

Maranatha Baptist Bible College

ABORTION AND THE BEGINNING OF PERSONHOOD

A Report

Presented in Partial Fulfillment
of the requirements for the Course
HUPH 332 Ethics

by

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October 2011

What constitutes the beginning of life is by no doubt the watershed and central issue to the abortion debate. Abortion would be wrong if it were murder. And murder is the killing of an innocent person. But pro-choice advocates present several arguments for their position all based on the presupposition that the “thing” being aborted is *not* a person. Consequently, abortions are not murder but a choice of preference no different than leaving a television on or turning it off. These pro-choice arguments beg the question by presupposing the nature of the fetus to be something less than a person. Pro-choice then in reality has only one argument: the fetus is not a person and therefore it is killable. Only if one first makes the assumption that the fetus is not a person will the arguments be persuasive. Therefore, whether or not the fetus is a person is the key to determining if abortion is murder and therefore unethical. In other words, if such a presupposition was proven to be false, then almost all pro-choice arguments would be refuted in one clean sweep. A vital issue to address then is the moment of personhood. The thesis of this work is that *conception is the moment of personhood*.

Unknownable

Many claim that the moment of personhood is unknowable, seeing the issue as a religious and philosophical, not scientific, question. However, whether this is true or not, if any uncertainty exists regarding when life begins, to err on the side of life as opposed to erring on the

side of murder would be the reasonable course of action.¹ “Uncertainty about the status of the fetus justifies caution, not abortion.”²

Regarding the beginning of personhood, such uncertainty would, and the existence of the debate over the moment of personhood certainly does, place the burden of proof on the pro-choice advocates to prove why killing a fetus is not murder. Until they can prove the fetus is not a person, their arguments are circular and abortion has no validity.

The emergence of brain function

Many propose that personhood begins at the moment when brain function begins. The appeal to this view is made by an analogy to death, which occurs when a brain ceases to function. Proponents argue that since ultimate, irreversible loss of brain function is how one defines death, the end of life and personhood, then the initial moment of brain function ought logically to signal the moment of life, that is life as a person.³

However, a problem with analogy exists for the two entities being paralleled are not parallel. The brain of a developing fetus is only temporarily non-functioning, not irreversible and permanently dead. In like thought, the brain of the fetus has the potentiality to function and has “all the necessary capacity to develop complete brain function. “Just because a capacity is not

1. Alcorn, Randy, *Pro-Life Answers to Pro-Choice Arguments* (Sisters: Multnomah Publishers, 2000), 51.

2. Rae, Scott, *Moral Choices: An Introduction to Ethics* (Zondervan, Kindle Edition), Kindle Location 2860.

3. Hui, Edwin C, *At the Beginning of Life: Dilemmas in Theological Bioethics* (Downers Grove: InterVarsity Press, 2002), 311.

exercised is not a necessary comment on the essence of the fetus, since that capacity is only temporarily latent, not irreversibly lost.”⁴

A better analogy for the non-active brain function of a fetus would be to compare its lack of brain function to the brain of one in a reversible comatose. Just as an adult in a comatose has not ceased to be a person, so likewise, a fetus carrying the potentiality of future brain function is a human person prior to brain function. If brain function is the criteria for personhood, than not only are fetuses without brain function simply matter without the right to life, but also comatose adults.

Further, Hui argues brain function is not the essential component of a human being simply because brain function is necessary for an adult human to exist. Prior to brain function, “the human organism is too immature to require brain functions for its maintenance. Thus, in the entire continuum of human life, brain function is an essential function only for a mature life but not a developing human life, and so it cannot be used to define the initiation of life.”⁵

Sentience

Some advocate that sentience, the moment the fetus is able to have sensation, specifically pain, is the criterion that constitutes personhood. Arguing that sentience, namely desire or interest, is the primary criterion for personhood, Steinbock justifies the killing of fetus by stating that if they are not sentient than they have no desire to live or interest in continued existence. Therefore, the fetus is not harmed by its being killed.⁶ First, this confuses the reality of harm

4. Rae, *Moral Choices*, Kindle Locations 2874-2880.

5. Hui, *At the Beginning of Life*, 313.

with the experience or sensation of harm. Just as for any human, “it does not follow that the fetus cannot be harmed simply because the fetus cannot feel pain or otherwise experience harm.”⁷

The argument typically follows that if abortion occurs prior to pain than it is not cruel as pro-life advocates pose. As Sumner states, abortions committed within the first and early second trimester are no different than the use of contraception.⁸ But lack of pain (and for that matter, lack of awareness, rationality, self-consciousness, etc.) does not change the personhood of the fetus. If one was put on anesthetics would he cease to be a person so that killing him would no longer be murder? Does the slow progressive lose of senses as accompanies aging mean a slowly progressive loss in personhood? A response might be made that such mature individuals who have now lost sentience are still persons because they once had it. But in so doing, the objection recognizes that personhood is grounded in something besides sentience.⁹

Further, the argument for sentience claims that right to life is a result of interest. But desire does not entail rights, and neither do rights entail desires. For example, many people have the desire to steal but not the right to steal; some people do not have the desire to live but still retain their right to live. More so, if sentience requires a right to life, than how can one justly kill animals?¹⁰

6. Steinbock, Bonnie, *Life before Birth: The Moral and Legal Status of Embryos and Fetuses* (New York: Oxford University Press, 1992), 24.

