Generation, Gestation, and Birth: An Important Element in the Embryo Adoption Debate

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Abstract

Those who consider embryo adoption/rescue a licit means to save the lives of cryopreserved and abandoned embryos often have recourse to an analogy between gestation and wet nursing, claiming that since procreation is complete at the moment of conception, there is no moral difference between gestating another person's child and wet nursing another person's child. The claim that procreation terminates at conception is evaluated in light of the thought of St. Thomas, and a determination of the moral means of ordering oneself to the good of the species by means of procreation is made in accordance with the natural law reasoning advocated by that saint.

Summary: The Catholic Church teaches that procreation must be the fruit of the marriage act. Some moral theologians consider procreation to be complete at the moment of conception and so conclude that the impregnation of a woman by means of embryo transfer does not violate the principle that procreation must be the fruit of marriage. Others, however, consider procreation to include gestation and birth. This article advances reasons why the latter view should be preferred and what this entails for the ethics of embryo adoption or rescue.

Keywords

embryo adoption, embryo rescue, embryo transfer, sexual ethics, natural law, St. Thomas Aquinas

Over the course of the debate between those who defend the liceity of embryo adoption/rescue as a means of preserving the lives of cryopreserved and abandoned embryos and those who consider it illicit, a major cause of disagreement is a lack of consensus about the meaning of pregnancy. All agree that procreation should be the fruit of the marriage act, but while those opposed to embryo adoption/rescue generally consider "procreation" to include pregnancy and birth, those in favor of it consider procreation to be complete at the moment of conception.¹ Each side is able to find support for their position in the documents *Donum vitae* (1988) and *Dignitas personae* (2008) issued by the Congregation for the Doctrine of the Faith. For example, those who consider procreation to be complete at conception can cite *Donum vitae*'s definition of "artificial procreation,"

which emphasizes conception: "By the name of 'artificial procreation' or 'artificial fecundation' are here understood various techniques having in view that a human conception be attained in a way that is separated from the joining of male and female" (*Congregatio Doctrinae Fidei* 1988, 85).² On the other hand, those opposed to embryo adoption can likewise cite that document's determination that: "A child has the

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right that it be conceived, borne in the womb, born, and educated in matrimony: only by referring to his parents is he able to know his identity by a certain and public rule and to pursue his human formation to maturity” (Congregatio Doctrinae Fidei 1988, 87).³ Since appealing to the authority of the Congregation for the Doctrine of the Faith’s documents does not seem to be able to determine the issue, various arguments and analogies have been advanced to show that while conception should be the fruit of marriage, impregnation need not be. These arguments and analogies are advanced with a view to maintaining the prohibition of in vitro fertilization and artificial insemination, while maintaining the liceity of transferring an embryo into a woman’s womb, thus introducing in her an order to birth.

Wet Nursing and Gestation

One of the best sets of arguments that those who consider embryo transfer morally licit use to show that introducing this order to birth is not properly “generative” is the analogy with wet nursing. The breasts of a postpartum woman are fit to nourish infants in need of breast milk. But no one has ever considered making use of the breasts to feed a child unrelated to the feeder immoral.⁴ Much less has it ever been considered an offense against the spouse of the wet nurse that she should give nourishment to a child who is not the fruit of their union. Now, the uterus is also fit to give nourishment to a preborn infant. Consequently, there is nothing contrary to reason in making use of the uterus to nourish an infant who is not related to the possessor of that organ (Brugger 2006, 215). Further, although *generation*, understood as terminating with the fertilization of the ovum, should be the result of marital intercourse, the *education* of children can licitly be carried out by others. But gestation, like breastfeeding, belongs to the educative component of human reproduction as it presupposes procreation. Therefore, a woman unrelated to the embryo can licitly gestate it (Williams 2006, 242).

These arguments argue directly against the proposition that only the woman’s husband should be the cause of her being pregnant by denying any intrinsic moral significance to willing impregnation apart from coitus. That is, while maintaining that willing to bring a child into being apart from marital coitus is intrinsically evil, these authors wish to maintain that willing impregnation apart from marital coitus is morally neutral and is made to be good or evil on the basis of the agent’s intention. This neutralization of the moral object of willing impregnation

apart from marital coitus is accomplished by means of pointing out that the end or object of the uterus is to give nourishment or nurture to the embryo. To nourish or nurture are both activities that can be directed to a child who is not one’s own, without moral fault. Both arguments thus imply that the woman’s uterus is fit matter for receiving the change introduced into it by embryo transfer, for an embryo is the proper object of the uterus’s activity of nourishing or nurturing, just as a neonate is the proper object of the breasts’ activity of nourishing. Consequently, if a particular case of embryo transfer is to be judged wrong, it would be due to the end intended by the agent.

The analogy between nursing and gestating depends on the ability to separate impregnation by means of embryo transfer from the marriage act in the order of morals, and not just in the order of nature, but the analogy with wet nursing seems to operate on the principle that an activity that is in accordance with biological function is morally good or neutral. However, just because an act is somehow in accordance with nature does not thereby make it morally right. Any uncontracepted act of heterosexual coitus, whether it is performed by a married or unmarried couple, fulfills the natural function of sex in this sense. On this principle, one could argue that artificial insemination and in vitro fertilization are in themselves morally neutral. In fact, such arguments were made by those who considered artificial insemination morally licit in the course of the early twentieth-century debate over that issue. When the Holy Office responded to a query concerning the liceity of artificial insemination, it gave a simple “non licet” response (Suprema Congregatio 1897, 704), leading theologians to debate over the next half century whether the illicitness of artificial insemination was due to the manner of procuring the semen or due to the insemination itself. Many theologians argued that if one could procure the husband’s semen by licit means, then a doctor could licitly use that semen to artificially inseminate that man’s wife. Georges Payen (1935, no. 325), for instance, argued that “since the end of the conjugal act, which is generation, is able to be attained, and attained without illicit pleasure, there is no place, *it seems*, to condemn, in the name of morality, this third method” (quoted in McCarthy 1960, 232), that “third method” being artificial insemination with semen obtained from the husband without inducing orgasm.⁵ Advocates of embryo rescue/adoption, like the advocates of homologous artificial fertilization, emphasize that embryo transfer, in the words of Fr. Gerald Kelly in his 1939 article arguing for the liceity of artificial

insemination, “has nothing in common with an unnatural sex act, such as pollution; or with a disordered sex act, such as fornication,” and likewise that “there is no frustration of the sexual processes” (115). In the course of the debate over artificial insemination, these latter considerations took the forefront in the writings of those who considered it licit. Their opponents, however, noted that this kind of argumentation dances around the point at issue, which was the propriety of directing the organs of the reproductive system to their proper ends *apart from marital intercourse*. As the defenders of artificial insemination asserted that the right to propagate is not limited to conjugal intercourse, so the defenders of embryo rescue/adoption assert that ordering the uterus to its proper function is not limited to conjugal intercourse. Indeed, the advocates of embryo adoption/rescue go much further and deny any marital significance to the activity of gestation. What gives this position its plausibility is that a new substance is generated at the moment of conception, and so the activity of the uterus should not properly be considered a generative activity but rather a nutritive one.

