressor. Indeed it is very difficult to see how it would be possible to maintain that the wife who has intercourse with her threatening husband who will commit natural onanism “on her part . . . addresses herself to a lawful thing and action” if she were at the same time held to act as a virgin being oppressed by an attacker.

From all of the decisions of the Sacred Penitentiary and the Holy Office considered thus far, spanning a period of nearly one hundred years, one can find a consistent practical teaching regarding how one spouse, in particular a wife, can and cannot act with her husband who perverts sexual intercourse. The way the latter spouse perverts sexual intercourse is not a matter of indifference. Given the consistent teachings of the Holy Office and the Sacred Penitentiary up through the early twentieth century, with clear distinctions guarded between cooperating in natural onanism and cooperating in intercourse involving an instrument or condom, it seems highly improbable that in the quotation from *Casti connubii* n. 59, Pius XI was placing the two types of intercourse on the same moral level, or teaching that what justifies cooperating in intercourse with a spouse in the one case justifies cooperation in the other case.

As noted in the beginning, the Holy Father never mentions anything that necessitates reading his teaching as having condomistically accomplished intercourse in mind. Taking the preceding curial decisions as providing a practically normative context, which is how the moralists of the day treated them, one can justly conclude that there is at the very least a strong presumption that the Holy Father did not alter or relax anything relating to the distinctions and decisions of the Sacred Penitentiary and the Holy Office considered thus far. Indeed, the language of the text from *Casti connubii* quoted above is entirely intelligible when read in reference to cooperation in natural onanism, especially when compared with the decisions of the Sacred Penitentiary of April 23, 1822, and June 3, 1916.

Interpretation of Theologians after *Casti connubii*

Before examining directly the teaching of the *Vademecum for Confessors*, it is necessary to consider the thoughts of some Catholic authors writing in closer proximity to the promulgation of *Casti connubii* in December 1930. Some very informative exchanges, directly relevant to the understanding and interpretation of *Casti connubii*, can be found in the *American Ecclesiastical Review*, in the time period immediately following the publication of the encyclical.

It has been argued so far that, due to the context provided from decisions from the Sacred Penitentiary and the Holy Office for over a hundred years prior to the promulgation of *Casti connubii*, and to the wording of the same encyclical, there is at least a strong presumption that Pius XI did not alter or relax the teachings and distinctions contained within the decisions of those congregations in relation to intercourse with a spouse who perverts its right order. Hence, it has been maintained that there is no reason to believe that the Holy Father was teaching or implying that cooperating with a spouse who commits natural onanism and cooperating in con-

domestic intercourse are morally equivalent or permissible under equal conditions. Within just a few months of the release of *Casti connubii*, however, one writer would suggest a doubt to this latter position. As this writer appears to have been a rather lone voice in suggesting such a doubt, it will be helpful to follow in some detail the exchanges which resulted from his opinion.

The American Ecclesiastical Review Exchange

In the March 1931 issue of the *American Ecclesiastical Review*, Rev. John A. Ryan of the Catholic University of America wrote a commentary on the moral teaching of *Casti connubii*.¹¹ Considering the teaching of Pius XI in n. 59, quoted above, Ryan writes,

According to several decisions of the [Sacred Penitentiary], a wife who would suffer grave inconvenience through refusal is permitted to consent reluctantly to what is known as onanistic intercourse. The statement in the Encyclical on this subject seems to be much more liberal, inasmuch as it does not restrict the permission to the wife alone nor to this particular method. The words used by the Holy Father to describe the sinful practice are “perversion of the right order”. Heretofore, the doctrine of the moral theologians has denied the lawfulness of “reluctant consent” in cases involving the use of chemical or mechanical instruments. A response of the Congregation of the Poenitentiaria, dated 6 June 1916, specifically declares that in the latter cases, the wife may not consent even under duress, but is obliged to offer the same resistance that a virgin would offer to rape. If the statement in the Encyclical is intended to abolish the distinction between the two general kinds of perverted intercourse, and to permit either husband or wife to consent reluctantly as an alternative to grave inconvenience, it obviously makes things much easier for right-minded husbands or wives who unfortunately have wrong-minded partners. If the Pope’s words are to be taken in their full comprehension without qualification, they will be a source of great relief to many conscientious husbands, for example, those married to non-Catholics.¹²

Ryan, knowing the doctrine of moral theologians and decisions from the Sacred Penitentiary, finds in the statement of Pius XI (since it makes no mention or restriction regarding particular methods) possible room for more liberty in the matters considered thus far. It is important to note that even for Ryan this more liberal reading of the statement from Pius XI is only hypothetical. This is manifest in the two entirely conditional sentences which end Ryan’s quotation. That Ryan is not certain about the (hypothetical) liberal reading of *Casti connubii* is practically important. Ryan himself will draw out how this is practically important when he responds to other writers who disagreed with the possible liberal reading he suggested.

The first writer to disagree explicitly with Ryan’s possible liberal reading was Rev. James H. Kearney, SJ. Kearney published his response under the title “Sinned Against Rather Than Sinning,” in the May 1931 issue of the *American Ecclesiastical*

¹¹ *American Ecclesiastical Review* 84 (January–June 1931): 264–271.

¹² *Ibid.*, 266–267.

Review.¹³ Among other things, Kearney addressed the distinction between formal and material cooperation. Kearney noted that Pius XI clearly indicates that he is concerned with material cooperation in the evil action of another. For, in the words of the Holy Father, it can be said of the one who is sinned against, “perversionem recti ordinis permittit quam ispe non vult.”¹⁴ Kearney writes,

Of such a one the Holy Father states a commonplace of moralists: such a person is sinless when there is a proportionately grave reason (“ratio omnino gravis”) for not opposing the evil action of another (“perversionem recti ordinis”), provided that even then there is no scandal given and the duty of fraternal correction is sufficiently exercised.

There is no new doctrine here. As in all cases of material cooperation where there is perversion of the right order, so here, where the conjugal act is perverted, there is no sin committed by one whose will has no share in the malice of the other’s, yet who, while sufficiently satisfying the dictates of charity, has a proportionately grave reason for not impeding the other’s criminal act.¹⁵

After also discussing the teaching of the Holy Father according to the words of *Casti connubii*, Kearney goes on to say,

And I submit there is no reason whatever in the Encyclical to suspect that he is teaching a more liberal doctrine than the theologians have been teaching. In fact he merely restates here the universal principle of sinless material cooperation, which all of the moralists use as a norm for the proper settlement of different concrete cases. They ask: Is there ever a reason “omnino gravis” which would justify a woman in tolerating the use of the condom? And they answer: No. Is there ever a reason “omnino gravis” which would justify a man in tolerating the use of the pessary? And they answer: No. Is there ever a reason “omnino gravis” for a woman merely to tolerate the act of withdrawal of her husband? And they answer: Yes. These are questions which the moralists have faced, and to which they give a fairly unanimous answer. Between their views and the utterances of the Holy Father, there is no conflict.¹⁶

Here, while providing a brief summary of the “fairly unanimous” teachings of theologians around the time of *Casti connubii* on the possibility of material cooperation with a spouse who sins through one means or another, Kearney notes the complete congruity of the teaching and wording of the encyclical with such a “fairly unanimous” understanding. Consequently, there appears no reason whatsoever to suspect that the Holy Father was teaching or suggesting a more liberal doctrine than that rather commonly taught by previous theologians.

¹³Ibid., 503–508.

