

The Pope  
who said  
Abortion  
is  
NOT  
Murder

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Secrets of the Catholic Church

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## Introduction

Some years ago I discovered a surprising fact. In a book by a Catholic theologian I read that a pope once ruled abortion is not murder. I was amazed. Years of Catholic education, including four years at a Jesuit institution, had given me some understanding of Church doctrine and the way the Church works. From what I knew, it was absolutely unbelievable that a pope, any pope, would say abortion was not murder. Yet, according to the theologian, one pope had.

The pope was Pope Innocent III. The time was about eight hundred years ago. The occasion was a question: was a monk who had helped his lover obtain an abortion guilty of murder? The monk was guilty of fornication and aiding an abortion. But were he and his lover also guilty of murder, of taking the life of a human being? No, answered Pope Innocent, because the aborted fetus was not a human being.

My newly-discovered secret left me with two questions. Why would a pope say a fetus is not a human being? Who was Pope Innocent?

I wondered if Pope Innocent was one of the bad popes. If so, there might be no reason to worry too

much about what he said.

It is an undeniable fact that not all popes have been pious, good men. Many have been pious and devout, but not all. Critics of the Church use that to argue the Church is not a special institution, but merely a creation of man. Believers, on the other hand, see God's special care in preserving His Church in spite of the failings of men, and point to Peter, who denied Christ three times but nonetheless was made the first pope. But no one on either side of the controversy, as far as I know, disputes the fact that some popes have been less than holy.

Was Pope Innocent one of the bad popes? I made my first order of business learning about Pope Innocent. Who was he?

## 1 – Pope Innocent III

Rome. The Eternal City. In ancient times all roads led to Rome. Today, twenty million tourists and pilgrims traverse the roadways and airways to Rome each year, to see the Coliseum, the Forum and Pantheon, the Aqueducts and Catacombs, along with Saint Peter's Basilica, Saint Peter's Square and all the other religious wonders of the Vatican. Often, visitors plan excursions to nearby cities and towns. But few visit the humble, little town of Gavignano, an hour's drive to the southeast.

Gavignano is an ancient, hilltop town that possesses at least two historic distinctions. Two millennia ago it was named, it is said, after the Roman general Aulus Gabinius, who was friend to Julius Caesar and Pompey. And Pope Innocent III was born there in the year 1160 A.D. (some sources say 1161 A.D.)

Born Lotario de' Conti, Pope Innocent was the son of a noble woman and Count Trasimund. Lotario's father was a member of the famous house of Conti, which eventually gave the world nine popes, including Pope Innocent III and his uncle, Pope Clement III. Of Lotario's childhood days in Gavignano, little is known. He received his early education in nearby Rome and then studied theology at the University of

Paris and law at the University of Bologna. Lotario's deep understanding of theology and law won him recognition and respect. Later in his life, as Pope, he drew on his knowledge to help shape the Church's own canon law.

In 1181, at the age of twenty-one, Lotario returned to Rome and quickly moved up the Church's hierarchy, becoming Sub-Deacon, then Cardinal-Deacon, and, by the time he was thirty, Cardinal. While performing his many duties, Lotario found time to write *On the Misery of the Human Condition*, a book that was widely read for centuries. He also planned a complimentary work, *On the Dignity of Human Nature*, but never completed it.

In 1198 the reigning pope, Celestine III, died. That day, though Celestine had recommended a different successor, Lotario was elected pope. Thus, at the young age of thirty-seven, Lotario attained the Church's highest office, Bishop of Rome, Vicar of Christ, Supreme Pontiff, Servant of the Servants of God, Pope, taking the name Pope Innocent III.

One of Lotario's first initiatives as Pope was to promote the Fourth Crusade. During his childhood and early maturity, Christian Crusaders had controlled the Holy Land. Then, in 1187 A.D., Jerusalem fell to the armies of Islam. A Third Crusade had been

mounted from 1189 to 1192, but the Crusaders failed to regain Jerusalem. In 1198, Pope Innocent called for yet another crusade, the Fourth Crusade. It was to be one of his few political failures.

When the Crusaders of the doomed Fourth Crusade assembled in the city of Venice in 1202 A.D. they found ships, weapons and provisions ready. The Venetians had been contracted to equip 33,000 troops, and had spent a huge sum of money fulfilling their side of the contract. But the anticipated 33,000 Crusaders had not arrived; only a mere 12,000. Nonetheless, the Venetians demanded full payment, 85,000 silver marks, as specified in the contract. Unable to pay the full sum, the Crusaders agreed to work off their debt by conquering the rebellious city of Zara for the Venetians. Though Pope Innocent had expressly forbidden the Crusaders from attacking Christian cities, it was argued that taking Zara, which was Catholic, was the only way to prevent the Crusade from failing before it left Venice. Zara fell to the Crusaders after a brief siege.

Though conquering Zara satisfied their debt to the Venetians, the Crusaders still numbered barely more than a third of the hoped-for 33,000 troops. Undermanned and underfunded, they fell prey to an offer by Prince Alexius Angelus, son of a



recently deposed Byzantine emperor. Alexius promised the Crusaders 10,000 additional troops along with 200,000 silver marks if they conquered the seat of the Byzantine Empire, the ancient city of Constantinople, and restored him to the throne. In 1204 A.D., Constantinople, also a Christian city, fell to the Crusaders, with horrible pillage and carnage. When Innocent learned of the attack on Constantinople, he angrily excommunicated those responsible for diverting the Crusaders from their mission to recapture Jerusalem.

With its energy spent on the attacks of Zara and Constantinople, The Fourth Crusade dissipated. It failed to reconquer Jerusalem; in fact, most Crusaders failed even to set foot upon the city.

Though the Fourth Crusade may be counted as a failure, there is a host of political successes to Innocent's credit. He restored papal power first to Rome, later to Sicily and then much of the Italian peninsula. He asserted the papacy's right to approve – or to deny– the crown to the kings of Europe. Says the online Catholic Encyclopedia: "There was scarcely a country in Europe over which Innocent III did not in some way or other assert the supremacy which he claimed for the papacy." Under Pope Innocent, papal power in the politics of European nations reached its

height.

There are in the world those who are purely temporal leaders, those who are purely religious leaders, and those who are a mixture of both. Among temporal leaders we may count Presidents and Prime Ministers who, while deeply involved in politics and other worldly affairs, do not involve themselves in religious questions. On the other hand, there are purely religious and spiritual leaders who scrupulously avoid political involvement. Then there is a third type: religious leaders who involve themselves in temporal and political issues. During the time of Innocent, popes were leaders of the third type, very much involved in issues of this world and the next world. Nonetheless, a pope is essentially a religious leader and therefore should not be judged on his political successes or failures. What, then, were the religious successes and failures of Pope Innocent?

Pope Innocent's most enduring religious legacy lies in the canons (i.e., decrees, laws) of the Fourth Lateran Council. Said to be "by far the most important council of the Middle Ages," the Fourth Lateran Council is often called simply "The Great Council." Announced in a papal Bull of April 19, 1213 A.D.,

the Council did not convene for over a year.

Today air travel has reduced the distance between countries to days, even hours. Eight centuries ago, such travel was measured in months or years. By the time the Great Council convened, nineteen months after its announcement, seventy-one high Church officials, including the Patriarchs of Constantinople and Jerusalem, had arrived, along with four hundred and twelve bishops, nine hundred monastic leaders, and the kings of European and Middle East countries. On November 15, 1215, the Great Council began its deliberations, which were to be brief. Innocent put before the Council seventy-one canons. In a tribute to Innocent's great power and prestige, as well as his deep knowledge of theology and law, the Council approved Innocent's seventy-one edicts with little discussion or disagreement.

Pope Innocent III died in Perugia on June 15, 1216, while trying to organize a Fifth Crusade.

As we've seen, a few popes, the bad popes, did not possess holiness or deep learning. Among them we may name Pope Benoit IX, who was elected in 1032 A.D. at the tender age of twelve years old. Then there was Pope John XII, elected before his nineteenth birthday, whose passions were not holiness and truth, but hunting and spending Church funds on

loose women. And speaking of women, there are the tales of Pope Joan. In one version, sometime about 855 A.D. the illegitimate daughter of a previous pope pretends to be a man and succeeds her father, becoming Pope Joan. (Many historians believe tales of Pope Joan are mere legend, without any basis in fact.)

Some popes are best forgotten. Had I discovered Pope Innocent III was one of them, one of the bad popes, I would not have cared why he denied abortion was murder. But, in fact, Pope Innocent is one of the great popes, one of the most learned and influential popes of the Middle Ages, one of the most vigorous and influential popes in all Church history. How could such a great, learned pope decide that a couple who had an abortion was not guilty of murder? The answer lies in the Church's teachings about the human soul.



## 2 – The Human Soul

When we die, our body lies still and motionless. Where are we? Where have we gone? Nowhere? Have we simply ceased to be? Or is there something in us that survives death?

From before the dawn of history, people have believed that something in us, a soul, survives the death of our body. Evidence of this belief lies in prehistoric tombs where the body is surrounded by food and tools, apparently provisions for some sort of afterlife.

In the Bible, God forms Adam's body, but Adam doesn't live until God gives him the "breath of life."

Then the LORD God formed man of dust from the ground, and breathed into his nostrils the breath of life; and man became a living being.  
– Genesis 2:7

Religious scholars believe "breath of life" refers to the soul. In fact, in modern bibles the word soul is often a translation of either a Hebrew word that means breathing creature, or a Greek word that

means life breath.

Today, most people think of soul as the immortal soul, as the immortal part of a human being: in Western religions the soul survives death to live in heaven or hell; in Eastern religions it reincarnates in another body on earth. But ancient texts sometimes use the word soul with a wider meaning. For instance, Jewish scholars find in scripture three types of souls: *nephesh*, an animal, bodily soul; *nuah*, the ethical, moral soul; and *neshamah*, a spiritual intelligence. Similarly, in ancient Greece Plato taught that man has a three-part soul: an appetitive soul, the seat of desires, located in the belly; the forceful soul, the seat of courage, located in the breast; and the rational soul, the seat of reason, located in the head. And Plato's pupil Aristotle saw the soul as evolving in the womb over time. He taught the fetus at conception possesses merely a vegetable soul but in time acquires an animal soul and finally becomes human when it receives what is variously called the human soul, the rational soul, or the intellectual soul. The idea that the human soul enters the fetus *some weeks* after conception later came to be called delayed ensoulment.

Delayed ensoulment may seem odd but it agrees in a crude way with what science tells us. Basic

life processes, which occur even in plants, are assimilation, growth and excretion. When the young fetus begins to exhibit those life processes, it's at the vegetative stage of development, i.e., has a vegetative consciousness, a vegetative soul. Eventually, it acquires the life processes typical of animals, awareness of the external environment and movement. At this stage, it may be said to have animal consciousness. At about week twenty-eight, the fetus begins to exhibit brain waves like those of a newborn baby, indicating human consciousness.