In sum, both those who argued in favor of the liceity of artificial insemination and those who argue in favor of the liceity of artificial impregnation appeal to a distinction between what is “against nature (*contra naturam*)” and what is “apart from nature (*praeter naturam*)” in the use of techniques to fertilize an ovum or impregnate a woman. The proponents of embryo adoption/rescue wish to maintain that artificially impregnating a woman is in accordance with the nature and finality of the uterus, and thus not morally evil in itself, even though the mode of impregnation is artificial. The criteria for judging whether a concrete act of artificial impregnation is morally right or wrong, then, are to be taken from the end of the agent. This should not entail support for artificial insemination, however, since the coming to be of a new human being should be the fruit of the marriage act, whereas the resultant pregnancy does not have a directly marital significance.⁶

The opponents of embryo rescue, on the other hand, see pregnancy as having specifically marital significance. They see pregnancy as belonging essentially to the procreative dimension of human sexuality and so rightfully willed only as the consequence of a marriage act. Even though the generation of a new substance is complete, in some sense, at the moment of fertilization, gestation, unlike breastfeeding, is essential in the process of human reproduction. The uterus is thus

properly an organ of the reproductive system while the breasts are not.⁷ Fr. Pacholczyk (2006, 42) sees birth as the boundary that separates procreation from education, even while admitting that there can be something “educative” about gestation. Procreation thus includes not only the marriage act and the conception of the child but also gestation and birth.⁸ Tonti-Filippini (2006, 77) notes that, “In the Catholic moral tradition, the voluntary activation or use of the generative faculty is reserved exclusively for marriage”, and he contends that the uterus is a part of the woman’s generative faculty.⁹ On this account, every licit use of the generative faculty must be directed to one’s spouse.

In what follows, I will attempt to disambiguate two questions. The first question is whether the uterus and its function of gestation belong to human generation in a way that the breasts and their function of lactation do not. This question pertains directly to the speculative order of reason but does have significance for ethics; both the opponents and advocates of embryo adoption/rescue appeal to the natural teleology of the uterus, the former claiming that embryo transfer respects that teleology and the latter claiming that embryo transfer violates that teleology. That the nature and function of bodily organs are the concern of the medic and enter into the principles of medical ethics is well attested to in the history of Catholic medical ethics. Pope Pius XII expressed this so-called principle of finality, according to which the nature and function of bodily organs serve to indicate limits to our dominion over their use, as follows:

In that which concerns the patient, he is not the absolute master of himself, his body, his spirit. Thus he cannot freely dispose of himself as he wills. Even the motive on account of which he acts is neither sufficient nor determining of itself. The patient is bound to the immanent teleology fixed by nature. He possesses the right of use, limited by natural finality, of the faculties and powers of his human nature.¹⁰ (Pius XII 1952, 782)

Consequently, the second question is what limits the natural law places on the use of the uterus and its natural functions; that is, is there a demand of the natural law that the uterus be ordered to its function of gestation only by means of marital coitus or may this be done by means of art?

Thomistic Considerations Concerning the Nature of Human Reproduction

The claim by the opponents of embryo rescue/adoption that procreation includes gestation and birth agrees with St. Thomas's view concerning the activities that are proper to human reproduction. Interestingly, for St. Thomas, the term "conception" denotes not just one activity, but three:

it ought to be said that in the conception of offspring there is found a threefold action. One which is principal, namely, the formation and organization of the body, and with respect to this action, the agent is only the father whereas the mother only furnishes the matter.¹¹ Preceding this action is another action, and preparatory to it; for since natural generation is out of determinate matter for the reason that each act takes place in its proper matter, as the Philosopher says in book two of *De anima*, it is necessary that the formation of offspring come about from suitable matter, and not out of any old matter whatsoever. Hence there ought to be some active power, by means of which the matter is prepared for the conceptus.¹² . . . The third action is concomitant to, or following upon, the principal action. For just as the place provides for the goodness of the generation, so the good disposition of the womb works for the good disposition of the offspring, as if providing nourishment.¹³ (Aquinas 1947, lib. 3, dist. 3, q. 2, a. 1, c.)

Although the details of St. Thomas's account in this passage from his commentary on the *Sentences* reflect the biology of his time, with the proper adjustments, it can be said that he would consider the formation of the gametes, the joining of the gametes, and the nourishment of the conceptus in the womb to be essential to human reproduction and thus activities of the generative faculty.¹⁴ The primary activity that goes by the name conception is the activity of forming and organizing the body of the offspring, while the other two actions are called conception because, like the primary activity, they both correspond to the etymological meaning of the term as "taken or received within" and they are necessary either as preparatory or as concomitant and consequent to that primary activity.

Moreover, for St. Thomas, it is not simply the case that human generation is complete before birth;

indeed, birth, or "nativity" in St. Thomas's terminology, is the proper name of the generation of living things (Aquinas 1999, I, q. 27, a. 2, c.).¹⁵ In fact, the notion of birth is quite fundamental as our entry into the study of nature; the first imposition of the term "nature," which is etymologically derived from the Latin verb *nasci*, to be born, is to the generation of the living.¹⁶ When he formally treats the nature of *nativitas* in his commentary on the *Sentences*, St. Thomas makes some terminological precisions concerning the generation of the living. There are three things found in the generation of living things that are not found in the generation of inanimate things. The first is that the generator provides the sufficient active and passive principles for the generation of the offspring, whereas the nonliving generator provides only the active principle. The second is that the generated "comes forth" from the generator, while nonliving generators act on extrinsic matter. The third is that the thing that comes forth is somehow conjoined to the generator in its coming forth. "And with respect to these three conditions," says St. Thomas,

a living thing, insofar as it is generated, has three names proper to it. For according as principles sufficient for its generation are provided by the generating, it is said to be brought forth [*gigni*] or to be begotten; but according as it is generated by way of a going out, it is said to proceed [*oriri*]; but according as it is generated as conjoined to the one generating, it is said to be born [*nasci*]; for thus the one generating and the generated is, as it were, one thing, and so, since the name "nature" is taken from "*nascendo*," those things are said to be by nature whose principle is within them. And thus it is clear that to be born is properly said of that which goes out from the one generating as conjoined to it, having from the same the sufficient principles of generation.¹⁷ (Aquinas 1947, lib. 3, dist. 8, a. 1, c.)

