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Maria-Monica Popescu-Mitroi*

Do Unborn People Have the Right to Life?

SUMMARY

In this paper, some of the scientific arguments about the beginning of our life (the first two weeks) are related to the philosophical problems associated with them, from the perspective of personhood and personal identity theories.
Prenatal development, following scientific investigations, raises a number of philosophical and moral questions about the legitimacy of the interruption of the cycle of life in the initial stage, aspects that we examine in this article.
People's attitudes and actions towards product of conception and prenatal development (i.e. towards the unborn children or the unborn people) can be influenced by the correct answers and questions of scientists. We propose a new framework for questioning this issue.

Keywords: unborn people, germinal stage, person, human rights.

Introduction

Human genome designation as the "common heritage of mankind" (Ciucă, 2009, p. 5) reiterates the idea that any society must ensure respect, protection and continuity of the human species, implicitly of each member, we would highlight, *in every moment of their existence, including in situations of vulnerability*.

There is a category of unborn people (regardless of what we would call them during the prenatal stage - products of conception, pre-embryos, embryos, foetuses or using other terminology specific to embryology) who cannot exercise their own means of protection and who need protection to become what they are genetically programmed to become, that is people. Consequently, there are two major questions about how respectful we are towards life:

* *Correspondence Address*: Maria-Monica Popescu-Mitroi, Department for Teaching Training, Politehnica University of Timişoara, Victoriei Square, no. 2, Timişoara 300006, România. E-mail: monica.mitroi@upt.ro.

Has life intrinsic value since the beginning of the existence of every individual of the human species? or Does life acquire value as this individual of the human species proves/ shows undoubtedly human features, respectively qualities?

Scientific and philosophical problems associated with the onset of our life

In this study we capture (1) the main issues raised by different philosophical concepts about the same scientific facts and (2) we will propose a new framework approach.

Franco Giunchiedi (1993, as cited Bute & Stoica, 2010, p. 28), in this regard, identifies a number of criteria which may engage different consequences in a discussion on the ontological status of the human embryo: (a) The biological or natural criterion and (b) The psychological, cultural and ethical criterion.

a) ***The biological or natural criterion*** according to which to be a person it is enough to possess a human genome and, therefore, to belong to the human species. Correlative questions arise: When does life begin? When does a new human organism? Are we humans essentially bodies? What are the criteria for persistence of the entity we call people (us)?

We start in this endeavour by assuming the concept drawn up by Vittorio Possenti (1992, as cited Bute & Stoica, 2010, p. 29) that the person is coextensive with the body that supports and expresses it, reflected by the following result: from the moment of conception until its death, the human being is a person with dignity and equal rights with others, and therefore requires equal respect.

b) ***The psychological, cultural and ethical criterion*** according to which to be a person one has to have some attributes, qualities specific to human persons (sensitivity, rationality, self-consciousness, freedom etc.), but it is clear that humans possess them at certain points in development because they are progressive acquirements during the extrauterine lifetime. Correlative questions arise: When does the person appear in the development process?, respectively, What are the criteria for persistence/identity of the person in time? Are we, the people, essentially persons?

Those who defend the thesis of the full person distinguish between *being human* and *being a person*. They argue that, although the unborn people are part of *Homo sapiens,* and, in that sense they are people, they are not entirely persons because they do not meet a particular set of the person criteria (Beckwith, 1991, p. 5). However, accepting the ways to define the person, we can easily see that not all persons are people (non-human persons vs human persons) and that not all humans are persons

(complete persons vs incomplete persons), therefore the quality of a person is not something that confers uniqueness of the human species or is a stable attribute.

Defining the person in the strict terms of *the function* is inappropriate, states Francis J. Beckwith (1991, p. 6). Dianne N. Irving (1993, p. 23) highlights the following points: something functions like a person because it is a person and it is not a person because it does not function like a person. Consequently, it makes no sense to say that a person begins to exist only when the human functions occur. So, an unborn child is a person, and, hence, totally human, with a naturally inherited capacity (its essence) to function as a person in the near future. The unborn people are not potential persons, but persons with a lot of potential if they are provided with the optimal conditions for development.

