

The Authentic Identity of Motherhood: Edith Stein and Surrogacy

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ABSTRACT: This essay examines what is truly at stake in the practice of surrogacy and makes a case that this practice is a grave moral evil. It then uses the thought of Edith Stein (St. Teresa Benedicta) about the nature of women to provide support for the moral evaluation offered.

WHAT WOULD EDITH STEIN THINK about surrogacy? Given Stein's lifelong struggle against pernicious conceptions (not to mention the resulting ill treatment) of women, I was fairly certain that she would be opposed to the practice. Why?

The aim of this essay is to make a moral claim from within Stein's thought on woman. I argue here that surrogacy, the commissioning of a woman to carry an unborn child to term for the purpose of giving that child to the commissioning agent¹ for the rest of the child's life, is wrong. The practice constitutes a wrong done to the woman asked to act as a surrogate.²

This claim is not new. It has been made in popular magazines,³ in

¹ Be it another woman, a husband and wife, a homosexual couple, or any other human arrangement.

² There is also a wrong done to the child and to the commissioning agent, but such claims cannot be made in the space I have here.

³ See Jane Ridley, "Child of Surrogacy Campaigns to Outlaw the Practice," *New York Post* (June 16, 2014), accessed August 18th, 2014, <http://nypost.com/2014/06/16/children-of-surrogacy-campaign-to-outlaw-the-practice/>.

professional journalism,⁴ in personal memoirs,⁵ in academic journals,⁶ and in documentary films.⁷ These sources usually argue in the manner of the social sciences. Stein pointed out why these arguments are thin: They “[proceed] through observation and experimentation, developing generalizations based on the frequency of various quantifiable phenomena.”⁸ The majority of these sources argue in this form:

1. The practice of surrogacy frequently brings to the surrogate illness (infection), psychological distress, bodily harm (temporary or permanent damage to organs that impedes their proper function), suffering (as a combined result of these other harms), and financial difficulty.
2. These experiences and hardships are inconsistent with human dignity.
3. Therefore, surrogacy is inconsistent with human dignity, i.e., wrong.

One of the limitations in this sort of argumentation is that its conclusion is not necessarily true for all situations, in all places, at all times. The phenomena noted in the first premise may “occur with a certain frequency” but only because of some “cultural or historical elements”⁹ that happen to be present in every case of surrogacy considered, but they are not necessarily present in every case of surrogacy. The conclusion of this form of argument never surpasses probability.

Probability, on the whole, is often sufficient for making a judgment,

⁴ See Charlotte Allen, “Womb for Rent,” *The Weekly Standard* (Oct. 7, 2013), accessed Aug. 18, 2014, https://www.weeklystandard.com/articles/womb-rent_757215.html.

⁵ The memoir of Baby M’s mother.

⁶ See Christopher White, “Surrogates and Their Discontents,” *Public Discourse* (August 16, 2012), accessed August 18, 2014, <http://www.thepublicdiscourse.com/2012/08/6137/>.

⁷ See: *Breeders: A Subclass of Women?*, directed by Jennifer Lahl, Matthew Eppinette, Cameron Shaw, and Brendan Kruse (Pleasant Hill CA: Center for BioEthics and Culture, 2014), DVD.

⁸ Sarah Borden, “Edith Stein’s Understanding of Woman,” *International Philosophical Quarterly* 46/2 (2006): 176. See also Edith Stein, *Essays on Woman*, translated by Freda Mary Oben (Washington DC: ICS Publications, 1996), pp. 164–65.

⁹ *Ibid.*

but I think that a more stable conclusion is possible. This essay argues that surrogacy is wrong by using some of Stein's insights. Her basis is not "the frequency of certain phenomena" but "the essential and fundamental structure" of women.

Stein examined woman-as-such in a series of lectures and essays written during her time as a Carmelite.¹⁰ Her approach has three notable virtues. (1) She consciously works at a juncture between modern philosophical investigation and scholastic methods. She even penned an essay that imagines Thomas Aquinas and Edmund Husserl sitting down for a chat.¹¹ She incorporates the pre-modern intellectual tradition as a living voice in conversation with modern philosophy.¹² (2) Her work on the nature of women is grounded in a larger philosophical context. Stein's thought on women makes sense as a part of a philosophically sophisticated account of reality. She turns her critical gaze specifically to the nature of women and focuses more sharply on their nature than many a more prominent philosopher has done. (3) Her critical capacities for grasping essential structures¹³ were supplemented by an impressive amount of practical experience. She taught young women for many years in a Dominican girls school.¹⁴ She lived exclusively with women as a Carmelite following her conversion. She had more exposure to women than most philosophers ever will, and this gave her reflections a unique breadth and depth.

For all Stein's virtues, her thought remains underappreciated and insufficiently explored. Discussions of her metaphysical claims have largely been concerned with her relation to other phenomenological

¹⁰ See Stein, *Essays on Woman*.

¹¹ See Sarah Borden, "Edith Stein and Thomas Aquinas on Being and Essence," *American Catholic Philosophical Quarterly* 82 (2008): 88.

¹² Borden, "Edith Stein and Thomas Aquinas," p. 87.

¹³ Her training was in phenomenology, which seeks as its goal "to clarify and thereby find the ultimate basis for all knowledge." - Edith Stein, *On the Problem of Empathy*, translated by Waltraut Stein (Washington DC: ICS Publications, 1989), p. 3.

¹⁴ Borden, "Understanding of Woman," p. 172.

thinkers¹⁵ and to her conversion to Catholicism,¹⁶ and all too rarely on their own terms.¹⁷ Her philosophy of the human person has largely been eclipsed by the work of her “best pupil,”¹⁸ St. John Paul II. Although the metaphysics underlying her work on women has been analyzed,¹⁹ it does not seem to have yet been used as a guide through any concrete moral and ethical dilemmas involving women. This essay is an attempt to remedy this lacuna.

I begin by explaining Stein’s account of women, including her ontology of human persons, her understanding of gender, her account of human and individual capacities, and her explanation of the vocation of women as arising from their nature. For claims about anything’s good or bad uses to be true, it must be possible to identify the purpose or final cause of something – that towards which they are directed. The classic formulation of the idea of final cause comes from Aristotle, and Stein is at least broadly within the Aristotelian/Thomistic camp.²⁰ But her conception of final cause differs significantly from Aristotle’s, and I think that it is more persuasive. In the second part of this essay I examine Aristotle’s account of final cause and offer an argument for the superiority of Stein’s view of the matter.

My essay thus has the twofold aim of showing the merits of Stein’s thought and exposing the evils of surrogacy. The few critiques of surrogacy that have been brought forward strike me as inadequate by

¹⁵ See Alasdair MacIntyre, *Edith Stein: A Philosophical Prologue* (London UK: Continuum, 2006), pp. 9-18, 143-62.

¹⁶ See Robert Barron, “Edith Stein: Elevated Courage” in *The Priority of Christ: Toward a Postliberal Catholicism* (Grand Rapids MI: Brazos Press, 2007), pp. 281-97. See also MacIntyre, *Edith Stein*, pp. 143-76.

¹⁷ Sarah Borden’s *Thine Own Self: Individuality in Edith Stein’s Later Writings* (Washington DC: The Catholic Univ. of America, 2010) is a notable exception.

¹⁸ Sarah Borden Sharkey, “Edith Stein and John Paul II on Women” in *Karol Wojtyla’s Philosophical Legacy*, ed. Nancy Mardas Billias et al. (Washington DC: The Council for Research in Values and Philosophy, 2008), p. 235.

¹⁹ Especially in the works of Sarah Borden, here cited.

²⁰ “[I]nsofar as she understands human beings as beings directed toward the actualization of their potencies, she is in the broadly Aristotelian-Thomistic tradition” (Borden, “Edith Stein and Thomas Aquinas,” p. 89).

virtue of their flawed methodology. In the third part of this essay I offer arguments against surrogacy from within the thought of Edith Stein and based on her view of the nature of women.