But even this term, *nasci*, has a twofold meaning, one which coincides with what we call conception, the other with birth:

it ought to be said that the begotten goes out from the one generating in two ways. In one way, according as it proceeds to a being distinct from the one generating, but closed up within the confines of the one generating, and this is properly called conception. In another way, according as

it proceeds to a distinct and manifest being. And since a thing is named according to that which it appears to be, therefore the latter way of going out makes for nativity in the common use of speech, even though even the first makes for a nativity in some manner, according as nativity is said to be twofold, namely, in utero and ex utero. And since in plants something proceeds at once to a distinct and manifest being, therefore there is not properly in them a conception, but a nativity; and so also the word (i.e., concept) according as it is distinguished in the intellect is said to be conceived, but according as it is pronounced ad extra, it can be said to be born by a likeness.¹⁸ (Aquinas 1947, lib. 3, dist. 8, a. 1, c.)

In this passage, nativity *in utero* is synonymous with the term conception as indicating both the principal act of formation of the body and the concomitant/subsequent nurturing in the womb, and so for St. Thomas, conception does not refer exclusively to the “punctual moment” of the absolute becoming of a substance but includes the entire time in which the generated is within the confines of the generator, thus reflecting the etymological meaning of the term as something “received or taken within.” The activity of conception, or nativity in utero, perdures until nativity *ex utero*, which latter is what we generally mean by the term “birth.” All of these activities are ordered to the same end, namely, the distinct and manifest being of the offspring, and are thus reduced to the same active principle. To say, then, that human generation is complete at the moment of fertilization would be to ignore essential aspects of reproduction in living things, particularly in human beings. This conclusion is further confirmed by St. Thomas’s response to the first objection, which says: “It seems that nativity ought to be said not only of living things. For ‘the born’ seems to be the same as the generated. But generation is found in all bodies beneath the lunar globe, which are not all living. Therefore, it seems that nativity is not only of the living.”¹⁹ The objector argues that “to be born” is a synonym of “to be generated.” St. Thomas, however, denies the equivalence: “it ought to be said that the begotten [*genitum*], according as it is the same as the born, is not said from generating [*generando*] but from begetting [*gignendo*]; whence although inanimate things are properly said to be generated [*generata*], they are not properly said to be begotten, nor born” (Aquinas 1947, lib. 3, dist. 8, a. 1, c.).²⁰ According to St. Thomas, then, birth is a significant boundary, namely, it is the completion of the

essentially generative activities of living things. Procreation thus essentially includes birth. The analogy with wet nursing, then, is deficient in this respect, namely, that whereas pregnancy and birth belong essentially to the activity of generation in human beings, nursing does not.

Nevertheless, and here I proceed without certitude, it seems to me that the generative faculty involves not just the essential organs of the reproductive system but the mammary glands as well. It is difficult to see what other faculty the breasts could belong to, as their existence and function is due to the generation of children, namely, to provide nourishment for the young. I can find no text of St. Thomas that either explicitly affirms or denies that lactation is an activity of the generative faculty, although he does have a few suggestive texts. In a text from his commentary on Aristotle’s *Politics*, St. Thomas treats breast milk as a kind of “residue” or by-product of generation, ordained by nature for the feeding of the newly generated (Aquinas 1966, book 1, lect. 6, no. 9; lect. 8, no. 12). Likewise, in his commentary on the Sentences, he distinguishes between “humors” that are simply waste products, such as sweat, urine, and the like on the one hand, and those that nature has ordered for the conservation of the species, “whether by a generating act, such as semen, or by a nourishing act, such as milk” (Aquinas 1947, lib. 4, dist. 44, q. 1, a. 2, qc. 3, c.). Again, in his commentary on Psalm 21, he justifies using the term “breasts” to refer to conception since “the breasts, that is, the milk of the breasts, has been prepared in the same time in which he (i.e., Christ) was conceived: whence the breasts are referred to the conception itself” (Aquinas n.d., Ps. 21, no. 7).²¹ As something ordained by nature for the conservation of the species, then, the production of breast milk could very well be an activity of the generative faculty. But earlier, we saw that the opponents of embryo adoption claim that every use of the generative power belongs within marriage and should be directed only to one’s spouse. If lactation is an activity of the generative faculty, then not only wet nursing but even nursing one’s own child is a use of the generative faculty that is not ordered to one’s spouse, and thus contrary to nature, which is absurd. Nevertheless, there is a difference in the function of the organs that allows for a meaningful distinction between the organs of the generative faculty that are essentially generative and those that are not. Since birth is the term of generation in living things, those organs whose function is necessary for birth are essentially generative, while those whose function is not necessary for birth are not. Rather than saying that the

generative faculty should be directed to one's spouse, then, the opponents of embryo adoption/rescue should say that the generative organs, the essential organs of the reproductive system, should be ordered to their proper acts only by the corresponding activity of one's spouse, such that the child who is born is the fruit of their union. The thesis that will be argued in the second part of this essay, then, is that a woman's generative organs may be ordered to their proper functions only by means of marital intercourse, and thus, medical interventions by which a woman would artificially be made pregnant, whether by artificial insemination or embryo transfer, are contrary to the natural law. Thus, to the right children have to be "conceived, borne in the womb, born, and educated in matrimony," there corresponds the duty of the parents to conceive, bear in the womb, and give birth to a child who is the fruit of the marriage act. As we will see, to the right a child has to know his parents by public reason, there corresponds a duty of the parents to bring forth children in such a way that there be certitude of paternity, which can only be maintained through exclusive sexual relations.

