PASTORAL QUESTIONS

II

Questions Concerning Embryology and the Administration of Baptism

Proposed for the benefit of the clergy

by Fr. Benedict H. Merkelbach, O.P.

Second edition, corrected

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Title Pages and Approvals

Pastoral Questions — Questions Concerning Embryology and the Ministration of Baptism

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Pastoral Questions II — Questions Concerning Embryology and the Ministration of Baptism

which he has resolved for the benefit of the clergy

by

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To the Benevolent Reader

After we have outlined the whole matter, among all others most practical, concerning Chastity and Lust, now, as a complement of the doctrine, we propose the whole range of moral questions pertaining to Embryology, considered both in itself and in its peculiar relations to the great sacrament of Baptism. Concerning all these matters difficulties occur not rarely in the pastoral ministry. And yet, sometimes moralists speak of them very sparingly, or distribute the matter through diverse treatises, treating it without logical order and without connection of ideas. Wherefore, perhaps it will not be unwelcome to you, excellent confrere, to receive a brief, clear, methodical, and synthetic exposition of all those things which you will be able to find scattered through various parts of theology, and in works of greater bulk, or also in special little works.

We confidently trust that this has not been done by us without usefulness.

The Author

Practical Questions Concerning Embryology

The practical questions which occur in the pastoral ministry and regard Embryology appear to be of a twofold kind: some immediately regard Embryology itself; others have a special relation to the ministration of the sacrament of Baptism. Yet all these cannot be rightly understood unless altogether accurate physiological notions are sufficiently present. Hence, in the proemium of this little work, from the natural sciences we briefly add a general description concerning the mode in which the fetus is developed, lives in the maternal uterus, and is born from it; just as we also recall to mind the principles of moral theology from which the solutions of diverse cases in practice are to be sought.

Moreover, the questions to be treated can be reduced to the following:

I. Questions regarding embryology itself:

1. Physiological notions concerning the uterine life of the fetus and its development and birth;
2. Concerning the theological principles to be invoked in embryological questions;
3. Concerning incisions which injure the mother;
4. Concerning embryotomy, or concerning incisions which injure the fetus;
5. Concerning the procuring of abortion;
6. Concerning artificial premature birth;
7. Concerning ectopic or extrauterine fetuses.

II. Embryological questions which have relation to the ministration of Baptism:

1. Concerning theological principles regarding the matter of Baptism;
2. Concerning theological principles regarding the form of Baptism;
3. Concerning the baptizing of the unborn in the uterus of the mother;
4. Concerning the baptizing of immature fetuses;
5. Concerning the baptizing of monsters;
6. Concerning those to be rebaptized under condition.

I. Pastoral Questions Regarding Embryology Itself

Question One: Concerning the Uterine Life of the Fetus, and Its Development and Birth — Physiological Notions

I. The natural and physiological development of the fetus[12] is that which occurs in the maternal uterus, when the fertilized ovule descends into the uterus and there comes to rest. Moreover, in whatever place of the uterus it comes to rest, there it remains.

[1] We have taken the physiological notions especially from Antonelli, *Medicina Pastoralis*; we have before us the second edition (1906), which we follow in noting cited words. These can also usefully be consulted: Dr. Capellmann, *Medicina Pastoralis*; Eschbach, *Disputationes Physiologico-Theologicae*; Dr. Surbled, *La Morale dans ses rapports avec la Medecine*; Salsmans, *Geneeskundige Plichtenleer*; Dr. Vigouroux, *Traite de medecine pratique*; Vivat, *Nederlandsche Encyclopedie*; and other works of anatomical or medical science.

[2] It is so called from the moment at which it has human form, namely from the end of the third month, or the beginning of the fourth month, or, as others speak, after the face begins to be manifested, that is, after 6 weeks; before that it was called embryo (*dier-* or *menschenkiem, lichaamsvrucht*), when it acquires a certain development and characteristic form, so that the form of the body and members appears, after 15 days or a little more; at the beginning it is a fertilized ovule. We suppose it known how conception and generation occur. Our little work *On Chastity and Lust*, p. 13, can be compared.

It is covered by three membranes (*eihulsels, eivliezen*):

1. The first is called the decidua, from *cadere*, to fall, because in birth it falls from the mother (*la caduque, netvlies* or *huntervlies*).[3] This is formed from the mucosa (*slijmvlies*) of the uterus, which is multiplied and grows around the ovule in such a way that gradually it covers it completely, and between the ovule and the wall of the uterus gives origin to a spongy body of red color which is called the uterine placenta of the mother (*moederkoek*) and serves for the nutrition of the fetus after the internal nourishment of the egg has been consumed.[4]

[3] It is so called from Doctor Hunter.

[4] The placenta at the time of birth has a thickness of about 3 cm., breadth 15-18 cm., and weight 500 grams.

2. The second is called the chorion, etymologically "envelope" (*adervlies* or *vaatvlies*). This is thicker, and on its whole external surface produces many villosities, which remain in one place only, namely toward the wall of the uterus above the placenta of the mother, where they are developed, divided into several branches, which partly penetrate into the placenta of the mother so that the fetus may be nourished, and partly into the blood-filled sinuses of the uterus so that they may bring blood to the fetus. Thus, by its extreme part, the chorion adheres to the wall of the uterus and keeps the whole fetus in the uterus; and since this part corresponds to the placenta of the mother, it is therefore called the placenta of the fetus, because it takes its origin from the ovule itself.

3. The third is the amnios (*lamsvlies*), which immediately surrounds the whole fetus and is very thin, and can be regarded as, so to speak, a continuation of the skin of the fetus. It contains a

whitish liquid (*liquide amniotique*; *lamsvocht*, *vrucht-* or *kinderwater*), in which the child, immersed, wonderfully floats, and which serves to protect the fetus, and probably, according to some, also contributes to nourishment.

The fetus, however, communicates with the placenta through the umbilical cord (*cordon ombilical*; *navelstreng*), which proceeds from the navel all the way to the placenta, about 50-55 cm. long,[5] 12-15 mm. in diameter. It consists of: a) two umbilical arteries, which are a continuation of the arteries of the hypogastrium (*onderbuik*) of the fetus, and carry blood from the fetus to the placenta; and b) the umbilical vein, which transfers blood from the placenta to the fetus. Hence the blood of the fetus is in no way mixed with the blood of the mother, but the circulation is altogether closed and independent of the mother's circulation.

[5] Sometimes longer, and then it surrounds some part of the fetus, namely the neck, arm, leg, and trunk itself, while it is wound several times upon itself.

The first membrane is of maternal origin; the other two, like the cord, are of fetal origin.[6]

[6] Concerning the preceding, see Antonelli, cited work, t. I, n. 238-239.

II. "The whole time during which the fetus remains in the uterus is called pregnancy (*gestation*, *grossesse*; *zwangerschap*), and ordinarily runs through a space of nine months or about 280 days, that is, ten lunar months.[7] During pregnancy, the uterus generally preserves an oval form, because the infant is inverted, namely, it has the head lower and the rest of the body higher, the legs bent against the belly, the knees, which are somewhat disposed crosswise, against the legs, and the arms, after the manner of a cross, before the breast. This state of the fetus is ordinary and normal; sometimes, however, the fetus has the head higher and the rest of the body lower, or is situated transversely, so that it presents its side to the opening of the uterus. In these anomalies of position, birth requires the help of a surgeon. During pregnancy, the opening of the uterus is closed by a certain mucous covering."[8] Meanwhile, around the fifth month, the breasts of the mother increase in volume and prepare the production of milk.

[7] We are accustomed to make the computation in the vulgar manner in solar months, except under n. V, where the whole progress of fetal development is described more scientifically.

[8] Antonelli, cited work, t. I, n. 240.

As to the signs of pregnancy,[9] it must be said that in the first times there are not absolutely certain indications from which it can be affirmed that pregnancy is present, because the changes which occur at this time can have other causes.

[9] Antonelli, cited work, t. I, n. 242-243. It is not useless to know these. For girls sometimes greatly fear that they are pregnant, sometimes to such a degree that they procure abortion for themselves, or prepare an end of life for themselves by suicide. Hence the confessor can render them tranquil.

Some signs are merely presumptive, such as a sense of languor, a certain general weakness, depression of spirit, pains of the head and teeth, and vomiting, especially in the morning.

Others are probable and quasi-certain, such as the suppression of the menstrual flow in a woman who previously had regular menses (*regles*: *maandstonden*);[10] changes in the genitals and, in part, the size of the belly and uterus, which moreover can grow from other causes; greater secretion of the female genital canal and swelling of the breasts, which also can secrete milk. Yet this secretion of

milk, although it is a very probable sign of pregnancy, nevertheless does not indicate absolutely that fertilization has occurred. For it is certain that sometimes women, after birth, preserve milk in the breasts for several months, years, and even the whole of life; sometimes women who have never conceived, and who were suffering from various diseases of the uterus, ovaries, tubes, and peritoneum, have been subject to this secretion of milk, which can be renewed as often as the aforesaid inflammations again have place.

[10] Let it be noted, however, that the menses can cease also because of other causes, and that even during the time of pregnancy they can appear once or twice, because ordinarily, when a flow of blood is observed several times in pregnant women, it is not referred to the menses, but to uterine hemorrhages of an altogether diverse nature.

The certain signs are: 1. internal exploration to be made by a physician or midwife, from which the presence of a fetus in the uterus can be known; nevertheless deception can be possible because of certain diseases which can produce similar effects; 2. active motions of the fetus, which, when they are known with certainty, indicate certain pregnancy, at least from the sixth month; 3. pulsations of the heart of the fetus to be heard especially by means of the stethoscope, which is a certain instrument of auscultation, already in the fifth month.

III. Birth[11] (*accouchement*; *bevalling*) consists essentially in the expulsion of the fetus by contractions of the muscles of the uterus. These contractions rupture the membranes enveloping the fetus; from this it happens that the amniotic liquid begins to flow. Vehement pains accompany birth. The placenta and membranes of the fetus, after birth, are called the afterbirth, because after the birth they fall in the second place from the bosom of the mother (*la delivre*, *l'arriere-faix*; *de nageboorte*, *het vuil*).

[11] Antonelli, cited work, t. I, n. 241.

After birth, great fatigue holds the woman; a flow of blood follows for several days, 10-15, because of the placenta separated from the uterus; but the uterus, birth having been completed, immediately contracts. After six weeks or two months, it acquires almost its primitive volume.[12] The time which immediately follows birth is called the puerperium (*couches*; *kraam*, *kraam-* or *kinderbed*); at this time, the woman needs particular care.

[12] The ordinary dimensions of the uterus in the normal state differ from virgins to multiparas, namely from about 60 mm. to 68 mm. in length, and from 38 to 43 mm. in breadth.

When the infant has been born, the breasts become places of particular activity, by which they immediately secrete milk. This physiological labor brings about in the whole body of the woman a certain reaction, which is accompanied by a special fever, called from the milk. Namely, on the second or third day after birth, the breasts become hard, are affected by pain, and fever appears, which ordinarily ceases after 24 hours, or sometimes sooner. After this, the secretion of good milk is definitively established. The first milk is rather liquid, insufficient for nourishing, and is called colostrum (*biest*). Yet it is useful to the infant, for whom it serves, as a light purgation, to eject the meconium which, during the time of intrauterine life, the stomach and intestines contained. Colostrum, however, gradually undergoes some changes and becomes true milk, so that after two or three days the elaboration and secretion of milk becomes perfect.[13]

[13] Antonelli, cited work, t. I, n. 241 and 479.

During the time of lactation, ordinarily, the menses are suspended; when lactation ceases, the milk gradually diminishes and the menses reappear. But if the menses begin to flow before the end of

lactation, the secretion of milk is generally diminished.

IV. Abortion[14] is the premature expulsion from the uterus of the mother of a fetus that is immature (*onrijpe vrucht*), namely, not viable (*niet leefbare vrucht*), from a natural or artificial cause (*avortement*, *fausse couche*; *miskraam*, *misval*, *misgeboorte*, *vruchtafdrijving*). Hence obstetrical abortion consists in provoking birth before the fetus is viable, and therefore when it can in no way live outside the uterus (*kunstmatige vruchtafdrijving*).

[14] Antonelli, cited work, t. I, n. 416. Cf. below, Question 5 and II, Question 4.

On the contrary, premature or accelerated birth (*accouchement premature*; *vroeggeboorte* or *vroegbevalling*) is the expulsion of a fetus already viable but not fully mature. Artificial premature birth (*kunstmatige vroeggeboorte*) consists in provoking birth before pregnancy is complete, around the seventh or eighth month, or even sometimes in the sixth month, especially if special care is present by means of artificial incubation (*couveuse d'enfant*; *broeikasje*).

V. Phases of development. The egg which is expelled through abortion is ordinarily expelled enveloped in membranes, and has varying size according to the time of development[15] (*ontwikkelingsgeschiedenis*).

[15] Antonelli, cited work, t. II, n. 21. The numbers which are handed down for dimensions or weight have been taken from various authors compared with one another, and indicate a certain mean between various possible extreme cases.

In the first month: at the end of the second week, after 12-13 days, the embryo has a size of 2 mm. and the egg 6 mm.[16] In the third week, the head is indicated in a round form; the members are indistinct, but the rudiments of extremities are visible; the heart probably already beats; no distinction appears from the embryo of animals, birds, reptiles. The embryo has a scaphoid form (*forme de nacelle*; *bootvormig*), length 4 mm. At the end of the month, the length is 7.5 mm. up to 11-13 mm., and the ovule has the size of a hazelnut.

[16] We recall to memory that the ovule is 0.2 mm. and the zoosperm 0.05 mm.

In the second month, the head is very large, almost half the embryo; the extremities are perfectly articulated, and the face begins to be manifested. The length is found to be 13-16 mm. up to 2-3 cm. In the sixth week the placenta is formed.

In the third month, it is now nourished by the blood of the mother, whence it begins to be developed more rapidly. At the end of the month, the form of the body is perfect: the fingers and toes are well seen; the genitals, perhaps even the external ones, begin to be changed according to sex; the fetus is 7-9 cm. in length and 15-20 grams; the egg has the size of a common duck's egg.

In the fourth month, the sex is easily seen; the fetus is 10-13 cm. long, of 120-150 grams weight.

In the fifth month, hair appears on the head, and also nails on the members; if at this time it is brought forth alive, pulsations of the heart are perceived from its beating against the breast. Sometimes it breathes for a short time, but quickly dies. The length is 13-27 cm., the weight 250-300 grams.

In the sixth month, it has the eyelids open, the skin is covered with pigment, fat is formed under the skin. It makes some inspirations, moves the extremities, but almost immediately dies. The length is 28-34 cm.; weight 700-1000 grams.

In the seventh month, the form of the body appears more rounded, the appearance more beautiful. It acquires a stable position so that it no longer floats in the amniotic fluid. If alive, it cries with a thin voice; generally it dies; sometimes, however, with special cares applied, it is preserved. The length is 35-38 cm.; weight 1000-1500 grams.

In the eighth month, the length is 40-43 cm.; weight 1500-2000 grams. Those born at this time can live, although many die in the first hours or days after birth.

In the ninth month, the length is 46-48 cm.; weight 2500-3000 grams. There is a greater quantity of fat under the skin. Those born at this time ordinarily live, although their mortality is not very small.

In the tenth month, the length is 48-50 cm., indeed up to 53 cm.; weight 3000-3800 or even 4000 grams. The cartilages of the nose and ears are, at the beginning of the month, very soft; the nails increase; and finally the fetus exhibits the characters which are noted in perfect pregnancy. Complete maturity is present.

VI. Pregnancy can also be unnatural, namely extrauterine or ectopic (*buitenbaarmoederlijke zwangerschap*), by which the fetus is developed outside the uterus, for example in the tubes (*eileiders*), in the ovary (*eierstok*), or in the cavity of the abdomen, where it is applied to some intestine of the mother and thus begins to grow.[17] In the first months it is very difficult to discern an extrauterine fetus from a tumor or from a uterine fetus. Generally before the fourth month it perishes from anemia or oppressed by the maternal viscera, or the pregnancy has an end before the time because of rupture of the membranes enveloping the fetus;[18] sometimes the fetus pursues perfect development but cannot be born. In either case the life of the mother is constituted in great danger, though not always.[19]

[17] Antonelli, cited work, t. I, n. 244-246.

[18] From this there arises hemorrhage which can bring death to the mother through anemia.

[19] Death is incurred in the proportion of 68%.

Both pregnancies, uterine and extrauterine, can exist at the same time. But the causes which induce extrauterine pregnancy are many: on one side, zoosperms can pass from the tubes into the ovary or into the abdomen, the latter of which is sufficiently understood from the fact that the tubes are not always perfectly adapted to the ovary; and on the other side, the ovule can be impeded from descending into the uterus; an ovule having descended into the uterus can enter the opposite tube; a fertilized ovule can pass from the uterus or from the tube, because of some rupture, into the cavity of the abdomen.

