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A Review of the March, 1970, Theological Studies; Abortion Issue

Vitale H. Paganelli

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It is probable that during the next five years this most recent quarterly edition of the highly respected, Jesuit-published review of theology will become a widely quoted reference on the subject of abortion.

An attempt is made, therefore, to bring the volume to the attention of all Catholic physicians with an interest in the abortion problem, the most critical and controversial medical-ethical problem of our time. General discussion which will certainly follow the six essayists of this volume will on a wide range of disciplines affected non-Catholic thinking for many years by the topic.

The volume consists of six essays. The first and shortest is by Fr. Andre Hellegers, Professor of OBGYN at Georgetown University Hospital and gives a brief and accurate description of the modern understanding of human embryology. It also introduces the concept of "capacitation," i.e., the chemical change which occurs in the sperm when treated by an unidentified substance in the uterus or tube and which improves the ability of the sperm to fertilize the ovum. This function has been assumed not yet proved to exist in the human species.

The second essay is by Professor George A. Williams a Protestant, is Professor of Divinity at Harvard University and Chairman of the Department of Church History in the Harvard Divinity School. His knowledgeable and detailed paper in two sections first brilliantly reviews the development of Christian and Orthodox Jewish thought on abortion in the light of the available scientific knowledge of the time. He then proposes a solution for a modern political management of the problem in a pluralistic society.

The third article states that this represents his own newly conceptualized theory of a "Sacred Condominium." (Cfr. below).

There follows then four essays by three well-known Jesuit thinkers, viz., Frs. Joseph Donceel (Louvain and Fordham), John Milhavens (Woodstock-in-New York), Joseph Mangan (Loyola of Chicago) and Robert Drinan (Boston College). Finally the symposium closes with a review of the recent book, Abortion, by Germaine C. Griesz, Father John Connerry (Loyola of Chicago) is the reviewer.

It will come, I think, as a moderate shock to most Catholic physicians that the first two Jesuit authors clearly favor a theory which would allow in certain very circumscribed situations the moral licitness of performing an abortion on an early (non-hominized) embryo or fetus. Having said this it remains necessary to emphasize that the essayists who favor this position, viz., Williams, Donceel and Milhavens, would as mightily delineate the acceptable circumstances for performing the procedure the most important of which relate to the point in embryological time at which homization (esulement) of the fetus is thought to occur.

In an essay founded primarily on biblical interpretation, the author fails unfortunately to detail and to substantiate sufficiently. The basic principle of the condominium theory (page 73) is that the sovereignty of authority exists over the unborn fetus which is equally shared by the state and the progenitors of the fetus. In the application of the theory and depending on circumstances, the two parties either individually or jointly may make a judgment regarding the fate of the individual fetus following appropriate legal, medical, theological, and sociological counsel.

A considerable body of opinion and information, theological as well as legal, etc., exists supporting the univocal sovereignty of the parents with regard their children, born or unborn. According to the latter theory, the state may acquire only a temporary sovereignty over such children and that in very limited circumstances, namely, when the parents act as an unjust aggressor toward the child or via the principle of subsidiarity, when the state is unable to provide services, etc., for the child which they themselves cannot provide. Professor Williams skirts a direct confrontation with this argu--
God's intervention in the act of  
enactment and simply elaborates the basic  
principles of his theory without leng­  
thy discussion of possible objections.

The basic argument developed by  
the three aforementioned authors who  
support the licitness of very early  
abortion in certain circumstances  
does not become a human person until  
it is capable anatomically and pre­  
sumably physiologically of accepting  
God's intervention in the act of  
enactment, (hominization). Without  
stating a specific intrauterine date  
of this occurrence, they suggest that  
the criterion relate to the development  
of embryologically completed central  
nervous system (CNS). Only at this  
anatomical fetal state is there present  
the capability of accepting the rational  
soul.

The theory, not in fact new, origi­  
ually was articulated by Aristotle with  
an assist from earlier philosophers. It  
visualizes a progressive, stepwise en­  
soulment of the human person first by  
a vegetative soul (for growth and  
production) and finally by a  
rational human soul for intellection.  

It is of passing interest to note that  
not only was Thomas' error in  
assuming a sex-related time differ­  
ece in hominization between the male (40  
days) and the female (80 days) but it  
is also highly likely that never he nor  
the physician-scientist of the time  
were aware that fertilization took  
place fully 15 days after ovulation.  
Hominization as the anatomy  
of the fetus we now well  
related. Therefore, Thomas'  
really represents a 25 day interval, or  
a pregnancy that was inter interruptia  
and remains even now barely imaginable.

As earlier noted, Father Mangan  
takes the opposite and em­  
phatically accepted position, viz., that  
the human soul is placed at the time  
of fertilization is completed. He argues  
at this time there exists in the  
genetic pattern an actual (rather than  
potential) CNS and therefore a being  
capable of accepting the rational  
soul. He acknowledges that necessi­  
ty the determination of the precise point  
in time at which God chooses to create  
the individual soul is a theological  
speculation. Reason and embryology  
indicate for him, however, that with  
the re-establishment of the diploid  
number of chromosomes, a new and  
distinct individual is now present who  
was not previously present. Since  
the possibility and the probability then  
exists that in the normal and usual  
course of events a totally human  
person (biologically, metaphysically,  
medically, legally, and theologically)  
will come into existence, then this  
diploid zygote must be treated theo­  
ologically as a human person until such  
time at least as science proves uncondi­  
tionally the absence of a human  

All authors are agreed that the  
problem ultimately will have to be  
resolved by defining more precisely  
what the essence of the human person  
(being) is. Father Donceel suggests  
that the definition will be a synthesis  
of a theological, philosophic and medi­  
scientific knowledge. Once can  
freely concur with this suggestion  
if there is a need for a cooperative effort  
within the related disciplines.

