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THE BEGINNING OF PERSONHOOD: A THOMISTIC PERSPECTIVE

Philip A. SMITH

RÉSUMÉ. — Le commencement de la personne : une perspective thomiste explore le statut de la vie du fœtus immédiatement après la fécondation. On le fait à l'intérieur d'un cadre comprenant à la fois la dimension empirique et la dimension philosophique. L'examen des données biologiques et leur analyse philosophique suggèrent que, dans les étapes initiales de son existence, le fœtus ne devrait pas être considéré comme une personne, vu que son individualité n'est pas encore arrêtée de manière définitive. Toutefois, les changements observables à la suite de l'apparition de l'organisateur primaire durant la seconde ou la troisième semaine de gestation sont tellement dramatiques qu'un philosophe thomiste peut raisonnablement présumer la présence de la forme substantielle humaine (l'âme intellectuelle) qui, tant spécifiquement que numériquement, constitue le fœtus comme personne.

OVER ten years have elapsed since the Supreme Court's historic and controversial abortion decisions declaring that a woman's right to terminate her pregnancy was constitutionally guaranteed by her right to privacy.¹ Whereas the decisions established a national policy on abortion, they neither settled the matter nor quelled the controversy. On the contrary, the 1973 rulings intensified the furor over abortion and ushered in a new and protracted era of judicial and legislative battles, recycling old questions and raising new ones.²

1. The *Roe v. Wade*, 410 U.S. 113, (1973) and the *Doe v. Bolton*, 410 U.S. 179 (1973) decisions were handed down on the same day: January 22, 1973. Of the two decisions, *Roe v. Wade* was the more important since it established that the woman's constitutional right to privacy was broad enough to encompass her decision to terminate her pregnancy. In *Doe v. Bolton*, the Court further delineated the implications of its conclusions in *Roe*.

2. In the years following the *Wade* and *Bolton* rulings, the Supreme Court confronted the abortion issue on at least nine different occasions: *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52; *Bellotti v. Baird I*, 428 U.S. 132; *Bellotti v. Baird II*, 443 U.S. 622; *Colautti v. Franklin*, 439 U.S. 379; *H.I. v. Matheson*, 450 U.S. 398; *Beal v. Doe*, 432 U.S. 438; *Maher v. Roe*, 432 U.S. 464; *Poelker v. Doe*, 432 U.S. 519; *Harris v. McRae*, 448 U.S. 297. The following were among the principal issues decided by the Court in these decisions: The state cannot demand consent of either the spouse or the parents for a woman to have an abortion. It is legitimate for a state to require parental notification, not

At the center of the continuing debate over abortion lies the judgment concerning the status of fetal life,³ both in its own claim to sanctity and in its claim relative to the competing interests of the mother and society. In its landmark 1973 decisions, the Supreme Court professed its inability to resolve the complex question of when human personhood begins. Insisting that it should not attempt to answer questions on a matter which the specialists in that area cannot agree on, the Court declared:

We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.⁴

Although this judicial handwashing established a legal policy on the beginning of personhood, it failed to resolve the controversy over nascent life. Indeed, it could not. The current biological data on fetal development clearly indicates that a human being comes into existence at conception, a human being with a unique and complete genetic code. Thus, the destruction of a human being is involved in the very notion of abortion. Consequently, before maternal and fetal rights can be balanced, the question of the value to be assigned to a human being in its early stages of existence must be seriously addressed, since the answer to that question strongly affects the conclusions reached about other dimensions of the abortion problem. The greater the value recognized in fetal life, the greater the conflict involved in balancing its rights with those of the mother, and, consequently, the greater the moral dilemma posed by its termination. If the fetus is envisioned as merely part of the mother, like an appendix, abortion does not raise any serious moral problems. It should not be regulated at all except to insure the mother's safety during the procedure. However, if the unborn is regarded as a person from the completion of fertilization, abortion raises profound moral issues. It should be legally banned except in a few clearly defined instances.⁵

Since it is my conviction that the matter of fetal life is at the heart of the abortion controversy, this article will develop a position on the beginning of personhood. This inquiry will employ a framework that embraces both the empirical and the theoretical. The empirical looks to the available biological evidence on fetal development, and the theoretical probes the impact of that data for the status of nascent life. The methodological device used in this study of the problem of human beginnings will be to break the topic down into the following questions: Is the fetus alive? Is the fetus a human being? Is the fetus an individual human being? Is the

consent, in cases involving unmarried, dependent, and immature minors. The state is also permitted to fund childbirth under its medicaid programs without being required to pay for abortions. The Court also upheld the constitutionality of the Hyde Amendment which forbade the use of federal funds for abortions except in a very few instances.

3. Although there are different names given to the unborn at the various stages of gestation, I will generally refer to the unborn as the "fetus". Other usages will be clear from the context.

4. *Roe v. Wade*, 410 U.S. 113, 159.

5. Richard McCORMICK, S.J., "Abortion: A Changing Morality and Policy?" *Catholic Mind* 77 (October 1979): 44-47.

fetus a person?⁶ This last question really contains two distinct ones: What is a person and when can that term be legitimately applied to the unborn?

In formulating responses to these proposed questions, the point of departure will be the empirical, the biological occurrences during the initial stages of fetal existence. In particular, the focus will be on the difference in the behavior patterns of the developing organism before and after implantation has occurred. Special attention will be given to the appearance of what is termed the "primary organizer." The advent of this mysterious organizer seems to be the decisive event both for the differentiation of cells into bodily systems and for the definitive determination of biological individuality.

In the next of this study, the focus will shift to the theoretical, to an assessment of the biological data and its possible meaning for the question of personhood. Here, the perspective will be philosophical. The relevant scientific data must be included in any discussion of human beginnings, but it cannot be decisive because the meaning of personhood transcends the realm of science. Ultimately, it is a philosophical matter. The conclusion that the fetus is or becomes a person at some specific point during gestation implies a philosophical judgment since it assumes that the biological stage in question reflects the presence of personhood. Before such a conclusion can be persuasive, some line of reasoning must be developed to indicate *why* this particular phase is decisive. The task of supplying that line of reasoning is part of the philosophical perspective.

