

nation.<sup>33</sup> We may conclude that in the Mishnah we are given a picture of Pharisaic Judaism as it appeared after it had had its face "lifted",

Finally, what assurance have we that the carefully selected texts from the vast rabbinic literature served up by the apologists deserve to be considered *typical* of Pharisaic teaching/ What touchstone did Montefiore use when he rejected inconvenient texts as "negligible," "the usual Rabbinic paradoxes" and blamed Strack-Billerbeck for "taking playful exaggerations or camouflaged enjoyments too seriously?" | Montefiore's. Jimse'i Jt-cia.-ej, "You can fish out from the Talmudic sea all suits y.-l(fr ?ur?i'

Our^conch^;,-.^ then, are twofold. Fir-t. that the del n.- -

i"- Ph vi-ees in tne rabbinic source' and that given A ' e" le-tamcm are not so enntradictcry as the apolog- st- l tar;-;v n...ke . ut: and secondly, that in tar a& the 'v' i ' ?atS ' " ?iX' ' ■ vers..>n set forth in the \tw Tesi.tmt.u T- ' β| !| \* i tga.:<<. that ■' the ?Λ;|.γ?K ansi th- j ; . l rh. .Ne l l ■:■men: contains clicuma-ir.l if πv.tvη ai- ..', v.duc. Tix-. L...-merced md <un-l i'v\ - ? fClitun of at the hand- hglur . i' l t , . ' !De ,i anj!- rj ne l 3. ilCii pr-j-c. i a <<- .i.\_eti'i O'

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THE MORALITY OF ARTIFICIAL FECUNDATION.

THE FIRST REACTION of many priests to the subject of artificial fecundation is to consider it as quite impractical. This, I think, is a somewhat hasty judgment. Eminent theologians of the past half-century have judged this question to have its practical aspects; and most of the ordinary moral theology manuals of to-day give some space to it. And I am told that within the past year a popular novel appeared that dealt the theme of artificial insemination as the solution of the otherwise thwarted life of an unmarried woman. It is not long ago that the magazine, *Time*, gave not a little space to

In the present year another magazine, *Kenn*, intrigued its readers with a very fantastic idea concerning fertilization without the aid of the male germ cell. Now, it is true that much of what people read is sheer nonsense; nevertheless they read it, and, if they are not, they ask us about it. For these, and other reasons that could be advanced, it seems that a discussion of the moral aspects of artificial insemination would not be useless. I am practical-minded; and I am confident that it offers a measure of interest to those inclined to speculation. I therefore propose to give here a brief survey of the subject as it has been treated by the moralists of the past five decades and to add a bit on one or two aspects of the question that they have not yet thoroughly discussed.

In the strict sense of the word, artificial fecundation comprises the substitution for natural sexual intercourse. Such a substitution must be called for in cases in which both husband and wife have no natural procreative cells but by an organic malformation from having intercourse; or again in cases in which natural intercourse is rendered fruitless by an acid condition of the vagina which is fatal to the spermatozoa, and so

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this matter; and the means which they most commonly referred for obtaining the male germ cells was masturbation by the husband. Eschbach judged this to be immoral, the use of an intrinsically unlawful means to a good end. Lehmkuhl<sup>1</sup> agreed with Eschbach. But Palmieri,<sup>3</sup> after having first decided the act to be a pollution, offered the following objection toward which he seemed to incline rather favorably: Under such circumstances (namely, husband and wife unable to have natural intercourse), the seminal ejaculation would really be directed to the fecundation of a lawful spouse. There would be no real frustration of nature; and the child conceived would be legitimate. Berardi<sup>4</sup> sponsored this objection as his own opinion.

