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[Book Review of] *Rape Within Marriage: A Moral Analysis Delayed*, by Edward J. Bayer, S.T.D.

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happen is irrevocable *in principle*."

(2) The selfobject transference is the reinstatement of the formerly repressed attachment need. If this is accepted as realistic, then the developmental process of structuralization through attachment may still be resumed. The needs of a particular period of early growth can still be met if the therapist is willing to accept and cooperate with the reinstatement of the conditions of that period.

(3) "The therapist is to function as a selfobject not merely initially or as a temporary measure, but on a long term basis, on the understanding that this must be the central therapeutic strategy for problems of this nature." The therapist must *continue* the process. Just as an ordinary child does not grow up overnight, so in a therapeutic situation a prolonged period of time may be required to repair developmental deficits which began in the earliest years.

Moberly concludes her tightly knit thesis with the statement that the therapist's function as selfobject is vital "for the treatment of all the more serious forms of psychopathology." The therapist thereby facilitates the fulfillment of developmental needs as corrective *emotional* experience, and not merely *intellectual* insight.

At this writing, there are indications that the approach proposed by Moberly has worked in the lives of some persons who had been homosexual in orientation. Whether this transition in orientation was due to the process of transference and identification with a therapist of the same sex needs further study. It seems that this process of transference was the primary factor, but the thesis is so new that it will take a few years to verify it with hard data. The relationship of the homosexual person to the parent of the opposite sex and to peers in childhood demands further research. But that having been said, we need to concentrate upon what I understand to be the significant contribution of Moberly, namely, that the homosexual person's progress to full heterosexuality has been checked at some point on the developmental timetable, and that this progress can be resumed by allowing the homosexual person to form an attachment with the therapist which, over a period of time, will correct past emotional experience and enable him/her to become more fully masculine/feminine. What is needed is a clearing house of information on the issue which could be analyzed by Moberly and others in order that both therapists and spiritual directors will be more knowledgeable.

— John F. Harvey, O.S.F.S.
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Rape Within Marriage: A Moral Analysis Delayed

by Edward J. Bayer, S.T.D.

Lanham, Maryland: University Press of America, 1985. 150+ ix pages, \$22.50 hardcover, \$9.75 paperback.

The central thesis of this somewhat misleadingly titled book is that the Catholic Church's official condemnation of contraception and contraceptive sterilization need not preclude a wife's protecting herself from conception in cases where her husband's demands for sexual intercourse are unjustified and where a pregnancy could result in serious harm. This work is the doctoral dissertation of Father Bayer at the Pontifical University of St. Thomas at Rome. It represents what impresses this reviewer as a sincere attempt to remain faithful to magisterial teaching while respecting and utilizing the Church's growing insight into the

meaning of marriage.

In order to defend the moral legitimacy of the wife's employment of contraceptive techniques under certain conditions, Father Bayer attempts to suggest how it escapes the traditional ban against such behavior. In order to explain the author's reasoning in this regard, it may be helpful to attend to the official formulation of that ban as contained in *Humanae Vitae*. After condemning directly willed and procured abortion, Pope Paul VI proceeds in this manner:

Equally to be excluded, as the teaching authority of the Church has frequently declared, is direct sterilization, whether perpetual or temporary, whether of the man or of the woman. Similarly excluded is every action which, either in anticipation of the conjugal act, or in its accomplishment, or in the development of its natural consequences, proposes, whether as an end or as a means, to render procreation impossible.

To justify conjugal acts made intentionally infecund, one cannot invoke as valid reasons the lesser evil, or the fact that such acts would constitute a whole together with the fecund acts already performed or to follow later. . . .

Consequently it is an error to think that a conjugal act which is deliberately made infecund and so is intrinsically dishonest could be made honest and right by the ensemble of a fecund conjugal life.

