

# Delayed Animation: An Ambiguity and Its Abuses

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There it is again. In a recent article on stem-cell research, Kevin Wm. Wildes argues that the Catholic Church has no clear position on the moral status of the early human embryo (called the “pre-implantation embryo”) since it has never taken a clear position on the moment when personhood (or to use traditional scholastic language, a rational soul) is present in a human being. According to Wildes, there are two legitimately Catholic views on the moment at which personhood or ensoulment occurs:

I would argue that Catholicism is not monolithic on this point and has had at least two different views on pre-implantation embryos. Many Catholics accept the genetic criteria for personhood. This view was presented to the commission in testimony by Edmund Pellegrino and Richard Doerflinger. This school of thought argues that the embryo should be treated as a person from the moment of conception.... This view argues that a unique genetic identity is established in the process of conception.... Another view is also represented in Catholicism: the developmental school. In this school one might place thinkers like Bernard Häring, Karl Rahner, Joseph Donceel, Richard McCormick, John Mahoney and Margaret Farley. This school argues that while the human embryo is worthy of respect, it ought not to be given personal moral status until there has been sufficient development of the embryo.<sup>i</sup>

To use traditional language, there are two schools of thought within the Church on the moment of the rational soul’s appearance: the theory of immediate animation (the rational soul is present from conception) and the theory of delayed or mediate animation (the rational soul is present only at some later stage of gestation). The proponents of delayed animation, such as Joseph Donceel,<sup>ii</sup> have argued that since the soul is the form of the body, the rational soul could not be present in a human individual until there was sufficient differentiation and specialization of cells to constitute some semblance of a human body.

From the legitimacy of both the immediate and delayed theories of

ensoulment in the Catholic Church, Wildes concludes that Catholics may legitimately oppose or support the use of embryonic stem cells in research. The anthropological pluralism on ensoulment justifies moral and political pluralism on early-life issues. He also makes clear his preference for the delayed-animation theory:

In the case of early human embryos one must ask: If one can separate the cells of the early human embryo and have these cells develop into different, unique human organisms, as is the case with totipotent stem cells, is there a sufficient biological unity to call the embryo, at that stage, a person? I would argue that there is not. In my view, at the blastocyst stage, when the stem cells would be extracted for research, the embryo does not yet possess sufficient biological unity to be a person.<sup>iii</sup>

Morally he concludes that one is not obliged to treat the early human embryo as a person and that one may use the embryo in research. Politically he lauds the recommendation of the National Bioethics Advisory Committee to use embryonic stem-cells in experimentation as “balancing the respect for the embryo with the potential benefits of the research for healing.”<sup>iv</sup>

#### RETURN OF DELAYED ANIMATION

The position Wildes advocates is not an isolated one. A series of authors, both popular and scholarly, have recently propounded a similar argument. The argument goes something like this: The Catholic Church has never taught that there is a person (a rational soul) present from the moment of conception. This is a legitimate area of disagreement among Catholics. In fact, many prominent Catholic thinkers, such as Aquinas, clearly supported delayed animation. Since the personal nature of early embryonic life is unclear, the morality of actions destroying or manipulating this life (such as abortion or *in vitro* fertilization) are unclear. After all, a doubtful law does not bind. Since the morality of early abortion is unclear, the state should give individuals broad freedom to follow their consciences in this murky area. Many, but not all, of the controversialists supporting this argument claim the superiority of the delayed-animation hypothesis as an explanation of early embryonic and

fetal development. Practically all criticize the Church's rejection of all direct abortion from the moment of conception and its highly visible crusade to restore protection to human embryonic life in the civil law.

What's wrong with this picture?

Those supporting the view outlined above have indeed discovered a certain truth: that the Catholic Church has no definitive position on ensoulment and that certain prominent Catholic philosophers have supported delayed animation. However, they have distorted this ambiguity and drawn moral conclusions wrongly deduced from this ambiguity. They have operated a strange reading of Church history and have used this truncated reading to legitimize political movements which the Church clearly and rightly condemns.

