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ABORTION
IN *THE UNIVERSAL ENCYCLOPEDIA OF PHILOSOPHY* [*]

Abortion (Latin: *abortio*, *abortus*—miscarriage, including induced miscarriage, from: *aboriri*, *abortire*—to perish, to vanish) is the deliberate and immediate killing of a human being before birth (abortion must be distinguished from spontaneous miscarriage or a situation where the child is allowed to die without this being intended, where the death is the result of causes not dependent upon acting persons—*abortus indirectus*).

This issue is especially important in the 21st century because of the availability of technologies that make it easier to perform abortions and because of the spread of a mentality approving abortion.

The philosophical aspects of abortion concern in particular the moral evaluation of the act. The moral evaluation of abortion depends, on one hand, upon how the ontic status of the conceived human being is defined, and on the other hand, upon what kind of criteria one assumes for the moral evaluation.

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The Ontic Status of the Conceived Human Being

In ancient times and in the Middle Ages, there were various positions on the beginning of human life. According to Tertullian, Plato thought that a human being does not acquire a soul until the moment of birth: with the child's first breath, the soul is infused from outside of the mother's womb.[1] Tertullian writes that Plato also held another conception: "I hardly know [which of Plato's two views I should believe], for he here shows us that the soul proceeds from human seed (and warns us to be on our guard about it), not, (as he had said before) from the first breath of the new-born child."[2] Plato commanded that the unborn should be surrounded by special protection.[3] Tertullian thought that the Stoics, along with Aenesidemus, shared this opinion. Aristotle's position that the fetus becomes human forty days after conception in the case of a male, and ninety days after conception in the case of a female, had a particularly strong influence until the end of the Middle Ages.[4] It is thought that Aristotle did not treat these times as the moments when the fetus would acquire a soul (when the intellectual soul would appear). The Stagirite was not certain whether this problem can be solved and he did not say when the human soul enters the body. Philo followed the Book of Exodus (21:22) and said that the fetus is a human being if it is formed, while Tertullian stated that the embryo has a soul from the moment of conception, since the "substance of both body and soul . . . are conceived, and formed, and perfectly simultaneously."[5] According to Tertullian, if someone thought that the body was

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[1] Tertullian, *De anima*, 25, 2–4.

[2] *Ibid*. Translated by Peter Holmes. From *Ante-Nicene Fathers*, Vol. 3, ed. Alexander Roberts, James Donaldson, and A. Cleveland Coxe (Buffalo, NY: Christian Literature Publishing Co., 1885). Available at: http://www.newadvent.org/fathers/0310.htm.

[3] *Leges*, VII, 789 A–790 A.

[4] *Generatione animalium*, 2, 3.

[5] Tertullian, *De anima*, 25, 2; 37, 2.

conceived earlier than the soul, he would be compelled to distinguish the times of their respective inseminations; furthermore, "if different periods are to be assigned to the inseminations then arising out of this difference in time, we shall also have different substances."[6] Tertullian regarded the fetus as a potential human person: "That is a man which is going to be one; you have the fruit already in its seed."[7] St. Jerome, on the other hand, wrote that embryos are gradually formed in the womb.[8] Jerome and Augustine both admitted that they did not know when the rational soul is given by God. Augustine truly accepted the Septuagint's distinction between the *fetus formatus* and the *fetus informatus*, but this did not make the formation of the fetus the same as its acquisition of a spirit. He allowed that it is possible that unformed fetuses are endowed with a rational soul, but he did not settle the question of whether animation occurred at the moment of conception, when the fetus takes a human shape, or at the moment it makes its first movements.

Thomas Aquinas knew Aristotle's view on later animation and occasionally cited him on account of his scientific authority when he stated that God infuses a rational soul into the body only when the body is prepared.[9] According to this theory, the embryo would undergo substantial changes: first it would possess a substantial form which was a vegetative soul, then the sensitive soul would take its place, and finally the rational soul would replace the sensitive soul. Thomas's position, however, may be interpreted as follows:

> the sequential *generationes et corruptiones* . . . occur in an infinitesimal interval of time or completely outside of time, or to put it more strictly—in a temporal moment *in instanti*. In such a case, the theory of sequential substantial changes in the embryo could

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[6] *Ibid.*, 25, 2; 37, 7.

[7] *Apologeticum*, IX 8.

[8] *Letters*, 121, 4.

