

Abortion Within the Catholic Moral Tradition

The Moral Aspects of Abortion

The late Richard McCormick S.J. writing in the June 1974 issue of “Theological Studies” made this observation:

Abortion is a matter that is morally problematic, pastorally delicate, legislatively thorny, constitutionally insecure, ecumenically divisive, medically normless, humanly anguishing, racially provocative, journalistically abused, personally biased, and widely performed. It demands a most extraordinary discipline of moral thought... (p. 313)

The abortion controversy going on in modern society is certainly a crucial one. It concerns two critical sets of values at the center of civilized society -- individual liberties and the protection of human life. It is too serious for people to engage in name-calling and a loud exchange of slogans. We need find common ground and then engage in a serious debate. This requires each side to submit its position so that a considered judgment may be made. This approach assumes an openness to truth and implies that each party may learn something. There is little value in a polemical exchange of set ideas.

The goal of this debate it not necessarily that one side will be “converted” to the position of the other, but at a minimum each side will understand the other better and begin to appreciate them not as an enemy to be defeated, but as fellow human beings striving in a common cause to make good moral decisions and thereby make this a better world for all. The purpose of this paper is to outline the traditional Catholic position on the morality of abortion, emphasizing its strong points and indicating where new research may challenge some of its traditional assumptions.

The abortion debate can be divided into three major areas: 1) the moral aspects, 2) legal issues and 3) political positions. This lecture concerns itself only with the moral aspects of the abortion problem, as viewed from the tradition of Roman Catholic moral theology. I identify with this tradition and I believe it has a definite contribution to make to the debate, although it certainly stands as a minority opinion in modern society and, as we shall see, is not without its own internal problems.

The following discussion will survey two broad areas: 1) The nature of morality and moral discourse and 2) The moral focus in the abortion debate.

A: The Nature of Morality and Moral Discourse

Before discussing the morality of abortion, a few words are necessary about the nature of morality, its importance and how moral discourse is conducted. In other words we need

to address certain questions: What makes something moral or immoral? Why is it necessary to discuss moral issues? How can people with diverse philosophical and theological backgrounds find common ground to talk about moral issues? In discussing these questions, we shall also mention some of the principles found in the Catholic moral tradition that help define morality.

Morality and Authentic Human Existence

In the Catholic moral tradition, when we investigate the area of morality we are always asking questions about how human beings ought to act - how life is to be lived. The criterion for how we ought to act is “authentic humanity” as defined by faith and/or reason. When defined by faith, acting in a truly “authentic” human way means that we are acting as God created us to act, i.e., by loving ourselves, others and the world. Faith informs us that by acting in this way we fulfill our humanity and also allow others to live in a truly human way. In religious terms call this “doing the will of God”.

On the other hand, according to Catholic moral tradition, the nature of “authentic humanity” can also be approached by reason alone, as we shall see in more detail when we discuss the natural law. In addition, given the background of human experience and collective human wisdom, most people have a “feeling” or “intuition” that some human acts are humanly good and others are inhuman. For example, when we extend friendship, love our family and help the those in need there is general agreement that this is the way human beings ought to act, i.e., we are expressing our “authentic humanity”. When we engage in theft, child abuse, torture or murder there is also general agreement that this is inhuman. In these acts we corrupt our own humanity and attack the humanity of others.

When the focal point of morality is “authentic humanity” morality is rightly seen as *intrinsic* to authentic human existence. It speaks to the internal mechanisms of our human nature. It is a life-giving guide to the fulfillment of human life. It is not outside of or *extrinsic* to human life. It is not some sort of divine or human code arbitrarily decreed and enforced. From a religions perspective it is not seen as a divinely constructed “test” that we must pass to be rewarded with heaven. From a purely rational perspective it is not seen as an arbitrary set of rules that could or could not exist and not have consequences for our humanity. It has to do with how we are made up as human beings and how we must act to realize our human potential. True morality “makes sense” even for those who do not believe in a God. For example, all would recognize that child abuse is destructive and to be condemned even without reference to a God.

Thus we judge anything truly destructive of authentic humanity as “morally wrong” and anything constructive to authentic humanity as “morally right”. For example, stealing is not judged to be wrong because it shows up in the Ten Commandments, rather it shows up in the Ten Commandments because it is destructive to individual and social human life.

As an intrinsic reality true morality guides us in making moral decisions that enable

human life to grow and flourish. The focus of morality is human life. However, the search for a moral code that enhances human life is not easy. We always enter the rational search for a moral code with our cultural, religious and political ideologies which predispose us to make moral judgments prior to any rational discourse. We call these our prejudices or perhaps better stated our ideologies -- how we think the world ought to be. We all have them and they are difficult to ignore. Once we get past our predispositions there are other factors which include the tension between the individual and society and the tension between immediate and long range effects. There is also the question of agreeing on a hierarchy of values. Sorting out a hierarchy of values is most difficult where there is a conflict between two positive values, which is certainly the case in the abortion debate, -- which value is most important - fetal life or a woman's private choice?

The Natural Law

In the Catholic moral tradition the concept of the natural law is used to provide a universal means for moral discourse. Critics, especially in the abortion debate, often label Catholic moral convictions as "sectarian" or "private religious convictions". However, the Church rejects such labels on the grounds that moral issues are not inherently private or religious. Morality is a wider concept than any specific religious perspective. It is erroneous to equate morals with religion. For example, we can grant that one has the right to be "irreligious", however, no one has the right to be inhuman, because that is immoral.

