

August 1994

## Aquinas and Early Term Abortion

Thomas Andrew Simonds

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

---

### Recommended Citation

Simonds, Thomas Andrew (1994) "Aquinas and Early Term Abortion," *The Linacre Quarterly*: Vol. 61: No. 3, Article 4.  
Available at: <http://epublications.marquette.edu/lnq/vol61/iss3/4>

# Aquinas and Early Term Abortion

by

Thomas Andrew Simonds, S.J., M.A., Ph.L.

*The author teaches at Creighton Preparatory School, Omaha, NE. This paper is the result of two years of research on the subject.*

---

Thomas Aquinas can help us in our desire to talk about the issues of fetal development and early term abortion. We will discuss Aquinas' theories in detail, looking at how Aquinas' theories have been interpreted. We will also discuss how Aquinas can help us to see more clearly as we discuss the many questions involved in the ethics of early term abortion.

## 1. How Aquinas Enters into the Current Discussion on Abortion.

Aquinas' theory of embryological development, and the conclusions about abortion drawn from this theory, enter into our current discussion about abortion in the United States with amazing frequency. We will look at three "sound bites" which contend that Aquinas supports early term abortions.

1. Joseph Donceel, SJ gives us the first bite.<sup>1</sup> Donceel argues that early term abortions, those done within the first sixty days following fertilization, would not be considered murder by Aquinas.

2. For our second bite [1973 and *Roe v. Wade*] Justice Blackmun notes,

The absence of a common-law crime for pre-quickening abortion appears to have developed from a confluence of earlier philosophical, theological, and civil and canon law concepts of when life begins. These disciplines variously approached the question in terms of the point at which the embryo or fetus became "formed" or recognizably human, or in terms of when a "person" came into being, that is infused with a "soul" or "animated."<sup>2</sup>

Here we see more support for early abortion based upon Aquinas' theory of delayed ensoulment. Because the early embryo does not have a human soul, it cannot be a person. Therefore, to kill this being is not murder.<sup>3</sup>

3. Our third bite is a conversation that took place between me and a young man in Saint Paul, Minnesota. Peter's girlfriend was pregnant. Peter's father took down his tome of Saint Thomas and showed Peter where the Saint made the distinction between that which had a soul and that which did not. Peter asked me, "Is it true that Saint Thomas said that early abortion was allowable?"

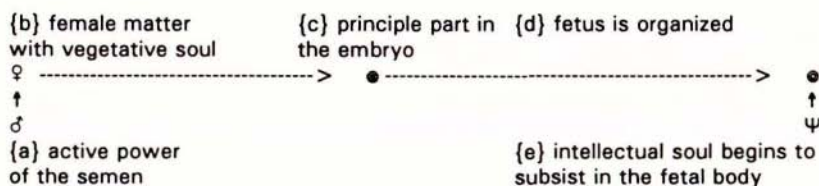
Peter's question is a good one, one that I have asked often as I have been doing research, and it is the same question that keeps cropping up in conversation after conversation: What does Thomas Aquinas say about abortion, and what weight should we give to what he says in our current American discussion about abortion? With these questions in mind, let us look at Aquinas' theory of human generation.

## II. Aquinas' Theory of Human Generation

The primary question that Aquinas dealt with in his theory of human generation is how the intellectual soul comes to subsist in the fetal body. Now, we wonder, how did we move from talking about the development of a human fetus to talking about an intellectual soul? This is why Aquinas' theory is difficult for people today to grasp.

In the current discussion about human embryonic development, one does not hear about souls. However, since Aquinas' conclusions on abortion, which are drawn from his theory of human generation, are often heard in our conversations, we need to understand Aquinas' theory of human generation if we are to evaluate his conclusions on abortion. Aquinas' theory is not difficult to understand when it is clearly presented. In fact, it even makes sense.

Figure #1: A representation of Aquinas' theory of human generation.



The above diagram shows how Aquinas thought the human fetus developed within the womb. We will now give a narrative account of Aquinas' theory of human generation to explain the above pictorial representation.

