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Fall 2009

Anthropological, Theological, and Ethical Aspects of Human Life and Procreation

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Recommended Citation

Christopher Kaczor, "Anthropological, Theological, and Ethical Aspects of Human Life and Procreation," *National Catholic Bioethics Quarterly* 9.3 (Fall 2009): 464-467.

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every person has the right to be conceived in the context of spousal love through loving marital intercourse.

The Present Symposium

In this symposium, five Catholic scholars noted for their work in bioethics have been invited to comment on the content, strengths, and weaknesses of the new Vatican Instruction. Christopher Kaczor considers the introduction and first part (nn. 1–10), Rev. Peter Ryan, S.J., the second part (nn. 11–17 and 20–23), and William E. May the third part (nn. 24–37). John Finnis and Luke Gormally were invited to debate the interpretation of the Instruction’s teaching on embryo adoption (n. 19). — E. CHRISTIAN BRUGGER

**Anthropological, Theological and Ethical Aspects of
Human Life and Procreation (nn. 1–10)**

by Christopher Kaczor

Most Significant Contributions

The first two sentences of the document offer substantive conclusions about controversial questions in bioethics which—while not breaking new ground in terms of ecclesial doctrine—strongly reaffirm Catholic teaching. “The dignity of a person must be recognized in every human being from conception to natural death. This fundamental principle expresses a great ‘yes’ to human life and must be at the center of ethical reflection on biomedical research, which has an ever greater importance in today’s world” (n. 1). That every human being should be recognized as a person remains a controversial claim. Although many people working in bioethics—from Peter Singer and Jeff McMahan to Mary Ann Warren and David Boonin—deny that all human beings should be treated as persons, there is no agreement among them nor a general consensus in the field about what characteristics grant moral status.

First, the Instruction provides a ground for attributing equal basic moral status to all human beings, namely, shared human nature which is always a personal nature. Second, *Dignitas personae* holds that human dignity is a fundamental principle that should be at the center of disputes in bioethics. This too is controversial. Famously, Ruth Macklin argues that dignity is a useless concept in bioethics and that autonomy can do all the work necessary.⁷ In an article titled “The Stupidity of Dignity,” Steven Pinker argues that those who appeal to dignity seek “to impose a radical political agenda, fed by fervent religious impulses, onto American biomedicine.”⁸ The occasion for Pinker’s critique was a volume from the President’s Council on Bioethics titled *Human Dignity and Bioethics*, which explored the origins, basis, scope, theories,

⁷Ruth Macklin, “Dignity Is a Useless Concept,” *British Medical Journal* 327.7429 (December 20, 2003): 1419–1420.

⁸Steven Pinker, “The Stupidity of Dignity: Conservative Bioethics’ Latest, Most Dangerous Ploy,” *New Republic*, May 28, 2008, www.tnr.com/story.html?id=d8731cf4-e87b-4d88-b7e7-f5059cd0bfbd&p=1.

and possible importance of the notion of dignity for bioethics.⁹ Since the issue of the dignity of each human being is the subject of much contemporary discussion, *Dignitas personae* provides a service by reaffirming the Church's teaching on these matters.

Dignitas personae also makes an important contribution, though this too is not utterly unique to the document, in exploring the relationship of science, philosophy, and ethics. The Instruction notes that scientists and philosophers are not of one mind about various disputed questions in bioethics (see n. 2). For example, some scientists and philosophers do not favor lethal human embryonic stem cell research, while others do.¹⁰ It is therefore erroneous to portray "science" or "reason" philosophically expressed as uniformly in favor of human embryonic research and in opposition to the essentially "religious" or "ideological" viewpoint that every human being—including human beings in their embryonic state—should be protected by law and welcomed in life.

The document also encourages both scientific research and efforts to advance medicine in helping those afflicted by disease and suffering (see n. 3). The Instruction emphasizes that the Church is not opposed to empirical research but rather views science as valuable in itself (as is all knowledge) and instrumentally useful for serving the well-being of humanity.

At the same time, the Instruction points out the limitations of science and medicine, even instrumentally in terms of relieving suffering. Physical pain is not the only kind of affliction human beings can endure. Medicine can reduce or eliminate physiological discomfort, but the spiritual anguish and existential despair often endured by modern man requires the light and hope only offered by Christ. The ultimate answer to the problem of evil faced in some way by every human being is found only in the Resurrection of Jesus through which, ultimately, all other human beings can hope for an ultimate and definitive defeat of all that threatens them. Science cannot provide this hope.

Nor can science determine what is ethically permissible. The actions of scientists, like the actions of all people, should be guided by respect for human dignity (see n. 10). While biomedical research that violates human dignity may lead to valuable theoretical knowledge, it is nevertheless not morally acceptable. Indeed, almost all advocates for scientific investigation acknowledge the impermissibility of at least some cases of medical research, such as the Tuskegee Syphilis Experiment or the research on identical twins conducted by Dr. Joseph Mengele. These advocates often fail to recognize that human embryonic stem cell research operates on the same assumption as the Tuskegee and Mengele experiments, namely, that some human beings lack basic, equal moral worth and may be used simply as means to

⁹Edmund D. Pellegrino, Adam Schulman, and Thomas W. Merrill, eds, *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C.: U.S. Independent Agencies and Commissions, 2008). See the book review in this issue of the NCBQ.

