

August 1983

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Recommended Citation

Hall, Theodore (1983) "Human Life Begins: Integrated Senate Report," *The Linacre Quarterly*: Vol. 50 : No. 3 , Article 13.
Available at: <http://epublications.marquette.edu/lnq/vol50/iss3/13>

Human Life Begins: Integrated Senate Report

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Introduction

Notwithstanding overly dramatized presentation by TV and other media to keep alive the question about the precise time when each human life begins, the so-called controversy has ended. Actually, "the scientific consensus on the biological fact of the beginning of each human life has existed ever since the medical and scientific communities became aware of the progress of conception in the mid-nineteenth century." This affirmation, based upon exhaustive evidence from professional testimony, was made available to the public in January, 1982, following a subcommittee's report to the U.S. Senate on the Human Life Bill, S 158.¹

Upon studying this "report," it becomes clear that the evidence presented from the physical sciences (which, accurately or inaccurately, are often called empirical or experimental) ought to be integrated with the same teachings set forth by sound philosophy,

because there is little doubt that these sciences, each within the limitations of its own objectives, have sooner or later arrived at the same valid conclusions.

Basic Facts of Report

It is of no small interest that, of the 57 witnesses who testified, including world-renowned geneticists, biologists, and practicing physicians, 11 testified in support of the bill (HLB-S158) and 11 were in opposition to it. Nevertheless, their judgment on the bill had nothing to do with the precise element of when life begins. "The testimony of these witnesses and the voluminous submissions received by the subcommittee demonstrate that contemporary scientific evidence points to a clear conclusion: the life of a human being begins at conception, the time when the process of fertilization is complete."²

Among the testimonies, one can recognize an ever-increasing importance both with regard to the authority of the witnesses and the contents verified.

For example, Dr. Jerome Lejeune of the Universite René Descartes in Paris, discoverer of the chromosomal disease which causes mongolism, testified that "(l)ife has a very, very long history, but each individual has a very neat beginning — the moment of its conception (hearings on S158, April 23 transcript, p. 18).³

"Similarly, Dr. Watson Bowes, Professor of Obstetrics and Gynecology at the University of Colorado School of Medicine, stated, 'If we are talking, then, about the biological beginning of a human life or lives, as distinct from other human lives, the answer is most assuredly that it is at the time of conception — that is to say, the time at which a human ovum is fertilized by a human sperm (p. 61). . . . This straightforward biological fact should not be distorted to serve sociological, political, or economic goals' (p. 65).⁴

"Dr. Hymie Gordon, Professor of Medical Genetics and physician at the Mayo Clinic, affirmed this consensus and recognized the distinction between the scientific question and the value question: 'I think we can now also say that the question of the beginning of life — when life begins — is no longer a question for theological or philosophical dispute. It is an established scientific fact. Theologians and philosophers may go on to debate the meaning of life or the purpose of life, but it is an established fact that all life, including human life, begins at the moment of conception' (pp. 31, 32).

"Dr. Gordon further observed: 'I have never ever seen in my own scientific reading, long before I became concerned with issues of life of this nature, that anyone has ever argued that life did not begin at the moment of conception and that it was a human conception if it resulted from the fertilization of the human egg by a human sperm. As far as I know, these have never been argued against' " (p. 52).⁵

Especially valuable is the following formulation of the material under consideration. "Dr. Micheline Matthew-Roth, a principal research associate in the Department of Medicine at the Harvard Medical School, after reviewing the scientific literature on the question of when the life of a human being begins, concluded her statement with these words: 'So, therefore, it is scientifically correct to say that an individual human life begins at conception, when egg and sperm join to form the zygote, and that this developing human always is a member of our species in all stages of its life' " (pp. 41, 42).⁶

This formulation emphasizes the important points that 1) not only is there life from the first moment of fertilization (conception) but, 2) it is a human life, 3) belonging to an individual, 4) a member of the species man (*homo sapiens*), 5) who must be classified as human from fertilization and throughout all its stages of life. And it was with this understanding, and an even deeper one, as will become evident, that the *Report* presented its convictions to the Senate in a step-by-step procedure matching the teachings of the philosophical sciences.