1. Feminine Being

Human Essence and Individual Essence²¹

For Stein, reflection on the nature of women begins with reflection on the nature of humanity. To ask what a woman is requires that we understand what a human person is. Stein accepts, in general agreement with St. Thomas, that the human person is essentially a unity of form (soul) and matter.²² What is designated or meant by calling a person human? For Stein, “[h]umanity is a universal essence that all humans share by virtue of being human.”²³ This “human essence” is expressed in terms of general potencies and capacities that are shared by all human persons.²⁴ A human potency designates what is possible for human beings by virtue of their human nature. A human capacity is a potency positively oriented toward its own development.²⁵ The human essence can come to be known by understanding the capacities typical of human beings. These capacities (such the capacity “to reason, understand, desire, sense, move, etc.”²⁶) are constantly in the process of development. Therefore, the degree to which a given human being has any of the capacities typical of human beings makes the human essence something “living, evolving, developing, dynamic – *act* in the genuine

²¹ Edith Stein’s lectures and essays on “Woman” do not explicitly state their ontological framework. This is because they were presented to general audiences and not to professional philosophers.

²² Borden, “Understanding of Woman,” p. 184.

²³ Edith Stein trans. Kurt F. Reinhardt, *Finite and Eternal Being* (Washington, D.C.: ICS Publications, 2002) 470. Quoted in: Dermot Moran, review of *Thine Own Self: Individuality in Edith Stein’s Later Writings* by Sarah Borden Sharkey, *Notre Dame Philosophical Reviews*, 2010, <https://ndpr.nd.edu/news/24471-thine-own-self-individuality-in-edith-stein-s-later-writings/>.

²⁴ Borden, “Understanding of Woman,” p. 184. This is a view Stein shares with Aquinas.

²⁵ *Ibid.*

²⁶ Borden, “Understanding of Woman,” p. 184.

sense of agency – rather than a static constitutive principle.”²⁷

Because human capacities are always unrealized to a certain extent, the human essence is not contingent upon their realization to any particular degree. The human essence exists fully in the person whose capacities are developed to one or another degree as well as in cases in which one or another capacity is unrealized at all. In some people impediments such as bone disease or disfigurement may impede or totally prevent any development of the person’s capacity for, say, walking, but the human essence is still present. Nevertheless, our human capacities tend toward their realization by activity. These capacities, Stein says, are “written into the soul.”²⁸

For Stein, the human essence is “too empty and incomplete to come into existence on its own. It needs the determinacy given by individual human beings.”²⁹ Both Thomas and Husserl argued that human essence is universal across the field of the individuals in which it is instantiated.³⁰ “Humanity” does not learn how to walk; a human person does. What Stein claims about individual essence, however, is different from both of her forbears. She argues that Socrates is more than just the universal human essence instantiated in some particular matter. She argues that there is something about his own particular *form* that makes him this individual, Socrates. His soul, prior to its differentiation in matter is unique and is Socrates. For Stein, “there must be an individual essence that makes me the unique person I am, that gives me enduring identity.”³¹

For Stein, the individual soul shares in the capacities typical of the common human essence, but it has differences “written onto” it.³² Both Stein and Aquinas agree that the human person is a composite of form (soul) and matter. For Aquinas, our individualization arises from matter. By virtue of the type of soul that we have we possess the general human essence, while it is the matter of our bodies, unique and situated in

²⁷ Moran, review *Thine Own Self*.

²⁸ Borden, “Understanding of Woman,” p. 184.

²⁹ Moran, review *Thine Own Self*.

³⁰ Ibid. Husserl argues this in *Ideas 1*.

³¹ Moran, review of *Thine Own Self*.

³² Borden, “Understanding of Woman,” p. 185.

various contexts, that grounds our individuality.³³ For Stein, our individualization also arises from our form, from the soul. Each human person has an “individual form..., an individual specification of the general human form.”³⁴ Every human person possesses “all of the human capacities, but the particular quality or character of those capacities differs in different individuals.”³⁵ For Stein, every human person is at once an instantiation of the human essence and has an individual essence. The individual essence is a particular instance of the human essence, possessing all the potentialities and capacities of the human essence in a totally unique way, prior to any differentiation in matter

Matter

For Stein as for Thomas, form and matter are not pieces of the human person but are co-principles. They are inseparable in an existing being, but separable in philosophical examination, for matter and form each follow a distinct law of their own.³⁶ Matter is structured by form as “that in and through which we become ourselves.”³⁷ In Stein’s sense of “matter,” the biological material of which our bodies are made is only part of the story, for the human body is composed of matter already structured by other forms, including its organs, tissues, cells, molecules, and their various atomic and subatomic constituents, all of which have a form of their own. New matter taken in by the human person (e.g., food and drink) is already informed by other forms, but this matter comes to receive new structure through digestion and assimilation.

Biological matter, however, does not exhaust the meaning of matter, which Stein takes to include the environmental and cultural surroundings in which an individual develops.³⁸ Environmental matter

³³ See: Borden, “Edith Stein and Thomas Aquinas.”

³⁴ Borden, “Understanding of Woman,” p. 185.

³⁵ Ibid.

³⁶ See: Stein, *Finite and Eternal Being*, pp. 153-219.

³⁷ Borden Sharkey, *Aristotelian Feminism*, p. 55.

³⁸ Though not explicitly stated by Aristotle, the inclusion of environmental and cultural matter is entirely compatible with his position and is even suggested at times by him. Stein is similar to Aristotle in her implicit inclusion of environmental and cultural matter, and an account of her views of the human person would be incomplete without acknowledging this. See Borden Sharkey,

thus includes one's home, the places one visits, the cleanliness and order of one's room, and so on. Cultural matter includes one's education, the music and literature one encounters, the behavior of one's friends, and the like. Even though environmental and cultural matter is related to a person in a different way than biological matter, they are nonetheless important for understanding how individuals develop. Their importance can easily be understood by imagining a set of identical twins who share the same diet. One might read William Shakespeare and Robert Browning on a daily basis, have a loving group of friends, and attend a college-prep school, while the other might play Gears of War and Halo on a daily basis, lack close friends, and attend a school with a 10% graduation rate. However close their biological make-up, the difference in their environmental and cultural matter will yield quite different sorts of life.

For Stein, matter (biological, environmental, cultural) must be informed by something. The individual has "a set of capacities or potentialities that must develop – gradually and over time – through our matter and in particular historical conditions."³⁹ A capacity is a power or ability of the soul, and our human capacities are distinct from those of plants and other animals. A person who has the capacity to walk but is prevented from doing so has a *capacity* that arises from the human essence, but that capacity might be utterly undeveloped. Now, the general approach of Aristotle is to identify what is common in human development.⁴⁰ For the most part, human beings can think and walk about, and thus we can identify the human capacity for rationality and for locomotion. Of special interest in this essay is the capacity of human persons to reproduce beings of the same kind as themselves. I would also add that human persons have a sense of the transcendent and try to enter into relation with this ground of all being. For Stein, this tendency manifests a hunger of human persons to be in communion with their Creator. Our restless hearts seek rest in the God who made us. In broad terms, human persons are religious beings and have a spiritual capacity.

Throughout her writings Stein rejects the monistic reductions of the

An Aristotelian Feminism, p. 57.

³⁹ Borden Sharkey, *Aristotelian Feminism*, p. 51.

⁴⁰ *Ibid.*

human person to mere matter and the dualist conceptions of the human person typical of much modern philosophy. She devotes a lengthy chapter in *On the Problem of Empathy* to the “psychic–physical individual.” Although her phenomenological approach shows the influence of ancient and medieval philosophy, her views differ from those of Aristotle and Aquinas, as can be seen in her account of gender.

The Problem of Gender

In her lectures on women, Stein says that she is “convinced that the species humanity embraces the double species man and woman.”⁴¹ By “species” here she means “a permanent category that does not change” and that “cannot be modified by environmental, economic, cultural, or professional factors.”⁴² Even though this claim may seem problematic in some ways, she is correct that the human essence is a universal form containing all the human capacities that individual human beings can develop as personal abilities. Granted the difference between men and women, there seems to be no obvious justification for taking “man” and “woman” as different species. In addition, for Stein, each person also has an individual essence, and in each individual soul the capacities of human essence are found to be at various stages of development and thus to constitute an identity that is distinctive. As Sarah Borden explains, Stein’s “individual form” is much like “John Duns Scotus’s notion of *haecceitas* [thisness].”⁴³ Although this approach has persistent philosophical difficulties that are difficult to explain, it seems clearly designed to emphasize the importance of each individual human person.

For Stein, the origin of the gendered soul is not in the human capacities that the soul possesses, for each human soul possesses all the human capacities arising from human essence. Nor is the origin of the gendered soul in the particular combination of capacities given to the individual person. Some people are naturally inclined to develop their capacity for locomotion more so than their capacity for rationality. This depends on the individual essence and is not the basis for a gendered soul. Rather, for Stein, the basis of a gendered soul is in the *relation of*

⁴¹ Stein, *Woman*, p. 177.

