

# DOES ARTIFICIAL INSEMINATION CONSTITUTE ADULTERY?

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Artificial insemination is any process outside the purely natural act of intercourse that might be employed to bring about the fecundation of an ovum. A more graphic description is desirable in this study and is provided by Lord Wheatley:<sup>1</sup>

Artificial insemination is the process whereby the seed of the male is extracted from the male body, enclosed in a receptacle, and subsequently inserted into the female sexual organ, presumably by means of a syringe, thereby reproducing the same end result as follows from the natural and unrestricted act of full sexual intercourse. This scientific innovation substitutes a syringe containing male seed for the male sexual and reproductive organs, and the act of conception is achieved without the presence of the male body.

At present, three systems of artificial insemination are practised. The first is A.I.H., which is insemination by the seed of the husband. The second is A.I.D.<sup>2</sup> or insemination by seed extracted from a male donor, who in practice is anonymous. This method may be employed either with or without the consent of the husband. However, as Lord Wheatley stated:<sup>3</sup>

. . . if such a practice constitutes adultery on the part of the wife, the fact that the husband has consented, would not prevent the act from being adultery, but it would not be adultery on which the husband could found, since he had connived at it.

The third method is C.A.I., or common artificial insemination where a mixture of the seed of the husband and that of the donor is used to impregnate the woman.

A.I.H. can be summarily disposed of for the purposes of this paper. There is no question of the husband's consent for it is his seed and could not have been obtained without his consent. There has been no *conjunctio corporum* with a person outside the marriage and no surrender of the reproductive powers to someone other than his or her spouse. The child is a child of the marriage and is therefore legitimate. Neither A.I.H. nor C.A.I. (which is uncommon, ineffective and to which much the same principles are applicable) present any legal problem.

However, the legal status of A.I.D. is far from settled. Donor insemination is a desirable and effective therapy for the infertile couple

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1. *MacLennan v. MacLennan*, 1958, S.C. 107.

2. Because the husband's consent would not prevent the act from being adultery, but only bars him from founding on it due to his connivance, I will not distinguish in this paper between artificial insemination with or without the husband's consent.

3. *Op. cit.*, p. 107.

who wish to have children, but who could not obtain the same sense of satisfaction that flows from bearing and raising their own child, by merely adopting a child. Also, there are many cases where a husband cannot impregnate his wife because he is impotent, or alternatively, should not impregnate his wife due to an unfavorable genetic history.

Unfortunately, however, a child born through A.I.D., according to current legal thought, is not a child of the marriage, but is illegitimate. Not only is the child illegitimate, but, it is argued,<sup>4</sup> that adultery has been committed because there has been a surrender by the wife of her reproductive powers to someone other than her husband, with the result that a child may be born not biologically related to the husband.

It is unnecessary to say that a married woman who allows herself to be inseminated without her husband's knowledge or consent, and who gives birth to a child in consequence thereof, has gravely wronged her husband. But we are not concerned with the moral culpability of such an act, but whether such an act constitutes adultery in its legal meaning. As Lord Wheatley<sup>5</sup> states:

. . . it is almost trite to say that a woman who, without the consent of her husband, has the seed of a male donor injected into her person by mechanical means, in order to procreate a child who would not be a child of the marriage, has committed a grave and heinous breach of the contract of marriage. The question, however, is not the moral culpability of such an act, but is whether such an act constitutes adultery in its legal meaning. . . . A wife or husband could commit an act of gross indecency with a member of the opposite sex which would be a complete violation of the marital relationship, but which could not be classified as adultery.

Lord Wheatley further cautions that while unconsciously being influenced by our moral and ethical standards:

. . . this problem . . . must be decided by the objective standard of legal principles as these have been developed and must be confined to the narrow issue of whether this form of insemination constitutes adultery in the eyes of the law.<sup>6</sup>

The answer revolves around the definition of adultery. Briefly, if adultery is "the surrender of the wife's reproductive powers to another man", then A.I.D. certainly qualifies. If, on the other hand, the act of physical intercourse is essentially included within the definition, then A.I.D. is not adultery.

In most works of our legal writers, the idea of *conjunctio corporum* seems to be an inherent concomitant:

The idea that a woman is committing adultery when in the privacy of her bedroom she injects into her ovum, by means of a syringe, the seed of man she does not know and has never seen, is one which I am afraid I cannot accept.<sup>7</sup>

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4. Tallin, *Artificial Insemination*, (1956), 34 C.B.R., p. 21.