Integrating Philosophy with the Report

Through the ages, at least scholastic philosophy has rigorously maintained its notions of the above enunciated terms, such as living (life), human nature, species, individual, essence (same through all its stages of life). The reason for this is that the core of the problem as to when an individual human life begins rests beyond everything else upon the certitude of what essentially constitutes the nature of man, thereby distinguishing a human being as such from any other species of animal.

1) "Life" begins at fertilization:

The term "living" is adequately studied in the "philosophy of nature" where the living, having been set apart from the nonliving, is said to be alive, not because of the body but because of the life-giving principle within the body. This life-giving principle in any organic body is called the soul. Even historically, the human embryo in its earliest stages was said to be alive and, therefore, to have a soul. But, in those early days, since embryos were difficult to obtain and even more difficult to examine minutely, since man possessed only crude scientific instruments, the soul probably was thought to be only vegetative, initially. This opinion that the human embryo first possessed a vegetative soul, then a sensitive soul, then a human soul (three soul theory), held by Aquinas on the authority of Aristotle's teaching on matter and form, had to yield before the greater certainty of modern embryology.⁷

Modern embryology has uncovered human characteristics in the embryo as early as three weeks postovulation. Such characteristics

include heartbeat, arm and leg buds, shoulder segments, spinal column nerves, etc.⁸ These developing characteristics may not possess the ultimate perfections of a fully developed human body, but they are identifiable as different from every other species of animal. Hence, the science of embryology does not hesitate to classify these facts under a study of the "human" embryo. Neither does the Senate *Report* hesitate to conclude this section of the testimonies with the formulation which states: "individual human life begins at conception . . . that this developing human always is a member of our species in all stages of life."⁹

A brief but necessary digression must be made here because of unreliable and misleading publications relative to the "three soul theory" and abortion. One publication states: "But St. Thomas Aquinas thought that the soul was not infused until the embryo was formed. He wrote that no human being exists during the early period of gestation and only when the fetus had attained human shape and human organs could it have a human soul. He believed therefore that abortion during the early period should be permitted."¹⁰

We ourselves verified by way of *locus* the first part of this statement that Aquinas opted for Aristotle's idea of the three soul theory. We might also note that Aquinas's principle, that the human soul is present when the embryo (fetus for him) has attained human shape and human organs, has been upheld by modern embryology. At least modern embryology and the *Report* have said such an embryo is "human."

We find it quite unrealistic, however, for authors to draw the conclusion that Aquinas therefore permitted abortion in the early period of gestation. It would have been most convenient had the authors referred to the *locus* of St. Thomas's teaching. Likewise, this rendition of his teaching must hardly be of recent vintage since, as Austin Fagothey, S.J. also notes: "Aristotle (*On the Generation of Animals*, bk. II, ch. 3) thought that the embryo does not become human until some time after conception, and this may be why he saw no wrong in early abortion. St. Thomas (*Summa Theologica*, I, q. 118, a. 2 reply to obj. 2; *Summa Contra Gentiles*, bk. II, ch. 89) accepted Aristotle's opinion as a probable physical theory but drew no such ethical conclusion."¹¹

Anyone familiar with Thomistic principles would hardly hold that, under the supposition that the early embryo or fetus did not have a human soul, it would not be a grave crime against nature to destroy what nature intended to become a human being. Would anyone who planted grass seed be content with a settlement in law which allowed a perpetrator who unearthed the seed to be easily dismissed, simply because what was destroyed had not yet, in fulfillment of nature, become grass?

2) It is a "human being's" life.

As we return to our original priorities, the *Report* acknowledged that against the broad consensus supporting "human life begins at fertilization," there are those who deny knowing when a "human" life begins.¹² This apparent contradiction was resolved by the subcommittee when it noted that the opposing statements were extremely subjective, basing this position upon the "humanness" or value attributed to the living organism. "They took the view that each person may define as 'human' only those beings whose lives that person wants to value. Because they did not wish to accord intrinsic worth to the lives of unborn children, they refused to call them 'human beings,' regardless of the scientific evidence."¹³ Philosophically, one could hardly find serious fault with the operating definition of a "human being" as presented by the subcommittee itself: "The customary meaning of 'human being' is an individual being who is human, i.e., of the human species."¹⁴

3) It is an "individual" human being.