⁴² *Ibid.*, p. 162.

⁴³ Borden, “Understanding of Woman,” p. 185.

human capacities to each other in the individual person. In a woman, the capacities for locomotion, rationality, emotion, spirituality all interconnect and relate to each other in a way that is different and distinct from their relation and connection in a man.

Therefore, Stein places gender in the form of a human person.⁴⁴ For Thomas, gender arose from matter, from the particular makeup of the human body. To be clear, Stein is not a dualist and understands like Thomas the human person as ensouled matter and enmattered soul.⁴⁵ Thus, she acknowledges the differentiation in matter between male and female, but sees it not as the basis for a differentiation of gender but as evidence of differentiation. Stein understands human beings as having gendered souls either masculine or feminine.⁴⁶ She writes, “Of course, woman shares a basic human nature, but basically her faculties are different from men; therefore, a differing type of soul must exist as well.”⁴⁷ Male and female exist at the level of formal structure, which is expressed in the material differences but does not entirely consist in them. The implication of Stein’s claims is that “a human soul *qua* soul, and not in virtue of any relation with any material principle, is already both uniquely individual and gendered.”⁴⁸

To grasp the relation between human essence, individual essence and gender in Stein’s thought, it is helpful to consider an analogy to paint.⁴⁹ Individual essence instantiates human essence. Indigo paint is a particular instantiation of the general category of blue paint. Indigo paint specifies blue paint in an individual way. Gender may be likened not to a specification, that is another color, but to an emphasis of color. Our human capacities, which every human shares, exist to varying degrees in each of our individual essences. Gender arises from, and is expressed in, the relation of our capacities to one another. Thus, indigo is analogous to individual essence, blue is analogous to human essence and

⁴⁴ Ibid.

⁴⁵ Ibid., p. 186.

⁴⁶ Ibid.

⁴⁷ Stein, *Woman*, 43.

⁴⁸ Borden, “Understanding of Woman,” p. 187.

⁴⁹ The following analogy was created by Sarah Borden Sharkey in her *An Aristotelian Feminism*. I employ it here because it makes clear these otherwise obscure relations.

the finish of the paint (glossy or matte) is analogous to gender. A glossy indigo might appear brighter and softer, while a matte finish indigo might appear darker and denser, “so also do our femininity and masculinity bring out our common human traits in differing ways.”⁵⁰ Thus human essence, individual essence, and gender are not three separately existing entities, but rather exist interwoven with each other. There is one coat of paint on the wall, and it is at the same time: belonging to the general color blue, specifically the color indigo, and giving off a glossy radiance. Similarly there is one human person, and she is at the same time: sharing in all the potencies proper to human essence, specifically living as the unique person known as ‘Jane’ and embodying the category or species female, with her human capacities interrelating in a feminine way. This is Edith Stein’s conception of the human person.

Woman as Mother

To introduce the vocation of womanhood, Stein writes: “It is [God] who calls each human being to that which all humanity is called, it is He who calls each individual to that which he or she is called personally, and, over and above this, He calls man and woman as such to something specific as the title of this address indicates.”⁵¹ She notes that of the three attitudes that a human person may adopt towards the world, “to know it, to enjoy it, to form it creatively,” it is the second that most pertains to the nature of a woman. Owing to her feminine nature and its specific relation of human capacities, a woman “seems more capable than man of feeling a more reverent joy in creatures.”⁵² This joy arises from a “particular kind of perception of the good, different from rational perception in being an inherent spiritual function and singularly feminine one.” Stein argues that this quality is related to a “*woman’s mission as mother*, which involves an understanding of the total being and of specific values.”⁵³ By referring to motherhood as a “woman’s mission,” Stein implies that it is the purpose of a woman’s nature.

⁵⁰ Borden, “Understanding of Woman,” p. 187.

⁵¹ Stein, *Woman*, p. 58.

⁵² *Ibid.*, p. 73.

⁵³ *Ibid.* (Italics mine).

Woman's capacities are related in a particular way *because* a woman is supposed to nurture life to perfection.

Stein offers a comprehensive summary of the relation between a woman's project of self-perfection and her project of cultivating the perfection of others that is worth quoting here in full:

[J]ust as long as there are types of *women*, we will always find fundamentally the compulsion to become what the soul should be, the drive to allow the latent humanity, set in her precisely in its individual stamp, to ripen to the greatest possible perfect development. The deepest feminine yearning is to achieve a loving union which, in its development, validates this maturation and simultaneously stimulates and furthers the desire for perfection in others.... Such a yearning is an essential aspect of the eternal destiny of woman.⁵⁴

Here is presented Stein's entire ontology of motherhood. A woman desires her perfection. She also yearns for perfection in others. As she develops a loving union with another, seeking and cultivating their perfection, she will also find herself maturing toward the perfection of her being. In conformity to the Franciscan paradox, it is in giving perfection that she receives perfection. Stein has not chosen her words lightly. By arguing that yearning for this double-sided perfection is "an essential aspect of the eternal destiny of woman," Stein has tied this tendency in a woman to a perfected vision of women that exists timelessly and that does not permit any augmentation. In other words, a woman has always and will always find her perfection in a loving union with another. This tendency does not permit manipulation by technological ingenuity. If surrogacy denies, disrupts, or distorts this vision of a loving union, it must be discarded. Only relationships that tend towards the fulfilment of this yearning are to be permitted.

In pursuing a loving union, a woman's capacities give rise to certain activities and dispositions: "True feminine qualities are required wherever feeling, intuition, empathy, and adaptability come into play. Above all, this activity involves the *total person* in caring for, cultivating, helping, understanding, and in encouraging the gifts of the other."⁵⁵ Stein's emphasis of the "total person" is the key both to her

⁵⁴ *Ibid.*, pp. 82-83.

⁵⁵ *Ibid.*, pp. 81-82 (*italics in original*).

ontology and to her ethics of womanhood. The nature of a woman's being is such that all of her capacities become bound up in the task of "cultivating, helping, understanding, and...encouraging the gifts of the other." No part of herself is left behind or reserved. The relation of her capacities is such that they all function as a group toward specific ends or goals. By contrast, a man's capacities tend to be developed in isolation. A man's capacities for understanding and reasoning are often developed at the expense of his capacities for communication or locomotion. A man needs to focus on one thing at a time, whereas a woman takes on many things at the same time and pursues the perfection of all her capacities simultaneously. For Stein, the outcome of these dispositions of nature is seen in the typical – and, for Stein, ideal – division of duties in the home. A man provides materially for the family through a nearly single-minded pursuit of excellence in some field. A woman organizes and cares for the home, while encouraging, instructing, enjoying and nurturing her children.

This division follows from the intuitions and abilities to which a woman's capacities gives rise: "Because of the close bodily tie between child and mother, because of a woman's *specific tendency to sympathize* and to serve another life, as well as *her more acute sense of how to develop the child's faculties*, the principal share of the child's education is assigned to women."⁵⁶ Owing to a woman's deep "yearning for the divine and for her own personal union with the Lord," in the family "moral and religious education" of the children ought to be given chiefly to the wife.⁵⁷

What also follows from a woman's yearning for personal union with the Lord (and is strongly suggested by Stein's own biography) is that "it is impossible to consider marriage and motherhood as a woman's exclusive vocation."⁵⁸ What a woman is *for* cannot be reduced merely to the requirements to wed and bear children. Rather, for Stein, a woman is called, by virtue of her gender, to be at once a "*mater-uirgo*" and a "*Sponsa Christi*," to be a perfect mother and a spouse of Christ. For Stein, the root of a woman's vocation must always be this deep

⁵⁶ Ibid., 71. (Emphasis mine)

⁵⁷ Ibid., 78.

⁵⁸ Ibid., 174.

disposition, which she calls “virginité of soul.”⁵⁹ A woman is called to “put the love of Christ before all things” and to be free “from of any fixation on oneself and on others.”⁶⁰ From this twofold disposition of soul a woman receives the “power to fulfil her vocation,” including (but not as a universal stipulation) the power to be a wife and a mother. “This ministering love is not only the essence of maternity; in the love of Christ it must needs devote itself to all creatures coming into its ken.”⁶¹ “It is for this reason that the woman who is not wife and mother must also be true in thought and deed to this spiritual maternity.”⁶²

A woman’s being is properly to be a spiritual mother. It is from this root that all the possibilities of her being spring forth. There is then no requirement, for Stein, that all women be wives and mothers physically; but there is a requirement that all women be spiritual mothers, so as to cultivate all creatures whom they encounter.

