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The Meaning of the Principle of Totality in the Doctrine of Pius XI and Pius XII and Its Application to Cases of Sexual Violence

Marcelino Zalba, S.J.

Father Zalba was professor of moral theology at the Gregorian University in Rome and consultor to the Sacred Congregation for the Doctrine of the Faith when he wrote this article in 1968. Its translation by Rev. Edward J. Bayer, S.T.D., is reprinted here with permission from Rassegna di Teologia, the Gregorian's theological journal, in which it appeared in Vol. IX, 1968, pp. 225-237.

According to some, Father Zalba, a noted moral theologian, was one of the chief architects of *Humanae Vitae*. This article shows his understanding and application of the Church's teaching in a way that was more compassionate and Catholic than was possible for many theologians prior to the Vatican II era. In his article he appeals not to the teachings of that Council, but to the discourses on medical ethics by Pope Pius XII, thus assuring the authenticity of his theological exploration and rooting it, as Father Bayer points out, "not in some rash interpretation of the newly published Council documents, but in a scholarly clarification of the earlier pontiff's teaching."

Retired from his position as full-time consultor to the SCDF, Father Zalba is dedicating his remaining years to teaching moral theology in South America.

In 1961, a vigorous debate¹ stimulated three moralists² to give an affirmative response in *Studi Cattolici* to the following question: May a woman who fears that she is going to be sexually violated, without in any way consenting to the act which is going to be imposed upon her with force, forearm herself against the eventuality of a pregnancy by taking anticonception drugs?

CAN A WOMAN THREATENED BY RAPE OUTSIDE MARRIAGE USE STERILIZATION DRUGS? THREE THEOLOGIAN IN 1961 ANSWER YES.

At that time, public opinion was rather surprised at this affirmative response: Yes, a woman in such circumstances may indeed take such drugs! This answer seemed to contradict the declaration made by Pius XII in 1958:

One brings about a *direct* sterilization, and therefore an *illicit* sterilization, when one halts ovulation to preserve the uterus from the consequences of a pregnancy which it cannot carry through (To Hematologists, 1958, emphasis added).

Some thought, at that time, that the solution given by the three moralists mentioned above was incompatible with the doctrine unanimously taught up to that time about the respect due to the "working of nature" in the human reproductive powers.³ This "working of nature," they objected, moves towards the generation of a new human being, a generation into which only God can claim the right to intervene directly. Furthermore, not all the arguments brought forward by the three moralists appeared valid. In fact, *some* of these same writers who favored the defensive use of anovulant drugs against impregnation by rape, came later rightly to reject and abandon, not the newly proposed opinion itself, but certain of the arguments put forward to support that opinion.

Further reflection has, however, on the one hand, clarified and consolidated the position presented by the three theologians in *Studi Cattolici* by recognizing that the individual has a power of stewardship over the genital organs which can extend even to the deliberate inhibition of the normal ovulation of a woman. This same further reflection has, on the other hand, sought to demonstrate that these interventions into the biological processes of nature, in no way violate the moral order expressed in nature and in the activation of nature on the part of the human person.

OPPOSITION TO THIS NEW APPROACH

A number of authors began to line up in favor of the new line of thinking — and their number kept growing. Others, however, had grave reservations about it, and some even openly opposed it. This opposition maintained that the use of anti-conceptive agents was intrinsically evil, precisely because they were aimed against conception and were, consequently, *directly* sterilizing. As far as these opposition authors were concerned, we were dealing here simply with the use of evil means for a good end, and such action had to be judged by the well known principle: The end does not justify the means.

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The solution newly advanced, however, in favor of the use of sterilizing drugs by the single woman in danger of undergoing sexual violence, insisted on two fundamental points:

- 1) the direct sterilization condemned by the Magisterium as intrinsically evil is sterilization aimed at preventing procreation in persons who *want* to make use of the sexual function, persons who with good reason could be *obliged* to make use of it by reason of the marriage contract;
- 2) the specific evil of the act of sterilization consists in the using of the sexual faculty deliberately to perform *two acts* which are *mutually contradictory*. These *two acts* are:
 - a) an act which, on the one hand, by *God's own decree* and by its *very nature*, is *aimed at generation*, and
 - b) an act which, on the other hand, *impedes* this natural effect.

But what about situations where there is a) *no obligation* to sexual activity, and where, indeed, there is b) a positive obligation to *avoid* sexual activity, and a woman is adhering to this latter obligation by a decisive act of the will? Can one not say that such a woman, finding herself in danger of being *violated*, licitly and morally prevents a conception which physically would never take place if she had any control over the situation?

In circumstances like this, the suspension of ovulatory activity has a meaning which is purely material. Is not its *moral meaning*, in contrast to its *material meaning*, entirely one of a wise stewardship of one's own body by means of a temporary suspension of a normal function, a suspension fully justified by the *total good* both of the *bodily organism* and of the *person*, namely the good of sparing *both the bodily organism and indeed the woman herself as a person*, burdens and damage which she as, at the same time a *bodily organism and a person*, is in no way obligated to bear?

As far as we can judge, none of the three authors who originally defended this *defensive* sterilization call into doubt the intrinsic evil of direct sterilization. None of them upholds his own opinion while simultaneously admitting that there is any possibility that it contradicts the fundamental declaration of Pius XI:

Every use of marriage (in this case the sexual faculty) in the achieving of which, by human deliberateness, the act is deprived of its natural power to procreate life breaks the law of God and of nature (*Casti Connubii*, 1930).

