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The Catholic Position on Abortion

by

John M. Haas, Ph.D., STD

The author is Professor of Moral Theology, St. Charles Borromeo Seminary, Philadelphia, PA

There have been many significant advances in ecumenical relations since the close of the Second Vatican Council a quarter of a century ago. One of the principal areas of cooperation among Catholics and other Christians has been in the area of service to the poor and dispossessed of our society. As the Council itself stated in its Decree on Ecumenism: "Since cooperation in social matters is so widespread today, all people without exception are called to work together; with much greater reason is this true of all who believe in God, but most of all, it is especially true of all Christians, since they bear the seal of Christ's name . . . Such cooperation . . . should contribute to a just appreciation of the dignity of the human person, to the promotion of the blessings of peace, the application of Gospel principles to social life, and the advancement of the arts and sciences in a truly Christian spirit." (*Unitatis Redintegratio*, 11)

Cooperation in the area of social ministry has been a source of great encouragement for Christians of all persuasions. However, there surely can be no more regrettable development in the area of ecumenical relations in the last 25 years than the growing split between the Catholic Church and many Protestant churches in the area of abortion. It has hindered our providing a common witness to Jesus Christ in His saving ministry to the world and has rendered more difficult the common "application of Gospel principles to social life." I do realize, however, that such a division does not exist between all Protestant Christians and Catholics, but it is a very significant feature of contemporary ecumenical relations.

Perhaps one of the principal points which should be made at the outset is that there is indeed a *Catholic position* on abortion unlike the numerous positions which exist within Protestantism. There are admittedly Catholic individuals who disagree with the Church's teaching on abortion, but there is no question what that teaching is. In fact, it seems remarkable that there would be anyone who did not know the Catholic stand on abortion since the media usually present the Church as the principal opponent to abortion in the country. Yet a priest-friend of mine was recently involved in an anti-abortion demonstration and was asked by

an Evangelical whom he met there what the position of the Pope on abortion was! He could hardly believe his ears, but it is a fact that not all Americans are as aware of the Catholic position as one would think.

The Catholic position on abortion can be stated rather succinctly. One may never directly kill an unborn child. This position is, in our minds, based solidly on biblical teaching. The principal text guiding our action here is, of course, the commandment: Thou shalt not kill, or as it is rendered in the English Bible which predates the King James Version, Thou shalt do no murder. We are also instructed by the teachings of the prophets such as Isaiah: "Do what is right and just. Rescue the victim from the hand of his oppressor . . . and do not shed innocent blood in this place." (Isaiah 22:3)

A foundational moral principle for us is the one so forcefully articulated by St. Paul in the third chapter of Romans that we may "not do evil that good may come of it". (Romans 3:8) Whatever good and legitimate goals we pursue in life, the Catholic church insists that morally evil means may never be used to attain them. Furthermore the supreme moral law which Christ revealed in His words and deeds was the law of love. "You shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength (and) you shall love your neighbor as yourself." (Mark 12:30-31)

Since the Catholic Church regards the unborn child as one of the most vulnerable of our neighbors she has always insisted that the child might never be directly assaulted under any circumstances for any reason.

There are many Scriptural texts which have shaped the Church's attitudes toward prenatal life. Genesis tells us that we have been created in the image and likeness of God, and it is ultimately from this fact that our inestimable worth is derived. The Old Testament speaks in many places of our having been formed by God Himself in our mother's wombs. In the New Testament the entire, glorious process of our redemption is initiated with a conception in a Virgin's womb. In Luke's Gospel we see Elizabeth declaring the fruit of Mary's womb to be blessed. Indeed Elizabeth calls the fetus Mary carries in her womb, "My Lord." (Luke 1:42) And wonderfully the child which Elizabeth carries in her womb "leaps for joy" when Mary's voice is heard.

On a less joyful but very telling note, the unspeakably supine wickedness of Herod is manifested nowhere more shockingly than in Matthew's account of the slaughter of innocent children as the King attempts to ferret out and kill the Christ Child. And the resultant lament has echoed throughout the centuries:

A voice was heard in Ramah,
wailing and loud lamentation,
Rachel weeping for her children;
she refused to be consoled,
because they were no more. (Mt 2:18)

Such are the passages which not only shaped but also expressed the mind of Christians toward children as the Church first emerged into a pagan world which practiced contraception, abortion and infanticide with abandon. They are also some of the passages which led to the formulation of a specifically Christian

position on the practice of abortion — a position which was held in common by all Christians until perhaps the last thirty years.