From this follows a distinction crucial for the present argument. Spiritual motherhood is not sufficient for requiring a woman to wed, to bear children and to be a biological mother; but biological motherhood is sufficient for requiring a woman to practice spiritual motherhood. Stein wrote that “ministering love is not *only* the essence of maternity,” thereby implying that the essence of maternity is ministering love. She also wrote that “the woman who is not wife and mother must *also* be true in thought and deed to this spiritual maternity.” The woman who is a wife and a mother is thereby already true to it. The ministering love of spiritual maternity is, for Stein, a given in the vocation of a wife and a mother. Expressing this love to the full is a duty arising from a woman’s nature, which places a corresponding duty on those around a woman to aid, or at least not interfere, as she cultivates and cares for her biological children.

For our purposes in this essay, it is crucial to note that this duty is what is violated in a surrogacy arrangement, which breaks the bond of biological motherhood between the baby and the surrogate. The surrogate has been called by her pregnancy to be a spiritual mother to

⁵⁹ *Ibid.*, p. 194.

⁶⁰ *Ibid.*

⁶¹ *Ibid.* (emphasis mine).

⁶² *Ibid.*

her child, and she is denied this when the “intended” takes the child away.

Spiritual motherhood not only imposes a duty on a woman who is bearing a baby but also offers freedom to the woman who cannot. Spiritual motherhood frees woman from “a fixation on oneself and on others.” Owing to her “instinctive drive for children,” one of the great temptations for a mother is treat her children “as if they were her own possessions.”⁶³ Surrender to this temptation is seen mildly in a woman who hovers over her children, constantly trying to control every aspect of their lives, and is seen severely in a woman who employs a surrogate so as to try to control life itself and acquire it. A woman’s attitude toward her child is of supreme importance. The model of femininity and perfect motherhood is, for Stein, the Virgin Mother, who received what was given to her by the Lord. Even Eve, who first fell into sin, declares, “God has *given* me a son.”⁶⁴ A woman is called to receive what is given with humility, not to acquire what is denied by force. To act otherwise is to act contrary to the nature of women and the good of the children. According to Stein, a possessive mother will check the development and destroy the happiness of her children.⁶⁵ If the desperation and distress of those women who typically seek surrogates can be admitted as sound evidence, a possessive disposition is at work that destroys the happiness of the aspiring mother too.

Spiritual motherhood is necessary for biological motherhood, and both call a woman to bring to perfection those under her care. For the purposes of this argument, it is important to note that the cultivation of the total person is, by necessity, a mission that cannot be fully realized in a single act but must be accomplished over time. To nourish her child physically requires more than one feeding. To instruct her child intellectually requires more than one lesson. To exhort her child morally requires more than one correction.

Cultivating the total person takes a lifetime, for our natures only reach their perfection after life’s labor. Beginning from the first days of existence all the way to the final drawings of breath, the human person

⁶³ Ibid., p. 74.

⁶⁴ Ibid., p. 63 (emphasis mine).

⁶⁵ Ibid., p. 74.

is dependent on others to cultivate and support her, as she pursues the perfection of her being. The claim that one woman should be given the task of cultivating the child, for as long as ability persists and nature requires, follows from the nature of the task and the dispositions of a woman. It seems to me a weakness and not a strength of American education that classes of children are handed off from one teacher to the next, for each year a period of adjustment is needed in both teachers and students, a period that could be spent in growth and learning if only the same teacher had stayed with the same students. Consistency is all the more important for the life of nurturing and instruction that takes place in the home. Changing teachers so often can be disruptive to the education of children; changing mothers is infinitely more so. The mother is tasked, and is particularly disposed by virtue of her femininity, with cultivating, nurturing, and guiding the total personalities of her children. The nature of this task requires extension in time and continuity of practice. The ideal cultivation of human personalities comes through the love and care of one mother for life.

The Problem of Pregnancy

In her *Essays on Woman*, Stein writes not only about motherhood generally speaking but about pregnancy specifically. Surrogacy implicitly affirms, by the terms of the contract, that the woman who carries the child has no essential link to it and that the separation from the child will amount to no serious disruption of the woman's nature. According to Edith Stein's understanding of pregnancy, this is a deeply flawed position. Pregnancy constitutes a central aspect of the realization of a woman's nature and prepares the woman for a lifetime of caring for the child. To understand how this is, I here examine the nature of pregnancy.

All human persons have a capacity for reproduction, but someone might argue that pregnancy is a capacity unto itself. Because thinking this way would considerably alter the moral meaning of pregnancy, it is necessary here to consider the notion that pregnancy constitutes a capacity unto itself and explain why this position is untenable.

Initially, it seems reasonable to argue that pregnancy must be a capacity unto itself. The biological mechanics of male and female bodies are, in a sense, mirrored until a child is conceived. Prior to conception,

the functions of male and female, arising from their reproductive capacity, seems to generally match up in a one-to-one ratio; a man creates sperm in his testes, a woman holds eggs in her ovaries; sperm travels through the vas deferens and is eventually released either nocturnally or during intercourse; the egg travels through the fallopian tubes and is eventually released in the monthly period cycle unless conception occurs. At conception the general mirroring of function seems to end. There is no process in the male organism that corresponds to the process of nurturing and containment that exists between a mother and her unborn child. Thus it seems pregnancy must constitute a capacity in its own right.

There is, however, good reason to think that pregnancy must be part of the reproductive capacity and not a capacity in its own right, especially in light of Stein's conception of each human person. "All human beings are human, and equally human, *possessing all of the human capacities*, but the particular quality or character of those capacities differ in different individuals."⁶⁶ If pregnancy constitutes a capacity unique to women, then this claim about every human possessing all the human capacities must be false. If, on the other hand, pregnancy is part of, and arises from, the human reproductive capacity as it exists in a woman, then the claim that all human beings possess all the human capacities stands.

Understanding the nature of pregnancy and its relation to human capacities has very important implications for making moral claims about surrogacy. If the capacity for bearing life were separate from the shared capacity of reproduction, then precious little ground would remain for criticizing surrogacy. The surrogate's pregnancy is not achieved through human intercourse, but through artificial insemination or artificial implantation. But if pregnancy is its own capacity, saying it ought to *only* be achieved through sexual intimacy becomes very difficult. An argument may be made by way of close relation of human capacities in a woman, but not in virtue of the capacity of pregnancy itself.⁶⁷

⁶⁶ Borden, "Understanding of Woman," p. 185 (emphasis mine).

⁶⁷ This claim about pregnancy not being a separate capacity is an aside to the larger argument. This claim attempts to locate the means of achieving

By locating pregnancy in and under the human capacity for reproduction, this particular objection has been avoided. If pregnancy is a part of the capacity for reproduction, it ought to be achieved only through human sexual intercourse. Surrogacy then becomes an act inconsistent with the formal and final structure of pregnancy and of women. What must be emphasized before moving on is that a woman's capacities are all interrelated and contribute to the realizing of each other's ends. When Stein writes that "physically and spiritually [a woman] is endowed" to be a "wife and mother,"⁶⁸ she implies that a woman's capacities exist as a group with a common aim, not as errant capacities each trying against the others to reach their full realization. The reproductive capacity gathers the other capacities to it, and they achieve their perfection working toward the same end: the flourishing of the life of the child.

Pregnancy is not a separate capacity, but part of the human capacity for reproduction. But this in no way trivializes pregnancy, or implies that a similar activity is undertaken by males. Pregnancy uniquely manifests the disposition of a woman (arising from the feminine relation of human capacities) to bring about the perfection of others. "Woman is bound more intensely to a child both physically and spiritually, and the entire arrangement of her life is committed to this union; she finds in this her first duty."⁶⁹ From what we have already

pregnancy only through sexual intimacy. Almost all surrogate pregnancies are now achieved through IVF. Absent any other considerations, pregnancy is part of the human capacity for reproduction and ought to be achieved only through those abilities arising from this capacity. The rest of the argument deals with the nature of woman as mother after conception has occurred. By including this aside about pregnancy not being its own capacity, I hope to avoid two misunderstandings: (1) that pregnancy can be achieved by any means so long as the child stays with the woman who carried it; and (2) if a man wants a surrogate baby, he must achieve a pregnancy through sexual relations with the surrogate. The first misconception is answered by pregnancy's place as part of the reproductive capacity, thus eliminating the possibility of a technologically achieved pregnancy. The second is answered by the larger argument of the essay, contending that surrogacy of any form (including so-called "traditional surrogacy") gravely assaults the nature of woman.

