

# Personhood, the Soul, and Non-Conscious Human Beings: Some Critical Reflections on Recent Forms of Argumentation within the Pro-Life Movement

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## ABSTRACT

This paper has grown out of concerns that I have about the way in which some pro-life arguments have been developing recently, and it is written in a spirit of frank dialogue with those whom I consider allies. I present three basic problems within some prominent contemporary pro-life argumentation, all three of which are rooted in a general tendency towards relying on empirical science in an increasingly exclusive way as the foundation of those arguments. The three problems that I touch on are: a neglect of the role of God in human procreation, a neglect of the dignity of women, and a neglect of understanding personal being.

## INTRODUCTION

This paper has grown out of concerns that I have about the way in which some pro-life arguments have been developing recently.<sup>1</sup> Thus, I conceive of this paper as a set of critical reflections on some arguments given recently by people *within* the pro-life movement. While I will not shy

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<sup>1</sup> Just after I presented this paper at the University Faculty for Life meeting, the following article appeared: Thomas K. Nelson, M.D., "A Human Being Must Be a Person," *The National Catholic Bioethics Quarterly* (Summer 2007): 293-314. In that article Nelson's position and my own are the same in some areas. I am grateful that another thinker has come to the same conclusion, particularly with respect to the personhood of the earliest human embryo. I have added references to his paper here, including one place of disagreement.

away from frank dialogue with pro-life allies, I would like to state here at the beginning that a desire for genuine dialogue is motivating me. And while in this short paper I will only be able to cite quotations from a few authors, I think that there is a general trend within a segment of the pro-life philosophical community towards reducing arguments to empirical methods alone. This trend is no doubt rooted in the surprising developments in genetic/biological science that have revealed beyond doubt that even the tiniest members of our species are undeniably distinct human beings. It should be pointed out here at the beginning that the argument from genetics and biology is a *good* pro-life argument. Its power to convince is based on the fact that each one of us is the same biological organism that began as a zygote and developed on an unbroken continuum to adulthood.<sup>2</sup> Nonetheless, the trend to use the force of that argument as the sole argument is dangerous, for it tends to miss important dimensions of reality related to the meaning of procreation, respect for women, and the meaning of personal existence.

#### MECHANICAL LANGUAGE

There is a new form of language that has grown out of the advances in genetic science. I believe that a problematic dimension of this language has crept into some pro-life arguments and has led to the “blindspot” with respect to the three areas that I will discuss.

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<sup>2</sup> In their response to Lee M. Silver, who attempted to deny that a human embryo is a human being, Patrick Lee and Robert P. George made this point in the following clear way (*National Review Online*, Jan. 22, 2007): “Plainly, the complete human organism that is now you, the reader, was once an adolescent and before that an infant. Were you once an embryo? If Silver’s view is correct, the answer is ‘no.’ But the truth is that the answer is ‘yes’—you were once an embryo, just as you were once an adolescent, a child, an infant, and a fetus. The human organism that is now you is the very same organism that began in the embryonic stage and developed by a gradual and gapless process of self-directed growth to the mature stage of a human being. By contrast, you were never a sperm cell or an ovum. The sperm cell and ovum whose union brought you into existence were genetically and functionally parts of other, larger organisms—your parents. But the organism—the new and distinct human individual—who was brought into existence by their union is the organism that is now reading these words.”

At the World Conference of Families (held in Poland, May 11–13, 2007) the bioethicist Nigel Cameron warned of a dangerous mechanical vocabulary to be found in the way experts talk about the human being that changes attitudes about human life and family.<sup>3</sup> Cameron was also one of the thirty-five signers of the much-discussed Joint Statement on ANT-OAR (Altered Nuclear Transfer–Oocyte Assisted Reprogramming).<sup>4</sup> This document claims that “the oocyte cytoplasm is sufficient to reprogram the somatic nucleus to a totipotent state.” I submit that this line from that Joint Statement, and particularly the term “reprogram,” is a prime example of the danger that Cameron warned against at the World Congress.

The statement that “the oocyte cytoplasm is sufficient to reprogram the somatic nucleus to a totipotent state” means that cloning works, at least in animals. In laymen’s terms, cloning is a method of creating a new member of a species without the use of sperm. The egg of a female member of the species (oocyte) has its nucleus removed and then replaced with the nucleus of a body cell, which contains the complete DNA for that species, from another member of that species. When electricity is supplied, the egg now containing the body cell nucleus begins to behave just as an egg that has been fertilized with sperm: it begins to divide and to become an embryo. It can then be implanted into the uterus of an adult female member of that species; she becomes pregnant and gives birth. This is how Dolly the sheep was created. This means that the cytoplasm in the egg has the power to bring the nucleus of a body cell back to the earliest stage of life and to generate a new living member of that species. This is quite a surprising power. As far as we know, this technique has not yet succeeded with humans or any primates. It does work on many species

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<sup>3</sup> See Susan Yoshihara, “World Congress of Families Pledges Solidarity with Europe,” C-FAM, Friday Fax 10/22 (May 17, 2007), accessed June 15, 2007 at: [http://www.c-fam.org/index.php?option=com\\_content&task=view&id=659&Itemid=102](http://www.c-fam.org/index.php?option=com_content&task=view&id=659&Itemid=102).

<sup>4</sup> “Production of Pluripotent Stem Cells by Oocyte Assisted Reprogramming,” June 20, 2005. The joint statement can be found here: [http://www.eppc.org/publications/pubID.2374/pub\\_detail.asp](http://www.eppc.org/publications/pubID.2374/pub_detail.asp) (last accessed, June 15, 2007).

of animals.<sup>5</sup>

The signers of the Joint Statement want to tap into the power of the cytoplasm of a human egg—I would call that power its mysterious procreative power (as opposed to calling it a “reprogramming” power)<sup>6</sup>—in order, they claim, directly to create a pluripotent embryonic stem cell rather than a totipotent (zygote) cell. In laymen’s terms this means that scientists have discovered that it is possible to “silence” or to “hyper-activate” genes that are present within the body cell and the cytoplasm of the egg before beginning the cloning process, i.e., before inserting the body cell nucleus into the egg and supplying electricity. Scientists then observe what effect this genetic engineering has had on the organism once the cytoplasm of the egg begins its “reprogramming” of the body cell DNA. They have discovered that the product of the cloning process (once the genes have been manipulated) behaves much differently than a normal embryo does. In the case of ANT-OAR they have noticed that the cell produced in this way exhibits characteristics that are always found in stem cells but never found in zygotes. For this reason they have strongly suggested that OAR will never produce a human being but only a stem cell.<sup>7</sup>

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<sup>5</sup> I have chosen for this article to express the cloning process in laymen’s terms. There are, however, numerous sources where one can learn the intricate biological details. For example, <http://www.alterednucleartransfer.com/> (last accessed, June 15, 2007). This is the website of those who developed and promote ANT and ANT-OAR.

<sup>6</sup> In 1988 the then Joseph Cardinal Ratzinger delivered a paper (“Der Mensch Zwischen Reproduktion und Schöpfung. Theologische Fragen Zum Ursprung Menschlichen Lebens”) in which he expressed his dismay at the shift in terminology from “procreation” to “reproduction.” I think the shift in the Joint Statement to the term “reprogramming” is a further step in the direction that Cardinal Ratzinger found worrisome. He delivered this lecture on April 4, 1988 during the 900th anniversary celebrations of the University of Bologna and again, in a slightly revised form, on October 23, 1988 when he received an honorary doctorate from the Catholic University of Lublin.