While not denying the value of its religious heritage in formulating moral positions, Catholic moral tradition believes that it can effectively engage society on any moral issue on the grounds of *reason alone*. This is based on the concept of the *natural law* which maintains that:

"human reason, reflecting on human nature and human experience, can also arrive at a true moral wisdom and knowledge that holds not only for Christians, but for all people." (McBrien, *Catholicism* p. 959)

Thus it is a major tenet of Catholic moral tradition that the natural law can provide a common ground within a pluralistic society, because it is understood as knowable to the unassisted human mind, that is, to the human mind which does not necessarily reference divine revelation as its source of moral wisdom.

Furthermore, those committed to a natural law tradition assume that reasonable people can discover together what it means to be human and which human acts enable human life to flourish and which retard or destroy its growth toward authentic humanity. This assumes that we share a common human nature and that through a *rational process* we can discover what constitutes our nature human and determine those human acts which enable our natures to grow and flower.

Natural law is not a theoretical knowledge of propositions; ...Our

discovery of the natural law occurs by way of reflection upon our natures and then by discovery of the necessary means for achieving or constituting the goods of our natures. (*Narrative of the Natural Law* - Pamela Hall p. 37)

That the natural law must be discovered implies that the employment of the natural law in moral discourse is a *rational process*. *Rational* establishes that the ground for discussion is human reason, something human beings share in common. *Process* means that there is an element of discovery in understanding the natural law. *It is not simply a process of referencing a set of immutable principles, but a discovery of "what works" for human beings in the particular circumstances of their individual and social lives.* (for a more detailed analysis of natural law see Lecture III on the Politics of Abortion)

Objective and Subjective Morality

When taking a closer look at human acts, Catholic moral theology has always stressed the distinction between subjective and objective morality. Subjective morality concerns the intention of the moral agent. Objective morality deals with the act itself. A person may indeed intend a good moral act and yet actually do something quite destructive or objectively evil. For example, take the battlefield situation of a soldier coming upon a wounded companion who is crying out for water. In response, the soldier, in an act of heroic love, may share his last drop of water with the wounded man. This is a subjectively good act. However, if the wounded man has a stomach injury the water will cause him intense pain. Because of his ignorance about the nature of his companion's injury, the soldier, with the best of intentions has committed an objectively evil act.

While no moral judgments can be made about the intentions of a person and while it is granted that every person must follow their conscience (even an erroneous conscience), nevertheless, moral theology does concern itself with whether or not certain human actions are objectively good or evil. It is important to know which human acts will either promote or attack human life. These determinations help people to form their consciences correctly so that objectively evil acts can be avoided and good acts can be done.

Moral Norms and Circumstances

Another characteristic of the Catholic moral tradition is that, in contrast to existential, contextual and situational ethics, it has maintained there are some actions that one simply cannot do, even at the risk of one's own life, e.g. torture and child abuse. In other words, there are some moral absolutes. These absolutes remind us that no matter what the circumstances some human acts are always fundamentally opposed to our human good. This is not to deny that all moral judgments take place within situations often with unique circumstances and that these circumstances can and do alter our moral judgments.

While maintaining that certain moral principles may be invariable or absolute, there are moral norms which prudence may dictate do not apply in a particular case because of particular circumstances. A classic example of such prudential reasoning is reflected in

this example from St. Thomas. Thomas maintains that while it is a general rule that you must return borrowed property, it would not be prudent to return a sword to one who has gone mad or has vowed to kill you (ST 2-2ae, q.57, art.2).

In the current debate, the problem arises in determining whether or not a specific human action, in this case abortion, is truly constructive or destructive to authentic human existence in any and all circumstances. This is especially delicate in cases of conflict where there is not a clear evil on one side and a clear good on the other, but competition between two goods, e.g. in the case of the life of the mother vs. the life of the child or right to privacy vs. the rights of the fetus.

The Evolution of Moral Discernment

The word “discernment” is used here because it denotes the process of making distinctions. Making distinctions is an important activity in Catholic moral theology. For example, in the taking of human life a distinction can be made between innocent and non-innocent human life. Some theologians have suggested that perhaps a distinction may be made between human life and individual human life (see below). Another important distinction within the Catholic moral tradition is between direct and indirect abortion.

The word evolution is used because the Catholic moral tradition is not static. It acknowledges that there has been and will continue to be development in our understanding of what is moral. The Catholic moral tradition has experienced changes in its understanding of the moral issues involved in such areas as usury, slavery, religious liberty and the death penalty. Furthermore, it is recognized that new moral options, especially in the field of biology, medicine and economic globalization call for new approaches to moral problems. At its best, the Catholic moral tradition is seen not a set of rules to be followed, but as an ongoing search or quest to find out which human actions contribute to or detract from our “authentic humanity”. It is a never-ending search.

The Urgency of Moral Discernment

When we discussed earlier the nature of morality, we noted that morality is intrinsic to human nature. Therefore, there is an urgency to identify those human actions that are moral and those that are not. This is so because immoral acts are, by definition, destructive of ourselves and other human beings. Regardless of our good intentions, our biases, or our ideologies, or our best judgments, our moral acts have consequences independent of these subjective factors. Our task, as responsible human moral agents, is to determine which human acts are objectively good or evil. Our lives depend on it.