¹⁴“He permits the perversion of the right order which he himself does not will.” Evidently, Kearney quotes the original Latin because he believes it shows more clearly than the widely used English translation of the *Casti connubii* quoted above (which has simply “he or she reluctantly allows the perversion of the right order”) that the innocent spouse in no way consents to the sin of the other.

¹⁵Ibid., 507–508.

¹⁶Ibid., 508.

In the next issue of the *American Ecclesiastical Review* in June 1931, Ryan replied to Kearney concerning the interpretation of the passage from *Casti connubii*. Ryan writes,

Father Kearney properly contends that there is a presumption against the . . . more liberal interpretation, inasmuch as moral theologians have generally taught the more restricted doctrine. Like all other presumptions, this one can be offset only by positive facts. The only positive fact running against the presumption is the language of the Encyclical itself (quoted on page 507 of the May issue of the *Review*). So far as words go, the Pope's declaration is general, not limited as are the statements of the moral theologians. Whilst I am inclined to agree with Father Kearney that the Papal language is not sufficient to overthrow the presumption, I still think that the matter is in doubt.¹⁷

Ryan concedes that, because of the general teaching of moral theologians, there is a presumption against the more liberal interpretation of the encyclical. Nevertheless, Ryan still thinks the matter is in doubt because of the general language of the encyclical itself.

At this point it seems that the position of Ryan is subject to a certain criticism. For it seems that his position might be stated by saying that the general language of the Pope in *Casti connubii*, when taken in isolation—that is, not taking into account the context of the general teaching of theologians (not to mention decisions of Roman Congregations)—does not of itself, verbally and grammatically, rule out a more liberal teaching than theologians and Roman Congregations allow. Such a reading, however, does not seem very helpful. For it is hard to see how such a merely hypothetical reading has any practical bearing for moral theology or for pastoral guidance. In fact, Ryan himself seems to acknowledge the insufficiency of the doubt he thinks he finds in *Casti connubii* for advancing any practical change in pastoral guidance. This can be seen in the next set of exchanges from the *American Ecclesiastical Review*.

The July 1931 issue of the *Review* brought another response disagreeing with Ryan's contention from another Jesuit author, Rev. Philip H. Burkett. Among other things, Burkett noted that an important theologian and canonist, Rev. Arthur Vermeersch, SJ, then professor of canon law at the Gregorian University, disagreed with Ryan.¹⁸ Burkett then asked an important question: "Is it at all probable that the Holy Father totally disregarded, in his Encyclical, the previous condemnations of the Roman Congregation, in a matter so highly important, one thoroughly examined, and one in which no new viewpoint has developed in the meantime?"¹⁹

¹⁷Ibid., 620.

¹⁸*American Ecclesiastical Review* 85 (July 1931): 71–72. Burkett quoted a writing of Vermeersch in the *Periodica*, February 1931, 56: "Verum hic legenti confusio quaedam vitanda est, quasi ipsa permissio (sc. ordinis recti perversionis) semper licita sit. Ex ipsis documentis Pontificiis, quae Pontifex nec repetere debebat neque abrogare intendit, materialis illa cooperatio tunc solum licita fit cum bene inchoatus actus sola alterius culpa non perficitur; sed eadem graviter culpanda foret si actio ab initio artificiose vitiata esset."

¹⁹Ibid., 72.

In response to this question, Ryan clarified:

The question asked in the last paragraph of Father Burkett's communication I answer negatively, as I have already done in the June issue of the *Review*. Nevertheless I contend that the text of the Encyclical leaves the matter in doubt, even though the doubt is not sufficiently weighty to justify a confessor in departing from the hitherto observed discipline.²⁰

A final exchange took place regarding the possible liberal reading suggested by Ryan. In the October 1931 issue of the *Review*, Kearney, the first respondent to Ryan, issued a further response to Ryan's remarks. Referring to statements of Ryan's found in the June issue, Kearney writes,

In support of his contention Dr. Ryan argues as follows: "As far as words go, the Pope's declaration is general, not limited as are the statements of the moral theologians." "The phrase [i.e. *perversionem recti ordinis*] is broad enough to cover contraception by mechanical means as well as onanistic action." "The only positive fact running against the presumption [i.e. in favor of the stricter interpretation] is the language of the Encyclical itself."²¹

Kearney responded,

Now, I contend that it is altogether incredible that in this passage the Holy Father has any intention of introducing the liberal doctrine proposed by Dr. Ryan. . . . I think I may assume as certain that when the Holy Father wrote the passage under discussion he did not mentally prescind from all that went before, or from the expressed purpose of his writing, or from the clear background of Catholic moral opinion.²²

Here Kearney states more directly what Burkett, quoted above, put in the form of a rhetorical question. The general language of the Holy Father in the passage under consideration is only understandable in the liberal way suggested by Ryan if taken in a completely theoretical way, abstracting from the decisions of the Curia up to that point and from the clear background of Catholic moral opinion.

Finally, in light of the above discussions, Ryan responded one more time. Among other things, Ryan concluded from the correspondences that

while the language of the Encyclical concerning the lawfulness of "reluctant consent" by the wife makes no distinction between the two kinds of perverted intercourse, the teaching of the moral theologians and the decisions of the Roman Congregations constitute such a strong presumption against the "milder interpretation" that a confessor is not justified in departing from the traditional discipline.²³

From this admission of Ryan's and from all the points raised by his correspondents, some important matters can be summarized. All agreed that even though the language of the encyclical is more general than that of the theologians and the Roman Congregations on the issue under consideration, because of the teaching of approved

²⁰ *Ibid.*

²¹ *American Ecclesiastical Review* 85 (October 1931): 396.

²² *Ibid.*

²³ *Ibid.*, 406.

theologians and Congregations there is at least a very strong presumption against interpreting the language of the encyclical in a “milder” way than what the common teaching up to that point would allow. Just because the language of the encyclical is more general, that does not mean that it should be taken in a contrary or more liberal way than the more common teaching of theologians and of the Roman Congregations. It is unreasonable to think that because the Pope did not explicitly state the same doctrine found in decisions of the Roman Congregations and the approved teaching of theologians, he therefore allows for any departure from that doctrine.

One has to take into account the limited scope of the encyclical. It is most probable that the Pope saw no need to explicate in detail the same doctrine approved by the Roman Congregations. The approved doctrine was well established and could be taken for granted; it was not in doubt precisely because the decisions of the Congregations had practically settled it. Regarding interpretation, as a rule, one ought to presume a consistency between the teaching of the Pope and that of the Congregations that aid him in the exercise of his ministry. If a general, less detailed, less specific, or otherwise ambiguous statement of the magisterium can be understood in more than one way, but one way contradicts prior, consistently approved, common theological teaching and one way is in complete harmony with such teaching, the latter alone would provide a reasonable interpretation. To take the former interpretation would seem to be analogous to what, in a later context, Pope Benedict XVI would refer to as a “hermeneutic of discontinuity and rupture.”²⁴ Positively stated, one might say that prior, more detailed, more specific, and less ambiguous teaching can provide an interpretative key for understanding more general statements of teaching on the same topic.