<sup>7</sup> For detailed explanations of this process see <http://www.alterednucleartransfer.com/> (last accessed, June 15, 2007). For another excellent explanation of the biology of ANT-OAR, including his critique of the signer’s conclusions, see David L. Schindler, “A Response to the Joint Statement ‘Production of

The technical language that they use (especially the term “reprogramming”) can direct the reader away from the fact that it is precisely the procreative power that is being “tapped,” and this, I submit is a problem.

THE MEANING OF PROCREATION AND  
MECHANICAL LANGUAGE ATTITUDE SHIFTS

I am not a biologist, and so I do not intend in this section to *prove* that the product of OAR is biologically a human body. I do, however, find the argument of David L. Schindler convincing that the goal of the Joint Statement—eventually to prove that the product of the OAR procedure is a stem cell and not an embryo—cannot be achieved by the method proposed. This is because, Schindler argues, the product of that procedure could just as likely (or even more likely) be a “one-celled human embryo made to look like a stem cell” that has been genetically pre-programmed to begin exhibiting pluripotent characteristics at its inception. Schindler explains that OAR relies on cloning technology, which is an artificial replication of conception; since conception produces a new member of a species, “the mere act of modifying the epigenetic profile<sup>8</sup> of the OAR product cannot be sufficient to prevent that product from being, or having been, an incipient human organism.”<sup>9</sup> Another way in which he makes this point is to see that the defenders of OAR have built into their philosophical argument various presuppositions that “commit them in advance to the conclusion that that entity [the product of OAR] *would necessarily have been a non-embryo* from the beginning”<sup>10</sup> if it became a tumor when implanted in the womb of a female. If this were to occur in animal tests, it will justify moving the procedure to the world of humans. Schindler then rightly pointed out that

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Pluripotent Stem Cells by Oocyte Assisted Reprogramming’,” *Communio* 32 (2005): 369-80.

<sup>8</sup> The terms “epigenetic profile” and “epigenetic state” are expressions referring to which genes are turned on or off in a particular cell.

<sup>9</sup> See Schindler, “Response,” pp. 371-74.

<sup>10</sup> David Schindler, Letter to the Editor, *Crisis* (April 2006). The letter can be found online at <http://www.crisismagazine.com/april2006/letters.htm> (last accessed, June 15, 2007).

... although the OAR-generated entity might behave like a tumor when implanted, it was more likely—with reasonable certitude—to have been an embryo in its original coming into being, albeit an embryo engineered in advance to begin virtually instantaneously to act in a non-embryonic manner (exhibiting pluripotency rather than totipotency).<sup>11</sup>

The Joint Statement, in its exclusive emphasis on the “reprogramming” ability of the oocyte and the resultant pluripotent characteristics that are observed through its epigenetic state, necessarily excludes consideration of the theological-metaphysical fact that the procreation of human beings involves both God and man. Although not drawn out by Schindler,<sup>12</sup> the

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<sup>11</sup> Schindler, “Letter.”

<sup>12</sup> One of Schindler’s goals is to express the ontological dependence and mystery found at the coming into being of a new human being in terms “accessible to all reasonable human beings (even if religious belief is necessary for an adequate or complete understanding of this reality)” (Schindler, “Response,” p. 376). In my own words, it seems to me that Schindler’s point is this: There is an utter mystery in the coming into being of a new human person, and this mystery is experienced by us as a complete gift. Even an atheist knows that he did not create himself, but just “gets” to be here—his existence is experienced by him as a gift. And parents also experience their child as a mysterious gift; they do not think of themselves and their gametes as the total explanation of their new child; rather, they are *surprised* by the existence of this new being, and *grateful*. This dimension of new human life is simply not exhaustively accounted for in terms of biology and genetics. On the exclusive basis of an altered epigenetic profile, therefore, one cannot exhaustively prove that the procreative dimension of a conception event did not occur. See Schindler, “Response,” pp. 374-77. In this part of my article, I intend to speak openly about the theological point that Schindler may have been referring to when he remarks that religious belief is necessary for an adequate understanding of this reality. The point needs to be stated openly, particularly in light of the fact that many of the signers have the faith that holds this view. In one paragraph, Schindler does express the point theologically: “The ontological dependence/givenness of the organism is so key because it is precisely here that we see the (paradoxical) link between God and the creature’s *originality* (and *independence*) as a creature. That is, God gives the organism to itself and so creates an originality that by definition we *cannot* know or control exhaustively, an originality that we *therefore should not* attempt or claim to know or control exhaustively. But OAR does involve, at least implicitly, a claim to know and control the beginning of human life exhaustively—exhaustively enough, that is, to be able to remake the act [conception] that originates a new human being into an act that (seemingly) originates only a pluripotent stem cell” (Schindler,

theological reason for asserting that the product of OAR is more likely a human embryo in its original coming into being is that God is immediately present at the moment of human procreation. The *Catechism of the Catholic Church* puts it this way at §366: “The Church teaches that every spiritual soul is created immediately by God—it is not ‘produced’ by the parents....” God is present in human procreation in a way in which He is not present in animal reproduction.<sup>13</sup> When human procreation occurs, God is immediately present because of love—He loves intensely the person about to come into being by His power in conjunction with the material elements provided by humans.<sup>14</sup> This is supposed to happen in marriage

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“Response,” pp. 375-76).

<sup>13</sup> The signers of the Joint Statement also said: “Our proposal is for initial research using only nonhuman animal cells. If, but only if, such research establishes beyond a reasonable doubt that oocyte-assisted reprogramming can reliably be used to produce pluripotent stem cells without creating embryos, would we support research on human cells.”

It seems however that from the point of view of God’s immediate participation in human procreation that ever so many animal tests would be useless as a means to justify moving the procedure to the world of humans. That is, while God indeed loves all of His creation, it seems that He is not immediately present with this gaze of love when animal reproduction occurs. God’s involvement, I would suggest, is different in kind when the procreation of a unique and unrepeatable human person destined for eternal life with Him comes into being, as opposed to when an animal is reproduced. This difference gives rise to serious theological-metaphysical concerns and questions that animal testing is incapable of answering.

Schindler expresses another reason why animal testing is not capable of answering the question whether the product of OAR is a non-embryo (i.e., just a stem cell) or a severely defective embryo. He points out, by citing one of the signatories to the Joint Statement, that their method will be to produce an OAR-generated mouse cell and to implant it into a mouse. If it becomes a mouse, they will conclude that it was an embryo, and if it becomes a tumor they will conclude that it never was a mouse embryo. But this method is incapable of guaranteeing the right answer to the question “whether the entity produced by OAR fails to grow into a mouse because it is a mouse embryo that is gravely defective or because on the contrary it is not a mouse embryo at all.” See, Schindler, “Response,” pp. 372-73.

<sup>14</sup> *Evangelium vitae* §61 beautifully states: “Human life is sacred and inviolable at every moment of existence, including the initial phase which precedes birth. All human beings, from their mothers’ womb, belong to God who searches them

in an act of love between the spouses, but God respects what He has created in human biology, and so it also happens in IVF and, if it should ever succeed, in cloning.<sup>15</sup> When the procreative power of matter is about to work, God becomes immediately present<sup>16</sup> to create a unique and unrepeatable person<sup>17</sup> with a rational soul who is destined for eternal life.

