The term 'foetus' is generally used after the first eight weeks of human development following conception. Believers in the Bible as God's word support absolute respect for the human foetus, while most contemporary secular philosophers hold that a human foetus has no right to life and is not a person. This chapter explores these two positions and argues that the human foetus is a person.

**BIBLICAL APPRECIATION OF LIFE BEFORE BIRTH**

Biblical language has engendered profound respect for the life of the human foetus in western culture, literature and law (Frye, 1993). From its beginning the Bible shows that God is the creator of human life in a distinct way. We read in Genesis 1: 27:

God created man in the image of himself, 
In the image of God he created him,  
Male and female he created them (Wansbrough, 1985).

Men and women are called by God to procreate children in Genesis 1: 28:

Be fruitful, multiply, fill the earth and subdue it (Wansbrough, 1985).

God is portrayed as actively involved in the formation of human beings from conception. Job 10: 8–12 eloquently testifies to this belief:

Your hands having shaped and created me,  
Did you not pour me out like milk,  
and then let me thick as cards,

clothe me with skin and flesh,  
and weave me of bone and sinew? (Wansbrough, 1985)

Jeremiah 1:4 says:

Before I formed you in the womb I knew you (Wansbrough, 1985).

Psalm 139: 13–16 adds:

You created my inmost self
knit me together in my mother's womb.

Your eyes could see my embryo (Wansbrough, 1985).

Finally in Luke's Gospel we read what Elizabeth said to Mary: 'Look, the moment your greeting reached my ears, the child in my womb leapt for joy' (Wansbrough, 1985). Luke indicates that Elizabeth receives the revelation of Mary as the mother of the Messiah through the prophetic leaping of John the Baptist, her unborn child of six months. This implies the unborn children miraculously communicate in this unique encounter (Brown, 1993; John Paul II, 1995).

**CHRISTIAN TRADITION AND CATHOLIC TEACHING**

Inspired by the Bible, the early Christian tradition held that it was gravely immoral to destroy life in the womb; to do so was seen as an offence against God. This was a powerful culture favoring prenatal life, contrary to the practice in the Mediterranean world where abortifacients were used to destroy the fruit of conception (Leone, 1998). The early Christian book, the Didache, contains a moral instruction for Christians, which reads: 'You shall not murder a child, whether
by abortion or by killing it once it is born' (Niederwimmer, 1998). Germain Grisez gives a good summary of early Christian writings on the respect due to the human fetus (Grisez, 1970). At the end of the second century, Tertullian, aware that the foetus is a human being, wrote: 'For us, murder is once for all forbidden; so even the child (conceptus) in the womb, while yet the mother's blood is still being drawn on to form the human being, it is not lawful for us to destroy' (Tertullian, 1931). Boethius (d. 524) understood a human being is philosophically a natural person, defined as an 'individual substance of a rational nature' (Boethius, 1953). St Thomas Aquinas (d. 1274), not wishing to restrict person to the process of reasoning, said: 'Person means ... what subsists in rational (intelligent) nature' (Aquinas, 1965).

Witness to the continuing Christian tradition of support for the intrinsic value and moral respect due to foetal life was given by over 2000 second century bishops gathered at the Second Vatican Council in 1965: 'Life must be protected with the utmost care from the moment of conception: abortion and infanticide are abominable crimes' (Flannery, 1975). Pope John Paul II went further in his Gospel of Life: 'The human being is to be respected and treated as a person from the moment of conception; and therefore from that moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life' (John Paul II, 1995).

CONTEMPORARY SECULAR CONCEPTS OF THE HUMAN PERSON

Since the time of the English philosopher John Locke (d. 1704), a shift began in the understanding of the human person. Locke held that although a human being's identity is determined by biological criteria, a person must be able to exercise rational faculties and acts:

We must consider what person stands for; – which I think is a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places; ... It is a foreseen term, appropriating actions and their merit; and so belongs only to intelligent agents, capable of a law, and happiness, and misery (Locke, 1924).

