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# The Foetus, His Humanity and His Rights

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*Dr. De Marco is a frequent contributor to Linacre. His current article examines the relationship of the word "human" and the mode of application of that term to the foetus.*

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We know what something is when we know its causes. From Aristotle to the present, this stricture has remained universally respectable. While there have been various opinions expressed throughout history concerning which of Aristotle's four causes should be investigated in any given discipline and how these privileged causes should be approached, they have, nonetheless, enjoyed a time honored usage, providing invaluable objective correlatives for a major part of Western philosophical and scientific thought.

We ask the question, "what is that something which exists within a human mother and develops over a nine month period until its time of birth?" There is spec-

ulation that this something is "human." But the word "human" seems at once both highly appropriate and highly inappropriate. Further reflection reveals that the word "human" is not always used univocally in describing the human foetus and the human adult; nor is the word "human" used univocally in describing a human achievement and human hair. However, the ambiguity of the word "human" is resolved when each of its four different senses is related to each of the four traditional Aristotelian causes. In this way, the discussion of how the word "human" is applied to the foetus gains the objective advantages that a correlation with Aristotle's four causes naturally provides.

The four causes represent a hierarchic order, the higher causes subsuming the lower causes. Thus, the final cause, which sets into motion the other three causes and is said to be the cause of causes, subsumes the formal, material, and efficient causes; the formal cause, for which the mate-

rial cause exists, subsumes the material and efficient causes; the material cause, which requires an impetus from its immediately prior efficient cause in order for it to come into being, subsumes the efficient cause.

Four uses of the word "human" and their mode of application to the foetus are set forth below in correlation with each of the four causes taken in ascending hierarchical order.

#### **As Efficient Cause**

The efficient cause is extrinsic to its effect. Also, as immediately prior to its effect, it is not, as such, directly involved in its effect's final ordination or perfection. For these two reasons, the efficient cause tells us less about its effect than do any of the other causes.

We speak of great art works or great engineering feats as "remarkable *human* achievements." In this way, we distinguish them from natural wonders and attribute to them human efficient causality. Human art is "human" primarily because it is *made* by humans. However, insofar as humans merely make things, nothing which is materially human inheres in what is made. This use of the word "human," therefore, has no substantial or real application to the foetus; it is used only to describe an artifact such as a model of a human foetus which is employed for instructional purposes.

#### **As Efficient and Material Causes**

The material cause tells us about the fundamental intrinsic

makeup of a thing. It does not specify the form or the nature of a being, but describes its composing parts.

We speak of *human* hair, *human* skin, or *human* protoplasm. In this sense, the word "human" denotes not only something which is efficiently caused by a human, but something which contains human matter. Human hair, as well as any other human part, contains human substance.

Properly speaking, the human organism *produces* human parts, as the liver produces bile or the salivary glands produce saliva. Here the word "human" underapplies to the foetus because the foetus is not produced by one human organism, nor is it a material part of a human organism.

#### **As Efficient, Material, and Formal Causes**

The formal cause tells us about the specific organization of a being, its nature or formal constitution. It tells us more than does the material cause by specifying how a being's totality is served by the functioning of all its material parts.

We speak of a *human* form to denote an empirically identifiable human entity, or human organism. Properly speaking, *human* forms or *human* organisms are *procreated* by human parents. The word procreate implies that the offspring is more than a material part produced by another; the offspring enjoys a human, organismic form of its own. Since the foetus is a human form, or a human organism, the word "hu-

man" in its formal sense properly applies.

However, from the foetus's earliest moment of actuality, development, or movement, he is under the influence of that finality toward which his organismic vitality tends him. Hence, he participates, to a degree, in a final human form that perfects and completes his present organismic human form. The word "human" in its formal sense, therefore, applies properly but imperfectly to him.

#### As Efficient, Material, Formal, and Final Causes

The final cause adds the note of perfection, of completing all that the subject is supposed to complete. It adds to a form which is empirically identifiable as human a perfection which is normatively identifiable as human.

We speak of a *human* being to denote one who has everything he

should have in order to be fully human, the adult, the mature person. However, to be absolutely precise, there are no perfected human beings and here the word "human" refers to human forms who are well on their way toward realizing a host of human perfections.

Properly speaking, one *perfects* himself in becoming more truly a human being. In this sense, the word "human" over-applies to the foetus. However, it should be added that it also somewhat over-applies to even saints. Nonetheless, one is more human the more he approximates his final cause, the more he identifies with what he ought to be.

#### The Foetus and Human Rights

There is no intrinsic dynamic tendency that moves from a human achievement (or artifact) to a human part (*The Picture of Dorian Gray* notwithstanding), or

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### SUMMARY TABLE

Cause(s)	Uses of the word "Human"	Verb specifying the act which relates the cause(s) to its (their) "human" effects	Mode of application to the foetus
Efficient	human achievement	makes	not a real application
Efficient, Material	human part	produces	under-application
Efficient, Material, Formal	human form	procreates	proper application (although imperfect)
Efficient, Material, Formal, Final	human being	perfects	over-application (over-application to a mature adult, although to a considerably lesser degree)

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from a human achievement (or artifact) to a human form (*Pygmalion* notwithstanding), or from a human part to a human form (the formation of Minerva from Jupiter's forehead notwithstanding). However, there is an intrinsic dynamic tendency within a living human form (such as the foetus, properly speaking) which moves toward a more perfect form (the human being, properly speaking). The foetus as an active human form tends toward his perfection as a more complete human being; the empirical human who *is* tends, by his own natural weight, to become the normative human who *ought to be*. Because of this natural, active tendency in humans, from form to finality, we say that everyone has a *right* to become what he ought to be. The claim to be more perfect, to become what one ought to become, is recognized in the very fact of that dynamic tendency which expresses itself in the development of the human foetus. The foetus, from its incipience, is involved in his finality; the saint, in the most glorious moments of his humanity, does not realize the absolute fulfillment of his finality. The foetus as well as the saint are both, to borrow Heidegger's expression, "moving into the nearness of distance."

The rights of the foetus, there-

fore, are his natural claims to preserve and develop the dynamic tendency which is the intrinsic expression of his human form, so that he is able to participate more fully in that finality which is perfective of his being.

Human freedom, then, to quote Heidegger once more, is "the letting be of what is." "Letting be" allows "what ought to be" to emanate; "what is" is the human form that presents the claim to be what it ought to be.

In a just and loving, democratic society, the human right of the foetus to be allowed to become more fully human is recognized and protected. In an authoritarian and power-oriented, totalitarian society, this right is neither recognized nor protected.

The fact that the foetus exists and develops within a human mother, who has human rights of her own, complicates the pragmatics of abortion where there is or appears to be a conflict of rights between the mother and her foetus. However, no degree of pragmatic complexity should obscure 1) the real claim the foetus has for the recognition and protection of his human rights and 2) his status as a human form already intimately involved in his finality, at once a human form and a dynamic process of becoming a more perfect human being.