

*The Catholic Church and Abortion: An Examination of Immediate Animation and  
Hylomorphism*

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## INTRODUCTION

The Catholic Church currently maintains that abortion is immoral at any stage of gestation because the foetus is a person from conception. This determination as to foetal personhood is founded upon two assumptions: 1. that any being with a soul is a person; and 2. that the foetus is endowed with a soul at the moment of conception. This paper does not seek to contest supposition '1', but rather proposes concerns with supposition '2'. In particular, the paper explores the basic Church dogma of hylomorphism, and raises questions as to whether this view of the process of ensoulment is consistent with a theory of immediate animation. The paper also traces the documented development of the Church's present position, and expresses doubt as to whether the Church's championing of immediate animation is as unequivocal as its condemnation of abortion would arguably require.

The paper aims to critique the Church's position purely on its own terms, so in providing my analysis I will not seek to question the fundamental beliefs of Catholicism. Accordingly, I accept uncritically the following five basic presuppositions:

- 1 that the Judeo-Christian God exists (hereafter 'God');
- 2 that souls exist;
- 3 that persons are those beings endowed with souls;
- 4 that souls are infused by God; and
- 5 that the process of ensoulment functions according to the hylomorphic tradition.

The paper seeks an answer to the following question: *Taken on its own terms*, is the Church's position internally consistent, persuasively argued, and thereby relatively credible?

## THE RELIANCE UPON IMMEDIATE ANIMATION

The Church's present position on foetal personhood derives from a belief in immediate animation. However, the Church's promotion of its view as uncomplicated, absolute, and immutable is disingenuous, as the Church's real position is far more complex and uncertain.

The Church's current official view only dates from 1869, when Pope Pius IX implied that the Church believed in immediate ensoulment, when he removed the distinction

in penalties for abortion as between the animated and unanimated foetus, making all abortions punishable by automatic excommunication.<sup>1</sup>

The issue was not the subject of further papal comment until 1930, when Pope Pius XI issued his encyclical *Casti Connubii*,<sup>2</sup> and expressly defined abortion, at any stage of gestation, as the murder of an ‘innocent person’.<sup>3</sup> Pius XI’s position in this respect was reiterated in official statements by his immediate successors Pope Pius XII<sup>4</sup> and Pope John XXIII,<sup>5</sup> by the Second Vatican Council,<sup>6</sup> and by Pope Paul VI, in his encyclical *Humanae Vitae*.<sup>7</sup>

During Paul VI’s papacy the Sacred Congregation for the Doctrine of the Faith also reiterated this view when it issued the *Declaration on Procured Abortion*.<sup>8</sup> This document defines ‘person’ as a human being endowed with a soul,<sup>9</sup> and indicates that the foetus is a person from conception.<sup>10</sup> However, despite describing the foetus as a person from conception, the Sacred Congregation for the Doctrine of the Faith indicated that the Church was nonetheless *undecided* as to when the foetus became ensouled. This uncertainty is expressed as follows:

This declaration expressly leaves aside the question of the moment when the spiritual soul is infused. There is not a unanimous tradition on this point and authors are yet in disagreement ... it suffices that this presence of the soul [from conception] be probable.<sup>11</sup>

This development is extraordinary given what preceded it. It has always been, and continues to be, Church teaching that the *only* criterion (both necessary and sufficient) for personhood is the possession of a soul, and since 1869 the Church has labelled the foetus a person from conception. To then refuse to accept that the foetus is necessarily ensouled from conception results in an obvious contradiction: an inconsistency that is

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<sup>1</sup> See Pope Pius IX, ‘*Codex Iuris Canonici*’ (1869) 5 *Acta Sanctae Sedis* 298.

<sup>2</sup> See Pope Pius XI, ‘*Casti Connubii*’ (1930) 22 *Acta Apostolicae Sedis* 539.

<sup>3</sup> *Ibid* 559–65.

<sup>4</sup> See, eg, Pope Pius XII, ‘*Humani Generis*’ (1950) 42 *Acta Apostolicae Sedis* 568, 575.