Laws of Nature

When treating of the nature of lust in the disputed questions on evil, St. Thomas points out that although lust primarily consists in disordered desire for venereal delights, any inherently disordered use of the generative organs is also included in the consideration of that vice: "... indeed, lust principally denotes a kind of disorder about desires for pleasure in venereal matters according to excess. But a disorder of this kind can be either in the interior passions alone, or even additionally in the exterior act itself, which is disordered according to itself and not only on account of the disordered concupiscence from which it proceeds."²² This latter kind of disorder is found whenever there is a use of the generative organs apart from the marriage act: "but sometimes, with the disorder of desire, there is also a disorder of the exterior act according to itself, as happens in every use of the generative members apart from the marriage act."²³ But why is every such use disordered? Because "every human act is said to be disordered that is not proportioned to its due end. . . . But the end of the use of the generative members is the generation and education of offspring; and so every use of the aforesaid members which is not proportioned to the generation of offspring and their due education is disordered according to itself" (Aquinas 1982, q. 15, a. 1, c.).²⁴

The question confronting us now is why any use of the generative organs apart from marital coitus is "not proportioned" to the generation and due education of offspring? It seems that all methods of artificial reproduction could be proportioned to that end by means of virtuous parents. As we saw above, such was the argument of those in favor of artificial insemination. If we were to follow their logic, the only evil involved in *in vitro* fertilization would be the potential for the loss of the life of the child; one could, however, argue that to fertilize a single ovum and implant it directly, without cryopreservation, would respect the ends of the generative faculty while at the same time respecting the bodily integrity of the child. In order to answer this objection adequately, we must have a proper appreciation of the natural law precisely as having a legal character.²⁵ This legal character can be seen in response to an objection that we could well change to suit our purposes. The objection runs thus: "Again, the copulation of male and female has been ordained to the act of generation and of education of offspring. But sometimes the generation and education of offspring can suitably follow from fornication. Therefore, not every fornication is a mortal sin" (Aquinas 1982, q. 15, a. 2, arg. 12).²⁶ Replace "fornication" in this argument with artificial procreation of any kind, and it remains substantially the same. The end of birthing and rearing a child is preserved even in these forms of procreation. St. Thomas's reply to this argument emphasizes the couple's need to order themselves to the common good, that is, to obey the law in their use of generation, and that they are by themselves not competent to determine the means by which they order themselves to that good:

it ought to be said that the act of generation is ordered to the good of the species, which is a common good. But a common good is ordainable by law, whereas a private good falls under the ordination of each person. And so, although in the act of the nutritive power, which is ordered to the conservation of the individual, each person can determine the food suitable to oneself; nevertheless, to determine how the act of generation is to be does not pertain to each and every one, but to the legislator, whose office it is to set order concerning the procreation of children. . . . But the law does not consider what is able to happen [*accidere*] in some case, but what has commonly accustomed to be, and so although in some case the intention of nature can be saved in an act of fornication with respect to the generation and

education of offspring, nevertheless the act is disordered according to itself and a mortal sin.²⁷ (Aquinas 1982, q. 15, a. 2, ad. 12)

As subject to law, then, the human couple may not determine for themselves the manner in which they may use their generative organs but are subject to the will of the legislator, that is, God, in that use.

How, then, do we determine the due proportion to the end in accordance with law? According to St. Thomas, in his early treatment on marriage from the commentary on the Sentences, the precepts of the natural law are twofold: there are the more common or primary precepts of the law, which are more evident to all, and there are secondary precepts of the law, which are “like conclusions derived from the primary precepts.”²⁸ St. Thomas explains the difference between these in terms of their relation to the ends to which we are inclined by nature. St. Thomas illustrates this in his treatment of polygamy. He begins by emphasizing the need for acts to be proportioned to natural ends: “All that renders an action unsuited to the end that nature intends from some work is said to be contrary to the law of nature.”²⁹ He then explains what renders an action unsuitable to the end intended by nature:

It is possible for an action not to be suited to its principal or secondary end, and in either case, this happens in two ways. In one way, from something that entirely impedes the end, such as a great excess or defect of food impedes the health of the body as the principal end of eating, and a good disposition in carrying out one’s work, which is its secondary end. In another way, from something that makes arriving at the principal or secondary end difficult or less decent, such as inordinate eating at an undue time. If, therefore, an action is unsuited to the end as entirely prohibiting the principal end, it is directly prohibited by the law of nature, by means of the first precepts of the law of nature, which are in operable matters what the common conceptions are in speculative matters. But if it is insufficient for the secondary end, or even the principal end, in some way, as making the arrival at it difficult or less seemly, it is prohibited not by the first precepts of the law of nature, but by the second ones, which are derived from the first, just as in speculative matters, conclusions have certitude from per se nota principles; and so the aforesaid action is said to be against the

law of nature.³⁰ (Aquinas 1947, lib. 4, dist. 33, q. 1, a. 1, c.)

From the context of St. Thomas’s discussion in this article, it is clear that primary ends are the ends of the more universal nature we possess; in the case of sexual ethics, this is our animality. The secondary ends correspond to the more specific nature we possess, namely, rationality. The primary ends are thus more known since they are more universal, and the precepts that govern the acts that are proportioned to those ends are likewise more known. The secondary ends, although more noble as suited to our rational nature, are not as well known, and so the precepts that order us to these ends are known with greater difficulty (Aquinas 1999, I-II, q. 94, a. 6, c.).

The primary end to which marriage is ordered by nature is one that is shared in common with animals. That does not mean, however, that there is only a vague determination of means to that end according to natural law. First, then, it should be recognized that even if the end or good is something that we share in common with other animals, the right means for humans will differ from the means suited to the beasts: “And just as the nature of the genus, although it is one in all animals, is nevertheless not in all animals in the same way, so also it does not incline [to the end] in the same way in all, but according to what is suited to each nature” (Aquinas 1947, lib. 4, dist. 26, q. 1, a. 1, ad. 1).³¹ The end that we share in common with the other animals is not the propagation of the species understood as merely the production of the being of the offspring, but as the production of offspring in such a manner that there is assurance of its maturity. That is, on the hypothesis of the end of the continuation of the species, it is necessary that the offspring grow to maturity, so that it, too, may be suited to engage the work of generation: “nature does not only intend being in the offspring, but perfect being” (Aquinas 1947, lib. 4, dist. 26, q. 1, a. 1, ad. 4).³² This is a universal principle that must be contracted to each species of animal; in some animals, such as fish or insects, the sheer number of offspring, capable of searching out their own food from birth, ensures that some will survive to maturity without the care of the parents, whereas in other animals, the offspring need the care of one or both parents, at least for a time. Thus, St. Thomas, in one of the arguments against simple fornication (i.e., coitus between a free unmarried man and a free unmarried woman) in *Summa contra gentiles*, determines the need for a long association of the man and the woman on the basis of a cross-species examination

of mating habits and offspring-raising behaviors (Aquinas 1926, chap. 122, no. 6; 1999, III, suppl., q. 41, a. 1, ad. 1). Given that the end of nourishing and educating human offspring requires the provision of many things that cannot be suitably provided by the mother alone, it is necessary that the father remains with her to assist with such provision; indeed, it was to provide for that need that God endowed the male of the species with a natural inclination to cling to the mother of their children.