In the time of Jesus, there were various beliefs about the soul. Jesus taught we have an eternal soul, which after death goes to heaven or hell. At the same time, the Sadducees denied the existence of an immortal soul, while the Pharisees taught the soul was immortal and pre-existing, reincarnating in body after body, life after life, a view reminiscent of Hindu and Buddhist ideas of reincarnation.

After Jesus, Christians accepted that each person has an eternal soul but disagreed about when the soul first enters the fetus. Some Christians thought the fetus received the human soul at the time of conception; others thought some weeks after conception.

For instance, Tertullian, a Christian who lived from about 160 to 220 A.D., taught the fetus receives a



human soul at the moment of conception. Tertullian wrote:

Now we allow that life begins with conception because we contend that the soul also begins from conception; life taking its commencement at the same moment and place that the soul does.

The idea that the human soul enters the fetus *precisely at the moment* of conception later came to be called immediate ensoulment.

Tertullian helped shape early Christianity; for instance, he was one of the first to describe the Trinity as “three Persons, one Substance.” He was a leading Church figure for a time. In his later life, however, Tertullian left the Catholic Church and joined a heretical movement.

One notable Christian who taught the soul enters the fetus some weeks after conception (i.e., delayed ensoulment) was Saint Augustine. Observing that in Genesis Adam’s body was fully formed before God infused the soul, Augustine wrote:

The example of Adam shows us the soul enters a formed body. If the soul could unite with the mud of the earth, this would form a body. But this is untenable because a house must be

constructed before its occupant is introduced.

So, said Augustine, the fetus must be somewhat mature before it receives a human soul. The house must be constructed before the tenant moves in.

So when does God infuse the fetus with a human soul? Must the house be constructed before the occupant moves in, as Augustine taught? Or does the soul unite with the fetus at the moment of conception? The question is of no small importance but rather is crucial to the issue of whether abortion is or is not murder, for reasons that bear retelling though they may be perfectly obvious to many readers.

First, some terminology. The moment when the fetus acquires a human soul is variously called the time of ensoulment, formation, infusion, or animation. And a fetus that possesses a human soul is said to be ensouled, formed, infused, or animated; a Latin phrase for such a fetus is *fetus animatus*. Conversely, a fetus that does not yet possess a human soul is said to be unformed or inanimate; in Latin, *fetus inanimatus*.

Second, an age-old dogma of the Church is that a human being is composed of a human body and a human soul. Pope Innocent, for instance, reaffirmed this dogma in the very first canon of the Fourth

Lateran Council:

Jesus Christ, the only begotten Son of God made flesh by the entire Trinity, conceived with the co-operation of the Holy Ghost of Mary ever Virgin, made true man, composed of a rational soul and human flesh . . .

Thus a “true man” – that is, a genuine human being – has a human body and a human soul.

Third, a definition. What constitutes murder is an act that:

- is unlawful (lawfully taking a human life during war or by capital punishment is not murder)
- is intentional (accidentally killing someone is not murder)
- takes a life (if a person is injured but lives, it is not murder)
- takes a life that is human (killing an animal or plant is not murder)

Putting the three elements together we see why the time of ensoulment determines whether abortion is murder. Specifically, we get the following line of reasoning: 1) a genuine human being possesses a human body and a human soul; 2) therefore, if a fetus has not reached the time of ensoulment, it does not yet possess a human soul; 3) thus, taking its life through abortion is not murder. (Of course,

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the Church has always taught the act of abortion is a mortal sin.) Saint Augustine endorsed this line of reasoning when he wrote:

One who procures abortion before the soul is infused into the body is not a murderer. An embryo which is not yet formed cannot be murdered, nor can it properly be considered a human being in the womb. This depends on the soul, for when something is unformed and has no soul, it cannot be murdered. Something cannot be deprived of a soul if it does not have one.

And Pope Innocent accepted the reasoning when he ruled that because the fetus in question was not yet ensouled, the couple was not guilty of murder.

I now understood the first abortion secret of the Catholic Church; I understood why a great and learned pope such as Pope Innocent III would rule abortion was not murder. But I had uncovered another secret: Saint Augustine, that great Doctor of the Church, taught abortion was not murder if done early enough. That a single pope would say abortion was not murder was an incredible surprise. But that a Doctor of the Church would say so was a catastrophe for the view that the Church has always taught

abortion is murder.

In the Church, the Faithful follow Catholic teaching but do not define it. Only a few rare individuals get to determine genuine Catholic dogma. Jesus, of course, is the supreme teacher, the supreme example of someone who defines Church teaching. Below Jesus are the Doctors of the Church, a select group of thirty-three people, men and women, who have played such an important role in shaping Church teaching on doctrinal or theological questions that they have been given the official title *Doctor of the Church*.

Saint Augustine is ranked high among the Doctors of the Church, but Augustine believed that the young fetus does not possess a human soul, and so wrote:

The law does not provide that the act of abortion pertains to homicide . . .

And Saint Jerome is a Doctor of the Church. But Jerome wrote,

The seed gradually takes shape in the uterus, and [abortion] does not count as killing until the individual elements have acquired their external appearance and their limbs.

Today, many people believe the Church has always said abortion is murder. But once we know Doctors of the Church say abortion is not murder, we know the belief must be wrong. In other words, “The Church has always said abortion is murder but Doctors of the Church say it is not” cannot be true. Just as “The United States of America always said slavery was wrong but its Supreme Court said it was not” cannot be true. Just as “Physics always said action at a distance is impossible but Newton said it is possible” must be wrong. Just as “Western popular music never used suspended and altered chords but the Beatles did” is an impossible statement. In the same way, “The Church has always taught abortion is murder” cannot be true – and, in fact, is not true.

Today the theory of immediate ensoulment, the theory that “human life begins at conception,” is widely accepted in the Church. And many of the Faithful believe that the Church has always condemned abortion as murder. But, in fact, the Church accepted the theory of delayed ensoulment on at least two occasions, first in the teachings of Augustine and Jerome, and then eight hundred years later in the ruling of Pope Innocent III.

Once I understood delayed ensoulment, I understood why a pope would say abortion was not murder

(because the aborted fetus did not yet possess a human soul and therefore was not a human being.) What originally seemed inexplicable now made sense. What did not make sense was how delayed ensoulment contradicted everything I had read and knew – or thought I knew – about the Catholic Church. How had I come to believe that the Church had always taught abortion was murder when obviously it had not? What had gone wrong?

And just how many other popes and Doctors of the Church have endorsed delayed ensoulment?





### 3 – Delayed Ensoulment

Of all the men and women who have shaped the intellectual heritage of the West, two rank at or near the top, Aristotle and his teacher Plato. Many scholars consider them the two most influential philosophers of all time, with some scholars giving first place to Plato, others to Aristotle.

Plato was born between 428 and 427 B.C., in or near the ancient city of Athens. After receiving his education from Socrates and probably other sources, Plato is thought to have traveled to Italy and Egypt. Returning to Athens about his fortieth year, Plato founded the Academy, one of the West's first organized schools. The Academy was to endure for more than nine centuries, until the Christian Emperor Justinian, in 529 A.D., commanded all non-Christian schools closed. Plato's ideas survived the closing of his school; their influence in Western civilization has been enormous. For instance, Plato's idea of Eternal Forms or Ideas, along with the philosophical problem of the reality of universals, was to dominate philosophy in the Middle Ages. And about thirty years ago the notable philosopher and mathematician Alfred North Whitehead wrote, no doubt with some exaggeration, that "European philosophical tradition

... consists of a series of footnotes to Plato.”

Plato’s most famous student is Aristotle, born in 384 B.C. near the Greek city of Thessalonica. The son of a king’s physician, Aristotle received a noble education. When he was about eighteen, he traveled to Athens to study under Plato at the Academy, where he was to remain for twenty years, until Plato died. Soon after, the king of Macedonia, Philip II, invited Aristotle to tutor his son, destined to become Alexander the Great. Aristotle was married and is known to have had at least one child, a daughter named Pythias.

The range of Aristotle’s thought is vast and constitutes one of the West’s first comprehensive systems of philosophy. His cultural interests include theater, music, and poetry, as well as government, politics, rhetoric, and ethics. His scientific topics include logic and metaphysics, as well as biology, zoology and physics. In his scientific works we see the rudiments of what was to become the scientific method. Aristotle has been called “one of the most important founding figures in Western philosophy.” Many scholars would call him *the* most important figure.

Like Plato, Aristotle also established a school, the Lyceum, which did not survive as long as the

Academy. Aristotle died in 322 B.C.

The ideas of Aristotle and Plato still rank among mankind's great intellectual achievements; their writings have had a profound impact on the intellectual heritage of the West, first in ancient Greece and the Roman Empire, later in the golden age of Islamic science, and again in the Middle Ages, when the West rediscovered them.

Though Aristotle died three hundred years before Jesus, we find his influence reaching to more than four hundred years after Jesus, in those great Doctors of the Church, Saints Augustine and Jerome. In turn, we find Augustine and Jerome influencing or, in some cases, defining the teachings of the Church. In particular, one idea of Aristotle, Augustine and Jerome, that is, delayed ensoulment, was to be accepted in the Church for centuries.

Much is known about the life and thought of Augustine, thanks to his enormous body of work, a small library in itself; it's been estimated the volume of his writings equals forty three-hundred page books. In particular, *The Confessions of Saint Augustine*, which Augustine wrote in his forties, tells of his early life. Often credited as the first autobiography ever written in the West, it tells of Augustine's love of mathematics, his sexual profligacy as a youth,

his belief in and later rejection of astrology, and his eventual conversion to Christianity

Augustine was born in North Africa, near what is now Algeria, in the year 354. His father was pagan but his mother was Christian. Unlike his mother, the young Augustine wasn't willing to become Christian. Once, when seriously ill he promised his mother he would accept baptism, but on recovery changed his mind. When he was about sixteen, Augustine moved to the great city of Carthage and, as he was later to confess, indulged in a life of licentiousness and decadence. At about age nineteen, Augustine found religious faith, but it was a faith in Manichaeism not Christianity, much to his mother's distress. But Augustine eventually grew dissatisfied with Manichaeism and after studying Neoplatonic philosophy found his way to Christianity; at the age of thirty-three he accepted Christian baptism. Adopting a monastic lifestyle, Augustine gave himself up to praying, studying and writing. He became a priest in 391 and died in 430 at the age of seventy-six.

Like Augustine, Jerome lived a monastic life. He was born in 341 A.D., thirteen years before Augustine, in the northeast region of Italy. As a youth, Jerome was well educated and accepted Christian baptism. He read the New Testament in the original Greek,

but could not read Hebrew. So he learned Hebrew and eventually completed the immense work of producing a Latin translation of the Bible. Jerome died in 420 A.D., in Bethlehem.

