

Questions to the Moralist

These are actual questions with my responses to a variety of moral issues and cases. Many of these would provide some illustration of how moral principles can be interpreted and applied to real-life situations. The majority come from my students whom I taught in Manila at the Loyola School of Theology in summer of 2004 (when I began to collect these), though others come from the United States, and indeed from other points in the world. All of the questions are actual cases given to me. At the moment they are listed in reverse chronological order in terms of reception (from latest to earliest). At some future point I would like to organize these thematically and index and cross-reference the cases and the moral principles involved.

James T. Bretzke, S.J., S.T.D.

University of San Francisco

E-mail: bretzkesj@usfca.edu

Web-page: <http://www.usfca.edu/fac-staff/bretzkesj/USFWebIndex.htm>

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Dear Fr. Bretzke,

Peace from the Cross of Christ!

I was one of your former students in Fundamental Moral. I write to you to beg some assistance from you. I just want to find answers/opinions to the following problems I encountered;

- a.) Whether or not there is parity of matter in the ethical evaluation of sexual acts?
- b.) A 35-year old married man, business executive, who travels alone frequently. When away from his wife for weeks, he often experiences heightening of sexual tension and that he often resorts to masturbation to retrieve the tension. He is bothered of the situation because he learned from the priest in his high school catechism that every deliberate act of masturbation is gravely sinful and when done with full knowledge and consent, it is mortal sin. How do we evaluate and address the moral status of this practice of masturbation described?

Sorry for taking away some pieces of your precious time because I know very well that you are always busy attending to your numberless responsibilities in your ministry.

Thank you so much for your attention and generosity. More Power!

Respectfully Yours,

Fr. Bretzke replies

Thanks for your e-mail. I can give an "easy" answer to your first question, but it's the second question that is pastorally more important, and due to the intrinsic subjective aspect involved it is quite difficult, if not impossible, to answer that question clearly.

So to the first question: yes, the notion of parvity of matter relates to moral evaluation of sexual acts. The notion of parvity (or gravity) of matter relates to every moral act, sexual acts included. Keep in mind that these are relative terms--it's not like mangoes vs. papayas, but points on a spectrum--thus how much is "light" and how much is "heavy"?

The older moral tradition used to hold that there was always the presumption of "grave" matter in sexual matters, but the Catechism of the Catholic Church (the Universal Catechism and not the Filipino Catechism) explicitly recognizes that subjective considerations can significantly reduce the "objective" gravity of the matter, reducing, and evening removing moral culpability in many cases. #2352 in the Catechism of the Catholic Church states: the following moral/pastoral principle:

"To form an equitable judgment about the subjects' moral responsibility and to guide pastoral action, one must take into account the affective immaturity, force of acquired habit, conditions of anxiety, or other psychological or social factors that lessen or even extenuate moral culpability."

Now only God Himself can see into the human heart with perfect clarity so only God can accurately judge this man's situation. No one else can do so with complete accuracy, not even the man himself, much less a confessor, counselor, bishop, pope, etc.

I think the key pastoral dynamic here would be to move the person to trust in God's merciful forgiveness and to try and grow in that trust of God. So pastorally I feel the "key" issue is less the relative gravity of the masturbation, as the man's trust in God's compassion, mercy, understanding, and forgiveness. At least that's the direction I would take.

Hope this helps,

Fr. Jim

Hello Father,

I was wondering if you wouldn't mind reiterating some information we discussed in class. In the last section on bio ethics we discussed a case where a pregnant woman

was told by medical experts that her child would likely be still born and that the chances of her surviving labor were also quite low. Further, if this fetus was removed now it is highly probable that her chances of carrying another child to term would be quite high. In class I was having some confusion as to why an abortion of the fetus would not be considered euthanasia and you had stated that the Church would consider it, "....."; I can't remember the term you used, which is why I am still unclear about this. I wanted to follow up with you in class but time is always a valuable commodity. If you wouldn't mind briefly revisiting the topic I'd really appreciate it, thanks.

Fr. Bretzke replies:

Thanks for your e-mail. I think the best way to frame the question/answer is to lay out some definitions first. So let's start with "euthanasia"--to practice euthanasia you have to have a single, live, autonomous person, who is being put to death for the purposes of ending his/her suffering. Taking that definition it would be hard to stretch this to apply either to the woman or her fetus. I suspect, though, that you probably have some other stipulative description of what constitutes "euthanasia" (i.e., I think you're probably using this term to apply to what you would understand to be involved in this case). I'm not quite sure just what you're thinking of here, but I'd hazard a guess and suggest that perhaps you're thinking of this as an elective abortion. An elective abortion is one in which for one or more reasons a woman elects to terminate the life of her otherwise viable fetus. This description would cover the majority of the so-called "right-to-choose" cases espoused by "pro-choice" advocates (in whose number I certainly do NOT count myself!).

But in our class discussion I believe we speaking of this case along the lines of the paradigm suggested by the ectopic pregnancy. By definition, in current medical technology, an ectopic pregnancy is ultimately non-viable, which means that regardless of what is done or not done the fetus will not survive, and most likely will not be "born" alive. Thus, we would not call this a "viable fetus" and its termination would NOT be called an elective abortion from a moral standpoint. All moral theologians, even those who are most conservative, would allow that the termination of the ectopic pregnancy is morally licit under the principle of the double effect.

The principle of the double effect is one in which two (or more) actions/consequences are foreseen, and at least one of these is "good" and "intended" while the other(s) is/are "bad" [though not morally so] and "allowed" or "tolerated" [even if "caused"]. Thus in the case of the removal of the ectopic fetus the "good" and "intended" effect is the health and life of the mother, while the "bad" effect is the death of the fetus and the collateral harm caused to the mother through the surgery, etc. What makes (or breaks) this case morally is the presence or absence of proportionate reason for causing, allowing, or tolerating the harm (in this case the death of the fetus). In this case the proportionate reason is the life and the health of the mother, seen in the context that irrespective of what is done or not done the fetus itself will not survive. This last clause is crucial, and I think based on our numerous class discussions I think this is the point, or the connection, that still is causing you some difficulty.

The classic (and much easier) "case" for the principle of the double effect is the amputation of the gangrenous limb. The "good" achieved is the health/life of the infected individual; the "evil" is the loss of the limb itself; and the proportionate reason is the set of medical circumstances which dictate the necessity of this operation. So in the case of gangrene there is proportionate reason for the amputation, whereas in the case of a hangnail there would not be the corresponding proportionate reason.

Taking this discussion to our in-class case I think we have an analogous situation. Regardless of what is done/not-done the fetus itself is certainly not likely to be born alive, and even less likely that it could survive even if it might be born alive. The harm from the pregnancy is clear, and if the fetus dies in utero the danger to the mother increases substantially. Therefore, from the perspective of the principle of the double effect what is being "intended" from a moral point of view is NOT the death of the fetus, but the treatment of the underlying pathology. This same principle would be employed in the case of a cancerous uterus and so on.

I'm not sure if this helps clear up the matter for you, but perhaps if you wrestle with this a bit more and then if you still have some areas of difficulty just write me back and I'll try and answer as best I can.

Thanks,

Fr. Bretzke

Dear Fr. Bretzke,

I had a question from a woman whose husband has low sperm count -- and after much research, no possibility of her becoming pregnant from him. They've heard about embryo adoption, where frozen embryo -- mother and father profiled -- but embryo would be discarded.

1. What if embryo was produced for artificial implant -- profiled donors for a projected implant of embryo say with desirable traits.

2. What if embryo produced for research, but to be discarded.

In either case, may a couple ethically undergo implant from such an embryo?

I'm especially curious about #1 -- there seems to be some commercial value intended for future sale of frozen embryo. It's aiding and abetting in an immoral business venture. If that were true, I'd say I have doubts about cooperating in such a venture, even though the

individual frozen embryo might be destroyed. Life could be lost, but because there was no market: the death as an alternative was certainly intended. Is that relevant?

In the second case for whatever research value, an embryo was produced it is now to be discarded? There could be a record of donors, but as record for research, not record for genetic profile with advantage for enhanced commercial profit. Is this a case of choosing the lesser of two evils for a good end, life immorally produced rather than death.

May the couple adopt the embryo #2 for implant?

Fr. Bretzke replies:

I'm about to leave town for two weeks and don't have time to give you a long answer to your good questions right now, so will have to suffice for the short one. The issue of embryo adoption is being discussed among ethicists right now, and there is no clear consensus. There is no official Church statement that clearly and definitively addresses this question, and the closest we would have would be the 1987 Congregation for the Doctrine of the Faith's Instruction "Donum Vitae" on Reproductive Technologies. Since embryo adoption didn't seem to be a big issue on the horizon then it is not explicitly handled, but the basic logic of the document would seem to caution against it, mostly because of the claim that a child brought into the world has the right to natural parents, etc. I'm not saying that this ultimately would be a persuasive argument, but it is basically the argument Donum Vitae makes. I am attaching the document for you (it's also on the Vatican web site), but I'd caution that there's a lot of jargon in it, and it would perhaps take the help of a moral theologian to try and make sense of it for an average couple. Anyway, that's the best I can do now in haste.

*Thanks,
Fr. Bretzke*

Dear Fr. Bretzke

I just want to ask you a question... I happened to be with one of my closest friend in our town and jokes are always inevitable. It happened that this friend of mine asked me what the possible medicines were in order to have a baby aborted. I just kiddingly answered her and I happened to answer to her that which I know of "the practice of our forefathers..." I really didn't know if she was serious until I got a message from her thanking me that the abortion was carried successfully. I still have this guilt feeling. I sensed, I cooperated to the evil planned but the context seemed to say that I am not guilty. But as far as my knowledge is concerned, I really do not know what I was telling her because I did not experience or see all those medicines for abortion. I was plainly kidding that time. She took it seriously and it did work according to the evil intention. I can claim the fault of having my words,... not an accountable speech... I wanted you to help me in this case. Am I really cooperating in the evil done? Where in fact I did not know that she tried and succeeded?
thanks....

This just disturbs me until now....I hope you can help me regarding this matter.

Fr. Bretzke replies:

Thanks for your message and I am sorry to hear about your friend's predicament and abortion. For your part, though, I don't think you've done anything morally wrong, as it was clear that not only was there no evil intention present, but the context was such that a reasonable person would have acted in the same way, and thus I don't think we really would call this "cooperation with evil," at least not in the classic sense. Please remember that virtually everything we do, or don't do, in the world carries with it some "evil" effects. For example, in responding to your e-mail I'm using electricity, which involves some pollution in its production, and so on. Yet, I wouldn't call this a "culpable" evil. So in your case I think we would just call your action "unfortunate" in the sense that what you thought was going on, and what was actually going on in your friend's mind were rather different. In the end, we trust ultimately in God, who sent His Son to us to free us not only from our personal sins and sinfulness, but from all the evil in the world.

Hope this helps,

Fr. Bretzke

Dear Fr. Bretzke,

A medical intern approached me saying that he is bothered by his conscience. One of the programs they have in their internship is to distribute contraceptives to poor people in the squatter's area in Manila. He was not comfortable doing so but it is a school requirement, part of the internship program so he cannot do anything about it. Once there, he was approached a person and asked for a contraceptive (condom or pill) from him. Now he is somewhat guilty. He knows that this is not allowed by the church here but he also wants to be a doctor. Can I solicit your thoughts Fr. Jim. I know this is in connection with cooperation with evil or is it?

Thank you and hoping to hear from you. Best regards.

Fr. Bretzke replies

Thanks for your e-mail and the case you're asking my opinion on. I can't give as complete an answer as I would like, since there are still some factors that I'm not sure I understand. Chief among these would be the degree of freedom the man has in refusing to distribute contraceptive devices. If he has to do this in order to continue his medical training (i.e., the only viable options would seem to be leaving the medical field entirely, or doing this required internship) then I think we would call this "material cooperation" but not "formal cooperation" and it would be morally allowed. His action would be somewhat equivalent to Catholic organizations in my country which are required by certain states to offer all of their workers health insurance that covers the cost of

contraceptives. These organizations could "refuse" to offer this insurance, but then they would have to go out of business and the many good works that they perform would cease. So they offer this legally-mandated insurance even though they would not do so otherwise. Moralists and bishops have accepted this practice.

If, on the other hand, the man has a great deal of freedom to both pursue his medical training and to choose to distribute contraceptives or not, then in this case I don't think he should do it. Again, a case from my own country may illustrate this point: often our university students who live in our dormitories routinely ask that contraceptives be made available to them in the dorm lobby or through the University health center. We are under no legal obligation to do this, and if we made these devices available under these circumstances, then I think we would be guilty of causing scandal, and possibly of engaging in formal (sinful) cooperation with evil.

So, I'm not sure which of these two illustrative cases best fits your person's situation, but perhaps with this clarification in mind you can help him out. Please remember that the issue of contraception is certainly distinct from the issue of abortion, in which a human life would be taken. Certainly in the case of elective abortion I think it would be difficult to cooperate with this action. Contraception, while still condemned by current Church magisterial teaching, does not carry with it the same level of condemnation and gravity of objective sin as a procured, elective abortion. So the issue of the relative gravity (greater vs. lesser) of the act in question also comes into play. Finally, another aspect to keep in mind is the "essentialness" of the role the medical intern is playing. If the intern is absolutely critical to the action and could not easily be replaced by another, then his responsibility would be greater. But if his role could be relatively easily taken by another then his responsibility would be less, since he is less crucial to the whole operation. I covered these points in class in the Power Point Presentation on the principles for doing evil to achieve good. I just tried to access this on the LST web-site and couldn't get it. My site there might be turned off, or moved, but here is the equivalent presentation on my USF site. You might find this helpful to review some of what I've discussed above.

Good/Bad & Right/Wrong in Moral Theology
<http://www.usfca.edu/fac-staff/bretzkesj/GoodBadRightWrong.htm>

Thanks much,

Fr. Jim Bretzke

Dear Fr. Bretzke,

This is about the sanctity and seal of confession vis-à-vis the moral issues.

Here's the case: for example, the president her his entire family were murdered. The police have not been able to solve the case, and after two years a terminally ill man confessed this crime to a priest. He felt so sorry, and it haunted his conscience everyday.

Now my questions:

1. What is the best way to handle this case?
2. Can the priest break the seal of confession? Will the priest ignore the common good, the call of justice, and the civil law? Is he not going to tell anyone about the identity of this criminal, knowing that he alone knows the person responsible for the crime?

Fr. Bretzke replies:

As to the seal of confession, it is absolute, even in the case you describe. If a priest were to violate the seal, this would potentially destroy the trust that others have placed in the Sacrament. So even in a situation like this he is not free to divulge the contents of a confession.

However, he certainly can counsel the murderer to seek forgiveness and reconciliation, and he can encourage (but not require) the man to turn himself in to the civil authorities.

I hope this helps, and I'm sure whoever teaches you canon law could elaborate on my answer.

Thanks,
Fr. Bretzke

Dear Fr. Bretzke,

A Chinese couple who recently lost their only 17 years old child in a car accident, would like to have another child to replace the one they lost. Because of their age (in their 40ies), they are advised to have an egg of the wife fertilized by a sperm of her husband, and then have the zygote planted into the wife's uterus. They are asking me whether the Catholic Church would authorize such a procedure.

Fr. Bretzke replies:

The simple answer is "no"; the relevant document is *Donum vitae*, the 1987 Instruction of the Congregation for the Doctrine of the Faith on Reproductive Technologies. This document essentially considers morally illicit all these procedures (IVF, AIH, ICSI, GIFT, etc.). This document, though, does not claim to bind as an infallible teaching of the Magisterium, and some moral theologians would argue that the couple in these circumstances could proceed with this attempt at assisted reproduction. But if they're asking what the Catholic Church teaches on this matter, the answer is a clear-cut "no" to the request.

The link to the CDF document is here below:

http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html

Hope this helps,

Fr. Bretzke

Dear Fr. Bretzke,

In my hospital, I'm a very active member of our Ethics committee. I've been perusing your book again because I'm trying to find the Church's position on this: I know that if a mother's life is in danger, a pregnancy can be terminated. But I think I read somewhere also that if there is absolutely no chance that a baby will live, such as in the case of anencephaly, then the pregnancy can be terminated even though the mother's life is not in danger but because of the emotional distress to the mother to carry a baby to term, knowing it will die.

Did I read that in your book? I know I heard it somewhere. Sure would appreciate your help. Thanks, and I hope all is well.

Fr. Bretzke replies,

Thanks for the question. No, you didn't read that in my book. It is a case that is still debated among moralists, and I think it would probably be morally justified to terminate the pregnancy in that sort of case, though the official Church position would probably argue for letting the baby come to term and then allow it to die.