⁶⁸ Stein, *Woman*, p. 43.

⁶⁹ *Ibid.*, p. 178.

said, the meaning of this should be clear. A pregnant woman's spiritual, intellectual, emotional, and locomotive capacities all unite around – and contribute to the realization of – the end of the reproductive capacity: that is the cultivation and nurturing of the child. Stein writes:

The task of assimilating in oneself a living being which is evolving and growing, of containing and nourishing it, signifies a definite end in itself. Moreover the mysterious process of the formulation of a new creature in the maternal organism represents such an intimate unity of the physical and the spiritual that this unity imposes itself upon the entire nature of woman.⁷⁰

It is this unity that is severed and denied when a baby is taken from the surrogate. This severance is an assault on a woman's very nature and a theft of the aim toward which her very being is oriented.

2. Is, Ought, and Final Cause

Above I have introduced Edith Stein's view of women and motherhood, within her larger ontology of the human person. After making clear the relationship between human essence, individual essence, and gender, I examined the conclusions that Stein draws from these observations, especially her conclusions about motherhood and pregnancy. There is, however, a part of the argument that is still missing. Like Aristotle and Aquinas, Stein argues that "is" can, and does, imply "ought." Stein's claims begin with a conception of women and conclude with claims about how women ought to live. Womanhood *is* a set of human capacities relating to each other in a particular way; therefore a woman *ought* to maternally cultivate the concrete and the personal in all of creation, and especially in her children. My claim takes Stein's conception of women alongside her view about motherhood and concludes that the *ought* of authentic motherhood implies an *ought not* to surrogacy. To explain how Stein draws moral meaning from existent realities and to defend this method of argumentation, I here turn to explain the terms "is" and "ought" and their relation to final cause.

Final cause was given its first serious treatment by Aristotle. In the

⁷⁰ Ibid., p. 95.

Physics he defines four causes of things: “the matter, the form, what initiated the motion, and what something is for.”⁷¹ The four causes are all legitimate answers to the question about why.⁷² Thus, in answer to the question “Why this baseball bat?” it is possible for answers to be given to any of these four questions. It is wooden; that is why we say that it is made of this type of material. It was given this particular shape; that is why it is the way it is. The craftsman in Kentucky made it in this way; that is why it is the way it is. The bat is for hitting baseballs over the field; that is why it is the way it is. The last of these answers designates the final cause: that which something is for. Because of the final cause, I can make claims about how a baseball bat ought to be used. As Aristotle says, “[W]hat something is and what something is for are one.”⁷³ Because a baseball bat is made to hit baseballs, I can claim that it is an improper use of a baseball bat to use it to smash in human skulls. I can make this claim simply from the nature of the baseball bat, even absent any moral considerations that might arise from the smashing of human skulls. Because that is not what a baseball bat is *for*, the baseball bat ought not be used in that way. It does no good to object that the baseball bat can do a great many things that it is not intended to do. The purpose or “end” for Aristotle is not merely a terminus, i.e., any old use of a thing, but the ideal use of a thing. “Nature is an end and what something is for... by ‘end’ we mean not every terminus but only the best one.”⁷⁴

The case of the baseball bat is easy, because it was fashioned by human hands and for human purposes. But the case of the baseball bat is also misleading. Nothing is *owed* to the baseball bat. There is no *injustice* done should I use the bat to pound in tent stakes, or pound in the skull of an aggressor attacking my children. There is a best end for objects, but it creates less of an obligation than the best end for persons.

⁷¹ Aristotle, *Physics*, 198a 24-25.

⁷² Andrea Falcon, "Aristotle on Causality" in *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition), ed. Edward N. Zalta, March 11th, 2015, accessed March 16th, 2015. <http://plato.stanford.edu/archives/spr2015/entries/aristotle-causality/>.

⁷³ Aristotle, *Physics*, 198a 26.

⁷⁴ *Ibid.*, 194a 29-30, 33.

If I am to claim that a woman is not to be a surrogate, an account of her best end precisely as a woman must be given. Since a woman is not fashioned by human hands for human purposes, but arises naturally, that is, from nature, the account of her final cause must arise differently than does that of any artifact, e.g., the baseball bat.

What then can Aristotle say of final causes in nature? Concerning the processes of nature (including the process that creates a woman) it seems that we cannot, without deferring to revelation, determine their purpose. In consideration of natural processes, the question arises: “why not suppose that nature acts not for something or because it is better, but of necessity?”⁷⁵

On this view, which Aristotle entertains for the sake of argument, the seeming final causes of nature are merely coincidental, the by-product not of final cause but of merely material cause. While it is useful that teeth tend to grow sharp in the front, making them fit for biting, and broad in the back, making them fit for chewing, this is mere coincidence and did not arise for the *purpose* of biting or chewing.⁷⁶ Even though the conditions of natural phenomena, such as properly suited teeth, are all conducive to the survival of some organism, such phenomena must have arisen due to coincidence. The animals coincidentally constituted with fitting parts survived; the animals that did not benefit from coincidence perished.⁷⁷

Aristotle argues that it is “impossible for things to be like this.”⁷⁸ It is impossible for these recurrent natural phenomena to arise merely from chance. The teeth and all other parts of animals that are supportive of survival “come to be as they do either always or usually, whereas no result of luck or chance comes to be either always or usually.”⁷⁹ These natural phenomena, such as fitting teeth, must either arise from chance or be *for* something. Since the observable recurrence in the world cannot be attributed to chance, it must be for something. Therefore we find “among things that come to be and are by nature, things that are for

⁷⁵ Ibid., 198b 17-18.

⁷⁶ Ibid., 198b 24-27.

⁷⁷ Ibid., 198b 29-33.

⁷⁸ Ibid., 198b 34.

⁷⁹ Ibid., 198b 34-36, 199a 1.

something.”⁸⁰

Aristotle’s conclusion is good so far as it goes, but there is an inherent limit in his method of argumentation. Final cause is posited as the explanation of regularity in nature because chance was not a sound explanation. In other words, final cause is defended because the other explanations of recurrent phenomena in nature fall short. Final cause is the best explanation of the regularity. This sort of conclusion, it seems to me, can never completely escape being a matter of probability. It is likely, perhaps extremely likely, that final cause actually exists, but there is no escaping the fact that its existence was posited to fit the phenomena, but was not itself discovered as such a phenomenon. In Aristotle’s argument, regularity in nature strongly suggests final cause but cannot ground its existence as a matter of certainty.

Aristotle’s conclusion that final cause exists in nature, that “things are for something,” would be sufficient ground to continue the argument if this were the most persuasive account available concerning final cause. But we must remember that Stein was trained as a phenomenologist, and her philosophical position is informed by the Aristotelian-Thomistic tradition. But it also differs in significant ways from it. Phenomenology does argue for the existence of final cause, but it does so in a manner very different from that of Aristotle.

Within the broad school of thought that is phenomenology, there is a particular intellectual tool called *eidetic intuition*. This form of intuition provides the means to discover the essence of things. Everything has an essential structure that discloses both formal and final cause.⁸¹ These essences go beyond the merely empirical and provide the grounding for them. For instance, I can observe daily that material objects appear larger as I approach and appear smaller as I back away. This is an empirical observation that I am constantly repeating and I can be quite confident that I have reasoned accurately: a spatial object will appear larger the closer an observer is to it. But to get evidence into the essence of material objects, I can imagine (or try to imagine) a spatial object that *does not* appear larger as I approach, or smaller as I back

⁸⁰ Ibid., pp. 199a 7-8.

⁸¹ Robert Sokolowski, *Introduction to Phenomenology* (New York NY: Cambridge Univ. Press, 2000) 177. For Stein this is a criterion of investigation.

away.⁸² Such a thing is impossible to imagine. Therefore, material objects *necessarily* require that “spatial expansion and contraction [are] a function of approach and withdrawal.”⁸³

Eidetic intuition proceeds along three levels. The first is the level of “typicality.”⁸⁴ At this level different subjects are seen to have similar predicates. For instance, I may notice that a piece of wood floats, and another piece of wood floats, and still another piece of wood floats. The predicates come to be associated with certain subjects in a very loose way. The level of typicality is by and large occupied by children, who are just learning about the world. An infant boy may call a dozen different men “Daddy” because he has noticed the similar build and body-type that exists among men.⁸⁵ At this level, no individual has yet been sorted out because no universal has yet been identified. The predicates of different objects are noted to be similar. That is as far as typicality can go.

