

The Catholic Lawyer

Volume 6
Number 1 *Volume 6, Winter 1960, Number 1*

Article 15

June 2016

Handbook of Moral Theology

Bernard H. Fitzpatrick

Rev. John F. Harvey

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>



Part of the [Ethics and Political Philosophy Commons](#)

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

HANDBOOK OF MORAL THEOLOGY, by *Dominic M. Prümmer*
P. J. Kenedy & Sons, New York, 1957. Pp. 496. \$4.00.

Reviewed by
BERNARD H. FITZPATRICK*

This relatively small and tersely edited volume is an English translation of a manual which has for many years been regarded among the clergy as a standard work on moral theology. The manual is a condensation, originally by Fr. Prümmer, of his four-volume treatise on the subject which has been used extensively in seminary education.

It is not for the layman to undertake substantive criticism of such a book; to begin with, he lacks the requisite background, and the *imprimatur* is a sufficient guaranty that, whatever defects there may be, they are not defects of faith or morals. The most a layman can do, therefore, is to appraise from the viewpoint of the practicality of the book in normal educated lay usage and, since

*B.A., LL.B., Fordham University.

the book is specially designed for the legal profession, from the viewpoint of the working lawyer. From either viewpoint it would appear to rate highly.

The word "practicality" is used with deliberation. Moral theology is a practical science which directs actual human acts toward their supernatural ends. And so we find this volume dealing with such down-to-earth matters as sales contracts, duties and sins of judges and advocates, the obligations of the married, and the jettison of cargo.

On the other hand, there are portions of the volume given over to more abstract matters which, though not as down-to-earth from the viewpoint of the average layman, hold a considerable interest for lawyer and law student, particularly in the fields of

constitutional law and jurisprudence. Proponents and opponents of the *Durham* rule, for example, could have themselves a merry time with this principle, which is stated on page eighteen:

Antecedent passion diminishes the voluntariness of acts performed under its influence; if it is sufficiently violent to prevent the use of reason, the acts are completely involuntary.

Of particular practical value to many members of the bar is the sixty-five page discussion of marriage.

The method of treatment of the subject matter used by the author consists of a synoptic statement of principle roughly equivalent to the "headnote" in the law reports, followed by a brief discussion of the reasons underlying the principle and often amplified by concrete instances of the application of the principle. This treatment, particularly in the light of the fact that there is a very adequate table of contents capable of use as a "rapid index," makes for economy of the reader's time, especially when the reader seeks the answer to a precise practical problem. Those who wish to pursue a particular topic beyond the rather terse statements of this volume will, however, regret that the bibliographic references are rather sparse.

The book is well organized. After dealing with such basic matters as the end of man, human acts, law, conscience, sin and virtue in general, it proceeds to examine the theological virtues of faith, hope and charity and the moral virtues of prudence, justice, fortitude and temperance. Thereafter, it treats of each of the seven sacraments. This is comprehensive coverage.

In the use of the book there should be observed two cautions. The first of these is that, in fields which are rapidly developing,

such as economics, the material may be somewhat out of date. For example, in dealing with the duties of employer and employee and with wage criteria, the text appears to rest largely on the encyclical *Rerum Novarum* of 1891 without any discernible attention being given to *Quadragesimo Anno* of 1931. The results of recent scientific advance and the concomitant development of moral principles based thereon have also not been taken into account in the discussion of conjugal obligations; however, the morality of the rhythm theory is adequately presented.

The second caution is that the reader must be wary of the occasional slip in implication that is apt to occur in any translated work. While the reviewer has not seen the Latin version, he suspects, for example, that the implication that government "... has supreme ownership over the goods of its subjects ..." is the result of a translator's mis-emphasis on the word "dominium" which may have been used in the original. Such a statement, taken literally, would not only shock any common-law lawyer, it would probably shock Leo XIII and Pius XI, who, in their respective labor encyclicals went to great pains to show that the right of ownership, although subject to some governmental control and to expropriation for valid cause, is basically a private right. Indeed, the author himself, in treating of the origin and lawfulness of private ownership rebuts the implication by stating the right to be rooted in the natural law.

Clearly, this volume belongs in the library of the educated layman, especially if he is a lawyer.

¹ PRUMMER, HANDBOOK OF MORAL THEOLOGY 158 (1957).

HANDBOOK OF MORAL THEOLOGY, by *Dominic M. Prümmer*

P. J. Kenedy & Sons, New York, 1957. Pp. 496. \$4.00.

Reviewed by

REV. JOHN F. HARVEY*

This evaluation of Prümmer's Handbook is a condensation of a more extensive critical essay which has been so condensed for the purpose of limiting discussion to those points of appreciation and criticism which may be of greatest interest to lawyers.