When a woman and a man engage in intercourse, the male deposits semen in the female vagina. This semen contains an active power of motion, which is "whipping" the semen into a froth.<sup>4</sup> The female matter, which is made up of the menstrual secretions, contains a vegetative soul.

The vegetative soul is a non-material substance, but we are able to know that it is present by observation. We are able to observe that a chair is not living, i.e. it is not made up of living cells that use molecules of the air to sustain themselves. Whereas, a living thing is composed of living cells. The life in these cells is represented by the soul or life principle, i.e. that which gives life.

While the female matter is composed of living cells, this menstrual fluid cannot by itself become a fetus because there is no internal development guide or power. Therefore, some formative power is needed to enable the developmental process to begin.

The semen, which contains the active power, is this formative agent. The intellectual soul of the male works at a distance or mediately through the power in the semen to form the female matter into the body of a human fetus.<sup>5</sup>

The active power in the semen continues to form the body of the fetus until such time as the first principle part is present within the embryo. The first principle part is the first organ to be formed within the embryo: the heart. The movement or beating of the heart serves the purpose of distributing a hot nutritive substance throughout the embryonic "body." This nutritive substance is hot because the heart is the center of heat, and as the hot nutritive substance moves away from the heart, it cools and congeals to form various organs.

From the moment when the first principle part is present in the embryo, the developmental process becomes an internally directed process of growth and nourishment.<sup>6</sup> This internally directed process continues until the fetus is sufficiently organized, i.e. until the fetal body is formed and is able to function on a sensory level. Aquinas thought that this point of organization was achieved after conception and before birth.<sup>7</sup>

This is Aquinas' theory of human generation. Reading the previous paragraph, we see why so many conversations make reference to the fact that Aquinas thought that the human person was not present until quickening, i.e. that point when the mother could feel the fetus kick in her womb. The question is, what conclusions about abortion does *Aquinas* draw from his theory of human development?

### **III. Why Aquinas' Theory Has Provided Clouds Rather Than Sunlight**

At the beginning of our paper, we noted that Aquinas is often cited as a supporter of early term abortions. It is true that Aquinas does say that his philosophical method shows that the human person is present at around sixty to eighty days. It is this fact that many people use to prove that Aquinas would allow abortions before quickening. This is where Aquinas' theory has unfortunately introduced clouds into our discussion about abortion.

Aquinas himself never said that early term abortions were permissible. Aquinas' position on early term abortions can only be understood by looking at the body of Aquinas' writings.

### **IV. Let the Sun Shine: Using Thomistic Principles in Discussion**

When we read widely Aquinas' prolific writings, we find that Aquinas held (1) that a person who kills a fetus with a human soul is guilty of homicide,<sup>8</sup> (2) that philosophy can show us that the human soul must be present when quickening occurs,<sup>9</sup> and (3) that philosophy cannot say if the human soul may be present before quickening.<sup>10</sup> Read these three points carefully. The second point above is worded differently now than it was on the conversations we listened to at the beginning of this paper. Aquinas did not say that the human soul is only present when quickening occurs. Aquinas said that his method of philosophy could show that the human soul had to be present when quickening occurred because movement was a visible sign that the fetus was alive. Aquinas says that we cannot know if the human soul is present earlier than this point because there are no externally visible signs of its presence. The human soul could be present earlier, and not be detected.

So why do so many people say that Aquinas said that early term abortions were acceptable? They say this because Aquinas' conclusions about embryological development and abortion do not neatly occur next to one another in his writings. It is only in the *tertia pars*, the third part of the *Summa Theologiae*, when Aquinas, in discussing the seemingly unrelated issue of the Immaculate Conception, notes that philosophy cannot determine if the human soul may be present at some point earlier than quickening.