7. Rae, *Moral Choices*, Kindle Locations 2887-2888.

8. Sumner, L. W, *Abortion and Moral Theory* (Princeton: Princeton University Press, 1981), 151-153.

9. Rae, *Moral Choices*, Kindle Locations 2891-2893.

10. Hui, *At the Beginning of Life*, 314-315.

A rather similar argument to sentience is the idea of the actuality principle, which states that only those beings with a developed self-consciousness have the right to life.¹¹ “According to the actuality principle, . . . no person has a right *to come into* existence; they only have a right to *remain* in existence.”¹² However, the actuality principle falls short just as sentience by defining personhood by arbitrary and rationalistic terms.¹³ This actuality principle would define many mentally handicapped individuals, the irreversibly comatose, and even infants as not having a right to life. Sentience and actuality are arbitrary traits in regards to personhood, and therefore, both arguments fail.

Quickening

Some surprisingly suggest the idea that personhood begins at the moment of quickening, when the mother first feels the presence of the fetus in the womb. But this would make the fetus’ personhood dependant on the mother and her awareness of it. “This criteria confuses the nature of the fetus with what one can know about the fetus.”¹⁴

“Some women feel their children very early, others don’t feel their presence until months later. . . . One person’s ability or inability to recognize the presence of another has nothing whatsoever to do with the second person’s reality.”¹⁵

11. Wennberg, Robert N, “The Right to Life: Three Theories,” in vol. 2 of *Readings in Christian Ethics*, ed. David K. Clark and Robert V. Rakestraw (Grand Rapids: Baker, 1996), 36.

12. Wennberg, Robert N. “The Right to Life,” 37.

13. Hui, *At the Beginning of Life*, 273.

14. Rae, *Moral Choices*, Kindle Location 2899.

15. Alcorn, *Pro-Life Answers*, 85.

An analogy of this argument would be to claim that an adult is only a person if others recognize he exists. But if an individual was to hide himself away and become completely unknown by anyone, he would not cease to be a person.

And lastly, an action of the fetus, namely the action involved in quickening, does not imply a change in the fetus' nature. To continue the analogy above, if this man in hiding was suddenly discovered and made national headlines for his bizarre lifestyle, no one would assume that other individuals' knowledge of him resulted in him becoming a person.

The appearance of humanness

Some suggest that the appearance of humanness ought to be the criteria for personhood. But this suggestion suffers many of the same criticisms as quickening. For example, determining the appearance of a fetus is dependent on others, making personhood dependent not on one's own nature but on others' sense and discernment.

For an analogy, is one severely deformed by a fire a non-person simply because he does not resemble a human as much as most people? How deformed would he have to be to no longer be considered a person? Likewise, simply because a fetus does not look as developed as an infant does not make him or her any less a person. Even so, the question would remain, how infant-like must the fetus appear before one considers it human? Such evaluation of appearance is rather subjective.

Finally, nothing in the nature of a fetus will have changed when one decides it appears human enough to be considered one. Even from the point of conception, the fetus has all the capacities necessary to look like a normal human being, which is how it develops into one (unless it dies).

Viability

Some pose that the fetus becomes a person at the point of *viability*, that is, when the fetus would be able to live outside the mother's womb. Yet several problems exist to beset this view. First, the fact that a fetus would be able to live outside the mother's womb certainly should be viewed as a sign of personhood. But this is not to conclude that a person could not have existed prior to or without this trait. Ability to live outside the womb does not impart some sort of value to the fetus that it did not already have. As Noonan states, "The unsubstantial lessening in dependence at viability does not seem to signify any special acquisition of humanity."¹⁶ Making fetal viability the criterion for personhood confuses independence with individuality and makes the former a condition for the latter.¹⁷

Secondly, viability depends more on medical technology's ability to assist the fetus' existence outside the womb than the nature of the fetus itself.¹⁸ Consequently, viability cannot and does not relate to personhood (something absolute) if medical technology can make viability change for various reasons (subjective).

Thirdly, viability cannot ultimately be measured and varies from fetus to fetus, circumstance to circumstance, and as noted, by medical technologies' advancements. Uncertainty is not a compelling indication of personhood.

16. Noonan, John T., Jr., "An Almost Absolute Value in History," in *The Morality of Abortion: Legal and Historical Perspective*, ed. John T. Noonan Jr. (Cambridge: Harvard University Press, 1970), 10.

17. Lee, Patrick, *Abortion and Unborn Human Life* (D.C.: Catholic University of America Press, 1996), 73.

18. Rae, *Moral Choices*, Kindle Locations 2868-2872.

Fourthly, “early fetuses are not the only category of human beings who are not viable independently.”¹⁹ Many handicapped, ill, elderly individuals, and some conjoined twins are not viable, yet they are by no doubt persons.

