

# WHEN DOES THE SPIRIT ENTER THE BODY?

Jeffrey E. Keller

**A** similar question was addressed on a national level early in 1981, when the United States Senate convened hearings to determine when "human life" begins. At issue was a statement in an anti-abortion bill sponsored by Senator Jesse Helms which read, "Present day scientific evidence indicates a significant likelihood that actual human life exists from conception."

Although several distinguished scientists, philosophers, and theologians spoke in the congressional hearings on both sides of the issue, the Senate committee was unable to substantiate Helms's claims regarding scientific evidence. The National Academy of Sciences subsequently declared that Helms's bill dealt "with a question to which Science can provide no answer." Leon E. Rosenberg of the Yale Medical School added, "I believe that the notion embodied in the phrase 'actual human life' is not a scientific one, but rather a religious, metaphysical one." (*Science News*, May 9, 1981, p. 293.)

As the original question implies, the religious, metaphysical issue of "human life" in Mormon theology may boil down to the question of when the spirit enters the body. If, as Mormons believe, physical death is that moment when the spirit leaves the body, it follows that a fetus is not yet alive in the fullest sense until it unites with a spirit to form a living soul.

There are basically three periods when a fetus could acquire its spirit: 1) at conception, 2) at "quickening" (the first movements of life felt by the mother, usually in the fourth month of pregnancy), or 3) at birth. Interestingly, each of these three periods has had its supporters among the leaders of the Church. The idea that the spirit enters the embryo at the moment of conception logically entails the

corollary that abortion is tantamount to murder, with the same eternal implications of killing an adult. While never directly addressing the issue of spirit-body, many leaders of the Church in the middle to late 1800s equated prenatal killing with infanticide. John Taylor, speaking of abortionists, wrote, "They are murderers and murderers of their infants. . . . and you that want them, take them, and you that do will go with them, and go to perdition with them and I tell you that in the name of the Lord." (*Journal of Discourses*, 22:320, 1881). In 1884, George Q. Cannon stated, "They [abortionists] will be damned with the deepest damnation; because it is the damnation of shedding innocent blood, for which there is no forgiveness" (*JD*, 26:14-15). As late as 1916 Joseph Fielding Smith wrote, "It is just as much murder to destroy life before as it is after birth, although man-made laws may not so consider it; but there is One who does take notice and his justice and judgment is sure" (*Relief Society Magazine*, 3:367-68). Seven months later, the First Presidency gave their "unqualified endorsement" of Elder Smith's writing. (*RS Magazine*, 4:68).

However, unlike other anti-abortion groups such as the Catholic Church, which recognized a fixed period of "ensoulment," the Mormon Church's position has never been derived from an assumed time when the spirit enters the body. Brigham Young also associated abortion with infanticide, although not as explicitly as did John Taylor and George Q. Cannon (see *JD*, 12:120-121); still, President Young did not believe that the spirit enters the body until the time of quickening, though he did not differentiate between abortion before quickening and abortion after quickening. (see Bush, "Birth Control Among the Mormons,"

*Dialogue*, Autumn 1976, pp. 12-44, for a complete discussion of early attitudes towards abortion). As quoted by Joseph F. Smith in *Doctrines of Salvation* (2:280-81), President Young stated, "When the spirit leaves them [mortal bodies] they are lifeless; and when the mother feels life come to her infant, it is the spirit entering the body preparatory to the immortal existence." (emphasis in original. See also *JD* 18:258). The First Presidency of Joseph F. Smith was likely referring to Brigham Young when they wrote, "True it is that the body of man enters upon its career as a tiny germ embryo, which becomes an infant, quickened at a certain stage by the spirit whose tabernacle it is, and the child, after being born, develops into a man." ("The Origin of Man," *Messages of the First Presidency*, vol. 4, p. 205). A scriptural precedent for this view may be inferred from Luke 1:41, "when Elizabeth heard the salutation of Mary, the babe [John] leaped in her womb; and Elizabeth was filled with the Holy Ghost," although this scripture has not been explicitly quoted for this purpose.