Let it be noted that such pregnancy supposes a uterus; if this does not exist or has been removed, no pregnancy is possible: the uterus is the necessary way for the passage of the sperm.

VII. False pregnancies[20] are appearances of pregnancy. Sometimes:

[20] Antonelli, cited work, t. I, n. 249.

1. a fertilized ovule after some time dies, and the placenta and other parts of the fetus grow in such a way that fleshy moles (*vleeschklomp*) are generated;

2. because of occlusion of the neck of the uterus, the menstrual blood, since it cannot flow, remains in the uterus, which is enlarged more and more, so that for some months it can feign pregnancy;

3. in the uterus certain vapors are accumulated by which the uterus is inflated, simulating pregnancy; the absence of pregnancy is very well known from the sound obtained by percussion of the belly.

Likewise imaginary pregnancies[21] are not rarely noted in women. This occurs more often among women who vehemently desire or fear to become mothers, for example those who are close to menopause; unmarried women who are very nervous and hysterical; those who have lost their first children or, having been deprived of a first husband, think that they ought to be fertile with another man. The thought of maternity so disturbs them that they quickly come into the firmest persuasion that they must be pregnant, even though they experience the menses regularly,[22] and with every effort they seek to persuade the physician concerning this supposed pregnancy; indeed, they observe the breasts to be enlarged, vomiting to appear, that they suffer nausea, and that they experience the desires of pregnant women.

[21] Antonelli, cited work, t. I, n. 250.

[22] Even by imagination the menses can be absent; then the time must be awaited, in order to remove every doubt, at which the pulsations of the heart of the fetus can be heard, that is, to the fifth month.

VIII. Anomalies which are sometimes noted in the body of man, and often generate horror, are called monsters, especially when in the fetus the species of the human body is totally or notably deformed.[23] For the human body does not always present all the regular anatomical and physiological organs which constitute a truly normal man, and often bears before itself several irregularities of greater or lesser moment, monstrosities, deviations from the normal type, which necessarily induce not slight physiological changes.

[23] Antonelli, cited work, t. I, n. 263 and 307. Anomalies can affect one or several organs, and be slight or grave. Cf. below II, Question 5.

They are distinguished into simple, and double or twinned, according as one fetus is born, or two twin fetuses adhering to one another, whether equally or unequally developed.

The causes are several: some preceding fertility, for example a morbid anatomical or physiological state of the parents, weakenings, alcoholism, heredity; likewise the physical state or conditions of the ovule or zoosperm or of both. Others are consequent, such as the action of the nervous system which, being moved by moral causes, can bring changes in the circulation of the fetus and in the contractions of the uterus; external mechanical pressures; diseases of the fetus and of the membranes; the development of several fetuses; the umbilical cord, which can surround and constrict several parts of the body; particular deviations and changes of development in the fetus.

IX. Surgical operations and incisions which more frequently occur during the time of pregnancy or birth are of several kinds:

1. some apt for extracting the fetus without injury to the fetus and the mother are all those, had by hands or instruments, which can effect birth, whether by producing uterine contractions through compression, as they say, namely by suitably rubbing the hands over the abdomen, or

by extracting the fetus through instruments fitted for this, forceps, retroceps (*verlostang*), or through mechanical means apt for increasing the power of the instruments. These operations are not only licit but also prescribed, because they are done only for this purpose: that the work of nature may be aided in accomplishing birth;

2. others injure the organs of the mother, not of the fetus;

3. others kill the fetus itself and are gathered under the name of embryotomy, from [Greek: tome], section or cutting away;

4. others, namely the procuring of abortion and artificial birth, act upon the mother and the fetus at the same time.

Concerning the liceity of all these we must now speak.

Question Two: Concerning Actions Harmful to Human Life or Integrity — Theological Principles

I. In order to solve the preceding questions rightly, it is necessary to recall certain principles of moral theology: namely, one from the general doctrine concerning human acts, and several other special principles from the particular matters concerning justice and charity.

II. From the doctrine concerning human acts we know that it is licit to place a cause which produces at the same time a good effect and an evil effect, if four conditions are present:

1. if the action in itself, that is, circumstances set aside, is not evil, but honorable or at least indifferent;

2. if the good effect follows from the cause at least as immediately as the evil one, or does not follow by means of the evil; otherwise it would be to work or effect good through evil, and therefore to will evil in some way as a means to good, although evils are not to be done that goods may come about;

3. if the evil effect is not intended, but only the good one; otherwise the evil effect would be voluntary in itself, or at least willed;

4. if there is a reason for placing the cause, and indeed a proportionately grave one, that is, so that the good procured exceeds or equals, and thus compensates for, the evil.

On the contrary, it is illicit if the action is evil in itself or has only an immediate evil effect, even if further from it there is procured, and intended by the agent, a much greater good effect. For although in judging the morality of the interior act of the will, it is necessary above all to regard the intention, nevertheless in judging the morality of the exterior act, one must consider not so much where it is ultimately terminated or what is intended by the agent, but first of all what is immediately done; and if that is evil, or if it immediately produces only an evil effect, even if further it tends or is ordered to some greatest good, it will always remain intrinsically evil.

III. From the doctrine concerning justice we know that man does not have dominion over the human body and life, but only its author, God, has it. Hence man cannot directly dispose of life, whether his own or another's, except according as it has been conceded to him by God. Now:

1. God has conceded this for the public good, but only to public authority, whether a) in a just war to be carried on by that authority, or b) for punishing evildoers by that authority, and perhaps c) for a private good to individual men for defending life against unjust aggression, although this rather seems to be, and is better called, indirect killing:[1] for this is permitted only because from the action there follows equally immediately a compensating good effect, namely the defense or preservation of the one attacked;

[1] Thus Saint Thomas explains it, II-II, q. 64, a. 7.

2. God has conceded no right over the life of an innocent person, which therefore in no case can be directly taken away, because this is always gravely unjust;

3. indirect killing can be licit if it follows from a legitimate action which equally immediately produces a greater, or at least equal, good effect; namely, this is not directly to kill, but to expose oneself to the danger of killing.

A fortiori, one's neighbor has a right to the salvation of the soul, and it is unjust to impede it.

IV. From the doctrine concerning charity we know that we are bound to love our neighbor more with respect to his soul and salvation than our own body and bodily life; likewise more with respect to the life of the body than our own temporal goods, but not more than our own life. Although licitly we can expose that life, this is not because we love another's life more, but because of the good of virtue, which is a spiritual good of the soul and thus surpasses bodily life. Hence:

1. In the extreme danger of our neighbor's salvation, we are bound under grave obligation to aid him even with certain danger of life, provided there is probable hope of helping him and no graver evil is feared.

2. In grave danger of our neighbor's salvation, we must aid him under grave obligation with some rather great detriment in temporal goods, but not with danger of life, unless someone is bound from justice by reason of office.

3. In extreme danger of our neighbor's life, we are bound under grave obligation to aid him with notable temporal detriment of our own, but not by extraordinary means nor with danger to our own life.

4. Although we are not bound, nevertheless we can licitly, charity persuading it, expose our life in grave danger of another's salvation, because this is worth more than our life; likewise in grave danger of another's life, because of the good of virtue, gratitude, friendship, the honor of God, or the public good; not because we esteem another's life more than our own, but because the good of virtue, which is spiritual, can be preferred to the good of one's own life, which is bodily.

Fortified with these principles, we now approach the solution of the questions.

Question Three: Concerning Incisions Which Injure the Mother

I. The incisions which injure the organs not of the fetus but of the mother are:

a) **Caesarean section** (*keizersnede*, so called because Julius, called Caesar, i.e., cut out, was thus born), or **hysterotomy** (*baarmoedersnede*): it consists in an incision of the abdomen and of the maternal uterus in order to extract a living fetus who, on account of the narrowness of the mother or other causes, such as death, irreducible retroversion of the uterus (*onherstelbare omkanteling van de baarmoeder*), placenta previa,[1] cannot be brought forth by the natural way;[2]

[1] The placenta is called previa when it adheres over the internal mouth of the uterus or near this mouth. This occurs when the ovule descends as far as the mouth of the uterus, and there the decidua serotina and then the placenta are developed.

[2] You will find the manner of performing the Caesarean operation among certain theologians, such as Dens, *Theol. Mechlin.*, Aertnijs, and in Antonelli, c. c., t. I, n. 446.

b) **symphysiotomy**[3] (*schaamboogdoorsnijding*), by which the cartilage, or symphysis, which joins the two bones of the pubis is cut. This operation is done if the impossibility of birth arises from narrowness of the pelvis (*bassin, bekken*), provided, however, that the narrowness is not excessive; for thus the breadth of the pelvis is increased so that the fetus can pass through it more easily;

[3] It is the operation which Dr. Sigault first employed, in the year 1768; it is more dangerous than Caesarean section: in the latter, indeed, the section is deeper, but in the former harder; yet, in a particular case, it can be judged safer.

c) **pubiotomy** (*schaambeendoorsnijding*), by which, for the same end, one or both bones of the pubis are cut;

d) **combined operations**[4] (*vereenigde behandelingen*): that is, symphysiotomy together with artificial premature delivery; thus the Caesarean operation is avoided, and the mother is healed after a few days.

[4] They are of Dr. Iacolucci, in the year 1867.

II. The aforesaid operations are not illicit, unless they are done in such circumstances in which, on account of the weakness of the mother, the inexperience of the operator, or a certain danger of infection, they appear destructive of the mother and equivalent to killing. For Saint Thomas says (III, q. 68, a. 11, ad 3): "Evils are not to be done that goods may come about (Rom. IV, 8), and therefore a man ought not to kill the mother (or the infant) in order to baptize the child"; whence Caesarean section is illicit if it brings with it, as it were necessarily, the death of the mother or of the infant.

Nevertheless, in fact it is almost always licit, if the fetus is viable,[5] and birth cannot be obtained in any other way. Formerly it often brought great danger and was an extraordinary means; today, because of the progress of surgical art, if it is done by an expert, it often is not very dangerous, nor is it a means so extraordinary, but for the most part it includes a rather remote danger of death for the mother, especially if precautions by antiseptic means are employed; but by an inexperienced person, e.g., by a priest, while the mother is living, it cannot be done. The same is to be said *a fortiori* of a less dangerous incision, which they call the vaginal Caesarean operation,[6] namely, by which the opening of the female genital canal (*moederscheede*) is widened, which is the natural way by which the infant is born.

[5] It is said: "if the fetus is viable"; for, as De Smet notes (*De Sacramentis*, n. 316): "If the infant is in danger before mature birth, seven months, because the pregnant mother is sick even unto death, and therefore it is to be feared lest the offspring die with her, regularly the death of the mother is to be awaited, and when she has died, the fetus is to be cut out from the maternal womb... And indeed: a) there can scarcely be a question of conferring Baptism in the uterus, both because before mature birth the uterus is penetrated with greater difficulty, and because for rightly administering the sacrament the membranes enclosing the fetus would have to be perforated; and this perforation would inevitably bring with it the effusion of the amniotic fluid and the expulsion of the immature fetus; but the expulsion of a fetus not yet viable would constitute abortion, and seems gravely illicit. (See nevertheless below, II, q. 3, n. IV.) b) Regularly there will be no place for Caesarean section, inasmuch as, the weakness of the mother being supposed, it would be deadly in the case."

[6] It is the operation of Dr. Hubert, who was professor at the University of Louvain. This is done if birth is impeded not from narrowness of the pelvis, but from closure or perverse disposition of the fleshy parts, which cannot otherwise be overcome.

III. The mother is also bound (of herself under grave obligation) to undergo an operation, even Caesarean section, if 1) she cannot give birth naturally; 2) in the judgment of an expert the infant cannot otherwise be baptized; and 3) the safety of the mother and of the infant can prudently be hoped for by means of the section; for the mother cannot be killed, nor the fetus himself, so that this latter may be baptized before he dies.

Hence there is required a) that the fetus be viable, ordinarily of seven months; otherwise he would be killed; b) that the mother be robust; c) and that there be an expert surgeon. For then, by the law of charity, the mother must, under grave obligation, prefer the eternal salvation of her neighbor, namely of the infant, to temporal good and life.

Hence generally the obligation of the mother does not exist, because a) more often the fetus survives the deceased mother, or there is serious hope that he will survive; b) generally, by means of an instrument, he can be baptized in the uterus; c) for preserving her own life, and *a fortiori* for preserving the life of the fetus, the mother probably is not bound to have recourse to a means which perhaps is, or at least is still reputed to be, extraordinary.

For practice, even in the case in which she is bound to undergo the incision, prudence generally forbids warning a mother who is in good faith about the grave obligation, because of the danger lest perhaps, by refusing consent, she die in the state of sin. Nevertheless, the priest, and likewise the physician and relatives, ought to exhort her to the section. The physician is obliged to perform it, if it is asked of him, and he is bound to exhort the mother to undergo it, because from justice he must employ safer means for preserving the life of the mother and of the offspring; whence the priest should induce the physician to furnish this office.

IV. When a pregnant woman has died, immediately after death the Caesarean operation is to be done, as the Roman Ritual prescribes, tit. II, c. I, n. 17: "If a pregnant mother has died, let the fetus be extracted cautiously as soon as possible, and if he is living, let him be baptized" (Can. 746 § 4; S. Off., 15 Feb. 1780). But that the life of the infant may more easily be preserved, the uterus of the deceased mother is to be covered with cloths, so that it may retain heat; however, to open the mother's mouth, lest the infant perish by lack of respiration, is of no utility, because he does not breathe through the mother.

To this section, of themselves all are bound by the grave precept of charity, because all are bound to provide for the eternal salvation of the infant even with the greatest temporal inconveniences; and, if the fetus is viable, there is added another reason, that of preserving his temporal life.[7] They are bound, however, provided three conditions are present:

[7] "The obligation," says De Smet (*De Sacramentis*, n. 313), "begins from the death of the mother, known with moral certainty, and perseveres until the morally certain death of the offspring... But how long life can be preserved for infants in the uterus of a dead mother cannot be determined: this depends much on the character of the disease from which the pregnant mother died; but there is no doubt that the fetus can survive the mother for an hour, indeed for several." Namely, in the placenta there remains a sufficiently great amount of blood that from it he can assimilate the necessities of life; and this is the greater because little suffices for sustaining that tender life.

1. the mother is morally certainly dead; whence the section is not to be done except after the testimony of an expert concerning death;

2. it is probable that the fetus is living; hence no one is bound to it at the beginnings of pregnancy, in the second or third month, because then the fetus is almost always dead, or at least it is very uncertain whether he will emerge living; nevertheless it is to be done in the fourth month, especially if the woman has perished by sudden or very rapid death, unless there are grave reasons for judging that the fetus died before the mother or with her;

3. those acting are suitable and have sufficient skill so that they can accomplish the section without danger to the fetus; nevertheless no one is bound beforehand to learn the art or manner, because, in order to satisfy a precept, no one is bound to employ remote means, namely when the precept does not yet urge. Hence:

a) the operation first falls upon the physician, who is to be induced to perform it even if he says that the offspring is already dead, because in this matter they are accustomed to proceed more lightly and to speak thus lest they perform the section; and yet there is no doubt that the fetus can survive the mother for an hour, indeed for several;

b) but if he is unwilling, let another, e.g., a midwife, who is suitable for this, approach; the priest should warn such a person concerning this, unless very grave inconveniences are feared;

c) if others are lacking, the priest is not certainly bound to this, both because of frequent inexperience, and because of indecency, and especially because of the danger of scandal and of greater evil from the hostile talk, hatred, and calumnies of the enemies of religion; for the scandal of many is to be avoided more than the salvation of one infant is to be procured (S. Off., 15 Feb. 1780; 13 Dec. 1899). Nevertheless, these reasons do not hold for all circumstances, e.g., if there is a discreet Catholic family, or in missions, the Chinese nevertheless excepted; whence, according to several authors, of himself he would be bound: although this is perhaps more probable, nevertheless it is not certain.[8]

[8] Many teach that the priest is bound, such as Cangiamila, Debreyne, *Th. Mechl.*, Vering, Konings, and Behmkuhl; nevertheless others deny it, such as Bouvier, Gousset, Marres, and Berardi.

V. **Case.** It can happen that a woman or girl illegitimately pregnant, with no one knowing it, is in imminent danger of death. Now, after the fourth month of pregnancy, there is a well-founded hope of extracting a living fetus from the uterus of the dead mother. Whence the woman has a grave obligation to disclose the matter directly to some person, so that after her death the Caesarean operation can be done and the infant baptized. She can furnish this:

a) by writing letters in which she declares that she wills that after her death the uterus be opened and the offspring baptized, which signed and sealed letters she should hand to a trustworthy person,

to be opened only after death. For thus, as far as can be done, provision is made for her reputation and for the salvation of the offspring;

b) if she cannot write, or does not wish to, let her manifest the matter orally to a wholly discreet person, who will reveal the fact only after her death;

c) other things being equal, for a duty of this kind the physician is to be chosen before others, who perhaps already knows the matter under professional secrecy, who can more fittingly provide for the reputation of the mother and of the family, and who, when necessity urges, can at once proceed to the section and baptism; parents are less suitable, who perhaps, from excessive fear of infamy, will abstain from revelation;

d) the confessor himself should only with difficulty and in the last place take upon himself the burden of revealing, especially if he fears lest from this the sacrament be rendered odious to the relatives of the girl.