<sup>5</sup> See, eg, Pope John XXIII, ‘*Pacem in Terris*’ (1963) 55 *Acta Apostolicae Sedis* 257, 259–60.

<sup>6</sup> Second Vatican Council, ‘*Gaudium et Spes: Pastoral Constitution on the Church in the Modern World*’ (1966) 58 *Acta Apostolicae Sedis* 1067, para 27 & 51.

<sup>7</sup> Pope Paul VI, ‘*Humanae Vitae*’ (1968) 60 *Acta Apostolicae Sedis* 481, paras 13, 14 & 25.

<sup>8</sup> Sacred Congregation for the Doctrine of the Faith, ‘*Declaration on Procured Abortion*’ (1974) 66 *Acta Apostolicae Sedis* 730.

<sup>9</sup> *Ibid* para 8.

<sup>10</sup> *Ibid* paras 7–13.

<sup>11</sup> *Ibid* para 13, n 19.

repeated in nearly all subsequent Church documents dealing with the issue of foetal personhood.<sup>12</sup>

The papacy of John Paul II saw the adoption of the foetal personhood principles of Paul VI's papacy.<sup>13</sup> In his encyclical *Evangelium Vitae*,<sup>14</sup> Pope John Paul II provided his own lengthy interpretation and proclamation of those principles. John Paul II unequivocally states that the foetus is a person 'from the moment of conception',<sup>15</sup> and therefore possesses the same rights as all other persons,<sup>16</sup> including a right to life.<sup>17</sup> On this foundation abortion is defined as an 'act against the person'<sup>18</sup> in direct violation of the divine commandment 'you shall not kill'.<sup>19</sup> For John Paul II abortion is murder at any stage of gestation.<sup>20</sup>

On the basis of such unambiguous statements one might be excused for thinking that the Church's position was now clear. However, this was not the case, as John Paul II, in the same breath that he declared with absolute certainty that the foetus is a person from conception, expressed doubt as to the exact moment of ensoulment. Echoing the words of the 1974 *Declaration on Procured Abortion*, John Paul II states that it is only a 'probability' that the foetus possesses a soul from conception.<sup>21</sup>

The logic of this reasoning is flawed. John Paul II states that the foetus is an *actual* human person from conception throughout his encyclical,<sup>22</sup> and Church teaching is unambiguous: *actual* human persons are only those who *actually* possess a soul. Yet, John Paul II refuses to acknowledge that the foetus is endowed with a soul from conception; the most he can say is that immediate animation is probable. As a probable premise cannot logically lead to a certain conclusion, if a being only *probably* has a soul, then the most one can say is that that being is *probably* a person.

Thus, the Church is making two mutually inconsistent assertions:

- 1 that the foetus is a person from conception; and

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<sup>12</sup> See, eg, Congregation for the Doctrine of the Faith, 'Donum Vitae: Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation: Reply to Certain Questions of the Day' (1988) 80 *Acta Apostolicae Sedis* 70, 79.

<sup>13</sup> See, eg, Pope John Paul II, 'Marriage and the Family' (1983) 28 *The Pope Speaks* 360, 365; Pope John Paul II, 'Centesimus Annus' (1991) 83 *Acta Apostolicae Sedis* 793, para 47; Pope John Paul II, 'Veritatis Splendor' (1993) 85 *Acta Apostolicae Sedis* 1133, para 80.

<sup>14</sup> Pope John Paul II, 'The Gospel of Life: *Evangelium Vitae*' (1995) 87 *Acta Apostolicae Sedis* 401.

<sup>15</sup> Ibid para 45.

<sup>16</sup> Ibid para 18.

<sup>17</sup> Ibid paras 5, 20.

<sup>18</sup> Ibid para 4.

<sup>19</sup> Ibid paras 13, 14, 52–58.

<sup>20</sup> Ibid paras 3, 4, 11, 13, 14, 43–45, 53, 57–60.

<sup>21</sup> Ibid para 60.

<sup>22</sup> Ibid paras 2, 4, 5, 11, 13, 18, 20, 45, 48, 53, 57, 58, 60, 62, 63, 76, 77.