¹⁰If there were a way to do research on embryos that was not lethal and that in no way harmed them, I do not think it would be intrinsically evil.

(possibly) benefit others. Theoretical knowledge is always worthwhile for itself, but it does not follow *that any and all means whatsoever* for attaining such knowledge are ethically permissible.

Dignitas personae recognizes that the Church, like scientific research, also faces limits. The Church does not have competence to address many questions. Scientific questions about the operations of nature, and medical inquiries about the efficacy of treatments, simply fall outside of the scope of the rightful competence of the Church in teaching faith and morals (see n. 10).

Most Important Clarifications

Dignitas personae is an official reaffirmation of *Donum vitae*, despite the dissent of many theologians who argue against the Church's teaching, particularly in terms of the impermissibility of in vitro fertilization. In the words of the recent Instruction, "The teaching of *Donum vitae* remains completely valid, both with regard to the principles on which it is based and the moral evaluations which it expresses" (n. 1). Unsurprisingly, *Dignitas personae* rejects proportionalist methodology and accords with prior interventions of the magisterium, such as *Veritatis splendor* and *Evangelium vitae*.

Arguably, *Dignitas personae* goes further than any magisterial document thus far not only in affirming that every human embryo *should be treated* as a person, but in virtually asserting that every human embryo *is* a person. The document asserts that the nature of a being, "the ontological dimension," and the value of a being are intrinsically connected. What things are determines the value that should be recognized in them and how we should treat them. The document then asserts that the human being has the same nature and therefore the same moral value throughout the various stages of human development. "Indeed, the reality of the human being for the entire span of life, both before and after birth, does not allow us to posit either a change in nature or a gradation in moral value, since it possesses full anthropological and ethical status. The human embryo has, therefore, from the very beginning, the dignity proper to a person" (n. 5).

Dignitas personae posits that the human embryo and the mature human being share the same nature. If the nature of a human being is to be a person, the conclusion necessarily follows that the human embryo is a person. As Edward J. Furton points out, "Still, *Dignitas personae* has not stated point-blank that 'the embryo is a person.' We will not find that exact expression anywhere in the text. Nonetheless, it is apparent that this is the only possible conclusion that one can draw, for if it is true that the embryo undergoes no change in nature throughout its development, and if it is true that the embryo, by its very nature, has the dignity of a person, then it must also be true that the embryo is a person from the moment of conception."¹¹

Greatest Weaknesses

The introduction and first section of *Dignitas personae* could be made more persuasive through greater philosophical rigor in its argumentation. *Dignitas*

¹¹Furton, "Is the Time of Personhood Settled?" 4.

personae provides a theological rationale for human dignity, appealing to the *imago Dei* of Genesis, to the incarnation of Christ which ennoble each human person, and to the possibility that all human persons have of becoming “sharers in divine nature” (n. 7). A philosophical rationale for basic shared human dignity is suggested, but remains not fully developed. “The introduction of discrimination with regard to human dignity based on biological, psychological, or educational development, or based on health-related criteria, must be excluded” (n. 8). Strong philosophical argumentation for this conclusion would have made the document more persuasive to more readers.¹²

Similarly, the Instruction notes, “The body of a human being, from the very first stages of its existence, can never be reduced merely to a group of cells. The embryonic human body develops progressively according to a well-defined program with its proper finality, as is apparent in the birth of every baby” (n. 4). However, one of the key issues in the stem cell debate is whether the human embryo has an organized human body or whether it is a mere collection, or heap, of cells. Rather than simply assume that the human embryo has a human body, *Dignitas personae* would have been strengthened by providing arguments in favor of the proposition that the human embryo has a human body or by critiquing arguments to the contrary. The theological underpinnings in revelation of Catholic teaching are suitably highlighted by *Dignitas personae*, but greater development and clarity in terms of the rational, natural law basis for these teachings would have strengthened the document, particularly since “the present Instruction is addressed to the Catholic faithful and to all who seek the truth” (n. 3).

New Problems concerning Procreation (nn. 11–17 and 20–23)

by Rev. Peter F. Ryan, S.J.

After briefly introducing the second part (see n. 11), the Instruction teaches that a technique for assisting fertility will be acceptable only if it respects the relevant goods of life, marital unity, and human sexuality (see n. 12). With *Donum vitae* it concludes not only that “all techniques of heterologous artificial fertilization”—that is, efforts to conceive artificially by using gametes “from at least one donor other than the spouses”—are illicit, but that “those techniques of homologous artificial fertilization which substitute for the conjugal act” must also be rejected (n. 12).

The Instruction teaches, however, that “techniques aimed at removing obstacles to natural fertilization, as for example, hormonal treatments for infertility, surgery for endometriosis, unblocking of fallopian tubes or their surgical repair, are licit” (n. 13). Such procedures are *treatments* properly speaking; they do not substitute for the marital act; rather, once they solve the problem of fertility, husband and wife conceive through that act.

¹²For an example of how this can be done, see Robert P. George and Christopher Tollefsen, *Embryo: A Defense of Human Life* (New York: Doubleday, 2008).