[9] *S.Th.*, I, q. 100, art. 1, ad 2.

be brought into full agreement with the theory that the soul endowed with a mind was created by God at the moment of conception, and so at the moment of the first formation of the human embryo.[10]

However, if we consider the scientific findings of our day, we cannot hold the view that any substantial changes occur over the course of the life of the human being during the fetal stage.

Modern philosophical argumentation on the beginning the life of the human being as a person appeals to data from the natural sciences that show that when the sperm cell joins with the ovum the first living cell is produced; this cell possesses the human genetic code that henceforth without interruption directs the entire psycho-physical development of the human being. The identity of the system of man's operation from conception indicates that there is one and the same source for these operations, and this we call the human soul. The position that the human soul first appears at the moment when the body is properly organized must be rejected, since

> we see the identity of the system of operation according to the inherited code. The soul is simple in itself and is not capable of successive exchanges; either it is whole or it is not. If it is one and the same source of operation, then it is one and the same soul in this operation as the intellectual soul which prepares for itself . . . its own organism distinct from that of its mother and father, the human body which at the right moment allows intellectual cognitive activities and together with them the whole ensemble of man's spiritual activities.[11]

The soul as the being's act of existence cannot be posterior to the being itself.

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[10] Św. Tomasz z Akwinu [St. Thomas Aquinas], *Traktat o człowieku* [*Treatise on Man*], ed. Stefan Swieżawski (Poznań: Pallotinum, 1956), 734.

[11] Mieczysław A. Krąpiec, *Psychologia racjonalna* [*Rational Psychology*] (Lublin: RW KUL 1996), 302.

It is also shown that theories that human existence does not begin until some moment after conception do not respect the elementary principles of being and thought. Since a human's life is a continuum and at the same time a uniform and identical process (as is indicated by the natural sciences), and man is the point at which this process aims, then any attempts to locate the beginning of man's existence at some other time than at the moment of conception are contrary to the principle of sufficient reason, as well as the principle of non-contradiction and identity. Furthermore, all the theories that state that the beginning of human life is later than at the moment of conception (e.g., based on such criteria as the moment of birth, the ability to exist on one's own, the possession of consciousness, the development of nerve tissue, the ability to move, etc.) arbitrarily take some stage of human development as the determining factor in the existence of the human being. This leads to absurd consequences when one is forced not to recognize as human beings those who certainly are human beings.

Some of the findings of embryology (the fact that until the time of implantation, two or more organisms can arise from one embryo, or that two zygotes can unite into one individual) have influenced some thinkers to accept the theory of successive animation (e.g., Karl Rahner, Wilfried Ruff, Tadeusz Ślipko). Some thinkers regard this theory as more probable than the theory of simultaneous animation. Some argue that the phenomenon of monozygotic twins does not provide sufficient grounds for rejecting the theory of simultaneous animation (at the moment of conception). Because of the particular epistemological and methodological character of such statements (such statements belong to the experimental sciences and thus they can have only a hypothetical character), their ethical conclusions remain the same as when one presupposes simultaneous animation.

The Moral Evaluation of Abortion

In ancient Greece and Rome abortion was generally accepted, while the Jews and Christians clearly and constantly condemned it.

Plato allows abortion and infanticide for eugenic reasons and to control the number of people in the ideal state: "[P]referably not even to bring to light anything whatever thus conceived, but if they are unable to prevent a birth to dispose of it on the understanding that we cannot rear such an offspring."[12] In the *Leges*, Plato presents colonization, but not abortion and infanticide, as a sufficient means for avoiding overpopulation: "[I]n case . . . [of] a superabundance of citizens . . . there still remains . . . the sending forth, in friendly wise from a friendly nation, of colonies consisting of such people as are deemed suitable."[13] Aristotle also justified abortion:

> As to exposing or rearing the children born, let there be a law that no deformed child shall be reared . . . there must be a limit fixed to the procreation of offspring, and if any people have a child as a result of intercourse in contravention of these regulations, abortion must be practised on it before it has developed sensation and life; for the line between lawful and unlawful abortion will be marked by the fact of having sensation and being alive.[14]

Seneca noted that abortion was universal and regarded the custom of killing and drowning lame and deformed newborn fetuses and

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[12] *Republic*, 461 C, in Plato, *Plato in Twelve Volumes*, Vols. 5 & 6, trans. Paul Shorey (Cambridge, MA: Harvard University Press; London: William Heinemann Ltd., 1969). Available at: http://www.perseus.tufts.edu/hopper/.