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and knows them, who forms them and knits them together with his own hands, who gazes on them when they are tiny shapeless embryos and already sees in them the adults of tomorrow whose days are numbered.... There too, when they are still in their mothers' womb—as many passages of the Bible bear witness—they are the personal objects of God's loving and fatherly providence.”

<sup>15</sup> It is an interesting question to ask whether God would ever put a soul into a cloned human. To ask this question is to raise innumerable theological and metaphysical questions. From a pro-life perspective it would be wonderful, on one level, if cloning humans were metaphysically impossible because God would not participate. Nonetheless, there would remain numerous other reasons for which cloning using human material would not be morally permissible, even if we could know with certainty that God would never put a soul there. Some of these reasons will be discussed in this paper. Maria Fedoryka, in a discussion on this point, suggested that perhaps God would not participate in cloning because there is no sperm involved and that this fact takes cloning far enough away from the biology that God respects when IVF occurs.

<sup>16</sup> See Nelson, “A Human Being Must Be a Person,” p. 299. In commenting on “any position on early ontogeny which asserts or concedes a delay in personhood,” he states: “these positions are problematic and inconsistent with progressive statements of the Magisterium, such as Pope John Paul II's explicit assertion that God's own image and likeness is transmitted in procreation, ‘thanks to the creation of an immortal soul,’ and his reference to many biblical passages that speak of ‘the intimate connection between the initial moment of life and the action of God the Creator.’ What can this action be other than the infusion of the spiritual soul, the ontological ground of personhood?” (The quotes from Pope John Paul II here are from *Evangelium vitae* §60).

Another author who has argued that the Magisterium has already in effect pronounced affirmatively on the question of the personhood of the earliest embryo is Josef Seifert, “The Right to Life and the Fourfold Root of Human Dignity” in *The Nature and Dignity of the Human Person As The Foundation of the Right to Life: Proceedings of the Eighth Assembly of the Pontifical Academy for Life* (Città del Vaticano: Libreria Editrice Vaticana, 2003), p. 200 n12.

<sup>17</sup> This language of “unique and unrepeatable person” as a way to express a profound dimension of personal existence can be found throughout many of the writings of Karol Wojtyła/Pope John Paul II and also in Joseph Ratzinger/Pope



He does this because of love for that person. If the signers of the OAR proposal tap into that particular power, a power that God respects, there is no way for them to know that God did not become immediately present in that moment and create a soul. This act of God cannot be empirically observed. But the promoters of OAR rely *exclusively* on empirical data (i.e., they check to see if the epigenetic profile looks like that of a pluripotent cell) to attempt an exhaustive determination concerning that cell's ontological nature. Since God respects biology in ways that might surprise us (e.g., in IVF and cloning), it is highly likely that He would have created a soul in OAR, regardless of how many genes were hyper-activated to make it behave, virtually instantaneously, with pluripotent characteristics.

Consider the following theological texts dealing with the question of procreation, that is, the inception of a new human person. In *Evangelium vitae* §44 and §68 John Paul II lists numerous scripture passages that point to God's love for babies in the womb. He then asks a profound rhetorical

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Benedict XVI. I have collected numerous such texts in the writings of Karol Wojtyła/Pope John Paul II and attempted to express their precise meaning and sources in Peter J. Colosi, "The Uniqueness of Persons in the Life and Thought of Karol Wojtyła/Pope John Paul II, with Emphasis on His Indebtedness to Max Scheler," ed. Nancy Mardas Billias, Agnes B. Curry and George F. McLean (Washington, D.C.: The Council for Research in Values and Philosophy, 2008), pp. 61-100. This paper of mine represents a certain disagreement with Nelson, "A Human Being Must Be a Person," p. 310. While I can agree with most of what Nelson says on p. 310, there is a passage in which he identifies himself with the position of Stephen L. Brock in his article "Crosby and Aquinas on Personal Dignity," *Thomist* 69/2 (2005): 173-201, e.g.: "The idea of self-possession, of being for its own sake, is a characteristic of personhood which implies far more than just ontological uniqueness or not having a copy or duplicate" (Nelson, p. 310). He references Brock's article because in it Brock rejects John F. Crosby's notion of "incommunicability" as the deepest source of the dignity of persons. See John F. Crosby, *The Selfhood of the Human Person* (Washington D.C.: The Catholic Univ. of America Press, 1996), ch. 2. In my article I attempt to show that personal uniqueness as developed by Crosby, which he calls the "incommunicability" of persons, and by Max Scheler, which he calls the "individual value essence" of persons or simply the "individual person," and by Pope John Paul II, which he calls the "unique and unrepeatable" dimension of persons, are the same. For an example where Joseph Ratzinger uses the phrase "unique and unrepeatable" to refer to personal dignity see *Christianity and the Crisis of Cultures*, trans. Brian McNeil (San Francisco CA: Ignatius Press, 2006), p. 66.

question: “How can anyone think that even a single moment of this marvelous process of the unfolding of life could be separated from the wise and loving work of the Creator, and left prey to human caprice?”<sup>18</sup> And he adds,

Human life is sacred and inviolable at every moment of existence, including the initial phase which precedes birth. All human beings, from their mothers’ womb, belong to God who searches them and knows them, who forms them and knits them together with his own hands, who gazes on them when they are tiny shapeless embryos and already sees in them the adults of tomorrow whose days are numbered.... There too, when they are still in their mothers’ womb—as many passages of the Bible bear witness—they are the personal objects of God’s loving and fatherly providence.<sup>19</sup>

Joseph Cardinal Ratzinger also refers to the image of God’s gaze with respect to the coming into being of a new person when he says:

Christianity is this remembrance of the look of love that the Lord directs to man, this look that preserves the fullness of his truth and the ultimate guarantee of his dignity. The mystery of Christmas reminds us that in the Christ who is born, every human life—from the very beginning—is definitively blessed and welcomed by the look of God’s mercy. Christians know this and stand with their own life under this look of love....<sup>20</sup>

Do these texts not engender an image of a specific someone who “from the very beginning” is present with an inner actuality not only of human nature, but also of their very unique spiritual personal being, already loved by God as that person?

If all of this is happening at that mysterious moment of procreation, then is it really possible, in the case of human persons, to harness the procreative power of oocytes to “reprogram” without pulling God into the event? He is present in both normal and IVF human conception events and, if reproductive cloning should ever succeed, He may very well be present there as well. In the case of OAR, what happens? Does God notice

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<sup>18</sup> Pope John Paul II, *Evangelium vitae* §44.

<sup>19</sup> *Evangelium vitae* §61.

<sup>20</sup> Joseph Ratzinger, *Christianity and the Crisis of Cultures*, trans. Brian McNeil (San Francisco CA: Ignatius Press, 2006), p. 71.

that human procreative power is about to occur, and then look again and notice that some genes have been hyper-activated and then hold Himself back?

I know that our arguments need to be accessible to all people of good will, not only to those with faith; yet this important theological-metaphysical point needs to be stated explicitly—especially since the majority of the signers of the Joint Statement are faithful, pro-life Catholics, and they seem to have ignored this point.