Unfortunately, although "quickeening" has been a popular concept, there is no scientific phenomenon recognizable as quickening. The fetus begins to move as soon as the biochemical contractile proteins actin and myosin come together, and the mother does not feel this movement until months later. Perhaps in part because of this, modern Church authorities have not publicly supported President Young's hypothesis.

Interestingly, since Joseph Fielding Smith's 1917 statement, the Church has also rejected the notion that abortion is murder. In answer to the question "is produced abortion termed as murder or not?" Elder David O. McKay wrote in 1934, "To this question the Church has not made an authoritative answer. It does, however, condemn abortion as a very sinful act." (Letter to Tiana Nata.) Nearly forty years later the First Presidency affirmed this position:

*As the matter stands, no definitive statement has been made by the Lord one way or another regarding the crime of abortion. So far as is known, he has not listed it alongside the crime of the*

unpardonable sin and shedding innocent blood. That he has not done so would suggest that it is not in that class of crime and therefore that it will be amenable to the laws of repentance and forgiveness. (Church News, 27 Jan, 1973, p. 7).

One possible reason why abortion is not classed with murder is the possibility that the spirit has not yet entered the body. Not surprisingly, David O. McKay believed that the spirit enters the body at birth. In the same letter quoted above, he wrote:

*Undoubtedly the nearest approach we have to definite knowledge on this subject is the statement made by the Savior, 3 Nephi 1:13, wherein he said:*

*'Tomorrow come I into the world.' This indicates that the spirit takes possession of the body at birth. Life manifest in the body before that time would seem to be dependent upon the mother.*

President J. Reuben Clark, citing the same scripture, similarly stated, "But it seems possible that the spirit may not be present in the embryo till at least shortly before birth, whether the birth be regular or premature." ("Man: God's Greatest Miracle," BYU address June 21, 1954, reprinted in pamphlet form). Another scripture not cited by the brethren that may refer to the spirit's inhabitation of the body at birth is Moses 6:59, "... ye were born into the world by water, and blood, and the spirit which I have made, and so became of dust a living soul, . . ."

A second reason why abortion is viewed differently from murder is an idea propounded by Brigham Young—that the union of body and spirit prior to birth, or even shortly after birth, is reversible. As recorded in Wilford Woodruff's journal, October 15, 1867, President Young said:

*When some people have little children born at 6 & 7 months pregnancy & they live but a few hours then die they bless them &c. but I dont do it for I think that such a spirit has not a fair chance for I think that such a spirit will have a chance of occupying another Tabernacle and developing itself.*

Whether intentionally or not, Elder Bruce R. McConkie refuted Brigham Young's sentiments as well as indirectly supporting the notion of spirit-body association at birth when he recently wrote, "Mortality is fully upon us when

we first breathe the breath of life." (*Ensign*, April 1977, p. 3).

Despite the various opinions voiced by General Authorities on when the spirit enters the body, or perhaps because of them, the First Presidency of Joseph Fielding Smith's era concluded in 1970:

*We may say that there is no direct revelation upon the subject of when the spirit enters the body; it has always been a moot question. That there is life in the child before birth is an undoubted fact, but whether that life is the result of the affinity of the child in embryo with the life of its mother, or because the spirit has entered it remains an unsolved mystery.* (*Letter to W. Dean Belnap*, Feb. 22, 1970.)