Fr. Bretzke

Dear Fr. Bretzke,

I teach sophomores at a diocesan Catholic high school. One of my students asked a question unrelated to our studies - "what does the Catholic church say about sex-changes?" She said that she and her mother looked in the Catholic Catechism and found a brief statement about accepting one's identity. However, it did not satisfy her curiosity.

Since I didn't know what if the Church has spoken specifically about this issue, I advised my student that I would look into the matter.

I did an ATLA search using the key words 'sex-change' and 'transgendered' along with Catholicism. Also, I searched the U.S. Catholic bishops' website. However, I did not find any articles about the subject.

I realize that the Church considers sex-changes unfavorably. However, what would be the reasoning for this stance?

I would greatly appreciate any guidance that you could provide me in responding adequately to my inquiring student. Are there any documents which directly address this issue?

Thank you for considering my request.

Peace,

Fr. Bretzke replies

Thanks for your question, and I think that to the best of my knowledge you're right in concluding that there has been no official Church statement on sex-change operations. However, if there were to be a pronouncement I would imagine that it would be in the negative.

I might suggest "locating" the question in a wider context. After all, this touches on someone's identity at the deepest level and thus is primarily a matter which should be discerned and decided in conscience. It's not like the Church in either supporting or condemning this sort of operation would change the moral meaning of the procedure in God's eyes. By this I mean that it is not a matter of Church "discipline" like not eating meat on Fridays in Lent. That is something the Church could change, or give a dispensation on, and so forth.

So to answer more fully your student's question I'd actually encourage returning to the key passages in the Catechism that do focus on accepting and living out one's sexual identity in an authentic manner. That seems to me to be the crux of the question.

If you'd like something more on the nature of "conscience" you might look at Chapter 4 of my latest book, "A Morally Complex World," (Liturgical Press, 2004) which tries to present the notion of conscience more globally (though I do NOT take up sex change operations in this chapter).

I've looked through my files and notes on transgender articles and the best one I can come up with is one originally written by one of my own transgendered students as a course paper some years ago. I looked for a copy of the article, and while I'm still convinced I have it somewhere, I honestly couldn't put my hands on it, so I can't send it to you. But you could request a reprint. Here's the citation:

Kolakowski, Victoria S. "Toward a Christian Ethical Response to Transsexual Persons." *Theology and Sexuality* 6 (March 1997): 10-31.

The author is a post-operative transsexual who offers this well-written account of some of the ethical issues involved in reflecting on the meaning of transsexuality.

Hope this is of some help,

Fr. Jim Bretzke

Received October 4, 2004

Dear Fr. Jim,

First, let me say "Congratulations" on your new post at the university! God's best to you while there!

Now, for the reason I am writing. Have just read "Theologians discuss criteria for voters when candidates back abortion" by Jerry Filteau in CNS. The article is of considerable help and it especially pleased me to read the words through which you were quoted.

As you (know full well), for those of us who see abortion as an evil act, living in a society wherein abortion is legal is a very difficult matter. However, here is the rub when taking the "pro-life" stance: We must grapple with the need to protect the dignity and well-being of women. I struggle in thinking about women who: 1) are poor, and unable to choose birth control for that very reason, and 2) would not see it as immoral to use contraceptives if they could have access to them. There is no choice for these women not to have children, unless they are sterile, which is unthinkable to wish on any woman. Yes, such woman could carry the child to term and offer it for adoption, but only if her circumstance allows her to do so. Husbands or other male partners (and fathers) can make life intolerable for a woman--even harm her and cause the death of her child. And, this is more common than people realize.

Psychological abuse by itself can destroy a woman's life in such case as she has no "out" from a marriage or relationship wherein she is endangered. Those of us who are in ministries of counseling know far too many stories of what happens when women have no choices--and we know the frequency of this is much greater than "middle class" American want to believe, or want to "see."

I know you deal with all sides of the abortion issue, perpetually. I can't help but wonder if you are pro-choice. I am "pro-love" I believe we, as a Church and as a society must work fervently toward seeing that the loving thing is done for all women, as well as for the children they carry in their bodies.

In an ideal world, women would all have education on a vast array of means to prevent pregnancy, with financial help extended when needed, in order to assure their well-being. Unfortunately, government programs always fail at least a fair percentage of the people who need the help the most.

Here are questions that plague me: Is the Church failing those people by teaching that contraceptives are wrong? Is the church wrong in not making more effort to provide for

the needs of women? And, wrong in not broadcasting much more fully the helps that are in place through the Church? Is the Church a contributor to the evil of abortion?

Thank you for "listening" this morning, Fr. Jim, as I voice these thoughts and questions.

Fr. Bretzke replies:

As to your other question as to whether I'm "pro-choice" I guess I would have to say that I don't think the bifurcated labels of "pro-life" and "pro-choice" are ultimately accurate or helpful in probing the deeper realities of this issue. Certainly I am anti-abortion and have done a lot of pastoral work in that regard. In the same way I am "pro-life." But the issue of "choice" I think defies easy labeling. Certainly I believe, as do groups like Feminists for Life and First Resort, that if women in fact did have more choices, and realistic choices, then fewer people (not more) would actually choose abortion. So I would say I am for making realistic, concrete, and effective choices available to women so they do not feel that they are constrained to select abortion as a last resort.

But, I realize the label "pro-choice" does not usually carry that nuanced meaning, and so in the sense of the way the term is usually understood in contemporary American society I would not say I'm "pro-choice."

Hope that helps a bit,

Fr. Jim

Moral Comps Questions:

At the height of advance technology, science can make things possible and even better. A childless couple avail this technology of advance science like artificial insemination. They are living for many years yet they don't have a child. They suffered a lot and it caused tensions to their marital life. Now they prefer to have artificial insemination rather than break up the marriage vow. Are they morally culpable because it is not a natural way? Where would we draw the line?

Is artificial insemination morally wrong?

Fr. Bretzke replies:

Thanks for your question.

Irrespective of the technology aspect, what does the Church traditionally teach about moral culpability? Does the Church say that moral culpability depends solely on the commission or omission of some objective act, or is there something more than that which must be brought into the evaluation? I think the answer to those questions might provide the critical key to the response to your question. So what might you say in response to my questions, and in application to the issue you bring up?

*Thanks,
Fr. Jim*

I have read from a tabloid-- tabloid it may be-- that in Japan, and/or even in certain countries, FEM-BOTs (feminine robots) are used by some males for sexual gratification. These robots can be commanded to perform whatever a male individual wants of them. They can be sex-slaves. Their heads are replace-able, too. It can be Britney Spears today; Queen Elizabeth tomorrow? What is your opinion regarding these robots? or your opinion regarding priests using these fem-bots to maintain the vow of celibacy? or your opinion regarding married ones using these robots in case their wife is pregnant or is not capable for sex? or your opinion of male HIV/ aids patients using these fem-bots?

I do not know if I sound weird. But at any rate, I just want to ask. Thank you.

Fr. Bretzke replies:

I guess I would have to say that this whole thing does not sound worthy of human dignity in living out our vocation of chastity, whether married or celibate. Sexual gratification obtained either through another person, or by oneself, or with the aid of a mechanical device would all seem to violate "celibacy," so I'm not sure how these robots could be seen as an aid "to maintain the vow of celibacy." To be honest, I've never seen these robots nor heard of their actual existence, but I must confess that this is an area of technological development that I may not be too proficient in.

Fr. Jim

Here are my questions:

In a span of 14 days of the gametes (sperm & oocytes) implanting itself to the uterine wall, is there already human material? human tissue? human person?

When does personhood come in an embryonic life? How can we say with certainty that this is already a human person?

In a human clone, where does the soul come from?

Thanks,

Fr. Bretzke replies:

Thanks for your questions. I think they are impossible to answer though with "scientific" certainty, and therefore our best approach would have to be largely drawn from philosophy and theology. However, there will always be a certain amount of ambiguity in any possible response, which cannot be removed by magisterial fiat, even if given in the most solemn way. How would you go about trying to outline an answer to your questions (which are really quite good questions)? We'll see then how we might take them up in class....

Fr. Jim

What is the definition of sex in Catholic Church?

Biologically and psychologically with hormone, men or women should be distinguished by their reproductive sex organ. However there are some unusual cases; two sex organ in one body (even if I doubt its reproductive function) or normal person without reproductive function. I guess that even though its function is not proper we assume those people are men or women. Therefore we cannot say the criterion is only reproductive function. If we can say so, how about a transgender case? (one who changes his/her sex organ) What is the Church's teaching about a change sexual role? What is the side of the Church changing physical sexual organ? Can we understand them as a woman or man which is changed role?

Fr. Bretzke replies

Thanks for your question. I suspect instead of "sex" in your question you probably mean "gender" and there is no teaching that I know of that specifically addresses this question. However, from other Church teachings in the general area of sexual ethics I suspect that the official position (if one were to appear) would be unfavorable to the idea of a transgender operation. People with both female and male genitalia do exist (they're termed hermaphrodites), but this is a different reality than what is commonly called transgender. For definitions of sexuality (and we can intuit definitions of gender from these) I would call your attention to the section of the Catechism of the Catholic Church which we e-mailed you some time back (dealing with the 6th commandment).

Thanks,

Fr. Jim

As usual I'm stuck here at the multi-media browsing through your power point presentations on stem cell research, reproductive technologies, and bioethical issues. I just need your guidance on how does the church clearly describe the beginning of human life. I scanned through my copy of *Donum Vitae* last week but I didn't get

much detail to quench my curiosity. The phrase "from the moment of conception" needs further explanation to me.

Fr. Bretzke replies

Thanks for your question. To some extent I believe we've already addressed it, so let me just re-frame the issue. What does the term "from the moment of conception" mean from a scientific point of view? E.g., if we say that coitus ended at 8:15 PM on July 19, 2004 when could we say that "conception" has occurred? What is it, and what is the time frame in which we are to "protect" or "safeguard" something? For example, from 8:15:01 PM do we say that conception has occurred? If not, then when? 8:30? 9:30? 10:30?, etc. What would be the indicators to help us delineate "conception" that needs to be treated as sacred? These would be good questions for the moral comp's itself.

Thanks,
Fr. Jim

A Follow-up Question

to which case, no particular church document describes it clearly?! I mean that in detail somehow answers our many questions below...

Fr. Bretzke replies

That's correct, no Church document describes this clearly. The best theological reflection I know of on this subject is an article by Richard McCormick entitled ""Who Or What Is the Pre-embryo" which is Ch. 14 in his book "Corrective Vision" (which the LST Library has). I would recommend reading that article. In terms of the competence of the Magisterium to pronounce on matters of the natural law, could we say the necessary conditions for an infallible pronouncement could be present? If so, how? If not, why not?

Fr. Jim

q: what does it mean when CDF in is letter "sterilization in catholic hospitals" dated march 13, 1975, says:

"any sterilization whose sole immediate effect, of itself, that is, of its own nature and condition, is to render the generative faculty incapable of procreation is to be regarded as direct sterilization....it is absolutely forbidden, therefore, according to the teaching of the Church, even when it is motivated by a subjectively right intention of curing or preventing a physical or psychological ill-effect which is foreseen or feared as a result of pregnancy." ?

Is there an inconsistency here when HV 15 says "but the Church in no way regards as unlawful therapeutic means considered necessary to cure organic diseases, even though

they also have a contraceptive effect, and this is foreseen - provided that this contraceptive effect is not directly intended for any motive whatsoever.?

There is also an article in TODAY issue of Saturday about the Oregon law. Do you know what this is? what's your comment?

thanks.

REFLECTION:

In the Light of Evangelium Vitae: Key in Making Sense to the Emerging Moral Questions

In the encyclical, “Evangelium Vitae,” John Paul II and the article of Keenan, “The Moral of Evangelium Vitae,” has pointed out a very significant theological insight. Reflecting on it, I can clearly say that it is deeply rooted from the Sacred Scripture (Gen. 1:27, “God created man in his image; in the divine image, He created him; male and female He created them;” in Gen. 2:7, “the Lord God formed man out of the clay of the ground and blew into his nostrils the breath of life and so man became a living being;” and Jesus himself taught this saying, “I came that the! y might have life and have it to the full,” Jn. 10:10.), that it shows, human life has an intrinsic quality that God himself has implanted on it. In other words, human life bears within itself the seed of God’s own life and intrinsically human life is good. Life then is good because it is indeed a gift from the Creator, who breathes into man the divine breath and making the human person as God’s image and likeness. Even the article pertaining to the summary of the Evangelium Vitae, and Keenan’s line of thought as he laid the foundation of his moral argument in that same encyclical explicitly affirms, which I supposed to be valid is that human life is willed by God; that human being is the highest image of God among his creatures in the world; and that God breathes into human life and his Spirit lives in man. With this breath taking reality, life therefore is inviolable, it is then sacred for it belongs to God – “God is the author of life.”

However, in the light of the John Paul II’s magisterial teaching using the sanctity of human life argument vis-à-vis the new moral argument as proposed by Keenan which is as well anchored in the principles of the said document, calling out for the preservation of life is a valid argument. It is valid because it is in this line of argument that we can posit the morality or the ethical “consideration” and even “justification” of the cases like ectopic pregnancy and etc. where medical procedures might cause a damage indirectly to the person itself or either to the other side because if, it will not be done at all, the effect and casualty may arise. Like for instance, the first child of my aunt that after the delivery the doctor found out that the heart has defect due to a blockage in a certain capillary and the chances is vague. It is because first the procedure is crucial and sensitive, second the finances, third, they still have to travel here in Manila from Mindanao because of the

medical facilities needed are in the city hospital and fourth, the doctor himself IS quite skeptical for the child's survival.

The child was in the ICU for almost 2 weeks already and was really struggling for life and the longer that child stayed in that condition, the more the child accumulate complications.

Still the parents were looking the possible means and it was really tough, until such time they decided for the last resort of "mercy killing." The child was confined in the hospital for two weeks and the bill WAS 90,000.00 pesos considering that both of them were farmers of a small inherited farm land in Mindanao.

Thus, it is in this line of argument and cases that Keenan's article makes a sense in proposing a moral argument for the preservation of human life vis-à-vis in the emerging crucial cases of moral questions of "killing" and preserving life within the ambit of a sound theological reasoning. In addition, Joseph Donceel is as well making sense along this line of moral argument when he contended saying, "it is not immoral to terminate pregnancy... provided there are serious reasons for such intervention." Thus, this is a new path of understanding the moral question(s) regarding the preservation of human life based from the former principle of the sanctity of life and ultimately from *Evangelium Vitae*. I am personally open to this kind of moral understanding because it is in this aspect that we allow ourselves for dialogue from the moral absolutes and all the way to the emerging present crucial issues so that the moral objective can possibly be attained which is the well being and goodness of man himself and that is open, and sensitive to the different moral circumstances. After all, this is our entire goal and perhaps the Lord of Life argument implies the same moral objective that is the well being of man! [please give your comment on this... (vis-à-vis the physicalist and personalist approach?)] how about my understanding of the document, is it correct?

Fr. Bretzke Replies:

Thanks for the reflection. I'm not sure just what article of Keenan's you're referencing, and I don't have any of his articles with me so I'm reluctant to comment on whether you're interpreting correctly what he has said. Fr. Ritchie might be in a better position to answer this question since he is Fr. Keenan's doctoral student.

*I'm not sure about the precise medical condition and circumstances of the case of your cousin, but certainly *Evangelium vitae* would never condone "mercy killing," (nor would I for that matter), but it could be that what your family might have labeled "mercy killing," was the termination of extraordinary means. So I suppose the key here would be looking carefully at that principle (and here I might suggest my own presentation which I did for the *Theological Hour* on July 7th:*

<http://www.lst.edu/prof/Bretzke/BurdenOfMeansArticle.pdf> [PDF Version]

<http://www.lst.edu/prof/Bretzke/BurdenOfMeansArticle.htm> [HTML Version]

Burden of Means: PVS Debate Accompanying Power Point Presentation
<http://www.lst.edu/prof/Bretzke/BurdenOfMeans.htm>

Fr. Jim

Dear Fathers,

Rather than posing questions, I would like to share with you my reflections and some realizations during our last week's classes.

first, for so long I do hold on the thought or belief that there's really an "intrinsically evil act". but after some illuminating discussion last week, I think I have to alter some of the paradigms I hold true. what is then the reason for this is the fact that knowledge of the person (will) and the circumstances must be highly considered. for both affect the objectivity of his final decision.

here then that the pastoral implication of the matter comes in.... most cases therefore if not all, cannot qualify to this, as though we can label these (abortion, etc.) as automatically as we did before. but now, we are looking into these areas in order to be fully a pastor to the person before us. of course not forgetting what the Church is teaching on the case.

it is always important to have in hand, in mind in heart the teaching of the Church about many "controversial issues" in order to be fully "competent pastor...this only calls for a deeper understanding, not for a stricter imposition of the law.

for now, these are the things I wish to share with you...as our class develops, I pray for a deeper academic and especially pastoral understanding of the field. God bless.

