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REVEREND THOMAS G. DAILEY

In March, those who hoped for liberalizing New York state's 84-year old abortion law saw their bill die in committee. Everyone knows, however, that they have not given up; they will try again next year. In the meantime, it seems that an astonishing irony lies at the root of the abortion controversy: a society so attuned to the preciousness of human life that it protects the barbarity of capital punishment, condemns napalm bombing of civilians and cries inhuman jails, ought to be womb. The Catholic Church, enlightened enough to see the in­

It must be pointed out immediately that Church teaching pronounces judgment on no man's person in science. In this, the Church teaches that life from any attacker even though he be in good faith.

The Catholic Church holds that life within the womb is inviolable at every stage of its development. She sums up a long and consistent tradition in these words of the Pastoral Constitution on the Church in the Modern World: "God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life, a ministry which must be fulfilled in a manner that is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are unspeakable crimes." (51) The Church carries on the mission of Christ in proclaiming the dignity and inviolability of human life and she must oppose all evil "whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia or willful self-destruction." (CMW, #27)

The Church's opposition to abortion goes back to the first century. The Didache (5.2) (A.D. 65-80) condemned abortion. The early second century Letter of Barnabas (18.5) declared: "You shall not kill the foetus by an abortion." Later in the same century Athenagoras (P.G. 6:969) and Clement of Alexandria (GCS 12:215) vigorously condemned all abortions. Tertullian in his Apology (9.8) and Cyprian in his Epistles (52.2) likewise declare all abortions murder.

Despite universal agreement within the Church that abortion was murder, the exact moment at which a foetus was infused with a rational soul was disputed. The overwhelm­ing majority of theologians followed the 40-80 day development theory of Aristotle, i.e. that the male embryo was not infused with a human soul until the forty-eighth day of development; the female was not animated till the eighteenth. The Aristotelian conception was to prevail unchallenged until modern times. Despite this presumed delay in ensoulment, however, Tertullian taught in his Apology (9.8): "It makes no difference whether one snatches a soul already born or interferes with its coming to birth. It is a human being and one who is to be a man..." And Basil wrote: "A woman who deliberately destroys a foetus is answerable for the taking of life. And any hair-splitting distinction as to its being formed (i.e., animated) or unformed is inadmissible with us." (Letters 188, P.G. 32:672). Thus, the Fathers taught that all life must be inviolate, and using the terms the law reserved for the killing of adults, they charged that not only the destruction of existing life, but the interruption of the life-development process was homicide. They were led to attach sanctity not only to life but to the whole embryonic development.

The 40-80 day Aristotelian ensoulment theory continued to assert great influence on theological pronounce­ments. Innocent III in a particular decision, (Sicut et Litterarum, 1211) said that aborting a non-animated foetus was not homicide. The Decre­tales of Gregory IX (1241) affirmed the same position. However, Sixtus V in the Bull Effraenatum (1588) condemned all abortions at any stage of fetal development as homicide. But Gregory XIV in (1591) revoked the penalties of Effraenatum and re­asserted the distinction between the animated and non-animated foetus. Pius IX, however, in a Motu Proprio in 1869 restored the notion of Effraenatum: all abortions were condemned as murder.

Critics are quick to cite the above variations as weakness in the Church's conviction about abortion. Two things must be asserted however: first, that the Church could not be expected to teach her position with a better biology than was offered in those times. Consequently her teaching could only reflect what Aristotle and Galen taught regarding animation; second, that Gregory XIV revoked only the penalties of Effraenatum, not the teachings.

The condemnation of all abortion as murder by Pius IX is again af­firmed by Pius XI in Casti Connubii (1930) and subsequently in numerous documents of Pius XII. His allocu­tion on 26 Nov. 1951 is reminiscent of Tertullian and Basil in express­ing from the moment of ensoulment: "Whatever foundation there may be for the distinction between these various phases of development of life... all these cases involve a grave and unlawful attack upon the inviolability of human life."
We have no divine revelation on the time of animation, nor any official pronouncement of the Church. But scientists and theologians are in the vast majority convinced that it happens at the very instant the ovum is fertilized. In any case it must be pointed out with Basil and Pius XII that embryonic development is one of proximate continuity. No human foetus can ever be confused with that of any other species. The human foetus cannot develop into a cow, rabbit, or pig; it can only become a man.