Augustine and Jerome were to exert an enormous influence on Christianity; they were to settle for all time numerous questions of Christian dogma and belief. Why them? It was now over three hundred years since Jesus and the Apostles; why were so many big questions in Christian dogma still open, still unsettled? Why was Christianity so in need of clear direction in right doctrine and other matters of faith? The reasons are probably historical.

For centuries, Christianity had been a despised and persecuted religion, a fragmented religion, with many different beliefs and writings accepted as authentically Christian. In the Roman world over three centuries after Jesus, many different beliefs passed as Christian and many different writings (literally, hundreds) passed as scripture. Then in 313 A.D. the Roman emperor Constantine legalized Christianity, in the Edict of Milan. A few decades later, Christianity became the religion of the Roman Empire, by edict of Emperor Theodosius I in 380. Eleven years later, another edict of Theodosius banned other religions. Christianity had become the accepted

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religion of the Roman Empire. Now, two questions naturally arose: 1) of the many writings Christians venerate which are true, official Christian scripture? and 2) of the many different beliefs Christians hold which are true, official Christian beliefs?

To answer the first question, church officials met in 397 A.D. to decide which writings to include in the Bible and which to exclude. They had hundreds of documents to choose from. Some writings had been accepted as scripture for centuries by various Christian groups, but nonetheless were not included in the Bible. A very list of those writings would include:

- The Apocalypse of Peter
- The Gospel of Thomas
- The Gospel of the Hebrews
- The Gospel of Mary
- The Gospel of Nicodemus
- The Protovangelion of James
- The Book of Enoch
- The Book of Jubilees
- The Life of Adam and Eve
- The Letter of Barnabas
- The Didache

(We'll meet the *Didache* again in the next chapter.)

To answer the second question – how to discern true Christian dogma among a mass of conflicting opinions – various church councils and conferences were convened. And the views of the best Christian writers and thinkers of the day were taken into account. Among those writers and thinkers, Augustine and Jerome were preeminent.

Thus, the thoughts of Augustine and Jerome have had an enormous impact on Christianity. In particular, delayed ensoulment became an established teaching of the Church. In turn, delayed ensoulment influenced Church rulings, like that of Pope Innocent III; Church customs, the penitentials for instance; and Church laws, specifically, canon law. Thus we find a distinction between *fetus inanimatus* and *fetus animatus* in Church canon law. And we find the penalty for abortion less than the penalty for non-vaginal sex in medieval penitentials.

Many readers may be unfamiliar with penitentials, so a few words of explanation are in order.

For Catholics, sins are forgiven in the sacrament of Penance. The penitent enters the confessional booth, confesses his sins, and prays an Act of Contrition. Then the priest assigns various acts of penance for

the sins before administering absolution. Penance involves repeating certain prayers a certain number of times and may also involve some sort of restitution. In the Middle Ages, penance also included almsgiving, sexual abstinence, fasting, or a diet of bread and water. A priest has much freedom in deciding appropriate penance. Indeed, priests are encouraged to take a host of factors into consideration: whether the penitent is poor and uneducated, seems sincerely sorry for the sin, was been severely tempted, etc. Nonetheless, priests often assign the same penance for the same sins – for the sin of disobedience to parents say five Hail Mary prayers, for lying, ten Our Fathers. In time, unofficial rules of thumb for penance developed. As early as the sixth century A.D. such rules of thumb were collected into books, called penitentials. Early penitentials were unofficial; eventually some gained the approval of bishops, becoming official Church documents. In the Middle Ages for sexual acts that did not include the possibility of conception, that is, for the sins of birth control and non-vaginal sex, penitentials specified harsh penance, from years to an entire lifetime. Yet, the sin of abortion required a lesser penance.

The dogma of delayed ensoulment also influenced the Church's own canon law, its internal laws and regulations. International corporations are subject



to the local laws of each country but also have their internal laws and regulations. Similarly, the Church has its internal rules and regulation, which are embodied in its code of canon law.

Canon law derives from the decrees of popes and Church councils. It begins to develop as early as 50 A.D., at the Council of Jerusalem, and continues over the centuries, as various councils meet and various popes promulgate dogma. In 1140 A.D. a monk of the Camaldolese order named Gratian collected all the Church's various canon laws into one document, the *Decretum Gratiani*. Named after its compiler, the *Decretum Gratiani* is the first comprehensive collection of canon law, according to many scholars. As before, the question may be asked, why did a comprehensive collection of Church law appear so many centuries after Christianity was established as the religion of Rome? And again, a possible answer may be found in history, specifically, in the chaos of the intervening fall of the Roman Empire and Dark Ages.

The city of Rome was founded about 750 B.C. By about 250 B.C. all Italy had fallen under Roman rule. In Jesus' time, Rome ceased to be a republic and became an empire, an empire that was eventually to conquer all the countries around the Mediterranean

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Sea and stretch from modern-day England to Syria. At its peak the city of Rome was home to more than a million souls, and the empire home to somewhere between sixty-five and three hundred million people.

Perhaps the fall of Rome began in 324, when the emperor Constantine founded the city of Constantinople, about 800 miles (1,300 km) to the east of Rome. A few decades later Constantinople, also called New Rome, began to function as the empire's capital. By the 400s, barbarians had begun to invade the Western part of the empire, including Rome.

In 529, the emperor Justinian closed the Academy of Plato, as we've seen. Banned from the empire, the scholars took their precious scrolls of ancient wisdom, of philosophy, literature, and science, and found refuge in what is now Turkey and Iraq. Centuries later, Islam returned that wisdom to a Europe that had largely forgotten it, as we'll see later.

By 554 A.D., when about a million people lived in Constantinople, Rome was home to a mere thirty thousand people. The Roman Empire in the West had fallen. Emblematic of the fall of the empire is the life and death of Boethius (full name, Anicius Manlius Severinus Boethius), a tragic figure who deserves mention. Like the empire itself, Boethius was

learned and cultured, but forced to be subservient to barbarians, who eventually destroyed him.

Born a Christian about 480 A.D. near Rome, Boethius was only seven when his father died. Brought up in the aristocratic household of a family friend, Boethius was fortunate enough to receive an excellent education. He began the immense project of translating from the Greek all the works of Plato and Aristotle, and wrote math texts that were to be used for centuries after his death. While employed in the court of Theodoric the Great, a barbarian Goth king who ruled Italy at the time, Boethius was imprisoned for suspected treason and condemned to be executed.

While in prison, with his own death imminent and the death of Western learning and civilization on the horizon, Boethius wrote his famous *De consolazione philosophiae* (On the Consolations of Philosophy), described as the last great work of ancient Western civilization, as well as the single most important work in Medieval and Renaissance Europe. He died in 524.

After Boethius, came the Dark Ages. Barbarians and barbarism ruled. Much learning and science were neglected and forgotten. People reverted to subsistence farming. Superstition, belief in

witchcraft, and fear of knowledge grew.

By 1000 A.D., Europe had become home to a generally gullible, ignorant and unwashed populace. To illustrate, pieces of the true cross – said to be wood from the cross of Jesus – flooded Europe, enough to build several fleets. And Mary’s milk was available, too. (The baby Jesus, it was claimed, had no need to nurse and so the Blessed Virgin had relieved her swollen breasts.) Somehow, the milk had survived the centuries and found its way to Europe, into the hands of ready buyers. In that age of ignorance and gullibility, knowledge itself could be dangerous. Even a pope was not above suspicion; the keen mathematical ability of Pope Sylvester II gave rise to rumors he was a sorcerer in league with the devil.

By the late 1100s, the various Inquisitions had begun. In later centuries, Inquisitions were to claim the lives of victims numbering in the hundreds of thousands, victims who were often tortured before death, many of whom were helpless old women thought to be witches.

Whether Dark Ages or something else delayed for so long a comprehensive code of canon law cannot be known with certainty. But once the *Decretum Gratiani* appeared it proved remarkably durable: for almost eight centuries it formed the basis of

Church canon law, until 1917 when Pope Benedict XV approved a revised code of canon law. In the *Decretum Gratiani* we read,

He is not a murderer who brings about abortion before the soul is in the body.

And we find different penalties for the abortion of a *fetus inanimatus* and a *fetus animatus*.

Recall that *fetus inanimatus* refers to a fetus not yet infused with a human soul while *fetus animatus* means a human fetus that possesses a human soul. The theory of delayed ensoulment says there is a time when the fetus does not yet have a human soul, a time when it is *fetus inanimatus*. So under that theory it makes sense to speak of a *fetus inanimatus*. On the other hand, with the theory of immediate ensoulment the soul is thought to infuse with the fetus at the moment of conception; so the idea of *fetus inanimatus*, of a fetus without a human soul, is an empty concept that makes no sense. Different penalties in the Church's own canon law for the abortion of a *fetus inanimatus* and a *fetus animatus* again prove the Church's acceptance of the theory of delayed ensoulment.

Given the pervasiveness of delayed ensoulment, in Augustine and Jerome, in Church penitentials and

canon law, we should not be surprised that St. Thomas Aquinas, that preeminent Doctor of the Church, also accepted delayed ensoulment. Thomas was born about 1224 A.D. near Aquino, Italy, and joined the Dominican Order as a youth. Though big of body and quiet by nature (so much so that other students called him “the dumb ox”) Thomas possessed a quick, nimble mind. After studying with the famous Dominican scholar Albert the Great, Thomas became a master of theology and a teacher at the University of Paris. Though some of his views were initially condemned by the Bishop of Paris, Thomas’ views were later vindicated. Thomas died in 1274, about the age of fifty. He was canonized in 1323 by Pope John XXII.

Like Augustine, Aquinas’ body of work is extensive. Like Augustine, Thomas Aquinas ranks among the most important figures of Christianity. And like Augustine, Thomas Aquinas taught the theory of delayed ensoulment. He wrote that,

the intellective soul is created by God at the completion of man’s coming-into-being

and that therefore the abortion of a fetus not animated with a human soul was not murder.

A few years before the Church canonized Aquinas, it officially endorsed delayed ensoulment at the Council of Vienne. In October 1311 A.D., with Pope Clement V, four patriarchs, twenty cardinals, and one hundred bishops and archbishops in attendance, the Council approved the view that a human being is created when a human soul infuses with a fetus some time after conception.

The question of concern to the Council was not abortion but the dogma of God becoming “man” (i.e., human) in the person of Jesus. What exactly makes a human being? What exactly constitutes human nature? Accepting the views of Augustine and Aquinas, the Council declared that a human being consists of two parts: 1) a perishable, passible body, and 2) a human or rational soul. The union of these two, body and soul, is what constitutes a genuine human being. Moreover, the Council declared that Jesus “assumed in time in the womb of a virgin the parts of our nature.” Not immediately, but in time. Here’s the Council’s statement:

. . . the only begotten Son of God . . . assumed in time in the womb of a virgin the parts of our nature united together, from which he himself

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true God became true man: namely the human, passible body and the intellectual or rational soul truly of itself and essentially informing the body.

