

NOTES

RECENT TRENDS WITH REGARD TO FASTING

The codifiers of canon law left the regulations on fasting completely adaptable to the needs of various peoples, countries, and climates. Hence, with reference to the quantity of food permitted on fast days canon 1251 decrees: "The law of fasting prescribes that there be only one full meal a day; but it does not forbid the taking of some food in the morning and in the evening, provided the approved custom of places is kept with regard to the quantity and quality of food." The canon is universal in application but determines very little. The essence of fasting is that only one full meal be taken a day; out of consideration for health two smaller meals were permitted—how large they could be was up to local custom to decide. The law clearly allowed considerable leeway. And it immediately occasioned dissatisfaction—though not so much with the Code as with the moral theologians.

For centuries—even before, but especially since, St. Alphonsus—the moralists had been laying down their eight-ounce rule for the collation, and of late years had assigned the two-ounce limit for breakfast. They meant merely to report their national customs, but the new complaint was that they had made the law of fasting too strict, too much a matter of maximum amounts, with the result that people no longer fasted at all. If an eight-ounce maximum was too little for a woman with a large family living in a cold climate, then she received a dispensation—and the Church's mortification was forgotten. The not-so-veiled assertion was that the moralists with their figures had become the determinants of custom and hindered the observance of the law.

The first explicit salvo in this direction came in 1921 from the French weekly, *L'Ami du clergé*, with a long unsigned article evidently by a competent theologian.¹ He blamed the eight-ounce formula on St. Alphonsus, and rightly. Although Alphonsus had left some openings for a variation of that formula—which was then the custom in southern Europe—many of his successors borrowed only the number.² The eight-ounce rule became very popular and remained so through two decades of the present century, especially among confessors. With that rule it was much easier to solve penitents' problems than to have to study each individual case. Thus did the custom of widespread dispensations really spread throughout the Church.

In our own century, then, we find ourselves in quite a dilemma: Whether to keep the law strict and see it observed by relatively few, even of loyal

¹ *L'Ami du clergé*, XXXVIII (1921), 593–602.

² *Theologia Moralís* (ed. Gaudé; Rome, 1907), II, n. 1025.

churchgoers; or—and this seems to be the trend at present—to relax our fasting customs slightly so that those who want to fast can do so. Apparently in our day we are in the very midst of another significant change in the practice of fasting in the Church. There has been a steady lessening of the mortification required by the Church, which in her wisdom has permitted many liberties in the course of the centuries, so that another relaxation would by no means be *quid inauditum*.

Certainly until St. Bernard's time—he died in 1153—nothing was eaten on a fast day before evening. As early as 821, some had tried moving the one meal up to three o'clock, only to be rebuked by contrary custom and local authority. Yet, by the time of St. Thomas, three o'clock was the accepted time, and in his *Summa Theologica* he devotes an article to justifying it.³ Moreover, he said that to eat *circa horam nonam*—about the hour of nones—was legitimate; since nones extends from twelve to three, it was not long before noon was accepted almost universally as the hour for the main repast. And some centuries later, St. Alphonsus fought in vain against the tendency to have it at eleven in the morning—which modern moralists now allow for almost any justifying reason.

It was only when the dinner was changed from the evening that anybody thought of a collation, or evening snack. And at first—about the thirteenth century—only a small amount of wine with a few morsels of food, *ne potus noceat*, was permitted. When noon became the hour of the main meal, a larger collation was inevitable and was perfectly licit by the end of the Middle Ages, though custom restricted it to fruit, bread, and a little wine. In the sixteenth century however, the collation grew to five, six, and even eight ounces, and Suarez is said to have testified that eight ounces was the usual amount among Jesuits.⁴ Whatever the varying customs may have been, St. Alphonsus, around 1770, helped settle them at eight ounces.

In passing, we should note that this collation began with just a little bread and wine, and in three centuries grew into a modest meal.⁵ Could not the same be happening today with our breakfast? For at present an eight- or ten-ounce collation does not bother Americans much, whereas the two-ounce breakfast just is not enough for us to do a good morning's work when we have eaten nothing since six the previous evening.

The idea of a breakfast or *frustulum*, as it is called, seems unknown even

³ *Sum. Theol.*, II-II, q. 147, a. 7.

⁴ St. Alphonsus (*op. cit.*, II, n. 1075): "Melius igitur alii communiter asserunt permitti in collatiuncula octo uncias cibi . . . sicut testatur Fagundez ex Suarez, de Societate Jesu."