5. *MacLennan v. MacLennan*, 1958, S.C. 107.

6. *Id.*, at p. 108.

7. *Id.*, at p. 114.

Certainly, A.I.D. does not come within the common conception of adultery. But there have been powerful arguments advanced in support of the contention that it does constitute adultery. According to the views of earlier jurists, however, there runs the basic principle that adultery involves sexual intercourse or carnal connexion. In the above case, Lord Wheatley considered the meaning of the term "adultery". He points out that:

The Scots Act of 1563, cap. 10, . . . prefaces the enactment of divorce for adultery with a condemnation of the practice . . . and castigates those who have been guilty of the offence as people who had no regard to the commandments of God, but only to their sensualities, filthy lusts, and pleasure.<sup>8</sup>

In *Rayden on Divorce*<sup>9</sup> there appears the passage: "Adultery may be defined as consensual sexual intercourse between a married person and a person of the opposite sex, not the other spouse, during the subsistence of the marriage." And, in *Dennis v. Dennis*,<sup>10</sup> Singleton, L.J., remarks: "In my view, there is no distinction to be drawn between the words 'sexual intercourse' in the definition of adultery which I have read (from *Rayden on Divorce*) and 'carnal knowledge' in the criminal law." Singleton, L.J., goes on to say:<sup>11</sup> "I do not think it can be said that adultery is proved unless there be some penetration."

As previously mentioned, these views that there must be *conjunctio corporum* do not go uncontested, and with regard to artificial insemination there is strong controversy as to what constitutes adultery. As in many other scientific achievements, "The law's response to artificial insemination has been and will be, perfect horror, skepticism, curiosity, and then acceptance."<sup>12</sup> Artificial insemination being in the sexual field, the initial judicial reaction as was to be expected, was one of violent antagonism. In *Orford v. Orford*, the first case involving artificial insemination presented to the Ontario Supreme Court in 1921, that court declared that the law-giver, Moses, who flourished 3,000 years ago would have regarded insemination with the utmost horror and detestation. The court went on to characterize as "monstrous" counsel's contention that artificial insemination is not adultery. The court proceeded emphatically to declare that artificial insemination constitutes adultery. The view was expressed that any surrender of the reproductive powers constituted adultery, irrespective of any consideration of moral turpitude. As Orde, J., said:

The essence of the offence of adultery consists not in the moral turpitude of the act of sexual intercourse, but in the voluntary surrender to another person of the reproductive powers or faculties of the guilty person; and any submission of those powers or faculties to the service or enjoyment of any person other than the husband or wife comes within the definition of adultery.<sup>13</sup>

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8. *Id.*, at p. 108.

9. 8th edition, 1960, p. 143.

10. 1955, p. 153, at 160.

11. *Ibid.*

12. Alan F. Guttmacher, editorial, *Fertility and Sterility*, 1954, vol. 5.

13. (1921), 58 D.L.R. 251 at 258.

*Orford v. Orford* states then, that impregnation *per se* is the test of adultery, and that the sexual union of the bodies or the moral turpitude involved is of no consequence. If this is so, then using impregnation *per se*, as the criteria in determining adultery, a married woman may have complete sexual intercourse with a man other than her husband and so long as either wore a contraceptive, then no adultery would have been committed. Note also, that such a conclusion is not only absurd but contrary to authority. It is a fact that a greater degree of intercourse is required to consummate a marriage than is required to commit adultery, where only the slightest penetration is required.<sup>14</sup> And, in the English case of *Baxter v. Baxter*<sup>15</sup> it was held that the use of contraceptives was not a bar to the consummation of a marriage. Therefore, if a marriage is consummated, even though contraceptives are used, then adultery is certainly committed, even though contraceptives are used. It would seem then, that the reasoning used by *Orford v. Orford* is anything but logical. The difficulties raised by Orde, J's. definition of adultery were pointed out by Lord Wheatley in *MacLennan v. MacLennan*:<sup>16</sup>

In the normal and natural method of performing an act of sexual intercourse, there is a mutual surrender of the sexual reproductive organs. While the primary purpose of sexual intercourse is procreation, in the eyes of the law, surrender of the reproductive organs is not necessary to consummate the act of intercourse. Expedients may be used by the parties to secure birth prevention, or the woman may have previously undergone an operation by which her reproductive organs were removed, or they may have ceased to function from natural causes; and yet the conjunction of the sexual organs involving at least some degree of penetration, would constitute intercourse and, in the circumstances under consideration, adultery. Thus, impregnation, *per se* cannot be a test of adultery, since, in the eyes of the law, the act of intercourse can be consummated without impregnation, either as a result of natural causes or by the parties resorting to artificial expedients.