This was all before March, 1897, when the Holy Office issued a decree, approved by Leo XIII, condemning artificial fecundation as illicit.<sup>5</sup> Palmieri withdrew the offensive paragraph from the next edition of the *Opus Theologicum Morale*; and Berardi retractated.<sup>7</sup> That the decree referred at least to masturbation is the unanimous opinion of theologians. That it included also the practice of obtaining the male germ cells by means of masturbation; as intercommunication was Berardi's own opinion, as well as that of four "very learned men" whom he consulted about the question of the decree. And I might add that, among the works that I have studied, all that explicitly mention intercommunication as a means of obtaining the male germ cells include this method in the condemnation.<sup>8</sup>

In the earlier editions of the Gdnicot-Salsmans *Cam?* Father Salsmans gave his opinion that, in the case of infertility resulting from hyperacidity of the vagina, conjugal intercourse for the purpose of artificial insemination

<sup>1</sup> At Mt he «taies its the 1914 e&ioss: (U. 1672) "Id mihi ww>rr risum «t t pothstion» nun i<ta>qæ ewe tiicirusn-" He <M not treat the quectioa >> the \*\*<? e>r» «dici» e& hi\* Mural Theoloty.

Bullerusi-Pethmeci: VK 1304. (102 gditaes).

probably licit. He has since withdrawn, that opinion.<sup>11</sup> In view of no other work by a Catholic theologian that has even stated that such a practice would be lawful. Practically all the works in my own bibliography include interrupted and condomistic intercourse within the scope of the decree.

In view of the condemnation and of the general opinion of theologians, we may take this as a minimum working principle: Artificial fecundation is unlawful, if it involves venereal activity which is of itself unnatural. This is true of masturbation and of interrupted or condomistic intercourse. It is true when there is question of artificially uniting the procreative cells of husband and wife; and it is of course true *a fortiori* if the parties are not united together in marriage.

The question now arises: Is any form of artificial fecundation permissible? Theologians generally speak of two methods as being either certainly or probably licit. Neither of these methods is artificial fertilization in the strict sense—that is, a substitute for intercourse. Rather they are merely aids to facilitate organic conditions or physiological processes. The

first consists of inserting some kind of instrument into the vagina before intercourse for the purpose of facilitating the passage of the spermatozoa into the womb. The second is used when sufficient penetration for probable fertilization is impossible. In this case the doctor uses a syringe to collect the male sperm cells already deposited within the vagina and then forces them further up into the vagina or into the womb. Though a large number of theologians approve of this method," some impose the explicit restriction that the seminal deposit be not withdrawn from the confines of the vagina.<sup>12</sup>

The methods thus far outlined are the only ones treated by the authorities who wrote in the early part of the present century. About twenty years ago, Vermeersch enlivened the theoretical discussion by relating a means of insemination that would avoid any abuse of the sexual processes. The male germ cells, if necessary, could be obtained by anal massage or by puncturing the

10. Seventh edition (1933).

11. B. Ceroni, Cappello, De Smet, Eschbach, Ferreres, Geacot-Saiwnans, L. Kuuni, Mersslbach, Noldsn-Schmitt, Palmieri, P. Cr-ti-Gennato, Sabett-Sa-rett, Tanoverey, Ubach, Vermeerach, Wottters.  
12. S. T. Merkeibacis, Pa-en, Ubach.

epididymis.<sup>13</sup> Doctors with whom I have discussed this nutar rather doubt the efficacy of the massage for fertilizing purposes; and they add that there is little danger of either method's becoming very common. Nevertheless, there is a possibility of this type of artificial fecundation; hence it i' well for us to crystallize the principles according to which various ca«es might be solved.

The question, then, is: Is artificial fecundation permissible if the male cells are obtained without venereal activity"? shall consider the problem with reference to three ca-es: 1. between husband and wife; 2. between two unmarried perso:: : 3. between a married person and a third party, especially if to- other -pou-e consent- to the operation.

in introducing the first question, it may be useful to st.: : tnat we pn..uppo=c a validly married couple, therefore a mu- r.ige contracted without antecedent and perpetual impotent-, l urf-ermore, :o .tv.iid all confusion of issues, we can presuppose a mar.:.u\_· a'reidv consummated. Our only question, thc\· t-re. :.: l- :r l.c:;. -ind»;: ccrtnv crcuntS-ance-, lor suer. ! marr.eu c-mp't t t. have rcc-iur-e to the form of .-rtincial impre.;! πη··η n .w under considerat..m?

