

**Josef Spindelböck**

## The Catholic Church and the Sanctity of Human Life

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### Introduction

Dear Madams and Sirs,

It is both an honour and a pleasure for me to give a lecture on the theme of “The Catholic Church and the sanctity of Human Life”. I was invited by professor D. Erkki Koskenniemi in the name of the „Lutheran Evangelical Association“ in Finland to take part with this lecture in a symposium on the general theme of “justice and injustice” in Karkku from August 15<sup>th</sup> to 17<sup>th</sup>, 2010.

As a Roman Catholic priest and moral theologian I friendly and gratefully accept this invitation, and I do this with high respect for your spiritual and theological attitude as Evangelical-Lutheran Christians. At the same time I will be frank and open in regard of my own confessional membership and my Catholic view: „Be ready always to give an answer to every man that asketh you a reason of the hope that is in you with meekness and fear “ (1 Pet 3:15).

For us Christians the protection of life as such, i.e. in the first place of human persons, but also of the life of animals and plants, is an important concern. The following considerations will be directed towards the *right of life for human persons*.

A first question to be answered and clarified is: What does „sanctity“ mean in the context of human life? We might think here of the non-availability, intangibility and inviolability of human life; of the respect which is expressed in the Finish title of this lecture.<sup>1</sup> In which sense this is true, we will have to explain in more detail, on the fundament of Biblical doctrine. There is a basic human experience for everyone of us: Whoever violates my physical existence, i.e. my body, puts in question me as a person and denies the fundamental respect to me! But if we respect the “sanctity” or inviolability and integrity of the body, then this respect is given to the concrete human person!

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<sup>1</sup> The Finnish title of this lecture is: „Mitä katolinen kirkko opettaa elämän kunnioittamisesta?“ („What does the Catholic Church teach concerning the respect for life?“)

In ourselves we can make a clear distinction between our body and our inner life. But if we look at fellow people, they are known to us and are experienced even in their interiority only by the medium of their bodies. From this any objectivation and instrumentalization of the body of the other person is forbidden. The *respect* and the *reverence for the body* of our fellow man cannot be separated from the respect for this or that concrete *person*.<sup>2</sup>

In the body the immortal soul finds its expression. Man as a person is a being in the unity of body and soul.

The following considerations will be in this way: Firstly I wish to show the foundations of the argument of the Catholic Church, regarding method and content. Secondly I will refer to the fundamental appreciation of human life in Holy Scripture and Church doctrine. Thirdly it will be the goal to show the inalienable dignity of the human person. In this context I will present and demonstrate the unexceptionally valid moral norm of the prohibition to kill an innocent person. Fifthly we will deal with the principle of self-defense in its validity and foundation. Special questions of the protection of life will not be dealt with, due to the limits of this lecture.

## **1. The foundations of the argument of the Catholic Church, regarding method and content**

When the Catholic Church formulates its position in matters of faith and reason („de rebus fidei et morum“<sup>3</sup>), this is done on the basis of God’s revelation. Divine Revelation means God’s self communication or self manifestation. God makes himself known to us; he shows us who he is and what he works in salvation in order to make us participants in his divine life by his sanctifying grace.

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<sup>2</sup> „Der Gedanke, dass freie Menschen sich in ihrem sittlichen Subjektsein nur achten, wenn sie einander solche Achtung zuallererst in der Weise des Respektes vor der *Unverletzlichkeit ihres körperlichen Daseins* entgegenbringen, ist in der Geschichte der Philosophie seit der europäischen Aufklärung immer stärker hervorgetreten.“ – Eberhard Schockenhoff, *Ethik des Lebens. Ein theologischer Grundriss*, 1998<sup>2</sup>, 97; cf. id., *Die Achtung der Menschenwürde in der technisch-wissenschaftlichen Zivilisation*, in: Anton Rauscher (Hg.), *Handbuch der katholischen Soziallehre*, Berlin 2008, 61-76, here 66.

<sup>3</sup> Cf. the title of the famous collection of Magisterial documents: *Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum* : Griechisch/Lateinisch - Deutsch = *Kompendium der Glaubensbekenntnisse und kirchlichen Lehrentscheidungen* / Heinrich Denzinger. Verb., erw., ins Deutsche übertragen und unter Mitarb. von Helmut Hoping hg. von Peter Hünermann, Freiburg 1999<sup>38</sup>. The expression „in rebus fidei et morum“ was already used by the Council of Trent in order to demonstrate the frame of content for the Magisterial speaking of the Church: cf. DzH 1507. See for analysis: Alfons Riedl, *Die kirchliche Lehrautorität in Fragen der Moral nach den Aussagen des Ersten Vatikanischen Konzils*, Freiburg 1979, 112-122.

It can be helpful to distinguish between God's „work revelation“ and his „word revelation“. Work revelation is present in the order of creation, whereas word revelation has to do with the history of salvation which is testified in the Old and the New Testament.