#### RESPECT FOR WOMEN AND MECHANICAL LANGUAGE ATTITUDE SHIFTS

This section will include a discussion of puritanism as well as a criticism offered to that view by Karol Wojtyła/Pope John Paul II. While puritanism was a form of Christianity, and while its critic, Pope John Paul II, is also a Christian, my argument here does not rely on any faith commitment. The cultural phenomenon of puritanism and its lasting effects on society can be seen and studied quite well by anyone, as can a critique of it rooted in a deep understanding of spousal love.

Both the sexual saturation of our Western culture and the rapid intensity with which the same Western culture pursues IVF and cloning have a distinct cultural source, as Karol Wojtyła's book *Love and Responsibility*<sup>21</sup> makes clear. There he holds a position that at first seems contradictory, namely, that the sensualists and the puritans of seventeenth-century England were in theory identical, despite their apparent opposition in practice, since both are utilitarian.<sup>22</sup> Sensualism represents a form of

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<sup>21</sup> Karol Wojtyła, *Love and Responsibility*, trans. H.T. Willets (New York NY: Farrer, Strauss, Giroux, 1981).

<sup>22</sup> "With...[the personalistic norm] in mind, we can now exclude as erroneous, because one-sided and one-sidedly exaggerated, interpretations of the sexual urge. One such is the *libido* interpretation.... Another such is the rigorist or puritanical interpretation.... This interpretation may impress people as a view of sexual problems based on Christian beliefs...whereas in reality it is built around naturalistic or empirico-sensualistic principles. It probably arose when it did to oppose in practice the premises which it accepts itself in theory.... But this fundamental contradiction between theoretical premises and practical aims made it possible for the rigorist and puritanical concept to take another path and lapse into utilitarianism, which is so fundamentally opposed to the value judgments and

utilitarianism because the other person is reduced to a mere means for the gratification of one's own urge for pleasure. The puritans, Wojtyła points out, reacted against the headlong pursuit of pleasure with a theory that mimicked Christianity but was just as utilitarian. In the following passage Wojtyła offers a concise formulation of the utilitarian views that he is criticizing, views that the puritans held about God and humans:

This view, in its developed form, holds that in using man and woman and their sexual intercourse to assure the existence of the species *Homo*, the Creator Himself uses persons as the means to His end. It follows that conjugal life and sexual intercourse are good only because they serve the purpose of procreation. A man therefore does well when he uses a woman as the indispensable means of obtaining posterity. The use of a person for the objective end of procreation is the very essence of marriage.<sup>23</sup>

John F. Crosby has expressed Wojtyła's position in the following way:

Even if a man and a woman are looking not just for sexual gratification but for offspring, they might still come into conflict with the personalistic norm of Wojtyła. For if they put their sexual union in a mere instrumental relation to offspring, so that in their sexual intimacy they are using each other for getting a child, then their action is personalistically indefensible. The excellence of the end does not abolish the disorder that results when persons achieve the end by using each other. Though Wojtyła makes much of the necessity of remaining open to offspring (as in his rejection of contraception...), he is aware that there is a way of practicing this openness that involves the violation of the spouses as persons.<sup>24</sup>

Wojtyła's way out of the two forms of utilitarianism is not to reject either procreation or the pleasure of sex, but to realize that the love between the spouses is the foundation of sexual relations and of all of the fruits that flow from them:

Marriage is an institution that exists for the sake of love, not merely for the purpose of biological reproduction. Marital intercourse is in itself an interpersonal

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norms based on the Gospels." Karol Wojtyła, *Love and Responsibility*, p. 58.

<sup>23</sup> Karol Wojtyła, *Love and Responsibility*, pp. 58-59.

<sup>24</sup> John F. Crosby, *Personalist Papers* (Washington, D.C.: The Catholic Univ. of America Press, 2004), p. 250.

act, an act of betrothed love, so that *the intentions and the attention of each partner must be fixed upon the other*, upon his or her true good. They must not be concentrated on the possible consequences of the act, especially if that would mean a diversion of attention from the partner.<sup>25</sup>

This past semester, as I was teaching these texts of Wojtyła, one of my students raised his hand and said to me, “Are there any puritan groups existing now who use IVF?”<sup>26</sup> I was taken aback, because the question contains a profound insight. We talked it through during class, and then I thought about it. Perhaps we could say that the cultural/historical roots of the most prominent dimensions of the culture of death could be expressed in the following two assertions:

- (A) The “love only” view is actually a form of the self-gratification approach and leads not only to the exclusion of procreation through artificial birth control but also to a contraceptive mentality that then fosters the widespread practice of abortion.
- (B) The puritanical mentality of “procreation only” (“increasing the number of members in our species only”) leads to the exclusion not only of the pleasure of sex but also of attention to the person of one’s spouse, and thereby directly to the IVF and cloning mentality, where conjugal relations can be avoided altogether.

I wonder if these two views, sensualism and puritanism, deeply imbedded in the historical culture of our society, have fermented into these widespread immoral practices within the culture of death?

I detect a puritan element in some recent forms of argumentation in the pro-life movement. For example, of the thirty-five signers of the Joint Statement, only one is a woman. I have asked some of the male signers about the many dangers to women that occur as a result of the need for their eggs in the cloning process. These dangers have been written about extensively. They include hyper-ovulation, invasive retrieval of eggs,

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<sup>25</sup> Karol Wojtyła, *Love and Responsibility*, pp. 233-34 (emphasis added).

<sup>26</sup> I am grateful to Kevin Mohan for this insightful question.

resultant infertility, other injuries and death, the particular temptation to abuse poor women by offering them money for their eggs, etc.<sup>27</sup> The answers that I received typically began with some sort of logical argument<sup>28</sup> about how to gain eggs in a morally acceptable way. That fact might indicate an absorption of the puritan mentality into a segment of the pro-life movement, such that women become objects of use for biological reproduction and are ignored as persons. The concern expressed by Wojtyła about the puritans is that as they turn their focus exclusively to procreation in an attempt to diminish the experience of pleasure in sexual relations, they also turn their attention away from the person of their spouse, thereby reducing him or her to an object of use in a utilitarian way. Is there not a perceptible similarity between this and ANT-OAR in that in both cases we see an attempt to harness procreative power that simultaneously conceives of women as a means to the end of that harnessing?

Although he is not one the people whom I questioned about the

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<sup>27</sup> For a concise summary of these dangers, which have already occurred across the globe, see the September 16, 2006 article “Pressuring Woman to Freeze or Donate Their Ova,” Zenit.org, ZE06091602. See also the Web site of the Hands Off Our Ovaries organization, which describes itself as a “coalition of ‘pro-choice’ and ‘pro-life’ women, concerned at the growing exploitation of women in biotechnology.” Their web address is: <http://handsoffourovary.com/> (last accessed June 15, 2007).

<sup>28</sup> One of those arguments runs thus: there are morally licit forms of organ donation, and so therefore donating eggs could also be morally licit. Schindler points out that “the difference in the case of gametes, however, is (*inter alia*) that sound philosophical and ethical principles have always recognized the special significance of the finality of the human body’s sexual/reproductive organs by virtue of their being bound up so directly with the origins of life” (Schindler, “Response,” p. 378).