i.. r.e.-n .T the v.,;rh, that I have consulted take up the p:....,em l : » t-.p^ or artit'»:-.! m-eminatiin bctw.vn tv.i-i'ind .o.c witj. t): t «! — S'.bctti-B.-.rrttt, Capped ». Marc-Ges- .....n« I'-Smet. Vkrkelb.-ch. and L'i-ach)\* i·«α ip· η >t as !.I- st..." ·t}, r. :-..t-Sal .r4r.,, io.·!.,. N /id.-r.-'.-i-n-i", ?.:.en, i' c 'ta-Creni.-iro. !\rmeer c.i. Jni; Veu-er- l c :»...ter i: a- at : probably Ik .. liefor.- cvm-. n ng the d-t.: ' ·-f tm- c.-.- l ■.«>, it w J u-xful to tis : » I'r-ef .ma!." .lamentai r,t; :- ^orcerr.iaç <k>t m.;ri".d U' y: 'agate.

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germ cells is only indirect, namely, it is assumed only with reference to sexual intercourse, of which this receiving and giving are the natural culmination. So, since the right to give and receive is correlative to the obligation assumed, we may conclude that in this sense each party to the marriage contract enjoys only an indirect right to propagate.

But, is this the only aspect under which their right to propagate can be considered? By marriage, these two, taken together and excluding all others, are set up by God as an adequate principle of human generation. They are the natural founders of the human family, evidently with some right to propagate their kind. Must we say that this is merely the indirect right indicated above, which belongs to the individual with respect to the other party; or is it not rather true that these two, as a generative unit in society, have a direct right to propagate by any means which is not in itself wrong? Are not the married parties in very much the same situation regarding propagation as the individual is in regard to self-preservation? He has a natural right to preserve his life, and failing *normal* means & may use abnormal, or artificial, forms of nourishment. So, it seems that married people, when unable to generate by the normal means of sexual intercourse, may use abnormal means, provided that means be not sinful.

The foregoing analysis expresses the opinions of those who oppose the licitness of the type of artificial fecundation we are now discussing. Objections against the solution may be grouped into four classes. The first objection—advanced by Cappello, De Smet, and Barrett—consists simply of the asser-

the right to propagate is limited to the normal means of sexual intercourse. In the light of the analysis already given, a just reply that this limitation is not evident. It is true that some capacity for intercourse is required for contracting marriage; it is true that mutual rights and obligations between people do not extend directly to any other person. But it seems that some further proof or declaration of the Holy See is necessary before it can be said apodictically that it is not common to all persons a right to propagate which may be exercised by mutual consent, to have recourse to some extraordinary means of propagation which is not in itself sinful.

Merkelbach considers the means (extraction of the germ cells from the epididymis) as evil, places this in the same category as pollution and onanism, and specifies it as "ratione sui generationis ir.pceditivn With due reverence, his parallelism must be denied and his terminology rejected. The expression, "ratione sui generationis impeditiva," implies the *abuse* of sexual processes. It applies therefore to pollution and onanism. But the puncture of the epididymis involves no use of the sexual *prtn'i* hence cannot properly be styled an abuse, an unnatural sexual act. Of itself, its intrinsic morality might partake of the nature of a minor mutilation, somewhat similar to that involved in a blood transfusion. Moreover, if extraction of seminal iluid from the epididymis were absolutely wrong (like poiluti-m and onanism), it could never be allowed, and physician- Ct uld not resort to it even for examination purposes;

A tn rd objection i- that urged by Ubach: artificial fecunda- t or. .i th.- t}pc would render the married state ridiculous. t<r. it w. l\_i\_l λ; .id, it is d'.-ay; licit: and the married people c .uhi .; .; rc.crx; it at v, .ll. And ti t;- many of the natural pur.' ■<.- : r'l.;:;:;:;: w>i:' I b. thwated.

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uman affairs there are such dangers, even in normal married

It is because of these dangers and because it is a pro-need departure from the normal method of having children i authors who admit, the licitness of this type of artificial iindation between husband and wife demand that it should practised with great caution and resorted to only for a very ous reason.

To sum up. There is a very solid extrinsic authority for per-:ttmg this type of artificial fecundation between husband and lie, and it seems justifiable on intrinsic grounds. It has noth- gm common with an unnatural sex act. such as pollution; or ■n a disordered sex act, such as fornication. In this method l fecundation, there is no frustration of the sexual processes; nd the child thus conceived is the offspring of parents united » the stable bond of matrimony, and thus naturally apt and @:>gited to provide for its welfare.