The conjugal sexual act shows by its very nature, of course, that it is intended for generation. It is therefore a rebellion against the divine plan on the one hand to put this generative capacity into operation and, on the other hand, to frustrate the natural purpose toward which it is inseparably directed by its Creator. For He is the One Who

gives this direction to these human faculties.

It does not seem quite correct, therefore, in this regard to go looking for some kind of distinction between 1) a decision merely to *use sex* and b) a decision to use a *procreative act* in deliberately entering into the sexual act. Such a distinction, it seems to us, is a figment of the imagination; for this sexual act *is*, by its very nature, a *procreative act*. If we go by the principle "*Causa causae, causa causati*," then anyone who performs an act which *is*, by its very nature, *procreative* (i.e., its very materiality is, in its objective reality, directed toward procreation) has an obligation also to accept that act as *procreative*, whenever nature itself, far from holding back procreation, instead collaborates with the human decision to enter into this procreative act. This principle will remain equally valid anytime a person enters into a sexual act, if it is morally licit for him, even if he hopes or even realizes that, as a matter of fact, it will be *sterile*.

APPLYING THIS NEW APPROACH ALSO TO SEXUAL VIOLENCE WITHIN MARRIAGE

A. Valsecchi reports also the opinions of J. Snoeck and H. Demmer, who apply the new approach not only to forced sexual actions *outside* of marriage, but also to sexual violence *within* marriage.⁴ According to Valsecchi, these two authors hold that "a case for a woman's legitimate self-defense by means of sterilizing drugs can also be made *within marriage itself* when a woman is faced with *outrageous sexual actions* forced on her by her own husband." Other authors also hold this opinion. They obviously are holding, then, that the use of drugs for the purpose of preventing conception is *not* truly an intrinsic evil *when and if* such drugs are used for the purpose of self-defense against sexual actions unjustly forced on a woman, be it inside or outside marriage.

VALSECCHI'S UNWARRANTED EXTENSION OF THE NEW APPROACH

Valsecchi, however, is of the opinion also that there is some kind of inevitable, logical dynamic in this line of reasoning, and that this dynamic carries us even further. He therefore questions whether, for "a wife who, at this particular time in her marriage, has no obligation and, indeed, no right to become pregnant, it really is morally illicit to deprive herself of fertility and to disrupt the physiological processes of generation in order to do so." Valsecchi doubts that it is immoral, and, contrary as this doubt is to the constant teaching of moralists, he considers his doubt "not totally lacking in foundation."
It seems to me that there certainly is an inevitable logic in the

arguments of Valsecchi and these other moralists regarding women forced against their will into sexual actions *outside* of marriage. It seems to me also that the dynamic of this logic does indeed force us to move, in the same area (sexual morality) and in the same line of problems (sexual violence), from the dilemma of the *unmarried* woman subjected to sexual violence to that of the *wife* sexually oppressed by her *own husband*. This connection can indeed be considered logical.

It seems to me also, however, that Valsecchi attributes to the "inevitable logic" of these considerations a force which goes far beyond the limits of the areas and the logic involved. For he applies the identical argument to cases totally different from one another, — as radically different as a *deliberate* act of one's *own* is different from one's being *subjected* to the *forced* act of *another*. This kind of simplistically homogeneous application of an argument seems to be absolutely lacking in foundation and in no way justifiable, either in the light of Catholic teaching which, on this point, has been uniform and constant in the universal Magisterium, or in the light of reason itself.

VALSECCHI'S EXAGGERATIONS DO NOT INVALIDATE THE ORIGINAL NEW APPROACH

There remains, however, the conclusion, mentioned above, which some want to draw: the defense which they allow as justified for the *unmarried woman* in danger of being violated applies also to the *wife* unjustly violated *within marriage itself*. This conclusion, we think, is indeed logical and worthy of careful consideration. We propose to examine it here. For the moment, however, we shall limit our examination of this proposal to a consideration of how the Principle of Totality and its application to moral matters affects the new approach. Moreover we shall concentrate on how that Principle of Totality is manifested in the teaching of Pius XI and Pius XII in such a way as to enable us to evaluate this "defensive sterilization."

I. THE PRINCIPLE OF TOTALITY, AS PIUS XII FORMULATED IT

The Principle of Totality affirms that:

a part exists for the whole, and that as a consequence, the good of the part is always subordinate to the good of the whole. The whole is decisive for the part and can dispose of the part to its own advantage (To Histologists, 1952).

Pius XII is not calling into doubt here that:

a particular physical member of the body has a certain kind of existence of its own. As a *member*, however, in no way does it exist *for itself*. In the final analysis it is taken up with and into the *totality* of the organism (*ibid.*, emphasis added).

And,

the human being is a unity and an ordered whole. The law of this ordered whole is determined by the final purpose of this ordered whole and subordinates to *this* final purpose the activity of the parts according to the true order of their importance and their functioning (To Psychotherapists, 1953).

Therefore, in virtue of the Principle of Totality, i.e.,

of the right to utilize the services of the organism as a *whole*, man may licitly dispose of individual *parts* by destroying or mutilating them . . . either to avoid serious and perduring damage or, naturally, to repair such damage, *when and if* such damage *could not otherwise* be avoided or repaired (To Histologists, 1953, emphasis added).