Consistent Theological Teaching through the Second Vatican Council

In many writings of faithful Catholic theologians in the decades following *Casti connubii*, one finds the same consistent teaching regarding the distinction between intercourse terminating onanistically and intercourse employing an instrument from the outset, and the moral difference between cooperation in the two cases. For example, in a study in the *American Ecclesiastical Review* in July 1942, Rev. Francis J. Connell, CSSR, after citing explicitly the passage from *Casti connubii* principally considered thus far, writes,

In applying this principle to practice we must distinguish two modes of contraception: first, that which consists in the withdrawal of the husband before semination, with the consequent spilling of the semen (the natural mode, as it is called); second, that which is effected with the aid of an instrument (the artificial mode). ... In the passage just quoted from the Encyclical on marriage, the Pope does not indeed distinguish between the two modes when he asserts that one of the two parties may be guiltless when the act of contraception is performed. However, it would be entirely unjustifiable to conclude from this that no distinction is necessary, and that the same reasons that justify a wife in submitting to her husband when he employs the natural mode will suffice

²⁴Benedict XVI, Address to the Roman Curia (December 22, 2005).

to allow her to submit when he uses a condom. The Pope was merely stating a general principle; there was no necessity for him to enlarge on particular points that can be found in all theological manuals or to emphasize a distinction that is acknowledged as vitally important, not only by theologians but also by the Sacred Penitentiary (cf. Iorio, *Theologia moralis*, n. 1350—Denzinger, *Enchiridion*, n. 2239, nota).²⁵

In this passage, written almost twelve years after *Casti connubii*, Connell confirms the common teaching, maintaining important moral differences between the different modes of contraception and cooperation in relation to those modes, as well as the consistent hermeneutic applied to the encyclical argued thus far.

In 1946, sixteen years after *Casti connubii*, the Dominican moralist Rev. Dominic Prümmer continued to teach that a certain material cooperation in onanism is licit, given a proportionate cause. Prümmer taught that this is the true and common opinion confirmed by the response of the Sacred Penitentiary of April 3, 1916.²⁶ For such cooperation to be without fault on the part of the cooperator, not only was a grave cause needed, but also the innocent spouse, herself, must be passive (at least in the act of withdrawal), seek to persuade against the evil, and take no interior complacency in the sin itself.²⁷ However, when a spouse employs an instrument to prevent conception, Prümmer teaches that such intercourse is evil from its beginning, and that passive resistance does not suffice on the part of the innocent spouse. Prümmer then references and quotes from the response of the Sacred Penitentiary of June 3, 1916.²⁸

The fifteenth edition of the *Theologia moralis* of the Redemptorist fathers J. Aertnys and C. A. Damen, published in 1947, expounds the same common doctrine of the Roman Congregations in response to whether it is licit for a wife to render the conjugal debt to her husband whom she knows is given to the practice of natural onanism.²⁹ In explaining this teaching, the authors reference explicitly decisions of the Sacred Penitentiary from, among other dates, April 23, 1822, June 8, 1842, and April 3, 1916. In the same connection they also mention *Casti connubii*, referring to the same page under consideration above. The authors supply the same reasons for the lawfulness of the intercourse on the part of the admonishing wife who consents to such intercourse for a grave reason; she participates in a lawful thing, the whole deordination comes from the malice of the husband.

The authors also address directly whether a wife may render the marriage debt when her husband will commit onanism using an “instrument.” To this they reply in the negative: “Because then the copulation *on the part of the act itself* is already *from the beginning* intrinsically evil” (quia tunc copula a parte ipsius actus iam ab

²⁵ *American Ecclesiastical Review* 107 (July 1942): 56.

²⁶ Dominic Prümmer, *Manuale theologiae moralis*, vol. 3, *Secundum principia S. Thomas Aquinas, in usum scholarum*, 10th ed. (Barcelona: Herder, 1946), 511.

²⁷ *Ibid.*, 512.

²⁸ *Ibid.*, 511–512.

²⁹ J. Aertnys and C. A. Damen, *Theologia moralis*, vol. 2 (Turin, Italy: Marietti, 1947), 647–648.

initio est intrinsece mala); the use of the instrument *from itself* (ex se) is ordained to the frustration of copulation and this copulation “cannot be of itself apt for the generation of offspring” (non sit de se apta ad prolis generationem). Accordingly, the wife may not participate; rather, she is held to resist as a virgin would her violation. The authors end their response by noting that it accords with the common judgment of theologians and the teaching of St. Alphonsus Liguori.³⁰ Last, they reference the response of the Sacred Penitentiary of June 3, 1916.³¹ Clearly, these authors find a great harmony among the doctrines of *Casti connubii*, the decisions of the Sacred Penitentiary, and the common teaching of theologians.

The Jesuit fathers Eduardus Genicot and Ioseph Salsmans, in their 1952 edition of *Institutiones theologiae moralis*, also use *Casti connubii* together with decisions from the Roman Curia.³² These authors reference *Casti connubii*, along with Liguori, when treating of when a wife might request the marriage debt from a husband given to natural onanism (which they believe possible in the presence of a “most grave cause”). On the other hand, when the husband will employ an *involucrum*, or instrument, the wife may neither render nor request (“nec reddere, nec petere”) the marriage debt, “because then from the beginning the physical act is twisted from its natural end and, hence, it is illicit.” At this very point the authors reference the decree of the Holy Office of April 19, 1853, and the decision of the Sacred Penitentiary of June 3, 1916.

In the 1955 edition of their *De castitate et luxuria*, the Dominican theologians Benedictus Merkelbach and Georgius Dantine provide a detailed treatment on these important issues with numerous references to teachings of the magisterium and the Roman Congregations.³³ These authors first address the morality of onanism in general, whether accomplished in the so-called natural way or in various ways which employ different instruments or chemicals that impede insemination or procreation. Practiced either naturally or artificially, the sin of onanism is mortal and intrinsically malicious. The authors recognize this last sentence as embodying the *doctrina Ecclesiae*. In support of this they reference a condemnation by Pope Innocent XI, repeated declarations of the Holy Office (including that of April 19, 1853) and the Sacred Penitentiary (referring to twelve decisions from November 15, 1816, to June 3, 1916), and the encyclical *Casti connubii*.

Regarding the problem of cooperation, the authors go on to teach that for a moderately grave cause (causam mediocriter gravem), the wife does not sin if she engages in intercourse with her husband who will commit onanism through withdrawal. The reason given is that the action is begun in a due manner such that of itself it may be apt for generation. It is terminated in an undue manner, but this comes entirely from the part of the husband. On the part of the wife, what is present is only a material and

³⁰ See Alphonsus Liguori, *Theologia moralis*, book 6, treatise 6, n. 943.

³¹ Aertnys and Damen, *Theologia moralis* 2, 647–648.

³² Eduardus Genicot and Ioseph Salsmans, *Institutiones theologiae moralis*, vol. 2, 17th ed. (Bruges: Desclee De Brouwer, 1952), 461.

³³ Benedictus Merkelbach and Georgius Dantine, *Quaestiones pastorales* 1: *De castitate et luxuria* (Brussels: La Pensée Catholique, 1955).

mediate cooperation, which is how, for a grave motive, she may stand before the sin of another. The authors believe this is what Pius XI says in *Casti connubii* when he writes “*pati potius quam patrare*.” It is understood that the wife does not consent to the acting against nature, but detests such action and is merely passive toward it.