[13] *Laws*, 740 D–E, in Plato, *Plato in Twelve Volumes*, Vols. 10 & 11, trans. R. G. Bury (Cambridge, MA: Harvard University Press; London: William Heinemann Ltd., 1967 & 1968). Available at: http://www.perseus.tufts.edu/hopper/.

[14] *Politics*, 1335 b, in Aristotle, *Aristotle in 23 Volumes*, Vol. 21, trans. H. Rackham (Cambridge, MA: Harvard University Press; London: William Heinemann Ltd., 1944). Available at: http://www.perseus.tufts.edu/hopper/.

children as fitting. He thought it was the proper decision since "we separate the sick from the healthy," yet he had a negative opinion of abortion. He recalled that despite the prevailing customs his own mother did not destroy her "expected child within your womb after the fashion of many other women."[15]

Philo regarded the killing of one's own children as murder in the highest degree, for it is the murder of one's own offspring. Clement of Alexandria states that Christians should not

> kill, by various means of a perverse art, the human offspring, born according to the designs of divine providence; for these women who, in order to hide their immorality, use abortive drugs which expel the matter completely dead, abort at the same time their human feelings.[16]

Athenagoras also condemned abortion.[17] Tertullian said that, "To hinder a birth is merely a speedier man-killing; nor does it matter whether you take away a life that is born, or destroy one that is coming to the birth."[18] Jerome and Augustine both admitted that they did not know the moment when the fetus became animated, but they condemned abortion—irrespective of the age of the fetus—as the homicide of one's own child. Augustine condemned the slaying of children before they are born.[19] Basil of Cappadocia described abortion as murder irrespective of any distinction between the "formed" and the "unformed" fetus.[20]

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[15] Seneca, *De consolatione ad Helviam*, XVI, in Seneca, *Consolations from a Stoic*, trans. Aubrey Stewart (Enhanced Media, 2017).

[16] *Paedagogus*, 2, 10, 96, trans. Simon P. Wood. (New York: Fathers of the Church, Inc., 1954).

[17] *Legatio pro christianis*, 35, PG 6, 950.

[18] *Apology*, IX, 8, in *The Ante-Nicene Fathers*, Vol. 3 (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 1957), 25.

[19] *De nuptiis et concupiscentiis*, I, 18 [XV].

[20] *Letters* 188, PG 32, 672.

Peter Lombard argues that the animation of the fetus takes place only when it has been formed, and to cause an abortion when the fetus has been animated is homicide.[21] The text cannot be taken as a moral approval of the abortion of an "unformed" fetus. In his commentary on the *Sentences*,[22] St. Thomas Aquinas describes the use of abortifacients as a "sin against nature." In the *Summa Theologiae*, Thomas comments upon the Book of Exodus (21:22) and describes the causing of a miscarriage by hitting a pregnant woman as "accidental homicide" (*homicidium casuale*).[23] Both Thomas and Albert the Great regarded sexual relations in the later period of pregnancy as a serious moral evil (a grave sin) because of the possibility that it could cause a miscarriage. Thomas also rejected the idea that abortion can be allowed for the good of the child.[24] In his opinion, for the eternal good of the child it is not allowed to cut open his mother in order to remove him from the womb and baptize him; it is also not permitted to kill a child before birth to save him from some earthly misfortune (e.g., because of mental retardation). Thomas resorts to the principle that the end does not justify the means, or in other words, that one may not do evil that good may come of it. Aquinas also provided some principles that are indispensable in the moral evaluation of so-called therapeutic abortion, that is, the killing of the child in order to save the life of the mother, and in distinguishing this act from *abortus indirectus*. In his opinion, homicide in self-defense is proper if the death of the other person is the unintended result of an action that was aimed at saving one's own life.[25]

The first expression of approval for abortion in European philosophy may be found in the Marquis de Sade's book, *La philosophie dans*

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[21] *Sentences*, 4, 31.

[22] *In IV Sententiarum*, 4, 31, 18.

[23] *S.Th.*, II–II, q. 64, art. 8, resp.

[24] *In IV Sententiarum*, 1, 1, 3, ad 4.