Schindler then goes on to raise a number of questions, one of which runs in this way: “Is this reduction of the oocyte to a mechanism for harvesting body parts consistent with the Church’s theology of the body...?” To explore this question goes beyond the scope of my paper, but I concur with its thrust and think there is a vast area here to be explored through the means of Pope John Paul II’s Theology of the Body. See John Paul II, *Man and Woman He Created Them, A Theology of the Body*, translation and introduction by Michael Waldstein (Boston MA: Pauline Books and Media, 2006).

morality of obtaining eggs from women, Fr. Taduesz Pacholczyk, one of the signers of the Joint Statement, wrote the following beautiful and true words in the context of criticizing the sperm and egg banks associated with fertility clinics:

Our sex cells, or gametes, are special cells. They uniquely identify us. They are an intimate expression of our own bodily identity, and mark our human fruitfulness. Hence our own gametes exist in a discernible relationship to marriage. Each of us, in fact, has been given a capacity, a radical capacity, for total self-donation to a unique member of the opposite sex in marriage. Our gametes, and their exclusive availability to our spouse through marital acts, are an important sign of this radical capacity for self-donation. They uniquely denote who we are, and manifest the beautiful and life-engendering possibility of giving ourselves away to the one person whom we singularly love as our husband or wife. Hence, donating to sperm or egg banks violates something fundamental at the core of our own humanity. It dissociates us from the deeper meaning of our own bodies and gravely damages the inner order of marriage.<sup>29</sup>

It seems to me that these words would apply no less forcefully to the collection of human female eggs for any purpose, including ANT-OAR.

Furthermore, utilitarianism is the foundation on which artificial birth control is promoted, and the OAR proposal of the Joint Statement looks like another form of artificial birth control.<sup>30</sup> Is not the attempt to tweak genes in the somatic cell and/or the egg before combining them in order to tap into the power of the cytoplasm to “reprogram” a somatic nucleus back to a pluripotent state (i.e., to *avoid* the production of a totipotent zygote) exactly a case of willful manipulation on our part of the mysterious procreative power in order to avoid conception? If, as Schindler rightly pointed out, “OAR, like ANT, is really a means of artificially replicating conception,”<sup>31</sup> would it not follow that OAR is either morally identical to IVF or to artificial birth control?

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<sup>29</sup> See the April 1, 2006 edition of his column “Making Sense Out of Bioethics,” titled, “Sperm for Sale,” which can be found at: [http://www.ncbcenter.org/FrTad\\_MSOOB\\_10.asp](http://www.ncbcenter.org/FrTad_MSOOB_10.asp) (last accessed Jan. 5, 2008).

<sup>30</sup> I am grateful to my student Nakysa Olsen for noting the similarity between artificial birth control and the claim of ANT-OAR during my lecture on this topic.

<sup>31</sup> Schindler, “Response,” p. 372.

THE MEANING OF PERSONHOOD AND  
MECHANICAL LANGUAGE ATTITUDE SHIFTS

I am indebted to the work of Rev. Dr. Tadeusz Pacholczyk. He demonstrates beyond doubt that therapeutic cloning kills a living member of our species—a human embryo.<sup>32</sup> He makes a sound biological argument, using undisputed scientific evidence, that the earliest human embryo is a member of the human species.

But Pacholczyk holds the view that the so-called ensoulment question is irrelevant in the context of the morality of embryonic stem cell research and asserts that his view is identical to the position of the Catholic Church on this point. I would like to focus on this claim now, since it seems problematic in just the sense that is the theme of this paper. On a discussion panel recorded by St. Joseph Radio, he said:

The issue of personhood, it gets a lot of billing these days.... People are trying to come up with this or that criteria.... You can make your own wish list about what it is that's going to constitute personhood.... I am absolutely convinced that in the Church's analysis of this matter personhood *per se* is not essential.... What is essential is the question of whether or not we have a human being. A being that is human, whether it is yet a person, whether it has been ensouled, all those kinds of questions are fascinating questions, interesting intellectual questions, but they are not critical to the moral analysis in the final way that the cards come down here.<sup>33</sup>

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<sup>32</sup> Much of Pacholczyk's work is in audio and video format. His DVD "Cutting through the Spin on Stem Cells and Cloning" is excellent, clear, and rooted in his expertise as a neuroscientist and microbiologist, yet accessible to a wide range of viewers. It can be ordered at [www.ncbcenter.org](http://www.ncbcenter.org). He has also recorded a number of audio discussions on a range of issues in bioethics with St. Joseph Radio. These can be ordered here: <http://www.stjosephradio.com/pages/tapes/family-social-issues.htm> and here: <http://www.stjosephradio.org/pages/tapes/fortanasce.htm> (last accessed Jan. 12, 2008). Additionally, he is the author of a column called "Making Sense out of Bioethics" that appears in various diocesan newspapers across the country and are all collected and available here: <http://www.ncbcenter.org/makingsense.asp> (last accessed Jan. 5, 2008).

<sup>33</sup> For the purposes of this paper, I have transcribed quotations from Rev. Dr. Fr. Tadeusz Pacholczyk and Wesley J. Smith, Esq. from: St. Joseph Radio Presents, "The Truth About Stem Cell Research and Cloning." Host: Vincent M. Fortanasce, Guests: Tadeusz Pacholczyk, Ph.D., Wesley Smith, Esq., and Rex Greene, M.D. Dallas, TX, May 2, 2003. This audio recording can be purchased here: <http://www.stjosephradio.org/pages/tapes/fortanasce.htm>



I would like to begin by showing that personhood is not merely essential in the Church's moral analysis in this context, but is in fact the very foundation of that analysis. I will then proceed to discuss the difficult question of what I will call the "two views on personhood" found in two schools of contemporary literature on the question. Once these two views are understood, a new and helpful vista of philosophical, as well as theological, research opens up. Consider the following passage from *The Gospel of Life*:

Even if the presence of a spiritual soul cannot be ascertained by empirical data, the results themselves of scientific research on the human embryo provide "a valuable indication for discerning by the use of reason a personal presence at the moment of the first appearance of a human life": how could a human individual not be a human person? Furthermore, what is at stake is so important that, from the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human embryo. Precisely for this reason, over and above all scientific debates and those philosophical affirmations to which the Magisterium has not expressly committed itself,<sup>34</sup> the Church has always taught and continues to teach that the result of human procreation, from the first moment of its existence, must be guaranteed that unconditional respect which is morally due to the human being in his or her totality and unity as body and spirit: "*The human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human*

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<sup>34</sup> Although the Church has not yet issued a succinct assertion affirming that a zygote is a person, there are numerous texts, some in the form of rhetorical questions, in which she has made quite clear what she will say: that every living human is also fully a person, including this text of *The Gospel of Life*, 60. Seifert and Nelson have made this point quite clearly. Also, in the question period after presenting this paper, Jeanne Guerin made the point that theologically the Church has pronounced on this point affirmatively in her infallible teaching on the Immaculate Conception, which states that Mary was free from original sin from the first moment of her conception. Her point seems to be correct, since one must be a person in order to be a subject of sin or not. Nelson notes this as well (Nelson, p. 307). I think, however, that the Church will not define the ensoulment question as an article of faith, but will rather wait until it can also be seen more clearly from a philosophical perspective before giving an explicit pronouncement on it.

being to life.”<sup>35</sup>

Pacholczyk’s assertion stands in contrast to the Church’s position insofar as he thinks that the issue of personhood in the early embryo is irrelevant to the moral analysis, while the Church holds that even the possibility of personhood makes all the difference in that analysis. Another way to express the contrast is to say that while both Pacholczyk and the Church recognize the distinction between human and person in the sense that the former is known with certainty through science and the latter is not, Pacholczyk thinks that the latter term of the distinction, person, is irrelevant to the moral discussion, while the Church puts the primary focus on that term.<sup>36</sup> When the Church says here that “...what is at stake is so important...,” she is referring to personhood. And when she says that

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<sup>35</sup> *Evangelium vitae* (The Gospel of Life) §60. The quotations within the quote are from *Donum vitae* (February 22, 1987), I §1: AAS 80 (1988): 78-79.