A human zygote, embryo or foetus does not have the potency to become a human being, but already possesses the potency or capacity to be at that moment a human being (Irving, 1993, p. 24). But, is a human being also a human person, they are different things? We consider that, if we are talking about the real people and the potential of being a person, it is obvious that this potential is something unstable at any time of evolution (by natural selection), but it is obvious that to be person is a given one: is signed up in the human genetic program (can not become anything but the entity we call human people, person, us, me).

With regard to the interruption of the *continuity of existence* of this entity (person or not), whatever we call it, we can rely on the arguments of Alexander R. Pruss (2001, p. 178, p. 181), even if he was referring to foetus: Killing me at a moment t_0 will deprive me of the life that I would normally have lived until t_1. The damage is the same at any point of intrauterine or extrauterine existence, making the act of interrupting the continuity of the existence a murder, no matter how else we would call it (termination of pregnancy, abortion, pro-choice etc.).

What embryology tells us about the entity we call pre-embryo, embryo, foetus, human being, human individual, human person, or anyway? It is important to understand that regardless of the name, in any situation, it is a real entity with an uninterrupted and progressive cycle of a life and the fundamental questions that must always be about human life.

Different philosophical viewpoints are outlined in association with prenatal period, as says Scott F. Gilbert (2010): (1) the metabolic view, (2) the genetic view, (3) the embryological view, (4) the neurologic view and (5) the ecological/the technological view.

For the first two weeks (14 days, germinal or pre-embryo stage of prenatal development), according to Darryl R. J. Macer (1990), Maureen L. Condic (2008),

Scott L. Gilbert (2010) there are some important scientific problems: precise time of fertilization, the characteristics of zygote, the possibility of dividing the zygote, and the implantation.

1. The metabolic view - reveals that it is irrelevant to ask when a new life starts because it is a continuous process, therefore neither the nuclei union of gametes (singamy) nor the egg-cell appearance are important milestones in defining the emergence of a new life.

The latest data have led to the conclusion that one cannot actually speak of a "moment" and fertilization should be understood as a process, as a complex biochemical interaction (Gilbert, 2010). Dianne N. Irving (1999), in her paper *When do human beings (normally) begin? Scientific myths and scientific facts,* points out that fertilization and conception are interchangeable concepts. The conception, the penetration of the egg by a sperm is followed by singamy (union of gametes) 22-24 hours later and, thus, a new genotype is formed by the appearance of the zygote, an aspect associated by Maureen L. Condic (2008, p. 9), an expert in human embryology, with two important scientific problems: *when we are dealing with a completely new cell distinct from the sperm and egg (a), when this new cell is a human individual organism (b)*. In other words, any intervention in this natural process can mean the interruption of the existence of a new human life.

2. The genetic view - requires as moment of emergence of a new life the appearance of a new genetic code, a single individual with a different and unique set of genes.

The zygote (one cell embryo) comes into existence at the moment of sperm-egg fusion and so has appeared a new cell with unique genetic composition, molecular composition, and behaviour (Condic, 2008, p. 5). We are talking about a human being with its own genetic heritage specific to the human species (Pruss, 2001, p. 170), different from anyone else, with a unique and unrepeatable genetic code, from a genetic point of view, a boy or a girl. The zygote is a unique product of chromosome refitting, which is important for the viability of any species.

There are a number of scientific counterarguments that raise another series of philosophical problems, which will be analysed below:

- the genetic information does not appear to be significantly used until *the stage of the 8 cells* (2-3 days), when it is likely that the cells are *completely potent.* But totipotency and differentiation - is a normal part of human embryogenesis, and is indeed encoded in the original genetic information of the human zygote (Macer, 1990; Irving, 1993, p. 27);

- *the attachment of the blastocyst* to the uterine wall or the implantation takes place 6-7 days after conception (Santrock, 1995, p. 97). Thus, a high percentage (over 70%) of egg cells fertilized is not naturally implanted or does not survive;
- the zygote can split into multiple individuals (identical twins) before the implantation, and thus the genetic uniqueness is compromised.

The fact that natural selection makes the evolution of life interrupted or takes a different path than we expected, does not mean that life has not existed previously.

3. The embryological view **-** claims that human life begins 12-14 days after fertilization, after which time gemelarity is no longer possible; human life originates at gastrulation, the main feature being *individuality*. We will analyze the two controversial issues to be individuality: *the issue of gemelarity (a)* and the issue *of* individual entities, named *organisms (b).*

(a) Regarding *the issue of the appearance of gemelarity,* the question for those who support this argument is what happens to the original human being, the embryo that we call Adam, as shown in the following analysis (a mental experiment proposed by Shoemaker).