These authors go on to analyze the case in which the husband will commit onanism using an instrument, or *involucrum*. In such a case they teach that the wife cannot render the marriage debt, because this would constitute *immediate* participation in an intrinsically evil action (“*quia est participatio immediata in actione intrinsece mala*”), for then there is not present copulation of itself apt for generation (“*tunc enim non adest copula de se apta generationi*”). Hence, admitting congress on the part of either spouse is, from the beginning, vitiated and intrinsically evil (“*ab initio est vitiatum et intrinsece malum*”), whence also cooperation which is merely passive is altogether illicit (“*unde cooperatio etiam mere passiva est omnino illicita*”). On that account, the wife is held to resist positively her husband (“*et ideo uxor tenetur pro viribus positive resistere*”), after the fashion of a woman oppressed by an attacker (“*ad instar mulieris oppressae*”). Among other things, the authors then reference again the decision of June 3, 1916, of the Sacred Penitentiary.³⁴

Other approved authors whose works were published in the years after *Casti connubii*, and some well into the years after the Second Vatican Council, who continue to teach in accord with, and display a use of, the decisions of the Roman Congregations include Arthur Vermeersch, SJ, Joseph Ubach, SJ, Henry Davis, SJ, H. Noldin, SJ, and A. Schmitt, SJ, Victor Heylen, Ludovicus Fanfani, OP, Thomas A. Iorio, SJ, Eduardo Zalba, SJ, Alphonso Van Kol, SJ, J. Mausbach, and G. Ermecke.³⁵

³⁴Ibid., 150–152.

³⁵Arthur Vermeersch, *Theologiae moralis*, vol. 4, *De castitate et vitiis oppositis cum parte morali de sponsalibus et matrimonio* (Rome: Pontificia Università Gregoriana, 1933), 70–71. In his treatment, Vermeersch references the April 3 and June 3 responses of the Sacred Penitentiary from 1916. Joseph Ubach, *Theologia moralis*, vol. 2 (Buenos Aires: Typis Sebastiani de Amorrortu, 1935), 598–603. Ubach references, among others, the responses of the Sacred Penitentiary of February 1, 1823, June 8, 1842, April 3, 1916, and June 3, 1916. Henry Davis, *Moral and Pastoral Theology*, vol. 4 (New York: Sheed and Ward, 1943), 260–265. Davis references *Casti connubii* and decisions of the Holy Office from 1851 and 1853 when speaking of the immorality of onanism in general. After expounding the common teaching concerning cooperation in onanism, distinguishing between natural and artificial methods, Davis references, among others, the decisions of the Sacred Penitentiary of February 1, 1823, June 8, 1823, and April 3, 1916. Davis also quotes directly from the decision of June 3, 1916 (which he mistakenly dates in April); H. Noldin and A. Schmitt, *De sexto praecepto et de usu matrimonii*, 31st ed. (Barcelona: Herder, 1945), 74–82. When considering the malice of onanism among consenting spouses, these authors reference the decision of the Holy Office of April 19, 1853, and *Casti connubii*. When considering cooperation in onanism, the authors distinguish two modes of onanism, the first when the act of copulation is begun in its natural manner with the disorder coming later, the second when copulation is disordered from its beginning (as when a condom is employed). Material cooperation in the first kind is said to be licit for a moderately grave cause. In proof of this the authors reference the decisions of the Holy Office of April 19, 1853, and the Sacred Penitentiary of June 3, 1916, and *Casti*

Rev. John McCarthy summarizes well the basic coherence and complementarity found by moralists between the doctrine of *Casti connubii* and that of the Roman Congregations. Responding to a question concerning “cooperation in onanism,” McCarthy writes,

In a little more than a hundred years many decisions *de usu et abusu matrimonii* have been given by the Holy See. It is necessary to recall some of them here. It has always been recognized, in the words of the Papal Encyclical on marriage, “that not infrequently one of the partners [in marriage] is sinned

connubii (AAS 22.13 [1930]: 561). Regarding the second mode, the authors reference and teach according to the June 3, 1916, decision of the Sacred Penitentiary. Victor Heylen, *Tractatus de matrimonio*, 9th ed. (Mechelen, Belgium: H. Dessain, 1945), 416–447. In teaching on the malice of onanism in general, this author references two decisions of the Holy Office (May 21, 1851: that the act is “prohibited by the natural law”; and April 19, 1853: that such an act is “intrinsically evil”), a lengthy quotation from *Casti connubii*, and a decision from the Fifth Provincial Council of Mechelen in Belgium. Regarding the cooperation of a wife in onanism, Heylen quotes directly the passage from *Casti connubii* considered in detail above (AAS 22.13 [1930]: 561: “Optime novit etiam Sancta Ecclesia . . .”). After this quotation, the author immediately distinguishes two kinds of onanism on the part of the husband: (1) “*Si vir involucrum adhibet*” and (2) “*Si vir in actu exercendo se retrahit*.” Regarding the first kind, the author quotes directly from the decision of the Holy Office of April 19, 1853, teaching the intrinsic unlawfulness of passive behavior on the part of the wife in condomistic intercourse. The author also quotes from a 1909 instruction from the bishops of Belgium and their Fourth Provincial Council of Mechelen to the same effect. Regarding the second kind of onanism, the author presents the common teaching of theologians at the time, quoting from a decree of the Fourth Provincial Council of Mechelen and quoting at length from decisions of the Sacred Penitentiary from April 23, 1822, November 16, 1816, April 3, 1916, and June 3, 1916. P. Ludovicus J. Fanfani, *Manuale theorico-practicum theologiae moralis ad mentem D. Thomae*, vol. 4 (Rome: Citta di Castello, 1951), 901–909. After referencing multiple texts proving the intrinsic evil of onanism generally (including the Decree of the Holy Office of April 19, 1853, and *Casti connubii*), Fanfani mentions that it was at one time debated among moralists whether, given similar conditions justifying her cooperation in “natural” onanism, a wife could licitly remain passive when her husband employed an instrument, for it seemed to some that there was a “small difference” between cooperating in natural onanism and artificial onanism. Fanfani then quotes from the June 3, 1916, decision of the Sacred Penitentiary, saying that “the question is now settled: the wife may not be merely passive in the case, but she is held to resist positively, as a virgin ought to resist her attacker” (907). Thomas A. Iorio, *Theologia moralis*, vol. 3 (Naples, Italy: D’Auria, 1954), 684–697. After applying the common teaching of theologians to many cases, Iorio directs readers to the text of *Casti connubii*, especially pages 539 and following in the AAS. He then references numerous decisions from Roman Congregations, and he provides the texts of, among others, the decisions from the Sacred Penitentiary of June 8, 1842, February 1, 1823, and June 3, 1916. E. R. Regatillo and M. Zalba, *Theologiae moralis summa*, vol. 3, *De sacramentis, de delictis et poenis*, (Madrid: Biblioteca de Autores Cristianos, 1956), 853–856. In explaining the common doctrine against onanism in general, Zalba quotes from *Casti connubii* and a decision of the Holy Office from May 1861. He goes on to expound the common doctrine on cooperation in natural onanism (referencing the decision of the Sacred Penitentiary of June 8, 1842) and onanism where the husband employs an instrument (referencing the decisions of the Sacred Penitentiary of April 3 and June 3, 1916); Alphonso Van Kol, *Theologia moralis*, vol. 1 (Barcelona:

against rather than sinning.” The obvious question arose: what should be the attitude of the innocent party to the abuse of marriage by the other party? From the decisions given there emerges a clear distinction between two kinds of onanism, viz., natural (*quando actus copulae rite incohatur sed ante effusionem abruptitur ita ut semen virile extra vas debitum effundatur*) and artificial (*quando in actu copulae instrumenta adhibentur ad impediendum seminis ingressum in uterum mulieris*). Now, while both forms of onanism are opposed to the natural law it is clear that natural onanism is not as serious a crime as artificial onanism. Natural onanism is not wrong from the beginning—the act is begun properly and naturally, whereas in artificial onanism the marital act is vitiated from the beginning. The earlier decisions have reference to natural onanism, and in many of them a close verbal similarity is to be noted. In all, the point is made that in natural onanism the innocent party *dat operam rei licitae*; and even though the act is vitiated later by the other party the innocent partner may for a grave cause have intercourse.³⁶