According to *work revelation* man can know by reason the existence of God and the principles of the moral order; but in both cases there is the danger of error due to the consequences of original sin. St Paul the apostle has conceded the possibility of a *natural knowledge of God* and of a *knowledge of the moral law* in conscience for the “pagans”. So we read in Rom 1:19-20 about the knowledge of God for pagans from the order of creation: “Because that which may be known of God is manifest in them; for God hath shewed it unto them. For the *invisible things of him from the creation of the world are clearly seen, being understood by the things that are made*, even his eternal power and Godhead; so that they are without excuse.”<sup>4</sup>

And in regard of the moral law which is inscribed into the heart of man by God St Paul confirms: “For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew *the work of the law written in their hearts*, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another; in the day when God shall judge the secrets of men by Jesus Christ according to my gospel.” (Rom 2:14-16)<sup>5</sup>

In *word revelation* God since the creation of man addressed himself to some elected persons in order to make them subjects or bearers of the divine promises and benefits of salvation. Beginning with the forefathers who are mentioned in the book of Genesis, the line of divine election finds its continuation through the patriarchs Abraham, Isaac and Jacob. By the intermediation of Moses the people of God was given the law of covenant; and here the ten commandments (“Decalogue”) form its essential moral content. The prophets interiorized and radicalized by their message and example of life

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<sup>4</sup> In a similar way we can read in Wis 13:3-6: „Now if out of joy in their beauty they thought them gods, let them know how far more excellent is the Lord than these; for the original source of beauty fashioned them. Or if they were struck by their might and energy, let them from these things realize how much more powerful is he who made them. *For from the greatness and the beauty of created things their original author, by analogy, is seen.* But yet, for these the blame is less; For they indeed have gone astray perhaps, though they seek God and wish to find him.”

<sup>5</sup> Cf. Josef Spindelböck, Die Freiheit in Christus und die Bedeutung des natürlichen Sittengesetzes. Eine Reminiszenz zum Paulusjahr, in: Theologisches 25 (2009) 355-366.

the ethos of the people of God, until the one came to whom the promises of the Old Covenant had pointed and who would fulfil them in the New and Eternal Covenant: Jesus Christ, the Son of God, has become flesh, and he is the Lord and Saviour of all human beings who believe in his name. Him the prophets had promised, and the apostles should preach. "The Christian dispensation, therefore, as the new and definitive covenant, will never pass away and we now await no further new public revelation before the glorious manifestation of our Lord Jesus Christ (see 1 Tim 6:14 and Tit 2:13)."<sup>6</sup>

Christian *Tradition* which is in its substance traceable to the apostles forms together with *Holy Scripture* "one sacred deposit of the word of God, committed to the Church."<sup>7</sup>

The Dogmatic Constitution „*Dei Verbum*“ of Vatican Council II tells us about their mutual coherence, participation and interpenetration: "Hence there exists a close connection and communication between sacred tradition and Sacred Scripture. For both of them, flowing from the same divine wellspring, in a certain way merge into a unity and tend toward the same end. For Sacred Scripture is the word of God inasmuch as it is consigned to writing under the inspiration of the divine Spirit, while sacred tradition takes the word of God entrusted by Christ the Lord and the Holy Spirit to the Apostles, and hands it on to their successors in its full purity, so that led by the light of the Spirit of truth they may in proclaiming it preserve this word of God faithfully, explain it, and make it more widely known. Consequently it is not from Sacred Scripture alone that the Church draws her certainty about everything which has been revealed. Therefore both sacred tradition and Sacred Scripture are to be accepted and venerated with the same sense of loyalty and reverence."<sup>8</sup>

We can say: God has communicated himself, i.e. he has revealed himself. In the Church as the community of the faithful God's Holy Spirit guarantees the presence of the divine revelation which was given once and for all. So the word of God is faithfully preserved, purely proclaimed and believed. For this purpose *Jesus Christ instituted the Magisterium of the Church, doing its work by the assistance of the Holy Spirit* and exercised by the pope and the bishops in union with him. Vatican Council II declares: "But the task of authentically interpreting the word of God, whether written or handed on, has been entrusted

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<sup>6</sup> Vatican Council II, Dogmatic Constitution on Divine Revelation "Dei Verbum" (= DV), no. 4.

<sup>7</sup> DV 10.

<sup>8</sup> DV 9.

exclusively to the living teaching office of the Church, whose authority is exercised in the name of Jesus Christ. *This teaching office is not above the word of God, but serves it*, teaching only what has been handed on, listening to it devoutly, guarding it scrupulously and explaining it faithfully in accord with a divine commission and with the help of the Holy Spirit, it draws from this one deposit of faith everything which it presents for belief as divinely revealed.<sup>9</sup>

The Catholic Church is even convinced to be “by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that *truth* which is *Christ* Himself, and also to declare and confirm by her authority those *principles of the moral order* which have their origins in human nature itself.”<sup>10</sup> Explicitly the *competence of the Church and its Magisterium* is affirmed also for the authoritative explanation of those *principles of the moral order* which are already knowable in their substantial content by reason. According to Catholic belief it is important for our faith to bring fruit in love. So faith has a necessary consequence in the moral life of human persons.<sup>11</sup>

*All the members of the Church* by the anointment of the Spirit of truth participate in their own way in the trifold office of Christ the pastor, priest and prophet. Through the *sense of faith* (“*sensus fidei*”) which is aroused by the Holy Spirit “the people of God adheres unwaveringly to the faith given once and for all to the saints (cf. Jude 3), penetrates it more deeply with right thinking, and applies it more fully in its life.” This sense of faith “is exercised under the guidance of the sacred teaching authority, in faithful and respectful obedience to which the people of God accepts that which is not just the word of men but truly the word of God (cf. 1 Thess 2:13).”<sup>12</sup>

If the pope and the bishops give their view “in rebus fidei et morum”, they do this not from their own authorization but on the basis of their *mission by Jesus Christ* and with the *assistance of the Holy Spirit*. Of course, there are different grades and modes of magisterial statement and of the moral obligation to adhere to these declarations.<sup>13</sup> Even a pope could not add something new in content to the divinely revealed Word of God. Any doctrine of faith which is possibly explicated by a formal dogma must be present at least implicitly in the

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<sup>9</sup> DV 10.