II. THE GLOBAL GOOD OF THE PERSON AS THE NORM FOR THE APPLICATION OF THE PRINCIPLE OF TOTALITY

The opinion put forward in 1961 in *Studi Cattolici* concerned the liceity of a physical sterilization of a genital faculty which one has a moral *obligation* and a decisive *intention* not to put into action. The subsequent debate centered on the meaning of the Principle of Totality. The point of the discussion was:

- 1) whether the individual *physical* organs and *physical* functions of the body are subordinated to the well-being only of the *physical* organism itself (and, in a similar way, whether the mental faculties are subordinated *only* to the well-being of the *spiritual* soul): OR
- 2) whether, *to the contrary*, the individual physical organs and physical functions of the body (and the psychic functions of the brain) are at the service, in the final analysis, not only of the *physical* good of the *body*, but also of the *person* him/herself as a *total* entity.

In this regard, there is no doubt that the elemental parts of the human body

fit in with one another and are interconnected with one another [in such a way] that their place and their characteristics are dependent *on the totality of the body*, and serve the *totality of the body* in its *total* existence and functioning (To Psychotherapists, 1953, emphasis added).

Nor is there any doubt that

the various faculties and functions of the psyche are part and parcel of the totality of a being who is *spiritual*, and are subordinated to *its* finality as a being who is *spiritual* (*ibid.*).

But there is some question, or at least some continue to raise the question: Are the *members* of the body, — its organs, and its functions — to be considered as subordinated to the good of the *total* person in a *direct* way? Or is this subordination to the good of the *total* person only in an *indirect* way, that is, by way of some good *immediately* beneficial only to the *body*?⁵

We must grant that many papal statements do indeed speak only of a subordination of these organs and functions to the good of the *body*

as a *physical* organism. This is the case, for example, in Pius XII's formulation of the Principle of Totality, as we have cited above. Among other statements of his, this is clear also in his treatment of the difference between a *human being* as a organism and a *human race* as an organism (To Cornea Donors, 1956).

What the Pope says is, of course, quite true: the *parts* of the body are at the service of the *whole body*, that is, the *physical organism* of the individual. We do think, however, that when the Pope says that the members and organs of the body are subordinate to the well-being of the *body*, i.e., of the whole *physical organism*, he is *considering only* those cases where these members or organs are actually doing damage to the *body* by their diseased condition or at least by their presence or activity (however normal such presence or activity may be). That is, the only cases he is *considering* are those where the damage is *only* to the *body*. In treating *such* cases, the Pope necessarily had to refer, of course, to the *physical organism*, *the whole body*. It was altogether natural that his reasoning should focus on that aspect of the individual — his *body* — in an *emphatic* way; but that does not mean he intended his remarks in an *exclusive* way. In other words, in affirming the subordination of the various organs and members of the body to the *physical organism* as a whole, he never intended to deny that these same *physical members* and organs are also subordinated to interests of a *much higher nature* than the person. *He never intended to deny* that the *physical organism itself* is one of the components of the *total person*, and that the *physical organism itself*, having *no* existence independent of the *total person's* existence, is *itself* fully subordinate, therefore, to the good of the *total person*.

Our interpretation of Pius XII's intention will obviously be correct to anyone who wants to consider the argument which the Pope brings forth to demonstrate even the subordination of the individual *physical organs* to the *physical organism as a whole*:

The physical organism of man is a *totality* in its being. The members of this physical organism are integrated into this *totality* in such a way as to have no independent existence of their own. They do *not exist except* for the total physical organism, and have *no other purpose* except the purpose of the *total physical organism* (To Cornea Donors, 1956).

But what is the purpose of the total *physical organism*? Obviously it is that it be, *in its turn*, integrated into the *total person*, in such a way as to have no independent existence of its own. The body exists *only* as a component of the *total person*. As a consequence, the *members of the body*, by way of the *physical organism as a whole*, certainly do serve the interests of the *total being as a person*.

Along with these texts cited above, confined as they are to the *physical organic component* of the *total person*, there are, nonetheless, many other texts which demonstrate beyond any doubt that we find

in the papal documents what reason itself also calls for: that the members, the organs, and their functions — and indeed the very body itself as a whole — serve the rightful needs of the soul in the exercise of the higher functions of knowing and willing and, above all, the interests of the *person* himself. These papal texts touch on three points:

a) Are the *members* and *functions* of the body subject to the true need of the individual to provide for his own welfare? Pius XII answers:

Man has the right to make use of *his body* and its higher faculties, but not to dispose of them as if he were their lord or master. . . . It can be that, *in exercising his right of stewardship*, he may *mutilate or destroy a part of himself*, granted that this is necessary for the good of the whole organism (To Neuro-Psycho-Pharmacologists, 1958, emphasis added).

And we cited above the following text, which makes the same point:

A particular physical *member* of the body admittedly has a certain kind of existence of its own, *but, as a member*, in no way does it exist *for itself*. In the final analysis the particular member of the body is integrated into the totality of the organism (To Catholic Doctors, 1956, emphasis added).

b) Is the *whole body* subject to the true need of the individual to provide for his own *total* welfare? Pius XII answers:

Man is the steward, not the independent possessor or owner of *his body*, of his life, and of everything else which the Creator has given him so that man may *make use of it* (To The World Health Organization, 1954, emphasis added).

And:

Direct sterilization is not authorized by the *right which man has* to steward his *own body* (To Hematologists, 1958, emphasis added).

Man indeed is not the proprietor or absolute lord of *his body*, but only *enjoys the use of that body*. From this fact there derives a whole series of principles and norms which regulate the use and the right to steward the organs and members of the body. . . . However limited the *power which man has* over his members and organs, it is a direct power,⁶ because they are constitutive parts of his *physical being*⁷ (To Italian Physicians' Society of St. Luke, 1944, emphasis added).

c) Are the parts of the body — not merely the body as a whole — subject also to the need of the individual as a person? E.g., may a person sacrifice a part of his body in order to defend not only his physical life, but also his personal *rights*?