⁵ For a more complete history of the quantity—as well as of the quality—of food permitted on fast days, see F. Blaton, "De objecto legis jejunii," *Collationes Gandavenses*, XX (1933), 16-25.

to St. Alphonsus. It was not until 1843 that the Sacred Penitentiary gave the following answer to a question from Canada: "Those who in the morning on fast days take a small quantity of coffee or chocolate with a piece of bread should not be disturbed."⁶ The Code also expressly permits some food in the morning; note, however, that there is no mention of two ounces. Custom in the last century set it at that amount, and most moralists put it down; and the Lenten letters of today generally say the same, though some bishops now avoid an exact number and leave the breakfast requirement vague, as, for instance, in New York and Wilmington.

It is remarkable that the law of fasting has been so modified through the centuries, and that this progressive relaxation has come about with no direct legislation of the Church. As Armand Gougnard, a Belgian theologian, puts it: "In the course of time the Church has constantly noted the weakening of this double law [of fast and abstinence]; she has allowed this progressive relaxation rather through indults and privileges, than through general legislation."⁷ Where customs tended to develop, particular diocesan synods or local bishops occasionally objected and forced a return to former strictness, but many local practices eventually won out. Changes in fasting requirements have always derived from below—from the practice of the people guided by their bishops—not from universal restrictions or from the teaching of the moral authors. This is one reason why the Code, despite the multitude of moralists, established as the norm for fasting not *auctores probati*, but *probata locorum consuetudo*. And this custom means not a forty years' practice, but merely the way the thing is done here and now by most of the people of a place under the vigilance of their local superiors.⁸

With this as a background, we can better judge the movement of the last three decades towards further easing of fasting requirements. It has not been the great moral theologians who have led the way, but the lesser writers as mirrors of popular opinion, and the bishops themselves as shepherds of their people. The *auctores probati* are just beginning to endorse the trend. Even before the above-mentioned article appeared in *L'Ami du clergé*, moralists had indeed noticed the movement; yet, while granting some freedom, they usually insisted on the two- and eight-ounce rule and were content to say a person in need of it could add a bit more to these meals. Just how much more, was not usually said—but an addition of four ounces during a

⁶ S. Penitentiaria, Nov. 21, 1843; cited by Bucceroni, *Enchiridion Morale* (Rome, 1887), n. 492.

⁷ "A propos du carême," *Ephemerides Theologicae Lovanienses*, IV (1927), 207.

⁸ See Vermeersch-Creusen, *Epitome Iuris Canonici* (Malines & Rome: Dessain, 1934), II, n. 566; also AAS, XI (1919), 480, for a decision of the Code Commission to the same effect.

day was regarded as serious matter.⁹ Others state the principle, which seems to date back to about 1850: "It is allowed to take as much food as is necessary to perform one's duties properly."¹⁰ But how much would these allow? All seem to permit up to ten ounces at the collation. Piscetta-Gennaro (1929) and Génicot-Salsmans (1931) would incline to admit as much extra as would not constitute quite another full collation of eight ounces. On the other hand, Wouters (1932) and Aertnys-Damen (1928) would frown on one or two ounces over the ten. The accepted present-day moralists mostly have been slow in relaxing; in fact, Merkelbach was absolutely opposed to the new tendency and up to 1938 was still continuing the fight.¹¹

Vermeersch was the first international name to accept the new proposals—in an article in *Periodica* for 1933 and in the final edition of his moral book, issued posthumously in 1937.¹² He would allow if really needed—not otherwise—sixteen ounces of food a day outside the full meal; and suggested a four-ounce and twelve-ounce division. His explicit reason for such a large amount was to preserve the traditional fast of the Church. Really, he was not establishing custom in this matter, as was claimed in 1935 by Fábregas, a Jesuit moral professor at the Gregorian;¹³ for many articles had already been published with at least tacit approval from the bishops. The writer in the widely-read *L'Ami du clergé* never had to retract.

Similar ideas were expressed, perhaps more prudently, in 1923 and 1927 by Gougnard, first in *La vie diocésaine*,¹⁴ then in the *Ephemerides Theologicae Lovanienses*; in the latter he writes: "Without doubt the particular form of penance imposed by the canons [on fasting] is a positive law, which does not oblige *cum proprio incommodo*. The substance of the precept, one meal a day, will be safeguarded and rendered possible of fulfillment if it is admitted

⁹ E.g., Génicot (3d ed.; 1900), I, n. 440, 3; Sabetti-Barrett (29th ed.; 1920), n. 333, q. 12; Ferreres (10th ed.; 1919), I, n. 607, q. 7; n. 612, q. 2.