In the first place, it is felt that the Handbook is not adapted realistically to the treatment of moral problems common in America. In addition, its discussion of problems is sometimes so concise as to be misleading and the book lacks reference to sources which treat specific problems in everyday living.

It should be noted that the present edition seems to be largely a reprint of the English translation made in 1956 by Father Shelton. That was made from the 1949 Latin edition. Father Prümmer himself was responsible for the editions of 1921 and 1923. After his death, editions were made by Father Münch in 1934, 1940 and 1949. The American edition, apart from some useful information in the appendices, contains little that was not in Father Shelton's translation.

In offering specific criticism this reviewer must limit attention to only some of the important defects.

In the section on human acts the treatment of the two-fold effect is not clear. The explanation of "the immediate effect of the

act must be good"¹ does not mention the distinction between the order of time and that of nature. Since teachers of moral theology experience many difficulties in making this key principle clear, a good handbook should dwell more at length upon the meaning of an intrinsically evil act, as well as upon the difference between the bad effect being the cause of the good effect, and the good effect flowing from the cause directly and independently of the evil effect. The Handbook makes no attempt to distinguish *in practice* between the legitimate application of two-fold effect, and its common counterfeit, the bad means to the good end. Here the price of brevity is too costly.

More attention should be given to the various neuroses which diminish the responsibility of the agent. While one does not expect a handbook to treat such a complex problem adequately, one looks in vain in this Handbook² for some hint of the magnitude of the problem of subjective responsibility in such cases.

It should be said that the Handbook's treatment of the virtue of justice is very well done.

The Handbook's treatise on law in general is well done. Some of the divisions are misleading, such as that found in the section on law, where the heading reads: "*Subjects of human law*"³ and the subse-

* S.T.D. Priest of the Oblates of St. Francis De Sales.

¹ PRUMMER, HANDBOOK OF MORAL THEOLOGY 14 (1957).

² *Id.* at 18-19.

³ *Id.* at 34.

quent discussion is devoted entirely to the subjects of ecclesiastical law. The treatment of penal law says that many of the ordinances of civil government are purely penal without bringing to bear any adequate proof that the legislators frequently have purely penal law in mind.⁴ Indeed, one wonders what civil legislators the author had in mind when he discussed penal law.

As soon as he turns his attention to civil law, his treatment becomes confused. He does not give a good argument for the binding force of civil laws. Instead of drawing his first argument from the principles of natural moral law and of social justice, he quotes an Instruction of the Sacred Congregation for the Propagation of the Faith to the Vicar Apostolic of Siam, which was an answer to a query whether the civil law prohibiting traffic in opium was binding in conscience. From this quotation in which the Roman Congregation affirmed that civil laws are binding in conscience the Handbook reasons to the conclusion that, "the opinion that all civil laws are purely penal laws is utterly false."⁵ The conclusion is correct, but the premises could have been developed from other sources besides the letter from Rome. There is need to show in outline fashion at least the origin of civil authority. One brief paragraph⁶ is not sufficient. The American system is not explained by references to power "exercised by Parliaments."

Moreover, the whole section on taxes,⁷ which follows close upon the discussion of the binding force of civil laws, mentioned above, is no longer of any practical use in

solving problems of conscience for American citizens. The manual is said to be adapted to American usage, yet the subject of income taxes is ignored. This section is misleading in some of its conclusions. It suffers also because it is constructed upon the premise that the character of taxes as direct or indirect is the chief criterion for testing the moral duty to pay them. The Handbook offers no practical criterion for distinguishing just from unjust taxes.

An important omission is a discussion of the apparent conflict which arises for professional people between the duty to keep a secret and the duty to reveal the same for the good of another innocent person or for the common good.⁸ The Handbook's treatment of this virtue of justice is, in general, very well done.

The section on restitution would benefit from a clearer definition of wrongful damage.⁹ Again, treatment of usury and interest¹⁰ would be brought up to date with the American situation if something were said about loan-sharks, pawn shops, and installment purchasing. In the Handbook's treatment of lotteries, moreover, the author justifies gambling, provided gain is "not the chief motive of the game, nor must it be sought after too eagerly."¹¹ The only time that playing for stakes with the hope of gain is lawful, is when the "stakes must be regarded as a salary for work done."¹² All in all, these statements are confusingly unrealistic. The writer wonders how they affect the Irish Sweepstakes and bingo.

In its summary of the morality of war,

⁴ *Id.* at 40-41.

⁵ *Id.* at 55.

⁶ *Id.* at 33, § 76.

⁷ *Id.* at 56-57.

⁸ *Id.* at 135-36.