David Shoemaker states that there are only three possibilities regarding this issue (2016):

(a) Either Adam survives in the form of twins;

(b) Adam survives as only one of the twins, or

(c) Adam does not survive.

The option (a) cannot be true, given that the twins will have different lives and shall clearly be two human beings, not just one. Option (b) cannot be true, because of a non-arbitrary reason: why would Adam be one of them and not the other. They will be identical to Adam. So the last option left is (c) where Adam does not survive. But this has two bad implications. First, it is a tragedy when a human being dies, so the formation of twins implies a tragedy and Adam's death has to be mourned. Second, if the metaphysical analysis is correct, then Adam's death implies the existence of two human beings (let's call them Barney and Claire). But this means: (1) that it is not necessary that all human beings exist upon conception (some start to exist later), and (2) that death can happen without earthly remains, which is the best part, but unfortunately a false thing. A fourth possible option would be the four-dimensional one, which can claim that the embryo is a human being from conception, stating that the pre-twinning temporal parts of both Barney and Claire simply cross each other, and what we call Adam has actually been a common part in the lives of the two, Barney and Claire.

But embryonic division naturally happens. The possibility to split an embryo is as real as the possibility of not surviving (natural selection) or surviving just as one embryo. In any situation the life cycle starts with fertilization process. If we destroy Adam in real life, this means there is no way for Barney and Claire to exist.

Monozygotic twins may also be created artificially by embryo splitting. The *in vitro* production of genetically identical copies of organisms can be done in two ways: somatic cell nuclear transfer and embryo twinning or splitting, which replicates the natural process that forms monozygotic twins during embryogenesis (Noli et al, 2017, p. 157). We ignore the ethical issues associated with the use of these cloned embryos. But we want to point out that any clone of Adam has the same rights as Adam. Adam's individuality is not affected by the individuality of Adam's clone, because epigenetic processes respect the same developmental program for both, as is the case with all people.

Alan Holland (1990, p. 25-37), by analogy with a worm that is cut in two, claims that only because the zygote has the potency to split into multiple identical items, does not mean that there has not been an individual before the split. In this case, it does not mean that there was previously a half worm, that there was no individuality. Paraphrasing, what is dividing is the organism, not the individuality of Adam. Moreover, gemelarity is possible after 14 days as well, with those "foetus in foetu", as argued by Karen Dawson (1990, pp. 43-52, as cited Irving, 1993, p. 30).

(b) Starting from the premise that life exists only in case of individual entities named *organisms,* we must fully explain what an organism is.

A human zygote acts as a whole, all parts of the zygote interact in a manner orchestrated to generate structures and relationships necessary for the zygote to continuously grow until the maturity stage by virtue of its self-organization power (Conde, 2008, p. 7, p. 11). Because this egg cell is endowed with differentiation dynamics, biochemical and metabolic characteristics specific to the human species *and* is different from any other human cell, we can say that is *a way of being* of an organism in the process of development. Embryology should only explain *how a single cell is transformed over time in a human organism*. In fact, scientists distinguish between the human zygote and other types of cells or cell clusters with specific characteristics that make human embryos human organisms - human individuals of the human species in an early stage of development.

Lynne Rudder Baker (2005) states that a fertilized egg is not a human organism due to *the possibility of division of the zygote* up to 14 days, which is why we speak of the emergence of a *human organism* only after the moment of implantation of the blastocyst in the uterine wall. Then, many scientists refer to the embryo, during the

first two weeks, as a *conceptus* or *pre-embryo,* a term introduced by Grobstein (1985). What if the embryo can be biologically designed to be *an individual* before this time, and we are not able to detect this?

Several opinions occur regarding *the emergence of a new organism.* Eric T. Olson (1997, *Was I Ever a Fetus?*), through the biological perspective that he supports, localises our origins – the human organism (the one that I think I am) did not come into being until as long as two weeks after conception (p. 107). We must mention several important arguments:

- The brain stem is necessary for a human organism, but it is not necessary for all the organisms. E.T. Olson believes that even unicellular creatures are organisms and that the brain is obviously not necessary for certain organisms to exist;
- The primitive stem (the neural tube - the ancestor of the spine and the cerebellum) appears after 14 days, but no neurons exist in the neural tube until 5-6 weeks after fertilization, claims Clifford Grobstein (1985);
- The appearance of the primitive heart and the circulatory system, at the end of the 3rd week, indicates the systematic interaction characteristic of an organism to be a biological system. It would be a sufficient condition, but it probably would not be necessary, for a human individual to exist as a living organism, unless at least one organ is formed for the benefit of the whole organism.