Just the other night, I was reading again an article from the Vatican that says *Humanae Vitae* is not an opinion open for theologians to be debated. Does this implicitly mean it contains infallible teaching?

Regarding homosexuals, I pity them particularly my gay friends by simply looking at them in the perspective of Church teaching - that they are sick people who need to be helped out from being disoriented. I never felt this feeling before. Most of the time, when I'm with my gay friends I enjoy their company. They are people who lighten my problem. Really gay!

But of course, I do not agree with them engaging into sexual relationship with men. and just yesterday I realize, I was kind of dealing with them along with what the Church thinks about them.

I don't feel comfortable sermonizing or even trying to direct their lives. I just don't want them to get entangled in a relationship that degrades their value system. Maybe, more than my concern to help them is my desire to maintain those values reflecting them as worthy and respectable gay friends of mine whom I could be proud of to people around.

Fr. Bretzke Replies

Thanks for your questions and reflections. In order to respond to your first question I would need to know exactly what document you're referencing and exactly what the document itself says, because the "answer" could be "it depends," and in order to give a full answer, please let me know what document and which passage you're referring to.

*Thanks,
Fr. Jim*

Follow-up question and reply:

Father,

I'm giving you below information from the introduction of the article in Origins, NC documentary service. vol.18: no.38, March 2, 1989.

it's a commentary defending the church's stand on contraception printed in L'Osservatore Romano. it's entitled "The Moral Norms of 'Humanae Vitae' and Their Pastoral Obligation." it was in front page. unsigned. reportedly written by an authoritative source at the Vatican.

the commentary contains a quotation from John Paul II saying in June 5, 1987, "Whatever the church teaches concerning contraception is not open to deliberation among theologians. to teach the contrary would be equivalent to leading the moral conscience of the married couple into error."

Fr. Bretzke replies:

Thanks, and if you could get me a hard copy of that I'd be appreciative. However, to answer briefly your original question in light of this information I would note the following points:

1) What L'Osservatore Romano is the Vatican's newspaper, it does not carry any independent magisterial authority (e.g., the Pope does not review its contents prior to publication beforehand).

2) The fact that the editorial is unsigned hardly would increase its authoritative weight, rather the opposite. An "unnamed authoritative source" does not really convey any tangible authority in light of the norms of Lumen Gentium #25 and the tradition of the Church.

3) *The use of a single sentence quote by the Pope needs likewise to be contextualized. Just what could the Pope mean by the statement "Whatever the church teaches concerning contraception is not open to deliberation among theologians. to teach the contrary would be equivalent to leading the moral conscience of the married couple into error"? On one level this statement could seem to contradict the teaching of Humanae vitae itself which calls upon theologians to discuss the teaching--not with an eye to revision, but to convincing people of its truth. I do not see how any theologian could fulfill this mandate without "deliberating" on the teaching that they are supposed to promote.*

4) *I think the key to this text though is the phrase "to teach the contrary." If a theologian were to misrepresent what the Magisterium is actually teaching, i.e., to teach as contrary what the Magisterium in fact teaches, would I believe be wrong. It could in fact lead people into error and cause scandal. But, if a theologian presents what the Magisterium actually teaches, and presents the arguments used in that teaching AND the ambiguities internal to the teaching, as well as counter-arguments advanced to the teaching, this would not constitute "teaching the contrary."*

For example, in class if I were to have taught (which I did not) that Humanae vitae condemns artificial contraception because it is "artificial" and supports natural family planning because it is "natural," it might be seen as being supportive of the magisterial teaching, but in fact I would be teaching something contrary to what the document itself holds. Or, if I were to have taught (which I did not) that the CDF did not condemn a tubal ligation to prevent a life-threatening future pregnancy in light of the fact that once pregnant the woman could have a radical hysterectomy to save her life (while suffering the loss of the fetus) this would be contrary to what the CDF in fact taught. So I took pains to show that while the relatively minor surgery of a tubal ligation (in which no fetus was involved) was condemned by the CDF, the more radical invasive hysterectomy resulting also in the death of the fetus would not be outlawed by the CDF if the resulting pregnancy put the mother's life (and ipso facto the life of the fetus) in danger. What I did do in class was point out the paradigms used behind the arguments, as well as the logical conundrum of outlawing a relatively minor preventive operation which results in no loss of life (tubal ligation), while allowing for a much more serious operation (the hysterectomy) which would result in the loss of the fetus' life. To point out this sort of anomaly, though, I do not think constitutes teaching something contrary to the Church's position. In fact, it simply shows more clearly just what the Church's teaching is, and involves, in certain areas.

5) *The last point would be a response to what constitutes "infallibility." I would direct your attention to the definition of infallibility given in Vatican I's Pastor Aeternus (which is contained in my "Magisterial Exegesis Guidelines" I posted on the web-site. That definition gives the criteria clearly for ascribing infallibility to magisterial teachings. I do not see how an unsigned newspaper editorial quoting an unnamed source could possibly confer infallibility after the fact to any previously released magisterial document. You might also want to look at the section of Code of Canon Law which deals with what constitutes departure from authoritatively taught magisterial teaching (e.g.,*

heresy) and see how carefully the Code sets forward the criteria of what constitutes infallibly taught matters.

I hope this helps.

Fr. Jim

Sexuality is a fundamental element in human nature which plays a foundational role in our response to life (CCC). thus, man's sexuality is not indeed in the order of animal sexuality- not in the same nature because animals do reproduce while man and woman is to procreate...(is this morally correct statement?)

Familiaris Consortio speaks not only of procreation but also the unitive act of conjugal love as man and woman becoming one in the sacrament of marriage....

now there are various relationship where not geared towards procreation and not for a unitive act or vice versa like homosexual relationships, pre marital sex among the young people (which 2 months ago, a research of the university of the Philippines brought this issue that teenagers nowadays, roughly from 13-24 years old are in this illicit practices)...
..... (please give a comment on this?)

Above question answered in class

How about INFERTILITY in marriage vis-à-vis the procreation and unitive act...? What is the church teaching on this matter?

Fr. Bretzke replies:

Thanks for your question, and we'll try and address it in class. For some follow-up reflections on your own you might want to look at how the various assertions contained in the Church's magisterial teaching are proven or demonstrated, e.g., in which you state that various relationships are not geared to the unitive dimension and then list pre-marital and same-sex relations as being of this nature. I suspect that this assertion would not be accepted by many people in these relationships and so we would need to go a bit further if we would aim to prove these foundational premises.

Thanks,

Fr. Jim

Above question answered in class

From my course on Sin, it was clear to me that a new understanding of Original Sin recalls the evil present in the world and fallen nature of men.

Now, I baptize every Sunday and in our parish we are still using a Tagalog rite which talks of the remission of original sin (*pagkawala ng kasalanan mana*). But I have to confess that I do not yet have a clear picture of what is really forgiven in baptism to a new born baby, since he/she has never had the chance to make a moral option or of sinning.

I need some clarifications in this

Thanks for your question. It's really more of a "systematic theology" question rather than a "moral theology" question, so I'm not sure I can give the best answer, but I'll try and tackle it in class.

Thanks,
Fr. Jim

What does it mean when *Veritatis Splendor* says in no. 79?

"one must therefore reject the thesis, characteristic of teleological and proportionalist theories, which holds that it is impossible to qualify as morally evil according to its species - its 'object' - the deliberate choice of certain kinds of behaviour or specific acts, apart from a consideration of the intention for which the choice is made or the totality of the foreseeable consequences of that act for all the persons concerned."

Does VS totally reject teleological and proportionalist theories or just some aspects of it? Which aspects?

Fr. Bretzke Replies:

Thanks for your question; I had another reply all set to send when the power went out and I lost everything on the computer. Here's a quick answer, and I'll do a longer one in class: I would say that VS does not accurately or fully represent proportionalism and teleology in its condemnations. That is, what VS is condemning the proportionalists are not in fact saying, but we'll go into this more in class.

Above question answered in class

My thoughts or reflections relating to Moral Theology

I am thinking of how to evaluate myself regarding Moral Theology and I realize that the best way to do it is to check what character I have been developing in myself or in which point of view I am when I am faced with a specific moral issue.

First of all, I agree a hundred percent with my professor that this world is morally complex. I have traveled around the world and at the same time, I have been living in different cultures. To live in different cultures have made me change my point of view of this world. I can say from my own experience that some cultural behaviors are right for a

specific culture and are not acceptable for other cultures. When I was in Australia, I understood very well that the boy or girl, after his or her fifteen (15) years old, is free to leave his or her house and to live with a friend or boyfriend or girlfriend. The government allows them to do it. I will try to put an example: a traditional Catholic Italian family moves to Australia with three children, two boys and a girl. The girl at that time was 10 years old. When she was already! 15, she asked her parents one night for permission to go to a nightclub with her boyfriend. Her parents said no because her parents knew very well what kind of things people usually do in the nightclub, perhaps to dance, to drink, to smoke and etc. The parents considered that she was too young to go there but for her, it was okay because she was already inside the Australian system of culture and also her batch from the school were doing it very often. She was crying and she called the police and explained to them the situation. Certainly, the police arrived at her house and explained to her parents that to forbid her to go out is against the Australian system and this act is wrong because she is already 15 years old. So the police allowed her to go out. She went out with her boyfriend and she came back the next day and the parents were silent and did not say anything in order not to breaks the Australian law. The relationship between he! r and her parents started to be difficult because were hard for her parents to understand her behavior and also for her to understand the position of her parents. So the relationship was really getting worse. She was thinking of leaving her house in order to make her own life, but she was confused, she did not want to hurt her family by leaving them and she thought “if I make them happy, I end up hurting myself “...

So I am just asking myself what happened with the cultural values of her parents? For me, this is really a moral complex world. From this simple example that I tried to situate, I can see one of the conflicts that many migrants are facing today. The parents have problems connecting the traditional Italian norms regarding the education of their children and to recognizing the new norms and the new country. I think that they have big controversies within themselves on how to follow the traditional norms and to accept the new norms. I can see that the police was doing the right thing according to the Australian norms of law. The girl, perhaps, was in a big mix because she did her own decision, to go out, and the relationship with her boyfriend was going on without problem but what happened with the relationship with her parents?

At present, it is so sad to realize how many people follow their own design in everything they do in order to attain happiness and to succeed in fulfilling their own interest. In this globalize world, I can say that many people follow his/her own set of values and leads often the people to feel alienated from one another. The values that we used to consider true, like for example the value of marriage, loses its meaning as we continue to adapt ourselves to the fast changing reality. Broken marriages are rampant and single-motherhood is rising, the moral value that envelops the sacredness of marriage is more and more independent and the values that model loses its meaning.

Going back to my example, I really tried to put the example of the traditional Catholic Italian family because I know the phenomenon of migration. Nowadays, people are moving everyday for any reason. My point is to see how migration is breaking the family relationship, the moral values, the spiritual values, the values of the traditional cultures

and rising a new one. I am Just thinking how many million migrants are on the same boat? I am sure that migration has a strong impact in Moral theology and I am interested on how migration affects our moral acts and values, norms, culture?

Q1: For example, like the German Bishops have given an instruction on the pastoral care for those divorced and remarried couples (regularizing their participation in sacraments), how can we use this kind of instruction?

Above question answered in class

Q2: In the treatment of rape victim, the victim can be treated with medications that would prevent ovulation, sperm capacitation or fertilization. However, treatments that have as their purpose or direct effect the removal, destruction or interference with implantation of fertilized ovum is not permissible. In view of this, as far as I know, most "pills" that we can find in the market would also interfere with the implantation. Is there a medication that only prevented ovulation or fertilization? What principle are we applying here?

Fr. Bretzke Replies: (We took this question up in class together.)

Here's my question regarding our session last week on sexual ethics:

How are we going to understand "family" in the case of gay couples? What constitutes, first of all, a "family"? Does the nuclear family, i.e., consisting of a husband and a wife with children, represent the ideal family unit against which all other family arrangements are to be measured, or does the nuclear family represent one of many equally valid instances of family?

Since same-sex marriage was made legal in Massachusetts just months ago I was trying to know and understand what moral theologians say about this; I know of the church's stand more or less. this issue on homosexuality has not been discussed in depth in my previous moral courses; perhaps because in Philippine context it is still a sensitive area. What do moral theologians say about same-sex marriages?

Fr. Jim, I was just curious about homosexuality. Can a person be justified engaging homosexual relationship as well as homosexual activities, when in fact he doing it for the good of his family and his mother who is a cancer patient. He needs money for the medical treatment of his mother and food for his brothers and sister. If not his mother's life will ruin as will as his brothers and sisters. His partner can provide anything he needs.

Indeed, it is difficult for him to separate. His intention is for the good of his mother who is in the portal of death. He has no other means except to continue their relationship.

I think this case is quite similar to a prostitute that we have discussed before. But this time is homosexual relationship engaging sexual activities.

thanks,

Fr. Bretzke replies:

Thanks for your question, and it is a difficult one, though the answer I gave to the prostitution case would be similar to the answer here. However, from a pastoral perspective we might want to help the man see if in actual fact there are indeed no other avenues open to him except to continue a relationship (which I gather involves financial remuneration for sexual favors granted). Will such a relationship be truly promotive of his human flourishing? Those are the sorts of questions I would want to explore with him, keeping in mind that at the end of the discussion it will have to be the man himself (and not the priest) who stands before God with the decisions made. Thus the man himself has to try and decide best what to do in the light of God's light and love.

regarding Nutrition and Hydration:

1) how do we distinguish PVS from coma--in other words, how do we know one is aware of himself or not?

2) how do we decide whether nutrition and hydration are 'part of medical therapy' (and hence could be extra-ordinary means) or simply 'nutrition and water'?

p.s. what is the difference between the 'revised version of P of Double Effect' and 'the P of Proportionalism/Proportionate Reason' ? it seems both emphasize ONTIC EVIL .

here are a few questions that I find puzzling:

1) NFP: If I am not mistaken, the church says it is permissible to INTEND explicitly the unitive aspect of sex and to exclude INTENTIONALLY the procreative aspect. Isn't this INTENTION (of excluding procreation) the same as that of those who use artificial contraceptive means? It seems the Church is focusing on the ACT and making INTENTION inferior to ACT?

Fr. Bretzke Replies: *(We took this question up in class together.)*

2) treatment of rape victims: although we learn that the chance of getting pregnant in a rape is very rare, how should we counsel the victim if she really got pregnant?

Fr. Bretzke Replies: *(We took this question up in class together.)*

3) Magisterium: I have come across an article from TABLET (see attachment) about AIDS prevention and CONDOMS, how should we 'inform' people when different bishops think differently. e.g. one bishop may express his view that use of condoms to prevent transmission of AIDS is permissible; but another bishop may say otherwise?

Fr. Bretzke Replies: (We took this question up in class together.)

Question 2:

Peace! I notice there is a different between the principle of double effects that you have given and the traditional one. (an ontic evil mean is acceptable if there is a proportionate reason) In the case given to us with regarding tubal ligation, at first, I would not consider the principle of double effects as an option, following the traditional understanding. However, if I would take the revisionist position then the principle becomes applicable. Which version of the principle should I follow, especially in the Moral Comp or in the AD Auds? It seems to me that ultimately it depends on what position am I taking. Can you comment on this.

Fr. Bretzke Replies: (We took this question up in class together.)

Question:

My present question is regarding options 2 and 3 in the "fetus in the fallopian tube" case. option 2, invasive major operation, cuts a portion of the tube, which happens to have the fetus. option 3, is the minor operation which targets the extraction of the fetus while leaving much of the woman's reproductive system in tact. my question is, why does option 2 satisfy the old criteria while option 3 does not and will need a revision of the criteria. I still do not see the significant difference between options 2 and 3. both target the fetus, in both cases, the fetus will most probably not survive, and plainly speaking the life of the mother depends on the death of the fetus. Option 3 simply looks more direct.

Fr. Bretzke replies

Thanks for your question. I probably would agree with you on the "common sense" level, but the traditional criteria looked at the removal of the tube to cause the cure, with the loss of the fetus being collateral damage (and occurring at the same time the cure was obtained. In the newer surgery only the fetus is targeted (and not the tube), so it looks like one is using as a "means" to this end the destruction of the fetus, and according to the older criteria this could not be allowed. Does this clear things up at all?