Just as we can die from a microbe which we have never seen, so too in our moral blindness we can, as Pope John II reminded us, unknowingly be contributors to the “culture of death” rather than to a “culture of life”. Our moral quest is to seek those ways of acting that contribute to the flowering of our lives and the lives of others. The future of our lives as individuals and as a society depend on knowing which human acts are moral and which are not.

For example, when we decide to steal something from another person it is true that we have performed an objectively immoral act - someone has been deprived of what is rightfully theirs. This is obviously an important fact and reason enough to label the act of stealing as immoral. However, it is also true that when we steal we have become a thief. In the Catholic moral vision, we humans were not created to become thieves. Reason and experience also teach us that when we steal we are not just attacking individuals and society, we are also corrupting our individual humanity.

Furthermore, we are always in the process of becoming human beings. In moral terms, by our actions we are either becoming more human or less human. We are also setting off a process within ourselves whereby we may begin to lose our “moral sense”. We begin to erode our conscience. For example, the first act of stealing may be very traumatic for us - fear, guilt, etc.. However, repeated acts of theft can reduce this fear and guilt to a point where we no longer have a conscience. The horrendous acts of brutality that are reported in our newspapers do not come out of the blue. They have a history. People can lose their conscience. People can become evil. They can no longer distinguish between good and evil and see no reason to do so.

We are often shocked when people who have committed horrendous crimes show no remorse for their actions. In certain cases this could well be explained by mental illness, however it can also be the result of repeated immoral acts or crimes against humanity that have not only hurt others, but have fundamentally corrupted the humanity of the criminal, who now exists in a moral vacuum.

B: The Moral Focus in the Abortion Debate

Within the context of the above discussion of the nature of morality, the formulation of the Catholic position concerning abortion centers around this moral judgment:

abortion involves the direct killing of innocent human life and therefore is objectively evil and absolutely prohibited.

Most people would agree that the direct killing of innocent human life is objectively evil and should be absolutely prohibited. There are, however, many in our society who when considering the moral status of abortion have, in good faith, reached the conclusion that abortion is not the direct killing of innocent human life. Some would deny that abortion is direct, others argue that in certain cases fetal life is not innocent (unjust aggressor on the mother) and others would argue that fetal life is not personal human life and thus does not possess full human rights until personal human life is established at birth or at some stage along the developmental continuum.

Still others would admit that we are dealing with human life, but would argue that human fetal life even personal fetal life, for various reasons, must yield to other values, i.e., the life of the mother, the right of privacy or the right of reproductive choice.

Within the Catholic moral tradition, it is argued that human life can be taken in certain circumstances: when the taking of life is judged to be the lesser of two evils and within these circumstances another human life must be involved, as in the case of a just war; self-defense when no other alternatives are available; capital punishment (now considered rare) and indirect killing, using the principle of double effect. Some would include other “moral equivalents” to human life within the consideration of the lesser of two evils, but this is a minority opinion as such “moral equivalents” are difficult to define and defend.

In an attempt to understand and give a rational basis for the Catholic position on abortion, we will discuss the following four major components of the moral judgment cited above: 1) the definition of human life and the determination of when it is truly present, 2) the distinction between direct and indirect killing, 3) the definition of innocent life and 4) the placing of a value on innocent human life, in this case fetal human life, to be measured against other values.

The Definition and Presence of Human Life

In the ongoing debate, the question of the beginnings of human life has been divided into three considerations: human life, individual human life and personal human life. Modern biology has made a strong, if not definitive, case for the position that human life begins at the moment of conception. After the time of fertilization, nothing essential to human life is added from the outside. All that is observable is a continuous process of development throughout life. However, based in part on the phenomenon of twinning, some scholars have suggested that perhaps a distinction can be made between human life and individual human life and that the presence of individual human life comes later in the process, i.e., sometime after the possibility of twinning. Finally, some make a distinction between individual human life and personal human life.

The Beginning of Human Life -- In the current debate over abortion, the starting point it is often the argument that a woman has the right over her own body. In general, this is a right that all would certainly defend. The argument continues that given this right, a woman is free to choose whether or not to have an abortion. When and if the focus is shifted to a consideration of the fetus, some view the fetus in its early stages as a mass of undifferentiated, formless cells, living parasitically as a part of the mother’s body. Others would argue that at any stage of development the fetus is still part of the woman’s body and her right to choose what to do with her body must be guaranteed.

Considering the first argument about the nature of fetal life, opponents of abortion point out that modern biology tells us that from the moment of conception we have neither a formless mass of cells nor do we have anything we can properly call a part of the human body. The fertilized ovum has a distinct genetic structure and cannot be properly defined as a “part” of the mother’s body. Certainly there is a fundamental dependency here on the mother, but not one that can be differentiated substantially from that dependency which exists immediately after birth and which continues for some time thereafter. Also from

the first moment of fertilization, we can observe a very specific and highly complex process of development. A complete discussion of that process is not possible here, but an outline will be helpful.