But the confessor should induce the penitent to this by persuading and commending, not impose it as obligatory, if he finds that the penitent will certainly refuse it; for then he would uselessly disturb good faith, which in fact would not profit the infant and would harm the salvation of the mother. If, however, she doubts and asks concerning the obligation, the confessor must acknowledge the obligation.

VI. **Observations.** 1) To avoid the above-mentioned incisions by preventing conception, utero-ovarian amputation (the operation of Dr. Porro), or amputation of both ovaries, is often done; it is had without great hemorrhage or suppuration, and for that reason is said to be preferable to Caesarean section. But grave mutilation[9] of the body is licit only (and indeed with the consent of the mother supposed) for preserving the life of the whole body, which therefore cannot otherwise be preserved, because the part itself is infected by disease and, from this very fact, even apart from pregnancy, brings danger to life; as with an arm and a foot. It is illicit if it is done in order never to conceive; indeed also, because evils are not to be done that goods may come about, in order to avoid the danger of a new pregnancy or of a new Caesarean section, the more so because a new pregnancy is doubtful and the danger is not yet imminent, and the Caesarean operation is not most grave, especially in a woman who has already undergone it, and this operation is as grave as Caesarean section.

[9] Mutilation is grave not only by reason of danger or of the dimension of the member, but also by reason of function, e.g., if it deprives one of a power or function of great importance.

2. Oophorectomy, or ovosection (*doorsnijding der eileiders*), i.e., resection or ligation of the tubes of the oviduct, or of the canal leading from the ovary to the womb and carrying the maternal ovule to it, is gravely illicit for the same reason, as being a grave mutilation, except in the sole case in which the part labors under grave disease and constitutes a danger to life.

3. The same must be said of vasectomy[10] in the man, or resection of the vessels or canals carrying the seed to the seminal vesicles (*doorsnijding der zaadleiders*), by which the way to ejaculation is broken off for the seed. Namely, it is gravely illicit, as being a grave mutilation, unless by reason of health it would be necessary for the good of the body, e.g., if a part of the deferent canal were infected with gangrene; whence it is not licit for obtaining sterility or impotence,

even if perhaps the integrity of the canal and the power of inseminating could be restored, as some affirm, although in practice it is difficult; likewise, it is not licit for avoiding the multiplication of offspring or a dangerous birth, indeed not even for healing a great vicious inclination of lust: for the member, by its own nature, is immediately subordinated only to the good of the body, not to the good of the soul.

[10] Concerning vasectomy, *Nouvelle Revue Theologique* 1910, p. 420; *Revue Ecclesiastique de Liege*, VI, 1910, p. 203; and *Collationes Brugenses*, XVII, 1912, p. 533, can usefully be read.

But public authority, since it does not have direct dominion over the life, liberty, and members of subjects, cannot take these away from them, and therefore cannot impose vasectomy upon innocent citizens, even the sick; to punish criminals in this way is incongruous, since it is not a suitable punishment, because the operation is little painful; finally, to use this means lest they harm others or lest, by entering marriage, they transmit disease by heredity, is not licit, because an evil means is not to be used for a good end, and also because other means are not lacking by which provision can be made for these things, e.g., prohibition by law under penal sanction, confinement, or abstinence from marriage.

It can also be noted that marriage, in the case of perpetual vasectomy, contracted, is invalid because of the impediment of impotence; but if the potency can be restored, it would also have to be restored when the consort demands it, yet then the end intended by authority would no longer be obtained. Moreover, bodily good is not the greatest common good of society; to this also pertains preserving human dignity, to which every species of animal selection is repugnant.

4. Likewise it is illicit to use the so-called X-rays or Roentgen rays, which, directed more intensely and with a greater dose upon the ovaries or testicles, can produce sterility, yet not always efficaciously and with fruit. For this is to be judged a grave mutilation, since it deprives one of a function of greater importance.

Question Four: Concerning Embryotomy, or Concerning Incisions Which Injure the Fetus

I. Operations which kill the fetus and are called by the general name **embryotomy** (which is a surgical operation by which the infant is cut up in the uterus and, having been cut up, is extracted in parts) consist in the reduction or division of various parts of the fetus, which are afterward gradually extracted one by one, when, on account of excessive narrowness of the pelvis or excessive size of the head, the extraction of the fetus is possible in no other way.

These operations are performed in various ways, according as the fetus presents the head, the pelvis, or the trunk:

a) **craniotomy** (*verbrijzeling van den schedel*), by which the cranium of the infant is perforated and the cerebral mass is extracted; this having been done, the uterine contractions lessen the volume of the head, and the infant is more easily expelled or extracted by hand or instrument;[1]

[1] Craniotomy was already known by Hippocrates, Celsus, and the Arabian physicians.

b) **cephalotripsy** (*samendrukking van het hoofd*), by which the infant's head is compressed until the cerebral mass and blood overcome the resistance of the bones and skin of the head;[2]

[2] It was also known by the ancients.

c) **cephalotomy** (*verbrijzeling van het hoofd*), by which the head is divided lengthwise into two parts;

d) **sphenotripsy** (*σφήν, cuneus; wigbeendoorboring*), by which the base of the head is perforated in several places;

e) **embryulcia**, by which the head is separated from the trunk (decollation, *onthoofding*), or the breast or vertebral column is cut by suitable forceps (embryothlasis, *verbrokkeling der vrucht in de moeder*), which has place when the fetus presents the trunk; for then extraction cannot be done in another way, and the fetus is cut into several parts;

f) **evisceration** (*eventration; uithaling der ingewanden*), by which, after perforation of the abdomen or breast, the viscera of the belly and thorax are extracted; then, through suitable instruments exerting mechanical force upon the vertebral column, the vertebral column is bent and extraction is made. It is employed when expulsion becomes possible by none of the operations indicated above; and otherwise, after decollation has been performed, the remainder of the fetus cannot be expelled, because the body is ordinarily larger, or the liver and kidneys are too much developed.

II. Embryotomy under whatever form is intrinsically evil, and all the aforesaid actions are illicit and unjust, even if on the one hand provision is made for the salvation of the infant by baptizing him in the uterus of the mother, and on the other hand there is no other means of preserving the mother, so that if the operation is omitted the mother and infant are certainly going to perish. For these actions are always of themselves and directly destructive, since the good effect does not proceed equally immediately, but only through the mediation of the evil effect; and therefore the death of the infant is necessarily willed as a means for saving the mother. Thus the Holy Office, 28 May 1884, concerning craniotomy, and 14 August 1889, concerning every operation directly destructive of the mother or infant.[3]

[3] Do not wonder that the Holy Office only said that this cannot safely be taught, and not that it is illicit. For it did so because it responded to the question: can it safely be taught? Moreover, afterward it also explicitly said that it is illicit, 24 July 1895. Concerning embryotomy and abortion, the following can be consulted: L. Hubert, *De l'avortement medical*, 1852; Capellmann, *De Occisione foetus*, 1875; Eschbach, *L'embryotomie au point de vue theologique et morale*, 1876; Illustrious Lord Waffelaert in *Nouvelle Revue Theologique*, T. XVI and XVII; E. Hubert, *Discussion sur le feticide* (*Annales de la Societe Scientifique*, 1902-1903); Vermeersch, *Discussion sur le feticide medical* (*Annales de la Societe Scientifique*, 1902-1903); Treub, Van Oppenraay, and Vlaming, *Het levensrecht der ongeboren vrucht*, 1901; Van Gennep, *Over medischen abortus*, 1916; Meuleman, *Het levensrecht der geboren vrucht*, 1917; Daels, *Het Bakersboek*, 1919; *Moeder en Kind*; Salsmans, *Geneeskundige plichtenleer*, 1920; *Dictionnaire Apolog. de la Foi cathol.*, art. "Feticide"; *Dictionnaire de Theologie Catholique*, art. "Embryotomie"; *Cathol. Encycl.*, art. "Abortion" (Coppens). Likewise manuals of Moral Theology, such as Noldin, Tanquerey, Prummer, and Vermeersch.

They object:[4]

[4] Cf. Prummer, *Th. Mor.*, t. II, n. 134. Formerly certain theologians, such as Ballerini, Avanzini, and Constantini, stood for the liceity of feticide.

1. The infant is the cause of death to the mother, and therefore an unjust aggressor.

Resp. a) Not unjustly, because without any act and will he is there as in a place proper to himself and conducts himself passively, but, using his own right, only by the natural course of things becomes the

cause of death to the mother, just as a man infected with plague can be a cause of death; not an aggressor, because ordinarily the difficulty of birth comes from the mother, on account of the narrowness of the pelvis, and the danger is from the action of the uterus, which, although it is not voluntary, is nevertheless the mother's. Since, therefore, the fetus exists by the will of the mother, since expulsion is the action of the mother, since the greater difficulties are from the mother, the infant is not the aggressor, but rather the mother. But even if the infant were called an aggressor, nevertheless he would not be objectively unjust.

2. In a collision of rights the right of the mother is prior and stronger; and therefore the infant is judged, indeed reasonably is bound, to yield his right.

Resp. Since man is in possession of his own right, the human person and life are ordered to their own proper end, and are not subordinated as a means to the life of another; and therefore a) a direct attempt against the life of an innocent person is never licit, and never does the right of one so prevail that, in order to obtain that one's good, the killing of an innocent person becomes licit; b) although indirectly someone can yield the right of his life, insofar as he exposes himself to the danger of death, nevertheless he cannot directly yield the right to life, since he is not master of his own life, and can never permit the direct killing of himself. Therefore no more can a right be given to kill the infant in order to save the woman than to kill the woman in order to save the infant.

3. It is not killing, but only the hastening of death certainly going to follow, and a slight shortening of life.

Resp. Indirect hastening, from a cause which of itself and immediately produces another effect while this one follows accidentally and is merely permitted, can be licit; but the hastening of death, willed in itself and directly, is true killing. Direct killing, however, is illicit, even if it is only the hastening of death certainly going to follow, just as it is illicit to kill a wounded man that he may be freed more quickly from pains.

4. Between two evils the lesser is to be chosen; but the death of the infant alone is a lesser evil than the death of the mother and infant.

Resp. The greater evil is to be avoided, if it can be done without an intrinsically evil action; but it is illicit to avoid it through an intrinsically evil action, for evils are not to be done that goods may come about, not even to save the whole world. The end does not justify the means; and therefore it must not be seen to what the action is ultimately terminated, but first of all what is immediately done. This, in the case, is intrinsically evil, and therefore a greater evil, as being moral, to be avoided rather than the physical evil of death. Moreover, as even the more celebrated physicians themselves today acknowledge, it is almost always possible to save the mother, since it very rarely happens that embryotomy is the sole means for this; for frequently Caesarean section itself, or symphysiotomy, or combined operations, are possible.[5]

[5] Thus, e.g., Dr. Pinard, professor of Paris: "To have to sacrifice the child in order to save the mother is an imaginary case; never does the accoucheur find himself before so poignant an alternative," cited in *Bull. von den Bond tegen de ontvolking*, 1913; likewise, Dr. E. Hubert, *Le devoir du medecin*; likewise Murphy, *British Medical Journal*, 25 Aug. 1893; Treub, *Aertzliche Rundschau*, 1900; likewise Dr. Guermonprez, in Eschbach, p. 389: "To kill the fetus under pretext of favoring delivery is to misunderstand the certain resources of modern obstetrical surgery; it is to be behind the times"; and Dr. Franck: "Scientific

methods had so developed that saving the child's life is also the best method for saving the mother's life" (*Schutzengel oder Würgeengel?*, Cologne, 1922).

III. **Observations.** 1. Embryotomy is illicit, even if it is only probable and likely that the fetus is still living,[6] because justice forbids exposing oneself even to a merely probable danger of killing an innocent person.

[6] We do not say: that a fetus be obtained who will live and continue to live; for such a formula would be equivocal and could be badly understood.

2. The physician who in a particular case is going to perform embryotomy is not to be warned by the priest, if fruit is not hoped for; but even if fruit is not hoped for, he is to be warned if he frequently acts thus and there is scandal to the faithful, or if he is not in good faith, as if he asks the priest about this, or when the silence of the priest would be equivalent to approval. The mother, if she is in good faith, is not, from prudence here and now, to be warned concerning the gravity of her obligation, lest, by refusing consent, she die in the state of sin. The same holds concerning the procuring of abortion.

3. In the case in which the mother does not wish or is not able to undergo Caesarean section or some similar operation, nothing remains except to await her death; and then to perform the Caesarean operation for baptizing the fetus, if there is a possibility that the fetus is living.

Question Five: Concerning the Procuring of Abortion

I. The procuring of abortion[1] (*kunstmatige vruchtafdrijving*) is the artificial expulsion from the mother's uterus of an immature fetus who thus cannot live, or of a fetus capable of uterine life and incapable of extrauterine life.

[1] Cf. Eschbach, *Disp. Phys.-Theol.*, disp. 2, p. 2, c. I, art. 1.

The fruit must be capable of uterine life; whence a) a dead fetus can be expelled: this is not abortion, but the legitimate relief of the woman; b) a fetus separated from its union with the uterus by a morbid cause, e.g., by rupture of the uterus or by blood admitted into the uterus, can be expelled: it is the consequence and remedy of an abortion already had. For by accident one thus separated or killed remains in the uterus. Whence, in the definition of abortion, expulsion is understood not so much of external expulsion as of the tearing away and separation of the fetus from the maternal uterus before he is viable.

Moreover, the procuring of abortion is distinguished as twofold:[2]

[2] Direct and indirect abortion are not always defined rightly and clearly. Hence there are equivocations, obscurity, and uncertainty in the doctrine.

1. direct, if means are employed which immediately and of themselves kill or expel the fetus, although further and mediately they procure a good effect;

2. indirect, if means are employed which immediately and of themselves are ordered to a good effect, e.g., the health of the mother, although also apart from the intention or by accident they can at the same time expel the fetus.

II. Abortion is provoked by the induction of contractions in the muscular coverings of the uterus, which are able to expel the fetus. There are many causes capable of effecting this:

a) some act directly upon the whole body, but reflexively upon the uterus, such as hellebore, ergot of rye (*seigle ergote, brandige of bedorven rogge*), venesections, excessively hot baths, washing the feet in cold water or in water mixed with salt and mustard, etc.; by these there is caused a relaxation of the fibers, by which it happens that the fetus, pressed by his own weight, is born prematurely;

b) others are only local and, since they have a stronger and direct action upon the uterus, induce expulsion more certainly. Such are incision of the amnion or perforation of the membranes of the fetus, by which it happens that, the fluid in which the fetus swims having been removed, he cannot live there for long but is necessarily expelled; intrauterine dilation; occlusion of the female genital canal; electric force transmitted through the uterus which kills the fetus, etc.;

c) others are indirect, such as compressions of the abdomen, blows, vehement fright, and all physical or moral causes which bring about great nervous exaltation in the woman, from which uterine contractions arise. Likewise, some expulsive medical potions, subcutaneous injections of morphine, certain injections into the female genital canal, even masturbation, too frequent copulation, causes provoking inflammation of the vulva, the wearing of garments too tightly constricting the uterus, etc.

III. Directly procured abortion, by whatever way it is obtained, is illicit, as being intrinsically evil and unjust, even if the fetus otherwise certainly is going to die, while now provision is made for his salvation since he can be baptized, and there is no other means for saving the mother.[3] The reason is that it immediately produces nothing except the separation of the fetus from the mother and thus directly brings death to the fetus, who is a man or on the way to man; whence it is the direct killing of a man, or equivalent to it. And therefore in the case the principles which hold concerning the killing of a man must be applied. Namely, abortion deprives the fetus of the office of the placenta, by which he adheres to the mother and receives nourishment and purification of the blood; and these two things are altogether necessary for life to the fetus; therefore to deprive the fetus of such things is truly to kill him, just as to kill a man by hunger. Thus the Holy Office responded, 14 Aug. 1889; 24 Jul. 1895; and 4 May 1898.[4]

[3] Whence not only abortion which is customarily held criminal, procured for a non-legitimate end, e.g., for avoiding infamy or the inconveniences of gestation, is illicit; but truly also that which is called medical. Physicians employ it for saving the mother: 1) when they notice that the mother, because of narrowness, cannot bring forth the infant, that she shrinks from Caesarean section, and that acceleration of birth is impossible, preventive abortion; 2) when they foresee that the sick mother, e.g., from pulmonary phthisis, very probably or certainly is going to die on account of the pregnancy itself unless the fetus is expelled; or for another cause from the presence of the fetus the life of the mother is endangered, e.g., on account of uncontrollable vomiting, repressive abortion.