<sup>10</sup> Vatican Council II, Declaration on Religious Freedom “*Dignitatis humanae*”, no. 14.

<sup>11</sup> Cf. Josef Spindelböck, *Der Praxisbezug des christlichen Glaubens und der Anspruch sittlicher Rationalität*, in: *Forum Katholische Theologie* 25 (2009) 241-251, [http://stjosef.at/artikel/praxisbezug\\_moraltheologie.htm](http://stjosef.at/artikel/praxisbezug_moraltheologie.htm) .

<sup>12</sup> Vatican Council II, Dogmatic Constitution on the Church “*Lumen gentium*” (= LG), no. 12.

<sup>13</sup> For a detailed explanation cf. LG 25.

“depositum fidei”, i.e. in the treasury of the revealed word of God. In the field of moral guidance and normativity there must be some intrinsic relationship with divine revelation. Natural moral law is therefore not clinically separated from God’s revealed law in the Old and New Testament but in the concrete order of salvation it forms a living unity with the law of freedom and love preached by Christ.<sup>14</sup>

Under these premises the Catholic Church enters into ecumenical *dialogue* with non-Catholic Christians and into interreligious dialogue with non-Christians. Such a dialogue must be performed in mutual respect, but without a renunciation of divinely revealed truth, which is given to us to be preserved in gratitude and to be shared with other persons. The exchange of arguments among Christians will be on the basis of *Holy Scripture* and relating to Divine Revelation; in the dialogue with non-Christians and non-believing persons the so called *natural law arguments* are of importance. In this case God’s creation is seen as filled with a meaning given to it in its various aspects by God himself. This meaning within created reality has normative relevance also for human actions, and the content of these norms can be known at least partly and imperfectly already with natural reason which is itself a gift from God.<sup>15</sup>

## **2. The fundamental appreciation of human life in Holy Scripture and Church doctrine**

In Holy Scripture and the doctrinal tradition of the Church which is intrinsically based on God’s revelation life as such is seen as a gift from God, as something holy and not disposable.<sup>16</sup>

Already in the **Old Testament** God is announced as the „source of life“.<sup>17</sup> The fundamental insight of the living God (Jahwe)<sup>18</sup> is first experienced in creation,

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<sup>14</sup> Some proponents of a so called autonomous morality in the Christian context (cf. Alfons Auer, *Autonome Moral und christlicher Glaube*, Düsseldorf 1971; Franz Böckle, *Fundamentalmoral*, München 1977) “have introduced a sharp distinction, contrary to Catholic doctrine, between an ethical order, which would be human in origin and of value for this world alone, and an order of salvation, for which only certain intentions and interior attitudes regarding God and neighbour would be significant.” This separation of *Heilsethos* and *Weltethos* was disapproved by John Paul II in his encyclical “*Veritatis splendor*” (no. 37) as “incompatible with Catholic teaching”.

<sup>15</sup> Cf. Benedict XVI., Encyclical “*Caritas in veritate*” (June 29<sup>th</sup>, 2009), no. 59; id., Address to the members of the International Theological Commission (Oktober 5<sup>th</sup>, 2007), in: *Insegnamenti III*, 2 (2007) 418–421; Address to the participants in the international congress organized by the Papal Lateran University about “natural moral law” (February 12<sup>th</sup>, 2007), in: *Insegnamenti III*, 1 (2007) 209–212.

<sup>16</sup> Cf. André-Alphonse Viard / Jacques Guillet, *Leben*, in: Xavier León-Dufour, *Wörterbuch zur biblischen Botschaft*, Freiburg 1981<sup>2</sup>, 407-411; Michael Ernst, *Leben*, in: Franz Kogler (Hg.), *Herders Neues Bibellexikon*, Freiburg 2008, 339 f.

history of salvation and personal guidance, and then reflected theoretically. All living creatures indebted their existence to the Spirit (“ruach”) of God.<sup>19</sup> In a unique way man has received his life directly from God, in the way that God – figuratively expressed – blew the man whom he had formed from earth the Odem of life into his nostrils.<sup>20</sup> In paradise man could eat from the “tree of life” as long as he did not touch the “tree of knowledge”.<sup>21</sup>

Above all the *human* life deserves unconditional protection from its very beginning. Who acts against this commandment, will be punished by God and is exposed to the revenge and retribution of other people.<sup>22</sup> The *prohibition to kill* a human person is expressed in many places of Holy Scripture<sup>23</sup>; first of all in the fifth commandment of the Decalogue where we read in a clear and pregnant way: “Thou shalt not kill!”<sup>24</sup>

In the immediate context it means the prohibition to strike dead a human person who is in a defenceless situation. This is expressed with the Hebrew word רָצַח . The prohibition of the Decalogue *protects innocent people*. It does not forbid the slaughtering of *animals* which is done in the way of taking care for the nutrition of man. Man is allowed to use plants and animals for his food intake. But even to non-human life some respect and reverence is owed.<sup>25</sup>

Of course, there were in Old Testament some *limitations or exceptions* of this prohibition to kill another person: Killing in a justified war was allowed, and also the killing for the reason of self defence and (in an early period of revelation history) even vendetta. Furthermore there was the death penalty, which had to be applied in cases of apostasy and grave crimes.