In the beginning, there is the fertilized ovum, the zygote. Compared to future cells, it is undifferentiated, unspecialized, but it is an organism with the unique combination of maternal and paternal DNA that will be reproduced in all descendants of the first cell and will constitute the gene structure of the fully grown and highly complex adult. A detailed study of the three major parts of the zygote -- the membrane, the nucleus and the cytoplasm; a similar study of the genes and chromosomes; and an understanding of the role of DNA would dispel any naive notion of the simplicity or unimportance of the fertilized ovum.

After fertilization, the zygote then begins to divide repeatedly and rapidly. Each daughter cell, although smaller, reduplicates the gene structure of the original cell. Until rather recently, cleavage was thought to be simple cellular multiplication resulting in the morula, a solid mass of about a hundred cells, called blastomeres. Only with the development of a new form, the blastocyst, was cell specialization thought to begin.

However, research in molecular biology reveals that even in the first cell division, there is a subtle cell change - not in the nucleus of the cell, but in its cytoplasm. Certain cytoplasmic factors are distributed differently with each division, so that even the simple morula, that mass of apparently similar cells, has already developed radical differences, differences sufficient to effectuate a change in the organism from a solid, into a spherical cluster of blastomeres. The organism is then called a blastula. By the fourth day, cell division and differentiation have produced the blastocyst. Only five or six days old, the blastocyst shows obvious organization, but this is only a more evident form of an inner orientation which has existed from the beginning. The human organism is never simply a chaotic mass of cells. It is goal-oriented in form and function every step along the way to maturity.

After 6 or 7 days of this cell division process, all of which occurs in the fallopian tube, the sphere of about 100 cells, the size of a pin head, (blastula or blastocyst) moves into the uterus and implants itself into the uterine lining. This is a critical time, for it is during these days that one pole of the sphere of cells burrows its way into the lining of the uterus, later to become the placenta. The opposite pole of this sphere will become the fetus. The part which becomes the placenta produces hormones which prevent menstruation and it has usually only 7 days to accomplish this. After this second week of pregnancy, the blastocyst rapidly becomes more complex. Actual growth begins and it is now called an embryo.

To continue briefly, somewhere between the 3rd and 4th week, we have heart pumping; 6th week all internal organs present in rudimentary stages; 7th week responsive to tickling; 8th readable electric activity in the brain; 9th reflexes of squinting and swallowing; 10th spontaneous movement; 11th thumb sucking observed; 12th complete brain structures; 12th to 16th quickening -- movement felt by mother; 20th a premature

infant; 28th fetus viable; 40th birth.

Therefore, in biological terms it seems clear that one could reasonably conclude that a distinct living entity begins with fertilization and that this entity can properly be called human life. Is this also properly called individual human life or perhaps individual, personal human life? These are our next two considerations.

Individual Human Life -- We stressed, somewhat, these first days immediately following fertilization, from the time spent in the tube to implantation, first to counter any simplistic notions of the zygote and blastula, but secondly because up to about the first 14 days of development, a number of factors throw some doubt as to whether or not we can rightly refer to this developing human life as “individual human life”. These factors include: 1) the phenomenon of twinning, 2) spontaneous abortions and 3) the Catholic tradition of “ensoulment”. If these factors allow us in certain instances to make a distinction between human life and individual and/or personal human life then some have questioned whether or not the destruction of developing human life in the first 14 days before implantation can properly be defined as the direct killing of an individual innocent human life and, thus, labeled abortion. *This is not a conclusion, but a question.*

Before considering the factors in the first 14 days after fertilization, we need to point out that prior to fertilization the sperm and the ovum will die naturally unless combined in fertilization. The destruction of either sperm and/or ovum is classified as a type of contraceptive procedure. We mention this because there has been observed in many mammalian species, a process called “capacitation”. It has been learned that the sperm immediately after ejaculation is not capable of fertilizing the egg. It seems that some substance in the uterus or fallopian tube changes the characteristics of the sperm to make it capable of fertilizing the ovum. This process is thought to take 6 to 8 hours. This is significant, because if this process takes place in humans as well, then the chemical destruction of the sperm or ovum or both within the 6 to 8 hour period after intercourse would perhaps be a contraceptive measure rather than an abortion.

1) Twinning - After fertilization, a number of things can happen which give cause for consideration. For example, the phenomenon of twins, triplets, etc., poses a problem for certain historical strands of Catholic theology based on Aristotelian-Thomistic philosophy. Up until the 14th day, the phenomenon of twinning may occur. During this time the embryo has not yet developed a “primitive streak,” the precursor to a backbone. Once a backbone develops, the embryo can no longer split and become twins, and will grow as a single being. In a sense, the case could be made that during the first 14 days the cells have not yet “decided” to become an individual.

A tradition that holds to the immediate “implantation” of an immortal, spiritual, indivisible soul has some explaining to do when this “matter” (the body), informed by this “form” (soul), divides into two, or three or more. This situation is further complicated by the little known phenomenon in which twins or triplets may be recombined or rejoin. Therefore, certain strands of the Catholic tradition might be challenged to

offer an explanation for the disappearance of one or two souls without the death of any fertilized egg.