I am trying to answering this question what am I thinking about abortion? And I wrote down:

First, abortion is fruit of an irresponsible act because before having sex the partners must be aware of their purposes for engaging in a sexual act. Sexual relationship is a physical

expression of pleasure, love, of giving to receiving the other person and must be open to life that is procreation. A root problem is that a lot of people have reduced sex to pleasure neglecting procreation as purpose of sexual intercourse. Irresponsible sexual intercourse or experimental sexual intercourse is seen just as a biological act. This idea has produced that many teenagers get sexual active before they can think how to be responsible their acts, for example being “good parents”. Moreover, the partners must know if it is the right moment for them to become parents or not. As a consequence of this reduction on the meaning of sexual intercourse the production of contraceptives and the increasing number of the abortions is enforcing this misconception of sexual relationship. Abortion and the contraceptives are good businesses today, and they are being advertised as the solution to avoid unwanted pregnancies. However, a big majority of women are unaware of the consequences that both contraceptives and abortion cause at the physical and emotional levels they may be seen a easy solutions. In addition, a lot of people do not have access to sexual education and orientation regarding the different alternatives to prevent unwanted pregnancies.

Second, for me abortion is very bad, an intrinsically evil act. I believe in God, the giver of life. Life is the biggest miracle of the nature. I agree with the Catholic Church when she says that the beginning of the human life is in the moment of the conception or fecundation and from here the human person ought to be respected either inside or outside the mother’s womb. So, I don’t agree with the feminist groups when they claim abortion as a right given to women and to decide whether to have or not the human being growing in her womb that gives them the opportunity of achieving full development and social equality. If the woman for any reason considers that cannot take proper care of the child, it is better to consider the possibility of adoption rather than abortion. In my opinion, this is the best way to respect the dignity of the new life and the incapacity of the mother to take care of the child.

Third, another concern is the attitude that church is ministers should assume before a woman who has undergone abortion. I believe that everyone must be compassionate with the women that have had an abortion, and help them to go out from the psychological effects of experiencing abortion. I suppose that many of them abort due to pressures coming from society, family, culture, or economic hardships.

Finally, I want to say something about how abortion is look at in my country, Colombia. In Colombia, as well as in the majority of the Latin-America countries, abortion is illegal from the government point of view. Being Colombia a Catholic country, the Church teaching against abortion has a strong impact on the Colombians’ conception of abortion as a sinful act. Even though, it is forbidden by the law and considered as a sinful act, abortion is practice clandestinely or in secret. It has become a business related to government corruption, mafia, and the culture of the hedonism promoted by mass media. This can be seen in the famous Mexican movie “El Crimen del Padre Amado” that created a big controversy in Mexico. The “crimen” is the abortion and the subsequent death of the mother due to the clandestine abortion.

As a conclusion, I think that abortion continues being one of the biggest moral problems with which we are faced nowadays. There are different opinions regarding this issue; however, I think that abortion is alike to murder because killing an undefended baby in his/her mother's womb is as grave as taking away the life of a person of any age in a premeditated way.

Fr. Bretzke replies:

Thanks for your reflections. What would you say about abortion in the instance of rape? Would you call that an "irresponsible act because before having sex the partners must be aware of their purposes for engaging in a sexual act"? Certainly we could make that judgment about the male in the act, but would you make the same judgment about the woman? If you would modify your description then of abortion, might you need perhaps to expand or restrict your definition of abortion? E.g., how about abortion in a medical case to save the life of the mother? I think by and large your discussion is on target, but how would you handle these "limit" cases?

Thanks,

Dear Father,

To have an abortion is an intrinsically evil. However, how can we address those women raped victims who want to have abortion for the main reason that bearing and taking care of the baby would remind or trigger their painful experience?

Fr. Bretzke replies

Thanks,

I wasn't able to get your question before our class on Wednesday, and so I didn't answer it directly, but indirectly we have to look at "when" in the pregnancy we're talking about. If it's a question of doubtful ensoulment that's one issue, but if on the other hand we're reasonably certain the fetus has been implanted and ensouled (e.g., after 2 weeks) then we would be talking about the destruction of a human life that is absolutely precious in God's eyes. Would this fact outweigh even the painful memories triggered in a woman? Can there be any other way to heal these memories? I would hope the answer to these last two questions would be "yes" (and therefore I would like to suggest that abortion would not be a moral option in this case. Nevertheless, we must remember that even if a woman does have an abortion there is always the invitation to forgiveness and reconciliation, and to use the words of Pope John Paul II, "nothing is ever irretrievably lost in God's eyes" (Evangelium vitae #99 [I think--I'm doing this from memory])

Fr. Jim

Unanswered questions by e-mail, but answered in class:

Dear Fr. Jim,

I was a little bit confused about what we have discussed about the case of the prostitute. The act was justifiable therefore morally good? I wonder if it is also applicable to those who steal money in any way in order to provide something for their sick or dying child or parent.

Dear Father,

I have a question. Let me put in this way. I know that is possible to dissent in the level of Authoritative, Non-Definitive Doctrine like local bishop, groups of bishops, college of bishops, pope. With conditions. My question is: If a Catholic Christian disagrees with the teaching of the Magisterium on birth control, is he or she free to express his or her dissent?

I will wait for your reply.

Thanks

Fr. Bretzke Replies: (We took this question up in class together.)

Dear Father,

I have a question which just dawned on me after our class. We were talking about *finis operis* and *finis operantis* and don't know if it really has something to do with my question, but anyway it goes something like this:

My question is on piracy. I know it has become so prevalent nowadays. Just this Holy Week, the film *The Passion of the Christ* was released in the US on Ash Wednesday. There has been a screening of the same film here in the Philippines but only in the key cities of the country.

We cannot really deny the relevance of the film during the Lenten season and even beyond so many dioceses and parishes in Mindanao, where I was by that time, procured pirated copy of the said film and used it during Lenten retreats as a tool for reflection. I do not know if it also holds true with the parishes in Luzon. What is disturbing is that the ones initiating it were priests and the film involved is not just any ordinary film but a film that has moved a lot of people and even converted some and it is a movie about Christ's passion, the person who, I would presume, the first one to say no to piracy.

I know it was intended for a good purpose but we cannot deny that it is intellectual piracy and it's wrong. I would also admit that I am guilty of the same offense. I also buy pirated discs myself. I feel guilty sometimes but most of the times I do not. Is there something wrong in the formation of my conscience?

I do not know if my long question made sense at all. I'm just in need for answers.

Dear Father,

Could you please tell me the differences among universal precepts, universal principles, and universal norms?

Fr. Bretzke replies

These are essentially the same reality, with just different nuances. A precept is another word for a principled norm. A norm is usually more prescriptive in character, such as "you shall not murder," whereas a principle is usually a bit more elastic and general, such as "all life is sacred." All life is sacred, but under certain circumstances one could take another person's life, as in self-defense, without destroying the basic principle of the sanctity of life. However, a universal norm is more tightly formulated, such as "do not murder," since it means to exclude those legitimate circumstances when one could in fact take another's life. Thus, we do not call "self-defense" an act of "murder," even though it might involve killing.

Dear Fr. Jim:

When we learned the case study the key point is that we must clearly know our role played in the case, we just help people make a better decision, never decide for people. In this regard, I personally think that only the fool would like to be a decision-making of others so this key point is useless. Why did I say that? I take a real example to explain:

The story happened in a rural village, there was a married woman, 26 of age, with a kid. She came to me and told me about her matter. She married a man whom she doesn't like, since they have married too often that she was cursed and hit; now she wants to divorce. Her point is that she has never loved the man; and the man has another woman. Her marriage was decided by her parents because her family is so rich that her family must let her marry to the same class family (this is often happened in some rural villages of china until now). She knows that she is an only trade of her parents for keeping their business prosperous. And in this small village almost all villagers know her story and show their sympathy.

In the past years she talked to three parish priests and asked them that whether or not she can divorce according to her situation. She is a very faithful catholic that she knows that the church does not allow also. Three of them are all good listeners. They pray for her, sympathize with her, and so on but no one decide for her how she should do.

Unfortunately I was the fourth person to concern her matter because I have already been a deacon; I was the same above three of them to be a good, sympathized listener at last. From my deep conscience I want to tell her that it is ok you can go to divorce, but not. I ask myself why I do not. Maybe I am afraid of the responsibility which will influence my bright future. Truly it is. Firstly, I am afraid of committing the sin very much. If I say it is ok I will take on the responsibility for my decision; if this decision is wrong I will get the big sin. Secondly, I am afraid that I will be the enemy of two families. Two families hold the power in the village; they often help church with many things. Thirdly, others will say that I (a deacon) allow people to divorce.

In China, only very faithful and ardent Catholics come to priests to ask for help when they are in the fix. For the unfaithful they just do what they want to. So I feel that when they come they just want to get the exact decision from priests, not an ambiguous advice

or let you listen to the painful story. For Chinese smart priests they seldom made the mistaken that they make decision for people in the real reality.

As deciding what I did not want to do (I should tell her divorce) my conscience is upset. Whether or not I should take on the responsibility for injustice? Why do not I remove the burden for the woman?

One more thing, you know in China the birth control is a fundamental policy written into the Chinese Constitution. For Catholic families it is a big challenge: if control it against the canon law; if not it against the constitution. For church in china, it can not openly preach that Catholics can not birth control. Otherwise, you will be investigated by government. For me, if I tell my parishioners that they can not the birth control I feel that I give them the big yoke; if I tell them that they can I feel no peace in my heart.

Thank you for your time!!!

Fr. Bretzke replies:

Thanks for your e-mail, and I wonder if it might be easier to get together to talk these matters over? Certainly you bring up some tough issues. One thing to keep in mind is that even the Church recognizes the possibility of legal "separation" of a couple for serious reasons (like the ones you give). What the Church doesn't allow is re-marriage without an annulment. So civil divorce can be equated to the "separation" allowed by the Church; but the Church won't call it "divorce" in the sense of ending a sacramental marriage.

The birth control issue is also complex, and we'll be discussing this in some detail later on. However, ultimately you have to let people make the decision which their consciences tell them is best. Remember here the old theological axiom of "Deus impossibilia non iubet" (God does not command the impossible).

If you'd like I'd be happy to meet with you to go over these matters.

Fr. Jim

Dear Father;

I have this question that I encounter during my apostolate; is it morally right to give birth to a child when the mother or the parents have no job, they are beggars and have no permanent home. The child will likely grow up with no education and with poor health. This child is angry to live a life full of poverty and he wishes he had never been born and puts the blame on his mother. Father this is a real life issue and continues to go on still for so many parents who bring their little children begging.

Fr. Bretzke replies:

Dear Father,

I have a hard time understanding the difference between SIN and MORAL CULPABILITY especially in line with the example you gave in our session this afternoon (about a woman who turned into prostitution because of mitigating circumstances such as; she was left behind by her husband, with five kids, financially incapable of raising her children, had not finished even her grade school that she couldn't find and be employed in a decent job). I remembered you saying in class that the act is considered a SIN yet she is NOT MORALLY CULPABLE. Please enlighten me in this regard.

Fr. Bretzke replies:

Thanks for the question. Part of the problem is that I didn't say exactly what you remember me as saying. I said the ensemble of the act of prostitution is certainly morally evil, but in the woman's case it is not a sin since she lacked freedom. However, lots of evil abound (and presumably sins of others): e.g., the social sin involved in an economic structure which would cause a woman to seek this line of work as her only employment; the evil (and presumably a sin) of her husband deserting her; the evil (and presumably the sin) of those men who come to her as clients, using her as a means for sexual gratification. Thus, there clearly is lots of evil involved, and presumably many sins, but NOT for the woman herself, since she lacked sufficient consent to any immoral act, and the *finis operis/operantis* of her actions are not instances of sexual wantonness, but a desperate attempt to eke out a livelihood for her family.

Does this help?

Fr. Jim

Dear Father,

May I ask you some questions?

1) You mentioned somewhere in your lecture that rationalization is the dark side of a good person's conscience, and that this may be a danger in judging an act to be right when it is in fact "wrong." (Please correct me if I didn't recall it perfectly.) Why would rationalization be "dark" if it were part of the discernment process that a person goes through in making a moral decision? What is "wrong" with rationalization? Wouldn't seeking for right reasons and bringing together moral principles entail some kind of rationalization?

2) What is the place of "direct knowledge" or "hunch" or "intuition" in moral decisions? Supposing a person who has gone through careful discernment -- integrating all principles and sectors of sources for moral theology -- ultimately "feels" that the "correct" decision derived from the labyrinthine process of reason is "wrong," how would he understand this "deeply internal voice" which seems to stand apart from the result of his discernment?" There are situations when, inexplicably, while the mind goes through all

logical efforts and right reason, the "heart" (or maybe intuition?) still prompts the whole person to do otherwise. What then happens to a person who goes ahead with right reason in the sanctuary of his conscience even when his "intuition" or "heart" strongly tells him to do otherwise? And what happens to a person who, despite seeing clearly that his rational decision is right, ignores reason completely and heads on to follow his "intuition."

Fr. Bretzke replies

Thanks for your questions. To answer your first question I would stress the distinction between the words "rational" and "rationalization"; while they are closely related in terms of their root meaning the nuance is quite different. To use reason to come to a balanced decision, weighing facts, seeking to see all perspectives is a "rational" process. "Rationalization," however, is a sort of pseudo-reasoning process. It means ascribing what seem to be "reasons" to a decision in order to make it appear "rational" but in fact it is a process of false justification. For example, if someone cheats on their taxes and offers as a justification "everyone does it, and the government knows this and raises the tax rate accordingly," this would be giving a "rationalization." So in light of this distinction of the terminology would your first question be cleared up?

Your second question is a bit more difficult to answer because it brings up the aspect of discernment which does involve our emotions and affective dimension, as well as the recognition that we "know" on several levels, and not just the "intellectual." I'm not quite sure what you mean by the term "direct knowledge." If you mean "infused knowledge" this could be quite problematic, since it would suggest knowledge obtained in a non-human manner. For example, if I were to be given "direct, infused knowledge" of Tagalog I wouldn't have to study the language in order to speak it (as a foreigner). However, if by "direct knowledge" you mean something more along the lines of a "hunch" or an "intuition," then I think we can use that knowledge to an extent, since it is a way of human knowing. However, "intuitions" and "hunches" that cannot be supported by "reason" are particularly susceptible to the problems of deception and rationalization, and so I would suggest greater caution in relying on this kind of knowledge. But with caution I have a "hunch" that most of us use "intuition" to some extent.

Hope this helps.

Fr. Jim

A follow-up to the above:

Dear Fr. Jim,

Thank you very much for answering my questions. They helped me indeed.

But aren't supporters of various controversial morally wrong issues widely perceived to be morally wrong (such as homosexuality, abortion, war against terrorism, etc.) going

through some process of reasoning that appears to be rationalization? Some issues that were perceived to be morally wrong in the past but are considered no longer morally wrong today somehow went through a process of rationalization in the past.

On intuition: your discussion yesterday on obeying conscience (perceived to be the will of God) even when it is erroneous also helped me. How about the example of a nun who falls in love with a man and reasons that there is nothing wrong with spending so much time with him? Summoning all the reasons she can use, she thinks she's on the right track (that is, there is nothing wrong with seeing him often), but her "intuition" tells her she shouldn't be doing such (maybe due to fear that she is playing with fire). Maybe the intuition felt here must be considered the voice of her conscience, and hence, must be obeyed?

Thank you again, Father Jim.

Father Bretzke replies:

Teresa,

Thanks for your questions and feedback. In regards to your first point I think we need to distinguish genuine "rationalization" (in the pejorative sense) from the charge of rationalization. I think those who in good faith and after sincere efforts were able to see what now most of the rest of us admit to be a morally correct position (regardless of the issue) might have at one point in time been accused of "rationalization." But in fact it now seems to have been instead the genuine process of reason at work.

In the second point I think the sister in your example is struggling between an intellectual rationalization in her head to justify her actions, but finds these contradicted by the more genuine voice of conscience (which in this instance you would term the intuition of her heart). I think this is an excellent example, I would like to use it in class as an example of discernment. I'll do this, however, without indicating where my example comes from, so I won't put you or anyone else on the spot.