⁹ *Id.* at 122.

¹⁰ *Id.* at 156-57.

¹¹ *Id.* at 164.

¹² *Ibid.*

the Handbook has slighted one of the vital aspects of modern civilization. Immediate exception must be taken to the definition of war as "an armed conflict between two opposing armies."¹³ Under the terms of this definition "cold war" is excluded. Yet our Holy Father has affirmed that "the moral judgment which 'cold war' merits, is, by analogy, the very same as that applied to war in general, according to natural and international law."¹⁴

Another point demanding more precise treatment is a just cause for war. Since the advent of nuclear weapons, justifying conditions have received several significant restrictions. In speaking on the morality of ABC (Atomic-Bacteriological-Chemical) warfare (September 30, 1954) the Holy Father declared that the just cause for a war employing nuclear weapons is such that the war cannot be launched "without its being imposed upon one by an *obvious, extremely serious, and otherwise unavoidable* violation of justice. (Emphasis added.) . . . Moreover, should the use of this method entail such an extension of the existing evil as would render man wholly incapable of controlling it, its use should be rejected as immoral."

Clarifications of these two points would make this Handbook more responsive to contemporary needs. Finally, the adapters would do well to qualify this statement: "Generally speaking, one is permitted to use everything necessary for crushing the resistance of the enemy."¹⁵ This seems to have been the mentality of those responsible

for the use of the atom bombs over Japan in 1945!

The Handbook's treatment of the tract on temperance suggests the need of revision on several important questions. The section on abstinence and fasting has seen its day.¹⁶ In its place should be substituted the laws obtaining in the United States today. Furthermore, it is clear that the author of this Handbook was not aware of the problem of alcoholism, which Father John C. Ford has explored so well.¹⁷ Surely, no man aware of this growing evil could write the following lines without further clarification: "Any sin short of complete drunkenness is of itself venially sinful. If there is sufficient cause, such as the desire to rid oneself of the feeling of depression, there is no sin provided that it does not give rise to scandal or to other evils."

Everything in the above quotation is technically correct, but how imprudent would be the imparting of such information to American Catholics unless one were to add hastily the psychological development of the alcoholic, the moral responsibility of the alcoholic — to the extent that it can be determined — and the blessing of A.A. as an effective remedy, indeed the only *proven* way back to self-control.

With regard to the sins of the married, there is a statement that could produce a bevy of scruples in the hearts of good laymen. It reads: "Anything that is done for the sake of mere sexual pleasure is a slight sin, provided it is not directly contrary to the offspring or to conjugal fidelity."¹⁸ In

¹³ *Id.* at 128.

¹⁴ Address of Pius XII to Members of *Pax Christi* (1952).

¹⁵ PRUMMER, *HANDBOOK OF MORAL THEOLOGY* 128 (1957).

¹⁶ *Id.* at 223-27.

¹⁷ See, e.g., FORD, *DEPTH PSYCHOLOGY, MORALITY AND ALCOHOLISM* (1951).

¹⁸ PRUMMER, *op. cit. supra* note 15, at 411.

this context, what constitutes the venial sin of "anything"? A far more sensible approach is found in the *American Ecclesiastical Review* for August 1925, wherein "Franciscus" warns against similar mysterious statements and concludes that in practice priests should warn married couples to avoid adultery, deliberate pollution, and birth prevention. *Who* is going to determine what imperfect acts of marital love are performed *merely* for the sake of sex pleasure?

The jacket says the book has been edited "in line with the latest decisions of the teaching Church." This is not so. With the exception of the documents in the appendices, there are no references to many important pronouncements of both Pius XI and Pius XII on such subjects as periodic continence, artificial insemination, transplantation of organs from a corpse to a living person, and the like. One does not find in this Handbook any treatment of the thorny problems that are discussed regularly in such magazines as *America*: social justice and racial segregation, right to work

laws, the obligation to join a union, and a host of others.

Undoubtedly, after suggesting so many changes the reviewer has given the impression that he does not have high regard for Prümmer as a moral theologian. The truth of the matter is that it is a serious injustice to Prümmer's reputation to publish in 1957, in the United States, a handbook which had application in 1923 in Western Europe, more precisely in Switzerland. Were there not a deposit of solid moral teaching in Prümmer, the reviewer would not have taken the time to write this detailed criticism. It is his hope that P. J. Kenedy & Sons will undertake a drastic revision which will bring the volume up to date, not only with regard to American moral problems, but also with regard to all the recent decisions of the universal teaching of the Church on moral topics. May something stir the publishers to produce a handbook of moral theology which is clear, concise, comprehensive, accurate, and tailored to contemporary needs.