2) Spontaneous abortions -- When focusing on the first 14 days after conception, another problem for certain strands of Catholic theology arises from the current estimation by embryologists that from 25% to 50% of all blastocyst that attempt to implant themselves in the uterine wall, fail to do so and perish -- or as some say, they are “naturally aborted”. This creates a problem for a position that considers human life from the zygote stage onward to be human life in the fullest sense. While Catholic theology no longer teaches that unbaptized infants cannot be saved or that they are consigned to the state of “Limbo”, it is still difficult to imagine a natural process that would exclude nearly one-half of all human beings from reaching some form of human maturity. (see p. 17 below)

3) Catholic tradition of ensoulment -- The Catholic tradition continues to teach that the human soul is a special creation by God. And in the words of the *Encyclopedia of Catholicism* “In its (the Church’s) authoritative teaching, it leans to the view that the soul is infused into the zygote at the time of conception.” An older view of the distinction between “unensouled and ensouled fetuses” based on the theory of delayed animation dating from St. Thomas in the thirteenth century was removed from Canon Law in 1869. The theory of delayed animation was proposed by St. Thomas Aquinas as a conclusion resulting from the “theory of hylomorphism”. In its simplest terms, the theory of hylomorphism states that matter must first be properly disposed to receive its form (in humans the form is the soul). To be human, it must have human form. Therefore, Thomas held that true human life went through three stages of ensoulment related to what Thomas viewed as the three stages in the development of human life; the vegetative, the animal and finally the human. St. Thomas, as St. Augustine before him, considered abortion unacceptable at all times, but did not consider it homicide in the early stages of pregnancy. This theory of delayed animation, long held in disrepute and not currently a part of official teaching, is now again being reexamined by some Catholic theologians and philosophers.

These issues may pose problems for traditional theology. Some moralists are now saying that these problems place into a real doubt the theory of immediate animation (ensoulment) and would admit of a real distinction between human life and individual human life allowing the possibility of some change in judgment as to what constitutes abortion or the moral status of abortion in the early stages of development. For them such things as the IUD (inter-uterine device or “loop”) and some anti-zygotic drugs which are believed to act after fertilization, but before implantation, could be morally acceptable in certain circumstances.

Some also argue that if the lining of the uterus were removed by a D&C within 7 days after intercourse, perhaps abortion is not taking place. The so-called morning after pill that would prevent implantation and those pills which prevent the production of hormones which inhibit menstruation might also be seen as playing a “contraceptive” role. While there are some who already claim this to be the case, it seems clear that the word contraceptive cannot actually be used in this context. Conception has taken place.

For the sake of accuracy, what will have to be said is that human life is being destroyed, but that it may not be individual human life or personal human life in the full sense, i.e., it is not a human person with all the rights and dignity which that entails.

If it is indeed possible to make a distinction between “human life” and “individual human life” (not yet proven), the question remains as to the moral significance of terminating “human life” as opposed to terminating “individual human life”. Some authors have suggested that while “individual human life” ought to be regarded as sacred and thus inviolable, “human life”, while worthy of respect is not sacred and therefore not absolutely inviolable. The implications of this respect have not been fully determined.

Personal Human Life -- The next question concerns the non-observable, and thus philosophical, determination of when this human life becomes a person or when the human soul is present. Let it be said quite simply, no adequate determination has been made. Neither scripture, nor the official teaching of the Church, nor science gives a clear cut answer. There is also a problem of a definition of what constitutes a human person as opposed to an individual human life and the ramifications of that designation. Closely connected to the issue of personhood has been the Catholic teaching concerning “ensoulment” as discussed above.

In the 1974 *Declaration on Abortion* from the Congregation for the Doctrine of the Faith the statement is made that the fertilized egg “would never be made human if it were not human already.” However, the Congregation notes that there is an ongoing debate among Catholic theologians concerning the time of ensoulment.

The official Catholic position was also carefully outlined in a 1987 document, *Donum Vitae* (the Gift of Life), issued by the Vatican’s Congregation for the Doctrine of the Faith (CDF). It reads: “The human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.” (I.1) Further, it states: “No objective, even though noble in itself, such as a foreseeable advantage to science, to other human beings or to society, can in any way justify experimentation on living human embryos or fetuses, whether viable or not, either inside or outside the mother’s womb”.(I.4)

However, in *Donum Vitae*, the following qualification about the presence of *personal human life* in the early embryo is reiterated within the traditional Catholic moral evaluation of abortion:

Certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul; nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life: how could a human individual not be a human person? *The Magisterium (teaching authority) has not expressly*

committed itself to an affirmation of a philosophical nature, (italics mine)
but it constantly reaffirms the moral condemnation of any kind of procured
abortion. (3.1)

Therefore, the Church does not have an authoritative philosophical position concerning the precise time when we can speak of the presence of personal human life (ensoulment). However, it asserts the long standing moral tradition which states: that when there is a doubt of fact concerning a vital issue, such as the presence of personal human life, the safer course must be followed. In other words, there is a moral requirement to give the fetus the benefit of the doubt give that a human life is at stake.

For example, when a person is hunting deer and he/she sees something in the brush that may be a deer or may be another hunter, the person is morally obliged to follow the safer course and not shoot, because the possibility of injury or the death of a human being is at stake. In the case of abortion this means that we must act, until we are certain the opposite is true, as if there is true individual, personal human life from the moment of conception.