In discussing the Immaculate Conception, Aquinas says that we should celebrate the moment when Mary's body received a human soul, but Aquinas says, since we cannot know when this happened, the Church correctly celebrates the feast of Mary's pure conception.<sup>11</sup> Using this same line of reasoning with respect to abortion, Aquinas must say that abortion would not be permissible because we may be committing homicide.<sup>12</sup>

This is why you can look and look in Aquinas' writings, and not find where he gives an exact point when the rational soul is present. Aquinas keeps his wording vague and general; some point from conception to birth. The reason Aquinas does this is to protect himself against "one pitfall difficult to avoid in any position which draws a physiological 'line' between personal status and nonstatus: giving the impression that, before the fateful divide is crossed, the pre-personal but human entity is of little protectable worth whatsoever."<sup>13</sup> Aquinas is careful to protect himself against biological absolutism, but his interpreters have not been equally as careful.

Therefore, we cannot use Aquinas as a support for early term abortions, because Aquinas himself believed that it was possible for the human soul to be present in the embryo before quickening occurred. If the human soul is present, homicide is committed when this life is taken.

The thesis statement of this article notes that Aquinas can aid us in our discussion about abortion. Aquinas can help us, not as a champion of early term abortion, but as a very careful thinker who realized the complexity of the questions and issues involved in abortion. Aquinas' use of the best biological data present at the time to formulate his theory of human generation can act as a motivator for us to do the same. Since we know that Aristotle's biological observations were not accurate, we must also know that Aquinas' conclusions based upon these biological observations are not accurate. We must move beyond what Aquinas said to what we would say today.

Before we can say anything, we need to work at putting aside our differences and our preconceptions about the abortion issue, and we need to look at the immense wealth of biological data on human *in utero* development. If we can do these things, then we will be able to listen to one another as we try to determine some guideposts to follow in this important ethical conversation.

In the last year, a philosopher has done just what we are advocating. We now listen as the conversation begins. Stephen Heaney is speaking, and he is saying that he can show that the intellectual soul must be present in the zygote at the moment when the nuclei of the sperm and the egg unite. With our recent discovery of Aquinas' position on abortion, it seems logical that a Thomistic framework could show that the intellectual soul is present from the beginning. Let us look at what Heaney does in his article published in the *Thomist*.<sup>14</sup>

Heaney recognizes what we have already noted, that Aquinas' theory as is cannot be directly applied to the current issue of abortion. The philosopher must begin again by looking at the current biological data.<sup>15</sup> This is how Heaney begins his search for that which is guiding embryological development. We remember here that this principle of guidance is the same thing that Aristotle and Aquinas were looking for when they examined their biological information.

The obvious place to begin to look for this guiding principle is at the moment when the sperm penetrates the protective layer surrounding the egg, and the two nuclei of the gamete cells combine. Heaney writes, "One might suggest that the genetic material carried by the sperm [and for that matter by the ovum] performs this formative function, thus organizing a human being by the power of the soul of the begetter rather than of the begotten."<sup>16</sup> Heaney looked at the genetic code to see if it might be that which directs embryological development, and Heaney dismisses the genetic code as a possible guiding principle because he thinks this implies mediate animation, i.e. that the soul of one or both of the parents would work at a distance to form the body of the fetus. Here, at this very first stage of his exploration, Heaney makes a mistake.

Heaney is searching to find the "active power of the semen," so to speak, and when he does not find it, he assumes the only possible alternative is to say that the intellectual soul must be present in the zygote from the moment of conception. However, the other possibility would be to say that there is no "active power of the semen" because the first principle part, the genetic code, is present from the very beginning.

We must ask ourselves: What is the principle part, and what is its function? The principle part is that which organizes and guides the developmental process by spreading itself throughout the organism so that it can be present in every cell to guide its development. This is exactly what the genetic code does. Present first in the zygote, the genetic code is replicated and becomes a part of each new cell as the zygote becomes a cluster of cells within its protective shell.

Mediate animation is not necessary because the first principle part is present from the very beginning and has the "power" to direct the developmental process. The presence of an intellectual soul in the 15 days following fertilization is, therefore, no longer necessary, because the genetic code can organize the cells into the embryonic body.<sup>17</sup> So we must leave Heaney's conversation and embark on our conversation of discovery.