This is the point about which some find great difficulty in applying the Principle of Totality. Yet we have here also undoubtable testimony from Pius XII:

To this subordination of particular organs *vis-a-vis* the [*physical*] organism and its own special purpose there is joined also the purpose of the [*physical*] organism itself: [for the physical organism itself] is designed for the *spiritual purpose* of the *very person*. Medical, physical, and psychological

experiments can, on the one hand, bring about certain damages to organs and their functions. On the other hand, it is possible for such experiments to be perfectly licit to the extent that they are in harmony with the good of the person (To Neuro-Psycho-Pharmacologists, 1958, emphasis added).

In another place, Pius XII approved the removal of health organs, functioning in a normal way, e.g., the testes, in order to save the body from some threat, e.g., cancer growth in another part of the body. He reasoned in this way:

This conclusion [that such removals are licit] is deduced from the right of stewardship which man has received from his Creator, in what concerns the body, in accord with the Principle of Totality (To Urologists, 1953, emphasis added).

In virtue of the Principle of Totality, Pius XII explained in another discourse, the individual can dispose of individual parts of his body when and in the measure required for the good of his being as a totality in order to insure his existence. . . . We have already explained where the right of the patient is morally limited in stewarding his self, his spirit, his body, his faculties, his organs and his functions . . . (To Histologists, 1953, emphasis added).

The master and user of such an organism . . . can intervene with the frequency and in the measure required by the good of the entire totality to paralyze, destroy, mutilate, or remove its member-parts. . . . [The Principle of Totality] affirms that the part exists for the whole, and that as a consequence the good of the part remains always subordinated to the good of the whole; The whole is determinative for the part and can dispose of the part in its own interest (*ibid.*).

Again, he says:

However limited it is, this power of the individual over his members and organs is a *direct* power because they are constitutive parts of his physical being (To Italian Physicians' St. Luke Society, 1944, emphasis added).

And in one final place,

Christian morality answers that [physical beauty] is a good, but a *bodily* good, oriented towards the whole human being, and, like the other goods, susceptible to abuse (To Plastic Surgeons, 1958).

We can assert with full conviction, then, that papal teaching does not exclude putting the physical functions, even those in themselves normal, at the disposal of the legitimate personal interests of the individual. These legitimate interests may be to save the physical organism from hardships which would be imposed on it against the individual's will, or to free the soul and the spirit from loss of reputation, contempt, societal difficulties and so on. These legitimate interests may also be simply that a woman may enjoy a state of freedom which she does not want to give up, either by a free act of her own will or by force of circumstances, i.e., through someone else's illicit conduct (rape) whose normal consequences (pregnancy) she would have to accept.

III. The Logical Application of the Principle of Totality to the Defense of the Organism Against Unjust Violence

In our view, a consequence of this papal doctrine is the opinion mentioned at the outset of this article: It is licit to forearm the organism, including the sexual faculty itself, a) against an unjust and damaging aggression, and b) against the harmful consequences of such an aggression, whether these consequences would *physically* affect the organism itself by subjecting it to uncalled for troubles and risks, or badly affect the *total* being of the individual. A woman can licitly hinder these harmful consequences in the rightful stewarding of her natural functions by reason of the same right by which she seeks to cast out the semen which is their cause, namely, that these consequences are a continuation of the injustice she has undergone and that their elimination does not violate the higher rights of a third party.⁸

The doctrine of very many prudent moralists, which permits the prompt use of uterine douches⁹ in order to expel semen released into a woman in sexual violence, is therefore an indirect confirmation of this opinion. This doctrine presumes always, of course, that in such a douche there is no danger of an abortion. But if it is not illicit to hinder the spermatozoan introduced by violence into the genital tract from invading the ovum when the woman has already undergone sexual violence, we have then every motive for *suspending ovulation* to this same end and in the same circumstances of violent physical force. The nature of the action as moral is the same; the material means are, in both cases, morally indifferent, for the means in each instance have no moral significance coming from their object (i.e., they are not *in se mala*) or their circumstances.

We must, indeed, warn that one can never insist enough on the absolute necessity of a wife's sincerely protesting against the evil action of her spouse and of her not actively participating in or willing pleasure in the act itself. We are nonetheless of the opinion that it does indeed follow by the very force of logic itself that the case of the single woman who undergoes sexual violence is the same as that of the wife who is living in her marriage, but with her mind made up and with a right which exists with certainty and which she invokes with certainty, and with a consequent refusal to have sexual relations, which nonetheless are then extorted from her by her husband. (Admittedly, whether this right to refuse exists in a given case is another quite delicate question, and one not always easy to answer.) We insist: One is dealing here with a defense against an aggression which is with certainty unjust because *this* request for basically *oppressive* coitus does not enter into the marriage contract. It is a request which is not consented to internally, one which is refused externally, and one which would be brought to naught, had the wife any choice in the matter. At one time, we inclined to the opposite

view¹⁰ because it seemed to us that the husband in such a case retained a radical right which he was abusing only as to the *mode* of exercising it. But in further thinking it through, it does not seem to us either rash or improbable to say that the husband has no right to acts which are not objects of the marriage contract. Such acts, unjustly sought, are comparable to unjust acts (rape) outside of marriage.