[25] *S.Th.*, II–II, q. 64, art. 7.

le boudoir;[26] he justifies abortion performed for the sake of controlling the population. This is also in harmony with the apotheosis of lust and coercion in his writings.

Various forms of subjectivist approach to the norm of morality (i.e., of making activity aligned not with objective reality, but rather with some factors which are ultimately subjective) may allow for a positive evaluation of abortion, if it is espoused by a "calculus of pleasure" (ethical hedonism), the decision of a subject (autonomous deontonomism), or the decision of a morally authoritative instance outside a subject (heteronomous deontonomism). It is essential to a moral judgment that it should be based upon the perception of the truth about objective reality in which the acting subject finds himself—especially the truth about who the subject of an action and the person addressed in that action are in their ontic and axiological structures. If abortion is the taking of the life of an innocent and defenseless human person, then this act is always and everywhere morally wrong. Life is man's fundamental good and it gives meaning to all the other goods of man. To take a human person's life means to disrespect the ontic and axiological status of this person. Such an act is always and everywhere wrong because no real conflict is possible between life and any other higher good.[27]

It is wrong to present abortion as a situation of defense against an unjust aggressor in which it is permitted to apply proportional measures to save oneself from some act of aggression. A child before birth cannot be qualified as an aggressor because he cannot perform rational and free actions.

No possible doubts about the humanity of the fetus can change this moral qualification of abortion, because when someone undertakes an action which may be the killing of a human being, that person in fact

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[26] Londres 1795.

[27] The respect both for life and any such higher good is a condition for affirming the value of the person.

is consenting to the possible killing. Aquinas recalls the incident described in the Book of Genesis (4:23) and writes that "he who does not remove something whence homicide results whereas he ought to remove it, is in a sense guilty of voluntary homicide."[28] For these reasons, the moral evaluation of abortion in the Middle Ages (unlike the legal evaluation, which required that the punishment—adapted to the views on biology prevalent at the time—should be meted out for the good of the accused) was independent of the accepted view concerning the time of animation.

The justification of abortion in terms of the expectation that thereby some good will be achieved (e.g., that the mother's life will be saved, or that she will be spared sufferings resulting from rape or difficult material conditions) implies the impermissible treatment of the person of the child as nothing more than a means to the end of some other person. Meanwhile the human person by reason of his ontic and axiological dignity—based on his rationality and freedom which allow him to define and to choose his own ends by himself, and which does not depend upon the circumstances of his conception or living conditions, and by which the person is a *bonum honestum*, a good in himself—definitely cannot be treated as a means to an end.

The killing of the child before birth in order to save the life of the mother in cases where these goods are in conflict is also not morally justified. This situation must, however, be distinguished from *abortus indirectus*, that is, from cases where the obligation to save the life of a woman in immediate danger justifies a medical intervention which indirectly—unintendedly but unavoidably—results in the death of the child (e.g., the surgical removal of part of the fallopian tube in a case of extra-uterine pregnancy which poses an immediate threat to the lives of

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[28] *S.Th.*, II–II, q. 64, art. 8, trans. Fathers of the English Dominican Province (Benziger Bros. edition, 1947). Available at: https://dhspriory.org/thomas/summa/.

both mother and child). Cases where the death of an unborn child is merely allowed must be distinguished from cases where the child is directly put to death in order to save the mother's life. In the latter case the child is treated merely as a means to the end of another person, which is as morally unjustified as it would be to treat the mother merely as a means for the good of the child. Since persons can never be treated merely as means to an end, they must not be treated as such when a mother's life is in danger.

It is also morally impermissible to kill an unborn child who is mentally retarded (such killing is defended in vitalistic conceptions of man supported by, e.g., Friedrich Nietzsche, Peter Singer). The value of the person and the value of the person's life do not depend upon the person's state of health (no matter what his illness is or how serious it is, the sick person does not cease to be a human person equal in dignity to other persons). For this reason, the human person's state of health does not have any essential influence upon the moral evaluation of the act of putting him to death.

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SUMMARY

The author discusses the problem of abortion. He defines abortion as a deliberate and immediate killing of a human being before birth; he distinguishes it from spontaneous miscarriage or a situation where the child is allowed to die without this being intended, where the death is the result of causes not dependent upon acting persons—*abortus indirectus*. In order to morally evaluate the act of abortion, the author considers both the ontic status of the conceived human being and the criteria usually used for the evaluation.

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