<sup>36</sup> I would like to note here the following theological point. With respect to the idea of a distinction between person and human nature, there simply is in the mind of the Church such a distinction; for otherwise how could there have been a divine person (the Word of God) who first did not have human nature and then took it on? Another way to see this with respect to Christ is to note that He is one person but has two natures; this means that there is a distinction between person and human nature. Also, the Father and the Holy Spirit are persons without human nature, as are angels and demons.

Now, to say that “all human beings are persons” is true, but to interpret that utterance to mean that there is nothing more to personhood than humanity, or to mean an identity of personhood with humanity is an error—a tempting error for someone who is pro-life to make, since humanity is biologically provable, but an error just the same. Science is a failsafe way to recognize that an entity is human, but it is primarily love and philosophy by which we recognize persons, and it is through these that we must see and argue for their presence. Following the Christian personalists cited later in this paper and others, including Pope John Paul II, I have attempted in two articles to express and develop what personhood is and to set that view of it against the view of Singer and other thinkers who do not hold it. See Peter J. Colosi, “The Intrinsic Worth of Persons: Revisiting Peter Singer and His Critics,” *The Journal of Interdisciplinary Studies* 15 (2003): 3-22 and “The Uniqueness of Persons in the Life and Thought of Karol Wojtyła/Pope John Paul II, with Emphasis on His Indebtedness to Max Scheler,” ch. 3 in *Karol Wojtyła’s Philosophical Legacy*, eds. Nancy Mardas Billias, Agnes B. Curry and George F. McLean (Washington, D.C.: The Council for Research in Values and Philosophy, 2008), pp. 61-100.

it is “[p]recisely for this reason...,” she is referring to the probable presence of a person, not the certain presence of the human zygote known by biology. And when she emphasizes that “[t]he human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment his rights as a person must be recognized...,” she indicates a distinction between human and person, and notes that the source of respect flows from the personhood of the new human being.<sup>37</sup>

I will address later the question concerning our knowledge of the personhood of the zygote, but at this point we should note that the mere fact that one does not know for certain whether personhood is present does not give one a reason to think that the very personhood that one cannot quite see is not anymore the foundational metaphysical reality for the moral law against killing embryos. Or, to make the point in terms of the theme of this paper, to cast off the mysterious question of the personhood of the tiniest members of our species and to call that question irrelevant to the moral question represents another case of a portion of the pro-life movement drifting off to the “secure” world of empirical science, and it also represents a lack of attention to the texts of the Church on the matter.

To show a spiritual personal presence in a zygote, the Church herself grants is difficult. But this is not a reason to reduce the entire question to biology, nor to give up on philosophy. Yet, there is a tendency within a segment the pro-life movement to do just that. Here is an example from Wesley Smith<sup>38</sup> (who is not one of the signers of the Joint Statement), given on the same radio show, in answer to a caller who questioned their reduction of the argument to biology only:

Betty, what’s happened in bioethics is because the biology that Father was just

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<sup>37</sup> Nelson comes to the same conclusion when, after considering texts of the Church, he says that in them “...a human being’s fundamental right to life is here derived from personhood.” See “A Human Being Must Be a Person,” p. 296.

<sup>38</sup> I am an admirer and promoter of the important work of Wesley J. Smith. It is just this particular point that I think needs further reflection. See Peter J. Colosi, book review of *Forced Exit: The Slippery Slope from Assisted Suicide to Legalized Murder* by Wesley J. Smith (Dallas TX: Spence, 2003) in *The Catholic Social Science Review* 11 (2006): 319-23.

describing is against some of the agenda that many in bioethics wish to pursue.... So, they brought in philosophy instead of biology, and they are saying, well, some human life is a person and some human lives are not persons. And that leads to a subjective analysis, and it leads to a hierarchy of human life. If we're going to have universal human rights and universal human dignity, human life, it seems to me, must be judged objectively....<sup>39</sup>

This statement suggests a belief that biology alone is sufficient to determine morality, and that the introduction of philosophy is problematic.<sup>40</sup> But, as Robert E. Joyce has shown, the crucial question of

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<sup>39</sup> St. Joseph Radio Presents: "The Truth About Stem Cell Research and Cloning." Host: Vincent M. Fortanesce, Guests: Tadeusz Pacholczyk, PhD, Wesley Smith, Esq. and Rex Greene, M.D. Dallas, TX, May 2, 2003.

<sup>40</sup> What is also interesting is that on the same radio discussion, in contrast to their view that science is the basis of the moral norms in this realm, both Pacholczyk and Smith assert that science is incapable of generating moral norms. Pacholczyk stated: "Pure science, strictly speaking, is not able to provide a system of values; it can give you something that works, and if you decide beforehand that, technically, when something works, that makes it good, then you can say science is...implying certain values. But science itself is morally a neutral sort of an enterprise, and the problem is only how you're going to carry on this enterprise. And what good and goals are you going to decide need to be sought after or safeguarded through the kind of science that you practice. So, there's a big difference...between ethical positions, which some would say are derivative philosophically and pure science."

And Wesley Smith stated: "To me science is like the force, it's neutral...and there's the dark side and there's the good side.... When science helps us overcome disease, that is generally a positive, but if you are going to overcome disease by killing people, and using the body parts of other people to benefit certain privileged people that would perhaps be scientific, but it would be immoral. Science cannot provide us the basis for morality. It...isn't designed for that.... It might tell us how things work, but it can't tell us the difference between good and bad, right or wrong. And what's going wrong in our society...is something called scientism, that is, we are turning to science for things that it cannot provide, that is, what is right, what is wrong. We are turning to science to find the answers to the meaning of life, and...how life should be lived, and that is not something that science is capable of providing answers for. If all you care about is science, there really are going to be no limits, because the limits we put on science, quite properly, are moral limits, they're ethical limits, they're not scientific limits."

These two texts contradict the idea of grounding the entire moral argument in biology, and they show a basic understanding that philosophy is, indeed, needed and able to grasp clear moral truths. These authors and others who so

personhood is a philosophical question:

What is a person? When is a person? These questions are essentially philosophical. They require an integration of our knowledge of certain basic data and conclusions in embryology. But they are not specifically scientific questions. We go beyond the eyeball vision and verification involved in natural science, while taking it carefully into account, and we try to say ultimately what this tiny, microscopic creature called a human zygote really is. Biologically viewed, even an adult human being cannot be said to be a person. For a biologist, as a biologist, you and I are simply human organisms. But for the biologist as a philosopher...you and I can readily be recognized as persons.<sup>41</sup>

Furthermore, as noted by Stephen Schwarz, “[a]n abortion advocate who admits that the being in the womb is human life but denies that that human life is a person cannot be refuted on purely scientific grounds.”<sup>42</sup> This refers to the fact that the contemporary theoretical defense given by those in favor of abortion and euthanasia does not dispute, but openly agrees with the biological facts presented by those in the pro-life movement. Consider this text of Peter Singer, perhaps the most well-known defender of the moral acceptability of killing living human beings at the beginning and end of life:

Whether a being is a member of a given species is something that can be determined scientifically..., there is no doubt that from the first moments of its existence an embryo conceived from human sperm and eggs is a human being; and the same is true of the most profoundly and irreparably intellectually disabled

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helpfully elucidate the biological truths involved should follow their intuitions in these second set of quotations, and as Pope Benedict said, have “[t]he courage to engage the whole breadth of reason....” See Pope Benedict XVI, “Faith, Reason and the University: Memories and Reflections,” reprinted in *The Catholic World Report* (October 2006), p. 22.