In this chapter, we've traced the rise of delayed ensoulment, from its origin in the musing of the pagan philosopher Aristotle, to its acceptance by those Doctors of the Church Augustine, Jerome, and Aquinas, to its endorsement by a Church council, to its influence on Church canon law, an influence that was to persist until about one century ago. Later, we'll trace its fall, a fall so steep that today very few Catholics have ever heard of it.



## 4 – Always a Sin

One thing that develops early on and becomes the dominant tradition in Christianity is the theory of delayed animation or ensoulment. Borrowed from the Greeks, this taught that the spiritual human soul did not arrive in the fetus until as late as three months into the pregnancy. Prior to that time, whatever life was there was not human. They opined that the conceptum was enlivened first by a vegetative soul, then an animal soul, and only when formed sufficiently by a human spiritual soul. Though sexist efforts were made to say the male soul arrived sooner - maybe a month and a half into the pregnancy - the rule of thumb for when a fetus reached the status of “baby” was three months or even later. . . . [T]he common pastoral view was “that ensoulment occurred at quickening, when the fetus could first be felt moving in the mother’s womb, usually early in the fifth month. Before ensoulment the fetus was not understood as a human person. This was the reason the Catholic church did not baptize miscarriages or stillbirths.” - Professor Daniel C. Maguire, Catholic Theologian, Marquette University

The history of delayed ensoulment may shock devout pro-life Catholics (and other pro-life Christians who

feel the first fifteen centuries of Christianity isn't irrelevant to their faith.) That Christianity once taught abortion is not murder may still seem astonishing, fantastic, and untrue. Some Catholics may be unable to believe it. Why? Probably because of statements like the following, which they have heard and read, over and over again, in Church statements and sermons.

From the earliest time, the Church has always held . . . has always taught . . . throughout its history . . . The Church has always taught and continues to teach . . . from the earliest times up to the present . . . The Church's teaching on the immorality of abortion has remained absolutely constant throughout history . . . consistently, continuously and unanimously . . . has taught always and everywhere, without exception . . . There has been no deviation from the doctrine that abortion at any time is a serious sin . . . always taught that abortion is a grave offense against moral law . . . The Church has always classified abortion as gravely sinful . . . Throughout its history, the Catholic Church has condemned the practice of abortion . . . a serious evil . . . a direct attack on an unborn fetus at anytime after conception is a grave sin . . . a grave evil . . . a serious offense against God . . . always rejected it as a gravely evil choice . . . always gravely immoral

. . . always morally evil.

Everywhere and without exception, always, with no deviation, throughout its history, the Church has done exactly what? Condemned abortion as morally evil, as a serious offense against God, a serious sin, a grave offense against moral law, a grave sin, a serious evil - in other words, a mortal sin.

Though the Church hasn't always condemned abortion as murder, and for many centuries specifically said abortion was not murder, it has always condemned abortion as a mortal sin. But saying abortion is a mortal sin is not as momentous as it may seem. To see why, to put the condemnation in context, let's review the Church's teachings about sin, both venial and mortal.

Historically, acts of penance have ranged from a simple Hail Mary or Our Father, all the way in medieval time to days, months, or even years of bread and water. So it might be supposed there are many degrees of sin, from minor sins, to increasingly serious sins, to despicable, unthinkable sins. To many people, it's only common sense that the sin of lying or anger is less serious than the sin of blasphemy or murder. Many people accept the idea that there are several degrees of sin. It's an idea that is widely held

today, and has been from at least the Middle Ages when Dante, in his Divine Comedy, described the nine circles of hell, each circle more punishing than the last, for more and more serious sins.

Yet, Church dogma distinguishes only two classes of sin: venial and mortal. The Catholic who dies with unforgiven venial sins goes initially to purgatory but eventually gains heaven. But the Catholic who dies with even one unforgiven mortal sin spends eternity in hell. From one point of view, this dogma makes perfect sense. There are two ultimate destinations, heaven and hell. Therefore there are two classes of sins, venial and mortal. From another point of view, however, the dogma seems less than reasonable, due to what the Church chooses to call mortal sin.

The Catholic Church claims the authority to say what is and is not sin, basing its claim on Matthew 18:18: “Amen I say to you, whatsoever you shall bind upon earth, shall be bound also in heaven; and whatsoever you shall loose upon earth, shall be loosed also in heaven.” If the Church chose to define only genuinely horrendous acts as mortal sin, then condemning abortion as a mortal sin would have significance. And only genuinely horrendous sinners, like Adolf Hitler, would be in hell. But the Church says that other acts - intentionally missing Sunday Mass, premarital sex, contraception, and masturbation, to name a few – are

mortal sins, too. A few decades ago, intentionally eating meat on Friday was a mortal sin, but nowadays it is not.

So who is in hell today? People like Adolf Hitler, yes. But also people like Uncle Harry, a good man who went to Mass for only weddings and funerals, who died unrepentant in his sleep. And Aunt Alice and Uncle Pete, who had four children and used contraception because they couldn't afford more; they died suddenly in a car accident. And twelve-year old Joey Smith, who died in 1955. Joey knew it was Friday but decided to eat a hamburger at the camp picnic anyway; he suffered a bad fall a few minutes later, was knocked unconscious and died. All people who die with unforgiven mortal sins and without final repentance are now in hell.

Or so says the dogma of the Catholic Church. True, many Catholics are unaware of this dogma. True, other Catholics decide it is obvious nonsense and ignore it. Such Catholics miss Sunday Mass, use contraception, or have premarital sex but never doubt for a moment they are destined for heaven. Nonetheless, according to Church dogma, the woman who has an abortion, Catholics who routinely miss Sunday Mass, the couple who use contraception or has premarital sex, the boy or girl who masturbates

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– all these people are guilty of mortal sin and if they die without the sin forgiven end up in the same place.

So while it's true that the Church has always condemned abortion as a mortal sin, is it significant? I leave that question to the reader.

At this point, a pro-life Catholic, with some exasperation, might find herself thinking: “Well, maybe the Church hasn't always known that abortion is murder, but it is. After all, 'human life begins at conception.' And abortion undoubtedly ends that life. Maybe the Church made some mistakes in the past, but so what? With everything we know today, we can be certain that abortion ends a human life, just as the Church teaches.”

We'll discuss what the Church teaches today, after we see how it arrived at its current teaching. In the next chapter, we review the rise of immediate ensoulment in the Church.

## 5 – Immediate Ensoulment: Early History

The view that even early abortion is equivalent to murder did not begin to dominate official Catholic teachings until the nineteenth century, although it had been proposed earlier. Before that point, the majority view in the Western church, as reflected in canon law as well as theological opinion, drew a distinction between early- and late-stage abortions. Certainly, an early-stage abortion was considered to be a grave sin, but it was not regarded as equivalent to murder. This distinction, in turn, rests on the view, defended by Aquinas among many others, that the developing fetus does not receive a rational soul, and therefore does not attain full human status, until after a certain point in the process of development . . . – Jean Porter, Professor of Theology at The University of Notre Dame

The theory of delayed ensoulment was once dominant in Catholicism but waned in the nineteenth century and today has been eclipsed. It has been replaced by another stream of thought, a contrary stream, the theory of immediate ensoulment.

Many Christians might suppose immediate ensoulment has a biblical foundation so let's begin

there. What does the Bible have to say about abortion? Some pro-life Christians argue that the commandment “Thou shall not kill” forbids abortion. But “Thou shall not kill” literally forbids killing of all types, of people, of animals, of plants, and even of bacteria. No one has ever taken the fifth commandment literally. The Church has always allowed the killing of animals and plants, and even human beings, in war and by capital punishment. The fifth commandment is universally understood as forbidding murder, unlawfully taking a human life. But whether or not the fetus is a human being is exactly the issue at question, a question the fifth commandment does not answer.

Another biblical verse sometimes cited is Jeremiah 1:5, “Before I formed you in the womb I knew you.” The verse is thought to be relevant to abortion, but is it? It seems more relevant to God’s omniscience. Right now God knows if a woman named Ann Smith will be born in London five hundred years from today. But that certainly doesn’t mean Ann Smith is a human being right now. The verse refers not to abortion but to God’s omniscience. Perhaps that’s why it’s not mentioned in many notable Vatican documents, such as *Declaratio de abortu procurato* (Declaration on Procured Abortion), which was ratified by Pope Paul



VI in 1974.

In fact, the Bible can be seen as supporting delayed ensoulment. We've already seen Augustine's opinion of Genesis, where God creates Adam's fully formed body before infusing the soul. Augustine discusses another biblical incident, which occurs in the twenty-first chapter of Exodus. If a man strikes a woman and causes her to have a miscarriage, says Exodus, he must pay her husband a fine. But if the woman suffers any further damage then the man must pay "life for life, eye for eye, tooth for tooth." Augustine writes:

This proves that soul does not exist before there is a form. Thus, as it must be infused in an already formed body, this cannot occur at the conception of the body with the introduction of the seed.

Augustine reasons that because "life for life" only applies if the woman dies, the life of the fetus isn't equivalent to the life of a human being.

Another biblical argument, the argument from silence, can be made against the idea that abortion takes the life of a human being. In the entire Bible, there is no specific, unambiguous condemnation of abortion. That, to some people, is significant. After all, the Bible is a very large book; in it, God

specifically condemns hundreds of acts. To name but three, the nineteenth chapter of Leviticus forbids tattoos, clothing made of a linen/wool mixture, and shaving around the sides of the head. Yet the Bible is silent about abortion. The argument from silence concludes that God intentionally omits mention of abortion in the Bible for a reason: that it's not murder.

Of course, the argument from silence isn't a very compelling argument. Lack of specific condemnation hardly means approval. After all, nowhere does the Bible specifically condemn slavery, either. Therefore, pro-life Christians feel justified in rejecting the argument from silence and Augustine's opinions. So what can be said about the Bible and abortion? From the pro-life point of view, the best that can be said is:

The texts of Sacred Scripture never address the question of deliberate abortion and so do not directly and specifically condemn it - the 1995 encyclical letter *Evangelium Vitae* of Pope John Paul II

So if not the Bible, where in Christianity does the theory of immediate ensoulment originate? The Vatican document *Declaratio de abortu procurato* (Declaration on Procured Abortion), mentioned earlier, finds its origins in early Church tradition, specifically in a non-biblical text and the thoughts of

two ancient Christians.