Michael Tooley developed Locke's insight and put it on the ethical and philosophical agenda in his seminal article (Tooley, 1972). He acknowledges that in ordinary discourse the term 'person' is used to refer to living beings whose mental life and language is similar to that of normal adult human individuals. But when Tooley critically analyses the rationale for the respect due to persons, he finds that there are certain similar characteristics that are usually employed to describe what makes someone a 'person'. If one were to ask what property on its own would suffice to make a living being a person, he suggests that 'the capacity for rational thought is sufficient, that being a moral agent is sufficient, that being a subject of nonmomentary interests is sufficient, that having a mental life that involves an adequate amount of continuity and connectedness via memory is sufficient and that simple consciousness is sufficient' (Tooley, 1998).

Tooley admits it is logical to expect that if the relevant property that makes personhood could be present in individuals in varying degrees, then personhood itself could likewise be present in humans in corresponding degrees. This means different persons would each have a different moral status. He says: 'the acquisition of personhood may be well be a gradual process, and similarly for the loss of it at least some cases – such as, for example, Alzheimer's disease, which ultimately results in a permanent, degenerative vegetative state' (Tooley, 1998). Tooley goes on to consider the claim whether a fertilized ovum might be a potential person on the basis of the moral status of a person. He dismisses the claim because the isolated fertilized ovum is unable to actualize itself without environmental support for warmth and nutrients (Tooley, 1998). Incidentally, adult persons cannot survive without the support of the earth's environment.

Tooley likewise dismisses as grounds for personhood being members of the species Homo sapiens whose adult members usually have the moral status of persons. The presumption here is that such members would have an intrinsic property of having interests in need of protection. Tooley points out that the morally relevant and significant concept of interest is 'one that connects up with being a conscious being, and being capable of having desires' (Tooley, 1998). Tooley says 'species membership is not itself morally significant' (Tooley, 1998). He concludes that many of the above-mentioned criteria for personhood entail that something is not a person unless it possesses, or is possessed, the capacity for thought, and this means that if any of the criteria mentioned above is even roughly correct, then human fetuses and newborn infants cannot be persons until the capacity for thought is something that develops at some point prior to birth – a possibility that does not seem very likely (Tooley, 1998).

In short, the absence of self-consciousness means there can be no desires and hence neither rights nor personhood. Tooley effectively repeats what he first published in 1972.

In my usage the sentence 'X is a person' will be synonymous with the sentence 'X has a (serious) moral right to life'. An organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity (Tooley, 1972; 1983).

Peter Singer popularized the views of both Locke and Tooley and emphasized the significance of the concept of the person for ethical determination of human life. In his view, it makes no difference whether a person is a human being. The point is that a human being is a person, whereas no animal is a person. The question then is: does the human being have the same rights as the human person? If it does, then the human being has the same rights. If it does not, then the human being has different rights. Singer's answer to this question is: 'Yes, the human being has the same rights as the human person. Being a human being is being a person' (Singer, 1981).
52 THE MORAL SIGNIFICANCE OF THE HUMAN FOETUS

Walter Glannon thinks much the same but allows for a person's existence once sentience is reached: 'A person begins to exist when the fetal stage of the organism develops the structure and function of the brain necessary to generate and support consciousness and mental life. This is when the fetus becomes sentient, at around 23–24 weeks of gestation' (Glannon, 1998). For these philosophers, foetuses cannot be persons until they have the capacity to exercise some minimal degree of rationally self-conscious acts by expressing interests or desires.