[4] Before the Roman decisions, certain theologians, such as Ballerini and Lehmkuhl, in certain cases considered abortion more benignly.

They object: It is not killing, but a cessation from the preservation of the fetus, by which the mother allows him to fall out from her womb and so permits him to perish; but the mother is not bound to preserve the offspring with the loss of her life.

Resp. It is not a mere cessation or omission by which it is indirectly permitted, or not impeded, that the fetus is not preserved, in the same way as if, in spontaneous abortion, nature ceases from preserving the fetus; but it is a positive death-dealing action which breaks off and impedes the

preservation of the fetus by nature, and a violent disturbance of the natural condition. It is positively to act so that the fetus is separated from the mother and thus placed in a state of necessary death. Whence death is not merely permitted but directly procured, and therefore the action is directly destructive and intrinsically evil.

IV. Indirectly procured abortion is generally illicit; nevertheless sometimes it can be licit from a proportionately grave cause. Whence it is licit or illicit according to diverse circumstances.

A. It is illicit:

1. if someone intends the very expulsion of the fetus in itself, whether as an end or as a means for procuring a good effect;

or 2. if there is not present a just proportionate cause, e.g., if there is another sufficient means for procuring the good effect, or if not all things are employed for impeding abortion, or if the good effect does not equal the evil;

or 3. if the good effect is procured through the mediation of the evil, i.e., not immediately from the means employed, but from the expulsion of the fetus and the cessation of pregnancy. Then, however, the abortion becomes not indirect but direct: abortion would be the remedy from which the safety of the mother would arise, and would be directly chosen as a means, e.g., that she herself might be preserved from vomiting by means of abortion.

B. It can be licit from a just cause, if at the same time the following conditions are verified:

1. the means employed are in themselves good or indifferent;

2. the good effect, and not the evil, is willed in itself;

3. the good effect compensates for the harms of the evil effect; whence abortion is altogether illicit if it would impede the infant's Baptism or if he also would be deprived of a reasonable hope of receiving this sacrament; and therefore it is always necessary that provision be made for Baptism in the better way;[5]

[5] Nevertheless it rarely happens that abortion impedes Baptism: for almost always the fetus, in a perplexing case, will die before the mother, so that he cannot be baptized; otherwise for the most part the infant will be able to be baptized in the uterus, or after abortion has followed.

4. the good effect is caused immediately and not by means of the evil effect; whence the means of themselves and directly cure the mother's illness or turn away danger from her, not mediately through abortion;

5. there is no other means of obtaining the good effect;

6. all precautions are employed for impeding the evil effect insofar as it is possible, and therefore that no more be done than is necessary for saving the mother.

In one word: if it is done on account of a just, good, proportionate cause, and all care is employed that abortion be avoided as much as can be done.

V. **Corollaries.** From the foregoing it is understood:

1. That generally it is licit to employ medicines necessary and suitable for saving the life of the mother, namely those which directly and immediately tend to the cure of the disease even if there were no pregnancy, although it were established by experience that the same things can effect abortion, yet not necessarily but sometimes and by accident: the probable or certain life of the mother equals the probable danger of the infant. To this belong potions, but in that quantity which is required for healing other diseases, baths, venesections, injections into the female genital canal, subcutaneous injections, etc. Nevertheless it is illicit if, the remedy being employed, Baptism of the offspring becomes impossible, while otherwise he would survive the mother herself and could be baptized: for the mother is bound to prefer the eternal life of the offspring to her own temporal life;[6]

[6] "Even in a lethal disease it is not licit to offer the mother such a remedy, if, the remedy being employed, the offspring is deprived not only of temporal life but also of eternal life; on the contrary, if the remedy is not employed, the death of the mother is indeed certain, but on the other side the salvation also of the offspring is certain, who, going to survive the mother, can be baptized: for the mother is bound to prefer the eternal life of the offspring to her own temporal life. Ordinarily nevertheless, the offspring dies before the mother, so that he cannot be baptized, even if the mother is allowed to perish." Noldin, *Th. Mor.*, II, n. 343, 2.

2. that it is illicit if the evil of the mother is grave but not mortal, unless the medicine is a necessary remedy and the danger of abortion very remote and slight, or the fetus is certainly going to die: the probable or certain notable good of the mother compensates for the possible danger of the fetus;

3. likewise that it is illicit to procure abortion for avoiding infamy or another grave temporal inconvenience (prop. damn. 34, Innocent XI),[7] both because the good effect is not proportioned to the evil, and because it is obtained through the mediation of the evil;

[7] "It is licit to procure abortion before the animation of the fetus, lest a girl detected as pregnant be killed or defamed."

4. likewise that it is illicit on account of some infection by poison, or disease of the heart or lung, or otherwise vomiting that will not cease, because the good effect is procured by means of the evil, namely by the cessation of pregnancy. Moreover, today such a means is not necessary, because very rarely is it the only one;

5. that the rupture of the membranes and the evacuation of the amniotic fluid are illicit, because the good effect is obtained by means of the evil, namely by harm to the fetus; also, as it seems, in the case in which the pregnant uterus cannot be replaced in the too-narrow abdomen.[8] For this case certain authors made the sole exception, because, they said, the danger is not in the pregnancy but in the dilation of the uterus; this is removed so that the uterus can be replaced in its own place, and the danger of death turned away, and this before abortion; therefore the expulsion itself is not chosen as a necessary means for turning away the danger of the mother.[9] But against this: the very dilation of the uterus is from pregnancy; however, it is removed by means of the removal of the fluid necessary for the life of the fetus; therefore the evil effect itself seems to precede.[10] The case, moreover, is most rare;

[8] It would have to be said otherwise if puncture, by means of a little siphon or injection instrument, could be made altogether thin, so that it would not necessarily bring with it rupture of the amnion and expulsion of the fetus. This, according to the testimony of P. Salsmans, certain excellent physicians judge possible. But practically, is there not danger of widening the puncture and provoking rupture? And then it is illicit, because it exposes the fetus to the danger of death.

[9] Thus also Illustrious Waffelaert after Capellmann; on the contrary De Smet, Vermeersch, and others.

[10] Even in extreme necessity it is illicit to deprive another of a good which he absolutely needs.

6. that excision of the pregnant uterus is licit when it is infected with corruption, or in which tumors are generated which sometimes so grow that they induce danger to the life of the mother, myoma: for the danger is not from the pregnancy, and is not turned away by its cessation, but from the very excision of the uterus, which would be done even if there were no pregnancy; whence the good effect follows immediately;

7. that it is licit to expel a dead fetus: for it is not abortion, but legitimate purification; death, however, ought not to be presumed, but proved;

8. on the contrary, that it is illicit directly to expel a fetus likely living but corrupted, whatever some may say, because it is directly to hasten his death; whence the good effect follows by means of the evil. Nor can the fetus be reputed an unjust aggressor, since he wills and does nothing, but conducts himself merely passively. Nevertheless the case is rather fictitious, because a corrupted fetus ordinarily is dead or shortly going to die;

9. nevertheless probably it is licit to perform purification of the uterus and removal of all things which are in it, even the fetus if he is present, if there is imminent danger of hemorrhage and infection together with fever for the mother,[11] provided that this danger does not arise solely from the pregnancy itself or the condition of the fetus. For the operation would be done even outside pregnancy, and immediately effects not the removal of the fetus alone, but the cleansing of the uterus by removing whatever it contains, e.g., a mole or mucous covering (*vliezige omhulsels*).

[11] It is the case in which the mouth of the uterus is widely open, and pregnancy is irreparably disturbed, so that abortion is going to follow shortly.

VI. **Observations.** 1. "In practice it is not always easy to discern whether some medical action is the direct or indirect killing of the fetus. Let this be the rule: If from such an action or drug the fetus is directly reached, it seems it must be called direct procuring, e.g., incision of the amnion, which today is the most customary mode of procuring abortion. But if from such an action or drug there arises indeed a greater or lesser danger of abortion, it seems to be only indirect procuring" (Prummer, *Theol. Moralis* II, n. 141).

2. There is an obligation, first of all for the mother, but also for all others, diligently to avoid the causes, occasions, and dangers of abortion, which are most frequent, especially in the first times from conception; and this not only so that the fetus may be saved corporally and spiritually, but also on account of the mother, because abortion is not without danger for her. Whence they sin gravely:

a) at least by evil intention, women who, thinking themselves pregnant, in various ways provoke menstruation again and attempt abortion, e.g., by taking expulsive potions or things harmful to the fetus, by washing the feet in cold water or in water mixed with salt or mustard, by excessive dancing, by compressing the abdomen or striking it forcefully, etc.;

b) likewise those who by grave imprudence in various ways place proximate danger of abortion, or do not avoid it with ordinary diligence, e.g., by doing hard labor, carrying or lifting heavy weights, undertaking journeys on foot, by travel in a carriage or on a longer journey by railway, by indulging a vehement passion of joy, sadness, or anger, by riding horses, by moving with the feet a sewing machine, by taking excessive spirituous liquor in the first months, etc.[12] Therefore let them not wish to be present in a great concourse of men, at military exercises, in theaters, in circuses;

[12] Genicot notes (*Th. Mor.*, I, n. 378): As to the fact, "if evil intention is lacking, they are not easily to be accused of grave sin, because often it cannot be established whether the actions to be placed are able to exercise a grave influence in inducing abortion... For several causes, such as violent commotions of the mind, a blow to the abdomen, excessive fatigue, travel in a carriage, etc., often effect nothing, even if they are employed frequently and deliberately. On the contrary, sometimes the smallest causes, such as carrying a moderate burden, excessively hot baths, etc., induce abortion, especially in very excitable women, such as towns-women are accustomed to be." This is true; but the conclusion is false; for to expose oneself to the merely probable danger of abortion is already a grave sin.

c) likewise those are gravely guilty who strike or terrify a pregnant woman so that abortion can follow;

d) likewise the husband, physician, and midwife who, even when asked, try to procure abortion, or counsel those things which likely induce it, or bring means for this. Especially the physician, in caring for a pregnant woman, is bound as far as possible to avoid those things which can procure abortion, and to teach her the precautions necessary for this, e.g., regarding journeys, occupations, use of foods, etc. For a physician from whom an abortive medicine is sought, it is illicit and unworthy to give a fictitious and harmless one, both because it is deception, and because he himself plays the part of one approving and cooperating. Moreover, rarely is such a manner of acting efficacious, since other means are easily sought. Rather, let him show his aversion to abortion and the danger for the mother; besides, let him assign honest means of withdrawing herself from infamy;

e) likewise, for pharmacists, to sell abortive means is not licit, unless it is likely that they are sought for a good use, e.g., because an upright physician prescribes them.

3. Women pregnant from a delict, just as men who have fornicated, for the most part are to be questioned cautiously in confession about an attempt at abortion.

4. Just as it is illicit to expel the fecundated ovum, so also the seed before conception; not only for the woman who knowingly and willingly had the act of copulation, because this is directly opposed to the natural end of copulation, but also, as it seems, for her who was oppressed by force or fraud. For man does not have dominion over the seed, and it is a greater injury against human generation and the common good to expel the seed from its final seat destined by nature for this, than to procure pollution by which it is expelled from its instrumental seat. Nevertheless, the oppressed woman can and must turn herself and in every way impede and interrupt the act of copulation lest she receive the seed, although it is to be poured out, because she has the right and obligation of impeding the copulation, and the pouring out of

the seed is to be ascribed to the malice of the man alone. It is certain, says Saint Alphonsus (*Th. M.*, l. IV, n. 394, q. 1), "that it is licit for an invaded woman to repel the seed, lest it be introduced; but not to cast it out, if it has already been introduced."[13]

[13] Likewise, l. VI, n. 954, dub. 1; H. A., tr. 18, n. 50. Lessius, Marc, and Aertnijs can also be consulted.

Certain authors nevertheless say that in this case, immediately after copulation, before conception has been made, the seed conducts itself after the manner of an unjust aggressor, whom it is licit to repel. This is true during the aggression, namely the action of copulation, but not when copulation has ended, because then the aggression has ceased and the seed is already in its proper place;[14] moreover, copulation is already ended by the very introduction of the seed into the female genital canal, and not by fecundation itself,[15] as the adversaries suppose, because, the seed having been ejaculated, the work of man ceases and the work of nature begins, which it is illicit to break off; by this it happens that the emitted seed, by its own natural inclination as well as by the attraction of the female body, penetrates more deeply the organs of the woman unto fecundation.

[14] Otherwise it would also be licit to expel after conception, because it would still be more an aggressor.

[15] Otherwise impossibility of generating would make one not only sterile, but impotent, and would render marriage invalid.

Therefore it is illicit to perform any washings and injections of the female genital canal in the first hours after copulation, because no reason is present for doing them then, except for the sake of preventing and impeding generation. And besides, a slight reason, e.g., a rush of blood with itching, does not suffice, because it is not proportionate.

VII. **Warning.** Three principles of Catholic moral doctrine are altogether to be placed in safety: first, that it is never licit to do evil for procuring good; second, that the fetus, and the amnion, is not a part of the mother, and therefore is not ordered to the good of the mother in the way in which a part is ordered to the good of the whole, but, on the contrary, rather the mother is ordered to the good of the fetus; third, that man does not have dominion over the seed or over the fetus, and therefore cannot exercise a directly harmful action upon them. Whoever would recede from these principles even in the least would be cast into the most depraved consequences.

Question Six: Concerning Artificial Premature Delivery

I. Acceleration of delivery is the artificial expulsion from the mother's uterus of a fetus not fully mature but already viable, so that he can live outside the uterus.

It is not illicit if it is done for just causes and at that time and in those ways by which, according to things ordinarily happening, provision is made for the lives of the mother and fetus (S. Off., 4 May 1898). The reason is that, on the one hand, it is not the killing of the infant, since he can live, but only some danger for mother and offspring is present, and yet not so imminent; on the other hand, the fetus is compelled to undergo a small danger to life on account of grave compensating reasons.

Nevertheless it is illicit if it is done without sufficient reason, since it is not licit rashly to break off the course of nature and to incur some danger except in order to preserve the mother or offspring from a greater danger; but the extracted infant is weak, and therefore delivery is not without some danger for his life. Hence the less grave the danger of the mother is, the greater probability, or as it

were moral certainty, is required that the infant will continue to live. And the graver the danger for the fetus from prolongation of gestation is, the more easily delivery can be accelerated or another operation instituted, e.g., Caesarean section.

II. In practice, artificial delivery is licit in a threefold case:

1. whenever it is foreseen that the offspring, if he arrives at the normal term, cannot be born naturally because of the narrowness of the mother, because then he will be in greater danger;

2. whenever grave danger to the life of the mother or offspring is pressing, unless the fetus be brought forth by accelerated delivery, because then the danger of the mother to be turned away is greater than the danger to which the infant is exposed from accelerated delivery;

3. whenever the fetus is foreseen otherwise to be going to die without Baptism, because the good of the soul prevails.

Nevertheless one must wait, as far as can be done, the danger and circumstances having been considered, so that provision may be made for the life of the infant, as much as possible. Hence:[1]

[1] Cf. Antonelli, o. c., t. I, n. 448.

a) in narrownesses of the pelvis, in time of grave disease, when the fetus is hydrocephalic, the procuring of premature delivery around the seventh or eighth month is licit, because only in this way can provision be made for the life of the mother and infant, and a longer gestation would expose both to greater danger;

b) likewise in the case of tuberculosis or very grave phthisis of the lungs, if grave danger of death is present for both; for delivery tends to lessen the mother's pains and to preserve the fetus;[2]

[2] Thus according to the doctrine generally admitted up to now. Now, however, certain physicians, in the case of tuberculosis, say that pregnancy is not harmful.

c) if it is uncertain whether the fetus can live, one must wait, unless the gravely sick mother cannot wait because of imminent danger to life; for then acceleration will be licit, provided there is true probability that the fetus can live, because there is no other means of providing for the life of each, and, for turning away the certain harm of the mother, the fetus can be exposed to probable danger.

III. The mother is also obliged, if there is no other way of providing for mother and offspring. Nevertheless, there is no obligation 1) if Baptism can be conferred in the mother's uterus; 2) if the mother is robust and wishes to undergo the Caesarean operation.

Question Seven: Concerning Ectopic or Extrauterine Fetuses

I. Extrauterine pregnancy is treated by many physicians as a tumor, and consequently they judge that the cyst is at once to be extirpated by laparotomy, or the fetus to be killed by electric fluid or an injection of morphine. Not rightly, because if the fetus is there, his life, according to the law of justice, is to be protected as far as can be done. Hence:

1. if the woman presents an internal tumor whose nature cannot be known, it is necessary first of all that the physician do nothing and await the time in which it will more easily be diagnosed.[1]

But if it is a fetus, the time at which he is viable is to be awaited for performing the operation of laparotomy (S. Off., 4 May 1898), for otherwise, without any cause of necessity, the operation would tend to the harm of the fetus.

[1] From the fifth month, by means of the stethoscope, ordinarily the pulsation of the heart can be perceived.