Summary -- After giving consideration to the phenomenon of twinning, the high rate of spontaneous abortions and the lack of certainty about the process of “ensoulment”, some scientists and moral theologians are proposing that, although at fertilization a new genetic package (a human “package”) is brought into being within the confines of one cell, this anatomical fact may not necessarily mean that all of the genetic material in it becomes crucially activated at that point, or that final, irreversible individuality has been achieved, at least in the initial 14 day period. Thus some have made the distinction between human life that is undifferentiated, non-individual and doubtfully personal and individual human life in the full sense of that term.

While these observations about the early period of human life, the first 6 to 7 days or even in the first 14 days, may give rise to some doubts about the presence of individual human life, certainly after the time of blastocyst and implantation it would seem to be arbitrary and irrational to choose a point in the continuum (fetal heart beat, quickening, viability, or birth) and say this is now individual human life with the legal and moral right to life. This judgment is clearly set out in a statement made by the estheticians at the International Conference on Abortion which goes as follows “The fetus, therefore, at least from blastocyst, deserves respect as human fetal life.” While they agreed that fetal life is still largely potential, they pointed out that we all exist in a certain state of potentiality as we go on our way to being fully human. The fetus shares our humanity and to destroy it, to solve a pressing problem, in principle poses a real threat to all humanity.

Note: We in the Catholic tradition are often asked how we can place such a high value on embryonic life that is simply a clump of cells no bigger than a pin head. An interesting approach to this question is given by columnist Sidney Callahan in a July 14, 2002 article in *Commonweal* entitled “Zygotes & Blastocysts: Human enough to protect?” She first asks why size is such an issue. In the modern world of subatomic physics, zygotes and blastocysts can appear gigantic next to quarks and neutrinos. She

also notes that science postulates that at the time of the Big Bang the “whole universe was many times smaller than a single fertilized human cell.” She also makes this interesting observation:

Human zygotes also have a long lineage. They are the incredibly developed endpoints of millions of years of evolutionary change. The active genetic information in the microscopic initial stages of human life is as dynamically potent as a nuclear explosion....After all, it is this very capacity for potential that makes scientists want to manufacture, dissect, and destroy embryos in their research....

As evolutionary biology has progressed in understanding the developing saga of human life, it has also honed our awareness of our common genetic heritage. We share an identity as one species. Each instance in time of embryonic human life is related to all the rest of the human family, and not just to its progenitors. The human species lives from generation to generation as an interdependent unitary whole. How misguided it is to think it acceptable to divide human kind into bits and pieces of disposable property....

By viewing embryos as individualistic entities, isolated and unembedded in evolutionary history and species identity, (some) would deny them equal moral status, at least until fourteen days, or implantation, of some other arbitrary milestone. Too bad. (p.7)

Therefore, we have seen that in the current abortion debate we can identify three schools of thought on the question of the presence of human life: 1) **the genetic school** -- which dates the beginning of human life from the time of conception, since the whole genetic package is present. The rest being a process of development. A variant of this position would date individual human life from the time after twinning could occur or after implantation. 2) **the developmental school** -- which demands a degree of development before allowing one to speak of an individual human being. There is a wide range of development required here. This school would include those who adhere to some theory of delayed animation, like that of St. Thomas. 3) **the social consequences school** -- this last school (which we have not yet examined) puts the stress on the social consequences if an abortion is not performed. Here the decision to grant or deny the fetus full human dignity and rights bypasses biological indications and stresses the social consequences of such a decision.

Direct and Indirect Killing

Let me repeat again that the basic moral principle in the Catholic tradition concerning abortion is the “absolute prohibition against the direct killing of innocent human life”. A key word here is “direct. There is a distinction in Catholic moral theology that permits the *indirect killing* of a fetus to save the life of the mother. In practice this is limited to

two cases, i.e., a cancerous womb and a tubal (ectopic) pregnancy. Here the removing of the uterus or the infected tube are the direct causes or means of the cure and the death of the fetus is permitted as an indirect result of this action.

This action is justified in Catholic moral theology according to the principle of double effect which can be stated as follows: When from a licit act there immediately follow two effects, one good and the other bad, and the good outweighs the bad, it is licit to intend the good and permit the evil. So both the intention and the act itself must be good; further, the evil effect cannot cause the good effect and the good effect must outweigh the bad effect.

So applying this principle to the case of the cancerous womb, the act of removing the womb is a licit (good) act in itself. One effect that follows is good, the womb and its cancer are removed, thus saving the life of the woman. The other effect is evil because in the process the fetus is also removed and dies. However, the good effect is judged to outweigh the evil effect (both would die if nothing was done). Furthermore, the intention to save life of the mother is good. So the good is intended and the evil is permitted. Finally, the death of the fetus is not the cause of the good effect. So it seems to fit the principle of double effect.

Innocent Human Life

The term “innocent” is also important, since Catholic moral tradition in certain situations sanctions the killing of human beings, e.g. just war, self-defense and in limited circumstances as punishment for capital crimes. In these circumstances human life is not judged to be innocent, these human beings are labeled unjust aggressors because they are involved in criminal acts against others. In these circumstances a person or a country may engage in self defense, even to the point of taking the life of the aggressor. The principle of self defense, combined with the principle of double effect, even accepts as morally neutral the killing of innocent persons as “collateral damage” in wartime, e.g., bombing a city held by enemy forces even though some innocent civilians may be present. Also some subjectively innocent persons (the insane) may be killed when engaged in objectively criminal acts requiring self defense to the point of taking the life of the psychologically innocent aggressor.