Yet despite the Scriptural grounding and the clarity and consistency of the Catholic position on abortion I have encountered over the years a number of misperceptions of it.

The first misunderstanding which I would like to address is the idea that the Catholic Church has changed its position on abortion and that its current uncompromising stand on the practice is a rather new development inconsistent with its past. This misunderstanding can be seen in a book published in 1990 by a professor of constitutional law at Harvard University, Laurence H. Tribe. In his book *Abortion: The Clash of Absolutes*, Prof. Tribe makes the following claim: "The Roman Catholic Church, currently the best-known organized opponent of abortion, was notably absent from the nineteenth-century debate on the subject. The belief that abortion is murder was not yet a part of church dogma." (p. 30)

Since Tribe is a constitutional lawyer and not a theologian I will simply overlook the fact that he misuses the term dogma. Technically, even now it is not dogma in the narrow sense in the Catholic Church that abortion is murder. However, it has always been held to be a uniquely heinous crime which constitutes an assault on innocent human life and which results in the loss of God's friendship. In more technical theological language, it has always been considered a mortal sin. The debate over whether it was specifically murder usually revolved around the question of ensoulment or the moment the immortal soul was infused directly by God into the nascent life. However, it has always been considered wrong and always viewed as homicide or an act related to homicide.

Another document which incorrectly attributes to the Catholic Church a changed position on the question of abortion is "Covenant and Creation: Theological Reflections on Contraception and Abortion" issued by the Presbyterian Church in 1983. Unfortunately this document contains many misrepresentations of the Catholic position as well as historical inaccuracies. Since the Presbyterian Church is such a significant institution in this country and since this document has probably achieved a wide-reading audience I thought it might be helpful to look at some of its misperceptions of the Catholic position. As does Professor Tribe, "Covenant and Creation" maintains that there has been a hardening of the Catholic position on abortion over the centuries which is uncharacteristic of its earlier teachings and practice. It claims, for example, that the Catholic Church, in accord with the teaching of St. Thomas Aquinas, a theologian of the thirteenth century, at one time allowed the abortion of fetuses prior to 40 days for a male and prior to 80 days for a female, these being the supposed times at which the soul was respectively infused according to Aristotelian biology. The Presbyterian document claims that until 1869 Catholic belief was that "abortion was permissible or forbidden on the basis of Thomistic reasoning." (p. 41) Indeed, without any citation of the works of St. Thomas, the Presbyterian document states "Following Aristotle's belief that the human soul was infused into the fetus at sometime between the fortieth and ninetieth day, Thomas wrote that abortion was permissible before 40 days for a male fetus or 80 days for a female fetus." (p.40)

Let it be noted that St. Thomas Aquinas never wrote that abortion was permitted for any reason — before or after so-called animation or ensoulment. And the Catholic Church certainly never permitted abortion on this basis until 1869. Even to suggest that the Catholic Church would ever have held such a position defies common sense since there would be no way of knowing whether one were dealing with a male or female fetus prior to the abortion!

Laurence Tribe also mentions the date of 1869 as a significant turning point in the, if you will, hardening of the Church's position on abortion. What is so significant about this date?

In 1869 Pius IX modified the penalties associated with the sin of abortion through a constitution known as *Apostolicae Sedis*. The Early Church had regarded all abortion as murder. In the year 1104 canon or church law, in what was known as the Gratian Decretum, said that the sanctions associated with murder were to be applied only when an animated fetus was killed. For all practical purposes this distinction remained in effect until 1869 when automatic excommunication came to be applied to all persons who procured an abortion whether the fetus was animated or not. It was this relatively insignificant change in the application of certain canonical penalties which led Professor Tribe to claim that the Catholic Church had come to accept abortion as murder only in 1869.

The penalties for abortion would admittedly vary from time to time but the assessment of it as an unspeakable crime never did. It should be remembered that penalties such as excommunication, which means exclusion from the fellowship of the Church, are applied to lead those guilty of sin to repentance and to deter others from wrongdoing. You may remember that the Catholic Church in this country used to excommunicate divorced persons who had remarried. However, Church authorities finally decided that such an action was not having its desired effect. Today divorced and remarried Catholics are not excommunicated but cannot receive communion. However, the Church's evaluation of the immorality of divorce and remarriage has not changed; simply the legal sanctions attached to it have changed.