This opinion, however difficult to handle in its practical application and open to abuse and illusions, seems to us more in conformity with the doctrine of Pius XI and Pius XII. We say *in conformity*, and not only *exempt from condemnation* by those Popes. We certainly think that it in no way departs from the natural reasoning invoked by them to show the intrinsic evil of the abuse of marriage. This abuse consists, according to their explanation, in the fact of deliberately making use of the sexual faculty while at the same time frustrating its natural end. Such a deliberate frustration thus contradicts the divine plan for the ontological ordering and finality assigned by God Himself for sexuality, an ordering and finality written into the very mode of action of nature itself. But in the hypothesis which we are discussing, there is no *deliberate* use of sexuality. Rather, a woman is refusing such a use sincerely and for just reasons, and she is defending her very person in the one way possible. That one way is to paralyze temporarily a function of the body within the scope of that function's *mediate* and *negative purpose* within the organism.¹¹ This *mediate* and *negative* function is for the sexual faculty to sacrifice its specialized function in order a) not to injure the overall good of the entire *physical organism* by imposing on it a heavy burden which the woman has a right to exclude and b) not to injure the overall good of the individual as a *person* who must remain in control of her own freedom and of her reputation and standing in society. This is all the more true when such a suspension of the sexual faculty is not damaging to the physical organism and is not caused primarily for the sake of the organism, but of the woman herself as a *person*.

This kind of argumentation from natural reason was commonly used by the two above-mentioned Popes when they spoke of the use of marriage (and therefore of the deliberate and free activating of the sexual faculty). We think, however, that their argumentation was expressly *limited* to this sexual activation precisely insofar as it was *deliberate* and *free*. In this way, the two Popes excluded, at least as far as their considerations were concerned, the case of the married woman who undergoes an unjust sexual violence from her own husband.

We shall prescind, for the time being, from the comparison which more than once the Holy See has made between the single girl who suffers sexual violation by rape and the wife who has to face a husband who resorts to artificial birth control. We would remark only that this comparison used by the Magisterium seems to us worth paying attention to also in this matter of a wife's forearming herself in the

face of unjust sexual violence.

We would like, however, to reflect now on some expressions of *Casti Connubii* and some discourses of Pius XII.

Casti Connubii

The great encyclical on Christian marriage, when it condemns conjugal abuse, refers explicitly to:

any use whatsoever of marriage in which, by human malice, the act is stripped of its natural procreative power.

The encyclical is speaking, then, of an illicit act which is determined upon and manipulated by the will of the person activating the faculty; it is not speaking of an incident which one suffers against one's will. Or, as Pius XII will say later in his authoritative comments on the encyclical, the issue is:

every attempt of spouses in the carrying out of the conjugal act or in its unfolding . . . (To Midwives, 1951, emphasis added).

Pius XII's Discourses

But it was for Pius XII himself to express, not without some obvious assistance of the Holy Spirit, the doctrine on marriage with a surprising accuracy and measured precision which, nonetheless, in no way exclude the opinion which we are here advancing as probable. Indeed, he even insinuates this same opinion implicitly at least two or three times by the limitations which he deliberately sets to his statements.

As early as 1944, when the kind of question we are discussing had not even arisen, he spoke thus to the Italian physicians' Society of St. Luke in his foundational discourse on medical morality.

Sexuality is a natural power for which the Creator Himself has determined the structure and essential forms of activity with a precise purpose and with corresponding duties to which man is obligated *in every conscious use* of that faculty. . . . The primary purpose . . . willed by nature *in this use* is procreation. . . . The Creator Himself, for the good of the human race, has joined the *voluntary* use of that natural energy to the purpose immanent to those faculties (emphasis added).

Referring to the removal of the ovaries in order to render them unable to function and in order, thus, to prevent a dangerous pregnancy, he declared in 1953 that one can not invoke the Principle of Totality in such a case. There is, he maintained, in reality no danger coming to the woman either from the ovaries themselves or from their influence on other sick organs.

To justify this removal, some would cite the Principle of Totality mentioned earlier, and would say that it is morally permitted to intervene in healthy

organs when the good of the whole requires it. But here the appeal to this principle is mistaken. For . . . the danger to the woman is not coming from the presence or normal functioning of the ovaries. . . . The danger appears only if *freely chosen sexual activity* causes a pregnancy which could then be a threat . . . (To Urologists, 1953, emphasis added).

We note that Pius XII speaks here not only of freely chosen sexual activity, but of an *unnecessary* medical intervention for the good of the whole. The good of the whole certainly is at stake here, but in this case it is possible to achieve that good without violating the woman's physical integrity. For she can freely choose to abstain from sexual actions. Abstention, however, is precisely what is, in the case of *forced coitus, not an option.*

Finally, in his famous address to the Seventh International Congress of Hematologists in 1958, Pius XII first affirmed that the principles which he had proclaimed elsewhere on the intrinsic evil of direct sterilization also

prevent one from considering as licit the removal of the sexual glands and organs for the purpose of preventing the transmission of defective heredity characteristics.

He then added the following case:

Is the impeding of ovulation by means of pills allowed for a married woman who, in spite of this temporary sterility, desires to have sexual relations with her own husband (*ibid.*)?

He then declares illicit any sterilization

to preserve the uterus and the organism from the consequences of a pregnancy which it cannot support (*ibid.*).

But he makes this declaration in the hypothesis of a *voluntary* use of the sexual faculty. And in the following sentence he continues to speak of medical indications which render:

undesirable a conception which is too close [to the preceding one] or in other similar cases . . . (*ibid.*).

It is obvious that Pius XII presupposes here that we are dealing with a *voluntary* use of sexual relations. In the same discourse, as a matter of fact, there is a confirmation of this interpretation of the Pope's thought. For where he speaks of his allocution in 1951 to the midwives, he says:

We explained that spouses who *use their conjugal rights* have a positive obligation, in virtue of the natural law proper to their state of life, not to exclude procreation (emphasis added).