Herder, 1968), 444–457. In treating of the nature and moral status of onanism, this author references *Casti connubii* five times, along with allocutions from Pius XII and Paul VI and *Gaudium et Spes* from Vatican II. When treating of the *culpa* of onanism, the author quotes from the passage of *Casti connubii* primarily considered above: “Optime novit sancta Ecclesia . . .” Van Kol uses this passage as an introduction to the topic of cooperation in onanism. The author then considers under what conditions a wife may cooperate with a husband given to “natural” onanism. In treating of this according to the common teaching of theologians, references are made, among others, to *Casti connubii* and decisions of the Sacred Penitentiary from November 15, 1816, April 23, 1822, February 1, 1823, June 8, 1842, and April 3, 1916. However, when treating of cooperation in “artificial” onanism, if the husband uses a condom, the author states with other moralists that the wife may neither render nor request copulation licitly; on the contrary she is held to actively resist her husband. Then, after stating that copulation using a condom is vitiated from its beginning, and hence that cooperation would be formal (or as said “among others,” “immediate material”), the author references the decisions from the Holy Office of April 19, 1853, and the Sacred Penitentiary of June 3, 1916. J. Mausbach and G. Ermecke, *Teología Moral Católica*, vol. 3, *Moral Especial*, trans. Manuel Garcia Aparisi (Pamplona, Spain: Ediciones Universidad de Navarra, 1974), 330–340. Concerning cooperation, these authors teach that material cooperation is licit only when the conjugal act commences in a natural way and only turns sinful when one spouse withdraws. At this point the authors reference decrees of the Sacred Penitentiary from November 15, 1816, and February 1, 1923. On the other hand, cooperation is not licit when the act is contrary to nature from the beginning, for example, because of the use of a condom (“preservativo”). In this case, the authors teach, the act is contrary to nature in any moment and is always illicit cooperation (which cooperation the authors refer to as “implicit formal cooperation” or “material cooperation in a deformed act”). The spouse who wishes not to sin is bound to offer positive resistance (on this point the authors refer to the decisions of the Sacred Penitentiary from April 3 and June 3, 1916). Immediately after this, the authors quote the passage from *Casti connubii*, “Holy Church knows full well . . .,” concerning the spouse who tolerates the abuse of matrimony.

³⁶John McCarthy, *Problems in Theology*, vol. 1, *The Sacraments* (Westminster, MD: Newman Press, 1956), 416–417. See also the same author’s consideration of the “excusing cause for material co-operation or passivity in onanism,” in *Problems in Theology*, vol. 2, *The Commandments*, 241–245.

From a consideration of the writings of so many Catholic authors, it is evident that in the common teaching of theologians there is found no discrepancy or inconsistency between the teaching of the Roman Congregations and that of *Casti connubii*. On the contrary, the teaching of *Casti connubii* is understood in continuity with that of the Roman Congregations. Taken together, the encyclical and the responses are understood to affirm the common doctrine of theologians, which admits an important moral difference between cooperation in natural onanism and cooperation in “artificial” onanism, especially involving the use of a condom. The consistent method common to the theologians writing after the publication of *Casti connubii* has been to read and use all the relevant documents from the magisterium and Curia together, not finding any opposition but rather drawing forth a clear moral teaching from the whole. For consistent and relatively complete examples in English of this way of educing a clear moral teaching from diverse documents of the magisterium and Curia on this issue of cooperation in the sin of a spouse, one can have recourse to the works of Rev. Nicholas Halligan, OP, published during and after the Second Vatican Council.³⁷

The Teaching of the *Vademecum for Confessors*

The *Vademecum for Confessors concerning Some Aspects of the Morality of Conjugal Life* was issued by the Pontifical Council for the Family on February 12, 1997.³⁸ The aim of this document is explained by its authors in the following way:

Since the administration of the sacrament of Reconciliation is entrusted to the ministry of priests, this document is addressed specifically to confessors and seeks to offer some practical guidelines for the confession and absolution of the faithful in matters of conjugal chastity. More specifically, this *vademecum ad praxim confessoriorum* intends also to offer a reference point for married penitents so that they can draw ever greater advantage from the practice of the sacrament of Reconciliation, and live their vocation to responsible parenthood in keeping with divine law, authoritatively taught by the Church. It will also serve as an aid for those who are preparing for marriage.³⁹

In presenting the document, it is noted that the *Vademecum* “traces its origin to the particular pastoral sensitivity of” Pope John Paul II, who “entrusted the task of preparing this aid for confessors to the Pontifical Council for the Family.”⁴⁰ After noting again that the document was prepared at the request of the Holy Father, the authors go on to thank all who offered their contribution to making the document

³⁷Halligan, *Administration of the Sacraments*, 528–532 and 566–569. See also Halligan’s *The Ministry of the Celebration of the Sacraments*, vol. 3, *Sacraments of Community Renewal: Holy Orders, Matrimony* (New York: Alba House, 1974), 204–212. The latter work includes reference to *Humanae vitae* as part of the continuum of consistent teaching.

³⁸Pontifical Council for the Family, *Vademecum for Confessors*.

³⁹*Ibid.*, Introduction, 1.

⁴⁰*Ibid.*, Presentation.

possible, with special mention of the Congregation for the Doctrine of the Faith and the Sacred Penitentiary.⁴¹

After an introduction, the document “consists of a set of propositions which confessors are to keep in mind while administering the sacrament of Reconciliation, in order to better help married couples to live their vocation to fatherhood or motherhood in a Christian way, within their own personal and social circumstances.”⁴² Throughout the document, the main text of propositions refers to thirty-one footnotes. The footnotes make up at least as much of the document as the main text itself. These footnotes refer to or quote from many diverse documents, including encyclicals, conciliar documents, the *Catechism of the Catholic Church*, the *Code of Canon Law*, apostolic exhortations, documents from the Congregation for the Doctrine of the Faith and the Holy Office, and diverse references to Denzinger-Schönmetzer. The most important footnotes and text for the issues under consideration come in proposition 3.13.

Proposition 3.13 opens with the following two sentences: “Special difficulties are presented by cases of cooperation in the sin of a spouse who voluntarily renders the unitive act infecund. In the first place, it is necessary to distinguish cooperation in the proper sense, from violence or unjust imposition on the part of one of the spouses, which the other spouse in fact cannot resist.”⁴³ At this point the document has a footnote (note 46), which quotes in full the two sentences of *Casti connubii* n. 59 which have been treated in detail in the course of this paper. The footnote reads exactly,

“Holy Church knows full well that not infrequently, one of the parties is sinned against rather than sinning, when for a grave cause he or she reluctantly allows the perversion of the right order. In such a case, there is no sin, provided that, mindful of the law of charity, he or she does not neglect to seek to dissuade and to deter the partner from sin” (Pius XI, Encyclical *Casti connubii*, AAS 22 [1930], 561).⁴⁴

It seems as though *the use* of this reference can be understood in more than one way. One might understand this reference to be used to refer to those cases which are not cooperation “in the proper sense,” but rather involve “violence or unjust imposition on the part of one of the spouses, which the other spouse in fact cannot resist.” As this does not seem to comport with what is actually said in the passage from *Casti connubii*, it seems better to think the passage is being referenced to refer precisely to those cases of “cooperation in the proper sense.” The latter reading would also fit with the way theologians seem to have understood the passage since it was written in 1930. The authors of the *Vademecum* then proceed to give a more detailed teaching concerning cooperation.