In this new conversation, we will use some current terminology to describe our biological observations. Rather than using Aquinas' terms to talk about development, i.e. animation, souls, and ensoulment; we will use these terms: human life, awareness, and the process of developing awareness. Based upon our biological observations, we will divide the first forty days of development into three stages. The stages are used to show that an observable and significant change has taken place in the developing embryo or fetus. As our criteria for what constitutes significant change may differ, our delineation of the three stages may differ somewhat. Therefore, we outline these three stages in a tentative way pending dialogue and conversation with others.

In stage I we have human life. In this stage, the genetic code will guide the

formation of the cells that make up the embryonic body. These cells will differentiate themselves and become specialized. Some cells will be designated to form the heart, while others will be tapped to form the lungs and the brain. The process of conception is completed at around fifteen days with implantation in the uterine wall. When implantation occurs, stage II begins, which is individual human life. At forty days after Fertilization, Stage III begins, individually aware human life. As early as forty, and definitely by sixty days after fertilization, we can detect brain waves in the fetus.<sup>18</sup> This is an important observation because the presence of brain waves tells us that the brain is receiving sensory input. The fetus now experiences awareness.<sup>19</sup>

When a satellite sends a live feed transmission from one part of the earth to another, at first the transmission flickers on the screen. After 30 or 40 seconds, as the satellite moves into synch with the area to be viewed, the picture appears. As the satellite moves out of synch with the area that is being viewed, the picture again flickers, and finally is gone. In the same way, our awareness begins and ends with a flicker, while in between we experience self awareness.

The fact that the actualization of human awareness is a process is seen clearly today in studies on neural development. In a study of fetal brain development by Calra Shatz, she notes that neural transmissions must occur in the developing brain in order to verify that connections have been properly "wired."<sup>20</sup> The brain does not remain void of neural impulses until it is completely developed, but uses neural impulses to check out neural pathways.

At fifteen days after fertilization, the primal streak signals that the spinal cord is present in its nascent form, and here in stage II, we have the beginning of the development of awareness. At sixty days after fertilization, well into stage III, this process of the dawning of awareness moves to a new level when the brain begins to receive and send neural impulses.

Our understanding of fetal development is changing today. With ultrasound, we are able to see the fetus kick, jump, swallow, and play around.<sup>21</sup> When we can see the fetus as a live being that moves and is expressive, our understanding of what the fetus is begins to change. The fetus enters into our conversation, not by speaking to us in words, but in images we can now see.

## V. Summation

Our conversation has made great progress. We can now bring four important insights to our conversations about abortion (1) Aquinas cannot be used to support early term abortions because he himself never said early term abortions were acceptable. (2) We cannot directly apply Aquinas' conclusions about abortion to our current discussion of abortion because Aquinas' theory of human generation is not accurate. (3) The presence of the genetic code in the zygote and its organizational function, the view of awareness as a process that begins to develop at 15 days after fertilization, and the presence of brain waves in the fetus from forty to sixty days after fertilization are important biological observations that we can now introduce into our conversation. (4) Seeing the fetus moving in the womb gives us a new paradigm by which to view fetal life. At this point, we must ponder what philosophical conclusions we can draw from the biological information we have heard and seen.

There will always be some point at which philosophy cannot say for certain whether or not the embryo is a person. In our current paradigm, conception is a process lasting fifteen days. Therefore, moral questions during this period of time would focus on the question of preventing conception rather than aborting an already conceived embryo. Recognizing this, can we not make strides in development of public policy about abortion by using the philosophical method to help us reflect on our biological information?

As Lisa Sowle Cahill notes, local level conversations on the topic can be more effective than trying to change the opinion or position of every American.<sup>22</sup> We will want to be careful to avoid an absolutism based upon biology, but we will also want our biological observations, especially those using ultrasound, to inform our decisions and our positions.