#### ANTHROPOLOGICAL PLURALISM, MORAL UNIVOCITY

Three recent documents promulgated by the Magisterium indicate the Church's ambiguity on the question of ensoulment. They are *Evangelium Vitae* (1995), John Paul II's encyclical on human life issues; *Donum Vitae*, the Congregation for the Doctrine of the Faith's declaration on early human life questions; *Quaestio de abortu* (1974), the Congregation for the Doctrine of the Faith's declaration on procured abortion.

In *Evangelium Vitae* John Paul II alludes to this ambiguity in #60, where he defends an absolute moral prohibition against the destruction of the human embryo. He admits that scientific evidence alone cannot resolve the philosophical issue of the existence of the rational soul or personhood at the moment of conception:

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 human life."<sup>v</sup>

He further admits that the existence of the rational soul at conception may be considered probable rather than certain and that the Magisterium has made no definitive judgment on the philosophical question of

ensoulment:

From the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human embryo. Precisely for this reason, over and above all scientific debates and those philosophical affirmations to which the Magisterium has not expressly committed itself, the Church has taught and continues to teach that the result of human procreation, from the first moment of its existence, must be guaranteed that unconditional respect which is morally due to the human being in his or totality and unity as body and spirit....<sup>vi</sup>

If the Pope recognizes the difficulties surrounding the moment of ensoulment and the open nature of this question in the Church, he clearly, indeed emphatically, leans toward immediate animation. While not decisive, current scientific research in embryology indicates the complexity of the human life present at conception and provides many compelling reasons for justifying the thesis of immediate animation. Further, it is unclear philosophically how one can admit that a being is a unique human individual, yet not a person, when personality inheres in human nature itself and is the intrinsic *telos* of each human conceptus.

*Quaestio de abortu*, cited frequently by *Evangelium Vitae* and *Donum Vitae*, pursues a similar argument. It admits a certain ambiguity concerning the moment of ensoulment, but leans strongly toward the thesis of immediate animation:

Right from fertilization the adventure of 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 least that can be said is that present science, in its most evolved state, does not give any substantial support to those who defend abortion. Moreover, it is not up to biological sciences to make a definitive judgment on questions which are properly philosophical and moral, such as the moment when a human person is constituted or the legitimacy of abortion.<sup>vii</sup>

In its survey of the history of Catholic teaching, it admits that during the medieval period, the Church consensus leaned toward delayed animation:

It is true that in the Middle Ages, when the opinion was generally held that the spiritual soul was not present until after the first few weeks, a distinction was

made in the evaluation of the sin and the gravity of penal sanctions. In resolving cases, approved authors were more lenient with regard to that early stage than with regard to later stages. But it was never denied at that time that procured abortion, even during the first says, was a grave sin.<sup>viii</sup>

The declaration emphasizes that even during the heyday of the theory of delayed animation, the High Middle Ages, the presumed absence of a rational soul was never used to justify early abortion.

If these magisterial documents indicate a certain legitimate speculative pluralism about the moment of ensoulment, they admit no moral pluralism. Following the traditional manualist position that in matters of great value—and human life is of supreme value—one must follow the morally safer course, the Magisterium argues that just as one may not kill what is certainly an innocent human person, one may not kill what is probably an innocent human person. *Quaestio de abortu* clarifies this reasoning:

From a moral point of view this is certain: even if a doubt existed concerning whether the fruit of conception is already a human person, it is objectively a grave sin to dare to risk murder. ‘The one who will be a human being is already one.’<sup>ix</sup>

In other words, whether one supports delayed or immediate animation, the moral consequences of either theory are identical. There are many weighty reasons which render the theory of immediate animation “probable.” The serious risk of murder, like the certain commission of murder, must be shunned by the conscientious moral agent. Furthermore, while contemporary scientific evidence may not definitively resolve the ensoulment dispute in favor of immediate animation, it has provided ample evidence for personhood from the moment of conception:

From the time that the ovum is fertilized, a 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 or her own growth. It could never be made human if it were not human already.