A note of caution must be added here. To say that the matter of human beginnings is best discussed philosophically does not mean that any particular philosophical position would be universally acceptable. Obviously, different philosophical presuppositions, different methodologies, and different reasons for posing the question in the first place will yield different conclusions. However, the philosophical approach reflects a disciplined effort to ask the proper questions, to ask them in the proper order, and, above all, to try to protect against the definition of what it means to be human from being reshaped merely to justify a stance in favor of abortion.⁷

The philosophical framework employed in this article for the discussion of human personhood and its beginnings will be that of St. Thomas Aquinas. Not only is his system as philosophically consistent as any other, but its metaphysical structure makes it ideally suited for taking full account of the biological data. The fact that Aquinas' metaphysics is grounded in the order that reason discovers in nature rather

6. "A New Catholic Strategy on Abortion," Editors of *Month* 234 (1973): 163-171. The format for this article was suggested by this editorial, although the questions are phrased in a slightly different manner and answered in a completely different fashion. Another article I found helpful was "Personhood and the Beginning of Human Life," by Gabriel PASTRANA, O.P., *The Thomist* 41, N° 2 (April 1977): 247-294. Although this article is long and, at times, quite philosophical, it is a fine presentation of the topic. Another useful article was "Ethical Horizons of Human Biological Development," by John MAHONEY, S.J., *Month* 239 (1978): 329-333.

7. *Idem*, "A New Catholic Strategy on Abortion," pp. 164-165.

than imposes upon it, not only allows, but demands that the scientific information on fetal development be incorporated into the discussion on the beginning of personhood.⁸ From an examination of that data and its philosophical analysis, this study suggests that the fetus should be considered a person from the time that biological individuality is irreversibly established. With this introduction as a background, the questions proposed above may now be investigated.

IS THE FETUS ALIVE?

This question does not arouse much controversy since living things can generally be easily distinguished from non-living things. Living entities grow and develop, ingest and digest, reproduce and respond to stimuli, etc. Sometimes dubious cases such as viruses are included among the living: sometimes they are not. However, a zygote⁹ cannot be classified as a dubious or borderline case. At fertilization, 23 chromosomes from the sperm join with 23 chromosomes from the ovum to form a unique new organism, independent and genetically complete. This new organism quickly indicates that it is alive by beginning cell division almost immediately after the process of fertilization is completed. No one even remotely familiar with the information on zygote growth denies that it is alive from the moment of conception. It might be argued that both the sperm and the ovum are also alive. However, neither of these entities is an independent biological organism, nor does either of them possess the genetic information necessary for self-development. The sperm is genetically identified with the father, and the ovum genetically equated with the mother. Each possesses only 23 chromosomes, and neither can reproduce itself. The destiny of the sperm is to fertilize an ovum or to die, while the purpose of the ovum is to be fertilized or also to die. But the zygote has a life of its own, independent of either parent, except for oxygen, nutrition, and shelter.¹⁰

IS THE FETUS A HUMAN BEING?

With the question of how human life differs from life in general, a terminological problem should be mentioned. Several terms keep recurring in the discussions over fetal life which many authors use interchangeably, while others do not. Among such terms are *man*, *humanity*, *human life*, *human being*, *human individual*, and *human*

8. St. THOMAS AQUINAS, O.P., *Commentary on the Nicomachean Ethics*, Trans. by C.I. Litzinger, O.P., Vol. 1. (Chicago: Henry Regnery Co., 1964): Book 1, Lecture 1, p. 6. The relevant part of the text is as follows: "There is one order that reason does not establish but only beholds, such is the order of things in nature. There is a second order that reason established in its own act of consideration, for example, when it arranges its concepts among themselves, and the signs of concepts as well, because words express the meanings of the concepts... The function of natural philosophy is to consider the order of things that human reason considers but does not establish — understand that with natural philosophy here we also include metaphysics. The order that reason makes in its own act of consideration pertains to rational philosophy (logic), which properly considers the parts of verbal expression with one another and the order of principles to one another and to their conclusions."

9. Zygote is the name given to the new organism formed from the union of the sperm and the ovum. For a discussion of the relationship of the zygote to personhood, see Lisa NEWTON, "Humans and Persons: A Reply to Tristram Englehardt," *Ethics* 85 (July 1975): 332-335.

10. Andre E. HELLEGERS, "Fetal Development," *Theological Studies* 31 (1970): 4-5.

person. Authors who believe the fetus is a person from conception are apt to interchange all these concepts. However, writers who place the advent of person later than conception or implantation are likely to distinguish between a human person and all the other terms.¹¹

As the term is used in this article, human being refers to the characteristics of a living entity which has human origins. Thus, the question of what constitutes a human being poses few problems. Every species¹² of a living thing can be defined biologically according to its genetic pattern. Genetics clearly indicate that only a human child can be born from the union of a human sperm and a human ovum. From the moment fertilization is completed, the zygote is a being with a unique and complete genetic package which is specifically human and which places it within the human species. Biologically, it is a human being.

However, saying that the zygote is an alive human being with a unique genetic code is not the same thing as saying that the zygote is an individual human being. The late Andre Hellegers has pointed out that "although at fertilization a new genetic package is brought into being within the confines of one cell, this anatomical fact does not necessarily mean that all of the genetic material in it became crucially activated at that point, or that final irreversible individuality has been achieved."¹³ To answer the question of the definitive individuality of the human being, the activities of the zygote in its initial stages of development must be examined. Especially significant for the problem of fetal individuality is the difference in the organism's behavior patterns before implantation as opposed to after that event has occurred.

IS THE FETUS AN INDIVIDUAL HUMAN BEING?

Biological Considerations

In the process of development which begins with fertilization, there are stages of growth and organization to which various names have been given. The first step in the growth of the fertilized ovum is cell division or mitosis. Here, the zygote divides into two carbon copies of itself called blastomeres. These in turn divide into four, then eight, and so on. Within a few days, this process of division produces a solid cluster of blastomeres known as the morula.¹⁴ Division continues and results in the formation of a hollow sphere of cells called the blastocyst, with the embryo itself being referred to as a blastula. At this stage, the cells of the developing organism are already differentiated into two general types: the inner and out cell masses. The cells facing inward are destined to assume the form of the fetus and will eventually take on the features of a child. Following a different dynamic, the remaining outer cells, now known as the trophoblast, begin the task of implantation and are destined to become

11. Sissela BOK, "Who Shall Count as a Human Being?", *In Abortion: Pro and Con*, ed. Robert Perkins (Cambridge, Mass.: Schenkman Publishing Company, 1974), p. 94.

12. HELLEGERS, pp. 4-5.

13. *Ibid*, p. 5.