Determining value and protection quotients for the three levels of human life present in the first forty days after fertilization has traditionally been difficult. While difficult, we need to begin to speak openly with one another on this issue so that we can discover new insights into human life.

## REFERENCES

1. Donceel, Joseph F., SJ. "Immediate Animation and Delayed Hominization." *Theological Studies* 31.1 [1970]: 76-105.
2. *Roe v. Wade*. 410 US, 116. VI.3. 1973.
3. Along these same lines see: Kluge, E.H.W. "St. Thomas, Abortion and Euthanasia: Another Look." *Philosophy Research Archives* 7 [1981]: 311-344. In this "sound bite," we hear Kluge say that he has found a text in which Aquinas says pre-quickening abortions are not murder. However, Kluge has made a mistake. The text Kluge attributes to Aquinas is actually written by Peter Lombard. See also: Lombard, Peter. *Sententiae*. Romae: Collegii S. Bonaventurae Ad Claras Aquas Grottaferrata, 1981. Liber 4.31.4.185.
4. Aquinas. *Summa Theologiae*. I.118.a.1.ad.4.
5. Aquinas. *Summa Contra Gentiles*. 2.89.8.
6. Aquinas. *Summa Theologiae*. I.118.a.1.ad.4.
7. Aquinas. *Summa Theologiae*. III.27.a.2.ad.1. Aquinas. *Summa Contra Gentiles*. 2.87.4.
8. Aquinas. *Summa Theologiae*. II.11.64.a.8.ad.2.
9. Aquinas. *Summa Theologiae*. I.118.a.2.ad.2&3.
10. Aquinas. *Summa Theologiae*. III.27.a.2.ad.3.
11. Aquinas. *Summa Theologiae*. III.27.a.2.ad.3.
12. The exception to this for Aquinas would be those conflict cases that would be decided by the principle of the double effect.
13. Cahill, Lisa Sowle. "The Embryo and the Fetus: New Moral Contexts." *Theological Studies* 54.1 [March, 93]: 124-142.
14. Heaney, Stephen J. "Aquinas and the Presence of the Human Rational Soul in the Early Embryo." *Thomist* 56.1 [Jan. 92]: 19-48.
15. A good example of this revision of theory based upon new and anomalous experiences is Aristotle's work with bees. Aristotle is wrestling with the question of how drone bees are formed. Bee keepers, considered by Aristotle to be more accurate observers of bees, tell Aristotle that his explanation about the way in which drones are formed is incorrect. Aristotle then writes, "Such appears to be the truth about the generation of bees, judging from theory and from what are believed to be the facts about them; the facts, however, have not yet been sufficiently grasped; if ever they are, then credit must be given rather to observation than to theories, and to theories only if what they affirm agrees with the observed facts." (Aristotle. *De Generatione Animalium*. 3.10.760.b.28-33.)
16. Heaney, 30.

17. Viewing conception as a process lasting fifteen days has advantages on the theoretical level. The problems of fetal wastage, twinning, uterine moles, and other anomalies are, in this paradigm, part of the conception process. During this process of conception, the body may end the process for various reasons, or the cells within the *zona pellucida* may cleave to begin the development of a new embryo. Heaney's theory, placing the intellectual soul in the zygote, is not able to deal with these substantial problems. In this context, it is interesting to note that both Aquinas and Aristotle observed that simple life forms could break apart and form two independently alive organisms. This is exactly what happens in the twinning process. See: Aristotle. *De Partibus Animalium*. 4.682.a.3-9. & Aquinas. *Summa Contra Gentiles*. 2.86.3.

18. Austin, C.R. *Human Embryos*. New York: Oxford, 1989. p. 29.

19. *Living Proof*. Thomas Hilgers, MD. Pope Paul VI Institute, 1990.

20. Shatz, Carla J. "The Developing Brain." *Scientific American* 267.3. [Sep.92]: 61-67.

21. Hilgers, *op cit*

22. Cahill, 142.