PHILOSOPHICAL RESPONSE TO SECULAR CONCEPTS OF THE HUMAN PERSON

The views of most contemporary secular philosophers on the moral significance of human foetuses give little comfort to foetuses. Denying that foetuses are persons does not ring true, thereby suggesting that the underlying empiricist philosophical premises are flawed, especially when two-thirds of foetuses born prematurely at 24 weeks' gestation survive (Ford, 2002). Such a restricted meaning of 'person' needs to be critically examined in the light of its serious implications for human foetuses. The views of these secular philosophers may be consistent with their philosophical presuppositions, but this does not discount the validity of the traditional view that unborn children are natural, if not, legal, persons. I will argue that it suffices to be a subject of a rational nature to be a person and that a spiritual soul is required to render human nature rational. Further, I argue that because the foetus is a living being with a rational human nature, we must conclude that a spiritual soul is created within the embryo when each human being begins.

HUMAN SUBJECT WITH A RATIONAL NATURE IS A PERSON

Secular philosophers are right on many aspects of the human person viewed subjectively. Great importance should be given to the interests of persons and their autonomy. Many people, however, differ significantly from secular philosophers on what is required to constitute a human person. It is necessary to ask why it is that only human beings, who are rationally self-conscious and have interests, are deemed to be persons. Can this secular criterion for 'personhood' be rationally justified? Must there not be a foundation that accounts for the human person's subjective perception of his or her interests and desires?

Reflection on the human person from an objective viewpoint complements a subjective approach. These approaches do not represent mutually exclusive polarities in our self-understanding. Rationally self-conscious acts and
choices do not exist in themselves. They are expressions of the human individual who is their subject. Their existence is made possible by the intrinsic capacity of the human subject’s nature (Ford, 2002). Rational self-conscious desires, interests and acts of knowledge owe their existence to the rational nature of the human subject to whom they belong, of whom they are an expression and for whom they are meaningful. Whenever we see a horse and admire its beauty, we are aware of it and of ourselves as the subject who admires the horse. Likewise, known interests are good for their subject: indeed the person as a subject of a rational human nature is the primordial good for whom all goods are good and without whom goods could not be experienced (Ford, 2002).

As Charles Taylor says, all kinds of rational self-conscious acts are ‘properties which can only exist in a world in which there are subjects of experience, because they concern in some way the life of the subject quo subject’ (Taylor, 1985).

We have a rational (intellectual) nature that enables us to be aware of the self as the same subject of knowledge of present and past objects of thought and events in our environment. This natural dynamism spans the mental and bodily dimensions of our rationally self-conscious activities. The dimensions of body and mind apparent in these activities indicate each person is a living subject, a body–mind unity. It is preferable, with Chappell, to view the self as a subsisting substance in an Aristotelian sense which ‘allows us to be aware of the substance itself, directly, in our immediate experience – and not just the properties of the substance’ (Chappell, 2004).

We may conclude that the intellectual nature of a human subject suffices to constitute a human individual as a person. Jenny Teichman understands this when she says: ‘In ordinary life person and being refer to the same thing. For this reason the ordinary sense of the word person does not, indeed cannot, detach moral import from the concept of the human’ (Teichman, 1992). Again she says: ‘Human beings are paradigm persons. . . for centuries now it has been the case that “a person” signifies a natural person, i.e. a human being, in all human discourse’ (Teichman, 1985).

As such, human persons realize they are subjects of inherent dignity and intrinsic value and rightly claim moral and legal inviolability. Patrick Lee agrees: ‘From conception on, the unborn human being is a developing entity with the basic, natural capacities to reason and make free choices. She right now is that type of thing or substantial entity’ (Lee, 2004a).

**IMMATERIAL SOUL**

Our conscious acts are not merely acts of the brain, as though it was the organ for thinking as the eye is the organ for seeing. Though a functioning brain is needed to think, it is not itself conscious. The intellect together with the senses and the brain enables us to think. The person is one with its rational nature and cannot be separated from it. We need to explain what enables humans to have a rational nature, including the intellect (Ford, 2002). There is no denying a sense-polarity in our knowledge, which focuses on concrete bodies. Human knowledge, however, goes well beyond sense knowledge, which is limited to a perceptual field and images of the imagination and memory within space–time parameters. A cow sees the green grass. A human individual likewise sees the green grass but also knows the truth that the grass is green. Aquinas says this could not be known unless the intellect knows its own self, ‘to whose nature it belongs to be conformed to things. Consequently, it is because the intellect reflects upon itself that it knows truth’ (Aquinas, 1952). We furthermore understand concepts such as ‘square root’, ‘virtue’, ‘immaterial soul’ or ‘God’. We make predications about abstract truths with certainty, for example the square root of 49 is 7. This predication is made by our intellect, not by a sense organ. We know this objective truth and we are aware that we are the subject of this knowledge.