Confusion must also arise at times between the perpetuation of all human life and the beginning of an "individual" human life. Definite signs of this occur in the clarification given by Dr. Jerome Lejeune (in early testimonies) when he says: "(l)ife has a very, very long history, but each individual has a very neat beginning — the moment of conception."

The confusion is especially manifest in the minority views of Sen. Max Baucus which, of course, the subcommittee did not accept. "Dr. James Ebert, President of the Carnegie Institution, while objecting to certain terminology — 'narrow definition of "actual human life," for human life cannot properly be said to begin at any single moment fixed in time' — objected on the basis that 'human life is a continuum, proceeding generation after generation. . . . These eggs like the other cells of the woman's body are living. The sperm maturing in the human male are no less alive. The union of living egg and living sperm results in a living zygote, no less alive than its parental predecessors, but differing from both of them.'"¹⁵ Implicit in this statement, however, is that Dr. Ebert must realize that it is a new "individual" upon whom we are concentrating.

A statement even more difficult to understand is this: "Dr. Robert Ebert, President of the Milbank Memorial Fund and former Dean of Harvard Medical School wrote the Subcommittee as follows: 'I know of no ". . . current medical and scientific data . . ." that supports the contention ". . . that human life in the sense of an actual human being or legal person begins at conception." Life in the biological sense does not begin the moment that an ovum is fertilized by a sperm, since both have life prior to that event.'"¹⁶ We seriously doubt that either

of the above members of the medical profession would expect us to conclude that the ovum by itself or the sperm by itself, because each is alive, is each a human being. The "scientific consensus" of the subcommittee is expressed more accurately, in the testimonies already noted as to where and when a new "individual" human being is said to be alive.

In a very practical way, test tube (in vitro) fertilization is undertaken because science is aware of when an "individual" human life begins, hence, "The biological consensus that conception marks the beginning of the life of a human being has recently been confirmed by the process of creating a new human life outside the mother, the 'test tube baby.'" (See testimony of Dr. Lejeune, Hearings on S153, April 23 transcript, pp. 22, 23.)¹⁷ The test tube method, from pre-fertilization through fertilization to implantation in the uterus, meticulously calculates the origin of a new, actual, "individual" human being. The fact that this fertilization takes place in a glass dish rather than in a Fallopian tube doesn't change the essential human nature which is produced, any more than the germination of a seed in a nursery, rather than in a forest, makes it essentially less a tree. The science of botany readily grasps the difference between what essentially constitutes a species and its various accidental changes. "Nor are plants static in form — they change as they grow. A plant is different not only from season to season, but from seed and seedlings to fruiting, and from bud to blossoming. In fact, a plant really has four dimensions: the three which we see when looking at it, and a fourth one — time. The complete plant is a manifestation of a series of stages of growth. An acorn is as much an oak as is the majestic forest tree, and the leafless tree in winter is, botanically speaking, just the same as the tree in full leaf or in splendid autumn color — all are only time variants of the same species."¹⁸

Another way, perhaps superfluous, of giving clarity to the above confusion of the notion of life in general and in the individual is contained in philosophy's concept of the "individual." "The individual or the individual thing is the concrete bearer of an essence in its non-communicable particularity, as this pine tree or this man Peter. The individual stands in contrast to the universal or the essence which abstracts from every definite bearer and as such can be communicated to different subjects or carriers. Only the individual really exists outside of the mind, while the universal as such exists only in conceptual thinking. 'Individual' is a Latin word which means literally: the undivided."¹⁹ Hence, the "individual" is radically different from either the universal abstraction or even the meaning of life in general.