Birth

Many suggest that birth ought to determine the moment of personhood. Although much socially, politically, and culturally occurs at the moment of birth, “no essential difference exists between the fetus on the day before its birth and the day after its birth.”²⁰ This argument is simply an argument based on location. However, personhood is not affected by location. Location is simply an arbitrary element in the argument of the determination of personhood, an arbitrary choice no better than if one was to say personhood begins when a child has his first hair-cut.

Implantation

Many suggest that implantation is the moment of personhood due to the fact that at the moment of implantation the embryo is first established in the womb and sends out hormonal signals, twenty to fifty percent of embryos miscarry prior to implantation, twinning often takes place prior to implantation, and implantation is an all-around critical point in the development of the embryo.²¹

19. Hui, *At the Beginning of Life*, 315-316.

20. Rae, *Moral Choices*, Kindle Locations 2905-2906.

21. *Ibid.*, Kindle Locations 2909-2914.

First, being established in the womb and beginning to send out hormonal signals does not indicate the *emergence* of life and personhood. “The essence of the fetus cannot be dependent on another’s awareness of its existence, whether it is physical awareness, as in quickening, or chemical awareness in the production of specific hormones.”²² Secondly, the death of numerous embryos prior to implantation does not prove the embryos were not human any more than the death of many Jews in the Holocaust would prove them to not be human. Further, “the essential nature of the fetus is not dependent on the number of embryos that do or do not survive to implant.”²³ Thirdly, evidence of twinning that occurs is not proof that *no* person exists, but only that at least one and potentially more persons exist. Medical technology is simply not developed enough to reveal how many persons exist and will eventually develop.²⁴

Finally, the endometrium is nothing other than the location and source of nutrients for the developing person. Does location and nutrients define personhood? If so, many homeless individuals are not persons due to lack of shelter and consistent nutrition.²⁵ This is obviously not the case. This new location of the embryo, therefore, is a stage in development, not a decisive change in nature.

22. Ibid., Kindle Locations 2919-2920.

23. Ibid., Kindle Locations 2921-2922.

24. Joyce, Robert E, “When Does a Person Begin?” in *New Perspectives on Human Abortion* (Frederick: University Publications of America, 1981), 352.

25. Alcorn, *Pro-Life Answers*, 83.

Conception

Conception is when life and personhood begins. The premise for such a claim is as follows:

An adult human being is the end result of the continuous growth of the organism from conception (this premise has hardly any debate). From conception to adulthood, this development has no break that is relevant to the essential nature of the fetus (this is the debatable premise, but the above discussion shows that all the proposed breaks do not have a bearing on the nature of the fetus). Therefore, one is a human person from the point of conception onward (this conclusion follows from the above two premises).²⁶

In other words, the moment of conception is the moment of life because the embryo has every capability to form into an adult human. “Thus it is incorrect to say that the fetus is a potential person. Rather, the fetus is a person with the full potential to develop all of its latent capacities.”²⁷

Conception is the moment fertilization is complete and a genetically and physically unique person begins developing.²⁸

When sperm and ovum join to form the zygote, the individual’s genotype is established. In it lies the uniqueness, the novelty, of the individual, and we can think of the rest of life as working out and developing what has been established in conception. . . . After fertilization it is hard to find any other equally decisive break in the process of developments.²⁹

Since no decisive break occurs in the development of this human’s life, one can rightly assume that the end product of this individual, a physically mature person, correlates back to the nature of his beginning. Another way of understanding this is by stating that the fetus has the right to

26. Rae, *Moral Choices*, Kindle Locations 2929-2934.

27. Rae, *Moral Choices*, Kindle Locations 2936-2938.

28. Joyce, “When Does a Person Begin?” 349.

29. Meilaender, Gilbert, *Bioethics: A Primer for Christians* (Grand Rapids: Eerdmans Publishing Co., 1996), 30.

human life because from the early stages of life (namely, conception) the fetus has the physical substance that enables the eventual development and emergence of an adult human.

Consequently, just as an adult human has the right not to be killed, so the unborn, from the moment of conception has the same equal right.

Secondly, as Francis Beckwith states, “the unborn are biologically members of the species *Homo Sapiens*. . . . It follows that the unborn entity, from the moment of conception, is fully human.”³⁰ This definition finds no trouble including demented elderly, mentally handicap, etc. as persons. Personhood is not found in ability, but nature. With the fact that humans are inherently valuable, from a Christian perspective because of being made in God’s image, then it would follow that the very beginning of human life every individual is valuable.

In conclusion, the beginning of personhood is no doubt the watershed, central issue in the abortion debate, whether individuals recognize it or not. Various suggestions to this central issue have been suggested and the conclusion stands that personhood begins at conception. In light of this fact, almost all pro-choice arguments have been nullified and abortion has successfully shown to be unethical.

30. Beckwith, J. Francis, *Politically Correct Death* (Grand Rapids: Baker, 1993), 153.

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