

ABORTION
IN GOOD FAITH

THE
HISTORY
OF ABORTION
IN THE
CATHOLIC
CHURCH



The Untold Story

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*The law does not provide that the act
(abortion) pertains to homicide, for
there cannot yet be said to be a live soul
in a body that lacks sensation when it
is not formed in flesh and so is not
endowed with sense.¹*

St. Augustine

PREFACE

THE FOLLOWING ESSAY is a discussion of the history of Roman Catholic thinking on abortion. This history focuses on those issues which have been of greatest concern to theologians, canonists, and priests through the centuries. These issues include: the point at which a developing embryo becomes a human being (hominization), the unity of mind and body as making up the total nature of human beings, and the relationship of the condemnation of abortion to the church's view of sexuality. A brief treatment of such a complex history must focus on these few key themes. Much that is of interest has necessarily been omitted.

An important implication of this study emerges. A consideration of Roman Catholic history on abortion reveals inconsistencies and unresolved questions. It also highlights the fact that Roman Catholic teaching on abortion is not governed by papal infallibility. Consideration of these two facts together provides a greater opening to a moral discussion of abortion than Catholics have perceived. A new moral theology of abortion could take into account, for example, the timing of hominization (the church does not teach that it is immediate), and the changing Christian view of sexuality.

The church's strong arguments against abortion and contraception are seen by many Catholics as distant abstractions, not relevant to concrete, personal situations. This has caused a gap between the actual moral decisions of Catholics, and their perception of moral principle as embodied in church teaching. A misperception of the infallibility of the teaching that abortion is homicide only exaggerates that gap.

We encourage people who confront the abortion issue to examine, in their individual consciences, such questions as the timing of hominization (when the potential life of the fetus becomes an actual human being), the value of actual versus potential human life, and the separation of sexual relationships from the intent to conceive children. For women considering abortion, these issues are most relevant and compelling. These are the issues that continue to plague Catholics both within the church, and outside of it.

It is in our soul-searching, as people of good faith, that these issues will receive their most dedicated consideration. In our examination, we become active participants in the development of a moral theology of abortion. This essay encourages such active participation by presenting a history on abortion which has remained largely inaccessible to laypersons for centuries.

Catholics for a Free Choice

INTRODUCTION

THERE HAVE ALWAYS BEEN DISAGREEMENTS within the church on the issue of abortion. Most people think that the church's current position is the result of 2000 years of unchanged teaching. This is a false perception. The opinion of all church scholars and theologians has *never* been unanimous on abortion. Today, the debate continues.

The history of the church's position on abortion shows an interplay of majority and minority opinions. Currently, a majority in the church hierarchy believes that to procure an abortion is a serious sin and grounds for excommunication. This view, however, has only been a part of official church discipline since the *Apostolicae sedis* of Pius IX in 1869. To this day, a strong minority of theologians believes that abortion is permissible in the early stages of pregnancy, and that the ban on abortion is based on faulty theology. This booklet will explore the views of those theologians, in the past and the present.

THE CHURCH: BOTH TEACHER AND LEGISLATOR

In Roman Catholicism, there is a distinction between the legislative function and the teaching office of the church. In its legislative role, the church makes the moral rules by which Catholics are expected to live. It does this by defining which actions constitute sins. It also decides on the penalties for breaking these rules, in the form of penance or excommunication. Both the moral rules and the penalties for their violation can be found in the Code of Canon Law, first compiled during the papacy of Gregory VII (d. 1085).

The teaching authority of the church is called the magisterium. It claims exclusive authority of certain divinely revealed truths which are found to be consistent in the historical tradition of the Catholic Church. The teaching office concerns itself only with matters of faith and morals. It is only on such matters that the pope is considered able to give infallible teaching. According to the official doctrine of the church at this time, *the prohibition of abortion does not come under the teaching office of the church. It is not governed by papal infallibility.* This fact leaves much more room for discussion on abortion than is generally thought.

The ban on abortion has never been part of the formal teaching office of the church. Rather, it is a matter of church legislation concerning penance.

This means that although procuring an abortion is grounds for excommunication—a legislative decision—the theological basis for this punishment has yet to be adequately and “infallibly” worked out as a church teaching. Certain theological problems concerning abortion have not been consistently resolved by moral theologians. These will be discussed in detail in the following sections.