Therefore, in the abortion debate, it is argued by some that if the physical or mental health of the mother is threatened by the presence of the fetus, the fetus has become an unjust aggressor, albeit not subjectively guilty, as in the case of the insane attacker. Actually the cases are not the same, because in the case of the insane attacker, while there is no unlawful intention, there is, nevertheless, unlawful conduct. The fetus, however, is not engaged in unlawful conduct and could not change its’ activity even if it were conscious. Therefore, it forfeits none of its’ rights under the law, at least according to this principle.

We mentioned above that Catholic tradition allows indirect abortion when a mother’s life is threatened in the case of a tubal pregnancy or a cancerous womb. This is allowed

under the principle of double effect. What about the possibility of a direct abortion to save the life of the mother? Can this be allowed given the absolute prohibition of the taking of innocent human life?

Certain moral theologians from the 14th to the 17th century, arguing against the traditional prohibition of abortion to save the life of the mother, held that it was permissible to abort an unformed or unanimated fetus to save the life of the mother. This was argued on the grounds that the intended effect was to save the life of the mother and that the fetus could be considered an unjust aggressor on the life of the mother.

This position was finally condemned by the Church in the 19th century and was reaffirmed by Pope Pius XII in the encyclical *Casti Connubi* (1930) and Pope Paul VI in *Humane Vitae* (1968). The two exceptions of indirect abortion, tubal pregnancy and removal of a cancerous womb, were retained.

The debate has not ended, however, and direct taking of a fetus to save the life of the mother has been defended even by the conservative Catholic moralist, Germain Grisez on the grounds that the death of the fetus is not intended in the preservation of the mother's life. The intention to save the life of the mother has also been defended in a statement by the Belgian bishops in 1973:

In the case -- today fortunately quite rare due to the progress of science -- where the life of the mother and that of the child are in danger, the Church, concerned to meet this situation of distress, has always recognized the legitimacy of an intervention, even it involves the indirect loss of one of the two lives one is attempting to save. In medical practice it is sometimes difficult to determine whether this misfortune results directly or indirectly from the intervention. This latter (intervention), from the point of view of morality, can be considered as a whole. The moral principle which ought to govern the intervention can be formulated as follows: since two lives are at stake, one will, while doing everything possible to save both, attempt to save one rather than allow two to perish. ("Declaration des eveques belges sur l'avortment", *Documentation Catholique* 70 (1973) 432-38).

The same point is made in the statement of Bishop Josef Stimpfle of Augsburg: "He who performs an abortion, except to save the life of the mother, sins gravely". This statement and the position of the Belgian bishops has been defended by the prominent Catholic moralist Richard McCormick. Taking the life of the fetus to save the life of the mother is also defended by other Catholic moralists on the principle of choosing the lesser to two evils.

The Value of Human Life

The final point of discussion is concerned with placing a value on fetal life. This discussion presupposes some form of human life, based on biological evidence, and is

concerned with placing a value on this life over and against other values. As stated before, it seems abundantly clear from the standpoint of biology that human life does indeed begin at conception. The abortion debate is not about biology, but about values. The issue at hand is to determine when and on what grounds human fetal human life has value.

The Supreme Court in *Roe v. Wade* was not much help. On one hand, while stating that the Court could not solve the question of when fetal life becomes a “person”, it, ironically, went on to divide fetal life into trimesters and exclude state control over the first two trimesters which seems by default to be grounded on a determination (which the Court stated that it did not make) that fetal life is indeed not a person in the first two trimesters.

No only is this “reasoning” intellectually unsatisfying, it also leaves open such questions as the entire tradition in civil law concerning recovery for pre-natal injuries (*Bombrest v. Katz*), inheritance by the unborn (*Atkins on Wills* 2nd ed. 1953) and state interventions to permit medical treatments for the unborn when denied by parents because of religious convictions (*Raleigh Fitkin - Paul Morgan memorial Hospital v Anderson*). It would further seem to imply that there is no compelling reason to restrict fetal experimentation *in utero* nor to support strict enforcement of FDA rules about drug use during pregnancy.

The question of placing a value on fetal life and determining whether or when this value can override other values (privacy, right to choose, etc.) is obviously quite complicated and lies at the heart of the current abortion debate. It is quite involved and demands a good deal more attention than we give it here, but perhaps we can make a few clarifications and some observations. All these will be somewhat tentative and will sound rather non-conclusive, but we are in the very difficult area of value judgments, where verification satisfactory to all concerned is seldom possible.

What about other situations where many advocate abortion as an alternative to social consequences judged to be undesirable? For example, the cases involving rape, incest, unwed mothers, the high probability of a deformed fetus and the simple right of a pregnant woman to have control over her body.

We have considered briefly this last position, concluding that biologically the fetus cannot properly be defined as a “part” of the mother’s body. In fact, a case can be made that modern biology leads us to the reasonable presumption that from the moment of conception we are dealing with another human life with equal rights and dignity. And with the denial of these rights, especially the right to life, the rights of all citizens are fundamentally compromised.