14. B.I. BALINSKY, *An Introduction to Embryology*, 4th ed. (Philadelphia: W.B. Saunders Company, 1975), pp. 114-119.

the placenta and the fetal membranes. The function of the trophoblast is to establish contact with the maternal uterus and to mediate between it and the fetus by supplying the latter with nourishment.¹⁵ However, despite the flurry of highly organized and complex activity that is taking place during these early stages of the human being's existence, there is reason to believe that the organism's unique individuality is not yet definitively established.¹⁶

The reluctance of biologists to affirm irreversible individuality at this level of development rests on the conviction that the zygote and the cells formed from the zygote remain somewhat indeterminate for two or even three weeks after fertilization is completed. During that time, the zygote sometimes divides to produce identical twins or even multiple identical offspring twinning. Furthermore, experiments seem to indicate that these multiple offspring can be recombined into a single organism capable of subsequent normal growth recombination. The phenomena of twinning and recombination strongly suggest that in the early stages of development, fetal individuality is not irreversibly fixed.¹⁷ A clue for some understanding of the zygote's apparent indeterminacy can be found in the notion of cell differentiation.

As the zygote undergoes its numerous cell divisions, every cell is totipotential, i.e. it is undifferentiated and as such has the capability of developing into any type of subsequent cell (bone, blood, brain, etc.). Laboratory experiments offer support for this conclusion.¹⁸ A developing cluster of cells can be divided into two parts, and, if the parts are allowed to grow separately, each one will develop into a normal adult. This amounts to artificially induced twinning. If these two separated groups of cells are rejoined before the cells are differentiated, a normal single entity will result an example of artificial recombination.¹⁹ A further note may be added. If, prior to differentiation, cells from one part of the morula are grafted unto another part of the morula, the developing organism is not affected. However, if the grafting is done after differentiation has taken place, some type of monster will result.²⁰ Consequently, an examination of cell differentiation can offer some insight into the meaning of fetal behavior during its early stages of gestation.

The decisive event for cell differentiation seems to be the appearance of what is called the primary organizer.²¹ It originates on the posterior, lower lip of the blastula toward the end of the second week of gestation during the blastocyst stage. Biologists are much more familiar with what the primary organizer does than with what it is or

15. *Ibid.*, pp. 265–273.

16. Gabriel PASTRANA, O.P., "Personhood and the Beginning of Human Life," *The Thomist* 41, N° 2 (April 1977): 276. In this section, Pastrana offers a detailed discussion of the fetus' biological individuality.

17. HELLEGERS, pp. 4-5.

18. Not everyone agrees with this conclusion. Some insist that there is insufficient experimental data on *humans* to justify such a stance. However, Balinsky, Hellegers, and Diamond offer evidence that is convincing to me.

19. James J. DIAMOND, M.D., "Abortion, Animation, and Biological Hominization," *Theological Studies* 36 (1975): 311-312.

20. *Ibid.*

21. The term, "primary organizer," was first used by H. Spemann in 1927.

how it produces its effects. However, regardless of how it performs its functions, this organizer seems to play a vital role in effecting cell differentiation and establishing biological individuality.²² As noted above, a kind of primordial but non-fixed cell differentiation has already taken place prior to the advent of this organizer. But the emergence of the primary organizer is crucial for the continuation of fetal development. James Diamond, M.D. summarizes the effects this organizer produces and stresses its necessity for continued fetal development.

If this organizer does not appear, no subsequent differentiation will occur. If it is removed, no differentiation will occur. If it is grafted to another blastula from which that blastula's organizer has been removed, the blastula will recommence differentiation. No differentiation of specific organ systems can occur unless this organizer orders the pluripotential cells to so differentiate into specific organ systems that a *homo* will form. For this reason, the scientist has an almost insuperable inclination to identify hominization as being positable *no earlier than the blastocyst stage*: ... Another crucial point can be made here: when the organizer appears in the cell mass, it is irrevocably determined that the unity of the individual is established; for twinning can no longer occur and reconnection can no longer occur. In short, the biologist holds that the numerous biological events converging in the general time area of the 14th to 22nd day weigh extremely heavily in any calculus of the beginning of the life of the *homo*.²³

These biological considerations provide the basic information necessary to answer the question under examination: is the fetus an individual human being? Twinning and recombination, the capability of cells to cross-graft, and the dramatic results produced by the primary organizer, force the conclusion that the status of fetal individuality differs remarkably once the primary organizer has emerged. Diamond's conclusion is quite plausible. The various biological events which can occur as late as the twenty-second day of gestation strongly suggest that fetal individuality is not irreversibly settled until after that span of time. With this brief summary of the relevant biological information concerning fetal individuality, it is now time to turn to a philosophical analysis of that data to assess its philosophical meaning for the question of whether the fetus is an individual human being.

Philosophical Analysis

Because they work with empirical data, there is fairly general agreement among biologists on the matter of fetal development. However, philosophers do not achieve the same consensus in determining the significance of the fetus as a biological entity for a philosophical concept of individuality and of person. Philosophers frame the issues in light of their presuppositions and predispositions. These sometimes conflict so that the same biological information is interpreted in a number of different ways. Yet, despite the difficulties, some attempt at philosophical analysis is necessary if the scientific information on zygote growth is not to be ignored in the search for the

22. BALINSKY, pp. 202–207. In these pages, Balinsky provides a fine overview of the nature and function of this mysterious organizer.

23. DIAMOND, p. 315.

meaning of human personhood and its beginnings. As mentioned above, Aquinas' philosophy is admirably suited for this task. Because its metaphysics is grounded in the natural order, a Thomistic philosophical analysis of the individual biological entity will entail a process of discovery rather than imposition. Thus, instead of being forced into some preconceived straight jacket, the emerging organism can be allowed to reveal its own internal structure. Since Aquinas' terminology may be unfamiliar to some readers, a few general comments about the central terms will be helpful. Particularly important are his understanding of substance and accidents, potency and act, essence and existence, matter and form, and the principle of individuation.