- 2 that the foetus is probably a person from conception.

This, of course, results in logical absurdity as you are either a person or you are not a person — you cannot be both. Put another way, if ‘Xs’ are those beings with souls, ‘Ys’ are persons, and ‘Zs’ are foetuses at any stage of gestation, then the Church position is as follows:

- 1 all and only Xs are Ys;
- 2 all Zs are probably Xs; but
- 3 all Zs are Ys.

For the Church’s position to be internally consistent, proposition ‘2’ would have to read that ‘all Zs are Xs’, yet the Church refuses to make this commitment. It is interesting to note that although the Church refuses to commit to the only premise that would ensure internal consistency in its argument, it is not circumspective with regard to the conclusions it reaches on abortion. Indeed, the Church maintains its prohibition on abortion even if the life of the mother is threatened by the pregnancy.<sup>23</sup> This hard-line stance further erodes the coherency of the Church’s position, as the lack of conviction on the part of the Church with respect to immediate ensoulment makes the Church’s refusal to allow for exceptions when the life of the mother is threatened difficult (if not impossible) to justify. According to a literal interpretation of current Church teaching on ensoulment, in such cases there is a choice between a probable person and an actual person, and Church doctrine advocates choosing the probable person. Clearly, the Church’s refusal to advocate immediate animation with certainty creates a fundamental internal inconsistency in their argument. This raises the obvious question as to why the modern Church feels inclined to place doubt on the only premise that could possibly adequately justify its position on abortion.

Of interest in this respect is the fact that the Church has not always taught immediate animation (or the probability thereof). Prior to the late 19<sup>th</sup> Century the Church taught delayed hominization, and appears to have done so since its inception. The doctrine of delayed animation was seen in the writings of the earliest Doctors and Fathers of the Church (for example, St Jerome, St Augustine and St Cyril, as well as Lactantius and Theodoret, all advocated a theory of delayed ensoulment), codified by Gratian in the 12<sup>th</sup> Century, justified by Aquinas in the 13<sup>th</sup> Century,<sup>24</sup> and adopted by the Church at the Council of Vienne (largely on the basis of Aquinas’ arguments) as official Church teaching in 1312. The Council of Trent reaffirmed this dogma in the 16<sup>th</sup> Century, by which time delayed animation was entrenched; accepted by scholars and taught by the Church. This remained the case until 1869.

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<sup>23</sup> See, eg, Pope Paul VI, ‘*Humanae Vitae*’ (1968) 60 *Acta Apostolicae Sedis* 481, paras 14, 17, 62.

<sup>24</sup> See Thomas Aquinas, *Summa Theologiae* (1981) Pt 1, questions 75, 76, 118, and Pt II–II, question 64.

The weight of history poses the obvious question: After almost two millennia of advocating delayed ensoulment (notably with no reservations), why did the Church change its mind on the issue? Unfortunately, the Church has provided no indication as to what stimulated the transformation in this respect. In any case, it is not unreasonable to suggest that the fact that the Church previously advocated delayed ensoulment may partly account for the Church's current reluctance to proclaim immediate ensoulment with certainty. Such reluctance may also stem from the fact that immediate animation sits uneasily with the basic dogma of the Church that provides an explanation of the process of ensoulment: Hylomorphism.<sup>25</sup>

## HYLOMORPHISM

The Church's teaching of this doctrine owes much to Thomas Aquinas' interpretation of Aristotle. Put simply, Thomistic hylomorphism rejects the dualist view,<sup>26</sup> and maintains that the body and soul are one. As Donceel explains:

Hylomorphism holds that the human soul is to the body somewhat as the shape of a statue is to the actual statue ... The shape of the statue cannot exist before the statue exists ... in the same way, the human soul can exist only in a real human body.<sup>27</sup>

The soul is thus viewed as the 'substantial form' of the body, essentially shaping the body.<sup>28</sup> It is at the moment that this substantial form unites with the body (thereby causing unity of form and matter) that we see the creation of 'one substance — the individual human person'.<sup>29</sup> Hylomorphism declares that only a body with human shape or form possesses a soul, as it is only the presence of the soul that would produce a human shape or form. As a result, unless a being shows human shape or form, then there exists no soul in that being.

