

Theological-moral Evaluation of Artificial Termination of Pregnancy

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At the commencement of the third millenium, a Christian stands before a grave problem of protecting life of unborn human beings, while the attitude of a Christian in this issue is tightly connected with the fundamental truths and the intrinsic attitude of faith. On the other hand, it is indispensable to state that protection of life of the unborn may be reflected exclusively within the religious dimension, as well as on the anthropological, social, juridical, medicinal level or on the level of marriage and family.

Terminological Differentiation

Nowadays, in various spheres of science, the term artificial termination of pregnancy is being accepted and used despite the fact that this term is untruthful, misleading and suggestive. From different scientific points of view, it is apparent that pregnancy may not be terminated and later restored, as it is suggestively being claimed. The truth is that pregnancy may not be artificially terminated for various reasons and it may not be continued again. The life of a child surpasses the whole public opinion and in order to take its life, it is impossible to appeal from the freedom of thought¹ or from the principle of the democratic majority or from the permission to artificial termination of pregnancy from the side of the juridical system or from different medical reasons.

Theological looking upon the issue is in the terminological expression diametrically opposite to the juridical level of argumentation. Artificial termination of pregnancy, i.e. abortion, is in moral theology considered a murder of an innocent human being, who is a unique person with the right to life.² On the juridical and medicinal level, during the pre-natal development, there is a differentiation among murdering the embryo, the fetus and the child, which does not effect the essence of the issue, thus, it neither effects the fact that it is still the

¹ Cf. Declaration *Quaestio de abortu*, no. 20

² Not the temporary criterion of birth or the developing criterion (the criterion of segmentation, the criterion of potentiality, the neurological criterion, the criterion of animation, the criterion of independent existence, the psychological criterion, the criterion of implantation), not even the genetic criterion (see monozygotic twins or the presumption of creating genetically identical clones through man's ingerency but the metaphysical criterion with regard to the numerical criterion and the presumption of animation in the moment of fecundation, which occurs in a certain time interval, decide about the status of the unique human person. Excluding the last criterion, all of them are based on the ontogenesis of man and none of them gives an exhaustive answer to the question when new life becomes a person with all rights. It is unthinkable to associate neither with the dualistic understanding of man nor with the Aristotelian-thomist metaphysics of human existence without reservation, since for this age, it is from the theological point of view unsatisfactory, although it probably most truthfully grasps the essence of human existence in the personalist sense. The Congregation for the Teaching on Faith proclaims that even in the case of an existing doubt about whether the fetus in its early stage is already a person, the person risking its death would commit a mortal sin. Cf. *Quaestio de abortu*, no. 13. Individualization and animation are an unresolved problem in the final sense until now and all arguments of theologians or experts in the sphere of (also molecular) genetics and embryology do not give a moral certainty, which is indispensable, so far.

question of the human person, who has his or her irrevocable dignity and right for life. Therefore, the surgical operation *feticidium*, during which *fetus* is taken away through *craniotomy* or *caephalotomy*, deals with an innocent human being, which is different from every other human being.

Abortus is in the medicinal terminology an indication of a premature birth up to the seventh month of pregnancy and simultaneously, it indicates expelling or removal of the foetus, while it may be spontaneous or artificially induced. In the case of termination of pregnancy before the 20th week, caused by reasons not submitted to the control of the will, this phenomenon is called spontaneous abortion, while after the 20th week it is being spoken of premature birth. Should this terminological expression be used for artificial termination of pregnancy, apparently that would mean artificially induced abortion, i.e. *procuratio abortus*. Principally, the truth that *feticidium* as well as *abortus*, which is directly actualized – *percuratio abortus directa*, are morally wrong *ex toto genere suo* and thus, unambiguously forbidden, may be expressed.

Common Reasons and Arguments for Artificial Termination of Pregnancy

Abortion or artificial termination of pregnancy is defended by many people as the only possible way out of the complicated and difficult life situations, which place an individual before the dilemma how to decide. The problem of artificial termination of pregnancy does not only deal with the moral responsibility of concrete and involved persons, moreover, it also interferes with every person, who ought to be its protector.³

In this sphere, many factors, e.g. the religious or cultural models of society, its traditions, history, ethical and value orientation as well as the atmosphere within society, influenced by the public opinion mostly created by mass-media play an important role. Through media, the consumptive and utilitarian understanding of life suppresses the world of true values⁴, and thus, an anti-life mentality is being created, caused by various motives, while the state permissively participates in the anti-family, anti-marriage and anti-natal politics, above all on the juridical level. Network war for the spread and legalization of abortion has unambiguously an international character⁵ and is focused on anchoring abortion into the juridical system. However, one can never obey the judicial regulation, which is immoral in itself.

