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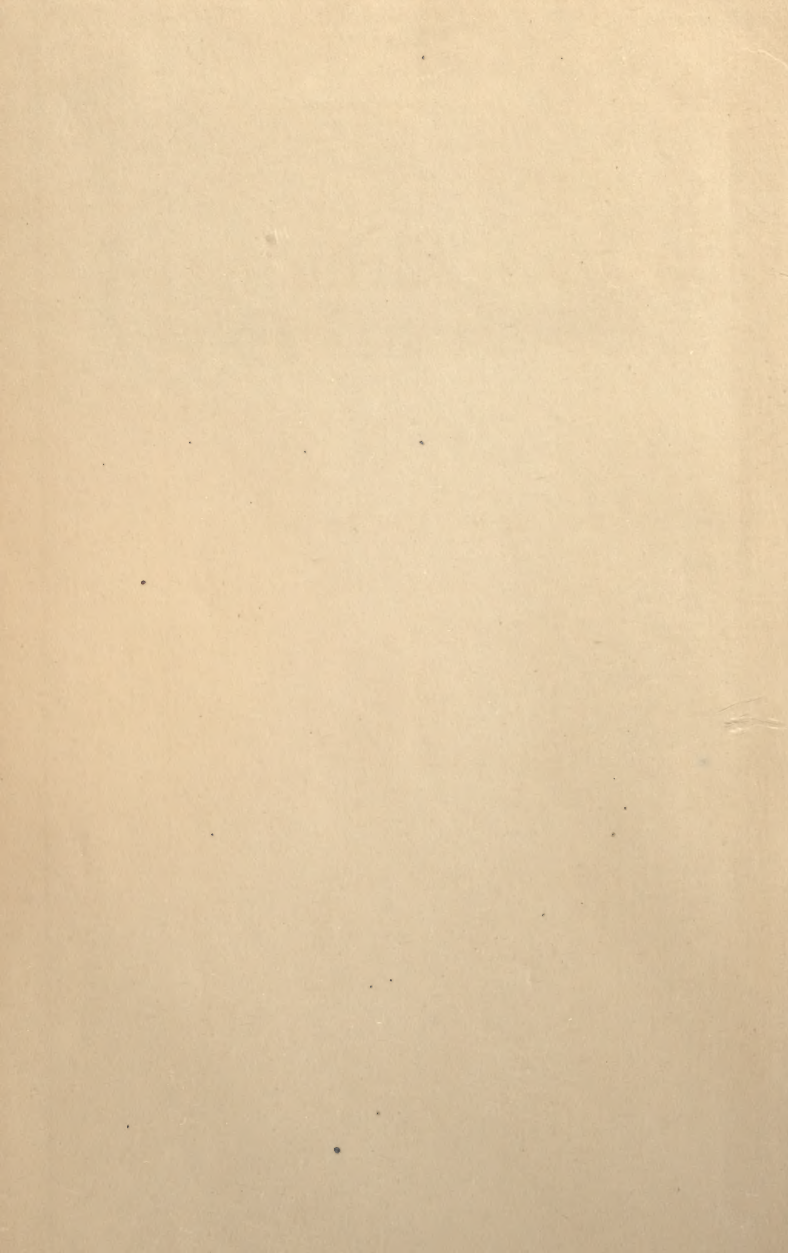
The Crux of
Pastoral Medicine
A. Klarmann



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The Crux of Pastoral Medicine

The Perils of Embryonic Man

BY

Rev. ANDREW KLARMANN, A. M.

FOURTH ENLARGED EDITION



PERMISSU ORDINARII

Frederick Hustet & Co.

Printers to the Holy Apostolic See and the Sacred Congregation
of Rites

RATISBON, ROME, NEW YORK, CINCINNATI

1912

Nihil Obstat.

REMIGIUS LAFORT, S.T.L.,

Censor.

APR 9 1952

Imprimatur.

✠ JOHN, CARDINAL FARLEY,

Archbishop of New York.

NEW YORK, NOVEMBER 20, 1911.

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NEW YORK AND CINCINNATI

Preface

to the

Fourth Edition.

Three questions of vital importance have these latter days not only forced themselves on the attention of the public, but have also engaged the interest of those whose office it is to look out for and protect the welfare of the public, and to direct general and spontaneous movements into safe channels. Both the legislatures of several states and the prominent heads of large private societies instituted for the purpose of providing a moral and medical prophylaxis against criminality and degeneracy, have taken a definite and practical view of Vasectomy, or rather, Vasotomy. The Moment of Death has received a more sympathetic attention from the medical experts, and has been most earnestly discussed as a stage in the earthly pilgrimage of man full of neglected possibilities both for the priest and for the physician. And lastly, the *question of Instructing the Young on the Sex Problem* has called forth two diametrically opposed lines of disputants, of which the one would as energetically defend as the other would oppose the cause. This dispute has not yet settled down to the condition of a quiet con-

troversy. Each of these two lines has hitherto been following its own course irrespective of that of the other. The same may be said to be true of those who have so far led the discussion of Vasotomy, and in a measure also of those who have joined the debate on the new developments that are suggested by the latest discoveries made in the province of death.

We have undertaken to give both sides of these questions a calm consideration, the results of which form the additional chapters of this book.

THE AUTHOR.

New York, December 1, 1911.





Preface

to the

Second and Third Editions.

The first edition of this book was sent out without the sword and buckler of a preface, partly because the author was induced to share, in a measure, the apprehensions of many of his friends, that he went into "deep water" with the medical profession, partly also, because nobody else would risk introducing a book that was new, not only as to the language, but also in the treatment of its subject—and more than new, in as much as it set itself at variance with all hitherto acknowledged authors in the same field. So it went forth to take care of itself.

As it is, the most brilliant recommendation could not justify this book, if it could not justify itself.

And the little book was well received, contrary to expectations and predictions. The reviews, unpaid and unsolicited, although much welcome, and herewith thankfully acknowledged, well-nigh

"kissed the baby to death." And in these expressions of welcome the medical men were as free as the theologians. It seemed almost that the joy over its arrival forbade the reviewers to notice, or at least, to censure the few faults of which the first edition was not quite free. These faults have been corrected in the new edition.

But we feel it a duty, now, to explain, how this book has come to make such rigid opposition to traditional methods of Pastoral Medicine.

The authors of Pastoral Medicines have been either physicians or theologians. The physicians consulted the theologians either in person or in the shape of books. Now, a theologian who had not made a thorough preparation for such consultation, and acquainted himself with the physiological and medical parts of the cases under consideration, would naturally hesitate to contradict a physician of high standing in his profession; and only such made the attempt of writing these books. If the theologian consulted the physician, he faced the same difficulty. Theology was at a disadvantage in either case; for in sickness and trouble, medical assistance is sought first, as it ought to be. But where a question of conscience enters into the proceed-

ings of the doctor, the case is already prejudiced against interference of any description, as it appears to handicap the physician, in whose care the patient was given from the beginning.

But nobody doubts that a physician as such is not competent to find his way through the intricacies of cases the solution of which involves, not only authoritative decisions, but the very fundamental principles of moral philosophy and theology, together with the studies which are considered preparatory to the acquisition and mastery of these sciences. Moreover, authoritative decisions are given after a complication of difficulties has made a case practically hopeless of disentanglement by private authority.

And thus we find in the various books on this subject indications of mutual fear on the part of the authors. Few authors, if one, have taken a courageous stand against their opponents on the same question. Besides, Pastoral Medicine has been held in such scant esteem, by the medical profession, at least, that succeeding authors contented themselves with copying each other. Far from making pretensions to scientific treatment, the "crux" of Pastoral Medicine was ever bedded out of sight under a heap of hygiene, nursing and sickroom regulations, diet and ventilation,

signs of death and apparent death, lunacy and epilepsy, syphilis, etc., etc. The attempt at sincerity with the dangerous, delicate and troublesome subject of Pastoral Medicine proper, the perils of nascent life, was only made in a half-hearted manner. It seemed so much like passing through Scylla and Charibdis. On the one side there threatened the danger of delicacy of treatment and expression, especially in our sensitive vernacular, and on the other, a clash with the hereditary opinions and "*ipse dixits*" of the men of either profession.

This is not said irreverently. We have the greatest respect for authority, as the book testifies; but in science, authority ends with the proofs. But when we studied the works of the most eminent authors, although we found much, very much, that was a credit to their zeal, diligence and love of truth, we could not help noticing contradictions, inaccuracies, tergiversations of blank despair; some of these unwholesome things in the one, and some in the other.

It occurred to us, then, that the writing of a new book in English required more than a mere compiling of cases, decisions and quotations. We thought it feasible and necessary, to put Pastoral Medicine on its own feet, lending a pedestal from

Christian biology and from the philosophy and ethics of the greatest philosopher, St. Thomas; and then chisel away "for dear life" at the new goddess, until she should take form and feature, spurring our efforts with the principles of these sciences, and guiding them with authoritative decisions, as far as they are on hand.

How far this end was achieved the public expressions of expert opinion have testified, despite the unpleasant fact that to agnostic and other non-Catholic physicians, many of these decisions have come like nightmares, although they, too, subscribe to them ("Medical Review of Reviews," New York and London, August 25, 1905).

But we realize that the work is now only begun. We realize also that our work is imperfect, as may be expected in a new departure. The task was arduous—clearing away and building up. Yet it was not audacity, but necessity, that persuaded us to undertake this work.

May God bless it for the welfare of His great and of Him so well-beloved family!

THE AUTHOR.

NEW YORK, September 11, 1905.

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THE PROBLEM OF LIFE AND GENERATION.

INTRODUCTION.

I. The problem that is bidding defiance to all attempts of the scientists at solution, is the problem of life, and, concomitantly, of generation. The most delicate optical and mechanical instruments have been devised; the most searching investigations into the most secret retreats of life have been instituted; the lowest unit of life has been discovered in the cell; the cell has been examined in its integral, interdependent elements; substitution has been made for the one and the other of these elements for the purpose of discovering and determining their relative necessity in the process of life, and generation, and cell-multiplication; life has been found even in the least dependent elements of the tiniest cells: but whence life comes, is still as deep a secret to the natural sciences as it has ever been.

2. Moreover, science has succeeded in establishing as a scientific fact the peculiar phenomenon of chemical substitutes for one of the factors of cell-life assuming the activity of the elements eliminated, or, at least, of inciting the activity of the remaining factors or elements in the same manner as the natural factor.

The only difference noticed between this process and that of the union of all the natural factors is this, that the artificial process, introduced by a chemical agency, comes to a dead stop a long time before the germ-cells, the bearers of the generative activity, have accomplished their natural task of perfecting a new individual. This failure may be due to the insufficiency of the strange factor introduced; but it may also be due to the inability, unexplained so far, of the germs under investigation, of sustaining life in artificial surroundings.

However this may be, it is certain that such germs left in their natural habitat, never show traces of chemical combinations; so that it seems safe to assume, that a chemical factor inserted into the life-elements of the cell, and substituted for the native principle, can do no more than excite the activity of the remaining parts or factors, without contributing toward the

process of development that vigor, which would promote the process of generation on the lines of the natural progress toward the efformation of a new individual after the pattern of the species.

But as the efformation of the individual is the termination of the work and purpose of nature, and the individual alone is the subject of life with a purpose of its own, it follows that chemistry is unable to accomplish more than, perhaps, the initiation of the process of life, which it finds pre-existent as its subject of operation.

Thus the application of acetic acid and salt solutions (Prof. Loeb, New York) to the eggs of sea-urchins may set the mechanism of generation in motion, as the warmth of an incubator causes the fructified egg to begin its race toward the hatching of a chick.

But acids cannot assume the office of either protoplasm, spermcell, or pronucleus. In such a simple substance (not philosophically simple!) as the egg-cell of a sea-urchin, the chromosomata may, upon chemical incitement, go through a series of processes identical with the natural process of generation in these creatures, so as to present the beginning of a new individual;

but the generative process stops this side of its natural termination: as a clock, set in motion by pressure exerted upon its principal wheel (with the spring unwound), moves as if it were in working order; but the moment the pressure ceases, the motion ceases also.

Artificial elements cannot impart the natural tendency of the process of generation; the teleological principle is nature's own, and this it is that presides over the functions of the generative germs of the million species of living organisms, pointing the way to each one according to the pattern of the parent from which it is derived. It is a marvel of consistency that nature reproduces from the germ-cells, so much alike to each other, the infinite variety of descendants which continue the unity and harmony of living nature.

Chemistry may yet unravel the mysteries of the cell elements, the protoplasm, the chromosomes, the filaments of the cell-axis or spindle, the granules composing the chromosomes; but it will (probably?) fail to elicit the spark of life from inert matter by means of acids or other chemical agencies.

Yet, even if chemistry should succeed to evolve by such means a new individual, this

would not solve the problem of the origin of life, in as much as the chemical factor is actuating a cell already living. If chemistry could call forth the spark of life from matter, as dead and dry as ashes, no matter by what process, then it would deserve the palm. It is known, moreover, that in parthenogenetic generation, propagation takes place without the concurrence of sperm-cells of any kind, offering a plain illustration of the futility of the efforts at stamping *every* form of life as seminal: but in this case, neither is the origin of life derived from chemical activities.

3. But every known form of life is *cellular* (except, of course, the life of spirits):

A reduction to one half of its original germinative elements, the chromosomes, takes place in every germ-cell, the protoplasm preserving its state, in the cell of the ovulum as well as in the sperma. The cells reduced in this manner are doomed to death if they fail of their office of fructification. And besides, the protoplasm and the chromosomes together assume, in the process of generation, a double office, that would seem to be contradictory to their nature as it exists *in transitu*. For, one direction of generation lies toward forming and building up the struc-

ture of the new individual, or developing the type of the species, and for this office alone the generative germs seem to be prepared. The other direction of the generation lies toward increasing the new germ or cell begot of the union of the two original germ-cells. Now, it has been observed in all growth that the mass or bulk of the individual is increased by means of the division of the cells, in which now, in the process of growth, the chromosomes are not halved, and one half expelled, as occurs in the preparation of the cell for germination. This office is also fulfilled by the same cells or germs of generation, opposed as it may seem to their nature and condition.

Hence this admirable adaptation of such scant and simple means to the purposes of generation and propagation must be superintended by a factor which aims unerringly at a preconceived termination; and for the reason that the same original processes and elements terminate in the reproduction of the whole variety of living things according to the exact type of their respective species, this factor must be specifically distinct in each species.

In the ancient, traditional philosophy of Aristotle and the School, this factor is called

the pattern, idea, or form of the thing. St. Thomas (S. Theol. I. 15. 1. c.) thus defines this term: "*Idea* is Greek, *form* is Latin. Hence by ideas we understand the forms of some things as they exist besides the things themselves. Now, the form of a thing existing besides the thing itself, may be said to exist for two purposes: either to be the pattern of that of which it is called the form, or, to be the principle of the cognition of that thing, according to the saying that the forms of things cognoscible are said to be in the mind of him who knows those things. "And with regard to both (modes) we must recognize (admit) ideas. And this is proved in this way: In all things not produced by chance it is necessary that the form should be the intention of every generation. But an agent would not act on account of the form, except in so far as the likeness of the form is within it (the agent). And this happens in two ways: in some agents the form of the thing to be produced is preexistent according to their natural state of existence, as in those which act through nature: thus a human being produces a human being, fire produces fire. In some (agents) however, the form exists according to intelligible being (existence in the intellect), as we see in those

who act through intelligence: thus the likeness of the house is preexistent in the mind of the builder. And this can be said to be the idea of the house, because the architect strives to make the house similar to the form which he conceived in his mind."

It is difficult to think that a more apt and significant name could be found for this mysterious regulator of living nature.

4. This regulative principle cannot easily be disposed of by theorizing. It is a stubborn reality, a postulate of the sober science of natural philosophy.

But perhaps physiology can relegate it to the obscurity of antiquated and obsolete methods of philosophical speculation?

Physiology could gainsay its necessity as a real factor of investigation only on either of the following grounds: 1) Because it has never been found, or 2) Because something has been discovered, or is discoverable, in its place. But physiology cannot assert that it can dispense with such a factor, no matter of what nature. This attempt has been made by the defenders of equivocal generation, and by the inventors of the mechanical, material or chemical origin of life. But that attempt has signally failed, so

that all respectable scientists who publish the results of their conscientious investigations only for the love of truth, are agreed as to this, that it may serve any purpose but that of science, to maintain on flimsy argument and on such dishonesty as that of the exploded Haeckelian *Bathybius*, etc., that life springs from matter.—There are demagogues even in the household of Minerva. Their principal object seems to be to pave the way for materialism, atheism and pantheism; but their purpose is not sincere, and their eye no longer simple. From Spinoza to Nietzsche, the wind of sincerity would have blown such a freight of ingenuity, diligence, tenacity and acumen as has been sailing the sea of the sciences, into the secure harbor of serene Truth these many years, instead of sophistry and half-heartedness tossing it about from reef and rock to wave-crest and abyss.

Now, science cannot build an argument on the ground that “the regulative, teleological factor has never been found”: 1) Because “*a non esse ad non posse non valet consequentia.*”

2) Because such a factor must of its nature be invisible, as being the expression of an intelligence, either as something real, and distinct from the substance or object, of which it is the

form, as the soul of man; or as something real in the nature of faculties, which come like light from fire, as the souls of the lower animals.

Life is natural motion, or motion from within: *Vivit quod seipsum movet*; let us compare it with the motion of matter, which is ever artificial. Mechanical motion cannot come into question at all, because in it the *motor* and the *movens* are visibly divided, or separated. Chemical motion approaches much nearer the appearance of native motion; but it also is produced by the concurrence of at least two factors.

In the most complicated mechanism, whose purpose is to move toward a certain aim or end, it is the relation of the various parts to each other, and to the purpose of the instrument, which brings about the intended result.

This relation is established by the proper adjustment of the parts to each other and to the whole. But this adjustment is the practical application of the *form* of the instrument, or the idea, in the mind of the mechanic. That idea is also invisible in the instrument, but manifest enough in the work of the machine.

Thus also is the *form* of living things the expression of an intelligence in the form of

native motion, or life; for "*vivere viventibus est esse.*"

It is, therefore, in the notion of this form or idea, the applied similitude and power of an intellect, or an operative law, not to be discernible except by its effects; as we can not see the applied intellect of the architect in even such a very material thing as the house, or, of the mechanic, in the machine, except by the effects which we perceive as the product of intelligence and the correct termination of an intention.

"*Ab esse ad posse,*" however, "*valet consequentia.*"

Things which we ourselves construct with a certain end in view, must teach us that things which have a well defined purpose in nature, although they are not made by man, are also made to express a certain idea or form of intelligence; for a certain, determined idea, cannot but emanate from an intellectual principle. The means and the end must be known and calculated for the final purpose. Therefore, that which directs the germinative elements in the way to the natural termination of their activity, is aptly styled the *idea*, or, for the sake of conformity with usage, the *form*.

Hence the teleological factor in nascent life

is not in the mass, which is inert of its nature, but comes from an agency outside the mechanical and chemical forces—from that Intelligence which builds and preserves nature, the Creator.

The other ground on which physiology would build an argument against the necessity of that regulative factor of life and generation, the idea or form, is no less unsafe. For, something would have to be discovered which could unerringly distribute the elements of generation in order not to endanger the stability of the various species, or orders of living things.

If that factor were of the matter, and still could accomplish this end, we would have to concede to matter a superiority and perfection over life. But who would wish to admit this paradox? It would be maintaining, in effect, that the material engenders the idea of the watch in the mind of the watchmaker, which is absurd, for this reason, that then the material would have had to suggest the idea or form of the first watch.

Nor will it further the interest of the inventors of *mechanical* life to say that the *laws* of matter produce life, for, the laws of matter would have to be made either by matter itself, or by someone outside of matter; a law is a

rule with an end, that does not exist for itself, but for the harmony of those things that tend together toward one end. If matter could beget a law, it would rank higher even than the second stage of life, sensitive life; but if someone else makes the laws of matter, so as to force matter to submit to certain regulations in its relation to life and generation—what matters it by what name we call those laws? or what matters it what we call the supreme Ruler of the universe?

This point is made in either event: there is in life and generation necessity of a regulative factor, not the kin of matter.

5. But if the process of generation tends infallibly toward the reproduction of an individual after the pattern (form) of the parental species by virtue of an unvarying regulative principle, what must become of the theory of evolution, or in its milder form, the theory of descendency?

Many observations of eminent scientists seem to point to the possibility, if not the fact, of *new* species developing from such species as have remained constant in themselves. *Videant Con-*
sules!

If the derivation of a *new, specifically determined* order of living beings from one of the old conservative species could be proved beyond

a shadow of doubt, and no other convincing explanation and proof could be advanced but the theory of evolution or descendancy, then indeed there would be reason for fears and tears in the old camp. But conjecture and hypothesis cannot overthrow with a wink of the eye the logical deductions from the axiomatic principles of Aristotle and St. Thomas, and their school. The inductive and analytical methods of modern scientists will, in the end, arrive at the same results as the synthetic method of the ancients. They are not going from the centre in opposite directions, but the one with a foreknowledge of the centre, the other with a suspicion, from opposite points in the circumference in the direction of the centre.

Adaptability, it would seem, is the key to the understanding of the apparent variations from customary forms in some species.

The laws of nature are at once so rigorous as to admit no natural exceptions; yet so pliable as to provoke temporary suspension by intercommunion and mutual compensation.

We cannot see without the organs of vision: this is the law. Still since the sense of sight is only an instrument of observation, the principal agency of vision, the mind, can see more,

and can understand more than the eye can scan. Were the mind made independent of sight, how wonderfully wide would its range of understanding—mental vision—stretch at once!

A stone is directed and held earthward by the law of gravitation; still it can be forced to move in the opposite direction, another law suspending the law of gravitation for a time.

Such laws are fundamental laws, and cannot be actually suspended, but rather counteracted or counterbalanced for a time by natural powers. But such are also the laws of life and generation, as we see by the beautiful order that exists in living nature, an order never even slightly disturbed by nature itself.

Some properties, or relations—points of contact with others, if one will—may be modeled on new plans; as we can reduce the force of the law of gravitation in the stone by reducing the bulk of the stone. The inertia of matter may be overcome to some extent by the application of a lever, etc., etc. But we could not make a stone have no weight at all, in present conditions; nor could we by any means impart the power of initiative motion to matter as such: and thus we cannot, by the same natural necessity, set aside the specific factor of genera-

tion, which is the fundamental principle of order in the endless variety of living beings.

Hence there are no such modifications of original species as would constitute a *new* species; because this would open the door to disorder, and, consequently, to universal dissolution, which nature abhors: "Hence because in corruptible things there is nothing perpetual and everlasting, except the *species*, the good of the species is of the principal intention of nature, toward the preservation of which natural generation is directed" (S. Theol. I. 98. I. c.).

But as the fundamental laws of nature may be modified in an individual object under stress of necessity induced by collision with other laws (as sight may be lost, and its organs dwarfed in perpetual darkness), so also may a species as such become the parent of an order of beings of the same species which acquire new properties and relations or points of contact with their new and lasting surroundings, or which simply cast off family traits.

But these individuals would not constitute a new *type* in nature; as the races of mankind do not constitute so many species of humanity or intellectual animals who would have to be classed

under a higher genus than *animal*, or under a lower specification than *rational*.

6. But *a)* what is the life-form of the changeable generative germ, and *b)* what is the new form acquired in generation?

a) The generative germ is in a state of transition: 1) because it makes special preparations for this stage by halving its chromosomes; 2) because if it fails of the purpose of this process, it perishes; 3) because in the union of the two germs for a common activity, a new cell is formed, the nucleus of a new being, and now neither ovulary nor spermatic cell.

Hence the germs *in transitu* live only by the influence of the principal form, and have none of their own.

b) The form induced during the process of generation is 1) an acquired form, 2) a new form.

It is an acquired form 1) because the germ has lost its original composition and with it the faculty of continuing life after the old manner, as is evident from its decay if it does not find a mate in the same condition; hence it has lost its own determinative factor or element, a

secondary and dependent form, as a cell; 2) because the preparation for generation was due to the old form, which manifests its elimination in the death of the generative germ if it fail to become an actual element of generation; 3) therefore, in beginning life, after reduction, for a new purpose, it gains a new object, becomes the subject of a new idea, and, in consequence, of a new form—for the purpose of generation is totally different from the purpose of growth, which is the ordinary purpose of the cell, and cell-life.

4) As long as the cell remained in the parental body, it lived by the life of the principal form; this is evinced by the fact that it bears the imprint of the original so indelibly marked that it would determine the nature of the new individual, toward whose efformation it is directing, on the lines of the species; and now, becoming the centre of a new process, free from the parental interdependency, it must also gain a new principle of life and activity. This principle is the form proper to the species, or, the *forma substantialis*.

5) If the germinative cell can, and does throw off the original life principle, or, rather, sever its

connection with it, by death in case of the failure of the generative process, it can just as easily sever that connection at the accession of a new object of its existence, after having severed its connection with the parental organism.

Hence there is no reason to admit the actuation of the new individual produced by the process of generation, except by a *new* form, the form of the order of beings, or species, of which that individual is becoming a member; on the contrary, there is every reason to admit that no other principle but the idea, or form, in the mind of the Creator, as verified in *being* outside Himself, actually superintends the wonderful process of generation. Therefore, the form, superintending generation, is an acquired form.

But the form induced in the process of generation is also a *new* form.

This assertion is partly included in the other statement, "that it is an acquired form." Still there is a distinction in the direction of its purpose.

1) The old forms of the germinative cells were subject to and in union with the principal form, or the *forma substantialis*, of the parent body; the form of the individual intended by

generation, must itself be a principal form, since it must take up and go through the same activity as the parent form, organizing, multiplying and distributing the cells which shall originate from the generative union of the sperma and the ovulum, so as to form the body of the new individual *iuxta speciem*. This end the old cell-form could not attain, being only subsidiary and intermediary; hence the form of the unified activity of the generative germs is a *new* form.

This new form actuating not only part of a substance, but a new being, must be a substantial form. The last form, or the secondary form of the cell as such, could well be accidental or partial since its subject formed only part and accident of a living whole; but the new form, embracing all the parts (cells), and distributing them in a perfectly defined order, can no more be accidental, than the fixed character of the individual which it animates, is accidental.

2) This form is a new form even for another reason: as long as the germinative cells were contained in the respective parental bodies, each had separate existence as a cell in the principal form of the parent; but now, when both are uniting for the purpose of generation, they be-

come one new being; thus they either still possess each its own form, or not: if each possesses its own formal mode of existence, they cannot together progress toward the efformation of a new living individual, for "*vita est in individuo*" (*indiviso*); and how could they be *one* with two forms? But if they do no longer possess their respective forms, and yet live in a *new* cell, they must together have acquired a new form, the regulator of their new existence: in chemistry we find elements in combination forming a new substance, on the same principle, life excepted.

3) It is a fact well known among scientists, that the chromosomes of the germinating cells are dissociated, halved, and one half cast off to perish, while the remaining half must proceed to generate, lest it, too, perish. This process of dissolution, checked only by the supervening of the process of generation, indicates the elimination of the former principle of life and being, and the induction of a new one, if the intention of nature succeeds.

7. Hence we find standing between life and matter the Omnipotence of the Author of nature. All life is by His goodness, and is beholden to

His power. Human life, existing not for the mere sake of man, but participating of the destiny of man, is sacred, even at the moment of its initial formation.

8. It would seem now, that the Creator is leading men to find Him in the unfolding of the deepest mysteries in nature, when they have so long hesitated to recognize Him in the glorious Revelation by Faith. He bids science descend into the abyss, because it would not mount the heights; He would win the intellect through the heart: would that men now surrendered their hearts to Him, convicted by their own light of the darkness that they have been groping!

CHAPTER I

ABORTION.

SUBJECT OF ABORTION.

GENERAL VIEW.

1. The source of all misery is Original Sin. Its curse is universal. The whole creation of God beneath the sun is in the ban of the decree: "Cursed is the earth in thy work." Gen. 3. 17. Life is doomed to dissolution and death from its rising, and even the purely material world is incessantly tending toward corruption and decay.

2. But in no creature is the efficiency of the original curse made more manifest than in woman, who provoked the kind Creator to anger and invited that curse: "I will multiply thy sorrows and thy conceptions: in sorrow shalt thou bring forth children, and thou shalt be under thy husband's power, and he shall have dominion over thee."—What a dreadful humiliation for the Queen of the visible world, the erst-while compeer of man!

3. The fury of that curse was abated in part by the God-like charity which Jesus Christ introduced into the world. One of His apostles dared already teach His earliest followers, barely rescued from the gloom and shadow of pagan perversion: "But to them that are married, not I, but the Lord commandeth, that the wife depart not from her husband; and if she depart, that she remain unmarried, or be reconciled to her husband. And let not the husband put away his wife." I. Cor. 10. 11. "So also ought men to love their wives as their own bodies. He that loveth his wife, loveth himself." Eph. 5. 28. Hence woman was readmitted by the Redeemer to the full possession of the rights of the race, of which she had been deprived by both pagan and Jew. The yoke that she had been sentenced to bear was softened, and her burden lightened by the kind offices of sincere, Christian love.

4. But this privilege affected directly only her ethical position, her physical condition remaining unchanged. For Redemption was not wrought by nature, but by the grace of God; and grace establishes new relations only between God and the sinner, not, however, between the Creator and the creature.

5. The physical state of woman has rather deteriorated in proportion to the multitude of actual sins, which hang upon the heel of the first sin and accentuate the misery which it wrought. Sinful deeds, especially when they become a habit, do not injure the soul and morality alone, but work damage, and, in the course of a life, or many lives of the same sinful indulgences, permanent and hereditary ethical and physical impairment, and consequently, a predisposition to fresh evils with succeeding generations.

6. The hereditary *ethical* operation—if at all existing—is not so very pernicious.—No matter how strong a disposition toward disease may exist, it can be successfully counteracted and eliminated, or, at least, checked, by medical skill applied in time. If we now institute a comparison with the spiritual parts of man, we find there the will, the master of all ethical disturbances; a master who can cope with every other master, but God; a master, at whose nod and beck stand the armies of Heaven, and whose arsenal is the graceful bounty of an Omnipotent God.

7. Still the duties of motherhood, unavoidable ordinarily in marriage, require a strength of

character, and an integrity of purpose, which in view of sin and its ravages, we should think rare, indeed. But to the credit of the gentle sex be it said, there is no creature beneath the sun of heaven more capable of making sacrifice and more willing to suffer for others, than woman; no love more admirable for constancy and disinterestedness, than the love of a mother. This Victim of Providence bears in her bosom the charm that chastens the uncouthness of carnal pruriency, that tames the "wild horse," and, in short, makes of the man a gentleman, where religion, not being admitted to the heart-chamber, must fail.

8. But in the present state of civilization, where religion is denied admittance into the councils of the public, many natural conditions are overturned. Public life is to a great extent only a mask of private degradation. Wealth and opulence are wrapt in an air of haughtiness that cannot but provoke the disgust of the ingenuous, and the anger and envy of the lowly. The rich set the example of secret murder for the sake of widening the sphere of sensual indulgence and avoiding the anxieties of childbirth and the expense of bringing-up and education.—It is not a strange phenomenon for the

observer by the way-side, to see the temptation laid at the door of matrimony, to shirk its sacred duties, or to assume only that part, which costs no immediate sacrifice, and whose effect can be conveniently frustrated.

9. Moreover, the demands made upon the health and strength of girls and women in the workshops of factories; the habit of spending the better part of the night in riotous amusements; poor food, and insufficient clothing in winter; early knowledge and indulgence of pleasures that are justified by conjugal love alone, such as intimate association with persons of the opposite sex, turning the imagination into a kaleidoscope of amatory revels—if worse do not befall—; and above all, the deplorable “errors” of early youth: all these misfortunes unite to render the Flower of the creation less fit from generation to generation, to bear and bring to maturity healthy fruit.

The very delicacy of the mechanism which nature appoints for weaving flesh and spirit together into human life, must teach that an injury inflicted upon the health of the woman, results inevitably in an injury, often irreparable, to the most delicate parts of the future mother.

10. For, a woman who offers her cincture

at the Hymeneal altar, assumes with her new state not only the wreath of the bride, but likewise the tight-sitting diadem of the mother. Soon must the blossoms of the chaplet fade; but unless she criminally declines the burden of motherhood, which makes her the queen of her little circle, the chaplet will only fade to reveal a precious circlet, in which every new being risen from her womb, shall add a new jewel.