Consequently the claim that the Catholic position on abortion is a recent development because of a change in legal penalties associated with it in 1869 is simply not true. Professor Tribe also makes the following claim: "Only at this point (i.e., 1869), well after the movement to criminalize abortion was under way in America, and only by implication, was the groundwork laid within the church for the theological position that all abortion is homicide." (p. 32)

That statement is quite misleading. A very brief history of Catholic responses to abortion will demonstrate this. The survey should also serve to show the misleading claim of the Presbyterian document that "it is difficult to discern prevailing attitudes toward abortion more than 100 or 200 years back into history." (p. 38)

Actually we find that from the very beginning of the Church there was an abhorrence of abortion which was, as we know, a common practice in the pagan world into which Christianity emerged. The *Didache* or *Teaching of the Twelve Apostles* was written in Syria no later than the year 100 and is the earliest

extra-scriptural Christian teaching against abortion. The Presbyterian document "Covenant and Creation" claims that the *Didache's* prohibitions of abortion were directed against "those who might perform the abortions. Its purpose was for the protection of their would-be patients" rather than the protection of the unborn child. However, a simple quotation from the document itself shows the invalidity of such an interpretation and confirms that the prohibition of abortion and the perception of it as homicide, far from arising in the nineteenth century, was characteristic of Church teaching from antiquity. The *Didache* states, "You shall not slay the child by abortions. You shall not kill what is generated." (2.2) In the *Didache* one finds two approaches to living outlined; one called the Way of Life or Light and the other the Way of Death or Darkness. Under the Way of Death are listed "killers of the child, who abort the mold of God."

The *Epistle of Barnabas* was written shortly after the *Didache* and reads: "You shall love your neighbor more than your own life. You shall not slay the child by abortions. You shall not kill what is generated." (Barnabas 19.5) Again, Professor Tribe claims the Church came to look on abortion as homicide only in the nineteenth century and yet one reads in the second century writings of the Christian philosopher Athenagoras, defending Christians against the charge of murder and cannibalism associated with their celebration of the eucharist, the following: "How can we kill a man when we are those who say that all who use abortifacients are homicides and will account to God for their abortions as for the killing of men. For the fetus in the womb is not an animal, and it is God's providence that he exist." ("Embassy for the Christian", *Patrologia graeca* 6.919)

In the apologia of Minucius Felix written about 190 one reads of the crimes of the pagans toward their unborn children: "By drinks of drugs they extinguish in their bodies the beginnings of man-to-be and, before they bear, commit parricide" (which is the term for the killing of a close relative). (*Octavius, Corpus Scriptorum Ecclesiasticorum Latinorum* 2.43).

Tertullian was one of the most eloquent of early Christian apologists who denied the charge of infanticide in his defense of the Faith: "For us, indeed, as homicide is forbidden, it is not lawful to destroy what is conceived in the womb while the blood is still being formed into a man. To prevent being born is to accelerate homicide, nor does it make a difference whether you snatch away a soul which is born or destroy one being born." (*Apologeticum ad nationes* 1.15) In his treatise on ensoulment Tertullian goes on to describe an abortion in very harsh terms: ". . . with a cervical instrument the interior members are slaughtered with careful judgment by a blunt barb, so that the whole criminal deed is extracted with a violent delivery. There is also the bronze needle by which the throat-cutting is carried out by a robbery in the night; this instrument is called an embryo-knife from its function of infanticide, as it is deadly for the living infant." (*De anima*, ed. J. H. Waszink, 25, 5-6, 1947. Noonan, "An Almost Absolute Value in History," *The Morality of Abortion*, Cambridge, Mass.: Harvard University Press, 1970) It would appear the earliest Christians were well aware of the homicidal character of abortion.

St. Jerome denounced those who "will drink sterility and kill a man not yet

born." (*Epistle 22, To Eustochium* 13, CSEL 54.160-61.) And St. Augustine, revered by Protestant and Catholic alike for his deep faith and towering intellect, wrote in his work *Marriage and Concupiscence* of those married couples who go to sinful lengths to avoid children.

"Sometimes this lustful cruelty or cruel lust comes to this that they even procure poisons of sterility, and if these do not work, they extinguish and destroy the fetus in some way in the womb, preferring that their offspring die before it lives, or if it was already alive in the womb, to kill it before it was born."

Such was the common opinion of the early Church, east and west. St. John Chrysostom called a woman who aborted her child "a murderess" (*Homily 24 on the Epistle to the Romans*, PG 60.626.27) and St. Basil of Cappadocia wrote of the standards of Christians in the late Fourth Century stating that "Whoever deliberately commit abortion are subject to the penalty for homicide." (*Letters* 188, PG 32.672) The evidence is irrefutable that the Catholic Church has always considered abortion to be unjustifiable taking of innocent human life and that this was not a position developed late in the nineteenth century.