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<sup>17</sup> Ps 36:10.

<sup>18</sup> Ps 18:47.

<sup>19</sup> Cf. Ps 104:30; Jes 42:5.

<sup>20</sup> Cf. Gen 2:7.

<sup>21</sup> Cf. Gen 2:9.

<sup>22</sup> God after the assassination of Abel by his brother Cain explicitly imposes a sanction not only against Cain who will be restless on earth (cf. Gen 4:12), but also against everyone who dares to kill Cain and his family: „herefore whosoever slayeth Cain, vengeance shall be taken on him sevenfold. And the LORD set a mark upon Cain, lest any finding him should kill him“ (Gen 4:15). In the song of Lamech this sounds even more radically: „If Cain shall be avenged sevenfold, truly Lamech seventy and sevenfold“ (Gen 4:24).

<sup>23</sup> E.g. Gen 4:8-15; Deut 27:25.

<sup>24</sup> לֹא תִרְצַח - Ex 20:13; Deut 5 :17.

<sup>25</sup> Cf. Gen 1:28f. „Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things“ (Gen 9:3). In the view of Old Testament man is not allowed to take the blood of an animal as a form of nutrition, for the blood is seen as the dwelling place of the soul (cf. Lev 17:11).

In any case provisions should be made „that innocent blood be not shed in thy land, which the LORD thy God giveth thee for an inheritance, and so blood be upon thee.“<sup>26</sup>

The core of the biblical prohibition to kill is therefore *never to attack the life of an innocent human person*. In this attack there is an extraordinary gravity in the moral aspect; it is a sin and also a crime before God and other human persons. God demands an account for every innocent human person who has been killed, since he has created man according to his image.<sup>27</sup>

But life in the biblical sense has more dimensions than just the physical side: God doesn't give up man who has fallen into death after original sin but he guides him on a path of salvation. Salvation is understood in the first times rather in earthly and collective categories: For the people of God peace, delight, fortune, fecundity of the whole land and the birth of many healthy children are an expression of the blessings of life coming directly from God. "Life" in the fullness of its biblical meaning includes the possession of the promised land. This is bound to the keeping of the divine commandments.<sup>28</sup> In the later times of the Old Testament the individual hope for eternal life in the transcendence of God becomes clearer than before and is shared by many of the pious Israelites. God will destroy death for ever; the resurrection from death is promised also to the human "flesh".<sup>29</sup> "Life" is in this perspective identical with the *salvation* which is a gift from God alone.

In the **New Testament** the main theme is the coming of the Kingdom of God in Christ Jesus, the Messiah and Son of God. John, the evangelist, gives explicit emphasis to divine life: Jesus Christ is life and brings life in his divine person.<sup>30</sup> Our Saviour says from himself: "I am come that they might have life, and that they might have it more abundantly."<sup>31</sup> Jesus himself is the "bread of life" that came down out of heaven.<sup>32</sup> Whoever believes in him has life; he will never die.<sup>33</sup> The gift of divine life must prove its value in the exercise of love to God and to our neighbour. To him who believes in Christ is promised the

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<sup>26</sup> Deut 19:10.

<sup>27</sup> Cf. Gen 9:6.

<sup>28</sup> Cf. Deut 4:1.40; 5:30; 6:18; 8:1; 11:8f; 30:15-20; 32:46f; Ps 37:9.

<sup>29</sup> Cf. Is 25:8; 26:19ff; Dan 12:2; 2 Mac 7:9-36; 12:43ff; 14:46.

<sup>30</sup> „I am the way, the truth, and the life" (Jn 14:6; cf. 11:25).

<sup>31</sup> Jn 10:10.

<sup>32</sup> Jn 6:35-48.51.

<sup>33</sup> Cf. Jn 5:24; 1 Jn 3:14.



resurrection of life and the eternal vision of God.<sup>34</sup> *St Paul* speaks about the life of the faithful with Christ.<sup>35</sup> This is given to them by the participation in the death and resurrection of Jesus Christ in baptism in which the justification of faith takes place effectively.<sup>36</sup>

Regarding the *protection of innocent human life* Jesus Christ as the “new Moses” in his Sermon on the Mount radicalizes and interiorizes the moral commandments of the Old Covenant.<sup>37</sup> In the New Testament the prohibition to kill from Old Testament is repeatedly quoted and understood more radically.<sup>38</sup> A murderer will not participate in the Kingdom of God unless he converts. A disciple of Christ should not repay evil with evil. Jesus broadens the understanding and practice of *love to the neighbour* to a love towards foreigners and even towards our *enemies*.<sup>39</sup>

We might sum up: *Biological human life on earth* is the vital fundament for every manifestation of intellectual and spiritual life. But physical life should be subordinated to the life of friendship with God, i.e. an extreme case the *sacrifice* of the own life could become necessary *for the Kingdom of God*, as the example of Christ Jesus and of the martyrs as witnesses of faith shows. In special circumstances there may exist a duty to actively dedicate one’s own life in the service of rescuing other people.<sup>40</sup> Physical life and the health of the body are therefore not to be seen as the highest values, but they should be put in the service of God and our fellow people.<sup>41</sup>

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<sup>34</sup> Cf. Jn 5:29.

<sup>35</sup> Cf. Col 3:4; Gal 2:20.

<sup>36</sup> Cf. Rom 6:3f; 2 Cor 6:9; Col 2:12.

