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sician, psychiatrist, and chaplain alike. By eliminating these artificial conceptual boundaries, all of us can help lead medicine, psychiatry and religion to a holistic and unified appreciation of life,

living, and humanity, perhaps the greatest mysteries, and ones we share equally with our patients. In fact, a better appreciation of our own unity may prove to be the key to comprehensive medical care.

A Note On the Unborn Person

Ralph J. Masiello

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Even if it be granted that the unborn child does not possess life, but only potential life—the absurd thesis of Justice Blackmun, in *Roe v. Wade*, January 22, 1973—no justification for an abortion is established either morally or legally. Granted that this unacceptable position did actually maintain in reality, it could only signify that the actual life of the born child would be derived from the potential life of the unborn child. A potential human being would be virtually a human being. It would have a vital principle to become human. Now the closest thing in dignity to any nature is found in the principle of that nature. If one destroys the dignity of the principle, how does one restore the dignity of the nature?

Among the reasons presented for a basis of decision, the Court maintained that “the unborn have

never been recognized in the law as persons in the whole sense.” But the notion of person can only be understood as indivisible. What the Court wished to convey is that the rights of the unborn have not been consistently treated in civil and criminal suits. It would have been incumbent upon the Court, in arriving at so weighty a decision, to explore whether the unborn child could at least enjoy the status of a *moral person*. But this door they dared not open because a *moral person* has the right to perpetuate itself. Justice Blackmun’s elaborate historical, legal, and moral maze of fact and fancy was designed to leave no avenue of escape in this direction.

A more tenable position is that the human intellectual principle establishes the human person. This principle is at first only in potency to knowledge, both before birth and immediately after birth. Now, how do we establish the origin of this principle in man?

Too often, of late, the man of

faith is apt to declare apodictically that this intellectual principle is established at conception, when an immediate animation takes place.

There are no sound theological reasons for accepting such a theory. First of all, there has never been any official ecclesiastical document, encyclical, decree or canon, which endorses this theory because "the soul is not transmitted with the semen as though it were begotten by coitus."¹ In Pius IX's definition of the Immaculate Conception, there is the affirmation of faith that "in the very first instant of her conception she was preserved from all stain of original sin." Original sin is transmitted throughout the union of seminal principles, which are ordered to the development, organization and growth of the body. This human body becomes a human being with the infusion of the soul, the creative act of God. The seminal principles neither virtually nor potentially contain the soul.² But the body is in potency to receive the soul. To a Thomist, this reception takes place when the body is developed to the point of being a fitting subject of the intellectual soul. If one maintains that the soul is present at the moment of conception, then he must justify how this one cell is a human being. DNA does not suffice to constitute a total human being. But "nature is wanting in nothing that is necessary for the fulfillment of its proper operation."³ This cell, whose activity is immediately directed to

the embryonic order, does not have any intrinsic exigency for an intellectual principle. But when we witness the configuration of a human being in fetal development, and we recognize it to be human, then there is the exigency for an intellectual principle for it to be truly human. Traditionally, the only person who was actually conceived as a person in the womb was Christ.

An immediate animation theory arise as a simple solution to the problem that abortion is not permitted even from the moment of conception. But to say that the soul should be considered as present at the moment of conception is not a declaration that the soul is actually present. It is another way of saying that the newly formed cell possesses a right to survival in virtue of its dignity as a principle in human generation, which is terminated with the infusion of the intellectual soul. It is indeed a *moral person*. But to declare it a natural human person, a man, is not as convincing as the theory of an Aristotle or a Thomas, who never lost sight of common sense in their quest for wisdom.

Professor John T. Noonan, Jr. makes an overt case for immediate ensoulment at the moment of conception, with arguments which do not solve anything. "If a moment had to be chosen for ensoulment, no convincing argument now appeared to support Aristotle or to put ensoulment at a later stage of fetal life."⁴ To quote another view of Noonan that lends

itself to instant animation, "A being with a human genetic code is man."⁵ A genetic code is a biological fact, an hereditary factor. While it is true to say that the matrix of the adult's personality is genetically present at the moment of conception, this cannot be accepted in a deterministic sense. This only refers to man's bodily dispositions. The human person is at once organic and transorganic, with a destiny which is temporal and eternal. The determining principles of man's personality are nongenetic, his intellect and will. Although intimately influenced by genetic qualities, the will is not determined by them and "the intellectual soul does not operate through any bodily organ."⁶

To Thomas, the person cannot be defined in terms of the body alone, or the soul alone, but they are both inextricably associated with the notion of the human person; and human nature is generated at the moment of ensoulment. (That is why he does not allow the separated soul to be called a person; and he advances the exigency of the final resurrection of the body so that the separated soul will be reunited to the body to become a person in eternity.) Man, standing on the horizon of eternity, is not only dignified through his soul, but his body also possess a dignity as the

noblest matter in all creation, from the moment of conception, in virtue of its potency to receive the intellectual soul as its very act of existing. This is the foundation of its natural right to survival. Man is co-creator of man, and what is conceived excels in nature many legal creations of society, moral persons, and it deserves the same title at least.

By way of a postscript, it should be noted that the position of the Angelic Doctor with respect to the time of ensoulment (a matter of faith and the precise moment of which reason cannot place with certitude), has been unduly prejudiced because of his error on the Immaculate Conception. Thomas taught that Mary was immaculate from the moment of ensoulment, and not from the moment of conception. The doctrine of the Immaculate Conception recognizes the distinction between conception and ensoulment, and declares that it was from the moment of conception that Mary was immaculate.

REFERENCES

1. St. Thomas, *Summa Contra Gentiles*, II, 86.
2. Cf. *Ibid.*
3. *Ibid.*, II, 83.
4. Noonan, John T., Jr., *The Morality of Abortion* (Cambridge: Harvard University Press, 1970), p. 38.
5. *Ibid.*, p. 57.
6. C.G., II, 86.