II. Hence woman is held not only to discharge her conjugal duties to the full extent of their demand, but also to avoid, both before and after marriage, whatever may threaten the sanctity of her position in the great family of God.

In assuming the rights and duties of matrimony she binds her life to that of her children as well as to that of her husband.

She cannot escape responsibility before the tribunal of God, if through aversion, or culpable neglect, she frustrates the designs of her sacred contract, or of nature. Whatever may endanger the life she consents to bear in her womb, is an offense against her state of life, an act of immorality, if the cause of that danger is direct, and under her control. With that life she holds a pledge from God, which He alone can redeem, the Author of life.

12. In the face of these serious considerations it is idle to advance the following principle, variously stated, in defense of abortion and embryotomy: "In a desperate case the life of the unborn child is a negligible quantity, which must be regarded as non-existent;" "The child threatens the life of the mother, and is, therefore, to be treated like an unjust aggressor;" "The mother enjoys priority of right over her unborn child." This absolutely false and pernicious principle has lent countenance to the murder of numberless innocents, has supported the infidelity of "respectable" men and women, and veiled the cowardice of "martyrs" to their conjugal vows, nay, even stopped the search of the medical science and art after means and methods of relieving—or, rather, anticipating—"desperate cases" with the skill and precision that we admire so much in modern surgery. Happily enough, Cassandra has not cried in vain; the principles of Christian morality, which are, in effect, only an enhancement of the natural ethical laws, are no longer banned from every lecture room and operation table. But the abatement of convenient and conventional nuisances can not be accomplished in a day, nor by the few; the creating of a universal public con-

tempt and abhorrence alone will eradicate so prevalent an evil as feticide. A long step in this direction has been taken by Father Charles Coppens, S.J., in his lectures on "Moral Principles and Medical Practice," and the most eminent men of the medical profession have begun to raise their voices in earnest protest against abortion and embryotomy as against murder. But there is still ample room to "fight the enemies of Catholic ideals; there is no compromise, no alternative" (J. F. Hultgen, M.D., "Cath. Fortnightly Review" XII. I. 1905).

NATURE OF ABORTION.

DEFINITION OF ABORTION.

13. The foundation of the distinction between abortion and other modes of interference with a pregnancy, is the condition of the life of the fetus. The development of the fruit of the womb may have progressed to such a stage as will enable it to continue life outside the womb, either independently, or with the assistance of the medical art (incubation, artificial feeding, etc.), although the natural termination of the gestation has not yet been reached; or the development may have been intercepted at a stage when an unfortunate disturbance of the

fountain of fetal life brought the pregnancy to a disastrous termination.

14. The bringing forth of the viable fetus before the natural termination of the pregnancy is called premature delivery; the effusion of the fetus at a time when it is not capable of sustaining extra-uterine life, is called abortion. And it is not necessary for this process that the fetus be killed in the womb and then ejected; it suffices that the vital conditions of the fetus are destroyed, to brand it as the crime of abortion.

PRINCIPLES.

15. Abortion is the interruption and elimination of the process of pregnancy and gestation. This process is the work of nature, or a physiological process, by which is produced a new being according to the human species.

16. Hence abortion is a violation of the laws of nature.

17. Abortion involves the death of a human being; hence it is also a violation of the positive law of God "Thou shalt not kill!" And assuming the right over life and death, it rebels against the supreme dominion of the Creator: "I will kill and I will make to live." Deut. 32. 39.

18. The moral aspect of abortion must, therefore, be determined by comparison with the fundamental rules of morality, that is, with the commandments of God, the voice of conscience, or the common consent of the human race, and the ruling and teaching of the Church, commissioned by God to be the teacher of mankind in His stead.

19. (a) As to the first criterion, it is evident from the curse of Cain, the first man to shed innocent blood, as well as from many other prohibitions, besides the Fifth Commandment, that God forbids murder, the killing of the innocent.

(b) The conscience of the race, or *sensus communis*, has formulated a most comprehensive principle, the very key-note of the human conscience, that "Evil must not be done for the sake of the good resulting therefrom" (*Non sunt facienda mala ut eveniant bona*). This principle is derived from the fundamental principle of ethics, upon which is raised the moral structure of our nature: "The good thou shalt do, the evil thou shalt avoid."

(c) The Church has ever interpreted the divine and the natural law, applicable to this

subject, to mean that "It is never allowed to procure abortion directly" (*Nunquam licet directe procurare abortum*).

20. The proximate deduction from these principles is, that direct abortion is a wilful violation of the laws of God, of nature, and of ethics; hence for the reason of the importance of its object, murder, a mortal sin.

21. A similar violation is to be considered in what is popularly called miscarriage, that is, abortion ensuing indirectly.

But the spiritual adviser must be very prudent and charitable in determining the degree of responsibility in this untoward event. Miscarriage may result from causes so remote and so secret as to elude the watchfulness of most conscientious mothers: from indisposition of the womb, contracted at a time when the question of child-bearing had not entered their minds; from syphilitic infection by a brutal husband; from uncontrollable depression of spirit, etc., etc. A violation of this nature, which cannot be remedied, is merely material, and is free from moral guilt.

But miscarriage may be caused also through

recklessness, or sheer neglect of mothers, or by violence done to them: not indeed with the intention of destroying the fruit of the womb; for this would constitute murder; but from subjective motives, such as passion, "practical joking," and the like.

Now, some degree of responsibility must attach to a miscarriage which could have been foreseen and prevented; because anyone who by virtue of his office and condition assumes the care of an object, is held in conscience to such a degree of responsibility for the safety of his trust, as will justly compare with its value. But there is nothing more precious among earthly goods than human life, and nobody charged more rigorously with the care of intra-uterine life than the mother: therefore, the neglect of this sacred trust is a violation of office, not assumed from man, but from God Himself, in matrimony; consequently, indirect abortion assumes the same proportion of moral guilt as the neglect which produces it.

But it is more gratifying to forewarn than to judge an unfortunate mother. Here, if anywhere, "an ounce of prevention is worth a pound of cure."

DIVISIONS.

22. In the various books of Pastoral Medicine, and others, which treat on this subject, the divisions in vogue are principally the following:

(a) Physiological abortion, as opposed to mechanical; *

(b) Direct and indirect;

(c) Involuntary or accidental, and voluntary; **

(d) Artificial, subdistinguished into therapeutic and criminal †—medical abortion (and spontaneous).

The members of these divisions are variously defined, and the definitions variously trimmed to suit certain exigencies, notably, the traditional “desperate cases.” But the latest decisions of the Holy Office, and the latest works of Catholic theologians and of eminent physicians (Coppens, Eschbach, Stöhr, Capellmann, Antonelli, Marx, Olfers, Saenger, Olshausen, Tait, etc.), have shed so much light on this subject, that confusion should be impossible, and false definitions can no longer serve any purpose but to conceal either indifference to the moral law, or incompetency.

* Stöhr-Kannamüller, *Past. Med.*, p. 437.

** Eschbach, *Disp. Phys. Theol.*, p. 274.

† Appendix, *Right to Life*.

CRITICISM OF DEFINITIONS.

23. The interruption of a work of nature from without constitutes an act foreign to the course of nature, and is, therefore, not physiological. Hence abortion being the work of an agency foreign to the termination and course of nature's work, cannot be a physiological process. It does not matter whether the agent of an abortion be a drug or an instrument; its effect is a violation and destruction of the office and purpose of the pregnancy, which nature preserves and favors. Nature does not destroy the objects of its intentions: "Nature tends (is directed) toward one end," *Natura determinatur ad unum*.

Even if the abortion ensues from the indisposition of the womb or of the fruit itself, as in the case of syphilitic contamination, the cause of the indisposition is really the primary cause of the abortion, according to the principle: *Causa causae est causa causati*.

But that indisposition is not caused by nature, left unhampered in its work.

Still, in as far as the agency of such an abortion is remote from the scene of the havoc it has wrought, and has produced a condition



with which nature must now actually labor and contend, like the sense of vision with eyes dimmed by cataract, this abortion has been called *physiological* by mistake. It is in effect a spontaneous abortion; not as if it had not a definable cause, but for the secrecy and precision with which it proceeds.

It is this hampered condition of nature in which nature works indeed, but not with its full powers, that has misled such eminent physicians as Stoehr and Capellmann to call an abortion as direct as possible, like medical abortion, a *physiological* killing, when the abortion is induced not through mechanical violence, but through the destruction of the physiological condition of the embryonic life. Says Dr. Stoehr (op. cit. p. 437): "By physiological killing I understand the induction of the abortion, in so much as the vital conditions are thereby taken away from the fetus." And Dr. Capellmann (Past. Med. 1904, p. 17): "In this case (locking of the pregnant womb) the peril of the mother does not arise from the pregnancy in the *physiological* sense, but is caused in a purely mechanical way by the enlargement of the womb," as if the enlargement of the womb were not a physiological, i. e., natural result of

the pregnancy, and could be attacked without also directly attacking the pregnancy.

There is another reason which prompts the rejection of this term, *physiological killing* or abortion. It is made the hiding-place of a process which has been called by such names a therapeutic, medical, and indirect abortion, with the insinuation that this process is permissible if it can only be tucked away under the wings of long-suffering nature; not that these terms are unjustifiable as mere names; but because they can be made to cover the crime of feticide with the cloak of nature, and, therefore, to escape the strictures of the *Nunquam licet*, if they are allowed to parade in the guise of a purely *physiological* process.

Physiological killing by the induction of abortion, therefore, is as irredeemable an opposition of terms as a "glass" eye, and, at best, a misnomer; for although we speak of glass eyes, yet we do not see with them.

CLASSIFICATION OF PHYSICAL EVILS.

24. The division or classification of evils cannot be based on a common formal, or final cause,* as evil implies a deficiency in its sub-

* *Summa Theol.* I. 49, I. c.

ject. Abortion—aside from its moral bearing—is an evil in so far as it imports a frustration of the effect intended by nature in the efformation of the new being which is the *terminus ad quem* of its work.

Mother and child are during the greater part of the gestation period, i. e. up to the period of the viability of the fetus (at least the end of the fifth month), physiologically *one* being; not indeed, *one whole* physically: the child is neither part of the mother's body, nor identified with the person of the mother, so as to lose personal existence at any time; but it is a being in the process of physical development, and, therefore, dependent upon the mother for its fountain of life. This physiological union is the way, so to say, by which nature works its end, the birth of a mature child.

Now, abortion, which is the elimination of this physiological process, cannot itself be a physiological process. It constitutes a defect of the natural process of generation.

25. The subject of the process of abortion is the pregnant mother, not merely the pregnant womb: therefore, the pregnancy in its totality. Some disturbances affect the pregnancy immediately or directly, others, indirectly, by

means of intermediary causes. And thus we distinguish abortions as *direct* and *indirect*.

26. Direct abortion is that which is procured as the immediate end of the invasion of the pregnant womb.

It may not be amiss to observe that the "end of the invasion" means, not the *intention* of the operator, but the natural and necessary end and object of the work undertaken.

27. This limitation is made in order to foil the pass of perplexity. There are authors of great authority in these matters who claim that, no matter how direct the killing of the fetus may be, it must pass for indirect abortion if the operator does not actually intend the killing. But a sane man cannot do a thing without intending doing it, except, perhaps, his own perplexity has confused his ideas.

28. Indirect abortion is that which ensues from a disturbance of the pregnancy produced either by a remote cause, or by intermediate causes inducing the incapacity of the pregnant womb for its natural functions.

29. Direct abortion admits no subdivisions. The distinction between direct therapeutic and criminal abortion is an illusion, or a subterfuge. Whether direct abortion be procured by a phy-

sician with the approval of the law, in order to relieve the danger of the mother; or simply in order to free the mother from an unwelcome occupant of her womb; or, lastly, in the dark, by the mother herself, with or without the assistance of some conscienceless physician or midwife,—it is *murder*; for “*Nunquam licet directe procurare abortum.*”

30. *Indirect abortion* admits the subdistinctions of spontaneous and therapeutic abortion. The disturbances upon which indirect abortion ensues may proceed from internal and external conditions. But in either event the abortion is due to a defective state of the pregnancy. This defect may be found in the fetus as well as in the mother. But if the abortion proceeds from a condition of the pregnancy with which nature was burdened from the beginning, and which, therefore, is inherent in either child or womb, the abortion may be said to be in part a natural process, as we often call a disease a natural process. Such an abortion might be called *physiological*, if one would retain a term so misleading and incorrect; but it is properly called a *spontaneous* abortion. It proceeds from within the subject without a traceable immediate cause, and answers the state of disturbance in its own elements.

31. If the abortion proceeds from a disturbance of the pregnancy, induced by an agent foreign to the pregnant womb but not attacking it directly, it is called indirect *therapeutic* abortion, when the direct object of the interference is the cure of the mother. This abortion is neither intended, nor foreseen to follow *ut in pluribus*; but its risk is assumed for the sake of an important end to be gained, as a bare possibility, or probability.

REVIEW.

32. According to the distinctions and definitions in vogue with many writers on this subject, spontaneous abortion is that which ensues naturally, as by accident. This, however, can be verified only in the event when the generative and gestatory organs are in such a state of debilitation that their energy suffices for the offices of a conception, without assisting the initial process in its progress toward the natural termination. Then, indeed, the abortion *happens* without any direct cause disturbing the pregnancy, as abortion in this case results from a misconstruction of the elements underlying pregnancy from the beginning.

But this the authors do not always intend to signify. "*Spontaneous abortion*" is applied indiscriminately to this accident and to that abortion which follows upon some definable cause, although this cause may have been placed without any aim at its murderous effect. The former alone is really spontaneous and accidental while the latter is indirect.

We have here in the physical sphere the same condition that we find in the moral. One man commits reprehensible acts in consequence of the depravation of his moral faculties through invincible ignorance, or through imbecility, and thus escapes the censures of conscience; another, through vincible ignorance, or unbridled concupiscence, and is held to such a degree of responsibility as corresponds to his obligation of instructing and governing himself.

Physiological abortion, as paraded by some authors, would be that which ensues in the course of medical treatment, whether *post hoc*, or *propter hoc*, if only the purpose of the author is to heal.

But it should be called *therapeutic*, when it ensues indirectly, i. e. *post hoc*; *criminal*, when it ensues directly, i. e. *propter hoc*, as the object of the medical treatment, whether intended by

the author, or, by a fiction, excluded from the intention, when it cannot be excluded from the treatment as its direct effect.

Mechanical abortion, as championed by the authors, is *direct* abortion on their own admission; but, permissible, as they claim, as the only available means of saving the mother's life; criminal, only as a welcome expedient of disencumbering the pregnant womb.

33. These distinctions are not exact; they collide with each other. This unbecoming confusion has arisen from the tenacity with which some modern authors, and many practitioners, protected by wicked laws, cling to the pagan error of assuming that the unborn child is "a negligible quantity" in a desperate case. It is an unscientific and immoral assumption; and "desperate cases" are as fast going out of practice, as medical skill and courage are coming in. With the triumphs that modern surgery is celebrating everywhere, a "desperate case" of pregnancy and child-birth is very liable to bring back to the memory of the medical expert—which every obstetrician ought to be—the old classic hint: "*Risum teneatis, amici.*"

HISTORICAL REVIEW.

In 1620 Fienus maintained on good ground that the human soul was infused into the embryo as early as three days after conception; 28 years later Florentinius, a religious priest, taught openly that the human soul was the intelligent soul from the moment of conception. Zachias, the pope's physician, at the same period adopted that assertion as a certainty. The ancient medical view, adopted from the speculations of Plato and Aristotle as opposed to the teaching of Hippocrates, began to be disowned. It should thenceforth have been laid aside, instead of supporting upon it the old theory of a new subject.

Still even in 1620 the question of human animation was not quite so new and novel as to serve as an excuse for medical abortion; the true excuse has ever been the inability of medicine to conquer the difficulties of the traditional "desperate cases." The ancient Oriental Fathers of the Church, following the lead of Tertullian and Sts. Gregory and Basil, resting their teaching in part on the physiology of Hippocrates, and in part also on the philosophy of common sense and the *sensus communis*, quietly, but intrepidly championed the

principle, that the human embryo is animated by the intellectual soul from the moment of conception.

Nor was the opinion of the Stagirite much in vogue anywhere before the establishment of the *School* of the Middle Ages. As long as St. Anselm, Hugo of St. Victor, and Peter the Lombard, and the spirit of freedom, engendered by their intrepidity, dominated the minds in the West, that artificial theory of the succession of three souls in human animation was not deemed worthy of serious consideration.

It is true, these master minds could not unravel the mystery of human animation, being obliged to take their premises from a science then in its swaddling clothes; but they repudiated, as inconsistent with the sense of their Church, the unfounded theory of a threefold *form* in one subject.

But when the masters made their humble bow to Aristotle, and bent low at his feet, his light became the beacon for the busy searchers of the mysterious coasts. Physical science was then more myth than mystery.* Even the great

* *Albertus Magnus*, however, did not bind himself in his research to traditions.

Angel of the Schools, St. Thomas, idly moored his redoubtable prow, once and again, in shallow bays, and lost his bearing for a little while: only in deference to the Master's authority, and contrary to his own better knowledge and judgment.

In the West, therefore, two opinions contested the ground: 1) That of the theologians before the rise of the School, holding that the human embryo is animated by *one* soul, the human soul, the human principle of life and intelligence, as soon as the elements constituting the body have assumed shape; 2) That of the School, holding that the human embryo is animated successively by a vegetative, a sensitive, and lastly, an intellectual form. The moment of animation, like the moment of *formation*, upon which they insisted so strenuously, was not fixed. Still it was practically assumed at so early a period, that it comprehended that stage at which pregnancy is more likely to give cause of complications and perplexity, that is, between the first and the third month, the shorter term being accorded the male, the longer, the female embryo.

This view is as effectually subversive of the theory of "negligible quantities," as the most modern, since we can never determine whether

an embryo is male or female, at that stage, and hidden in the maternal womb; nor can the beginning of a pregnancy be fixed at a certain moment before the lapse, ordinarily, of a month.

The *sensus Ecclesiae*, however, discountenanced direct abortion from the beginning, not taking sides with either faction, but proclaiming abortion a violent invasion of the sacred right to life. St. Basil, in a letter to Amphilocheus expresses the position of the Church in these words: "She who purposely destroys the fetus, must suffer the penalty of murder. And it does not matter to us, whether the fetus is formed, or not formed."

Balsamo, the patriarch of Antioch, comments on this rule as follows: "But this was said for those who maintain that no murder is committed by inducing the abortion of a fetus which has not yet been formed, because (they say) a man is not formed immediately from the semen injected into the womb; but it turns first into blood, then grows and changes into human flesh, afterward taking shape and developing the members and the parts." (Eschbach, Disp. Phys. Theol., Disp. 3.).

Thus we find that during those long years of scholastic disputes the Church stood calmly

in the midst of the disputants, ever protecting the nascent life, and warning the more ardent and aggressive combatants against a foul pass. As long as they were only theorizing, she could well afford to be at ease.

The new light thrown upon the subject of human animation, could not cause even a shadow of doubt to fall on the ancient and consistent practice of the Church.

But this new light did throw a heavy shadow on the traditional medical practice. In olden times the practitioner sought to justify direct abortion in a difficult case by comparing the value of the mother's life with the worthlessness of a conception believed to be little more than a bundle of flesh akin to an ordinary tumor. In these our own times, those who repudiate the obligation of the Christian moral law, still have recourse to the same unworthy subterfuge; whereas those, who acknowledge allegiance to the moral code, point to their own utter helplessness in "desperate cases"; cases, made desperate only through the inability of their art to relieve them. The innocent occupant of the maternal womb is forthwith denounced as an "unjust aggressor, and sentenced to destruction."

The Church did not have to face about, because its position has always been correct; but both the profession and jurisprudence must change their position. They stand on an exploded theory, and are guilty of tergiversation unless they candidly admit the criminality of direct abortion in any case. Medicine and law must take sides with the Church, lest they lay themselves open to either of these two charges: 1) That they disregard the sacred rights of the race—we say, *race*—because direct abortion tends, as the history of the ancient pagan nations testifies, toward the destruction of the race, touching, as it does, with its wicked finger the very vitals of society, the end and purpose of the matrimonial state; 2) That they are incompetent to exercise, or regulate, an art, whose scientific basis has been changed, while its methods are still lumbering in the tracks of an antiquated juggernaut.—

It should be the boast of the medical art to overcome to the satisfaction of the mother and the safety of the child, all obstacles that may be found in child-bearing and parturition, for this is one of the chief purposes, and certainly the most important, of medicine, as there is in these circumstances danger of losing two lives at once,

or of directly sacrificing one to preserve the other.

The sophistry of the wicked and the incompetent alike, as much as the readiness of the afflicted to condone the wrong done to another in order to save the precious self, have conspired to wean the profession from their duty to delve into the utmost recesses of their art, and to exhaust its armory for the discovery of means wherewith to safe-guard both lives, that which is commended to their skill by man, and the other which is entrusted to their justice and charity by God. Physiology has now no means at hand to discern the condition of the fetus, or even its existence, before it manifests its small life in the manner of the mature man! Let the medical art devise a method of exploring the secrets of the maternal womb with as much certainty as it explores the brain, the liver, the kidneys, the stomach, and other organs and parts of the human body—and the moral codex will no longer stand in its way in the form of that terrorizing tyrant that it is now unfairly adjudged to be.

The position of law and medicine in reference to abortion (and embryotomy) is not only antiquated in view of the triumphant surgery now

holding death at bay in so many cases, formerly considered more "desperate" than a troublesome pregnancy, but it is criminal. To what dire mistakes those ancient views have led the most sincere minds, may be gathered from the fate of Dr. Capellmann, a God-fearing Catholic physician, the Nestor of Pastoral Medicine. In his far-famed book he calls a case of the most direct abortion, the perforation of the amnios, *physiological** abortion: "In this case the danger to the mother is not caused by the pregnancy, in the *physiological* sense, but simply by the mechanical enlargement of the womb," he says; "the discharge of the water removes this mechanical obstacle, contracts the womb, and this contraction has for its immediate result, the possibility of replacing the womb, and thus averting the danger to the mother, *before the abortion*, that is *certain to follow, may ensue*," etc. Capellmann here employs an equivocation: he calls the danger of the mother from the locking of the pregnant womb in the upper strait, a danger from a *mechanical enlargement*. But is this enlargement not natural? Does the danger not result

* See Stöhr-Kannamüller, *op. cit.* 1900, p. 437.

rather from the *misplacement* of the womb? And if the reposition of the womb cannot be accomplished except by withdrawing from the fetus its life-element, and directly incapacitating the uterus for the continuance of its physiological office, can the resulting abortion—"which is certain to follow"—with any semblance of sincerity be said to be simply a deplorable, but natural event, following physiologically from an innocent factor, like indirect therapeutic abortion? Dr. Capellmann's case is a case of direct, mechanical abortion, and has been condemned by Stöhr-Kannamüller (*Pastoral-Medizin*, p. 441. Ed. 4, 1900), and others.

In mechanical abortion procured for the purpose of liberating the mother from the danger of death, or from very grave illness, the removal of the fetus becomes only the *occasion* of relief (but not as frequently as mothers may be made to believe), since the fetus is not the cause, but merely the *innocent* occasion of the evil condition. For, assuming the healthy condition of the mother, and ordinary prudence on her part, commensurate with her duties, pregnancy proceeds naturally, and normally. But if her physical capacity for her momentous duties had been impaired before

she offered herself to the sacred duties of motherhood, must the innocent life that slumbers peacefully beneath her heart be sacrificed to her cowardice or imprudence?

Mechanical abortion can in no sense be called therapeutic, since its object is not the cure of a disease, of which the fetus is wrongfully made the *cause*; but rather the destruction of a work placed by nature, with the consent of the mother, where it belongs, and where it has a natural right to be. If any disorders arise from the pregnancy, they must be remedied by correcting an error into which nature is forced by agencies foreign to the physiological process of gestation, and not by "spilling the baby with the bath." A wide field is here opened for the exercise of the skill, zeal, and ingenuity of the physician.

CAUSES OF ABORTION.

CAUSES OF INDIRECT ABORTION.

CAUSES OF SPONTANEOUS ABORTION.

REMOTE CAUSES.

34. The remote dangers of (spontaneous and therapeutic) abortion are so numerous, that in many instances it is not only very difficult,

but well-nigh impossible to ascertain whence the deplorable event took its effect. The state of pregnancy alone affects the mother's physical, and often, psychical condition so strangely, that she often appears to be changed into her very counterpart. In some cases even decidedly unnatural conditions are produced.

35. "It is certain," says P. Eschbach (*Disp. Phys. Theol. Disp. I. cap. 5.*), "and confirmed by daily experience, that pregnant women crave, as ordinary food, not only things injurious, such as are salty, sharp, bitter, and laxative; but also things absurd and dangerous, such as yeast, coals, ashes, gypsum, quick and slacked lime, earth, sand, pebbles, tow, wool, cotton; and sometimes even things unnatural, as raw eels, spiders, lizards, and human flesh."

36. Speaking of the influence of the pregnancy on the mind, he continues:

"The influence of the pregnancy on the moral disposition, it will be seen, is no less powerful. Indeed those who have before been known to be meek and loving, become thoroughly irritable, daring and jealous; who have been of sound judgment and mature counsel, tried in patience, are now stupid, giddy, impatient, and even prone to suicide."

Hence it is plain that such abnormal conditions, if allowed their sway, bear with an evil trend on the delicate state of the gestatory organs. But in very many cases, these conditions are the ripe result of some irregularity antecedent to or consequent upon the gestation, which demands the kind offices of the physician. Thus it may be possible, that the symptoms of abnormality do not so much indicate a flaw in the process of gestation, i. e., in its term, the fetus, and, in a manner, the uterus, as in the general condition of the subject. It has frequently happened that high-strung, noble-minded young women, despite their general good health, have contracted an evil disposition through worry, modesty, or fear of the things to come.

Therefore, mothers who experience more inconvenience than is the ordinary lot of the pregnant, must not fail to place themselves in the care of a conscientious, skilful physician at the very beginning of the difficulties. Much discomfort, and more misfortune can thus be averted.

PROXIMATE CAUSES OF INDIRECT ABORTION.

38. The causes which are more proximately connected with abortion, and in consequence also come more closely under the strictures of the Fifth Commandment, are thus enumerated by Cangiamila (P. Eschbach, loc. cit.):

“The brutality of the husband in striking or tormenting his wife; the imprudence and temerity of women undertaking journeys, or lifting burdens too heavy for their strength, at least during the time of pregnancy; the lack of proper food and drink which they often crave with uncontrollable vehemence;* the immoderation and rashness with which women often disregard the preservation of health and strength; severe fasts; jumping or dancing; clothing too tight, to affect a graceful figure.”

Extended wedding-tours, and the corset belong in this list in our days. “Modern physicians,” P. Eschbach continues, “teach the same: All motions and actions causing a violent concussion of the body must be avoided by women

* which was respected by the law in olden times.

in pregnancy: jumping, dancing, riding. They should also be very careful not to drive over cobblestone pavement, and other rough roads. Nay even the riding in the constantly vibrating trains (of the rail-road) brings on abortion quite frequently; and, therefore, long journeys by rail, unless they be necessary, should not be undertaken; instead of the ordinary sewing machine, a hand sewing machine should be used; excessive indulgence in the use of intoxicating beverages, which can never be excused, may kill the conception in the first months."

Now, if the husband realizes the danger of causing abortion by his brutality, or if the mother realizes that the causes enumerated may produce abortion in her own case, the husband commits murder by his brutality, and the woman, by her recklessness or inconsideration, *if there be recklessness or inconsideration* in her conduct; for sometimes pregnant women do undertake labors, too difficult for them, not from choice, but from necessity, and in the case of necessity their conduct must find a kindly heart for judgment.

What has been said of the riding in trains, applies with redoubled force to the riding in the jerkey trolley-car, especially with women reared in the cities, where effeminacy, want of

air and sun-light, vanity of dress, and sedentary habits conspire to make the young mother's womb an open grave.

39. But even when the physical condition remains normal, abortion frequently happens from various disturbances so remote as practically to elude the strictest attention: such as hereditary predisposition (operation?), affecting the nature of the temperament, or the physical complexion; early youth, or advanced age; change of climate, mountain air, severe weather, disease, and acute sickness.

ILLUSTRATION.

We may fitly compare the fruit of the womb with the fruits of plants and trees. The seed takes the place of the embryo; the substance within the seed, takes the place and fulfills the office of the placenta, in some; in others, of the placenta and the amniotic liquid; the coat (or the shell of the stone), that of the amnion and chorion.

Now, in the generation of plants (to transpose our terms), not all the flowers do seed,

nor do all the green fruits attain ripeness. Nature is lavish with the gift of beauty. In May we find in the shadow of the cherry tree a carpet of withering blossoms; in June, a very bone-field of rejected fruits.

We shall leave the decaying flowers out of our comparison, and retain only the fruits.

In the early day after blooming, many of the cherries are torn off by the wind, or broken off by the branches, or by the other fruits in the same bunch, striking against each other when agitated by wind and storm; others are attacked by insects, and employed as incubators, and not being able to serve a twofold purpose, they succumb to the foreign imposition. But in a healthy tree, so much of the fruit will ripen, as will not be disturbed by violence.

If the tree is sick, attacked by the rot, etc., its fruitfulness is diminished, or destroyed, in proportion as the debilitation or decay has progressed, and the fruit yielded, is puny and tasteless. Thus we see trees bloom like brides in spring, and mourn like widows in fall, bare of the fruit of which they had given such cheerful promise.

The physiological conditions of propagation are radically the same in all creatures below the

sun. Hence the process of generation and gestation in the human mother develops naturally and smoothly, if she is healthy, and her condition normal. Whenever this process becomes troublesome, the fault lies with the subject, or the *terminus a quo*, not with the object, or the *terminus ad quem*, of generation; because the object is the work of inflexible and predetermined nature, whereas the subject, preexistent, and exposed to the ravages of the universal curse of sin (dissolution), may turn aside from the course prescribed by nature, and has already acquired velocity and momentum, so to speak, on its way to its own dissolution, even while it is striving to reach the zenith of its natural perfection.

The agencies of disease and disorder, generally, are manifold. But the fruit, the object of nature in the work of generation, is innocent of the disorders that may endanger its own, together with the mother's life and well-being. It must, therefore, never be attacked as an aggressor.

As we distinguish two ways in which the fruit of trees is intercepted on its course toward maturity, so we also distinguish two ways in which the human fruit is intercepted. Fruit dies

and is dissociated from the source of its life either by violence, or from inability of the mother tree to sustain a second life-process.

If one would remove a cherry from its native twig before it is ripe, intending simply to remove from it the green flesh,—let us say, for medicinal purposes—would he not also have removed the stone, the real fruit? Would his act not be the direct cause of the death of the germ within the stone, irrespective of his kind intentions?

And if one would perforate a cherry in order to extract the liquid substance of the stone shell, not separating the fruit from the stem, and thus make the seed-germ die: would he only indirectly become the cause of the destruction?

Could such an act be therapeutic? Would the cause of the destruction wrought, be a physiological cause?

But now, if one would, in order to save the tree from destruction by caterpillars, apply a solution to the leaves and boughs, that is apt to kill the infesting pest, and, accidentally, some of the fruit indirectly, let us say, by causing the more tender twigs to wither: the destruction ensuing would be ascribed to the physiological indisposition produced by the preventive poison,

and would, therefore, be an evil in the subject, interrupting and destroying accidentally the physiological process of the growth to maturity.

And if the tree with its unripe fruit is suddenly overtaken by a sharp frost, the fruit must die from the same general injury, that is, from the inability in the tree to maintain, or rather, to reestablish the conditions for the life and growth of its fruits.

Therefore, to conclude the illustration: Abortion is the interruption and elimination of the natural process of generation and gestation at a period when the fruit of the womb is not yet viable. We have set forth that the destruction of the fruit may ensue indirectly, that is, upon the same ground upon which rest the principles or conditions of life for both fetus and mother (fruit and tree); or it may be brought about mechanically, or, artificially, directly, by violence. Indirect destruction follows in the wake of an outrage committed against the subject; direct destruction follows a violent attack upon the object of the physiological process, the fetus. In indirect abortion, the moral responsibility must be measured by the degree of injustice, if there be any, on the part of the agent in his invasion of the subject. In direct abortion,

which aims at the *term* toward which the whole process is tending, whose way, therefore, is an evil way of its very nature, leading to murder, the responsibility is fixed by the Author of life in His Commandment:

"Thou shalt not kill!"

MORALITY OF ABORTION.

APPLICATION OF PRINCIPLES.