Thomistic Terminology

An important element in Aquinas' metaphysics is the division of being into the categories of substance and accidents. A substance refers to a complete and individual entity which is able to exist *by itself* in that it possesses its own act of existing,²⁴ and *in itself*, in that it is not just a modification of some other thing. This independent manner of existence is called subsistence.²⁵ However, an accident cannot exist *by itself*, but only as a modification of a substance which shares its existence with it.²⁶ For example, color can only exist in some colored object. In non-technical language, the distinction between substance and accidents is the difference between things and their modifications, as is evident from a brief analysis of two basic types of change: accidental and substantial. When accidental change occurs, the specific character of the thing remains the same. A tree may increase in size, its leaves may grow or die, but it is still spoken of as the same tree. But, if the tree is burned into ashes, it is no longer referred to as a tree. A more radical kind of change, a substantial change, has taken place, resulting in a completely different thing. In substantial change, elements of continuity and discontinuity are involved. Continuity is present because the matter has not been annihilated. However, there is also discontinuity since a different *kind* of substance exists after the burning.²⁷ To explain what happens during the phenomena of both accidental and substantial changes, Aquinas turns to an analysis of the internal principles of being, beginning with the celebrated theory of potency and act.

Change is a passage from one state of being to another. It is this transition which forms the basis of the distinction of all being into the correlative principles of potency and act. Potency is an entity's capability to perform an action or to acquire a

24. This term will be explained below.

25. AQUINAS, *Summa Theologica*, Part 1, Question 3, Article 5, Response to the first objection. When Aquinas is cited directly in this work, I will give the reference to the specific work, edition, and publisher. However, future references to the *Summa* will be in abbreviated form. For example, the present reference would read: *Summa Theologica*, I, q. 3, a.1., ad 1.

26. *Ibid.*, I, q. 77, a.1., ad 2.

27. Charles A. HART, *Thomistic Metaphysics: An Inquiry into the Act of Existing* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1959), 136. A good, general discussion of the basic ideas contained in Aquinas' metaphysics can be found in: *Aquinas*, by F. C. COPLESTON, (Baltimore: Penguin Books, 1955), Chapter two, "The World and Metaphysics."

perfection. Act represents something definite, the fulfillment of potency.²⁸ A block of marble is potentially a statue, but that potential is fulfilled only when a sculptor shapes the marble into an actual statue. An additional point must be noted. While potency in itself is unrealized, its realization must be possible. Outwardly, an acorn and a small stone may bear a close resemblance to one another, but the oak tree is potentially in the acorn whereas it is not in the stone. This relationship is all-pervasive in Aquinas' thought and surfaces in two other important distinctions found in finite beings: essence-existence and matter-form.

Perhaps the most important of all the compositions found in finite beings is that of essence and existence (*esse*), the distinction between *what* something is and the act *by which* it is. Some insight into this difficult doctrine can be gotten from the ordinary use of language.²⁹ If a child asks about the meaning of the words, elephant and dinosaur, an explanation of each can be given without adding that elephants exist while dinosaurs do not. Meaning can be separated from existence. Aquinas envisioned essence as the definition of a thing,³⁰ the determining factor making the entity to be the particular kind of reality it is. In itself, essence is only a possible being. For example, humanity has no concrete existence. It becomes objectively real only when it exists in individual people. Existence is the act by which an essence is actualized in some material thing. Since nothing is objectively real unless it exists, Aquinas regarded existence as the primary reality, and the act of existing as "the act of all acts, the perfection of all perfections."³¹

Although distinct, essence and existence are nonetheless very closely related. The act of existing changes essence from a possible existent to a component of a material entity, while a being's essence limits the act of existing to actualizing this specific kind of thing rather than another.³² However, the fact that something exists does not mean that its essence has been completely actualized. In Aquinas' thought, existence is used primarily as a verb (*esse*). As such, existing beings are dynamic and open to continuing development. Each existing thing must strive for the maximum actualization of the possibilities contained in its essence, if it is to reach its full potential. In the process of life, an acorn grows to become an oak tree, the child to become an adult.

A second instance of the potency-act relationship in material beings is prime matter and substantial form. Of the two, substantial form is the more important. It represents an essence as actualized in the individual, and it guarantees that a being will be this particular kind of entity and nothing else. An acorn will always grow into an oak tree, not a prune tree. Since it is the organizing principle of a living organism, the substantial form is the source of a being's internal unity and the root of its specific activity and growth. Thus, while we cannot directly experience this form, we can infer its reality by observing a being's activity. Actions flow from being. Plum trees

28. *Summa Theologica*, I-II, q.3, a.2.

29. F. C. COPLESTON, *Aquinas* (Baltimore: Penguin Books, 1955), 99-102.

30. AQUINAS, *Commentary on the Metaphysics of Aristotle*, Trans. by John P. Rowan, Vol. I. (Chicago: Henry Regnery Co., 1961), Book V, Lesson 10, p. 349.

31. *Idem*, *Summa Theologica*, I, q.4, a.1, ad 3.

32. COPLESTON, pp. 100-102.

produce plums, not peaches. By examining a thing's operations, we can learn something about the source of its operations or its substantial form. For Aquinas, a substantial form does not exist by itself. Rather it is an internal principle, together with matter, of each individual existing within the same category of beings. For example, each person is a human being and possesses a human essence. However, humanity as such is an abstraction which actually exists only when it is concretized in some individual person.³³

Substantial form is one component of an individual entity ; prime matter is the other. It is the changing and passive reality that is determined by substantial form. This matter cannot exist apart from form, nor can it be directly experienced. Unlike secondary matter which is visible and has definite characteristics, primary matter is pure potency and is capable of existing in union with an indefinite number of forms. When substantial change occurs as in the burning of wood, experience indicates that some reality abides during the transformation of wood into ashes. From Aquinas' perspective, prime matter is the principle that provides the element of continuity.³⁴

Finally, a difficulty connected with the doctrine of matter and form needs to be touched upon : the principle of individuation. The problem is this : if all individuals are composed of matter and form, then how can there be numerous distinct individuals within the same species ? Why are there billions of persons instead of just one ? How can individuals possessing the same essential human nature be numerically distinct from one another ? The solution is found in the principle of individuation. Aquinas ruled out form as the individuating principle because form or essence is universal and can exist in many individuals. Nor can accidents account for individuality since the individual belongs to the category of substance. Therefore, prime matter is the only other possibility. However, as noted above, prime matter is pure potency in itself and can be specified by endless forms, so something else is needed. Aquinas proposed that it is prime matter with extension, or prime matter as intrinsically related to quantity, that is the source of individuation. This intrinsic ordination of prime matter to quantity acts as a separating boundary distinguishing this individual from all others and giving it a unique identity. For example, it allows identical twins to be identical in everything except for the numerical separation.³⁵

Philosophical Individuality

Aquinas referred to an individual as a subsisting being composed of matter and form, undivided in itself and divided from every other thing.³⁶ "Undivided in itself" pertains to the entity's indissoluble unity, while "divided from every other thing" situates the individual within the realm of existing things in its own unique way. Because of its subsistence, the individual relates to its own being in a way that implies

33. AQUINAS, *Summa Theologica*, I, q.118, a.2, ad 2.

34. *Ibid.*, I, q.66, a.1.