<sup>41</sup> Cited in Stephen Schwartz, *The Moral Question of Abortion* (Chicago IL: Loyola Univ. Press, 1990), p. 81. Original reference: Robert E. Joyce, “When Does a Person Being” in *New Perspectives on Human Abortion*, eds. Thomas W. Hilgers, M.D., Dennis J. Horan, and David Mall (Frederick MD: Univ. Publications of American, Aletheia Books, 1981), p. 346. Schwarz’s excellent development of the philosophical understanding of personhood and its defense against the most prevalent actualist (to be explained below) notions of personhood deserves careful study. See esp. chs. 6 and 7 of *The Moral Question of Abortion*.

<sup>42</sup> Schwarz, *The Moral Question of Abortion*, p. 80.

human being, even of an infant who is born anencephalic—literally, without a brain.<sup>43</sup>

With this we can turn to what I referred to above as the “two views on personhood.” One of these views is held by a school of thought that I will refer to with the term “contemporary utilitarianism,” and Singer is its most prominent figure. The other view is held by a school of thought that I will refer to with the term “Christian personalism.” Both of these are philosophical schools of thought; that is, even though the latter is termed “Christian,” this refers to the environment in which and because of which this philosophical school emerged, not that its arguments are theological or based on divine Revelation.

The problem with the quotation above from Smith is his implication that bringing philosophy to the question leads to a subjective analysis and that biology alone can lead to an objective one. Nonetheless, his assertion that biological facts run counter to the agenda of many bioethicists today is correct. One way to state this point is to suggest that perhaps the real reason why contemporary utilitarians turned to developing their view on personhood is precisely because they could no longer claim that an embryo was not human. In other words, those in favor of abortion and euthanasia needed to find a way to deny the personhood of those classes of humans whom they wanted to kill, while at the same time being able to agree with the developments in science that conclusively proved that those beings were humans. Such a project was necessary from their point of view in order to have some reasons to present to the public for killing beings whom everyone now knew to be living members of the human species.

What, then, is the new definition of personhood presented by contemporary utilitarianism? For that school of thought, a person is a human who is consciously alert at a mature level. As Singer says, “I propose to use ‘person,’ in the sense of a rational and self-conscious being.”<sup>44</sup> This identification of personhood with actualized conscious-

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<sup>43</sup> Peter Singer, *Practical Ethics* (Cambridge UK: Cambridge Univ. Press, 1993), pp. 85-86.

<sup>44</sup> Singer, *Practical Ethics*, p. 87.

ness<sup>45</sup> at a mature level leads to the distinction between personal and non-personal humans: “Normal adults and children, but not fetuses and infants, are persons; that is, they are self-aware and purposeful beings with a sense of the past and the future.”<sup>46</sup> In this way he builds the foundation for his argument in favor of killing some classes of humans, including (healthy or not) newborn babies, and disabled children:

The embryo, the later fetus, the profoundly intellectually disabled child, even the newborn infant—all are indisputably members of the species *Homo sapiens* but none are self-aware, have a sense of the future, or the capacity to relate to others.<sup>47</sup>

I would like now to present the view of personhood of Christian personalism. This view does not identify personhood with consciousness. The quickest way to understand this view is to ask whether you, when you are in a state of dreamless sleep or unconscious from fainting, still exist as the person you are, or whether for that period of time you do not exist. You do still exist then, and this means that you have more reality than just being awake. It is not true, then, that the loss of consciousness equals the loss of personal being.<sup>48</sup> To secure this point represents a challenge,

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<sup>45</sup> This view of personhood is sometimes referred to as “actualism,” since it holds that only persons with actualized consciousness are in fact persons and rejects the view that there can be persons existing who have only potential consciousness.

<sup>46</sup> Peter Singer, *Unsanctifying Human Life*, ed. Helga Kuse (Oxford UK: Blackwell, 2002), p. 239.

<sup>47</sup> Singer, *Practical Ethics*, p. 86. I apologize for reproducing that quotation, especially for those readers who have a dear little baby in their lives right now and had to read it. Among the many pages where Singer asserts that killing humans with minimal consciousness is morally unobjectionable, see *Practical Ethics*, pp. 89-95; but, as a warning, pp. 90 and 95 are very degrading to newborn babies.

<sup>48</sup> Often when teaching this view of contemporary utilitarianism, I find that people ask whether Singer and those like him hold that it is morally acceptable to kill adults in a state of dreamless sleep since they would not fit the definition of personhood. Singer does apparently feel the force of this problem because he attempts an explanation that will land him on the side of not favoring the killing of adult sleeping humans (see *Practical Ethics*, pp. 95-99). The reason that he gives there, however, avoids the metaphysical question of a personal presence in a sleeping adult, because he couches his answer in terms of his view that “[t]o

especially at the earliest stages of human life when signs of personhood are not apparent to us. That difficulty does not, however, constitute a reason to stop exploring the question, nor does it constitute a reason to exclude all but the empirical sciences as sources of knowledge in this realm.

You, as the person who you are, exist even when you are not conscious, and this means that other human beings who are not conscious could also do that. In the branch of philosophy that I am calling Christian personalism, there have been many convincing arguments developed to show the reasonableness of the presence of a person in all classes of non-conscious or minimally conscious living human beings.<sup>49</sup>

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have a right to life, one must have, or at least at one time have had, the concept of having a continued existence” (p. 98). Since it happens that when awake I am able not to be thinking about one of my many desires for the future that is nonetheless within me, Singer argues that “when we go to sleep our desires for the future have not ceased to exist. They will still be there when we wake. As the desires are still part of us, so, too, our interest in continued life remains part of us while we are asleep or unconscious” (pp. 98-99). This answer seems to me to be a weak attempt to get himself off the hook of having to admit that his metaphysical view (personhood = conscious awareness) leads to the conclusion that sleeping adults are not persons, and that therefore they could be killed if the utilitarian calculus so determined. It does not, however, answer the question about the metaphysical status of that sleeping person; that is, this answer only says there is a right not to be killed for an unconscious being (in his view, metaphysically, a non-personal human) who (we think) will wake up and have the same desires that he had before going to sleep. He also expresses no indication of how he can hold that the desires “have not ceased to exist” when consciousness has ceased. His followers ought not to let him get away with that slight of hand, but should ask for an explanation.

