

When Human Life Begins

BY Sue Ellin Browder



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When does a human person begin?

Many politicians and lawyers nowadays say the answer to this question remains shrouded in "mystery." As pro-abortion Speaker of the House Nancy Pelosi, a Catholic, told NBC News' Tom Brokaw last year, "I don't think anybody can tell you when ... human life begins." Vice President Joe Biden, another pro-abortion Catholic, told Brokaw he personally believes life begins at conception simply as a "matter of faith."

But cutting-edge biology can answer this question objectively, accurately and definitively. In her paper "When Does Human Life Begin? A Scientific Perspective," Maureen Condic, a senior fellow at The Westchester Institute for Ethics & the Human Person, spells out the simple scientific facts. It's available at WestchesterInstitute.net.

In a conversation with the Register's Sue Ellin Browder, Condic, who is also associate professor of neurobiology and anatomy at the University of Utah School of Medicine, explained how these facts can help all people of good will deepen our nation's dialogue about the beginnings of life.

You said the first step to understanding when a human person begins is to understand how a whole living being (an organism) differs from a clump of cells.

Yes. Living beings exist, and we all recognize them — dogs, cats, mosquitoes, oak trees, people. As living beings, we're all integrated, functioning wholes. We have parts that all work together in order to do the job of life. Sometimes diseases, injuries or defects — birth defects, for example — can compromise the

functioning of the whole being. But even if a little baby is born without arms, a very unfortunate birth defect, we all recognize it's still a baby.

So a living being differs from a clump of cells in that the organism has interacting parts working together as a coordinated whole?

Yes. Although collections of human cells are alive, they fail to work together in an interdependent, coordinated way to "carry on the activities of life."

So when do you first see an embryo behaving in this way — as a whole being with integrated parts all working together in a coordinated way?

The scientific evidence on this is very clear. You see this kind of holistic functioning from the moment when a new cell, distinct from the sperm and the egg, comes into existence.

How quickly does this fusion between sperm and egg take place?

It's a very rapid event. In less than a second, an entirely new human cell comes into existence. This new human cell (known as a zygote) has a unique molecular composition that's distinct from either the sperm or the egg. And its behavior also differs radically from that of either sperm or egg.

In what way?

Well, for example, the zygote's first act is to change its composition so no other sperm can bind to its

surface. This happens within the first 30 minutes following sperm-egg fusion.

So you're saying this little single cell biologically acts as a coordinated whole "in its own interest," so to speak?

I would say that even at the one-cell stage, the zygote is directing its own development. About five or six days later, at about the time of implantation, the embryo produces a hormone that can be detected in the mother's blood or urine to tell her she's pregnant.

This human zygote seems to be very busy. Why do so many people believe a human person's life begins at a later stage?

Many people think that because the embryo isn't fully formed, it's not a new individual. A colleague recently told me that the embryo is merely "a unique human cell in the process of becoming a new human, but not there yet."

This way of thinking is compelling because it's similar to our thinking about the much more familiar process of manufacturing. A car isn't a car until it rolls off the assembly line. Until then, it's just a bunch of parts in the process of becoming a car.

But you said a profound difference exists between manufacturing a car and embryonic development. And what is that?

The difference is who (or what) is doing the "producing." The embryo is not being passively built by some external "builder" controlling the assembly process. Rather, the embryo is manufacturing itself.

There is actually no endpoint to the "building" of a self-organizing human being. It's an ongoing process that continues from sperm-egg fusion — the "moment of conception" — through birth, maturation and aging and ends only in death.

If a person begins at fusion (fertilization), what does this say about "emergency contraception" pills like Plan B? The manufacturer says Plan B doesn't kill a person because it doesn't disrupt an implanted pregnancy.

Well, I think the jury is still out on whether Plan B kills an implanted embryo. But my concern is that once an embryo has been conceived, even preventing implantation is killing it.

The American College of Obstetricians and Gynecologists actually redefined "pregnancy" in 1965 as

beginning not at fertilization but at implantation. Some say it was done to get around the fact an intrauterine device could cause abortions. What do you think of that?

I think it was done for political reasons. But, that said, I think defining "pregnancy" as implantation makes perfect sense both medically and biologically.

Interesting. Why?

Because "pregnancy" is the state of the woman, and a woman does not become pregnant until she's gestating an embryo or fetus. That requires implantation.

But that's irrelevant to the life of the individual conceived at fertilization. I actually think a fairly strong legal argument can be made that taking a lethal action against a human being prior to implantation steps outside the whole *Roe v. Wade* jurisprudence entirely.

In what way?

The whole basis of the "right" to an abortion is that a woman has a right to control her own body.

Ah. But prior to implantation, the self-organizing human embryo isn't attached to her body.

Right. It's not involving your body if you're taking lethal action toward an embryo prior to implantation.

In Roe v. Wade, the Supreme Court declined to decide when a human person begins. Could these new biological facts challenge Roe v. Wade at its very foundation?

Let's put it this way: We need to define what we're actually taking lethal action against because the biology is unequivocal. You can't argue with the biology. Anybody who tries will be blown out of the water. There's no argument about the fact that embryos are human beings from a scientifically well-defined "moment of conception." That's what they are.

This brings up a frequently asked question that goes beyond when life begins. And that is: When does the right to life begin?

I think ultimately this is the real debate. Let's stop arguing about when life begins. We know when life begins. There's no question about it. Beyond that,

you're then left with the question "When do we assign rights to this individual?"