Thanks,

Fr. Jim

Dear Father,

You have said in our previous meeting that we have to safeguard life at all times. In our example wherein the owner of the house has to say to the soldiers that the person they are looking for is not in his house because he has the duty to safeguard life...he did not lie...because the truth is that one must protect life...What about in this situation: When I become a priest someday and I will officiate at a wedding...then the future couple first go to confession...then the man confessed that he is married to another woman...what am I supposed to do? I am sandwiched between seal of confession and saving the life of the woman from possible destruction...

thanks,

Fr. Bretzke replies,

This sort of case which you bring up involves a number of canonical and pastoral principles that you will no doubt be taking in your canon law and ad auds courses. The answer to your question is more "canonical" than "moral," but let me briefly address it. As a priest everything you hear in the confessional is bound by the seal, and this is sacrosanct. On the other hand, if a man tells you in the confessional that he is already married then if he were to attempt a second marriage that marriage would be invalid. As a priest you would have to tell him that his marriage would be invalid, and you yourself should not officiate at a public wedding which you would know would be invalid. On the other hand you cannot reveal what the man says to you to anyone else, so the key to this case is trying to reason with the man to get him to see that his marriage would be invalid if he were to attempt it. Still, when all is said and done, you may not betray the seal of the confessional

. There are several canons which speak to this issue, which I could go over with you if you wish (if you want to do this please make an appointment to see me, and bring me a copy of the Code of Canon Law, since I didn't bring mine with me to the Philippines). Hope this helps,

Fr. Jim

Fr. Jim,

I would like to ask you about the principle of compromise that you have in your notes and in your book. Is it different from the principle of choosing the lesser evil? Is it more like an attitude (like the principle of tolerance) or is it a detailed, structured principle (like the principle of double effect)?

Fr. Bretzke replies:

In short, I consider the principle of compromise to be closest to the principle of tolerance, in fact it just illustrates another aspect of how to deal with evil in the world. Tolerance means "enduring" (more passive) certain things that in an ideal world would not be, whereas compromise means working in the practical order in "half-steps" for the realization of certain values or the minimization of certain disvalues. Again, in an ideal world we would be able to take full-steps, but in the real world full-steps are neither always possible nor effective. I think Pope John Paul II gives a good rendition of the principle of compromise in *Evangelium vitae* in the section which deals with the possibility of elected officials supporting a piece of legislation which would still allow for abortion, but whose effect would be somehow to reduce the actual number of abortions, etc. I would make a distinction between the principles of compromise and tolerance on one hand and the principle of the *minus malum* on the other. In the latter case an actual evil is being done, but the moral meaning of this evil will depend, or change, depending on intention and circumstances.

Fr. Bretzke,

What is your stand regarding the issue of divorce in the context of Moral theology and in the context of the Church? Is it justifiable?

Fr. Bretzke replies:

We have to make a distinction between "divorce" in terms of "separation" and "divorce" with a view to possible re-marriage. The Church has always recognized, even in canon law, that sometimes in some marriages it may be necessary for a couple to separate-- either for a time, or longer. There is a process for this sort of separation in view of canon law. In countries which allow divorce, such as the USA, this canonical process is usually replaced by civil divorce. Someone who is civilly divorced is not separated from the Church's sacraments. However, if such a person should re-marry without having obtained an annulment first, then in the eyes of the Church that person should not receive the sacraments until their marriage situation has been regularized. All of these questions I suspect you'll be studying when you take the course in canon law, and perhaps the sacrament of marriage, but hopefully this answer addresses your question for now.

Fr. Jim

Good Day Fr. Jim!

I just want to know what is the stance of the Church and the moralist in this case:

"Antonio is 85 yrs. of age. He is free from any responsibility in his family anymore because his children are all professionals. He is a good man and God-fearing person. He has a happy life together with his own family and extended family. As a Christian he believed life after death. However he is eager to embrace that reality and so he decided to end his life with the consent of his loving wife and family as well. In fact, his son who is medical practitioner will facilitate the process of injecting the medicine in his body. Prior to the injection of the medicine, his family called a priest for the last sacrament. The priest arrives in the house and Antonio lying in bed while his family is watching him, presuming that Antonio is sick and dying. After the priest gives the Final Blessing and the sacrament, Antonio got up his bed and told the priest that in the few moments from now my son will give the medicine to end my life."

Fr. Jim can we consider this case euthanasia? Does Antonio's decision violate the commandment of God?

Fr. Bretzke replies:

The short answer is "yes," this is clearly euthanasia, and would violate God's commandment as we understand it now. However, we cannot judge the man's own

intention, state of mind, etc., so we would not judge "him" per se, and entrust him instead to God's mercy.

Fr. Jim

Dear Fr. Jim:

I have some questions need to be clarified, may be it comes too early.

Is it moral enough for a bishop to tell the lie to policemen, like in Hugo' Les Miserables, though his intention is to protect the poor man, but on the other hand, by doing so, he is against the civil or criminal law. So when we deal with such cases , are we looking first for or obliged to a greater value of human existence? This may be not truly relate to the Gestapo or Osama bin Laden.

Secondly, we just discussed in class that a Bishop receives the money from the Devil (like thief, drug-lord, corrupted officers, etc) for the poor. But in the view of civil law, his action is immoral, he also encourages the devil to do more evil thing, therefore he should be charged by law if the money is part of bribery or booty (at least by Chinese law). The tension is: in our real world of life, we always encounter the dilemma of moral law and civil law, or as an attorney, is it moral to protect (by defending in the court) a cold--blood murder because it is my profession? knowing that this murder may be hurt more people in the future.

Thank you very much

Fr. Bretzke Replies:

I don't understand the money given to the bishop for the Church by a corrupt official to be "bribery" and neither do I see this action as "encouraging" the corrupt person to do more evil things. It could be a form of restitution--much like the story of Zaccheus.

The instance in Victor Hugo's Les Miserable is a bit more complex. Yes, the bishop was protecting a thief from the civil law authorities, but in a certain sense (and this is certainly borne out in the fuller context of the novel), this initial act of mercy and compassion changes Javert, so that he himself gradually becomes a person of mercy, compassion, and care. In this sense I should like to think that the bishop is mirroring how God treats us sinners--not giving us up to our just punishments, but in a way totally undeserved by us, freeing us from our sins and the effects of our sin.

Fr. Jim Bretzke

Good afternoon father,

I would like to ask your opinion in this case father,

During my novitiate I had one priest share with me that there was one sister who has been in religious life for about 40 yrs. She is a good sister as what others say. She went for confession and she spoke it out to the priest that she had an abortion before she entered and she kept it for a long time because of fear and the rejection from the society. She spent the rest of her life for the service of others. Do you think offering her life for the service of others justifies the abortion that she did forty years ago and erases her sin?

Dear Sister,

In the technical sense the answer to your questions would be "no": I.e., nothing would ever "justify" abortion (that is, to make it a morally right action), and there is nothing that humans themselves can do which would "erase" our sin (this is the heresy of Pelagianism). But we should not despair, because Jesus Christ came to save us from our sins, freely, graciously (i.e., that is what grace is). Therefore, God forgives even our "unjustified" sinful actions which cannot be "erased" by our own efforts. Certainly the life of service to others is a clear indication that this woman not only had repented of her sin, but did all she could in her power to convert her life (i.e., turn from sin). Does this answer help?

Fr. Jim

My question seems not realistic.

Several years ago, I watched a movie (unfortunately I forgot the title) on people who ate dead body (flesh) after airplane crashed on Alps Mountain. If I am right, the court sentenced them no guilty, because it was not ordinary situation. Who can judge them except God. However I wonder how it can be explained in a point of view of moral theology.

Fr. Bretzke replies:

Yes, that was a real incident and the movie I think was entitled "Alive." They ate the corpses of their companions who had already died of natural causes. They did not murder them for food. What would you think would be the moral answer then to your question?

Fr. Jim

Dear Fr. Jim,

Good day father.

Here is my question for this week:

When is in-vitro fertilization morally right or morally wrong?

Just an extra question father. Pardon me if this is not about this week's topics -- sexual ethics and bioethics. This concerns the controversial issue on the hostage crisis of Angelo dela Cruz in the hands of Iraqi terrorists. I am just curious what some moral issues are touched here and what moral principle/s we could apply to help us in our moral discernment in this case.

Thank you so much.

Fr. Bretzke replies:

Thanks for your questions.

I think posing them as simple "right or wrong" might not be the best way to go. What are the morally relevant features of the decision, case, etc.? What are the various principles and arguments advanced for this or that position? What are the counter-arguments? How can we best "inform" a person's conscience? Who is responsible for making the final decision? These are the sorts of questions I'd bring to the IVF discussion.

The hostage issue is obviously complex, and involves a whole range of considerations for a prudential judgment. Will giving in to these terrorists' demands in this case make the world safer or more dangerous for innocent people now and in the future? Will this encourage or discourage further hostage taking? On the other hand, is it prudent or moral to support an occupation that is morally very suspect at best? Would withdrawal from a war zone that is of no immediate threat or concern to the Philippines itself be advisable or not? These are the sorts of questions that I think would go into the discussion.

*Thanks,
Fr. Jim*

Fr. Jim,

Hello! Good day!

This is my personal reflection regarding some moral issues:

Deep inside me I'm really thinking of this! When confronted with such a lot of moral issues, such as abortion, there is a question that lingers me- what and where do I stand? sometimes I'm often afraid to act even when I understand the dimensions of abortion or contraception as a sort of killing tragedy than any disease, disaster or war.

If I speak up straightly about the people concerned in those issues, what will happen to me? Will I encounter opposition, will I face persecution, will I lose popularity if I get involved in a cause like this? What are other legal troubles that I might provoke?

But then, I try to reflect and see myself as I really am. It will not anymore be questions of what will happen to me. Rather, it deals on the question: what will happen to my neighbor if I do not help them? If I do not get involved, what will happen to those who are vulnerable, marginalized in the society, those who have no one to speak for them? If I do not address this evil, what will happen to the unborn? It's not anymore me, my personal biases, but rather my neighbor who can serve as the significant other.

Father, I have a request: would you mind to elaborate, to explain, or to say something regarding your own opinion on this: "NEUTRALITY HELPS THE OPPRESSOR, NEVER THE VICTIM. SILENCE ENCOURAGES THE TORMENTOR, NEVER THE TORMENTED."

Thank you very much. Till next.

Fr. Bretzke replies:

Thanks,

I will try and speak to your last question. I think that slogans are helpful perhaps to indicate the importance of an issue, but such sharp dichotomies rarely (if ever) respect the actual range of possible, prudent responses. Sometimes silence is a better policy, but not always. Slogans can be deceptive and lull us into believing that there are "one size fits all" answers to life's problems. In the concrete I find this temptation ultimately counter-productive.

Your other reflections are well-stated, and they seem to call for ongoing deliberation and discernment on your part. Distinguishing between moral evil and genuine tolerance and compromise may be of some help, as well as the old prayer attributed to the American Protestant ethician Reinhold Niebuhr: "God grant me the courage to change the things I can, the serenity to accept the things I cannot, and the wisdom to know the difference!"

Fr. Jim

Hello Fr. James Bretzke

This afternoon in the class we were discussing about condoms and it came to my mind that the HIV/ADS prevention is quiet strong in my country. We can easily get information of how to use the condoms in order to prevent the virus or for any other reason. This is possible through commercials on TV, on radio stations, in several institutions. So I want to know if Catholic agencies and institutions can be directly involved in the distributions of condoms?

Thanks

Fr. Bretzke replies:

Thanks for the question, which I actually already had tried to answer indirectly earlier in the course. Condom distribution to prevent AIDS would be an instance of the application of the principle of the minus malum, the lesser of two evils. Care must be taken though that scandal is not given (e.g., that people might falsely conclude that Catholic institutions are supporting free sex). Some Church leaders argue against condom distribution and sex education, while others argue for it. It's an example of a prudential judgment, about which good and wise people can come to different conclusions.

Fr. Jim

father, my question is on the intrinsic evil.

1. Veritatis Splendor # 80 quoting GS # 27 (p. &1 Morally Complex World), states that whatever is hostile to life itself...is an intrinsic evil act. what about the person who commit suicide intentionally to save other people or a friend? (my idea of the case is from the movie "The Day After Tomorrow")

2. it is said that in the conscience of every individual the rational claim axis and the sacred claim axis intersect.(p 110) my question is, in the act of terrorism, for instance, bus bombing, many are killed, others are wounded and some others are injured. What kind of conscience, or is the sacred claim axis still present in the conscience of the person who does the violence?

Fr. Bretzke Replies:

I'd be careful of reading VS to "literally." If that were the case, then the Church should have condemned Maximilian Kolbe instead of canonizing him, right? Your question does point out some of the inherent difficulties in using language like "intrinsic evil," and for this reason many moral theologians are suggesting it would be better to drop that vocabulary since it is so confusing and open to misinterpretation. I discuss this issue in Chapter 2 of my book.

A terrorist may be acting in conscience, but we would call that erroneous conscience. The question would be whether this is due to vincible or invincible ignorance. I discuss this in Ch. 4 of my book. The manuals of moral theology always suggested that if one's actions were to lead him/her to harm themselves or others this would be a very good indication that the "conscience" judgment was in objective error. Thus, if you believe God is asking you to harm members of the Iglesia ni Kristo (for example), the very fact that you seem to believe God is asking you to "harm" someone would be an indication that your conscience was mistaken on this point and you shouldn't do it. However, very few terrorists know the manualist tradition alas...

Fr. Jim

Dear Fr. Jim,

In the AHCD that sent us, I noticed that in the part of life sustaining treatments, in cases of coma and PVS a religious is allowed to choose not to be sustained. Correct me if I am wrong, as far as I understand, coma and PVS in themselves generally will not lead to death, though they might be irreversible, if hydration and nutrition are provided. I don't think finance is a main problem here. What are the reasons/ principles behind this?

Fr. Bretzke replies:

It's basically an understanding of "reasonable benefit" perceived or not perceived in this treatment. Remember the ordinary/extraordinary means principle is not interpreted merely in terms of "burden," but also "benefit." Merely maintaining biological "life" in a PVS state is not considered a sufficient "benefit" to warrant that treatment by many.
Fr. Jim

A forwarded e-mail question:

hello. I would like to share with you an article written by Bo Sanchez in the volume 14, issue 169, 2004 issue of Kerygma. It is quite depressing. While I have yet to verify the facts, it is quite possible that these are true. Let us all pray to stop this evil in our world!

FIGHT EVIL

I usually write something funny on this page. I'm not going to make you laugh this time. Read carefully.

I just learned that 40 million babies have been legally murdered since 1973.

That's more than all the Jews killed during the holocaust: 6 million.

That's more than all the Russians killed under Stalin's cruel reign: 10 million

That's more than all those killed in WW2: 20 million

Let me give you an idea of what 40 million looks like:

There are only 2 million people in Dubai.

And four million people in Singapore.

And 10 million people in Hungary.

And 20 million people in the whole continent of Australia.

Well, this supposed to be modern, cultured and civilized society of ours has killed 40 million people.

But you see, these human beings weren't murdered by Hitler. Or by a Stalin. Or by the bombs of WW2. Or by a shabu snorting cult leader that decided to wipe out his flock.

Who decided to kill?

Mommy.

Daddy.

They decided to kill their own baby.

Forty million of them, one baby at a time.

The murders hasn't stopped.

Evil continues.

What a sad world we live in.

Rica: We are depressed because we are Catholics and believe that "babyhood" starts from conception - precisely when the sperm joins the egg cell. But that is not the case for the rest of the world - the non-Catholics and even for Catholics who no longer listen to what God says to the world through His Church. Many believe the fertilized egg becomes a baby only upon reaching the second or even the third trimester of pregnancy. How many of the 40 million "legally killed babies" are babies in these "late" sense and how many in the sense we accept? Anyway, if I am not mistaken, our doctrine is that the sin arising from abortion merits automatic excommunication - which I understand to mean: (1) grace is automatically cut off (so that none of the sacraments are available or effective as to him) and (2) good faith belief that abortion is not wrong before the second or third trimester is not exculpatory. - Nelson

PS:

: you are the theologian of our class. Is my understanding of automatic excommunication, set out in (1) and (2) above, correct? - Nels

Fr. Bretzke replies:

Thanks for the question,

The person has a rather confused, and partially incorrect understanding of the penalty of excommunication and its effects. The Church does not control God's grace, therefore it cannot determine who gets grace and who does not. If it could, this would make the Pope (or a bishop) superior to God. I believe we would call that idolatry.

Excommunication does prevent one from receiving the sacraments, and therefore in this sense we can say that it prevents one from receiving the grace offered through these sacraments. But we CANNOT say that the sacraments alone are the ONLY means God communicates grace. The Church has never said that, and to affirm otherwise would be a heresy. So now we could add "heresy" to "idolatry" in your friend's question.