The second case proposed for discussion was: May x- un-urned women be artificially impregnated by cells extracted :;>λ an unmarried man? The theologians' answer to the ques- ... " no " Some l4 dismiss the subject with

■' ■■.x suument that a woman has no right to fecundation, hy I-, husband; some!7' add the intrinsic reason. :- act dues not make the provision demanded by the <.■ :he care of the offspring. They refer to the . . . .njl r-ndo'oph'cal argument for the necessity of marriage e-...f fornication: an argument which is valid here w"\*Jse it : direct-..! against fornication, not precisely as an act -- iiwnered passion, but rather as a disordered generative act.

>nseir.:nacion, consisting essentially of the giving and "-i ; --i-, procreative cells, is a generative act, and so must ■■"mt.! h- ;itq; law' of nature -which requires that such an be puced only by persons united in the permanent bond of

n hide need of cklaymg longer on this case. The ■L.Tient s.: :ge-ied iccve can be found fully developed in St- ' . ' <.'". mentitf a 'J in many modern theological

Leismkutf. Cappello.; Merkelbach, N0ldm-Schmitt, Tanquere?!, '1 \*■»«--. V -inmch.

t. -22. s unj. Ss-curulae, Q. 154, a. 2.

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between husband wife with respect to their child; and it ordizes the happiness of all three. The child is born into world, not only without the natural guarantee of fatherly affection and love that he should have, but rather in circumstances which are of their nature apt to deprive him of this affection. He is flesh of his mother's flesh, but not of his father's; he is born a stepson; throughout his childhood days and on into the successes or failures of his manhood, he will be at least a potentially constant source of jealousy. By nature, a child should bind father and mother together; this child is more apt to divide their love.

There might be exceptions to the last argument; but it does not make the dangerous situation into which "third-party" artificial fecundation places married people. Even if the practice were not wrong in itself, childless couples would do better to forego it and to adopt someone. With the adopted child they begin life on an equal footing.

This entire discussion may be summarized in a few brief sentences. Artificial insemination involving pollution or onanism is never lawful; but if married people who are unable to have natural fertile intercourse wish to resort to a means of impregnation which includes no abuse of the sexual functions, it is probable that they may do so. Between two parties who are not united together in marriage, no form of artificial fecundation is lawful,

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“CUPIDI CURIOSI GYROVAGI

■THE *De Imitatione Christi* has been frequently commended by editors and translators for its “simplicity. There is a sense in which this commendation is merited. The reader of almost any version of it into his own vernacular tongue will indeed find the highest ascetical truths conveyed to him in brief, quivering sentences that find their way easily into his mind and heart. The Golden Book is a masterpiece of brevity. In a certain sense, it is also clear, because its author avoided contention and disputation and tried to win all men to the cause of peace by the methods of peace. “He was simple, and he dipped his pen in simplicity.”

The message he sought to deliver to men was capable of simple statement because the author had first of all understood it himself, and had thus merely to open to his readers his heart rather than his library. He did not content himself with the easy theory that a simple message, uttered in a slovenly fashion, could not be marred by a crude statement of it. He therefore knew the advantage of disciplined habits of expression. He rather still, and added to a pleasing rhetoric a rare power of compression. And to this directness and brevity thus added he superadded rhythmic and rhymic cadences intended, doubtless, to emphasize certain thoughts and at the same time make his message more attractive to the tastes of his own age. He was an artist in style. And, if we trust the theories of Carl Krsche and the inferences of Dr. Cruise, we shall conclude that he had also mastered that *ars artium* of the refined writer, the art or power to conceal his art; for it was not until comparatively recent years that the rhymes and rhythms faintly appreciated by modern ears in the Latin text of the *Imitation* were deemed capable of such analysis as sought to elevate them into a conscious and systematized art of expression on the part of Thomas à Kempis. If the feature of his artistry was intelligently appreciated in his own times, it had nevertheless been so to the recognition of succeeding centuries down to the last quarter of the nineteenth century.

and tradition of the *Imitation* will of course try to preserve the simplicity of thought and the directness and brevity of his original Latin. While attempts have been made to pre-