The moral judgment of a human act differs, of course, from the legal penalties and sanctions which are often attached to it. These are to serve as a deterrent to further misdeeds, as a motive for repentance or as punishment for such actions. Here, too, in the legal realm we see the mind of the Church that abortion was a dreadful violation of the law of love. This can be seen in both the east and west since antiquity. In the West the Council of Elvira in what is now Spain judged in 305 that women who had an abortion after adultery were to be excommunicated for life. In the East, the Council of Ancyra in 314 denounced women who "slay what is generated and work to destroy it with abortifacients". The Council imposed a life-time public penance for voluntary homicide. In the case of a woman who procured an abortion, the penalty was still that for homicide but was reduced to ten years. This later became the law of the Frankish empire of Charlemagne. These are severe penalties indeed and fortunately the approach of the Church is different today but the changes in the legal sanctions do not indicate any inconsistency in the Church's judgment regarding the terrible immorality of abortion. Today, in the current Code of Canon Law, abortion results in automatic excommunication for the one who procures it and the ones who perform it but sincere repentance and confession will lead to a full return to the community of faith. Again, the point I would want to stress here is that the Church's judgment on the morality of abortion has never wavered and is not a recent development. The legal penalties have indeed varied but have always been among the most severe in the Church's canon law.

Another way in which the Catholic Church's historical position on abortion is misrepresented is to suggest that it had been derived largely from beliefs about the Virgin Mary. This charge serves a two-fold purpose. One purpose is to present the Catholic position on abortion as being derived from a specific religious belief regarding Mary which would show it to be sectarian and irrelevant to non-Catholics. The other purpose is, once again, to show the Catholic prohibition of abortion as being of recent vintage. Professor Tribe writes: "Only in the late nineteenth century, following the discovery of fertilization, did the debate about

abortion within the church tip in favor of its now familiar position that human life begins at conception. This shift was given a strong push by the theological acceptance of the Immaculate Conception of Mary In 1854 Pius IX incorporated into Catholic dogma the teaching that Mary was without sin from the moment of her conception." (p. 31)

However, the claim that the Catholic Church's position on the sacredness of life from the moment of conception was a late development influenced to a considerable degree by the promulgation of the Dogma of the Immaculate Conception simply is not true. It has already been indicated the extent to which the biblical authors attributed humanity to the unborn fetus. The quotations from the early Church also show the extent to which the child, from the moment of its conception, was regarded as worthy of receiving love and protection rather than destruction. Even the veneration shown to the conception of Jesus and Mary date from the early Church and was hardly an innovation of 1854.

By the late Fourth Century December 25 was already well established as the Nativity of Christ. By the seventh century a feast was established on March 25, nine months earlier, which was known as the Conception of Christ, more familiar to us today as the Feast of the Annunciation which commemorates the announcement of the archangel Gabriel to Mary that she was to bear the Christ. The clear implication of this is that the early Christians venerated Christ from the moment of His conception.

The birth and conception of Mary were also commemorated from the earliest days of the Church. In the East in the late sixth century the Feast of the Nativity of Mary had come to be fixed on September 8. Within a century the Feast of the Conception of Mary had been set nine months prior to the feast commemorating her birth. It was not then, as Professor Tribe suggests, the promulgation of the Dogma of the Immaculate Conception which served as an impetus for the Church valuing human life from its conception. Rather, the Church could declare formally in 1854 what it had held from time immemorial. The dogmatic pronouncement in 1854 was possible because of the consistent and universal veneration of life from the first moment of conception which was characteristic of both the Jewish and Christian tradition throughout the centuries.

Another area of confusion regarding the Catholic position on abortion has been that of ensoulment. This is a very technical question and will be touched on only briefly. There are those who point to the debate on ensoulment within the Catholic tradition as proof that the Church has not been consistent in its position on abortion, that it has changed its position and made it more rigorous than in the past and that the Catholic prohibition of abortion is animated by a distinctively theological position on the moment of the divine infusion of the immortal soul.