<sup>37</sup> „Ye have heard that it was said by them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgment: But I say unto you, That whosoever is angry with his brother without a cause shall be in danger of the judgment: and whosoever shall say to his brother, Raca, shall be in danger of the council: but whosoever shall say, Thou fool, shall be in danger of hell fire” (Mt 5:21).

<sup>38</sup> Cf. 1 Cor 9; Jas 2:11; 1 Jn 3:15; Rev 21:8; 22:15.

<sup>39</sup> „Ye have heard that it hath been said, Thou shalt love thy neighbour, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust” (Mt 5:43-45).

<sup>40</sup> „Greater love hath no man than this, that a man lay down his life for his friends” (Jn 15:13).

<sup>41</sup> „For whether we live, we live unto the Lord; and whether we die, we die unto the Lord: whether we live therefore, or die, we are the Lord's” (Rom 14:8).

### 3. The inalienable dignity of the human person

On the fundament of Holy Scripture, which tells us of the divine image in man (cf. Gen 1:27), and in unity and conformity with Apostolic tradition the Catholic Church formulates its belief of the “the inviolable dignity of the human person”.<sup>42</sup>

What is exactly meant with the concept of the “dignity of man”? What are the fundamentals of this dignity, where is it derived from and which consequences arise from the affirmation of this dignity?

„Dignity“ means something non-quantifiable, which is not subject to any form of calculation, but has directly to do with man due to his being human.<sup>43</sup>

One could possibly violate the inherent demand for respect – either a person doesn’t show this respect to his own humanity or it is denied by other persons. But all this, sad it may be, will not annul this *dignity* which is *inherent to being a human person*.

It follows from this that the recognition of human dignity is not bound to special qualities or characteristics of man or would depend on them. The basic condition for the concrete acknowledgement of human dignity is nothing else but the belonging of a living being to the human species.<sup>44</sup>

Therefore we can say: Man on earth is in possession of this dignity from the very beginning of his life (i.e. from conception or fertilization<sup>45</sup>) to his natural

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<sup>42</sup> Cf. Pontifical Council for Justice and Peace, Compendium of the Social Doctrine of the Church, Vatican 2004, no. 107.

<sup>43</sup> Immanuel Kant has pointed out the difference exactly: „Im Reiche der Zwecke, hat alles entweder einen Preis, oder eine Würde. Was einen Preis hat, an dessen Stelle kann auch etwas anderes, als Aequivalent, gesetzt werden; was dagegen über allen Preis erhaben ist, mithin kein Aequivalent verstattet, das hat eine Würde.“ – Immanuel Kant, Grundlegung zur Metaphysik der Sitten, in: Sämtliche Werke, Leipzig 1867, 282 f.

<sup>44</sup> Cf. Robert Spaemann, Menschenwürde und menschliche Natur, in: Communio 39 (2010) 134-139. The Australian ethicist Peter Singer who is a representative of a so called preference Utilitarianism (Animal Liberation, London 1995) would criticize this view as „speciesism“.

<sup>45</sup> See the comprehensive presentation of those biological facts which are relevant for the determination of the beginning of human life in: Maureen L. Condic, When Does Human Life Begin? A Scientific Perspective. In: The National Catholic Bioethics Quarterly 9 (2009) 127-208, <http://ncbcenter.metapress.com/link.asp?id=t5mx043170124534>. In the abstract of the article we can read: “Based on universally accepted scientific criteria, a new cell, the human zygote, comes into existence at the moment of sperm-egg fusion, an event that occurs in less than a second. Upon formation, the zygote immediately initiates a complex sequence of events that establish the molecular conditions required for continued embryonic development. The behaviour of the zygote is radically unlike that of either sperm or egg separately and is characteristic of a human organism. Thus, the scientific evidence supports the conclusion that a zygote is a human organism and that the life of a new human being commences at a scientifically well defined ‘moment of conception.’ This conclusion is objective, consistent with the factual evidence, and independent of any specific ethical, moral, political, or religious view of human life or of human embryos.”

death. It does not depend on a positivistic ascription or attribution; nor does it depend on its external approval.

We could make a distinction but not a separation between the *natural* and the *supernatural* perspective of man's dignity and vocation. Concretely man exists not only in his natural disposition, but from his very beginning as a person he is called by God himself through the incarnation and redemption in Christ into a personal community of love with the triune God.

In this way Vatican Council II affirms: "The truth is that only in the mystery of the incarnate Word does the mystery of man take on light. For Adam, the first man, was a figure of Him Who was to come, namely Christ the Lord. *Christ, the final Adam*, by the revelation of the mystery of the Father and His love, *fully reveals man to man himself and makes his supreme calling clear*. It is not surprising, then, that in Him all the aforementioned truths find their root and attain their crown. He Who is 'the image of the invisible God' (Col 1:15), is Himself the *perfect man*. To the sons of Adam *He restores the divine likeness* which had been disfigured from the first sin onward. Since human nature as He assumed it was not annulled, by that very fact it has *been raised up to a divine dignity* in our respect too. For by His incarnation the Son of God has united Himself in some fashion with every man."<sup>46</sup>

According to the view of *theology* man's dignity grounds in his being created as an *image and likeness of God*, and also in the vocation made known through the redemption in Jesus Christ to become a *child of God* and to participate in the divine vision in heaven.