In answer to the question: must a woman endure the shame, suffering an inconvenience of a pregnancy forced upon her by criminal rape, incest or an out of wedlock pregnancy? First of all, it is important to note that *any judgments here do not concern the subjective morality of an individual woman who elects an abortion in these circumstances*. We can

even agree that in these circumstances a woman can be psychologically left with no choice. We are in no position to pass judgment on the subjective guilt or innocence of anyone. It is a central position in Catholic moral teaching that each person must follow her/his conscience, even though objectively speaking the person may have an erroneous conscience. Further, in judging individual moral responsibility freedom is a key component in judging the subjective morality of any human act. In cases where freedom is severely diminished by physical, psychological and economic factors, individual moral culpability can be significantly eroded or absent all together. It takes very little imagination to construct a situation in which a woman may in good conscience decide that abortion is the right choice or that she has “no choice”.

We are concerned with the objective morality of the act -- for all the reasons discussed above. Secondly, when we shift the focus from the plight of the person or persons involved to the plight of the fetus, we do not deny the anguish and pain of the adults involved or the real possibility of the pain and anguish of the future life of the fetus.

However, in changing the primary focus to the fetus we confront ourselves with this important question: Is the fetus that is involved in these situations worthy of reverence, is the fetus a subject of rights? Granted this is a crisis situation and that a number of important positive values are in the balance, nevertheless, the Catholic tradition judges that, objectively, it must put the value of the life of the fetus above other important human values in this case.

It is also asked: Should a woman bring into the world and be obliged to care for a deformed or retarded child? In this regard we must also ask: Does any person possess the authority to judge which human beings are sufficiently normal to live and which are not? Think of Helen Keller. And who can possibly judge for another that life will be so unhappy that death is the only alternative? What about the sick and the aged and the non-useful, do they also come under this judgment? Again a conflict of positive human values. And again, this is not to judge the subjective guilt or innocence of the person involved.

The question of deformed fetuses, however, does warrant some special attention. Admitting the primacy of the value of life, even physically impaired human life, there is an important discussion concerning human deformity centered on the estimate that about 25% to 50% of blastocysts are “naturally aborted”, as discussed earlier. In his book, *From Chance to Purpose: An Appraisal of External Human Fertilization*, the embryologist Clifford Grobstein suggests that there is a natural process in humans

to cope with a surprisingly high percentage of ‘damaged’ eggs...most of those eliminated disappearing prior to implantation, and most of the rest being aborted shortly after implantation. Abortuses show a considerably elevated frequency of chromosomal abnormalities compared with those found in infants at term, suggesting that process of spontaneous abortion screens out abnormal embryos. The screening is not complete, since

infants at term show a significant frequency of various defects, among which are chromosomal abnormalities, anatomical irregularities and more subtle biochemical deficiencies.

If the possibility that certain forms of human life are, in fact, naturally rejected by the body because they would have resulted in deformed fetuses, then when this presumed “natural process” of spontaneous abortion fails, it could be argued that the elected abortion of severely deformed fetuses could be seen as actually aiding a natural process designed by God. Just a theory at this point, but a potentially important one.

Summary

In the final analysis, the central issue in this debate should focus on a determination of when individual human life is present and the grounds for determining what value should be placed on this form of human life. The Catholic position effectively holds for the *presumption* of the presence of individual, personal human life from the time of fertilization. Even if some doubt persists, we have the moral obligation to follow the safer course.

Based on the positive assumption concerning the presence of human life, the argument shifts to the question of the limits of authority that one person has over the life of another. This question of authority is crucial and touches the value of the life of every human being and the foundations of civilization. May the power of one human being over another which is exercised in abortion be permitted? Does any one human being or group of human beings possess the authority to directly take the life of another innocent human being? Certainly these are crucial questions worthy of open-minded investigation and discussion.

Direct abortion is seen in the Catholic tradition as an attack upon the equality of the person. The authority that is intended to control human behavior for the common good is replaced with sovereignty over innocent human life. The right to life is basic to a personalistic view of community. It is the first condition of equality, the first limitation of authority. Obviously, it is also the basis for all other human rights.

As intelligent beings we must always beware of sacrificing fundamental principles necessary for the preservation of authentic human life to solve immediate problems. We must constantly ask ourselves about the long range results of our actions. In the Catholic perspective, the liberal abortion position tends toward a utilitarian view of life. And so we must ask ourselves, can we find hope for authentic human existence in a world in which human rights and values are conferred on persons by society, rather than existing as inalienable human rights which can neither be conferred or taken away? In the Catholic view, under the current law, the rights of choice and privacy have been elevated above the right to life and thus all life is in principle threatened. In my opinion abortion is morally forbidden because it is an abuse of human power and authority. It is the destruction of one innocent human being by another, and as such, strikes at the heart of authentic human

existence.

However, the debate must go on. Research must go on. For example, what is the true status of human life in the first 14 days of development? Are “spontaneous abortions” actually part of a natural process (divinely ordained) to eliminate defective conceptions? What part should we play when this natural process fails? When does conception actually take place? Are there “moral equivalents” to human life that could play a role in the principle of choosing the lesser of two evils? Such questions are worthy of careful investigation.

Good people on both sides of the issue must continue to search for the truth. We do no service to ourselves or the truth to demonize those who disagree with us and turn the debate into a heated exchange of set ideas. If we start on the common ground of a respect for all human life and an openness to truth we have reason for hope.