35. *Ibid.*, I, q.47, a.2. A useful source for Thomistic metaphysical concepts is : *The Elements of Philosophy*, by William A. WALLACE, O.P., (New York: Alba House, 1977), especially Chapter 5.

36. AQUINAS, *Summa Theologica*, I, q.29, a.4.

both possession and exclusion. Subsistence means possession of being in a fashion so absolute that the individual becomes inviolable, in a fashion so exclusive that participation in its being or self-communication of its being would amount to destruction of the individual's nature.³⁷

A final point should be added. Since matter is related to form as potency to act, there has to be some proportion between a being's matter and form, i.e. matter has to be suitably prepared before it can be specified by a particular form. For example, Aquinas held that the rational or human soul is the substantial form of the human person, but he also insisted that the soul is not infused into the fetus at the first moment of its existence. In the early stages of gestation, the fetal matter is not well enough organized to receive it. Instead, the fetus is immediately animated by a vegetative soul, followed in turn by an animal or sensitive soul. Finally, when the fetal matter is suitably prepared, the rational soul is infused.³⁸ Applied to the question at hand, this understanding of individuality would caution a Thomistic metaphysician against attributing the status of "individual human being" to the fetus before it fulfilled two closely related conditions: First, it must be biologically settled whether one or more entities have emerged from the fertilization. Secondly, fetal matter must be adequately developed and organized to receive the form which will qualify it as an individual human being.³⁹

If the biological and philosophical understanding of individuality are compared, important areas of agreement surface. The biological information reveals that the zygote undergoes profound developmental changes during the initial stages of its existence. The time from fertilization to implantation can be characterized as one of rapid growth combined with a high degree of organization. Yet, the emerging organism still remains unstable, its internal unity incomplete. Twinning and recombination are still possible; the cells remain largely undifferentiated. The crucial event for this phase of gestation is the coming of the primary organizer. As noted earlier, its advent signals the end of twinning and recombination, the beginning of cell differentiation into specific organ systems, and the presence of the entity's internal unity. Biologically, the fetus is now an individual human being.

Since Aquinas' metaphysics is grounded in the order which reason discovers in nature, philosophical individuality cannot be ascribed to the fetus until its biological individuality has been irrevocably established in the natural order. In light of the biological data, the fetus does not seem to meet the philosophical requirements for individuality prior to the presence of the primary organizer. The lack of internal stability and numerical unity until this time mark this phase of gestation as a process of gradually preparing the fetal matter for the reception of human form. Consequently, the dramatic events accompanying the appearance of the primary organizer are as critical for the philosopher as they are for the biologist. The Thomist interprets the changes in the behavior patterns as a sign that the matter has been sufficiently

37. *Ibid.*, III, q.73, a.2.

38. *Ibid.*, I, q.76, a.4.

39. DIAMOND, p. 315.

organized to receive the substantial form which establishes the fetus both specifically and numerically as an individual human being. When does the fetus become an individual human being? Both the biological evidence and its philosophical interpretation lean toward the second or third week after fertilization.⁴⁰

Since the terms, primary organizer and implantation, have been used somewhat interchangeably in this study, a word of explanation will be helpful. The primary organizer is a norm intrinsic to the fetus and part of its internal structure. Implantation is an event external to the fetus and reveals a social relationship of the fetus to the mother. The primary organizer is the key to both biological and philosophical individuality, but its appearance is not visible during the normal process of gestation. Therefore, since implantation cannot occur without the organizer and since implantation follows almost immediately upon the organizer's appearance, implantation can be used as a practical guide for determining the presence of an individual human being. However, implantation is not in itself the significant factor.

Although a close parallel can be drawn between the biological and philosophical concepts of individuality, it should not be forgotten that two distinct disciplines are involved. The biologist can appeal to empirical evidence to support his contention that the fetus possesses the biological characteristics which locate it within the human species and which establish its individuality. The philosopher must theorize from the biological information about fetal organization and structure to the conclusion that the substantial form is present.⁴¹ Because philosophers interpret the biological data in light of their particular presuppositions, the same data can yield a variety different results. However, if a gap is apparent between biology and philosophy in the matter of fetal individuality, it becomes even more pronounced when the question of fetal personhood is posed.

IS THE FETUS A PERSON ?

As mentioned previously, this question contains two distinct ones: what is a person, and can that term be applied to the fetus? Distinguishing between living and non-living things, between humans and non-humans, between determinate and indeterminate human beings has been relatively easy. However, distinguishing persons and non-persons is much more complex and controversial. It is more complex because of the equivocal nature of personhood; it is more controversial because the approach to personhood affects people deeply since it has far-reaching implications for the meaning of life and death and for the value of specific ethical actions. Historically, people have always regarded themselves as having a special position among the beings of nature. However, there has always been, and there still is, vast disagreement as to why people are special. As Lisa Newton of Fairfield has pointed out, personhood has rarely been confined to the human beings of a society.

40. *Ibid.*, p. 315. Cf. also PASTRANA, pp. 281-282.

41. PASTRANA, 278-284. In these pages, Pastrana presents a careful analysis of the relationship between the biological and the philosophical.

Most societies have applied the term to their Gods: the United States confers legal personhood on various sorts of corporations. Nor has every society granted full personhood to all its human beings. In some civilizations, personhood has been conferred upon human beings or withheld from them for a number of different reasons, including gender, family lineage, social category, racial class, and ethnic origin. For example, the authors of the United States Constitution did not intend to include blacks as full human persons in the protections specified for citizens.⁴²

What is a person? Is it an endowment or an achievement? Are all human beings persons? If not, what qualities must a human being possess before it can be classified as a person? Moreover, what kind of concept is personhood? Is it functional, relational, psychological, philosophical, religious, or moral? An underlying assumption of this study is that personhood is fundamentally a metaphysical reality, an endowment rather than an achievement. While the other concepts of person are important and enriching, they are nevertheless developments and extensions of a metaphysical personhood which preserves persons' self-identity as they undergo dramatic changes throughout their life.

