

The Concept of Personhood in Abortion Context

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Abstract

In dealing with abortion controversy between the pro-life and pro-choice groups of people, it is claimed that the fetus should possess 'personhood' in order to have the right to life. The question met here is when does this 'personhood' would appear? Some say it is gained when the fetus become sentience, have desire, develop the capacity to feel pain, have conception of one self, or can perform self-motivated activity. But these capacities are often not possessed by the comatose patients, in dreams, after surgery; reducing these persons to non-persons. It is also argued that either after conception, quickening, viability or birth, personhood is gained by the fetus. But possession of these criteria does not provide categorical answers to the problem. In this paper I have tried to discuss what exactly is meant by personhood and whether possession of it can solve the abortion debate.

The morality of abortion is an issue of deep controversy. Different thinkers have argued bitterly with one another on this debate. According to the pro-life group, abortion is immoral because it takes the life of a living being. The pro-choice group of people admit the autonomy of the body of the mother and to them abortion is acceptable. In this chapter I will focus on the most pivot question concerning abortion debate. The question is actually about the moral status of the fetus and whether the fetus has the right to life. The conservatives hold that abortion is never acceptable ethically, while the liberals hold the opposite view. The moderate view permits abortion up to a certain point of the development of the embryo.

When a human baby is born of human parents, he is a member of *Homo sapiens*. But here the question arises that does all human beings have the right to life or right not to be intentionally killed? If this was the case then capital punishment could have never been justified. Again, non-humans also have the right to life. We can never kill any alien, Divine Being, ET, monkey because they are non-humans. It is argued that all persons have right to life. The fetus is definitely a human being or a potential person thereby not to be killed unjustly.

It is believed that there is a continuation between the embryo and the child and abortion is killing a member of human family. Actually, if one has a human genetic code, one ought to be treated as a human being. The conservatives believed that conception is the point when one starts being a person, because it is during this conception, the generic endowment of the future child or adult are fused into them. So, to the conservatives, conception is the point of starting of personhood. But often the question comes that how can it be justified that the fetus has the potentiality of the person at the very moment of conception? It is often argued that a being is not born as a person, but attains personhood when it becomes self-conscious. But development of consciousness needs certain time, so it appears that at first "not you" were born and after two years "you" were born. But this is definitely an absurd idea. Personhood is not a gradient process that a child of 5 years has more personhood than a child of 5 months.

In answer to the question, when exactly does personhood begin, Mary Warren said about five criteria for possessing personhood. These are (1) consciousness which indicates the capacity to feel pain; (2) reasoning ability which helps a being to solve complex and new problems; (3) self-motivated activities; (4) The ability to communicate in various ways to different things; (5) The ability to have concepts of oneself. Satisfaction of all these conditions are needed by the human being to be designated as a person. However, we often find these conditions are not acceptable because in deep sleep, coma, surgery the persons do not have self-conscious activity, capacity to feel pain, ability to solve problems, yet they are persons. When any being lives with permanently impaired condition like brain death, do we say he is living just as a human being and not as a person? In Alzheimer's disease also the person cannot do what is commonly expected of a person, but this does not rob off personhood from him.

Can the fact of having desire mark personhood? If the desire is present or occurring one, then the fetus might not have desire to exhibit presently. But if the desire is habitual or dispositional, that is, capable of being manifested in any future need; then the fetus may gain this desire in near future. But when exactly does desire appears in the fetus cannot be well-marked. Again, this desire can be ideal and not actual, that is the desire we ought to have and not what we have now. If desire marks the right to life, can we say that the angels, Divine Spirits or Buddhist monks are devoid of the right to life because they have desires no more?

Sentience can mark the right to life, for if the agent feels emotion, he would develop an interest for life and this will produce consciousness in him. But when does the fetus gains sentience is obscure. Medically after 30 to 35 weeks of conception, sentience develops. This concept of being sentient must not be any present state of mind, but future aptitude; otherwise, the patients under anesthesia will lose their right to life. Size and human appearance do not account for the development of personhood because before gaining a definite shape, the embryo is a protoplasmic blob. The moment of gaining human appearance cannot be marked exactly. Moreover, if a man loses his earlier appearance after being knocked down badly in a boxing game or car accident, he remains the same person.

Can development of brain mark the possession of personhood? Actually, brain starts developing from the end of first trimester. Since the development of brain is a life-long process, is the development of personhood a continuous process? Right to life is more than right to vote or right to education. Without the right to life, these rights do not have any implications. Any death cuts off the chance of having a future good life, so any death is bad. It deprives the being from having a flourishing life. So even euthanasia is bad because when the patient's life is ended voluntarily, he does not feel that cessation of pain has been caused by death. Killing any human fetus thus can never be supported. Abortion is a cruel process which involves suction, dilatation, evacuation and extortion. Any murder is bad, but murdering someone by torture is worse. In late pregnancy, the fetus feels the pain of being killed; hence medical termination of pregnancy can never be moral.

We can either consider that personhood is an endowment concept or performance concept. In the former case each human being becomes person by virtue of taking birth as Homo-sapiens. It resolves the episodic concept of personhood. For example, do we say that if a person loses consciousness, then he ceases to be a person and after regaining consciousness, he again becomes the person? This is the episodic problem of personhood which we can be overcome by accepting the endowment concept of personhood. The performance concept depends on how the individual performs and thus violates the fundamental principle of 'Equality before Law'.