<sup>49</sup> I will not in this paper be able fully to develop the main arguments of the following authors. I do intend to present as my submission for the next UFL conference a paper in which I do so, particularly because I do not think these arguments have yet been given the full consideration they call for. See Stephen Schwarz, *The Moral Question of Abortion* (Chicago IL: Loyola Univ. Press, 1990), chs. 6 and 7 (where Schwarz deals directly with a series of arguments from the main proponents of the consciousness/person identity theory); Josef Seifert, *What is Life?* (Amsterdam, Netherlands: Rodopi, 1997), chs. 3 and 4; John F. Crosby, *The Selfhood of the Human Person* (Washington, D.C.: The Catholic Univ. of America Press, 1996), ch. 4; John F. Crosby, *Personalist Papers* (Washington, D.C.: The Catholic Univ. of America Press, 2004), ch. 6. The following are monographs dedicated to an elucidation of the spiritual reality of



One sometimes finds in pro-life authors the phrase “personhood theory” spoken of in a derogatory way, as if it were only the proponents of the culture of death who have developed such a theory. But one ought not forget that the ancient tradition of the Church is where the theory of personhood was developed within the first five centuries after Christ. This fact should have both theological and philosophical ramifications in discussions concerning personhood. Theologically, we know that God is three persons, that He creates human persons, and that in those ancient discussions “person” is not identified with “consciousness.” And so, speaking from a theological-historical point of view, I find that it makes no sense to let contemporary bio-ethicists co-opt the terms “person” or “personhood theory.” This is so, for theologically God is three persons, and historically personhood theory has been around long before contemporary utilitarianism arose.

With respect to philosophy, it must be pointed out that although those ancient discussions developed primarily because of heretical views concerning Jesus, but also to deepen our understanding of the Holy Trinity, much can be gained from them philosophically because intertwined with that theology is much rich philosophical reflection.

One must not accept the contemporary identification of personhood and actualized consciousness as all there is to say on the matter, and then given up the argument. Nor should those who do not accept that identification give up pursuing the question because of its difficulty. In his defense of reason against its reduction to empirical methods alone, Pope Benedict XVI noted an exchange between Socrates and Phaedo in which Socrates cautions Phaedo against falling into misology—hatred of argumentation—just because many false opinions abound. In this way such a person, Socrates says, “would be deprived of the truth of existence and

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the soul/person by authors coming from within the realist phenomenological/Christian personalist traditions: Josef Seifert, *Das Leib Seele Problem und die gegenwärtige philosophische Diskussion* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1989); Ludger Hölscher, *Die Realität des Geistes, eine Darstellung und phänomenologische Neubegründung der Argumente Augustins für die geistige Substantialität der Seele* (Heidelberg: Universitätsverlag C. Winter, 1999); this book also exists in an earlier English version as *The Reality of the Mind: Augustine's Philosophical Arguments for the Human Soul as a Spiritual Substance* (London: Routledge and Keegan Paul, 1986).

would suffer a great loss.”<sup>50</sup>

We *can* think more deeply about human personal existence; and with philosophical and theological arguments (taking care to note their distinctiveness) we can reveal that its depth is greater than consciousness. As I mentioned in a note above, it would extend beyond the bounds of this paper to examine that question thoroughly, but some introductory directions can be pointed out. One might begin by first formulating and expressing clearly the view that human persons can lose their consciousness in many ways, but their immaterial personhood remains. This idea is made quite clear in a text from Romano Guardini that Joseph Cardinal Ratzinger quoted shortly before his election to the papacy when discussing the right to life. The idea is this: personhood is metaphysically deeper than consciousness. No one accepts that humans in dreamless sleep, since they lack consciousness, may be killed. Here spiritual personhood is intuitively grasped as deeper than conscious wakefulness. This is felt so strongly that, as shown above, even the actualists feel the need to say something about it. One must then develop arguments to reveal the metaphysical structure of what is being grasped here and to show how it could reasonably be applied to all living humans deprived of this or that level of consciousness.<sup>51</sup> In Aristotelian terms we could express this idea by saying that an embryo, a comatose patient, or healthy adult in a state of dreamless sleep are all actual persons who are potentially conscious. Here is the quote from Guardini, utilized by Cardinal Ratzinger in his defense of pre-born human life (Guardini employs the term “personality,” where I would say “person”):

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<sup>50</sup> See Pope Benedict XVI, “Faith, Reason and the University, Memories and Reflections,” reprinted in *The Catholic World Report* (October 2006): 19-22.

<sup>51</sup> The announcement on March 20, 2004 of Pope John Paul II to the participants of an international conference entitled “Life-Sustaining Treatments and Vegetative State: Scientific Advances and Ethical Dilemmas” needs such a philosophical foundation and represents a call to discover one: “I feel the duty to reaffirm strongly that the intrinsic value and personal dignity of every human being do not change, no matter what the concrete circumstances of his or her life. A man, even if seriously ill or disabled in the exercise of his highest functions, is and always will be a man, and he will never become a “vegetable” or an “animal.” Even our brothers and sisters who find themselves in the clinical condition of a “vegetative state” retain their human dignity in all its fullness.” Quoted on Zenit.org (April 5, 2004).

Man is not inviolable merely in virtue of the fact that he exists.... Man's life remains inviolable because *he is a person*.... To be a person is not a psychological but an existential fact: it does not depend fundamentally on one's age or psychological condition or on the gifts of nature with which the subject is provided.... The personality may remain below the threshold of consciousness—for example when we are sleeping—but it remains, nevertheless, and must be taken into account. The personality may as yet be undeveloped—for example, when we are children—but it has a claim to moral respect from the very beginning. It is even possible that the personality in general may not emerge in one's acts, since the psycho-physical presuppositions are lacking—as in those who are mentally ill.... Finally, the personality can also remain hidden—as in the embryo—but it exists in the embryo from the outset and has its own rights. It is this personality that gives men their dignity.<sup>52</sup>

#### CONCLUSION

In this paper I have endeavored to present three basic problems within some prominent contemporary pro-life argumentation. All three are rooted in one basic underlying foundational problem: the tendency towards putting all argumentation on the sole foundation of biology/genetics. This is a tempting direction in which to proceed, since the facts of genetics and biology are empirically verifiable and are undeniable even by the proponents of the culture of death. If this approach is exclusive, however, it reveals an implicit distrust of reason beyond the empirical; and also leads to moral and conceptual dangers. The three problems that I have

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<sup>52</sup> Romano Guardini, "I diritti del nascituro," *Studi cattolici* (May/June 1974), cited in Joseph Ratzinger, *Christianity and the Crisis of Cultures*, trans. Brian McNeil (San Francisco CA: Ignatius Press, 2006), pp. 68-69. Peter Singer is famous for asserting the exact opposite of this view: "Normal adults and children, but not fetuses and infants, are persons; that is, they are self-aware and purposeful beings with a sense of the past and the future. They can see their lives as a continuing process, they can identify with what has happened to them in the past, and they have hopes and plans for the future. For this reason we can say that in normal circumstances they value, or want, their own continued existence, and that life is in their interest. The same does not apply to fetuses or new-born infants. Neither a fetus or an infant has the conceptual wherewithal to contemplate a future and to want, or value, that future." Peter Singer, *Unsanctifying Human Life*, ed. Helga Kuse (Oxford UK: Blackwell, 2002), p. 239.

The mere fact that it is an easier task for Singer to point out that babies can't comprehend the concept "future" than it is for us to show the presence of a fully actual person in a newborn, who is potentially able to form the concept "future," is not a reason to stop pursuing the question.

touched on are these: a neglect of the role of God in human procreation, a neglect of the dignity of women, and a neglect of understanding personal being.

I have not meant to offend anyone with this article. I have simply picked out specific examples of a trend that would help make the points with clarity and concision. I hope that allies in the pro-life movement will be forthright with me whenever they perceive me to be expressing ideas that might tend away from genuine concern for the dignity of human persons.