In order to set this “liberal” Catholic defense of abortion by Daniel A. Dombrowski and Robert Deltete in context, it is useful to see just where their defense of abortion is going. Because abortion is part of a culture of death, as John Paul II so aptly names our contemporary ethos, it is not an isolated attitude but one that belongs to a whole cluster of beliefs and practices. The authors spell this out in the chapter entitled a “Defensible Sexual Ethic.” It is presented as a response to what they see as a restricted view of sexuality stemming from Augustine’s contention that only sexual relations within marriage engaged in for the purpose of procreation are moral. That is in fact an oversimplification of Augustine’s view, since he described such acts as “without fault” but affirmed the goodness of marriage of which conjugal intercourse is an integral part. And the Church has moved far beyond Augustine’s admittedly restrictive view of marital sexuality, particularly with John Paul II’s concept of the nuptial meaning of the body.

Dombrowski and Deltete categorically reject the Church’s unbroken teaching on the inseparability of the unitive and procreative aspects of conjugal relations. They describe this 2000-year old view as “at the very least counterintuitive to most reflective and morally sensitive Catholics, and . . . perhaps, misguided” (80). It belongs to what they call the “perversity” argument which opposes abortion because it is associated with sex outside marriage. And, of course, the authors do not oppose sex outside marriage. They go so far as to claim that “a rich spiritual life is not necessarily hindered by and may actually be enhanced by premarital sexual relations, which, as we have argued, can be either moral or immoral” (86). The morality depends on whether such relations are mutually “agapic.” The perversity view they call both “too restrictive” and “too permissive” because it gives carte blanche to have a “fertilized egg” (82). And that leads to overpopulation! Homosexual relations, which are agapic, can also be moral(86).

It would be unwise, however, to dismiss the authors’ arguments out of hand. They represent a serious attempt to locate endorsement of early abortions in the Catholic tradition and some both in and out of the Church could be misled. The authors also have credible academic credentials. Both teach in the philosophy department at Seattle University. In addition Deltete has a background in the history and philosophy of physics and cosmology.

The Church’s opposition to abortion, they charge, rests on two arguments, the ontological and the perversity view of sex. They admit that the perversity view, which holds that abortion is wrong because it is associated with
sex outside marriage, is no longer accepted. So they concentrate their attack on the ontological argument, according to which a person comes to be at fertilization. They claim to be strictly in line with Augustine and Aquinas, both of whom endorsed delayed hominization, the position that a spiritual soul is infused only when the fetus has been sufficiently developed to receive it. They call this fact “one of the best kept secrets in the history of Catholicism” (3). Further they assert that the ontological position only came to the fore as a result of mistakes in 17th century science and is based on a dualist view of body and soul.

The authors describe their own view, which follows that of Daniel Maguire and Joseph Donceel, as a “neoclassical version of dynamic hylomorphism” (8). They also employ a related version of the interests principle. Interests are essential to rights and the capacity of conscious awareness is essential for the possession of interests. Crucial to their arguments is that, although the fetus is undoubtedly human because it has human genetic material, sentiency is necessary for personhood. “A fetus,” they state, “becomes a human being in the moral sense of the term (i.e. it would be wrong to kill it) at the approximate point when it acquires the ability to survive outside the womb” (14).

Dombrowski and Deltete claim that both Augustine and Aquinas held that the fetus in the early stages had the same moral status as a plant (15). “Along with Augustine and Thomas Aquinas we believe that sentiency is a necessary condition for receiving a human soul” (16). They acknowledge that Aquinas’s science was defective but praise his hylomorphic principle, which, in their interpretation, leads inevitably to the position of delayed hominization and therefore the licitness of “abortion” in the early stages of pregnancy because, although human, the fetus is not a person. They cite Shannon and Wolter that fertilization is a process and the “central nervous system is ‘critical’ from a moral point of view” (43) and that only develops in the second trimester.

The delayed hominization argument has been ably refuted by a number of moral theologians and philosophers, among them Patrick Lee and William E. May. It is significant that neither they nor any other orthodox scholars are cited in the extensive bibliography, in case, perhaps, they pose too great a threat to inquiring readers. May in his excellent book, Catholic Bioethics and the Gift of Human Life, formulates several cogent arguments to show that personhood begins at fertilization. Contrary to the authors’ asymmetrical time argument, it is the same person from fertilization to natural death no matter how much the outside physical appearance changes. May soundly refutes the authors’ contention that Aquinas did not condemn abortion in the early stages of the fetus. On the contrary May states, “All Christian writers, including St. Thomas, absolutely condemned all deliberate abortion whether the embryo/fetus was ‘formed’ or not.”
To refute the position that the zygote is human but not a person until sentiency, May points to a difference between a radical capacity and a developed capacity. A radical capacity can be called active when its principle of development is within and passive when its development is triggered by outside forces. The fetus possesses an active radical capacity and therefore, is at no stage not a human person with the radical capacities of intellect and will. May also attacks the authors’ argument that there is so much natural wastage of embryos, God could not infuse a spiritual soul in every embryo that ends in miscarriage. May questions the numbers given by the authors and points out that most embryos lost to miscarriage are not embryos at all but clusters of cells which have never formed adequately to be infused with a spiritual soul. He also cites John Finnis’s distinction between a right and a liberty, which puts the mother’s so-called right to abortion in perspective.

Finally, while Dombrowski and Deltete admit that the second century moral treatise, the Didache, condemned abortion as homicide from conception, they point out that was not uniformly the official position of the Church. For example in 1588 Pope Sixtus V declared abortion at any stage homicide but in 1591 Gregory XIV returned to the delayed hominization position, which was only formally called into question by Pius IX in 1869. Then the 1917 code of Canon Law enshrined it (92). They conclude by declaring that “Catholic teaching on abortion is not governed by papal infallibility” (90). May categorically disagrees, stating that “Pope John Paul II clearly affirms that the teaching of the Church on the grave immorality of abortion has been infallibly proposed by the ordinary and universal Magisterium of the Church.” He cites the relevant section in Evangelium Vitae (no. 62).

In passing, the authors note that it was the dogma of the Immaculate Conception in 1854 that finally determined the Church’s insistence that life begins at conception. No Catholic treatment of abortion can be complete without the perspective of revelation. John Saward shows beautifully in his book Redeemer of the Womb: Jesus Living in Mary, how Christ consented to become an embryo and in doing so sanctified every stage of human life. His human and divine natures united at the moment of his conception within Mary’s body. He became the person Jesus, true God and true man. According to Dombrowski and Deltete, he would simply have been a plant until the second trimester of Mary’s pregnancy.

Mary Shivanandan, M.S. S.T.D.