From the side of *philosophy* reference can be made to the spiritual and immortal soul of man, seen in a substantial personal union with her body.<sup>47</sup> The dignity of man is truly given even then when a human person cannot actually exercise his mental faculties (e.g. the child already conceived but not born, a sleeping person, a mentally disabled person, a comatose person or a person in the persistent vegetative state or in a locked-in syndrome).

What are the *moral obligations and duties* that directly follow from the recognition of human dignity?

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<sup>46</sup> Vatican Council II, Pastoral Constitution on the Church in the Modern World "Gaudium et spes", no. 22.

<sup>47</sup> Cf. Tadeusz Guz, Zum Lebensrecht aus philosophischer Sicht, in: Manfred Balkenohl / Roland Rösler (ed.), Handbuch für Lebensschutz und Lebensrecht, Paderborn 2010, 65-75.

- At first every man should be aware of his own dignity and correspond to it in his acts and omissions. This is realized when man obeys his rightly formed conscience and acts in conformity with the moral law, which is the same as to act in conformity with the will of God.
- In the same way human dignity in other persons should be recognized without any limitations. Every man is to be respected for his own sake; i.e. he must not be instrumentalized.<sup>48</sup> The human person is not a thing, but a “who”. He cannot and must not be subject to the disposal of other persons in the way of a thing. From this insight other conclusions are to be drawn:
  - In a special way the moral freedom of our neighbours should be respected, including the natural, i.e. bodily fundament. And this implies the prohibition to kill and violate an innocent person, but also the demand for respect of the psychic integrity of the other person.
  - Such a respect has some limit where the fellow person directs himself in his freedom against the life of other persons or violates another person’s human rights. Then self defence and the defence of the helpless may become morally legitimate.
  - It is a moral duty to engage in an improvement of the social conditions so that they become more humane. This has to do with the structural dimension of social reform which must go hand in hand with the conversion of hearts.

Christian faith highlights the personal and social *vocation to participate in God’s eternal life*. This doesn’t mean a devaluation of earthly life, as John Paul II in his encyclical “*Evangelium vitae*” on the value and inviolability of human life fifteen years ago affirmed:

„Man is called to a fullness of life which far exceeds the dimensions of his earthly existence, because it consists in sharing the very life of God. The loftiness of this supernatural vocation reveals the greatness and the inestimable value of human life even in its temporal phase. Life in time, in fact, is the fundamental condition, the initial stage and an integral part of the entire unified process of human existence. It is a process which, unexpectedly and

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<sup>48</sup> „Handle so, dass du die Menschheit – sowohl in deiner Person als auch in der Person eines jeden anderen – jederzeit zugleich als Zweck, niemals bloß als Mittel gebrauchst!“ – Immanuel Kant, Grundlegung zur Metaphysik der Sitten, B 66 f.

undeservedly, is enlightened by the promise and renewed by the gift of divine life, which will reach its full realization in eternity (cf. 1 Jn 3:1-2)."<sup>49</sup>

*Human life* is therefore to be regarded from its biological facticity and condition a *basic value*, but not as the *highest value* for man. The development and maturation of human personality is realized through a life of love to God and to our neighbours, under the assistance of God's grace. The ultimate perfection of his vocation is promised to man in the eschatological participation in God's beatitude in the Kingdom of heavens.

Blessed Pope John XXIII expressed this very clearly in his encyclical "Mater et Magistra": "*Human life is sacred—all men must recognize that fact. From its very inception it reveals the creating hand of God. Those who violate His laws not only offend the divine majesty and degrade themselves and humanity, they also sap the vitality of the political community of which they are members.*"<sup>50</sup>

#### **4. The unexceptional validity of the moral prohibition to kill an innocent human person**

The Magisterium of the Church, on the basis of Holy Scripture and Apostolic tradition, has given clear statements and prohibits without any exception the direct and intentional killing of an innocent human person:

"Human life is sacred because from its beginning it involves 'the creative action of God' and it remains forever in a special relationship with the Creator, who is its sole end. God alone is the Lord of life from its beginning until its end: *no one can, in any circumstance, claim for himself the right to destroy directly an innocent human being.*"<sup>51</sup>

For John Paul II, the great Pope in service of the protection of life, this truth was a central moment in his doctrinal statements. He proved himself a speaker not only of the Catholic Church but of whole Christianity when he affirmed in a very solemn way in his encyclical "Evangelium vitae":

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<sup>49</sup> John Paul II, Encyclical „Evangelium vitae“ (May 25<sup>th</sup>, 1995) (= EV), no. 2.

<sup>50</sup> John XXIII, Encyclical „Mater et Magistra“ (May 15<sup>th</sup>, 1961), no. 194.

<sup>51</sup> Congregation for the Doctrine of the Faith, Instruction "Donum vitae" on Respect for Human Life in its Origin and on the Dignity of Procreation. Replies to Certain Questions of the Day (February 22<sup>nd</sup>, 1987), Introduction, no. 5; Catechism of the Catholic Church (= CCC), no. 2258; EV 53; Congregation for the Doctrine of the Faith, Instruction „Dignitas personae“ (December 8<sup>th</sup>, 2008), no. 4.