³ Cf. EV, no. 59.

⁴ Cf. FC, no. 7.

⁵ Cf. EV, no. 59.

Such a situation and attitudes are motivated by reasons of diverse character, while an intentional and hypocritical concealment of the fullness of truth about the inadequacy of a falsified justification of removing life from an unborn innocent child is being exercised.

It is often being argued in favor of artificial termination of birth for eugenic reasons, where the pre-natal evolution of the child is damaged and the psychological or physical health of the child are most likely threatened. Nowadays, it is possible to predict the damage of chromosomes and various other anomalies of the fetus through different methods, such as sonography, fetoscopy, amniocentesis and others, while the reliability of these methods is rather high. Nowadays, the eugenic indications often become the cause for abortion. Such eugenic termination of pregnancy is paradoxically considered a therapeutic method, although casual failures in the pre-natal evolution of the child are not being removed at all. Eugenic mentality thus allows a selective termination of birth in order to prevent the birth of children who are or probably will be afflicted by some anomalies. The pre-natal diagnosis may thus paradoxically become an opportunity for suggesting or actualizing abortion, although it should serve as a medical impulse for a casual therapy in the case of appearance of some anomalies in the evolution of the child. Should it be permitted (from juridical and medicinal standpoint) to murder an unborn child, it would be incomprehensible and illogical why it could not be killed after its birth for the same reasons.

One of the reasons for artificial termination of pregnancy are the “ethical, humanitarian, and cultural-social regards”, even though they are in no way related to humanity or culture. In this case, abortion is allowed if the child was conceived outside of marriage and termination of this pregnancy is to protect the honor of the woman and her reputation, for a woman with a child is disadvantaged when entering into marriage in many cultural territories of the planet. Some ethical, cultural and religious or social systems and traditions go as far as to excluding the mother from society or even murdering her.

In the case of rape, artificial termination of pregnancy is considered a way to erase the dreadful memory of aggressiveness committed by the brute, therefore, not the innocence of the child but only the psycho-emotional state of the mother is being considered. The child is considered an impertinent burden, which was forced upon her against her will and it is natural that a woman afflicted by aggressiveness may with certain difficulties love this child, since it is a blameless but still a hurting memory for the woman of her rape experience, by which her human dignity was brutally harmed. Nonetheless, these facts may not become the reason for artificial termination of birth, since this unborn child has an equal and irrevocable human

dignity, and its violation as well as a brutal removal of life of the child cannot restore the mother's painful situation.

There is a frequent medicinal argumentation for abortion on the basis of the fact that pregnancy gravely effects the mother's life or for reasons of menacing the psychological health of the mother. Some authors even consider the child – fetus as an unjust aggressor, and thus, they want to justify the admissibility of abortion and classify the murder of the child as a murder of a materially unjust aggressor. This argumentation must be resolutely rejected for the child – fetus, in its innocence, does not withdraw any rights or freedom from anyone and it does not attack the mother in no sense of this word. The rule that everyone has right to murder his or her aggressor in the case of an adequate protection of his or her life must not be appealed from. An innocent child may not be considered an aggressor and the situation of menacing the mother's life may not be considered a situation of an adequate self-protection.

Nevertheless, medicinal and therapeutic indications must not be a sufficient justification and reason for all kinds of a direct murder of the innocent⁶, however, in spite of that, justification of abortion is being defended by the following arguments. Some hold the idea that it is possible to accelerate the death of the fetus, which will occur sooner or later anyway, with the aim to save the mother's life, which is a morally illicit direct murder of an innocent child. Another reason is the presumption that in such a critical situation the fetus would be willing to sacrifice its life in order to save the mother's life. However, this cannot be proved and the child has no opportunity to freely declare its will; the sacrifice of the child is performed by the murderous intervention of the medical doctor. The option to choose the lesser wrong is being offered, that is, to murder the fetus, but it is never morally permitted to choose the lesser wrong, which is immoral *ex toto genere suo* in stead of other wrong, which is only physical wrong, since it deals with the natural death or a simultaneous death of the child and of the mother.