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<sup>25</sup> Hylomorphism was adopted as Church teaching in 1312, re-affirmed at the Council of Trent in 1566, and forms part of current Church orthodoxy — see Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000), 35 & 49; David Shoemaker, 'Embryos, Souls, and the Fourth Dimension' (2005) 31 *Social Theory and Practice* 51, 66; Carol A Tauer, 'The Tradition of Probabilism and the Moral Status of the Early Embryo' in Patricia Beattie Jung and Thomas Shannon (eds), *Abortion and Catholicism: The American Debate* (1988) 54, 77.

<sup>26</sup> See John Coughlin, 'Canon Law and the Human Person' (2003–04) 19 *Journal of Law and Religion* 1, 12.

<sup>27</sup> Joseph Donceel, 'A Liberal Catholic's View' in Joel Feinberg (ed), *The Problem of Abortion* (2<sup>nd</sup> ed, 1984) 15, 16.

<sup>28</sup> See, eg, Aquinas, *Summa Theologiae* (1981) Pt I, question 75, answers 1, 4, 5, questions 76, answers 3, 4, and question 118, answers 2, 3, and Pt Ia question 90, answer 4, ad 1.

<sup>29</sup> J P Moreland and Stan Wallace, 'Aquinas versus Locke and Descartes on the Human Person and End-of-Life Ethics' (1995) 35 *International Philosophical Quarterly* 319, 320.

Adherence to hylomorphism is virtually unanimous within Catholicism.<sup>30</sup> However, the conclusions reached by various Catholic commentators (on the basis of this principle) concerning the exact moment of ensoulment show no such unanimity.<sup>31</sup> Differences arise because the hylomorphic principle is inherently ambiguous, as it begs the question as to what constitutes a real human form, shape, or outline.

The Church arguably suggests that the acquisition of the human genetic blueprint at conception constitutes the acquisition of hylomorphic human shape or form, as:

[i]t would never be made human if it were not human already ... modern genetic science brings valuable confirmation ... that, from the first instant, the programme is fixed as to what this living being will be.<sup>32</sup>

One might reasonably expect the Church to provide more detail on this issue, especially with respect to why the genetic blueprint necessarily constitutes the attainment of hylomorphic human form; however this is yet to occur.<sup>33</sup> The Church has been content to continue to repeat the above simplistic genetic determination.<sup>34</sup>

However, the Church's view sits uncomfortably with the hylomorphic principle as it is difficult to grasp how a microscopic speck of single-celled matter may constitute hylomorphic human form.<sup>35</sup> The Church might answer that it is not so much the single cell that constitutes the human shape, but rather the human DNA residing within that cell. However, such a focus prompts the rebuttal that all human cells have this DNA, yet clearly every human cell cannot constitute a hylomorphic human body. Furthermore, it is now possible to isolate DNA from a cell, and it would seem bizarre to suggest that in such a form it satisfies the hylomorphic conception of a human person.

Perhaps most fatal to the coherency of the Church's position, fertilization is not the point at which all necessary genetic information is received. Without delving into excessive (and unnecessary) biological detail (as this has been more than adequately

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<sup>30</sup> See Robert Pasnau, 'Souls and the Beginning of Life (A Reply to Haldane and Lee)' (2003) 78 *Philosophy* 521, 524–25; John Coughlin, 'Canon Law and the Human Person' (2003–04) 19 *Journal of Law and Religion* 1, 4–12.

<sup>31</sup> See, eg, Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000); Norman Ford, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science* (1988); Joseph Donceel, 'A Liberal Catholic's View' in Patricia Beattie Jung and Thomas Shannon (eds), *Abortion and Catholicism: The American Debate* (1988) 48.

<sup>32</sup> Sacred Congregation for the Doctrine of the Faith, 'Declaration on Procured Abortion' (1974) 66 *Acta Apostolicae Sedis* 730, para 13.