THE QUESTION: IS ABORTION KILLING?

The Roman Catholic Church has never questioned the value and integrity of human life in either its legislative or its teaching functions. The commandment, “Thou shalt not kill,” has always been a part of the Christian faith. However, this respect for life does not translate easily into a position either for, or against, abortion. Before 1869, most theologians taught that the fetus did not become a human being with a human soul until at least forty days after conception, and in some cases later. Consequently, abortion before that time was not thought to involve the taking of human life.

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ABORTION AS A SIN OF SEX

The church has consistently opposed abortion not only because of a suspicion that it is homicide, over which there is ongoing debate, but because it is evidence of sexual sin. The church teaches that any act which intends to separate sexual union from procreation is sinful. A recent papal encyclical written by Paul VI states, “Every marriage act must remain open to the transmission of life.”² Abortion voluntarily obtained indicates that the sexual partners did not enter into their union with an intent to procreate. For this reason, abortion is always considered wrong. In short, the church’s position on sexuality is a major reason for its condemnation of abortion, along with the argument that human life is sacred from the moment of conception.

It is not our purpose here to explore the church's position on sexuality. Rather, we want to look at the second, more recent argument against abortion, which states that it involves the taking of human life.

Many questions must be addressed by Catholics confronting the issue of abortion.

1. When exactly does human life begin? At the moment of fertilization? At some later point?
2. What is the relationship of the human soul to the potential human body represented by the developing fetus? Can there be a human soul in a less than fully human body?
3. What is the nature of the soul? Catholicism teaches that the soul is the dynamic organizing principle of unity in man, which, although not separate

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from the body, does have some special spiritual qualities. The Catholic notion of the soul sees it both as being essentially immortal and as being a unity with the mortal human body, which can attain immortality only through the saving grace of the Lord. The soul is not the product of the body, but rather, is a new creation of God which is infused into the body.

4. Is it logical to punish abortion as homicide "just in case" the fetus is human from the moment of conception, especially when church teaching against dualism strongly suggests that there is no human soul, and hence no human being, in a less than human body?

FOOTNOTES

1. St. Augustine, *On Exodus*, 21. 80.
2. Pope Paul VI, *Humanae Vitae*, (Washington, D.C.: United States Catholic Conference, 1968), p. 7.
3. John Noonan, *Contraception*, (Cambridge, Mass.: Harvard University Press, 1965), p. 28.
4. John Noonan, *Contraception*, pp. 19-20.
5. John Noonan, *Contraception*, chap. III.
6. Tertullian, *De virginibus velandis*, 14 (PL 2. 958*). Clement of Alexandria, *Refutation of Heresies*, 9. 12 and *Pedagogue*, 2. 10. 84. St. Augustine, *De nuptiis et concupiscentia*, 1. 15. 17 (CSEL 42. 229-230*). Council of Elvira (305), Canons 63 and 68, (Mansi 2. 16*). Council of Ancyra (314), Canon 21, (Mansi 5. 19). Council of Lerida (524) (Mansi 8. 611).
7. St. Jerome, *Epistle 22*, (CSEL 54. 160-161).
8. St. Augustine, *On Exodus*, 21. 80 (CSEL 28. 147); *De origine animae*, 4. 4 (PL 44. 527), letter 166. St. Jerome, *Epistles*, 121. 4; *On Ecclesiastes*, 2. 5 (CSEL 56. 16). Cyril of Alexandria, *De adoratione in spiritu et veritate*, 8. (PG 68. 545-546*).
9. St. Augustine, *Enchiridion*.
10. St. Cyprian, *Epistles*, 52. 2-3 (CSEL 3. 619). St. Maximus, *Ambiguorum liber*, (PG 91. 1339-42).
11. Tertullian, *Apologetics* 9. 8 (CSEL 64. 25).
12. Richard P. McBrien, *Catholicism*, (Minneapolis, Minn.: Winston Press, 1980), pp. 832-833.
13. St. Augustine, *De nuptiis et concupiscentia*, 1. 15. 17. (CSEL 42. 229-230).
14. *On Exodus*, 21. 80. (CSEL 28. 147)
15. *New Catholic Encyclopedia*, Vol. II, p. 84.
16. John T. McNeill and Helena M. Gamer, *Medieval Handbooks of Penance* (New York: Octagon Books, 1979), pp. 119-120.
17. McNeill and Gamer, *Medieval Handbooks of Penance*, p. 166.
18. McNeill and Gamer, *Medieval Handbooks of Penance*, p. 225.
19. McNeill and Gamer, *Medieval Handbooks of Penance*, pp. 304 and 307.
20. John Noonan, ed., *The Morality of Abortion: Legal and Historical Perspectives*, (Cambridge, Mass.: Harvard University Press, 1970), p. 20.
21. Pope Innocent III, *Sicut ex litteratum*.
22. Pope Gregory IX, *Decretum*, 5. 12. 20.
23. *Decretum*, "Si aliquis," 5. 12. 5.
24. Peter Lombard, *Four Books of Sentences*, 2. d. 18. 8. Bonaventure, *Commentarium in librum IV Sententiarum*, d. 31, dub. 4. St. Thomas Aquinas, *Summa Contra Gentiles*, 2. 89.; *Commentarium in librum IV Sententiarum*, d. 3, q. 5, a. 2, Solutio.
25. *Summa Contra Gentiles*, 2. 89.