The second level achieves the “empirical universal”: the realization that the predicates are not merely similar but the same.⁸⁶ At the first level, I noticed that certain bits of wood all happened to float; they had a similar predicate. I might symbolize my observation thus: “A is p_1 , B is p_2 , C is p_3 .” At the second level, with these similarities acknowledged as the same, I might symbolize my findings thus: “A is p , B is p , C is p .”⁸⁷ At this level the individual is revealed, because the universal has been discovered. Objects, such as pieces of wood, are now a “one in many.” Thus they have an individual identity as being an instance of a universal.

There is a limit to the use of empirical universals. Our evidence is constrained by our experience and cannot proceed with certainty beyond it.⁸⁸ For instance, I might encounter a piece of wood that does not float, thus undermining my claim that “wood floats.” A historical example of

⁸² Ibid., p. 179.

⁸³ Ibid., p. 179.

⁸⁴ Ibid., p. 177.

⁸⁵ Ibid., p. 179.

⁸⁶ Ibid., p. 178.

⁸⁷ Ibid.

⁸⁸ Ibid.

this limit concerns the empirical universal that “All swans are white.” That claim was perfectly true, so far as all swans then encountered were white. But the claim was falsified by the discovery of black swans and thus, “whiteness” was not an essential part of being a swan. The steps of eidetic intuition are attempting to reach the essential structures of reality. Swans are not *essentially* white even if some swans happen to be white.

At the third level, we reach the eidetic intuition by imagining beyond the empirical. “[W]e strive to reach a feature that it would be inconceivable for the thing to be without.”⁸⁹ This is achieved by imaginative variation. We imaginatively vary the object of our inquiry until that object “explodes” or “shatters.” This is what happened above when I imagined a spatial object that did not appear larger as I approached. The nature of the object crumbled; I encountered an impossibility. Because I could not imagine a spatial object with expansion and contraction not existing as a function of approach or departure, I can conclude that such a function is *essential* to spatial objects. Eidetic intuition is achieved when we bump into impossibilities with our imagination. For this reason, eidetic intuition necessarily arises from negative necessity. Because something cannot be imagined a certain way, the thing, which I eliminated by imagination, must be essential to it.

Eidetic intuition goes beyond empirical universals but does not contradict them. Should an “eidetic intuition” render the empirical universal impossible, it is not a real eidetic intuition. In the case of the spatial object necessarily expanding and contracting with approach and withdrawal, all my empirical experiences conform to this eidetic intuition. Therefore, I have good reason to believe the intuition is valid. Empirical observation does not *prove* the validity of eidetic intuition, but it can *disprove* eidetic intuition, if the intuition denies what is obvious in empirical observation. The case of the swan will perhaps illustrate this more clearly. It is entirely possible to imagine a black swan, even if I have never seen such a thing. The concept of “swan” does not crack by my varying the color of the swan imaginatively. Therefore, the color is not *essential* to the swan. I might well imagine a pink and purple swan,

⁸⁹ Ibid.

and such a thing is perfectly reasonable, because variations of color do not affect the essence of the swan.

While eidetic intuition can ground the foundational assumptions of the natural sciences (especially in considering the nature of objects), it can also ground moral and ethical claims. Eidetic intuition is just as valid in discovering the truth that “material things involve networks of causation” as it is in discovering the truth that “human beings find their moral perfection in civic life.”⁹⁰ Robert Sokolowski’s first example of an insight into essence is that “the ability to use language is necessarily and universally a part of being human.”⁹¹ In these claims (about moral perfection in civic life and language being universally part of being human) we find a link *in essence* between the capacities of human persons and their proper use. Human persons have a moral capacity; our acts can achieve the good or fail to achieve the good. This capacity for realizing the good finds its perfection in civic life. Were a person cut off from all contact with other persons, his or her capacity for realizing the good would be diminished. Human persons also have a capacity for communication, and this must be realized in language.⁹² Thus, through eidetic intuition, it is possible to identify the proper end for a human capacity. Aristotle was trapped, I argue, at the second level, constrained in his empirical universal by his experiences. To proceed in making the case that a woman’s capacity for motherhood cannot be realized in surrogacy, eidetic intuition is a more stable means of argumentation.

If I were to begin with an imaginative variation of womanhood as such, I could never come to a conclusion about the essence of motherhood. It is possible to imagine a wide range of women, with all sorts of variations, for whom it is impossible to be a biological mother, but who are none-the-less fully women. An infertile woman can be imagined. A woman who constantly travels about the globe can be imagined. A paralyzed woman can be imagined. A religious sister can be imagined. None of these imaginings will “explode” or “shatter” the concept of a woman, even as each of these imaginings would make mothering either difficult or impossible.

⁹⁰ Ibid., p. 180.

⁹¹ Ibid., p. 177.

⁹² Ibid.

Certainty, however, can be acquired by beginning at the other end and attempting imaginative variations on motherhood. Try to imagine a mother who is not a woman. Such a thing is impossible. The whole idea of a “mother” crumbles in being cut off from that of a woman. This being true, we have arrived at an essence: *the essential structure of motherhood requires a woman to be realized*. In other words: only a woman can be a mother.

What we have established in the previous two paragraphs both conforms to empirical observations and allows the argument to go forward. Women can still be women without being mothers, but mothers cannot be mothers without being women. There are ample examples to support these claims. There have been, in the history of the world, many women who are not mothers. There have not been, in the history of the world, any mothers who are not women. Even the example of Thomas Beatie giving birth to a girl confirms rather than denies this claim. Thomas was born a woman and, even though she “changed” into a male, she still retained her female reproductive system. Stein would argue that Thomas never became a man and therefore remains a woman, by the necessity of her nature. Thus, even in this case, only a mother is a woman.⁹³ Expansion and contraction of a physical object are essentially a function of approach or withdrawal. This is a rule of reality, accessible by eidetic intuition. Similarly, “to be a mother” requires the antecedent “to be a woman.” This is another rule of reality, also accessible by eidetic intuition.

There are further certain norms for motherhood that we can determine by eidetic intuition. Imagine a mother who does not protect her children. Imagine, further, a mother who actually endangers her children. Suppose she has given birth to them but then exposes them to extreme cold, or extreme heat. Suppose she sets them down in dirty places where rats or other animals may be. Suppose she places them alone in a room with a sex offender or murderer. The further our imagination strays in imagining the children in danger, the harder it is to call the woman who bore them into the world their mother. We cannot imagine a mother who endangers her child. If it is objected that we can

⁹³ Borden Sharkey, *An Aristotelian Feminism*, p. 63.

imagine this, and that it is perfectly easy to imagine “the mother who endangered her children,” it should be noted that the term “mother” has been given a new meaning. The common usage of words is in this case misleading. “Mother” is used in the minimalist sense of being the woman who reared the child. “Mother” is also used in the fuller sense of being one who not only biologically reared the children but who also cultivates and nurtures them. Ambiguity in the language does not mean there is ambiguity in the essence of things. The cultivating, nurturing mother is the norm, which is evidenced by the affront that a thinker experiences imagining a mother leaving her children alone with a pedophile, or imagining her force feeding her children methamphetamines, or by imagining a host of other disturbing activities. Motherhood includes but is not limited to merely the biological process of child rearing. It is also bound up in certain norms of protection, cultivation, attachment and emotional intimacy. Imagining the total absence of any of these in a mother/child relationship would crumble the meaning of the word “mother” and necessitate a turn toward the minimalist sense of the word. I must stress that the same sort of eidetic intuition is at play here, but the English language impedes our understanding of it.

Thus we have reached two conclusions by eidetic intuition. (1) Motherhood can be realized only by a woman. There is an essential link between women and motherhood in this sense. A woman does not necessarily need to be a mother, but a mother necessarily needs to be a woman. (2) Motherhood as a way of being requires certain attitudes, dispositions, and aims to exist in the fullest sense. Mere biological relation between a woman and her offspring constitutes a rather bare, definition of “mother.” A more full definition of “mother,” naming a different sort of reality, includes not only biological relation but all the attending attitudes and dispositions that, by their absence, shocked the mind in our imaginative experiment.