Aquinas' Concept of Person

In line with the thinking of his time, Aquinas defined person as "what is most perfect in all of nature — that is, a subsistent individual of a rational nature."⁴³ In his perspective, a subsistent individual "implies a complete substance, subsisting in itself and separate from all else."⁴⁴ With every other substance, a person shares in the common properties of an individual: unity, self-sufficiency, and incommunicability. However, person is a very special kind of being, one who deserves to be placed at the summit of material creation.

Aquinas' understanding of "rational creature" explains his exalted status person. As a substance, a person is a combination of matter and form, but more commonly referred to as a unity of body and soul. Broadly speaking, the soul is the "first principle of life in those things which live."⁴⁵ In this sense, every living thing obviously has a soul. However, persons are set apart from the rest of the animate world because their souls are rational or intellectual.⁴⁶ In elaborating his theory about the nature of the human soul, Aquinas followed his philosophical conviction that each thing acts according to its nature. Consequently, Aquinas reasons from human functions to faculties, and from faculties to the soul in which these faculties inhere.⁴⁷

42. Lisa NEWTON, "Humans and Persons: A Reply to Tristram Engelhardt," *Ethics* 85 (July 1975): 335.

43. AQUINAS, *Summa Theologica*, I, q.29, a.4.

44. *Ibid.*, III, q.16, a.12; ad 2.

45. *Ibid.*, I, q.75, a.1.

46. *Ibid.*, I, q.29, a.1.

47. This follows from the well-known philosophical axiom: "operation follows from being" (*Operatio sequitur esse*).

Aquinas singled out the act of understanding, the act of the intellect seeing or accepting something as true, as the most specifically human of all the human activities. However, understanding would be impossible unless the intellect is an immaterial faculty.⁴⁸ In knowing themselves and other beings, persons indicate their capability of transcending the limitations of matter and the conditions of time and space. Intelligent beings are self-conscious, they can know themselves from within. In this process of self-discovery, they first experience their own immateriality, even if it is only in a pre-conscious and pre-conceptual manner. They know other beings completely only by thought which is immaterial and is experienced as such. Thus, a person's ability to understand is a sign that the intellect is an immaterial faculty.⁴⁹

Since function flows from being, and since the soul has a faculty which transcends matter in its operation, the soul itself must also be immaterial. Moreover, the soul's ability to function independently of matter also reveals it to be a self-subsisting reality, i.e. it has its own act of subsisting. As Aquinas phrased it :

(T) he intellectual principle which we call the mind or the intellect has an operation *per se* apart from the body. Now only that which subsists can have an operation *per se*. For nothing can operate but what is actual ; wherefore a thing operates according as it is : ... We must conclude, therefore, that the human soul, which is called the intellect or the mind, is something incorporeal and subsistent.⁵⁰

However, Aquinas balances out his emphasis on the spirituality and the independence of the soul with his experiential awareness that a person exists and acts as a single unit. The person who thinks is the same one who exercises all the other human functions. St. Thomas could envision all these diverse activities being united in the one person only if the human soul was the single organizing principle in the body or was its substantial form. In its function as form, the soul is related to the body as act to potency. Since it is a self-subsisting principle, the soul not only gives the body its determination as human, but it also communicates its own act of existing to the matter of the body so that one being results, unified by sharing the same act of existence. Thus, the functional unity of a person stems from his metaphysical unity, but the source of the unity is the participation in a common act of existing rather than in the combination of the body and the soul.⁵¹

In this context, a passing comment on the Supreme Court's mention of St. Thomas is not out of order. While discussing the history of animation as the crucial

48. AQUINAS, *Summa Contra Gentiles*, Trans. by James F. Anderson (South Bend, Ind. : University of Notre Dame Press, 1975), Book 2, Chapter 49, p. 47. The actual text reads: "if the intellect were a body, the intelligible forms of things would not be received into it except as individuated. But the intellect understands things by these forms which it has in its possession. So, if it were a body, it would not be cognizant of universals but only of particulars. But this is patently false. Therefore, no intellect is a body."

49. Ambrose McNICHOLL, O.P., "Person, Sex, Marriage and Actual Trends of Thought," in *Human Sexuality and Personhood*, Proceedings of the Workshop for the Hierachies of the United States and Canada Sponsored by the Pope John Center Through a Grant from the Knights of Columbus (St. Louis: Pope John Center, 1981), p. 148.

50. AQUINAS, *Summa Theologica*, I, q.75, a.2.

51. *Ibid.*, q.76, a.1, ad 5.

stage for the advent of personhood in its *Roe v. Wade* decision, the Court referred to "Aquinas' definition of motion as one of the first two principles of life."⁵² This is a misleading and confusing interpretation of Aquinas. As the substantial form of the body, the soul is the first act of the body. As such, its primary role is not to make the body *move*. It first specifies the fetal matter as a human being or a person. In light of this fundamental act, the human person can exercise all the secondary acts or functions such as self-development, operations, and movements, while retaining the underlying metaphysical unity.

Although Aquinas opted for a metaphysical notion of person, it does not follow that his idea of personhood is abstract or that he thought that the metaphysical dimension exhausts the full measure of person. That would be to overlook the importance he attached to existence and to ignore the teleological thrust present in a finite being to strive for fulfillment of the possibilities latent in its essence.⁵³ A person's existence is constantly being exercised, endowing him with dynamic tendencies which urge him on toward self-realization and to interrelationships with other people. Every human being undergoes extraordinary physical, psychological, and relational changes as that person progresses from first existence to full adulthood and on to death. Moreover, the qualities of self-consciousness, intelligence, and freedom associated with mature, conscious adults are not apparent at every stage of this process or at every moment of time. While the changes and developments of life are dramatic and important, the underlying metaphysical structure which perdures is even more significant because it insures that the same individual exists before and after the modifications take place. Hence, attention must be given not only to a person's activities but also to his potentialities, not only to his actual behavior, but also to his capacity for behavior.⁵⁴ Since potentiality has a number of meanings, it will be helpful for this study to clarify some of them, for analogous uses of the term lie at the heart of some of the confusion and controversy about the nature and the origin of the human person.

The Notion of Potentiality

In a helpful article on this topic, Francis Wade of Marquette expounds on two basic types of potentiality.⁵⁵ First of all there is the potentiality of a being to undergo change or modification. Clay has the capability of being shaped or formed into any number of figures by sculptor. Wade calls this quality passive potentiality. However, potentiality can also be spoken of actively. Here, the attention is focused on what the agent can do rather than on what can be done to it. Wade describes active potentiality as a being's innate tendency not only toward activity but toward activity

52. *Roe v. Wade*, 410 U.S., 113, 133.