Let's talk about what we really are arguing about: When do rights begin? When do we confer rights upon embryos? We know they are clearly human beings — a living member of the human species — from the one-cell stage forward. When do we actually value these persons sufficiently to allow them the right to continued existence?

You said that when we assign rights to an individual person is ostensibly an arguable point.

I think ultimately the implications of the argument become terrifying pretty quickly. But, still, you can make the argument that we as a society give and take away rights all the time. You know, children don't drive cars, vote or drink alcohol. And aged people who run their cars up onto bus stops and kill people have their right to drive taken away. So based on their biological state — their physical or mental competence, their age, their maturity — we confer or revoke rights on people all the time.

So how do we decide when to confer rights on a person in the embryonic stage of development?

There are a number of ways to do it. The first is that we assign rights intrinsically to you as a person simply because you're a member of the human species. That's the historical way rights have been assigned in this country and throughout the world. "All men are created equal." All members of the human race have certain rights that accrue to them inherently, among which are the right to "life, liberty and the pursuit of happiness." That's in the Declaration of Independence.

But many people, even Catholic politicians, rebel against this way of conferring rights on embryonic persons. Why?

I think the problem is the emotional response. People can follow the argument up through the point of "Okay, so an embryo is a human organism, and it starts at fertilization." But then they look at this clump of cells. They look at their spouse, child or grandmother. And they protest, "How can you possibly say these two things are of equal moral worth? How can you equate this little ball of cells with my child who's dying of cancer or my grandmother who has Parkinson's?"

Obviously, your emotions and your intuitions just go into a stage of revolt. They say, "It's not possible. These two things are too different in magnitude: One

is foreign and small and it doesn't even look like a person; it doesn't do anything. And the other one is this individual I love and whose health I care about."

So I think that's what drives the rejection of rights adhering in a person simply because of what they are — a member of the human species. People reject it, and they cast about for other ways to assign rights.

What other ways are there?

One argument is that rights gradually accrue as a function of some aspect of biological maturity. For example, when my lungs are mature to the point that I can have viability if I'm born, then I have the right to life.

But you said most people reject viability as a meaningful argument. Why?

Because viability says nothing about whether or not the developing fetus we're talking about is actually a person. It only says something about the state of our technology. Why should a fetus in rural Nebraska without access to sophisticated neonatal intensive care be a nonperson at 30 weeks because we just don't have the equipment to keep it alive, but a fetus at Beth Israel Hospital in Boston be a person at 20 weeks? It seems absurd to make personhood contingent on the availability of technology.

What about assigning rights according to brain maturity — consciousness or, perhaps, the capacity for reason or self-awareness?

I can understand why people focus on consciousness, because our ability to understand ourselves is the basis for all our most meaningful experiences. Our memories, feelings, emotions and thoughts all involve the ability to reflect on yourself and to be aware of who you are as a thinker, an actor, a person who chooses. It's the intimacy of this conscious experience, I think, that drives people to believe this is somehow critical to being a human being.

And yet when we try to assign rights in this way, we run immediately into problems. Given the very, very slow course of brain development — which is my field — the brain isn't fully "mature" until you're in your 20s. The question "When do you have a brain?" depends on how you define "brain." The strict neurobiologist would say, well, at age 25. That's a mature brain. And from then on out, it's a declining brain. You have a very brief window of time where your brain gets to maturity — and then it starts falling apart. Sad but true. Since the "mature brain" exists only for some brief moment of time, after

which it starts decay, how can we use this as the criterion on which we're to assign the right to life?

What about consciousness as a criterion for assigning rights?

If we use consciousness as a basis, what about retarded individuals who never achieve a fully mature level of consciousness? Are we going to assign rights proportionate to intelligence — with smart people having greater liberty and more rights than less intelligent people?

Everybody rejects this immediately: "Oh, that's absurd! Of course we don't do that!" But then, where's the bar? Where are we going to set the consciousness bar so it's low enough to exclude embryos but high enough to include severely retarded people? And if we set the bar below a typically human level of consciousness, then we run into problems coming up from the bottom. Why are not chimpanzees then human persons? And why are not dogs human persons? Plenty of animals have a level of brain function comparable to that of a newborn.

Then you said there's the social-consensus way of assigning rights. What's that about?

People will say, "Well, okay, personhood doesn't have to be linked to biology. It's just a social consensus. When people feel 'comfortable' calling something a person, then it is. We're just going to get everybody together in a big group hug and decide 'where we feel comfortable' conferring rights upon a baby."

Sue Ellin Browder writes from Ukiah, California.



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The problem with this, of course, is that once you've embarked down this road — that we've all just "agreed" that a fetus has a right to live at a certain point in time because "we feel good about this" — you eventually undermine the concept of rights completely.

In what way?

Once rights become a matter of social consensus, on what basis could you possibly object to Nazi Germany? There was a social consensus there: The majority of voters elected Hitler and supported his policies. They all got together, and coming out of their little huddle, agreed that Jews didn't have any rights.

To people who take this social-consensus view of rights, it seems "reasonable" and "intuitive." It feels like it should make sense. And yet as soon as you start pushing it intellectually in any way whatsoever, it really means there are no rights at all. If there's only consensus, there's no conceivable basis for objecting to denying rights to anyone.

So we're left to come up with another view — or to accept the uncomfortable truth that rights adhere in a person simply because they're a human being. And if that's the case — if rights accrue to a person independent of their size, state of maturity, functional abilities, consciousness or any other feature — the conclusion is inescapable: We have to confer rights on embryos from the one-cell stage onward