Even more absurd situation arises when artificial termination of pregnancy is actualized for economic-social reasons, which are the motive for rejection of the already conceived life, paradoxically, in the name of its future good. Practical materialism and utilitarianism and with it connected consumption mentality often suggestively force parents to the decision to make the birth of a child impossible, for it is better not to give birth to a child than to bring it into the world and thus condemn it to distress or to an uncertain future. However trivial and tragic the declarations of this kind may sound, they are often being used

⁶ The first resolute and total refusal of abortion is for the reasons mentioned above included in the encyclical of Pius XI *Casti Connubii*. Cf. DS 3720. This clear standpoint was taken up by Pius XII (Cf. AAS/1951/838) and Paul VI (Cf. HV, no. 14), as well as the Congregation for the Teaching on Faith (Cf. *Quaestio de abortu*, no.14).

by people who have enough means for breeding their beloved exotic animals, dogs and cats. On the other hand, the existence of real economic-social difficulties in numerous families is a fact, but these hardships are often a result of the anti-family and anti-natal politics of the state. Nonetheless, it is provable that artificial termination of pregnancy for these reasons is more often actualized in economically and socially better off families than in poor families.

One of the egoistic reasons for artificial termination of pregnancy is the so-called family planning and regulation of the number of born children through abortion, which is considered as one of contraceptives. Nevertheless, abortion is not a way in which conception might be regulated, rather, it is a way to kill the already conceived but not yet born child. However, it is apparent that many contraceptives are abortive and do not prevent conception at all, as it is often suggestively stated.

Defenders of artificial termination of pregnancy – abortion have created the conception unplanned pregnancy (sometimes unexpected, unwanted), for they have become disabled to intrinsically open themselves to something or someone if it was not planned and presupposed earlier. The world of today is marked by the fact that people plan something despite the fact that these plans are often not actualized at all, but the man of today is still consumed by the mania of planning. The mentality of these people causes that they may always refuse that which is not coherent with their plans, i.e. including a new unborn life of a child.

However, people who do not want to respect biology of the human person and who submit everything to their uncontrolled sexual urge and loose concupiscence, do not want to recognize the dignity of the person of the child, who is just as equal a human being as any other human being, with the exception of a place of living. Nowadays, many individuals do not perceive the essential difference between artificial termination of pregnancy and other contraceptive means, which is the result of insensitivity, indifference and cynicism caused by the network medial manipulation with the human person.

Moral Evaluation of Termination of Birth

Theological-moral view⁷ on the diverse methods as well as on the reasons for termination of pregnancy follows (besides other sources) from the teaching of the Magisterium of various degree of hierarchy. Pope John Paul II, reacting to the threatening dimensions of this horrible phenomenon, which killing unborn children undoubtedly is, in an explicit as well as ceremonial way resolutely declared, “Therefore, by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops – who on various occasions have condemned abortion and who in the aforementioned consultation, albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine – *I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes a grave moral disorder, since it is the deliberate killing of an innocent human being.*”⁸

Moral theology, respecting all specific sources, from which it draws, unambiguously points to the fact that no circumstances or goals may change the essence of a morally wrong or illicit act *ex toto genere suo* into a good and lawful act. Therefore, direct wanted and actualized artificial termination of birth – *percuratio abortus directa*, which is the aim or a means to an aim, is always an act which is contradictory not only to the Divine law, intrinsically written unto the intimate interior of every human being, but also contradictory to the natural moral law *lex naturalis*. This resolute Christian attitude takes its support in the biblical fundament passed on through tradition, which is the content of the teaching of the authentic and common Magisterium, while this attitude takes its support in the natural law.⁹

⁷ Common principles of the theological analysis of the human free act in the perspective of morality always take into consideration the subject of the human act, the aim of the actor and the circumstances. The good ought to be the subject of the human act, and the will, which is the matter of the human act, is directed towards this good. The selected subject morally marks the act of the will and reason evaluates it as congruent or non-congruent with the true good, while the objective principles of morality express the rational order of good and bad discerned by the conscience. Regarding its subject, human acts may be morally good, wrong or indifferent.