In the *Didache* it is clearly said: “You shall not kill by abortion the fruit of the womb and you shall not murder the infant already born.” Athenagoras emphasizes that Christians consider as murderers those women who take medicines to procure an abortion; he condemns the killers of children, including those still living in their mother’s womb, “where they are already the object of the care of divine Providence.” Tertullian did not always perhaps use the same language; he nevertheless clearly affirms the essential principle: “To prevent birth is anticipated murder; it makes little difference whether one destroys a life already born or does away with it in its nascent stage. The one who will be a man is already one.”

The quote mentions the *Didache*, one of the ancient Christian texts excluded from the Bible. And it mentions Athenagoras and Tertullian. About Athenagoras, not much is known. We’ve already discussed Tertullian, a famous ancient Christian who eventually left the Catholic Church and became a heretic. Thus the theory of immediate ensoulment originates in Christianity via a non-biblical text and the writings of two ancient Christians, one of them a

heretic. Not an auspicious beginning.

A few centuries after Athenagoras and Tertullian, immediate ensoulment found a more prestigious spokesman in Saint Basil the Great. Born about 329 A.D., Basil lived and wrote about the time of Augustine and Jerome. The son of a devoted Christian couple, Basil's family included nine siblings, two of whom also achieved sainthood. Basil wrote:

A woman who deliberately destroys a fetus is answerable for murder. And any fine distinction as to its being completely formed or unformed is not admissible among us.

Like Augustine, Jerome and Aquinas, Basil is ranked among the Doctors of the Church. Unlike them, he rejects the distinction between *fetus animatus* and *fetus inanimatus*.

About the time of Saint Basil, another saint, Saint John Chrysostom, referred to abortion as "murder before the birth." Born in Antioch in 349 A.D., John was raised by his mother and received a pagan education. Eventually turning to Christianity, John for a time lived alone and practiced a severe asceticism, which eventually impaired his health and forced him to return to society. He became deacon, then priest and eventually archbishop of Constantinople. Shortly before the end of his life, his enemies had him exiled

from Constantinople. He died in 407.

Though delayed and immediate ensoulment each had their proponents in the milieu of Augustine, Jerome and Basil, delayed ensoulment was to prevail for a millennium afterwards, in the penitentials and in Church canon law, as we've seen. Throughout those centuries, one question was never authoritatively settled: exactly when does the human soul infuse the fetus? Aristotle had thought forty days after conception for the male and eighty to ninety days for the female. (He believed the female fetus matured slower than the male before birth but matured faster after birth.) We find Aristotle's belief reflected in the seventh century Penitential of Theodore, which specifies a penance of one year for abortion before the fortieth day after conception, but three years thereafter. In the *Decretum Gratiani* we read, "He is not a murderer who brings about abortion before the soul is in the body", but nowhere do we find exactly when the human soul infuses the fetus. Pope Innocent III believed ensoulment occurred at the time of quickening, meaning when the fetus' first movements are felt by the mother. (Quickening commonly occurs about four months after conception.)

After Augustine, delayed ensoulment was generally accepted in the Church, though its dominance was briefly eclipsed by a Papal bull of Pope Sixtus V in

the sixteenth century.

Born in poverty but with a sense of humor, Pope Sixtus V claimed to be the child of an “illustrious” house because the sun sometimes shone through the roof of his humble hut. According to legend, while Sixtus was yet a monk the great Nostradamus foresaw he would one day become pope. Elected in 1585, Sixtus issued the 1588 Papal bull *Effraenatam*, which declares that an abortion anytime after conception deserves excommunication and the death penalty.

Sixtus’ declaration was one of the first teachings issued “*motu proprio*,” i.e., without the advice of the rest of the Church. It contradicted his predecessor, Pope Gregory XIII, who taught it was not murder to kill a fetus less than forty days old because the fetus “was not human.” And it contradicted more than a thousand years of Catholic tradition. Sixtus’ declaration was to remain in effect a mere three years; in 1591 the next pope, Pope Gregory XIV, quickly revoked *Effraenatam* and reaffirmed that the human soul enters the fetus at the time of quickening, which he specified as 116 days after conception. Over a millennium after Saint Basil, the theory of immediate ensoulment had suffered another

inauspicious beginning, another false start.

Saint Basil had tried to establish immediate ensoulment in Catholic thought and failed. Pope Sixtus V had tried, too, and failed. Could science help?

## 6 – Immediate Ensoulment: Recent History

It was the dawn of the twelfth century. About six centuries earlier, the Roman Empire fell and the Dark Ages began. Now Europe was beginning to awaken from its long intellectual slumber; secular universities were being established, such as the University of Paris about 1160 A.D.

At the beginning of the Dark Ages Justinian had closed non-Christian schools. Scholars with their codices and scrolls, containing the intellectual heritage of the ancient world, had fled east to Turkey and Iraq. A few decades later, Mohammed was born. Later still, Islam would conquer Turkey and Iraq. Fortunately for Europe, Islam appreciated and preserved the ancient knowledge of Rome and Greece. In addition, it made its own contributions to the store of human knowledge, in science and technology, in the arts and philosophy, in economics and the law. As it reawakened, Europe rediscovered its lost intellectual heritage in Islamic texts. Ancient Greek works, which Islam had translated into Syrian and then Arabic, were translated back into Latin and pondered by the great minds of Europe.

What to make of Aristotle? That was one of the great questions the Church confronted in the thirteenth



century. Could the Church accept his vast and profound works, or must it reject them? Initially, there was much suspicion; Aristotle's treatises on natural philosophy were forbidden for a while. Then there was slow and gradual acceptance. Eventually, he became required reading in the universities. In time Aristotle achieved such stature, he came to be called "The Philosopher" as if no other philosopher mattered.

Acceptance is one thing; assimilation another. If truth resides in the works of Aristotle as well as Christian revelation, then must not the two be compatible? Medieval scholars began the immense work of integrating the thought of Aristotle with Christianity, a work that Saint Thomas Aquinas, more than any other scholar, brought to completion. The synthesis of Christian theology and Greek philosophy is known as Scholasticism.

Scholasticism is a philosophy that originated in medieval universities, with the aim of integrating and reconciling secular thought, mostly Greek philosophy, with Christian revelation and theology. Over the centuries Scholasticism's influence and prestige has waxed and waned. In the later half of the nineteenth century, active work revived in Scholastic philosophy but began to wane about forty years ago.

More than any other philosophy Scholasticism may be called the philosophy of the Catholic Church.

Once the mind of Europe awoke, it did not limit itself to Scholasticism but began an extensive exploration of humanity and the world in which it lived. The Church had long taught the next world is more important than this one, which had led to a devaluation and contempt of the natural world. And Plato had taught that true knowledge was to be had only through rational thought, and so had devalued experimentation. But Aristotle had keenly observed the natural world, writing treatises on natural sciences, in particular, biology, zoology and physics. Other ancient philosophers had emphasized the importance of this world, some even denying there was any other. And Saint Francis of Assisi had seen the natural world as something wonderful, seen it and its creatures as his brothers and sisters, filled with God.

For whatever reasons, a new attitude arose, a Renaissance or rebirth, which saw the natural world, including humanity itself, as something interesting and wonderful. The attitude led to a newfound respect for experimentation, for seeing how the natural world actually functions instead of trying to rationally deduce how it should function. Seeing the

natural world as something worthy and appreciating the value of experimentation in understanding it, led to the birth of modern science. Indeed, many scientists of the time believed by understanding the natural world as God's creation, they came to better understand God.

Scientists began to go beyond the ancient knowledge, making new discoveries in technology and in science. The ancients had supposed the earth was the center of the universe; but in 1543 Nicolaus Copernicus discovered that planets revolve around the sun. It had been thought in ancient times that the path of the planets must be that most symmetrical of all shapes, the circle; but in 1605 Johannes Kepler determined the orbits were in fact elliptical. The ancients had supposed the heavenly bodies were perfectly symmetrical spheres; but in 1609 Galileo Galilei looked through a telescope and saw the moon's valleys and mountains. Aristotle had thought the heavens were ruled by different laws than the earth; but in 1687 Isaac Newton proved that the law of gravitation was universal, operating in the heavens as well as on earth.

In the scientific environment of that time, it's not surprising that some scientists eventually came to question Scholasticism and the Aristotelian idea of

delayed ensoulment.

In 1620 Thomas Fienus, a professor of medicine, wrote a book presenting religious and medical evidence to support his view that ensoulment occurs three days after conception. Briefly, Fienus' argument was that the soul must be present from the first moment to organize and animate the body.

Today we see soul as a theological or philosophical concept, but in the time of Fienus it was seen as a scientific concept, too. In fact, soul was considered a scientific concept as late as 1907 when a physician named Dr. Duncan MacDougall claimed to have weighed it. If the soul exists, reasoned MacDougall, it must have mass and weight. When it leaves the body there should be a measurable decrease in body weight. So MacDougall built a special bed for his terminally ill patients on a sensitive scale. MacDougall found the body at the moment of death loses 0.75 ounces, which he concluded must be the weight of the soul. MacDougall published his results in a medical journal and *The New York Times* but failed to convince other physicians and scientists.

The same year Fienus published, 1620, the *Quaestiones medico-legales* of Paolo Zacchia appeared. Zacchia, who was at the time the Vatican's physician general, also believed that the soul must be

present to organize the body but put the moment of ensoulment at the moment of conception.

The ideas of Fienus and Zacchia violated traditional teachings and were initially opposed by scholars and theologians. Over the next century, however, some theologians of stature began to find the age-old distinction between *fetus animatus* and *fetus inanimatus* irrelevant, perhaps because Fienus and Zachhia argued not only as Christians but also with the prestige of scientists. This time immediate ensoulment took root in the Church. By the end of the century, several distinguished theologians agreed that the Church should no longer distinguish between *fetus inanimatus* and *fetus animatus*, that it should treat all abortions in a uniform manner.

The opinion of such theologians eventually prevailed. In 1869, Pope Pius IX ruled that any abortion should be punished by excommunication. In 1886, Pope Leo XIII prohibited any medical procedure that directly killed a fetus, even to save a woman's life, which implies the life of a fetus is equal to the life of a human being.

In 1917, the Code of Canon Law replaced the *Decretum Gratiani* of 1140. The new Code drops the distinction between *fetus inanimatus* and *fetus animatus*, and speaks simply of the fetus. Delayed

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animation, which had been a part of Church teaching and tradition since at least the time of Augustine, fifteen centuries before, had gone into eclipse.



## 7 – Missing Dogma: Ultimate Secret

When a reader picks up a book with a subtitle like “Secrets of the Catholic Church” she has a reasonable expectation of learning some secrets. That expectation, I trust, has been fulfilled. We’ve seen how delayed ensoulment was accepted by Fathers and Doctors of the Church, by popes, in the penitentials and canon law. Of course, to the scholars whose work this book is based on, those facts weren’t secret. But it’s safe to say the average reader was unaware of those facts. Revealing those secrets has been this book’s purpose. That’s where we’ve been so far.

But where are we going? What more can be said? Are there any more secrets?

There is.