This natural inclination in the male is ordered to providing for the needs of the child, in order that the child may come to maturity, and is expressed in fairly specific ways that entail the need to reserve the use of the generative organs to marital coitus. First, the father has a special lifelong care for the well-being of his child, by means of which he is concerned to provide for the child's material needs:

For possessions are ordered to the conservation of natural life; and because natural life, which cannot be perpetually conserved in the father, is conserved in his son according to likeness of species by a kind of succession, it is suitable according to nature that in these things that belong to the father, the son should succeed. Therefore, it is natural that the solicitude of the father for his son remain until the end of his life. If, therefore, the care of the father for the son causes the remaining together of male and female even among birds, natural order requires that mother and father remain together until the end of life in the human species.³³ (Aquinas 1926, chap. 123, no. 2)

It is natural, then, to the man in particular to have a natural solicitude for his own children, such that that care endures his whole lifelong. Moreover, the root of this natural care for the offspring is a natural desire to know that his offspring are his own; men are naturally more invested in their own children than in the children of others:

But every mingling of male and female apart from the laws of matrimony is ill proportioned to the due education of offspring, for the law of matrimony was instituted to exclude indefinite coition, which is contrary to certitude of offspring. For if any man could go indifferently unto any woman who was not determined to him, certitude of offspring would be removed, and as a consequence, the care of the father for the education of the children; and this is contrary to what is

suiting to human nature, for men are naturally solicitous for certitude of offspring and for the education of their children. Also, this pertains more to the fathers than to the mothers, for the education pertaining to mothers concerns the younger age; but later it belongs to the father to educate the child, and to instruct him, and to enrich him for his whole life.³⁴ (Aquinas 1982, q. 15, a. 1, c.)

Given what we have already seen of St. Thomas's conception of law and its precepts, the natural inclination to be certain of offspring would tell against all forms of nativity in which that nativity is achieved apart from a specific act of sexual intercourse, for in such a separation, one could never be certain that one's wife was bearing one's own child.³⁵ Further, even if in some case a man should consent to his wife's infidelity and be willing to raise the fruit of that illicit union as his own, this willingness on his part would not stand as an argument in favor of this course of action, "For natural rectitude in human acts is not according to what happens accidentally in one individual, but according to those things that follow upon the whole species" (Aquinas 1926, chap. 122, no. 7).³⁶ The intention of nature is preserved in limiting the use of the essentially generative organs to marital coitus and is transgressed by ordering those organs to their proper acts by any other means.

But does not this way of looking at what nature intends suggest that there is something morally disordered not only in using the breasts to feed a child who is not one's own but also in adopting a child? After all, on this account, lactation should be seen to be exclusively at the service of one's own child; and since the adoptive father will not have the natural interest in the welfare of his adopted child, he will not be suited to raise the child to maturity. If these conclusions follow from St. Thomas's view of natural law, ought we not reject that view in favor of some better theory?

I do not think that such conclusions follow. In the first place, nursing a child who is not one's own does not render the end of raising one's own children unduly difficult or unseemly. Secondly, wet nursing does not involve introducing an order to birth in the woman in a way that renders the rearing of offspring unfitting by making paternity uncertain. In other words, it does not hinder the attainment of the end of the generative power.³⁷ So while the intention of nature in providing the human animal with the capacity to lactate is for the feeding of one's own young, the reason that makes the essentially

generative organs unsuited to any kind of artificial insemination or impregnation does not apply to breastfeeding. The natural law precept to beget children only by means of marital intercourse is inscribed in the structure of human generation and sets limits to the use we can make of the essentially generative organs. Nature, then, intends that we order ourselves to birth only by means of marital coitus, and thus, any technological intervention by which a woman is ordered to birth apart from marital coitus is contrary to the natural law.

Likewise, adoption, while it can hardly be said to be intended by nature, neither employs the generative organs nor hinders the attainment of the end of the generative power and so is not contrary to the natural law. Nevertheless, it does presuppose a falling away from the intention of nature but not the kind of falling away that necessarily entails a moral disorder. Adoption presupposes that the means nature has provided for the rearing of the child have somehow failed; this failure could be the result of a moral failing on the part of the natural parents, but it need not be. Since the means provided by nature for the education of the child are lacking, it is natural to the human community, out of the natural love we have for our fellow human being, to provide what is lacking. This is done by the creation of a legal parenthood, modeled on natural parenthood. Adoption, a creation of the legal art, is a fine example of art-imitating nature. The legal relations of parenthood established in adoption (or legal generation) substitute for the natural relations of parenthood established by natural generation, and the specific parental duties that are naturally incumbent on natural parents are made legally binding on adoptive parents.³⁸ These legal obligations, together with the very natural acquired affections that are formed in the building up of the relationship between adoptive parents and child, are meant to supply for the missing natural solicitude of the natural parents. However, adoption in no way violates the order that nature intends us to follow in the pursuit of natural generation; that order entails that our generative organs be led to their natural function only as a result of marital coitus.

In concrete circumstances, then, it pertains to the natural law that a man direct his generative potential to a determinate member of the opposite sex, namely, a member of the opposite sex to whom he is bound by the matrimonial contract by means of the act of coitus. That is, the only *materia circa quam* of the man's generative act, namely, ejaculation, that is suited to that act is his wife:

But the generation of man would be in vain unless there follow the due nutrition, for the generated would not perdure without this due nutrition. Therefore the emission of semen ought to be so ordered that there can follow both a suitable generation and the education of the begotten. From which it is clear that every emission of semen done in such a way that generation cannot follow is contrary to the good of man. And if this is done on purpose, it is necessary that it be a sin. But I say this about the way from which generation cannot follow according to itself: as every emission of semen apart from the natural joining of male and female, on account of which a sin of this kind is said to be contrary to nature. But if generation is not able to follow from the emission of semen by accident, as if it should happen to be the case that the woman is sterile; on account of this the act is not contrary to nature, nor is it a sin.³⁹ (Aquinas 1926, chap. 122, nos. 4–5)

Although St. Thomas does not say so explicitly, it is not too difficult to arrive at the conclusion that the due matter for the woman's voluntary use of her generative potential would be her husband by means of receiving his seed into her vagina in a specific act of intercourse. That a member of the opposite sex to whom one is bound by marriage is the due matter for a voluntary generative act is also clear from the definitions of the sins contrary to the virtue of chastity.⁴⁰ It is the nature of the matter acted upon, or the way in which it is acted upon, that gives rise to the various ways in which the act, which is the same according to natural kind (*genus naturae*), can be contrary to reason. In all of the various species of lust that are not contrary to nature (i.e., not performed in such a way that generation may not follow, such as masturbation, sodomy, bestiality, and the like), the generic thing that is contrary to the order of reason is that the act is done in such a way that the due nutrition and education of the offspring is not provided for (i.e., those engaging in the act are not married to each other), while differences are taken from some further specifying feature of the matter of the act or the manner in which the act is done. The voluntary use of the generative organs, then, have as their due matter a member of the opposite sex to whom one is bound in a determinate way, that is, by matrimony.