What we consider important is the only continuous biological functioning of an organism. As long as there is a system that works as a unit, by taking material and energy through a self-maintaining interface, it is not important whether a new organ has managed or not to control the system. We have to be honest: if we destroy the process of fertilization ignoring the right to life at any stage in the development of this new entity: it is as if we are talking about the rights of adults, killing all the children.

Other philosophical problems for the human person to exist and persist over time as a person would be those related to the brain appearance, the brain function and importance (***the neurologic view***), and the viability of the foetus, the ability to survive independently from the mother (***the ecological / the technological view***).

Conclusions

Following this short journey, we can outline some questions or issues which need to be answered/solved and even several directions in which we could simplify the issue raised. Personal identity can be understood in the broad sense of identity *of*

something, through its capacity *to be the same* at a certain moment and over time. According to Eric T. Olson (2007, p. 6), understanding the questions is the hardest thing in philosophy. What makes a person persist over time is an issue and what beings have these persistence conditions is an entirely different matter. He also states that it is wrong to think that what makes us persist over time is what tells us what *we are*. We think it would be useful to combine a metaphysical approach to our identity, which is meant to further clarify the issue "*What are we?*" with a conceptual approach, intended to further clarify the issue "*What do we think we are?*", considering that this strategy can be an edifying one for the difficulties raised by the theories about the person and personal identity.

We consider that it is important to have the right questions to find the right answers:

- The question *What is a person*? should be replaced with the question *What are we?, i.e. the entity* we call people, I, we (respectively giving up concepts such as human being, human animal, human organism, biological animal, human individual, person, human person, potential person etc.).
- The question *What are the criteria of identity of the person* (which ensure its persistence over time)? should be replaced with the question *What makes this entity have its own (personal) identity in the different phases of its development? What are the criteria of persistence of this entity?* This way would better clarify the issues raised now by the criteria of personal identity.
- *What kind of entities are we so as to deserve our own identity criteria?* The differences between *us* (humans) and other organic or inorganic material entities, matter enough to have different conditions of persistence than them. We are real entities with intrinsic value.
- *How much is the right to life influenced by theories of personal identity and personal identity criteria?*
- *Has that entity we call people the right to life at any moment of her existence?*

For example, if we say that personal identity exists between me and the embryo/foetus (which means that I am one and the same entity with the former foetus), the foetus must be a person and therefore its right to life could not be questioned. Secondly, if we consider that the right to life is an essential property for all who possess it, we can simply assume that having the right to life now we have this right at all times when we have existed.

Life involves continuity. It is normal that there are stages of development that are part of the life cycle, it is not normal to destroy this cycle of life at any stage.

In light of the current scientific research and interdisciplinary efforts these crucial issues for the future of our civilization (considering their moral, social, legal, educational, medical, practical implications) must be clarified, because it seems unclear: We are talking about human rights to life (not the rights of the persons to life), but we apply it only to those who fall into the pre-defined category of personhood; We are looking for other beginnings on day X, although it is obvious that a life cycle begins with the moment of To.

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Imaju li nerođeni ljudi pravo na život?

SAŽETAK

U radu se neki od znanstvenih argumenata o početku života (prva dva tjedna) odnose na filozofske probleme povezane s njima, iz perspektive teorija osobnosti i osobnog identiteta. Prenatalni razvoj, prateći znanstvena istraživanja, postavlja niz filozofskih i moralnih pitanja o legitimnosti prekida životnog ciklusa u početnoj fazi, aspekte koje ispitujemo u radu. Na stavove i postupke ljudi prema produktu začeća i prenatalnom razvoju (tj. prema nerođenoj djeci ili nerođenim ljudima) mogu utjecati ispravni odgovori i pitanja znanstvenika. Predlažemo nov okvir za propitivanje ovog pitanja.

Ključne riječi: nerođeni ljudi, zametna faza, osoba, ljudska prava.