The *Vademecum* provides very directly the conditions necessary for cooperation to be licit. Proposition 3.13 continues,

⁴¹Ibid.

⁴²Ibid., first line of *Vademecum* proper.

⁴³Ibid., 3.13.

⁴⁴Ibid.

This cooperation can be licit when the three following conditions are jointly met:

1. when the action of the cooperating spouse is not already illicit in itself;
2. when proportionally grave reasons exist for cooperating in the sin of the other spouse;
3. when one is seeking to help the other spouse to desist from such conduct (patiently, with prayer, charity and dialogue; although not necessarily in that moment, nor on every single occasion).⁴⁵

Of these three conditions, the second and the third are without footnote references. The first condition, on the other hand, has its own footnote reference (note 47 in the document). This footnote reads, “Cf. Denzinger-Schönmetzger, *Enchiridion symbolorum*, 2795, 3634.”⁴⁶ This reference, which often appears to be overlooked, is actually an indispensable key for interpreting rightly the teaching of this section of the document.

The first number of Denzinger’s *Enchiridion* refers to the decision of the Holy Office of April 19, 1853. Quoted above, this document of the Holy Office consists of a response to two questions. The first concerns whether the imperfect use of marriage onanistically or condomistically accomplished is lawful, to which the response was “negative; for it is intrinsically evil.” The second question concerns “whether a wife can be knowingly passive in condomistic intercourse” (“an uxor sciens in congressu condomistico possit passive se praeberē”), to which the response was “negative; for it would be an involvement in something intrinsically unlawful” (“daret enim operam rei intrinsece illicitae”).

This response seems to bear most directly on the right understanding of the first condition listed by the *Vademecum*. According to the response of the Holy Office, for a wife to behave (se praeberē) in a knowingly passive manner in condomistic intercourse would be, on her part, an involvement in something intrinsically unlawful. That is to say that her knowingly behaving in a passive manner in relation to condomistic intercourse is a clear example of an action which the *Vademecum* speaks of as “already illicit in itself.” It would seem to follow necessarily that if she willingly cooperates with her husband who uses a condom, according to the *Vademecum*, her cooperation would not be licit. It actually appears that the *Vademecum* references this decision of the Holy Office precisely to give a clear example of a case when the action of the cooperating spouse is already illicit in itself, so as to provide confessors with a better idea of how the first condition of cooperation should be applied.

The second number of Denzinger’s *Enchiridion* referenced in relation to the first condition for licit cooperation refers to the response of the Sacred Penitentiary of April 3, 1916. As also quoted earlier, this document consists of two responses given to a complex question, “whether a woman can lawfully cooperate with a husband who, that he may indulge in pleasure, wishes to commit the crime of Onan or of the Sodomites, and who threatens her under pain of death or grave troubles, unless she

⁴⁵Ibid.

⁴⁶Ibid.

complies.” The responses given on account of this question are indispensably helpful for understanding the first condition for licit cooperation according to the *Vademecum*. As the decision of the Holy Office provides an example of an action of the cooperating spouse which is already illicit in itself, the first part of the response of the Sacred Penitentiary provides an example of an action of the cooperating spouse which is *not* already illicit in itself. As noted above, the first part of the response reads,

If in the use of marriage the husband wishes to commit the crime of Onan, namely, by losing his seed outside the *vas* after intercourse has begun, and likewise threatens his wife with death or grave troubles unless she conform to his perverse wishes, according to the opinion of approved theologians the wife may lawfully have intercourse with her husband in this case: to be sure, since on her part she addresses herself to a lawful thing and action, she is but permitting the sin of the husband for a serious cause which excuses her: since charity, by which she is bound to impede the sin, does not oblige in so great inconvenience.

This part of the response provides a clear example of an action of the cooperating spouse which is not already illicit in itself, and is therefore able to meet the first condition necessary for cooperation to be licit according to the *Vademecum*. For it is stated that the wife *on her part* “addresses herself to a lawful thing and action.” What she is addressing herself to is intercourse accomplished in its natural manner up to the point when her husband performs the actual onanistic action of losing his seed outside the *vas* after intercourse has begun. The second part of the response of the Sacred Penitentiary reads,

But if the husband wishes to commit with her the crime of the Sodomites, since this sodomistic intercourse is an act contrary to nature on the part of each spouse so copulating, this in the judgment of all Doctors is gravely evil: hence for simply no cause, not even to avoid death, can a wife lawfully behave in this matter as her impure husband does.

This part of the decision provides a most clear example of another action which on the part of the cooperating spouse is already illicit in itself, and hence cannot meet the first condition of the *Vademecum* for cooperation to be licit.

Taking into account footnote 47 of the *Vademecum*, the authors of the document provide confessors with clear examples from prior curial teaching which can aid in understanding and applying the first condition for licit cooperation. At least two actions on the part of the wife are already illicit in themselves and therefore violate the first condition—that is, being knowingly passive in condomistic intercourse and engaging in sodomistic intercourse. One action on the part of the wife which is not already illicit in itself, and is therefore capable of meeting the first condition for licit cooperation, is intercourse with a husband who will commit natural onanism.

It is evident that the *Vademecum* uses the documents of the Holy Office and the Sacred Penitentiary, as well as *Casti connubii*, in much the same way that the many approved authors noted above have used them over many years. The decisions of the Roman Congregations provide an interpretative aid for understanding more clearly and in greater particular detail *Casti connubii* and the conditions given by the *Vademecum* for licit cooperation in the sin of a spouse. In fact, by providing the footnote references to the decisions of the Roman Congregations as the *Vadem-*

ecum does, the teaching of the *Vademecum* is not subject to the same hypothetical doubt raised by Ryan in relation to the teaching of *Casti connubii*. As was seen, his suggested reading of *Casti connubii*, which even for him was not regarded as sufficiently weighty to justify departure from the teachings of the Congregations, was overwhelmingly rejected by theologians at that time and for decades after. But if *Casti connubii* had referenced the decisions of the Roman Congregations in the way that the *Vademecum* does, Ryan would not have been able to suggest his more liberal reading of the encyclical with even apparent plausibility. Consequently, the *Vademecum*, a fortiori, leaves no room for doubt that it is teaching about cooperation in a way consistent with, and in continuity with, the teachings of the Congregations.

Two observations can be made in conclusion. First, even if one does not accept all the reasons given *from moralists* why cooperation in natural onanism is significantly morally different from cooperating in artificial onanism which employs a condom or its equivalent, it is nevertheless true that all the decisions from the Roman Congregations state or imply that there exists such a significant moral difference. It seems relevant to note in relation to this the “principle which affirms that Magisterial teaching, by virtue of divine assistance, has a validity beyond its argumentation, which may derive at times from a particular theology.”⁴⁷ For although not every decision of the Roman Congregations necessarily has equal authority with other documents of the papal or episcopal magisterium, the decisions of the Congregations have always been treated by approved theological authors as having a certain practical normativity, precisely because they issue from offices which do exercise an authority in aiding the Pope in the exercise of his pastoral teaching office. Second, it can be noted that those who argue in favor of the permissibility of engaging in intercourse when an intact condom or its equivalent is employed find not only no support from magisterial or curial teaching; rather they are faced with a contrary teaching, one which has been so strongly and frequently repeated that the likelihood of the magisterium teaching against it would seem very small indeed, if not impossible altogether.