THERAPEUTIC AND ARTIFICIAL ABORTION,
OR
INDIRECT AND DIRECT ABORTION.

1. We have shown in the preceding treatise that the medical treatment of pregnant women must never be instituted without proper regard of the germinating life, whose right to protection *in any case is inviolable* by law of God and nature.

2. It is plain that every abortion, except that which results from remote and uncontrollable causes, is more than a mere accident to be deplored, as soon as we divest our mind of the nefarious habit of considering the unborn child less a man for having not yet engaged our sympathies.

3. The moral view, rather than the medical, determines the position which the physician must take in respect of abortion, because it involves both the rights of God and of man, with the right to life, the gift of God.

4. Physicians ought so much the more readily to respect the claims of the moral law, as the disregard of them casts a shadow not only over their moral character, but, at least in the eyes of their more honest and more competent colleagues, also over their professional reputation. "We blush while we record the fact, that.... even medical men are to be found who, for some trifling pecuniary recompense, will poison the fountains of life, or forcibly induce labor, to the certain destruction of the fetus, and not infrequently of the parent," says Doctor Hodge in a lecture on Obstetrics, as quoted by Father Coppens, S.J., (*Moral Principles and Medical Practice*, p. 71.).

5. The physician who stands in the field fully equipped well understands the harm wrought by the injudicious interference with the work of nature; he would not commit himself to dissembling the injury, inflicted upon the health of the parent, by assuming the role of a benefactor when he is the minister of death and destruction. To this hypocrisy, however, the dishonest practitioner must commit himself, would he justify an abortion procured even as a remedy, in the eyes of the ignorant.

"The question of indirect abortion must be

discussed principally in connection with the medical treatment of the pregnant; but just in this case, in my opinion, one need not be over-anxious. There are few medicines which, in the dose administered for the cure of diseases, bring the danger of abortion; moreover, experience teaches that the end intended in criminal abortion is rarely compassed by means of medicines, or then only, when the dose is so large, that the mother will show evident symptoms of poisoning. Consequently, in more than ninety per centum of the cases of attempted abortion brought to trial, we find that, when the criminal end was accomplished, recourse had been had to mechanical interference." (Stöhr-Kannamüller. *Past. Med.* p. 440).

6. Therefore, this is a just conclusion: Whether abortion is directly intended as the means of reducing abnormal conditions, or the pregnancy is the immediate object of attack, or the disease of the mother is treated with such quantities of medicines as will expel the conception, or kill it in the womb: the proceeding is disreputable, and criminal.

"Now let us take a lower view," says Dr. N. F. Cooke (*Before Marriage and After*, p. 118), "and regard the question as one of expediency

merely. There is no medicine known to the profession which possesses the specific property of inducing miscarriage; many will do so in some cases, but only secondarily, that is, in proportion as they shatter the constitution, ruin the health, and produce a state of the system which renders it incompetent, through debility, to sustain pregnancy....

There remains the mechanical method, in which various instruments are used, according to the taste of the operator. All of these are more or less dangerous in themselves, and none of them can avert the dangers incidental to abortion. These are numerous, and to one who knows them, frightful.... flooding.... inflammations.... insanity.... barrenness.... female weakness."

7. But we are told, situations arise under the hands of the physician acting as *accoucheur*, that are nothing short of the desperate; the physician must act immediately, or find himself placed in the awkward position of confessing his helplessness at a moment when he is considered the only help in sight.

8. For this very reason the physician should be anxious to inform himself of every detail of the assistance which his art may offer him;

and of the limitations placed by the moral law, not indeed upon the exercise of his noble art, but upon charlatanism and quackery; and no less also of the assistance which the priest can lend, to whom Christians look for advice and comfort in a conflict between conscience and necessity. In many instances the priest will succeed in persuading the patient to submit to an operation which must save mother and child (e. g. Laparotomy or the Cesarean section, for reposition of the misplaced womb, or in the case of an ectopic conception), when the scalpel had been looked upon as the certain messenger of death.

CHAPTER II.

A CLASSICAL CASE.

DR. CAPELLMANN'S "PERFORATION OF THE AMNION."

9. On the celebrated case which Dr. Capellmann elaborates in his *Pastoral Medicine* with so much skill and erudition, most of the principles can be whetted upon which hinges the morality of the interference with the unviable fetus. The case is this:

After Dr. Capellmann quotes the doctrine of Gury-Ballerini on the *voluntarium in causa*, he proceeds:

“The criteria of indirect abortion which I have set up, are applicable, I think, only in the single case, when the pregnant uterus is immovably locked in the upper strait, as happens by retroversion, sinking and prolapsus uteri. If now all the means known to science, of turning and replacing the uterus, have failed, I deem it permissible to induce abortion by perforating the amnion, and emptying it; for:

1) The mother is in imminent danger of death, and must die together with the fetus, unless the uterus be replaced;

2) There is no other expedient of saving the mother;

3) The discharge of the amniotic liquid is directly conducive toward averting the danger to the mother's life.

“In this case,” Dr. Capellmann argues, “the danger to the mother does not lie in the pregnancy, physiologically speaking, but is caused, rather, mechanically, by the enlargement of the womb. The discharge of the waters removes this mechanical obstruction, allows the womb to shrink, and in consequence of the shrinking,

makes reposition possible; and the peril of the mother is removed before the abortion, which is certain to follow, may ensue, so that an actual abortion, i. e. the expulsion of the fetus from the womb, will not be necessary for the removing of the danger.

“Fortunately this locking of the womb as well as the absolute impossibility of reposition, are of such rare occurrence, that Martin found it necessary to pierce the amnion only once in 57 cases. In 50 cases reposition was made; in 5, abortion occurred spontaneously, and then, of course, reposition followed; in one case, the mother came to the hospital in a dying condition due to unsuccessful attempts at emptying the bladder, and died without reposition being made. The mother on whom the perforation of the amnion was performed, died also.”

This solution of the case was attacked, and Dr. Capellmann defended himself in a note, which still appears, together with the case and its ample preparation, in the 14th edition, 1904, as follows:

“I have learned that some theologians do not allow even this case of indirect abortion. But I see no reason to abandon this my view, until my arguments have been refuted, and until it

has been proved to me, that one condition is wanting the fulfilling of which makes the operation permissible according to the above."

The value of the case is more theoretical than practical, since according to the statistics quoted by Dr. Capellmann himself, his theory was applied only in *one* case of 57, and then with disastrous results.

But its very theory is wrong on the ground of a fiction which the good Samaritan unwittingly allowed to grow on the edge of his logic. For:

1) The first assertion built upon the criteria by Capellmann, is not true full length; the mother is indeed in imminent danger of death; but she must *not* die with her child, because the second assumption upon which the latter part of that assertion is grounded, is false.

2) "That," therefore, "there does not exist any other expedient of saving the mother," is not considered true any longer; nor was it less false in Capellmann's day, but it was supported by the fear of an operation, Laparotomy, now indeed quick and easy, but then bloody and dangerous.

3) The distinction between physiological and mechanical danger in this case, is not well

founded. The enlargement of the womb is certainly the result of the physiological state, that of pregnancy, and the connection between these two conditions is so intimate that here the state of pregnancy and the danger are identical. But the mother's life is endangered by an *accidental* disorder, the locking of the womb, not by the pregnancy as such. If, therefore, the disorder cannot be remedied except by attacking the pregnant womb, abortion is made the cause of the relief to be brought about:* but "*non sunt facienda mala ut eveniant bona.*"

The amniotic fluid is so much part of this pregnancy, as of any other, that neither would exist without the other. Its artificial discharge destroys the pregnancy as surely and directly as it removes the danger and brings the desired relief. The perforation of the amnion is the beginning of an absolutely certain abortion, as the necessary consequence; without it, relief could not be obtained. Hence, there is no method of direct abortion known to be more effective than the traditional perforation.

* Sicut pollutio esset remedium concupiscentiae; vel, sicut si quis vellet fornicari, et tamen sibi persuadere conaretur, consensum se dare nolle, ne fornicaretur.

Dr. Stoehr, an eminent author, had at one time sided with Dr. Capellmann in his solution of the case, but later changed his view completely. In the fourth edition of his work (pp. 441, ss.), we find the following reference: "Be the indication which the estimable author gives in this luckily rare case ever so congenial to me, still I cannot approve it from fundamental reasons. If we consider that Capellmann champions the perforation of the amnion as the sovereign, nay, the only certain means of abortion in the entire medical armamentarium, we must say that the application of this specific collides absolutely with the principle: *Nunquam licet directe procurare abortum*. Direct abortion is not only that which is directly intended, but also that which is directly induced. Now, since the effusion of the fetus must follow the perforation of the amnion with mathematical certainty, as night follows day, we have here the most direct process of abortion imaginable; and, hence, either the *Nunquam licet*, or this quoted indication must fall to the ground.

"Capellmann argues from the fact that the relief of the mother appears immediately after the discharge of the amniotic waters, instead of following only after the accomplishing of the

abortion. I do not doubt at all, that the discharge of the amniotic fluid brings almost instant relief; but I must deem illusory the distinction between physiological and mechanical pressure, because the mechanical pressure caused by the waters, is an absolute consequence of the physiological process of pregnancy, and can in no wise be separated from it.

“Under these circumstances I would unhesitatingly propose laparotomy, which is no longer such a frightful operation in view of our anti-septic safeguards; and thus I would remedy the locking by reposition through laparotomy, and probably save both mother and child.

“This operation has sometimes been performed also in case of the locking of the vacant uterus, with good results (Sänger, Olshausen); and if abortion follows occasionally, it is certainly indirect.”

This “desperate case” ought to be settled to the satisfaction of both physicians and moralists—and also jurists. Capellmann could conceive only one case in which artificial abortion (which he misjudged to be *indirect*) would be necessary and permissible. But according to the present standing of the medical art, even in this case laparotomy supplants abortion.

But the mother might object to the bloody operation; what then?

1. She must be cautiously persuaded, perhaps most effectually by the priest, of the comparative groundlessness of her fear, and at the same time, of the obligation of charity toward her child, which must probably die without baptism in an abortion.

2. She may be warned of the dangers attending artificial abortion, which are numerous and grave. (See page 70).

3. But it will be well to bear in mind what both prudence and the zeal for the salvation of souls suggest: "In these circumstances the confessor and the pastor must proceed very cautiously, and act in such a manner as not to pronounce the prohibition of these (forbidden) operations, when they foresee that they will gain nothing in such an event, as is ordinarily and generally the case; lest the woman, having been induced by her husband, her parents, or the physician, to submit to the operation in order to save her life, be tormented by pangs of conscience, and having lost the good faith in which she had been, expose herself to the great danger of losing eternal life, if perhaps she should succumb during the operation. The priest, there-

fore, should dispose the penitent to having the greatest confidence in God, the Virgin Immaculate, and the Saints, and hear her confession, that she may gain eternal life, if haply she die from the operation, and let him be solicitous about having the fetus baptized." (Antonelli, Med. Past. pag. 210. num. 328, 1904).

Father Antonelli makes these observations in connection with those operations which are summarized under the term "embryotomy"; but they apply here very well, although Father Antonelli seems* to side with Dr. Capellmann (Med. Past. 1904, pages 219—224, cap. IV), and approves his arguments, in opposition to Stöhr-Kannamüller, who repudiates the *perforation* as unnecessary and immoral; and, to Dr. Olfers, who *practically* admits it to be an abortion, direct and certain, but seeks to justify it by the laudable intention of the operator; and against Dr. Marx, who admits it to be immoral as direct killing of the fetus, but excuses himself on the ground of the *duress*, in which the operator is placed by the law and his reputation.

But what can the physician do? If he is in good faith, and the case is fraught with difficulties

* He says, "*videtur* dicendum provocationem abortus per punctiōnem membranarum, etc., . . . esse indirectam."

and trouble, and there is *periculum in mora*, who would wish to tempt him? He has the law to coerce and to defend him.

If he is a Catholic physician who knows of the prohibition, his position is heroic.

Dr. Marx (Past. Med. p. 101, 1894) says of this case of the locking of the womb: "The uterus can generally be extricated from the locking during the chloroform narcosis. But if the extrication cannot be accomplished, then there is no other means left for the saving of the mother but the perforation of the amnion. . . . Is the operation permitted from the view-point of the Christian moral law?"

"Under the given circumstances, and, of course, after the most accurate examination of the details of the case, I deem it permissible, and have acted accordingly *in praxi*. . . ." Then he drops a word about the priority of the right to life with the mother and another about the right of self-defense, and then gives Dr. Capellmann the most ungraceful *coup de grace*: "Capellmann. . . . justifies the attack with calling it an indirect abortion, thus trying to square himself with the "*Nunquam licet directe procurare abortum*" of the moralists. In reference to which it can only be said, from the medical

standpoint, that there is no more direct means for the procuring of abortion, than the perforation of the amnion and the lessening of the amniotic sac."

His actual regular practice, Dr. Marx describes and seeks to justify a little later, (page 107) after stealing a little balm from Spiegelberg "(l. c. P. 832)," and magnifying the apparent difficulties of the case by introducing a few other of the grewsome possibilities of complications;* thus:

"In such a situation, the physician finds himself in duress. If he proceeds according to the rules of obstetrics, his action collides with the views of the moralists, or rather, with his own conscience. If he declines to act in accordance with the prescriptions of the *ars obstetricia*, he is liable to be hailed to court for a "professional mistake," either for inflicting bodily injury through neglect, or for manslaughter. In either case this aggravating circumstance is added to the neglectfulness, that the defendant was specially bound by his profession to that attention which he set aside." Then he quotes P. P. 230, and 222, Penal Code for the German Empire, and continues:

* which do not change the *moral* aspect of the question.

"Finally, who would call in an accoucheur, who on account of his hesitation and indecision does his professed character so little honor!"

But at last he admits: "In order to extricate oneself from this dilemma without burdening the conscience, the Cesarian section * is ever to be recommended, if competent assistance and trustworthy nurses are at hand."

The good Doctor practically admits that the physician can do nothing "without burdening his conscience," if the mother rejects this last, bloody expedient.

Dr. Olfers, another celebrated physician, and authority in these matters, finds little difficulty in helping *himself*:

"It is plain," he says (Past. Med. p. 18), "that there is question here (perforation) only of reducing the volume of the womb. Hence the *intention* ** is here directed toward this one thing, that the end may be obtained by the draining of part of the contents from the womb. Could this be accomplished without simultaneously inducing abortion, the child could be borne to maturity; since the removal of the fruit matters nothing in this case. Of course,

*In our case laparotomy, preferably.

** Italics, ours.

abortion ensues quite certainly, because the contraction of the womb and the expulsion of its entire contents are the inevitable consequences of the partial draining of the womb, as experience shows; but this is not intended."

Well, now, is this abortion indirect?

Dr. Olfers here refers to the masterly exposition of the case by Dr. Capellmann, and then concludes the acts by quoting St. Alphonsus: "*Liguori says: If the remedy (he speaks of a remedy which may induce abortion) tends directly toward killing the fetus, these are indeed never allowed; but if it tend directly toward preserving the life of the mother, these are certainly allowed, when otherwise the death of mother and child is thought to follow with moral certainty.*"

Now, St. Alphonsus does not speak of the *intention of the operator*, as Dr. Olfers does, but of remedies, the application of which may cause abortion. If such *remedy* aims at the destruction of the fetus, irrespective of the *intention* of the physician, *haec quidem nunquam licent*.

What does Dr. Marx say of Capellmann's operation? "There is no more direct means for the procuring of abortion than the perfora-

tion of the amnion, and the reduction of the amniotic sac." (See above, p. 80). And Dr. Stoehr? "...We must say that this specific collides absolutely with the *Nunquam licet*, etc."

Father Coppens, S.J., the learned author of "Moral Principles and Medical Practice," says in this work (p. 71):

"Gentlemen, if once you grant that grave reasons would justify abortion, there is no telling where you will stop in your career of crime."

It is admitted by Drs. Capellmann, Stoehr-Kannamueller, Marx, Olfers (and all others), that the abortion produced by the perforation of the amnion is the most direct and unvarnished abortion: why then all this turning and twisting? Dr. Marx confesses himself guilty without much ado, but blames the desperate situation and the cruelty and severity of the law. Dr. Capellmann blinds himself to the fact that the abortion is direct as *intended*, as does also Dr. Olfers; and there is no question of the intention of the *operans*, but of the *opus* itself, for the intention of murder would make any other operation sinful for the operator.

Stoehr-Kannamueller (Past. Med. p. 437) seem to give the correct answer, that will save

the conscience, if not the standing of the obstetrician:

"I will not refer to the much discussed *injustus aggressor*" (here credit is given in a note to Dr. Capellmann for having thoroughly cleared the atmosphere of that bug), "but I believe that a short glance at the matrimonial contract will fully clear up the juridical situation. The mother once giving her consent at the Hymeneal altar, thereby assumed all the obligations of the married life, although at that decisive moment she may have been conscious, as is, alas, commonly the case with the modern candidates for marriage, almost exclusively of her dawning rosy rights, and barely have given the duties that were awaiting her a passing thought. Now she stands face to face with the rigorous consequences of the free resolve of her will. . . . What an exhibition of miserable cowardice, to shirk the burden, and to sacrifice moral honor and conscience to the meanest egotism, now, that one has enjoyed the pleasures! Nothing but a nobler conception of matrimony on the one hand, and a deeper religious sense on the other, can here produce a radical change."

The Catholic physician, therefore, cannot lend his hand to murder through abortion, but must

act in union with his Church in the endeavor to raise the standard of matrimonial morality to sublimer heights, and to encourage Christian mothers to a greater spirit of sacrifice. He cannot do more in such a predicament.

In order to show that this solution conforms to the ruling of the Holy Office, the supreme authority on these things for Catholics, we append the decree of July 24th, 1895, quoting from "*The Right to Life of the Unborn Child*":

"Most Holy Father: Stephen Mary Alphonsus Sonnois, Archbishop of Cambrai, humbly submits the following: Dr. Titius, when called to a pregnant woman, who was very ill, observed repeatedly that the only cause of her deadly disease was her pregnancy, i. e., the presence of a fetus in her womb. Hence there was but one way open to him to save the patient from certain and imminent death, namely, to cause abortion. On this course he usually decided in similar cases, taking care, however, to avail himself of such remedies and operations, which would not of themselves, or not immediately kill the fetus in the womb, but, on the contrary, would, if possible, deliver the child alive, although, not being able to live, it would die soon afterward. But after reading a rescript

from the Holy See to the Archbishop of Cambrai, dated Aug. 19, 1888, that it was unsafe to teach the lawfulness of any operation which might directly kill the fetus, even though such were necessary to save the mother, Dr. Titius began to doubt the lawfulness of the surgical operation by which he had not unfrequently caused abortion to save pregnant women who were very ill.

"Therefore, in order to set his conscience at rest, Dr. T. humbly asks whether, on occurrence of the like circumstances, he may resort to the aforesaid operations."

"Rome, July, 24, 1895.

"To this urgent request the cardinals of the Holy Roman Congregation of the General Inquisition, after advising with the theological consultors, have decided to answer: *No*; according to other decrees, namely those of May 28, 1884, and of August 19, 1888." *

* See also Decrees 4 and 5 in the Appendix of Decrees.

CHAPTER III.

ECTOPIC CONCEPTIONS, MYOMA, AND CLEAR OVA.

ECTOPIC CONCEPTIONS.

1. Conception sometimes takes place, contrary to law and order, outside of the maternal womb. The fruit of such an error is called an *ectopic fetus*. Hence, an ectopic fetus is a misplaced fetus, in as much as the natural abode, the habitat, as it were, of the fetus is the womb.

2. An ectopic fetus enjoys as much right to life as any normal conception, because it also is animated by a rational soul, and, therefore, is a human being.

(a) It must be noticed that a misplaced, or a diseased *womb* may, or must be operated on, as circumstances may direct, to correct a disorder; whereas the *fetus* can never be made the direct object of a lawful operation; for the womb is only an instrument; the fetus, the *terminus ad quem*, of the purpose of nature.

(b) Under stress of necessity, an ectopic fetus may be removed by a *surgical operation*,

- 1) when any normal conception could be removed; as in case of honest doubt, positive or negative, whether, what should from its very abnormality not be considered a natural conception from the first, be not perhaps an imposition of the nature of an ordinary tumor, which has come to be the cause of grave danger to the life of the mother;
- 2) when the mother dies before the fetus is viable;
- 3) at the stage of viability—if the ectopic fetus reaches that stage. These conceptions generally become very troublesome at an early period, and often die without interference.

3. Scrupulous care must be taken that a fetus thus removed be baptized; and, if viable, be nursed as tenderly as the fruit of a regular conception.

This remark becomes necessary for the fact that medical authorities almost universally teach, that an ectopic fetus should *always* be treated as an *impostor*.

4. "Is laparotomy permissible when there is question of extra-uterine pregnancy, or ectopic conceptions?" *

Wednesday, May 4, 1898, the Sacred Congregation made the following answer:

"(Ad III.) Under stress of necessity, laparotomy is permissible for the extraction of ectopic conceptions from the maternal bosom, provided earnest and timely care be taken of the life of both fetus and mother" (Eschbach, Disp. IV. IV. p. 470).

5. Eschbach (loc. cit. p. 472) makes this comment on the decision: "From this answer it is easy to judge, that for the present no distinction is to be made between the intra-uterine and the ectopic fetus, for the reason that the one and the other is surely animated by a rational soul, and enjoys the same right to life. Therefore, the Holy Office decides in this, as in the answer to the first doubt (three doubts had been proposed), that the life of both fetus and mother must be taken care of, earnestly and in time."

* Decree of May 4th, 1898 (*Appendix*):

"III. Estne licita laparotomia quando agitur de pregnatione extra-uterina, seu de ectopicis conceptibus?"

"Ad III. Necessitate cogente, licitam esse laparotomiam ad extrahendos e sinu matris ectopicos conceptus, dummodo et foetus et matris vitae, quantum fieri potest, serio et opportune provideatur."

6. The learned author of "Moral Principles and Medical Practice," Father Coppens, S.J., sets forth the case very lucidly (op. cit. p. 76): "While these principles (*governing abortion*) are clear and undoubted, there are cases in which the right application of them is beset with great difficulties. These often occur in connection with what is called *ectopic* or *extra-uterine gestation*, namely, when the nascent human form lodges in some recess not intended by nature for its abode. Of late years, Dr. Velpeau of Paris, Dr. Tait of Birmingham, and many other eminent physicians have shown that cases of ectopic gestation are more numerous than had been supposed; one practitioner reports that he had attended fifty cases, another, eighty-five.

"1. We will first suppose the case of an interior growth occurring, the nature of which cannot be determined. It may be only a tumor, yet it may be the growth of a living fetus. If no immediate crisis is feared, you will wait, of course, for further developments. If it proves to be a child, you will attempt no operation till it becomes viable at least. But suppose that fatal consequences are apprehended before the presence of a human being can be ascertained

by the beating of the heart; suppose that delay would endanger the mother's life; and yet if you cut out the tumor, you may find it to contain foetal life. In such urgent danger, can you lawfully perform the operation? Let us apply our principles. You mean to operate on a tumor affecting one of the mother's organs. The consequences this may have for the child are not directly willed, but permitted. The four conditions mentioned before, are here verified, under which the evil result, the death of the possible fetus, may be lawfully permitted; namely: (a) You do not wish its death; (b) What you intend directly, the operation on the mother's organism, is good in itself; (c) The good effect intended, her safety, to which she has an undoubted right, overbalances the evil effect, the possible death of the child, whose right to life is doubtful, since its very existence is doubtful; now, a certain right must take precedence of a doubtful right of the same species; (d) The evil is not made the means to obtain the good effect (see "Am. Eccl. Rev.", Nov., 1893, p. 353). This last condition would not be verified, if it were proposed, not to cut out the cyst, but to destroy its contents by an electric current. Then, it would seem, the fetus

itself, if there be one, would be directly attacked.*

"2. The case would present greater difficulties if the growth in question were *known* to contain a living fetus. Such a case is discussed in all its details, with remarkable philosophical acumen, and in the light of copious information furnished by prominent members of the medical profession, in the pages of the "American Ecclesiastical Review" for November, 1893, pages 331—360. "...Three of them (*participants in the discussion* **) agree that in the case of a cyst known to contain a living embryo, when a rupture most probably fatal to mother and child is imminent, the abdominal section might be performed lawfully, the cyst opened and the child baptized before its certain death. Two of these justify this conclusion on the principle that the death of the child is then permitted only or indirectly intended; one maintains that the killing of the embryo is then directly procured, but he considers that an embryo in a place not intended for it by nature is where it has no right to be,

* Compare with this our solution of Capellmann's celebrated case.

** Parenthesis by author.

and, therefore, may be treated as an unjust aggressor upon the mother's life. At least one of the disputants condemns the operation as absolutely unlawful.

"Gentlemen, when such authorities disagree, I would not presume to attempt a theoretic decision (pp. 76—79)."

Now, on page 80 of the same lecture, the author says: "A Catholic physician has here a special advantage; for he has in cases of great difficulty the decisions of Roman tribunals, composed of most learned men, and renowned for the thoroughness of their investigations and the prudence of their verdicts, to serve him as guides and vouchers for his conduct.... These courts have uniformly decided against any operation tending directly to the death of an innocent child ("Am. Eccl. Rev.," Nov., 1893, pp. 352, 353; Feb., 1895, p. 171)."

But the positive ruling of the Holy Office concerning the removal of the *ectopic conceptions*, *dummodo et foetus et matris vitae, quantum fieri potest, serio et opportune provideatur*," given as late as 1898, precludes the propriety of an operation by which the fetus must die, although it be only in consequence of its unviability.

In 1905, the distinguished Jesuit author and lecturer makes this honorable confession (*in a paper read before the Medical Section of the Second Australian Catholic Congress at Melbourne*):

“When I first published my “Lectures on Moral Principles and Medical Practice,” I felt compelled, by the authority of great names, to state that this logical conclusion from evident principles, as I took it to be, was, by some distinguished moralists, so liberally interpreted in certain cases of ectopic gestation as to be practically set aside. This passage of my work still exists in the original English, and in its French and Spanish translations. But I gladly take this opportunity of calling attention to the correction made in the German rendition by Rev. Dr. B. Niederberger. He quotes a decree of the Holy Office, issued as late as March, 1902, which condemns the supposed exception, and thus confirms the universal rule, admitting of no evasion, that no physician may ever directly procure the death of an embryonic child.

I know that cases frequently occur in which the application of this principle is peculiarly embarrassing to a conscientious practitioner of medicine. But the path of duty is clear, and it

must be followed at any sacrifice. Consequences we must leave confidently to God; and He does not disappoint those who trust in Him. I may be allowed, in this connection, briefly to refer to an instance of late occurrence.

Last February I was called upon for advice by an able and conscientious physician. The case was that of a pregnant lady, whose confinement could not be expected till after three months. She had been wasting away, and had lost the use of her reason, her mania being so violent at times that it took three persons to hold her. The doctor, who is a man of great experience, said he was morally sure of two things—one, that she could not live another month unless she were relieved of her living burden; the other, that, once relieved of it, she would soon recover. Of course, I insisted that abortion is always out of the question. The child was not yet viable. Prayer alone was left; it was offered fervently. The next day the lady was a little better; she kept on improving; regained her mental and her bodily health. A premature birth followed without apparent cause; the child was born eight weeks before term, tiny, but healthy. When last heard of, mother and child were doing well."

7. Father Antonelli quotes Max Runge's practice as an example of what must not be done, despite the general practice of the profession (Med. Past. p. 197, Edition 1904): "But in case of extra-uterine pregnancy, obstetricians commonly teach that this pregnancy is to be treated like any tumor of an evil nature; and, therefore, after having made certain, in the first months, of such a pregnancy, the cyst should be extirpated by laparotomy, or the fetus killed by electricity or injections of morphine. Even if such a pregnancy is discovered later, the quoted surgical operation should be undertaken as soon as possible without any regard of the life of the fetus." Radical, indeed. But Antonelli also opposes the decree of May 4, 1898, to this proceeding.

8. The opinion of Dr. Olfers (Past. Med. page 19) of the treatment of extra-uterine conceptions agrees with his view of treating any other seriously troublesome fetus. He removes the fetus by a "timely" abortion, and thus differs *toto coelo* from the decision of Rome. He says: "Hither belong also the extra-uterine pregnancies, which are rare, and result when an ovulum is lodged in the Fallopian tubes, or drifts into, and develops in the abdomen. These

cases are most rare." (Not, according to Drs. Velpeau and Tait).

9. The entire difficulty seems to arise from a misunderstanding of the terms *direct* and *indirect* abortion, and, *finis operis* and *finis operantis*.

Now, *finis operis* is the end and purpose of the work, or the end toward which the operation tends of its nature; as the *finis operis* of building is the construction of the house; but *finis operantis* is the end, purpose or intention of the operator, aside from the end of the work in hand; as the *finis operantis* of the building (in the builder, of course), is the gain, or wages. (See St. Thomas, S. Theol. 2—2, 141, 1).

Hence, in an operation which directly deprives the fetus of the possibility of continuing life, in such a way that the fetus, or the pregnancy is made the point of direct attack, and its sacrifice, the *remedy* of the disorder under treatment; the intention of the operator does not enter at all into the question of the *objective* aspect of the operation; the *finis operis* here, that is, the object of the operation is, the killing of the fetus, no matter, if the *finis operantis* be the saving of the mother's life. And since the direct killing of a fetus, whether in the womb, or out-

side after ill-timed delivery, is forbidden, it is but logical to say, that such operations as cannot be undertaken without making a holocaust of the embryo or fetus as the object of the procedure, like perforation, extirpating, etc., are those at which the various prohibitory decisions of the Holy Office are aimed unerringly.

“Mulierem fortem, quis inveniet? Procul et de ultimis finibus pretium ejus” (Prov. 31, 10).

In a truly *desperate case*, where no help can be expected at the hands of man, it should not be so difficult to implore help from God; and if He, too, decline to interfere, a Christian mother must rise to the solemnity of the occasion, and make herself a willing martyr to her conjugal vows. Martyrs are made not only by dying for the Faith, but also by dying for duty and virtue.

10. We are sorry to note that the ancient bug-bear of the *unjust aggressor* was conjured up by one of the disputants in the discussion of the “Am. Eccl. Review,” Nov. 1893, in order to doom to death the ectopic conception.

St. Thomas (S. Theol. 2—2, Qu. 64, Art. 7) gives the theory of the defense against an unjust aggressor in his own clear method of reasoning, with all the precautions—which seem to be so often overlooked: “I answer, it must be said

that there may be *two* effects of one act: of which the one may be simply in the intention, the other, however, may be (over and) above the intention: now, moral acts take their nature from what is intended; and not from that which is above the intention, since this is incidental, as flows from what is said above (qu. 43, art. 3. et 1—2. qu. I. art. 3, ad 3.); a *double* effect, therefore, can result from the act of one defending himself: the one indeed, is the preservation of one's life: and the killing of the aggressor, the other: such acts, therefore, are not illicit on account of one intending to preserve his life; for it is natural for everyone to preserve his being (existence) as much as he can: but an act, proceeding from a good intention, may become illicit, in as much as it is not proportionate to the purpose; and thus it will be illicit for one to use greater violence than is proper in defending his life: but if he wards off *violence* with moderation, the defense is allowed: for according to law it is allowed to repulse *violence by violence cum moderamine inculpatae tutelae*, and as to salvation, it is not necessary that a man should omit the act of inculpable protection in order to avoid the killing of the other; because man is bound to care more

for his own, than for the life of another: but because it is not allowed to kill a man without public authority for the public good, as appears from what is said above (art. 3, huj. qu.), it is illicit for a man to kill a man in defense of himself, except he have public authority, and, intending to kill a man he refer this to the (cause of the) public good, as we see in the soldier fighting against the enemy, and in the servant (executioner) of the judge fighting against robbers; although even these commit sin, if they be moved by private passion."

Now, St. Thomas insists upon the opposition of *violence to violence*.

Does the ectopic fetus do *violence* to the mother?

Let us see: (a) The mother, submitting to her conjugal obligation, or exercising her conjugal privilege, consents to conception, and gestation; and to the birth of a child, a *human being* from her womb. Does she assume all the risks of pregnancy?—There are none, if her condition is perfect; if her condition is not perfect, is the coming child at fault, or the mother?—Shall the child which was brought into being by the consent, if not by the positive will of its parents, answer for the mistakes of its pro-

genitors?—Can a friend in the same peril with us in a fragile boat, at our invitation, be an unjust aggressor?—The English Common Law does not hold thus, as may be learned from the case of the British yacht “Mignonette” as decided by the Lord Chief Justice of England, Judge Coleridge, than whom there is no greater jurist living (Coppens, “Mor. Princ. and Med. Practice,” pages 83, ss.). Father Eschbach agrees with this solution (op. cit. pp. 452, ss.).