Conclusion

At this point, it should be clear that if we follow the thought of St. Thomas, there is no warrant in the law

of nature for the use of the uterus involved in embryo transfer, whether that transfer is taken with a view to rescue or with a view to adoption. To the contrary, such a use violates the order of reason that governs the use of our generative organs. Those organs are rightly ordered to their end by means of being ordered to the generative activity of one's spouse. This activity is itself limited to marital coitus. We rightly order ourselves to the good of offspring, then, only by means of voluntarily engaging in an act that is per se apt for generation with our spouse. It is by means of this act that the husband introduces in his wife an order to birth. In nursing a child, a woman does not order herself to generation, even if nursing is a kind of use of the generative power; it is not the use of a properly generative organ. The analogy between wet nursing and embryo adoption/rescue, then, fails insofar as it depends on a restriction of the term procreation to the punctual moment of the ovum's fertilization, which corresponds to what St. Thomas calls "birth in utero," while excluding "birth ex utero" from the intension of that term. Moreover, it does not take account of the significance of introducing an order to birth in a human woman apart from the marriage act. There are other analogies employed by defenders of the liceity of embryo adoption/rescue which may have more promise, including comparisons of that act to live organ donation and to the Incarnation of our Blessed Lord. Ultimately, I do not think those analogies work either, but a consideration of them is beyond the scope of this essay.

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Notes

1. This is not to say that all arguments about the liceity or illicitness of embryo adoption proceed from disagreement over whether "procreation" should be understood to include gestation and birth. For example, Nelson (2012) argues against embryo adoption on purely personalist grounds, while Brakman (2007) argues in its favor on the grounds of the notion of stewardship.
2. "'Procreationis artificialis' seu 'fecundationis artificialis' nomine hic intelleguntur variae technicae rationes

eo spectantes, ut humanus conceptus habeatur modo diverso a sexuali coniunctione maris et feminae." All translations are my own.

3. "Filius ius habet ut concipiatur, alvo contineatur, nascatur, educetur in matrimonio: is solummodo ad suos parentes referendo, certa atque publica ratione identitatem suam cognoscere potest, atque suam hominis formationem ad maturitatem perducere."
4. One does, however, find that in the opinion of some theologians, women have a grave obligation to breastfeed their own children and are guilty of mortal sin if they hand their children over to wet nurses without grave reason. Benedict XIV (1767, 44–45) opines that this would be only a venial sin. On neither opinion, however, is wet nursing considered evil in itself.
5. "comme la fin de l'acte conjugal qui est la génération peut être obtenue, et obtenue sans délectation illicite, il n'y a pas lieu, *ce semble*, de condamner, au nom de la morale, cette troisième méthode." See also the view of Vermeersch, cited by Glover (1948, 113): "It will be licit to obtain semen for the purpose of injecting it into the uterus of the wife by any means that does not arouse the venereal appetite, such as by puncturing the epididymus of the husband or by an anal friction (massage): for without any venereal abuse *the end of marriage is obtained in this way*" (my italics).
6. This view is common among those who embrace the New Natural Law Theory of Germain Grisez and his collaborators and is based on their understanding of the marriage act as a one-flesh union instantiating that good. On their view, pregnancy does not enter into the notion of what makes the spouses biologically one in the act of coitus and so need not be willed as the fruit of the marriage act. For instance, Tollefsen argues that "pregnancy, and how it proceeds, does not enter *at all* into an account of what, biologically, renders two individuals one, biologically, in performing a generative type of act. . . . I conclude, therefore, that making pregnant is not a function of the sexual act contributing to its unitive significance. . . . Procreation, insofar as it is the fruit of mutual self-donation, does not include, or extend to, the stages of pregnancy consequent upon the generation of the child" (2007, 93–94). An article of mine critiquing this view of marriage will be published in the 2016 Proceedings of the American Catholic Philosophical Association.
7. An Internet search will reveal that very few biology textbooks count the breasts as an organ of the reproductive system for the reason that a woman can naturally conceive and bring a child to term without functional breasts (e.g., after a mastectomy). John of St. Thomas would seem to have approved of this method of determining which organs belong to the generative faculty: "It is well known that the generative power resides in a particular organ or part, and when this is missing, the animal is simply incapable of generating" ("*Constat autem potentiam generativam residere in particulare organo, seu parte, qua*

deficiente, simpliciter animal est impotens ad generandum"; Poinset 1883, 262b).