Since individuality is said of an actual singular living human being established in its concrete reality, the question has often arisen as to how this can happen at the moment of fertilization, since at a later time the cells on occasion split, and twin births result. "One witness

testified that cases in which twins arise from a single embryo suggest that the individual has not yet been 'stably constituted' until the point when twinning occurs" (testimony of Dr. Clifford Grobstein, Hearings on S158, May 20 transcript, p. 19). "But even in such exceptional cases of 'homozygous' twins, there is a being in existence from conception who is alive and human. That we can describe the formation of twins merely emphasizes that even at the earliest stages after conception we can have scientific knowledge of the existence of distinct, individual human beings."²⁰

We wonder if the biological process in twinning isn't simply another example of how nature reproduces from other individuals without destroying that person's or persons' individuality. Simply because modern embryology hasn't discovered the how of the reality doesn't mean that there isn't an answer to the fact. It is quite evident that man and woman accomplish the production of an individual without destroying their own individuality. This is accomplished in the generative act: living materials are separated from the individual parents without destroying their individuality. Human reproduction is even accomplished without the generative act, by means of uniting the materials in a glass dish — test tube babies. There are even those who think the duplication of individuals with identical characteristics might be possible by way of cloning. In all such endeavors, whenever the matter for a human body is accessible, a new individual becomes capable of existence. This was originally denied in theory by some during the first attempts at test tube baby production. It was argued that only God could create; which, of course, is philosophically (and theologically) correct.²¹ But Thomistic philosophy demonstrates that it is the human soul which God immediately creates, and this soul informs the matter which was derived from pre-existing matter. Now, if unaided nature in the early embryonic stages so arranges the matter to provide another joined or disjoined individual to the previously existing individual (twinning), how does this negate the individuality of a previously existing human being? The one remains. The second begins to live, having had its material existence potentially in the former as in a parent cell. If God infuses a human soul into the first isolated matter, why not in the second and newly isolated matter?

4) "Person": individual of human species.

Philosophically, individuals do not exist only in the human species but in every other material species in nature. However, among all the other species besides man, no individual is called a "person." Individual trees, dogs, rocks, etc., are not referred to as "persons" or the group as "people." The term "person," even according to common knowledge is reserved for an "individual of a rational nature." It is also quite evident that the individual member possessing the rational

nature must not always be acting rationally for one to be a person. If this were true, then immature children, sleeping adults, anesthetized patients, etc., would all cease to be persons; it suffices for an individual to belong by nature to the human species. Such a state occurs at the moment of fertilization: the individual zygote is, in essence, a living being of a human nature. A child has been conceived.

These various notions which philosophy employs in its definition of the "person" repeatedly surfaced and were also confirmed in the subcommittee's report. "We find that the fourteenth amendment embodies the sanctity of human life and that today the government must affirm this ethic by recognizing the 'personhood' of all human beings. Earlier we found, based upon scientific examination, that the life of each human being begins at conception."²² Briefly, personhood begins with each human life at conception.

While discussing the "legal effect of S158," the subcommittee repeated its position on "personhood." "Now the findings of S158 would appear to bring the question of personhood of unborn children within the holdings of *Levy v. Louisiana*, in which the Court stated that individuals who are 'humans, live, and have their being' cannot be 'nonpersons' " (391 U.S. 68, 70 [1968]).²³

Whenever the witnesses for the minority view addressed the question of the "person" or "personhood," they did it also under the legal or scientific basis.

From the legal standpoint, the testimony centered around what the Supreme Court already had judged in *Roe v. Wade* or proposed the question as to which legal authority belonged the jurisdiction to determine the meaning and extent of personhood.²⁴

From the scientific standpoint, whether human life was considered to have begun at conception or not, it was generally conceded not to be within the realm of the physical sciences to determine "personhood."²⁵

A certain amount of exactness and integrity is conveyed in the latter approach. Generally, those involved in the physical sciences, specifically in embryology, are aware that the only certitude they have depends upon the evidence which their science presents either immediately to the senses or mediately by way of technological instruments. Once anyone leaves this area of concreteness, other sciences must be enlisted — sciences valid in themselves and capable of organizing the related scientific facts.

The subcommittee had more than sufficient scientific facts and testimony about the beginning of individual human life to make its own philosophizing relatively easy. The conclusions which immediately presented themselves to the subcommittee agreed with the major teachings in the "philosophy of man" on the beginning of individual human life. This individual is a person who is essentially the same from fertilization throughout all its stages of life.

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 9. Cf. Dr. Micheline Matthew-Roth's testimony given above, *Report*, p. 9.
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