The intention of the doer directed towards the aim is an essential element in a moral evaluation of the human act, while a good intention ought to be directed towards a good aim, so that from the objective point of view, the human act would be morally good in its essence. A bad intention thoroughly changes the human act which is good in itself into a wrong act and a good intention does not convert a wrong act into a good act, i.e. the end does not justify the means. The fact that the act is objectively good does not imply that it is also formally good. The intention means that an activity subjectively indifferent may become good or wrong, while the intention may increase moral good of the human act or additional bad intention may cause that an objectively good act may become morally less good or totally wrong.

The circumstances are secondary elements of the human act and, in general, there are seven listed: who, what, where when, how, why and by what means. These circumstances increase or decrease the moral good or wrong, they increase or decrease moral responsibility of the acting subject, however, they may not change the quality of an act in such a way that the act, which is wrong in essence, would become good, and yet they add certain moral quality to the act. There exist acts, which, regardless the intention and circumstances, are always morally wrong *ex toto genere suo*.

⁸ Cf. EV 62.

⁹ Cf. LG 25.

From the mentioned above, it follows that it is not permitted to commit abortion even if the life of the mother is threatened, for the child is not an unjust aggressor, who attacks the life of the mother, therefore, it is not morally permitted to take its life. The standpoint of pope John Paul II is clear and uncompromising in this issue, “The one eliminated is a human being at the very beginning of life. No one more absolutely *innocent* could be imagined. In no way could this human being ever be considered an aggressor, much less an unjust aggressor! He or she is *weak*, defenseless, even to the point of lacking that minimal form of defense consisting in the poignant power of a newborn baby's cries and tears.”¹⁰

In this connection it is adequate to mention that the judgement of a sane human reason logically indicates that it is probably possible (right?) to prefer the death of the fetus itself before the common death of the fetus and the mother and that even in the case when the death of the fetus should occur through a direct intervention of man. However, it is apparent that the directly wanted wrong may not be accepted from the theological-moral standpoint, although various authors, primarily of protestant faith, believe that the life of the mother is a sufficiently serious reason for accepting the directly wanted consequences.

In this situation, it is indispensable to argue using the principle *principium duplicis effectus*, whose application allows the theological-moral evaluation of very complicated cases. This principle may be briefly summarized into the following formulations: An act is moral in itself or at least morally indifferent; the direct effect of this act is morally good; the direct (good) effect (*per se*) is the aim of the actor and the bad effect is only unwillingly admitted (tolerated) (*per accidens*); proportional serious reasons for realizing such an act exist.

Direct termination of pregnancy is such an action which directly aims at killing the fetus, while death is the aim in itself or is the means to achieve another aim. If someone (a medical doctor, mother or another person) in advance arbitrarily decides that the unborn child must be deprived of life and sacrifices this innocent life for saving another life, such an action has a character of a direct attack on an innocent life and is an act of murder of an unborn child.

It is true that man may sacrifice his life for another person but man may not kill himself (an act of suicide) in order to save another person and no man has a right to arbitrarily dispose of another person's life.

The situation when indirect termination of pregnancy is morally evaluated becomes very complicated and it is necessary to emphasize that if it indeed is an indirect action, it is not being marked as termination of pregnancy, rather, it is defined as a death of the child or of

¹⁰ Cf. EV 58.

the fetus during medical intervention pursuing to save the life of the mother. For very serious reasons, it may be pertinent to apply an action which indirectly or unwillingly might aim at the death of the child. This statement must not be interpreted in the spirit of a moral laxity and permissibility, since not every indirect termination of pregnancy may be indicated as morally pertinent and adequate or permitted.

Only such an indirect action, which was actualized due to extraordinarily serious motives and in a situation of a real and extreme menace to the life of the mother may be considered as morally admissible, while all the principles of acting in accordance with *principium duplicis effectus*. Therefore, the bad effect – the death of the child – may be presupposed indeed, however, it must never be desired, moreover, it may not become the means to achieve a positive goal, which is the rescue of the mother. Termination of the life of the fetus in such situation is an arbitrary and side effect, which is not desired intrinsically and it is indispensable to take all steps towards its rescue, should the circumstances allow it.