8. "Granting that in utero learning is possible, this does not affect the distinctiveness of the threshold that birth represents, at which a newborn is no longer maternally enclosed in the procreative embrace, but has been ushered into the world of semiautonomous, albeit still dependent, living."
9. He does not so much argue for this position but assumes it in the course of his argumentation.
10. "En ce qui concerne le patient, il n'est pas maître absolu de lui-même, de son corps, de son esprit. Il ne peut donc disposer librement de lui-même comme il lui plaît. Le motif même, pour lequel il agit, n'est à lui seul, ni suffisant, ni déterminant. Le patient est lié à la téléologie immanente fixée par la nature. Il possède le droit d'usage, limité par la finalité naturelle, des facultés et des forces de sa nature humaine." While this principle was enunciated in the context of justifiable mutilation of organs that have become harmful to the body, the principle applies equally to the use of the generative organs. In the debate over artificial insemination, it was emphasized that the generative organs are ordered by their intrinsic finality immediately to the good of the species and only secondarily to the good of the individual.
11. Of course, this view is obsolete in light of the discovery of ova, but that is not directly relevant to the point at hand. This activity of conception as "the formation and organization of the body" can easily be identified with the fertilization of the ovum. Although for St. Thomas this activity is extended through a duration of time, there is nothing about the notion of forming and organizing a body that necessitates the gradual progression St. Thomas proposes. At the point of fertilization, the conceptus has an "organized body," such that the rest of its growth is governed by its own internal principles. The activity of the fertilization, then, corresponds to what St. Thomas means by the term "conception." On St. Thomas's account, this activity of conception continues for the duration of time in which the male semen works on the menstrual blood and educes from it an animal form. From this point, the development of the embryo is guided by its own internal principles, and the semen is dissolved. At some point around the education of an animal form, God infuses the rational soul, which then serves as the internal principle guiding the conceptus's growth.
12. Thus, the activities of the organs that form both the sperm and the eggs (the gonads) are part of this three-fold action. On the medieval view, it would be the uterus that performs this task by preparing the menstrual blood for the activity of the semen, but we would now consider the ovaries to fulfill this function. The ellipsis contains matter pertaining to the obsolete view.
13. "dicendum videtur, quod in conceptione prolis invenitur triplex actio. Una quae est principalis, scilicet formatio et organizatio corporis; et respectu hujus actionis, agens est tantum pater, mater vero solummodo ministrat materiam. Alia actio est praecedens hanc actionem, et praeparatoria ad ipsam; cum enim generatio naturalis sit ex determinata materia, eo quod unusquisque actus in propria materia fit, sicut in 2 de anima dicit philosophus, oportet ut formatio prolis fiat ex materia convenienti, et non ex quacunque . . . Tertia actio est concomitans, vel sequens actionem principalem. Sicut enim locus facit ad bonitatem generationis; ita et bona dispositio matricis operatur ad bonam dispositionem prolis, quasi praebens fomentum."
14. It could be objected that the acceptance of St. Thomas's terminology is problematic, as some maintain that his philosophical principles necessitate a succession of natural forms in embryogenesis and are thus irrelevant to modern discussions of biology. A defense of the compatibility between modern embryology and St. Thomas's philosophical principles concerning the generation of living things is beyond the scope of this essay, though I am convinced such a defense is possible. See, for instance, Condic and Flannery (2014). At any rate, the terms at issue in the current study are logically prior to the development of a theory of embryogenesis as the latter theory seeks to fill in the details of what is involved in the activities that go by the name conception. That such activities exist is not in dispute. What is in dispute in the embryo adoption debate is whether they are all essentially generative or procreative activities.
15. "Generation signifies the origin of a living thing from a living conjoined principle. And this is properly called nativity. But not everything of this kind is said to be begotten, but properly what proceeds according to a ratio of likeness" ("generatio significat originem alicuius viventis a principio vivente coniuncto. Et haec proprie dicitur nativitas. Non tamen omne huiusmodi dicitur genitum, sed proprie quod procedit secundum rationem similitudinis"). See also Aquinas (1999, I, q. 29, a. 1, ad. 4; I, q. 115, a. 2, c.; III, q. 35, a. 3, ad 1).
16. See Aquinas (1947, lib. 3, dist. 5, q. 1, a. 2, c.; 1999, I, q. 29, a. 1, ad. 4; III, q. 2, a. 1, c.).
17. "Et quantum ad tres has conditiones res viva, inquantum generatur, habet tria nomina sibi propria. Secundum enim quod principia sufficientia suae generationi ministrantur a generante, dicitur gigni, vel genita esse; secundum autem quod generatur per modum exitus, dicitur oriri; secundum autem quod generatur ut conjunctum generanti, dicitur nasci; sic enim generans et generatum est quasi res una; et ideo, cum nomen naturae a nascendo sumatur, illa dicuntur esse per naturam quorum principium intus est in ipsis. Et sic patet quod nasci proprie dicitur illud quod egreditur a generante conjunctum ei, habens ab ipso principia sufficientia generationi."
18. "Ad sextum dicendum, quod genitum exit a generante dupliciter. Uno modo secundum quod procedit in esse distinctum a generante, clausum tamen infra terminos generantis; et hoc proprie dicitur conceptio. Alio modo secundum quod procedit in esse distinctum et