There is a penalty of automatic excommunication (called "latae sententiae") for a number of crimes and the procurement of abortion is one of these. Another is heresy, and so I would caution your friend on this matter, lest they incur the automatic penalty of excommunication themselves. However, and this is very, very important, there are ten mitigating factors contained in Canon Law, and if even just one of these is present then the penalty has not be incurred. The particular Canon is # 1324, and it lists these ten factors removing immutability for a latae sententiae penalty. The presence of any one (or more) of these factors removes canonical imputability, not merely diminishes it, or in other words, if one of these factors exists then the person has not incurred the penalty. From these ten excusing factors the most likely instances in an abortion case are given here below:

1. *Did the penitent know that the sin carried with it a penalty of automatic excommunication? [It is NOT enough to know that the Church considers abortion seriously sinful, wrong, etc.; one MUST know IN ADVANCE of the act that this act carries an automatic penalty of excommunication. If the person did not know this canonical point of law, then the person did not incur the penalty. The same might be said for heresy]*
2. *Was the penitent under the age of 17 at the time of the offense?*
3. *Did the penitent act out of force or fear?*
4. *Did the penitent have an imperfect use of reason? (E.g. mental retardation, psychological impairment, etc.)*

It seems that in many cases, in light of these sorts of considerations we could reasonably conclude that the penitent probably did not incur an automatic excommunication.

While #1 and #2 above are clearly "objectively" verifiable, #3 and #4 are only subjectively verifiable--in other words we cannot say with certainty whether we can speak of sufficient force or fear, or "imperfect" use of reason in a clear and precise way. Here we have to interpret the situation, and in doing so we have to recall the basic principle of Canon #18 which I explained in class last Friday, namely that "burdens are interpreted strictly and narrowly, and favors interpreted broadly." This means that if we have some indication of real force or fear, or some indication of imperfect use of reason, then we would have to interpret this canon to judge that the person did NOT incur the penalty. Imperfect use of reason seems to be described in your questioner's statement that "2) good faith belief that abortion is not wrong before the second or third trimester is not exculpatory." Therefore, I would judge that this person is in objective error and/or dissent with the teaching of the Roman Catholic Church as contained in Canon Law. While abortion still remains an objective evil, if imperfect reason is the cause of that error this would in fact prevent the penalty from being incurred. This point relies on the Church's understanding of erroneous conscience due to invincible ignorance. So again on this point your questioner has placed himself in opposition to the Church's teaching. If his views are due to imperfect reason then he would not incur himself a penalty of automatic excommunication for his views, but nevertheless these views remain objectively in contradiction to the teaching of the Church.

What constitutes serious sin? 1) Grave matter; 2) Sufficient knowledge of the evil--i.e., the person sees the "evil" in the grave matter; and 3) a free consent to commit this evil anyway. The Church's Canon #1324 means to point out that if there is some absence or defect in the knowledge and consent aspects no penalty is incurred. In moral theology we would say likewise that no mortal sin has occurred either. Nevertheless the matter still remains a real evil.

I likewise am depressed by the prevalence of abortion and have worked hard to try and reduce this in my own country. I must say honestly, however, that the attitudes expressed

by Rica and Nelson I think tend to border on the self-righteous and probably will do little in either the long run or the short run to reduce abortion. It may give them a sense of their own moral superiority ("I thank you Lord that I am not like these other men.... I do these good things, I never do these bad things..."). This, however, can be dangerous, as Jesus himself indicated in the parable of the Pharisee and the Tax Collector going to the temple. In Jesus' eyes, which person went home forgiven by God? Similarly, some aspects of the positions articulated by Nelson are in serious objective error regarding the Church's teaching. We could call these views heretical, and if he were to continue to hold them willfully (i.e., after having his errors pointed out), and if he were to promulgate them (I don't know if e-mail would count), then he could be judged to be in fact a heretic and liable himself to the latae sententiae penalty of excommunication. However, since his views seem to be stated as "questions" and he has asked for clarification then I believe we could make a case that while he is in error he has not committed heresy. However, I think he needs to reflect deeply on these issues in light of the Church's long tradition of teaching on sin, conscience, erroneous conscience, invincible ignorance, and so on. More importantly, though, would be my suggestion that he re-acquaint himself with the spirit of Jesus Christ contained in the Gospels, especially Jesus' attitudes towards sinners, as well as his attitudes towards the self-righteous. He is merciful towards the former and harsh towards the latter.

Thanks for your question and I hope this helps.

Fr. Jim

Follow-up response:

Good afternoon, Fr. Jim!

Thanks very much for your insightful explanation. Lays do have a tendency to make sweeping statements, mostly due to incomplete knowledge, I'd say. I told my friend that the huge statistics on innocent deaths year after year caused by abortion is truly appalling. However, it very difficult to excommunicate the one committing abortion because there are different ways to evaluate this evil just like killing vs. murder where intentions and circumstances are considered. I then gave him a very edited version of your e-mail especially on canon #1324 and the 10 mitigating factors. I told him that in the end, education is the key and of course, prayers. We must also not forget the other side, i.e. compassion to the sinner, just like Jesus to the prostitute who was not condemned, and instead was told, "Go and sin no more."

I really appreciate your input.

Regards,

Fr. Bretzke's Follow-up reply:

I'm glad that my comments were of some help. I might also have stressed with your friend the Church's long tradition of invincible ignorance canceling personal moral

culpability. His e-mail seemed to deny this possibility explicitly, and I would find that rather troubling as well.

Fr. Jim

Regarding your question in class on whether in hypothetical cases the Pope can declare that the soul is already present at conception or when the sperm fertilizes the ovum, I would still say yes, technically.

But if the question would include "in a responsible way", then I would say no. Perhaps a clearer question would avoid confusion on my part. It may be simplistic on my part not to assume "goodwill and good intention" on the part of the pope/church but I could not just sit and relax and be carefree regarding the church's position on any issue as time and again, history tells us how much it has erred.

Perhaps another example would bring home my point regarding some ambiguous questions you asked in class. I'll try to be verbatim as much as I can "Is spanking your child (as a parent) bad (or wrong, I'm not sure now) ?" Obviously the question lacks the context, so silently, I said to myself it depends. And then you said, No, and explained that how can it be bad or wrong to spank a child if you try to prevent the child from hurting himself. Then I totally agreed with you after you gave the context. If the condition/context was part of the question then it would have been clearer and we could have answered the question easily without hesitation.

I just thought I need to express this, Thanks,

Fr. Bretzke replies:

Thanks for your questions and reflections. There are I think two different levels at work here--one on the level of prudential judgment and one on the level of objective knowledge. The spanking illustration would speak to the level of what constitutes a prudential judgment. However, to make an infallible statement there are certain requirements that must be met according to both the definition of infallibility as expressed in Vatican I's Pastor Aeternus and the long tradition of the Church in interpreting what is the so-called "proper object" of an infallible statement. The Church has consistently limited itself in considering the range of possible objects of infallibility to be what are termed primary and second precepts contained in revelation, and that furthermore these have to be truths necessary for salvation. For example, and I admit it is rather ridiculous, the color of Mary's veil could not qualify as an object for an infallible pronouncement. It is not contained explicitly or implicitly in Revelation, and (unless one feels very strongly about clothing choices) would not in any event be a truth one must hold in order to reach salvation. Similarly, the example of the Pope trying to state infallibly who would win the basketball championship this year could not qualify for an infallible statement since it deals with future knowledge that is not knowable in a human way (and thus cannot be an object of faith either in the sense of credenda or tenenda), and in any event the results of the basketball championship would not touch on

revealed truths necessary for salvation as contained either implicitly or explicitly in the deposit of faith.

Now let us return to the fertilization and ensoulment question. If the point were to make an infallible statement that the soul is definitely present at the moment of first contact between sperm and egg, first of all what would be the basis for his infallible certainty of this issue? It is a question that cannot be ascertained medically, and so we would have to turn to a theological and/or philosophical answer to this question. Now I do believe that it is possible to give a theological and philosophical response in terms of what is plausible and implausible, but it would seem to me impossible to give a definitive answer UNLESS the Pope had access to knowledge not available in human ways. One avenue would be a private revelation, but private revelations cannot ground infallible statements. Thus, for example, the Pope could not use the so-called Third Fatima Secret as a basis for an infallible statement, since whatever is contained in the Fatima secrets is a private revelation and not part of the deposit of faith. In short, it is not present in Scripture in an implicit or explicit manner. So if we rule out private revelation as a possible ground or support for an infallible statement, then what are we left with? We have to go back to Scripture and tradition. Is this issue addressed explicitly in Scripture? Clearly not. Is it addressed in Scripture implicitly? Again, I would say "no," though I recognize that in Scripture we can make strong arguments for the sanctity of life and the necessity to act prudently and so on. The Pope presumably could make a statement (and has done so many times) that we should act AS IF the fertilized egg were ensouled, because it is "possible" (even if not plausible) that in fact the fertilized egg is ensouled right at the moment of first contact. But here what the Pope is doing is expressing a prudential judgment, i.e., he believes that this is a prudent way of proceeding. But prudential judgments per se are not proper objects of infallible statements for a number of reasons. Chief among these would be the very ground for prudential judgments, namely they are judgments made in the concrete with practical reason. Thomas Aquinas states in ST I-II, q. 94, art. 4 (on the natural law) that the practical reason and speculative reason are situated quite differently. With concrete matters in the practical reason Thomas notes that the more we descend to matters of detail the more we encounter contingency and fallibility--defects in our knowledge itself of what is objectively right and wrong, and defects in our prudential judgment of what we should reasonably do in this or that situation. Therefore, Thomas would hold that an infallible statement about a matter of prudential judgment would involve a contradiction between practical reason (which is not necessary universally true in its application) and speculative reason (which is universally and necessarily true, but this "truth" exists on the abstract level and not in the each and everywhere for all time and places specific and concrete situations). An additional reason that a prudential judgment could not be an object of an infallible pronouncement is that the claim that such pronouncements are irreformable, that means that they cannot be subsequently changed or modified. Now we can make such statements about the nature of general truths, but we cannot do so in the same way about prudential judgments, because a prudential judgment by its very nature is a "best guess" about what to do here and now in this particular situation. It would be a bit like trying to make an infallible pronouncement about what should be the proper speed limit on Katipunan. We might say that in 2004 with the given traffic and current

types of automobiles a prudent speed limit might be 50 kph. However, times change and so do circumstances. 50 years ago a 50 kph speed limit on Katipunan might have been excessive and imprudent, and 50 years hence it might seem to be unnecessarily sluggish. So prudential judgments do not seem proper objects either for an infallible statement, and I believe that all of the current statements about life being sacred from the moment of concept ultimately boil down to hortatory language meant to argue for a certain prudential judgment, namely that we "should" act in this way because we might be risking the destruction of an ensouled being. But to state categorically that this IS an ensouled being would seem to require some sort of knowledge that is frankly not available to us in a human way (remember, private revelations cannot be used as a basis in the tradition of the Church for infallible statements). Ultimately then we come down to trying to figure out if the Church's current position is justifiably prudent, or is it too lax, or too rigorous? That is precisely where I believe the debate currently resides. What would be the arguments for each of these three positions? Well, very few people are suggesting the Church is being too lax in this matter, so we can probably eliminate that one and just stick with the "prudent" or "rigorous" sides of the debate. I don't want to try and summarize these here (this e-mail is already too long), but I would invite you to read Richard McCormick's article "Who Or What is the Pre-embryo" which is Ch. 14 of his book "Corrective Vision." I believe McCormick outlines the positions well.

Thanks,

good day Fr. Jim,

here is my question for this week:

Is it morally right for a cancer patient, whose life would last only for few days, to donate his heart (approved for the transplant) to a critically ill relative (in immediate need of heart transplant, has great chance to be cured and live longer), when there is no other qualified and available donor?

What moral principles are we to take here?

thanks.

Fr. Bretzke replies:

That's a good, tough question and I don't think it has an "easy" answer. Probably we could say that we'd be reluctant to say "yes" to this request since the possibility for future abuse is very great (e.g., people deemed "terminal" or too sick would be encouraged, or even forced to give up their critical organs to another). Yet, on the other hand there are legitimate instances in which one person has sacrificed his life for another (classic examples in the manualist tradition would be the soldier who throws himself upon a grenade to save his comrades). Jesus Christ and Maximilian Kolbe would be other examples of self-sacrifice. But as a general rule I would have to say I'm against such a proposal since I see too much chance for abuse, and since in real medical scenarios we

now have a possibility of an artificial heart transplant that is used to keep a person alive when they are waiting for a human heart to become available.

Fr. Jim

On the issue of physician-assisted suicide [PAS], what if my grandfather has done all resorts of medical and surgical options but nothing has progressed. He is in unmitigated pain and his condition is clearly terminal. Can he ask for it as a last resort? Where is individual autonomy placed here? How do you address this case? What specific teaching of the Church that addresses this problem?

Fr. Bretzke replies:

What do you think it is the answer to your own question? How would we look on "suicide," assisted or not? Is there perhaps a false dichotomy being presented? Can we treat, for example, the pain more aggressively? How would you judge this situation in light of the Church's teaching?

Fr. Jim

Follow-Up Response

dear Fr. Jim,

in this case father, I think if one in his own full knowledge and consent ask for it after undergoing all resorts of medication yet is deteriorating, I would ask what is conscience is telling. The tension here is between human autonomy and sacredness of life and the church teaching does not allow anyone to take one's life. It is not morally acceptable. The intention and the act itself is intrinsically evil. it is killing. however, what plays in my mind is the pain itself as evil and pain management is acceptable even if death is hastened. yes we can treat pain aggressively directly even if it does not offer a reasonable hope to the patient. but I believe even if the circumstances is given, suicide (assisted or not) is morally evil. it is a sin against the divine law.

Follow-up Reply:

Thanks,

I think the way you've answered your case is essentially correct. Sometimes people who are in great pain and terminally ill also are suffering from real depression. If we can effectively treat the depression and the pain (e.g., through a combination of drugs and spiritual and/or psychological counseling) then it is my hope that most people would not elect assisted suicide.

Fr. Jim

father Jim,

Anyway, I wonder if it will be morally right for pres. Arroyo to sacrifice Angelo de la Cruz life, by letting him be beheaded rather than pulling out the humanitarian contingent in Iraq? The call for world-wide fight against terrorism and international put interests put at stake the national clamor to save the life of their "kababayan" and her new political governance.

thanks,

Fr. Bretzke Replies

Dear Clyde,

Thanks for your e-mail and I want to thank you all too for the T-shirt and the hospitality. It was very nice to be able to share the Eucharist and the evening with you all.

The Angelo case is complex and ultimately comes down to a prudential judgment. It is not a simple "right" or "wrong" decision one way or the other. I might, though, suggest a somewhat different wording of your question. GMA really never had the power to "sacrifice" or not sacrifice Angelo's life, since she had no effective control over what would happen to him. If Angelo were in a Philippine prison awaiting execution we might say that his life was more in her hands, but she had absolutely no assurance that his captors would release him if she pulled out the troops, nor that they would necessarily behead him if she didn't. Angelo's case too has to be put in a larger context. He has been released and I believe everyone in the world, including George Bush, is glad that this man's life has been spared. However, will GMA's action increase or decrease the safety of other OFW's and/or other foreigners working in places that are susceptible to terrorist activity? I think if I were a terrorist I might now put a higher value of Filipino OFWs and perhaps target them more (and not less) in the future. So while Angelo's life has been spared I hope that other lives will not be more endangered. In short, this is the argument against trying to appease terrorists. On the other hand, I think a counter-argument can be made that it would be good to remove Philippine troops, and that their presence in Iraq was a bit of support to the USA that aimed to curry favor, etc. Seen in this context GMA's actions can look courageous in standing up to the USA and showing that the Philippines should neither be taken for granted nor coerced in foreign affairs matters. So I think we can make arguments on both sides of the judgment. It really is a prudential judgment, which means that the person(s) responsible for the decision have to try and come to the wisest possible course of action trying to weigh all the variables at hand, keeping in mind that many of these variables can never be fully known in advance (such as would Angelo really be released, or will this action result in more OFWs being targeted in the future, etc.).

If I were Angelo's relative I would want GMA to do what she did. But I still am uneasy with the feeling that in the long run her decision might really decrease the safety of OFWs and others.

Thanks,

Fr. Jim

Fr. Jim,

Good Day!

As I was scanning some newsletter about pro-life advocacy, I happened to encounter this outrageous article which I want to share it also to you. I'm not so sure if this is a big issue (though seen in a Protestant perspective) or maybe you even heard about it.