In conclusion, I would like to inter­  
ject my own thought and questions  
to the dialogue. Understanding why  
Scholastics, following Aristotle sub­  
divided human ensoulment into three  
distinct events (acts), i.e., the separate  
separation in time of a vegetative, sensi­  
ble and rational soul, I am less clear in  
understanding why they have insisted  
that man must progress through the  
first two stages before he could reach  
the third. Is it not possible that there  
is deposited (by a single combined  
human-Divine act) in the diploid  
zygote with its genetic reality a single  
soul with a triple threat capability? To  
be certain it has to be admitted that  
even if the human person represents a  
progression from the vegetative to the  
sensitive soul, etc., ultimately the  
capabilities of the completed state, the rational soul  
still must have the fullness of the earlier  
vegetative and sensitive souls since the  
totality which is the completed human  
person hylomorphically understood, is  
obviously equally capable of biological  
growth, physical sensation and self  
awareness. Why not all capabilities in  
one soul in one cooperative act? Is there  
not truly a "Sacred-Creative Condominium" at play here which  
demands that man having freely in­  
itiated the action of creation is then  
no longer at liberty vis-a'-vis with God  
to unilaterally terminate it? If one  
accepts the validity of the theory of  "Delayed Hominization" and the  
licitness of prehominized abortion, then  
it becomes difficult philosophically and  
theologically to understand pro­  
creation as a cooperative act freely  
entered into by both God and man. It  
sounds to me, admittedly as much  
illegally as in philosophical waters  
as Father Donceel stated that he is in  
scientific waters, that Thomas'  
concept of hylomorphic man must  
suffer by virtue of this over-emphasis  
given to men's participation in the  
condominial arrangement for the  
creation of new human life.

I would like to pose still another  
theological question. Some of the  
authors of this panel have questioned  
what would follow, if admitting  
ensoulment (ensoulment) a  
very early almost menstrual abortio  
on occurred, then would every stage  
have to be conditionally baptized  
and if not, why not? I in turn, would like  
to ask does this differ as a theological  
problem from that encountered in the  
problem of the death of an unbaptized
but fully hominized (by the definitions found in this volume) fetus, newborn, or infant and if so, how?

I probably fall into Milhaven's Classicist, "Type A" epistemological mentality, formed as I was by Georgetown's Toohey, Foley and McFadden in the middle forties and by my own continuing predilection for the classical scholastic axis of Aristotle-Thomas and Maritain. From this predominately rationalist mentality, I candidly admit that not only do I hold the absolute inviolability of innocent human life but also the inviolability of that living tissue, the gamete, which constitutes the vehicle for transmitting this same life. Indeed, particularly as a physician, I hold a certain phenomenological reverence and respect for "life" in any form as that utterly and unspeakably mysterious gift of the creator with which I am given the privilege of cooperating.

Cannot a respect for "life" be the irreducible ground for discussion in a pluralistic society and if secular society rejects this must we not continue to develop our own integral humanism (Maritain) in this fundamental and absolute value?

I am appropriately impressed by the technological competence of my research colleagues who have chemically analyzed and to some extent synthesized the DNA molecule, but do not believe, however, that it is so doing, they have defined or elaborated "life" which is somehow different than a biochemical construction even though it may have some of the qualities of living tissue.

In any event, this volume of Theological Studies provokes considerable thought and question and in addition to well written essays includes numerous excellent references on the subject under discussion. Father Burghardt, S.J., editor of Theological Studies deserves a share of the credit for pulling this volume together.

*For a copy of this volume ($2.00 per single issue) or a subscription ($7.00 per year) write Theological Studies, Business Office, 428 E. Preston Street, Baltimore, Maryland 21202.

Psychosexual Maturity and Marriage

John R. Cavanagh, M.D., Washington, D.C.

Emotional maturity is not common. Psychosexual maturity is even less so. There are no statistics to prove this but one has only to deal with people in daily life to recognize its deficiency. Since criteria of psychosexual maturity will vary, studies of the subject are bound to produce somewhat different conclusions.

Emotional maturity requires psychosexual maturity as one of its components. Psychosexual maturity is, therefore, part of emotional maturity. If one is psychosexually immature, he is also to that extent emotionally immature. His emotional immaturity need not, however, be restricted to psychosexual immaturity.

An early postulate for the study of maturity should be the recognition of the fact that personality and maturity are developing concepts which, while they may achieve workable proportions relatively early in life, continue to expand during the lifetime of the individual. They renew themselves from within during adolescence, when the individual is facing society for the first time on his own, and in the early years of marriage when he is adapting to an intimate contact with another person, it should reach its optimum level. His future adjustment will, in large measure, depend on his acceptance or rejection of mature attitudes during this period. There can be little doubt that his milieu during early life will have a tremendous influence over his adolescent and later emotional and sexual development. His future mental health and mental adjustment will depend upon his acceptance of an adjustment to reality.

SEXUAL MATURITY: EMOTIONAL MATURITY

To orient this discussion, one should first define sexual maturity and then emotional maturity. The one