53. McNICHOLL, pp. 148-151.

54. Benedict M. ASHLEY, O.P. and Kevin D. O'ROURKE, O.P., *Health Care Ethics: A Theological Analysis* (St. Louis: The Catholic Association, 1978) p. 225.

55. Francis C. WADE, "Potentiality in the Abortion Discussion," *Review of Metaphysics* 22 (1975): 239-255.

of a specific nature. Take the case of a genotype.⁵⁶ The genotype not only has the inherent inclination for self-development, but it also governs the direction the process will take. Since active potentialities are the result of a being's inclinations, there will be as many different kinds of active potentialities as there are different sorts of tendencies.⁵⁷

Based on the relationship of a potentiality to its act, Wade distinguishes between tendencies which are natural and those which are specifiable. With a natural potentiality, the inclination is so deeply ingrained into the nature of a being that its activity will not only take place but will do so in a predetermined manner. For example, given a favorable environment, an acorn will develop and will only develop into an oak tree.⁵⁸ However, specifiable potentialities are different in that they offer only a promise which may or may not be fulfilled. Something beyond the mere capability of the agent is needed before this kind of potentiality can be actualized. For example, a student may have a specifiable potentiality for playing a musical instrument. However, before that talent can be actualized, the student must voluntarily consent to learn musical theory and to perfect performance techniques. If these learning tasks are ignored, the capacity for playing the musical instrument will never be fulfilled. Used in this sense, a potential musician means that someone is not now a musician even though the capability is present.⁵⁹

Natural potentialities operate differently. Here, the future is not only promised but guaranteed as far as the agent is concerned. Agents may not always be able to control their environment, and, when they cannot, their actions may be partially or completely stifled by surrounding circumstances. For example, an apple seed has an innate capacity to develop into an apple tree, but it will never do so if it is resting on a cement surface. Yet, as far as the inclination toward its specific kind of activity is concerned, the seed is prepared to act whenever the external conditions permit.⁶⁰

Natural potentialities are best exemplified in living organisms. At any stage in its growth, an organism consists both of an actual structure and a number of functions. These functions are active natural potentialities, but their actual exercise requires the presence of some kind of physical structure. A dog may have an innate tendency to run, but it can only actualize that tendency when it has developed legs. Even more fundamental for the organism's growth is its ability to develop whatever structures it needs from its own resources. As it develops more elaborate structures, it acquires more diversified functions. Thus, in the process of living, a plant develops its roots, branches, and leaves. This natural potentiality for self-actualization is the function that unifies all other functions and enables the organism to retain its unique identity while undergoing some rather dramatic developmental and operational changes.⁶¹

56. The term, genotype, refers to the unique genetic package possessed by the zygote upon the completion of fertilization.

57. WADE, pp. 239-243.

58. *Ibid.*, p. 243.

59. *Ibid.* For parallel discussion of this point, cf. Robert BARRY, O.P., "Self-Consciousness and Personhood," *The Linacre Quarterly* 46 (May 1979): 141-142.

60. *Ibid.*, p. 244.

61. ASHLEY and O'ROURKE, pp. 225-226.

APPLICATION OF PERSONHOOD TO THE FETUS

The task of trying to determine the precise time when the notion of personhood is applicable to the unborn is a difficult one. The question of when personhood begins is not significant in the normal course of fetal gestation. But when the question is raised in the context of the abortion issue, the answer becomes both significant and controversial. Must the unborn fulfill the criteria of personhood actually or only potentially? Few would demand that the status of person be withheld from a developing human being unless it gives indications of actually possessing self-awareness and intelligence, and of actually exercising freedom. Lisa Newton had noted that if the actual exercise of these human traits is necessary to be recognized as a person, immediate appeals would have to be raised on behalf of the insane, the senile, the comatose, and the sleeping, all of whom fail to exercise these traits just as the unborn do. Consequently, the fact that only the conscious, adult person exhibits the full range of human qualities is not a sufficient warrant to exclude all others.⁶² So the concept of potentiality must be utilized when the question of fetal personhood is addressed. But how is potentiality to be employed in this matter? Loosely speaking, two lines of thought emerge here.

One avenue of thought argues that the unborn are not persons because they lack the essential traits of personhood. Intelligence, self-consciousness, freedom, and love are not yet developed. However, the unborn are *potential* persons because they are human beings with an innate orientation toward personhood. Actual personhood will be acquired when they cross certain predetermined thresholds of growth such as brain development, morphological maturity, viability, or birth.⁶³ This group of thinkers use potentiality in its active specifiable meaning.

The second line of thought also applies the concept of potentiality to the unborn but does so in a strict, active, natural sense. It views the fetus not as a potential person but as a person with enormous potential. It acknowledges that fetal growth is gradual, but it contends that the development is *of* a person not a human being *into* a person. It pictures the various morphological and functional changes that take place in nascent life as the gradual unfolding of the radical tendency to become a thinking being which was implanted in the physical structure at fertilization.⁶⁴

In the context of discussing potentiality, a comment is in order about the Supreme Court's rather arbitrary application of the notion to the unborn in its *Roe v. Wade* ruling. The Court permitted some state regulation of abortion in the third trimester (after viability) because the fetus is then a "potential life" which "presumably has the capability of meaningful life outside the mother's womb."⁶⁵ Here, the Court's reasoning was puzzling. If the fetus is not a "potential life" before viability, what was the basis for the Court's division of pregnancy into trimesters and for its assigning different standards of regulation to different stages of gestation? If

62. NEWTON, p. 334.

63. A.G.M. VAN MELSEN, "Person," in *Encyclopedia of Bioethics*, 4 vols. (New York: Macmillan and Free Press, 1978), 2: 1208.

64. *Ibid.*

65. *Roe v. Wade*, 410 U.S. 113, 163.

the fetus is a “potential life” in the third trimester, must it not also be a “potential life” from conception, even if in a less developed form? Furthermore, how is potentiality measured? The Court did not pose these questions nor did it offer any explanation as to *why* the capability of existing outside the womb confers a new status on the fetus or as to how “meaningful” life is defined.⁶⁶ It merely asserts that the unborn become “potential” persons at viability.