¹⁰ T. Card. Gousset, *Théologie morale* (Paris, 1850), I, 113. See M. Browne, "The Ecclesiastical Fast," *Irish Ecclesiastical Record*, XLVII (1936), 263–64; L. J. Twomey, S.J., "The Lenten Fast: Is it an Insupportable Burden?" *American Ecclesiastical Review*, XCIX (1938), 107.

¹¹ "Nunc autem quidam vellent quantitatem ad conditionem personae proportionaliter determinari, sed longe ultra 8 vel 10 uncias quas S. Alphonsus generatim permittit. . . . Talis praxis non potest auctoritate privata introduci, sed solum de consensu S. Sedis, aut potestatis ab ea ad hoc delegatae" (*Sum. Theol. Moral.* [3d ed.; Paris, 1938], II, n. 958A, 1).

¹² "De frustulo et coenula quadragesimali," *Periodica*, XXII (1933), 60*–68*; *Theol. Moral.*, III, n. 819. It is to be kept in mind, however, that Vermeersch considers it a serious matter for a person to eat sixteen ounces outside the full meal on a fast day if he can get along without difficulty on the two- and eight-ounce formula.

¹³ M. Fábregas, S.J., "De re quadragesimali," *Periodica*, XXIV (1935), 77*–80*.

¹⁴ "De lege jejunii," *La vie diocésaine*, XII (1923), 237–49.

that the accessory meals should be so organized that the person fasting can stand the mortification imposed. . . ."¹⁵ The author's object in saying this is that more may fast; for if dispensations multiply, we should be forced to say "that the Church imposes on the generality of the faithful a law whose observance would hinder the fulfilling of one's state in life."¹⁶

Then followed in quick succession other articles in the same tenor: by Dr. Mahoney in *The Clergy Review*,¹⁷ and F. Blaton in the *Collationes Gandavenses*,¹⁸ both in 1933. Much of what Vermeersch wrote that same year in *Periodica* was quoted with approval the year following in the *New York Conference Bulletin*.¹⁹ Father Michael Browne wrote at length in the *Irish Ecclesiastical Record* for 1936.²⁰ And other articles favoring the movement appeared in the *American Ecclesiastical Review* for February, 1938;²¹ in the Canadian journal, *Revue eucharistique du clergé*, a year later;²² and again in the *New York Conference Bulletin* in 1940.²³

What is equally interesting is the attitude of those in authority towards this trend. These theologians would not have been permitted to continue in this vein if they were running counter to Church doctrine—and many bishops had a chance to interfere, since the articles appeared in France, Belgium, England, Italy, Ireland, Canada, and the United States. Moreover, there is concrete evidence that the hierarchy is most sympathetic. In 1937, for example, the Fifth Provincial Council of Malines in Belgium urged the faithful, while not making their collation a full supper, yet to avoid interpreting the law so strictly as to make fasting impossible. In the sixty-ninth decree we read: "In general it will be allowed to anyone to take as large a quantity of food as is necessary for him to avoid an indisposition which might hinder him from conveniently performing the duties of his state in life." The decrees of this Council were approved by Pius XI in 1938.²⁴

¹⁵ *Ephem. Theol. Lov.*, IV (1927), 208.

¹⁶ *Ibid.*, p. 210.

¹⁷ "Why Do Thy Disciples Not Fast?" *The Clergy Review*, V (1933), 125 ff. (For a French translation, see "Discussions sur le jeûne," *La cité chrétienne*, VII [1932-33], 514-23.)

¹⁸ F. Blaton, *art. cit.*, pp. 16-25.

¹⁹ "Lenten Mortification," *New York Conference Bulletin*, XII (1934), 47-49.

²⁰ M. Browne, *art. cit.*, pp. 255-76.

²¹ L. Twomey, *art. cit.*, pp. 97-110.

²² M. Roy, S.S.S., "Les 'onces' du jeûne—norme incomplete," *Revue eucharistique du clergé*, Feb., 1939, pp. 36-44.

²³ "Lenten Mortification," *New York Conf. Bull.*, XVIII (1940), 33-35.

²⁴ See *Acta et Decreta Concilii Provincialis Mechliniensis* (Malines: Dessain, 1938), V. A. van Hove (*Ephem. Theol. Lov.*, XV [1938], 600) mentions the papal approbation and notes that this revolutionary decree is merely a suggestion of the Council without the force of a law.