II. An objection:

It may be objected that ectopic conceptions result as by accident, and without any fault of the mother; therefore, although the mother may be willing enough to bear out a natural conception, even under great difficulties, still, she should not be asked to bear the consequences of ‘misguided nature.’

Answer:

1) The child is as much the victim of ‘misguided nature’ as the mother, and it, too, deserves some consideration, for it is a human being despite its unfortunate position;

2) The child is in the same danger as the mother, and that not from choice, but from the indisposition of the mother; this indisposition may or may not, result from an error of the

mother, or from an error of nature, which at some time or other, was held up in its natural function: but this is not the fault of the child, and, therefore, the innocent fetus must not be burdened with the sins of its progenitors, or with the mistakes of misdirected nature.

3) Even if the right to the abode which it occupies, be denied the child in such pregnancies, still, it enjoys a higher right than the mere accident of position; namely, the right to life, which it receives from God as the first *natural* endowment, and which, therefore, is inviolable *per se*: Hence the lower right of the mother, or her claim to protection against the unwonted *location* of her child, must yield to the higher right of the child, as a God-given right.

12. Another objection:

The right of the fetus is counterbalanced by the same right of the mother, and even overbalanced by the priority of the right to life in the mother: "*Qui prior tempore, potior jure.*"

Answer:

In the possession of the essential rights of nature, there is no priority; lest we be forced to concede, that parents, for this reason, have the right of disposition over the lives of their children at any time. This was indeed the

condition among barbarous nations; but we are no longer barbarians, and the claim is preposterous. The natural rights of a human being are the same at any stage of his life, whether nascent or matured.

13. A third objection:

But the right against the unjust aggressor is also a God-given right.

Answer:

Most certainly!—But an innocent child is not a greater menace to the life of the mother than a diseased heart: and yet, not one physician has ever suggested the excision of that vital organ for a cure—because the result of this operation would entangle him in the meshes of the law, and no quibbling would save his reputation—as is—alas—the case in the killing of the uncomplaining infant.

14. Fourth objection:

We may defend our life against the invasion of even such *diseases*, of which the cure involves the risk of our own, also a human life.

Answer:

The *risk* of a human life (for a proportionate reason), is not the certain *loss* of a life. To exchange life for life, so as to make the loss of the one the *direct* cause of the preservation

of the other, is not in man's power, as the common consent of the race has ever testified, whether this consent is codified, or merely the voice of the heart and mind of all nations.

15. Now, in extirpating the unviable fetus (or the viable one, instead of bringing it alive into the light), ectopic or natural, the operator resorts to an expedient which *directly* brings death: if the mother were to be *killed* as directly as the child is condemned to its doom, for the sake of saving the child, who would demand, or even only permit this sacrifice?

We say *killed*, because, although she may have to die in certain instances, yet her death happens without contravention of the law: "Thou shalt not kill!" And God is no respecter of sizes.

(b) 16. The idea of aggression in a child, that is where it finds the conditions of nascent life, by the consent of its progenitors, even if it is *misplaced*, is almost ridiculous. This misplacement does not, indeed, give the child special privileges, although it may demand special professional consideration; but neither does it vitiate any natural rights. One may mislay a watch, but he retains the ownership, which follows the watch as long as the owner does not waive his claim: now, a child cannot waive its

claim to life; not because it cannot perform rational acts, but because its life is not its own, but God's property.

17. In a pamphlet, entitled "The Morality of Medical Practice," by His Grace, the Archbishop of Melbourne, this learned prelate makes the words of Father Coppens (op. cit.) his own in this manner: "Risks and dangers are incidental to the married just as they are to several other states. They are no greater, as the author remarks, than the dangers of the battlefield, or the mine, the factory and the forest, which are the lot of men. The woman was warned of old, "I will multiply thy sorrows and thy conceptions; in sorrow shalt thou bring forth children." If she is not willing to run the risks, or suffer the sorrows of married life, let her remain single. But if she enters the married state she must, as a rule, bear with the hardships of her state, or, in extreme cases, abstain from the use of marriage."

18. In conclusion: The ectopic fetus enjoys the same protection of its right to life, as the normal conception, as the best authorities agree, and the Holy Office has decided.

19. The following case of false diagnosis in what would have become a "*desperate case*" in its time, had not a brave man taken charge of it, proves the reasonableness of the exceptions we have taken to the general practice. It was published in the August number of the "Medical Review of Reviews" (New York and London), 1905. At the same time it should teach the advisers of women the necessity of referring them to a conscientious and competent physician at the first manifestation of impending disaster, or, even, of grave irregularities, in the process of gestation.

"Pregnancy in an Ante-Latero Flexed Uterus, Mistaken for Extra-Uterine."

"Dr. G. Fieux, professor of the faculty of Bordeaux, says in the *Annals of Gynaecology* that he reports this case on account of the error in diagnosis. It concerns a case of pregnancy developed in an ante-latero flexed uterus, which simulated an extra-uterine pregnancy.

Mme. D., wife of a physician, was healthy and regular in her menstruation while a young girl. Married at 21, first child at 22, delivery by forceps on account of uterine inertia, which pro-

longed the period of expulsion. At 25, a second labor, which was normal. After these two labors the patient suffered from some gastrointestinal trouble, characterized especially by a very pronounced dilatation of the stomach, aggravated by quite frequent attacks of hepatic colic. While in this uncertain state of health at the beginning of 1903, she missed three menstrual periods, which up to that time had been regular. This amenorrhœa was accompanied by digestive trouble, and by development of the breasts. The patient knew that she was pregnant.

The physician who was consulted declared that there was no pregnancy, and that it was simply a case of salpingitis, and terminated his examination by the classical introduction of the uterine sound.*) Six days later she expelled a fœtus of about 8 or 9 cm. The consequences of this abortion, induced through error, were uncomplicated.

After this abortion the menses were regular and normal until February 22, 1904. The period of the month of March did not appear, but on April 8 there was a slight show of a pink color,

* Why this destructive operation is persistently called "classical," *dii norunt*. (Author.)

which on the 10th (six weeks after last menses) changed into a considerable hæmorrhage.

This hæmorrhage was accompanied by severe expulsive pains and, according to the statement of the husband, the blood contained numerous membranous debris, resembling decidua. Vaginal examination made at this time showed the cervix soft and widely patulous. Hot douches moderated the sanguineous discharge, which, nevertheless, lasted until the 18th of April, always containing here and there some bits of membranous debris. Then everything became normal, so that it was supposed that an abortion had occurred.

But on the 26th of May (three months) a slight bloody flow again appeared, consisting of a deep red, almost black fluid. On the evening of the 27th, during dinner, Mrs. D. suddenly felt a severe pain in the left hypogastric region, and had an attack of syncope, which lasted ten minutes. The pulse was small, the abdomen distended, there was some vomiting, but no elevation of temperature. The flow continued until June 1st. After this incident the general health became bad. On June 12, Dr. Fieux was called in consultation, and the history was so suggestive that he could not avoid thinking of an

extra-uterine pregnancy, and the examination confirmed his suspicions. The patient was very thin, palpation readily revealed a sub-pubic tumor of the size of a small orange, a little to the left of the median line. This tumor, which was regular and round, was sensitive on pressure, and hardly movable. It was hard and appeared never to have undergone any change in consistence. By vaginal and bimanual examination the doctor found the cervix softened, displaced far backward, and a little to the right. The anterior and the left culs-de-sac were effaced by the tumor, which projected deeply into the pelvic cavity. A deep furrow separated the tumor from the portion of the uterus accessible to the finger. . . . while the hand on the abdomen observed that the hypogastric tumor was almost completely fixed.

On the right the appendages were enlarged and very tender. The doctor made a diagnosis of tubal pregnancy on the left side of about three months' duration, with a slight rupture of the foetal cyst.

On the 14th of June there were new attacks of pain, less severe than the previous ones, but each accompanied by a half-fainting condition which lasted several minutes.

They agreed to operate as soon as possible before the menstrual period, which would fall on or about June 25, and the day for operation was set for the twentieth.

As soon as the abdomen was opened, they recognized their error. The foetal pseudo-cyst was nothing else than the uterine body in left ante-lateral flexion. This was lifted gently with the open hand and easily placed in the proper position, for there were no adhesions to hold it in its misplaced situation, and then they had under observation a uterus of the form and volume of one three months pregnant. The left appendages were healthy. The right ovary contained a thin-walled cyst of the size of a pigeon's egg, and was removed. The whole operation lasted thirty minutes.

The recovery was excellent, except that vomiting persisted for three days. One month after the operation the doctor examined the uterus, and was greatly surprised to find that it had developed very little, the fundus extending 10 cm. about the pubes, exactly as on the day of operation. After this the pregnancy proceeded normally to term."

CHAPTER IV.

MYOMA OF THE PREGNANT WOMB.

1. When during pregnancy malignant tumors form in the muscular tissue of the womb and grow to such unseemly proportions as to menace the life of the mother, the excision of the impregnated womb by laparotomy is suggested as the only expedient for the salvation of the mother. By this operation, the fetus is, indeed, sacrificed, but the danger is averted.

2. Is this operation permissible?

(a) Capellmann's work (14th edit. p. 19) says no, very emphatically, and grounds its denial on the decree of July 24th, 1895, and on the retraction of Father Lehmkuhl, S.J., of his former opinion, which favored an affirmative answer ("Analecta Eccles.," vol. 3, pag. 483).

(b) Father Antonelli *seems* to favor an affirmative answer; but he says "*videtur dicendum*" (see above, p. 79, *n*). He applies the decision of the Holy Office to all those operations which are *directly* fatal to the life of the fetus, but argues that both in the perforation of the fetal membranes and in the excision of the pregnant womb, the operation is only *indirectly* fatal, and bases his argument on the assertion, that in both cases the danger to the mother's life is not

caused by the pregnancy, but by *mechanical pressure*, or *mechanical bulk*, of the uterus.

3. Hence, the solution of this case must proceed from the answer to this question:

"Is the death of the child in this case the *direct* consequence of the excision, or not? Or in other words: is this operation to be said to be "*directe occisiva foetus*"?

(a) Principles underlying the solution:

Abortion may be called direct in two ways:

1) when it is procured as the immediate *object* of both the operator and the operation;

2) when it is procured as the *means* of achieving the object of the operation.

The first member of this division is established on the principle "*Nunquam licet directe procurare abortum.*"

The second member on this: "*Non sunt facienda mala ut eveniant bona.*"

(b) Application of principles.

A) The "*Nunquam licet*" applies to all operations which of their nature and object tend toward the killing of the fetus, whether it be contained in the womb, or, taken from the womb, must die on account of its unviability. This follows from the decree of May 4th, 1898, which, in permitting laparotomy for those cases

where the existence of a human being is doubtful (ectopic conceptions), makes this provision: "*dummodo et foetus et matris vitae quantum fieri potest, serio et opportune provideatur.*"

Now in the excision of the pregnant womb, the operation tends toward the killing of the fetus neither of its nature, nor of its object. *Ergo*: The "*Nunquam licet*" does not apply to this operation; consequently it is permissible, *servatis servandis*.

The burden of the argument is on the second proposition, which we shall prove:

(a) "It must be said that something may be the cause of something (else) in two ways: one way, directly, the other, indirectly. And, indeed, *indirectly* in this manner, that we say, some agent, causing a certain disposition for a certain effect, is the cause of that effect incidentally and indirectly: as he who cuts (*al. dries*) the wood, is said to be the cause of it burning.... But something is said to be the cause of something (else) *directly*, when it works toward that directly (*quod directe operatur ad illud*)."

(Summa Theol. I. quest. 114, art. 3. c.).

St. Thomas, therefore, teaches, that only that cause is the direct cause of a certain effect which

directly aims, (or works) at the effect. He does not say, however, that it matters, whether the cause produces that effect also as the object of the operator, or merely as that of the operation.

Now, the excision of the womb does not aim *directly* at the death of the fetus; therefore, the death of the fetus is not the direct effect of the operation.

(b) Proof: (1) If the *object* of the operation were this, to remove the pregnancy, or the fetus, the pregnancy, or the fetus, would have to be said to be the cause of the disease; because the remedy is directed toward the removal of the cause of a disease. But the myomatic condition of the womb is in no wise a consequence of the pregnancy, or of any feature of the pregnancy; *ergo*.

Proof: (2) An operation which is of its nature directly fatal to the fetus, cannot be undertaken without destroying a pregnancy or a fetus; now, this operation is often undertaken on the *vacant* womb: therefore it cannot be said to be *of its nature* directly fatal to fetus or pregnancy.

The major is evident from the very definition of the term nature, as "the principle of action"; and although in this connection the term is not used in its philosophical sense, but rather by

way of accommodation, still, it signifies for the operation that relation which the philosophical term "nature" imports in things metaphysically considered. Hence the parity cannot be denied, since not the argument, but the language is at fault, which borrows a term from one sphere to apply it in another in the same sense.

Whatever is of the nature of things, is always found in them; v. g., it is the nature of anger to disturb unerringly a certain complexus of nerves, in preference to the rest.

The minor is proved by the medical practice.

OBJECTIONS.

The Amputation Compared with the Perforation.

1) The vacant womb is also locked in the same manner as the pregnant womb; now, whatever does not enter into the effect, does not proceed from the cause; but—pregnancy does not enter into the effect of the operation necessary to make reposition of the vacant womb: therefore, the operation for reposition of the pregnant womb cannot be said to be directly, and of its nature, fatal to the fetus.

Answer: (*a*) "The vacant womb is also locked in the same manner as the pregnant womb," as

to its location, granted; as to the cause of the locking, denied.

(b) The locking of the pregnant womb may frequently be remedied by the same operation that remedies the locking of the vacant womb; but when it is to be remedied by the operation under discussion, the perforation of the amnios—is this ever applied in the locking of the vacant uterus! A vacant womb is no less the denial of all the features of pregnancy, as the perforation of the uterus is the assertion of what it seeks to destroy.

The argument is a *petitio principii* in any event.

2) The death of the fetus does not contribute anything toward the effect of the operation, even in the case of the perforation of the fetal membranes, since the end intended is the relief of the mother, and the end or object of the operation is the reposition of the uterus; but whatever does not enter into the effect, does not proceed from the principal cause: therefore, the death of the fetus in the perforation does not follow directly from the cause, or, the operation.

Answer: (a) The death of the fetus does not contribute anything to the *indirect* effect of the

operation, the relief of the mother, which is the ethical object, or the object of the operator (*finis operantis*),—granted; it does not contribute to the immediate object or effect of the operation, the emptying of the ovum of its vital contents, and the destruction of the pregnancy, which is the object of the operation (*finis operis*)—denied. It is this direct destruction of the pregnancy, and, in consequence, of the fetal life attacked, which makes this operation a *causa mala*.

(b) Whatever does not enter into the principal effect of the operation, does not proceed from the principal cause *directly*, granted; *indirectly*, i. e., so that the subject which receives the effect is not fit to receive the entire effect,—denied. Thus a nail driven into a weak board, does not fasten the board, but splits it, failing of its direct object as conceived by the operator, and directly producing that effect which is the direct effect of the driving of a nail, too large for that board, and indirect only in the mind of the carpenter. For the cause must be *proportionate* to the effect intended, if the *finis operis* and the *finis operantis* should not be separated, from *excessus* or *defectus causae*.

Thus if one would draw all the blood from

a man in order to cure rheumatism, he would certainly kill the man, irrespective of his good intentions, *propter excessum causae*.

Thus also, a shot fired from a blank cartridge would not kill, *propter defectum causae*.

Where, therefore, one must be killed to cure another, the remedy is as costly as the cure; but this remedy is costlier by the command of God: "Thou shalt not kill."

Now, the direct effect of an operation is not that which may be the first in the mind of the operator (except as to its morality), but that which is the first and immediate effect of the operation, considered as a means to procure the object intended by the operator. Thus a physician, intending to excise a tumor on the spine, and for this purpose thrusting a scapel through the heart of his patient so that he might operate from the inside, would certainly be guilty of murder: morally (*formaliter*), if he is not insane; legally (*materialiter*), if he by some mad fiction persuades himself that this method is the one he must employ. This illustration seems to be inane, silly, void of sense—but only because we judge of it without prejudice.

In the "classic" process of the perforation of the fetal membranes, no matter for what pur-

pose or with what intention or fiction, the first and immediate effect is this: to withdraw from the fetus the vital element, the amniotic fluid, which is as necessary for the continuation of fetal life, and the absence of which is as certainly destructive of fetal life, as the heart is necessary for the life of the matured man, and its perforation destructive of his life. Therefore, the direct effect of the perforation of the fetal membranes is the killing of the fetus.

It is only by a mental fiction, engendered by prejudice, and the pernicious *habit* of considering the defenseless infant less a man than the obstreperous candidate of a fatal operation, that we discriminate against the helpless child.

B) "*Non sunt facienda mala ut eveniant bona.*"

This principle is thus unanimously developed and applied by the theologians:

When two effects, the one good, and the other evil, result from one cause, the evil effect is not imputed to him who places such a cause, under the following conditions:

1) That the cause* be good, or at least, in-

* The cause here does not mean the intention of the agent, or the reason for which he operates—that is the effect—but the action itself, i. e. not the *causa finalis*, but the *causa efficiens*.

different; 2) That the good effect do not result from the cause by *means of the bad effect*; 3) That the agent intend only the good effect; 4) That there be a reason proportionately grave to counterbalance the result of the evil effect.

These conditions warrant the morality of such operations or actions as are based on that principle, because then the evil effect is only permitted—and is permissible—as an *indirect* consequence of such actions. Now, all these conditions can be verified, as is seen from the preceding exposition, in the amputation of the pregnant womb for myoma: hence this operation is permissible, when necessary to preserve the mother's life.

In the perforation of the fetal membranes, it may be noted, not one of these conditions is fulfilled; not even the last, since no reason can be grave enough to justify *murder*.

For those who may still hesitate to admit the radical and essential distinction between the operation on the amnion, and that on the womb for the removal of myoma, we would give the following illustration:

John and James, two mariners, suffer shipwreck and are pitched into the sea. They discover a floating plank, and make for it, climbing

on it both at the same moment, each grasping one end. The plank can not hold both, and, although it would support one, it will tip up at the other end the moment that John jumps off. Now the jumping of John means the death of James. John sees a larger plank, leaves the first one to James, realizing that James will be pitched into the water again, and because he is exhausted, must drown, whereas he himself is safe.

Is John answerable for the drowning of James? Or, must he rather drown with James?

The correct answer is so plainly indicated, that we fear we would insult the intelligence of the reader to give it.

But, John and James climb on the same plank, and John, realizing the danger, pushes James off by violence, in order to save himself, because both cannot be saved: what then?

Then John is interfering with the rights of God over human life. These rights are so sacred, that no one dare violate them with impunity. In the case James is as innocent of criminal aggression as the unborn babe, and must not be sacrificed by a crime to the welfare of John. If no other expedient can be found, John and James must drown together, rather than that John should save his life by the sacrifice of the life of James.

In the former case, John had the right to jump, thus to save himself, leaving James to his fate; because the saving of John was not accomplished by an act that was in itself and directly a violation of any right of James: both were in imminent danger of death; but the danger was averted for John, not by his putting James into greater danger by any act of his, although the danger was hastened for James by the circumstance of the plank's losing its balance, which John foresaw, but could not prevent. Nor was the act of John forbidden on that account, or on any account under these circumstances, since every man is bound to preserve his life, if it can be done without injustice to man and God. Hence John caused the drowning of James only indirectly, or, rather, he allowed it, because he could prevent it neither in case he remained on the plank, nor in case he jumped in order to save at least his own life. John's act was not in the least immoral.

Now, the operation by which the conception is removed together with the diseased womb, stands parallel to this case in the application of the Fifth Commandment. Mother and child must die but for the operation. The mother can as surely be saved as the child must die by the oper-

ation. The operation is *directly* an attack on the *disease* of the mother, with which pregnancy has nothing to do. Hence the destruction of the pregnancy is incidental to the operation, indirect, and only permitted, because it can not be prevented.

If a pregnant mother were to be operated for appendicitis, or for any other internal or external lesion or disease that would entail a great loss of blood and consequent debility, the pregnancy would also be terminated and the fetus lost: would anyone forbid such operations?—No; they do not clash with the prohibition of God: “Thou shalt not kill!”

But the perforation of the amnios is parallel to the second case of John.

By pushing James off the plank, John assumed power over human life. But this is accorded no individual, except in defense of one's own life and property against an unjust aggressor; and even in this case, that power must be exercised *cum moderamine inculpatæ tutelæ*, as St. Thomas so accurately explains (*loc. sup. cit.*).

The principle so often overlooked in the examination of these difficulties, is, that *human life is sacred*, that is, that it has a value set upon it by God, who created it for a supernatural pur-

pose. He has so often signified that He would never surrender His dominion over human life, except for the good of the race, in particular cases. Hence no one is at liberty to take human life in exchange for his own or that of anyone else, except in the name of the society; or, in self-defense against grave injustice, *cum modamine*, etc., i. e. without *directly* aiming at the death of the adversary.

Now, by the perforation of the amnios, the fetus is attacked. If the predicament of the unfortunate mother could in any way be said to be independent of the state of pregnancy, and, therefore, could be attacked and remedied without directly attacking the pregnancy, or, rather, without previously destroying the physiological integrity of the pregnancy: then the operation would have to pass censure. But the perforation kills the fetus by destroying what is the totality of the natural condition of pregnancy. If one would puncture the eye with a needle, he would destroy the sight as surely as if he would sever the optic nerve; blindness (death of sight) would be caused as directly and surely one way as the other.

Hence there is no parity between the cases of *Perforation*, and *Operation for Myoma*. There-

fore, the removal of the womb, for myoma, is not, as Father Antonelli and the editor of Capellmann (14th Ed.) think, an operation *directe occisiva foetus*; but an operation truly therapeutic, even if surgical, and as far distinct from the operations condemned by Rome as murderous, as the practice of the medical art is from the gruesome occupation of the public executioner.

CHAPTER V.

CLEAR OVA.

1. Together with such pregnancies as will interrupt themselves, so to speak, for one reason or another, and throw off the fetus in a state of corruption without any traceable interference, pregnancies are found in which the ovum contains the fetus in a state of liquefaction; i. e., the embryo dies in the first weeks, and is gradually dissolved in the water of the ovum. This pregnancy is called a *clear ovum*, although the water is by no means clear, but, on the contrary, appears turbid and muddy, whereas it is always clear in undisturbed pregnancies.

2. This case may be attended with as much trouble and discomfort as any other pregnancy,

which disturbs the physical condition of the mother from other causes, such as uncontrollable vomiting (*hyperemesis gravidarum*).

3. There are at present no symptoms known to the medical profession by which the clear ovum in the womb could be distinguished from the normal pregnancy.

4. If the life of the mother comes to be menaced by her condition before the fetus can be presumed to be viable, and the physician *supposes* the presence of a clear ovum instead of a normal conception, and, therefore, operates with a view to remove the fetus: what is the moral aspect of his proceeding?

(1) The physician rests the morality of his action on a mere supposition, which involves the risk of direct abortion. "*Qui amat periculum, peribit in illo.*"

(2) But, the defenders of this operation* contend:

- a) The mother is needlessly sacrificed to an imposition of nature, if the pregnancy is one of a clear ovum;
- b) The child, if there be one, can be baptized, owing to peculiar instruments em-

* *Right to Life of the Unborn Child*, Appendix, pp. 117-125.

ployed, and an entirely new method of operating.

(3) It is unfortunate, indeed, on the one hand, that the precious life of a mother should be forfeited to an imposition; and, on the other, it is a comfort to know that so helpless a being as is the child in the womb, should be made a child of God before its death. But *new methods* do not change the nature of direct abortion, nor does an occasional error of nature, induced by some untoward accident, deprive the natural inhabitant of the maternal womb of its right to protection, and lay it open to the danger of being killed on the mere supposition of the existence of an impostor, since the presumption always stands in favor of a normal conception.

Dr. X.* defines his position on direct abortion in these concise terms: "In the interests of scientific truth upon a serious theological question, we think it useful to study here two very interesting instances of medical abortion, directly produced, which force us to reconsider this problem hitherto decided by a categorical *non-possumus*."

Then he presents another case; that of "a mother dying from uncontrollable vomitings

* *Annales de Philosophie Chrétienne*, Oct. 1903, op. cit.

brought on by pregnancy; the same operation effected the extraction, after intra-uterine baptism, of two small fetus three months old, so much alive that they stirred for more than a quarter of an hour and were able to be baptized *sub conditione* by one of the parish priests."

And a little later:

"If we now ask theologians why artificial abortion is illicit, they give us the following twofold reason: that it is homicide of the body as well as the soul. Now we have just seen in two cases previously cited that 1) the salvation of the soul is always assured in the case where the embryo is existent and alive, thanks to the wholly new rapidity of extraction and to baptism either *in utero*, or *post partum*.

"That 2) there are cases where the embryo does not exist alive in the ovum, and where, nevertheless, everything proceeds as if it were animated, that is to say, where the mother is condemned to death by the remains of an embryo which has formerly existed but which may be already dead several weeks, and which theology refuses to allow the physician to remove."*

* The two cases referred to are clear ovum, and uncontrollable vomiting.

REVIEW OF THE REASONS OF DR. X.

1. The reason which theologians give for the prohibition of direct abortion is not this, that it is a *twofold* homicide; for one of the fundamental principles of moral theology, "*non sunt facienda mala ut eveniant bona*", precludes the consideration of the spiritual life in direct abortion; not that theology has not as tender a regard for the spiritual welfare of man, as medicine, but because no consideration whatever can legalize the murderous invasion of the right to life of the innocent. The Fifth Commandment of God in its literal application suffices for the theologian to condemn murder. Therefore,

2. Whether "the salvation of the soul is always assured" in direct abortion, or not, does not change either the Fifth Commandment with its categorical prohibition, or the logic and faithfulness to doctrine and principle of the theologian. And

3. "If there are cases where the embryo does not exist alive in the ovum" theology does *not* "refuse" to allow the physician to remove the encumbrance; but it asks of the physician to *prove* that there is no life in the womb, because

the presumption stands for life in all cases where death cannot be assumed on reasonable grounds. But an unfounded supposition is no reasonable, much less, scientific ground. Hence theology must not be made to answer for the shortcomings of the medical science. If a physician is morally certain that in a given case he has to deal with either a dead fetus, or a clear ovum, the theologian will encourage him with a most hearty "Go ahead", to exercise his skill in the rescue of one life through removing the remains of another that has accidentally perished.

NOTES.

There must be certain unmistakable signs or manifestations of death in the womb, as they are outside of the womb, which the medical profession have so far failed to discover and discern.

As long as physicians admit, as they now do, that they are groping in the dark in these desperate cases, theology must not be charged with brutality or antiquated stubbornness, when it puts a wholesome check upon the exercise of an art that for its present insufficiency demoralizes society and sacrifices so many lives to—I beg pardon—incompetency and ignorance.

The Christian moral law, championed by science and piety alike, does not forbid the physician to assist a mother in her agonies, and to save her life, instead of allowing mother and child to die together, provided he does not employ means and methods which run counter to the laws of God, for whose violation theology will accept no apologies. Let the medical science devise means and ways truly scientific — — for the present mode of assisting mothers by producing direct abortion is certainly not scientific — — that respect both the exactions of morality, and the dignity of science; then medicine and theology will no longer dwell apart.

Mothers in such desperate cases are not sacrificed to the “narrowness of the decrees of the Holy Office,” * but to the deplorable incompetency of some of the obstetricians, who may have mastered the field of the medical practice, without examining the last redoubts.

* Prof. Treub, in *Right to Life, etc.*

CHAPTER VI.

HYPEREMESIS GRAVIDARUM.

(Uncontrollable Vomiting of the Pregnant.)

Stoehr-Kannamueller (Past. Med. p. 438) introduces his views of this evil with these plain remarks:

“Direct Abortion—every interference which must necessarily cause the expulsion of the unviable fruit—is permissible under no circumstances, no matter how ethical the object may be. The medico-scientific postulate of abortion is to be judged exclusively from the mother’s sphere of interest. Here then they insist upon 1) the uncontrollable vomiting of the pregnant (Hyperem. gravid.), which in many instances appears as early as the first week and often becomes most obstinate. But it generally disappears at the end of the first half of the pregnancy without medical assistance, and, curiously enough, without the nutrition having suffered to a dangerous degree; in particular cases, however, the patient is doomed to a fatal emaciation.

In this condition of things, where the pregnancy is the sole cause of the dangerous vomiting, it was thought proper until recently, to remove at once cause and effect by inducing abortion. But this indication,—aside from moral considerations—does not give the right to eliminate the pregnancy; because recent experience teaches (Cohnstein, Ahlfeld), that this proceeding brings about the desired result in only one half the cases, and that at present we have other efficient means at hand, which almost universally produce the desired effect, etc.”

Dr. Stoehr, therefore, contends that a physician who is well informed of the present standing of the obstetrical art, need not resort to abortion in such “desperate cases,” and that “almost universally” the “desperate case” is made desperate through the lack of information, or the indifference to morality of the physician.

But Dr. Stoehr also virtually admits that in some cases, no remedy will avail.

Now, the numerical relation of this desperate case to the normal and safe pregnancies does not alter either its moral aspect, or its desperateness.

What is to be done when the *one desperate case* of a thousand is brought to the notice of the physician? He applies every conceivable remedy,

consults with his experienced confreres, and yet finds himself unable to relieve the desperateness of the conditions.

He must leave his patient in the hands of God who has often righted things that sat awry with greater hopelessness than these cases. And if the patient dies, let him console himself with the consideration that his conscience is free from the guilt of murder, and that people die of other ailments equally elusive of medical skill and care.

Nor is this advice the outcrop of pious stupidity. For, if, v. g., the physician's assistance is declined, as happens frequently, until there is no other choice left for him, but between directly killing the child, or allowing the mother to die, who might have been saved but for some foolish fear, or false modesty: would any honest man think it amiss of the physician if he now declines to have a murder forced upon his hands? And similar reasons will vindicate the conduct of an honorable practitioner in similar cases.

Dr. Marx (Past. Med. pp. 102 ss.) consistently with his error, refuted above by his own admissions, thinks that the moralist (possibly the confessor) may base his judgment in particular cases of this kind on the following reasons which

he quotes from "Spiegelberg, Manual of Obstetrics for Physicians and Students," Lahr, 1878, p. 252:

"Every single case must be judged by itself. Only this can be set up as a general rule, that the interference (induction of abortion) is not made before all means have been applied that agree with the continuance of the pregnancy, especially also artificial nutrition; but not when it is too late, not then, when the fatal termination appears inevitable to everybody—and the evil sometimes approaches this unfortunate event very suddenly and rapidly. But let no one ever take the responsibility for this operation upon himself without the consent of another specialist of experience in these matters."

But then he begins to doubt:

"This operative attack has, at all events, some difficulties for the Catholic. The Holy Office decided the question whether it is permissible to lessen the head of the living child during birth, in this way: "*Tuto doceri non posse in scholis Catholicis.*" Roma locuta—causa finita. By these attacks which we have described, the life of the fruit, of whose life there is no plausible reason to doubt, is destroyed with the same

directness as by the operations undertaken to lessen the body of the child during birth. But, forsooth, is the fruit in the second or third month of pregnancy a different being from the fetus in the ninth or tenth month, when it is about to exchange intra-uterine with extra-uterine life?"

He is candid enough to disprove his own theory with the most striking reason. The defender of the perforation of the amnios, who admits it to be direct abortion, is also in this case in a quandary.

CHAPTER VII.

EMBRYOTOMY AND THE CESAREAN SECTION.

1. Under Embryotomy are comprised all those operations which are applied at delivery for the purpose of dismembering the body of the child, or of reducing the bulk of that part which presents itself.*

2. There are chiefly five operations which are undertaken when the head is presented, and cannot pass the natural channels of birth: Craniotomy, Cephalotripsy, Cephalotomy, Sphenotripsy, and Embryulcy.

3. By Craniotomy the skull of the child is punctured and the brain extracted. The ensuing contractions of the womb reduce the volume of the head and expel the child. But when this reduction of the head is not effective, the child is drawn out with the hands, or with instruments.

* Antonelli, *Med. Past.* 1904, pp. 196, ss.