The Right to Self-Defense — Limited But Real

Moreover, we find, in the papal Magisterium one other doctrinal aspect which it is in our interest to underline in this regard. For Pius XI admitted explicitly the *Principle of Legitimate Defense Against Unjust Aggression* as a *general* norm and, therefore, for *married* life also,

when he denied explicitly that this norm could be invoked (as it was, without foundation) against the offspring of a pregnant woman:

It is not an indication for killing the child which has been conceived. The right to defense by shedding blood against an unjust aggressor is not an indication for taking the life of a child which has been conceived, nor does *this right have any place here* (Casti Connubii, 1983, emphasis added).

Pius XII, for his part, recognized not only a right to avoid a child's conception, but also, in certain instances in a marriage, a true obligation to do so. Speaking to the conference of the Catholic Union of Italian Midwives in 1951, he said:

You find yourselves at times faced with a quite difficult case, one, that is, in which a woman cannot be required to run the risk of pregnancy, and in which indeed she must avoid it. If the conditions require absolutely a "no," that is, the exclusion of pregnancy, it would be wrong to give a "yes."

Now the Magisterium of the Church, as Pius XII pointed out, cannot proclaim moral norms unless she is *certain* that she is interpreting the will of God (To the Italian Center for Women, 1956).

And on the basis of this same certainty the same Pius XII also proclaimed as "in full vigor today as yesterday . . . and also tomorrow" the natural law which excludes as immoral

every attempt of the spouses in the carrying out of the conjugal act . . . having as its purpose to deprive the act of the power inherent in it and to prevent the conception of a new life (To Midwives, 1951).

This very same Magisterium of which Pius XII spoke teaches also, however, with the same certainty, the right of legitimate defense, even in marriage, and in propounding the doctrine of the Church on the activation of the sexual faculty, refers many times to the *free use* of that faculty. All of this is over and above the Magisterium's having established as a universal moral principle the Principle of Totality, which authorizes the sacrifice of parts or functions of the body in the legitimate interests of the *organism* as a whole or of the *person* as a whole.

As a conclusion on this point, we would offer for the consideration of moralists the following proposition:

SINCE THE TRANSMISSION OF LIFE IS SUPPOSED TO BE THE FRUIT OF CONJUGAL LOVE, THERE IS NO OBLIGATION (OR AT LEAST ONE CANNOT BE DEMONSTRATED WITH CERTAINTY) TO ACCEPT A PREGNANCY

A) WHEN THERE IS NO OBLIGATION TO ALLOW THE CONJUGAL ACT, OR

B) WHEN AS A MATTER OF FACT ONE HAS ALLOWED THAT ACT ONLY UNDER UNJUST PRESSURE WHICH IS AGAINST THE ABOVE-MENTIONED RIGHT TO A FREE AND TRULY HUMAN GIVING OF CONJUGAL LOVE.

THEREFORE IN SUCH CASES OF UNJUST OPPRESSION THE INNOCENT PARTY MAY RIGHTLY ARM HERSELF AHEAD OF TIME AGAINST THE AGGRESSOR WITHOUT THEREBY GOING AGAINST THE ORDER OF NATURE, WHICH SUBORDINATES THE FUNCTIONING OF THE ORGANS (IN THIS CASE, THE SEXUAL ORGANS) TO THE GOOD OF THE INDIVIDUAL (IN THIS CASE, THE WIFE).

IV. The Principle of Totality Does Not Apply to the Genuine Conjugal Act

It remains for us now to examine certain attempts being made by some theologians to apply the Principle of Totality to the activation of sexual life in marriage. The justification offered for this attempt is that it will help obtain some of the *higher* purposes of marriage by sacrificing at the same time other valuable but *less exalted* purposes which are, at the moment, incompatible with those higher ones. This sacrifice of the lower to the higher would be, it is claimed, in conformity with the hierarchy of values because it would stimulate and maintain conjugal love and fidelity (higher values), along with the spouses' psycho-physical balance, by sacrificing (regretfully) at the same time a conception of a child (a lower value) which would be unreasonable in the concrete circumstances of the couple. The sacrifice is made by frustrating the material biological forces inherent in a sexual activation, because, at this point of time, these forces are harmful to all that is truly personal in their lives.

One Theory: The Individual Spouses are Absorbed into a Higher, Newly-Created Entity: The Marriage Itself

Among those who put forward this kind of application of the principle, some have conceived of the marriage bond as a unity-of-two which is really *a new conjugal person* resulting from the "thou" and the "i," which are now converted into a "we." This conceptualization, it must be said from the start, goes beyond the meaning contained in the biblical expression: "And they will be two in one flesh (Gen. 2, 24). It is an arbitrary conceptualization and, as a matter of fact, does not do justice to the reality of *two persons fully individualized* in their natures who are joined together *only* in a *moral* union, that is, by reason only of their free-will *decisions*.

Moreover, this conceptualization itself, by its very nature, rules out using the very principle which these writers want to use, namely, the Principle of Totality. For as soon as one recognizes that, the unity-of-two notwithstanding, each party has an *individual responsibility*, then there is no true new "conjugal person." There is a possibility, for instance, that one party will be forgiven and the other condemned on

the day of judgment. Now it is precisely this kind of personal responsibility and independence of thought, of will, and of conscience which is undeniably present, even when both of the persons do indeed meet together in one will and one decision on any particular matter. The convergence takes place, not by reason of some metaphysical or quasi-metaphysical union, but by reason of *two* thoughts and *two* wills, metaphysically *distinct*, settling materially on the same thing.