This has always been clear, and discussions about the moment of animation have no bearing on it. 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 human being, this individual human being with

his or her characteristic aspects already well determined.<sup>x</sup>

#### DISTORTING AN AMBIGUITY

It is in the area of moral application that many contemporary proponents of delayed animation distort Church teaching. Many of these authors cite the Church's ambiguity on the moment of ensoulment but then suppress the Church's clear argument as to whether delayed or immediate animation supports a strict ban direct abortion at every stage of development. Further, many of these authors employ unconvincing arguments to twist the Church's hesitation on the animation dispute into a moral position which the Church categorically rejects. Two strategies are especially common in this manipulation of the ensoulment controversy.

The first is the use of the reflex principle, "A doubtful law does not bind." Therefore, if there is a doubt about the presence of the rational soul in an early human embryo, one cannot prohibit its destruction. This reasoning, however, is fallacious. As centuries of scholastic moral manuals have argued, the "doubtful law" principle only applies to cases of lesser import. When cases of greater import, such as those concerning the protection of human life, are involved, one must use another principle: "Follow the morally safer course." Whether one believes that the personhood of the early human embryo is certain or probable, even barely probable, one must refuse to destroy or damage this human being. The morally safer course must be pursued.

Another strategy used by many of these authors is the appeal to probabilism. Probabilism is a method used to resolve a perplexed conscience faced with several possible courses of action in a given moral dilemma. According to the probabilists, when one is not certain which course of action is the right one, one may follow any course of action with solid justifying reasons ("probable" reasons, in the terminology of the school), especially when a number of prominent Catholic moralists approve this course of action. Some supporters of delayed animation argue that since the Church is in doubt on the moment of rational ensoulment, one is free to consider the early human embryo as a person or non-person; therefore, one may respect the human embryo as person with a right to life or one may destroy or manipulate the embryo as a non-

person. The reasoning here, however, is illegitimate. Morally the destruction of the human embryo is either certainly homicidal or probably homicidal. In either case, it is morally abhorrent. Even if one thinks that there are solid, probable reasons for claiming personhood at a later stage of gestation, one cannot deny the gravity of the solid, probable reasons for designating personhood at the moment of conception—reasons made far stronger by the genetic and embryonic research of recent decades.

Not only have many authors of the current revival of delayed animation distorted the Church's ambiguity on this issues and illegitimately drawn pro-abortion moral and political conclusions, they have operated a tendentious distortion of the Church's history. The abuse of Aquinas is typical. Catholic supporters of delayed animation often cite Aquinas's celebrated theory of delayed ensoulment. However, they rarely cite Aquinas's categorical condemnation of all abortion as gravely evil in his *Commentary on the Sentences*.<sup>xi</sup> Nor do they discuss the inaccurate, indeed now fantastic, theory of human gestation which Aquinas borrowed whole cloth from Aristotle's *De Anima* and *Generation of Animals*. It is touching to watch certain "pro-choice" Catholics piously laud Thomas's theory of delayed animation when they find little else of worth in his corpus. For many cooler observers, Thomas's theory of fetal development belongs in the museum of Thomistic howlers, next to his support for judicial torture and capital punishment for relapsed heretics.

This selective reading of Church history in an effort to strain some support for the morality of abortion ignores the obvious. From the beginning of its history the Church categorically condemned abortion and infanticide, both of which were widely practiced in the Greco-Roman world. The *Didache* (second century A.D.), the Church's earliest explicit text on abortion, is categoric in its condemnation of all abortion. "You shall not kill by abortion the fruit of the womb and you shall not murder the infant already born."<sup>xii</sup> Tertullian, Athenagoras, and a host of other patristic authors make the same claim. Even during the Middle Ages, when the theory of delayed animation was predominant in Catholic theological opinion, the most that was conceded in canon law and moral theology was a difference of degree in the evil involved in early and late

abortion. Both practices were condemned as unjust. The mythology of a hidden “pro-choice” Catholicism, cherished by a Frances Kissling and a Garry Wills, must be unmasked for the caricature of Church history which it is.