The Court’s earlier refusal to speculate about the nature of fetal life in the absence of a consensus as to when personhood begins was puzzling in light of its subsequent approach to prenatal existence. As Albert Broderick, then Professor of Law at Catholic University, pointed out, the Court had no hesitation “in posing, and answering conclusively, the ‘iffier’ question — when ‘meaningful’ life begins.”⁶⁷ It is certainly safe to assume that there is as much disagreement among specialists over what “potential” and “meaningful” life mean as there is over the definition of “person”. Yet, the Court did not allow the lack of consensus on “potential” and “meaningful” life to deter it from making a detailed division of pregnancy from designating viability as the decisive stage.

As indicated above, I opt for Aquinas’ concept of person which envisions the soul as the form of the body. It is precisely this metaphysical status which characterizes the human being as a person. In this theory, the question of the beginning of personhood is reduced to the question of when the spiritual soul is present. Because it is the first act of a physical, organized body, the soul cannot inform the body until the matter has been suitably unified to receive it. While the exact relationship of the human biological structure to personhood remains a mystery, biological life is nevertheless quite relevant for establishing the presence of personhood. Persons do not exist apart from their bodies. For example, human death, the absence of biological life, means the demise of personhood.⁶⁸ Hence, the Thomistic understanding of person relies heavily on biological data to substantiate its position. Since the philosopher must theorize from this biological information about fetal organization and structure to the conclusion that the spiritual soul is present, the beginning of hominization becomes a matter of determining when there is a physical structure sufficiently developed to support a spiritual soul.⁶⁹

In light of the available scientific evidence about early fetal growth, this study proposes that the beginning of personhood coincides with the coming of the primary organizer. The philosophical demands for personhood are not fulfilled in the earlier stages of human life. It is not a question of the matter being inadequately organized. What is known about the genotype and about the life of the early cell mass indicates a

66. Daniel CALLAHAN, Director of the Institute of Society, Ethics and the Life Sciences, and Emily MOORE of the International Institute for the Study of Human Reproduction, offer perceptive comments on the Court’s handling of this point. Cf. “Abortion: The New Ruling,” *Hastings Center Report* 4 (1973): 4-7.

67. Albert BRODERICK, “A Constitutional Lawyer Looks at the Roe-Doe Decisions,” *The Jurist* 33 (1973): 124.

68. Charles CURRAN, “Contemporary Debate in Philosophical and Religious Ethics,” in *Encyclopedia of Bioethics*, 4 Vols. (New York: Macmillan and Free Press, 1978): 1: 18-19.

69. DIAMOND, p. 317.

very complex organization. Rather, the difficulty stems from the lack of internal unity and stability in the emerging entity. Prior to the presence of the organizer, it is not yet definitively settled whether one, two, or more individuals have resulted from the fertilization. Thus, the fetus does not yet meet the philosophical requirements of internal stability, uniqueness, and incommunicability necessary for personhood. However, as Gabriel Pastrana, O.P. has noted, this early phase of existence is highly significant for a Thomistic philosopher.⁷⁰ From fertilization to the coming of the organizer, the fetal matter undergoes a gradual process of organization and unification in preparation for the spiritual soul which will stamp it both specifically and numerically as a person.

The behavioral changes resulting from the appearance of the primary organizer are dramatic enough that a Scholastic philosopher can reasonably interpret them as a sign of the soul's presence. Not only is individuality irreversibly established, but fetal development will continue and will follow a definite pattern. When does personhood begin? As with philosophical individuality, both the biological information and its philosophical interpretation suggest the second or third week after fertilization.⁷¹ From then on, the fetus should no longer be considered a potential person but a person with enormous potential. The unborn person will develop new structures, acquire new functions, eventually achieve self-consciousness, experience freedom, and enter into personal relationships with others. All of these traits were already extant as active natural potentialities with the first act of the soul on the body. Their appearance mark important phases in the unfolding of personhood, but none of these characteristics signal a qualitative leap *into* personhood.

Every judgment about the point in time when the fetus becomes a person necessarily involves some theory of personhood. I have elaborated my own views on the nature of personhood and its beginnings within the framework of Aquinas' metaphysical realism because I think his theory of person is at least as well grounded and as coherent as any other. He envisioned person as a unity of body and soul, a stable but dynamic being always open to the acquisition of further physical, psychological, relational, and spiritual dimensions of personhood. His system also provides a philosophical structure which not only takes full account of the biological information but also is consistent with it. It was on the basis of the biological data that personhood was denied to the zygote at fertilization. The choice of the second or

70. PASTRANA, pp. 282-284.

71. This conclusion is not at odds with the stance of the Catholic Church. In the *Declaration on Abortion*, published by the Sacred Congregation for the Doctrine Of The Faith, the Church reaffirms its traditional position that human life is sacred and must be respected from the moment of fertilization. However, in footnote 19, this same Declaration acknowledges the disagreement over the time of ensoulment. Footnote 19 reads as follows: "This declaration expressly leaves aside the question of the moment when the spiritual soul is infused. There is not unanimous tradition on this point and authors are as yet in disagreement. For some it dates from the first instant, for others it could not at least precede nidation. It is not within the competence of science to decide between these views, because the existence of an immortal soul is not a question in its field. It is a philosophical problem from (1) supposing a belated animation, there is still nothing less than a human life, preparing for and calling for a soul in which the nature received from parents is completed; (2) on the other hand it suffices that this presence of the soul be probable (and one can never prove the contrary) in order that the taking of life involve accepting the risk of killing a man, not only waiting for, but already in possession of his soul."

third week after conception as the most likely time for ensoulment was also dictated by the biological evidence. Still, it must be acknowledged that the conclusion reached in this study differs from Aquinas. Whereas, I argue that the fetus should be considered a person from approximately two to three *weeks* after fertilization, he did not believe the fetus possessed a rational soul until after the second or third *month* of gestation. My conclusion is based on biological information not available to him in the thirteenth century. However, the position of this article is consistent with his philosophical principles and the importance he attached to the natural order.

I am aware that the conclusions I have reached in this study will be initially unacceptable in many circles. However, those judgments represent a carefully reasoned position grounded in a philosophy of person and consistent with the current biological data. They have been formulated with full awareness and understanding of the arguments that lead to conclusions that are different from mine. I have not found persuasive the line of reasoning that ignores the question of fetal personhood or restricts the sanctity of life to some stage of fetal development such as viability or the onset of brain activity. In fact, many of the arguments offered in support of abortion could also logically justify infanticide and some instances of euthanasia. Since the abortion controversy is bound to be with us for the foreseeable future, it is imperative that scholarly discussion supporting fetal personhood continues. What is at stake is nothing less than who will be included in the category of persons.