2. If, by awaiting the time at which the fetus is viable, danger to the life of the mother is greatly feared, and the presence of the fetus is not yet known through the pulsation of the heart, perhaps laparotomy can probably seem licit, because the presence of the fetus is only slightly probable and very doubtful, and the danger of the mother is certain. Whence the cyst perhaps can be considered as a tumor, and then there is not directly intended the killing of the fetus, but directly the removal of the tumor, from which there follows directly the cessation of the mother's danger and afterward the death of the infant, if nevertheless he exists.[2]

[2] Thus, for example, Genicot and Noldin; likewise Antonelli, who holds this to be all the more licit because in ectopic pregnancies ordinarily the fetus dies before he reaches his proper development, or is not capable of living when the cyst is ruptured, o. c., t. I, n. 453.

3. On the contrary, if the existence of the fetus is even only truly and solidly probable, it is illicit to act upon the cyst by electric fluid or morphinic injection, because by these operations there follows directly and of itself the certain death of the infant, and through that the safety of the mother, and no relief is directly offered to the mother, even if there were nothing but a tumor. Besides, the Baptism of the infant is rendered impossible.

4. If the presence of a living fetus is certain and the rupture of the cyst is proximate, bringing the death of each, excision of the cyst is licit if there is hope of preserving the fetus because he is viable or probably viable; otherwise it is illicit. In the first case the good effect follows immediately: to repel the danger of the mother, and indirectly the infant can perish; in the other case the infant is directly killed and the danger of the mother is mediately turned away. Thus the Holy Office, 5 May 1902, concerning a fetus when the sixth month has not been completed, applying the decree of 4 May 1898.

5. It could be said otherwise if some organ of the mother were corrupted, or a tumor independent of the fetus and not formed from him brought danger to the mother; these could directly be removed even if by accident they at the same time indirectly brought with them the expulsion of the fetus. In that case Baptism would have to be conferred upon the fetus immediately, since he will die quickly.

II. **Corollaries.** 1. Therefore the same principle holds concerning ectopic fetuses and concerning others.

2. Nor can the ectopic fetus be considered as an unjust aggressor; not an aggressor, because he does nothing: for he does not act upon the mother, but is acted upon by the mother; not unjust, because he does not transgress the paths of right. Whence he is no more an aggressor than a uterine fetus who cannot be brought forth into the light.

3. This principle is already consecrated by the responses of the Holy Office indicated above; whence we are unable to understand how certain theologians have still remained hesitating or have spoken more benignly or equivocally. They said, e.g., that excision is prohibited only outside the present necessity of the mother, or when it is equivalent to direct killing; but, by the general rule, even "when necessity compels," it is prohibited "unless provision is made seriously and opportunely for the lives of the fetus and mother," because otherwise precisely it is equivalent to direct killing. Others said that it is licit, for saving the mother, provided there is the very slightest hope of saving the fetus; but how is this composed with the decree affirming that no extraction is licit, "unless it is performed at a time and in ways by which, according to things ordinarily happening, provision is made for the lives of mother and fetus"? Therefore it is no wonder if more recently the language has already begun to become more rigorous.

4. Hence also the same rules as those which hold for a fetus certainly living are equally to be applied to a fetus probably living; nor in the case can the principle be maintained that the certain right of the mother prevails over the probable right of the infant,[3] as Genicot placed it in the first editions (*Th. M.* I, 376), and Noldin repeats neither approving nor disapproving (*Th. M.* II, 341), to which Prummer also somewhat yields (*Th. M.* II, 136). Namely, it is illicit to expose oneself even to the probable danger of killing; whence in the new, tenth, edition of Father Genicot's work this was already deleted and changed.

[3] The principle is rightly applied when the certain preservation of life in the mother and probable danger to life for the infant arise equally immediately, as a twofold effect, from the same action or placing of the same cause; in the present matter it does not hold because the danger introduced to the life of the infant would be the means of preserving the life of the mother, that by which provision would be made for the mother.

5. Likewise, in extrauterine pregnancy, because of the abnormal position harmful to the mother, the fetal sac cannot be equated with a corrupted organ or lethal tumor which can be removed even if it contains the fetus, in the same way as we have said concerning the diseased uterus. This indeed is taught by P. Salsmans, after Lehmkuhl and Antonelli; but the last, in the second edition (1906), changed his opinion. And rightly, for if it were true, it would almost always be licit to excise thus, which does not agree with the Roman responses. Nor can the fetal sac be held as a tumor or sick organ of the mother, but it is something of the fetus. Whence this can be defended as licit only if there are other true lethal tumors joined with the fetus, or a true tumor which would not proceed from the fetus but in which the fetus would by chance be found with his coverings, as others more rightly say.[4]

[4] Thus Capellmann-Bergmann, o. c., ed. 18; and in the same sense we understand those things which Aertnijs-Damen, *Th. Mor.*, I, 583, and Prummer, *Th. Mor.*, II, 146, have.

III. **Observation.** In establishing the indicated rules, as in all the preceding ones, the principle must be held high: that human life is, as it were, sacred, which it is not licit directly to take away, and for which, whether it is of the fetus or of the mother, serious provision must be made as far as possible. The Church, history bears witness, has always protected human life; and just as formerly, against the tyrannical cruelty of fathers or masters, she protected the life of the infant or slave, so now she protects the life of the fetus against the cruel sensuality of our age and more lax theologians.

II. Embryological Questions Which Have Regard to the Administration of Baptism

Question One: Concerning the Matter of Baptism — Theological Principles

I. Three things are required for the validity of Baptism: 1) the intention of the minister, at least virtual, of doing what the Church does; 2) valid matter and form posited together; 3) a capable subject, for which in an adult there is required the intention, at least habitual, of receiving the sacrament. But if one of these is doubtfully present or has been present, Baptism, just as in a case of necessity it is to be conferred, so also is to be renewed: conditionally.

Concerning these, no special difficulty occurs, in relation to the present questions about embryology, except nevertheless for the matter of the sacrament, about which, therefore, we shall speak especially. But so that the exposition may be more complete and more perfect from every part, and the whole synthesis of theological doctrine may be seen, and at the same time the solution of cases may be manifest in all things, we also add the principles to be held concerning the form of the sacrament.

II. The remote matter required for validity is natural or elementary water in a liquid state, as is established from Jn. III, 5, and Acts of the Apostles VIII, 36; from the rituals; from the Fourth Lateran, Florence, and Trent defining it, sess. 7, can. 2; i.e., everything which comes under the use and name of water among men. Such is water of rivers, rain, a well, a spring, ponds, cisterns, a bath, marshes, lakes, the sea, whether bitter or poisoned or sweet, whether warm and boiling or cold and icy, whether blessed or not. Likewise water dissolved from snow, ice, hail, dew, mists, condensed vapors, or flowing from stones (sweat of pavement), leaves, or walls in rainy or winter time; likewise water obtained by chemical art or by distillation of another element, if it is pure from foreign elements; likewise water mixed with foreign matter in a small quantity, provided that not only chemically but also according to common estimation water is certainly predominant and it is still called water, e.g., turbid or somewhat muddy water, mineral, sulphurous, ferruginous water, etc.

Hence:

1. invalid matter is: wine, oil, broth of flesh or fat, fluids of an animal or human body: milk, blood, urine, saliva, tears, sweat, mucus, amniotic fluid, spittle, phlegms, etc.; sap pressed from trees, fruits (apples, pears, cherries), flowers, herbs, roots, grains; snow, ice, hail, hoarfrost, vapor, and other things not dissolved because they are not suitable for ablution; water very much mixed, so that it has more of a foreign substance than of water, or is no longer suitable for ablution, e.g., mud, ink, very good beer, good coffee, good tea, good broth, lye. For all these things are not water; or if they are, according to common estimation they do not have the use or name of water.

2. doubtful matter is thin broth, lye not too thick, small beer, ordinary tea-water or coffee-water, slight ink, water dissolved from salt, artificial water extracted by distillation from flowers or

herbs, e.g., rose-water, violet-water, etc., or flowing from a vine or trees.

III. The proximate valid matter is the ablution of the one to be baptized by the one baptizing; otherwise the sense of the form would not be verified, and besides this is held by universal tradition. It is said:

1. **Ablution**, for which it is required that water immediately and physically touch the body and successively flow and run over some part of it, so that it is judged washed or cleansed. For this, however, a small quantity suffices; nor is it necessary that bodily filth be wiped away: for the ablution of Baptism is ordered to spiritual cleansing alone. It can be done either a) by movement of the one to be baptized in the water, or b) by movement of the water upon the one to be baptized; namely:

a) by immersion, for which it is required that someone be moved in or under the water; whence Baptism would be invalid if someone were held unmoved in unmoved water; and probably, according to certain authors, also that he be drawn out from the water. Hence an ablution which kills, by which someone would throw an infant into a river, is doubtfully valid; besides, it is gravely illicit because evils are not to be done that goods may come about. But the very throwing is already evil of itself, as tending directly only to killing, nor does it immediately have a good effect, as ablution, but only mediately and by accident, because in fact it is terminated rather to water and ablution than to something else. Namely, the ablution in the case is an effect of the throwing, which, even if it were not done into water, would nevertheless cause death.[1] Nevertheless, it is licit to wash with icy water, if no other is available, even if death were feared as about to be hastened somewhat, because this action of itself and immediately tends to ablution and sanctification, not to killing; whence death would happen by accident and would be compensated by the more excellent good of eternal life;

[1] Cf. Billuart, *de Bapt.*, art. 3, § III.

b) also by infusion and by sprinkling, although this last mode is dangerous in practice; for these some movement of water is required. Whence invalid matter is the mere touch of water without flow, a drop or wet cloth remaining on the forehead; ablution performed by one or another drop, or in the manner of an anointing, is easily doubtful (S. Off., 14 Dec. 1898); it is valid if someone by movement of a finger or moistened cloth would wash a part of the body.

2. **Ablution of the one to be baptized**, i.e., a) of the whole body or of a principal part, namely the head, "in which all the interior and exterior senses flourish" (S. Th., III, q. 66, a. 7, ad 3). Baptism is valid if it is done upon the head covered with an ulcerous crust, because the crust is nothing but the skin of the infant foully disfigured by disease, and otherwise a man whose whole head were covered with smallpox could neither be washed nor baptized. Baptism is doubtful if the ablution is done on other members than the head, because in none is the integrity of life as in the head; and it is the more doubtful the more it is done on a member less notable and more remote from the head; whence it is more probably valid if it is done on the heart, breast, neck, shoulder-blades, shoulders; more doubtful on the arms or legs; very doubtful on the foot, hand, finger;

b) of the body itself, which must be physically and immediately touched. Hence there is doubt concerning the value of Baptism conferred on hairs, even of the head, because they are not certainly parts of the body;[2] it is more doubtful if on beard or nails; very doubtful if on the umbilical cord or on one of the two membranes which immediately envelop the infant in the mother's uterus and which are born from the ovum, for although they are of fetal origin, nevertheless they are not a permanent part of the infant but rather a covering or transitory instrument; almost certainly invalid if on the third, exterior membrane enveloping the fetus, because this arises from the substance of the mother; invalid if it is done on the clothing or body of the mother (S. Off., 21 May 1671).

[2] But if the head is covered with hair, the priest must, while with the right hand he pours water upon the crown of the head, with the left separate the hairs, or take care that the water run over the temples of the head, or, what is easier in practice, confer Baptism on the forehead, because that it must be washed on the crown is nowhere prescribed. Cf. Noldin, *Th. M.*, III, n. 60. Certain authors, such as Lugo and Genicot, judge Baptism conferred on the hairs to be as certain as on the skin, for if the hairs of an animal are washed, the animal is said to be washed. Nevertheless it can be answered that this is true of an animal which cannot be washed otherwise, not of a man who by his nature does not have hairs everywhere, and therefore can be washed immediately.

3. **Ablution by the one baptizing**: for if it were done by the baptized person, or by a third person, or by a natural cause alone, e.g., while a child falls into water, the words would be false: I baptize thee. Baptism is valid if someone holds an infant under falling water without the help of another, or under water already poured out by another, because the one holding is the sole cause of the ablution; but if another intends or knows that he is pouring water upon the infant, Baptism is doubtful because it is doubted whether the one who holds or the one by whose help the water descends is the cause of the ablution.

IV. For liceity there is required pure and specially consecrated water; and in the Latin Church the ablution is to be done by triple infusion, in the manner of a cross. He sins mortally against reverence toward the sacrament who without necessity employs impure, dirty, turbid water, or who in solemn Baptism does not use consecrated water, or changes the usual manner of ablution, or does not make the triple infusion. But if in a case of necessity consecrated water is lacking, blessed water is to be employed; otherwise natural water (S. Off., 22 Jun. 1883). Outside a case of necessity new water is to be blessed (17 Apr. 1839).

In merely private Baptism, even by a deacon not commissioned, it is better to use blessed water, or, if the one baptizing is a priest, even consecrated water.

Question Two: Concerning the Form of Baptism — Theological Principles

I. The form of Baptism is: *Ego te baptizo in nomine Patris et Filii et Spiritus Sancti* (without Amen, as the S. R. C. decreed, 9 Jun. 1853). This is established from Mt. XXVIII, 19 [the original incorrectly prints Mt. XXVI, 28]; from the Liturgies; and from the Fourth Lateran Council, Florence, and Trent, sess. 7, can. 4.

For its validity five things must be expressed:

1. the person of the one baptizing;

2. the act of baptizing exercised upon another;

3. the person of the one baptized;

4. the unity of the divine essence;

5. the trinity of persons under distinct and, probably, proper names.[1]

[1] The distinguished De Smet departs from the received manner of speaking (*De Sacr.*, n. 233), saying that two things suffice for the validity of the form, namely mention of the baptismal action and distinct invocation of the Most Holy Trinity: mention of the person of the minister (*ego*) is not required, since the minister is sufficiently designated by the sacramental operation itself; nor mention of the person of the subject (*te*), because in the very action of baptizing, affecting a certain person, the subject is sufficiently determined; whence the Holy Office decreed valid the form of the Armenians in which such mention is lacking: *Baptizat* (or: *baptizet*), *nunc manus mea in nomine*... We respond, with Saint Thomas (III, q. 66, a. 5, ad 1), that at least an equivalent implicit mention is required, not only on the part of the matter but also on the part of the form; whence also in the aforesaid form of the Armenians, the words *nunc, manu mea* sufficiently indicate the subject whom the hand here and now washes.

II. First of all, the person of the one baptizing must be expressed, either explicitly, as in the Latin form, or at least implicitly, as in the Greek form: *Baptizatur N. servus Christi, in nomine...*, in which the word *baptizatur*, from the circumstances, has the same value as "is baptized by me," "is baptized by this ministry of mine" (Saint Thomas, III, q. 66, a. 5, and ad 1). Hence omission of the pronoun *ego* would not invalidate Baptism in the Latin language; but in modern languages one must see whether there is the intention of rightly pronouncing the form and whether the action of the minister is sufficiently indicated from the circumstances; whence in practice Baptism will often be invalid or doubtful.[2]

[2] Thus S. C. C., 11 Feb. 1797, declared valid, from the sufficiently clear intention of the one uttering it, the form: "Enfante, te baptise en nom..." (Aertnijs, *Th. M.*, II, n. 33, 2°).

III. The act of baptizing also must be expressed; otherwise the form would not determine the matter, since infusion of water could be done for various ends (Saint Thomas, III, q. 66, a. 5, ad 2; cf. prop. 27 condemned by Alexander VIII);[3] and indeed the act exercised in the present, otherwise the present tense, *baptizo*, would not be verified.

[3] "Baptism conferred under this form was at one time valid: *In nomine Patris...*, the words *Ego te baptizo* having been omitted." Likewise Alexander III, c. 1, III, 42: "If someone has immersed a child in water in the name of the Father... and has not said: *ego te baptizo in nomine...*, the child has not been baptized."

Baptism is valid if someone uses a wholly synonymous word: *ego te abluo, lavo, mergo, tingo, intingo*; it is not valid if the will alone of baptizing is expressed: *ego volo tibi ministrare sacramentum Baptismi* (S. Off., 23 Jun. 1840), or if the present action is not expressed: *baptizatus est in nomine* (S. C. de Prop. F., 27 Mar. 1631), or if the mode of ablution is not signified but another mode or the effect alone: *ego te mundo, purgo, ungo, tibi ministro sacramentum remissionis peccatorum*, etc. It is doubtful if there is doubt concerning this: *ego te christianizo* or "I make thee Christian" (*kerstenen* in Flemish, *christen* in English, *karstin, krstin* in Slavonic, *krstiti* in Slavonic).[4]

[4] Of itself it signifies the effect of Baptism, but from the use of speech the word in certain languages signifies the sacramental action, namely sacramental ablution: "I baptize." Thus for the Slavonic language, as we know from the approval of the Slavonic ritual in the year 1894.

IV. The person of the one baptized must also be expressed, because the form must be concerned with a certain person: it is expressed through the word *te* or another equivalent (S. C. de Prop. F., 5 Jul.