It would seem, therefore, that, in determining such question as consummation of marriage or adultery, that the law looks at the act and not the result.

That the view taken in *Orford v. Orford* cannot be sustained as it stands is clear from the fact that it logically leads to the conclusion that before adultery could be established it would be necessary to prove in both parties an ability to procreate. This was pointed out by Dr. Allen F. Guttmacher who stated:<sup>17</sup>

Carrying out this legal premise to its ultimate conclusion, a hysterectomy would be 100 percent protection against the possibility of committing adultery. Certainly if a woman without a uterus had extra marital coitus she could not contaminate her husband's blood line, therefore, logically, she would not be an adulteress. From the physician's point of view it is the intent which is all-important. Adultery and artificial insemination are the absolute antithesis of each other. One is done clandestinely to deceive and enjoy carnal

14. *Sapsford v. Sapsford*, 1954, p. 394 at 399.

15. 1948, A.C. 274.

16. *Supra*, Note 5 at p. 109.

17. *The Legitimacy of A.I.*, 1946, vol. 1, *Human Fertility*, at p. 17.

pleasure; the other decently and frankly to beget offspring without the emotion and physical pleasure of coitus. Yet, to the court, with its medieval scholastic viewpoint, they are the same. It is truly remarkable to judge twentieth century medico-sociologic procedure through the eyes of an Israelite, now dead at least 3,000 years. I wonder how Moses would have regarded the transfusion of 500c.c. of Philistine blood into the veins of his brother Aaron, the high priest, or the injection of bull's urine into the gluteal region of his sister Miriam. I suspect, with the utmost horror and detestation. Yet judges would have us use Moses' reaction as a yardstick of propriety in the treatment of cases of sterility today.

If, however, *Orford v. Orford* was rightly decided (and this I cannot accept), and the criteria in determining adultery were indeed the surrender of a woman's reproductive powers to a stranger to the marriage, then it is urged<sup>18</sup> that A.I.D. would fall within this definition and therefore constitute adultery. However, not only is it impossible to reconcile *Orford v. Orford* with *Baxter v. Baxter*, but the contradictions involved in such a definition have been exposed both by Lord Wheatley in *MacLennan v. MacLennan* and Dr. Guttmacher in his article on artificial insemination.

Some jurists, including Dr. Glanville Williams, have sought to escape from the dilemma of choosing between impregnation and sexual intercourse as the basis of adultery, by treating it as a dual concept based on both. The female genital consists of the organs of sexual intercourse and the organs of reproduction, surrender of either to a third party being adultery. Whether the reproductive organs are surrendered to the syringe of a medical practitioner or to a third party during intercourse is immaterial.

Tallin, in his article in the Canadian Bar Review<sup>19</sup> argues that A.I.D. constitutes adultery and says that under normal circumstances two tests may be used to determine if adultery has been committed:

- (i) . . . does it involve conduct so intimate as to destroy any faith in the chastity or loyalty of the spouse?
- (ii) . . . does it involve consent by a married woman to the use by a stranger of her reproductive powers in such a way as to create the possibility of introducing into her husband's family a child not immediately related biologically to him?

However, in artificial insemination the circumstances are anything but normal, for the two parties can hardly be acting in their normal capacities if one of the parties is not even there. Theoretically, the woman does not even know who the donor is. So, in discussing whether or not artificial insemination constitutes adultery, the first of Tallin's two tests can be discarded as there can hardly be such intimate conduct between two parties as to destroy faith in one's spouse where one of the parties is neither present nor known to either spouse. In fact, if the donor died before the wife was inseminated, then you would have the

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18. G.P.R. Tallin, *Artificial Insemination*, (1956), 34 C.B.R., p. 21.

19. *Ibid.*

odd situation that the wife had committed adultery with a dead man. The element of moral turpitude inherent in the conventional definition of adultery is not present in A.I.D.