Essential Being

What is grasped by eidetic intuition? Do the results of these thought experiments yield any meaningful conclusions, or are they mere probabilities? or worse simply culturally conditioned responses? What is it to say that something belongs to a thing’s “essence”? These

questions must be answered before forming any arguments from the above conclusions about motherhood. If the products of these thought experiments are flimsy or false, then this argument has failed to provide a more stable ground for criticizing surrogacy than the natural sciences. I now turn to Stein's account of essences to reveal the stable foundation of eidetic intuition.

Stein is easily at home in the broad Aristotelian and Thomistic camp. But her conceptions of final cause and of the relation of a woman to her final cause differs from those of Aristotle and from Aquinas. Claims about a "purpose" or a "meaning" of motherhood, of a woman's nature, of human nature, and the capacity of reproduction are better grounded in Stein's ontology than in Aristotle's, it seems to me, because Stein grounds final cause in essential being.

Stein and Thomas have different understandings of potency and act, essence and existence.⁹⁴ Both understand human beings as "beings directed towards the actualization of their potencies."⁹⁵ The realization of human capacities is the aim and object of our existence. Stein's conception of essential being explains why and how this is the case.

This divergence concerns the nature of human capacity itself. Take the capacity of speech. In one sense, it is *not yet* insofar as a particular person cannot yet speak. But it must also *be* in some sense. How else could a person possess it? There must be something that is the condition for a person's learning how to speak. Stein writes, "Anything which is the condition of another's being must itself possess being."⁹⁶ On the topic of this essay, the human capacity for reproduction is called to its

⁹⁴ Borden, "Edith Stein and Thomas Aquinas," p. 88.

⁹⁵ *Ibid.*, p. 89. In this essay, Borden uses the terms "potency" and "capacity" interchangeably. In her forth-coming work, *Aristotelian Feminism*, she makes a distinction between them and I have adopted this distinction in this paper, because it makes the concepts more clear and approachable. "Potency" is a possibility for a being by virtue of its way of being. 'Capacity' is a potency which a being is positively oriented toward realizing. Thus, I have a potency, by virtue of being a bodily being, to be hit by a car, but I am not positively oriented toward realizing this possibility. I also have a potency, as a human being, to speak and utilize language. This potency is a capacity because my being tends toward realizing it.

⁹⁶ Stein, *Finite and Eternal Being*, p. 68.

realization by something that exists prior to, and apart from, it. What is this something and how does it exist?

As is obvious from her comments, the question of *being* is of primary importance for Stein. She distinguishes three types of being: actual being, mental being, and essential being. Actual being “refers to the being of actual, efficacious, existing entities”⁹⁷ and is the being proper to human persons. Mental being is the being of objects in the mind, such as an imagined cup of coffee. Essential being is the being of intelligible, essential structures.⁹⁸ To say that an essence, such as the human essence, exists, is to say that it possesses essential being. It does not exist in the mode of entities, nor merely as a conception of the mind, but in a third way. The relation of actual being to essential being will be explained more below, but here we can note that actual being tends towards realizing essential being. It remains different from it necessarily. Essential being is the “condition of another’s being,” the “something that exists” prior and apart from actual being.

The issue of essential being exists as part of the age-old debate over the nature of universals. A universal is “a structurally identifiable content in more than one thing.”⁹⁹ Nominalists deny universals. Conceptualists posit the existence of generalized concepts but claim no universal exists in reality. Realists affirm universals, and Stein is a thorough-going realist. Within realism there are three distinct understandings, a survey of which will illuminate the nature of Stein’s claims and place them among other thinkers. The three realist positions on the universals are Platonic or exaggerated realism, Thomistic/Aristotelian or moderate realism and Scotist or extreme realism. Exaggerated realists argue that universals exist independently of and separate from any mental or actual entity. Moderate realists distinguish between content and form by arguing that content is always particular, but form is universal. Extreme realists argue that there is a being of universals in things and universality is more than formal. Universals do not exist apart from particular things, but are distinct from them and have a being proper to a universal. Universals always accompany a

⁹⁷ Borden, “Edith Stein and Thomas Aquinas,” p. 92.

⁹⁸ Ibid.

⁹⁹ Ibid., p. 93.

mental or actual being.¹⁰⁰ Stein is an exaggerated realist.

For Stein, essences exist with essential being, are never separate from actual being, and can be conceived of mentally. Concerning the existence proper to essences she writes: “It is what it is, regardless of whether or not it is actualized or not and regardless of whether it is known or not.”¹⁰¹ Unfortunately for those who think human essence and the nature of women are pliable, essences exist regardless of whether they are ignored or not. An act of intellection that supposes that essences do not exist does not destroy the being of essences. Essences, existing with essential being, are, loosely speaking, like an unavoidable elephant in the room, possibly ignored, but never eliminated.

Human essence has a less than numerical unity. This means that it can exist in more than one entity.¹⁰² Each human person possesses an individual essence in which is included this human essence, and this human essence (giving rise to and evidenced by human capacities) is conditioned by the person’s gender. The human essence existing in the individual essence of Sue is a universal human essence with certain emphases and tendencies drawn out by her being female. The less-than-numerical unity of human essence, and of the two genders that condition human essence, exists because essence has essential being.¹⁰³

For the purposes of this discussion, which has taken place in terms of “is” and “ought,” “final cause,” and purpose, essential being is the key to unlocking the meaning, including the morally significant meaning, of human persons and their capacities. Because essences exist, grasping them gives insight into not merely a descriptive account of actual beings, but a meaningful account of actual beings.

[T]his kind of being (essential being) is not a particular species of being, but an integral constitutive part of the meaning of all being. Just as every something has a meaning, so there is implicit in all being the particular kind of being that pertains to meaning.¹⁰⁴ The relation of essential being to actual being provides a justification for the use of

¹⁰⁰ Ibid.

¹⁰¹ Stein, *Finite and Eternal Being*, pp. 100-01.

¹⁰² Borden, “Edith Stein and Thomas Aquinas,” p. 94.

¹⁰³ Ibid., p. 95.

¹⁰⁴ Stein, *Finite and Eternal Being*, p. 326.

eidetic intuition as a morally meaningful source of insight into the treatment and condition of human persons.

Essential being is never separable from actual being, but it is different from it.¹⁰⁵ Essential being is the perfection of being that actual being strives to realize. Thus, essential being abides in itself and is neither act (“presently living”) nor potency (“an initial step toward actual being”).¹⁰⁶ “[In] essential being the difference between past present and future is suspended. Whatever is essentially does not step into existence: It is.”¹⁰⁷ Because essential being is independent of time, “it *is* also in every instant.”¹⁰⁸ Essential being, however is not Eternal being. Both are timeless, but “essences with this essential being are limited in terms of their content” and are inefficacious.¹⁰⁹ Eternal being, God’s being, is unlimited in terms of content, is not inefficacious and is the fullness of all being.

Essential being is neither potency, nor act. “In “essential being” we believe we have discovered a kind of being that is *not a rudimentary phase* of actual being and that, on the other hand, is *not efficaciously active being*.”¹¹⁰ Actual being strives after eternal structures.¹¹¹ Human essence, the aim of the development of actual being is unchangeable because it exists eternally, that is to say: timelessly.¹¹²

“[T]he nature (of an actual being) does not seem to permit a

¹⁰⁵ Borden, “Edith Stein and Thomas Aquinas,” p. 96.

¹⁰⁶ Ibid.

¹⁰⁷ Stein, *Finite and Eternal Being*, p. 93.

¹⁰⁸ Ibid.

¹⁰⁹ Borden, “Edith Stein and Thomas Aquinas,” p. 96.

¹¹⁰ Stein, *Finite and Eternal Being*, p. 92 (italics in original).

¹¹¹ “Being is properly eternity or eternal being (for essential being, the being of essences exist eternally), and in this life, we glimpse this in the striving of actual being after the realization of eternal structures.” Borden, “Edith Stein and Thomas Aquinas,” p. 97.