Sense knowledge does not know its own essence because it ‘knows nothing except through a bodily organ, and a bodily organ cannot be a medium between a sensing power and itself’ (Aquinas, 1952). Aquinas adds that unlike sense knowledge, in intellectual knowledge, ‘the act of cognition mediates between the knower and the thing known in as much as it knows its own essence (Aquinas, 1952). This sort of awareness implies a turning back on itself, like total self-presence which transcends the capacity of material sense and requires an intellect of an immaterial or spiritual nature (Ford, 1991). Each part of a body is only present where it is, not elsewhere. Aristotle (d. 322 BCE) knew that a body could not know truth as such because of its bodily nature includes the activity of reason (Aristotle, 1963).

Aristotle and Aquinas rightly understood that intellectual acts require an immaterial soul to perform what a bodily organ alone cannot do. Traditionally, it has been said that this type of knowledge is made possible by a human spiritual soul or life-principle, which Aristotle aptly defined as ‘the first actuality of a natural body possessed of organs’ (Aristotle, 1957). It acts matter into an organized living body – an animated body in an incorporeal spirit – and constitutes each person into a single entity and an enduring subject. Each one of us experiences this unity: it shows that the soul must be one with the body to constitute one living human individual – a human person (Ford, 2003).

**DEFINITION OF A HUMAN PERSON**

In the light of what has been discussed, it seems that there is no rational necessity to separate persons to those who are actually able to exercise intellectually self-conscious acts. What is it that enables a child to have intellectually self-conscious acts like knowing the truth or expressing desires? This would not be possible unless a rational self-conscious person.

Lee rightly comments that people who are ordinary ‘become for higher mental human being a rational intellect’.

THE HUMAN PERSON

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THE HUMAN FOETUS AS PERSON

Human foetuses are human beings and members of the species *Homo sapiens*. It seems they should be classed as persons because they are human individuals who, through development and growth alone, normally acquire the actual ability to use their natural capacity to perform intellectual acts. Time alone is needed for the requisite brain development to occur before these acts can be expressed. Each human being is chromosomally male or female from conception, even though typical sexual activities can only be exercised after puberty. Human nature usually enables foetuses to develop to the stage where, without ceasing to be the same living human individuals, they can exercise intellectually self-conscious, free and moral acts. They are persons with potential, not potential persons (Ford, 2002). As Beckwith says: 'One can only develop certain functions because of the sort of being one is' (Beckwith, 2005).

Lockwood admits an immaterial soul could explain a person’s enduring identity, but finding no empirical evidence for it, he favours the human brain as a material substratum (Lockwood, 1985). Because an immaterial soul could not be derived from matter, it must be created when the individual is formed to constitute a human person (Ford, 1991). Hence, it is philosophically credible to hold that the human person begins once an individual with a rational human nature is formed.

These antithetical views on the moral significance of the human foetus are due to two fundamentally different philosophies: one that admits the existence and meaningfulness of non-material reality and the other that practically denies both.

Empirical theories of knowledge are sufficient for ordinary experience and scientific knowledge, but they are inadequate for considering realities which transcend the range of matter and material energy, such as God and the immaterial soul. Simply because our knowledge begins with sense knowledge, it does not mean it is justified to limit human knowledge to the empirical domain. For the human intellect ‘reality as such’ cannot be reduced to ‘empirical reality’. To do so is to disregard how we successfully engage in meaningful discourse about realities which transcend experience (Ford, 2002). This seems to be the epistemological foundation of positions which unwarrantedly deny personhood to human foetuses and embryos.