This admission, however, has in no way diminished the Church's abhorrence of abortion. Indeed, although the Church did not directly address the Senate Hearing on Human Life in 1981, previous editorials in the *Church News* indicated the Church would support the proposition that human life exists from conception. A *Church News* editorial from August 3, 1974, approvingly quoted Sen. James Buckley of New York: "Anyone with the biological facts knows that a fetus, from the moment of conception, is a living human." (See also the CN editorial January 1, 1975.) Elder James E. Faust supported this view in the April 1975 general conference; at the same time he explicitly disassociated the concept of "human life" from any dependence on a spirit-body doctrine:

*Some say, as did the Supreme Court of the United States, that it is only a theory that human life is present from conception. This is contrary to insurmountable medical evidence. . . . Because she feels it, every mother knows there is sacred life in the body of her unborn babe. There is also life in the spirit, and some time before birth the body and spirit are united. When they do come together, we have a human soul.* (*Ensign*, 5:27-29, May 1975)

Three years later, Patriarch Eldred G. Smith intimated for the first time since 1916 that abortion may be murder, although he was probably speaking to the concept of "human life" rather than spirit-body and did not intend his remarks to represent a change in Church policy. After quoting Doctrine and Covenants 132:19

("And if ye abide in my covenant, and commit no murder whereby to shed innocent blood"), Patriarch Smith stated, "What do you think He's talking about? Is it possible that He was referring to abortion? Think about it! Is there more innocent life than that of the unborn child? And why is murder referred to when the Lord is talking about marriage?" (*Ensign*, May 1978, pp. 29-30).

It should be noted, however, that despite the sentiments expressed above that human life exists from conception, the fetus has never been accepted as having full individual rights by society in general or the Church in particular. For example, if human life truly begins at conception, the embryo, from the moment of conception, would enjoy all of the rights any individual has in our society, such as inclusion in the National Census, and medical aid and Social Security payments under Aid to Families with Dependent Children. In the case of a miscarriage, birth and death records should be filed and the fetus buried in a cemetery as is customary for other, older, individuals. In the Church, such a miscarried fetus would be entitled to a name, a blessing and a burial, none of which are currently given.

From the perspective of the medical profession, the concept of human life from conception is also fraught with difficulties. First of all, there is no consensus about when conception (the beginning of pregnancy) actually occurs. The dictionary definition of "conception," which presumably most of the commentators quoted above had in mind, usually refers to the moment when an egg is fertilized by sperm. However, the medical profession does not recognize the beginning of pregnancy until the dividing, developing egg implants itself in the uterus some six days after fertilization. This is the earliest point at which pregnancy can be detected clinically. Thus, the Food and Drug Administration labels the I.U.D., which works by preventing implantation of the fertilized egg, as a contraceptive (preventing pregnancy) rather than as an abortifacient (inducing abortion). (To date the Church has not singled out the I.U.D. as being

less acceptable than other forms of contraception.) Other points when 'conception' may occur are (1) at two weeks, when the possibility of twinning is past (thus no "individual" exists until then), or (2) when the fetus demonstrates awareness of or responsiveness to external stimuli, spontaneous muscular movement, reflexive action or a positive brain scan (EEG). Any of these criteria would

to recognize human life from conception, any medical procedure which increases the rate of miscarriage could be viewed as involuntary manslaughter. This would include amniocentesis, x-rays, cancer chemotherapy, and medications for the mother. An interesting case along these lines involves the hydatidiform mole, which is a potentially cancerous cluster of cells sometimes found in a woman's uterus. Removal of this mole theoretically could be murder, as it is nothing more than a fertilized egg gone awry.

**NOTE:** U.S. Senator Jake Garn, (R) Utah, has reinstated a Constitutional amendment "to prohibit the practice [of abortion] except when the life of the mother is threatened."

According to the release, Garn's so-called "Human Life Amendment" has been introduced in the past four Congresses and currently has twenty cosponsors.

Garn says he is "disturbed by the 'outrageous' claims made by many abortion proponents which would lead people to believe that the enactment of any human life amendment 'will result in women being put in jail for having miscarriages. We even hear such extreme references as 'coerced maternity.'"

"The crucial fact too often overlooked in this debate is that once a woman becomes pregnant, she already has a baby. The human life was established at the moment of conception. . . . Medical and biological science teaches unequivocally that life begins at conception, not a [sic] birth."

