

## Abortion: What is a Person? Part II – Theories Critiqued

Part I of this series discussed the background of the “personhood” debate and critiqued common personhood slogans about potentiality, size, level of development, environment, or the unborn child’s level of dependency. In part II we will examine more sophisticated pro-choice arguments about when the unborn become “persons” and when they can be aborted. Below are common arguments for placing “personhood” at a point in human development other than conception and consequently defending abortion before that time.

### **Implantation – 5 to 7 Days Post Conception**

At implantation the embryo attaches itself to the lining of the uterus and continues to develop as it receives nutrients from its mother. Some pro-choice advocates argue that it is this time when a human being begins to exist because the embryo has “interfaced with the human community,” by receiving hormones and nutrients from the woman. However, my value as a human being should not be dependent on whether other human beings know I exist. Would I cease to be a person if I were lost in the wilderness and everyone assumed I was dead?

Another theory is that at implantation the capacity for an embryo to split and form a twin is impossible and therefore that is when a full human being comes into existence. However, just because an embryo can form a twin doesn’t mean that it isn’t a full person at conception. When a flatworm is cut in two, two new flatworms emerge, but no one would deny that a single flatworm existed before the cut was made. Finally, even if the pro-choice advocate is correct that personhood begins at implantation, that doesn’t help their case because every surgical and medical abortion performed in the world occurs *after* implantation. Those who subscribe to this view of personhood should be pro-life, not pro-choice if they are to be consistent.

### **Brain Functioning – 6 to 20 Weeks Post Conception (Depending on the level of brain functioning)**

Some bio-ethicists, like Baruch Brody, argue that since death is defined by the end of brain functioning, the genesis of personhood should be defined by the beginning of brain functioning. This time has been placed as early as 13 weeks and as late as 24 weeks when “organized cortical activity” in the brain can be detected with an electroencephalogram (EEG). The problem with this definition is that while brain death is the equivalent of the death of a person, it does not follow that “brain life” is the equivalent of the beginning of a person. To better understand this relationship one should ask, what is the brain’s primary function? When our brain isn’t performing complex tasks or hasn’t developed the ability to do that, our brain simply regulates our organic unity. It ensures that our organs work together and that our bodies do not degenerate and die. At brain death this “irreversible cessation of organic unity” is lost, and we become a slowly decomposing corpse. With this definition of death, we can better understand when “life begins” or when the human organism attains internal, self-directed, organic unity, or the capacity to grow, develop, process nutrients, and maintain homeostasis. The only moment in human development when this moment occurs is conception. At conception a new, whole, living human organism emerges that can regulate its internal processes and be “alive.” A brain isn’t necessary for personhood because the unborn can have organic unity without one until later in life.

To quote an embryologist: *“Every time a sperm cell and ovum unite, a new being is created which is alive and will continue to live unless its death is brought about by some specific condition.”*

(E.L. Potter M.D. and J.M. Craig, M.D. *Pathology of the Fetus and the Infant* (3<sup>rd</sup> Edition). Chicago: Year Book Medical Publishers, 1975, page vii.)

### **Sentience – 13 to 24 Weeks Post Conception**

Some ethicists, especially utilitarian, argue that only later in the second trimester is an unborn child aware that it exists, or sentient, and before that it is a human being that is not a person. They further argue that the unborn child suffers no real harm because he or she never knew they existed. This argument doesn't succeed, however, because it confuses harm and hurt and doesn't explain why sentience confers value. For example, it is possible for a man to rape a woman and she could never find out (for example if she were drunk or in a coma), but this wouldn't change the fact that it was wrong to rape her. She may not have been *hurt* (consciously aware of a crime committed against her) but she was *harmed* (deprived of something she had a right to, in this case her bodily integrity). In addition, many animals are sentient, but it is acceptable to kill them, so therefore sentience is not a value-making (or personhood-making) quality.

### **Viability – 21 to 24 Weeks Post Conception**

One common belief, even adapted by the Supreme Court of the United States, is that a fetus becomes a person when it has the ability to survive outside of the womb or is "viable." This definition is faulty because it makes a person's value dependent on technology. For example, in the United States, a fetus is sometimes viable at 21 weeks but in India that same child may only be viable at 30 weeks. Does anyone really believe that a child's value depends on the technology present to keep him or her alive? Second, the viability criterion could be extended to apply to born people since newborns and disabled people often cannot "survive on their own" and therefore could be denied their "personhood." This repugnant conclusion shows that viability is really an arbitrary criterion designed to exclude members of the human community that other fitter, stronger, "independent" people find to be burdensome or "unwanted."

### **Birth – 36 to 40 Weeks Post Conception**

One common opinion about personhood is that at birth a "separate individual" exists, and it is at that point a fetus becomes a "person" or baby. This argument is fallacious because of its implicit definition of "separate." Yes, at birth a child is no longer biologically attached to its mother, but why does that confer value to the child? Conjoined twins would not fall under this definition of "separate individuals" but no one would doubt that either twin was a human being person or even a speared individual. While a fetus is attached to its mother, both mother and child have separate identities, and birth doesn't change the identity or value of an unborn child; it just changes the child's location from within his or her mother to outside of her.

### **Development of "Person-Like" Abilities – 2 to 3 Years Post Conception**

Ethicists like Mary Anne Warren and Michael Tooley argue that a person is anyone who can function like a person or think and act in a rational manner. They argue that since a fetus cannot function like a person under this definition; it simply isn't one yet, much like how a basketball player wouldn't become a basketball player until he or she began playing basketball. This definition fails because humans don't begin to outperform animals and act "rationally" until their first or second birthday, which would render newborns, or the severely disabled, as non-persons. Some philosophers "bite-the bullet" and accept this conclusion, but most people would agree that this argument is wrong because there is a big difference between acting like a person and being a person. In conclusion, the only rational response to the question of what is a person is, every human being regardless of ability or level of development. This definition ensures that no member of the human family is oppressed or denied their natural right to live and be free.

*(For more information on this topic see Francis J. Beckwith's book Politically Correct Death: Answering the Arguments for Abortion Rights)*



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