IMPLICATIONS OF THE MORAL SIGNIFICANCE OF THE FOETUS AS A PERSON

Unborn children are quite significant to their mothers, especially after the first movements are felt and bonding increases. Some pregnant women who undergo a prenatal diagnostic test are reluctant to bond with their unborn children and regard the pregnancy as tentative until after they find out their children are free of the abnormality for which tests were done (Ford, 2002). People who believe human foetuses are persons are morally opposed to any acts which are inconsistent with foetuses’ personal status. On the other hand, those who do not accept that human foetuses are persons deny them a right to life and hold induced abortion is morally permissible. The legal protection that should be provided for human foetuses is split along the same lines.

Respect for the human foetus, however, would not morally forbid the performing of medically indicated procedures which save the life of a pregnant woman or safeguard her health from a serious pathological condition, provided there is no direct assault on the life of the foetus. The death of the foetus may be foreseen as a side effect of the intervention, but it should not be intended. Such a situation arises, for instance, if a pregnant woman has a cancerous uterus that needs to be removed. There is a significant moral difference between directly choosing to terminate a pregnancy and permitting the unwanted loss of human life as a side effect of a life-saving act. Furthermore, the foetus should not be treated as a commodity. This implies that foetal tissues legitimately obtained from a deceased foetus may be donated for transplantation — but not sold like products at the market.

Warren regards ‘both sentient foetuses and infants as having significant moral status based upon their capacity for sentience’ (Warren, 2000). There is, however, no agreement on when a human foetus begins to experience pain — ranging from 30 weeks’ gestation to 10 weeks (Ford, 2002). Aristotle himself opposes abortion after the foetus ‘has developed sensation and life’ (Aristotle, 1967). There is now universal agreement among philosophers that human foetuses should not be subjected to unnecessary pain, regardless of whether the actions are, or are not, therapeutic. In cases of medical procedures which could potentially cause human foetuses to suffer pain, some clinicians may well need to learn a lesson from the following Australian guideline for researchers using animals: ‘Unless there is specific evidence to the contrary investigators must assume fetuses have the same requirements for anaesthesia and analgesia as adult animals of the species’ (NHMRC, 1997).
PRINCIPLES OF HEALTH CARE ETHICS

CONCLUSION

We have been discussing two concepts of the human person. The traditional concept is based on the ontological constitution of a person, who is a subject of moral inviolability. It focuses on the kind of being a person is in itself, from the beginning of the person to death, regardless of the person's stages or conditions of life. The contemporary secular concept, instead, focuses on the ability of the human being to have rationally self-conscious acts and interests. This is very much akin to considering a person as a moral agent as suggested by Locke's above-mentioned reference to the person being a 'forensic term' (Locke, 1924). Only human beings with the requisite properties are considered to be persons with a right to life. The former concept of person is compatible with the second, but the second concept of person is not compatible with the former.

Consequently, the moral significance of the human foetus varies according to people's fundamental religious and/or philosophical beliefs on what constitutes a human person. At the same time it also depends in practice on the value people attribute to the human foetus, especially pregnant women. Wanted unborn children are cherished: but, it needs to be asked, whether depriving unwanted unborn children of life is justified.

REFERENCES


Philosophical life status of unborn. Gillon (2001) suggests, views born individuals accord with the sole who develops. Supporter to a foetus implant different entity in potential for separation harm done to a foetus is both a different being.

In nations that recognize the abortion, the unborn lives. They substances of abortion often face and opponents of abortion, 'distress is his unchosen soc' emphasize that to justify affording, and civic opportunists. But abortion is not gender inequality for attitudes toward familial obligation, even in a world with improved societal US scholars and for abortion for 'under equality', but the technological deve and abortion on the responsibility us to spread.