Varieties of answers are met with if it is questioned at what stage of its existence exactly personhood is gained by the fetus. Some consider birth to be the dividing line, according to some it is the viability, while many think it is the quickening of the fetus. It is easy to understand why birth is to be the point when personhood appears. Only when the baby is born, it gets acceptance in the society as a member of human community. Just after taking birth, the baby can express his distinct existence as a human being. However, the conservatives think that the fetus has the same status irrespective of its location in or outside the womb, so cannot be killed. Often many premature babies are less developed than any full-grown fetus, so aborting the latter is unacceptable.

Some consider viability to be the demarcation between the fetus and the person. It is true that when the baby becomes capable of existing on its own independently, that point is definitely worth appreciating. But there are certain objections to it. If any old person is kept alive by making him dependent on another person's body, then the old man will lose his personhood according to this criterion. There is another problem with this criterion, that there is no defined point when viability is attained by the fetus. Usually it is 28 weeks, but we may come across new born baby who are not yet viable and are kept under artificial medical support system. Another practical problem is faced here, that since artificial life support is dependent on advanced technology, there are chances of obtaining better support in the big urban areas than the remote places.

The abortionist's argument that since the fetus is dependent on its mother for life support, her wish to make the fetus survive is important. However, this is denied by the pro-life thinkers. To take concrete example, a son does not have the right to kill his old mother, just because she might be dependent on him financially. In the same way any non-viable fetus cannot be just killed by the mother, because of its dependence on her.

When the expecting mother feels the first movement of the fetus, it is said quickening; which is also taken by some as the boundary line for the gaining of personhood. The traditional Christianity believe this to be the point when the fetus is endowed with the soul; so, cannot be aborted. But the contemporary Christianity does not accept this. Often it is found that the fetus's first movement has occurred earlier, but the mother failed to notice it. Thus, the exact time of quickening is not clear, and hence this also cannot mark the starting of personhood. Moreover, if a person becomes paralyzed due to any reason, will he cease to be a person because he has lost his capacity to move independently?

Since there is no real demarcating line between the non-person fetus and the person-fetus, the dispute between the abortionists and anti-abortionists continues. It is often thought about the status of the embryo could be upgraded to that of the child, or the status of the child should be downgraded to that of the embryo. Since a child cannot take birth just when his mother wishes, so the embryo should be protected as we protect the child. This makes both abortion and infanticide immoral.

Thus, we cannot find out any single feature constituting personhood, instead there must be cluster of features needed to make the human being a person. But this is also difficult because all the features do not appear in the being at the same time and at the same rate. Just as the child becomes adolescent, youth and old without any clear boundary line dividing each stage; similarly, it would be better if we accept achieving personhood is a gradual process. The transition and the development from the fertilized ovum to a full-fledged person is an ongoing progress.

It is objected that the mother has the right of authority over her body and so she has the power not to let the fetus use her body for survival. But in case of voluntary pregnancy, where the woman became pregnant without any outer force, she definitely has the duty to extend her pregnancy to full term.

Thomson however argues that in these cases the mother might be responsible for the existence of the embryo but not for its neediness. So, if the mother aborts, then she can be called callous and selfish but not immoral. In rape cases the mother did not voluntarily conceive the child, but in non-rape cases also the mother did not invite the child. She just created a state of affair which led to another state of affair, her conception.

Can it be justly said that the fetus does not have the right to life if it is not considered to be a full-fledged member of the rational and moral community? The answer is negative because the fetus always has the potentiality to one. So, abortions in some critical cases are however accepted and then the personhood theory does not stand. If the mother's condition is fatal, or the fetus has severe deformity then abortion is permissible. Again, the mother's economic condition and her incapability of raising the child; or her involvement for some more worthy thing can permit her to abort. But abortion for any whimsical and petty causes can never be moral.

References:

1. Brandt, R.B. "The Morality of Abortion" *The Monist*, Vol 56, 1972, 503-26.
2. Dworkin, Ronald. *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*. New York, Vintage, 1994.
3. Thomson, Judith Jarvis. "A Defense of Abortion". *Philosophy and Public Affairs* 1, No 1 (Autumn), 1971, 47-66.
4. Engelhardt, H. Tristram. "The Sanctity of Life and the Concept of a Person". In *Life and Death: A Reader in Moral Problems*, edited by Louis Pojman, Belmont, CA, Wadsworth Publishing Co., 2000, 77-83.
5. Hursthouse, Rosalind. "Virtue Theory and Abortion". *Philosophy and Public Affairs* 20, No. 3, 1991, 223-46.
6. Kaczor, Christopher. *The Ethics of Abortion: Women's Rights, Human Life, and the Question of Justice*. Routledge Annals of Bioethics. 2010.
7. McDonagh, Eileen. *Breaking the Abortion Deadlock: From Choice to Consent*. Oxford, Oxford University Press, 1996.
8. Schwartz, Stephen. *The Moral Question of Abortion*. Chicago, Loyola University Press, 1990.