There is yet one more secret. But it’s a secret so surprising, so unexpected, so shocking, some readers may find it impossible to believe, even after seeing the evidence. And many pro-life Catholics will decide that it just cannot, cannot, cannot be true.

To approach this ultimate secret we’ll begin by listing what we’ve seen so far – with something we



haven't seen.

1. Aristotle teaches that the human soul infuses the fetus some days after conception.
2. In the early Church, some theologians accept Aristotle's teaching and some do not. There are two opinions as to when the fetus becomes a human being: immediate ensoulment and delayed ensoulment. Delayed ensoulment prevails.
3. Based on the accepted belief of delayed ensoulment, Church documents specify a different penalty for early-term and late-term abortions. In particular, Canon law specifies a different penalty for an abortion, depending on *fetus inanimatus* or *fetus animatus*.
4. Over the centuries popes accept delayed ensoulment, though they differ on how many days after conception infusion occurs.
5. Thomas Aquinas accepts delayed ensoulment, like Augustine and Jerome centuries before him.
6. Acknowledging the Church's centuries-old traditional belief as well as the prestige of Aquinas, the Council of Vienne affirms that

to become human, Jesus took on the two parts of our nature, the body and the soul, “in time in the womb.”

7. Theologians begin to doubt delayed ensoulment. They suggest the Church cease distinguishing between *fetus inanimatus* and *fetus animatus* and instead treat all abortions the same.
8. A Church council or a pope rules as a dogma of faith that infusion occurs at conception, that from the moment of conception the fetus has a human soul and is a human being, which implies that the life of a fetus at any stage of development is equal to the life of any other human being.
9. In 1869, Pope Pius IX sets the penalty for any abortion as excommunication.
10. Pope Leo XIII in 1886 prohibits any medical procedure that directly kills a fetus, even to save a woman's life.
11. In 1917 a new Code of Canon Law replaces the *Decretum Gratiani* and drops the distinction between *fetus inanimatus* and *fetus animatus*,

speaking simply of the fetus.

Statement eight is what's missing from the last chapter.

Exactly when did the Church rule that the infusion of the human soul with the fetus occurs at conception, that the fetus from conception is a genuine human being? To be clear let's understand what the question is not. The question isn't when the Church has spoken and written as if it is a Church dogma that infusion occurs at conception; it has, many, many times. And the question isn't if millions of people firmly believe it's a Church dogma; we all know they do. And the question isn't if believing has caused millions of women decades of guilt for what they took to be the sin of murder; it undoubtedly has. And the question isn't whether believing it to be Church dogma drove some people to bomb abortion clinics and kill doctors and nurses; I expect it did. And the question isn't if the Church routinely calls the fetus an unborn baby; we all know it does. And the question isn't if the Church says "human life" begins at conception; it does that, too. The question is: exactly what Church council, or exactly what pope, made it official dogma that the human soul infuses with the fetus at conception?

Such a dogma would be a dramatic reversal to centuries of Catholic teaching, so finding it ought to

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be easy.

To illustrate, in 1700 the United States were colonies of England. By 1800, they had broken from England and formed an independent nation. The change from separate colonies to an independent, united nation is dramatic and historic. So finding information about it is easy. In fact, searching the Internet for “United States independence” returns thousands of links.

An historic, radical change in Church dogma should be easy to find, too. For many centuries, popes and Doctors of the Church said early abortion was not murder because the fetus didn’t have a human soul. Canon law said it, too. Today there’s been a radical change in what is taught. So finding information about that change should be easy.

It is not easy. It is impossible. Astonishingly, there exists no historical evidence of a change in Church dogma, of an official acceptance of immediate ensoulment.

But so what? There’s certainly lots of clear, unambiguous evidence that today immediate ensoulment is Church dogma, isn’t there? To find such evidence, I electronically searched the 1997 Second Edition of the Catechism of the Catholic

Church, which has 2,865 numbered paragraphs.

I checked for ensoulment and found nothing.

I searched for fetus and found paragraph 2274, which says that from conception the embryo *must be treated* as a person - but the paragraph doesn't say that from conception the embryo actually is a person.

Then I searched for abortion and found paragraph 2274 again along with three other paragraphs.

The first paragraph, 2271, says abortion is a mortal sin.

The second paragraph, 2272, says abortion is a “crime against human life.” (A later chapter discusses the slippery concept of human life.) The paragraph also mentions the “irreparable harm done to the innocent who is put to death.” But it doesn't say the “irreparable harm done to the innocent *human being* who is put to death.”

The last paragraph, 2322, has, “From its conception, the child has the right to life.” Are we to think the one-celled fertilized human egg, smaller than a grain of sand, is an actual child at conception? Perhaps. But an alternate interpretation is, “From its conception, what will eventually grow into a child – what will eventually be infused with a human soul and become

a human being – has the right to life.” So although the paragraph suggests immediate ensoulment is dogma, it is open to another interpretation

Nowhere in the Catechism of the Catholic Church could I find a clear, unambiguous statement that immediate ensoulment is today an official dogma of the Church, or that the fetus has a human soul from the moment of conception. The Church certainly speaks as if immediate ensoulment is Church dogma. Yet I could find no definite statement that it is. And I couldn't find any record of when it had become dogma, or which pope or Church council had declared it dogma.

I began to wonder if the Church has ever officially accepted immediate ensoulment as dogma. In fact, I wondered if immediate ensoulment ever *could* be declared dogma, given the Church's way of knowing.

A way of knowing is a way of deciding what is and is not true. To decide what's true in matters of faith and morals the Church uses the Bible, the writings of Church Fathers and Doctors, and Church tradition. Science, in contrast, uses observation and experiment. It uses the so-called scientific method, a continuous cycle of hypothesis, experimentation, law and theory, with experimentation being the supreme arbitrator. A scientific belief is discarded or revised

when it disagrees with experimentation, i.e., when it disagrees with what the world really does.

Because science must remain free to change its views when evidence compels, science does not make – and, indeed, cannot make - any claim to final and unchangeable knowledge. In contrast, the Church sees itself as being in possession of final and unchangeable knowledge, the so-called Deposit of Faith, which is the “the body of saving truth entrusted by Christ to the Apostles and handed on by them to be preserved and proclaimed.” Some Church dogmas have indeed been taught everywhere and without exception, always, with no deviation, throughout its history; but not all of them.

Each way of knowing has implications as to how easy or difficult it is to change a belief.

Scientists are free to change their beliefs and theories when new and better evidence comes along. As an example, Newton, one of the greatest scientists who ever lived and a founding father of physics, taught a theory of universal gravitation. For many centuries, scientists believed it. Eventually, Einstein found evidence that the theory was wrong and presented his own theory of gravitation. Compelled by the evidence, scientists acknowledged Newton’s theory was faulty and accepted Einstein’s theory. As another

example, the ocean floor was once believed to be as flat as a bathtub, the so-called abyssal plain. But when evidence supporting underwater mountains and plate tectonics was discovered in the 1960s, scientists adjusted their beliefs accordingly.

The Church is not so free to change its teachings, because to do so would throw into doubt its claim to possess unchangeable and final knowledge. To say that Jesus was wrong is, of course, impossible. To say that Church doctors and centuries of Church tradition are wrong is possible but quite difficult.

In particular, it would be difficult for the Church to officially discard delayed ensoulment and accept immediate ensoulment. The problems with doing so are formidable. Specifically:

- The Church says the Bible doesn't specifically address abortion or the question of when the human soul infuses with the fetus. So biblical authority cannot be used to justify a change of doctrine.
- The predominant teaching of Fathers and Doctors of the Church is delayed ensoulment. So the authority of Church Fathers and Doctors cannot be used to justify a change in



doctrine.

- The Church at the Council of Vienne accepted delayed ensoulment.
- Church tradition from at least the time of Saint Augustine until about 1917 supports delayed ensoulment. So Church tradition cannot be used to justify a change in doctrine.
- Church canon law until 1917 accepted delayed ensoulment.
- More than two hundred popes lived between the time of Augustine and 1917. Almost all of them accepted delayed ensoulment.

Given all these facts, how could the Church come to accept the contrary theory of immediate ensoulment, the theory that the human soul is infused at the moment of conception?

The question may seem insane to many Catholics but it must be asked: has Catholic dogma about the infusion of the human soul with the fetus ever officially changed? Has the Church ever officially rejected delayed ensoulment? Instead, is the Church today merely ignoring delayed ensoulment, not speaking about it, as a family does when they are deeply ashamed of some disgraced relative? Is

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delayed ensoulment – now, at this moment - in some mysterious, secret way, still a dogma of the Catholic Church? If it were, wouldn't that be the Catholic Church's ultimate abortion secret?

But isn't the "ultimate secret" obvious nonsense? Isn't it obvious that the Church has repudiated delayed ensoulment? Who has not heard that abortion takes the life of an unborn baby? That human life begins at conception? Don't statements like those prove the Church accepts immediate ensoulment?

On the other hand, if immediate ensoulment is Church dogma then why is it impossible to find an official statement to that effect? Why is it impossible to find a clear, unambiguous statement that it's dogma today?

While searching the Internet, I used "En soulment Catholic Teaching" and similar strings. I found no evidence of a change of dogma. But I did find these.

- The only *official* Church teaching on the subject of ensoulment is that of Pope Innocent XI which condemned the position that ensoulment took place at birth.
- The hierarchy of the Catholic Church has left open the resolution of the actual time of

ensoulment . . .

- There does not appear to be at this time an official Catholic teaching on ensoulment . . . . Ensoulment can't possibly happen before the splitting of twins, which can occur during first two weeks of pregnancy . . .
- It seems to be the widely-held belief that ensoulment is at conception but according to *Donum Vitae*, the “Magisterium has not expressly committed itself to an affirmation of a philosophical nature” regarding the matter . . .

I found the statements on Catholic web sites and forums.

I was surprised to learn that Pope Innocent XI, who lived near the end of the seventeenth century, officially condemned the idea that ensoulment takes place at birth. Here, at least, was one official Church ruling on ensoulment. (Of course, the ruling in no way invalidates delayed ensoulment, the idea that ensoulment occurs some weeks or months after conception, but some time before birth.)

The other statements said what I was beginning to suspect: that the Church has never officially changed its teaching of delayed ensoulment. Of those

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statements, the last is the most significant because it cites a Vatican document, *Donum Vitae*, to back up its claim that the Church today doesn't officially say when ensoulment occurs - or, at least, that the Church wasn't saying so in 1987 when *Donum Vitae* was written.

The Internet is a wonderful storehouse of useful, accurate information, along with misinformation and nonsense, ridiculous ideas and half-baked theories. That someone on a Catholic web site or forum would say the Church doesn't have an official teaching about the time of ensoulment doesn't make it true. Is it true?

Yes.