Recognizing this, Tallin says that if there must be one test alone, it is the surrender of the wife's reproductive powers to a person other than her husband. The test is designed to prevent the conception of a child not related biologically to the husband. The idea of preventing a false strain of blood from being introduced into the family line has a firm historical basis. But to state what was historically true is necessarily true today is a *non sequitur*. Whether or not this is a valid criteria today, in earlier times, contraceptives and human artificial insemination were unheard of, and the introduction of a false strain of blood which was supposedly so fatal to the blood line, necessarily presupposed the physical act of sexual union between a married person and someone other than the spouse. My point is, that while there is historical basis to this second criteria, upon further examination we see that this criteria did not stand by itself but because there was neither artificial insemination nor use of contraceptives, it necessarily presupposed the physical act which we define today as adultery. Yet, Tallin would now have this criteria stand alone, without there having to be the physical act, the foundation upon which it rested. Our knowledge has rendered obsolete the foundation upon which the criteria stood. Yet Tallin would keep the criteria even though the necessary logic behind it has been destroyed.

I find the "surrender of reproductive powers" theory unacceptable for another reason. In *Baxter v. Baxter*<sup>20</sup> it was held that impregnation *per se* cannot be a test of adultery since, in the eyes of the law, the act of intercourse can be consummated without impregnation, either as a result of natural causes or by the parties resorting to artificial expedients. Thus it would seem that in determining such questions as consummation of marriage or adultery, *the law looks at the act and not the result*. This principle that the law looks at the act and not the result is illustrated in the first known reference to human artificial insemination. A Talmudic document has been found which was concerned with the hypothetical discussion in 222 A.D. of the accidental insemination of a human. The question presented is the status of a woman who had become unknowingly inseminated by semen previously deposited in the bath water in which she bathed. The Rabbi answered his students' hypothetical question that since the woman had become pregnant unknowingly and without intercourse she could not be held to blame for her condition.<sup>21</sup> The law looks at the act and not at the result.

By using Tallin's surrender of reproductive powers theory, let us take the hypothetical situation of a woman who inseminates herself

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20. 1948, A.C., 274.

21. *Fertility and Sterility*, vol. 5, 1954, p. 7.

artificially by means of syringe. This would constitute adultery, for she has surrendered her reproductive powers to someone other than her husband. But, what if she had undergone a hysterectomy, or better still, what if her reproductive powers had ceased to function from natural causes, such as age. Using this theory, there would be no surrender of her reproductive powers, as there were no such powers, and accordingly no adultery could be found. Yet both the act and the intention were the same. This would seem to put the criteria on a factor both beyond her knowledge and control. Both the intention and the act are the same. Yet a factor beyond her control, such as a lapse of reproductive powers would result in different consequences and, according to these consequences may or may not be adultery. This is an absolute contradiction to the authorities to date that the law in matters of adultery looks at the act and not the results.<sup>22</sup> Therefore I cannot accept the statement that the criteria for adultery is the surrender of the reproductive powers.

One of the foundations of the argument that A.I.D. constitutes adultery was an *obiter dictum* of Lord Dunedin in *Russell v. Russell*<sup>23</sup> where his Lordship said, after dealing with the question of the wife having been fecundated: "And *fecundation ab extra* is, I doubt not, adultery." However, the argument that used this case divorced it from its context. Briefly, the argument used is that if fecundation in the Russell case is adultery, then it doesn't matter if the fecundation was at short or long range, and A.I.D. is merely a case of long-range fecundation. Lord Wheatley, in *MacLennan v. MacLennan*<sup>24</sup> shows the fallacy of this argument:

This facile argument seems to me to ignore the circumstances in regard to which Lord Dunedin opined his view. In the circumstances which he was contemplating there was a close conjunction of the bodies, even though there was no penetration of any sort of the female organ by the male organ, but the close juxtaposition of the respective organs enabled an ejaculation of semen from the male organ to enter into the female organ and fertilize. I am satisfied that what his lordship meant was that where there was a mutual surrender of the bodies to an illicit passion and there was sufficient proximity of the respective organs to enable seed to pass from one to the other, it did not preclude the act from being an adulterous one merely because there had been no penetration. There would be present in such circumstances not only the two bodies, but physical intimacy and sexual stimulation which resulted in the transfer of seed and from which the fact of adultery could be inferred.