1631), as: *baptizatur Paulus*, "this one of mine," or "such a one (N.), servant of Christ"; "I baptize your lordship (majesty)"; "I baptize you," if there are several.

V. The unity of the divine essence is expressed by the words *in nomine*; hence Baptism would be invalid if someone said: *in nominibus*, or simply *in...* or *cum Patre...*, or *ex parte Patris...*; or: *in nomine Patris et Filii, et gratia Spiritus Sancti*; or: *in nomine Patris per Filium in Spiritu sancto*. It is doubtful if: *in virtute, maiestate, auctoritate Patris...*, or: *in uno Deo Patre, Filio Spiritu sancto*, or *nomine* without *in*.[5] In these cases either the essence of God or its unity is not sufficiently expressed, or at least this is uncertain.

[5] Some would call this last ambiguous, because of the decree of S. C. C., 12 Sept. 1801, alleged in *N. Revue Theol.* XX (1868), p. 113. But Lehmkuhl observes (*Th. M.*, II, n. 64, note I) that this is so from the use of the Italian or Etruscan language, by which they have been accustomed often to suppress the letter *i* before *m* and *n*, so that *n'nome* is wholly *in nome*; wherefore it is by no means established that this also holds in Latin or another language.

Ambiguous are the forms: *cum nomine*; *in nomen* (*op den naam*); *Patris maioris, Filius minoris*; *in nomine Patris, in nomine Filii, in nomine Spiritus sancti*; or: *ego te baptizo in nomine Patris, ego te baptizo in nomine Filii, ego te baptizo in nomine Spiritus sancti*. Whence their validity depends on the intention of the one uttering them, and thus the Roman decrees which speak of the first and last case are to be understood (S. Off., 23 May 1720; 24 May 1823: *cum nomine*; S. C. C., 4 May 1641; S. Off., 11 Jan. 1882: *in nomine* repeated three times). Likewise somewhat corrupted locutions, such as *in nomine Patris et Filiae, in nomine Patrias et Filias*, and the form: *in nomine Dei Patris, et Dei Filii et Dei Spiritus sancti*, which nevertheless some hold as doubtful. Similarly a form to which is added: *et B. M. V.*, or: *in nomine B. M. V.*, because it depends on the intention whether the same name is attributed to the Blessed Virgin herself as to God; but if someone were to say: *in nomine B. M. V. et Patris...*, it would be at least doubtful, if not invalid.

VI. The trinity of persons is to be expressed a) under distinct names; hence Baptism conferred in the name of Jesus, of God, of God one and triune, of the Most Holy Trinity, of the three persons, in the name of Paternity, Filiation, and Spiration, in the name of mother, son..., is invalid. Omission of the prior word *et* does not render the form invalid (S. C. C., 12 Sept. 1801); omission of the twofold *et*, the word *in nomine* not being repeated, renders it doubtful; omission of the second word *et* renders it ambiguous, whence validity depends on the intention of the one uttering it (S. C. C., 12 May 1753), but according to others then it is doubtful;[6]

[6] Concerning the sense of the last decree they do not wholly agree; cf. Lehmkuhl, l. c., note 2.

b) probably also under proper names, whence Baptism conferred in the name of the begetter or unbegotten, begotten and proceeding, spirated or gift; creator, redeemer and sanctifier; almighty, wise and good; Father, Christ Jesus and Holy Spirit; first, second, third person of the Most Holy Trinity; Father and Son and Spirit, omitting "Holy," will be doubtful.

VII. **Observations.** 1. The form is to be pronounced together with the infusion of water, not only almost or morally, but also probably physically together; this must altogether be held in practice because, in doubt about the validity of a sacrament, that which is safer must be done (cf. tractate *de Sacramentis in genere*).

2. For liceity it is required that the form be employed as in the ritual. A small change, transposition, addition, or omission which leaves the sense is of itself a venial sin; a notable

change even leaving the sense is a grave sin, e.g., if a Latin priest were to use the Greek form (Rit. Rom., n. 9).

Question Three: Concerning Unborn Children to Be Baptized in the Mother's Uterus

I. In the question whether Baptism is validly conferred upon an infant who has not yet been born from the maternal uterus, a twofold opinion of theologians is given:

The first opinion, of almost all the ancients, Saint Augustine, Saint Isidore, Saint Thomas, etc., denies it, both because no one can be reborn before he has been born (Jn. III, 5), and because the one to be baptized must be a distinct member of human society, and therefore it does not suffice to wash the mother; but the infant himself in the uterus is enclosed, as the Roman Ritual says (tit. 2, c. 1, n. 16; cf. S. Th. in IV Sent., d. 6, q. 1, a. 1; and III, q. 68, a. 11). Nevertheless this reason does not hold because it supposes, and in this supposition the Ritual speaks, that the infant cannot be directly and immediately reached, which today is false; for he can be reached by an instrument. But the first reason has only slight probability: for a man is already said to be born in the uterus, as is read, Mt. I, 20: "That which is born in her is of the Holy Spirit."

Whence the second opinion, which is of a few ancients and of almost all more recent authors, rightly affirms it: for he who has contracted original sin and is a man in the way, is capable of Baptism (Council of Trent, sess. 5, can. 4), provided he can be reached.

II. Concerning such Baptism a threefold hypothesis can be made.[1] Either 1) a part of the infant cannot be reached, but only the veils by which he is covered; or 2) the veils having been ruptured or artificially perforated, a part of the infant in the uterus can be reached by hand or instrument; or 3) some member having been emitted, while the rest of the body has not yet been born, can be washed.

[1] Concerning unborn children to be baptized in the uterus, as also concerning abortive fetuses to be baptized and monsters, the following can usefully be consulted: De Smet, *De Sacris in genere, Bapt. et Conf.*, and *Collationes Brug.*, t. VIII (1903); likewise, *Revue Eccl. de Liege*, t. III (1907-08), n. 2; t. V (1909-10), nn. 1, 2, 3; Capellmann, Eschbach, and Antonelli in the works cited; manuals such as Tanquerey, Noldin, Prummer, Vermeersch; likewise Salsmans, *Geneeskundige Plichtenleer*.

In the third case: a) if the infant has emitted the head, Baptism is conferred validly and without any condition, nor afterward is it to be repeated, according to the ritual (tit. 2, c. 1, n. 16; cf. can. 746, § 2):[2] for the man is now judged born because the principal part has been born. b) If he has emitted another member, other than the head, Baptism is doubtful, nevertheless in necessity it is to be attempted under condition: *si es capax*, or *si possum*, but after perfect birth it is to be repeated under condition: *si nondum es baptizatus* (can. 746, § 3).[3] c) If, with some member emitted and Baptism conferred on it, the danger of death perseveres, and another member, nobler or nearer to the head, is emitted, let him again be baptized under condition: *si nondum es baptizatus*.

[2] "If an infant has emitted the head and danger of death is imminent, let him be baptized on the head; nor afterward, if he has come forth living, is he again to be baptized under condition," can. 746, § 2.

[3] "If he has emitted another member, on that member, if danger is imminent, let him be baptized under condition; but then, if having been born he has lived, he is again to be baptized under condition," can. 746, § 3.

In the second case, Baptism is very probably valid; nevertheless, since it is not altogether certain, let it be conferred under condition: *si es capax*. It must be done on the head if it is possible, and always

after perfect birth it is to be repeated under condition: *si nondum es baptizatus*, as Benedict XIV and S. C. Council, 12 July 1794 and 16 Mar. 1897, teach; cf. can. 746, § 5.[4] The reason is both because Baptism is in itself somewhat doubtful, and because it is very difficult to know whether one has sufficiently reached the head. Whence, Baptism having been conferred in the uterus, if a nobler member than that which was washed is afterward emitted and the danger of death perseveres, let it again be conferred under condition, as was said for the preceding case.

[4] "A fetus baptized in the uterus must, after birth, be baptized again under condition," can. 746, § 5.

In the first case, Baptism is very doubtful; nevertheless it is to be attempted under condition, *si possum* or *si es capax*, if a better mode is lacking. But the case is very rare, for almost always the veils of the infant can be ruptured and the infant himself reached.

III. The following are enumerated as cases in which Baptism is to be administered in the mother's uterus:

1. when the mother is so afflicted by disease that probably the infant will die in the uterus, e.g., in the case of contagious disease, or if in the time of delivery the female genital canal or the uterus is torn, or there is grave hemorrhage which brings great danger to the life of the mother;

2. when delivery is more laborious and it is to be feared lest the fetus succumb to the labor, e.g., on account of asphyxia in a delayed and slow exit, on account of abnormal presentation, on account of hydrocephalus or excessive narrowness of the pelvis;

3. when, on account of doubt concerning the death of the mother, Caesarean section must be deferred longer; or, the mother being certainly dead, it is feared that the fetus is going to perish before the end of the operation;

4. in certain dangers of abortions, when the abortion already begun has become inevitable and it is probable that the fetus is going to die before expulsion, e.g., if the placenta is prematurely separated or the amniotic fluid is lost, or if it is feared lest uncontrollable vomiting or vehement hemorrhages bring abortion with them.

Nevertheless Baptism is not to be administered thus unless there is necessity in every way, according to can. 746, § 1: "Let no one enclosed in the mother's uterus be baptized, as long as there is probable hope that he can be baptized when duly brought forth."

IV. Let it be noted that the cutting of the veils by means of an instrument can easily be done in the last times of gestation, when the fetus is at least probably viable, after the fifth or sixth month completed, if there is instant danger of death before perfect birth; but in the earlier months very rarely,[5] because of the great danger which, from the destruction of the veils, is brought to the delivery, the infant, and the mother. Whence it is not to be attempted unless it is certainly established both that the fetus is living and that his life is being shortened: for then before all things the soul would have to be saved. Nor would Baptism on the umbilical cord then suffice, since the infant himself could be reached.

[5] Antonelli adds: Very rarely at this time can it be known whether the fetus certainly lives. The cutting of the membranes and the flow of amniotic fluid would increase the difficulty of delivery and expose the fetus and the mother to grave dangers

of health; and since in this case it cannot be known whether some part has been washed by water, it does not seem expedient, on account of a doubtful spiritual effect, that bodily dangers are to be accelerated, t. II, n. 16.

Perhaps someone will say that cutting the membranes in the first months is equivalent to direct killing, which is never licit, not even for conferring Baptism. But the matter can be sustained thus: the very perforation of the membranes, in this case, is an action which removes an element necessary for temporal life, namely the amniotic fluid whose effusion it causes, but equally immediately confers an element necessary for spiritual life: the possibility of reaching the infant and conferring Baptism. In other words: it removes the extreme spiritual necessity, namely the membrane which is an obstacle to Baptism; but this brings with it and at the same time places the infant in extreme temporal necessity, from the consequent loss of the fluid.[6] Nor is there parity with procuring the safety of the mother, because the possibility of this is not obtained except by means of harm to the infant, namely the very effusion of the fluid.

[6] It was said: to remove an element necessary for temporal life, if this does not signify killing, then one must already despair of the value of terms. Resp.: It signifies killing; but what follows from this? A killing action is licit on account of a proportionately grave reason, if it equally immediately produces eternal salvation, as, for example, can be the case in Baptism conferred in icy water (see above p. 52). But because an action of killing, just as also of saving, can be mediate or immediate, and in the case it is not a question of an immediately killing action, just as neither of an immediately sanctifying and saving action, therefore, for the sake of clarity, we have preferred to write: to remove an element necessary for temporal life is licit if it is compensated by the conferral of an element necessary for spiritual life, provided that this is obtained equally immediately, not by means of the evil effect.

V. **The manner of administering Baptism in the mother's uterus.** It is conferred, the veils having first been ruptured if it is possible, by means of some irrigating instrument, e.g., a little siphon (*seringue*) full of water or with some sponge; but with the other hand one must inquire whether the water touches a part of the infant.[7] But if these are lacking, it is conferred by the moistened hand alone, although this mode is easily doubtful (S. Off., 14 Dec. 1898). Warm water is to be employed, because cold water would harm the mother; indeed, when true danger of death in the mother is to be feared from pure water, it can be mixed with corrosive bichloride of mercury (HgCl2; *eau sublimée, met sublimaat vermengd water*), one part of this chloride being dissolved in one thousand parts of water,[8] as the Holy Office responded, 21 Aug. 1901.

[7] This will be easy in ordinary cases, since presentation of the head is had at least 90 percent of the time.

[8] Besides the aforesaid mixture, which furnishes an antiseptic means, the water must be altogether pure, lest diseases be introduced into the woman giving birth.

The ministry is ordinarily to be reserved to the physician, or, if he is lacking, to the midwife, who is to be instructed by the physician or by the parish priest.

The parish priest is to be warned about Baptism conferred in this way.

Question Four: Concerning Immature Fetuses to Be Baptized

I. A great question is debated among scholars, philosophers, and theologians concerning the moment at which the fetus is animated by a rational soul.[1] Aristotle[2] and almost all the writers of the Middle Age, with Saint Thomas,[3] taught that the animation of a male fetus occurs about[4] after forty days, of a female after eighty, from the instant of conception. Their reason is that no form is received in matter unless this has been sufficiently prepared and is proximately disposed for receiving the form;

but who will say that at the beginning of conception the matter is sufficiently prepared for receiving a rational soul and for constituting a man? Moreover, in the fetus there are observed first the phenomena alone of nutrition and increase, then sensitive life appears, and this finally is so ordered that it can serve rational life; whence first there seems to be present a vegetative soul, then a sensitive, lastly a rational. These arguments are probable.[5]

[1] Capellmann, Eschbach, and Antonelli in the cited works can be consulted; De Smet in *Coll. Brug.*, t. VIII; *Revue Eccl. de Liege*, 1907-08, t. III, n. 2; *Dict. de Theol. cath.*, article "Animation" (Chollet).

[2] *De Generatione Animalium*, l. II, c. 4.

[3] In II Sent., d. 18, q. 2, a. 3; Q. D. *de Pot.*, q. 3, a. 9, ad 9; *Contra Gentes*, l. II, c. 87, 88, and 89; *Sum. Th.* I, q. 118 and 119.

[4] Nevertheless there is not one opinion of all in this matter. Hence, Saint Alphonsus says (*Th. M.*, l. 3, n. 394): "Lessius..., from Hippocrates, judges that the male is animated at most on day 30, or 35, or 40, or 45; but the female on day 35, or 40, or 45, or 50. And Lugo and Bonacina and Filiucci feel the same... Nevertheless Busembaum... Elbel... and the Salmanticenses with Saint Thomas, Azor, Sylvius, and the common opinion... say that the male is formed and animated in the space of 40 days, but the female in 80... Indeed Saint Thomas, d. 3, q. 5, a. 2, thus says: The conception of a male is not perfected except up to the 49th day, as the Philosopher says in IX *de an.*; but that of a female up to the 90th; but in the composition of the male body Augustine seems to add six days..."

[5] We omit the theological arguments which are brought forward on each side, both because they are not proving, and because they pertain less to a question scientific and philosophical in itself. They are set forth in *Dict. de Theol. cath.*, cited article.

On the contrary, almost all more recent authors[6] teach that animation occurs in the instant of conception. The reason is that beings are not to be multiplied without necessity; but the rational soul can furnish all things which the vegetative or sensitive soul furnishes; therefore there is no reason for admitting a succession of souls. Moreover experience establishes: a) that the fetus lives from the beginning of conception and therefore is animated; b) that he develops regularly and without interruption, and indeed in such a way that the development naturally is terminated in man: for from the beginning all things are so disposed that they necessarily produce a man; c) that from the beginning the fetus already has all things necessary so that he is a man: for it is established that one and the same being is conceived, develops, and finally is born. There is added that no moment can be assigned at which the soul would be infused.[7] Whence modern authors hold immediate animation as almost certain.[8]

[6] Yet not all admit this. For philosophers such as Liberatore, Cornoldi, Sanseverino, and physicians such as Santi and Liverani deny it. To these recently have acceded Em. Card. Mercier (*Psychologie*, 3e p., ch. II), Dr. J. Lenssen (*Quelques considerations sur la nature de la vie et de la mort* in the periodical *Echo religieux de Belgique*, 1902), and P. Vermeersch in his *Th. M.*

[7] These arguments are not apodictic. The first does not prove, because if the soul were infused from the instant of conception and constructed its own body for itself, it would be the sole exception to this universal law: no form is infused unless the matter is proximately disposed for receiving it. The other, drawn from experience, proves only that from the beginning there is present in the embryo some principle of life and a sufficient power of producing a man, or at least that the embryo is placed in such circumstances that it necessarily develops into a man; but not that from the beginning it is already a man. But many have receded from the opinion of Aristotle and Saint Thomas, especially from opposition to the Scholastics' system concerning matter and form, because it transcends their understanding, whence they hold the succession of souls in the fetus as something incredible and absurd; likewise from false experiences by which they thought it established that the fetus has all organs essential to man, in small dimensions indeed, already from the beginning. But these things move no one still today.