“Therefore, by the authority which Christ conferred upon Peter and his Successors, and in communion with the Bishops of the Catholic Church, I confirm that *the direct and voluntary killing of an innocent human being is always gravely immoral*. This doctrine, based upon that unwritten law which man, in the light of reason, finds in his own heart (cf. Rom 2:14-15), is reaffirmed by Sacred Scripture, transmitted by the Tradition of the Church and taught by the ordinary and universal Magisterium.”<sup>52</sup>

In a similar way the Compendium of the Catechism of the Catholic Church declares: “It is not lawful for anyone directly to destroy an innocent human being. This is gravely contrary to the dignity of the person and the holiness of the Creator.”<sup>53</sup>

A special protection by God’s law is given to weak, defenceless and helpless people who are exposed to the arbitrariness and violence of other persons.<sup>54</sup> The social consciousness “of the absolute and grave moral illicitness of the direct taking of all innocent human life, especially at its beginning and at its end” has become progressively weaker, and thus “the Church’s Magisterium has spoken out with increasing frequency in defence of the sacredness and inviolability of human life.”<sup>55</sup>

Therefore, again with the words of John Paul II: “The deliberate decision to deprive an innocent human being of his life is always morally evil and can never be licit either as an end in itself or as a means to a good end. It is in fact a grave act of disobedience to the moral law, and indeed to God himself, the author and guarantor of that law; it contradicts the fundamental virtues of justice and charity.”<sup>56</sup>

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<sup>52</sup> Johannes Paul II., EV 57.

<sup>53</sup> Compendium of the CCC, no. 466.

<sup>54</sup> „If such great care must be taken to respect every life, even that of criminals and unjust aggressors, the commandment ‘You shall not kill’ has absolute value when it refers to the innocent person. And all the more so in the case of weak and defenceless human beings, who find their ultimate defence against the arrogance and caprice of others only in the absolute binding force of God’s commandment. In effect, the absolute inviolability of innocent human life is a moral truth clearly taught by Sacred Scripture, constantly upheld in the Church’s Tradition and consistently proposed by her Magisterium. This consistent teaching is the evident result of that ‘supernatural sense of the faith’ which, inspired and sustained by the Holy Spirit, safeguards the People of God from error when ‘it shows universal agreement in matters of faith and morals’.” - EV 57.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

Regarding the moral criteria all persons are equal; there are no privileges for single ones who could claim that they are “more equal than others”.<sup>57</sup> By defending the right of life from conception to natural death the Church is an advocate for every human person and his dignity.

Every man and woman has the duty to preserve his or her own life and to contribute to its physical, mental and spiritual development. At the same time we are obliged to respect the lives and the physical and spiritual integrity of other persons and, in the frame of our social networks, to work actively for the wellbeing of the persons next to us and for the whole of humanity. In this way a civilization of love and life should be built against a so called “culture of death”!

## **5. The principle of self-defense in its validity and foundation**

In reality the individual and social human right of life and its physical and spiritual development is repeatedly challenged and denied, even in a violent way. It is a requirement of justice and is not in contradiction to the love of our neighbours and enemies that we speak of an individual and social moral right (and in some cases even of a duty) to defend oneself against unjust attacks on body and life. The defence should be done at first with non-violent means; if really necessary, the use of violence *could* be morally justified. In the context of a morally legitimate protection of persons and communities the right and even the duty of *individual and social self defence* is addressed. Under these premises even a grave injury or a killing of the attacking person is not excluded, but only under the condition of being the “ultima ratio”, i.e. it is seen as an extreme possibility which is in some sense “prater intentionem”. If there is realistically a less violent way of self defence, then this should be realized.

In the tradition of catholic ethics and moral theology according to the *principle of self defence* a morally legitimate use of violence and, as its most radical result, even the morally legitimate killing of an attacking person, is *justified* in a double way: most representatives see self defence with Thomas of Aquinas as an application of the *principle of the double effect* of an action which could justify in an extreme case the indirect killing of the attacking person. Other

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<sup>57</sup> Cf. George Orwell, *Animal farm*, 1945, chapter 10.

authors refer to the *objective injustice* exercised by the attacking person. This would imply some material moment of being guilty even if the attacker subjectively or formally could remain without guilt. In the act of self defence therefore even a direct killing of a person who is materially or objectively guilty would be justified.

Let us look to the first form of argument: in legitimate defence the principle of the double effect of an action<sup>58</sup> is applied to the situation of defence against an unjust aggressor. Only the protection and the defence of an *immediately* attacked or threatened person (or group of persons) is to be intended. If this protection or defence cannot be achieved in a non-violent way (depending on the quality of the attacked good), an act of defence with some “minimal” use of violence might tolerate the “negative” side effect that some “positive” values of the aggressor are violated (i.e. even his physical integrity or his life). If vital values are under attack and there is no other possibility of a less violent form of defence this could imply the indirect killing of the aggressor. Only the necessary minimum of violence is allowed.<sup>59</sup>

The second argument which can also be found in traditional ethics and moral theology affirms the moral legitimacy of a direct killing in a case of extreme necessity<sup>60</sup>, but only in the situation of an objectively unjust aggression. In connection with this argument some have tried to substantiate the right for self defence with a preference rule for goods in the course of a so called “weighing of goods”.<sup>61</sup> There is, according to this explanation, a competition of two goods: The unjustly attacked good (i.e. life itself or a value with an essential relationship to the life of the attacked person) is opposed to the good of the aggressor. As such the values of life on both sides are to be protected. Obviously there is a situation of rivalry. This demands a decision of which side has to be given an absolute or a relative preference. Whom should this be due with more right and legitimacy than to the unjustly threatened or attacked

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<sup>58</sup> According to this principle the act from which this double effect follows must be in itself good or at least morally indifferent; good and evil effects must equally follow in an immediate way from the act; only the good effect is to be intended; the good effect must weigh out the evil effects in the concrete circumstances. When all these conditions are fulfilled, the evil effect might be tolerated, but only for a proportionally grave cause.