That the act of adultery be inferred even though there is no evidence of penetration is not an unreasonable assumption for, as Langton, J. stated:<sup>25</sup> "No one nowadays contends that the fact that a woman accused of adultery is found to be *virgo intacta* is inconsistent with partial intercourse sufficient to sustain the charge of adultery."

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22. *Supra.*, Note 15, f.f.

23. 1924, A.C., 687 at 721.

24. *Supra.*, Note 5, at p. 111.

25. *Thompson v. Thompson*, 1938, p. 162 at 169.

Therefore, even though the woman in the Russell case remained *virgo intacta*, this is not inconsistent with the possibility that some degree of penetration, however slight, had taken place even though insufficient to cause rupture of the hymen, yet sufficient for *fecundation ab extra* to occur.

I think the law is correctly stated in *Dennis v. Dennis*,<sup>26</sup> that to constitute adultery, at least some degree of penetration must have occurred. It is submitted that a reasonable resolution of the *Russell case* is that the criteria for adultery in English law, is penetration, however slight, and even though insufficient to cause rupture of the hymen. If this be correct, it follows that artificial insemination cannot under any circumstances constitute adultery. For adultery, there must be penetration of the woman by the man, and this condition is not satisfied by the act of artificial insemination.

In any case, regardless of whether the courts are justified in implying that some degree of penetration is required, the principle of fecundation cannot be applied to artificial insemination for in artificial insemination there is none of the physical contact inherent in *fecundation ab extra*. Artificial insemination cannot be likened to *fecundation ab extra* for there is no physical intimacy accompanying artificial insemination from which the court might infer the fact of adultery. Fecundation could only constitute adultery because there had been such physical intimacy that upon conception the courts would infer that some penetration had taken place and that adultery had therefore been committed.

While the degree of penetration of the female organ by the male organ that must be proved to constitute adultery has been the subject of much controversy, such discussion is purely academic with regard to the matter in hand, for whatever view is taken, there is the mutual surrender of the bodies to each other for the purpose of carnal gratification, while in the present issue under discussion, that of A.I.D., there is absolutely no mutual surrender of the bodies and the degree of penetration necessary to constitute adultery therefore, is of academic interest only, and not relevant to the subject of artificial insemination.

The genesis of the suggestion that something less than penetration, or at least full penetration constituted adultery is found in a dictum of Viscount Birkenhead in *Rutherford v. Richardson*<sup>27</sup> where his lordship said:

. . . some suggestion was made in argument in this House that this condition, even though inconsistent with penetration, was not inconsistent with some lesser act of sexual gratification. If there were evidence of such an act, it cannot be doubted that . . . a decree based upon adultery might issue.

26. 1955, p. 153 at 160.

27. 1923, A.C. 1, at 11.



Commenting upon this opinion in *Sapsford v. Sapsford*,<sup>28</sup> Karminski, J., stated:

. . . if I understand those words of the Lord Chancellor, he had in mind that particular case where there had been at any rate an attempt at sexual intercourse, that is, by the introduction of the male organ into the female, but for one reason or another the attempt had not fully succeeded.

It would appear that Karminski, J., was equating Lord Birkenhead's "lesser act of sexual gratification" with an attempt at sexual intercourse.

However, in *Dennis v. Dennis*,<sup>29</sup> Singleton, L.J., disagreed:

I do not think that . . . adultery is proved unless there be some penetration. It is not necessary that the complete act of sexual intercourse should take place. If there is penetration by the man of the woman, adultery may be found, but if there is no more than an attempt, I do not think that a finding of adultery would be right.

While the degree of penetration is not relevant to the subject at hand I would like to state that I feel Singleton's view in *Dennis v. Dennis* is the most desirable decision. The social values of keeping a marriage together are well known and the court should not place itself in the position of having made it any easier for a marriage to be dissolved. To my mind, there is little difference between a successful attempt and an unsuccessful attempt at penetration for the spouse is equally betrayed, but the court is considering physical matters that must be capable of precise definition. A man may rape a woman in his mind, but the court is dealing with the physical act that must be proved in order that a divorce may be obtained, and I feel that the physical act must be the ultimate act, carrying with it the usual conception of mutual intercourse between the sexes. As Karminski, J., stated, "Mutual intercourse, in my view, means that there has to be intercourse in which both the man and the woman play what might be described as their normal role."<sup>30</sup>

The question that requires an answer is, does A.I.D. constitute adultery? It is clear, that in the eyes of the law, according to the objective standards of legal principles as have been developed, that such conduct does not amount to adultery. To constitute adultery at law, there must be mutual intercourse (the degree of which is controversial) in which both the man and the woman play their normal role. To use Lord Wheatley's words in *MacLennan v. MacLennan*,<sup>31</sup> "The idea that a woman is committing adultery when alone in the privacy of her bedroom she injects into her ovum by means of a syringe the seed

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28. 1954, p. 394 at 399.