Finally, the question concerning intercourse in which a condom or its equivalent is employed to prevent disease is often framed in terms of whether the one employing the instrument is necessarily contracepting. On the other hand, it seems equally relevant to ask whether the other spouse may willingly cooperate in such an act in the first place. Only by rejecting the consistent teaching of the Church for over one hundred and fifty years can one answer affirmatively. Certainly, one who makes such an affirmation would find no support in *Casti connubii* or the *Vademecum for Confessors*.

Having shown the consistent teaching of *Casti connubii*, the *Vademecum*, the decisions of the Roman Congregations, and the teaching of approved theologians concerning the unlawfulness of a wife’s free cooperation in condomistic intercourse, there remain at least two important issues requiring brief consideration.

⁴⁷ Congregation for the Doctrine of the Faith, *Instruction on the Ecclesial Vocation of the Theologian* (Boston: Daughters of St. Paul, 1990), 21.

Cooperation, Passivity, and Resistance to an Attacker

The two most important decisions quoted above regarding the way a wife needs to act in relation to a husband who wishes to use a condom are those of April 19, 1853, from the Holy Office and of June 3, 1916, from the Sacred Penitentiary. The first states that a wife may not behave in a knowingly passive manner in condomistic intercourse (for it would be involvement in something intrinsically unlawful); the second decision states that (in order that the whole matter might be developed and taught in a safer manner) a wife must put up positive resistance in such a case, as a virgin would resist an attacker who wished to violate her. It was noted that this second decision appears to be the natural complement of the first decision. The decision of the Holy Office (when compared with other decisions of the Sacred Penitentiary) manifests the difference between cooperation in condomistic intercourse versus cooperation in natural onanism. The decision of the Penitentiary shows more particularly the extent of the practical implications of that difference. The Holy Office decision states a general principle; the Penitentiary decision helps one see how the principle should be applied more concretely. An obvious question arises from the Penitentiary decision: how must a virgin resist her attacker?

Not all the theologians who present the same teaching of the Sacred Penitentiary go into much detail about the resistance required by the wife or virgin. However, one particular note is rather commonly made. *Physical* resistance is *not always* obligatory in the face of the gravest of evils, as in the face of death or what would be equiparated to death.⁴⁸ Such resistance is *not always* obligatory, instead of *never*

⁴⁸This is aptly presented in the *Instructiones Episcoporum Belgii contra vitium onanismi parochis et confessariis propositae* of June 2, 1909 (quoted in Heylen, *De matrimonio*, 426): “Only on account of a most grave cause, namely on account of fear of death or an equiparated evil, is it licit to not resist an oppressor.” Often cited in this regard is the teaching of Fourth Provincial Council of Mechelen (decree 84, found in Heylen, 526): “A wife who is compelled against her will to cooperate with her husband addicted to the practice of onanism, if the husband applies an *involucrum*, however, she is not able to grant material cooperation, because such an act is perverted in itself: on account of a most grave evil, for example death or something equiparated to death, it is licit for her to not resist the oppressor” (*Uxor quae contra voluntatem suam viro onanisticae praxi addicto cooperari adigitur, si maritus involucrum adhibeat, cooperationem utut materialem praestare non potest, quia huiusmodi actus in se pervertitur: ob timorem gravissimi mali, puta mortis vel alius aequiparandi, ipsi licet non resistere oppressori*). The latter teaching is referenced and reflected in the teachings of Merkelbach and Dantinne, *De castitate et luxuria*, 152; Genicot and Salmans, *Institutiones theologiae moralis*, 461–462; McCarthy, *Problems in Theology* 2, 245; and Aloysius De Smet, *Tractatus theologico-canonicus de sponsalibus et matrimonio*, 4th ed. (Bruges, Belgium: C. Beyaert, 1927), 213. Others who teach in accord with this decree, even without referencing it, include Van Kol, *Theologia Moralis* 1, 454; C. Marc, and F. X. Gestermann, *Institutiones morales alphonsonianae*, 18th ed., ed. J. B. Raus (Lyon, France: Vitte, 1927), 623; Ubach, *Theologia moralis*, 602; Davis, *Moral and Pastoral Theology* 4, 259–260 (Davis also quotes Cappello’s *Tractatus canonico-moralis de sacramentis* to the same effect); and Zalba, *Theologiae moralis summa*, 854.

obligatory, because, as many authors are careful to point out, if there is a grave danger of consenting to venereal pleasure from the disordered act of the man, the woman may not forego sustained physical resistance.⁴⁹ Rev. Francis Connell sums up this position in the following paragraph:

The question naturally arises: How must a virgin act toward an assailant? The answer is, that *per se* she is obliged to resist positively, and even by physical struggles if she cannot otherwise ward off the attack. However, according to an opinion which is at least solidly probable, *per accidens* a virgin when attacked is permitted to assume the attitude of non-resistance or passivity, if positive resistance is liable to induce her assailant to kill her (St. Alphonsus, Lib. III, n. 368—Damen 1, 32, n. 567). In such a case she is justified in tolerating the sin of the attacker. It follows therefore, as a logical consequence of the comparison mentioned above, that a wife, seriously threatened with death by her husband in the event she refuses him condomistic intercourse, may abstain from physical resistance and may passively submit. However, one very important point must always be remembered—a point which emphasizes clearly the distinction between the two modes of contraception: The wife may not give voluntary consent to the venereal pleasure that might accrue to her from her husband's action. If there is grave danger that she will yield to this pleasure, not even the certain knowledge that she will be killed if she resists will justify non-resistance on her part. In this supposition, physical resistance to the advances of her husband to the full extent of her powers is obligatory. It is well to note in passing that Damen (speaking of the case of the virgin) believes that if a woman really abhors the intercourse and fortifies herself with prayer, she can easily render the danger of consent remote (1, n. 567).⁵⁰

In the beginning of his explanation, Connell makes a distinction which may be very helpful for harmonizing and understanding the decisions of the Holy Office (April 19, 1853), the Sacred Penitentiary (June 3, 1916), and the teachings of theologians. In simply proscribing passivity in condomistic intercourse, it is possible that the Holy Office intended this decision to mean that *per se* passivity is illicit, leaving open the possibility that *per accidens* passivity may be tolerated. Indeed, this would readily cohere with the decision of the Penitentiary. Since by comparing the positive resistance required by the wife whose husband wishes to use a condom to that of a virgin oppressed by an attacker who wishes to violate her, the Penitentiary practically left the proper understanding of the required resistance, or non-passivity, to the common teaching of the approved theologians. But the approved theologians teach that for the gravest of evils, an oppressed virgin, or in the other case a wife, may (other conditions applying) abstain from physical resistance or be passive.

It is good to note some points from the teaching of theologians summarized by Connell. What the theologians referenced in this section permit the wife in the face of the gravest evils is never an active cooperation (understood as positive aid or

⁴⁹ See Merkelbach and Dantinne, 152; Davis, 259–260; Genicot and Salsmans, 461–462; and Ubach, 602.