In this connection, it is adequate to point out that the first clear and resolute refusal of the so called therapeutic abortion (artificial termination of pregnancy on the basis of medical indications) is included in the encyclical *Casti Connubii*¹¹ by Pius XI. Pope Pius XII took a very precise standpoint, in which he said that normally the terms “a direct attack on the life of the innocent” or “an indirect murder” are being used. Rescuing of the mother's life independently on the fact of her pregnancy requires a surgical action or another therapeutic means, which would result in an arbitrary event, in no way expected as such, but as one which cannot be avoided – the death of the fetus, consequently, such action may not be called a “direct” attack on the life of the innocent, provided that it is impossible to postpone the intervention till the time of the child's birth, and it is also impossible to remit to another effective means.¹² This unambiguous and resolute attitude was taken by Pope Paul VI in his encyclical *Humanae Vitae*¹³ as well as by Pope John Paul II in his already cited encyclical *Evangelium Vitae*.

These cases of an extreme menace on the life of the mother are more and more scarce nowadays due to the progress of medicine. In the conditions mentioned above, an operation as well as other interventions of this kind may become appropriate provided that it is the question of a great value which is life.

The gift of life is undeniably the highest natural as well as temporal good and the right of the human person, however, it must not be understood in the absolute meaning of the word,

¹¹ Cf. AAS 43 1951, 838.

¹² Cf. AAS 43: 1951, 859

¹³ Cf. HV no. 14

since there is the eternal salvation of man and realization of the divine plan with humanity and the world in a dynamic sense. This standpoint apparently understands the death of the child – fetus as the lesser wrong (and the child's life as a greater good) and according to the majority of theologians, the mother, through her own activity may contribute to the realization of the eternal salvation plan, especially if she is a mother of several children (or a wife e.g. looking after her ill husband), while it is clear that the fetus will not survive if the mother dies and thus will not be able to freely become engaged in the realization of the eternal salvation plan. For these reasons, some authors believe that the child's - fetus's right to life (even if for only a relatively short period of time) is subordinated to the mother's right for life (the greater good), for it is a concession to the higher claims of the divine plan.

From the theological-moral viewpoint, it is impossible to appeal from the principle of competition between certain goods (values), according to which man has the right to decide which of these two goods is the greater good and preserve it to the detriment of another good in a situation when it is not possible to preserve (save) both goods (values). Namely, this principle may not be applied to the assessment of the value of lives of two people, for no human being may become an arbiter in this sense and no one may decide on which life has a greater value.

No one, besides God, knows what the divine plan of salvation with particular persons in this concrete and always unique situation is. No one has the right to occupy the position which belongs exclusively to God and decide about what the true divine intention is. No one can answer the question whether in a moment of a real extreme menace to the mother's life some (new) medicinal way to save both lives will be found. Concurrently, the question whether it is a responsible act of love (in the Christian understanding to the fullness of this term) to let this fetus – child die along with its mother arises. The response is no, for it is probably negligence of the good, which is realized due to the high level of development of medicine. Obviously, this may be realized provided that rescuing the mother's life (in the spirit of the teaching of the Magisterium) could be called an indirect termination of pregnancy (at the cost of an undesired death of the child).

It is apparent, that the doubts presented above complicate the already complex ethical situation especially when the subjective factors (psychological adaptation of the persons involved, the awareness of the seriousness of the intended act of these persons, *optio fundamentalis* of these persons) of moral evaluation of human acts, which are related to the matter are taken into consideration. In the spirit of a sincere search for truth, it is possible to state that in the spirit of Christian love it is adequate to save the mother's life and that the

fetus' - child's life, which is certainly impossible to be preserved for a long period of time and by the way of a natural evolution it is undeniably lost and in the given situation (the level and possibilities of medicine) it cannot be saved.

Theologically, it may be appealed from the sphere of the effect of the divine will and providence as well as to man's trust in God, to whom everything is to be surrendered in hope. The Christian vision of family life, the gift of maternity and the spirit of faith internally dispose mothers as well as the closest involved ones to become surrendered into the hands of providence of the One, on whom everything depends. From the point of view of the natural human reason and the human standpoint it may appear that this attitude is absurd and irresponsible, however, human experience of the Christian faith is an incontrovertible witness that the transcendent level of the matter must not be underestimated.

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List of the abbreviations used:

AAS – Acta Apostolicae Sedis. Commentarium officiale. Rome 1974

DS – Denzinger-Hünemann: *Enchiridion Symbolorum*. Herder 1991

EV – John Paul II: Encyclical *Evangelium Vitae*.

FC – John Paul II: Exhortation *Familiaris consortio*.

LG – Vatican Council II: Dogmatic Constitution on the Church *Lumen Gentium*.

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