In both Quebec and Montreal in 1936 and 1937, the Lenten regulations allowed up to one-third of one's ordinary meals if one felt the need of that much.²⁵ And just at that time Pope Pius XI himself eased the requirements for Rome, as Vermeersch testifies, and allowed cheese and eggs not only for the evening but even for the morning meal.²⁶ Yet no breakfast with bread, cheese, eggs, and some liquid will be just two ounces.

More recent moral theologians seem to be accepting this trend also. Together with Vermeersch we have the French Jesuit, J.-B. Vittrant. The third edition of his *Théologie morale* was published in Paris during the war. After giving the usual rules for fasting, he adds: "Those who need or think they need around two ounces more can take them with a clear conscience. Moreover, we can, it would seem, allow those for whom the amount is still insufficient, to take what is necessary for them to perform their usual duties without inconvenience: it does not follow that they have a sufficient reason for considering themselves entirely exempt from the law of fasting, nor that they can transform the collation into a full course dinner."²⁷

As is usual when moralists take up a problem, the question has arisen: Does this mode of fasting oblige in conscience? That is to say: Must a person fast who cannot get along on the two-ounce—eight-ounce formula but feels he could fast without much inconvenience with a slightly larger amount of food at breakfast and collation? We must remember now that fasting in every case is expected to cause some hunger or it is not a mortification. One can see how Vittrant inclines somewhat to obliging people to fast this way, but he is not explicit. Vermeersch, however, is explicit when he asserts: "Norma a nobis proposita uti licet, et, nostra sententia, est ea utendi obligatio."²⁸ Gougnard wrote in 1927: "Where there does not exist a *probata consuetudo* to the contrary, a person can, and in our opinion, *ought* without scruple . . . to make use of the rule we propose."²⁹ Others approve these statements. The *New York Conference Bulletin* reported in 1940: "We must remember that the law of fasting affects not classes of people but individuals, and Father Browne, for example, in the *Irish Ecclesiastical Record*, and others maintain that if an individual can observe the law of fasting by the use of this proposed relative norm, he is obliged in conscience to do so."³⁰

Surely, then, confessors and counsellors ought to follow this new rule and earnestly exhort their penitents to use it when feasible. All the same, we

²⁵ M. Roy, *art. cit.*, pp. 36 f.

²⁶ *Theol. Moral.*, III, n. 805, p. 738, note.

²⁷ *Théologie morale*, (3d ed.; Paris, 1941), n. 631.

²⁸ A. Vermeersch, *art. cit.*, p. 67*.

²⁹ A. Gougnard, *art. cit.*, p. 211.

³⁰ "Lenten Mortification," *New York Conf. Bull.*, XVIII (1940), 35.

doubt that it must be imposed under pain of sin, as things stand at present. For, first, the scattered writers by themselves do not form a final argument from authority. Again, if they did, the Code wants custom to be followed, and it is difficult to see just now what is the accepted practice—we must first see a more general adoption of the norm by the American Bishops in their Lenten letters, by the diocesan synods, and perhaps by preachers, and by vocal Catholic opinion in general. Lastly, at present, even if *in theory* the relative norm we propose were binding in conscience, we should not oblige its observance in practice, but merely counsel it cautiously. For, as St. Alphonsus said, a relative norm such as this is always obscure and liable to cause scruples.³¹

In conclusion, then, just how much is allowed at breakfast and at collation for a person who is fasting but needs something extra? Some authors say sixteen ounces in all; one or two authors seem to suggest even more.³² As things stand at present, if one should be asked how much over the two-ounce—eight-ounce limit is permitted nowadays, it appears that one should reply: First, if a person can conveniently fast on that amount, absolutely nothing extra; otherwise, whatever is really necessary, up to around sixteen ounces; these sixteen ounces can be divided as the person requires—into four for breakfast and twelve for collation, into six and ten, into eight and eight, and so on. However, if the person needs much more than sixteen ounces, or if the mathematical juggling would make him scrupulous, he should be dispensed completely.

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³¹ St. Alphonsus, *op. cit.*, II, n. 1025.

³² Noldin-Schmidt (*Theologia Moralis* [27th ed.; Innsbruck, 1941] II, n. 682c) permits as much as sixteen ounces at the collation alone (“quantitatem duplo maiorem”) not only on the vigil of Christmas but on some other vigils also. M. Browne (*art. cit.*, p. 267) writes: “A full meal is generally held to be about 32 oz.; the quantity 16–20 oz. falls notably short of a full meal. If a person can do his work with 16 oz. for collation and frustulum combined, he can observe the substance of the law, and, if so, is bound to observe it. He is not excused from the law unless he needs so much more as to be equivalent to a second full meal.”



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