

life is sacred because "from its very beginning it directly involves God's creative activity". The Second Vatican Council, as mentioned earlier, sternly condemned abortion: "From the moment of its conception life must be guarded with the greatest care, while abortion and infanticide are unspeakable crimes".

The Church's canonical discipline, from the earliest centuries, has inflicted penal sanctions on those guilty of abortion. This practice, with more or less severe penalties, has been confirmed in various periods of history. The 1917 Code of Canon Law punished abortion with excommunication. The revised canonical legislation continues this tradition when it decrees that "a person who actually procures an abortion incurs automatic (*latae sententiae*) excommunication". The excommunication affects all those who commit this crime with knowledge of the penalty attached, and thus includes those accomplices without whose help the crime would not have been committed. By this reiterated sanction, the Church makes clear that abortion is a most serious and dangerous crime, thereby encouraging those who commit it to seek without delay the path of conversion. In the Church the purpose of the penalty of excommunication is to make an individual fully aware of the gravity of a certain sin and then to foster genuine conversion and repentance.

Given such unanimity in the doctrinal and disciplinary tradition of the Church, Paul VI was able to declare that this tradition is unchanged and unchangeable. 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. This doctrine is based upon the natural law and upon the written Word of God, is transmitted by

the Church's Tradition and taught by the ordinary and universal Magisterium.

No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church.

***Catechism of the Catholic Church (1997), para. 2271, 2322.***

**2271** Since the first century the Church has affirmed the moral evil of every procured abortion. This teaching has not changed and remains unchangeable. Direct abortion, that is to say, abortion willed either as an end or a means, is gravely contrary to the moral law:

You shall not kill the embryo by abortion and shall not cause the newborn to perish.

God, the Lord of life, has entrusted to men the noble mission of safeguarding life, and men must carry it out in a manner worthy of themselves. Life must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes.

**2322** From its conception, the child has the right to life. Direct abortion, that is, abortion willed as an end or as a means, is a "criminal" practice (*GS 27 # 3*), gravely contrary to the moral law. The Church imposes the canonical penalty of excommunication for this crime against human life.

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Pamphlet 554

## **As Regards Abortion**

The Catholic Church's doctrine is expounded with clarity in major documents such as:

***"Gaudium et spes" (1965), para. 51 § 3; cf. para. 27 § 3;***

For God, the Lord of life, has conferred on men the surpassing ministry of safeguarding life in a manner which is worthy of man. Therefore from the moment of its conception life must be guarded with the greatest care while abortion and infanticide are unspeakable crimes. The sexual characteristics of man and the human faculty of reproduction wonderfully exceed the dispositions of lower forms of life. Hence the acts themselves which are proper to conjugal love and which are exercised in accord with genuine human dignity must be honored with great reverence. Hence when there is question of harmonizing conjugal love with the responsible transmission of life, the moral aspects of any procedure does not depend solely on sincere intentions or on an evaluation of motives, but must be determined by objective standards. These, based on the nature of the human person and his acts, preserve the full sense of mutual self-giving and human procreation in the context of true love. Such a goal cannot be achieved unless the virtue of conjugal chastity is sincerely practiced. Relying on these principles, sons of the Church may not undertake methods of birth control which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law. (para. 51 § 3).

Furthermore, whatever is opposed to life itself, such as any type of murder, genocide, abortion, euthanasia or willful self-destruction, whatever violates the integrity of the human person, such as mutilation, torments inflicted on body or mind, attempts to coerce the will itself; whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where men are treated as mere

tools for profit, rather than as free and responsible persons; all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are supreme dishonor to the Creator. (para. 27 § 3).

***Code of Canon Law (1983), para. 1398; 1314; 1323 f;***

Can. 1398 A person who procures a completed abortion incurs a latae sententiae excommunication.