4. Craniotomy is applied principally in two cases: *a*) when the pelvis is too narrow, *b*) when the head of the child is too large. It is an old practice.

5. By Cephalotripsy—the crushing of the head—the head of the infant is compressed to such a degree that the blood and the brain burst the bones and the skin of the head. (This sounds horrible in English!) It is sometimes preceded by craniotomy in order to facilitate the operation. Also an old expedient. The percentage of mortality for the mothers is 30,4 (Antonelli, *l. cit.*); but the percentage of death for the hapless innocents is, of course, 100.

6. By Cephalotomy the head of the child is cut in two lengthwise. It is employed when the ferocity described above, does not accomplish its purpose. The percentage of mortality is 21,3, exclusive of the children.

7. By Sfenotripsy the base of the skull is punctured in various places. According to Dr. Hubert, 16,66% of the mothers die when the narrowness of the pelvis is moderate (80—64 mm.), and 12,05%, when the narrowness is extreme (at least 65 mm.).*

* Antonelli, *op. cit.* p. 197.

8. Embryulcy means either of these two operations: *a*) decollation, when the head is severed from the trunk; *b*) detruncation, when the chest or the back is ripped open. This operation is applied when the child presents the trunk at delivery; it is then cut into several portions and thus extracted.

9. When none of these operations avails, the physician resorts to evisceration, whereby the abdomen, or the chest is opened, and the intestines drawn out.

10. All these operations are forbidden as murder; indirectly by the decree of the Holy Office of May 21, 1884, and directly, by that of Aug. 14, 1889, and by the Fifth Commandment of God.

11. It is revolting to the sense of man to think that a defenseless, helpless infant should be treated, at the hands of *science*, like a piece of raw beef, just because this much vaunted *science* shirks the duty of performing the Cesarean Section, an operation, perhaps requiring a little more skill, but at least equally as effective of the desired result, as these, and by far less destructive of human life, whose care is committed to the physician, be it nascent or matured.

12. Craniotomy, therefore, has lost all feat-

ures that would recommend it in the sight of the Catholic, physician, parent, or adviser, and we should pass it over now, had it not some features that suggest a comparison with the Cesarean Section and laparotomy.

For, first of all, the advocates and incorrigible abettors of this inhuman cruelty to innocents, endeavor to prove by statistics, that its application is less dangerous to the life of the mother, than the application of the classic Cesarean operation, or laparotomy.

Now, statistics can be made a very supple material, and cannot *prima facie* influence the correct deductions of science, whether natural or religious (medical or theological).

Moreover, the statistics of a progressive art or science must fetch up with the progress of that art and science. It would be idle to base a twentieth century conclusion on a nineteenth century calendar of surgery.

And then, the elements of success and failure alike must not be ignored, or wantonly set aside to "make things tally."

A Cesarean operation may fail of complete success, where craniotomy also would have failed, more dismally than the former, had it been applied. We say, "of complete success,"

because the Cesarean operation always saves *one* life, and generally, *two*, whereas craniotomy always and ever destroys one life, and jeopardizes 30% of the second.

Hence we would suggest—life for life—that such statistics do not only relate the death-rate of the mothers, but the full percentage of *all lives* lost or saved. For in one successful Cesarean operation we have two lives saved; in an unsuccessful one (as the term is taken by the profession), generally only one life lost (that of the mother); in craniotomy, one life is certainly lost—doomed by the very purpose and method of the operation—; and if the operation is not successful in the sense of the medical science, two lives are sacrificed. In thirty successful Cesarean operations, sixty lives are saved; in thirty unsuccessful ones, thirty lives are saved. In thirty *successful* craniotomies, thirty lives are given to Moloch; in thirty unsuccessful ones, sixty lives are lost.

The Cesarean operation is undertaken for the safety of the child, with much discomfort but little risk to the mother; craniotomy aims at the safety of the mother, with equally as much discomfort to her, and *more risk*, by means of destroying the child. The former generally,

saves the mother together with the child; the latter always *kills* the child to save the mother.

As to the relative danger of these operations to the life of the mother, it must be said, that *ceteris paribus*, the odds now stand decidedly in favor of the Cesarean section. As to the pain attending these operations, neither causes as much as a difficult delivery, in view of the skill and methods of modern surgeons. As to the physiological consequences, craniotomy is more apt to cause lasting injury than the Cesarean section. As to the moral consequences, craniotomy tends to loosen the moral complexion of mothers, and of society at large, by legalizing murder; whereas the Cesarean section strengthens the conviction (or brings it), that marriage has its own sufferings and hazards, which must be borne with humility and patience, instead of thrusting them on an innocent child with a wave of the hand.

These conclusions are substantiated by the following tables and arguments:

Dr. Olfers (Past. Med. pp. 20—21) gives the following statistics,* after he voices his

* Dr. Olfers defends craniotomy very strenuously, although he also considers it illicit, after the decree of May 21, 1884.

assent to the condemnatory decree in these words:

“With this (decree of May 21, 1884), therefore, the illicitness of craniotomy is decided, and the Cesarean section substituted in such cases. St. Alphonsus says, the mother must not prefer death to the Cesarean operation in this case: ‘In the case where the woman is robust and the surgeon experienced, so that there is hope of saving the child, she is held to suffer the incision. And really the danger is most commonly considered to be remote, because on account of the greater skill of our surgeons, both mother and child are often saved: but, on the contrary, if the incision is omitted, women are placed in a danger scarcely less, because the dead fetus cannot be dismembered in the womb without grave danger to the mother’s life.’ “The last sentence,” Dr. Olfers continues, “namely, that craniotomy endangers the life of the mother as much as the Cesarean operation, was indeed formerly true, but is true no longer; the danger for the mother is very slight in view of the present standing of surgery. In all the clinics, and polyclinics of the Prussian state, 89 craniotomies were performed in the year 1889—90. Only four of the mothers, that is, 4.5%, died.

But of the twelve women who submitted to the Cesarean incision, also four, hence, 33%, succumbed to the attack. Let the casuists decide, if this comparison must move the confessor, as Gury, II. 141, has it, to avoid urging the mother too much *sub gravi* to consent, so that she may not be exposed to the danger of committing a mortal sin, if she persistently refuses.

“But in many cases this alternative may be declined by the timely induction of artificial premature delivery, that is, by the induction of parturition at a time when the child is already viable, but so small that it can still pass the natural channels. Scanzoni points out in general the twenty-eighth week of pregnancy, i. e. six and one half calendar months, as the earliest period for this operation. In very urgent cases this period may be anticipated, since it is a matter of fact that also younger fetus, of five months’ gestation, have lived.*

“With what success for the preservation of life this operation is applied, is shown by statistics. In the same year (1889—90), of which we have quoted the clinical figures for

* It is interesting and important to note that the beginning of viability is dated back to the end of the fifth month with greater assurance every day.

craniotomy and the Cesarean section, 42 parturitions were artificially induced. Of the mothers, one died, and of the children, twelve. The death-rate for the mothers, therefore, was 2,3%, in premature birth, as against 4,5%, in craniotomy, and 33% in the Cesarean section. The death-rate of the children, of course, is 100% for craniotomy; in the Cesarean section it was 41,6%, and in artificial premature birth, 27,3%.

“From these figures it is apparent, what beneficial results might be obtained, if the clergyman either in person, or through others, would opportunely call the attention of young women to the fact that it is all-important for them to obtain certainty of these conditions, as soon as they know they have become mothers. There is no doubt that much anguish of mind, much bodily pain would be spared the women, weighed down, as they are, by the inevitable difficulties* of the married state.”

So far Dr. Olfers.

Now, on the basis of ethics, Dr. Olfers' list of figures stands in need of correction. The safety of the life of the child is as much the

* Pope Gregory IX says of the lot of women: “*Ante partum onerosus, dolorosus in partu, post partum laboriosus.*”

object of the Fifth Commandment and the concern of the moralist, as the safety of the mother's life. Hence, taking the positive results, or the success, of the various operations which he quotes, we find of

	lives,	saved,	lost,	% lost
in 89 craniotomies	178	85	93	52,4
" 12 Cesarean op.	24	20	4	16,66
" 42 prem. births	84	71	13	15,5

From these figures it is evident that the induction of the premature birth is the most wholesome assistance rendered to mother and child, and the least injurious to the rights of the child. But this is in the nature both of the operation and the conditions under which it is applied. The conditions of craniotomy and of the Cesarean section are far less favorable. Craniotomy compares most unfavorably; not because its conditions are more desperate, but because it is the direct taking of the one life; it should once for ever be discountenanced, as it is by the most reputable obstetricians. It stands convicted of inaptitude before the tribunal of science as much as before that of morality. The Cesarean operation must always take its place when the artificial birth of the viable fetus cannot be produced.

The figures of more recent and more comprehensive statistics add weight to this conclusion. We give here the figures quoted by P. Eschbach of the year 1900 (op. cit. p. 343), who refers to "Traite de l'art des accouchements par Tarnier et Budin," Paris, 1901, tome IV, p. 516, in favor of the Cesarean section:

Names of Operators.	Operat.	Success.	Failures.
Drs. Leopold	76	69	7
Reynold	22	22	0
Pasquali	9	8	1
Olshausen	29	27	2
Zweifel	76	75	1
Charles	10	10	0
Bar	14	13	1
Chroback	10	9	1
Schauta	58	52	6
Braun	34	30	4
Gummert	8	8	0
	<hr/> 346	<hr/> 323	<hr/> 23

Hence almost 94 per cent. of the operations were successful, or, not quite 7 per centum ($6\frac{23}{100}$) failed; which means that of 692 lives in mortal peril, 669 were rescued by the Cesarean section!

"It must be remembered, too, says Father Eschbach (op. cit. p. 344), that the skill and prudence of the experienced has reached such a point that now they open the maternal womb and safely extract the child with barely any shedding of blood."—"It is absolutely true," the learned Guermonprez* writes to us, "that thanks to the progress of surgery these latter years, this operation is rendered almost bloodless, i. e., without any effusion of blood."

What, then, is the duty of priest and physician in the case when the mother is found in peril of her life at delivery, and could be saved by the application of the Cesarean incision, as also her child, but insists upon craniotomy?

This mother can reasonably insist upon craniotomy only for one of these reasons: Either she fears the inexperience of her medical attendant, or she dreads the loss of blood, or the consequences of the narcosis, or, she has been falsely persuaded by her husband, or others, that craniotomy is the safer operation, and that she may *tuta conscientia* demand it.

If she *reasonably* doubts the skill and experience of the obstetrician, procure a better one,

* Professor Guermonprez to Father Eschbach.

if there is time; if not, and she is *bona fide*, let her have her peace of conscience, and proceed with the sacraments, as in the case of *conscientia erronea*. And it is not easy to suppose a false conscience in a woman so filled with mental agony and physical pain as to be on the verge of mental derangement. If fear is so violent as to bear upon reason with uncontrollable force, causing a mild state of temporary aberration of the mind, it certainly hinders the movements of the will and clouds the understanding (St. Thomas, S. Theol. 1—2, 6, 6; and 9, 2.), and an act committed in this state, is beyond moral censure. This state may generally be ascertained from the external condition of the unfortunate mother. She is wild-eyed, restless, trembles over the whole body, and asks for deliverance from her pains with an intense and pitiful anxiety.

But if any of the other reasons quoted above obtain with her, and there is hope of convincing her of the error of her position, as there surely is in many cases, let the confessor or the physician adduce such reasons as will dispel her prejudice, and then proceed with the sacraments, and the Cesarean operation.

CHAPTER VIII.

THE CESAREAN SECTION.

A PRACTICAL AND INTERESTING QUESTION.

A more interesting and more delicate question is the following:

Must the confessor, contrary to the teaching of older moralists, *oblige* the mother in conscience to submit to the Cesarean section, when otherwise she could not be saved from death, and her child would die without baptism?

The opinion of the ancient moralists was based on what ground medicine could furnish them at the time. Before the advent of modern surgery, the Cesarean section had to be considered an extraordinary remedy, as a most serious and dangerous operation. The danger of blood-poisoning, fatal floodings and lacerations, etc., etc., were by no means excluded. But now, these dangers are reduced to a scarcely calculable minimum. The only serious danger that remains under the hands of an experienced operator, results from shock. But this, too, can be minimized by the comforting words of either the spiritual or the medical adviser, or often entirely prevented by the application of ether or chloroform.

The decision of this case from the view-point of the moralist, must, therefore, be based on new grounds. The new position is aptly set

forth by Father Joseph Alberti (Pars Theol. Past. Ed. II. Rome, 1898, pp. 60 ss.):

“When the mother is unable to bring forth the child, so that the Cesarean section must be applied: I. I state that it is taken for granted by all theologians, that nobody is obliged in conscience to employ *extraordinary means* of safety. But we know that the Cesarean section is an extra-ordinary means; hence, *per se* a woman is not obliged to submit to it in order to save her life. Yet, because in these circumstances the right to life of the mother comes in collision with the right to the spiritual life of the child, two suppositions are possible: if the child can at all be baptized without the mother undergoing the operation, she is not obliged to submit to it; hence she may permit her own, and her child’s death; but if the child cannot be baptized unless the operation be applied, we must distinguish: if the operation will certainly cause the death of the mother, she is never obliged to go under the knife; if, however, both the temporal safety of the mother and the eternal salvation of the child can be secured with equal probability, in a probable doubt of either, the mother is obliged to give preference over her temporal life to the spiritual life of her

child, and must, therefore, suffer the operation (St. Thom. p. 3. quaest. 68;—St. Alphonsus, Op. Mor. I, VI. 106).

“Hence, as to the administration of the sacraments, it makes a difference whether she refuses or not, when she *is convinced* that she is obliged to undergo the operation: if she refuses, the sacraments cannot be given, because it is plain that she commits a grievous sin; if she consents, the sacraments of Penance, and Holy Eucharist as viaticum, may be given, and also Extreme Unction, if the operation threatens to be very dangerous.—If the mother is in good faith about the gravity of her obligation” (op. cit. num. 54, III.), “we must distinguish: If we foresee that the admonition will be fruitful, it must be given; if not, then, according to the common doctrine of the theologians, she must be left in good faith, lest the sufferer fall from a material into a formal sin.”

“If the Cesarean operation cannot be performed, no operation directly fatal to the child, can be performed.—Nay, it is a crime to place a cause, by which an immature fetus is expelled from the maternal womb, although it be expelled alive (S. C. S. O. May 28, 1884. —Aug. 9, 1889.—Jul. 25, 1895).

“But what is to be done when the mother is dead or dying, and the child still unbaptized?—

“When the mother is dead, the pastor is *obliged to have the operation performed* in order to baptize the child if it can be presumed to be still living. (Scav. IV. 297.).”

“When death is imminent, the pastor must

- a) Persuade the relatives of the patient of their grave obligation to allow the Cesarean section for the sake of the baptism of the child;
- b) Call any surgeon or obstetrician of the place, who should be ready to operate as soon as the legal assurance of death is procured;
- c) Inform the civil authorities, so that the visit of the board of health may be made immediately after the demise for the purpose of pronouncing the legal assurance (with us, the attending physician's testimony suffices);
- d) After the death of the mother, her mouth should be kept open by introduc-

ing a tube,* by which pure air may be conveyed into the womb, and the womb should be kept warm by applying cloths warmed at the fire;

e) When surgeons and obstetricians refuse to listen to him, and when the civil official declines to act, let him seek to coerce them by invoking the assistance of the local police;

f) If his appeals profit nothing (as will be the case ordinarily with us), the pastor himself must not undertake this very difficult and grewsome operation; nor must he commit it to the hands of inexperienced persons. But he must see to it, according to the opinion of the modern theologians, that baptism be administered by means of some obstetrical instrument through the ordinary channels." **

* P. Eschbach (op. cit. p. 359) calls this a vain undertaking, "because", he says, "the child does not perish from the want of respiration in the mother." He is certainly right. For the lungs of the dead do not draw in or use the air at all events, and the child in the womb cannot breathe through the tube in the mouth of the mother. Respiration is a vital process, and not merely the passing-in and out of the air.

** Alberti, op. cit. pp. 60-62.

The priest, therefore, is not obliged, either to perform the operation in person, or to baptize the child in the womb, since these actions are universally held to be inconsistent with the priestly character and decorum. (See Decree of Feb. 15, 1760.)

(Father Eschbach, also, treats this subject very extensively, and in the same tenor, *op. cit.* Disp. III.).

There is still another point of vital importance involved in the consideration of the Cesarean section, on which the views of physicians are divided to the very extreme limits. It is this:

“How long can a child sustain life in the womb of the dead mother?”

It stands to reason that various circumstances must be reviewed in answering this question. What reduces the chances of life in the *unviable* fetus, does not enter at all into the life-conditions of the *mature* child about to be born but for the attending difficulties.

The unviable fetus, often (if not generally) dies before the fatality overwhelms the mother; the viable child may be suffocated in the effort to facilitate the delivery.

It is impossible to fix the limit of vitality for the child in the womb, once that Death has pitched his tent so near.

There are recorded many cases of children rescued by the Cesarean section after the death of the mother; for example, St. Raymond *Non-natus* was taken from the womb of his dead mother *three* days after her death; princess Pauline of Schwartzenberg perished in 1810 in a conflagration during the wedding festivities of Napoleon I, and when her womb was opened the *next* day, a living child was found; on March 31, 1846, a woman who had been dead from drowning *four* days, was found to bear a living child (L'Univers, April 9, 1846).*

Cangiamila relates many cases of this kind, some of them so extraordinary, that they hardly merit credit.

Now, to be practical:

When the mother dies during the *earlier* period of pregnancy, before the end of the third month of gestation, great care must be exercised in the operation, so that the tender fetus may not be exposed to additional danger before it can be baptized. Dr. Marx (Past. Med., p. 103), says:

* Confer Eschbach, op. cit. Disp. III.

“With the fruits of the earlier periods it is always a case of *mortis articulus*, nay, in most instances death has overtaken them before they may be born. Hence I am of the opinion that a fruit not older than five months thus expelled, should be baptized only *sub conditione*. In the expulsion of the fruit in the first months there is, in the first place, a separation from its field of nutrition, the wall of the womb. This results first in hindering, and gradually also in stopping the flow of the vital arterial blood from the maternal blood vessels. Now, the organs of the fetus and the tissue from which they grow, are at this period developed so meagerly that there can be no thought of life after the suspension of this vital condition. . . .” Then Dr. Marx rejects as erroneous the following opinion of Dr. Olfers (Past. Med. p. 15, Olfers): “In artificial abortion the fetus is not killed directly;* but it causes only the contractions of the womb, either by medicines or mechanical means, so that the fruit is nearly always expelled alive, unless it died from some other reason.”

It is true, these physicians speak of the con-

* This assertion, by the way, is the key to his position on the case of the perforation of the amnios.

dition of the fetus in connection with abortion (and contradict each other!), and we, in connection with the Cesarean operation to be performed after the death of the mother: but the Cesarean operation must face the same conditions in the case of unviable fruits. What we wish to learn from these men is, that a fetus is put in a very precarious condition when it is interfered with at all in the early stage of pregnancy.

But it should be remarked here that Dr. Olfers' views agree with those of Dr. Capellmann on the condition of the expelled fetus, if the expulsion takes place in the first three months: "Here we must distinguish three periods. First, the period up to the end of the third month, because until then the *ovum is almost always rejected whole.*" (Capellmann, *Past. Med.* p. 139.)

Stoehr-Kannamueller (*Past. Med.* pp. 451—452) makes this pertinent comment:

"According to the Roman Ritual the womb of every pregnant woman must be opened after death for the purpose of administering baptism to the fruit. But practically the priest is rarely in a position to demand the Cesarean section before the fortieth day, or the physician, to perform it; since probably in half these cases a pregnancy cannot even be ascertained. And,

therefore, I do not consider it a question for the serious discussion of physicians, whether, and how long the ovum can live after the mother died at an early stage of the pregnancy. In the pastoral and medical practice generally only the more advanced, nay, the most advanced stages of pregnancy will be presented for assistance; and the prospects of success will then be the more favorable, the nearer the day of the operation is brought to the normal end of the pregnancy, the stronger the constitution of the mother, and the less it is to be feared that the ailment which took away the mother, also threatened the life of the child."

It would, therefore, seem reasonable to conclude: 1) The children to be extracted after the death of the mother are more likely to be found alive than those that are extracted by violence (before viability) from the womb of the diseased mother; because in the case of the former, the natural elements of the children's condition are left untouched until the blood of the mother has grown cold, or even, until it has begun to decompose perceptibly.

2) Those cases in which the children have been found alive after two or three days, are so rare, if true at all, that Dr. Stoehr is probably

right in thinking that it is asking too much of a man to believe them. (Past. Med. p. 453.)

3) The viable fetus may be extracted without danger before it is baptized; and even if it should show no signs of life, it must at once be baptized conditionally, "*si vivis*."

Dr. Stoehr (op. cit. p. 371) relates a very telling case of his own experience, where a newly born infant, seemingly so much dead that the midwives began to ridicule the labors of the conscientious young physician who had been working over the child for over half an hour, was brought back to life, baptized, and lived twenty hours, even after an interruption of the attempts at revivification. Dr. Stoehr confesses, too, that from that day he habitually worked more persistently and much longer over newborn children who gave no sign of life, than even over adults apparently dead, and often with splendid results after long-continued and apparently hopeless efforts.

3. If the Cesarean section must be performed *post mortem matris* in order to save an *unviable* fetus for baptism, it should be borne in mind that the *secundina* must be opened carefully and slowly, in order to prevent a sudden spilling of the amniotic water which would

result in the death of the fetus. At the same time it need not be feared that the contact with the air will instantly kill the fetus (or embryo). But in the case of a very diminutive embryo, of less than six weeks' gestation—(which will rarely become the object of medical or pastoral solicitude)—Debreyne suggests baptism by immersion of the ovum, i. e. of the fetus together with the secundina, in the baptismal water. Capellmann thinks this precaution unnecessary, and would rather confer baptism by aspersion or infusion, "since after six weeks," he says, "the fetus is so large (17—25 mm.), that it can easily enough be baptized by infusion" (op. cit. p. 141).

It is well also to note that no time should be lost, in such instances, in looking for signs of life; but the proper mode of proceeding is to baptize immediately on presentation of the fetus: conditionally, indeed, "*si vivis*," if there is no sign, or reasonable doubt of life; with the condition "*si es capax*," if baptism is to be conferred by the immersion of the opened ovum. Of course, whenever the existence of life is manifested by a movement or pulsation of the heart, or, rather, what would develop as the heart, baptism is conferred absolutely, if only the fetus

can undoubtedly be touched by the stream of salvation.

Dr. Capellmann (op. cit. p. 140) gives an advice that appears to be inconsistent with his views of the physiological existence of the fetus:

"When the ovum," he says, "is carefully opened, and the water is discharged slowly, i. e., not suddenly, the contact of the air will not kill the fetus instantly, no matter how small it may be. Too much time must not be lost in looking for signs of life; but if the ovum is fresh (not discolored or decomposed), and the fetus white (not yellowish or brownish), baptism must be administered immediately after the opening of the ovum: "*si es capax.*" "

Anent the placing of this condition "*si es capax,*" we would note that after Dr. Capellmann's description of the circumstances, the fetus is freed from the water of the womb and can *undoubtedly* be touched by the baptismal water: why, then, this condition instead of "*si vivis*"? For no other doubt can remain, except, perhaps, a doubt of the presence of life.

Dr. Capellmann must admit either 1) that the *secundina* together with the amniotic water, constituting, as they do, in union with the *early* embryo the totality of the conception, the ovum,

may be considered part of the child, after all, at that early stage when the existence of the embryo in this connection is an indispensable condition of its life.—But then, the good physician should not have advocated the destruction of this union in his case of the perforation of the ovum.

Or 2) that there is danger that the baptismal water may not, perhaps, touch the fetus swimming in a remnant of the amniotic liquid: and then he cannot consistently contradict Debreyne, whom he quotes, as the advocate of baptism by immersion of the entire opened ovum. For, if the baptismal water cannot with absolute certainty be poured on a fetus from six to twelve weeks old, after the amniotic water has been at least partly withdrawn, which Capellmann intimates by insisting on the condition "*si capax es*," what difference can it make, if, with equal uncertainty, one baptizes the same fetus by immersion, when he must make the same condition?

Moreover, in a note Dr. Capellmann recommends baptism by immersion to the inexperienced; and the baptism of very small fetus, in the same manner, to anyone, indiscriminately.

We would explain Dr. Capellmann's contra-

diction in this manner: The older theologians required of him who was to baptize a fetus that could not safely be separated from the ovum, to immerse the entire ovum with the condition: "*si es capax*"; then to open it carefully, and upon finding a fetus not evidently dead, to repeat the sacrament conditionally: "*si non es baptizatus,*" and in doubt of life: "*et vivis.*" *

Hence that condition, "*si capax es*", has held over from the time when both medicine and theology considered the total ovum, child and part of the child, and Dr. Capellmann copied it unwittingly, contrary to his assumed position on the physiological existence of the fetus. But the proofs of this assumption, which medicine has so far advanced, are not convincing enough to remove a doubt so universal in the writings of eminent theologians, and so grave by virtue of the necessity of baptism; for "*in dubio tutius est sequendum.*"

If, therefore, the physician succeeds in baring the live fetus from the ovum, it must be baptized absolutely; if there is doubt of life, conditionally, "*si vivis*"; but when the fetus can not safely be separated from the water to warrant absolutely,

* Konings, *Theol. Moral*, Num. 1260, 2.

the timely contact with the baptismal stream, the ovum must be immersed after careful opening, and the condition applied: "*si capax es.*"

Physiology has not yet advanced a final argument in favor of the theory, "that the *secundina* is *at no time* part of the fetus"; because the *secundina* develops simultaneously with the embryo from the fructified ovulum, as much as the fruit of the cherry tree: stone, germ, flesh and skin, develops from the blossom. The germ, fully ripened, throws off its involucra; but it does not throw them off at the early stage of formation, because they are part and parcel of the fruit like the nascent germ itself; and the germ only gradually becomes the *sole* object of the work and intention of nature: it remains even after skin and flesh are decayed, after the shells are split, and the filling has been consumed in the process of a new generation, a self-sustaining, viable germ.

We make the limitation: "*at no time,*" because it cannot be denied that at the moment when the germ, human or otherwise, has attained a stage of comparative maturity, when with special care and assistance—(we are dealing with *animal* life)—it may exist for itself, that which was at first an indispensable condition of life and

existence, now becomes mere wrappings for protection. Science has not yet determined that moment for the human germ.

The *decidua*, however, is never part of the fetus, because it is formed from the membrane of the womb, and thus belongs entirely to the mother.

We conclude this treatise on craniotomy and the Cesarean section with the warning of Stoehr-Kannamueller (op. cit. p. 449):

“One more point must be mentioned. If the mother in labor refuses the application of the Cesarean section, even after the gravity of the moral obligation, wherever it exists, has been earnestly set forth, then there is nothing left for the physician to do, if the child is alive, than to await the death of the mother in the name of God, and save what may yet be saved by laparotomy after death. His conscience forbids him to offer any other assistance.”

CHAPTER IX.

THE PORRO OPERATION.

1. This operation consists in the amputation of the womb together with the ovaries, and ducts or tubes. Its invention is ascribed to Edward Porro, a professor of surgery at the university of Pavia, who applied it for the first time in the year 1876.

2. Physicians resort to this operation (1) when the Cesarean section might result in the death of the mother from hemorrhage; because, they say, the Porro section is not accompanied with such profuse bleeding; and (2) when there is danger that in the next delivery (or pregnancy) the mother must again face death.

This operation removes all the internal organs of generation, they claim, and, therefore, makes a future conception and the concomitant dangers impossible; lastly (3), when for any other reason, or for none, a woman declines the burden of child birth.

OBSERVATIONS.

3. a) The Porro operation involves a serious mutilation of the human body. But this is permissible only when the member to be amputated threatens the safety of the whole body, and other remedies are not available for a cure. St. Thomas expresses this rule as follows: "*Membrum non est praescindendum propter corporalem salutem totius, nisi quando aliter toti subveniri non potest*" (S. Theol. 2—2. 9, 65, a. 1. 3.). We must not amputate a member for the bodily welfare of the whole, except when other means will not avail."

This is the universal doctrine of the theologians. When, therefore, conscientious physicians have come to the conclusion that the conditions of a case are such as will not permit the success of the Cesarean section, they may safely apply this method.

But we cannot help calling attention to the words of Drs. Stoehr-Kannamueller and Guermontprez, to the effect, that the Cesarean section can now be performed without much spilling of blood. Hence it would seem but reasonable to conclude, that the success of the Cesarean section depends largely upon the experience and skill of the operating surgeon, to the lack of which

qualifications the moral principle quoted above from St. Thomas does not apply.

(b) The Porro section renders illusory the principal purpose of matrimony—or, rather, of its use—the *procreatio prolis*.

It is evident that this effect is not, or need not be, intended when this operation is undertaken as the last measure for saving the mother's life; therefore, it does not necessarily and *per se* enter into the question of its licitness. But when this effect is made the sole object of the operation, so that the operation would not be undertaken but for the sake of ensuring that effect, it is sinful, no matter what other reasons may be advanced in defense of it.

They urge as one reason, that "a woman whose life is endangered by every pregnancy, would be condemned to a life of forced continence, which is unnatural; therefore, the operation should be permitted."—

But may the same reason not also be advanced to protect an emasculated husband, or a eunuch? —

It is indeed impossible at present to give a theoretical decision on this question in so far as it touches the matrimonial section of Canon Law; for, 1) many able and experienced phy-

sicians deny that the removal of the ovaries alone insures safety against the natural consequences of conjugal intercourse. The reason is, that the amputation may not be so complete and radical as to frustrate the constant attempt of nature to rebuild and reconstruct, what was believed to be extirpated.

2) The Holy Office has decided (Feb. 3, 1887), that the marriage of a certain woman, who had undergone the excision of the ovaries, was not to be prevented.

Still, we should not overlook the fact that this decision, together with another one given July 30, 1890, in favor of the marriage of a certain woman from whom both ovaries as well as the womb had been excised, was rendered for particular reasons which have not yet been disclosed, and in *private cases*. Such decisions must not be interpreted as covering all similar cases, unless we disregard the rules of interpretation laid down in Canon Law. On the contrary; the universal teaching of the theologians pronounces against the total absence of the essential organs of generation, whether internal or external, as against what is commonly accepted to be the canonical impediment of impotency.

Father Antonelli quotes Amort, among others, on this head, as follows:

"Si sterilitas causata fuerit artificialiter per potum seu venenum sterilitatis, constituit verum impedimentum dirimens matrimonii titulo impotentiae; quia hoc venenum destruit seu corrumpit ipsa organa generationis, nempe ipsam matricem, ovaria, vel testiculos."*

(De Mul. Exisae Impotentia, p. 45. 1903).

The Holy Office has certainly not overturned the common doctrine. But it is not the scope of this work to meddle with the two knights now in the lists, battling for the prize in this celebrated discussion, Fathers Eschbach and Antonelli.

An abundance of valuable information and—entertainment can be found in the works of these two celebrated authors:

P. Eschbach, "Disput. Physiol. Theol.,"

J. Antonelli (1) "De Conceptu Impotentiae,"

(2) "Pro Conceptu Impotentiae,"

(3) "De Mul. Excisae Impotentia."

So much is certain, however, that, in view of the classic interpretation of the impediment of

* We cannot expect *Amort* to know of the Porro section, but he speaks of effects identical with those of the total excision.

impotency, the Porro section is a very dubious expedient at best in "desperate cases," and that, except in truly extreme cases, it cannot lawfully be applied without violating the principle so concisely stated by the greatest Master in theology.

The classic operation in all very difficult cases is the Cesarean; and for this reason it is championed by all conscientious and skilful physicians as the most moral, the least perilous, and the most efficient remedy of a really desperate case of parturition.

CHAPTER X.

CONJUGAL ONANISM.

The examination of this sore on the social body should probably be comprised in the view of this treatise; not as if it constituted one of the perils of embryonic man, but rather, because it is so widely substituted for the remedies of those perils. But the matter looking so unclean in English, and moral theology according to its proper meed of consideration, we will content ourselves with giving just a word of advice for its pastoral handling.

1) The confessor who insists upon physiological deterrents against the crime, must be ready to meet both the godless medical adviser who counsels and instructs married people in the perpetration of this *crimen nefandum*, and also the parties interested, who will gainsay and laugh to scorn his warnings and threats on the ground of a robust constitution and the tardiness of outraged nature in meting out its terrible retribution. The confessor should insist principally on the immorality of the act, threaten-

ing, like St. Paul, eternal damnation. If this does not have the desired effect, treat them as incorrigible *consuetudinarii*. Leniency in such fearful danger of mental blindness is misplaced.