This condemnation of directly willed or intended contraceptive acts within marriage appears straightforward and unequivocal. It is the burden of Father Bayer's argument to show that this condemnation should not be thought to preclude in all circumstances a wife's protecting herself from unwarranted pregnancy, and that his proposal, far from representing some sort of a loophole, is rather warranted by the most fundamental insights contained in the Church's position.

Father Bayer's thesis depends on his analysis of the phrase "conjugal act." By far the greater portion of his book is devoted to a historical examination, spanning three-and-a-half centuries, of answers to questions which may appear initially to have little relevance to the principal topic. Father Bayer treats three questions as possessing primary importance:

(1) Is it ever legitimate for a woman who has been raped to expel the semen of the rapist or to take other steps after the rape to prevent conception from occurring?

(2) Is it ever legitimate for a woman who is in significant danger of being raped to take steps prior to the rape to prevent conception from the would-be rape from occurring?

(3) Is it ever possible to view a married woman as in a position analogous to that of an unmarried woman, to view the woman as victim of what might be called a "quasi-rape"?

Father Bayer's argument may be summarized by the following points:

a) There is a long and respected history of an affirmative answer to the first question. That a woman may take steps to expel the rapist's semen is the uncontested position of the Church today, the only hesitation involving a question regarding the means employed, that the method used must be truly contraceptive and not potentially abortifacient.

b) The history of answers to the second question is not nearly as unambiguous and unanimous as that to the first. Throughout much of the 17th through 19th centuries, many moralists were inclined to distinguish the two questions and to permit post-rape contraception while denying the legitimacy of pre-rape contraception. Father Bayer characterizes much of this thinking as based on an unwarranted biologism or physicalism, and maintains that the two practices cannot be morally distinguished. In addition, he notes support for an affirmative answer by a number of theologians who also supported the teaching of *Humanae Vitae*. Finally, he points out that, in spite of the tremendous controversy the issue generated, the official magisterium never condemned the giving of contraceptive pills to women missionaries in the Belgian Congo who were at risk of being raped during the troubles there in the early '60s.

c) Although some moralists have denied the possibility of rape within marriage, the history of the question shows that there has always been a significant opinion to the effect that the demands of a husband for sexual relations could be unwarranted and unreasonable. Father Bayer shows that the principles underlying the most recent official Church pronouncements

on marriage, such as statements from Vatican II, *Humanae Vitae*, and *Familiaris consortio*, presuppose the notion of the conjugal act as one of mutual and free total self-giving in a context that is "procreational" if not "procreative" (that is, in an important sense open to conception even though conception may not be a possibility). Therefore, the marriage act must be seen as possessing more than a merely juridical nature, as an act of persons in their free self-surrender. And furthermore, the existence of acts analogous to rape should be considered a distinct possibility if not a common occurrence within marriage.

Father Bayer's argument is that the Church's condemnation of contraceptive conjugal acts must be understood as a condemnation of the use of contraceptives when the act is truly free: both parties freely choose to engage in sexual behavior while negating the procreational (and thus fully self-giving) nature of the act. But a marital act forced on an unwilling wife is not truly conjugal, for it does not express her free self-giving. Therefore, if the wife has legitimate reasons for avoiding pregnancy, ones that would legitimate the use of natural family planning (such as serious risks to health, severe financial distress, or an unstable marriage), and if the husband nevertheless refused to exercise self-control in this regard, Father Bayer holds as a morally safe opinion the view that the woman may resort either to pre- or post-coital methods to prevent conception, provided that these means are employed as a last resort.

He cites a statement of the Irish Episcopal Conference (1980) explicitly favoring his position. That document is the only official Church statement on the issue as of this date. It is beyond the competence of this reviewer to speculate on whether Father Bayer's thesis will win universal acceptance. What is manifest is his sincere attempt to remain faithful to the ordinary magisterium and his desire to help deepen the Church's understanding of the meaning of the moral principles she declares and defends. However the issue will finally be resolved, Father Bayer's work is worthy of careful study.

—Gary M. Atkinson
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