The conjugal unity, then, cannot be considered as a new unified *physis* or entity. Its individual members (the spouses) cannot be considered as integral parts of some higher total entity (the marriage union); they must be considered organic parts of a purely *moral* or *voluntary*, not of a *metaphysical* kind. In such an organic unity, "the unity does not *subsist* as a separate metaphysical entity, but simply as a unity of *purposes* and of *actions*." The spouses make themselves "only collaborators and instruments for achieving what they, as a community, have settled upon as their goals."

From this critique, what follows logically for the application of the Principle of Totality? Marriage, that is, the conjugal society, cannot be an entity entirely distinct from the two spouses. Therefore, "a marriage" cannot, either directly or indirectly, do away legitimately with their physical being, their bodily members, organs, or functions, as if these were integral parts of some higher entity into whose organic existence they are somehow metaphysically absorbed and subordinated. Just as the conjugal totality has only a *limited* unity of purpose and action, so also it can make demands, yes, but only *limited* ones on the activities of the two parties within the scope of their commonly held goals. But this limited unity of purpose and action has no rights of ownership over the individual persons or over their substantial being, as if they should serve as partial elements for the purpose of the marriage itself as an entitative totality. Indeed, there can be no genuine good for the society which marriage is if that "good" is contrary to the true and full good of either spouse as an individual. Therefore, no truly honorable proposition is possible within marital society which could legitimize any renunciation of the personal status and dignity or of their individual responsibility, each one before God, for the stewardship of his or her own self.

A Second Theory: Physical and Sexual Integrity May Be Sacrificed for the Sake of the Love of One's Spouse

Other theologians do not admit this subordination of both the spouses to the hypothesized quasi-metaphysical new entity, the marriage unity, discussed above. These writers, however, also appeal to the Principle of Totality and to the hierarchy of values which must be observed in human actions, and conclude that the integrity of the sexual act and of the connatural power of procreation in that act and

in its natural consequences can be sacrificed to the higher interests of the spouses. They differ from the previously mentioned writers, however, in appealing to the higher interests, not of the spouses as parts of a higher, subsistent entity, the marriage unity itself, but of the spouses considered as individuals. According to this second set of writers, this sacrifice of the procreative faculties would be a reasonable stewardship of one's own faculties. It would be a sacrifice of goods for higher, psychic ones in the instance where, as is so often the case of the human being in his pilgrim condition, he cannot bring about the perfect ideal of good, simple and uncomplicated, without interference on the part of evil.

These writers suggest furthermore that it would be licit to sacrifice one's own personal, psycho-physical good to that of one's spouse from a motive of charity in regard to his or her convenience. This sacrifice they would compare to the sacrifice of a strip of skin or of a certain quantity of blood for the benefit of someone else. For such a sacrifice of one's own interests would also be a charity would, indeed, be an impoverishment, but would also be a great enrichment spiritually for the person making the sacrifice. The renunciation of his or her own good for the sake of fellow human beings is also to be considered a good of the human person.

We find, however, that this line of reasoning is also defective in consistency, and for four principal reasons.

First and most important, the human being has no right to sacrifice directly organs and functions of his own total organism except within the limits of their own natural purposes. One of these limits is that the sacrifice must be *necessary* for some more important good of his totality as an organism and as a person. In other words, such a sacrifice can be considered *necessary only* when there are no other means available for obtaining his overall good. But such a sacrifice can be considered *necessary only* when there exist other means adequate for obtaining this well-being *without* interfering with the integrity of his or her organs or functions. And in the case of sexual violence, this is exactly the point: there is *no other means*.

Second and equally important, in the hierarchy of values one cannot make the comparison between "merely" bio-physiological values on the one hand, and psycho-spiritual love values on the other. For there exists, above both these kinds of values, the *ethical value*, i.e., the most noble and most distinctively *human value*. This ethical value is determined, not by some superstitious rejection of nature or by some sexual taboo, but by the order written by God into the very purposefulness of nature and of its activation. Now this ethical value consists in submitting the *voluntary* activation of sexuality to the connatural consequences assigned to it by God. An opposition to these consequences would be justified only if the activation were *not* freely chosen and the natural developments of this activation would

be injurious to a person thus victimized.

Third, the sexual faculty has quite singular and altogether particularized finality within the human organism. For it has a *specific function*, that is, a function which *specifies* or *differentiates* it from the functions of all other faculties of the body.¹² In this *specific function*, the sexual faculty is not designed, then, as are other goods, for the good or the service primarily of the individual, but is involved in the transmission of life and is a service to human society in collaboration with God. Whenever a human being deliberately chooses to activate it, then, it requires a reverence and an untouchableness which are altogether special to this orientation toward procreation.

The fourth point is that not only anti-ovulatory drugs, but also *direct surgical sterilization* would be *licit* in the context of the sexual oppression which we have been discussing. At least it would be licit in cases where, on the one hand, there is no foreseeable probability of prudently increasing the family and, on the other hand, the lack of financial resources would render impossible the medical supervision or the acquisition of anti-conception products which the beleaguered wife needs. In such cases, if the woman truly needs to avoid any more births into the family, if she does not have the money to buy the drugs she needs, or even if she simply wants to save herself the agonizing uncertainties, worries, and tediousness which the use of the anti-conception drugs involves, she may licitly seek even surgical sterilization. Some will object to this position of ours on the basis of the *irreversibility* of the operation. The objection, however, is not valid, we think, for condemning such a sterilization intervention. In our opinion, there would exist sufficient reason for preferring this surgical method over the others, precisely because our line of thinking is not a physicalist one, and we believe that the sacrifice of organic integrity is reasonable when there are sufficient reasons.