2) Race suicide is menacing the existence of nations and parts of nations now, and will not be stemmed by gentleness. God did not send Onan to a retreat, but smote him dead on the spot. The ogling with conjugal cowardice* is abetting an evil that contravenes the very purposes of the creation of man, as man and woman, and renders its abettor as guilty before the Creator and Judge as the perpetrator.

3) The principal objection which the physician raises against the veto of the moralist, is, that in many instances where Onanism is practised, a conception will break down the constitution of the mother, so that the lives of mother and child are jeopardized; hence it is better, they say, to allow the lesser damage and danger, than to counsel the sacrifice of the unfortunate victim.

* Dr. Marx (*Past. med.*, p. 122) says: "The shattering of the marital life through Onanism is the principal source of the disaffection of the men in France toward the church. In the *Compte-Rendu* of the year 1884, it is expressly stated, that in those departements, v. g. in the Bretagne, where such immorality is not practiced, religious life is found in full bloom."

The real reason, however, is, in most cases, the dread of the doctor, of losing a patient, and—money.

The physician knows, that immoral relations between the sexes tax the nerve-power, and the entire system indirectly, to a most lamentable degree. If a woman is not in a condition to comply with her conjugal duties, can she, then, suffer with impunity those exactions of the flesh, which rouse every fibre from the heart to the finger-tips!

Whence these many wrecks, physical, mental and moral, that litter the coast of the “higher” classes? Whence these many unfortunates, who are disgusted at everything noble and good? Whence these thousands of unbelievers? Whence these puny, nervous children, boys, young girls, young ladies? There is no more abundant source of infidelity—religious and matrimonial—than the despair born of unbridled lust, and sired by the terror of the future judgment.

4) But it may not be the *general* condition of the wife that protests against her sacred duties: the protest may come from some very particular condition, as, extreme narrowness of the pelvis, or any other organic disorder.

If the *pathological* condition forbids the natural

exercise of the conjugal privilege, it forbids even more sternly, whatever is unnatural.

If some organic (local) disorder is in the way, then the physician must point out some decent way out of the difficulty. Of these there are not many. The old advice of *abstinentia usque ad tempus minus aptum quo conceptio fiat*, has been so much discredited of late, that neither a prudent confessor, nor an alert physician will give it unconditionally any longer. The induction of premature birth in due season would remedy many an evil case.

Qui autem monent ut conjuges cohabitent quidem, sed copulam ante periculum effusionis abruptant, vel impossibile vel stultum quid suadent. Inter modernos sane non pauci ad hoc uti ad opus bonum conjuges adhortantur, quod sit non solum possibile, sed opus facile et gratum nimis. Quot autem pollutiones vir patiatur, et quoties mulier perperam agitetur, antequam operis experti fuerint, sapienter tacent. Ast "non sunt facienda mala ut eveniant bona," etiamsi opus istud per se dici posset non immorale, licet periculis obnoxium.

The only safe advice to be given in these cases is the advice of the moralist, which will save both the character of the physician, and the

health of the parties under treatment: "And you, employing all care, minister in your faith, virtue; and in virtue, knowledge; and in knowledge, abstinence; and in abstinence, patience; and in patience, godliness." (II. Petr. 1, 5—6.) "Dearly beloved, I beseech you as strangers and pilgrims, to refrain yourselves from carnal desires which war against the soul, having your conversation good among the gentiles." (I Petr. 2, 11—12). The salvation of the race is in the hands of the Church of God; the physician, therefore, who would wish to make his ministrations, especially to the married, abundantly fruitful of good, must join hands with the moralist—or be lost without trace and track, without boon and blessing. Louis Pasteur, a pious Christian, a Catholic, was mindful of this truth throughout his career, and, in consequence, has stamped his name on his century. Joannes Mueller, the great teacher of the great, conservative Virchow, and of many other lights in science, owed his success as investigator and teacher to his Catholic conservatism, a conservatism inculcated by the consciousness of the humiliating, but unshakable truth, that "*we know in part, and we prophesy in part.*" (I. Cor. 13, 9). The same must be said of the immortal Malpighi.

The profession and practice of the Christian Faith are not only not incompatible with, but indispensable in the profession and practice of science and art, unless ephemeral success and the applause of a debauching press and the rabble alone are sought, or—the best efforts of the genius of man are made subservient to the worship of the meanest among the gods, filthy Mammon.

CHAPTER XI.

VASOTOMY (VASECTOMY).

A surgical operation which has lately attracted widespread and serious attention, is Vasotomy.

Est levis quaedam operatio chirurgica qua vas deferens amborum testiculorum aut ita pene praeciditur aut saltem ita filo constringitur, ut potestas generandi e medio tollatur. Sperma enim impeditur quominus in vesiculas seminales ascendat, et ita id quod relictum a quibusdam semen dicitur, nihil reipsa est nisi liquor glandula prostata generatus, qui solum semini ferendo inservit. Qua mutilatione facta, copula carnalis perfici quidem potest, seminatio vero ad generandum apta minime habetur.

Vasotomy is advocated and applied for the purpose of rooting out criminals and degenerates by stopping their propagation. Several States of the Union have permitted Vasotomy by the favor of their laws.

Quæ operatio etiam pro levandis quibusdam morbis adhibetur. Nam nimia abundantia tum spermatis tum liquidi glandulis excreti morbos corporis et animi quandoque excitat, quibus mederi haud potest nisi fons, qui in organis inferioribus situm habet, praecludatur.

Such a condition may easily reflect upon the nerves and even upon the brain and cause misery and suffering, and become the source of uncontrollable, morbid and unnatural sexual impulses, and a train of sin and crime.

It may not be out of the way to note here, that the modern habit of releasing all the lower, the animal impulses of human nature, in the name of "free development," from the wholesome check of reason and religion, has contributed not a small item to the sum of human wretchedness, and has also obscured the vision of well-meaning and experienced philanthropists, both individually and collectively. The great masters of the past have recognized, described and judged with deep and sympathetic understanding, both the power and the weakness of the intellect and of the will of man. They have made sufficient allowance for differences of temperament and disposition in the individual; also for ignorance and habit; they have even in a large measure recognized our own modern "incontrollable impulses" in the unpoetic garb of the *motus primo-primi*; but they have not deflected from their unmodern habit of calling a spade a spade. Whoever to-day is conversant with the philosophy of the past will confess that our modern psychology has not improved one

whit on the psychology of the great School of the Middle Ages. We have succeeded in confusing the notions of right and wrong, but we have not advanced one step beyond the fence which discriminates matter and spirit in man.

Our superior knowledge (if such it be *formaliter*) of the human organism, and especially of the brain, and of the nerves and their interconnection and their multiplex functions, has only served to confirm the results of the logical excursions of the philosophers of old into the twilight region of the borderland between body and soul.

The ancient as well as the following generations of philosophers laid great stress upon discipline, and self-discipline in particular, for regulating and subduing elementary outbreaks, or "incontrollable impulses" and "compulsory notions." Many of them had had occasion to watch the changes going on in men who were brought under the salutary influence of religion after they had spent half their lives in the license of paganism, and had observed that the antecedent "incontrollable impulses" of titanic rage (the *berserks*) and of bestial lust slowly yielded to painfully acquired habits of self-restraint—of retrenchment in the joys of living and thriving.

But if we seriously consider that the very word

“training” with its implication of method and mastery is in the ears of modern educators and their ill-starred “material” a reproach, a curtailing of “liberty,” synonymous with cruelty and lordism, we need not rub our eyes in surprise at the many excuses invented by ethical writers and medical writers in order to gloss over the failure of a false system.

The tree of knowledge is not the tree of life. A boy in kilts would be ill at ease in the coat-of-mail of the old hussars. The light and the heat of the sun are not the only requisites for the growth of vegetation; there must be good soil and good air, as well as seasonable rain besides the kindly services of the sun.

We are neglecting the training of the man. Many disorders, especially of those of sex, are caused, not by ignorance, nor by knowledge, but by untimely knowledge, precocity and curiosity. They could have been avoided had the unfortunate victim been taught in time to chasten his natural impulses, not only in things modest, but also in things honest, humble, meek and lowly. And then he would not have become the slave of “compulsory notions” and “incontrollable impulses.” The entire motor-mechanism of our body may be thrown into disorder by vicious tam-

pering—and the blame be laid at the door of a diseased brain.

The larger number of the cases of nervous disease leading to criminal acts and habits may be traced to the following heads:

1. Bad stomachs, and consequent irritability;
2. Positive abuse of the imagination, and consequent restlessness and unsatisfied cravings; this is the most prolific source of venery;
3. Lack of the habit of self-control, and consequent lack of restraint of desires and impulses.

Hence a better trained generation would be a healthier and happier generation; and revealed religion offers more true philosophy in a single line of the Gospel than reason and science will ever succeed in extracting from experiment and speculation. Was it not as a remedy for the blindness of the intellect, and the weakness of the will, and the rebellion of the flesh, that the Author of man condescended to pour a ray of heavenly light upon the earth?

With this assertion we do not wish to discountenance research, examination and experiment; but we should like to discourage the modern audacity of going into the darkness without securing a lamp.

Yet conditions akin to insanity are met with in

persons otherwise normal in their moral sense. At instances of lapses in physical function, the will seems to slip from the leash of reason, and the patient commits an act wholly at variance with his views and principles. The physician ascribes this error to a physiological defect, a lesion of the brain, or to the paralysis of a portion of the cortex of the brain: which must be granted to be a correct diagnosis, if the patient fails and falls only and exclusively in a certain line of thought or action; because then it cannot reasonably be denied that the thought (idea) or act is the result of a mechanical reflexion; as whatever is mechanical, is bound to be of regular and uniform occurrence. But if the patient manifests viciousness also in other directions, or is capable of diversifying his conceptions and consequent actions, not only according to objects, but also according to categories of objects, then the seat of his immoral activity is in the mind rather than in the body and its organs, because then his activity is the result of conscious perception, which is not seated in the cortex of the brain, but in the intellect.

As a matter of fact the "compulsory notions" and "incontrollable impulses" which commonly are brought to our attention are nothing but

foibles which we pardon with a smile of compassion. Once a "compulsory notion" assumes the proportions of a mania, as for example, the homicidal mania, we are confronted with a pronouncedly diseased condition. And once an "incontrollable impulse" refuses to yield to all efforts at repression, we are dealing with an object of sympathy. These views are natural, universal, and human. The incontrollable impulses of women in pregnancy were recognized and protected by law in the Middle Ages. Hence neither have we reason to pride ourselves on our "superior" knowledge of man, nor should we make bold to impugn the canons of morality laid down by the jurists and the moralists of the past. We have not pushed our way one step further from the classic exposition of the harmonious working together of body and soul. If only those who so strenuously labor for the uplifting of our generation would take the trouble to acquaint themselves with the wealth and wisdom of the old and tried philosophy, they would not try in vain, building up new systems of prophylaxis on the rubbish cast aside by the old builders.

Therefore, the attempt to remedy a moral evil by a physical operation, such as Vasotomy, is a radical, a too radical procedure. Only in cases

where the diseased *organa sexus* are the cause of pathological disorders—which may indeed produce moral evils more or less culpable—should we advocate the use of the scalpel instead of the use of the birch. And in this light we must examine the question whether Vasotomy is licit or not.

WHAT IS THE MEDICAL STATUS?

Vasotomy is a slight operation. It is not attended with the dangers, pains, difficulties and consequences of major operations. It is not a grave mutilation of the human body. It can be executed by a skilful physician within a few minutes. Its process of healing is smooth and even, and insensible. Aside from the moral effects, the injury done to the subject is insignificant.

Hence from the physical, physiological and medical standpoint, Vasotomy presents no objectionable features.

Cum praeterea sanitatem corporis viri vasotomiae subjecti inspicimus, vasotomia nullum malum corporis praesefert. Eundem namque ac castratio effectum sortitur, omnimodam scilicet impotentiam generandi. Sed rempublicam ab hostibus occultis, id est, a viris ad crimen proclivis et degeneris parvo censu liberat dum ipsos excisos multis malis exuit.

Facultatem tandem tribuit voluptatibus omnibus matrimonii gaudere, onera tamen, quorum præcipua sunt generatio et educatio prolis, removet.

WHAT IS THE MORAL STATUS?

The morality of Vasotomy is to be considered from the viewpoint of both the natural and the positive moral law. As a mutilation of the human organism it falls both under the natural law, which obliges man to safeguard his constitutional integrity, and under the positive law of God as expressed in the fifth commandment of the Decalogue: "Thou shalt not kill," which manifestly comprises all attempts at human life, whether direct or indirect. But as a *mutilation*, Vasotomy may be dismissed from the tribunal of the moral law, on account of its being a slight and insignificant mutilation, which is not forbidden when a reasonable cause demands it.

But as we must consider in every human act not only its nature and process, but also, and principally, its aim and effect, so we must examine Vasotomy in the light of the intention of both operator and subject, and in the light of the effect it produces on the race. Man was bidden not only to live, but also to increase and multiply. And to

insure the growth and propagation of man, the Supreme Legislator has formulated a special commandment alongside the one that protects human life—the sixth commandment—in order to protect the community against the tendency of self-destruction by abuse.

Organa sexus hunc tantum finem natura sua habent, genus humanum propagandi. Omnis itaque qui eis vel abutitur vel damnum nocivum infert, finem pervertit et reum se facit criminis in naturam. Utrum enim licitum sit annon haec organa mutilare, non lege quidem humana, sed eadem prorsus lege definiendum est qua homo conditur et jure et virtute pollet simile sibi gignendi. It is irrelevant to the morality of any action contrary to the intentions of nature, whether the legislators of one state or of a dozen permit, command, or forbid such action. Divorce has not been made moral by the license the civil government has granted against the sanctity of the marriage contract in the sight of its divine Author. The morality of any action of man is judged from its bearing towards or away from the will of the Lord of man.

Homo non eo fine sexu induitur ut voluptatem copulae carnalis capere possit. Econtra sicut cibo et potui sumendo, ita etiam sexui exercendo,

voluptas sensus superadditur qua et ea quae secus aegre ferrentur, actui necessario subjiciantur, et appetitus fastidiosus ad validiorem impetum incitetur.

In the use of food and drink for the maintenance of life, God has given little latitude of discretion; man must eat and drink in order to live and thrive. But in the use of the generative faculty, God has given man the fullest liberty of reasonable choice; no man will take harm from abstention in the matter of sexual delectation.

But as the right to life is a radical and fundamental right in the individual, and the protection of life so natural a duty that it asserts itself rather in the form of an instinct, so also is the right to generate a radical and fundamental right in the individual, and the possession and protection of the power of generation an inviolable privilege.

Human life may be taken (1) by public authority, as a punishment of crime; (2) by the individual, in defense of his own life or property, or virtue. But human life may never be taken with the definite aim of destroying life as the sole, or principal end of the destruction; because human life belongs to God, who does not allow human authority to kill the evil-doer, except for the purpose of punishing him for his crime, and of most

effectively protecting the community against his wickedness.

Nor is it the intention of him who acts in self-defense against an unjust aggressor, to kill an enemy, but to rid himself of the imminent danger of the unjust aggression.

Now, if public authority may exact the life of the criminal as a punishment for his crime, may the same public authority not also exact the integrity of the body as a punishment for criminal impulses, and as a preventive against the multiplication of criminals and degenerates?

This is the crux of the question. Society has an undisputed right to take defensive measures against those whose actions and existence are a standing menace to its own existence or welfare. These measures may not only be repressive, but destructive. Law and order demand a decisive course. Therefore, may society not resort with equal justice to the scalpel of the physician and to the sword of the public executioner?

Now let us draw in our net.

In the first place: The pleasure which attends the acts of sustaining and propagating human life is added to these acts only as an incidental. Its purpose is to assist the proper faculties in placing

their act with the necessary energy. Therefore, the pleasure of the exercise of such faculties is granted *ad finem consequendum*. Hence, where there is no more proper purpose in the exercise of any faculty, the seeking of the pleasure of such exercise is a deflection from right reason and from the order of nature.

But by Vasotomy generation is rendered impossible. Leaving aside the much-disputed question of what constitutes the *actus aptus ad generandum* relatively to the use of marital rights, it is certain that the *fluidum eiectum in copula carnali* by one who has undergone Vasotomy, *neque esse neque continere spermatozoa*. *Solus enim finis huius operationis est, humorem copula detractum neutrum efficere, praesepto vel constricto ductu seminali*. Now, although the positive legislation regarding the impediment of impotency in connection with the use of marital intercourse may not be clear in its application to individual cases, yet so much goes without contradiction: that Vasotomy separates the natural *appetitus et delectatio actus carnalis* from its natural *finis*, and therefore, is intrinsically wrong as the means of subverting the designs of nature and of the Creator. Vasotomy is immoral as an *instrument* against nature, in the same degree that

Onanism and Masturbation are wrong as *practices* against nature; because the underlying principle is the same: indulgence of the pleasures of the flesh with a positive contravention of their purpose. Hence, even if a particular married man, a subject of Vasotomy, should be permitted, for one reason or another, to exercise his conjugal privilege, yet this would not upset the contention that he is injured in his natural integrity.

Li qui asserunt virum sectum verum quidem sed sterile semen ejicere, itaque inter steriles tantum et non inter impotentes recensendum esse, praeposterum quid asserunt. Nam quod organa secta vasotomia eiciunt, semen non potest esse ullo modo; sed est liquor tantum qui spermati colligendo, conservando et pervehendo inservit. A grain of wheat from which the germ has been removed, is no more useless for sowing than the liquidum eiectum a viro mutilato ad generandam prolem. The potestas coeundi which is not lost by the operation does in no conceivable manner, in this case, include the possibilitas generandi, which is always included in mere sterility.

Hence it seems safe to conclude that Vasotomy is immoral on the ground that it destroys the integrity of the human constitution rendering it unfit to co-ordinate the means and the direct end of

the sexual act on the basis of the *appetitus ultimi finis*.

In the second place: Vasotomy is resorted to (a) as a means of relieving a pathological condition produced by seminal disorders; (b) as a means of sterilizing criminals and degenerates.

In the case of men suffering from disorders due to derangement of the seminal organs, Vasotomy may be applied without scrupling about its morality, on the principle that part of the body may be destroyed in order to save the whole; but in the case of criminals and degenerates, with whom the operation is to serve the sole purpose of rendering them impotent, Vasotomy is immoral without doubt.

For first: If Vasotomy in these cases is applied as a punishment, it is inadequate, and a perversion of the end of justice, which also serves the moral law. It is inadequate as a punishment (1) because it inflicts no suffering of any kind, and a punishment which is free from suffering, is not felt as a punishment, i. e., neither acts as a deterrent nor as a retribution; (2) because it does not produce the desired protection against the object of justice. The object of justice is the criminal himself, and not his possible future progeny. The descendents of criminals, even of

habitual criminals, are not born with crime, but at best with the mere disposition or tendency for crime—which is true to a certain extent of us all, fallen race that we are. If all those were to be thus treated who are likely to transmit a *disposition* for crime to their offspring, there would be left very few *men* in certain classes of modern society—for, let it be remembered, that adultery, rape, avarice, and dishonesty are just as great crimes before God, as drunkenness, murder and theft.

But Vasotomy, in the second place, is also a perversion of the end of justice.

The end of justice is, to assist in upholding the moral law, i. e., in protecting and advancing the morality of the community. Now morality does not consist merely in a veneer and gloss of nice manners, and in the twisting and turning of the citizens according to the ordinances of the board of aldermen, but in the integrity of the conscience of men, both as individuals and as members of society. Vasotomy neutralizes the external effect of the carnal appetite. It leaves the *stimulus carnis* in full possession. Considering, then, that *criminals* and *degenerates* are the subjects under discussion, and that they are surely not greater experts in mastering their passions than men of

normal instincts, who can close his eyes to the train of acts, thoughts and desires, etc., of lust following on the heels of immunity from fatherhood!—No, Vasotomy as a punishment is a dire failure.

In the third place: Vasotomy is applied as a *preventive* for the propagation of criminals and degenerates. The argument is this: Society is empowered to protect itself against serious danger and injury even by resorting to the axe of the executioner; but by applying Vasotomy, society seeks the same end; hence, society has the same right. And as Vasotomy is a milder remedy than execution, and serves the same purpose, society has even a better right to resort to Vasotomy, in so far as this means is more humane.

Solution: "Society (through public authority) is empowered to protect itself against danger and injury" *in the person of an unjust aggressor, by meting out adequate punishment*, granted; but society has no *moral right* either to mete out inadequate punishment or to punish a criminal whose crime is merely an internal act, although his presence may be an affliction, according to the axiom: *De internis non iudicat praetor.*" The first restriction applies in the cases of all criminals subjected to Vasotomy, as we have seen above;

and the second, to most degenerates. Public authority, guided for many hundred years by the common sense of the race and the moral law of Christianity, has succeeded in repressing crime by various reasonable, seasonable, and natural means, without resorting to a needless and degrading mutilation.

2. "But by applying Vasotomy, society seeks the same end," i. e., the repression of danger and injury.

This is not true. By punishing capital offenses with death, or perpetual imprisonment, society seeks (1) retribution; (2) the horror of crime in the other members of society criminally inclined; (3) its own protection and the safety of its members.

But by the application of Vasotomy, society does not seek the only retribution possible in the case, that is, the privation of manhood as such (1) because the end and purpose of Vasotomy is to sterilize the subject with a decided view towards the multiplication of criminals as such, and not merely as offspring; (2) because the criminal and degenerate with their blunted moral sense, do rather rejoice in than grieve over their loss of manhood, which loss is to them rather an added license. But even if society should seek this kind

of retribution, yet Vasotomy would remain as immoral an operation as before, because the crime, the cause of the punishment, is supposed to be an external act, which falls under the jurisdiction of the external tribunal, whereas the punishment, an invasion of the moral integrity of human nature, is a violent aggression of the principal obligation of society, "to increase and to multiply."—"Volenti non fit iniuria"? In the violations of nature, we cannot be *volentes* without being also participants.

Furthermore: Society seeks "the horror of crime, etc."

To this we may briefly answer: Society does indeed seek to impress the community with a salutary fear of its punishment for the purpose of checking lawlessness. But does the unmaning of a criminal really act as a deterrent? Upon whom? The defendant himself is put aside for the present, as we know that criminals, for reasons of personal comfort, have begged to be sterilized by Vasotomy.—Upon whom then does this operation reflect as a deterrent? Surely only upon those who run the risk of being legally sterilized. But they are the habituated criminals. Now, if no other punishment has impressed them, will this, at last, which is looked forward to as a comfort,

check them in their wickedness?—Or are other *degenerates* to be impressed? Their very degeneracy is proof against impressions which bring nothing to them but visions of unbridled license in the future.—Or is the law-abiding citizen to be impressed with the fear of being deprived of his manhood? Then he would have to feel within himself the tendency (or degeneracy) for criminal habits—and, thank God! there are a few of us left who try both to repress the inborn, and to guard against the acquired tendency towards crime.

Lastly, society seeks “its own protection, etc.”—True, society in handing over the criminal to the executioner, lawfully seeks its own protection and the safety of its members by taking his life. This is in accordance with the practice of justice as sanctioned by good sense, law and usage, and is at least not contrary to the law of God. Here is a degree of proportion between offense and expiation which is recognized by instinct. Can the same cool comparison be made between crime and Vasotomy?

We should note from the beginning that there exists a certain equality, among civilized nations, between the crimes punishable by death and the death penalty. In putting the murderer to death,

life is asked for life; in punishing rape with death, we requite deathly insult with death. In dealing capital punishment to the thief, the law looks over the head of the individual subject injured, and considers the nature of the offense, the temptations it may bring to others, and the consequent insecurity of property, and indirectly, also of life. Hence we would not find fault to a great extent with a government which would resuscitate the old laws against burglars, highwaymen, kidnapers, and the like.

Is there also that degree of proportion to be found in the application of Vasotomy which our moral sense requires?

1. As a punishment,—we have seen this above,—Vasotomy is a failure. As a corrective, it is entirely disproportionate. It deprives the criminal, not of the power to commit crime—which must be the object of the law—but it deprives him of the power to generate. Where is the proportion?

But, they say, “Society seeks to protect itself not so much against the criminal, as against his offspring.”

Yet his offspring is a mere probability. And if it were a certainty, it is non-existent now, and it is not yet criminal. Where then does the law

obtain a hold? Do we legislate for possible citizens and for possible crimes?

Could the wise men of the nation not put their heads together, and devise some way of pouring the oil and wine of Faith into the wounds of the poor victim of the robbers (unbelief, ignorance, neglect), rather than throw sand in his eyes, or administer an anæsthetic, and make him believe that he has been dealt with mercifully and charitably?

CHAPTER XII.

DEATH AND THE SACRAMENTS.

1. Where death is certain, there is no more question of administering the sacraments. The *homo viator*, for whose salvation the sacraments are given, has finished his course and has already presented himself before the tribunal of the *iustus iudex*. Prayer may avail for his comfort and relief, but the sacraments have no currency beyond the grave.

2. Where death is doubtful, and the necessity for receiving the sacraments exists, this necessity is so much the more emphatic, as both the time is short and the disposition of the ordinary subject most probably better now than at any other time during life.

3. Death is doubtful in *all cases* for some time after the appearance of the signs of death. In all cases, death can prudently be supposed to be doubtful for at least from five to thirty minutes after the outward collapse of the habitation of life. In cases of sudden death, as also in cases of asphyxiation, drowning, death by lightning or mechanical electric shock, no one may prudently hesitate to give the necessary sacraments (Baptism, Absolution, Extreme Unction) within the space of three hours after the accident, with the proper conditions.

4. Of the *exterior signs* of death only one is certain, *general corruption*. Local corruption, indicated by discolorations in the soft or pendent regions, is not a sure sign of dissolution. The *rigor mortis* is deceptive. It is often simulated by certain diseases which are accompanied with violent convulsions, by cholera, catalepsy, etc. And besides, *rigor mortis* does not keep regular times coming and going.

5. In diseases which often terminate in death, not of themselves, but on account of a local collapse, as is often found in typhoid and pneumonia cases, no one should hesitate, in case of need of the sacraments, to minister to the patient within a space of at least three hours after the appearance

of death has set in. In some such cases, the victims have been revived as late as from six to nine hours after the "moment of death."

6. *In all cases* of the demise of baptized adults, who have not previously been anointed, Extreme Unction *sub formula brevi et conditione* "*si vivis* (not "*si es capax*" or "*si es dispositus*") should be administered. It has power to give the grace of salvation under conditions which would frustrate Absolution.

7. No fear of scandal need be entertained on account of the irreverence towards the sacraments, because Absolution may be given inaudibly, and Extreme Unction, under the abbreviated form, which a prudent priest can easily conceal if he is afraid of scandalizing anyone. If then the proper conditions are placed, there is neither internal nor external irreverence. If, however, despite caution and prudence, there is danger of giving scandal, let the priest briefly instruct the spectators as to the nature and necessity of his ministrations. Should the danger of scandal still remain, then it does surely not arise from respect of the Church, her ministrations and her ministers, and as the product of ill will, it may as well be ignored. The same course may be, and should be followed with regard to those who have passed

away seemingly impenitent, or in excommunication. They may now be disposed. *Treat a dead man as a living man as long as there is no certainty of his death.* This is safer than treating a living man as dead. A prudent doubt in such extreme need justifies the priest in discarding ceremony and scruples, and in doing what God has empowered him to do for the salvation of souls.

8. The internal signs of death are chiefly the complete stop of pulsation, that is, of the heart beat and of the circulation of the blood. But with these the priest can have no concern, and the physician knows the sphere of his work.

9. To allay the fears of those who dread being buried alive, they may be reminded that many in whom latent life continues after the appearance of the signs of death for many hours, and who might be revived, will eventually die without regaining consciousness. Moreover the modern manner of preparing the dead for burial is a pretty safe assurance that the last spark of life—if any should remain—will be extinguished before the body is borne out to the cemetery. The opinions of the medical world are divided almost equally as to the number of those buried alive, one half claiming that the number is very large, and the other half, that it is very small. As a matter of fact,

it is terrible to think that even one human being should be committed alive to the horrors of the grave.

There is a tribe among the Slavic nations who were in the habit of driving a stake through the heart of their dead in order to insure their being dead at the time of burial. But this custom was forbidden by the Church, perhaps, because it was directly aimed at the extinction of possibly latent life—and that would confirm the new theory;—possibly also, because it was connected with the superstition of Vampirism (Vide Görres, *Mystic: Hypophysic*).

10. Yet, as the dreadful possibility of dying in appearance only and of being hurried to the grave alive exists, no precaution should be deemed useless, or too difficult, to ward it off. No one should proceed with the ordinary preparations for burial on the mere death certificate of the attending physician, written out in the doctor's office and without inspection and examination of the "corpse." The examination should be careful, respectful, tender—the "corpse" may be alive, ridiculous as it may appear to those who have not followed the work of most earnest and conscientious masters in medicine. At all events, *no body should be consigned to the grave* before the only

certain sign of death, dissolution, has manifestly set in. The situation of a "dead man" with latent life still in possession, is the most serious, and, at the same time, the most helpless.

11. In cases of unforeseen and sudden deaths, and deaths by accident, the work of reviving should be begun immediately and should be persisted in for at least three to four hours. And if then death is not absolutely certain, let the good work go on under the direction of a competent physician until the case is decided one way or the other, and do not let it stop sooner.

During all this time the priest may profitably assist with his spiritual ministrations, even at the side of obdurate sinners, heretics, and the other excommunicated. Nor should he fail to suggest acts of faith, of contrition, of the love of God, to his unfortunate brother, who may now still be living, even if afterwards no results should come of the zeal and energy of the good Samaritans. The spark of life may be so small and weak that it will flicker out without externally once more manifesting its light. Under any circumstances, no harm is done, and the great work of helping a sinner into heaven may be accomplished.

12. A word remains to be said about the condition of the soul during the process of dying. In

the "*Dream of Gerontius*" we have a beautiful, philosophical presentation of the labor of the newly delivered soul adjusting its faculties to the impressions of the new world into which it has just been ushered. Now, although we have no absolute certainty that the soul will be then as one slowly awakening from a disconcerting dream, yet, considering that the soul is part of the human person, of an earthly creature, it is not only possible, but even quite probable, that the soul, when awakening in the spirit world, will have to disentangle itself from the threads of the habit it wore on earth. But then it is also probable that the soul will recede slowly and step by step from its earthly habitation: like the good-man of the house leaving his dwelling for a long time. He will draw in the shutters, close the windows, pull down the blinds, and the house will wear the aspect of desertion long before the last key is turned at the vestibule door. It is this most precious space of the tarrying of the soul which may often be improved by the priest to tear a sheep out of the jaws of the "roaring lion," and restore it to the bosom of the Good Shepherd.

CHAPTER XIII.

INSTRUCTION OF THE YOUNG ON THE
SEX PROBLEM.

I. NATURE OF THE PROBLEM, AND HELP.

A question which not only touches the interests of the physician, the educator, and the moralist, but which directly involves the safety of the young and the happiness of the home, is the question whether the young should be introduced into the atmosphere of the things of sex by their elders, superiors, and teachers. The reason for this consideration is evident. The hustle and bustle of our public life, the eagerness of our appetites, the recklessness of our publishers, publicists and artists, and the servility—if such is not too mild a name—of the stage, and the idolatry practiced on childhood—all these and many more evils conspire to act on the present day community like a whirlwind before the eyes of children—veils are lifted from things that should have remained hidden.

Yet the question is actual, and no amount of weeping and deploring will make it less real, pressing and actual; we have no choice but to take our stand towards the evil thing. Nor will

this question be solved by resorting to the removal of its sources, which are so manifold, and reach down so deep into modern life, that removing them is become impossible. We cannot deflect the raging torrent of twentieth century nervousness and materialism from its present course without wasting and shattering both our energy and our resources. The present bent of nations is towards the earth and its teeming pleasures, and away from an invisible Heaven and the ethereal way that leads to it. We cannot change the objective world; but we can fortify the position of the subjects and train and drill them for the part they must play in the world.