<sup>59</sup> Cf. Thomas Aquinas, STh II-II q.64 a.7. CCC 2263-2264 explicitly refers to the arguments of Thomas.

<sup>60</sup> „Das Recht der Abwehr kann gegenüber jedem ungerechten Angriff geltend gemacht werden. Für den formal ungerechten Angreifer kommt noch dazu, dass er schuldhaft handelt und daher sich nicht mehr im selben Sinn auf sein Lebensrecht berufen kann wie der schuldlos Angegriffene ...“ Hörmann, Notwehr, in: Lexikon der christlichen Moral, Innsbruck 1976, 1201-1208, here 1205, <http://stjosef.at/morallexikon/notwehr.htm> .

<sup>61</sup> Cf. Valentin Zsifkovits, Politik ohne Moral? Linz 1989, 104.



side? Independently from the question of subjective (or formal) guilt the attacking person is objectively (or materially) “nocens”, which means effecting unjust damage, and the attacked person is objectively “innocens”, i.e. being exposed to unjust damage.

A third form of argument – it rather doesn’t seem a real argument, but an excuse – refers to the principle “necessitas legem non habet” (“necessity knows no law”). A direct killing would be seen under these circumstances not as a moral act (“actus humanus”) but as some form of “actus hominis”, i.e. it happens in a sphere which has nothing to do with morality in the strict sense.<sup>62</sup> Insofar as this theory would restrict and deny the moral responsibility we cannot accept it. Sometimes this idea is also combined with so called consequentialist or proportionalist theories. These theories deny the existence of intrinsically evil acts and are not compatible with Catholic moral doctrine.<sup>63</sup>

Even in legitimate self defence the use of violence is somehow an evil, and to avoid a physical evil becoming a moral evil it is important that both the intention of a person in self defence and his acts are in a constant tendency towards *minimizing the use of violence*. Therefore self defence is bound to an immediate situation of being attacked; it is not allowed to violate or kill a possible enemy in advance or after an attack, such as in a private form of retribution.<sup>64</sup> A preventive act in the form of an immediate anticipation would nevertheless *not* be excluded, if this were the only possible form of defence; but one should be very cautious here. The character a minimal use of violence should also be followed in the choice and use of the means of defence. Only then we do not act in contradiction to the fifth commandment of God: “Thou shalt not kill.”

As far as a person is only responsible for himself, he or she is allowed *not* to make use of the right to defence. He could do this from the supernatural motive of spiritual care for the salvation of the aggressor (in the consequence of the love for our enemies). But this *individually possible renunciation of one’s right of self defence can never become a moral duty*. The aggressor himself is the cause for his being in a situation which is dangerous for physical life and maybe even for salvation; the person who defends himself has first a right and

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<sup>62</sup> Cf. Alberto Bondolfi, Tod, in: Neues Lexikon der christlichen Moral, Innsbruck 1990, 774-777, here 776.

<sup>63</sup> Cf. VS 75.

<sup>64</sup> Cf. Karl Hörmann, Handbuch der christlichen Moral, Innsbruck 1958, 322.

even some duty to take care for his own life and than for the life of the attacking person.

In special circumstances there could even be *a real duty* for exercising the right of self defence, e.g. if you have to take care for the life of other persons who are entrusted to you. In this way the Catechism of the Catholic Church affirms: “Legitimate defence can be not only a right but a grave duty for one who is responsible for the lives of others. The defence of the common good requires that an unjust aggressor be rendered unable to cause harm. For this reason, those who legitimately hold authority also have the right to use arms to repel aggressors against the civil community entrusted to their responsibility.”<sup>65</sup>

Not only the individual and collective right of defence but also the state’s monopoly on violence and the *penal power of the state* should be interpreted within the context of self defence. The common good must be protected effectively: “The efforts of the state to curb the spread of behaviour harmful to people's rights and to the basic rules of civil society correspond to the requirement of safeguarding the common good. Legitimate public authority has the right and duty to inflict punishment proportionate to the gravity of the offense. Punishment has the primary aim of redressing the disorder introduced by the offense. When it is willingly accepted by the guilty party, it assumes the value of expiation. Punishment then, in addition to defending public order and protecting people's safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party.”<sup>66</sup>

## Conclusion

It was the intention of my considerations to show the fundamental approach of the Catholic Church in favour of the dignity and protection of human life. We could and should of course also highlight some special fields of it: e.g. the protection of human life at the beginning or at its natural end, the problems of war and piece, the threat of terrorism. Or look at the questions of medical ethics and bioethics in the context of new insights and techniques such as in the fields of organ transplants, artificial insemination (FIVET/IVF), cloning, genetic therapy and manipulation etc.

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<sup>65</sup> CCC 2265.

<sup>66</sup> CCC 2266.

The Magisterium of the Catholic Church has repeatedly answered to various questions and problems and will certainly go on to do so in the future. We can see that in these statements the principle of the sanctity of human life is defended in a very consequent way. An innocent human person's right of life cannot be weighed or calculated against other goods as this is done in an ethics of utilitarianism and consequentialism.

It's both a requirement for the future of humanity on this earth and a requirement of the Kingdom of God to come that Christians of different denominations encourage and give strength to each other in all good things, and that they work together – as far as common values are concerned – even with non-Christians and non-believers. May the good will and the various human efforts bring fruit through God's grace. That's my wish for us all.