⁵⁰ Francis Connell, *American Ecclesiastical Review* 107.1 (July 1942): 58. Connell goes on to quote from decree 84 of the Fourth Provincial Council of Mechelen.

assistance) in condomistic intercourse. Rather, what they permit is precisely a cessation of physical resistance, also described in terms of being “passive.”⁵¹ Internal resistance is always necessary to the extent that there is danger of consent, and if external physical resistance is necessary to maintain the required internal resistance, then such external resistance is morally obligatory even in the face of the gravest of evils. The case is very different with a wife whose husband is given to the practice of natural onanism. Given certain conditions, she may actively engage in intercourse with him. This is because the intercourse in such a case is not of itself perverted until her husband withdraws and wastes his seed. Accordingly, she must be merely passive in his act of withdrawal; for the latter act, being evil in itself, may never be positively aided by her. If she were to positively aid him in the actual act of withdrawal in natural onanism, she would be cooperating *immediately* (or, as some would say, “implicitly formally”) in his evil act. Now because the act of condomistic intercourse is evil from its commencement, and remains so through its completion, any positive aid or cooperation at any time is immediate (or implicit formal) cooperation in evil, and any consent to delectation is consent to perverse pleasure.

Condomistic Intercourse versus a *Tactus licitus*

The decisions of the Roman Congregations and the common teaching of theologians exclude from licit activity condomistic intercourse itself, as well as any active concurrence in condomistic intercourse. The question may be asked, whether the Congregations and theologians cited teach that the use of an intact condom in freely chosen sexual contact among spouses in any way whatsoever is necessarily intrinsically evil. Although theologians often distinguish the morality of cooperation in condomistic intercourse from that of cooperation in simple onanism by the fact that the former is vitiated from its very commencement (being in itself inapt for procreation), it does not seem that theologians or the responses of the Congregations require an affirmative response to the question.

Connell presents a hypothetical case to illustrate this:

Let us suppose that a husband and wife can perform the act which is materially the same as the beginning of condomistic intercourse without any danger of the normal completion of this act on the part of either (semination and its corresponding action in the wife), and mutually agree to restrain themselves within these limits. Doubtless there would rarely be sufficient certainty that they could and would go so far and stop, yet some married couples could probably have such certainty. There might be a reason for the use of a condom on the

⁵¹To avoid possible confusion, it should be noted that some authors (e.g., Noldin-Schmitt, *De sexto praecepto et de usu matrimonii*, 78) use the terms “material cooperation” at times to signify “passivity” or “the omission of positive resistance.” McCarthy notes, “It is clear, however, that when the authors speak of ‘material co-operation’ in artificial onanism being lawful for a very grave cause, they mean by ‘material co-operation’ not positive help but ‘passivity,’ ‘the omission of positive resistance.’” *Problems in Theology* 1, 419. McCarthy references passages from Noldin-Schmitt and Cappello (*De sacramentis* 3, n. 817, 2) as clear examples of this.

part of the husband—for example, if he wished to protect his wife from being infected by some disease from which he is suffering. At any rate, granted the conditions, such an action would not be gravely unlawful. Its morality would be judged according to the rules laid down by theologians concerning *tactus mutuos inter conjuges non inducentes periculum proximum pollutionis*. In other words, the mutual agreement of the couple to restrain themselves from the completed act, joined to the moral certainty that the agreement can and will be fulfilled, render an action which *materially* is the same as the beginning of condomistic intercourse a *tactus licitus* rather than a *coitus illicitus*. However, apart from such an agreement, the action from the beginning must be regarded as *formally* a *coitus*—and a *coitus intrinsece malus* in the sense explained above.⁵²

These considerations help show what is not necessarily affirmed by decisions of the Roman Congregations and the common teaching of theologians. It is not necessary to find in such decisions and common teaching a crude “physicalism,” or simple confusion of the natural species of an act (in this case, genital contact using a condom) with its moral species.

Here Connell—a major expounder and defender of the teaching of the Congregations and the common teaching of theologians of the time—basically distinguishes two kinds of actions, which are materially the same (at least up to a point) but formally different morally. The formal difference is made evident, at least in part, through a presentation of the different moral objects intelligible from the perspective of the acting persons.⁵³ The formal agreement to restrain themselves from the completed act, joined with the moral certainty that they can do this, makes the sexual contact using a condom a mere *tactus*, instead of a complete *coitus*. Connell implies that such a *tactus* might be justified with a good reason, as are other mutual touches between spouses not leading to the proximate danger of pollution. The reason for the condom in this case is to prevent the spread of disease. This would seem to justify its use in the case of the mere *tactus* (which is not a complete conjugal or venereal act or even an attempted complete conjugal or venereal act).⁵⁴ However, as Connell rightly notes, apart from the formal agreement (and the certainty of being able to carry it out), the

⁵²Ibid., 60.

⁵³John Paul II, *Veritatis splendor*, n. 78.

⁵⁴Evidently, such a *tactus* as that described in the case by Connell is practically identical to the *amplexus reservatus* (also known as *copula inchoata* or *reservata*), so widely discussed in the mid-twentieth century. It should be noted that according to a *monitum* of the Holy Office (June 30, 1952), authors are not permitted to describe publically in unreserved detail the technique of the *amplexus* or make any laudatory reference or recommendation to it. Also, “in their care of souls and the direction of consciences, priests should never, either spontaneously or in reply to questioning, presume to speak as though there were no objection to *amplexus reservatus* from the view point of Christian law.” Halligan, *Administration of the Sacraments*, 566. Apparently, the *monitum* did not pronounce on the intrinsic morality of the *amplexus* or prohibit the kind of consideration presented by Connell. On the debated morality of this issue, and the Holy Office *monitum*, see John Ford and Gerald Kelly, *Contemporary Moral Theology*, vol. 2, *Marriage Questions* (Westminster, MD: Newman Press, 1964), 213–220; and McCarthy, *Problems in Theology* 1, 427–430.

act of using the condom must be acknowledged and treated as a *coitus intrinsece malus*. For in that case it could not be anything other than condomistic intercourse, which is prohibited absolutely.

Continuity of Teaching

Perhaps it would have been more convenient for priests and lay people alike if the Holy See had issued the *Vademecum for Confessors* with the content of certain footnote references given in full. Ordinary confessors would have been saved the task of wading through footnotes, and some erroneous understandings might have been avoided. Nevertheless, it has been shown that the writings of Pius XI and the *Vademecum* are in continuity with past teaching of the Holy Office and the Apostolic Penitentiary. It is clear that “condomistic intercourse” is a more exact term than “onanism,” which refers, generally, to all attempts to prevent the conjugal act from achieving its purpose, or more specifically, to the act of withdrawal. Condomistic intercourse is not the simple moral equivalent of other kinds of onanism.

Therefore, a wife or a husband cannot cooperate materially (in the sense of actively engaging) in any act that is intrinsically immoral because one spouse is using a device equivalent to a condom. If a woman is approached by her husband with a condom, she is to resist; if he overpowers her, she is then suffering violence and so, to avoid very great evil, she may refrain from offering continued external resistance, provided there is no grave danger of consenting to concomitant pleasure. Withdrawal is altogether different, such that a wife may, provided due conditions, materially cooperate in her husband’s sin, as previous paragraphs have shown. Likewise, if a husband knows his wife is using an equivalent device (a female condom), he cannot knowingly approach his wife to engage in intercourse with her without sin, since such an act would be intrinsically evil from its beginning.