1. Children must needs be made acquainted in time by prudent masters concerning things in the knowledge of which others will not fail to teach them before such teaching can be made profitable. In every case where an innocent child is introduced into the uncongenial atmosphere of sexuality, injury cannot be avoided, whether the leader and conductor be a wise mentor or a wicked seducer. Of course, the effects in either case are widely different. Whereas a child, learning of these things from the wisdom of a parent or other prudent instructor, will see its heaven of innocence become overcast with darkling clouds, and will be

saddened by the untimely wisdom, and will be annoyed in body and mind by the visions of shame-faced usefulness of its tender body, and will lose its artlessness and serenity, but will gain a morbid curiosity of inquiry and practice: the unfortunate victim of the shameless purveyor of the forbidden knowledge will not alone sustain these injuries, but will also be goaded on to further stealthy inquiry, to practice, to indulgence, and to early ruin.

2. The first ideal to fall in the sight of every child taught the knowledge of sex, is the reverence for its parents. The child is too young to comprehend the provisions of the Creator for the propagation of the human race; nor is it wise enough to understand the sanctity of marital relations; nor is it strong enough to distinguish between the nasty relations of sex among those who are a scandal to the public, and the sacred relations of its own father and mother. In public, only sinful relations are spoken of, and they are made the object of censure, of execration, of abomination, or of ridicule and scurrility: who now will impress the child with a favorable, with a respectful idea, of the same relations—only hallowed by the contract or the sacrament—existing in its very home? Is the child ripe enough to recognize the difference?

Such knowledge was never intended to become the companion of innocence.

3. The second ideal to crumble is the child's own sacredness—the inviolability of childhood. Every child is dominated by a distinct apprehension of its own sacredness. This is the essence of its innocence. But let the child know and feel that there is slumbering within its flesh a well of knowledge and pleasure that has been kept a secret out of respect or out of fear, and then make haste to stem the tide of confusion and of the resulting eagerness to learn and to compare—and the angel is driven forth from his quiet abode. The traitor within the gate has been aroused. And if he refrains for a while from actual treason, still the danger with its incessant strifes is ever present, and the peace of the citadel of innocence has fled. Such knowledge was never intended to be the companion of innocence.

4. Another ideal to go the way of perdition is the mutual respect between boys and girls. The noble regard which well-bred children of different sex bear towards each other is of a natural seed. It forms the early barrier between the sexes, a rosy hedge between them at work and play, the safeguard placed by nature, the handmaid of the Maker. Its charm is its secrecy. Chil-

dren do not realize what it is that makes the boy kind and gentle towards the girl, and the girl reserved and firm towards the boy. And the longer this blissful ignorance can be continued, the safer is the path of the young.

5. Is it not a pity that the paradise of childhood has been invaded by the marauder?

But as the invasion is a fact, sad though it be, and as the danger of invasion threatens even our most carefully guarded children, we must face the fact and make the best of it.

What can be done? How can children be rendered immune against the contagion in the air?

First: What can be done?

As matters stand in our day, a form of education which ignores instruction on the problem of propagation, in the case of children from 12 years up, at least in larger communities, must be pronounced not only incomplete, but defective. But, on the other hand, if religion is not made the basis of these instructions, the result will be like the opening of a gas tank with a torch. If even on the hand of religion and piety these instructions must proceed with the utmost caution and prudence, they cannot at all be attempted on merely natural considerations. Nature does not suggest

the need of a check in all those appetites which minister pleasure to the purposes of nature. A child not checked in enjoying delicious food will gorge itself, and return to the feast until surfeit or sickness forbids further indulgence. And among natural appetites, the carnal craving is the most delusive and persistent. One of the principal reasons for restraint will be the right understanding of the need and end of pleasure in all natural functions. But this accomplishment cannot be acquired from considering only the natural purpose of bodily functions. These functions do serve also a higher purpose. They are directed to the ultimate end of man's existence. But of the ultimate end of man, nature speaks only in whispers and at intervals. It is only a well instructed conscience that unremittingly peers out through haze and dark at the beacon light of the will of God.

The first step, then, to be taken in training the young to the habits of modesty and chastity under our adverse conditions is, to train their heart, or, to awaken their conscience. The child that learns to fear and detest any kind of sin, cannot fail to fear and to detest the lowest form of sin, lust, from which it is naturally repelled by shame. But lust must be designated as a sin. As merely "a

bad habit," or, worse, "a youthful indiscretion," lust will have its fullest sway. If the various occasions and manifestations of this sin are cautiously explained to the younger children, and their unsullied ideals are strengthened by timely praise of the beauties of purity, and brightened by reading or hearing the life stories of the Virgin of Virgins, of St. Agnes, St. Aloysius, etc., this should suffice not only to guard them against harm, but also to steel them against later opposition and insinuation. Prayer also should be recommended as a powerful aid to the preservation of purity.

Second: How can children be rendered immune against the contagion in the air?

In order to prepare the recruit in the warfare against himself for battle without allowing him to be dazzled and dazed beforehand with the bewitching appeals of the enemy, we must look to the outposts and sentinels on the battleground. But as the enemy has its most powerful ally posted in the centre of our own camp, strict watchfulness is required also at home.

Our leading question, then, is this:

How can the young be warned and prepared without confronting them with the dangers resulting from familiarity with things that are likely

to fire the blood long before the mind is sufficiently matured to submit to the hot contest of the flesh against the spirit? In other words: How can the dangers of curiosity, untimely instruction and observation, be warded off or counteracted without giving the young an opportunity to know the end and purpose (or, even, the existence) of the sex distinction, and thus despoiling them of their beloved innocence?

The answer is this:

In the first place, the occasions of curiosity, of information and observation, must be made impossible as nearly as our present conditions of life may permit.

The first and most wicked of these occasions is the modern city dwelling for the poor and the middle class, the tenement house, and the flat.

There is neither privacy nor secrecy in these houses. Yet married life requires spells of privacy and secrecy. Not infrequently children are unwittingly made the witnesses of the *maritale commercium*, or of doings which they suspect as wrong and fearful of the light of day on account of the stealth and enforced quiet surrounding them. In this manner parents fall under the suspicion of doing what they have often forbidden their children as wrong and disgraceful. The re-

spect of the children is undermined, their simplicity in trusting the parents, and also the catechist, is tainted with doubt, they become more suspicious, and attentive to the gossip of their elders, to jests and jokes and hints, which are altogether too free a practice among all classes of our urban communities. The seed is sown, and given the soil of our corrupt nature, it cannot but thrive.

A feature which adds to the growing danger, is the inability of the child to read and understand his own mind. The experience is new and is not suspected of being dangerous in the moral order—or why should it have been gathered from the conduct of the parents, etc.? So the child does not disclose his doubts, or his fanciful rambles, either to his parents—modesty, tattered though it be, forbids it—nor to his confessor—because, forsooth, it is not sinful!

Watchful parents discover in their children the first signs of waning modesty in their tardy obedience, their side-long, “knowing” looks, their diffidence—yea, but watchful parents would not in the first place furnish an occasion of scandal to their children! The first indication of injury done to the unfortunate child is noticed by the confessor generally in the first woeful lapse of the

youthful penitent. So much for the present about the evil of the ordinary city dwelling.

The second and no less wicked occasion of curiosity, instruction and observation, is the school. In schools not fully pervaded with the spirit of Christian decorum and the sweet odor of Christian piety, it is simply a means of self-preservation for the community to separate the sexes in *different buildings* situated so as not to communicate with each other either by entrance or exit or even by more distant access.

Up to within about the tenth year of age the two sexes may perhaps be allowed to attend in the same building, and in the same class room, if necessity should urge such a course. But children beyond ten years of age should be separated according to sex, unless, as we indicated above, an atmosphere of piety can be maintained that would act as a check upon both precocious curiosity and observation. But, surely, to keep the two sexes together in the close circle of the class room after the pupils have reached the period about the thirteenth year, is a sheer challenge to the gods to keep them from contracting the mating fever and from opening wide the doors to the dangers of immodesty.

Is it necessary to point out the *why's* and *where-*

fore's? Who but an imbecile can shut his eyes to the changes in form, bearing and aspirations of the girls at that period? And who but a disciple of blatant materialism can abet the natural curiosity of the boy, and approve his unripe speculations under the close and constant contact of the class room with the mysteriously budding maid? Let this suffice for modesty's sake; the physician and the confessor are well aware that much must remain unsaid on this subject.—And fifty years ago, much, or most of what has been said so far, would not need to be said on account of the tender care with which children were guarded in the bosom of the family. But in those days there still was fostered a true *family-spirit*, which, alas, is taking a hasty departure in our age.

In the third place, one might expect to find the occasions of sin offered in the family circle where growing boys and girls dwell most intimately together. But, except in rare cases of fiendish corruption, the family circle offers little danger of this kind, if only the dictates of ordinary decency are observed, because the illusive fragrance of the strange blood is absent by a provident arrangement of the Creator, the Author of the family.

In the fourth place is to be found, however, the

danger with which the first manifestations of puberty are attended, and of which we have already above given a hint. Girls are generally fortunate enough to find a prudent and sympathetic adviser in a watchful mother. But boys, for many reasons too well known to need recounting, either seek no advice at all, or at the wrong address. And even if the luckless young chap unbosoms himself to anyone but a physician, he generally meets with nothing but cautious consoling or overstrained warning. Everybody is afraid to ask him a formal question which would show him the way to a full acknowledgment of his error, the nature of which he often does not understand, and hence, he cannot tell. Everybody fears the boy might be informed of things he does not and should not know; but nobody is afraid to let him go away with his racking doubts and his evil conscience, for, let no one forget, what a power of allurements there is in sin despite the remonstrance of conscience. And if conscience is left in doubt, so much the more powerful grows the temptation.

Now, against the occupation of tenements and flats, all warning is in vain as long as we are bound to consider it cheap living to be herded together like rabbits in their coop. Also the warning against the common housing of both sexes in

the school and the class rooms will go unheeded as long as so many contradictory interests are united with the work of public education. And so we will be obliged to do the best we may to counterbalance, from another direction, the dangers arising from these two chief sources, and meanwhile patiently bear with the *malum serpens* that is eating away the vitals of civilized nations. What, then, can we do to counteract the evil to some degree?

In the first place, we must distinguish between children and children. Some children are simply innocent to such a degree that a suspicion of evil in anything connected with the difference of sex cannot arise in their minds: their hearts are pure. They might witness without further harm, almost any scene not downright brutal, look at any pictorial representation of the nude, and walk away with downcast eyes, their modesty undisturbed, save for the uncomfortable feeling of having seen something which they did not like, because they have been trained to personal cleanliness from before the dawn of their reason. To make children of such angelic modesty acquainted with the purposes of the sex distinction, would be criminal, if the instruction were given by persons in the position of teachers, catechists, or parents. If, on the

other hand, such instruction were given with evil intent by their elders, it is not at all improbable that they would fly to their parents with an indignant protest against the indignities inflicted on them by bad playmates or schoolmates.

Such children are not isolated hot-house plants. Barring hereditary operation and corrupt influences from without, every healthy child is by nature more inclined to be modest than to be otherwise.

But there are also children of that class which is styled "precocious"; and their numbers are actually greater than those of the innocent and unsuspecting.

Precocity is not of natural growth; it is generated, or, rather perhaps, cultivated. The child is idolized, and presented as a phenomenon to every visitor in the family; it is trained to memorize verses and to sing comic ditties, after the fashion of the classic "Liza Grapemen, Liza Blyme" (Lives of great men, lives sublime), long before it has learnt to stand up straight, at a time when the brain and sense of the infant should never be imposed upon, and will bear no burden without taking harm. Thus the child is inoculated with the venom of the lust to shine; vanity develops into pride, and pride will be careful to

produce in time its awful brood of self-will, disobedience, curiosity and fastidiousness. In the place of loving attachment to its parents, a most disagreeable selfishness will insinuate itself, and will demand deference to its wishes in the face of all opposition. Such children will, from sheer aversion to authority, eagerly seize upon every opportunity to assert their self-will in opposition to the will and command of their superiors, and will delight in busying themselves with evil things, just because they know they are evil and forbidden; and they will surely not shrink from those things which they soon realize as the most strictly forbidden.

Then there is another class of children who manifest no decided bent either one way or another. They might appear to form the majority of children, if we consider only the fact that childhood is the earliest stage of development of both mental and physical qualities, and that the formative period does not seem to begin before the time of puberty.

But it is a dreadful mistake, most commonly made by uneducated, and also by conceited parents, to assume that the child needs only to be left to itself in those early years of the softness and sweetness of humanity, to develop all its natural

instincts in the proper way—which is the natural way, in the opinion of the foolish.

Here two mistakes are to be noted. The first, that the natural way is the proper way of developing body and soul of the child; and the second, that during early childhood the process of development is the only process going on in the child.

Concerning the fruit, or result of the natural development of mind and body, no one who knows aught of the nature of man will maintain that nature will produce a saint of its own accord. Yet the beginning of a well ordered life is the beginning of the way of perfection, which is the way of sanctity. Our natural trend is not towards sanctity, for the simple reason that nature left to itself tends in the direction of least resistance. But in the moral world, in the world of character, the direction of least resistance is not the direction of purity of conscience. Therefore, the natural development of the child is not in the direction of moral perfection.

Concerning the *process* of the natural development of mind and body, it must not be overlooked that nowhere in nature does any form of development proceed without making and leaving behind definite deposits of its results—its conquests, if

one will—as the substructure of later formations. The stalk of the wheat is not discarded at the time of bloom, else the maturing ear would hang in the air. The entire growth of the plant was working towards the formation of the ear from the moment the seed began to quicken and to sprout to the moment of the full maturity of the grain. And we cannot well imagine growth to take place under a different form in any living creature, because growth is a life-process, and life, with all its manifestations, is an undivided and indivisible agency.

Hence, the period of formation cannot be separated from the period of development at any stage of human life. This physiological truism has been so well recognized also in the moral sphere of human life, that professional educators of the highest authority have not yet ceased to proclaim the stern axiom that “what the moral bent of the child is at the age of from six to nine years, that it will remain in substance throughout life.” St. Augustin (*Enchiridion*), Bishop Sailer, Alban Stolz, Vierthaler and Fuerstenberg, make no secret of their convictions on this important point.

Therefore, from purely ethical considerations, the large number of children who appear to be neutral on the subject of character, are an anom-

aly. Every child manifests a decided bent of character even before the dimmest dawn of reason. The more quiet and refined the child appears, the deeper laid are the roots of its individuality. It is for the parents, and especially for the mother, to watch and to study that living shrine of mystery that is some day to disclose its secrets in deeds which will determine its lot here and hereafter.

What, then, is the reason that so many children appear to be decidedly bent neither on good nor on evil?

Let us not lose sight of the fact that such neutrality is merely apparent; it is a cloak, or a veil, or a habit; an assumed drowsiness; a feigned lack of interest; it is everything but real and genuine. The inherited cunning of the race is by far more the property of childhood than of manhood. The child is a stranger to all its surroundings, and is helpless, and through its helplessness, is made timid. It must resort to the only defense of the defenseless, the art of not provoking an attack from the suspected or the known enemy. It is this cunning—artless, serene and perfect—which renders the crooning, the stamping and kicking, the play and prattle, of very young children so amusing to the adults. It is there, without doubt; inborn and

ingrained in every fibre of this new arrival in a strange and hostile world.

Is it vicious? Is it the trace of sin left upon the soul? No; it would rather seem to be the last root in the heart, of the natural good humor with which, we should think, our first father viewed the beauty of the visible world in contrast with the supernatural beauty which he had a right to know, and for which he bore triumphant longing in a heart adorned with the grace of the Almighty.

Hence, in order to understand the character of a child, one must lift that veil of cunning. The best place to watch and study a child, is the nursery. But as nurseries, or even as little as especial care of nursing, are not to be found among our poor and middle classes, another expedient is to be provided for obtaining the proper insight into the natural trend of the child's disposition. This expedient is furnished a thousand times and more, particularly with the neglected children of the poor, on occasions of play, of taking food, of showing affection and gratitude, or, the reverse. The cross-grain is bound to appear here. The child feels at ease; feels that it has a right to do and say what is dictated by its fancy, because on such occasions, the humors of the child have been

indulged from the beginning of its separate existence, and the tendency of forming habits has already asserted itself.

Here is the crucial point in education, or, rather, in child-training. And it is here that neglect dominates the minds and methods of parents.

The first mistake made at this point is in the easy excuse that "it is only a child; it has no understanding," etc.; and this excuse of foolish sympathy is carried forward to the years when the pet and darling has not only acquired the use of his understanding, but has also formed habits of disobedience, of pride and vanity, of cruelty, and their tribe. And it is here that the child would with equal ease and readiness acquire habits of immodesty, were it not for the absence of the stimulus. At all events, at that juncture the child has already laid the foundation for selfwill and self-indulgence: the soil is prepared; all that is wanting for the growth of mischief, is the seed of mischief—if the spoiled darling has not already contracted the habit—of course, innocently—of indulging in fingering and fondling, which would be mortally sinful in adults.

The preparation of pure offspring is antecedent even to this period. We mention this in order to make it appear more credible when we maintain

that the most scrupulous watchfulness is imperative in the earliest period of development.—

How is the self-assertion of the darker element of our nature to be met in the child?

We do not advocate the indiscriminate use of the rod. A child can be trained without being cuffed and buffeted. But it is wrong without gain-saying that all children will take to correction without re-enforcement of the correction.

As a most certain means of spoiling the child, exuberant caressing and slavish tenderness must absolutely be banished from the infant; and much more, of course, from the child growing up towards and into its teens.

In the second place, remonstrances of the child against orders must under no circumstances be accepted, and, if repeated, must never be allowed to pass without the administration of a practical reminder of the authority of the parents. Only let that practical reminder be given with moderation, and let it be accompanied with the impression that punishment is not applied to satisfy the anger of the parent, but to cure the child.

Thirdly: The usual insistence of the child in having its will, must be crossed—not rudely, but wisely—wherever it may appear. Teach the child

practically that it has no authority to command, and it will learn more readily to obey.

Fourth: The mistake of promising to the child some small gift or favor on condition that it be obedient, is criminal in its effect of fostering self-will and disobedience.

Fifth: The frequent desire of children to lord it over the younger or the less favored, must be repressed, pruned, and eradicated. No elder brother has any authority whatever over his sisters or over his younger brothers, except he be their guardian in the place of the parents, no matter what his accidental position may be in the family—and excrescences of this nature must be peremptorily retrenched.

Sixth: Pouting, stubbornness, etc., must not be tolerated for an instant. Insubordination is a marked sign of selfishness—if not of pride—and must be dealt with accordingly.

We admit, this looks like militarism carried into the nursery. But even if it were militarism, it would not be misplaced where it is necessary for fighting against so insidious an enemy as the early outcroppings of the faults of a fallen creature, which is to be assisted both by nature and by art to rise from its fall. "*Gratia subaudit naturam.*"

The consolation is to be found in this that very stringent measures are necessary only in the curbing of passionate tempers—and there they are indispensably necessary. But strict watchfulness is necessary in every case until the tendencies of character have been discerned, corrected, and aligned with the requirements of the dignity of man.

Where loving watchfulness is wanting, there can be no thought of reasonable training, and the unfortunate candidate for citizenship, both in the earthly and in the heavenly kingdom, is left to himself to hatch out the unsightly brood of sin and shame that spell disgrace and ruin here, and probably also, hereafter.

The feature of which no educator (parent or teacher) may ever lose sight is, to be systematic and consistent in his treatment. There must be method; the method of motherly prudence and solicitude, and of fatherly firmness, united in one single viewpoint, that of procuring the salvation of the child for this earthly life and for the life of grace. Any other viewpoint is wrong, because incapable of allowing us an unerring look at faults without despair, and at virtues, without softness.

The want of system and consistency in their training is at the bottom of the conscious cunning

of children after the awakening of the reasoning faculty. Children pampered to-day, and hampered to-morrow, become insecure, and, in consequence, insincere. They are afraid to display their good traits for want of appreciation; and they are careful to conceal the workings of their evil traits for fear of punishment. The stress of their exuberant young life naturally inclines them towards the evil, the easier tendency, which thrives as in an incubator under the hypocrisy of turning an indifferent manner to the observer. And the saddest of all consequences is, as impurity seeks darkness, that such children will seek what is hidden and novel, and conceal the disease, once that they have tasted the deathly cup.

To instruct such children on sexual matters, is only pouring oil on the flame, if the instruction is given in guarded terms, because the child prides itself in knowing more than the instructor can risk to tell; and both the reverence for modesty and the respect for the instructor have suffered a new and staggering blow. In such cases, the confessor is the only safe instructor and guide. The declaration of the young sinner offers him the opportunity of serious inquiry along the lines of his confession of guilt, and of serious warning against

the physical and moral evils resulting from carnal indulgence.

Indeed, the natural instructors of such children are the parents, the mother for the girls, and the father for the boys. But for reasons stated above, the parent is the last one who will be made the confidant of the erring child.

Once that it is known that a child is consciously entangled in the net of impurity, sweet and suave methods of instruction are out of the question. It would be the same as fostering a fracture with the application of poultices without setting the broken bones. Healing may ensue, but the result is a crippled and useless limb. The principal part in the treatment of a fractured limb is the setting. So also in taking in hand a child in whom concupiscence of the flesh has broken down the natural barriers of purity—delicacy and modesty—the barriers must be re-erected; a pity it is that they can not be rebuilt of the same material. The instructor will reach out after that bridle and check which had never before been laid on the unfortunate child, its conscience, its personal honor, its dread of disgrace. The threat of physical ills will generally fall flat. The child has no experience of these ills, and may suspect the zeal of its mentor. Without an awakening of the sense of

responsibility to God for the abuse of the body—the gift and property of God—little prospect of success may be entertained. It is for this reason chiefly that the pest of impurity has spread over so large an area among the young who are left to grow up without religious teaching.

Is it necessary to inform such unfortunates about the natural purpose of the sexual faculty?

No; emphatically, no! Not only not necessary, but not even excusable! Let it be noted that we are speaking of those who are consciously, knowingly, wickedly, impure. No amount of additional information will tend to decrease the desire for the forbidden pleasures. If the remedies offered by religion cannot be applied, the unfortunate young sinner generally learns the cruel lesson of punishment from the ruin of his whole life.

II. FUTILE REMEDIES.

It has also been suggested, and is the practice in certain circles, in England, at least, to allow boys and girls free social intercourse together at an age when their attachments are supposed to be nothing more than *Platonic* love. But neither the theory itself, nor the results justify such a blindfolded suggestion. For, as far as the theory

is concerned, let us consider that a wound indeed may heal under plasters, salves, and oil; but such fostering would enhance the malignity of a cancer: and concupiscence is not an ordinary wound, but a cancer, which needs the electric needle and the scalpel of retrenchment much more than court plasters and soft and caressing breathing. And as to the results, it may be proclaimed from the housetops, without fear of contradiction, that they are lamentable enough in furnishing abundant grist for the divorce mills, and in sadly increasing the need for wet nurses and foundling asylums. The practice of St. Aloysius, although heroic, in refraining from looking up into the face of any woman, would be much more in harmony with traditional Christian thought and practice. The earliest separation of the sexes has ever been considered the surest safeguard against dangers to purity. This most powerful instinct of sex is not killed by constant and blandishing stimulation; it is not an inactive organ, but a power dominating several connected spheres and complexus of nerves.

As another measure of prevention, or precaution, the proposition has been made carefully to select the food and to supervise the diet of adolescent children. Is there more value to be attached

to this than to the preceding "remedy"? Let us see:

I. The food suggested as anaphrodisiac is of such quality as to reduce the caloric virtue of the process of digestion and nourishment; but—whatever food fails to supply the quantity of heat necessary for the normal process of life, tends (a) to introduce into the system an unnecessary quantity of waste, and (b) to inaugurate a retrogression. Now both the labor of disposing of waste matter and the labor of meeting the demands of the process of growth, especially in the young with whom our dealings are at present, without the proper supply of heat, from being one unified *physiological* process in good health and natural nutrition, becomes a *pathological* process, casting responsibility for neglect upon the nerves. The nerves in their turn take the most sensitive internal organs into their sympathy, one after the other, and infect them with their own suffering, and the ultimate result of this restraint will be nervous debilitation; in some cases, anemia; in other cases, heightened sensibility and irritability consequent upon nervous irritation, and the last sufferings of these children will be worse than the first. We know it for a medical fact, that with those who are in the extreme state of waste and

irritation, the poor consumptives, the restlessness of the *stimulus carnis* is rather aggravated than soothed.

It would seem to be best, then, to follow a rational mode of dieting, that is, the ordinary and customary mode, of giving children such nourishment as is commonly supplied by the market—but to let the young eat as often as they are hungry, and *not as much as they like* at a time.

2. As a second objection to a specially selected diet for children with the view of rendering them immune from *aphrodisia*, let us offer the consideration that children so fed have no more reason to suppress the desire for an increase of heat-supplying food, than children more coarsely nourished, and as a consequence they will strive to satisfy that desire by procuring for themselves (a) either larger quantities of the food offered than the digestion can dispose of, or (b) substitutes, such as candy, cake, and sweets of all kinds, for which the pestilential “candy penny” is always ready. And as a fact we observe it on all hands that daintily or poorly fed children make up for the deficiency of their food by disposing of such substitutes in formidable quantities, with or without consent and connivance of their parents, contract the candy habit, lose their appetite, be-

come dyspeptics, improverish their blood, and, at the time of puberty, develop all manner of ailments, complaints and disorders, of which it is at least doubtful, that they foster the spirit of purity, and retard the incursions of the sexual instinct, and discourage the blandishments of *aphrodisia*.

It is reasonable, therefore, to expect that no one tampers with the established method of feeding children wholesome and nourishing food several times a day, especially with the object in view, of not tempting them to be *immoderate*; for immoderation in eating is the highway of immodesty for young and old.

Hence neither social liberty (without supervision of the most exacting kind) nor selection of food deserves much and serious consideration in the question of forearming the young against the novel dangers of adolescence.

What, then, can be suggested? Prayer? Prayer is a common remedy in the hands of Catholic educators, and it is rightfully held to be the most powerful antidote for all dangers and temptations. But where is the *rector animarum* who has not had poor unfortunate youths in his care who sobbingly confessed that they prayed while they sinned, and sinned while they prayed? who

despite prayer and sacraments persisted in evil, even criminal habits, for months and for years? Their case is the *crux confessoriorum*.

Why is prayer ineffective in so many cases? The safest answer may be: because children generally practice only *oral prayer*. Oral prayer also, if only said with the proper intention, is a means of grace; but is it a means of such extraordinary grace as is required in the heated contest with the most alluring and most cunning of all passions? We are very much inclined to say nay, remembering the solemn warning of our Savior: "*Qui potest capere, capiat*," and the teaching of the Church, that without a *special grace*, none will long be master of this elementary impulse. If indeed our children, especially also those of the public schools, could be so deeply imbued with the spirit of the Christian religion, that on the one hand they could conceive an invincible horror for everything evil as an offense of God, and, on the other, with that spirit of prayer which does more internal clamoring of the heart, of the will, than external reciting, then, surely, prayer could be made the armor of innocence for the young in their hottest day.

Hence the spiritual training of the child may not be neglected in education under pain of fail-

ure in the most delicate part and period of the task of education.

As the sexual instinct in all its forms is primarily an infection of the blood, "an ounce of prevention is worth a pound of cure," even in opposing the unlawful tendencies of nature. The work of raising a dam against the impending flood of impurity must begin far out in the region of the gathering waters. Give us a generation of God fearing parents, of responsible teachers, of scrupulously zealous confessors, and the purity of ten subsequent generations is assured. Meanwhile we must toil on amid prayer and watching to save from blight and corruption the little that is left, and arm ourselves for a vigorous campaign against blasphemy and license in the public press, on the stage and in the lecture room thus retrenching the evil in the top while we foster a healthy root in a meagre soil."

NOTE:—For fuller information see *The Ecclesiastical Review*, Apr. to Sept., 1911; Thomas J. Gerrard, *Marriage and Parenthood*; Ferreres-Geniesse, *Der wirkliche Tod und der Scheintod*; Gemelli, "*Non Mæchaberis*," Kapellmann-Berg-

mann, *Pastoral-Medizin*; "*Chapters in Christian Doctrine*," especially the chapters on *Chastity*, *Marriage*, and *Purity*; *Die Erziehung zur Keuschheit*, v. Dr. Michael Gatterer, S. J., and Dr. Franz Krus, S. J., and *Dr. Foerster's* books on the Education of Youth.

APPENDIX I.

CHAPTER XIV.

THE PROBLEM OF HEREDITY.

- I. Heredity as a Factor in Propagation.
- II. Heredity as a Factor in Morality.

CAN THE SPECIES OF THINGS BE CHANGED BY HEREDITY?

I. If we could accept without suspicion the interpretation which modern biologists put upon the results of their experiments and observations, we would fain accept the theory, that heredity is a potent factor in the production, not only of new races, but also of new types or species of things.

The result of biological experiment and observation is this: Certain groups of plants and animals, notably insects, differing widely from each other in structure, at the same time, however, bearing plain traces of intercommunicating properties, would point to the necessity of referring them all to one original form, which has been modifying continuously in different directions, until this original form seems either to have been lost, or, to have been confirmed in a

certain type, while each of its descendants is tending toward establishing a new type.

The interpretation is this:

The new structure acquired by the descendants of the first type was developed in certain individuals by accommodation to new surroundings, by submission to new exactions, or by a tendency inherent in the original type, to develop in various directions, so that the life and habits of the new forms barely resemble those of the ancestral type.

On this theory biologists base the following conclusion:

The process of descent or systematic evolution is still going on, as it must in the beginning have given rise to the various circles of living things developing together from a fundamental form, originally placed in the world by the Creator (or produced by *Nature*, according to the agnostics) as the parent-form of the various classes of things limited to the larger characteristics of the respective form.

But—this theory is open to the following doubt:

If there were originally such parent-forms or parent-types, were they placed for the purpose of ensuring their own constancy, or, of effecting

the multiplication of things, not so much as to number, as according to types or forms?

But, if the constancy of the original types was the intention of the Creator (or *Nature?*), specific changes, or the efformation of new types would contravene the intention of God, (or the determination of nature *ad unum*), which is impossible, as the work is not above the maker; if the constancy of the original type was not intended by the Creator (read *Nature* as a parallel), it must be said that He intended the mutation of the species for some time only, namely, until those species be developed, which he had intended, and which now constitute the historic species.

But this would argue either against His power, or against His wisdom: because in this case He would consign His work to the whims of chance—which is not.

There are now certainly such types as are beyond mutation, as man, and all the types at least of the mammals and the birds.

Or we would have to admit that the Creator intended constancy only for some species, and not for others.

But the reason of this could only be the necessity of such mutability for some according to new conditions of existence.

But neither would this reason hold: because many species have perished instead of accommodating themselves to new conditions forced upon them; and again, others have survived without undergoing known changes, because they have found new conditions congenial.

Finally, the fact that living things are not rigid automatons, but, rather, movable things, as a living being is "a being that moves itself," which suffers inflection and bends itself according to instinct and appetite, or opportunity, is sufficient to show that adaptability would serve the purpose of such arrangement better and more naturally than mutation toward a new type.

The eruptions of the earth in the tertiary period were only local, and still entire classes of prehistoric animals have become *extinct*—not modified, but wiped out.

If, however, the Creator intended to ensure the multiplication of living things according to types or forms, and we admit that the type, form or pattern of created things is an idea of the Creator (or a representation of Him realized *ad extra*,—as we must, if we recognize a Creator at all)—we must admit also that, as often as a type is completed, a new creative act is necessitated.

Another difficulty arises from the consideration that a movable form is a futile form, and, an indetermined idea, rather a confusion, worthy not even of the ingenuity of the human artist, not to speak of the infinite wisdom of the *Artifex omnium rerum*.

Besides, the idea of form-multiplication by either descent or evolution, does violence to the idea of an omnipotent Creator; and more still to the idea of predetermined *Nature*, lacking that which the Creator is without limit, Intelligence. The better part of development would be left to chance (except we demand a constant exercise of the *creative* assistance)—and we know from daily observations, that nature left to chance, or interfered with by blind powers, begets not order, but chaos; not ideals, but monsters.

Hence we should conclude, that it is more in accord with the reverence for the wisdom of God and our own experience of the order in nature, to hold to the ancient and tried doctrine of the *Constancy of the species*.

2. But yet the *fact* of heredity cannot be denied. For although we may set our face against the omnipotence of hereditary influences, still, changes have been observed in the disposition, habits, and structure of individuals and

groups, which undoubtedly belong to the original species. Certain habits have become constant in some individuals through continued necessity, and are transmitted to the descendants as an inheritance.*

There have also been observed, especially by the celebrated entomologist Father Eric Wassmann, S. J.,** such remarkable changes in structure in the so-called guests of the ants, particularly in the genus *Dinarda*, as to sustain the conclusions of biologists seemingly with no small power.