<sup>33</sup> See Leslie Griffin, 'Evangelium Vitae: Abortion' in Kevin Wildes and Alan Mitchell (eds), *Choosing Life: A Dialogue on Evangelium Vitae* (1997) 159, 165.

<sup>34</sup> See, eg, Pope John Paul II, 'The Gospel of Life: *Evangelium Vitae*' (1995) 87 *Acta Apostolicae Sedis* 401, para 43.

<sup>35</sup> See Carol A Tauer, 'The Tradition of Probabilism and the Moral Status of the Early Embryo' in Patricia Beattie Jung and Thomas Shannon (eds), *Abortion and Catholicism: The American Debate* (1988) 54, 76–79.

canvassed elsewhere),<sup>36</sup> it is clear that the reception of the essential genetic data (which appears to be the Church's focus) is a relatively lengthy process. The zygote's genetic information obtained during the process of conception (and contained in chromosomes) is complemented with further genetic information (that the zygote requires in order to continue its development) from both maternal mitochondria and messenger RNA, and this usually occurs sometime between three and five days after conception.<sup>37</sup>

Some authors even go so far as to suggest that it is not until approximately two weeks after conception, at implantation, that it is possible to declare that the genetic blueprint has been wholly received, in the sense that it is only after this point that one may say with certainty that the embryo will undergo no further genetic modification.<sup>38</sup> Whether one agrees with this later hypothesis or not, what is clear is that biology does not support immediate hominization in the way the Church asserts that it does.<sup>39</sup> If the Church, in determining the moment of ensoulment, wishes to rely on the reception of the genetic information necessary for the subsequent development of the human individual, then conception/fertilization is an inappropriate (in the sense of being biologically inaccurate) moment to choose. There is therefore no obvious biological support for the proposition that a hylomorphic human body (as defined by the Church) is created at fertilization.

The Church furnishes no additional argument as to why hylomorphic theory necessarily (or even probably) leads to a finding of immediate animation. On this basis one may conclude that the Church's position is inadequately argued and, as a result, unconvincing. This conclusion is reinforced when one recognises that the strength (or weakness) of a theory is dependent not only on the merits of the theory itself, but also on the theory's ability to withstand critical attack. It is of interest to note in this respect that the Church is silent when it comes to rebutting alternative

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<sup>36</sup> See James Diamond, 'Abortion, Animation, and Biological Hominization' (1975) 36 *Theological Studies* 305, 308–16; Thomas Shannon and Allan Wolter, 'Reflections on the Moral Status of the Pre-Embryo' (1990) 51 *Theological Studies* 603, 606–14; Mark Johnson, 'Delayed Hominization: Reflections on Some Recent Catholic Claims for Delayed Hominization' (1995) 56 *Theological Studies* 743, 744–63; Shoemaker, 'Embryos, Souls, and the Fourth Dimension' (2005) 31 *Social Theory and Practice* 51, 53–74; Paul Copland and Grant Gillett, 'The Bioethical Structure of a Human Being' (2003) 20 *Journal of Applied Philosophy* 123, 125–28.

<sup>37</sup> See Carlos Bedate and Robert Cefalo, 'The Zygote: To Be or Not to Be a Person' (1989) 14 *Journal of Medicine and Philosophy* 641, 644–45 (1989); Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000), 43; James Diamond, 'Abortion, Animation, and Biological Hominization' (1975) 36 *Theological Studies* 305, 310; Thomas Shannon and Allan Wolter, 'Reflections on the Moral Status of the Pre-Embryo' (1990) 51 *Theological Studies* 603, 608; Lisa Sowle Cahill, 'The Embryo and the Fetus: New Moral Contexts' (1993) 54 *Theological Studies* 124, 127–28.

<sup>38</sup> See Norman Ford, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science* (1988), 181; James Diamond, 'Abortion, Animation, and Biological Hominization' (1975) 36 *Theological Studies* 305, 312–16.