[8] Thus Capellmann, *Medicina Pastoralis*, de abortu; Eschbach, *Disp. Phys. theol.*, disp. 3, cap. 2, prop. 2 and 4; Antonelli, I, n. 255, note; Surbled, *La Morale dans ses rapports avec la Medecine*, t. II; Gury-Ballerini, *Th. M.*, I, n. 402; Lehmkuhl, *Th. M.*, II, n.

74; Aertnijs, *Th. M.*, I, n. 192; Genicot, *Th. M.*, I, n. 374; Tanquerey, *Th. M.*, suppl. ad Matr., n. 63, and others. Better Noldin, *Th. M.*, II, n. 69: "Almost the common opinion..., but it does not exceed probability." Likewise Salsmans and Prummer.

In these last times the matter has again been made more doubtful. For it is established both that the seed of the man lives in him by its own proper and independent life, and therefore is animated, not indeed by the soul of the man but by its own vital principle,[9] and similarly that the ovum of the woman lives in her; and the two elements are not always united immediately after copulation. But when they are united, so great and so radical a change does not occur that the composite may then be said already to live by a rational soul: for since before each separated element lived by its own proper vital principle, it seems to be affirmed that now also it lives united by a similar principle. Therefore the rational soul will probably be infused only when the fetus undergoes an altogether radical change and acquires the external species of man; this occurs toward the end of the third month: then, indeed, there is reason why he may be said to be animated by a rational soul.[10] Nevertheless, the difference between males and females which the ancients asserted, relying upon certain false experiments, is most certainly to be rejected: for at this time the very difference of sex cannot yet be discerned. "For the organs of generation," Eschbach testifies (o. c., 3, c. 2, prop. 4), "in the fetus, not until after the third or fourth month from conception, appear sufficiently distinct that it may be determined whether it is male or female, since before this no one can say of what sex the embryo is."

[9] "The spermatozoid, the male element, has a life proper to itself distinct from that of neighboring spermatozoids and from that of the generator, since it can continue to move separately from the other spermatozoids and outside the generator... The mature ovule, the female element, has a life apart like the spermatozoid... From before fecundation, there is in each generative element an individual life, therefore a principle of life, a soul..." Thus Chollet, professor of Lille, in *Dict. de Theol. cath.*, art. "Animation." Saint Thomas already acknowledges this (I, q. 119, a. 2), that the seed is not animated by the soul of the man, "because... if it were animated, while it is resolved and separated from the living thing, it would lose the form of the whole, and together with it life; and thus it would be on the way to corruption, and therefore could not be a principle of life in a generated living thing." Goudin, *Philosophia*, tom. III, *de Anima*, a. 4.

[10] Nor afterward can any other moment be assigned at which the soul would likely arrive. Hence prop. 25 was condemned by Innocent XI: "It seems probable that the fetus, as long as it is in the uterus, lacks a rational soul, and then first begins to have the same when it is brought forth, and consequently homicide is committed in no abortion." Nor is it an obstacle that, when the third month has been completed, intellectual life cannot be exercised; for no one will prove this, and besides, this being granted, nevertheless there is sensitive life not in just any way, but insofar as it is ordered to rational life, so that in its dispositions it differs essentially from the life of a simple animal.

II. Since each opinion concerning the moment at which the fetus is animated is probable,[11] it follows that all living fetuses are to be baptized, absolutely after the third month, before this time under condition: *si es homo*, or: *si es capax*. For charity, even with great temporal inconveniences, strictly obliges all to procure the salvation of another; and therefore it commands that from our action or omission there not follow even a probable danger to another's salvation. For just as it is illicit to kill a fetus probably animated, so it is illicit to cast him away without Baptism; but before all things the soul must certainly be saved.

[11] "In the present state of the question, it seems that there is, neither in Sacred Scripture, nor in tradition, nor in pontifical documents, nor in theology, nor in philosophy, nor in biology, any decisive argument in favor of one of the two animations." Thus Chollet, in *Dict. de Theol. cath.*, cited article.

Therefore abortive fetuses certainly live, or only probably live, or certainly are dead. If they certainly live, they must be baptized, absolutely if they bear the form of man, i.e., after the third month; before this time, under condition: *si es homo*. If they probably or doubtfully live, let them be baptized under condition: *si es homo*. If they are certainly dead, they are not to be baptized.

III. Certain signs of death are:[12]

[12] They are indicated in Capellmann, o. c., *de Baptismo*, and in De Smet. There are also other signs for physicians.

1. If the ovum is born torn in the first months, which not rarely happens: for then the fetus is lost or absorbed, and certainly dead;

2. if before it is expelled, it has remained for a long time in the uterus apart from the placenta, or with the placenta separated from the mother herself, it comes forth certainly dead and corrupted;

3. if abortive ova form a mass which they call a mole;[13] concerning this case Jerome Florentinius already writes:[14] "If that poured-out covering appears surrounded by a membrane which is of whitish color, like intestines, of oval figure, and which, touched by the finger, softens and yields, it is a sign that it is a fetus, not a mole; but if... it is formless flesh, interwoven with black and bloody veins, rough, hard, or stained with various color, then it will be judged a mole, not a fetus";[15]

[13] A mole is a vitiated fruit of conception, and indeed in such a way that for the most part not even a trace of a fetus is found; this inert fruit certainly neither ought nor can be baptized.

[14] In the dissertation *de Hominibus dubie baptizandis*.

[15] For understanding the foregoing, let it be noted with Antonelli, t. II, n. 22-23: "In the first four months abortion does not always follow the cause which produces it, and in the coverings of the fetus certain processes accede which slowly dispose toward abortion, by which it happens that the ovule is diminished and the fetus perishes; often in the membranes, and especially in the decidua serotina, blood vessels are torn, which greatly increase the size of the ovum, which then makes a bloody mole, or changes it more or less profoundly; but when these hemorrhages of the membranes have already happened for a long time and the membranes appear discolored, then fleshy moles are had; sometimes in the amniotic membrane the embryo is lacking, which after death has suffered maceration; sometimes only small traces of it are found; sometimes finally the embryo remains perfectly preserved. Namely, when abortion follows the cause of the abortion itself, the ovule is perfectly preserved."

4. if there is putrefaction of the ovum or fetus, not merely beginning, but well apparent, the signs of which are spots and odor;

5. if there is a corrupt and putrid flow, corruption of the fluids of the amnion, blood, etc., which, with abortion almost imminent, flow from the uterus;

6. generally for fetuses of the seventh and eighth month: if there is effusion of the amniotic fluid several days before delivery, or the greatest flow of blood many hours before delivery, as in placenta previa.[16]

[16] What placenta previa is, see above, p. 22, note 1.

When those signs are lacking, the ovum is always to be baptized if it is fresh, not discolored or putrid; and the fetus, if he is white, and not yellowish or somewhat dark.

IV. Certain signs of life are:

1. pulsation of the heart, which at the beginning is placed near the head, and can already ordinarily be observed after five or six weeks;[17]

[17] Indeed Antonelli (II, 28): "More probably in the fetus the heart begins to beat before the third week of pregnancy; if it is not easy to notice these pulsations, it suffices to note whether pulsations are in the umbilical cord."

2. movements which can be observed in the muscles, sometimes already from the third month, but ordinarily not before the fifth month completed, at which time the muscles are already perfectly developed;

3. pulsation of the umbilical cord, which is perceived by touch.

V. It has seemed to certain persons very difficult to confer Baptism upon an embryo, both because of its small dimensions, and because of the danger of death which, the membranes by which it is enveloped having been ruptured, would threaten the embryo from cold water or from contact with air.[18] Now, although at the beginning it is very small, nevertheless it can easily be recognized: after a month, and sometimes after three weeks, it has the length of one centimeter, if it is extended; after six weeks, up to seventeen to twenty-five millimeters of length; at the end of the third month, seven to nine centimeters. But such fruits it is advisable to baptize by immersion, both because they are very small and because they so easily float in the amniotic fluid that it is uncertain whether they are reached by baptismal water; there is added that according to some they could be killed by contact with air.

[18] Nevertheless Capellmann denies the danger, l. c.

Baptism is done in the following manner: under lukewarm water let the veils be ruptured; these having been ruptured, let the form of Baptism immediately be pronounced: *si es homo, ego...*, while the matter of the ovum flows out; and so that the sacrament may be altogether certainly valid, let the fetus also be extracted at once.

Nor can the mode which many authors have taught[19] be approved, namely that the fetus first is to be baptized in the membranes under condition: *si possum* or *si es capax*; and again, the veils having been ruptured, under condition: *si non es baptizatus*. For neither Baptism is certain: not the first, because it is not done upon the fetus; nor the second, because, as they say, perhaps the fetus is killed by the air.

[19] Still today the following say this: *Theol. Mechl.*; Eschbach; Mourreau and Lavaud (*Le medecin chretien*); formerly Cangiamila and De Breyne taught it.

VI. Concerning the causes and signs of casual abortion let it be noted:

A. Abortion has place:[20]

[20] Antonelli I, n. 419, and II, n. 20.

1. when the fetus has died, as often occurs in the first months of pregnancy, when its nutrition becomes insufficient on account of excessive development of the fetal membranes, or on account of grave hemorrhage proceeding from the uterus or from other organs; but sometimes the fetus dies because of disease, from infection of the mother, which kills him, or, and this most frequently, because of syphilis transmitted by the father, without harming the mother, while immediately it mortally affects the organs essential to the life of the fetus.

2. Another sufficiently frequent cause of abortion is had in some diseases of the rectum, in inflammations of the uterus or vulva, and especially in metritis, which induces vehement

uterine contractions expelling the fetus in the fourth or fifth month of pregnancy; but then the fetus ordinarily comes forth healthy but dying.

3. Likewise diseases which fever, deficiency of oxygen in the blood, or acute anemia accompany, or a predisposition, from heredity or morbid irritability, to abortion, by which it happens that certain women, because of certain small impressions which do not at all harm other women, undergo abortion, such as some small labors and very slight excitations, a light agitation of spirit, etc.

4. Indeed sometimes excitations which occur in certain nerves, which, by a reflex way, are transmitted to the uterine nerves, inducing contractions, such as excitations in the female genital canal or upon the vulva and breasts.

5. Finally, several anomalies of the internal genital organs, retroflexion of the uterus, tumors, scars which impede the increase of the uterus, anomalies of the ovum and of its membranes, injuries and operations in the genital organs, strong emotions, fright, uncontrollable vomiting, in which sometimes the fetus is expelled with the certain death of the mother.

B. Concerning the signs[21] of abortion let it be noted: In the time of expulsion of the ovum the uterus contracts, the blood vessels are torn with hemorrhage, which removes the ovum. Therefore hemorrhage is the most evident sign of abortion in the first three or four months.

[21] Antonelli, II, n. 24-27.

Abortion in the first time of pregnancy is very frequent; in multiparae it occurs more frequently than in primiparae. In the first weeks it bears the form of painful and abundant menstruation without grave symptoms; by this it happens that women undergo it without calling a physician and without noticing the abortion itself. In the second and third month the symptoms are graver.[22] After the fourth month, regularly, hemorrhage is not had before abortion, if you except the case in which the placenta is separated, or placenta previa is had. Fetuses at this time are brought forth living, or already having suffered maceration, dead or in a state of dying. Often the ovum is emitted with the placenta and the membranes enveloping it.

[22] Let mothers or midwives teach pregnant women concerning the course of abortion both for administering Baptism and for removing the evil consequences which can arise.

VII. **Practical Warnings.** Counsels to be given to physicians, midwives, and spouses.

1. Those things which a pregnant woman has poured forth in abortion or in a flow of blood are to be examined, even in the first months, so that if a fetus is detected, he may be baptized. Nor does it therefore follow that Caesarean section at this time must always be done: that obligation urges more than that of Caesarean section. For on the one hand a lesser probability of life in the fetus is required so that Baptism may be ministered to him conditionally than that the deceased mother be incised, which is a means not altogether ordinary nor obvious to all; and on the other hand there is a founded hope of finding the fetus living in the case of abortion, while that hope is lacking when it is a question of cutting the mother in the first months: namely, life is more easily preserved in an embryo torn from a healthy and well-

functioning mother than in a fetus to be cut out from the uterus of a dead mother. For it can be noted that the smallest fetuses have sometimes been found living a few days after expulsion.

2. Nevertheless, since before six months they are not accustomed to live long, they are to be baptized quickly. For time is not to be worn away in inquiring for signs of life, but if the ovum appears fresh and the fetus white, he is at once to be baptized.

3. Before the end of the third month, signs of life are accustomed to be uncertain, and are observed with difficulty because of the smallness of the embryo;[23] whence in fact, in practice, the time at which the fetus certainly is a man and the time at which life can be observed with certainty coincide. And therefore the Code of Canon Law, as a general practical norm, which holds ordinarily and in most cases, could establish (can. 747): "Care is to be taken that all abortive fetuses, brought forth at whatever time, if they certainly live, be baptized absolutely; if doubtfully, under condition." Namely, regularly, unless something certainly stands in the way, this is to be done. The Code speaks according to things ordinarily happening and can neglect the very rare exceptions.[24]

[23] "More rarely does it happen that before the third month has ended life is observed in the embryo, at least when ejected from the maternal womb without its coverings; but thus it is accustomed to be ejected from the beginning of the third month." De Smet, *De Sacr.*, n. 319.

[24] The Code presents the opinion "by no means doctrinally, but merely hands down a practical norm." Thus Vermeersch, *Th. M.*, III, n. 239.

4. Let physicians, midwives, and spouses know the manner of baptizing, what they ought to baptize, and when under condition.

5. In a dangerous delivery let them have natural lukewarm water at hand; they are bound under grave obligation either to cleanse their hands, as far as can be done, from blood, mucus, and feces, because otherwise the water would easily be rendered impure, or to pour pure water by means of a little vessel.

6. While the water flows, for which it does not suffice that they only dip the thumb, let them pronounce the entire form, no delay being interposed; and with due intention, under no condition about the future, e.g.: if the infant will be able to be born or to go to church, etc. Let them also do this, if possible, before two witnesses, or at least one (can. 742); and let them warn the parish priest about the thing done.

7. To take care that they are instructed about these things belongs to the parish priest, and indeed under grave obligation (can. 743). It is best if a Catholic physician, or if he is lacking, the parish priest, teaches midwives, and these or the parents teach younger mothers and wives. For this the following can be useful: *Instructions sur la manière de baptiser les enfants nouveaux-nés. Onderwijzingen aangaande het doopsel der nieuwgeboren kinderen* (Mechlin, 1851), which are found in the appendix to the treatise *de Sacramentis* of the Mechlin Theology, but are somewhat obsolete; likewise *Instructio ad Clerum de erudiendis obstetricibus*, of the bishops of Austria, 7 April 1894, which can be read in De Smet, *de Sacris*, or in *Nouv. Revue Theol.* francaise 1900, p. 95; likewise Salsmans, *Geneeskundige Plichtenleer*, for the educated; likewise *Bapteme d'urgence pour raisons*

medicales. Doopsel in den nood en rol van den geneesheer (Act. cath., Brussels, 1922), a little work nevertheless not to be approved in every respect.[25]

[25] Passing over the inopportune excursus about the case of a dying adult destitute of senses, who gratuitously and altogether improbably is affirmed to be able to be baptized with the sole intention of saving himself; several things are handed down which are not sufficiently right and which betray an excessive desire of diminishing obligations. We note the assertions: 1) that Baptism conferred on the hair is almost certain; 2) that the placenta is of fetal origin; 3) that in practice there is never an obligation for the mother to undergo Caesarean section; 4) that the fetus can survive the dead mother only for half an hour or somewhat more, while nevertheless it can even happen for several hours; 5) the counsel given generally to blood-relatives and midwives of abstaining from Caesarean section after the death of the mother. The intention of restoring peace to consciences is perhaps laudable; but let it not happen with detriment to truth and the amputation of divine law.

Instruction of spouses by the priest is often not done without great inconveniences; sometimes the confessor can instruct them after marriage has been entered, if occasion is given: nevertheless let him be prudent.

VIII. **Observation concerning burial.** "Every fetus, if he has been baptized either in the uterus or outside the uterus, either absolutely or conditionally, is to be buried in a sacred place; but in a profane place, if he has come forth dead without Baptism; but a fetus extracted from a deceased mother and, Baptism having been received, dead, is to be placed back in the mother's womb so that he may be buried with her." Thus De Smet, *de Sacris*, n. 323. Cf. Rit. Rom., tit. VI, c. 2, n. 7.

Question Five: Concerning Monsters to Be Baptized

I. A monster is a fetus in which the appearance of the human body is totally or notably deformed; a deformed fetus brought forth by a woman, which according to the various deformity is called by various names.

As to simple monsters, only three cases occur: for the monster either is acardiac, i.e., without head and breast, or has a human head, or has an animal head. "A head without a breast or a breast without a head are not found."[1]

[1] Capellmann, o. c., p. III.