Says Garn, "May people insist that the right to choose is paramount even over a right to life. Aside from the obvious fact that the right to choose is meaningless until the right to life has been guaranteed there must be some sort of limit on the type of behavior that can be justified by some all-encompassing right to choose."

negate a finding of "death" according to the report of the Ad Hoc Committee of Harvard Medical School. (See Wardle and Wood, *A Lawyer Looks at Abortion*, 1982, chap. 2.)

No matter which definition of conception is used, once a decision by society or the Church is made

In conclusion, then, the Church's stand against abortion apparently does not derive from a doctrine fixing the time when the spirit enters the body. Further, although General Authorities have held various opinions about the subject of spirit-body, no "orthodox" view exists in the Church; it is a "moot question." An interesting corollary doctrinal point developed in the process is that life can exist without direct spiritual inhabitation, through "affinity" with another spirit, in this case the mother's, may be required. Finally, although the fetus does not enjoy all of the rights of other individuals in the Church, the Church has generally affirmed its right to live.

**JEFFREY E. KELLER** will graduate from the University of Utah medical school in May of this year. He is the father of two. "Queries and Comments" welcomes suggestions for topics from readers. Contact Gary Bergera, "Queries & Comments" editor, in care of SUNSTONE.

# MORMONS AND THE LAW

**Martha Bradley**

New endeavors always seem to demand some sort of a justification. In this case, it's easy. Every year several fine articles are published on various aspects of Mormonism and religion. They come in a variety of different forms. Some are historical, some are sociological. Others are simply the fascinating ramblings of an interesting mind.

What is almost always true, however, is that many really important articles slip by unnoticed or unabsorbed because we were either too busy to read them or perhaps because they appeared in journals that we did not have access to.

On the other hand, sometimes something we read grabs our interest, and we want more—but don't know where to go to get it.

This new column will attempt to satisfy both these concerns. First of all we want to call certain outstanding studies to your attention, giving a short synopsis of the most important and intriguing points that the author has presented. And next, we'll provide a short bibliography of other interesting articles that have been written on similar subjects. Hopefully it will both help you and inspire you to do additional in-depth reading.

**Allen, James B.** "Good Guys' Vs. 'Good Guys': Ruder Clawson, John Sharp, and Civil Disobedience in Nineteenth-Century Utah." *Utah Historical Quarterly* 48 (Spring 1980): 148-74.

In "Good Guys" vs. "Good Guys" James B. Allen addresses the paradox faced by nineteenth-century Mormons in the wake of antipolygamy legislation. He asks what conditions justify disobe-

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dience to civil laws when they appear to be morally reprehensible at the same time assuming the importance of upholding and honoring the law?

The policy of civil disobedience as announced by John Taylor in 1879 was part of a greater American tradition of dissent among those who found certain laws offensive to fundamental values and beliefs. The Mormons argued for a higher law as the only true basis for judging the value of any single piece of legislation.

Allen suggests that the duality implicit in this question lines up "good guys" against "good guys" on opposite sides of the issue—using the examples of Rudger Clawson and John Sharp to illustrate how the Church dealt with both.

Rudger Clawson was the first polygamist to be tried under the Edmunds Act. He adopted the loyal mainline Mormon approach which was to avoid confrontation but when caught accept conviction without denying the principle. In so doing he received the warm and consistent support of Church leaders and in the years immediately following ascended to a leadership position in the Church hierarchy as President of the Quorum of the Twelve Apostles.

By contrast John Sharp became a "dissenter from the dissenters." He chose in the confrontation to give up the principle rather than continue to disobey the law. Sharp was looked upon by many as a traitor to the cause and found his Church position affected by his decision to succumb. He was eventually asked to step down from his position as bishop where he had served for more than twenty years.

For both men the question was one of conscience. Each evidenced the fact that private and public morality are for many one in the same and that one's personal integrity rests upon the complex relationship between one's actions and one's sense of right. Finally, Allen suggests that the moral rightness or wrongness of any decision is not always absolute and that one should reserve judgment and carefully examine motives, intentions, and integrity.