The interested reader is invited to turn to the appendix, which examines excerpts from *Donum Vitae* and shows how they not only fail to say immediate ensoulment is dogma, but actually admit that the Church today doesn't officially say when ensoulment occurs. And because the Church doesn't officially accept immediate ensoulment as dogma, the astonishing fact is that the opinion that early abortion is murder cannot be official dogma.

And nowhere, on the Internet or anywhere else, is there any contradictory information, any solid,

unambiguous evidence that immediate ensoulment is today an official dogma of the Church.

## 8 – Unborn Babies

A pro-life person who has read this far deserves recognition and congratulations. Seeing cherished beliefs contradicted is not easy, especially when for years, perhaps decades, those beliefs have been part of who you are. It's difficult when the beliefs concern what occurred in the past. It's more difficult when the beliefs concern the present. And when the belief— that the Catholic Church has never officially accepted the dogma of immediate ensoulment — is so contrary to what you've heard and read, there's a great temptation to throw the book in the trash and decide everything it says is nonsense. The person, especially the devout pro-life Catholic, who has read thus far and continues reading has a devotion to the truth that outweighs devotion to popular opinion or comfortable delusions.

But it is precisely the person devoted to truth who won't accept what they read without checking for themselves. After all, I may be wrong about what is Church dogma today. I've done my investigation and come to my conclusions: that the Church has never officially rejected delayed ensoulment, that the Church has never officially accepted immediate ensoulment as dogma. But maybe I missed something;

maybe I'm wrong. The interested reader is free to investigate the matter for herself.

For such a reader, here is a useful test. If someone says that immediate ensoulment is a dogma of the Catholic Church, that the Church officially affirms that the human soul infuses the fetus at the moment of conception, that therefore abortion always takes the life of a genuine human being, ask them exactly what pope or what Church council made immediate ensoulment dogma. Who did it, and when? If they can't answer, then you have every right to believe they aren't telling you the truth.

But if immediate ensoulment isn't official dogma then how can we make sense of Church statements about unborn babies and about human life beginning at conception? Aren't such statements misleading and deceptive? Aren't they – to state it bluntly – lies?

Again, the reader is free to investigate and decide for herself. I've investigated Church statements and decided that they are misleading and deceptive, which is why so many people mistakenly believe the Church teaches the fetus is a human being from the moment of conception. But they may not be outright lies. By using hair-splitting logic we can argue that the Church never actually says the fetus *from the moment of conception* is a genuine human being, in

possession of a human soul! Although it certainly appears to say it, over and over.

It should be clear that we now leave the realm of hard fact and enter a realm of speculation, where we try to find some meaning for Church statements so that the statements agree with the fact that the Church doesn't officially say when ensoulment occurs. In inventing explanations of what the Church might have in mind, we are speculating.

So let's speculate. If the Church hasn't ruled on exactly when the human soul is infused, why does it speak of the unborn baby? Because the human soul infuses the fetus some time before birth, we know that the fetus is a human being at birth. Thus, the term unborn baby, while obviously figurative, is not inappropriate.

That the term unborn baby is figurative, not literal, seems obvious. After all, its companion term, unborn child, is obviously figurative – the fetus before birth is no more an unborn child than it is an unborn teenager or an unborn senior citizen. No doubt, zealous pro-life proponents may sometimes apply the terms unborn baby and unborn child to the fetus



*at conception*, but does the Church?

To answer that question I examined five contemporary Church documents for the word unborn. The documents are:

- HV - 1968 *Humanae Vitae* (Of Human Life), Pope Paul VI
- PA – 1974 *Declaratio de abortu procurato* (Declaration on Procured Abortion), Pope Paul VI
- DV - 1987 *Donum Vitae* (Respect for Human Life), Pope John Paul II
- EV - 1995 *Evangelium Vitae* (The Gospel of Life), Pope John Paul II
- DP - 2008 *Dignitas Personae* (The Dignity of a Person), Pope Benedict XVI

I found these phrases:

- unborn human beings
- unborn children
- unborn human life
- unborn child from the moment of his conception

The first three phrases can be explained as above: at some point before birth the fetus may be said to be an unborn human being, figuratively an unborn child. So the phrases don't contradict the idea that delayed ensoulment is still an unacknowledged dogma of the

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Church.

The last phrase, “unborn child from the moment of his conception,” occurs in this sentence.

As a consequence of the respect and protection which must be ensured for the unborn child from the moment of his conception, the law must provide appropriate penal sanctions for every deliberate violation of the child’s rights.  
– DV

The phrase certainly seems to say the fetus is a human being from the moment of conception. But it might be construed to mean:

As a consequence of the respect and protection which must be ensured for what will eventually grow into a child . . .

As I said, we must use hair-splitting logic to defend the Church from the charge of intentionally lying about its own dogma.

I don’t like having to use such logic. It feels wrong. Believers have a relationship of trust with the Church, much as they have with their own parents. Imagine a parent telling a child, “two plus two is not four.” Later, the child learns differently and accuses the parent of not telling the truth. The parent’s defense

is:

Well, two plus two is not four. True, two plus two equals four; they have the same numerical value. But two plus two is one thing, and four is a different thing. They are not the same thing. So 'two plus two is four' is wrong, just as I told you. But 'two plus two equals four' is right.

While the parent's answer may be logically defensible, it's also misleading and deceptive. Isn't it obvious a relation of trust has been violated? If the Church hasn't decided when the human soul infuses with the fetus to make a human being – or worse, if delayed ensoulment is still dogma - then many Church statements over the past decades have been as deceptive and misleading as saying two plus two is not four.

There is, however, one thing that can be said in its defense. It is not the Church's mission to present both sides of a question so the Faithful can decide for themselves. Rather, it is the Church's mission to provide moral guidance, to clearly state what, in its opinion, is right and what is not, to clearly state what it would like the faithful to believe.

Today, intellect is prized and simple-faith is sometimes seen as simple-mindedness. People wish to regard themselves as independently-minded, as

having opinions and beliefs that are rationally based on evidence. They like to believe their choices and opinions are based on a rational consideration of both sides of the question. It's easy for such people to assume the Church speaks to them as intelligent adults and gives them all the relevant evidence so they can independently make up their minds. But that's not the mission of the Church. Rather the Church decides and then presents evidence which supports its decision. Thus, Church statements should not be seen as an even-sided account of the case for and against abortion; they are not. Rather, they should be seen as expressing what the Vatican believes and what it wants the Faithful to believe. That makes Church statements necessarily one-sided.

That being said, it is the opinion of this writer that the Church's statements are misleading and deceptive. After all, how many pro-life people would be shocked to learn that the Church does not in fact teach that the fetus is a human being from the moment of conception? How many people who spent many a cold, rainy February morning carrying protest signs outside an abortion clinic would feel abused and manipulated? And how would the man who bombed an abortion clinic - perhaps killing some doctors, nurses, or staff - feel if he discovered he was spending his life in prison for the sake of beings that

the Church doesn't actually say are human?

## 9 – Human Life

We've tried to reconcile Church statements about the unborn with the dogma of delayed ensoulment by use of hair-splitting logic. Can we do the same for what the Church says about human life?

The phrase "human life" is an exceptionally slippery one, because it can mean two very different things. With one meaning, human life means a human life, the life of an individual human being. This is the human life that is sacred. This is the human life that has dignity, the human life that must be respected and protected.

With its second meaning, human life means what each cell of our body possesses. Every cell of our body can be said to have human life. After all, we are human and the cells of our body are alive; thus, they possess human life. With this meaning, human life isn't very precious. If I cut myself and bleed, when the blood dries the blood cells, which have human life, die. No one worries about this type of human life. In high school biology classes, students may be asked to lightly scrape a few cells from the inside of their cheek for examination under the microscope. Those cells, which have human life, die. But no one mourns. Historically when a woman had a

miscarriage in early pregnancy, a priest didn't rush to her home to baptize the fetus and arrange a Christian burial.

We'll need names for the two different meanings of human life. We'll call the first personal human life, because it refers to the life of a human person. And we'll call the second type cellular human life.

The fetus begins as a tiny organism that possesses from the moment of conception cellular human life, just as the unfertilized egg and sperm possess cellular human life. When ensoulment occurs, the fetus comes into possession of personal human life, too, and so becomes a person, a human being.

Human life is a ubiquitous phrase in Church documents, even in titles.

- HV - 1968 *Humanae Vitae* (Of Human Life), Pope Paul VI
- DV - 1987 *Donum Vitae* (Respect for Human Life), Pope John Paul II

But which human life is the Church talking about, cellular human life personal human life, both, or neither? Sometimes it's hard to tell. Church documents often switch between the two vastly different meanings of "human life" as convenient

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to support the illusion that immediate ensoulment is Church dogma, that the fetus is a human being from the moment of conception is an article of faith..

Let's discuss just one instance, an excerpt from *Evangelium Vitae* (The Gospel of Life), the 1995 encyclical of Pope John Paul II. We'll examine the excerpt under the microscope of hair-splitting logic. The reader may find the examination a tiresome, pedantic exercise, but it shows how a clever use of language can give the appearance of an unqualified endorsement of immediate ensoulment without, in fact, being such an endorsement. The excerpt begins:

Some people try to justify abortion by claiming that the result of conception, at least up to a certain number of days, cannot yet be considered a personal human life.

So, personal human life is the topic. In the very next sentence *Evangelium Vitae* switches to cellular human life, and begins using arguments that appear in *Donum Vitae*, too.

But in fact, from the time that the ovum is fertilized, a life is begun which is neither that of the father nor the mother; it is rather the life of a new human being with his own growth.



The egg and the sperm already possess cellular human life. Their union possesses a new (cellular human) life in that it has its own distinct DNA. This new cellular human life may one day become a new human being, when God infuses the human soul. Or it may not, for medical science tells us that more than half of all fertilized eggs fail to reach birth for reasons having nothing to do with contraception and abortion and everything to do with the way the human body is designed.

It would never be made human if it were not human already.

It would never be infused with a human soul and become a human being if it wasn't already a human body, because God never infuses a human soul into the body of a frog or a horse.

. . . modern genetic science offers clear confirmation. It has demonstrated that from the first instant there is established the programme of what this living being will be: a person, this individual person with his characteristic aspects already well determined.

The program, the DNA blueprint, is established at conception. The blueprint determines the characteristics of the home—the human body.

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At some unspecified point in time, the tenant—the human soul—is infused..

Right from fertilization the adventure of a human life begins, and each of its capacities requires time - a rather lengthy time - to find its place and to be in a position to act.

The adventure of (a new cellular) human life has begun, a cellular human life with its own, distinct DNA. But is it a distinct human being yet? Does it yet possess a human body *and* a human soul? Or does developing that capacity require some time? For over a millennium the Church taught that the fetus acquired a human soul over time, but nowadays it “has not expressly committed itself to an affirmation of a philosophical nature.” Today the Church doesn’t say saying when ensoulment occurs. Scientific, empirical data don’t say when the human soul infuses the fetus either.