He says, for example (p. 214, *Mod. Biol. etc.*): "The systematic law, which is found in the distribution of *Dinarda* described above, is announced in this way: *The specific evolution of the forms of Dinarda is found in a state of advancement which differs according to the difference of its geographical field of distribution.* The adaptation of *Dinarda dentata* to *formica sanguinea*, and of *D. Merkeli* to *formica rufa*, is al-

* Comp. Dr. Bernard Altum: *Der Vogel und sein Leben*, pp. 154, et al.

** Comp. *Die moderne Biologie und die Entwicklungstheorie*, pp. 202, ss. and *Vergleichende Studien über das Seelenleben der Ameisen*.

ready completed in central and northern Europe; not so the adaptation of *Dinarda Hagensi* to *formica exsecta*, and of *Dinarda pygmaea* to *formica fusco-rufibarbis*. The latter especially appears as an adaptation now only in the state of development, which is already completed in some countries, in others, advanced only to the middle stage of the evolutionary process, and, lastly, in others not even, or scarcely begun."

3. Now, granting that the *systematic evolution*, as described by the learned scientist, is a fact, it does not prove that the different "classes" of *Dinarda*, and other ant-guests, as *Lomechusa*, *Atemeles*, and *Xenodusa*, which he mentions, are now, or ever will be, new *types* or *species*. Are they not rather variations of the original *Dinarda*, etc.? And if now only variations (deviations?) of the original types, will their evolution terminate in the constancy of their respective forms, and in specifically new types, differing from the original types by a difference which would make them strangers to each other and to their ancestors?

We do not by any means deny that the various forms of these beetles are the same generically; but we believe that they are the same also speci-

fically, shaping their habits and their structure after the course of their lives.

4. If this is not so, it would seem that the definition of species has either been applied rather loosely in the classification of the lower animals and plants, or, must be changed. St. Thomas (S. Theol. 1—2, 52, 1,c.) describes *species* in this manner:

“In order to show the truth of this, we must consider that that after which a thing has its species, must be fixed, stable, and, so to speak, indivisible; because whatever belongs to that, belongs to the species, but whatever recedes from it, either in the way of augmentation or diminution, belongs to another species, more perfect, or less perfect. On this account the Philosopher says in 8. Metaphys. (text. 10.), that the species of things are like numbers, in which addition or substraction alters the species. Hence, if a form, or anything in it, or anything belonging to it, has the character of the species, it follows that, considered in itself, it must have a fixed character, which can neither be increased nor diminished . . . and hence there is neither intension nor remission in any form which belongs substantially to the subject: therefore, as far as substances are concerned, we can not speak of more or less.”

("Ut igitur huius rei veritas manifestetur, considerandum est, quod illud, secundum quod sortitur aliquid speciem, oportet esse fixum, et stans, et quasi indivisibile: quaecunque enim ad illud attingunt, sub specie continentur: quaecunque autem recedunt ab illo, vel in plus, vel in minus, pertinent ad aliam speciem, vel perfectiorem, vel imperfectiorem: unde Philos. dicit in 8. Metaphysic. (tex. 10.), quod species rerum sunt sicut numeri, in quibus additio, vel diminutio variat speciem. Si igitur aliqua forma, vel quaecunque res secundum seipsam, vel secundum aliquid sui sortiatur rationem speciei, necesse est quod secundum se considerata habeat determinatam rationem, quae neque in plus excedere, neque in minus deficere possit. et ideo omnis forma, quae substantialiter participatur in subjecto, caret intensione, et remissione: unde in genere substantiae nihil dicitur secundum magis et minus.")

Hence according to the argumentation of St. Thomas the species itself, which follows the substance of a thing and the form, must be "fixed, stable, and, as it were, indivisible." Nay, the species must, (if this were possible), be fixed and unchangeable in a higher degree even than substance and form, because it is by its substance and form that a thing is ranged in a certain

order of things called the species, whereby substance and form are made secondary or subsidiary to the species, or the universal norm of that order of things. Not as if the species were first in the order of actual existence; but because it is first in the mind of Him who arranged all created things in certain circles in their order, each one of which constitutes a species.

If then, the species of things are as unchangeable as their essences, it would seem to follow, that *new species* cannot be developed from other species, and the efformation of any new species would require a new creative act.

To this assertion, the following objection may be offered: A new creative act is required also in the process of generation, since the new form acquired in generation is neither developed, "because the species is immutable," nor taken over from the parental body, as it were, by inheritance.

The objection is answered thus: There is no doubt that those forms which are complete substances in themselves, and incomplete only in reference to the *compositum* which they form in union with another substance *incomplete* in itself, require the omnipotence of the Creator: as in man the soul is created in every instance of conception.

But there is no reason why the forms of the animals and the plants should be created at every new generation, because the powers of nature as given and directed by the Creator suffice for the purposes of propagation in these beings.

If the powers of nature do not suffice for the entire purpose of propagation in the animals and the plants, this failure would have to be proved by this, that either the forms of these creatures constitute an order of beings as independent as individuals, or that the laws of generation and propagation were insufficient to direct the effort of nature to the *completion* of the natural process of generation and propagation.

But, now, as to the first reason: The forms of the animals and the plants are *not* independent of the *compositum*, either in their existence or in their actuation and activity: they are not independent of the *compositum* in their existence, because they are the *tota ratio esse* of the *compositum*, so as to die with the *compositum*. They are not independent of the *compositum* in their actuation, because they cannot exist outside of the *compositum*; in their activity, because they have no activity except that which proceeds from the union of the form and the matter in these creatures.

Are the laws of generation and propagation sufficient to ensure the completion of the process of generation, that is, to reproduce from the parents, individuals of the same order as the parents, and not, perhaps, only to prepare and furnish the material, or chemical and mechanical part?—We answer: 1) The process of generation and propagation is a *vital* process, i. e., it takes its rise in life, is conducted on its course by life, and terminates in life: if it would not *of itself* terminate in life, we would have to say that the *vital* process was at a moment—for no *natural* reason—interrupted, just so as to furnish to an external agency an occasion of interference. This cannot reasonably be assumed, as nature tends infallibly toward its purpose. Hence, as long as generation demands nothing of a higher order than what belongs to life, i. e. vegetation and sensation, we must credit the ordinary process of generation with the powers, not only of beginning, but also of completing its operation. But the completion of the natural process of generation is the efformation of an individual *secundum speciem*.

Intellectual life as exhibited in man, is of an order transcending the requirements of animal life, because it extends its scope beyond the limits

of growth and sensation, and is capable of an activity which is in no way necessary for the propagation, continuation and enjoyment of animal life.

Moreover, nature particularizes, and devotes its attention to the individual, while intelligence generalizes, and makes universalities its formal object. Hence also, life as such, in order to answer the purposes of nature, need not be higher than the nature of things, and intellectual life is of a specifically higher order than is required by the definition of life: "*vivit quod seipsum movet.*" Intellectual life, therefore, is an independent life, exerting its power in the compositum with the participation, indeed, of the material part; but, endowed with the prerogative over lower forms of life, of having its operation and object in a sphere far removed from, and foreign to the material part.

5. Second: The process of generation and propagation is a *formal* process, and therefore, not merely a process of preparation, or a partial process.

The *formality* of this process consists in this, that all the elements concurring in generation, work harmoniously toward an end not to be found in any single one of them, or in their

mere accretion, as *in nucleo*; toward an end, and object, therefore, which when attained, is not the product of the activity of the material elements, but of the effective concurrence of these elements, *the reproduction of life secundum speciem*.

Now, this effective concurrence is established either by chemical affinity in the mutable matter—according to the materialists—or, by a factor not of the matter. But the chemical affinity of matter cannot be more potent than each single element; hence its power cannot be greater than the power of matter. But as matter cannot produce life, chemical affinity or chemical activity in general can not be the cause of the process of generation. And if another power must superintend generation, it cannot be material in the chemical or atomical sense.

Again: If the material elements working together toward the term of the generation, were left to themselves without any guidance and direction, there would be no reason why any termination should be reached at all. For, material things working without pattern, are not determined by an object toward which their activity is not disposed; now, the activity of matter is not disposed toward bringing forth life:

hence the process of generation cannot be determined by the material elements alone. Matter working without model and mould must be moved from without: and thus it may move *ad indefinitum* without a purpose except that of the mover, or it will cease to move, the mover ceasing, whether any end have been attained or not.

Hence as there is a determinate end and object in generation, and matter alone can neither establish nor complete this process, we must admit a factor which superintends generation in such a manner as to guide it toward the pattern of the original. This factor is called the substantial form, and its operation makes the process of generation a formal, i. e., a uniformly ordered and harmoniously determined process tending toward the reproduction of the *idea* of the original in *rerum natura*.

But if the laws of generation and propagation are sufficient to ensure the completion of the natural process, it follows, that the induction of the form in every newly generated individual does not require a new creative act, as the supposition of the mutability of the species in evolution and systematic descent would require.

For the induction of the new form it is sufficient that the ultimate disposition for the form

should be produced in the elements of generation living by the form of the parents. The ultimate disposition is not merely the preparation of the material, but the tendency, or, rather, the intensification of the material, roused and sustained by life according to the laws ordained by the Creator to initiate and sustain the process of generation, a phase of the life-process.

But one may ask: Is the form of the new individual not taken over from the parents?

No. For, in the process of generation two mechanical or material factors concur regularly, the sperm-cell and the cell of the ovum. Which of the two is the bearer of the parental form? Or can the form resident in the one unite with the other into one form identical with either of the former two? This would require the absolute simplicity of the form, and exclude individuality, either of which is a denial of materiality, and the latter, even of actuation.

Or, perhaps, the two germs in conjunction produce the ultimate *mechanical* disposition for the form, and then the new form is infused by either of the parents, deriving from the parental form?

No: (a) There is no ultimate purely mechanical or material disposition as there is not even an initiative mechanical or material process: the

process of generation is a vital and formal process, the nature of which excludes a merely material proceeding at any and every stage.

(b) In the event that the form could be derived from the parent-form, we would have to admit that the parent-form could multiply itself in exact similitude of itself, or, double itself; but this would mean identity of existence in more forms than one—which is absurd, as identity of self in multiplied individuality is a contradiction in terms as well as in nature.

Therefore, the parental, or original form, the form of the species, must be reproduced by an agency dominating even the parental form.

What is this agency?

It can only be, either the creative power of God, or a power innate to, and connate with life; just as the power of growth (and sensation) is innate to, and connate with life.

Now, the power of the Creator *must* be invoked, except when we find conditions in nature which cannot be explained on the basis of the laws of nature, and natural forces and faculties.

But there is an explanation for the induction of the forms of lower life, i. e., all life not intellectual, which is not only not opposed to the

laws and powers of nature, but which, on the contrary, is very apposite to the arrangement of living nature upon the laws and powers of life.

Hence the agency which produces the new form of the object of generation and propagation, is a natural agency.

This agency must be sought in the company of those agencies which sustain life, because in plants and brutes the reproduction of life and the activity of life belong to the same principles. Now, the activity of life in non-intellectual beings is life itself, or, life as it manifests itself in such beings: as also the activity of fire is the fire's burning. An object without growth and sensation—the principal activities of lower life—is also without life. Life, therefore, being communicated to the new individual produced in generation, produces the new form; as it also brings the faculty of growing, and, in animals, of sensation.

St. Thomas says (*S. Theol.* 2—2, 179, 1. 1.): “The proper form of everything making it actually a being, is the principle of its proper operation (activity); and thus life is said to be the being of living things for this reason, that living things act accordingly as they have being by their form” (*“Dicendum, quod propria*

forma uniuscuiusque faciens ipsum esse in actu, est principium operationis propriae ipsius; et ideo vivere dicitur esse viventium ex eo, quod viventia per hoc quod habent esse per suam formam, tali modo operantur'').

7. The most important factor for the solution of the problem of heredity is the tension, or tendency, with which nature, in the process of generation, strains toward the ultimate disposition of the elements of generation.

The fundamental elements of generation—aside from the form which does not initiate it, and, therefore, does not stand in any relation to the parents—are the elements constituting the body of the cell, namely, the chromosomes and the protoplasm of the spermatic and the ovulatory cell.

These material factors, but more probably the chromosomes alone, or principally, are the vehicles of those particular habits and traits of the parents which bear most strongly upon the process of life; i. e., in proportion as a certain trait prevails in the life of the parent, in that proportion it prevails also in the activity or functions of that life: now, generation is one of the principal functions of life; therefore, such habits or traits must also prevail in the process

of generation. But as the principal elements of generation, the *substratum*, so to say, of the whole process, is found to be the chromosomes of the cells, it follows, that the prevalent traits in the life of the parents are carried over by the chromosomes into the terminus of the generative process.

But if this is the case, as biologists virtually agree it is, there is a new barrier erected to the branching-out of the original type, and hence also to the theory of evolution and descent; for, theory it is; a theory with hardly anything to rest on but suppositions and a loose conception of the philosophical term *species*.

Thus the discoveries of the scientists, instead of strengthening Darwinism and kindred excrescences, make toward opposing them in formidable array. The typical character of the species is made clearer proportionately to the clearness of our understanding of the species in the laws of its reproduction by generation.

These laws effect not only the preservation of those things that belong to the substance of the individual, but even those which belong merely to the habits, dispositions and inclinations—(instinct)—of the original representatives of the species, fortifying the characteristics both by

way of unvarying descent, and by acquisition or inheritance of whatever is congenial to the ways of the individual. Upon this truth rests the success of breeding stock-animals.

However, one might here object: "Once that we grant the fact of inheritance of *prevalent* properties and traits, we grant, too, the possibility of the inheritance of *confirmed* properties. But then there is no telling whither this possibility will lead. For, a property, once firmly established in a group of individuals may proceed on its own account to modify, and thus to lead these groups away farther and farther from the character of the original species, and thereby to cause that dreaded "*plus vel minus*," according to which a substance is classed with a higher or a lower species.

This would endanger, or even destroy, the stability of the species, and point the way for evolution, or systematic descent."

This objection may be answered by clearing up the relation of "*plus*" and "*minus*" to the substance.

It stands to reason that there can only be question of the *plus* and *minus* of the substance of things; for only what belongs to the substance, constitutes the species. But substances

(*in the metaphysical sense*) do not admit *plus* or *minus* actually, as they are perfect; but only potentially: i. e., every substance, except that which is perfect absolutely, may be *conceived* to be capable of augmentation and diminution of its specification.

Now, however, it is plain enough that the substances of things are prior to the things themselves, as they are the patterns, and the *ratio esse* of things, hence, neither the object nor the material of any process of nature. Therefore, the substance of a thing cannot be changed by natural powers, and, consequently, neither the species.

The changes which we notice within a certain group or class of beings, result in a modification of some original structure and habits, or instincts, on the basis of the original model, whose fundamental traces are so well preserved, that even by them we readily refer the modified to the original form; else we could not speak of a descent or derivation from a common model-form at all.

As to the new structures' deviating from the original, it cannot import such a modification of the first type or types as would import a mutation of the species. The very term *modification* is a protest against a substantial change.

Hence, neither can heredity by any means become the cause of new species of things, nor can any transmutation take place from natural causes, that would justify the theory of the evolution or descent of one species from another.

8. The effect of heredity is limited to the merely material parts of living things, be they rational or irrational, and is determined by the trend and force of dispositions agitating the individuals occupied with the process of propagation, and transfusing themselves from the seat of life to the agencies of generation.

In order to make these dispositions *constantly* and *continuously* hereditary, it would be necessary that the new individual should cultivate them by constant exercise, perfect them, and transmit them to the next generation in this state of cultivation and (relative) perfection. But, now, we know from daily observation that in the brute creation the difference in surroundings, and other influences, often suppress inherited instincts, and develop others more in conformity with the general character of the species. And what is observed today, has been the rule through the historic ages, at least; as we cannot discover a cause which should have turned the drift of nature aside for a period long enough to warrant

unusual mutations; or influences strong enough to counteract the constant efforts of nature of reëstablishing the equilibrium of its forces, if once it be accidentally disturbed. *Natura determinatur ad unum.*

Hence we may safely conclude:

Heredity is a very problematical factor in propagation.

II. HEREDITY AS A FACTOR IN MORALITY.

1. Can evil be inherited?
2. Does hereditary operation *necessarily* affect the *voluntarium*?

PRINCIPLES.

1. It can not prudently be denied, that the act of generation, for the very intensity with which passion furnishes it, is stamped with the character of the parents in no small degree. By "the character of the parents" we do not mean here the general characteristics of fathers and mothers, but, rather, the particular, transient mood which prevails over and harnesses their natures at the time of the conjugal embrace. For nature acts as it is constituted. Now, the nature

of man is so much subject to change, that man becomes so often an agent different from his real nature, as his sentiments and faculties suffer by immutation. A man is said to be "beside himself" under the lash of a furious passion. But it is not anger alone that may carry the mind of man beyond the rule of reason; lust often wields a still more furious scourge. The entire energy of man seems to flow into the act executed under the influence of a violent mental or physical commotion.

Hence it would not be prudent to maintain that an act, which fetches its whole force from the depths of the flesh, which "is heir to many ills," does not carry mud. A bucket, sunk to the depth of the well, brings up signs of the bottom.

2. But the partial communication, through the elements of generation (sperma and ovulum), of the general character of the parents must not be entirely overlooked. True it is that the noblest parents have raised scape-goats of children, and, also, that the most pure-minded are sometimes found to have descended from brutalized sires. If it were easy to determine the force of that curse which follows unto "the fourth generation," it would not be so difficult to find reasons for the many anomalies in human descent.

Still, too much importance is attached by modern sociologists (outside of the Church) to the fact of inherited operation. These students of the social evils are totally at sea as to the principles that govern the moral conduct of man. They consider man a brute that has exchanged a lower intelligence for one only higher in degree or grade; the difference in the nature of the intellect of man and brute they neither acknowledge nor realize, because they do not study and compare, without prejudice, the nature of the *acts* of these intellects (as they call them). Consequently, they recognize no moral responsibility in either man or beast. For them, man and beast are animated automaton which work the better, the more their component parts are filed and polished. Why, the public press does not blush to publish such foolish opinions, as that maintaining that the morality of a man depends upon the *purity of the cells* composing his flesh and blood !*

* *The N. Y. American*, Aug. 6, 1905 : " "The State of Connecticut is fortunate in having for its prison warden a man of exceptional brain, heart and sympathy ; a man who thinks, feels and acts in accordance with the most humane and practical religious principles in his association with unfortunate humanity. Not long ago this man said to a visitor : "*Children who receive the right mental training for the first ten years of life never wear prison stripes in later years. All criminal instincts can be eradicated by forming the right kind of brain cells for children before they are ten.*" "

With such opinions finding vogue among the masses, we have done with all morality.

In man we must recognize, first of all, his supernatural destiny. It is the key, and it alone, to the understanding of man's mission and composition.

The supernatural destiny of man involves the necessity of supernatural means with which to reach it. These supernatural means demand a spiritual subject, that must *know* its end and destiny, and must *be free* to comply with the directions toward its end.

There is nothing in the *earthly* life of man that would justify his existence on earth. He is capable of joys and pleasures that the earth cannot furnish. He hungers after happiness, and is filled the least when he tries to still his hunger with the pleasures of the senses—the only ones the earth can supply. Nay, before he is filled, he is surfeited, and turns away, either in disgust, or in despair; and ere he has run the length of his craving, his nature breaks down and his end approaches prematurely: nature thus avenging the insults perpetrated upon itself, and peremptorily protesting against such a use of its facilities as against an outrage. Nor is it true that the most beautiful purpose of man is in the endeavor

to make others happy. This stands in opposition to the very core of man's earthly and purely natural existence; for the first natural principle of human life is that of *self*-preservation. Hence we find in reality only millionaires, and socialists, advocating humanitarianism; the ones, because they have too much, the others, because they have nothing, to give; the ones, because they covet the applause of the foolish, the others, because they seek the companionship of the wicked, or the disgruntled.

The universal trend of paganism toward the meanest egotism proves to the student of history, that the leaning toward charity—if such it be—in our age, is due to a spark of that fire which Christ “came to cast upon the earth, and which He wills, should be enkindled and burn.”

The brotherhood of man was so loudly proclaimed by the *Son of Man*, that the echo of His teaching is still lingering even in the recesses of the hearts that have long been turned away from Him.

Man, as the lord of the earth, is an egotist. But it is equally false to suggest, that the main purpose of man's life on earth is the storing up of knowledge and the practice of what the world in general holds to be virtue.

For, above all else, the acquisition of the knowledge of those things which truly instruct the intellect and make it rich, is neither easy nor certain, as long as the object of such knowledge is under dispute. Nor can the million run with the few in this noble contest.

The only object worthy of man's intellect must be that which illumines the particular objects of the sciences. For without a common flush of light over *all things*, the particular objects would have to be known by themselves; and a man knowing everything of one object, would be in the dark as to all others.

Now, the relations between the various objects of scientific knowledge is established by the universal cause of all things. All, therefore, depends upon this, for every scientist, not to make a mistake in accepting the common cause.

If *Nature* is the common cause, *speculation* is out of the question of all investigation; for Nature is not intelligent, and the lack of intelligence forbids the assumption of purpose and finality. But where we must prescind from purpose and finality, there is nothing left but unfruitful *observation*.

Hence we notice in the results of modern scientific investigation, which makes Nature the

god of the universe, that each scientist has a little system of his own, which fits his purpose and no other. But such a system is a misfit, an anomaly. For, if Nature is a whole, *formaliter*, therefore, a unit—which it is by their assumption of it being the common cause, all its parts, and each particular one to the other, must be related on a common basis.

Therefore, Nature cannot be the formal object of human speculation and knowledge.

But God is. As the Creator, the Author of the world, He is the only object worthy of the attention of man.

But those who repose the principal purpose of man in the acquisition of knowledge, do not want to know God, lest they must also consider Him the object of all virtue, which militates against their conception of virtue.

Hence, in the current sense of the terms, knowledge and virtue do not satisfy man's craving for happiness. So man is still the egotist, unless he rises above himself, and aims at an end, that lies beyond this life, and is, therefore, supernatural.

But then we must permit man to have a soul essentially distinct from the soul of the brute, and endowed with such faculties as will enable

it to make use of spiritual and supernatural means toward the attainment of its supernatural destiny.

Now, such a spiritual agency is totally independent from its very creation and nature, of the influences of the flesh, which cannot dominate it, except by its consent and voluntary submission.

Hence, hereditary operation can affect the will of man only as a cloud can affect the vision. It may make it more difficult for a man to obey the dictates of right reason and conscience; but "the appetite must be beneath him."

The correction of criminal habits can not be effected, except by selfcontrol and selfgovernment, deriving its authority from the consciousness of accountability to God. All other means, suggested by maudlin sentimentality or woolmouthed philanthropy, have thus far proved insufficient or vain, and are perpetuating the necessity of the insane asylum and the penitentiary. It is well for both the educator and the physician to keep this truth clearly in mind in their contact with mental, moral and physical depravity.

APPENDIX II.

DECREES.

I. Beatissime Pater;

Episcopus N. N. ad pedes V. S. provolutus, quae sequuntur humiliter exponit:

Parochus N. N. in hac diocoesi iuxta Rit. Rom. praescripta, iuxta etiam preces mulieris praegnantis et graviter decumbentis, super hac muliere iam certe mortua curavit ut operatio caesarea fieret. Medicus absens erat, et operatio facta fuit ab alia persona capaci. Puer vivus erat et fuit baptizatus.

Propter hoc factum praefatus parochus fuit accusatus, sed a iudicibus civilibus sine ulla condemnatione remissus. Postea autem et propter idem factum dictus parochus a Gubernio stipendio annuo fuit privatus.

Quaeritur ergo:

I) Parochus N. N. egitne recte curando ut fieret operatio, medico deficiente, ab alia persona capaci, morte quidem certa sed non legaliter recognita?

2) Parochus, vel alius sacerdos, debetne curare ut in iisdem supradictis circumstantiis operatio de qua agitur fiat, etiam quando sequi debet privatio annui stipendii?

ET DEUS, etc.

FERIA QUARTA, die 13 Decembris 1899.

“In Congregatione Generali S. R. et U. Inquisitionis ab Emis, et Rmis, DD. Cardinalibus in rebus fidei et morum Generalibus Inquisitoribus habita, propositis suprascriptis precibus, praehabitoque RR. DD. Consultorum voto, iidem Emi, ac Rmi Patres respondendum mandarunt:

“DETUR DECRETUM S. OFFICII diei 15 Februarii 1780 ad Vicarium Apost. Sutchuen.”

“Sequenti vero Feria 4, die 15 eiusdem mensis et anni, per facultates Emo ac Rmo Domino Cardinali S. Officii concessas, SSmus D. N. Leo div. prov. Pp. XIII resolutionem Emorum ac Rmorum Patrum approbavit.”

I. Can. Mancini, S.R. et U. Inquist.

NOTARIUS.

2. DECRETUM 15 Feb. 1780, ad Vic. Apost. SUTCHUEN.

“Ubi de rebaptizandis parvulis Rituale Romanum hoc praescribit, scilicet: “Si mater praegrans mortua fuerit, foetus quam primum caute

extrahatur, huc usque inter christianos casus occurrit, sed regula praescripta nunquam observata est neque unquam promulgata. Rationes sunt: Summa repugnantia quam Senenses habent ad eiusmodi sectionem, absoluta apud ipsos artis anatomicae imperitia, gravissimum periculum atroces calumnias contra religionem excitandi, gravesque persecutiones sustinendi cum discrimine salutis et vitae saltem pro iis qui sectionem tentare auderent, si factum ad notitiam gentilium perveniret, quod admodum facile est. Causae praedictae possuntne silentium excusare?"

"Resp. Etsi caute prudenterque agendum sit, ne, cum paucos quaerimus, multos amittamus, agendum esse tamen, et sectionis a Rituali praescriptae notitia ingerenda, ne oblivisci videamur eos, quos abundantiori charitate manifestum est indigere. Erit proinde e missionariorum debito, paullatim et opportune commonere Sutchuenses de miserrima parvulorum perditione in uteris matrum decedentium quibus opitulari nihilomus, quoad humana possunt vires, postulat christiana charitas, postulat ecclesiastica sollicitudo. Neque improbum videri debere Sutchuensibus ut ullis fidelibus secare matrem mortuam, cum et Dominicum latus dissectum sit pro nostra redemptione. Illud potius rationi absonum atque ab omni pietate

remotum, pro inani integritate pudoreque servando defunctae genitrici, viventem natum aeternae morti addicere.

Certe, non modestia, non virtus, unde tantum profluit malum. Haec autem foetus extractio de praegnantis defunctaeque alveo matris, quamvis patefacienda, ut dicimus, ac persuadenda sit, expresse tamen cavet, prohibetque Sanctitas Sua, ne missionarii in casibus particularibus se ingerant in demandanda sectione, multoque minus in ea peragenda. Sat proinde missionariis fuerit illius notitiam edidisse curasseque, ut eius perficiendae rationem perdiscant qui chirurgicis intendunt, laici homines, tum vero, cum casus tule-rit, eiusdem praxim ipsorum oneri ac muneri reliquisse."

3. DECRETUM DE CRANIOTOMIA.

Eminentissime et Reverendissime Domine.

Eminentissimi Patres mecum Inquisitores Generales in Congregatione generali, habita feria quarta, die 28 Ianuarii labentis Maii, ad examen revocarunt dubium ab Eminentia Tua propositum :

An tuto doceri possit in scholis catholicis licitam esse operationem chirurgicam quam craniotomiam appellant, quando scilicet, ea ommissa,

mater et filius perituri sint, ea e contra admissa, salvanda sit mater, infante pereunte? Ac omnibus diu et mature perpensis, habita quoque ratione eorum quae hac in re a peritis ac catholicis viris conscripta ac ab Eminentia Tua huic Congregationi transmissa sunt, respondendum esse duxerunt: TUTO DOCERI NON POSSE.

Quam responsionem cum SSmus D. N. in audientia eiusdem feriae ac diei plene confirmaverit, Eminentiae Tuae communico.

Romae, 31 Maii, 1884.

R. CARD. MONACO."

Now, lest someone be tempted to think that this "*tuto doceri non posse*" precludes only the *propriety of teaching*, instead of having the force of a *decisive prohibition* of both practice and teaching, we append what Cardinal Patrizzi, in the name of the Holy Father, answered the bishops of Belgium, Aug. 1, 1866, anent such doubts as had arisen over the decision leveled at certain propositions of the Ontologists, and worded in a similar fashion, viz.: "*tuto tradi non posse*." The decision is this: "*Non ea sunt ista dubia quae novam rei iam definitae interpretationem ac declarationem requirant: iis enim penitus diluendis per ipsas SS. Cong. responsio-*

nes fit abunde satis. Imo non sine admiratione auditum est hujusmodi dubitationes fuisse propositas. . . .”

In English:

“These doubts are not such as would require a new interpretation and statement of a matter *already decided*: for they have been thoroughly solved by the very answers of the Sacred Congregation. Nay, it was not without a smile that we heard, such doubts should have been proposed. . . .” After this authentic declaration the Archbishop and the bishops reminded the professors and teachers, “that the matter must be considered as *definitely settled*, and that it was the wish of His Holiness, that, *removing all errors*, they should all be of one mind.”

“*Tuto doceri non posse*” means, plainly: “It is a mistake.”

4. DECRETUM AD ARCHIEPISCOPUM CAMERACENSEM.

DE CRANIOTOMIA,

et Quacunque Operatione Directe Occisiva
Foetus.

“Anno 1886, Amplitudinis Tue praedecessor dubia non nulla huic supremæ Congregationi proposuit circa liceitatem quarundam operationum

chirurgicarum craniotomiae adfinium. Quibus sedulo perpensis, Emi ac Rmi Patres Cardinales una mecum Inquisitores Generales, feria 4 die 14 currentis mensis, respondendum mandaverunt”:

“In scholis catholicis tuto duceri non posse licitam esse operationem chirurgicam quam craniotomiam appellant, sicut declaratum fuit die 28 Maii 1884, et quamcunque chirurgicam operationem directe occisivam foetus vel matris gestantis.”

“Idque notum facio Amplitudini Tue, ut significes professoribus facultatis medicae Universitatis catholicae Insulensis.”

“Interim fausta quaeque ac felicia Tibi a Domino precor.”

“Romae, die 19 Augusti 1889.

Amplitudinis Tue addictissimus in Domino.

R. CARD. MONACO.

Rmo Do. Archiep. Cameracensi.”

5. DE PARTU PRAEMATURO, DE ABORTU ET OPERATIONE CAESAREA, ET DE ECTOPICIS
CONCEPTIBUS.

Decretum 4. Maii 1898.

Beatissime Pater,

Episcopus Sinaloensis ad pedes S. V. provulu-

tus, humiliter petit resolutionem insequentium dubiorum:

1. Eritne licita partus acceleratio quoties ex mulieris arctitudine impossibilis evaderet foetus egressio suo naturali tempore?

2. Et si mulieris arctitudo talis sit ut neque partus praematurus possibilis censeatur, licebitne abortum provocare aut caesaream suo tempore perficere operationem?

3. Estne licita laparotomia quando agitur de praegnatione extra-uterina, seu de ectopicis conceptibus?

Feria Quarta, die 4. Maii 1898.

“In Congregatione generali habita ab EEmis et RRmis DD. Cardinalibus contra haereticam pravitatem Generalibus Inquisitoribus, propositis suprascriptis dubiis, praehabitoque RR. DD. Consultorum voto, iidem EEmi ac RRmi Patres rescribendum censuerunt:

Ad 1. Partus accelerationem per se illicitam non esse, dummodo perficiatur iustis de causis et eo tempore ac modis, quibus ex ordinariis contingentibus matris et foetus vitae consulatur.

Ad 2. Quoad primam partem, negative, iuxta decretum feriae quartae, 24 Julii 1895, de abortus

illicite. Ad secundam vero quod spectat, nihil obstare quominus mulier de qua agitur, caesareae operationi suo tempore subjiciatur.

Ad 3. Necessitate cogente, licitam esse laparotomiam ad extrahendos e sinu matris ectopicos conceptus, dummodo et foetus et matris vitae, quantum fieri potest, serio et opportune provideatur.

In sequenti vero feria 6, die 6 eiusdem mensis et anni, in solita audientia R. P. D. Adessori S. O. impertita, facta de omnibus SS. D. N. Leoni, Divin. Prov. Papae XIII relatione, SSmus responsiones EE. ac RR. Patrum approbavit.”
J. CAN. MANCINI, S. R. et U. Inquis. Notarius.

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