26. Joseph F. Donceel, S.J. "Immediate Animation and Delayed Hominization," *Theological Studies*, Vols. 1 and 2, (New York and London: Columbia University Press, 1970), p. 86.
27. Joseph Donceel, S.J., *Theological Studies*, p. 88.
28. *Codicis iuris fontes*, ed. P. Gasparri, Vol. 1, (Rome, 1927), p. 308.
29. *The Morality of Abortion*, ed. Noonan, p. 33.
30. *The Morality of Abortion*, ed. Noonan, p. 33.
31. *Codicis iuris fontes*, ed. Gasparri, pp. 330-331.
32. *The Morality of Abortion*, ed. Noonan, p. 36.
33. *Collectanea de prop. fide* 1, No. 282, (Rome, 1907), p. 92.
34. *Summa Sacrae Theologia*, (Venice, 1581) 3. 7. 2.
35. *The Morality of Abortion*, ed. Noonan, p. 21.
36. Antonius de Cordoba, *Questionarium theologicum*, q. 38.
37. *De sancto matrimonii sacramento* (Venice, 1737), 9. 20. 5. This view is confirmed by Leonard Lessius, S.J., in *De iusticia et iure*, (Lyons, 1653), 2. 9. 2. 58.
38. "*De paraceptis decalogi*", *Compendium of Moral Theology*, n. 402.
39. *Actae Sanctae Sedis*, 5. 298.
40. *Codex iuris canonici*, c. 2350.
41. (AAS 22. 539-92).
42. *The Morality of Abortion*, ed. Noonan, p. 44.
43. John McKenzie, *The Roman Catholic Church*, (Garden City, N.Y.: Doubleday and Co., 1971), pp. 259-261.
44. John McKenzie, *The Roman Catholic Church*, p. 261.
45. John Connery, S.J., *Abortion: The Roman Catholic Perspective*, (Chicago: Loyola University Press, 1977), p. 212.
46. Richard McBrien, *Catholicism*, p. 1149.
47. Joseph F. Donceel, S.J., *Abortion in a Changing World, Vols. 1 and 2*, (New York and London: Columbia University Press, 1970), pp. 42-44.
48. Henri de Dorlodot, "A Vindication of the Mediate Animation Theory," *Theology and Evolution*, (Westminster, Md.: The Newman Press, 1952), p. 260.
49. Anthony Kosnik, ed., *Human Sexuality: New Directions in American Catholic Thought*, (New York: Paulist Press, 1977), p. 85.
50. *New Catholic Encyclopedia*, Vol. II, p. 793.
51. Richard McBrien, *Catholicism*, p. 1004.

***OFFICIAL PUBLICATIONS OF THE ROMAN
CATHOLIC CHURCH**

AAS	<i>Acta apostolicae sedis</i>
CSEL	<i>Corpus Scriptorum Ecclesiasticorum Latinorum</i>
Mansi	Mansi, J.D., ed., <i>Sacrorum conciliorum nova et amplissima collectio</i>
PG	Migne, ed., <i>Patrolica Graeca</i>
PL	Migne, ed., <i>Patrolica Latina</i>

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