- manifestum. Et quia res nominatur secundum id quod apparet: ideo ille modus exeundi facit nativitatem secundum communem usum loquendi, quamvis etiam primus aliquo modo faciat nativitatem, secundum quod dicitur duplex nativitas, scilicet in utero, et ex utero. Et quia in plantis simul aliquid procedit in esse distinctum et manifestum; ideo non proprie in eis est conceptio, sed nativitas; et ideo etiam verbum secundum quod distinguitur in intellectu, dicitur concipi; secundum autem quod extra pronuntiatur, potest dici per similitudinem nasci.”
19. “Videtur quod non solummodo viventium debeat dici nativitas. Natum enim idem videtur quod genitum. Sed generatio invenitur in omnibus corporibus a lunari globo inferius, quae non omnia vivunt. Ergo videtur quod non solum viventium sit nativitas.”
 20. “Ad primum ergo dicendum, quod genitum, secundum quod est idem quod natum, non dicitur a generando, sed a gignendo; unde quamvis inanimata proprie dicantur generata, non tamen proprie dicuntur genita neque nata.”
 21. “The breasts, that is, the milk of the breasts, has been prepared at the same time at which the conceptus was made; whence the breasts are referred to the conception itself” (“... *ubera, idest lac uberum, in eodem tempore praeparatum fuit, quo fuit conceptus: unde ubera ad ipsam conceptionem referuntur.*”).
 22. “luxuria quidem principaliter importat inordinationem quamdam circa concupiscentias delectationum in ueneris secundum superabundantiam. Huiusmodi autem inordinatio potest esse uel in solis interioribus passionibus uel etiam ulterius in ipso exteriori actu qui est inordinatus secundum se ipsum et non solum propter inordinatam concupiscentiam a qua procedit.”
 23. “quandoque uero cum inordinatione concupiscentie est etiam inordinatio ipsius actus exterioris secundum se ipsum, sicut contingit in omni usu genitalium membrorum praeter matrimonialem actum.”
 24. “omnis actus humanus dicitur esse inordinatus qui non est proportionatus debito fini... Finis autem usus genitalium membrorum est generatio et educatio prolis, et ideo omnis usus praedictorum membrorum qui non est proportionatus generationi prolis et debite eius educationi est secundum se inordinatus.”
 25. For a good recent discussion of this matter, see Jensen (2015, 150–74).
 26. “Commixtio maris et femine ordinata est ad actum generationis et educationis prolis. Sed quandoque ex fornicario concubitu potest sequi conuenienter generatio et educatio prolis. Ergo non omnis fornicarius concubitus est peccatum mortale.”
 27. “Ad duodecimum dicendum quod actus generationis ordinatur ad bonum speciei, quod est bonum commune; bonum autem commune est ordinabile lege; set bonum priuatum subiacet ordinationi uniuscuiusque: et ideo quamuis in actu nutritive virtutis qui ordinatur ad conseruationem individui unusquisque possit sibi determinare cibum conuenientem sibi, tamen determinare qualis debeat esse generationis actus non pertinet ad unumquemque set ad legislatorem cuius est ordinare de procreatione filiorum... Lex autem non considerat quid in aliquo casu accidere possit set quid conuenienter esse consuevit; et ideo licet in aliquo casu possit saluari intentio nature in actu fornicario quantum ad generationem prolis et educationem, nichilominus actus est secundum se inordinatus et peccatum mortale.”
 28. “... quasi conclusiones a primis paeceptis derivantur.”
 29. “Omne autem illud quod actionem inconuenientem reddit fini quem natura ex opere aliquo intendit, contra legem naturae esse dicitur.”
 30. “Potest autem actio non esse conueniens fini vel principali, vel secundario; et sive sic, sive sic, hoc contingit dupliciter. Uno modo ex aliquo quod omnino impedit finem; ut nimia superfluitas aut defectus comestionis impedit salutem corporis quasi principalem finem comestionis; et bonam habitudinem in negotiis exercendis, quae est finis secundarius. Alio modo ex aliquo quod facit difficilem aut minus decentem peruentionem ad finem principalem vel secundarium, sicut inordinata comestio quantum ad tempus indebitum. Si ergo actio sit inconueniens fini quasi omnino prohibens finem principalem, directe per legem naturae prohibetur primis paeceptis legis naturae, quae sunt in operabilibus, sicut sunt communes conceptiones in speculativis. Si autem sit incompetens fini secundario quocumque modo, aut etiam principali, ut faciens difficilem vel minus congruam peruentionem ad ipsum; prohibetur non quidem primis paeceptis legis naturae, sed secundis, quae ex primis derivantur; sicut conclusiones in speculativis ex principiis per se notis fidem habent; et sic dicta actio contra legem naturae esse dicitur.” See also Aquinas (1999, III, q. 61, a. 1, ad 1).
 31. “Et sicut natura generis quamvis sit una in omnibus animalibus, non tamen est eodem modo in omnibus; ita etiam non inclinatur eodem modo in omnibus, sed secundum quod unicuique competit.”
 32. “natura non tantum intendit esse in prole, sed esse perfectum.” This is said in response to the objection that “nature intends the conservation of the species by generation, which can exist without matrimony, as is clear in the case of fornication. Therefore it [i.e., marriage] is not natural” (“*natura intendit conseruationem speciei per generationem, quae potest esse sine matrimonio, ut patet in fornicariis. Ergo matrimonium non est naturale*”).
 33. “Possessiones enim ad conseruationem naturalis vitae ordinantur: et quia naturalis vita, quae conservari non potest in patre perpetuo, quasi quadam successione, secundum speciei similitudinem, conseruatur in filio, secundum naturam est conueniens ut in his quae sunt patris, succedat et filius. Naturale est igitur ut sollicitudo patris ad filium maneat usque ad finem vitae suae. Si igitur sollicitudo patris de filio causat etiam in avibus commanentiam maris et feminae, ordo naturalis requirit quod usque ad finem vitae in humana specie pater et mater simul commaneant.”
 34. “Omnis uero commixtio maris et femine preter legem matrimonii est improporcionata debite prolis

educationi: est enim lex matrimonii instituta ad excludendum uagos concubitus, qui contrariantur certitudini prolis. Si enim quilibet posset indifferenter ad quamlibet accedere, que non esset sibi determinata, tolleretur certitudo prolis, et per consequens sollicitudo patris circa educationem filiorum; et hoc est contra id quod conuenit humane nature: quia naturaliter homines sunt solliciti de prolis certitudine, et de educatione suorum filiorum. Magis etiam hoc pertinet ad patres quam ad matres: quia educatio ad matres pertinens est circa infantilem etatem; postea autem ad patrem pertinet educare filium, et instruere eum, et thesaurizare ei in totam uitam." See also Aquinas (1926, chap. 123, no. 5; 1999, II-II, q. 154, a. 2, c.).

35. Lest the emphasis on certitude of offspring seem an archaic concern, it should be noted that the social sciences have long considered uncertain paternity to be an indicator of decreased paternal involvement in the rearing of children. The impact of uncertain paternity on men's investment in child-rearing is discussed in Anderson, Kaplan, and Lancaster (2007), Prokop, Obertová, and Fedor (2010), and Apicella and Marlowe (2007). The relationship between uncertain paternity and child abuse is discussed in Alexandre et al. (2011).
36. "Quia rectitudo naturalis in humanis actibus non est secundum ea quae per accidens contingunt in uno individuo, sed secundum ea quae totam speciem consequuntur." Additionally, I should note that the existence of accurate paternity tests in the current era is also an adventitious condition that does not derogate from the way in which the law binds. Hence, even homologous embryo transfer is contrary to the law of nature.
37. It could be said, then, that wet nursing is contrary to the nature of the breasts in the way that walking on one's hands is contrary to the nature of the hands. See Aquinas (1926, chap. 122, no. 9).
38. I discuss the differences between these relations in Robertson (2014, 685–92).
39. "Frustra autem esset hominis generatio nisi et debita nutritio sequeretur: quia generatum non permaneret, debita nutritione subtracta. Sic igitur ordinata esse seminis debet emissio ut sequi possit et generatio conueniens, et geniti educatio. Ex quo patet quod contra bonum hominis est omnis emissio seminis tali modo quod generatio sequi non possit. Et si ex proposito hoc agatur, oportet esse peccatum. Dico autem modum ex quo generatio sequi non potest secundum se: sicut omnis emissio seminis sine naturali coniunctione maris et feminae; propter quod huiusmodi peccata contra naturam dicuntur. Si autem per accidens generatio ex emissionem seminis sequi non possit, non propter hoc est contra naturam, nec peccatum: sicut si contingat mulierem sterilem esse."
40. These days, we say that married persons commit adultery if they engage in coitus with anyone other than their spouse. For St. Thomas, this is also the case when considering the acting subject, but the act can be

further specified by considering the object of the act. From this point of view, a bachelor commits adultery if the person he has intercourse with is married. His lover, however, would be guilty of fornication. In other words, it is the condition of the object or *materia circa quam* of the act of sex (i.e., the other person) that determines the species of sin, while the genus is unlawful intercourse (i.e., between persons not married to each other). If the object of one's act of coitus is unmarried and not under the authority of anyone, the sin is fornication; if married, and thus under the authority of the spouse, the sin is adultery; if under the authority of parents, the sin is seduction; if the object is a relative, the sin is incest; if done by violence, the sin is rape. See Aquinas (1999, II-II, q. 154, a. 1).

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