The title is: PLANNED PARENTHOOD PASTOR CLAIMED THAT JESUS CHRIST SUPPORTED ABORTION!

The article: A religious adviser to the Planned Parenthood Federation of America, the largest abortion provider in the US, has claimed that Jesus Christ supported abortion. Rev. Mark Bigelow, a protestant pastor and a member of Planned Parenthood's clergy advisory board, complained in writing to the presenter of a programme on the Fox News Network about his observation during an item on Planned Parenthood's "Choice on Earth" greeting cards that Jesus was not pro-choice. Rev. Bigelow wrote: "...one thing I know from the Bible is that Jesus was not against women having a choice in continuing a pregnancy. Jesus was for peace on earth... and choice on earth." A theological adviser to SPUC rejected the pastor's comments as "complete nonsense" and observed that they were wholly flawed from an exegetical, theological and historical perspective.

Father, what is your opinion about this? Heard about it?

Secondly, would u mind to explain also the difference between Vitalism and Euthanasia? The only thing I know is that the church does not endorsed this two approaches.

That's all. Thank you very much. Till next. God bless.

Fr. Bretzke replies:

Thanks,

I hadn't seen that article, but obviously I think it's a bunch of baloney. What the article does show is that we need to have greater precision in how we do biblical exegesis and application to ethics (I actually have done some work in this field).

Vitalism is holding on to biological life at any cost; the Church does not accept this position.

Euthanasia is a form of "mercy killing"--putting someone to death in order to alleviate their pain. While euthanasia may have good motives, we would have to say that morally it is mistaken and therefore should not be supported. I suppose we could say the same for vitalism. Both of these concepts are treated in Evangelium vitae.

Fr. Jim

Dear Fr. James

Even though we have overcome sin, at least as a topic for class discussion, I still have a serious problem with it.

We had equated formal sin with the term mortal sin if I am not mistaken. And in order to formally sin, we need grave matter, full knowledge and consent.

Now, let me recall the case we discussed in class about a woman, mother of 5 who becomes a prostitute to feed her children. We concluded that she was not formally sinning since there lack of consent. Thus, virtually, she committed no sin.

Nevertheless, she feels guilty, and anybody could see that she engaged in sin even though had she had another option she would have not become a prostitute.

Now, I cannot see that she committed no sin; she has some responsibility over her acts. There are, of course, mitigating circumstances. Can we equate the term venial sin to the responsibility she had over her acts along the spectrum?

Many thanks,

Fr. Bretzke replies:

Dear Martin,

Actually there is a certain ambiguity in the moral tradition over some of this terminology. St. Thomas Aquinas states that by sin properly speaking we can only speak of the definitive loss of friendship with God, and this would be what the Church traditionally has called "mortal sin." Venial sin, Thomas says, is "sin by analogy," i.e., it is "like" sin, but it isn't (mortal) sin properly speaking.

Now there is another part of the Church's tradition which uses a distinction between "sin" and "sinful" in which the former term ("sin") refers to moral evil committed by a person for which s/he is at least partially culpable, while the latter term ("sinful") technically refers only to the "objective" aspect of the act (the so-called "matter") and not necessarily to the subjective aspects (i.e., knowledge and consent). This "matter" aspect ("sinful") we could term "material sin," but for actual sin to be committed (whether mortal or venial) we need to have sufficient knowledge and consent. If we have these elements then we can call the action "formal sin" (which means that a real sin has taken place for which the person is culpable). This distinction can be applied to both mortal and venial sin. Post-Vatican II theology, and Pope John Paul II's Apostolic Exhortation on Reconciliation and Penance do use a spectrum approach to speak of sin, using

specifically three terms: venial sin, serious sin, and mortal sin. The latter two would share a gravity of matter, but it would be possible to have a serious sin that is not mortal. Why and how? Because of some lack in either/or (or both/and) the "knowledge" and "consent" on the part of the person. Thus we can speak of a serious sin which is not mortal. In the traditional dual distinction, though, of sins (mortal and venial) every sin which is not a mortal sin is by definition a venial sin, so here we would say that a serious sin which is not a mortal sin is a venial sin. I'm not sure that this vocabulary is all that helpful anymore, but that would be how we would have to speak of these matters if we continue to use the older terminology.

Now to return to the example you cited of the prostitute, I would just repeat one caution I made in class: who alone can know if an action is actually a mortal sin or not? The priest? the Pope? the person him/herself? The answer to each of these three possibilities is "no"--none of these individuals can know for certain whether this particular action committed at a specific time, under a specific set of circumstances, is, in God's eyes, truly a mortal sin. Only God can know this, and I want to stress that, so that we get out of the habit of speaking as if we can somehow determine that we know when another person has committed a mortal sin.

Finally, and this was the original point that led me to introduce the traditional distinction between formal and material sin into our comps class, I want to recall the pastoral position of St. Alphonsus Ligouri (doctor of the Church and patron saint of moral theologians) in regards to NOT troubling a weak conscience. St. Alphonsus said that if a person did not believe a certain act to be sinful then the priest should NOT tell the person that the act was sinful IF the priest thought that the individual would likely do the act anyway, since to do so would run the risk of turning the action from being only a "material sin" (i.e., only "sinful" but not actual sin) into "formal sin." I gave in class the example of a poor woman who is having a tubal ligation and who does not believe that this is wrong nor that it contradicts Church teaching. I said that in such a situation pastorally speaking, following the principle of St. Alphonsus Ligouri, doctor of the Church, it would be pastorally prudent to leave the woman in objective error on the status of Church teaching on this matter, lest we possibly put her into the situation in which her action would actually become a sin for her, whereas if done in ignorance it would not be a true sin.

Now, this principle has to be used with prudence and it does not function like a mathematical theorem. For example, we would not come to the same decision if the woman were contemplating drowning her newborn baby, since we have to give higher priority to the life of her child.

I strongly suspect that St. Alphonsus Ligouri's position is still being resisted in certain circles marked by rigorism as not being in true accord with the "Work of God" (or whatever that might be if translated into Latin), but the position I've outlined is contained in St. Alphonsus' writings and has been part of the Church's moral tradition for the last several centuries.

Does this explanation answer your questions?

Fr. Jim

Dear Students of Fundamental Moral Theology and/or Bioethics,

>

> *I would like to call your attention to an op ed piece in today's*
> *Philippine Star (Saturday June 26, 2004). While I don't want to*
> *enter into a discussion at this point in time about the merits of*
> *natural family planning or any other form of birth control, I*
> *would like to highlight how the author of this piece brings into*
> *consideration a good number of factors that we would call "morally*
> *relevant" (i.e., not necessarily morally determinative about what*
> *should be done, but factors that nevertheless should be taken into*
> *account in our ethical discernment). Many of these factors the*
> *author addresses in the Philippine context concern the*
> *ramifications of birth, population, and poverty. Since the notion*
> *of "morally relevant features" is key to my own approach to*
> *pastoral application of moral principles to concrete case studies*
> *I thought it might be helpful for me to share with you*
> *contemporary examples in which I see this principle arising.*

>

> *Thanks,*

>

> *Fr. Jim*

>

> *Here's the article below:*

>

> *Forum for family planning*
> *FROM THE STANDS By Domini M. Torrevillas*
> *The Philippine Star 06/26/2004*

>

> *Here are the latest facts on our population as released by the*
> *Commission on Population, and they are cause for concern. The*
> *Philippine population hits 84.2 million this year, but Filipinos*
> *who could barely survive make up almost a third of this number.*
> *Young people 21 years and below make up half the population that*
> *increases yearly by 1.8 million.*

>

> *More than five million families or 27 million individuals have*
> *incomes that cannot sustain their basic food and shelter needs. By*
> *World Bank standards, they live by one US dollar a day.*

>

> *According to PopCom Executive Director Tomas M. Osias, because of*
> *a huge population of childbearing age and upcoming generations*
> *reaching adolescence and young adulthood, families will continue*

- > to have many dependents that could exceed the current average of
- > five members per household.
- >
- > For every 10 Filipinos who are in the working age group 15 to 64,
- > says Osias, there are six others who depend on them for food and
- > other basic needs. Of the six, five are 15 years old and below and
- > one is an elderly.
- >
- > Osias says, "A large number of dependents worsens poverty, and
- > poverty aggravates the continuing depletion of the environment.
- > Poverty will drive millions of poor Filipinos to overexploit what
- > remains of their resources. If this continues, there is little
- > chance for them to give something back to their environment for it
- > to regenerate."
- >
- > * * *
- > Responding to the reality of the galloping rate of our population
- > growth and the need to do something about it, a group of concerned
- > individuals has formed The Forum for Family Planning and
- > Development Inc. The Forum was launched yesterday, with former
- > President Fidel V. Ramos inducting the board of trustees and
- > advisers.
- >
- > The Forum's vision is to make the Philippines "a recognized center
- > that will create situations and opportunities for the convergence
- > of efforts and provides that will provide services and information
- > for couples seeking population, reproductive health, and family
- > planning services, particularly those living in poverty-stricken
- > areas."
- >
- > The Forum will endeavor to make population, reproductive health,
- > and family planning issues an integral part of appropriate
- > programs and activities of government and the private sector.
- > Towards this end, it will spearhead lobby activities at the
- > topmost level of governance (i.e. the executive and legislative
- > branches and government) and at the community level, the lowest
- > level of program implementation.
- >
- > Undersecretary Benjamin de Leon is president of the Forum, and Dr.
- > Corazon M. Raymundo and Tom Osias are secretary and treasurer,
- > respectively. Among the advisers are Washington Z. Sycip, Edgardo
- > A. Bautista, Peter L. Wallace, Mercedes B. Concepcion, Dante B.
- > Canlas, Jose G. Rimon II, and Toshio Kuroda.
- >
- > * * *
- > The election of candidates who are supportive of population and

> reproductive health measures indicates that Filipino voters favor
 > legislators who push for policies that enrich the lives of the
 > majority. As Marjorie Villa, media relations officer of the
 > Philippine Legislators' Committee on Population and Development,
 > put it, " Clearly, majority of our voters are already taking notice
 > of the gravity of our population and reproductive health
 > situation."
 >
 > Long before the start of the electoral campaign, there were
 > reported threats of Roman Catholic Church officials campaigning
 > against candidates who promote the use of contraceptives. Such
 > threats would be negated by the findings of the Ulat ng Bayan
 > Survey on Family Planning conducted by Pulse Asia February, which
 > showed that 97 per cent of the 1,800 respondents favored
 > candidates who support programs for family planning. I like to
 > think that the election of the supposed targets of censure shows
 > that people, guided by their conscience, want to practice family
 > planning and thus voted pro-choice candidates.
 >
 > Our congratulations to the winners, led by Sen. Rodolfo G. Biazon,
 > who bravely championed the Reproductive Health Care and Integrated
 > Population and Development bills in the Senate. Representative
 > Bellaflor Angara-Castillo, the bills, supporter in the House of
 > Congress, won her bid for the gubernatorial seat in Aurora. Other
 > elected candidates who are expressly for family planning and
 > reproductive health programs, are Reps. JR Nereus Acosta (1st
 > District, Bukidnon), Nerissa Soon-Ruiz (6th District, Cebu),
 > Gilbert Remulla (2nd District, Cavite), Rozzano Biazon (Lond
 > District, Muntinlupa), Emilio Macias (2nd District, Negros
 > Oriental), and Jose Carlos Lacson (3rd District, Negros
 > Occidental).
 >
 > E-mail: dominimt2000@yahoo.com
 >

Re: Philippine Star Op Ed piece on Natural Family Planning

> I agree that the issue of natural family planning is quite
 > complex and that we should consider all morally relevant factors.
 > Another factor we should consider which was not mentioned by
 > Domini Torrevillas is that the Philippines is predominantly rural
 > or agricultural. Having a large family would be seen as an
 > advantage by the farmers who need as many hands as possible to
 > till the soil or help in the work around the farm, at least that's
 > what the tenant farmers of my mother back home tell us.
 > This brings up another issue - that of child labor. But the
 > children do go to school and many of their children who have grown

- > up go abroad to work and send dollars back home, they proudly tell
- > us.
- > Under the agrarian reform program, the farmers are now able to
- > buy the land they have tilled for generations at concessionary
- > prices payable in easy installment terms from the Land Bank of the
- > Philippines or from the landlords, assuming of course that the
- > landlords are enlightened. Unfortunately, one out of ten farmers
- > cannot afford to buy the land and opt to continue to be tenants
- > instead.
- > I seem to have wandered far from natural family planning but I
- > find that all these issues are interrelated especially when we are
- > trying to alleviate poverty. But I am just speaking from what I
- > know and are doing (together with my siblings) about the situation
- > back home. And we haven't even addressed natural family planning.
- > Indeed, there's a lot to consider and a lot to do to even put a
- > dent on poverty in our country.

Fr. Bretzke replies:

Thanks for your reflections--you certainly are right that any moral issue is bound to involve more and more things, which, when you turn to consider them, in turn bring up additional issues, and so on. It's like pulling a loose thread on a sweater (I'm not sure if you use that metaphor in the Philippines, since I suspect we use sweaters more where I come from). You pull out what seems to be just one out of place thread, and pretty soon the whole garment is unraveling. The key it seems to me is to develop the habits of focus, discernment, and trust and hope.

Fr. Jim

Why is masturbation a sin? I don't see why this is contra naturam especially when the basis of it is St. Augustine's wrong idea that semen contains 'babies or seeds.' Science has advanced now and it has helped us understand many things. Isn't the Church going to do something about this or is it going to just let it "stay silent and never be repeated." Many people especially male teenagers have become scrupulous and confess every week for the few such acts that they did during the week. I have seen this naturally done among some children, 4 to 6 year-olds, as well. I feel that masturbation in fact, is a release and could be a deterrent to the urge of sexual hormones to do pre-marital sex or adultery for that matter. Am I in the wrong track or does my conscience need more counsel?

Fr. Bretzke replies:

This issue is debated among moral theologians, but the teaching of the Church remains that masturbation is an intrinsically disordered act, since it involves the use of the sexual faculty in a non-procreative manner. This is the same argument used to condemn (also as contra naturam) artificial contraception and homogenital acts. You might want to check out the Catechism of the Catholic Church on this point to get what the Church says

(look at Part III on the Life and Christ and then go to the 6th Commandment). We'll take this up a bit in class, though I probably won't dwell on it too much.

Fr. Jim

Dear Fr. Jim:

Thank you for your answer, which enlightens and helps me to summarize things I had read.

1. You wrote that: "St. Thomas Aquinas states that by sin properly speaking we can only speak of the definitive loss of friendship with God"

We agree that in the case of the woman with 5 children, we can not say with certainty whether she sinned mortally; probably she did not. But now, the material sin of the act is at work anyway, or her conscience can also tell her: "you sinned!", because I do not think that the "quality of friendship" that she had before with God is the same as after engaging in prostitution. Though there is not a definitive loss of friendship, there is certainly some loss of it.

Now, I do not know whether this "lessening of friendship" is due to

- the effects of the material sin
- the unformed conscience that tells her that she sinned mortally though she did not
- or to the "amount of consent" she had, because nobody threatened to kill her if she did not engage in prostitution.

Probably we can now move on to venial sin by its effects.

2. I have been reviewing the concept of intrinsic evil and I saw how different views there are on that concept. For instance, in our manual you wrote:

"For example: not all killing or homicide is intrinsically evil, but all murder is. What is the difference between a simple killing of a human person and murder? Intention and circumstances, or the in se aspect of the intrinsic malum." ("A Morally ..."P. 231f)

And in Veritatis Splendor I found something different.

"'intrinsically evil' (intrinsic malum): they are such always and per se, in other words, on account of their very object, and quite apart from the ulterior intentions of the one acting and the circumstances (...) Whatever is hostile to life itself, such as any kind of homicide." VS, 80

It seems to me that also the understandings of per se or, in se, are different.

3. I remember Fr. Keenan giving us the example of the spy who is caught and whose information can save 2 million lives. He kills himself to avoid giving the information and in order to save those lives.

We had agreed that he made the right option, but it seems that the Magisterium, in this case, would not approve the action.

Now, I am in a dilemma.

4. It is surprising to see how “radical” is the stand of the Magisterium on these issues, while I would rather align myself with the moral theologians who hold a personalist approach to them. Nevertheless this, the dilemma remains between following our consciences and being a faithful son of the Church in everything the Magisterium says.