29. *Supra*, Note 26.

30. *Supra*, Note 14 at 400.

31. *MacLennan v. MacLennan*, 1958, S.C., at p. 114.

of a man she does not know and has never seen is one which I am afraid I cannot accept." Lord Wheatley states the following propositions:<sup>32</sup>

- (i) For adultery to be committed there must be the two parties, physically present and engaging in the sexual act at the same time.
- (ii) To constitute the sexual act there must be an act of union involving some degree of penetration of the female organ by the male organ.
- (iii) It is not a necessary concomitant of adultery that the male's seed should be deposited in the female's ovum.
- (iv) The placing of the male's seed in the female ovum need not necessarily result from the sexual act, and if it does not, but is placed there by some other means, there is no sexual intercourse.

While A.I.D. does not fall within the legal definition of adultery, a married woman who, without her husband's consent, allows herself to be inseminated by a person other than her husband, with the possibility, therefore, of impregnation by a man other than her husband, has committed a grave breach of the contract of marriage. If, therefore, A.I.D. does not constitute adultery, should it be a ground for matrimonial relief?

I do not believe that A.I.D., without the husband's consent,<sup>33</sup> should constitute a new and separate ground for divorce, although this was recommended by the British Royal Commission, 1951-1955,<sup>34</sup> and has been implemented by New Zealand.<sup>35</sup> In Canada, there is presently only one real ground for divorce and that is, of course, adultery. Divorce is only granted where there has been such a betrayal of the spouse as to destroy his or her faith in the chastity and loyalty of the other spouse. This destruction of faith must be of a very real nature, amounting to sincere mental anguish, for connivance, condonation, or collusion will bar the spouse from founding a petition on the adultery.

With A.I.D., however, there can be no destruction of faith in the chastity of one's spouse for there has been no act of sexual intercourse to destroy her chastity. There is no other man or woman with whom a spouse has consorted. There is no sexual pleasure with someone other than the other spouse, for there is no coitus. In fact, the donor's identity is not even known.

Not only is there no destruction of faith in the chastity or loyalty of the spouse, but on the contrary, there being no physical or sexual pleasure involved in A.I.D., the wife who submits to artificial insemination is doing so for one purpose—to give birth to her own child, an act not involving her chastity or loyalty to her husband, but one which may create a closer bond between the husband and wife as they raise the child.

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32. *Id.*, at p. 113.

33. Consent, of course, would be connivance and would therefore act as a bar.

34. Cm. 9678, par. 73.

35. *Matrimonial Proceedings Act*, 1963.

But the child born through A.I.D. will not necessarily create a closer bond between the "parents". In fact, the psychological stress that the husband is capable of suffering is evidenced by the need some men feel to mix their seed with that of the donor, (C.A.I.), so that the child will be a product of their own virility. The husband will often prefer C.A.I. over A.I.D. even though his seed is sub-fertile and lessens the possibility of impregnation. Another psychological crutch the husband has been known to use, is to push the plunger of the syringe. The birth of a child through A.I.D. may create very strong feelings of inferiority and these feelings may be accentuated as his wife fulfills her reproductive function. If the husband has not consented to the A.I.D., then these feelings of impotence and inferiority are aggravated, as he has had no part in the decision, and he may feel that because he has had no knowledge or control over the birth of the child that not only is the child not his own, but that his wife has betrayed him and has violated their marriage vows.

A.I.D. then, though not a breach of the marital relationship such as to destroy faith in the chastity of one's spouse, may very well destroy the dependence upon each other that should exist between husband and wife for sexual fulfillment, may create a feeling of impotence and inferiority in the husband and may cause him to resent both his wife and the child. He is justified in feeling that he has been wronged, and in the end, the husband may have suffered much mental anguish and injury to his mental health. If there is sufficient injury to the husband's health, then A.I.D. may fall within the definition of cruelty. This would allow what might be considered the more appropriate remedy of judicial separation.