Even if the presence of a spiritual soul cannot be ascertained by empirical data, the results themselves of scientific research on the human embryo provide “a valuable indication for discerning by the use of reason a personal presence at the moment of the first appearance of a human life:

Scientific, empirical data, according to the Church, indicate that a personal presence exists in the one-celled fetus, a speck smaller than a grain of salt. In reality, science gives us the facts but leaves the moral judgments to us. Other scientific facts are that the fetus doesn't possess even rudimentary brain waves until about the seventh week, and that brain waves like those of a newborn baby don't occur until the twenty-eighth week - facts that agree nicely with the idea of the fetus having a vegetative soul, then an animal soul, and eventually a human soul. Nonetheless, science doesn't make the moral judgment, we do.

How could a human individual not be a human person?

The excerpt ends with a rhetorical question: How could a human individual not be a human person? In other words, how could a fetus with its own cellular human life, with its own distinct DNA, fail to have personal human life, fail to be a genuine human being? An answer is: by most of the popes who have ever lived being right about delayed ensoulment; by most of the Doctors of the Church being right about delayed ensoulment; by the millennium-old traditional teachings of the Church being right about

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delayed ensoulment.

*Evangelium Vitae* skillfully switches between the two possible meanings of human life to give the appearance of teaching immediate ensoulment. And there's no question the Church wants the faithful to believe in immediate ensoulment. And it's easy to see how even a theologically-aware person could mistake the excerpt as teaching immediate ensoulment. But there remains a nagging question: exactly what pope or Church council made immediate ensoulment dogma? In other words, exactly what pope or Church council ruled that God infuses the human soul with the fetus at the moment of conception? None, as far as I've been able to determine.



## 10 - Conclusion

As the subtitle promises, this book introduces the reader to some surprising facts, facts unknown to the typical Christian, especially the typical Catholic.

Some people will not like this book's message. So be it. They may claim what this book says is not true. And indeed there may be some minor inaccuracies. If someone points them out, they'll be corrected in any future edition. But you can be sure that anything a normal reader cares about, any fact that surprises or shocks, is true.

Of course, someone may attack this book's message by saying how much they dislike it, by saying how evil and diabolical (in their opinion) it is, by alleging that its author is destined for hell, secretly jaywalks, etc., etc., etc. – all this is to be expected. But if anyone tells you this book is wrong, that it lies, ask them exactly what is wrong, exactly what is a lie. My bet is that you'll find one of these is true:

- they are repeating what someone else told them because they haven't read the book themselves
- they are focusing on some minor point which in their opinion is inaccurate, and

arguing that somehow their point discredits the entire book

- they are misinterpreting what the book says, arguing with an idea that is not in the book but rather in their own mind
- they won't answer what is wrong or a lie, but will use your question as an opportunity to tell you what you should think and believe, and what a terrible person you are if you disagree with them.

Everyone is entitled to their own opinion – about this book and its message, about its author, about abortion, about Christianity, about anything.

But they are not entitled to their own facts.

## Appendix

Is delayed ensoulment even today a dogma of the Catholic Church? There's a remarkable admission in *Donum Vitae* (Respect for Human Life), a 1987 document of Pope John Paul II:

The Magisterium has not expressly committed itself to an affirmation of a philosophical nature

...

Magisterium refers to the Church in her capacity as teacher. And while the time of ensoulment, the time of infusion of the human soul with the fetus, may be a philosophical question, it's also an extremely practical question as it determines whether abortion is murder. This appendix examines the quote along with its context, the relevant paragraphs of *Donum Vitae*.

That the Church constantly speaks as if immediate ensoulment is Church dogma is not in question; we'll see several examples in the excerpt below. And it's likely that the Church would like to forget its history of delayed ensoulment, and have it be believed that immediate ensoulment is and always has been dogma. But when we put *Donum Vitae* under the microscope and examine it, we see it doesn't really say what



many people mistake it to say. Church statements often give the appearance that immediate ensoulment is dogma but close examination shows it is no more than appearance; delayed ensoulment may today still be dogma-unacknowledged, disregarded dogma.

From the time that the ovum is fertilized, a new life is begun which is neither that of the father nor of the mother; it is rather the life of a new human being with his own growth.

Since the Church has never officially rejected delayed ensoulment, how may this statement be understood? As saying that the new life of what will someday become a human being has begun. (Chapter 9 discusses the ambiguous concept of human life.)

It would never be made human if it were not human already.

It would never become a human body if it were not already human cells; human cells never mature into the body of a frog or a horse, but only a human body.

To this perpetual evidence ... modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the programme is fixed as to what this living being will be: a man, this individual-man with his characteristic aspects already well determined.

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Science tells us that the body's genetic blueprint, its program, is created when the egg is fertilized. But the blueprint and the building (i.e., the body that may eventually be home to a human soul) are two different things. And science also tells us the fetus lacks brain waves until about the seventh week and human-like brain waves until about the twenty-eighth week.

Right from fertilization is begun the adventure of a human life, and each of its great capacities requires time ... to find its place and to be in a position to act.

In particular, acquiring a human soul requires time, says delayed ensoulment.

This teaching remains valid and is further confirmed, if confirmation were needed, by recent findings of human biological science which recognize that in the zygote resulting from fertilization the biological identity of a new human individual is already constituted.

The biological identity, the DNA blueprint, has been set of what may someday become a genuine human being, when it receives a human soul.

Certainly no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul . . .

Experimental, scientific data don't tell us when the human soul is infused in the fetus.

. . . nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life:

An astonishing – and very doubtful – claim: that science says a single cell organism smaller than a grain of sand has a “personal presence.” Notice, too, that here the Church itself isn't saying from conception the fetus has a personal human life; rather, the Church is making the dubious claim that science says so. Next, *Donum Vitae* asks a rhetorical question.

how could a human individual not be a human person?

The short answer: by Pope Innocent III and most of the other popes who ever lived being right about delayed ensoulment. Now we arrive at a surprising admission. (The bold font is mine.)

**The Magisterium has not expressly committed itself to an affirmation of a philosophical nature . . .**

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For over a millennium the Church did expressly commit itself to an affirmation of delayed ensoulment, but nowadays it's not saying one way or the other.

. . . but it constantly reaffirms the moral condemnation of any kind of procured abortion. This teaching has not been changed and is unchangeable.

But the Church is willing to say that abortion is, and always has been, a mortal sin.

Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality.

A one-celled fertilized egg demands the respect of a human being, says the Church.

The human being is to be respected and treated as a person from the moment of conception;

The Church isn't willing to commit itself to whether the fetus is a genuine human being, possessing a human soul, from the moment of conception but the Church is willing to say it should be treated as if it

was.

. . . and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.

It may not be a genuine human being but it must be treated as one, says the Church.

This doctrinal reminder provides the fundamental criterion for the solution of the various problems posed by the development of the biomedical sciences in this field: since the embryo must be treated as a person, it must also be defended in its integrity, tended and cared for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned.

The embryo, says the Church, must be treated as a human being, even if the Church today isn't willing to say it is a genuine human being - and for a millennium said it wasn't.

## Reference Key

DP - 2008 *Dignitas Personae* (The Dignity of a Person), Pope Benedict XVI

DV - 1987 *Donum Vitae* (Respect for Human Life), Pope John Paul II

EV - 1995 *Evangelium Vitae* (The Gospel of Life), Pope John Paul II

HV - 1968 *Humanae Vitae* (Of Human Life), Pope Paul VI

PA – 1974 *Declaratio de abortu procurato* (Declaration on Procured Abortion), Pope Paul VI

## Glossary

The Academy – School established near Athens by Plato sometime before his death in 347 B.C. Closed in 529 A.D by the Christian Emperor Justinian.

Animation – See ensoulment.

Council of Vienne – Church council held in 1311 A.D. which affirmed the dogma that a human being consists of a body and a human soul, also called a rational or intellectual soul.

Delayed ensoulment – The belief that the human soul enters the fetus some days after conception. Historically, there have existed different opinions on how many days: the minimum being forty days, the maximum, when the mother can feel fetal movement, which Pope Gregory XIV said was about one hundred and sixteen days after conception. Also called successive animation and delayed hominization.

Delayed hominization – See delayed ensoulment.

*Didache* – One of hundreds of texts excluded from the Bible when the Catholic Church met in 397 A.D. to decide which writings should to be included in the Bible and which should not. Many writings were excluded which early Christians had accepted as

inspired.

Doctor of the Church – “(*Latin Doctores Ecclesiae*) Certain ecclesiastical writers have received this title on account of the great advantage the whole Church has derived from their doctrine. In the Western church four eminent Fathers of the Church attained this honor in the early Middle Ages: St. Gregory the Great, St. Ambrose, St. Augustine, and St. Jerome.” – from the online Catholic Encyclopedia

Ensoulement – Process of uniting a human soul with a human fetus. Also called animation, infusion formation, and hominization. Delayed ensoulement is the idea that the human soul infuses the fetus some time after conception. Immediate ensoulement is the idea that the human soul infuses the fetus at the time of conception.

Fetus – For simplicity, fetus is used throughout this book for the fertilized human egg. Medically and scientifically, the fertilized human egg is called a zygote; the zygote that has attached to the uterus is called an embryo; and about the ninth week, the embryo is called a fetus.

*Fetus animatus* – Latin phrase for a fetus which possesses a human soul. According to the theory of delayed ensoulement, the fetus becomes *fetus*



*animatus* some weeks after conception. According to the theory of immediate ensoulment, the fetus becomes *fetus animatus* at the time of conception.

*Fetus inanimatus* – Latin phrase for a fetus which does not yet possess a human soul. According to the theory of delayed ensoulment, the fetus is *fetus inanimatus* for some weeks after conception. According to the theory of immediate ensoulment, the fetus is never *fetus inanimatus*.

Father of the Church - (Christianity) any of about 70 theologians in the period from the 2nd to the 7th century whose writing established and confirmed official church doctrine; in the Roman Catholic Church some were later declared saints and became Doctor of the Church; the best known Latin Church Fathers are Ambrose, Augustine, Gregory the Great, and Jerome; those who wrote in Greek include Athanasius, Basil, Gregory Nazianzen, and John

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Chrysostom. - <http://www.TheFreeDictionary.com>

Formation – See ensoulment.

Gavignano - An ancient, hilltop town near Rome.  
Birthplace of Pope Innocent III.

Hominization - See ensoulment.

Immediate ensoulment - The belief that the human soul enters the fetus exactly at the moment of conception. Also called simultaneous animation and immediate hominization.

Infusion – See ensoulment.

Lotario de' Conti – Birth name of Pope Innocent III

Lyceum – School established near Athens by Aristotle.

Successive animation – See delayed ensoulment.

Simultaneous animation – See immediate ensoulment.