Can. 1314 Generally, a penalty is ferendae sententiae, so that it does not bind the guilty party until after it has been imposed; if the law or precept expressly establishes it, however, a penalty is latae sententiae, so that it is incurred ipso facto when the delict is committed.

Can. 1323 The following are not subject to a penalty when they have violated a law or precept:

1/ a person who has not yet completed the sixteenth year of age;

2/ a person who without negligence was ignorant that he or she violated a law or precept; inadvertence and error are equivalent to ignorance;

3/ a person who acted due to physical force or a chance occurrence which the person could not foresee or, if foreseen, avoid;

4/ a person who acted coerced by grave fear, even if only relatively grave, or due to necessity or grave inconvenience unless the act is intrinsically evil or tends to the harm of souls;

5/ a person who acted with due moderation against an unjust aggressor for the sake of legitimate self defense or defense of another;

6/ a person who lacked the use of reason, without

prejudice to the prescripts of cann.  $\cong$  1324, §1, n. 2 and  $\cong$  1325;

7/ a person who without negligence thought that one of the circumstances mentioned in nn. 4 or 5 was present.

***"Donum vitae" (1987), para. 3;***

Which moral criteria must be applied in order to clarify the problems posed today in the field of biomedicine? The answer to this question presupposes a proper idea of the nature of the human person in his bodily dimension.

For it is only in keeping with his true nature that the human person can achieve self-realization as a "unified totality": and this nature is at the same time corporal and spiritual. By virtue of its substantial union with a spiritual soul, the human body cannot be considered as a mere complex of tissues, organs and functions, nor can it be evaluated in the same way as the body of animals; rather it is a constitutive part of the person who manifests and expresses himself through it. The natural moral law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person. Therefore this law cannot be thought of as simply a set of norms on the biological level; rather it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body. A first consequence can be deduced from these principles: an intervention on the human body affects not only the tissues, the organs and their functions but also involves the person himself on different levels. It involves, therefore, perhaps in an implicit but nonetheless real way, a moral significance and responsibility. Pope John Paul II forcefully reaffirmed this to the World Medical Association when he said: "Each human person, in his absolutely unique singularity, is constituted not only by his spirit, but by his body as well. Thus, in the body and through the body, one touches the person himself in his concrete reality. To respect the dignity of man consequently amounts to safeguarding this identity of

the man '*corpore et anima unus*', as the Second Vatican Council says (*Gaudium et Spes*, 14, par.1). It is on the basis of this anthropological vision that one is to find the fundamental criteria for decision-making in the case of procedures which are not strictly therapeutic, as, for example, those aimed at the improvement of the human biological condition".

Applied biology and medicine work together for the integral good of human life when they come to the aid of a person stricken by illness and infirmity and when they respect his or her dignity as a creature of God. No biologist or doctor can reasonably claim, by virtue of his scientific competence, to be able to decide on people's origin and destiny. This norm must be applied in a particular way in the field of sexuality and procreation, in which man and woman actualize the fundamental values of love and life. God, who is love and life, has inscribed in man and woman the vocation to share in a special way in his mystery of personal communion and in his work as Creator and Father. For this reason marriage possesses specific goods and values in its union and in procreation which cannot be likened to those existing in lower forms of life. Such values and meanings are of the personal order and determine from the moral point of view the meaning and limits of artificial interventions on procreation and on the origin of human life. These interventions are not to be rejected on the grounds that they are artificial. As such, they bear witness to the possibilities of the art of medicine. But they must be given a moral evaluation in reference to the dignity of the human person, who is called to realize his vocation from God to the gift of love and the gift of life.

***"Evangelium vitae" (1995), para. 62***

The more recent Papal Magisterium has vigorously reaffirmed this common doctrine. Pius XI in particular, in his Encyclical *Casti Connubii*, rejected the specious justifications of abortion. Pius XII excluded all direct abortion, i.e., every act tending directly to destroy human life in the womb "whether such destruction is intended as an end or only as a means to an end". John XXIII reaffirmed that human