Fr. Bretzke replies:

Thanks for your reflections. I think you might need to look more carefully at what the understanding of the word "object" is in your quote from VS. Remember that "object" in moral theology refers to the twin notions of finis operis and finis operantis. I think you may be interpreting object in a somewhat mechanistic sense, and that is not what the tradition of the Church is. "In se" and "per se" refer to the same deeper reality, though there is a distinction in the Latin in terms of direction. "In se" refers more to a somewhat "passive" consideration of the nature of an entity (such as "intrinsice malum in se") whereas "per se" refers more the external purpose of an action, such as acts that are "per se" open to procreation.

As to your final point, I have no problem in being a faithful son of the Church in everything the Magisterium says," but I think we need to be a bit more nuanced in how we might interpret that loyalty. Remember that Veritatis Splendor itself says that we all are seeing to discover and being faithful to the truth, and the truth then stands above even the Magisterium. Your statement could be read as an assertion of "magisterial positivism," i.e., one must hold as true everything the Magisterium says simply because it posits it as true, rather than because its argumentation, etc. demonstrates in a convincing manner that indeed this statement is true. I would add two further notes to this general caveat:

First of all, I think we need to be aware of the level of authority the Magisterium itself ascribes to its own teachings. Not all magisterial teachings claim the same authority (though none of them would claim to be "false"). Lumen gentium makes this point when it speaks of the need to weigh the 1) character of the teaching; 2) the manner of the teaching; and 3) the frequency of repetition of the teaching. For example, an unsigned editorial in L'Osservatore Romano citing an "unnamed authoritative source in the Vatican" would enjoy in fact no level of magisterial authority since L'Osservatore Romano is not the "official" organ of dissemination of magisterial teaching (that office instead is the Acta of the Holy See). However, an individual who may wish to be "faithful son of the Church in everything the Magisterium says" might mistakenly ascribe allegiance to such a statement, though this would not be the "obsequium religiosum" that Lumen gentium in fact acts of us.

Similarly, even with authentic magisterial teachings not every document enjoys the same weight of authority, even if delivered by the same office or person. Thus, a "responsum" from the Congregation of the Doctrine of the Faith would enjoy less authority than a Declaration from that same office. An encyclical by the Pope would enjoy far greater authority than an occasional allocution.

A second issue is more foundational and looks again to the notion of truth and truth claims. You have said that you believe you should be "a faithful son of the Church in everything the Magisterium says." This position would be easier to support if we could demonstrate clearly that in the past the "Magisterium" has never erred. However, if in fact the Magisterium has erred at times, but you were to hold to your dictum that loyalty to the Church demands being faithful "in everything the Magisterium says" then this would require that your loyalty to the Magisterium demands you hold positions which are false. Here is where a little history might be helpful to nuance your statement. Otherwise as a "a faithful son of the Church in everything the Magisterium says" I would expect you to hold a number of positions that the principle of non-contradiction would not allow one to hold, such as

- 1) You would have to hold to the Arian heresy, since this was held by the "Magisterium" at the time (and it was only the laity that refused to hold that position.*
- 2) You would have to hold that it was objectively morally good and a sacred duty of Christian rulers to punish with torture and death any person who held religious positions contrary to the Catholic faith,*
- 3) You would have to hold that slavery is morally acceptable (and certainly you would have to hold that even as late as 1869 when the Holy Office issued a solemn declaration that it was morally acceptable.*
- 4) You would have to hold that a married couple who has sexual relations without explicitly willing that this particular marital act result in conception would be sinning (and you would also have to hold the counter position that natural family planning is morally acceptable).*
- 5) You would have to hold that it is absolutely necessary for salvation that every person be subject to the Roman Pontiff.*
- 6) You would have to hold that the sun revolved around the earth (or at least until 1992 when Galileo was rehabilitated).*

And so on, and so on, and so on.

That would seem to be a very heavy price to pay for "being a faithful son of the Church in everything the Magisterium says," and I guess I would have to say that I don't believe that is what God in fact is asking of us. I don't believe that is what the Magisterium is

asking of us either. And finally I don't believe that is what is required to be a "faithful son of the Church." I think we need to recall that the Magisterium exercises an office in service to the Church, and that means that somehow the Church is greater, bigger, than the Magisterium itself. Even the Church is not the apex of our loyalty as commanded by Christ. Rather I believe that would be the Gospel and the mission he has entrusted to the Church. The Church then stands also as a servant (and not the Lord) of that mission, and as Dei Verbum reminds us, the Gospel stands above us all, including the Magisterium itself.

I'm not sure if the above reflections of mine would disqualify me from "being a faithful son of the Church" since I do draw a distinction between what I consider that fidelity to involve, recognizing that in certain instances and in certain ways that may lead one to question (and even challenge) not "everything Magisterium says," but certainly at least some things the Magisterium says (or some people and offices within the Magisterium, since the "Magisterium" rarely speaks with crystal clear absolute unanimity.

Fr. Jim

Dear Fathers:

it is worth pondering that in every case there is/are specific principle/s to follow. and really the underlying principle must be to do the good and avoid evil...in a "believer's perspective" it is - always do what you "discerned" God wants you to do. there might be more complicated cases to deal with...(I regret our cases seem to be "out of context, i.e. Philippines) nonetheless, it all boils down to how our consciences are informed or otherwise. worse decisions happen when conscience is not informed and all the facts/data are not complete and circumstances not considered.

I may always be in my lifetime [pastoral life] a personalist...but the facts of the "naturalists" (physicalist) must always be considered.

it will not always be easy to make decisions...but we have to so as "to save more lives and bring more souls straight to heaven." God Bless our Country! God Bless his Creation!

Fr. Bretzke replies:

Thanks for your reflections. For myself I try to stress that both personalism and physicalism are paradigms, i.e., ways of looking at complex realities, and neither is absolutely complete and self-sufficient on its own. That means that sometimes the physicalist paradigm will help us see a moral aspect that the personalist paradigm tends to obscure and vice versa. No one paradigm is "stand alone" therefore. This means also that we need to be alert to both the strengths and weaknesses of both paradigms.

Do you have some good "true to life" Philippine cases that you find pastorally perplexing? (i.e., something you think you might actually encounter as a priest)? I'm

always interested in discussing those (and I'm less interested in pursuing questions like "Is it morally acceptable to use a female robot to keep a priest from seeking sex with a woman?" [which is a question I did receive from someone else]. So if you have an actual case please do send it along.

Fr. Jim

Recently there were 5 cases of transsexual in China and two of them were married with opposite gender.(they are legally married by Chinese law). I understand that the law of some states in the U.S.A does not rule out to legalize transsexual marriage and even don't recognize their "changed" gender.

How does the church evaluate the transsexual(gender change) and transsexual marriage and its consequence(like, though may not necessary, of procreation(physicalism and personalism may have different point of view about this) etc. And how do we respond the issue of transsexual?

Thank you very much.

Fr. Bretzke replies:

I must confess I'm not entirely sure about the legal status of transsexual marriages in the USA. One problem is that we do not have one set of marriage laws, but 50, i.e., each state has its own laws and there is no federal law (at least not at the moment--though George Bush is trying to push an amendment to our Constitution in order to ban same-sex marriages). A transsexual marriage would not be technically "same-sex," and so I'm not sure just what the legal status would be of such a marriage. I don't think the Church has spoken out specifically on this issue, but I think we could safely surmise the current Magisterium would be against it.

*I once taught a transgendered person (male to female) who wrote a very good paper on the subject, which was subsequently published. I can't get into my bibliography file at the present (since it's in WordPerfect and on my dead laptop), but I think you can find the citation to the document in my online bibliography on sexual ethics. It's by Victoria Kolakowski, "Toward a Christian Ethical Response to Transsexual Persons." *Theology and Sexuality* 6 (March 1997): 10-31. The author is a post-operative transsexual who offers this well-written account of some of the ethical issues involved in reflecting on the meaning of transsexuality.*

You can find other material if you do word searches on "transgender" and "transsexual" in the online bibliography.

Sexual Ethics Bibliography

<http://www.usfca.edu/fac-staff/bretzkesj/SexualEthicsBibliography.pdf> [On the USF site]

<http://www.lst.edu/prof/bretzke/SexualEthicsBibliography.pdf> [PDF Version on the LST site]

<http://www.lst.edu/prof/bretzke/SexualEthicsBibliography.htm> [HTML Version on the LST site]

Dear Fr. Jim,

Greetings of peace!

I have a question related to our topics in bio-ethics. Last summer, I took up CPE (Clinical Pastoral Education) at the Phil. Heart Center. I had happened then to work at the Chaplaincy Office. I had witnessed some dying patients. What I could not reconcile to myself until now is when I blessed (the last rite) those patients who had just been declared brain dead by the doctor. I could still see and feel that the patients were breathing and alive. Is a patient who is brain dead considered hopeless and already biologically dead?

Fr. Bretzke replies:

Thanks for your question and it is a difficult issue to determine what constitutes "death." However, you are correct: brain death is now considered to be the most certain sign that death has occurred. This is because often we have the technology to keep someone breathing and the heart functioning, but once the brain "dies" there is no "coming back." However, the same cannot be said for heart or lung stoppage. Someone's heart can stop and then be restarted (not easily, but no longer rare), and the same can be said for respiration. The trouble is that we can't "see" brain death in the same way that we can "see" stoppage of the heart or lungs, and so we have learned from childhood to associate stoppage of the heart (and not the brain) with death. While that is often accurate, it is not always accurate. On the other hand, brain death (at this point in our medical capabilities) IS a sure and certain sign that death has actually occurred.

Hope this helps,

Fr. Jim

Dear Fr. Bretzke SJ,

I was going over the points you raised with regard to the teaching of the Church on sexual ethics. What particularly stood out was the tension between the words found in # 51 of Gaudium et Spes and # 14 of Humane Vitae.

I have read the final report of the Pontifical Commission on Birth, and Humane Vitae and noted the changes that had been made by Humanae Vitae. There appears to be a serious difference in opinions between the findings of the commission and the encyclical.

My question is this:

Is it understood as a matter of fact that since *Humanae Vitae* comes after *Gaudium et Spes* hence it stands as the new norms to be followed when there appears to be significant shift in positions as seen in the two sections highlighted above? Is this the way to proceed? Is this how the Magisterium interprets the change?

If the guidelines of an encyclical which has not been declared infallible are not followed, does this constitute grave sin?

And finally, a question that has been in mind for a few months now, can a priest bar someone from receiving the sacraments especially the Eucharist? I have read about lately. In USA, the (or perhaps some) bishops have told politicians who vote for bills that promote abortion that they should not go for communion. I don't know enough to understand this.

I would truly appreciate your advice on this matter.

Thank you

Fr. Bretzke replies:

*Thanks for your questions. I'm not quite sure I understand clearly though your first question. The teachings involved in sexual ethics involve the natural law, and as such are grounded in the objective moral order. No church document, whether early, middle, or late in appearance can change the objective moral order itself. It's not a matter of liturgical law or changing the Friday abstinence practice or some other matter of Church discipline. So neither *Humanae vitae*, nor the Pontifical Birth Control Commission report, nor *Gaudium et spes* change the objective moral nature of sexual ethics. All of these documents operate out of one or more paradigms and to interpret what the respective document itself is saying you need to understand the particular paradigms employed, vocabulary and so on. That's why I've spent some time in trying to outline the major paradigms used in the respective documents. Now if your question involves which document(s) enjoy magisterial authority I think that should be clear (at least I tried to make it clear when I said that the Pontifical Birth Control Commission, while a Vatican constituted body, did not of its own enjoy magisterial authority). Both *Gaudium et spes* and *Humanae vitae* enjoy magisterial authority.*

*Your second question is a bit puzzling to me. What are the necessary elements for "grave sin"? Can any Church document, fallible or infallible, create or remove the conditions for grave sin? Does *Humanae vitae* itself use the language of "grave sin" somewhere in the document? These might be the questions that, if answered, would then give you the answer to your second question. Again, in the class I've tried to outline the Church's tradition on the 3 criteria which need to be simultaneously present in order to constitute grave sin.*

Your final question on barring someone from the Eucharist is essentially a canonical one, and I know that you've not yet had canon law, so I'll just give a quick answer here. A priest is told to admit someone to the Eucharist who freely presents him/herself for it, UNLESS 1) the person has been formally excommunicated from the Church (this would be done by the bishop in most cases; and/or 2) the person asking for communion is a manifest public sinner and giving communion to that person would constitute scandal. In doing this though the priest has to be very careful and should not make himself into a mini-bishop. I don't know of anyone formally excommunicated, though some (But not all) bishops in the US have stated that in their diocese certain politicians (most notably John Kerry) should not come for communion. I would note here though that neither bishop in the dioceses in which Kerry resides (his home state of Massachusetts and/or Washington, D.C. where he also lives and works) has joined this stance of denying him communion (a bishop who has stated Kerry should be denied communion is Archbishop Raymond Burke of St. Louis). Burke makes his position on the principle that Kerry's lack of opposition to overturning abortion legislation constitutes grave scandal. I believe this position to be highly debatable, and it seems the vast majority of the US bishops are in agreement with my view that this action is unwarranted and counter-productive. But in his own diocese Burke does have the power to interpret this canon in this manner. His interpretation, though, binds only in his own diocese.

For me personally giving communion to Imelda Marcos is a real scandal, but here I have to trust the Philippine bishops who obviously see this matter in a different light than I do. But I think a good canonical case could be made for denying communion to someone who has manifestly caused grave harm through wanton corruption and is clearly unrepentant.

Hope this helps,

Fr. Jim

Dear Father,

Last Sunday in my apostolate are in Malabon.... mostly high school students. one of them asked me... "is masturbation a mortal sin?"

I said, "yes" because our sexual faculties ... both in men and women are intended to procreate and to nourish their unity as an expression of their mutual love. and masturbation does not lead us into this values but rather lust, greed and self gratification which is contrary to the Christian values..

AM I CORRECT? THIS QUESTION LEFT ME A BIT OF CONFUSION..

ESP WHEN I ASK MY SELF... IS MASTURBATION AN INTRINSIC EVIL... ALWAYS WRONG... REGARDLESS OF INTENTION AND CIRCUMSTANCES?

and now I am really in trouble and I really can't answer..... it's a bit puzzling because my sister who is a pediatrician and has a bachelor in psychology prior to medicine once told

me that "masturbation is a normal, normal thing in any adolescent teenager(s)... part of their curiosity and self discovery of their sexuality...."

it's a bit confusing...?

Fr. Bretzke replies

I would answer your question with two of my own: 1) What constitutes "mortal sin," and how do you sin masturbation meeting all of the necessary criteria for mortal sin? and 2) where in the current magisterial teaching of the Church (e.g., the Catechism of the Catholic Church) do you find it stated that masturbation would always constitute a mortal sin? I'd be interested in your answers to these questions because I think then we'd have a clearer idea of how to handle your original question.

Thanks,

Please explain to me in a very simple words father

1. absolute moral norms
2. moral theory of proportionalism

Fr. Bretzke replies

Dear Sister,

For the first question please look at the Glossary definition I give on p. 236 for "Moral Norms, Levels of" and the discussion in Chapter 2 of my book, especially pages 59 to 66. If you have trouble understanding the English could I ask you to get some help from your sisters or companions in class? I think that would probably be more helpful to you than my trying to rewrite these passages in an e-mail.

Proportionalism is a moral theory that emphasizes the distinction between ontic evil and moral evil and the connection to proportionate reason. For example, if there is proportionate reason to cause or allow an evil (such as an amputation when the person has gangrene) then we say the evil is "ontic" and not moral. If however we do not have proportionate reason to allow or cause an evil (like amputating your hand just because you have a broken finger-nail) then we would say that "evil" is moral evil. If you look at the Power Point presentation on the Natural Law you'll find some sections that deal with moral and ontic evil and proportionate reason.

Hope this helps.

Fr. Jim

Dear Fr. Jim,

As I review for the exam, I get confuse with the principle of compromise. Kindly give me some further explanation on this. How does it different from the principle of tolerance as well as from the principle of minus malum (lesser of two evils). I am sorry to disturb you with my question.

Your help will be a big help for me and it is greatly appreciated. Thank you and God speed.

Fr. Bretzke replies

Compromise is a bit like politics: one has to sometimes work for incomplete and imperfect solutions in order to accomplish something. Tolerance means living with a situation that either you can't change, or that if you sought to change, greater unrest would result. The lesser of two evils is the example I used in class of Xavier wanting to kill Nono, and instead I suggested that he destroy Nono's prized bonsai collection. Advocating condom usage when someone is not going to be chaste anyway would be an example of lesser of two evils.

Hope this helps.

Fr. Jim

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[forthcoming]