#### POSSIBLE REVISIONS

Certain Catholic observers of the damage wrought by those who have retrieved the delayed-animation hypothesis argue that the Magisterium should clearly endorse the theory of immediate animation and teach that a human person, a rational soul, is present from the moment of conception. The philosopher Patrick Lee, for example, argues that with the collapse of the outmoded theory of gestation which undergirded the Thomistic theory of delayed animation and with the accumulation of new genetic evidence for the determination of personhood’s onset at conception, the theory of delayed animation no longer has solid, probable reasons to support it.<sup>xiii</sup> Just as the Church has developed its doctrine on a number of moral issues, such as capital punishment and the civic right to religious freedom, the Church should treat delayed animation as an historical curiosity and insist that the empirical evidence and philosophical/theological reflection on that evidence indicate that the presence of a rational soul at conception is morally certain. Such a development would make the moral/political case against abortion even stronger and would foreclose the abusive manipulation of the Church’s ambiguity on ensoulment which pro-abortion academics and their media allies have successfully engineered.

Personally I am not convinced by such a proposal. The Church’s reluctance to endorse definitively immediate animation derives from more than respect for its mixed historical record on the issue and its prudent reluctance to engage the Magisterium in a “quarrel of the schools.” It springs from the fact that contemporary genetic and embryonic research has raised some problems for the theory of immediate animation, even as it provides substantial evidence in favor of it. One obvious problem is the possibility of twinning or recombination of a human embryo during the first two weeks of development after the moment of conception. It is not clear how this is compatible with



traditional teaching on the indivisibility of the rational soul and the claim of personality as intrinsic to human individuality. The hesitation of the Magisterium on closing debate on this issue reflects the complexity and the ambiguity concerning the presence of the rational soul in early gestation. While current research provides a very strong case for immediate animation—arguments along the lines of personal identity are especially compelling—it is not so decisive as to suppress all ambiguity on the question.

#### CONCLUSION

Part of the intellectual struggle against abortion is a battle against the deliberate and systematic distortion of the religious and civic history of abortion. The current renaissance of delayed-animation theory has effectively exploited an ambiguity in Church teaching to promote the death of the nascent child and to foster a caricature of the Church's moral position. The response to this distortion involves an accurate presentation of the single moral and political conclusion following from this ambiguity: the respect for the inviolability of the human being from the moment of conception and the restoration of a comprehensive right to life as the keystone of an authentic human-rights polity. It involves an accurate portrait of two millennia of Church witness on abortion, a witness which has consistently opposed this practice at every stage of development, whatever its vagaries on the issue of animation have been. It also requires the use of contemporary genetic and embryonic evidence to demonstrate how compelling the case for embryonic personhood is, even when it cannot completely suppress the Church's ancient and persistent hesitation on the precise timetable of the soul.

#### NOTES

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i. Kevin Wm. Wildes, "The Stem Cell Report," *America* (16 October 1999) 14.

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- ii. See Joseph Donceel, *Philosophical Anthropology* (New York: Sheed and Ward, 1967), pp. 442-45.
- iii. Wildes, p. 14.
- iv. *Ibid.*
- v. John Paul II, *Evangelium Vitae* #60.
- vi. *Ibid.*
- vii. Congregation for the Doctrine of the Faith, *Quaestio de abortu* #13.
- viii. *Ibid.* #7.
- ix. *Ibid.* #13.
- x. *Ibid.* #12-13.
- xi. Thomas Aquinas, *Commentary on the Sentences*, Bk. IV, d. 31.
- xii. *Didache Apostolorum in Patres Apostolici*, ed. Funk, V, 2.
- xiii. Patrick Lee, *Abortion and Unborn Human Life* (Washington, D.C.: Catholic Univ. of America Press, 1996), pp. 79-102.