<sup>39</sup> See James Diamond, 'Abortion, Animation, and Biological Hominization' (1975) 36 *Theological Studies* 305, 307, 316, 319; H Tristram Engelhardt Jr, 'The Ontology of Abortion' (1974) 84 *Ethics* 217, 228; Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000), 78; Carol A Tauer, 'The Tradition of Probabilism and the Moral Status of the Early Embryo' in Patricia Beattie Jung and Thomas Shannon (eds), *Abortion and Catholicism: The American Debate* (1988) 54, 76–77; Thomas Shannon and Allan Wolter, 'Reflections on the Moral Status of the Pre-Embryo' (1990) 51 *Theological Studies* 603, 625–26.

conclusions reached by Catholic scholars applying the identical metaphysical theory of hylomorphism.<sup>40</sup> Such scholars have canvassed various time periods as to when the foetus acquires a soul, and thereby attains its personhood, with many focusing on a point after implantation (which occurs between 14 and 16 days after conception).<sup>41</sup> Dombrowski and Deltete even go so far as to suggest that a hylomorphic human body is not apparent (and therefore ensoulment has not occurred) until sometime between 24 and 32 weeks gestation.<sup>42</sup>

This divergence of opinion within Catholicism is hardly surprising as the concept of hylomorphic 'human form' is susceptible to myriad interpretations. Nonetheless, one might well have expected the Church to answer such Catholic 'radicals', and support its preferred position of immediate hominization, but this is yet to occur.<sup>43</sup>

## CONCLUSION

On the basis of the preceding discussion the Church's position on foetal personhood may be described as both inconsistent and unpersuasive. There is no doubt that the Church's failure to unconditionally adopt the teaching of immediate ensoulment produces internal inconsistency in its stated position on foetal personhood, and the Church provides insufficient reasons in favour of even the probability of immediate animation. In addition, a theory of immediate animation creates tension with the basic dogma of hylomorphism.

The analytic impotence of the Church's argument raises the implication that the official position is not actually believed by the Church, but rather determined by desired objectives. For instance, perhaps conception is chosen by the Church as the point of ensoulment due to a desire for practical certainty.<sup>44</sup> Such a hypothesis is compatible with the Church's refusal to adopt immediate animation as fact, while still defining the foetus as a person from conception. Or perhaps the Church labels the foetus as a person from conception only because it results in a strong moral

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<sup>40</sup> See, eg, Joseph Donceel, 'Immediate Animation and Delayed Hominization' (1970) 31 *Theological Studies* 76; Norman Ford, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science* (1988); Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000).

<sup>41</sup> See eg, Norman Ford, *When Did I Begin? Conception of the Human Individual in History, Philosophy and Science* (1988), 170–81; Joseph Donceel, 'A Liberal Catholic's View' in Joel Feinberg (ed), *The Problem of Abortion* (2<sup>nd</sup> ed, 1984) 15, 15–20.

<sup>42</sup> Different date ranges are suggested throughout their book but the above range fits within all those mentioned — see Daniel Dombrowski and Robert Deltete, *A Brief, Liberal, Catholic Defense of Abortion* (2000), 53, 56–59, 121–28.

<sup>43</sup> See Leslie Griffin, 'Evangelium Vitae: Abortion' in Kevin Wildes and Alan Mitchell (eds), *Choosing Life: A Dialogue on Evangelium Vitae* (1997) 159, 165.

<sup>44</sup> See Carol A Tauer, 'The Tradition of Probabilism and the Moral Status of the Early Embryo' in Patricia Beattie Jung and Thomas Shannon (eds), *Abortion and Catholicism: The American Debate* (1988) 54, 54–55; Joseph Donceel, 'A Liberal Catholic's View' in Joel Feinberg (ed), *The Problem of Abortion* (2<sup>nd</sup> ed, 1984) 15, 17. Engelhardt suggests the novel motivation that immediate animation was 'developed under the pressure of the Catholic dogma of the Immaculate Conception' — H Tristram Engelhardt Jr, 'The Ontology of Abortion' (1974) 84 *Ethics* 217, 226.

condemnation of abortion, which the Church opposes for reasons other than foetal personhood; reasons that might not generate the level of support that a 'right to life' position tends to produce. Of course, the Church has never suggested such contrived motivations, and it is beyond the purpose of this paper to investigate such assertions.