First of all, the question of ensoulment is as much a philosophical as a theological question. To ask the question when the soul is infused is simply to ask, in today's language, "When are we dealing with a human being?" Now it is unquestionably the position of the Catholic Church that human life begins at conception. But this is not strictly a theological position and people other than Catholics hold the same. A famous editorial was published in the *California Medical Association Journal* in 1970 which supported abortion and which

which actually made the same claim:

Since the old ethic has not yet been fully displaced it has been necessary to separate the idea of abortion from the idea of killing, which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact which everyone really knows, that human life begins at conception and is continuous whether intra-or extra-uterine until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because while a new ethic is being accepted the old one has not yet been rejected. (*California Medicine*, 113:67, 1970)

The point is that the Catholic Church will not engage in the semantic gymnastics. Abortion is the taking of a human life. The speculation of St. Thomas Aquinas that the soul of a male child is infused at 40 days and a female child at 80 days which is cited *ad naseum* is based on an inadequate Aristotelian biology. Despite the fact that Thomas engaged in this speculation regarding the moment of ensoulment he never allowed for the abortion of prenatal life either before or after ensoulment. To say otherwise, as does the Presbyterian document "Covenant and Creation", is to misrepresent totally St. Thomas' position. "Covenant and Creation" does not cite one source for its claim, and indeed could not since St. Thomas never held it.

Actually the *methodology* of St. Thomas would support the current position that life begins at conception as maintained in the *California Medical Association Journal*. St. Thomas believed that one must look to the facts of science to assist in formulating moral positions. The biological science of his day speculated about the origins of human life by observing such criteria as quickening, the movement of the child which the mother feels within her, or the development of the external genitalia on the fetus. These were obviously very primitive criteria. The fact is that modern embryology supports rather than undermines the position that the soul is infused at the moment of conception because of the genetically unique, autonomous life with its own inherent principle of growth which comes into existence at fertilization — despite the fact that the Catholic Church still has not definitively resolved the debate in its own mind.

Another misunderstanding of the Catholic position is that the Church values fetal life more highly than the life of the mother which must be sacrificed for it. The Presbyterian document "Covenant and Creation" seems to imply that this is the position of many of those, including Catholics, who oppose abortion. It states that, since the 1973 Supreme Court decision *Roe v. Wade*, "a great deal of discussion has emerged from those who place an absolute value on the fetus over the pregnant woman."

Innumerable quotations from the magisterium and the moral manuals of the Catholic Church would illustrate that the Church values all life equally. One life cannot be deemed to be less valuable or less worthwhile than another and consequently sacrificed for it. As Pope Pius XII stated in 1951:

Never and in no case has the Church taught that the life of the child must be preferred to that of the mother. It is erroneous to put the question with this alternative: either the life of the child or that of the mother. No, neither the life of the mother nor that of the child

can be subjected to an act of direct suppression. In the one case as in the other, there can be but one obligation: to make every effort to save the life of both, of the mother and the child. (Address to the National Congress of the Family Front and the Association of Large Families, November 26, 1951.)

If the Catholic Church insists that one may never do evil to achieve good and if it teaches that it is evil ever to take an innocent human life what does she propose regarding those difficult situations where the life of the mother would appear to be endangered by a continued pregnancy? The Church simply insists that everything must be done to protect and preserve the life of both the mother and the child. There may indeed be situations, however, in which a measure taken to preserve the life of the mother may result in the unintended loss of the life of the child. These would be morally permissible.

Here the Church would apply its principle of double effect or indirect voluntary. For example, a pregnant woman is found to have a cancerous uterus. If the cancer is removed the child will die.

1. Act itself good.
2. Intention good.
3. The good must precede the bad.
4. Must be a proportionately grave reason.

A final point which I would like to address is that of the involvement of the Catholic Church in the public policy debate surrounding abortion. The Catholic Church insists that there is nothing esoteric about its moral teachings. Indeed, it insists that none of its moral teachings are for Catholics alone but rather for any persons of right reason and good will. All human life has been created in the image and likeness of God and all innocent life is inviolable. Respect for the innocent and a commitment to justice are not Catholic characteristics but simply human qualities which are absolutely essential for a well-ordered and peaceful society. The Church insists that it has the same right to enter the public debate and to plead the cause of the unborn. The Church has no capacity or desire to coerce anyone. It is the role of the state to use force in defense of human life. All the Church can do is to use her words and the example of her members to win over society once again to commit its resources to the protection of the unborn and to providing whatever support is necessary to any woman in a difficult pregnancy so that she may never feel constrained to seek such an inhumane solution to her problems as the death of her own child. May the Lord of Life guide our ecumenical efforts in seeking His will in the difficult issues surrounding this critical issue of fundamental social justice.