Conclusion

In conclusion, we want to say that we maintain the opinion which we have here put forward only insofar as it appears to us not out of harmony with papal doctrine. Indeed, we would hold that, to the contrary, what we have said here is actually quite in line with the papal teaching proposed in *Casti Connubii* and in the allocutions of Pius XII which we have mentioned in this article. That papal teaching follows from the centuries-old tradition of the Church. We are convinced that the arguments of natural reason employed by those pontiffs is valid and solidly probative for the natural order prescribed by the Author of nature Himself for the *voluntary, deliberate, and free* activation of the generative faculty. We defend this papal teaching itself, of course, with even more conviction than we do our own opinion which, nonetheless, we think follows from it: that a married

woman may licitly defend herself against unjust violence experienced from her own husband against her basic right, at a given time, not to be impregnated.

We do recognize that this opinion of ours is subject to certain obvious dangers as far as its actual legitimate use is concerned. For passions and vested interests can inject themselves into a previously correct conscience and becloud and deceive it. On the one hand, then, one can never insist enough on the need for an indispensable sincerity and sensitiveness of conscience for a wife having recourse to the solution we defend here. But the danger of abuse does not change the morality of the solution itself. On the other hand, we think that cases are in no way rare and in no way infrequent in which recourse to the solution which we have here proposed would be the way to avoid grievous unjust violence against the person of a wife. In the light of this solution, she can preserve herself in the life of grace without an ongoing heroism which seems neither possible for general run of human beings, nor according to the ordinary working of divine providence.

TRANSLATOR'S NOTES

1. The occasion of the debate was the widely publicized decision of mission doctors in the Belgian Congo to give anovulant drugs to religious sisters and other women who were in imminent danger of rape during the revolution of the period.

2. Cf. P. Palazzini, "Si puo e si deve proteggere l'equilibrio della persona" in *Studi cattolici*, 27 (1961), pp. 63-64; F. Huerth, "Il premunirsi contra nel diritto della legittima difesa," *ibid.*, pp. 64-67; F. Lambruschini, "E' lecito evitare le conseguenze dell'aggressione," *ibid.*, pp. 68-72.

3. Zalba himself was among them, those who opposed the "Belgian Congo solution." See his "Casus de usu artificii contraceptivi" in *Periodica*, 51 (1962), pp. 172-183. See also Ph. de la Trinite, "Un dibattito morale relativo alle pillole anticoncezionali" in *Palestra del Clero*, 41 (1962), pp. 264-269; and E. Boissard, "Valeur moral d'un certain cas de sterilization temporaire," *Angelicum*, 41 (1964), pp. 167-209.

4. See A. Valsecchi, *Regolazione delle nascite* (Brescia, 1967), p. 51. See also the translator's forthcoming book, *Rape Within Marriage: A Moral Analysis Delayed* (Washington: University Press of America, 1984).

5. Father Zalba is noting here that by mutilating the body, e.g., in an appendectomy, we are helping the *whole body*, and thus helping the *total person*. The help to the total person comes *indirectly*, i.e., *by way of* helping his *whole body*. Is it legitimate, however, he asks, to help the person by mutilating the body when the *body* is *not* being threatened by a *physical organ* (healthy or unhealthy) or by any other *physical* danger which is coming from the organ which is going to be removed? This kind of help was basically what was offered in the case of the Sisters and other women caught up in the Belgian Congo uprisings in the early 1960s. To save them from the *personal indignity* of being unjustly impregnated — and *not* to save them from *strictly bodily* harm — they were sterilized with anovulant drugs.

6. Zalba seems here to be making the point that, however *limited*, man does have *some direct right* to manage his body as a totality. He is *not* confined to an *indirect right* to inflict certain physical evils on his body, i.e., loss of a member or function, as one result of some good which he performs for the sake of some good effect. To the contrary, he may directly will and effect certain physical privations *directly* as a means to an end.

7. Zalba seems here to be making the point that the right to steward the *whole* body is, in Pius XII's teaching, a more fundamental right than the right to steward the *parts* of the body. The *latter* right derives from the *former*, not vice-versa.

8. Zalba evidently intends here to rule out any abortifacient "solutions" for the victim or threatened victim of rape.

9. This is no longer considered a medically effective technique.

10. In his 1958 *Compendium Theologiae Moralis*, as well as in the 1962 article cited in footnote 2.

11. For the sexual faculty has a *mediate* and negative purpose, as well as an *immediate* and *positive* purpose. This *immediate* and *positive* purpose is the expression of conjugal love which is open to the gift of a child, should God so wish it. But *more fundamental* to the sexual faculty, as well as to *all other* bodily faculties, is its *mediate* purpose, which is that the sexual faculty always contribute to the *overall* good of the person. This *mediate* purpose is always *negative* in the sense that the sexual faculty may not be allowed to be a source of *harm* to the whole person. This is true whether the faculty is diseased or even normal. This is why removal of a generative organ (or any other organs) by reason of the Principle of Totality is licit when there is *no other way* to provide for the person's overall good. *Contraceptive* sterilization (as opposed to defensive sterilization) is ruled out because there is *another way*, namely, freely and responsibly chosen *abstinence*.

12. Zalba referred earlier above to this "*specific function*" as the "*immediate and positive function*" (procreation) as contrasted with the "*mediate and negative*" function (to contribute to the total welfare of the individual, and not to his or her detriment). See footnote 11.