1. If it is acardiac, i.e., consists of belly and feet alone without head and breast, if, which rarely happens, a heart is present, it is rudimentary and atrophic, it is not to be baptized; *a fortiori* if it is a mole or formless fleshy mass. The reason is that certainly it is not a man, as lacking organs altogether necessary for human life.[2]

[2] The acardiac is regularly found with another well-developed fetus, and is always brought forth dead, after the well-formed fetus. But neither is it to be baptized in the uterus.

2. If it has a human head or one nearer to human, it is to be baptized absolutely, even if it is hemicephalic or acranic, because a head is present.[3]

[3] It is called hemicephalic because in it the face is more developed and the cranium with the brain more or less diminished; acranic because the head is depressed, so that formerly they were called heads of a cat or of a turtle. Therefore simple ones, namely acrania, cyclopia, with one eye in the middle of the forehead, polydactylia, with several fingers, amelia, without arms and feet, phocomelia, with short members like seals, sympodia, with legs joined into one trunk, hydrocephalia, with

an enormous head containing water, are to be baptized absolutely. Amorphous and anormous monsters, formless or round masses, much more probably are simple fleshy masses, but because they have something of the bones of the head, brain, and trunk, therefore it is not altogether certain.

3. If it has an animal head, then it is to be baptized under condition: *si es homo*. The Ritual says, t. II, c. I, n. 19: "A monster which does not present the human species is not to be baptized"; but this was written at a time when it was thought that monsters could arise from congress of a woman with brutes, while today it is established that this is impossible,[4] and that monsters are formed from a morbid cause or from an accidental concurrence of causes or from vehement imagination or terror of the mother. Whence many more recent authors say that all monsters are to be baptized absolutely, because every living fetus is a man; but they say this from their preconceived opinion concerning the animation of the fetus from the beginning of conception. But it is also probable that the fetus is animated only around the end of the third month, when it acquires the external species of man; but before the third month it can perhaps be deformed, so that it never arrives at the aforesaid stage of external human species. Besides, where the fetus is deformed at a time when it is already animated by a rational soul, is it repugnant that this soul abandon an unsuitable body and that the soul of a brute succeed to it?

[4] "Today there is no one who holds that a woman having congress with a wild animal can generate a wild animal or any fetus whatever." Thus Dr. Leroux, in *Revue Eccl. de Liege*, 1909-10, p. 107.

II. As to twinned monsters, double or multiple,[5] either it is certain that one or several individuals are present, or it will be doubtful.

[5] Tricephalic ones with three heads are very rare; likewise triplets; but parasitic triplets are more frequent.

1. In doubt whether the monster is one man or several, because it has two breasts and one head, or two heads and one breast, or two heads and breasts almost not distinct, let one head be baptized absolutely; the other head, or if this is lacking, the breast which does not seem to correspond to the head, or each breast if neither corresponds to the head, under condition: *si non es baptizatus* (Rit. Rom., n. 21).

2. In other cases it is clear either that there is only one man, or that there are two or more distinct ones; e.g., if there are two distinct heads and breasts, so that only the lower part of the trunk is common, they are undoubtedly judged two individuals, and therefore each is to be baptized separately, as the Roman Ritual prescribes, n. 20. On the contrary, if there is one head and one breast, and only the lower members are multiplied, let one center of life be reputed, and one individual to be washed only once.[6]

[6] They are customarily distinguished: A. Equal doubles, or dicephalic ones, which have two more or less distinct heads: 1) thoracopagi, from *haereo*, have two heads and two joined breasts; 2) diprosopa, twice-face, have one breast and one head but two faces; 3) ischiopagi have two opposite heads and two bodies joined through the bones of the pelvis, but one umbilicus; 4) craniopagi, which have a double brain and body, so that they adhere through the crown of the head, or through the occiput, or through the frontal bones; 5) pygopagi, in which two adhere through the extremity of the vertebral column, buttocks, sacrum, and coccyx. B. Unequal doubles, namely: 1) syncephali, which have two breasts and one head, among which is the cephalothoracopagus, in which two are found joined from the umbilicus to the crown of the head. Very rarely are two heads present with a double face, Janiceps; ordinarily there is one complete face, and a trace of the other, but there is a double brain and also a double vertebral column, so that they are joined in the middle of the breast; 2) parasitic ones, e.g.: a) epigastria, which ordinarily have only pelvis and lower extremities; nevertheless sometimes to be baptized, if a neck

or also a head is present; b) engastria, which are parasites in the belly of another; c) papyracea, in which one fetus compresses another already dead; d) epipygia, which adhere to another in the region of the sacrum and can have intestines and extremities; e) epignathia, which adhere upon the jaw as a fetal tumor. It is clear that all these parasitic ones are not to be baptized. But let it be noted that the aforesaid enumeration is not complete.

III. **Observations.** 1. By a general formula the Code of Law says, can. 748: "Monsters and portents are always to be baptized at least under condition; but in doubt whether they are one or several men, one is to be baptized absolutely, the others under condition." This holds of itself and regularly.

2. In the case of a multiple monster, if danger of death is imminent and time is not sufficient that each be baptized separately, the minister will be able, pouring water upon the heads of each, to baptize all at the same time, saying: *ego vos baptizo, in nomine*, etc. Nevertheless, outside imminent danger this is not licit, since then the form is always to be repeated for each one (Rit., n. 20).

3. The midwife must keep silence concerning monsters, lest displeasure be caused to the family. Nor should she impute it to the parents, even under light fault.

IV. Those perpetually insane who have never had the use of reason can be baptized at once like infants; those who have had the use of reason can be baptized provided that they have had this intention at least implicitly. Those who are not insane in perpetuity must be baptized in a lucid interval, unless in a case of extreme necessity (can. 754).

Question Six: Concerning Those to Be Rebaptized Under Condition

I. Baptism can and must be repeated under condition whenever there is some positive, serious, and prudent doubt, not to be despised, concerning its validity, founded on reasons of some gravity, not on scruples; e.g., as always happens when Baptism has been conferred in the uterus, the head not yet having been emitted (can. 746, § 2 and 5). Otherwise it cannot be repeated without grave sin. For in the first case the law of charity of procuring eternal salvation prevails over the law of religion which forbids exposing the sacrament to nullity; in the second case it is sacrilege to administer the sacrament to one incapable.

Because of the practical importance of the matter in the sacred ministry, it may be pleasing to apply these principles not only to Baptism administered by a lay person in necessity from an embryological event or because of another danger, but, so that they may be more fully manifest, universally to all the various other cases which occur.

II. According to the principles enunciated, of themselves children baptized by midwives, physicians, or the faithful are not to be rebaptized; but in practice they are rather often to be rebaptized, because some suspicion is generally present, unless the testimony of the baptizer is confirmed by the testimony of educated witnesses, even of one wholly trustworthy witness, or unless the baptizer himself is wholly trustworthy. Therefore, where a wholly serious person, even a mere midwife, who is trustworthy, circumspect, and instructed in the rite of baptizing, asserts that the infant was rightly baptized by her, there would not be reason for serious doubt about the validity of Baptism; nevertheless trust is not easily to be given to the declarations of midwives, because they do not dare confess that they baptized badly lest they lose the confidence of the parents, or because, on account

of agitation, or sometimes also of drunkenness, they were not in possession of themselves at that moment.

An examination is to be instituted concerning such Baptism, unless someone is certain that he cannot arrive at certitude, or knows that the manner of acting of the baptizer is doubtful, or the parish priest who examined the matter, or another trustworthy person, testifies that the Baptisms conferred are to be held doubtful, etc. In this examination one must ask:

a) who baptized and in what circumstances; for if Baptism was conferred by a person who is accustomed to be anxious, disturbed, and perplexed, or if Baptism was conferred by a prudent person but in more difficult circumstances, in which, because of the danger of a sudden case, all things had to be done hastily and in disturbance, there is more easily room for doubting;

b) what form he pronounced, and whether he pronounced it vocally, and not only in the mind;

c) what water and how much water he poured out, and where;

d) whether he at the same time uttered the form and washed;

e) what intention he had.[1]

[1] The examination will be chiefly about the matter and form, because a right intention is presumed, unless there is a special reason for doubting.

III. Exposed children are to be baptized under condition, even if a note is attached attesting their Baptism, unless certain knowledge is had of the person by whom the note was written, or unless it indicates who baptized. Whence can. 749: "Exposed and found infants, unless, the matter having been diligently investigated, their Baptism is established, are to be baptized under condition."

IV. One who was educated among Christians and does not have testimony of Baptism, written or oral, generally can be judged and is presumed baptized in a region where all are altogether baptized. If nevertheless serious doubt, from positive indications, arises because of some circumstance, e.g., because the parents, indifferent or negligent, or wandering, or altogether disturbed, led their life at the time of birth, etc., let him be baptized under condition.

V. An examination is to be instituted, the bishop having been consulted, concerning Baptism conferred by a heretic or schismatic.

But if:

1. it has been judged valid, it is not renewed, but the abjuration or profession of faith is received before two witnesses, and absolution from censures in the external forum is given by the bishop or by a cleric specially delegated for this, and the sacrament of Penance is administered.

2. If Baptism has been invalid, let it be conferred again absolutely,[2] and no abjuration is made, nor is confession made, nor is absolution given.

[2] Thus in order to reception into the Church; for as Noldin notes, *Th. M.*, III, n. 75, in the case of a mixed marriage Baptism is not repeated under condition if someone would wish to remain in heresy: for in order to marriage certitude concerning the validity of the Baptism received is not required (S. Off., 13 Apr. 1878).

3. If Baptism is doubtful, or if no inquiry can be instituted or nothing can be learned concerning the validity of the sacrament, it is to be presumed doubtful and repeated under condition (S. Off., 20 Nov. 1878). In this case this order is to be observed:

a) abjuration or profession of faith, with absolution from censures in the external forum, for those of puberty;

b) hearing of sins, and excitation to contrition;

c) conditional Baptism;

d) confession summarily repeated and conditional absolution (Instr. S. Off., 20 Jul. 1859 and 2 Dec. 1874).

VI. **Epilogue.** These are the most certain principles and safest safeguards which our mother, the Church, places before the eyes of ministers of the sacraments and inculcates. In the course of the ages, as vindicator of morality and justice, she has protected human life; but much more, indefectibly, as the best mother, has she shown herself solicitous for the eternal life of men. Mindful of her doctrine, and relying upon salutary principles, priests will labor, as much as is theirs, watchful over the salvation even of every smallest creature of God, for the building up of the body of Christ and the flowering of the kingdom of God.

Appendix — Concerning Conception Impeded After Rape

The doctrine set forth above concerning the illicit expulsion of seed by a violated woman,[1] we have already handed down when writing *Questions concerning Chastity and Lust*.[2]

[1] See I, q. V, art. 4, pp. 43-44.

[2] Q. 3, a. 2, an. 2, pp. 38-39.

The *Ephemerides Theologicae Lovanienses* (Jan. 1927), with great benevolence, wished to pronounce praise of that little work, yet at the same time placing a restriction concerning the doctrine indicated, which they call more obscure and which they seem to hold as very doubtful.

But so that obscurity and doubt, as far as can be done, may be removed from the midst, let it be permitted to us to illustrate the critical observations of the distinguished reviewer by the following considerations.

Among other things he asks:

1. whether expulsion of the seed during the action of copulation is possible;

2. whether the fecundated ovule and the seed before fecundation are to be equated;

3. whether the formula is to be approved: "the seed is now in peaceful possession of its proper place," which smacks of anthropomorphism, which in the present matter is not to the point;

4. whether the mode of exercising onanism, by impeding conception through the killing of the sperm, is a sin against justice? For since a human person is not yet present, there is not a right, and therefore neither a violation of right nor injustice.

We respond:

1. that the distinguished professor perhaps suffered distraction in reading; we did not say that it is licit during copulation to expel the seed, but we wrote "to repel";

2. that the fecundated ovule and the seed are to be equated, because each, more or less proximately, is on the way to man. Certainly to cast out the embryo or fecundated ovule is not illicit only because probably it is already animated by a rational soul. Even by those who admitted later animation, this was held illicit, because it impedes human generation. And the same principle seems to hold concerning the seed, which is man in potency, as Saint Thomas says, Q. D. *de Malo* 15, a. 2;[3]

[3] Indeed the Holy Doctor adds: "disorder concerning the emission of seed is concerned with human life in proximate potency."

3. that it is altogether fitting to avoid anthropomorphism and to use proper modes of speaking; but thus we gave a response to those who hold the seed as an unjust aggressor, which is more anthropomorphic;

4. that justice is toward another; but this is understood by the distinguished professor as toward another human individual. But:

a) there is also injury against human society, indeed legal justice is first among the species of justice. Moreover all lust is against the common good of human society, and by this reason is mortal sin;

b) injury can be not only against another man, but also against God. He gave us dominion over all exterior things; but not over human life, nor over our body, but only use, according to the nature of the thing and according to the mind of the Creator; whence suicide is a sin against justice. By this reason lust also contains injustice against God. "From the fact," says Saint Thomas (II-II, q. 153, a. 3, ad 2), "that someone uses his body inordinately through lust, he does injury to God, who is the principal lord of our body." For "the order of nature is from God Himself. And therefore in sins against nature, in which the very order of nature is violated, injury is done to God Himself, the ordainer" (ib., q. 154, a. 12, ad 1).

But if we do not have right and dominion over life or over the human body, neither do we have it over the fetus, who is on the way to a human body and life, nor over the seed, which is nothing other than a principle of life.

Whence every act by which we dispose of these is injustice against the Creator and human society.[4]

[4] The same doctrine is set forth in the little work generally praised, even by the distinguished reviewer, without restriction: Duynstee, C.SS.R., *De Leer der Kuischheid*.

The *Ephemerides Lovanienses* attacked our manner of speaking and arguing more than the thesis itself concerning the illicit expulsion of seed by a violated woman, since recently they declared (Oct. 1927, p. 653) that it is established from those things which we said that this is a sin against nature. But the *Collectanea Mechliniensia* (May 1927) have progressed further: "With moralists of the best note," they say, "it must be said that the oppressed woman can expel the seed before conception. But if the reason brought forward by the author were to be applied to this case: to break off the work of nature is illicit, neither could the woman agitate herself, thus causing the effusion of the seed, nor would it ever be licit to break off copulation, for then also the work of nature has begun."

R. The work of nature, which is perfected without the cooperation of man and independently of free will, and the voluntary work of man, must be carefully distinguished: this latter, insofar as it is evil, is to be impeded, as much as possible, and stopped; and if it is good, it can licitly be broken off for a proportionately grave reason. But to break off and impede the former is a sin against nature. Now carnal copulation is not the work of nature, but the voluntary work of man; but when copulation has ended, the work of nature begins, by which the seed received in the female genital canal moves itself by its own powers so that it penetrates the body of the woman more. Therefore, after copulation has ended, to intervene for impeding the work of nature is illicit; but the work of man, namely copulation, if it is rape, to interrupt or impede it lest the seed be received is licit; and it is also licit to break off conjugal copulation for a proportionately grave reason. Or if then the work of nature is said already to have begun, nevertheless it is not broken off insofar as it is the work of nature, since the

received seed is not expelled; but insofar as it is the voluntary work of man, lest the copulation itself be continued. And thus all things agree logically.

And although in the case some authors have said that it is probable that it is licit to expel the seed, because they judged that the seed can be considered after the manner of an unjust aggressor, nevertheless, because this reason is of no value, the probability of their opinion also vanishes.

Behold what seems true to us. Therefore the seed, in its whole being, exists uniquely for the sake of generation; therefore every use of the seed for another end and impeding generation is illicit.

And just as every lie is not only intrinsically but also essentially evil because it is against the nature of speech, which exists only for expressing the concepts of the mind, so every emission of seed impeding generation is against the nature of the seed, which is only for generation.

And from this it is understood why every direct expulsion of seed, outside that which is done in carnal copulation, in whatever way and for whatever cause it is procured, and therefore also every artificial fecundation properly so called, is essentially illicit, because the action, as much as is of itself, from its nature and from the mode in which it is done, so casts forth the seed that generation is naturally impeded; although by accident, from another consequent action, this defect can be met and the seed ordered to generation and thus contribute to it in an artificial way.

Saint Thomas places the principle in its whole universality and without any limitation, l. III *c. Gent.*, c. 122: "It is the good of each thing that it should attain its end; but its evil is that it should be turned away from its due end. But as in the whole, so also in the parts it is necessary to consider, namely that each part of man, and any act of his, should obtain its due end. But the seed, although it is superfluous as regards the preservation of the individual, is nevertheless necessary as regards the propagation of the species; but other superfluities, such as excrement, urine, sweat and the like, are necessary for nothing; whence it pertains to the good of man only that they be emitted, but not this alone is required in the seed, but that it be emitted for the utility of generation, to which coitus is ordered... From this it is clear that every emission of seed in such a mode that generation cannot follow is against the good of man; and if this is done deliberately, it must be a sin. But I say a mode from which generation cannot follow according to itself, as every emission of seed without the natural conjunction of male and female; on account of which sins of this kind are called against nature."

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