¹¹² As is evident from the tension present in this all too short summary of essential being, more work is required to understand *how* essences exist in Stein’s view. I here limit the discussion because the relation of essences other timelessly existing entities, to Thomas’ conception of “the ideas of God,” and, of course, to God Himself is not my present concern. *That* they exist is relevant to the argument, and *how* they relate to actual being is very clear. The question of *how* essences exist on their own is another topic for another essay.

separation from its essential being.”¹¹³ To put this in terms more readily accessible: an “is” exists in inseparable unity with its “ought.” There is no implication from one to the other, no jump to be made. Rather a direction of completeness and perfection is present in actual being, prescribing the tendency of becoming toward a fullness of being. Essence in a thing (*Wesen*) is a thing’s nature and is made in the image of its eternal essence (*Wesenheit*).¹¹⁴ Essence includes the possibilities of being through which real being “flows.” An essence may be likened to a wire, which provides the direction in which the current must necessarily flow. Even if there is no current (no *actual* being), the wire still exists and still is a channel for the direction of the current.¹¹⁵

Eidetic intuition grasps that all actual beings are “en-route” to realization of their essential being. For this reason, my claim that compassion, protection, and nurturing are part of the essence of motherhood stands, even though their opposites give rise to no logical contradiction. The mother who is not protective of her children, uncompassionate and who does not nurture stands apart from the realization of her essential being toward which she, and all women, are striving. This striving is not an act of the will, like striving to accomplish a goal, but it is a striving of our actual being to become like and to be received by our essential being.¹¹⁶ Our essential being is the picture of our human perfection. The fullness of being, the reception of actual being by essential being, maintains the relations and the interconnectivity of our human capacities as given by our gender. Each woman is perfected as a woman. This particular woman is perfected not only in her individuality and in her humanity, but also in her femininity.

An important aspect of Stein’s view is that essential being, existing statically and eternally, is beyond the reach of technological innovation. That is to say, technological innovation can never alter essential being.

¹¹³ Stein, *Finite and Eternal Being*, p. 94.

¹¹⁴ Borden, “Edith Stein and Thomas Aquinas,” p. 97.

¹¹⁵ *Ibid.*, p. 99.

¹¹⁶ This reception is the realization by actual being of an essential structure that exists “already” in so far as it has essential being. “The *realization* of the essence does not mean that the essence as such becomes real but that *something* that corresponds to it becomes real. The possibility of real being has its ground in the being of the essence.” Stein, *Finite and Eternal Being*, p. 68.

The “wire” cannot be rerouted; a new circuit can never be installed. Even though the practice of in-vitro fertilization, egg extraction, selective reduction of human embryos and even prenatal hormone therapy have all become possible in practice, they have not even remotely, and necessarily cannot, become either part of the way a woman’s actual being strives to realize its essential being, nor part of the essential being itself. These acts do not draw women nearer to realizing their essential being, nor do they constitute the realization of her essential being. They remain perversions, interruptions, and corruptions, acts drawing actual being away from essential being; and they are so necessarily.

3. Motherhood and Surrogacy

Having provided a summary of Edith Stein’s thought on women and motherhood, and having examined the particular nuances of her philosophical approach, I now offer three arguments against surrogacy from within her philosophical framework. These arguments stand or fall on the soundness of her thought:

1. The nature of a woman consists in a particular relation of human capacities. A woman’s reproductive capacity exists *in relation* to her intellectual capacity and all the other human capacities. Surrogacy, by the nature of the practice, artificially isolates the reproductive capacity and denies in practice what is present in reality: that the reproductive capacity is related essentially to all of a woman’s other capacities. This artificial severing of the reproductive capacity denies and distorts the nature and essence of a woman. Therefore, surrogacy is wrong.

2. The eidetic imaginings in the second section of this paper revealed certain features or attitudes as being essential to motherhood. The concept of a mother crumbles when imagined as a woman who is un-protective of her children. The same result occurs if we imagine a “mother” being un-caring, un-nurturing, cold, capricious, etc.... These impossibilities of imagining suggest that motherhood is bound up in a certain relation to the child, a relation that can call for simplicity’s sake: love. The woman who is a surrogate begins this relation and forms an “intimate unity” with the child, affecting her entire nature, and then is denied the chance to fulfil the demands and accomplish the ends of this relation. Therefore, surrogacy is wrong.

3. Were we to endeavor to imagine a relationship in which all of a woman's capacities were realized to their fullest extent, that relationship would be identical to what we call motherhood,¹¹⁷ being both the biological and the spiritual motherhood discussed above. The full realization of the reproductive capacity begins with the conception and successful implantation of the child in the uterine wall, proceeds through nine months of healthy pregnancy and birth, and continues in the months after birth during which a mother nurtures the baby with her milk. The full realization of the intellectual capacity comes in the myriad of problems that she must reason through after the child is conceived. Simple reasoning such as what to make for dinner exists alongside the complex reasoning of deciding how and when and where and with whom to educate the child. The full realization of emotional capacity comes in the numerous aspects and attitudes identified in argument 2: protecting, caring for, nurturing, encouraging and in all ways loving the child. The other human capacities, shared with animals and plants, such as locomotion, find their full realization when they are incorporated into realizing the distinctively human capacities identified above. The ideal relationship that realizes all of woman's capacities to the full is motherhood. The ideal relationship which realizes all of a woman's capacities is therefore not surrogacy. Therefore surrogacy is wrong.

Conclusion

¹¹⁷ By speaking here strictly of "capacities," I avoid the fraught ground of arguing about personal vocation, being the perfection of each individual. I here imagine what sort of existence and what kind of relationship would bring all of these capacities to flourish. This claim does not deny the great good of virginity and the consecrated religious life. Rather it simply identifies what a total flourishing of all the human capacities in woman would look like, including the reproductive capacity. Those in the religious life are fully aware that they have renounced something. Their virginity is a giving up of the use of their reproductive capacity to aid their spiritual capacity. Because renunciation is different than distortion, the claim that surrogacy is always wrong for all women holds, even as some women may be called to the religious life. Surrogacy distorts the reproductive capacity, and prevents the other human capacities from joining in to perfect and nurture the child. Religious life does not distort the reproductive capacity and thus is not subject to a critique.

There were two aims to this essay: to point out what is truly at stake in the practice of surrogacy and to reveal what is actually possible within the thought of Edith Stein. If what I have argued above is true, then the practice of surrogacy constitutes a grave evil and propagates a severe injustice to women. Even if the argument is rejected, it still offers a comprehensive view of women, starting from the very foundations of their nature and terminating at an account of what is best for them as women, and (importantly) what is anathema for them as women. Proponents of surrogacy have yet to offer such a vision. Further, the phenomena noted in the articles and essays that I criticized at the start need such an account of women if their claims are to be meaningful. Even an infinite catalogue of abuse, suffering and pain requires a basic ontology and ethics of the human person to justify normative conclusions. Those few who have attacked surrogacy in journals, the press, and on screen are very adept at explaining *what* is happening with surrogacy but very poor at explaining *why*. A vision of a woman's flourishing, such as the vision of Edith Stein, offers an answer to the question of *why*, and is thus of inestimable value in the debate over surrogacy.

The debate over surrogacy is also of value for the thought of Edith Stein. She wrote the *Essays on Woman* to be used as a practical guide for living. It is therefore fitting to use them as such. By doing so, and by turning our gaze to the whole corpus of her thought from which these essays arose, we see things that might otherwise be overlooked. After this brief tour through her thought, it is plain that more work needs to be done on the nature of essential being. It is also plain that the tension between claiming that a "woman's mission" is to be a "wife and mother," and claiming that being a wife and mother "cannot be considered as her only vocation" is a tension to be explored that may well prove fruitful.

Surrogacy is only one of the many practices and phenomenon calling into question the role of women in the world. The economic sphere still invites women to surpass their male counterparts on the ladders of power and success, even as it prevents them from doing so. Various accounts of the female good are today peddled on television and in the media as though they were gospel truth. Fertility and childbearing are widely considered a disease and a burden, rather than a sign of health

and a heavenly blessing. Outside the Church, lesbianism is becoming a more and more accepted way of life. Inside the Church, women such as Eve Tushnet question how same-sex attracted women are to live their lives as faithful Catholics.¹¹⁸ There is a need, and a desperate one, for a clear understanding of what a woman is, and what follows from that. Edith Stein has, I argue, given this account. All that remains is for her contribution to be acknowledged.

Saints have tended to answer questions before they were even asked. The Desert Fathers showed God to be a non-competitive God, long before the theologians had the luxury to wonder about such things. St. Francis showed how the love of God transforms the market economy just as the market economy was beginning to bud. St. Teresa Benedicta of the Cross furnished a persuasive and powerful account of women right on the cusp of a social revolution that placed everything about women into question. The aim of this essay was to show what her thought makes possible. The hope of this essay is that this possibility will be realized.

¹¹⁸ Eve Tushnet, *Gay and Catholic: Accepting My Sexuality, Finding Community, Living My Faith* (South Bend IN: Ave Maria Press, 2014)