Cannon, Kenneth L. II. "Mountain

Common Law: The Extralegal Punishment of Seducers in Early Utah." *Utah Historical Quarterly* 51 (Fall 1983): 308-27.

When Howard Egan killed his wife's seducer and the father of her illegitimate child he was executing extralegal measures familiar to many Americans who assumed that vigilante action best served justice.

According to Kenneth Cannon Utah's Mormon majority condoned such measures. The cases of those who killed seducers, as well as editorial reaction in the press, attest to the existence of continued support for such extralegal activities. In fact, in the period between 1851 and 1877, there were no convictions of men who had extralegally punished a relative's seducer or rapist.

As defense attorney in the Egan case, young George A. Smith voiced the justification for the extralegal punishment of seducers, a principle of "mountain common law," when he said: "The principle, the only one, that beats and throbs through the hearts of the entire inhabitants of this territory, is simply this: The man who seduces his neighbor's wife must die, and her nearest relative must kill him!"

Although there was not universal approval of the practice, many prominent community and Church leaders seemed to support extralegal measures to compensate for the inadequacies of legal statutes and institutions. Mormon historian B. H. Roberts found the frequent turning to the "unwritten law" a tribute to the "high sense of honor, the virility, the strength, and the courage of the community's manhood."

Cannon says that although vigilante justice in territorial Utah was similar to the experience in other parts of the country—it did attempt to bring order to society and to control crime—for the Mormons controlling seduction had the additional benefit of being good public relations. In a time when many in the nation were accusing the Mormon patriarchy of licentiousness, this intolerance of seduction seemed to be tangible evidence of the high moral standards of the Church.

This article won the Dale L. Morgan Award for the best scholarly article published in *Utah Historical Quarterly* during 1984.

Linford, Orma. "The Mormons, the Law, and the Territory of Utah." *The American Journal of Legal History* 23 (July 1979): 213-35.

Throughout its history America has had a tradition of legalism which holds a special regard for the law as both idea and a system of institutions. As one legal historian put it "People in the United States were anxious to reduce public issues to legal issues, and to justify their notions of policy by appeal to legality. Behind such thinking was a widespread popular conviction that in a meaningful sense men had 'rights' which they could go to court to enforce."

In this article Orma Linford asks several questions about the Mormons and their relationship to the law. How did the Mormons reject this tradition of legalism and why? How was Mormon Utah different from the rest of the country? What was the legal system created by the Church in Utah?

By the time the Saints had settled in the Great Basin, they had developed an elaborate philosophy about the law, lawyers, and legal institutions. Much of this thinking was developed through experience. The Latter-day Saint church's history of confrontation with the law began with the Prophet Joseph Smith, who was accused of various crimes, including imposture, banking law obstruction, treason, murder, arson, robbery, and a number of other felonies. In Kirtland, in Nauvoo, and wherever they settled, the Saints seemed to invite trouble and experienced repeated legal confrontations. They even discovered the insufficiency of court systems led by their own men, following laws of their own making.

In territorial Utah the Mormon majority began to work outside the legal parameters of the law and created parallel law enforcement bodies with their own jurisdiction, authority, and laws which clearly constituted a challenge to federal authority.

The law and the legal institu-

tions which made it possible for the rest of American society to have their civil rights and liberties secured did not in the same way meet the needs of the Mormons. The resulting concept of law was quite different from the traditional American interpretation of the rule of law as a protector of private rights and a regulator of civil society. To the Mormons, individual rights were subordinate to the good of the group. The establishment of order had already been accomplished through God's laws. To them, laws, both spiritual and temporal, were created for the growth of the kingdom. The Mormons' special contempt for judges and for the law itself was directly in opposition to the typical nineteenth-century American viewpoint.

Linford concludes that this relationship was also different because of Latter-day Saint idealism, utopianism, and the complete merging of Church and state which in the rest of the country were so carefully separated.

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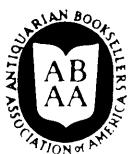
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