Nor do those, who might still doubt whether the foetus in its early development is human, have the right to move against the life of that foetus. In response to proposed changes in Maryland's abortion laws, Cardinal Shehan recently declared that it was the hallmark of our civilization that when there was a doubt as to the presence of human life, the benefit of doubt should be given to its presence rather than its absence. One might add this illustration: Doctors do not send patients to autopsy rooms if there is the slightest doubt they might still be alive.

Can the Church in the light of pluralism withdraw from the lists? Must we concede to the defenders of abortion the right to perform them according to the dictates of their own conscience? If we now make room for the conscience of others on birth control and divorce legislation, on what possible ground can we draw the line at abortion?

The problem with this line of thought is that it neglects to notice that the foetus is also a party to the debate (though it cannot speak for itself). Neither birth control nor divorce present comparable situations, for no existent life is at stake. But the foetus has the personal right to live.

The Church is keenly aware of the pain and disease and death often resultant from illegal abortion. Her heart goes out in tender compassion to these victim mothers. But Catholics must not get backed into a corner on the emotional issue. They must not find themselves in the awkward situation of being heartless legalists who prefer a metaphysical principle to a "merciful" resolution of an agonizing predicament. Rather, must Catholics stand staunchly for the life of the child as true champions of personal rights, protectors of human beings whose very existence is jeopardized by those who are reluctant to admit that the unborn are human.

FATHER DAILEY, a native of New York, spent a year in parish work in Ponce Rico after ordination in 1953. Returning to Buffalo, he served in two more parishes. After higher studies in Rome, he earned a Doctorate in Sacred Theology and since 1961 has been teaching Moral Theology at St. John Vianney Seminary, E. Aurora, N. Y.

Health Care of the Religious in the Buffalo Diocese

DANIEL J. MCCLUE, M.D.

"The Church in America today needs as never before, a great army of Religious women who are spiritually, intellectually and professionally superior. One of the best measures of their productivity is their physical health. The aim of the Health Program for Religious is to provide the means to attain physical strength to match their dedication and stamina for their apostolate. Physical, mental and spiritual health are a Trinity vital for personality development. To help secure health for these Ladies of the Church is our primary interest—a labor of love." Thus was this goal so aptly stated in the Manual, Health to Match her Dedication by James T. Nix, M.D. and Con J. Fecher, Ph.D.

Many physicians treating the Religious have become aware that frequently when first seen, serious illness has become well advanced. Many nuns have not had any type of medical care for years. When symptoms and signs of disease persist, they are seen for the first time. It is disheartening to find advanced disease, especially of a malignant type, knowing that there is little hope for cure or improvement.

In recent years the health care of Religious, or the lack of it, has prompted physicians to advocate and develop programs for routine annual comprehensive physical examinations of the various religious orders. Dr. James Nix, who is quoted above, was one of these outstanding and dedicated physicians who stressed these needs, and pioneered this type of work.

Several years ago a Pilot Program was planned and instituted by the Catholic Physicians' Guild in Buffalo, New York. The Outpatient Departments of the Catholic hospitals were utilized to examine a large group of nuns from the Buffalo area. These examinations were done on a Saturday afternoon when the Outpatient Department Clinics were not in use for the public.

For a two-week period prior to the actual examinations, in order to avoid overloading the Laboratory and X-ray Departments of these hospitals, the following screening tests were done: CBC, Routine Urine, two-hour post digestive Blood Sugar, and Chest X-ray. Pap smears were done on the day of the physical examination. Each nun was provided with a Cornell-like type of Questionnaire prior to the examination. Complete past history, current symptoms, etc., were recorded. These forms accompanied the nun on the day of the examination.

Physicians representing the various specialties participated in our program. The nuns would move from one diagnostic station to the next in an orderly fashion, and a check list was completed. Registered nurses and volunteers from the various hospital Guilds greatly facilitated our work. More than 600 nuns were examined in the above fashion.